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SENATE—*Tuesday, January 21, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The Senate will be led in prayer this morning by the Chaplain of the House of Representatives, Father Daniel Coughlin.

PRAYER

The guest Chaplain, Father Daniel Coughlin, offered the following prayer:

All powerful God and Father of all the living, yesterday's holiday brought to mind the wise words of Rabbi Abraham Heschal:

> Martin Luther King Jr. is a voice, a vision and a way. I call upon every Jew to hearken to his voice, to share his vision, to follow in his way. The whole future of America will depend on the impact and influence of Dr. King.

Today in this awesome Chamber I call upon Americans of all faiths to join in praying for the Members of the Senate as they face the future of America. Together let us continue to hearken to his voice, share his vision, and follow in his way. By Your grace may Dr. King's dream for America become a reality.

In these troublesome times, awaken in the soul of this country the lasting political implications of religious beliefs. Encircle us with Your light that we may be unafraid to address the racism, militarism, and materialism etched in routine structures of our day—and so become truly free at last. As Your free children lead us to seek first Your kingdom and justice for all our brothers and sisters, proud to be one Nation under God now and forever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT PRO TEMPORE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CORNYN). The assistant majority leader is recognized.

SCHEDULE

Mr. McCONNELL. This morning there will be a period for morning business not to extend beyond the hour of 10:30 a.m., with the time equally divided in the usual form. At 10:30, the Senate will then resume consideration of H.J. Res. 2, the appropriations bill. I understand there are several Members on the other side of the aisle who intend to offer their amendments to the appropriations measure during Tuesday's session.

In addition to considering further amendments to the appropriations measure, it is the majority leader's hope that on Tuesday the Senate will consider the nomination of Tom Ridge to be Secretary of Homeland Security. I believe some Members have indicated their desire to speak in regard to that nomination. A rollcall vote is anticipated.

At the hour of 5:15, the Senate will vote on S. 121, the AMBER Alert bill. This will be the first vote of today's session. Additional votes are expected during today.

As a reminder, Senators have until 6 p.m. today to file their first-degree amendments to the appropriations bill.

Finally, I announce to Members that they should expect busy sessions each day this week in the hopes of completing action on the appropriations bill.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, if I could direct a couple of questions to the distinguished Senator from Kentucky, we have a number of people, as on my colleague's side I am sure, who are catching planes and getting back after the Martin Luther King holiday. Does the leader have any idea how late he wants to stay in today?

Mr. McCONNELL. I have not spoken with him this morning, but my assumption is we would like to make as much progress as we can toward completing the bill. Obviously, the longer we remain on this bill, the less opportunity we have to move ahead with the work of the year in which we find ourselves. As the Senator knows, we are still wrapping up last year's work.

Mr. REID. We have one Senator coming to offer an amendment at 10:30. We have another Senator coming at 11:30 or quarter to 12. We are going to try to move as many amendments as we can today, and hopefully the Senators will agree on both sides that we could have votes on those matters this evening. So we will do the best we can to keep things moving.

If the Senator can give us some idea as to how late the Senate leader wants to go this evening, it would be appreciated.

Mr. McCONNELL. I say to my friend from Nevada, I am sure that later in the day we will be able to provide some further information on that matter.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with the time to be equally divided in the usual form.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority whip.

MARTIN LUTHER KING BIRTHDAY AND CIVIL RIGHTS

Mr. REID. Mr. President, last night my wife and I watched the replaying of the speech of Dr. Martin Luther King on CNN. The speech lasted 17 minutes. No matter how many times I watch the speech, I am so impressed with the message this man delivered. That is why I was stunned today, in getting the Congressional News Briefing, to see what the present President, President Bush, has done to undermine the unity and harmony of our society.

I quote:

> Bush Revives House Participation in Confederate Memorial Ceremony. Last Memorial Day, for the second year in a row, Bush's White House sent a floral wreath to the Confederate Memorial. . . . Bush has quietly reinstated a tradition dating back to Woodrow Wilson that his father had halted in 1990. . . . The current Bush White House denies any change in policy. Time adds that one of the organizations connected to the ceremony is the Sons of Confederate Veterans, whose Chief Aide-de-Camp is Richard T. Hines, a politically active lobbyist from South Carolina. In that State's brutal 2000 Republican primary, Hines reportedly helped finance tens of thousands of letters blasting Bush rival Senator John McCain for failing to support the flying of the Confederate flag over the state capitol.

This repayment of political debt that the President has in South Carolina is certainly something that flies in the face of what America is all about. It certainly flies in the face of what leaders of the administration say they are trying to do.

Yesterday we celebrated a national holiday, the birthday of a great American, Dr. King. This year in particular, with controversy over remarks and votes related to issues of race having affected the Senate itself, it is important that we reflect on the life, legacy, and message of Dr. King and that we assess the Nation's progress in achieving the goals he articulated. Dr. King shared with us his dream for American society, that Blacks, Latinos, Native Americans, and other minorities would have equal opportunity to achieve and to contribute.

We are closer to that place in time because of the efforts and accomplishments of Dr. King and others who made sacrifices and confronted enormous obstacles to make life better, not only for African Americans but all Americans.

America has made strides in improving the status of ethnic and racial minorities, but I am concerned that the policies that the current administration is pursuing would set us back.

Dr. King is one of the main reasons that little girls, young ladies, teenagers, and women in college can participate in athletics. Title IX is civil rights legislation and a direct result of the activities of Dr. King. Is Title IX an affirmative action program? Of course it is. Young women should have the opportunity to participate in athletics just as young men have had. Until we passed a Federal law, an affirmative action law, that was not possible. Now, tens of millions of young women participate in athletics. They have opportunities to build their character as young men have had for hundreds of years. Now women can participate in athletics.

I was disappointed we had to work this week because I was looking forward to watching my granddaughter Savannah play basketball this week. She is good. She leads her team in scoring. I have not been able to watch her play. She is 10 years old, and in her first game she scored 12 of the 22 points her team scored. I was looking forward to watching her play. I am told she is really good. In just a couple of years this little girl will be able to participate in high school athletics, which did not happen in my generation. The only athletics my granddaughters could participate in, if they were my age, and even younger than I, would be cheerleadering. Now she can be a basketball player, soccer player, and participate in track events. That is the way it should be.

We have made great strides in improving the status of minorities, as well as women. That is the way it should be. We must continue to move forward to build on the foundation Dr. King helped establish.

But unfortunately the administration is blocking progress by pursuing policies that limit opportunity. One example is this administration's filing a brief in the Supreme Court opposing the ability of the University of Michigan to have a diverse class of students.

The University of Michigan admissions system is not about quotas. It is about improving the educational experience for all students. This takes into account not only race and ethnic background but many other factors. Athletes and others with talents the school finds desirable are given extra points in the admission process. The administration did not oppose Michigan and other university programs where they give bonuses to alumni, where they give bonuses to athletics. No one opposes that. If you are trying to develop and establish a diverse class of students at a university, they oppose it. This is wrong. Diversity is a good thing, and it does not happen automatically but requires progressive policies. The administration is flat-out wrong to oppose this.

The administration is also wrong in continuing to nominate judges whose records reveal a pattern of insensitivity to racial issues. I have encouraged the President, as have many others, to protect the environment. Apparently though, the only recycling he favors is recycling of rejected and flawed judicial nominees.

What about DC statehood? We have young men and women who live in the District of Columbia, who are now in the Persian Gulf getting ready to go to war—people are being called up, being called upon to put their life on the line for their country—but they cannot vote for a Member of Congress, they do not have their own Senators. We should have statehood. If you are part of a sovereign nation—for example, the Pyramid Lake Piute Tribe in Nevada, they can vote for me, against me, but the District of Columbia does not have that opportunity. Residents of the District of Columbia pay taxes, they serve our country, but they do not have representation in Congress by a Member who has a right to vote on a substantive issue. They have a Member of Congress who only can sit in committees. If this administration feels so strongly about affirmative action, about fairness, diversity, let them come forward and support DC statehood.

And consider the quality of education that children receive. Most minority students in America still attend schools that are predominantly minority. On average, they are in large classes, have older books, receive less challenging lessons, and their teachers have less training. To continue to improve the quality of education for all Americans, we should raise the standards in our schools. We need the administration to step forward on Leave No Child Behind, and do it by helping to fund the program mandated for schools all over America. Not to take care of unfunded mandates is wrong; the administration should fund those mandates.

Our Nation's efforts to recover from September 11 remind us that we become a stronger America by working together. So we must join together and continue fighting to make sure all Americans enjoy equal opportunities for justice, quality education, and economic prosperity.

In 2003, it is not enough to quote Dr. Martin Luther King, or to say the right thing, or avoid saying the wrong thing. Actions speak louder than words, even words as powerful as Dr. King's. We remember him as an articulate speaker. It was his actions, his nonviolent actions of organizing, educating, motivating, and demonstrating, that achieved results. If we are truly to honor Dr. King, and, more importantly, if we are fully motivated to improve race relations in our great country, if we want America to live up to its democratic ideals and all our people to have equal opportunity, freedom, justice, prosperity, and peace, we must pass civil rights legislation and fund programs that help level the playing field and appoint judges whose records show a commitment to tolerance and fairness.

The record of the Democratic Party is one we can be proud of. It shows a longstanding commitment to civil rights, to fairness. Democrats recognize we must take additional steps to advance civil rights for all Americans. That is why we Democrats in the Senate have a package of civil rights, known as Equal Rights and Equal Dignity for Americans. Our comprehensive legislation includes measures to expand hate crimes protections. Let the Republicans come forward and stop barring us from passing that. We have legislation to strengthen enforcement of existing civil rights laws. Let them move across the aisle and help.

We must support legislation giving legal representation to indigent Americans. We must stop racial profiling. That is what our legislation does. It addresses pay inequities between men and women, protecting individuals against discrimination; it prohibits employment discrimination based on sexual orientation; and our legislation prohibits military and civilian personnel from collecting information about U.S. citizens. We must fully fund election reforms that we passed last year. This is an agenda that is important, it is good, and it should pass.

We ask the Republicans to step forward and help repudiate, condemn, and oppose something as racially motivated, obviously, as that reported in Time magazine, the President's reinstatement of something that his father stopped because it was wrong—laying a wreath at the Confederate Memorial. It is wrong. We need to speak out against it because it is wrong.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator EDWARDS is here and has an amendment to offer. We told the majority leader on Friday we would be here at 10:30 to offer the amendment. Senator EDWARDS will not offer the amendment until we have someone who is here from the other side, but he is going to start talking about his amendment. We hope that is OK with everyone.

What is the business now before the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.J. Res. 2, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 67

Mr. EDWARDS. Mr. President, this morning I will be offering an amendment, together with Senator LIEBERMAN, Senator JEFFORDS, Senator CLINTON, and Senator REID, all of whom have worked very hard on this amendment.

This amendment is about doing a very simple thing: it is about keeping our air clean so that kids won't have asthma attacks and so seniors won't have heart attacks and so Americans won't lose their lives before their time. For months the administration has talked about massive changes in clean air protections and for months Senators on both sides of the aisle have said to the administration: Before you go through with these changes, would you please tell us in detail how these changes are going to affect our families? In other words, would you please look before you leap?

We have been asking that question for months, and for months the administration has refused to answer. On November 22, they went ahead with their massive changes without telling us how it was going to affect the health of the American people.

I believe the administration does not want to share these facts because they are afraid of what the facts will show. They are afraid people will see what their rule changes will do. When you study these rules, when you listen to the experts, you will see that they will make our air dirtier. These rules will add more soot to our cities and more smog to our national parks. At the end of the day, these rules will allow more kids to get asthma attacks, more seniors to have heart problems which land them in the emergency room, and more people will lose their lives prematurely.

This amendment is a very modest response to these proposed changes. It does not block the rules forever. It does not put them off for years. It just says let's put these rules off for about 6 months and use that time to determine how these changes will affect human health, how they will affect kids with asthma, senior citizens with cardiorespiratory problems. It seems to be a perfectly reasonable thing to do. I hope my colleagues will support the amendment.

We are saying let's get a study from the nonpartisan, completely respected National Academy of Sciences. That is all we are talking about: 6-month delay to look at these changes to see, before they go into effect, what effect they will have on the health of the American people.

The science of pollution is completely clear. Pollution causes heart and lung problems. It aggravates asthma. It causes the smog that ruins the view in our Nation's parks. It causes premature deaths.

According to Abt Associates, a nonpartisan research group, just 51 powerplants are responsible for more than 5,500 deaths every year, for over 106,000 asthma attacks, and for costs to our economy of between $31 billion and $49 billion. That is only 51 powerplants. If you did the same study of other industries, the numbers would go up dramatically.

North Carolina has some of the worst pollution in the country. According to Dr. Clay Ballantine, a physician in Asheville in western North Carolina, just living and breathing in western North Carolina costs 1 to 3 years off the average life of a person. The UNC School of Public Health, found that in many of our counties 3 in 10 kids have asthma, which is three times the national average.

Just walking in the Great Smoky Mountains is as bad for your lungs as breathing in many big cities. When the head of the EPA, Christie Todd Whitman, visited the Great Smokies last Fourth of July, she could barely see 15 miles at a place where you used to be able to see 75 to 100 miles. So clean air is a huge priority. It is important for our kids, for seniors, and for our parks.

This administration has made radical changes in the regulations under the Clean Air Act. This is about a program called New Source Review or NSR. The basic idea of NSR is simple. Under the Clean Air Act, if someone builds a new factory, the new factory has to have state-of-the-art equipment to prevent pollution, but there is a special deal for factories that were built before 1977. Those factories don't need to install new pollution controls unless and until their toxic emissions go up by a significant amount. Only when that happens does the plant have to install these new controls that others have to meet instantly. This is what the New Source Review is all about.

There is no question—and all of us believe—that reforming NSR is a good idea. We ought to do two things: One, we ought to cut red tape, which is a problem; two, we ought to cut pollution.

Under Carol Browner, EPA Administrator in the Clinton administration, positive work was done in that direction. But the debate today is not about those kinds of reasonable and sensible reforms that are in the best interest of the American people. This debate is about this administration's package.

There are several glaring problems with that package. First, the administration developed these rules through a series of secret consultations with executives from power and oil companies. It would not have been so bad if the administration had also been talking secretly to regular patients and kids and doctors about what effect these changes in the rules would have on their lives and their health. But there is no evidence they did that. Instead, the administration focused on one side and favored that side in the changes they made in the rules.

The second problem is this administration has never explained in any serious way whether these changes will in fact harm human health, whether they will cause more pollution, more asthma, or more premature deaths. For months we have asked for a serious qualitative study, and for months we have not received that study.

Let me go through a short timetable. On July 16, 2002, at a joint hearing of the Environmental Committee and the Judiciary Committee, both Senator JEFFORDS and I asked Jeff Holmstead, the EPA's top clean air official, whether he could quantify the effects of this proposal on a human level. He could not do it then, and the best I can tell, he has not tried to do it since.

On August 1, 2002, 44 Senators signed a bipartisan letter to EPA which asks the EPA to conduct a rigorous analysis of the air pollution and public health impact of the proposed rule changes. Again, they didn't do it.

On September 3, 2002, I again asked Mr. Holmstead for an analysis of EPA's proposals. Mr. Holmstead had no new analysis. Instead, he pointed back to an analysis that had been done 6 years earlier during the Clinton administration—a different set of proposals, a different analysis.

The head of the EPA, 6 years ago, Carol Browner, who testified at the hearing, said the old study proved nothing. But when I asked Mr. Holmstead if EPA would simply hold off on the new rules until we had a real study on the effect that these new rules would have on the health of the American people, he said no.

On November 22, 2002, the administration just went ahead, finalized the rules without giving any credible evidence on what impact this would have on human health.

So what we are saying is not complicated. We are saying: Should we not look before we leap, before we change rules that can affect the most basic protection for our kids and our families and our parks? Should we not at least do an analysis of what impact it is going to have on kids and families and our environment and our parks?

The administration's answer is no. Let's go ahead. I believe that is their answer because they don't want to know the truth because they are afraid of what the truth will be.

If you look at these rules, which I have and others have, it is clear that they will hurt people. Time after time this administration has twisted proposals made under the Clinton administration to allow more pollution.

Here is what Ms. Browner said:

> The current administration's recent announcement of final changes to the New Source Review Program abandons the promise of the Clean Air Act—steady air quality improvements. [These rules] will allow the air to become dirtier.

Let me repeat that: These rules "will allow the air to become dirtier." And that means they will allow our kids and our seniors to get sicker, to die sooner. That is what we are talking about. It is very basic and fundamental.

Let me give two examples of what these rules will do:

First, the rules change the way pollution levels are calculated. Under the new source review, a factory has to clean up only if it increases its pollution level. It matters a lot how we measure the factory's initial pollution level, what's called the "baseline."

Up to now, the rule has been that the baseline is the average for the last 2 years—that is the basis on which we determine whether there has been an increase in pollution—unless the company can prove another period is more representative of recent emissions. But the basic rule has been that you establish the baseline by looking at the last 2 years. That makes sense.

What this administration proposes doing makes no sense. What they are saying is instead of using the last 2 years, we let the factory choose any 2 years out of the last 10. So instead of looking at the last 2 years as a baseline to determine whether emissions have gone up, what they are saying is we are going to let the factory choose any 2 years in the previous 10 in order to determine whether emissions have gone up.

So even if the reality is that their pollution level is quite low right now, they get to go back a decade and say that pollution is high.

They can even take emissions from accidents and malfunctions and use those to inflate their baseline. And because they can make pollution 10 years ago look like pollution today, they can pollute even more without cleaning up.

You don't have to take my word for it. According to internal documents, career staff at the EPA said that this change would "significantly diminish the scope" of the New Source Review. A study by the Environmental Integrity Project found that at just two facilities, the new rules would allow over 120 tons of the pollution into the air. The National Association of State and Local Air Regulators says that this change "provides yet another opportunity for new emissions to avoid NSR." So the bottom line is more pollution.

Here is a second example. The new rules contain something called a "Clean Unit" exemption. In theory, the exemption should give companies an incentive to clean up by giving them benefits if they install state-of-the-art technology. It is a perfectly good idea. But this administration has provided an exemption as long as the company installed new equipment anytime during the last 10 years. In other words, if a company did something good in 1994, they get a free pass to increase pollution in 2003, 9 years later.

Again, this makes no sense. Again, it will increase pollution. Again, here is what the State and local air commissioners said. This rule "would substantially weaken the environmental protections offered by the NSR program."

Now, when it comes to the effects of these rules, it is true that the State administrators could be wrong. The career officials at EPA could be wrong. I could be wrong. We could all be wrong. The rules could be OK.

But even if we are all wrong—and I do not believe we are—shouldn't we get the whole story and get a real answer to the question before putting our kids and our seniors at risk?

Six months is not a long time to wait in order to get the whole story. It is far better to wait 6 months than to say to this administration, go ahead, roll the dice. It is OK. We are willing to put the lives of our children and seniors at risk, and we are willing to let this rule go into effect even though we do not know what effect it is going to have on the health of our seniors and children.

Let me talk for a minute about the broad opposition to these rules.

This administration likes to talk about State flexibility, but these regulations take flexibility away from the States and forces some States to lower their protections.

Again, this is the view of the State experts:

> The revised requirements go beyond even what industry requested. . . . Because the reforms are mandatory, they will impede, or even preclude, the ability of States and localities all across the country to protect the air.
>
> Although our associations believe NSR can be improved. . . . We firmly believe the controversial reforms EPA is putting in place . . . will result in unchecked emission increases that will degrade our air quality and endanger public health.

That is the States. Now listen to the doctors. Over a thousand doctors from all across the country have urged this administration not to go ahead with these final rules. These doctors see the effects of air pollution every day in their practices and in the emergency rooms, and they warned that "it is irresponsible for the EPA to move forward in finalizing new regulations that could have a negative impact on human health."

This is not a partisan issue. The State air quality folks are not partisans. The local air quality folks are not partisans. And then there's Republicans for Environmental Protection, a group to which 12 past or present former Republican Members of Congress are connected. Republicans for Environmental Protection recently wrote a letter supporting my amendment.

They wrote that "a reasonable delay (of the rules) is necessary in order to allow independent researchers to investigate how the New Source Review revisions would affect emissions and the resulting impacts on public health." So Republicans support this amendment as well.

We will hear people say that protecting the air is too expensive. But at the 51 power plants I mentioned earlier, premature deaths and asthma attacks cost our country over $30 billion each year. The costs of cleaning the air are a small fraction of that amount. So clean air not only saves lives; it also saves money.

Finally, I want to be very clear about what this amendment does and does not do. This amendment delays by 6 months the effective date for the final rules on the New Source Review that this administration has already announced. This amendment does not touch the proposed rules regarding so-called "routine maintenance."

Now, speaking for myself, Senator LIEBERMAN and Senator JEFFORDS, all of whom have worked very hard on this amendment, we understand the importance of new rulemaking on the definition of "routine maintenance." We understand that reform of this definition is underway to allow for greater certainty for the electric industry. It is a good idea. We are not doing anything in this amendment that affects in any way the proposed rulemaking on "routine maintenance." In fact, we believe it is appropriate to take public comment in the rulemaking in order to develop a rule that promotes energy efficiency, without—and I emphasize "without"—allowing the air to become dirtier. A bipartisan group in this chamber has expressed support for EPA proceeding with a rulemaking that "protects human health and the environment while providing regulatory certainty for the electric utility industry and other industries." We respect their concerns on this issue.

This amendment is about final rules. It is a very modest amendment. It would delay these rules by about 6 months while we get an honest, nonpartisan study of what these rules will do to our kids' health and the environment. It will protect our kids from asthma, our seniors from heart problems, our parks from smog. This amendment will make sure we look before we leap. I urge my colleagues on both sides of the aisle to support this amendment.

I ask unanimous consent that the following documents be printed in the RECORD following this statement:

Letter from 44 Senators, dated August 1, requesting an analysis of the new rules;

Letter from Physicians for Social Responsibility, dated September 27, opposing the rule changes;

Letter from the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officers, dated January 16 of this year, requesting a delay in the rule changes; and

Letter from the Republicans for Environmental Protection, dated January 17, 2003, requesting a delay in the rule changes.

There being no objection, the following letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC.

Hon. CHRISTINE WHITMAN,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR WHITMAN: The Clean Air Act is a vital took for protecting the Nation's health and environment, including our National Parks. With mounting medical evidence that air pollution causes asthma attacks, cardiopulmonary disease, and premature death—particularly among children and the elderly—we need to strengthen clean air protections whenever possible.

Given our strong commitment to protecting Americans' health, we believe that the changes you announced on June 13, 2002 to the Clean Air Act's "New Source Review" are extremely troubling. On their face, many of these changes to NSR—for example, giving factories greater leeway to choose how their pollution is measured—appear likely to increase pollution levels. Unsurprisingly, the states' air pollution control administrators have expressed concerns that the new regulations will make it more difficult for the states to attain national clean air standards. Yet as Assistant Administrator Jeffrey Holmstead admitted at a recent hearing, EPA now plans to make these changes without having conducted a full analysis of their impact on air quality and public health, and without providing a full opportunity for public notice and comment on the changes EPA is now proposing.

While EPA should be free to pursue thoughtful changes to New Source Review that reduce regulatory burdens while strengthening public health protection, we see no reason to believe that the proposed changes adequately protect air quality. In fact, because the specific changes proposed have not been subject to careful study and full public comment, we have serious concerns that the changes could allow more air pollution—causing more asthma, more heart and lung problems, and more premature deaths.

We therefore ask that, before finalizing any of these changes, EPA conduct a rigorous analysis of the air pollution and public health impacts of the proposed rule changes and give the public full opportunity to comment on these changes. As we are sure you agree, EPA should not finalize a rule that allows increased air pollution or undercuts the health of any of America's children or seniors. In the meantime, until the law is changed, we ask your continued commitment to enforce the Clean Air Act as it is written.

Sincerely,

John Edwards, Jim Jeffords, Joseph Lieberman, Tom Daschle, Susan Collins, Dick Durbin, Chris Dodd, Charles Schumer, Daniel K. Inouye, Joe Biden, John F. Kerry, Paul Wellstone, Tom Harkin, Russell D. Feingold, Hillary Rodham Clinton, Ted Kennedy, Jack Reed, Robert G. Torricelli, Max Baucus, Harry Reid, Patrick Leahy, Ron Wyden, Patty Murray, Daniel K. Akaka.

Fritz Hollings, Bill Nelson, Barbara Boxer, Maria Cantwell, Jean Carnahan, Debbie Stabenow, Mark Dayton, Barbara Mikulski, Paul S. Sarbanes, Bob Graham, Herb Kohl, Jon Corzine, Max Cleland, Jeff Bingaman, Carl Levin, Dianne Feinstein, Lincoln Chafee, Tim Johnson, Olympia Snowe, Tom Carper.

PHYSICIANS FOR
SOCIAL RESPONSIBILITY®,
Washington, DC, September 27, 2002.

Mr. JOHN GRAHAM,
Director, Office of Information and Regulatory Affairs, Office of Management and Budget, The White House, Washington, DC.

DEAR MR. GRAHAM: As concerned doctors, nurses, and public health professionals, we view the health mission of the Clean Air Act as one of EPA's most important initiatives. We are therefore writing to express our concern about EPA's proposed changes to the New Source Review (NSR) program. This program regulates emissions from new and modified power plants, pulp and paper mills, refineries and other industrial plants.

For more than a decade, NSR has proved to be an effective took in bringing polluting industrial facilities into compliance with the law and cleaning up the air that we breathe. The EPA has recently proposed changes to the NSR program that will likely cause the amount of pollution in our air to increase. EPA plans to move forward with these changes to NSR without first determining how they will impact health or the environment. Three separate Senate Committees as well as public health and environmental advocacy groups have requested these studies to no avail. Without evidence that the proposed changes will actually improve air quality, thereby doing no harm, it is irresponsible for the EPA to move forward in finalizing new regulations that could have a negative impact on human health.

Pollution from power plants and other plants regulated under NSR touches the lives of millions of Americans across the nation. This pollution is harmful to human health and sends thousands of individuals to hospital emergency rooms each month. Study after study shows a link between exposure to air pollution and health conditions such as respiratory diseases, asthma attacks, cardiopulmonary disease, cancer, and even death.

No changes to NSR should occur without the public being provided with a comprehensive analysis demonstrating that the proposed changes to NSR will improve air quality and human health. In addition the public, especially the public health community, must have the opportunity to comment on the analysis and the resulting changes to NSR before any changes are finalized. We urge you to put the health of Americans first by upholding NSR provisions that are protective of public health.

Sincerely,

Hans Tschersich, Kodiak, AK.
Helena Zimmerman, Juneau, AK.
Claude Baldwin, Jr., Hunstville, AL.
Anna-Laura Cook, Northport, AL.
David Reynolds, Birmingham, AL.
Bettina Bickel, Glendale, AZ.
Kenley Donaldson, Casa Grande, AZ.
Sara Gibson, Flagstaff, AZ.
William Martin, Tucson, AZ.
Ardyth Norem, Rio Verde, AZ.
Eric Ossowski, Scottsdale, AZ.
Jen Schaffer, Flagstaff, AZ.
Kamal Abu-Shamsieh, Pasadena, CA.
Sara Acree, Alhambra, CA.
David Adelson, Venice, CA.
Jacob Adelstone, Van Nuys, CA.
Felix Aguilar, Long Beach, CA.
Fereshteh Ajdari, Culver City, CA.
Wayne and Sonia Aller, Granada Hills, CA.
Rodolfo Alvarez, Santa Monica, CA.
Frances Amella, San Francisco, CA.
Selene Anema, San Luis Obispo, CA.
Ruben Aronin, Los Angeles, CA.
Misha Askren, Los Angeles, CA.
Annie Azzariti, Santa Monica, CA.
K. Bandell, Norwalk, CA.
Morris Barnert, Palos Verdes Estates, CA.
Barbara Beatty, Berkeley, CA.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS,
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, January 16, 2003.

Hon. CHRISTINE TODD WHITMAN,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR GOVERNOR WHITMAN: As you are aware, the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) have serious concerns with the U.S. Environmental Protection Agency's (EPA's) recently promulgated final rule affecting changes to the New Source Review (NSR) program (67 Federal Register 80186), and with the adverse impact these changes would likely have on the ability of states and localities to achieve and sustain clean, healthful air. These concerns are further compounded by the fact that, for a number of states across the country, the revised NSR program is scheduled to take effect on March 3, 2003. Accordingly, we write to you today, on behalf of STAPPA and ALAPCO, to request that EPA extend by one year the effective date of the final NSR rule revisions. We make this urgent request for several important reasons.

The regulatory changes to the NSR program are not only lengthy and far reaching, but also highly complex and controversial. States that implement the NSR program through their State Implementation Plan are allowed three years in which to revise their plans for the new program. However, in 13 states across the nation, EPA has delegated authority for the federal rules to state and local permitting authorities; in these "delegated" states, the revised NSR program, which was published by EPA on December 31, 2002, must be implemented by March 3, 2003. State and local air pollution control agencies have been working vigorously to study the new rule; however, gaining full command of the many intricacies of the regulation, as well as a complete understanding of the impacts and implications, will take time and, we firmly believe, cannot be accomplished in the next 45 days.

Further, although the text of the rule revisions has been published in the Federal Register, EPA has not yet developed or made available to state and local agencies the complex text of the federal rule, as revised by the recent changes. Moreover, EPA has not yet provided, or even scheduled, training opportunities for states and localities, nor has the agency developed any guidance on key aspects of the revised rule. In fact, it is our understanding that EPA regional office staff—with whom states and localities must work to revise and update delegation agreements—has not yet received training on the new rules from EPA headquarters.

STAPPA and ALAPCO understand that EPA would like to make the final rule available to industry as soon as possible. We are deeply concerned, however, that a rush to implement the new rule will result in serious consequences that will disbenefit state and local implementing agencies, EPA, the regulated community and citizens alike.

The March 3, 2003 effective date simply does not allow sufficient time for delegated state and local agencies to prepare for and execute effective implementation of the new NSR rule. Accordingly, STAPPA and ALAPCO urge that you take immediate action to extend the effective date of this new program by one year, in order to allow time for EPA development of guidance and training and for the necessary state and local efforts involved in updating delegation. If you have any questions, please contact either of us or Bill Becker, Executive Director of STAPPA and ALAPCO, at (202) 624-7864.

Sincerely,

LLOYD L. EAGAN,
STAPPA President.
ELLEN GARVEY,
ALAPCO President.

JANUARY 17, 2003.

DEAR SENATOR: REP America, the national grassroots organization of Republicans for environmental protection, respectfully requests your vote in favor of Senator Edwards' amendment to the omnibus appropriations bill, which would delay implementation of New Source Review rule revisions and require the administration to conduct a National Academy of Sciences study of the rule revisions' health impacts.

We believe a reasonable delay is necessary in order to allow independent researchers to investigate how the New Source Review revisions would affect emissions and the resulting impacts on public health. We are greatly concerned that the administration is rushing to change the rules before the public and their elected representatives have had a chance to fully understand the impacts.

More than 170 million Americans live in areas with unhealthy air quality. Ozone pollution is a serious public health problem. The interests of children, senior citizens, and others who are particularly sensitive to air pollution deserve greater consideration before rule changes are implemented that could drive up unhealthy emissions.

Please vote for the Edwards amendment so that the federal government can make better informed decisions on a critical public health issue.

Thank you.

Sincerely,

MARTHA A. MARKS,
President.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS], for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, and Mr. REID, proposes an amendment numbered 67.

Mr. EDWARDS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a study of the final rule relating to prevention of significant deterioration and nonattainment new source review to determine the effects of the final rule on air pollution and human health)

At the appropriate place, insert the following:

SEC. . NEW SOURCE REVIEW FINAL RULE.

(a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to determine, not later than September 1, 2003, whether and to what extent the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002), would allow or could result in—

(1) any increase in air pollution (in the aggregate or at any specific site); or

(2) any adverse effect on human health.

(b) DELAYED EFFECTIVE DATE.—The final rule described in subsection (a) shall not take effect before September 15, 2003.

Mr. LIEBERMAN. Mr. President, I rise today to ask my colleagues to restore a little sanity to our Nation's clean air policy. For the past 2 years, I have joined my colleagues on the Environment and Public Works Committee in requesting an analysis of the health impacts of the administration's New Source Review rules. We have asked through letters, through committee questions, through oral questions at hearings. Yet our requests fell on deaf ears, or shall I say on dead air, and the EPA finalized the rules without conducting any careful analysis.

That is why today I join Senator EDWARDS in offering this amendment—one that I call the "look before you leap" amendment. All we do in this amendment is delay the effective date of the final rules for less than 7 months, during which time we commission a NAS study to evaluate the effects of the rules on air emissions and human health. In just 7 months, depending on the outcome of those objective, scientific studies, we could prevent serious potential damage to our environment and to public health.

What the Bush administration is proposing is not, as some in the administration might suggest, a nip-and-tuck. It's not a few technical rule changes. It is a significant change in our clean air policy. The administration is introducing new, more permissive rules for measuring whether a facility meets clean air requirements. In Congressional testimony, the EPA admitted that fully 50 percent of the facilities that are now subject to the Clean Air Act's technology requirements would fall out of those requirements under the rule changes.

When I hear that, I cannot believe there will be no health impacts. If literally half the sources are no longer subject to these provisions of the government's main clean air law, how can the air get anything but dirtier? Then I look at recent studies commissioned by the Rockefeller Family Fund and prepared by Abt Associates—the EPA's own consultant—that show emissions will increase as a result of the new regulations.

Based on the bulk of the evidence, it is counterintuitive and I think illogical for the EPA to claim—over and over again—that their new rules will do no damage to the environment. Then again, the EPA never offers any proof of this claim, so perhaps we are expected to accept in on faith.

This amendment will give us the answer. We no longer will have to argue back and forth—the study being commissioned by the National Academies will give us the facts. And we don't have to wait long. Less than 7 months, and then we can go forward with the rules knowing what their impacts will be. If the study shows significant environmental harm, and the majority of this body still wants them to be adopted, then so be it. But at least we made an informed choice.

Anyone in this Senate who has bought a house has toured the house before putting their money down. They've gotten an appraisal. They've conducted an inspection. Well, we're on the brink of buying a new set of rules here that we will have to live with for many, many years. I don't think we want to close our eyes, close our ears, cross our fingers and hope for the best. Ignorance is not bliss. Ignorance is remiss.

This amendment also brings a benefit for the states. Just last week, STAPPA-ALAPCO—the organization of state and local air regulators—wrote to Administrator Whitman asking for a 1-year delay in the rules. They had already written to complain about the air impacts of the rules, but this letter was different—it aimed at the administrative knots in which the states are being placed by the new regulations.

You see, these rules are not optional for States—they are being shoved down their throats. And for the 12 States and the District of Columbia that implement the New Source Review program on their own, they will have to incorporate the rule changes into their programs by March 3. So my colleagues are clear, let me name them: Washington, California, Nevada, South Dakota, Minnesota, Illinois, Indiana, Michigan, New York, New Hampshire, Massachusetts, New Jersey, and the District of Columbia. As the rules were only published on December 31, that only gives these states and the district 3 months to evaluate and implement a tremendously complicated area of law. Neither has EPA provided the training and guidance that all States will need to implement the rule. That is why the States wrote to EPA last week and stated that: "The March 3 effective date simply does not allow sufficient time for delegated state and local agencies to prepare for and executive effective implementation of the new NSR rule."

By passing our amendment, we will be giving the state and local agencies the time that they desperately need. Call it breathing room—for our environment and for our State governments.

This is a controversial topic, and I know my colleagues have been pulled in many different directions on this vote. But we are not asking for anything here but smart, well-informed policymaking. Once a rule like this is put in place, it is hard to reverse; indeed, according to EPA, the whole point of this rule is to provide industry with long-term certainty. We asked EPA to look before they leapt, and they refused, ignoring this institution's right to oversee their rulemaking at the same time.

We should understand the clean air impacts of these rule changes before they become the law of the land. We need to stop and take a breath before we change the law, so that we know that all Americans can breathe safely, easily, and freely in the future.

Mr. JEFFORDS. Mr. President, I rise in strong support of the Edwards amendment and I am pleased to be a cosponsor of that amendment.

Senators should know that I support making improvements to the New Source Review, NSR, program. I want NSR to fulfill its promise of developing ever better pollution control technology and cleaner air.

We can and should make it easier for owners of pollution sources to get answers from permitting authorities about whether or not NSR applies to their facility. They could benefit from an updated, more consistent and timely process. That's not really in question.

Unfortunately, every reliable sign indicates that EPA's recent final rules are not really improvements to the NSR process at all. Instead, in the name of "flexibility" these new rules appear designed to increase air pollution. At a minimum, they will certainly allow it.

EPA claims that there will be an environmental benefit from these rules. However, they have done no credible work to show that that is in fact true. And believe me, we have asked repeatedly and unsuccessfully for the administration's honest assessment of the impact of these rules since May 2001.

For example, the agency promised to deliver to the Environment and Public Works Committee a document log relating to these rules by October 24, 2002.

We hoped to find emissions information in those files, but the agency failed to keep the promise and failed to provide Congress its due. We're still waiting for the log.

I ask unanimous consent that a chart of the Committee's communications on NSR be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JEFFORDS. This administration's record in responding to legitimate oversight by Congress has been dismal on this matter. Though the agency will not respond honestly, independent analyses done by Abt Associates for the Environmental Integrity Project demonstrates that these new rules are likely to lead to significant increases in pollution at various types of facilities. These case studies can be found at www.refund.org/eit/docs/abill-mobil.pdf and abtin-nucor2.pdf.

The association of States' air administrators have expressed concerns about these rules and asked that their effective date be deferred until March 2004. Nine Attorneys General, from Vermont and other States, have filed suit against the Agency for violating the Clean Air Act and other statutes through these rules.

These rules allow sources to inflate their emissions baselines, or to be designated as so-called "clean units" for a decade or more. That way, even modifications that increase emissions will not trigger NSR and the use of better, more effective pollution controls.

As Assistant Administrator Jeff Holmstead has confirmed to Congress in testimony, these new revisions to major NSR applicability criteria would exclude an estimated 50 percent of sources that might otherwise be subject to major NSR.

An internal EPA memo from June 2001 estimated that the average annual health benefits in terms of avoided mortality from just one small part of the NSR program are, at a minimum, about $400 million annually and up to $3.8 billion.

Now, if we tell 50 percent of those sources that they don't have to worry about triggering NSR, then those health benefits are going to fly out the window along with more pollution. That means more people dying or increased lung disease and sickness.

This is just one small part of the NSR program. EPA steadfastly refuses to analyze the larger, nonattainment NSR program for its benefits.

The administration has conveniently ignored Executive Order 12866 on regulatory review. These revisions are obviously significant under that Order because of its hundreds of millions or billions of dollars in annual health benefits. So, before it goes forward, there must be a thorough and reliable consideration of its benefits and its costs.

That's why I'm supporting this amendment. I'm not a big fan of making environmental policy through the appropriations process, but these rules appear egregious to me.

It's time that we had the National Academy of Sciences review the situation, since the agency and the administration do not respond to Congress or the public. I hope that the Academy can give us a quick and impartial opinion on the impacts of these rules on public health and the environment. To give them time to do that, the amendment defers the effective date of the rules for about six months.

Mr. President, this administration has a disturbing anti-environment agenda. These NSR changes are just the tip of the iceberg. This group wants to deregulate without considering the public health and environmental effects. That's wrong.

There is no good reason to increase air pollution. Science tells us that time and time again. We have the technology to constantly improve our emission performance. This administration wants to take the whole country backward instead of forward.

I urge Senators to support the amendment.

EXHIBIT 1

New Source Review Correspondence – EPW and Other Information Requests and Administration Response

As of January 16, 2003

Date	To	From	Request	Response (Date)
9/27/00	Robert Perciasepe, Asst. Admin. for Air & Radiation, EPA	Sen. Inhofe, Chairman, Clean Air Subcommittee	1. that the Administration re-propose the entire NSR package at one time, before any elements are finalized, so that Congress and stakeholders fully understand how a new NSR program would work; 2. written update/detailed outline on the 2000 PAL proposal and its provisions; and 3. a list of NSR reform elements that EPA feels are "non-controversial" and that may be included in the final 2000 NSR rule.	1. Does not commit to fulfilling request. Mr. Perciasepe agrees to "consider" it, but says "these issues have been under discussion since 1992...." 2. Does not provide requested information. EPA says it does not have a final approach for which it is comfortable providing more details. 3. Does not provide requested information or acknowledge request. According to EPA, many elements, like PALs, could actually be considered controversial. (10/19/00) Staff indicates that after meeting with Mr. Perciasepe, Sen. Inhofe was comfortable with the response and did not request additional information.
5/21/01	President Bush	Sens. Reid, Clinton, Boxer, Corzine, Lieberman, Wyden, Graham, Baucus, Carper	Response requested by 6/7/01. 1. details on the President's energy plan and plan to pursue multi-pollutant legislation; 2. details on the President's recommendation to direct the Attorney General to review existing enforcement actions under NSR to ensure consistency with the CAA;	No response.

Date	To	From	Request	Response (Date)
			2. details on the President's interest in: promoting permitting flexibility, directing EPA and DOE to streamline permitting for refineries, and directing the Sec. of the Interior to modify impediments to oil and gas leasing; and 3. information concerning the impact of the President's plan on: electricity prices; oil, gas, nuclear, and renewable energy consumption; jobs and the economy; compliance with the UN climate change treaty; protection of endangered species and fragile ecosystems; and the number of new refineries and power plants to be built by 2006.	
5/23/01	Christine Todd Whitman, Administrator, EPA; John Ashcroft, Attorney General, DOJ	Sens. Leahy, Reid, Kerry, Clinton, Lieberman	1. the impacts of the Administration-initiated review of the NSR program on ongoing and future enforcement actions and settlements; 2. a description of projected NOx and SOx emissions reductions and public health benefits resulting from recent settlements and enforcement actions under the current NSR program; 3. the status of information requests transmitted to potential NSR violators, including the name of each company, whether the company has submitted the requested information, and the company's NSR compliance record; 4. information regarding the number and production capacity of utilities and refineries that have applied for or received NSR permits; 5. the number of requests for applicability	1. Provides minimal response. "EPA has not changed its position during settlement negotiations as a result of the NSR review, and will continue to actively press forward with negotiations and investigations in the meantime." Note: In the NSR hearing on 7/16/02, Sen. Leahy asked Thomas Sansonetti, Assistant Attorney General of DOJ: "...[T]he press reports indicate that because of EPA's recent actions revising the NSR, defendants who were close to settlement are now walking away from the bargaining table.... Did you and your lawyers at DOJ see that coming?" Mr. Sansonetti replied that there were no cases where parties were close to settlement and then backed away. When asked whether defendants were using EPA documents to try to dismiss cases, Mr. Sansonetti replied that he knew of only one case

Date	To	From	Request	Response (Date)
			determinations concerning major NSR modifications from refineries and utilities; 6. copies of Presidential or White House documents formally requesting EPA to review the NSR program; 7. whether DOJ or EPA was asked to provide specific information about the review of enforcement cases to the National Energy Policy Development Group – please provide copies of such materials; and 8. whether the National Energy Policy Development Group received NSR-related information from outside sources.	– Niagra Mohawk – where that was true, but that the case was "not within my shop." 2. Does not provide requested data. Note: An EPA memo provides estimates of NOx and SO2 emissions avoided and the associated mortality-related benefits (totaling $3.6 billion) as a result of the current PSD program, which is only a small part of the larger NSR program. Also, this information does not address the issue of achieved reductions through enforcement activities. 3. Incomplete information is provided. The names of companies receiving information requests are given, but no further information on the status of these requests is divulged. 4. Does not provide requested information. EPA headquarters has requested the information from its regional offices. 5. Does not provide requested information. EPA is reviewing available documents. A web-based database is recommended in the interim. 6. "Neither the President nor White House staff has written an Executive Order or other correspondence to EPA formally directing the review of PSD/NSR actions." 7. According to Admin. Whitman, neither EPA nor DOJ was asked to provide information

Date	To	From	Request	Response (Date)
				concerning pending enforcement actions to the energy policy group. 8. Does not provide requested information. According to Admin. Whitman, as a member of the energy policy group, EPA has received information from outside sources, but is not able to provide that information until it completes a GAO request for the same information. (EPA 7/25/01; DOJ 7/30/01)
8/10/01	Christine Todd Whitman, Administrator, EPA	Sens. Jeffords and Smith	Follow-up questions from Sen. Jeffords regarding the 7/26/01 hearing on the impacts of powerplant emissions on public health and the environment. 1. a consolidated estimate of the public health and environmental benefits, including tons of pollution avoided, achieved through full implementation of all programs, including NSR, designated by Admin Whitman during the hearing as potentially unnecessary under a new 3-pollutant reduction scenario.	1. Does not provide requested information, but indicates, "After it is complete, the Administration will provide it to the Congress." Since this response, the request has been only partially fulfilled by submission of information regarding the mortality-related benefits of the current PSD program (see #2 note, 5/23/01 letter). A consolidated estimate has not been provided. (9/10/01)
10/1/01	Spencer Abraham, Secretary, DOE; Christine Todd Whitman, Admin., EPA	Congressman Frank Mascara	1. that EPA reconsider the application of NSR so that it interferes as little as possible with plant repair and modification, keeping in mind the nation's energy needs.	Response from EPA: 1. Assures Mr. Mascara that EPA's enforcement cases involve major modifications and not routine repairs. States that EPA has begun conducting a review of the NSR program in response to a National Energy Policy Development Group recommendation. The letter also states, "The NSR requirements are not triggered unless significant emission increases result from a proposed modification.... Some of the modifications at issue have

Date	To	From	Request	Response (Date)
				increased emissions as much as 40,000 tons per year...." (11/9/01)
11/14/01	Jeffrey Holmstead, Assistant Administrator for Air & Radiation, EPA	Sens. Jeffords and Smith	Follow-up questions from Sen. Jeffords regarding the 11/1/01 hearing on multi-pollutant legislation, asking about the current status of the Administration's review of NSR requirements and enforcement actions.	Inadequate response. No specifics on the EPA review are given, other than it "is still underway" and that they "plan to release the results as soon as possible." Mr. Holmstead makes reference to DOJ's separate review of NSR enforcement actions, recently released. (2/5/02)
12/14/01	Christine Todd Whitman, Administrator, EPA	Sens. Jeffords, Lieberman, Corzine, Clinton, Carper, Wyden, Boxer	Response requested no later than the date final proposed NSR rules go to OMB. 1. docketing of all current and future documents concerning: a. EPA's NSR rulemaking; b. EPA's review of the NSR regulations; c. NSR enforcement actions that are pending or have been settled in the last 2 years; and 2. documents discussing the impact of proposed NSR program changes on attainment of National Ambient Air Quality Standards (NAAQS).	Responses from Ed Krenick, Associate Administrator of Congressional Relations, EPA. 1st response: Does not provide requested documents. EPA has begun collecting documents and would like to meet with EPW staff later to clarify request. (12/20/01) 2nd response: Does not provide requested documents. Clarification of narrowed request is made, after consultation with Committee staff. (1/31/02) 3rd response: Incomplete information is provided. Over 700 pages of documents are submitted, all of which are marked "privileged" and many of which are left blank. Certain information regarding emissions and analysis of potential reductions are not submitted, including information from "confidential" settlement negotiations. No

Date	To	From	Request	Response (Date)
				information on projected NAAQS attainment impact is submitted. Only documents dated before 1/23/02 are included thus far. (5/3/02) 4th response: Does not provide any of the requested information. The Administration has "concerns about providing certain pre-decisional documents to Congress during the pendency of a rulemaking.... While this rulemaking continues, the Administration has particular confidentiality interests in these materials... [W]e have concerns that Congressional access to deliberative materials...will blur the separation of powers...." EPA offers to share 1996 rulemaking materials, which are already in the public docket. (6/27/02) 5th response: Incomplete and largely unhelpful information provided. A copy of the NSR 90 Day Docket, which is already public information and unrelated to the rulemaking of concern, and other minor information is included. (7/3/02) 6th response: Incomplete and largely unhelpful information is provided. Submits the 1996 NSR rulemaking docket, which is already public information. (7/10/02)

Date	To	From	Request	Response (Date)
				7th response: Incomplete information is provided. Some post-January 23rd information is submitted. (7/18/02) 8th response: Incomplete information is provided. The original request remains largely unfulfilled. Additional documents analyzing potential reductions from filed utility cases are submitted. Emissions estimates concerning confidential settlement offers are withheld. EPA still opposes providing deliberative documents. (7/30/02) 9th response: EPA still opposes providing "pre-decisional" documents. Agrees with EPW to provide a log of documents that relate to the upcoming rules by 10/24/02. (9/25/02) Note: As of 12/18/02, the log of documents has not yet been provided to EPW. 10th response: The information provided is not a complete response to the original request. (10/24/02)
12/19/01	Spencer Abraham, Secretary, DOE	Sens. Jeffords, Lieberman, Corzine, Clinton, Carper, Wyden.	Identical to 12/14/01 letter to EPA.	1st response: Does not provide requested information or commit to fulfilling the request. "We anticipate being in a position to aid the Committee...in its

Date	To	From	Request	Response (Date)
		Boxer		examination of whatever policy decisions EPA ultimately may reach....” (3/1/02) Subsequent Committee staff contacts produce no meetings or documents. (5/02, 6/02, 7/02, 8/02) 2nd response (2 letters): Incomplete information is provided. Considers a subpoena vote “premature and misdirected.” Agrees with EPW to provide a log of documents and some information pertaining to the 1996 rulemaking -- which are already in the public docket -- by 10/24/02. (9/25/02) Note: As of 12/18/02, the log of documents has not yet been provided to EPW. 3rd response: The information provided is not a complete response to the original request. (10/24/02)
1/18/02	President Bush	12 Senators (Bipartisan): Reed, Collins, Leahy, Dodd, Clinton, Kerry, Torricelli, Corzine, Jeffords, Schumer, Lieberman,	Urges President to maintain and vigorously enforce current NSR requirements, and to work with Northeastern and Mid-Atlantic states to further reduce deadly air pollution.	No response.

Date	To	From	Request	Response (Date)
		Chafee		
2/7/02	President Bush	Sen. Jeffords	1. urges care in suggesting amendments to the Clean Air Act (via a multi-pollutant proposal) that would relieve polluters of compliance, citing the lack of analytical information justifying clean air and health benefits of such relief.	No response.
3/1/02	Christine Todd Whitman, Administrator, EPA	11 Senators: Lieberman, Boxer, Cozine, Dodd, Clinton, Leahy, Kennedy, Reed, Jeffords, Baucus, Wyden, Torricelli	The 1996 and 1998 NSR proposals are based on outdated information regarding industry technology and impacts of pollution on public health and ecology, and cannot serve as an adequate basis for a final regulation in 2002. The public should have an opportunity to comment on new proposed rules. No changes to NSR should be made until then.	According to Admin. Whitman, the 1996 proposed rule changes involved extensive public comment. (5/7/02) Note: The new proposed changes are significantly different from those commented on in 1996. EPA has said that it will not disclose details of the new rule to Congress or the public until it is presented in final form to OMB.
3/20/02	Christine Todd Whitman, Administrator, EPA	Sen. Jeffords	In response to a request from the Administration that EPW hold a hearing on the Clear Skies proposal: DOE and EPA must first submit a satisfactory response to the mid-December letters regarding NSR, among other pieces of information.	No response to this letter, and through previous correspondence, the original request remains largely unfulfilled. (See responses for 12/14/01 letter.)
7/3/02	Christine Todd Whitman, Administrator, EPA	Sens. Jeffords and Leahy	Questions regarding proposed changes to the NSR program, to be answered prior to joint EPW-Judiciary Committee hearing on 7/16/02.	Responses received in installments. Some responses provide inadequate or incomplete answers, or point to information that will not be released until finalization of the rule package (such as citing the legal authority to make the proposed changes). (7/15/02, 8/15/02, and 11/5/02)
7/16/02	Jeffrey	Sen. Jeffords	During the hearing question period, Sen. Jeffords	1. Does not provide requested information, and

Date	To	From	Request	Response (Date)
EPW-Judiciary Joint Hearing on NSR	Holmstead, Assistant Administrator for Air & Radiation, EPA		asks Mr. Holmstead: 1. to estimate the current industry noncompliance rate with the NSR program; 2. when and by how much pollution will decrease as a result of the proposed changes; 3. when EPA will submit to Congress a quantitative analysis of the new rule's impacts on environmental quality/emissions and public health (required by the Congressional Review Act and the E.O. on Regulatory Review); and 4. docketing written comments from the informal interagency review that has begun on the proposal.	provides irrelevant response. Doesn't know, but makes reference to 100% compliance with the Acid Rain program. 2. Does not provide requested information. The proposed changes would result in "greater reductions" than would be achieved otherwise, but no specific estimates are given. Mr. Holmstead promises to submit specific estimates to Sen. Jeffords, but does not commit to do so before the rules are finalized. 3. Does not provide the requested information. Claims that such an analysis is not required because the regulation changes would not be "major" and because the 1996 rules did not require an RIA or cost-benefit analysis under 12866. 4. Agrees to fulfill the request.
		Sen. Voinovich	Questions from Sen. Voinovich: 1. to investigate what triggered the lawsuits filed in 1998-1999; and 2. to show the difference between what was proposed in 1996 and in 2002, since EPA claims they are "quite close."	Responses to Sen. Voinovich: 1. Agrees to fulfill the request. Will respond "in a couple of weeks." Status? 2. Agrees to fulfill the request, but not until "we issue the final regulations." (After the fact and without Congressional comment.)
		Sen. Edwards	Question from Sen. Edwards: 1. to quantify the human health impacts of the proposed rule changes.	Response to Sen. Edwards: 1. Agrees to fulfill the request. Mr. Holmstead references agreeing to Sen. Jeffords' similar request (to which he did not clearly agree), and does not commit to responding prior to

Date	To	From	Request	Response (Date)
				finalizing the rule.
		Sen. Clinton	Question from Sen. Clinton: 1. whether he would commit to allowing the opportunity for Congressional comment, before the rules are finalized; 2. whether the rules will be prospective only; and 3. whether the rule changes will have any effect on powerplant emissions.	Response to Sen. Clinton: 1. Does not commit to fulfilling the request. Although Mr. Holmstead says, "...[W]e will satisfy all of the requirements under the Administrative Procedure Act to make sure that there has been a full and complete opportunity for the public to comment on all rules before they go final," he has also stated that Congress and the public will not see the entire package until the rules are finalized. 2. He "believes so," but will double-check. Note: In an 8/23/02 letter to Sen. Jeffords, John Peter Suarez of EPA's OECA states, the 1996 reforms and the reforms being developed for notice and comment rulemaking "will be prospective in nature.... [They] are not intended to, nor should they have, a negative impact on the enforcement cases." 3. According to Mr. Holmstead, the rule changes will not have an effect on SO2 emissions from powerplants. Analysis of the effect on utility NOx emissions is not complete, but it will become public when completed.
		Sen. Corzine	Question from Sen. Corzine: 1. whether EPA is planning to conduct a review of possible NSR violations at PPL's Martin's Creek Powerplant in Pennsylvania (per an older,	Response to Sen. Corzine: 1. Does not commit to providing the requested information. "[I]f it is something that you have asked about, I am sure that that is something that we will look into further."

Date	To	From	Request	Response (Date)
			unanswered request from Sen. Torricelli); and 2. a list of the cases referred to DOJ since Whitman took office (posed to Mr. Sansonetti).	2. No response. Status?
7/17/02	Christine Todd Whitman, Administrator, EPA	Rep. John D. Dingell	1. that EPA make changes to NSR public and provide an opportunity for informed comment on the specific new proposals; and 2. that EPA reject any NSR changes that would result in worsening of air quality or the rollback of environmental protections.	Response received.
7/25/02	Sylvia Lowrence, Acting Assistant Admin., Office of Enforcement & Compliance Assurance (OECA), EPA	Sens. Lieberman, Jeffords	Response requested by 7/30/02. 1. whether the OECA expressed concern to Jeffrey Holmstead or other political officials about the impact of the proposed changes on EPA and DOJ's ability to settle or litigate NSR cases successfully – please include the substance of such concerns; 2. whether such concerns were expressed prior to public release of the routine repair and maintenance proposals – please provide copies of concerns submitted in writing; and 3. whether the draft proposal was subsequently modified in a way that addressed OECA's concerns.	Response from John Peter Suarez, Assistant Administrator, OECA, EPA: 1. According to Mr. Suarez, Mr. Holmstead discussed "these issues" extensively with OECA, and "[t]he consensus position of the Agency is that neither the report nor recommendations are intended to, nor should, adversely impact the current enforcement cases." 2. Does not provide requested documents. Mr. Suarez confirms that OECA discussed "these issues" with Mr. Holmstead prior to June 13. However, regarding the request for written communications, "It is my understanding that the Agency will provide the documents that are responsive to this question as part of its response to the broader document request." 3. Seemingly in contradiction to response #1 (by suggesting OECA did have concerns),

Date	To	From	Request	Response (Date)
				"Drafts of the report and recommendations were modified to address the issues regarding potential impacts on pending cases raised by OECA." (8/23/02)
7/30/02	Jeffrey Holmstead, Assistant Admin. for Air & Radiation, EPA; Thomas Sansonetti, Assistant Attorney General, DOJ	Sen. Jeffords	Follow-up questions from Sens. Jeffords, Lieberman, Voinovich, Graham, and Wyden for the 7/16/01 EPW-Judiciary Committee joint hearing on New Source Review. (Judiciary Committee questions submitted under separate cover.)	No response.
7/30/02	David M. Walker, Comptroller General, GAO	Sens. Jeffords, Lieberman	Request letter asking GAO to provide additional information on NSR's accomplishments and implementation, in light of the Administration's review of the program and its promotion of a multi-pollutant bill (S.2815) that would effect NSR.	No formal response as of yet. GAO has been performing research in fulfillment of the request.
8/1/02	Christine Todd Whitman, Administrator, EPA	44 Senators (Bipartisan): Edwards, Lieberman, Jeffords, Daschle, Collins, and others	1. that before proposed NSR rule changes become finalized, EPA should conduct a rigorous analysis of air pollution and public health impacts and give the public full opportunity to comment; and 2. that EPA should not finalize a rule that allows increased air pollution or undercuts public health.	1st response: 1. Does not respond directly to the request for an environmental and public health analysis. Instead, Admin. Whitman states, "All of the NSR changes will be finalized only after a full notice and comment process, and EPA will fully comply with all procedural requirements for Federal rulemaking," and that the 1996 proposed rules involved extensive public comment.

Date	To	From	Request	Response (Date)
				Note: Previous correspondence indicates that EPA does not commit to fulfilling the request and does not intend to share such an analysis with Congress or the public before the rules are presented in final form to OMB. 2. Does not respond directly to this request. (8/28/02) Note: EPA has yet not demonstrated that the proposed rules will safeguard public health or improve air quality. 2nd response: 1 & 2. No rigorous environmental or health analysis has been conducted. A *Supplemental Environmental Analysis* summary is submitted, concluding that four of the five rule provisions finalized on November 22, 2002 will result in net benefits to the environment, with the last provision yielding no significant effect. However, no comprehensive quantitative environmental analysis was performed. For example, projected changes in overall emissions attributed to Plantwide Applicability Limits (PALs) have not been determined – the Administration has said it does not know how many industries will take advantage of PALs. Environmental analysis of the proposed change to the definition of "routine maintenance, repair and replacement" is not submitted. No health-related analysis has been conducted

Date	To	From	Request	Response (Date)
				for either the finalized or proposed rules. Furthermore, health benefits due to the current NSR program have not been taken into consideration when estimating the net benefits of the reform package. The public was given no opportunity to comment before the first set of rule changes were finalized on November 22. (11/27/02)
9/3/02 HELP Com. Hrg on Health & Changes in the Clean Air Act (transcript notes)	Jeffrey Holmstead, Assistant Admin. for Air and Radiation, EPA	Sens. Edwards and Clinton	Questions posed to Mr. Holmstead during the hearing, including: 1. whether the EPA has done a rigorous analysis of the environmental and human health impacts of the proposed changes to NSR; 2. whether the EPA will agree to provide such analyses to Congress before the rules are finalized; and 3. whether the rule changes will result in emissions reductions or increases.	1 & 2. Mr. Holmstead responded that "additional" analysis (over the original 1996 RIA) has been performed, but won't be available to Congress or the public until after the rules are published in the Federal Register. 3. Mr. Holmstead stated that the 1996 RIA showed the 1996 proposal to be "environmentally neutral," and made the following statement: "What we can say is that there will be fewer emissions under these rules than there would otherwise have been." Proof that the new proposed changes to NSR – which are not identical to the 1996 proposal – will result in net environment and health benefits remains to be seen.
9/18/02	All EPW Committee Members	Sen. Jeffords	Expresses concern with the way in which the EPA, DOE, and White House have handled EPW information requests regarding NSR. Offers to share copies of related correspondence. Seeks support for subpoena of documents.	No response. Note: The subpoena vote, originally scheduled for 6/27/02 and rescheduled for 9/26/02, was postponed again after the EPA and DOE agreed to provide by 10/24/02 certain requested documents, including a log of documents and

Date	To	From	Request	Response (Date)
				certain "sensitive" deliberative materials. As of 12/18/02, this information has not been submitted to the Committee.
9/26/02	John Graham, Director, Office of Information and Regulatory Affairs, OMB	Sens. Clinton, Edwards, Jeffords, Kennedy, Lieberman	1. that EPA not issue final regulatory changes to the NSR program at this time, given recent evidence linking air pollution to severe health problems and premature death; and 2. encourages EPA to conduct a rigorous analysis of the air pollution and public health impacts of the proposed changes.	No response. Note: EPA has since finalized one set of rules altering the New Source Review program, and it has not taken recent scientific evidence into consideration. The scientific basis for the new changes are based on a 1996 RIA that determined the 1996 set of proposed changes (which are not substantially similar to these new changes) were "environmentally neutral."
10/17/02	John Graham, Administrator, Office of Information and Regulatory Affairs, OMB	Sens. Jeffords and Lieberman	1. that Mr. Graham remand the NSR rule to EPA to remedy deficiencies in the review process, which lacks adequate public input and risk analysis.	Does not address the lack of risk analysis or public review for the *current* proposed rule. According to Mr. Graham, "EPA has a long and detailed record supporting the need for improvement of the NSR process....developed over the last 10 years through an open and far-reaching public rulemaking process." He states that EPA will provide the legal and policy basis for the final rule at completion of the rulemaking process. (11/21/02)
12/20/02	Christine Todd Whitman, Administrator, EPA	Sens. Jeffords and Lieberman	1. to express disappointment that promised documents, such as responses to items I - V of the 12/14/01 letter (revised in 1/31/02 letter) and a log of documents, were not provided by the 10/24/02 deadline. Expects documents to be produced "forthwith." Note: December marks the one-year anniversary of	No response.

Date	To	From	Request	Response (Date)
			the original, detailed request letter.	
12/20/02	Jeffrey R. Holmstead, Assistant Admin. for Air & Radiation, EPA	Sens. Jeffords and Lieberman	1. that Mr. Holmstead provide a direct, clear answer to the question: How many major NSR sources are likely to be excluded from regulation (i.e. will not trigger NSR) because of the recently finalized NSR rules? 2. that long-awaited fully responsive answers to questions posed before and after a 7/16/02 joint EPW-Judiciary Committee hearing on NSR be provided.	No response.
1/16/03	Christine Todd Whitman	Lloyd Eagan, STAPPA President; Ellen Garvey, ALAPCO President	1. that the EPA extend by one year the effective date of the final NSR rule revisions.	No response.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, we have before us, although not under lively debate, an amendment by the Senator from North Carolina with reference to the New Source Review air program. This is a very important program that we have debated extensively in the Environment and Public Works Committee. There have been many hearings on this issue and, frankly, the issue has been resolved. But unfortunately, it has become an example of the polarized, confrontational, contentious nature of the environmental debate. I wish it were not this way.

I believe the administration's New Source Review reforms are good for the environment, good for energy security, and good for the economy.

I will not go into all the details here because I know there are many other Senators wishing to speak. So I will await further discussions when they have had their say.

I think it is important—I want to lay down a marker—for my colleagues to understand that the EPA's New Source Review reforms—what we call the NSR reforms—will improve air quality and benefit the environment. EPA has already done the environmental analysis. It shows that four of the five provisions in the final rule will reduce air pollution. That is correct. I said "will reduce air pollution." The other provision will have no significant effect on air quality.

NSR will no longer stand as a barrier to facilities installing state-of-the-art pollution control technology. Anybody who has been around Washington very long knows the law of unintended consequences. We do things we think are going to help, and they turn out to be a hindrance.

The New Source Review, as it has worked, has been a hindrance because companies cannot make routine improvements and upgrades to their facilities to make them operate more efficiently, take less energy, burn less fuel, emit less pollution or polluting substances, anywhere from volatile organic compounds to the other emissions from powerplants. They do that because the New Source Review says that anytime you want to do anything significant on a major plant, you have to go through the whole process. It takes a very long time, and you are required to make very significant upgrades beyond what the available dollars in the company would sustain.

The incremental continuing improvements, day by day or actually month by month or even year by year, cannot be made because of NSR. If you change it the way the EPA Administrator has proposed, NSR will no longer stand as a barrier to facilities installing state-of-the-art pollution control technology.

The NSR reforms that EPA has proposed will actually cut emissions of tens of thousands of tons per year of volatile organic compounds. NSR reforms will reduce ground level ozone and smog. The NSR reforms will also cut hazardous air pollutants and ozone-depleting substances. Our families will suffer fewer cases of premature mortality, asthma, and other respiratory diseases.

I would say further that EPA's NSR reforms are good for the Nation's energy security. Why? Simply because they will allow facilities to install modern technologies which use energy more efficiently. We all ought to be able to agree on that. Using energy efficiently conserves energy and reduces the polluting byproducts of energy production. The facilities will be able to reduce their energy consumption, reduce their dependence on foreign energy sources, and reduce our Nation's dependence on foreign energy supplies.

What is wrong with that? In our current troubled times, we should not stand in the way of any proposal which reduces our dependence on foreign and Middle Eastern oil. I would also say that the EPA NSR reforms are good for the economy. Companies would now be able to make rapid changes to meet their changing business climates without getting bogged down in time-consuming Government redtape.

The reforms will continue to protect the environment while giving companies the flexibility they need to get new products to the market quickly. We have all of the elements that should go into a forward-looking environmental program. We have made great progress, but we have also developed glitches in our system, and anybody who has thought about the system knows that we need to make it more efficient. We need to rationalize it. We need to give it flexibility so environmental improvements can be made with the least hassle.

I am talking about environmental improvements. That is what this NSR proposal does. It allows not only energy conservation, improved economic performance, but environmental progress as well. What is wrong with that?

I have yet to hear what is the objection to providing better environmental performance in a way that is flexible, that encourages companies to move forward. This is such a good idea that the last administration supported it. Yes, Mr. President, you heard me right. The last administration supported it. This was one of their proposals. The reforms EPA finalized this winter were actually proposed in 1996 during the Clinton administration by EPA Administrator Carol Browner. I thought it was a good idea then; I think it is a good idea now. The only change is there is a new administration, with a different President.

I hope this is not the reason behind some of my colleagues seeking to raise the issue and challenge it. If it was a good idea in the Clinton administration, does it become a bad idea in the Bush administration? I don't think so.

I think we are on the right track with what the Clinton administration started. The NSR reforms are good for the environment, they are good for energy security, and they are good for the economy.

I urge my colleagues to reject the Edwards amendment. I look forward—if there is further debate—to responding so that we can deal with this amendment in a timely manner.

I yield the floor and, seeing none of my colleagues wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that the pending Edwards amendment be temporarily set aside to recur at the hour of 1:30 today, with the majority leader or his designee recognized when the Senate resumes consideration of the amendment; further, I ask that Senator DODD now be recognized in order to offer an amendment related to IDEA, and that no second-degree amendments be in order to the amendment until Senator GREGG or his designee is recognized.

Mr. REID. Reserving the right to object, Mr. President, with the Senator's permission—and I know he has the floor—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, reserving the right to object, I think we are headed in the right direction. I wanted to state to my friend that Senator DODD is offering his amendment. He is going to speak for a while. We have Senator DAYTON coming at 1 o'clock. We hope we will get permission then to set aside the Dodd amendment so we can consider the Dayton amendment, which is on corporate expatriation. He should not take too long.

I hope the majority will give us consideration to set aside the Dodd amendment then because, if we are going to work through all of these amendments, we are going to have to have cooperation on both sides. I have no objection to the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the minority whip for his explanation. I can assure the Senator that on this side we want to accommodate Senators from both sides of the aisle. We are here in a week when many Senators had other things to do and we need to move forward. It is critically important that we get these appropriations bills passed because we will be getting close to halfway through the year before these bills can be implemented. I know wherever we can make accommodations, we will do so, and the Senator from Nevada has been very gracious in working with us. I know the Senator from Kentucky will work with him.

With that, I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 71

Mr. DODD. Mr. President, on behalf of myself, Senators KENNEDY, MIKULSKI, JEFFORDS, MURRAY, EDWARDS, DAYTON, CORZINE, and KERRY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Mr. EDWARDS, Mr. DAYTON, Mr. CORZINE, and Mr. KERRY, proposes an amendment numbered 71.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for part B of the Individuals with Disabilities Education Act)

On page 1052, line 25, strike "budget)." and insert the following: "budget).

TITLE —FUNDING EDUCATION FOR CHILDREN WITH DISABILITIES

SEC. . HELPING CHILDREN SUCCEED BY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

Congress makes the following findings:

(1) All children deserve a quality education.

(2) In Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania (334 F. Supp. 1247)(E. Dist. Pa. 1971), and Mills vs. Board of Education of the District of Columbia (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as "IDEA") (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only ⅕ of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation's awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 17 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

SEC. . FUNDING FOR PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for part B of the Individuals with Disabilities Education Act, other than section 619 of such part, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $1,500,000,000 for carrying out such part, other than section 619 of such part, to remain available through September 30, 2004.

(b) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsection (a) shall not result in a further across-the-board rescission under section 601 of Division N.".

Mr. DODD. Mr. President, for the benefit of my colleagues, this amendment will add $1.5 billion to the appropriations omnibus bill for the Individuals with Disabilities Education Act, commonly known as IDEA. This is a matter with which all of my colleagues are very familiar. We have debated this matter on numerous occasions over the years. A brief history about the Individuals with Disabilities Education Act may be in order.

It has been almost 30 years—28 years—since Congress passed this legislation in 1975. The promise made in 1975 was that we would provide the States with 40 percent of the funding to educate children with special education needs. We started out with a far lower commitment, and over the years the States have assumed the lion's share of this responsibility. But over the years, we have failed to meet the commitment we made to the States almost 30 years ago.

As a result of efforts by this body in the previous Congress, we came very close to achieving the full funding promise that was made many years ago. In fact, our distinguished colleagues and friends, Senator JEFFORDS, Senator HAGEL, and Senator HARKIN, offered an amendment in the previous Congress, which enjoyed unanimous support, to increase the funding over a series of years, that would reach the full funding level as required by the agreement reached in 1975.

Unfortunately, the President and the Republican leadership of the other body refused to agree to the Senate unanimous vote on full funding for special education. As a result of that opposition by the President and by the leadership of the other body, the bipartisan efforts of the Senate and the good work of Senator HAGEL, Senator JEFFORDS, Senator HARKIN, and many of us who have worked on this issue over the years failed. In fact, I recall some 15 years ago when I was a member of the Budget Committee and offered in the committee the language which required full funding of special education needs. My friend and colleague from Mississippi, Senator LOTT, was on that committee that year. I remember because he cast a vote with me in the Budget Committee, but we failed on a tie vote in the Budget Committee to get the increased funding.

Over the years, we have had good bipartisan support to do everything we could to fully fund IDEA, and every year, for one reason or another, Congress finds a way to avoid its responsibility.

I do not lay that on the shoulders of the Senate because recently we have met the promise we made. My colleagues here understand and know well how strongly the Governors, mayors, and county executives across this country feel about this issue. This is one of their major issues. When we ask them what are the important areas in which we can assist them, inevitably over the years they have listed special education as one of the most important areas in which we can assist them by meeting our obligations we made some 30 years ago.

When Congress passed the Individuals with Disabilities Education Act in 1975, it promised to help States meet their constitutional obligation to provide children with disabilities a free appropriate education by paying for 40 percent of those costs.

The States came to us in 1975 and said: We need your help on this issue. As I said, some 30 years ago, we said we would step in and help, just as we have done with title I for children who have different kinds of needs. Those needs are economic because of the levels of poverty across the country. We said this also is an area where we think the Federal Government ought to step up and provide help to the States.

The cost of special education—and again, I am preaching to the choir when I talk to my colleagues about this issue because they know these issues as well as, if not better than, I do. Talk to any mayor, county executive, Governor, Democrat or Republican, liberal or conservative, and they will tell you that the cost of special education is very high. In fact, in some small towns—I know in my State and I am confident in the State of the Presiding Officer and the States of my good friends from Vermont or Rhode Island—two or three children with special education needs can so distort a local budget with the tremendous increase in cost that it becomes almost prohibitive for those smaller communities to meet the obligations. That is why we have heard so many loud voices over so many years calling on us to step up and meet our obligation.

We made a promise. In 1975, we said: As representatives of the Federal Government, we will come up with 40 percent of the cost of this program. That is our obligation. We will do that. Here we are almost 30 years later, and we have reached a 15-percent level. We are still short by some 25 percent of the costs of special education.

We have made great strides in going from zero to 15 percent, particularly in the last 4 or 5 years, but we are still way short.

The amendment I offer this afternoon provides for an additional $1.5 billion in this omnibus appropriations bill for an additional 1 year. This is not a full-funding amendment. I am not asking in this amendment for full funding over the next several years. Since this bill only deals with 1 fiscal year, I am merely trying to add these additional dollars which will get us closer to the obligations.

Two years ago, a bipartisan group of 31 Members of this body introduced S. 466 to direct the appropriations of funds, to fully fund IDEA by 2007. That bill was the foundation of the Harkin-Hagel amendment to the No Child Left Behind Act. The amendment passed by the Senate on a unanimous vote would have increased Federal support for special education by $2.5 billion per year until we reach full funding. Unfortunately, as I mentioned a few moments ago, because of strong opposition from the President of the United States and the Republican House leadership, the provision adopted unanimously by this body was not included in the final No Child Left Behind Act. It made an oxymoron of the title of that bill, No Child Left Behind, when, in fact, we excluded the kids with special education needs from the legislation. So it was No Child Left Behind unless you have special education needs and disabilities.

Today's amendment will enable us once again as a bipartisan Senate to take the first step that we recommitted ourselves to in 2001 by increasing the funding for special education by $2.5 billion for fiscal year 2002 to 2003. We are calling upon our colleagues to do just that.

In my State of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs, our school districts—as is true in almost every other State in the country—are struggling to meet the needs of their students with disabilities.

The costs borne by local communities and school districts are rising dramatically. From 1992 through 1997, for example, special education costs in Connecticut rose half again as much as did regular education costs. Our schools need our help, and this amendment is an opportunity, as we begin this 108th Congress, to do just that.

Of course, no one in my State—or any other State, for that matter, in our great Nation—questions the value of making sure the Individuals with Disabilities Education Act, which is both a landmark education law and a landmark civil rights law, be fully implemented. The only question is how best to do that, and a large part of the answer lies in this amendment.

This amendment will demonstrate that we intend to match our commitment to universal access to education with a commitment to do everything we can to help our States and schools provide that access. This amendment, further, will help not only our children in schools, but it will also help entire communities by easing their tax burden.

Our failure to fully fund IDEA does not make the issue go away. When we do not meet our obligation, then a mayor or county executive at the local level has no alternative; they have to, under their constitutions, meet these responsibilities. So when we duck our responsibility, we only increase the burdens locally. They can slash their budgets locally in other vitally needed areas or they can increase taxes.

As all of us know, there are not many options left at the local level. At the local level, that is where the rubber hits the road, where people need and require that certain obligations be met. Unfortunately, when we do not step to the plate and fulfill our promises on the national level, then we only increase tremendously the burden on our Governors, mayors, and county executives all across this great country.

Homeowners and businesspeople end up paying higher taxes or watch services they depend upon be slashed, not only in my own State, but all around this country, because so much of education is paid for through local property taxes.

Again, I do not need to recite to my colleagues the tremendous burdens that are being felt by local and State budgets all across this country. The estimates are now that deficits running at the State level may hover around $100 billion this year and only get worse next year and the year after. In my State alone, it is about half a billion this year. My Governor tells me it is going to be about $1.3 billion next year. I do not know what it is in the State of Alabama, but I presume it might be like what Connecticut is. I think California is around $34 billion.

I heard some of my colleagues say the other day, in Michigan it is $4 billion or $5 billion. I think someone said in Minnesota it was like $4 billion or $5 billion.

We have these mounting deficits at the State and local level. There is a need in special education. There was a promise made some 30 years ago by the Federal Government. What I am asking for in this amendment on the omnibus bill is that we take out the $1.5 billion, if we could, and see if we cannot step in and provide some real relief for our States and localities in their hour of need and the need of families who have a child with special needs.

The President recently proposed another plan to cut taxes by hundreds of billions of dollars for some of the wealthiest Americans. I represent one of the most affluent States in the country. I probably have a higher percentage of my population who would benefit very directly as a result of the President's tax proposals. Without equivocation or hesitation, the overwhelming majority of the people in my State, including the most affluent, honestly believe the best use of resources is things such as special education. While they, as everyone else, would love to have a tax cut—there is nothing new about that—when asked to balance the priorities and needs of a nation, they understand providing tax relief for people in the top 1, 2 or 3 percent of income earners in the country at a moment such as this is not a wise or prudent use of the resources of this Nation when there are so many other demands that must be met.

I understand the Federal Government faces the same budget challenges in today's slumping economy as do our States and towns, but we cannot accept the argument that because our economy is faltering we cannot provide our children and their families with critical educational resources and otherwise help average Americans. We would and should not accept that argument if our homeland security or national defense were at stake, and we certainly cannot afford to do it here, either.

Investment in education is no less important now than it was when our economy was more healthy. It is essential to our long-term national economic security. So I ask my colleagues to seize this opportunity and choose to help our schools but, more importantly, our families and young children who need these resources in order to maximize their potential.

I do not know of anyone, regardless of to which party they belong, Conservative, Liberal or moderate, whatever label one wants to put on themselves politically, that when they look in the eyes of a child who has special needs, can say, I am sorry right now but we cannot provide the resources to their town, county, local, or our State government because we have these other priorities that are making too many demands on us. That is not my America.

My America says, when there is a child with disabilities in need we step to the plate and provide them the kind of help they ought to have so they have a chance to become independent and maximize their potential to see to it that they can be productive citizens and add to the great strength and wealth of our Nation.

I can go down the list of the various States and what they will lose or gain. At the end of my statement, I ask unanimous consent to have printed in the RECORD a letter written on January 16, 2003, to the majority leader, Senator FRIST, and the minority leader, Senator DASCHLE, in which they specifically go down and list the importance of this amendment and the funding I am asking for, the $1.5 billion, as one of their top priorities. In fact, they list it as the top priority.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. There are a whole list of organizations that support full funding for IDEA. I ask unanimous consent to have that list printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DODD. I am not asking for full funding with this amendment. I am asking for the $1.5 billion in this omnibus appropriations bill. I am confident every one of these organizations would support this amendment, even though it is not full funding, but rather the additional amounts this year when we consider the pressures on our States.

Lastly, in looking at the differences in our States—the top State on the list is that of the Presiding Officer—the difference right away where there is a gap between what I am offering and the omnibus bill, it is a little less than $30 million in the State of Alabama, and this amendment would make up the difference. Going down further, in my own State of Connecticut, the difference would be about $18 million. In the State of Vermont, the difference would be about $3 million. In the State of Rhode Island, the difference would be about $5 million in this amendment. What a difference it would make.

I saw my colleague from Missouri in the Chamber recently. In the State of Missouri, the difference would be about $30 million.

I have all 50 States listed and the difference that this $1.5 billion could make. That may not sound like much when a State is facing billions of dollars in deficits, but the fact that we might step up to the plate in Nevada—I apologize to my friend of Nevada, who is sitting right in front of me, but I did not see him—it is about $10 million in his State.

I ask unanimous consent to have this list printed in the RECORD at the end of my statement. It is printed on both sides of one sheet of paper. Members can then have an idea of what the benefit of this small amendment could mean to them and their States.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. DODD. There are other Members who want to be heard on this issue. As we begin this debate in this Congress, this is one area on which we ought to find common ground. We will have our differences on other issues but every one of our States, Governors, mayors, and families with children with disabilities are asking us to step up and do what we can for them. As we start out in the year 2003, this modest amendment could make such a difference to people across this country and is something we ought to be able to join forces together on and adopt.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, January 16, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, the Capitol, Washington, DC.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, the Capitol, Washington, DC.

DEAR SENATOR FRIST AND SENATOR DASCHLE: On behalf of the nation's Governors, we are writing to express our support for several key provisions of the (FY) 2003 omnibus appropriations bill affecting state programs. First, we appreciate that the bill would maintain the FY 2003 highway program investment level at $31.8 billion. With a sluggish economy and many states facing budgetary difficulties, now is not the time to cut federal highway investment. In addition, Governors strongly support the $1.5 billion provided in the bill to implement the new election reform law. We also appreciate that the bill includes an extension of the Temporary Assistance for Needy Families (TANF) block grant and related programs through September 30, 2003. It is critical that states have reliability of funds in order to continue operating their welfare reform programs while Congress considers TANF reauthorization.

We would also like to express our support for the following amendments:

Dodd Amendment. The Governors support Senator Dodd's amendment calling for a $1.5 billion increase in state grants for special education. We are committed to continuously improving the academic performance of all students, including students with disabilities. The nation's Governors support this amendment and urge Congress to continue to work toward enacting legislation that makes the Individuals with Disabilities Education Act (IDEA) funding a mandatory expenditure with incremental increases towards meeting the 40 percent federal requirement.

Murray amendment. The Governors support providing the necessary funding for Amtrak to support the continuation of a national passenger rail system as proposed by Senator Murray. Amtrak must be provided a sufficient level of funding to guarantee there will be no break or threat of a break in service. We must be certain that Amtrak will not encounter the rolling financial crises it experienced during the past year.

Chafee-Rockefeller amendment. The nation's Governors urge your support for quick action on a bipartisan compromise to protect resources in the State Children's Health Insurance Program (S–CHIP). Preserving the S–CHIP funds that have reverted to the federal treasury would keep $1.2 billion of the FY 1998 and FY 1999 allocations within the program until 2004.

Harkin amendment. The Governors urge support for restoring current funding levels to the Edward Byrne block grant program for state and local law enforcement activities.

Finally, while Governors appreciate the inclusion of $2 billion for first responder grants, we urge support for the President's original request of providing $3.5 billion coordinated through the states. Just as Congress and the President have responded by acting on a far-reaching reorganization and consolidation of federal agencies, so too the President recognized the critical role of states—the first line of defense and the first line of coordination of response to any attack. Thus, this should be meaningful, new resources that respect the diversity, responsibilities, and capabilities of states and the immediate need for resources for national defense. Therefore, we encourage you to add an additional $1.5 billion in first responder grant funds to the $2 billion, so that we meet the President's recognition of the need to be prepared to respond to and recover from any terrorist attacks.

We greatly appreciate your consideration of our views.

Sincerely,

GOVERNOR PAUL E.

PATTON,
Chairman.
GOVERNOR DIRK KEMPTHORNE,
Vice Chairman.

EXHIBIT 2

ORGANIZATIONS IN SUPPORT OF FULL FUNDING OF IDEA

American Academy of Child and Adolescent Psychiatry.

American Association of School Administrators.

American Council of the Blind.

American Federation of School Administrators.

American Federation of Teachers.

American Society of Deaf Children.

American Speech-Language Hearing Association.

The ARC of the United States.

Association of Educational Services Agencies.

Committee for Educational Funding.

Conference of Educational Administrators of Schools and Programs for the Deaf, Inc.

Consortium for Citizens with Disabilities.

Council of Chief State School Officers.

Council for Exceptional Children.

Council of the Great City Schools.

Easter Seals.

Helen Keller National Center.

Higher Education Consortium for Special Education.

IDEA Funding Coalition.

Learning Disabilities Association.

International Reading Association.

National Alliance of Black School Educators.

National Association of Developmental Disabilities Councils.

National Association of Elementary School Principals.

National Association of Federal Education Programs Administrators.

National Association of Federally Impacted Schools.

National Association of Protection and Advocacy Systems.

National Association of Secondary School Principals.

National Association of Social Workers.

National Association of State Boards of Education.

National Association of State Directors of Special Education, Inc.

National Association of State Legislators.

National Center for Learning Disabilities.

National Coalition on Deaf-Blindness.

National Conference of State Legislators.

National Education Association.

National Governors Association.

National Indian Education Association.

National Parent Network on Disabilities.

National Parent Teacher's Association.

National Rural Education Association.

National School Boards Association.

National Science Teachers Association.

New York City Board of Education.

School Work Association of America.

School Social Work Association of America.

EXHIBIT 3

ESTIMATED ALLOCATIONS FOR IDEA GRANTS TO STATES BASED ON FY02 APPROPRIATIONS, FY03 REQUEST ($1 BILLION INCREASE OVER FY02), AND $2.5 BILLION INCREASE OVER FY02

[Estimates are rounded to the nearest $000; totals may not sum due to rounding; amounts are for policy analysis purposes only; dollars in thousands]

State	FY2002 preliminary allocations	Omnibus: FY2002 estimates based on President's request	DODD amendment: FY2003 estimates based on FY 2002 appropriation + $2.5 billion
Alabama	$119,994	$135,572	$160,598
Alaska	22,200	25,481	29,904
Arizona	111,046	127,461	149,586
Arkansas	71,962	82,600	96,938
California	781,663	897,214	1,052,954
Colorado	94,049	107,952	126,690
Connecticut	89,246	99,915	117,543
Delaware	20,346	23,354	27,407
District of Columbia	10,230	11,742	13,780
Florida	405,996	457,128	539,273
Georgia	195,217	224,075	262,971
Hawaii	25,660	29,453	34,566
Idaho	34,534	39,639	46,520
Illinois	336,545	379,984	449,770
Indiana	170,909	192,168	226,322
Iowa	82,527	92,393	108,694
Kansas	70,916	80,242	95,225
Kentucky	104,534	117,890	139,346
Louisiana	119,377	137,024	160,809
Maine	36,989	41,411	48,717
Maryland	131,489	148,070	174,709
Massachusetts	191,891	214,831	252,734
Michigan	260,223	295,771	350,539
Minnesota	128,322	143,662	169,425
Mississippi	77,199	87,876	103,993
Missouri	153,554	171,910	202,241
Montana	23,560	27,042	31,736
Nebraska	50,476	56,510	66,480
Nevada	41,761	47,934	56,255
New Hampshire	32,080	35,915	42,252
New Jersey	244,341	273,550	321,814
New Mexico	61,595	68,958	81,125
New York	509,444	573,817	677,232
North Carolina	202,782	229,818	273,162
North Dakota	16,521	18,963	22,254
Ohio	288,468	330,031	388,587
Oklahoma	98,503	112,024	132,690
Oregon	86,419	98,061	116,413
Pennsylvania	281,606	319,827	379,343
Puerto Rico	67,880	77,914	91,439
Rhode Island	29,561	33,095	38,934
South Carolina	115,464	129,822	152,889
South Dakota	19,680	22,590	26,511
Tennessee	154,805	175,401	208,004
Texas	608,103	697,998	819,157
Utah	68,595	78,736	92,403
Vermont	15,929	18,284	21,458
Virginia	181,316	204,243	241,077
Washington	142,623	162,181	192,123
West Virginia	51,338	57,475	67,615
Wisconsin	140,643	159,051	188,623
Wyoming	16,711	19,181	22,511
Subtotal for States	7,396,822	8,393,339	9,893,341
Set Asides for Outlying Areas, BIA, and Evaluation	131,711	135,194	135,192
Total Appr/Request	7,528,533	8,528,533	10,028,533

Source: CRS analysis based on data from ED Budget Service.

Notice: These are estimated grants only. In addition to other limitations, much of the data which will be used to calculate final grants are not yet available. These estimates are provided solely to assist in comparisons of the relative impact of alternative formulas and funding levels in the legislative process. They are not intended to predict specific amounts which states (LEAs, etc.) will receive.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I ask unanimous consent that I be added as a cosponsor to this important amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to my friend from Connecticut, his speech said it all. In addition to the speech he gave today, he has been a vocal advocate for change for many years. He is to be complimented and applauded for his work.

I hope this amendment passes. Every amendment we have offered on this side has been very important. We have not done very well with the amendments because they have been straight party-line votes. In this instance, I hope the children Senator DODD has talked about would be taken into consideration.

As indicated, it would be so important to the State of Nevada. It is a modest increase but it would certainly take care of a lot of problems that the school districts have in Nevada.

Again, I congratulate my friend from Connecticut and hope very much this amendment will pass.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, like the Senator from Connecticut, I was here in 1975. This was an unusual year for Republicans. This was the Watergate year, and I was one of the very few who was enabled by the political process to represent the State of Vermont at that time. Because there were so few Republicans at that time, the day I walked on the floor, I ended up being the ranking member on the Select Education Committee which handled this issue in the House. Thus I have a personal understanding of the need and a personal responsibility. TED KENNEDY was on that conference committee with the Senate, Bob Stafford was another one, and John Brademas was the wonderful leader of the Democrats at that time. We struggled over how much money would be needed. We came up with a solution and then agreed the Federal Government ought to come up with 45 percent of the burden that was placed upon the States.

I stand today somewhat sad in the sense we still have not reached that promise or anywhere near it. We are about half of that now. I look at severe cuts that have occurred and the lack of money for the States and see they are imperiled at this point to be able to give not only a good education, as required in the constitutional mandate, to young people with special needs but also of all children because of the dire circumstances we have.

I first thank my good friend, Senator DODD, for bringing this important amendment to the floor. This amendment is about making sure that all children have an opportunity to learn, and I want to urge my colleagues to support this very critical amendment.

We must recognize that we cannot provide all of our children with the opportunity to achieve unless we support our children with adequate resources. The level of funding for education in this omnibus appropriations bill is unconscionable.

When I first arrived in Congress in 1975, one of the first legislative initiatives I worked on was the Education for All Handicapped Children Act, now known as IDEA. We wrote the legislation to ensure that children with disabilities receive the special education and related services they need and deserve. This is expensive.

We also recognized, however, that educating children with disabilities would be very costly, and therefore promised that the Federal Government would pay 40 percent of the excess cost of educating children with disabilities.

At that time, nearly half of all disabled children, approximately 2 million children, were not receiving a public education. They were not even in school. Another 2 million children were placed in segregated, inadequate classrooms. It was brutal.

Today, IDEA serves approximately 6 million disabled children. IDEA has been very successful in providing the basic constitutional right of an education to our children with disabilities: dropout rates have decreased, graduation rates have increased, and the percentage of college freshmen with a disability has almost tripled.

IDEA has helped individuals with disabilities become independent, wage-earning, tax-paying contributors to this Nation.

The problem, however, is that we have not kept our promise of helping the States pay for the costs of educating children with disabilities. Although Congress has increased IDEA funding in recent years, it has woefully failed to meet its obligation to fully fund IDEA. Until we do that, we will not have done what we promised.

Rather than contributing the 40 percent as promised, currently, we only pay about 17 percent.

I would like to recognize Senators HARKIN and HAGEL, and, of course Senator DODD, for their unyielding commitment to our children and to our schools, and I look forward to continuing to work with them to fully fund IDEA.

The underlying appropriations bill only increases IDEA funding by $1 billion. At that rate, we're on course to fully fund IDEA in the year 2035. I know that the children of Vermont, and the children across this country, cannot wait another 32 years.

And yet, as we continue to underfund IDEA, the costs associated with educating children with disabilities continue to rise and absorb increasingly larger portions of school districts' budgets.

For example, in my State of Vermont, the special education costs have increased by 150 percent over the past 10 years, and the Federal underfunding leads to the State and local districts to spend approximately $20 million more from local sources than if Federal funding were provided at the maximum level. I know that these problems are not unique to Vermont; but rather, they are shared by States and school districts across the country.

And now State governments are battling the worst fiscal conditions since World War II. According to the National Governors Association, budget shortfalls will be as high as $50 billion this year and $60 to $70 billion next year. Accordingly, State education budgets throughout the country are facing severe cuts, and schools must take drastic measures just to make ends meet, no less meet the burdensome mandates of the No Child Left Behind law.

This amendment represents a significant step forward providing some relief to our schools, and I emphasize the word "some." We must recognize that we cannot provide all of our children with the opportunity to achieve unless we support our children with adequate resources. We must provide our schools with those desperately needed resources and perhaps then we can ensure that, indeed, not one of our children is left behind. The President has made that promise, but I see nothing in the budget or anywhere else that indicates an attempt to bear that cost our States have shouldered for so long. This amendment brings us that little bit closer to our obligation to America's children. I urge my colleagues to support this amendment and vote yes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment and ask for immediate consideration of amendment No. 27, which is at the desk.

Mr. GREGG. Reserving the right to object, I regret I have to object to this until we can clarify where we stand vis-a-vis this amendment.

Mr. REID. Will the Senator yield?

Mr. REED. I yield.

Mr. REID. It is my understanding you will offer an amendment in a different form than the Dodd amendment, and there would be two side-by-side amendments; is that right?

Mr. GREGG. That is correct.

Mr. REID. We are working on that. I spoke to Senator DODD and he feels we would have 30 minutes equally divided prior to the vote.

Mr. GREGG. That would be reasonable. Assuming all debate on the amendment of Senator DODD—that there is no further amendment, with debate going forward until that time.

Mr. DODD. If the minority whip will yield, my intention was to make a few additional comments, but I have spoken on the amendment. I would like some idea of when we might do this. I know the Senator from Rhode Island has an amendment.

Mr. GREGG. I suggest, if the Democrat assistant leader is so inclined, we now have a vote at 5:15. Why not begin at what time before that?

Mr. REID. The two leaders have to work out what the sequence of votes is going to be. We have the Dodd amendment which has been laid down. We have the Edwards amendment which is pending. We have Senator REED of Rhode Island offering an amendment on LIHEAP, cosponsored with Senator COLLINS. We have Senator DAYTON coming in a few minutes to offer one on corporate expatriation. They have to figure out the sequencing of votes. We are trying to do as we have been told—to offer as many amendments as possible. I suggest this can be worked out between the Senators from New Hampshire and Connecticut, but we would like to get to this.

Mr. GREGG. Mr. President, how much time does Senator REED require?

Mr. REED. Around 10 or 15 minutes. No longer.

Mr. GREGG. I suggest after Senator REED completes the presentation of his amendment, we go back to the Dodd amendment. Hopefully, I can lay down my amendment and spend up to an hour, equally divided, on it at that point and proceed to the next item of business.

Mr. REID. If my friend will withhold, my only point is that we have been trying to do as your leader wants us to do and line up a bunch of amendments. We have Senator DAYTON coming at 1 o'clock, and I have announced that previously. He is not going to take too long. But I am happy to go along with what the Senator suggested. We will get the Reed amendment laid down and come back to the Dodd amendment.

Mr. DODD. That is fine. We have a couple of other Members, I have just been informed, who would like to speak on the special education amendment. They are not here yet because of the conditions outside. In order to accommodate our colleague from Rhode Island, who is here—and Senator DAYTON from Minnesota is on his way—we could work up a proposal and come back later in the afternoon when the other Members are here and finish up the debate on that and allow these other amendments to be debated, since those Senators are here.

Mr. GREGG. I would like to get back to getting the floor at a reasonable point of time. I suggest at 2 o'clock I be recognized to offer my amendment.

Mr. REID. I think the Senator's original suggestion is the better of the two. I ask unanimous consent the Dodd amendment be set aside and Senator REED be recognized to offer his amendment, speak up to 15 minutes, and then we will return to the Dodd amendment and try to work out something.

Mr. REED. Reserving my right to object, Senator COLLINS of Maine, also a cosponsor, wants to speak on this amendment.

Mr. REID. There will be ample time later for her to do that.

Mr. REED. So her rights will be protected.

Mr. REID. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island.

AMENDMENT NO. 27

(Purpose: To provide additional amounts for low-income home energy assistance)

Mr. REED. Mr. President, I am offering an amendment today to increase funding for the LIHEAP program, the Low-Income Home Energy Assistance Program, to $2 billion for this fiscal year. I am offering this amendment with my colleague and friend from Maine, Senator SUSAN COLLINS. Senator COLLINS wanted to be here to offer the amendment with me, but she is traveling from Maine in very difficult weather circumstances today, and when she arrives this afternoon she will take the floor to speak on behalf of this amendment.

I also thank my colleagues, Senator DAYTON, Senator SNOWE, Senator JEFFORDS, Senator KENNEDY, Senator DEWINE, Senator SARBANES, Senator CANTWELL, Senator STABENOW, Senator CLINTON, Senator DODD, Senator KERRY, Senator LEVIN, Senator CORZINE, Senator LEAHY, and Senator DURBIN, who are all cosponsors of this amendment.

At this juncture I ask unanimous consent that Senators CHAFEE, SCHUMER, HARKIN, FITZGERALD, MURRAY, BINGAMAN, and LAUTENBERG be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. As you can see, this amendment enjoys widespread and bipartisan support. I think it is clear, particularly given the weather today, that support is not unmerited.

Let me begin by offering a weather report, if you will. It is today, in Washington, around 30 degrees. But if you are outside, it feels much colder. The low will be somewhere around 14 degrees.

As you go along the country: Albany, NY, today, 17 degrees the high; Baltimore, 29 degrees; Chicago, 18 degrees; Cleveland, 15 degrees; Des Moines, IA, 12 degrees; Detroit, MI, 18 degrees; Milwaukee, 14 degrees; Omaha, 12 degrees; and my State, Rhode Island, they list the high as 23, but this morning when I left at 5 a.m. it was 5 degrees, but with the wind chill factor it was below zero.

This amendment is important because there are Americans who are suffering because of the cold. But it is not just about cold weather in certain parts of the country at this time of the year; the LIHEAP program is also important since it covers those hot stretches in the summertime when energy bills in the Southwest and the Southeast are astronomical and impact adversely low-income Americans.

We need this program throughout the year. We particularly need it today to protect people from the cold, but, as I said, those individuals who live in Alabama or Arkansas or Texas or southern California need LIHEAP in the summertime and it should be there for them, as it should be for those people who struggle today with the cold weather in the Northeast and Midwest.

In fact, yesterday the coldest place in America was Embarras, MN, minus 26 degrees. It is one thing to be in Embarras, but it is also something else to be freezing in Embarras. So I think we have to do something to ensure that we can protect low-income Americans from the cold that is affecting them today.

Twenty-five years ago Congress passed the LIHEAP program. They knew that people struggling with all sorts of expenses—raising a family, providing food to put on the table—they needed help in these cold months in the Northeast and those hot spells in the Southeast, to provide for assistance so they could afford the energy they needed.

During his campaign, President Bush promised to fully fund LIHEAP to help these low-income families meet their needs for heat in the winter and cooling in the summer. If he stood by his promise, the President would demand the $2 billion for which we are asking; rather, he has proposed cutting that money. This year, despite rising energy prices, colder weather, and increased unemployment, the President's budget has proposed to cut LIHEAP by $300 million. This cut would deny assistance to literally hundreds of thousands of Americans. The appropriations bill that we are considering today does restore part of this funding. I commend and thank Senators STEVENS and BYRD and SPECTER and HARKIN and their staffs for their hard work to maintain this funding, but we want to restore an additional $300 million to bring it up to the $2 billion level that will just be, in terms of purchasing power, equal to last year. We want to do that and I hope we can do that today through this amendment process.

As I said, we could add this $300 million, but we are not requesting new funding. This amendment simply requires the administration to give the States the $300 million the Congress provided in the fiscal year 2001 Supplemental Appropriations Act. Congress provided $300 million in LIHEAP funding 2 years ago to help these families meet their needs when energy costs increase, when there are significant disconnections of utilities because if you can't pay the gas bill or electric bill, eventually you will be disconnected and you will be without any type of energy.

All of these efforts in terms of funding LIHEAP have been urged on the present administration by the Governors. They understand because they are right there in the trenches, if you will, dealing with the issue of people literally freezing today and sweltering in the summertime.

Cutting heating assistance for seniors and low-income Americans is not the way to go, particularly when it is juxtaposed against proposed significant tax cuts. If we can't at least provide people with a warm shelter in the winter and a cool shelter in the summer when thinking about large-scale tax cuts, to me, seems somewhat inappropriate.

LIHEAP, even with our amendment, will be seriously underfunded. Providing this $2 billion in regular funding to the program will just equal the purchasing power of last year. What it does not recognize is that energy prices are soaring. Today, on the front page of the Providence Journal, there is an article about the cold wave that is sweeping our region of the country, but also the fact that in order to keep up with the demand for oil, which is our principal fuel, because the demand is so huge, our Governor had to suspend regulations to allow delivery drivers to work through periods of time when they are normally required to rest. What is also happening is the prices are jumping up because of uncertainty in Venezuela and uncertainty in the gulf.

This combination of increased prices, cold temperatures, and also an economy that sees more and more people unemployed, is the perfect storm, if you will, when it comes to requiring assistance for heating throughout the Northeast in particular.

There is something else that happens when people are challenged for energy, when they do without. They take their own improvisational means to keep warm. They turn the electric stove on and open up the oven. They go out and buy portable heaters. It is more than coincidence that the number of house fires shows a sharp increase in the months of cold weather in the Northeast because people are improvising. So this is another danger that must be recognized.

This amendment simply allows people to stay warm in the winter and to escape scorching heat in the summertime. It is something that is basic. It is something I believe we should support extensively. I am pleased and proud that so many of my colleagues have joined Senator COLLINS and me on a bipartisan basis. I hope this is one amendment we can quickly adopt and include in this omnibus appropriations bill. I hope, also, we can at least signal to those people who are looking for some modest assistance in these cold days that we have heard their calls, we are responding to our political leaders at the State level, the Governors, and we are giving them the resources to at least keep people from freezing in a very difficult time.

The PRESIDING OFFICER. Is the Senator calling up his amendment?

Mr. REED. I asked in my initial statement that we call up amendment No. 27. I ask now it be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. REED) for himself, Ms. COLLINS, Mr. DAYTON, Mr. JEFFORDS, Mr. DEWINE, Mr. KENNEDY, Mr. SARBANES, Ms. CANTWELL, Ms. STABENOW, Mrs. CLINTON, Mr. DODD, Mr. KERRY, Mr. LEVIN, Mr. CORZINE, Mr. LEAHY, Mr. DURBIN, Ms. SNOWE, Mr. CHAFEE, Mr. SCHUMER, Mr. HARKIN, Mrs. MURRAY, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. ROCKEFELLER, proposes an amendment numbered 27.

The amendment is as follows:

(Purpose: To provide additional amounts for low-income home energy assistance)

At the end of the general provisions relating to the Department of Health and Human Services, add the following:

SEC. . The Supplemental Appropriations Act, 2001 (Public Law 107–020) is amended, in the matter under the heading "LOW INCOME HOME ENERGY ASSISTANCE" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", in chapter 7 of title II, by striking "amount for" and all that follows, and inserting the following: "amount for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000.".

Mr. REED. I thank the Chair.

Mr. JEFFORDS. Mr. President, I am very pleased to support this bipartisan amendment to provide additional funds for the Low Income Home Energy Assistance Program (LIHEAP). At a time when home heating prices are increasing dramatically and temperatures in my home state of Vermont are plunging, we can ill afford cuts in the LIHEAP program.

I have fought for years to make sure that no Vermonter has to choose between heating and other of life's necessities such as putting food on the table or prescription drugs. I am very mindful of the financial strains that low-income Vermonters feel when the weather gets cold.

We must continue to make sure that funding for LIHEAP is a priority of this administration and of the Congress. I am hopeful that LIHEAP will continue to provide a safety net to families and the elderly who are buffeted by high fuel prices, loss of benefits, and sickness.

I am going to close this short statement with this week's forecast from the National Weather Service for Chittenden County. In very stark terms, more than any speech, it demonstrates the need for LIHEAP in Vermont.

Tonight. Mostly clear and bitterly cold. Low 10 to 15 below zero. Northwest wind 10 to 20 mph early tonight. Diminishing to 10 mph late. Wind chills 20 to 25 below zero.

Wednesday. Mostly sunny and continued very cold. High around zero. Northwest wind 10 to 15 mph.

Wednesday night. Increasing clouds. Low 10 below to 20 below.

Thursday. Becoming cloudy with light snow likely in the afternoon. High 5 to 15 above. Chance of snow 60 percent.

Thursday night. Mostly cloudy with a chance of snow showers. Low 5 below to 5 above. Chance of snow 30 percent.

Friday. Partly cloudy. High 10 to 15.

Saturday. Partly cloudy. Low 5 below to 5 above and high in the teens.

Sunday. Cloudy with a chance of snow. Low 5 below to 5 above and high in the lower 20s.

Monday. A chance of snow showers. Otherwise partly cloudy. Low zero to 10 above and high in the lower 20s.

Mr. President, I yield the floor.

Mrs. CLINTON. Mr. President, I rise today in strong support of this amendment, which I am proud to cosponsor to provide an additional $300 million in Low-Income Home Energy Assistance Program—or LIHEAP—funds for the current fiscal year.

With unemployment rising, temperatures dropping, and energy prices projected to soar, New Yorkers and others around the country need access to energy assistance more than ever. Colder than normal temperatures in October, November, December, and January have boosted overall heating demands above previous expectations. In fact, conditions this winter are projected to be as much as 18 percent colder than last winter, according to the U.S. Energy Information Administration.

People in my state know what cold means. Ask anyone who has been to Buffalo where it feels like zero degrees Fahrenheit today; Rochester where it feels like 6 degrees; Syracuse where it feels like 5 degrees; Binghamton where it feels like minus 2 degrees; Plattsburgh where it feels like minus 7 degrees; Albany where it feels like minus 2 degrees; or any town in New York State in the winter months. It's cold.

Today, the National Weather Service has issued a hazardous weather outlook for western and north central New York. Very cold air will dominate the region overnight, with temperatures again falling into the single digits from the Finger Lakes west, and below zero to the east. According to the Weather Service, these temperatures will combine with winds to produce bitterly cold wind chills below minus 15 degrees in most areas, and below minus 20 degrees in the North Country.

So far this year, it has snowed just about every day in Oswego County. Twice this month, lake-effect storms dumped several feet of snow on the county. In the city of Oswego, snow fell at a rate of 6 inches per hour for about 4 hours last Wednesday.

So it's no surprise that applications for LIHEAP assistance in New York State are up from last year—by at least 9,000 households.

That is why instead of proposing to cut this vital program by $300 million as the Bush Administration has done, we are here today offering an amendment to increase the funding for LIHEAP provided in this bill by $300 million. The $300 million cut proposed by the Bush administration would have forced the State of New York to "freeze out" an estimated 80,000 families who previously benefited from the vital LIHEAP program.

Under this amendment, New York and other states will be able to help tens of thousands more families with home heating assistance, rather than leaving families—literally—out in the cold. The change in seasons needs to be accompanied by a change of heart—and that is why we are here today offering this amendment.

An additional $60 million in LIHEAP funding that was released to New York State earlier this month received a warm welcome—particularly from the thousands of New York families that are now able to heat their hoes without having to forgo other, basic household expenses—like buying groceries. And this additional $300 million will receive an equally warm welcome.

I want to commend our colleagues on the Senate Appropriations Committee who voted last year not to cut the LIHEAP program as was proposed by the administration, but rather to keep it at its previous level of $1.7 billion. Thankfully, the bill we are considering today contains approximately $1.6 billion in LIHEAP funding for the current fiscal year. But that is still not enough.

Many of my colleagues and I have asked the administration to release the hundreds of millions of dollars in emergency funds that are still available in order to help low-income families and the elderly in New York and around the country pay their heating bills. With our economy in crisis, this is no time to be heaping additional financial burdens on our low income residents and forcing them to choose between paying for food and paying their energy bill.

That is why we are offering this amendment today, to convert $300 million in already-appropriated emergency LIHEAP funds to regular program funds, so that these funds can be spent now to help families in need. Because for low-income families and the elderly in New York State and around the country who are having to choose between food and heating their homes, between prescription drugs and heating their homes—this is an emergency, not question about it.

So I urge my colleagues to support this common sense amendment to provide an additional $300 million in regular program funding for the Low-Income Home Energy Assistance Program.

Mr. KOHL. Mr. President, I rise today to support my colleagues' amendment increasing LIHEAP funding. In Wisconsin the Low Income

Home Energy Assistance Program is not a luxury but a necessity. Many people around my State depend on this funding to heat their home and protect their families, especially in this economy. Already this heating season the State of Wisconsin has almost 4,000 more people being served by LIHEAP than last year at this time. This 13 percent increase is a sign of the high energy prices and worsening economy putting the squeeze on families. The price of the program has skyrocketed as well, almost $8 million more than last year at this time for a 36 percent increase in cost. The small increase from last year proposed in the underlying bill will not be sufficient to meet the needs of my constituents. Without the additional $300 million called for in this amendment, Wisconsin will run out of funding in early May, almost a month earlier than in years past.

Constituents are calling and writing my office concerned about running out of LIHEAP assistance. They are unemployed and facing steep bills for energy as well as rent and health care and they are worried they won't be able to make ends meet. The average benefit in my state is $369, an amount that would be almost impossible for a family on unemployment to pay. Heating a house through the Wisconsin winter is more expensive and takes more energy than cooling a house through a summer down south. We have to recognize that challenge and help these people.

The $1.7 billion in the bill still leaves 8,803 people in my state without benefits. Almost 9,000 people who are eligible for LIHEAP will go without because there is not enough money. There are thousands in my state who need this money but do not apply because they don't know about the program or don't realize they are eligible. The money today is only the tip of the iceberg. This extra $300 million will help reach these folks who are not being helped, and will help them pay their bills until the heating season is over.

Mr. SARBANES. Mr. President, I rise today to speak in strong support of Senator REED's amendment, which would ensure that the Low Income Home Energy Assistance Program (LIHEAP) is funded at an amount close to the level authorized by the Senate for the current fiscal year.

As he traveled through colder climate areas in the Northeast and Midwest in 2000, President Bush campaigned on a promise to fully fund this vital program, which assists senior citizens and low-income households with their basic home heating costs. Regrettably, the President decided to retreat from this commitment, proposing $1.4 billion for LIHEAP in his fiscal year 2003 budget—a $300 million cut from the previous year's funding level for the program.

Meanwhile, plunging temperatures and rising heating costs are putting some of the most vulnerable Americans at risk this winter. Indeed, only a fraction of those eligible to receive LIHEAP assistance will actually benefit from the program at current funding levels. Furthermore, heating bills are significantly higher than they were at this point last year. According to the Energy Information Administration, which released its monthly short-term outlook on January 8th, the price of natural gas has risen 34 percent compared to last winter's costs. Heating oil prices have increased a remarkable 43 percent.

Senator REED's amendment would increase LIHEAP funding for the current fiscal year to a level close to the Senate-authorized amount of $2 billion by transferring the funds already appropriated by Congress in the Emergency Supplemental Appropriations Act of 2001—but not spent by the President—to the omnibus appropriations bill now pending before the Senate. This important amendment will ensure that the administration does not deny these funds to the scores of households who desperately need this assistance to simply keep warm this winter.

I urge my colleagues to join me in supporting the Reed amendment.

Ms. CANTWELL. Mr. President, I rise today in support of this amendment to provide much-needed assistance to our Nation's low-income families. The amendment before us today would use $300 million in contingency funds included in the fiscal year 2001 supplemental appropriations bill to provide additional money for states struggling to keep pace with demand for the Low-Income Home Energy Assistance Program.

The Low-Income Home Energy Assistance Program, LIHEAP, provides critical aid to many of our Nation's most vulnerable citizens. According to the National Energy Assistance Directors Association, as many as 5 million households received LIHEAP assistance during fiscal year 2001—the last year for which such data is available.

Since then, of course, the need for this program has grown almost exponentially. In many places—particularly in the western part of our country—the downturn in our nation's economy has conspired with soaring retail energy costs to create record-breaking demand for LIHEAP dollars.

I want to explain to my colleagues precisely why this amendment is so important to so many families in my state. On a number of previous occasions—during debate on the Senate energy bill, at various junctures during the Western energy crisis and the ensuing investigations of Enron and others—I have spoken on this floor about the Bush administration's failure to step in and stem the economic bleeding in my state resulting from skyrocketing electricity prices. But not only did this administration sit idly by as Enron and others conspired to wreak havoc on the economy of the West, this administration has also ignored repeated pleas to release the LIHEAP money that would aid those very citizens who have suffered the most from its inaction.

As my colleagues may recall, during the height of the western energy crisis—which we now know resulted at least in part from the manipulations of Enron and potentially other energy companies—wholesale electricity prices spiked to as much as 1,000 percent above normal.

While prices on the wholesale markets have now stabilized, one daunting reality we face in Washington state is that, despite a series of rate increases that had reached almost 50 percent in some areas by September 2001, the worst of this crisis is not yet over. The Bonneville Power Administration, which markets about 70 percent of the power consumed in Washington, subsequently put in place a rate increase of more than 40 percent in October 2001.

My State and region continue to struggle to pay power costs incurred during the crisis, at least in part due to the Federal Energy Regulatory Commission's failure to act and void exorbitantly priced contracts signed with the likes of Enron. And just this week I learned that, as a result, the Northwest faces the prospect of yet another round of double-digit rate increases later this year.

Already, Washington State has suffered from the second or third highest unemployment rate in the nation for almost a year. Already, utility disconnection rates have quadrupled in some areas of my State.

Already I receive letters from constituents who have to make the choice between buying prescription drugs and paying their electricity bills. So my colleagues can imagine just what kind of threat further electricity rate increases pose to the prospect of an economic recovery.

I could recount in much more detail this administration's flagrant disregard for the statutory requirement that consumers be charged "just and reasonable" electricity rates. But today, I want to focus on the fact it continues to ignore the plight of citizens who have borne the brunt of the economic crisis the administration itself had a hand in creating.

During fiscal year 2002, the Bush administration had at its disposal a total of $600 million in LIHEAP contingency funds. Congress appropriated a total of $300 million of these funds as part of that year's Labor-HHS appropriations bill; the remaining funds were appropriated as part of the fiscal year 2001 Supplemental bill, which included $300 million in LIHEAP funds that remain available until expended.

Due to the dire economic circumstances in which many of my state's working families find themselves, I have repeatedly asked this administration to release a portion of those funds to Washington State.

In October 30, 2001, in testimony before the Senate Health, Education, Labor and Pensions Committee, Assistant Health and Human Service Secretary Wade Horn stated that LIHEAP fulfills a "dual responsibility to provide ongoing assistance where it is most needed and to respond to emergency situations such as extreme weather conditions, supply disruptions or price spikes." At the same time, he indicated that there were no plans to release emergency funds due to a drop in fuel prices as well as forecasts of a relatively mild winter.

In response, I was joined by my colleague Senator MURRAY as well as six other members of the Washington delegation in sending a December 10, 2001 letter to Health and Human Services Secretary Tommy Thompson, pointing out that some 73 percent of Washington's low-income households are heated by electricity—rather than natural gas or oil, as in other parts of the country—and that retail rates continued to rise rapidly. I would also point out that since 1980—when LIHEAP was first authorized—electricity prices have climbed 180 percent on a national basis, while oil, natural gas and propane prices have been relatively more stable. In light of all this, we requested an immediate release of the then-$300 million in emergency LIHEAP money. No money was released.

On March 8, 2002, after Congress had added another $300 million to the LIHEAP contingency fund and Assistant Secretary Horn had, in his response to our first letter, suggested that should there be an emergency, the administration would release the necessary aid, I wrote again to suggest we had reached that point.

Washington State's utility shutoff moratorium was set to expire, and 5 inches of snow had just fallen in the eastern part of my State. Still no funds were released.

On April 12, 2002, I wrote yet another letter—this time to OMB Director Mitch Daniels. After a phone call, he requested more information on Washington State's particular situation. My office provided this information in an April 17, 2002 letter. Still no funds were released.

On May 28, 2002, I joined with a number of my Senate colleagues from across the country in sending a letter to President Bush, arguing that many States had already exhausted their annual LIHEAP allocation. Still no funds were released.

Finally, on August 9, the administration released $100 million of the total $300 million available in fiscal year 2002 LIHEAP contingency funds. Unfortunately, Washington State was not on the list to receive any of this additional money.

What this amendment proposes to do is take the $300 million in contingency LIHEAP funds Congress appropriated in fiscal year 2001 and distribute it to this Nation's many families in need.

I ask unanimous consent to print in the RECORD an article from the December 22, 2002 New York Times, entitled "The Legacy of Power Cost Manipulation," which describes the situation in Snohomish County, WA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGACY OF POWER COST MANIPULATION

(By Timothy Egan)

EVERETT, WASH. Two years ago this month, a record was set at the height of the West Coast energy crunch: an hour of electric power was sold for $3,250—more than a hundred times what the same small block had cost a year earlier.

Now, power supplies are abundant and wholesale prices have plummeted. But the fallout from what state officials say was the largest manipulation of the energy market in modern times has continued to hit West Coast communities hard. Here in Snohomish County, which has the highest energy rates in the state, more than 14,000 customers have had their electricity shut off for lack of payment this year—a 44 percent increase over 2001. They have seen electric rate increases of 50 percent, as the Snohomish County Public Utility District struggles to pay for long-term power contracts it signed with companies like Enron at the height of the price run-up.

Aided by charities, most customers have had their power returned within a day of being shut off, but others are forced to make choices about which necessities they can live without.

It's a pretty tough thing trying to explain to your 5-year-old kid why the lights won't come on anymore," said Crystal Faye of Everett. "I didn't pay much attention to all that stuff about California and Enron, but it's certainly come home to hurt us now."

Ms. Faye and her husband, Rick, who are unemployed, have had their power shut off twice this year.

Brianne Dorsey, a single mother, said she removed the baseboard heater in her home here and has had to rely on a small wood stove for heat, because she is $1,000 behind in paying her electric bills.

Faced with such tales tied to rate increases along the West Coast, states are trying to get back some of what they lost during 18 months when energy prices seemed to have no ceiling.

The decision this month by a federal regulatory judge that California utilities had been overcharged by $1.8 billion bolstered the case of Northwest utilities seeking refunds, officials of those utilities said. It also angered California officials, who say they will continue to press for a total of nearly $9 billion in refunds. The Federal Energy Regulatory Commission is expected to decide on Northwest refunds in the spring.

No matter what the federal government decides, officials say their best hope for compensation is from a number of criminal investigations being pursued by Nevada and the three West Coast states—Washington, Oregon and California. They liken their cause to state lawsuits against tobacco companies, which started as long shots but resulted in enormous settlements.

Aided by a guilty plea in October from a former trader for Enron, and by newly discovered internal documents describing how companies manipulated the energy market in 2000 and 2001, the West coast states are hoping to get settlement money from more than a dozen energy trading companies.

The companies say they acted legally in taking advantage of a unique market condition, but state officials say the companies created a fake energy crisis.

At the height of the rise in energy costs in early 2001, the Bush administration said the West Coast's troubles were a precursor of what would happen if the nation did not build 1,900 power plants over the next 20 years.

But state officials in the hardest-hit areas say the crisis was never about energy shortages so much as it was about an epic transfer of wealth. They want payback—in some cases for immediate relief to consumers who cannot pay their bills this winter.

Last month, the Williams Company, in Tulsa, Okla., agreed to a $417 million settlement with Washington, Oregon and California. While admitting no wrongdoing, Williams agreed to pay refunds and other restitution to the three states; in return, the states dropped an antitrust investigation.

Among large energy companies, the states are seeking refunds from the Mirant Corporation, Reliant Resources Inc., Dynegy Inc., Duke Energy and Enron.

"All of us on the West Coast have been hard hit by these rate increases, but the poor in this county have just been hammered," said Bill Beuscher, who runs the energy assistance program in Snohomish County. Mr. Beuscher said that in the first two weeks the winter energy assistance program was open this year, requests for financial aid were up 55 percent from the same period last year.

The power trading companies named in criminal investigations and refund cases did not want to comment publicly while the cases were pending. But several of the companies that are fighting refunds have said in their public filings that the utilities, particularly in the Northwest, are trying to renege on legitimate long-term contracts. They said they did not act in collusion and explained that the highest prices were a result of severe market shifts brought in part by the Northwest drought.

In some cases, the power trading companies said, the utilities resisted buying shorter contracts, which would have cost them less. They also said that some Northwest utilities took advantage of the price spikes and sold power into the market themselves, only to come up short later. The companies said they expected to be vindicated when the government finishes its refund cases next spring.

Mr. Beuscher said he would like to see money from the Williams settlement be used to help people who cannot afford the rate increases. Consumers in Oregon and California have made similar pleas. But officials in all three states say that until there are larger settlements with the energy companies, consumers are unlikely to see relief.

"We hope that the Williams case serves as a template," said Tom Dresslar, a spokesman for the California attorney general's office, "because California was monumentally ripped off by these energy traders."

About seven million consumers in California, who were initially shielded from having to pay for runaway energy costs during the worst part of the state's deregulation debacle, are paying rate increases averaging 30 percent more than the pre-deregulation prices of 1996. The state has the highest energy rates in the nation, consumer advocates say, although the structure of the rate increase allows poor people and low energy users to escape the recent increases.

"I don't hold out a lot of hope that we will ever get significant refunds," said Doug Heller of the Foundation for Taxpayer and Consumer Rights, a nonprofit group based in Los Angeles. The group calculates that California power customers overpaid a total of $70 billion.

At the height of the energy troubles, the trading companies boasted of record profits in their quarterly reports. But many of those companies are now near bankruptcy as they cope with a downturn that has caused the energy trading sector to lose 80 percent of its value, according to Wall Street analysts.

"It's like the highwayman robbed us and then spent all the money on booze," Mr. Heller said.

The companies themselves blame the states. In one case that was heard this month, William A. Wise, chief executive of the El Paso Corporation, which is based in Houston, denied manipulating the market and blames the officials who set up California's deregulated energy market for causing the price run-ups with "one bad policy after another."

Under a New Deal-era law, power companies can be forced to pay refunds if they have charged an "unreasonable and unjust" amount for electricity. The Federal Energy Regulatory Commission, which West Coast governors say did very little to restrain power traders during the height of the run-ups, will determine the exact refund amount, if any.

In the meantime, electric rates throughout the Pacific Northwest, once among the cheapest in the nation, have climbed as much as 50 percent.

California's problems stem from its chaotic attempt at energy deregulation, approved in 1996 and put in effect in 1998. The Northwest, with its tradition of publicly owned utilities, was drawn into the California crisis by a convergence of dry weather and freewheeling trading of its own.

Usually, the Northwest avoids price fluctuations by providing a steady stream of hydroelectric power, aided by abundant winter rainfall. But in late 2000, a drought in the Northwest forced utilities to buy power on the open market. Some utilities had also tried to sell power into the California market but were pinched by the drought.

At the same time, major energy traders were withholding blocks of power to create the appearance of further shortages, according to Enron memorandums discovered this year.

Refunds were once thought to be unlikely. But then came the memorandums—many of them detailing schemes to manipulate the market under names like Death Star—and the agreement in October by Timothy N. Belden, a former senior trader for Enron, to plead guilty to conspiring with others to manipulate the West Coast energy market.

Prosecutors say Mr. Belden is cooperating with investigations of the power trading companies.

"What really started the ball rolling were the smoking-gun memos, and then the guilty plea has helped as well," said Kevin Neely, a spokesman for the Oregon Department of Justice.

There is also continued bitterness among West Coast officials toward the Bush administration for waiting until June 2001 before putting price controls on the market, which immediately ended the large price spikes and rolling blackouts and brought stability.

Since then, power use has fallen and prices on the short-term market are about where they were before the energy run-up of 2000 and 2001.

"It was a fallacy to blame this crisis on a lack of new power plants," said Steven Klein, superintendent of Tacoma, Wash.'s public utility, Tacoma Power. "But it's a shame what came of this. It put a dent in a lot of family budgets, and forced some businesses to close."

Ms. CANTWELL. Mr. President, in part the article says:

> Here in Snohomish County, which has the highest energy rates in the state, more than 14,000 customers have had their electricity shut off for lack of payment this year—a 44 percent increase over 2001. They have seen electric rate increases of 50 percent, as the Snohomish County Public Utility District struggles to pay for long-term power contracts it signed with companies like Enron at the height of the price run-up . . .
>
> "It's a pretty tough thing trying to explain to your 5-year old kid why the lights won't come on anymore," said Crystal Faye of Everett. "I didn't pay much attention to all that stuff about California and Enron, but it's certainly come home to hurt us now."
>
> Ms. Faye and her husband, Rick, who are unemployed, have had their power shut off twice this year.
>
> Brianne Dorsey, a single mother, said she removed the baseboard heater in home and has had to rely on a small wood stove for heat, because she is $1,000 behind in paying her electric bills . . .

Mr. President, this article details but two examples of the plight of far too many Washington state citizens—where an estimated 295,000 households were eligible for LIHEAP even before the Western energy crisis and economic downturn collided to exact such a devastating toll. In 2002, while the Bush administration sat idly by, some 80 percent of Washington State's eligible households received no LIHEAP assistance whatsoever.

Of the 20 percent that did, 74 percent had children in the home, 14 percent of these households included disabled Americans, and 10 percent included the elderly.

The amendment before us today sends a clear message: while the Bush administration has turned a blind eye to the very real economic pain being felt by our Nation's most vulnerable citizens—in my State, a pain exacerbated by a very real energy emergency with its roots in the western electricity crisis—this Congress must not turn its back. This amendment would ensure that an additional 11,000 households in Washington State, and many more through the Nation, would receive much-needed assistance in keeping the lights and the heat turned on. I ask my colleagues to support this amendment.

Mr. REED. Mr. President, I ask unanimous consent that Senator ROCKEFELLER be added to the amendment as a cosponsor.

The PRESIDING OFFICER Mr. (ENSIGN) Without objection, it is so ordered.

Mr. REED. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I believe we are in a position to enter into a unanimous consent agreement relative to the Dodd amendment.

I ask unanimous consent that the pending Dodd amendment be temporarily set aside and that I be recognized in order to offer a first-degree amendment relating to the same subject matter; provided that there be 60 minutes of total debate to be equally divided between Senator GREGG and Senator DODD or their designees; provided, further, that following the use or yielding back of time, the amendments be temporarily set aside, with no amendments in order to either amendment prior to the vote; finally, I ask unanimous consent that when the Senate votes in relation to these amendments, the first vote in order be in relation to the Gregg amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we know the Senator is acting in good faith. We don't have a copy of this amendment. We have a pretty good idea of what it is. We are confident that we have a general understanding of the amendment. We believe this would be appropriate.

We hope, when this debate is completed, that Senator DAYTON will have an opportunity to offer his amendment. He is scheduled to be here at 1 o'clock. Senator INHOFE is also here. But let us take one step at a time. Therefore, we have no objection. Let me also say that debate on this may not all be completed this afternoon. Senator DODD would reserve whatever time is left of his 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

AMENDMENT NO. 78

(Purpose: To provide additional funding for special education programs)

Mr. GREGG. Mr. President, Senator DODD has offered an amendment which increases special education funding by $1.5 billion. As an individual who has spent a tremendous amount of time, after being elected to this Senate, trying to bring special education funding in line with what the obligation of the Federal Government is supposed to be pursuant to the 1976 bill, I like the idea of increasing special education funding and, in fact, have driven the effort here in the Senate for many years to try to do exactly that, increase special education funding.

When special education was originally proposed, as has been mentioned, the understanding was that the Federal Government would pay about 40 percent of the cost. Unfortunately, when I was first elected to Congress, the Federal Government was only paying about 6 percent of the cost of special education. But I think it is important to review the history to determine where we are and how we have gotten there relative to increases in special education funding because the increases have been rather dramatic over the last few years. In fact, as a result of the commitment of the Republican Senate, when we had control of the Senate back in the 1990s—and now with President Bush—we are seeing the most significant increases in special education funding in the history of the program. Special education funding, as a function of the Federal Government, has increased faster than any other funding element within the Federal Government on a percentage basis.

So let's review the history.

When the Republicans took control of the Senate in 1996, we made S. 1 the first bill introduced by the new Republican Senate. S. 1 called for significant increases in special education funding. As a result, we have dramatically increased special education funding every year. That is as a result of the Congress's effort, and now the President's effort, to the point where we are up to, this year, $7.5 billion in 2002. It will be $8.5 billion in 2003. It will be $9.5 billion in 2004 if we follow the President's proposals.

This is an important factor because this funding commitment was made by the Republican Congress, not by the prior administration. During President Clinton's term in office, his proposed special education budget increases were essentially nonexistent.

In the year 1997, he proposed a $280 million increase. In the year 1998, he proposed a $139 million increase. In the year 1999, he proposed a zero increase in special education funding. In the year 2000, he proposed a zero increase in special education funding. But during this exact period, special education funding went up, as I mentioned, rather dramatically. Why? Because the Republican Members of the Senate insisted upon it. We put it in our budget resolutions. We passed it out of our budget resolutions. And as a result, we dramatically increased funding in the special education accounts. There has been a 224-percent increase in special education funding since 1996.

Then President Bush came into office. And to show the difference in priorities from one administration to another administration, to show the importance——

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

Mr. GREGG. I am going to send it up in a little while, Mr. President.

To show the difference in its importance in the two different administrations and the impact it has on the special education community in America, when President Bush came into office he did not suggest a zero increase, as President Clinton had in 1999. In the year 2000, he suggested a $1 billion increase. That $1 billion increase was in his first budget. He followed it up with another $1 billion increase in his second budget. So now he was up $2 billion. And then, in the year 2003, he has added another $1 billion increase. So he is now up $3 billion in 3 years, which is a 30-percent increase in just 3 years—just in 3 years—over the funding baseline of special education.

So the commitment from this administration has been there and at a level which is historic and has had a dramatic impact in the funding needs of the special education children of America.

The practical implication is that the Federal Government's role has now gone from about a 6-percent commitment to special education to around 20 percent. It is a huge increase, a dramatic increase, and it is on a rising path to full funding if we can get the cost of special education under control, which brings me to the second point.

We are now in the process of trying to reauthorize the special education bill within the Health, Education, Labor, and Pensions Committee. There are a lot of issues involving special education that do not involve funding; issues such as discipline, in which the Senator from Alabama has been involved; issues such as excessive regulation; issues such as too many consultants, too many lawyers taking money out of the system instead of having it go to the kids.

The fact is that the system has become convoluted, officious, and bureaucratic. It needs to be adjusted, and it needs to be improved so we are getting the money back to the children who need the assistance as special needs children.

So reauthorization is very important in this whole context of what we do. It is really difficult to continue to put money into the program at these huge increased rates without doing reauthorization. Why is that? Because it is like the goalposts keep moving every year.

We have seen, unfortunately, in some areas excessive coding, where kids who should not end up with the stigma of special needs end up being stigmatized as special needs children simply because the school system wants to get more money out of the special education accounts. That is not right and not appropriate, and it undermines the ability to help the kids who really need the assistance.

So we need to reauthorize this bill to get some controls back in place over how many children really are special needs children and make sure those kids who really are special needs children get the assistance they need, which brings us back to this amendment.

This amendment is well intentioned. I am in favor, as I have said before on this floor, of doing proper prioritization, of saying: What is it the Federal Government should be doing today? In what areas should the Federal Government be putting its resources?

The No. 1 area, obviously, is fighting terrorism, protecting the homeland, of making an aggressive effort in this area. Certainly the Senator from Maryland, who is seeking the floor, has been a leader in this effort. But the fact is, after we get into dealing with terrorism, the next area that I think is most important is education. I think the Federal commitment to education is critical. That is why I was a strong supporter, last week, of an amendment which came to the floor which said we are going to put $5 billion more into education, No Child Left Behind proposals, title I, but in doing that we have to be willing to prioritize. We have to be willing to recognize that this country—our Federal Government—is now spending more than it is taking in. We have to be willing to set a ceiling as to how much we can afford to spend and then live within that ceiling.

But within that ceiling we need to make priorities back and forth between what are the right programs, what programs should get more money, what programs should get less money. We did that last week when we adopted the amendment which said we are going to increase title I funding, funding for the education of low-income kids, by $5 billion but, in exchange for that, we are going to make an across-the-board cut.

The Senator from Connecticut has come forward with this amendment to jump, by another $1.5 billion, the funding that is already going into special education. I am supportive of that, but, in the context of allocating resources fairly, of saying, if we are going to make that type of decision, that is a priority, and we have to reduce somewhere else.

So what I am offering today, and what I will send to the desk, at the request of the Presiding Officer, is an amendment which says, let's put in the $1.5 billion in special education, but also have a cut across the board so we stay within this $750 billion number, which is the amount of money which we have all agreed to pretty much is a reasonable number to spend as the Federal Government in the year 2003.

This $750 billion was not pulled out of a hat. It was aggressively negotiated between both sides of the aisle and the White House. Prior to the Republicans taking back the Senate, it was actually agreed to as the number we would reach in a bipartisan way. Now it seems to be eroding with some of the amendments that are being brought forward. But as a practical matter, it is the right number for us, as a Congress, to say: This is what we can afford to spend in the year 2003. But that does not mean that within that $750 billion we cannot make different priorities on the floor of the Senate. I happen to think one of those priorities should be special education.

Mr. President, I send to the desk an amendment and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 78.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

"SEC. . FUNDING FOR INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

In addition to any amounts otherwise appropriated under this Act for support of the Individuals with Disabilities Education Act, the following sum is appropriated out of any money in the Treasury not otherwise appropriated for this fiscal year ending September 30, 2003, $1,500,000,000, which is to remain available through September 30, 2004: *Provided*, That, unless there is a separate and specific offset for any amounts that are appropriated under Title III of Division G for support of special education in excess of $9,691,424,000 for the Individuals with Disabilities Education Act, the percentage amount of any across-the-board rescission provided under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $9,691,424,000 for special education in Title III of Division G."

Mr. GREGG. This amendment is very simple. It says, let's set the priorities of special education. Let's add, on top of the $1 billion the President is putting in this year, which is on top of $1 billion he put in last year, which was on top of $1 billion he put in the year before, another $1.5 billion, but let's be responsible about it. Let's take the money out of the other accounts, which represents a four-tenths of 1 percent cut across the board on everybody, a very small number, very doable, and let's do a responsible amendment here on special education and take the increase of $1.5 billion and, in exchange for getting that increase in special education, make the across-the-board cut.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I am happy to yield whatever time the Senator from Maryland needs.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Senator from Connecticut.

Mr. President, I rise as a proud cosponsor of the Dodd amendment which I believe is a first step to full funding for IDEA in 6 years. The President has requested a billion dollar increase for IDEA. That might sound like a lot, but at that rate, it will take 32 years to get full funding for IDEA.

The administration is proposing tax breaks for zillionaires, and I believe that is a misplaced priority. We don't need tax breaks for those who do not need help while we are delaying help for those who need it the most—the children with special needs, their parents, and the teachers of the school system that wants to support them and make sure they have the right educational program.

It is so disappointing that the Federal Government is not looking out for the day-to-day needs of the American people. The Dodd amendment increases IDEA by $1.5 billion. That is a total of $10 billion, $2.5 billion more than last year. Under the Dodd program, if we followed that approach, we could fully fund IDEA in 6 years. What a great way to get to the first decade of this new century.

The Federal Government is supposed to pay 40 percent of the cost of educating children with disabilities, yet it has never paid more than 16 percent. That means local school districts have to make up the difference, often by cutting educational programs or raising taxes. Either one of those are unacceptable options. Full funding for special education will give local governments the resources they need to improve education for all children.

Everywhere I go in my home State, I hear about IDEA. I hear about it regardless of the community, from the rural communities, whether it is the mountain counties or the Eastern Shore, whether it is the suburban counties which at first blush seem very prosperous and certainly my own Baltimore city, from Democrats and Republicans, from fiscal conservatives to social activists, they all talk about how the Federal Government is not living up to its promise about special education. In Maryland, on average, we get only 10 percent. Schools are suffering and parents are worried.

If you talk to parents, they are under a lot of stress, sometimes working two jobs just to make ends meet, trying to find daycare for their kids or elder care for their parents. The Federal Government should not add to their worries by not living up to its obligations. If you have a special needs child with a chronic condition, whether it is asthma or autism or Down's syndrome or juvenile diabetes, you have significant stress in your family.

One of the ways to alleviate that stress is to make sure they have an educational program they can count on and a local school system that will be able to work to meet those needs. Parents have real questions in their minds. Will they have adequate teachers? Will they have up-to-date textbooks or technology? Will they be learning what they really need to know? Parents of disabled children face a tough burden already. Caring for a disabled child at any age can be exhausting. Just think about what they have to do to pay for their prescription drugs, if you are a juvenile diabetic. The federal government should not make it any harder, particularly when the laws are already on the book to guarantee their child an adequate education.

The bottom line is, the Federal Government is shortchanging parents, children, and local school districts. By providing $1.5 billion more than what is already in the legislation, we can fully fund this by 2009, freeing up money in local budgets for hiring more teachers, textbooks, technology that would help schools improve education for all children.

This will help children with disabilities and their families by providing enough money. More money means parents have to worry less. Full funding of IDEA is essential. We don't like being the Federal nanny. We don't like being the Federal schoolmarm. This is not about a new program with a new bureaucracy and new regs and new mandates. This is about living up to our promise, the promise to the children, the promise to their parents, and the promise to the local community that we will meet our responsibility if we give an obligation to a school district.

I think the Dodd amendment is a terrific idea, and I want to support it.

The Senator from New Hampshire also says we need to take a look at special education—no two ways about it. In my home State, there is a disproportionate number of African-American young men and Latino young men being placed into special education. Is it the right place or is it the wrong assessment? I don't know. But what I do know is there are challenges to the legislation that we need to address, new thinking for a new century, particularly with new technology breakthroughs.

If you are a mom or a dad, you are exhausted from meeting your family needs, and the least we can do is help bear the financial cost while they are coming out with what is the best plan and sharing the emotional responsibility, the family responsibility. It is time we have some Federal responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. SESSIONS. Mr. President, for some years now I have been active in the debate over the Individuals with Disabilities Act. It is a program that has provided tremendous benefit to thousands of families. Children get extraordinary care with the most severe disabilities in our public schools. At one hearing in the Education Committee, the superintendent from a school system in Vermont stated that 20 percent of his budget goes to IDEA.

We have a serious problem with discipline. I have offered amendments and this Senate has passed amendments to deal with that discipline, the weaknesses in the IDEA act allowing a child whose misbehavior is unconnected in any way to the disability that they may have to be treated quite differently from the other kids in the schools, making teachers and principals extremely upset and frustrated, knowing they have a dual standard of behavior in their school systems.

I suggest to anybody that they talk to principals and teachers and superintendents who run school systems. They will tell you this act needs to be reformed.

It is, in fact, a Federal mandate. It is a requirement on State systems mandated by the Federal Government. It is time for us to do our share of fixing the funding of it. I don't disagree with that. We need to get that 40 percent, as Senator DODD indicated, paid. We need to honor that commitment when they started this Federal regulation. But we also need to reform the law. It has resulted in extraordinary lawsuits, bizarre results in the classroom and a trend of teachers leaving the system. A poll in Washington State indicated that 50 percent of special education teachers expected not to be in the profession in 5 years.

We don't get reform here very often. We need to couch the huge increase that is due to this program as part of a reform of IDEA. It is up for reauthorization this year. We are talking about it, working on it. I hope we can bring some real reform to the program. But we agree as a Congress on a $750 billion budget limit. We agreed on that, and it is easier to cast those political votes—one more vote in favor of one more spending program outside the budget agreement that we had—just spend, spend, spend. Then we wonder why we didn't stick to our agreed limit, why we have deficits.

The education budget went up significantly this year—about 10 percent. It has been going up significantly in the last 3 years. We are spending a large amount of money, and more each year, on education at a level probably three or four times the inflation rate. So, to the contrary, we are spending money on education.

I think Senator GREGG's amendment is precisely correct. His amendment says let's put the money in the area of education the Federal Government dominates, the area that in effect the Federal Government has taken over—the regulations that direct schoolteachers and principals and superintendents and board members to run their schools in certain ways. Dealing with disabilities is a Federal regulation. We ought to at least meet the 40-percent promise we made in 1975. So I think the perfect solution to this, as Senator GREGG said, is let's take the overall education budget, which has large increases throughout that system—let's take that $1.5 billion from those other programs that have received increases, shift it to the IDEA program, and give them a bigger boost than we have. I really believe that is the right thing to do.

Mr. President, is my time up?

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. SESSIONS. Mr. President, I have visited 30 or more schools in my State in the last 3 years. I have talked to teachers and principals on a regular basis, and they express their frustration to me on this subject. As Senator MIKULSKI indicated, she is hearing that and other Senators around the country have said the same thing to me. One experienced special education teacher told me: Jeff, the problem is, we are here working on rules and regulations, lawsuits, and that sort of thing, and we have completely forgotten what is in the best interest of the child. We need to reform this act. We need to get more money for it and improve what we are doing so that we help children more than based on the money we now have.

I yield the floor.

Mr. DODD. Mr. President, how much time remains under the amendment of the Senator from Connecticut?

The PRESIDING OFFICER. The Senator has 34 minutes, 45 seconds.

Mr. DODD. Mr. President, I will take 10 minutes. Will the Senator notify me when that is up?

The PRESIDING OFFICER. The Chair will do so.

Mr. DODD. Mr. President, I want to express some thoughts. I thank my colleagues for, once again, reconfirming support for the special education program. That is heartening. As the Senator from Maryland pointed out, of course, if we follow the plan of the present occupant of the White House, we will be talking about three decades more—we will have to wait a longer time than we have waited to complete the 40-percent requirement that we have already endured.

So if you are a mayor or a county executive or a Governor, you can take real heart in the fact that for about the next three decades we will be at this debate on getting full funding—if we rely on the administration's plans.

I will remind my colleagues once again that this body and the previous Congress voted unanimously for a full funding program over the next 6 years for special education. It was the administration—the present administration—and the leadership of the other body—the Republican leadership—that killed the proposal the Senate unanimously supported. That is where we are. Those are the facts as we find them today. We can go back and revisit history if you want, but the fact is that the Governors and mayors out there may find a history lesson interesting, but they want to know what we are going to do. What is this administration going to do? What has this administration done? What is the Republican leadership in the Senate and House going to have to do if we are going to meet the obligations we talk about?

So what we have here—as the Senator from New Hampshire suggests he will support—is the $1.5 billion. He is going to do so by adding further to the across-the-board cuts in domestic spending—adding to the impact of the already 2.9 percent across-the-board cuts. I will share with my colleagues what this means.

Now, $1.5 billion is not a huge amount as a percentage—whatever it is, four-tenths of 1 percent. Add that, if you will, to the 2.9. The WIC Program will be cut by $137 million as a result of the 2.9-percent cut. The Food Safety Inspection Service will be cut by $22 million. The Food and Drug Administration will be cut by $40 million under these proposals. State-Justice-Commerce will be cut by $113 million in spending.

Go down to Head Start. This analysis shows what the 2.9-percent cut means in energy and water issues—there it is, a $239 million cut; environmental management, $203 million. There is a whole list of programs, including the Bureau of Reclamation and the Mississippi River Tributaries Program. If you look at Head Start, $63 million will be cut. Air traffic control—that ought to be good news for those who worry about domestic terrorism; transportation security, Coast Guard will be cut by $72 million. The VA-HUD—veterans take note—has $903 million in cuts; VA medical care, $692 million in cuts. So go ahead and add four-tenths of 1 percent to the already 2.9.

I don't hear anybody talking about a slight cut in the $670 billion tax cut in all we are proposing here. Then my colleagues say we will take your $1.5 billion, but we are going to give a "haircut" to every other domestic spending program except the tax cut, which goes to the top 1 or 2 percent of income earners. I represent a State that has probably a greater percentage of those income earners than almost any other State in the country. I can say with certainty that my constituents—those included, by the way—who would be the beneficiaries of this tax cut would tell you that at this particular juncture that kind of a tax cut, given the fiscal needs of this country, is unwise.

When my colleagues say we are going to make everybody pay a price, we are going to make that haircut of 2.9 percent, including the budget cuts I have suggested, and add this to it, just make sure you understand what we are talking about. We are not talking about a tax cut which taxes revenues over the table—I am not suggesting there isn't room for a tax cut. But how about including that in the proposal? Why is that particular area always left out and all we talk about are the domestic programs that affect families so strongly?

I guarantee you, by the way, as you start looking at Head Start, the WIC Program, food safety programs, while you are providing $1.5 billion in special education needs and simultaneously cutting back on these other programs, it is not uncommon for the same family and the same child to be the recipient on one hand of the 1.5, and simultaneously getting food in the WIC Program, food safety programs, and the Head Start programs.

Again, I don't know how you can sit here and look at a child who has autism or is suffering from juvenile diabetes, Down's Syndrome, or other special education needs and say: I am sorry we cannot touch the tax cuts, but you are going to have to take this cut in other areas. When my colleagues offer their side-by-side amendment and suggest yet further cuts, I think that is cruel. I think it is unnecessary. I think there are ways of doing this without going after some of these very issues that are so critically important to the well-being of our Nation. They have a lot to do with the economic security of our country as well.

We need to have a balanced approach. So, Mr. President, we will have a debate further along in this year on full funding again. I only hope the administration changes its view from the last Congress. I will reiterate what I said earlier. Governors and mayors list this as their top priority. Mr. Governor or Mr. Mayor, when the first amendment is voted on and we are telling you, by the way, we are going to help you out in special education, hold your breath because we are simultaneously reaching into your other pocket and causing you to raise taxes or cut other vital spending needs you may have because we are reaching in to rob you of the necessary resources you need as well to run your States and your communities. It is a cruel hoax, in a way, we are laying out before people.

I am not opposed to looking at reform efforts. We had a fine effort in 1997—some of my colleagues have forgotten this already—to look at the special education programs. Again, with the reauthorization, I presume we will look at them again. I certainly welcome that. Anytime we have a program such as IDEA, close examination of how well it is working, whether or not the intended beneficiaries are receiving the resources they need, is something we ought to do. It is the only responsible thing to do.

Let's not simultaneously suggest that we are going to have to wait for examination before we provide the resources to the States and communities. They do not have a chance of waiting. They have to provide for these children under existing law. Congress mandated it 28 years ago, and we have only gotten to 15, 16 percent of that 40-percent commitment.

The $1.5 billion in this amendment gets us a little closer to the 40-percent commitment. It raises and provides the resources to these communities for the fiscal year we are in already. We will come back again later in this Congress to see if we can get full funding set up in a way which we did a year and a half ago.

When the vote occurs on this amendment, there are two options: One, to provide the $1.5 billion while going after domestic spending programs, along the lines I mentioned already or, second, we can say we can do it and find the means of doing it, and one of the means is to reduce by a small amount the tax cut the President intends to provide for people in the country. The point being that most of the recipients of this tax cut are people who have incomes in excess of $250,000.

Tell that to a family with an autistic child. Tell that to a family with a child who has Down's Syndrome or serious learning disabilities: Sorry, we would like to provide that kind of help you need, but, you see, we have an obligation to provide a tax break to someone making $300,000, $400,000 a year. We cannot just quite meet the obligation to you. I know we made a promise to do it. We said 28 years ago we would do it. We are up to 15 percent of that obligation. By the way, if you wait another 33 years, we will complete that obligation, 60 years after we made the promise. Then we will get you your resources because we cannot afford to give you the help you need without cutting everything else in the domestic area. Of course, we cannot touch the tax cut for the most affluent Americans.

I do not know of anyone outside the people in this town who believe in the logic of that argument. Nonetheless, watch and see what happens when we vote on this amendment. That is exactly what will happen. Go home and explain why we have to cut into these other areas to serve needy kids in this country.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. DODD. Mr. President, I will take 1 additional minute. I repeat what I said earlier, this is not the America of which people think. We are blessed with great resources. We ought to have the common sense to find a balance, to see to it we meet our obligations when we make them; that we try to help those who are least able to help themselves and their families.

I underscore the point the Senator from Maryland made a few moments ago. Families of children with special needs face incredible pressures, especially those making $25,000, $30,000, $35,000, $40,000, $45,000, $60,000. There are incredible pressures within that family. Why is it we cannot find the resources to help our States, our Governors, our county executives to do more to help these children?

Reforming the process, I am all for that. But the only way we can help is to go after the WIC Program, the Head Start Program, food safety programs, and the like? That I do not understand, and I defy my colleagues to ask an average American to explain it as well. They do not understand it when they hear that argument or we are going to wait another 33 years to meet the obligations under this program.

I feel passionately about this issue; I care deeply about this issue because it is the role that Government ought to play. When I look at families in my State and across the country—and I know the pressures they are feeling and what a small amount it is to offer some relief—just some relief—to the families feeling this heat and pressure, the anxiety it causes—I do not understand that we cannot step up and meet the obligation because we cannot touch a tax cut that goes to the most affluent citizens of this country. I do not understand that situation. I hope my colleagues do not either. When the vote occurs tomorrow, I hope we will support the amendment that provides assistance but does not do so off the backs of people who can least afford it in the country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. Mr. President, this has been cleared with the majority. I ask unanimous consent that the consent request with respect to the Edwards amendment be modified to the Senate resuming consideration of the amendment at 2:15 p.m., with the previous provision still applicable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Connecticut has reserved his time, as has the Senator from New Hampshire. I am going to suggest the absence of a quorum and, shortly thereafter, call it off with hopes we can move to the Dayton amendment and set aside the pending amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada does not control the time.

Mr. REID. Mr. President, I ask unanimous consent that the time that Senator GREGG and Senator DODD have remaining be preserved and the quorum call, which I will make immediately, not be charged to their time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, my friend from Wyoming is here and wishes to speak on the Edwards amendment. Under the order we just entered, that is not to recur until 2:15 p.m. If the Senator wishes to speak, we can take him out of order, if Senator DAYTON is willing to wait 10 minutes while the Senator from Wyoming speaks.

Mr. THOMAS. Yes.

Mr. REID. Mr. President, I, therefore, ask unanimous consent that the pending amendment be set aside; that Senator DAYTON be recognized to offer an amendment on corporate expatriation; and that following his recognition, Senator THOMAS be recognized for 10 minutes to speak on the Edwards amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend, if he will simply seek recognition and send his amendment to the desk, then Senator THOMAS will be recognized to speak for 10 minutes.

AMENDMENT NO. 80

Mr. DAYTON. Mr. President, I call up amendment No. 80.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 80.

Mr. DAYTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Homeland Security Act of 2002 (Public Law 107–296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security, and for other purposes)

At the appropriate place, insert the following:

SEC . CONTRACTS WITH CORPORATE EXPATRIATES.

(a) SHORT TITLE.—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) LIMITATION ON WAIVERS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

"(d) WAIVERS.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.".

(c) EXPANDED COVERAGE OF ENTITIES.—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

(d) Section 835(b)(1) of such act is amended by inserting "before, on, or" after "completes."

Mr. THOMAS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 67

Mr. THOMAS. I rise to talk for a few minutes about an amendment that is pending. It has to do with the New Source Review rider. It is an amendment which would, in effect, negate or postpone a proposed change in rules that have been proposed by the administration that I think are very important to our efforts collectively to increase the more effective production of electricity and energy, and to do it in a way that contributes to clean air. I believe this New Source Review proposal does that.

The Senator from North Carolina has an amendment which would prevent the final rules from taking place. He indicates that, in his view, it would prevent backsliding from the administration. He also indicates he considers it an insider's industry benefit.

I suggest that neither of these allegations is valid. In fact, what is happening is a change that will remove the obstacles to environmentally beneficial projects, clarify the New Source Review requirements, encourage emissions reductions, promote pollution prevention, provide incentives for energy efficiency improvements, and help assure worker and plant safety. Those are the things that are involved.

To some extent, I think this amendment has a little bit to do with 2004 in that it is seen as the President's gift to polluters. Of course, that is not the case.

The proposed rider is premature and ignores the public involvement already inherent in this New Source Review reform process. In December of 2002, the EPA issued a final rule that includes actions previously proposed by and substantially similar to those put forward by the Clinton administration. These actions are supported by a bipartisan consensus after extensive public involvement over more than 10 years. A separate proposed rule on issues related to routine maintenance, repair, and replacement will undergo a full public review and EPA analysis before it can take effect. Thus, it is clearly premature at this time to stop this open rulemaking process by rider before the process even begins.

A proposed rider is bad energy and environmental policy. The complexity of the current New Source Review program and its related burdens create significant disincentives to new investment in energy-efficient and environmentally friendly technologies that are being proposed.

The NSR reforms should allow facilities where actual emissions remain within permitted levels to make operating adjustments and explore alternative fuel and resource choices that will help them meet energy and product needs in the most efficient, cost-effective, environmentally sound manner possible.

A proposed rider will negatively impact more than 22,000 industrial facilities across the country. The New Source Review program affects utilities, refineries, and manufacturers around the country that form the backbone of our Nation's economy. In the current economic climate, we need sensible reforms that streamline regulatory programs while providing fundamental environmental protection that allows companies to improve energy efficiency, environmental performance, and economic competitiveness.

A proposed rider would impede a State's ability to implement effective clean air programs. The National Governors Association, the National Conference of State Legislators, Environmental Council of the States, and several State attorneys general have called for NSR reforms that enhance the environment and increase energy security.

The keys to improving air quality and energy security are innovation and investment. The final and proposed NSR rules will help promote safer, cleaner, and more efficient factories, refineries, and powerplants.

Many groups have supported the idea of making these kinds of changes. Interestingly enough, the National Black Chamber of Commerce has indicated in a letter the proposed revisions to the Clean Air Act's New Source Review previously provided a meaningful compromise to economic growth and the assurance of clean air and continued public health protection.

Such an amendment that is now before us, they continue, impedes progress in reforming a well-intended program that has, over the years, unintended consequences.

Another group which is a cooperative in Montana, with membership of over 325,000, says: We know many environmental groups oppose NSR reform, but NSR reform will actually move forward quicker in adopting more modern and efficient environmental technologies and procedures.

These are some of the testimonies that say we ought to continue with the proposal that has been made to allow refiners to be able to make improvements on existing facilities that will improve the environment and will continue to provide for efficient energy production.

I urge that the amendment offered by the Senator from North Carolina not be received by the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I ask unanimous consent that I be given 15 minutes to make my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 80

Mr. DAYTON. President Bush's announced tax proposal expressed concern over the double taxation of corporate profits. I wish he would express an equal concern about the nontaxation of corporate profits.

It is estimated that currently less than half of corporate profits are taxed in this country. There are various tax and accounting gimmicks that have permitted very profitable companies to not only have no tax liabilities but even receive multimillion-dollar refunds from the American taxpayers.

Take CSX, for example, which until recently has been headed by the President's nominee for Secretary of the Treasury, John Snow. In the last 4 years, CSX reported U.S. profits of $934 billion, and they paid zero in U.S. corporate taxes. In fact, they received rebates of $164 billion.

I will repeat that. They made $934 billion in U.S. profits, paid no taxes, and received a $164 billion refund. That is certainly not double taxation. That is not even single taxation. That is no taxation, and it is a bigger winner on Wall Street to inflate corporate profits at the expense of the rest of American taxpayers. It is one of the reasons corporate income tax has been a declining share of Federal tax revenues in the last 40 years. In 1960, corporations paid 23 percent of all Federal tax revenues. Last year, that dropped to 9.5 percent, less than half of the share that corporations paid 40 years ago.

It used to be the ethic that business, being an integral part of the communities in which they operated, drawing their lifeblood from the American people and from the democratic and capitalist structures which hallmark this country, had an obligation to give something back. Not any longer.

An Ernst & Young partner recently noted:

> A lot of companies feel that the improvement on earnings is powerful enough that maybe the patriotism issue should take a back seat.

One of the most outrageous and obscene tax avoidance schemes is many United States companies are setting up sham corporate headquarters offshore in places such as Bermuda or the Cayman Islands. These tax-free havens permit the total avoidance of U.S. taxes on foreign operations and, in some cases, on domestic operations as well.

In the nonpartisan journal, Tax Notes, a recent calculation was made that from 1983 to 1999 the profits that the largest 10,000 U.S. corporations claimed to have earned in these tax havens increased by over 7 times. Today, that means well over $100 billion in corporate profits are shifted each year from the United States to these tax-free havens—no taxes paid on them and, as I have said before, sometimes even refunds. It is bad enough those companies can evade U.S. taxes but some even continue to secure very large and lucrative contracts with the Federal Government, even in the areas of national defense and homeland security. Evidently these corporations—the executives who run them, the boards that oversee them—see nothing wrong with profiting off of the U.S. Government and then avoiding paying taxes on even those profits in order to support our Government.

That is why last summer my colleague, Senator Paul Wellstone, had amended the 2002 Defense appropriations bill to bar such corporate tax dodgers from being awarded Government defense contracts. Then he successfully had amended the homeland security bill to bar those companies from getting contracts with the new Department of Homeland Security. Both of those amendments passed the Senate seemingly unanimously on voice votes.

However, after the November election, and after Paul Wellstone's tragic death, the final version of the homeland security bill gutted the Wellstone amendment. Senator Wellstone's amendment, which he crafted with the cosponsorship of the distinguished Senator from Nevada, Mr. REID, provided a narrow exception to this prohibition. That was if the President of the United States certified to Congress that it would be necessary for our national security.

When the bill came back this provision was gutted and the substitution made known to those who had to vote on it that day. They stuck in language that would allow the Secretary of Homeland Security to grant waivers for national security or economic benefits. Just about any kind of economic benefit whatever could be waived and argued by the Secretary: preventing loss of Government, preventing the Government from incurring any additional costs, anything and everything that you could contrive, you could avoid if you could pay a high-priced Washington lobbyist $1,000 an hour or more, euphemistically called government relations. No doubt those waivers would be granted and the legacy of my colleague, Senator Paul Wellstone, would be obliterated by waves of waivers, which is why we need more Paul Wellstones in Washington.

To honor Senator Wellstone's memory, I proposed this amendment, which I called the Senator Paul Wellstone corporate patriotism amendment. It reinstates the Wellstone language to the Homeland Security Act. It says, once again, corporations that renounce their American citizenship and have moved offshore to avoid paying taxes to the U.S. Government will not get business contracts from the Government, at least not for homeland security projects.

My language makes it as forceful and explicit as possible. It states that the President may waive subsection (A) of the prohibition if the President certifies the waiver is essential to national security.

Frankly, I cannot see any reason there should be waivers granted in this section. That is the least we can do for the memory of Paul Wellstone. That is the least we can do for our country.

Frankly, most U.S. corporations, as most American citizens, are law abiding, patriotic, responsible, and willing to do their job, including pay taxes, to keep this country strong. No one likes paying taxes. Americans have been antitaxation since colonial days, since the Boston Tea Party, since the rallying cry, "taxation without representation is tyranny."

But taxes are necessary for our country's survival. We have increased our military spending by 23 percent in the last 2 years, with bipartisan support regarding the President's request, and we have new efforts underway in homeland security costing an additional $37 million. Some Members last week thought we should be spending even more in that area. We have Operation Enduring Freedom still underway in Afghanistan and a military buildup now for possible war against Iraq. That has to be paid for with our tax dollars. It does not include highways and airports, sewer water systems, public education, student aid, health care, nursing homes. This always depends, again, on Americans paying taxes. It ought to depend on everyone paying their fair share of taxes—individuals and corporations.

When someone avoids paying their fair share, then everyone else has to pay a higher share. When one corporation making profits can shift its profits overseas and avoid paying taxes, everyone else has to pick up that part.

I wish we could establish again in this country the ethic that tax avoidance is unpatriotic. It is un-American, especially at a time such as this with national mobilization, especially in this country since September 11 of 2001, which is likely to continue for the foreseeable future. If the executives and board members of these expatriated companies can so shamelessly abandon their U.S. corporate citizenship, maybe they should forfeit their citizenship as well. I intend to introduce legislation in the next few weeks that would require just that. What is good for the goose is good for the gander. This tax cheating will destroy the great golden goose of America. We send our young men and women overseas to risk their lives or even give their lives for our country, while men—mostly men and a few women—send their corporations overseas to evade taxes. What a disgrace. What a shame that the greatness of this country is being undermined by placing profits and corporate and individual greed over the best interests of the United States of America.

This amendment meant a lot to my friend and colleague, Senator Wellstone. He was surprised but delighted that the Senate, on two occasions, passed this amendment by a voice vote. Had Paul lived, I would have enjoyed watching the fur fly that day in November when this bill came back to the Senate with this provision gutted. But Paul is not here, so it is incumbent upon all of us to take that stand for him and with him. If it was good enough last year to be passed by the Senate, I cannot imagine why anyone who supported it then would change their mind now. In fact, there is even more reason than before to stand behind America, stand behind the belief that we all contribute our share, do our share, and no one avoids their share. That is what makes us successful.

Mr. REID. I would like to ask the Senator a question. I personally appreciate the Senator stepping forward. It should come from the State of Minnesota. Senator Wellstone believed in this strongly.

I remember the Senator advocating this. When I think of our friend Paul and his untimely death in the terrible airplane crash, I feel badly. I feel good about your moving forward with this amendment that Paul and I worked on together in the Senate. It is a modest amendment.

The Senator recognizes, does he not, that this amendment does not apply to nonhomeland security or defense contracts? Maybe we will do something about these companies later. I don't believe they should be able to have a contract with Health and Human Services, with the Department of the Interior, or any of the Federal agencies. However, we have limited this amendment to homeland security and defense. Does the Senator acknowledge that?

Mr. DAYTON. The Senator is correct. The Senator was instrumental in working with Senator Wellstone on the floor and myself to craft this amendment. It is narrowly focused.

Mr. REID. The Senator would also acknowledge, would he not, that this is not a permanent ban. All they have to do is say let me do what I should have done in the first place, just pay American taxes.

Mr. DAYTON. Come home.

Mr. REID. There are all kinds of reincorporations that take place every day in corporate America. They could simply reincorporate in Delaware or Nevada or Minnesota or any place they felt appropriate and they would be right back, being able to get all the contracts they want.

Mr. DAYTON. They would be right back, as the Senator said, where they were before, headquartered in the United States of America, paying taxes on their U.S. profits rather than creating a sham. These are not real entities; these are fictions just for the sake of tax evasion.

Mr. REID. My third inquiry to the Senator from Minnesota: I know some of our friends who are lobbyists, as you have indicated, public relations representatives—I think, with a straight face they really would have trouble advocating for this. Would the Senator acknowledge that?

Mr. DAYTON. I would, also.

Mr. REID. I appreciate the Senator's attention.

Mr. President, tax loopholes allow dozens of U.S. corporations to move their headquarters, but they move them on paper only, to tax haven countries to avoid paying their fair share of U.S. taxes. It was just a short time ago that Senator Wellstone and I offered an amendment to bar the Department of Homeland Security from awarding Government contracts to these corporate tax runaways. The Senate adopted that amendment unanimously. But in the homeland security bill that passed the last little bit that we were here last year, they cut this amendment.

It is a sad reality that these corporate expatriations are technically legal under current law. But legal or not, there is no reason U.S. Government contracts should be awarded to these tax runaways. These are lucrative Government contracts and we should not reward these companies for doing what they have done.

Senator Wellstone and I believed these corporations, if they want Federal contracts so badly, they should simply come home, come back to the United States and be eligible to bid on homeland security contracts. If they didn't want to do that, then they should go lobby, for example, the Government of Canada or Bermuda or the Cayman Islands for contracts there.

Some of these companies have indicated: We have been in business in America for a long time. They should stay in business in America. These corporations are shams. We have companies that file paperwork, set up not one but sometimes more than one corporation. One company has three British employees in a little office in Hamilton, Bermuda, but by having these three individuals in Hamilton, Bermuda, they can avoid paying up to $40 million every year in U.S. income taxes.

This bill would forbid foreign corporations involved in these transactions from holding Government contracts with the Defense Department and Department of Homeland Security. It would not restrict major corporations operating in the United States from winning millions of dollars from the Government in contracts.

I am not going to pinpoint companies. I have read on the Senate floor just a few months ago the names of these companies that are doing these things. This amendment will finally correct the record and accomplish what Senator Wellstone worked for last year. It should have been a priority in the legislation to guarantee the Department of Homeland Security booked its business with corporations that do their share of bearing the burdens of protecting this country. What they have done is they are bearing the burden to protect their own companies, not their own country. The homeland security law is more concerned with window dressing on this issue because what is in the homeland security bill still allows these companies to have huge Government contracts, homeland security contracts.

One contract I have here, $144,844,000 is what they are getting, even though they have incorporated in Bermuda.

Another company, not as large as the first, but almost $5 million. We have another company, $6 million; $17 million; another company, $249 million; another company, $2 million; $248 million—it is on and on with these what I would think would be embarrassing to them. Apparently it is not embarrassing enough that they pay corporate taxes in the United States like other companies.

I again extend my appreciation to the Senator from Minnesota for this amendment and I hope the many people who are in favor of this legislation will speak in favor of the legislation and we can have a resounding vote like we did when it passed unanimously last year. This would be one way to honor the dignity of Paul Wellstone.

Mr. DAYTON. If I may inquire of my friend, the Senator from Nevada, regarding the last statement, can the Senator think of anything that would be a better tribute to Senator Wellstone's memory than passing this amendment and insisting the Senate conferees uphold it and the President sign it into law?

Mr. REID. I would answer my friend by saying Senator Wellstone, as we know, stood for the small guy. He was concerned about those people who did not have the large lobbying contracts. I think the Senator from Minnesota is absolutely right. The senior Senator from Minnesota is right in that this amendment would help a lot of the small people—small in stature, big in character, like Paul Wellstone—the people Paul Wellstone would try to protect. That is because people who are not paying these taxes prevent us from providing more money for LIHEAP, for which he advocated all the time. It would allow us to provide more money for education, which he talked about, and he could do that because he was a college professor. It would allow more money for the global AIDS epidemic that he talked about.

This money that these corporations are not paying is more money that other taxpayers have to come up with. We have expenses that have to be met. We have programs that have to be funded. This amendment would force some of these unpatriotic companies into being more patriotic. They would be more patriotic because they would be forced to be more patriotic. If they want to have Government contracts with the Homeland Security Department and Homeland Defense Department, they would have to be patriotic.

So I answer the question with a resounding yes. This would mean a lot to Paul Wellstone, that his legacy is not forgotten, nor the things for which he fought.

A lot of these things he fought for alone. I can remember this issue that he was beaten up on pretty good on the Senate floor—until he was able to talk and explain. Like many of the things that Paul Wellstone brought out of the dark into the light, in the light of day it all looked better. I hope we all support this the way we did before.

This is an important amendment and I repeat, it would honor one of the most courageous people I have ever known—physically and intellectually—Paul Wellstone.

Mr. DAYTON. The Senator is absolutely correct about the price we pay when these companies avoid their share of taxes. The Tax Notes journal estimated over $100 billion in corporate profits now go untaxed because of these offshore tax evasions. Even 20 percent, the tax rate on that, which is below the corporate rate but after deductions and exclusions probably is close to what tax-paying corporations pay, that would cover the cost of the 40-percent funding for special education that Senator DODD was discussing with Senator GREGG a few minutes ago. There it would be right there. We could keep that promise to Minnesota's schoolchildren, Nevada's schoolchildren, and all the schoolchildren in the school districts across this country. It would not require raising anybody's taxes by a single dollar, if those who were evading them would pay their share.

I think it is shameful. I think it is un-American, unpatriotic, and it ought to be illegal. I particularly look forward to a discussion at some point, as I said, about legislation I intend to introduce that says if corporate executives and corporate boards are going to send these corporations overseas, they should go overseas themselves. If they think it is such an advantage to be in the Cayman Islands or Bermuda they should go live there themselves. If they are going to renounce their corporate citizenship, let them renounce their own citizenship as well, and they will suffer the consequences maybe then they will stop and think about how fortunate we are to live in this country and how it is only by all of us doing our fair share that this country keeps strong and secure.

Mr. REID. If I could respond to my colleague through the Chair, let me say the defense of this previously was that these are just good lawyers, good tax men. This is the way the law is written so why shouldn't they take advantage of it?

What the Senator from Minnesota and I are trying to do is change the law so that this is not this tax loophole. We know and people know that there are lots of tax loopholes. They are hard to plug because of the huge lobby which they have. We try to plug them. The ones that benefit are some of the largest corporations in America—I am sorry to say—avoiding billions of dollars in taxes. It is not fair. They reply by saying, well, these people have good lawyers and good accountants. That doesn't justify what they are doing. In fact, it even signifies that we need to do this as quickly as possible to stop these people from doing this and make it easier for the rest of the people in America who are paying their fair share.

Mr. DAYTON. As the Senator knows, a lot of small- and medium-sized businesses don't have the options. Certainly the average American citizen paying taxes doesn't have the option to move to Bermuda or the Cayman Islands and not claim any tax liability whatsoever. It is shameful that those most profitable that can most easily afford to pay their share are avoiding them entirely and dumping that burden on everyone else.

As the Senator said, this would be one small step in the right direction of returning to an ethic where those who are making profits pay their taxes. If we all do that in a fair way, then everybody's taxes go down. If somebody is avoiding taxes, then somebody else's taxes go up.

I thank the Senator again for his support and assistance with this matter. I know in this matter that Senator Paul Wellstone could not have stood alone last year, and the Senator from Nevada was with him shoulder to shoulder every step of the way.

I thank the Chair.

Mr. REID. Mr. President, we are waiting now until 2:30 when Senator INHOFE is to appear. We understand he will close with the Edwards amendment.

We want the RECORD to be spread with the fact that we have done everything we can to move this legislation along. We were ready to go early this morning. We had to wait until the other side was ready to move on the bill. We have done our best to plug all the timeslots that have been in existence this morning. I want the RECORD to reflect that we are doing nothing to slow this down.

I see Senator INHOFE is here now. If he is ready to speak, we could move the 2:30 time up to whatever time is appropriate for the chairman of the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, if the minority leader will yield, I thought I would get to the floor at 2:15.

Mr. REID. The Senator was scheduled for 2:30. We are ready now.

I am to be corrected. I was told by the floor staff that I was wrong and the Senator is right. It is 2:15. We don't need to change anything. We ask unanimous consent to return to the Edwards amendment. I think that is the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

AMENDMENT NO. 86 TO AMENDMENT NO. 67

Mr. INHOFE. Mr. President, as many of you know, in March of 2001, Senator BREAUX and I wrote the first congressional letter on the New Source Review Program to Vice President CHENEY in his capacity at that time as chairman of the National Energy Policy Development Group. Our letter stated that, unless reformed "EPA's flawed and confusing NSR policies will continue to interfere with our Nation's ability to meet our energy and fuel supply needs."

At this point in my presentation, I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 23, 2001.

Hon. RICHARD B. CHENEY,
Vice President of the United States of America,
The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: In your capacity as the Chairman of the National Energy Policy Development Group, we are writing to bring to your attention our concerns that, unless addressed, the prior administration's EPA's New Source Review ("NSR") enforcement policies will continue to interfere with our nation's ability to meet our energy and fuel supply needs. We strongly urge that the Administration take into account these concerns in developing its national energy plan.

As you are very much aware, the nation faces a potential energy supply shortage of significant dimension. The California energy crisis is receiving the greatest attention in the media. However, major challenges exist in meeting demands for gasoline and other fuels, especially in the Midwest. More troubling, current projections suggest fuel shortages and price spikes—far exceeding last year's problem. These are due to a number of factors including: difficulties in making summer-blend Phase II reformulated gasoline; EPA hurdles to expanding refinery capacity; and the overall increase in energy demand.

Unless reviewed and addressed, EPA's implementation of NSR permitting requirements will continue to thwart the nation's ability to maintain and expand refinery capacity to meet fuel requirements. In 1998, EPA embarked on an overly aggressive initiative in which it announced new interpretations of its NSR requirements that it has applied retroactively to create a basis for alleging that actions by electric utilities, refineries and other industrial sources taken over the past 20 years should have been permitted under the federal NSR program. We also understand that these new interpretations conflict with EPA's regulations, its own prior interpretations and actions, and State permitting agency decisions.

EPA's actions have been premised heavily on its reinterpretation of two elements of the NSR permitting requirements. First, EPA's regulations specifically exempt "routine maintenance, repair and replacement" activities from NSR permitting. EPA now claims that projects required to be undertaken by utilities and refineries over the past 20 years to maintain plants and a reliable supply of electricity and fuels were not routine and thus should have gone through the 18-month, costly NSR permitting process. EPA's enforcement officials are asserting this even though, for more than two decades, EPA staff have had full knowledge that these maintenance, repair and replacement projects were not being permitted.

A second ground for many of EPA's claims has to do with whether projects resulted in significant emissions increases. By employing a discredited method for determining whether emissions increases would result from a project-using so called "potential emissions" instead of actual emissions, EPA is asserting that numerous projects resulted in emission increases when in reality they had no effect on emissions or were followed by emissions decreases.

EPA's NSR interpretations have created great uncertainty as to whether projects long recognized to be excluded from NSR permitting can be undertaken in the coming months to assure adequate and reliable energy supplies. Electric utilities and refineries have expected that they could undertake maintenance activities, modest plant expansions, and efficiency improvements without going through lengthy and extraordinarily costly NSR permitting, as long as the project involved either routine maintenance or no significant increase in actual emissions.

Now, in light of the new interpretations, utilities and refineries find themselves in a position where they cannot undertake these very desirable and important projects. This is not an acceptable result when the nation is faced with severe strains on existing facilities. Against this backdrop, we strongly urge that the National Energy Policy Development Group:

Give investigation of EPA's implementation of its NSR requirements a high priority;

Suspend EPA's activities until such time as there has been a thorough review of both the policy and its implications;

Clarify whether the implications of EPA's new NSR interpretations and its enforcement initiative are being reviewed by the White House Office of Energy Policy and the Secretary of Energy prior to actions that could undermine energy and fuel supply; and

Establish guidelines to assure that EPA's application and enforcement of its NSR requirements will not interfere with the Administration's energy and fuel supply policy. Requirements should be developed, which are consistent with responsible implementation of the statutory NSR requirements.

Specifically, to assist you in assessing the implications of NSR on meeting the nation's energy and fuel supply demands, you may want to obtain the following: (1) all requests since January 1, 1998 for information under section 114 of the Clean Air Act issued to facilities and companies in any sector involved in energy and fuel supply; and (2) notices of violation issued to, and complaints filed against, any such company and/or facility alleging NSR violations during that period. We are submitting a similar request to EPA today.

Thank you for your consideration of this matter. We look forward to working with you in the future to develop environmental policy, which further protects human health and the environment and works in concert with sound energy policy.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.
JOHN B. BREAUX,
U.S. Senator.

Mr. INHOFE. Mr. President, I publicly thank the administration for being responsive to the concerns of Senator BREAUX and myself. I know it took real courage to pursue the NSR reforms. It took courage because the President knew that many people would misconstrue these reforms as a "sneak attack on the environment" in an attempt to score cheap political points and fundraise.

Despite the rhetoric we will hear today and have heard today about NSR reforms and the process of developing these reforms, make no mistake: President Bush's decision will result in a cleaner environment and greater energy security.

The Clinton administration developed draft proposals and accumulated over 130,000 pages of comments on NSR reform. In fact, on his last day at work on January 19, 2001, President Clinton's air chief with the EPA, Bob Perciasepe, wrote a letter, No. 1, outlining NSR reforms which are similar to the Bush administration's NSR reforms and which are almost identical and, No. 2, calling for the Bush administration to consider finalizing the reforms.

At this point in the presentation, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, January 19, 2001.

Memorandum on the Status of the New Source Review Improvement Rulemaking:

Over the last two years we have all worked hard to develop improvements to the New Source Review (NSR) program. As I have discussed with you, I believe it is essential that this program have greater incentives for companies to employ the most effective emission reduction techniques voluntarily and give greater flexibility when companies take these voluntary actions. I am writing to share with you where we are on the NSR Improvement effort as I leave this office.

We have come a long way together in developing the conceptual framework for how EPA can improve the NSR program by providing greater certainty and flexibility for industry without sacrificing the level of environmental benefit provided by the current program or meaningful public participation. Due to the array of policy and legal issues that arose on the vast number of areas we attempted to tackle in one very large rulemaking, we were not able to complete the regulatory/packages in this Administration. The concepts that we developed make both economic and environmental sense because in return for environmental performance, industry will receive greater flexibility and more certainty for business investment decisions. The concepts would not undercut the basic goals of the NSR program.

The concepts that we developed and which I support are listed below. I believe many of these could be taken as final actions because of the hard work we have done together.

Voluntary Alternative NSR Program for the Electric Power Generating Industry.—This voluntary program would allow owners of power plants to commit to specific, verifiable emissions reductions across all their generating units over a defined period of time and in most instances would avoid the need to get an NSR permit when making changes at their facilities.

Plantwide Applicability Limits (PALs.—Source owners would be able to make changes to their facilities without obtaining a major NSR permit, provided their emissions do not exceed the plantwide cap. Also, facility owners that use PALs must commit to install best controls over time to gain this flexibility and certainty. PALs would be especially attractive to those industries (e.g., pharmaceuticals and electronics) who need to make changes quickly to respond to market demands in order to stay competitive in a global marketplace;

Clarifications of Roles, Responsibilities and Time Frames for Class I Area Reviews.—The process for review of permit applications by Federal Land Managers (FLMs) would be clarified to delineate the roles of the source owner, the permitting authority and the FLM, in conducting permit reviews for sources potentially affecting air quality near national wilderness areas and parks (Federal Class I areas). These changes would reduce delays and disputes associated with permitting applications for sources near Federal Class I areas because they would provide a time frame for the FLM to identify any concerns and analyses needed for the permit applications. Also, it would clarify that the FLM does not have the authority to veto permits, and ensure that the FLM obtains the necessary information to conduct their permit reviews in a timely manner;

Clean Unit Exemption.—This exemption would provide an incentive for source owners to install the best emission controls on new or modified emission units and provide flexibility and certainty so that most future changes at such units would not trigger NSR. An owner of an emissions unit that meets certain minimum criteria to be considered "clean" could make most changes to these units without triggering NSR for a specified period of time, such as ten years.

Innovative Control Technology Waiver.—This waiver would provide more flexibility for owners of sources who risk trying innovative technology that have not yet been proven effective. Should the innovative technologies not perform up to expectations, we would provide the owners with time either to correct the efficiencies or alternatively apply a more standard control technology;

Pollution Control Project Exclusion.—This would codify our existing policy that owners of facilities making changes to their plants that primarily reduce one or more targeted air pollutants (but which collaterally increase other pollutants) are excluded from NSR provided certain conditions are met. We would provide a list of environmentally beneficial technologies that, absent other information that would indicate that the projects would not be environmentally beneficial, would be presumptively eligible for the exclusion; and

Control Technology Review Requirements.—Because disputes arise over what control technologies are considered available, the permit review process can become lengthy. To improve the process for obtaining a permit, we would (1) add a definition of "demonstrated in practice," (2) provide a "cut off" date for consideration of additional control technologies, (3) add provisions that specify when applications are deemed "complete," and (4) require that control technology determinations be entered into a clearinghouse before permits can become effective.

Nearly all parties in our discussions identified the need to have all of the data on the latest control technology determinations made by permitting authorities in the EPA clearinghouse. Improving the availability of this information to everyone will greatly assist the permitting process. To this end, I have committee significant resources to gather all of the existing data, input into the database, and redesign the system to make it easier for all parties to put in new data to keep it up-to-date.

One of the lessons that we have learned through our ongoing efforts is that it would be difficult, if not impossible, to improve NSR in one large rulemaking. Instead, I believe it is best to make incremental changes that will provide flexibility and certainty without sacrificing the benefits of the current program. I hope the new Administration will consider finalizing the concepts described above that provide flexibility and certainty without compromising environmental protection to make near term progress. I realize there are other issues, such as applicability for the base program, that also need resolution. For these remaining issues, continued discussions in the context of the overall program are needed.

I appreciate and thank you for the time, effort and input that you have provided over the past years, and I believe that both industry and environment will benefit from the approaches described above.

ROBERT PERCIASEPE,
Assistant Administrator.

Mr. INHOFE. Mr. President, I very much look forward to seeing the fruits of the Clinton and Bush administrations' labors on this issue.

From my tenure as chairman of the Senate's Clean Air Subcommittee, I knew that New Source Review was a major issue for the energy sector. In fact, I held the very first congressional hearings on New Source Review in February of 2000 in Ohio. I could not believe my own ears. We heard from companies that were trying to make environmentally friendly modifications to their facilities being stopped dead in their tracks by, ironically, the Clean Air Act.

I was also shocked to hear that it took 4,000 pages of guidance documents to explain 20 pages of regulations. That is 4,000 pages of guidance documents just to explain 20 pages of regulations.

Since then, my shock at the absurdity of the NSR Program has not worn off. We, as a nation, need to rethink the manner in which we approach regulations. We all need to keep an open mind during the debates on various regulatory reform initiatives. I am sick of continually hearing that these are "sneak attacks on the environment." In fact, just the opposite is true. If we rethink regulation, we could find ourselves in a place where we can have far greater environmental protection and more reliable and diverse energy sources.

Congress and the executive branch must also do a better job of understanding how the various layers of regulations impact sectors of our economy. I normally have a chart which shows all of the different regulations that are going to be hitting the various regulated sectors—a chart that shows the refiners that are currently working at almost 100-percent capacity are going to be simultaneously hit with a number of regulations in the next few years. NSR will make it close to impossible for refiners to make these environmental upgrades. Now is the time to work together on these and other regulations to not only achieve the environmental goals but also ensure no disruption in fuel supply which would cause the price spikes that we know are inevitable.

Higher energy prices affect everyone. However, when the price of energy rises, that means the less fortunate in our society must make a decision between heating their home and keeping the lights on or paying for other essential needs.

During a recent EPW Committee hearing last year, Senator VOINOVICH's constituent, Tom Mullen, articulated this concern. Mr. Mullen stated that in a recent study—which is well known and very well expected—on Public Opinion on Poverty, it was reported that 23 percent of the people in America have difficulty paying for their utilities. That is one out of every four Americans.

I will not support policies, such as NSR, that will hurt the poor in Oklahoma and around the Nation. Additionally, the lower environmental performance resulting from the current NSR Program impacts Americans in every tax bracket. NSR reforms enjoy the support of a wide range of interests—from the State attorneys general to labor unions to business groups.

I ask unanimous consent to have printed in the RECORD letters from the U.S. Chamber of Commerce and the International Brotherhood of Boilermakers in support of NSR reform.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, July 15, 2002.

Hon. JAMES INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I am writing on behalf of the U.S. Chamber of Commerce (U.S. Chamber), the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region, to express our support for reform of the new source review (NSR) program. NSR, in its current form has impeded environmental progress and energy production for decades. The revisions recently announced by the U.S. Environmental Protection Agency (EPA) are a good beginning to reforming a deeply flawed program.

The NSR program concerns the Clear Air Act (CAA) emissions standards applicable to significant new and modified stationary sources. In 1980, EPA established a regulatory exclusion for "routine maintenance." The scope of this term, however, remains subject to debate. A clear administrative interpretation of "routine maintenance" would be an improvement over the present situation, which is mired in complexity and confusion.

Reducing the problems with the NSR program is vital. Governments should not unnecessarily impede the work of the private sector. The NSR program is a classic example of bureaucratic complexity. More than 20 years after the initial regulation, a plant manager cannot determine with any certainty whether planned maintenance activities will subject the facility to millions of dollars of extra costs.

The NSR program, as presently constituted, is a severe impediment to increasing domestic energy supply. Electric generating plants cannot make even minor changes to their operations without running the risk of ruinous enforcement actions that would impose huge fines and enormous compliance costs on their facility. National energy policy, indeed national security, requires the removal of every obstacle to increased domestic energy production.

The National Energy Policy Report directed EPA to review the NSR program, and report on its effect on environmental protection and energy production. EPA's review found that the NSR program has impeded or resulted in the cancellation of projects that would maintain or improve reliability, efficiency, or safety of existing power plants and refineries.

On June 13, 2002, EPA announced a set of revisions to the NSR program. Among other changes, facilities would be able to make physical changes to their plants without obtaining an NSR permit, if their emissions do not exceed a plantwide cap. Projects would be excluded from NSR requirements if they result in a net overall reduction of air pollutants. EPA would also establish a safe harbor test. Projects whose aggregate costs are below the threshold established by the safe harbor test would be exempt from NSR requirements.

These proposals promise a major improvements to the NSR program. They will lead to improvements in the environment, as regulatory certainty will allow facilities to perform routine maintenance and repairs without the fear of triggering NSR requirements. Plants have deferred routine maintenance, which would have improved safety and decreased emissions, due to the potential costs of NSR requirements. With the NSR program modifications, overall emissions will be reduced. The reforms, particularly the plantwide cap, will benefit facilities by allowing increased operational flexibility. The revised NSR program will simplify an overly complex program.

The recently announced NSR reforms are long overdue. The regulations to be made final later this year were proposed in 1996. The proposals requiring notice and comment rulemaking will not be in effect until 2004, at the earliest.

The U.S. Chamber supports reform of the NSR program. The U.S. Chamber urges the

Senate to encourage these efforts to improve environmental progress and energy production.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

STATEMENT OF ANDE ABBOTT, DIRECTOR, LEGISLATIVE DEPARTMENT, INTERNATIONAL BROTHERHOOD OF BOILERMAKERS ON THE NEW SOURCE REVIEW PROGRAM

Chairman Jeffords, Chairman Leahy, and members of the Committees, my name is Ande Abbott and I am the Director of Legislation for the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL–CIO. I thank you for this opportunity to present our views.

Commonly referred to as the Boilermakers Union, we are a diverse union representing over 100,000 workers throughout the United States and Canada in construction, repair, maintenance, manufacturing, professional emergency medical services, and related industries. Boilermakers, who make and maintain industrial boilers and the pollution control equipment they use, have had a long-time commitment to a clear, effective and reasonable new source review ("NSR") policy. We support the recent efforts of this Administration to clarify the program. The efficiency of our facilities and the safety of our workers hang in the balance.

First, let me be clear today that Boilermakers do not oppose the Clean Air Act, nor do we oppose its rigorous enforcement. In fact, construction lodges of our union look forward to doing much of the actual work for the installation of new technologies and controls at utility plants and for industrial boilers across this region and the country. In reference to the NO_X control program alone, our international President Charlie Jones recently wrote:

"The EPA estimates that compliance measures will cost about $1.7 billion a year. A sizable portion of that money will go to the Boilermakers who do the work necessary to make the additions and modifications required by the SCR technology."

Aside from NO_X control, Boilermakers have always led the way on Clean Air Act issues. For example, Boilermakers were pioneers in installation of scrubbers and further in fuel-substitution programs at our cement kiln facilities. In short, Boilermakers have been there to meet the challenges of the Clean Air Act, to the benefit our members and all Americans that breathe clean air.

However, Boilermakers could not support the EPA's 1999 recent interpretation of its authority under the New Source Review program. NSR, correctly interpreted as we believe the Administration's clarification does, forces new sources or those undergoing major modifications, to install new technology, like the technology President Jones mentioned. We support NSR in that context.

But, when NSR is applied to the routine maintenance policies and schedules of existing facilities, very different results occur. In those cases, facilities are discouraged from undertaking routine actions for fear of huge penalties or long delays or both. By applying NSR in that way, we are pretty sure that Boilermakers won't have the opportunity to work on maintenance projects that we know are extremely important to energy efficiency. Just hearing about recent events in California is enough to make the case that facilities need to be as efficient as possible. We now have read that New York may be facing similar problems. The New York Times reported just a few days ago that, the State "is unexpectedly facing the potential for serious power shortages over the next couple of months." Now is definitely not the time to play with the reliability of a power grid.

Efficiency is not the only reason to encourage routine maintenance. Experienced professionals or Boilermakers new to the trade can both tell you: maintenance is necessary to maintain worker safety. Electric generating facilities harness tremendous forces: superheater tubes exposed to flue gases over 2000 degrees; boilers under deteriorating conditions; and parts located in or around boilers subjected to both extreme heat and pressure. Any EPA interpretation which creates incentives to delay maintenance is simply unacceptable to our workers.

Some critics of the June 13 action by the Administration have contended that the NSR decision was made with insufficient attention to public process. This simply has not been the experience of the Boilermakers or other unions working on this project. The U.S. EPA held four public hearings in each region of the country. Paul Kern, the recording secretary of our Local 105 in Piketon, Ohio, offered a statement at the hearing in Cincinnati. In addition, it is our understanding that over 130,000 rulemaking comments were received on this initiative. Given our experience with certain regulations that just seem to appear over night, the Administration's action NSR seem pretty open and fair to us. When you compare the current clarification to the way the program changed in 1999—without any rulemaking process whatsoever—the Administration's June 13 announcement looks all the better!

Boilermakers are not just workers; they are also consumers of electricity that work hard for their wages. One item often lost in the mess regarding NSR is that capital expenditures not justified for environmental protection are still passed along to ratepayers. Unfortunately, the less money you make, the greater the percentage of your paycheck goes to your electricity bills. According to Energy Information Administration data, those living at or near the poverty level pay 4 to 6 times the percentage of their income for power. So, advocates of misusing the NSR program hurt those least able to afford it the most!

As you can see, Boilermakers have never asked for repeal or substantial revision of the NSR program. We encourage the development and installation of new technology, and we stand ready to continue to train and apprentice workers to meet the needs of the Clean Air Act. However, when the NSR programs goes where it wasn't intended—and discourages the very maintenance, repair and replacement activities that constitute the livelihood of Boilermakers—we must strongly object. Thanks for the opportunity to make a statement.

Mr. INHOFE. Mr. President, the environmental community does not have to answer to the American people when energy prices go through the roof. But the President of the United States does, and we do, too. I think the President is doing the right thing, and we should support him for it.

So, in summary, this is one of the rare things that both the Clinton administration and the Bush administration have proposed which enjoys support by virtually all the labor unions as well as the business organizations, the U.S. Chamber of Commerce, and other organizations, and the American people who want lower cost energy.

Mr. President, I am offering a second-degree amendment to Senator EDWARDS' rider on the New Source Review. In his amendment, Senator EDWARDS asks the National Academy of Sciences to conduct a study on the impacts of implementing the NSR reform package and to delay the reforms in the interim.

In our judgment, there is no reason for this delay. We have delayed already for 10 years. We have been living with this thing for 10 years. We need reforms now.

Therefore, I am offering a second-degree amendment to allow the NSR final package to move forward, but to allow the National Academy of Sciences to conduct a study. When the NAS completes its study, the EPA can then benefit from its results. I suggest that the National Academy of Sciences will be getting their information from the EPA because they are the ones who have accumulated all the data to date, and there is no more data that is available. There is nothing to be lost by offering this as a second-degree amendment. You would have the benefit of the NAS study as well as moving along the time for implementation.

There is simply no reason to delay the implementation of the final NSR package. The Edwards amendment calls for a study before the final New Source Review rules go final. I guess the Senator from North Carolina has not read the administrative record on the regulations. If he had, he would see that the EPA conducted a thorough environmental analysis of the final NSR proposals.

Mr. President, I ask unanimous consent that the analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 19, 2001.

MEMORANDUM

Subject: Status of the New Source Review Improvement Rulemaking.
To: New Source Review Stakeholders.
From: Robert Perciasepe, Assistant Administrator.

Over the last two years we have all worked hard to develop improvements to the New Source Review (NSR) program. As I have discussed with you, I believe it is essential that this program have greater incentives for companies to employ the most effective emission reduction techniques voluntarily and give greater flexibility when companies take these voluntary actions. I am writing to share with you where we are on the NSR Improvement effort as I leave this office.

We have come a long way together in developing the conceptual framework for how EPA can improve the NSR program by providing greater certainty and flexibility for industry without sacrificing the level of environmental benefit provided by the current program or meaningful public participation.

Due to the array of policy and legal issues that arose on the vast number of areas we attempted to tackle in one very large rulemaking, we were not able to complete the regulator/packages in this Administration. The concepts that we developed make both economic and environmental sense because in return for environmental performance, industry will receive greater flexibility and more certainty for business investment decisions. The concepts would not undercut the basic goals of the NSR program.

The concepts that we developed and which I support are listed below. I believe many of these could be taken as final actions because of the hard work we have done together.

Voluntary Alternative NSR Program for the Electric Power Generating Industry—This voluntary program would allow owners of power plants to commit to specific, verifiable emissions reductions across all their electric generating units over a defined period of time and in most instances would avoid the need to get an NSR permit when making changes at their facilities.

Plantwide Applicability Limits (PALs)—Source owners would be able to make changes to their facilities without obtaining a major NSR permit, provided their emissions do not exceed the plantwide cap. Also, facility owners that use PALs must commit to install best controls over time to gain this flexibility and certainty. PALs would be especially attractive to those industries (e.g., pharmaceuticals and electronics) who need to make changes quickly to respond to market demands in order to stay competitive in a global marketplace.

Clarifications of Roles Responsibilities and Time Frames for Class I Area Reviews—The process for review of permit applications by Federal Land Managers (FLMs) would be clarified to delineate the roles of the source owner, the permitting authority and the FLM, in conducting permit reviews for sources potentially affecting air quality near national wilderness areas and parks (Federal Class I areas). These changes would reduce delays and disputes associated with permitting applications for sources near Federal Class I areas because they would provide a time frame for the FLM to identify any concerns and analyses needed for the permit applications. Also, it would clarify that the FLM does not have the authority to veto permits, and ensure that the FLM obtains the necessary information to conduct their permit reviews in a timely manner.

Clean Unit Exemption—This exemption would provide an incentive for source owners to install the best emission controls on new or modified emission units and provide flexibility and certainty so that most future changes at such units would not trigger NSR. An owner of an emissions unit that meets certain minimum criteria to be considered "clean" could make most changes to these units without triggering NSR for a specified period of time, such as ten years.

Innovative Control Technology Waiver—This waiver would provide more flexibility for owners of sources who risk trying innovative technologies that have not yet been proven effective. Should the innovative technologies not perform up to expectations, we would provide the owners with time either to correct the deficiencies or alternatively apply a more standard control technology.

Pollution Control Project Exclusion—This would codify our existing policy that owners of facilities making changes to their plants that primarily reduce one or more targeted air pollutants (but which collaterally increase other pollutants) are excluded from NSR provided certain conditions are met. We would provide a list of environmentally beneficial technologies that, absent other information that would indicate that the projects would not be environmentally beneficial, would be presumptively eligible for the exclusion.

Control Technology Review Requirements—Because disputes arise over what control technologies are considered available, the permit review process can become lengthy. To improve the process for obtaining a permit, we would (1) add a definition of "demonstrated in practice," (2) provide a "cut off" date for consideration of additional control technologies, (3) add provisions that specify when applications are deemed "complete," and (4) require that control technology determinations be entered into a clearinghouse before permits can become effective.

Nearly all parties in our discussions identified the need to have all of the data on the latest control technology determinations made by permitting authorities in the EPA clearinghouse. Improving the availability of this information to everyone will greatly assist the permitting process. To this end, I have committed significant resources to gather all of the existing data, input it into the database, and redesign the system to make it easier for all parties to put in new data to keep it up-to-date.

One of the lessons that we have learned through our ongoing efforts is that it would be difficult, if not impossible, to improve NSR in one large rulemaking. Instead, I believe it is best to make incremental changes that will provide flexibility and certainty without sacrificing the benefits of the current program. I hope the new Administration will consider finalizing the concepts described above that provide flexibility and certainty without compromising environmental protection to make near term progress. I realize there are other issues, such as applicability for the base program, that also need resolution. For these remaining issues, continued discussions in the context of the overall program are needed.

I appreciate and thank you for the time, effort and input that you have provided over the past years, and I believe that both industry and the environment will benefit from the approaches described above.

Mr. INHOFE. Mr. President, I would like to read from the EPA's own environmental analysis:

> The overall effect of the final rule will be a net benefit to the environment.

My second-degree amendment calls for a NAS study to look at the impacts of the regulation after implementation of the final rules while allowing the regulations to go forward, thus allowing cleaner and more efficient technologies to be installed in our Nation's manufacturing centers.

Delaying these regulations would delay projects to create safer workplaces. The International Brotherhood of Boilermakers, a member of the AFL-CIO, has recently opined against the proposed delay in the final package on the New Source Review. I would like to read just a small part of their letter and then will have the rest of the letter printed in the RECORD. This letter is a current letter dated today from the International Brotherhood of Boilermakers. It says:

> We have encouraged the Environmental Protection Agency to clarify the program as soon as possible, and oppose efforts in Congress to slow reform down. The efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS & HELPERS,
Fairfax, VA, January 21, 2003.

Re Opposition to Appropriations Rider Delaying New Source Review Reform.

Senator JOHN EDWARDS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR EDWARDS: On behalf of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, ALF-CIO, I am writing to express our support for clarification of the New Source Review, or NSR, program and our opposition to any effort to derail NSR clarification through the appropriations process. Therefore, we urge you and your colleagues not to offer an appropriations rider delaying implementation of the final NSR rules.

Commonly referred to as the Boilermakers Union, we are a diverse union representing over 100,000 workers throughout the United States and Canada in construction, repair, maintenance, manufacturing, professional emergency medical services, and related industries. Boilermakers, who make and maintain industrial boilers and the pollution control equipment they use, have had a long-time commitment to a clear, effective and reasonable NSR policy. We have encouraged the Environmental Protection Agency (EPA) to clarify the program as soon as possible, and oppose efforts in Congress to slow reform down. The efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers.

First, let me be clear today that Boilermakers do not oppose the Clean Air Act, nor do we oppose its rigorous enforcement. In fact, construction lodges of our union look forward to doing much of the actual work for the installation of new technologies and controls at utility plants and for industrial boilers across this region and the country. In reference to the NO_X control program alone, our international President Charlie Jones recently wrote:

"The EPA estimates that compliance measures will cost about $1.7 billion a year. A sizeable portion of that money will go to the Boilermakers who do the work necessary to make the additions and modifications required by the SCR technology."

NSR, correctly interpreted as we hope EPA's new rules will do, forces new sources or those undergoing major modifications, to install new technology, like the technology President Jones mentioned. We support NSR in that context.

However, when NSR is applied in an unclear or inflexible manner to existing facilities, very different results occur. In those cases, facilities are discouraged from undertaking appropriate actions for fear of huge penalties or long delays or both. By applying NSR in that way, we are pretty sure that

Boilermakers won't have the opportunity to work on projects that we know are extremely important to energy efficiency. Further, by reducing the useful economic life of boilers or by inaccurately setting baselines, the existing NSR confusion undermines the competitiveness of American job sites. And that means some of the almost 20 million manufacturing jobs at stake in heavy industry are placed at risk.

Finalizing new NSR rules is also important to maintain worker safety. Industrial and utility boilers harness tremendous forces: superheater tubes exposed to flue gases over 2000 degrees; boilers under deteriorating conditions; and parts located in or around boilers subjected to both extreme heat and pressure. Any delay of these important EPA rules is simply unacceptable to our workers.

Some have argued that the final NSR rules can await further study. However, the U.S. EPA held four public hearings in each region of the country on the proposal. Paul Kern, the recording secretary of our Local 105 in Piketon, Ohio, offered a statement at the hearing in Cincinnati. In addition, it is our understanding that over 130,000 rulemaking comments were received on this initiative, and over 50 stakeholder meetings were held.

As you can see, Boilermakers have never asked for repeal or substantial revision of the NSR program. We encourage the development and installation of new technology, and we stand ready to continue to train and apprentice workers to meet the needs of the Clean Air Act. However, when the NSR program goes where it wasn't intended—and creates uncertainty regarding the very livelihood of Boilermakers—we must strongly object. Therefore, we ask you and your colleagues not to offer any appropriations rider delaying the final NSR rules.

Sincerely,

Ande Abbott,
Director of Legislation.

Mr. INHOFE. Mr. President, some supporters of the Edwards rider in its current form suggest that delay is justified because State officials seek it. Nothing could be further from reality. Two years ago, a unanimous resolution of the National Governors Association was passed. It says:

> New Source Review requirements should be reformed to achieve improvements that enhance the environment and increase energy production capacity, while encouraging energy efficiency, fuel diversity and the use of renewable resources.

The Nation's environmental commissioners passed a subsequent amendment, stating:

> The Environmental Council of the States adopts the provisions of the NGA [the National Governors' Association] policy. The Environmental Council of the States encourages the United States EPA to reform the New Source Review Regulations into a workable regulation that is easily understood and effectively implemented.

These positions reflect the true direction of the majority of States. I think there is a propensity in this body for us to think that wisdom in Washington is greater than that of the States. That is not true. So you have a unanimous resolution from the Governors as well as the Environmental Council of the States.

The bottom line is this: My second-degree amendment allows the EPA and the States to benefit from the wisdom of the National Academy of Sciences on the important issues of clean air policy. However, my amendment does not create potential dangers inherent in delaying the onset of the important and thoughtful administrative reforms of the NSR program.

So I offer a second-degree amendment to the Edwards first-degree amendment No. 67 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. Inhofe] proposes an amendment numbered 86 to amendment No. 67.

The amendment is as follows:

> On page 1, strike all after "Sec." and insert the following:
>
> " . (a) Cooperative Agreement.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—
>
> (1) increases or decreases in emissions of pollutants regulated under the New Source Review program;
>
> (2) impacts on human health;
>
> (3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;
>
> (4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and
>
> (5) other relevant data.
>
> (b) Deadline.—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

Mr. REID. Mr. President, if my friend will withhold, I have a couple comments I would like to make.

Mr. INHOFE. Mr. President, I am glad to withhold.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I rise in opposition to the second-degree amendment of my friend, the chairman of the Environment and Public Works Committee. The amendment offered by Senator Edwards, and cosponsored by Senators Lieberman, Jeffords, Daschle, and Senator Reid of Nevada, really is a very modest amendment.

This administration has gone ahead with the most radical rewriting of the clean air rules in 30 years. Let me repeat that. The administration, administratively, has caused the most radical rewriting of the clean air rules in 30 years. They have not studied what the effects of these rules will be for people's health and the environment. I think Senators on both sides of the aisle have asked for this study. They have refused to do it.

This amendment simply says, let's wait 6 months—just 6 months—and get a real study of how this amendment will affect people. Our amendment says, because these rules have the potential to be harmful, we should study them first to make sure we know how they will affect people's health. The amendment says, let's wait until we get that settled—6 months, a half a year—before letting the rules become final.

The second-degree amendment says: Yes, we need to study those rules, but let's have the study after the rules go into effect; that is, let the rules go into effect first; and, second, we will study the effects. That means you are rolling the dice with people's health.

What this second-degree amendment says is, we will take our chances with the health of your children, with the health of your parents. What we say is, let the amendment go into effect after we have studied the issue.

What are we going to do a year from now if this study shows—and I am confident it will—that these radical changes will have made people's health worse? What are we going to say to senior citizens who are suffering from respiratory illnesses, as a great deal do?

It was less than a year ago that one of the weekly magazines—I believe it was Newsweek; ran a front-page article that talked about the asthma epidemic sweeping this country afflicting our children. Although they do not determinatively know why, one of the conclusions they arrive at is because of the bad air. However, I don't think we need scientific studies to show that.

By allowing the administration to go forward with this rule, what we are really saying is we do not care. We want these companies to go ahead and be able to continue their polluting—yet we only studied two companies.

We hear that the Environmental Protection Agency today has actually done the environmental analysis and it shows that these radical rule changes would protect the environment. That is foolishness. It is not true.

The EPA gave us hundreds of pages of old, irrelevant reports.

They said their assessment was qualitative and not quantitative. That is a buzzword for "we have done nothing." It means they didn't do real hard research in how these changes would affect people, children with asthma, and seniors with respiratory illness.

One group did the real hard research. The Environmental Integrity Project looked at two factories and found that just with these two factories, the administration rules would increase pollution by more than 120 tons a year. One of these EPA studies done by the current Environmental Protection

Agency points to Delaware as a model. Companies in Delaware have taken some good measures to reduce pollution. That is true. But as industries in Delaware have pointed out and as Senator BIDEN has pointed out, this administration is not following the Delaware model. They are following a different and anti-environmental model.

The amendment of the Senator from North Carolina does not discourage energy efficiency. All of us support more energy efficiency. We support reform of the New Source Review. We want to reduce pollution at the same time as we reform. We don't want reform being an excuse to increase pollution. The new rules would increase pollution.

Again, the amendment of the Senator from North Carolina is a modest amendment. It says: Look before you leap. However, what we are being told to do with the second-degree amendment is look after you leap. That is not the same.

Look before you leap; that is what we should do. The second-degree amendment is misguided, misdirected. It takes away from the importance and the dignity of the amendment offered by the Senator from North Carolina which simply says, the President wants to move forward with radical changes in the Clean Air Act, an act which has been in effect for some 30 years, so before we do this, let's first wait 6 months to see if the changes the administration suggested will hurt the environment.

I certainly hope the amendment of the Senator from North Carolina passes in its form before the Senate and that the second-degree amendment does not pass. I say that because if you look at the track record of the administration, you are looking at a track record that is not good.

We know the administration came out initially with an effort to change the arsenic standards in water. We were able to turn that back. We know the administration has worked very hard to make sure that the rules relating to testing children to find out if lead in their environment is bad—they tried to eliminate that. We were able to stop that.

Clean water: The administration proposed earlier this month changes for managing waterways under the Clean Water Act. The proposed rules would affect enforcement of the Clean Water Act by defining protected and unprotected lakes, rivers, streams, and wetlands. This rule would remove 20 million acres of wetlands from protection.

On January 3—just a few weeks ago—the administration issued categorical exclusions under the National Environmental Policy Act for certain timber projects. As a result, the agency will be able to approve logging in burned, diseased, and insect-infested forests without completing individual environmental reviews.

On December 31, the administration proposed regulations that would allow tuna caught by encircling dolphins to be labeled "dolphin safe." For the last 5 years, tuna caught using dolphins as targets were barred from bearing the "dolphin safe" label.

Two days after Christmas, the administration came up with a Christmas present when they issued new guidelines that would allow more development of wetlands and additional mitigation. However, the existence of wetlands is important because they filter drinking water, retain flood waters, and support wildlife.

The administration on December 23—2 days before Christmas—issued a final rule that would allow States to claim ownership of roads in national parks, forests, wilderness areas, and other public lands. Under this rule, States could assert claims to thousands of miles of dirt roads, trails, and wagon tracks—many of which are in wilderness areas and other public lands.

On December 19, the administration issued a cost-benefit report calling for more than 300 rules to be revised and eliminated, or expanded. These changes affect food safety standards, arsenic in drinking water, energy conservation standards, and logging in national forests.

Again dealing with clean water, on December 16 they issued final regulations under a court-ordered deadline that would weaken clean water protections concerning concentrated animal feeding operations. The new rule will affect 15,000 large and medium size U.S. corporate farms.

On salmon protection, the administration proposed new regulations to weaken salmon protections and to allow increased logging in the Pacific.

On November 22 of last year, the administration issued final regulations that would weaken the Clean Air Act's New Source Review program. The administration has issued standards relating to drilling in national parks. They approved natural gas drilling in Padre Island National Seashore in Texas, the Nation's longest stretch of undeveloped beach. They are going to take care of that and allow drilling there.

On climate change, on November 20 the chairman of the White House Council on Environmental Quality said: "Climate change is a technology issue." He believes technological innovations, not curbs on emissions of greenhouse gases, are the solution to global climate change.

Snowmobiles, something on which I have worked hard: The administration proposed to increase the number of snowmobiles allowed in Yellowstone and Grand Teton National Parks by more than 35 percent, even though the rangers there must use respirators and masks because the air is so bad because of the snowmobiles.

Should we not, with a record like this, take 6 months to see if the rules are going to be bad? I didn't read all of them, but you get the idea why I am a little suspect about the rules and why we should not leap before we look. Let's look, have a study done to find out if the rules are as bad as the environmental community says they are.

I hope the second-degree amendment of my friend from Oklahoma is defeated and we have an up-or-down vote on the amendment to call for a study before we enact the very extreme radical rule changes with the Clean Air Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me respond to the distinguished Senator from Nevada.

First, this has nothing to do with tuna, dolphins, drilling, snowmobiles in the Tetons. The record of this President has been very good. We passed extensive brownfields legislation with the help of the Senator occupying the chair. My amendment included over 200,000 petroleum sites. The record has been good.

It is important, when you are talking about this issue, to talk about the Bush administration. This essentially came from the Clinton administration, not from the Bush administration. With the exception of a few technicalities which have been worked out to everyone's advantage, this is the Clinton administration's program.

Here is the statement made at the last day of the Clinton administration by Bob Perciasepe:

> Over the last two years we have all worked hard to develop improvements to the New Source Review program. As I have discussed with you, I believe it is essential that this program have greater incentives for companies to employ the most effective emissions techniques voluntarily and give greater flexibility when companies take these voluntary actions.

And so then we had this study. Look at this study. It is 180 pages. The study comes to the conclusion that the overall effect of the final rule will be a net benefit to the environment. This is going to benefit the environment, not hurt it.

When the Senator from Nevada says, what do we say to senior citizens, I say what do we say to senior citizens when their energy costs go up, when they already have to decide whether to heat their homes or have food to eat.

We have studied this matter for 10 years. We don't need 6 more months. However, we are willing to have the NAS do a study, and they will use the same data the EPA used in coming up with the conclusion that this is not harmful, but it is good for the environment and health.

I will be joining my friend from Nevada in asking for a recorded vote on this second-degree amendment at the appropriate time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I thank the Chair.

Mr. President, during the last few session days, I have been rising to bring the Senate's attention to an issue which I think is very important. We have had a lot of discussion in this body about the concern for deficits. I share those concerns about how much money we are going to be borrowing in the future. One of the principal reasons for these discussions, particularly from Democratic Members, is their concern that because of these deficits going forward, we cannot give or—let me put it this way—let people in America keep more of their money and provide tax relief, as the President has proposed, to try to stimulate this economy.

The President has proposed in the area of $600 billion in tax relief over the next 10 years to try to help put more money into the private sector to help create jobs, secure jobs, and grow this economy. I think that is a very worthy goal.

Economic growth is vitally important for all of us in America. It creates job security. It creates new opportunities for advancement. It increases our standard of living. I believe everybody in this Chamber would agree that one of our priorities should be to create more jobs and create a stronger economy. The President has put forward a package which he believes will do that.

One of the major criticisms against the package is that it adds too much to the deficit; that while maybe some of these ideas are good ideas—letting people keep more of their money, providing incentives for people to invest, businesses to invest in capital equipment, stopping the double taxation of dividends—all those may or may not be good ideas, depending on to whom you listen—even if they are good ideas, we cannot afford it, we simply do not have enough money; frankly, we are running these deficits, so we have to be fiscally responsible—I am talking about the Democratic conversations of late—that we have to be fiscally responsible and not provide this tax relief.

What I am going to do in the next few days as we continue to debate this year's appropriations bills, the 2003 appropriations bills—not next, but this year, since we did not get our job done last fall and pass the appropriations bills for this year—is I am going to detail all of the amendments the Democrats are offering and begin to add up the 10-year costs of these amendments.

We have the first amendment offered by Senator BYRD on homeland security, which is $70 billion over the next 10 years.

Senator KENNEDY's amendment on education was $84 billion, which brought the total to $154 billion. Senators HOLLINGS' and MURRAY's amendment on Amtrak, that was $5 billion over 10 years. Senator HARKIN's amendment, $7 billion over 10 years, and then Senator BYRD's amendment, which was to basically strip away what was a mechanism to try to pay for some of these increases such as education and others, which was an across-the-board reduction, he eliminated the across-the-board reduction which basically put $154 billion on to the deficit over the next 10 years.

Pending is Senator DODD's amendment, which adds $21 billion over the next 10 years in the area of paying for education for people with disabilities.

We have already had a majority of Democrats, in fact almost every single Democrat, vote for $320 billion in new spending and now we have another $21 billion on which to be voted. There are a whole host of other amendments which have to be filed by 6 p.m. today, which will add robustly, I suspect, to this total of $341 billion to date that have been offered by Members on the other side of the aisle who have come to this Chamber repeatedly and suggested that, we cannot provide tax relief to spur this economy to create jobs and to put more money out on to the private sector into taxpayers' pockets but we can afford almost half of what the President's tax reduction measure will cost.

It is important to show where the priorities are of the respective parties. What we have suggested is that to help this economy get going we need to put more money in taxpayers' hands so we can create a stronger economy and a better quality of life for people in America. Many on the other side, not all, have said that is not acceptable.

What is their alternative? Well, this appears to be their alternative: To grow the size and scope of Government in increasing amounts.

We made a mistake. We made this chart too small. My guess is by the time we are done we are going to have a line of charts as to how much money we are going to add to the deficit at a time when we are hearing all this gnashing of teeth about the President's tax plan that is simply too expensive, that it adds too much to the deficit. Yet time after time Members on the other side are more than willing to add money to the deficit. As long as we spend it on Government programs, as long as we spend it on growing the size and scope of the Federal Government, they are willing to spend taxpayers' dollars and willing to put the deficit to even higher levels.

To set the record straight, when we hear the debate on taxes, as we will later this year and we will hear Members coming to the Chamber saying we cannot afford this tax reduction, remember what they thought they could afford and that is a much bigger Federal Government, more tax dollars being spent in Washington, DC, and higher deficits as a result.

I will be back after each series of amendments we vote on and we will be adding to this chart. I am hopeful this number of votes for these amendments will begin to change. Where we look at almost every single Democrat voting for these large increases in spending, I am hopeful that at some point there will be a recognition that it is important to control the growth of Government spending, it is important not to have big deficits in ever increasing amounts, and we will see some contraction in these numbers.

Time will tell what will happen in the Senate over the next several days as we begin to debate more amendments offered by the other side of the aisle to add more money to the deficit which they decry as already too big in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Rhode Island will offer a very important amendment on unemployment insurance. I ask unanimous consent that following my remarks, the Senator from North Dakota be recognized to speak for 15 minutes; following that, the Senator from Rhode Island be recognized to offer an amendment.

I have spoken to the manager of the bill and have indicated to him that we were going to offer this amendment. I ask unanimous consent, therefore, that when Senator REED offers his amendment the pending amendment be set aside. If there is a problem with that, that would give time to someone on the other side to be available to object having that set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. My friend, the junior Senator from Pennsylvania, has come to this Chamber on other occasions with his chart and talked about the Democratic amendments. What he has not talked about is the fact that a year ago, we had a huge surplus. There are estimates that it was as much as $7.2 trillion—some say it was only $6 trillion—over a 10-year period. As a result of what has taken place with this administration, that is gone. We are now spending in the red and using Social Security surpluses to pay for the Bush economic plan.

I was on a TV program with Senator NICKLES, who was my counterpart. The person doing the interviewing showed Senator NICKLES a chart. From the time that Harry Truman was President until today, going through every President, every President of the United States has created jobs, without exception, except the current President Bush. In fact, he has done so poorly in job creation that he has lost over 2 million jobs.

I hope the American people understand we are offering these amendments because we believe the American people deserve more than tax cuts for the rich.

The present administration's tax cut plan will increase the deficit by almost $1 trillion over 10 years. I hope my friend from Pennsylvania would vote against that if he is concerned about deficits, because that is a huge deficit builder.

Every time my friend, the distinguished Senator from Pennsylvania, comes to the Chamber with his chart, we are going to also talk about what this administration has done that has adversely affected the American people.

The amendments offered by the Democrats—which are said to be "outrageous things"—fund school districts around America to take care of handicapped children. I know that is somewhat radical that we want to pay for handicapped children to be educated, but that is what we have decided we would like to do, that we would fully fund the IDEA program. There is not a school district in America that opposes that.

Some of the other amendments funded the unfunded mandates that have taken place with our passing the homeland security bill. I know the State of Nevada badly needs that money because we have been forced to do things that the Federal Government has passed on to us that we cannot afford to do. The State of Nevada needs help. That is why today States have deficits of about $100 billion.

The deficit of the State of California alone is $35 or $40 billion, but of course it has 15 percent of the population of this country.

So they can bring out all the charts they want to talk about these amendments the Democrats are offering. The reason we have voted nearly unanimously for every one of these amendments is because it is the right thing to do for the people who are not represented by the Gucci shoe crowd, the big limousine crowd.

My friend from Rhode Island is going to offer an amendment to take care of about a million people who have no unemployment insurance. The unemployment rate has increased by millions under this President. It has gone from 4 percent to 6 percent. Job losses, as I have indicated, are over 2 million. The private sector has lost 2.4 million jobs since President Bush took office. Unemployment is staggering. A total of almost 9 million people were unemployed in December. The length of unemployment, which is more than 26 weeks, increased by 122,000 in December alone, the biggest 1-month increase in a long time.

There are a great deal of problems with this economy. We believe there should be a tax plan to stimulate the economy. What we believe should take place is an immediate tax cut. It should be directed toward the middle class. It should have no long-term impact on the deficit in this country.

I talked earlier about the Bush economic record. It is the only administration to lose private jobs in more than 50 years. We have had no other administration that has not created jobs. His dad came close. He almost was in the negative. He was the lowest we had since Eisenhower. But it is topped by this President. Eisenhower created increased employment by one-half of 1 percent, Kennedy by 2 percent, Johnson by 3.6 percent, Nixon by 2.1 percent, Ford by .18 percent, Carter by 3.3 percent, Reagan by 2.3 percent, George H.W. Bush by .4 percent, Clinton by 2.6 percent; George W. Bush has lost jobs. He is the only president whose job creation is in the negative.

We do not need people to lecture us on how bad the Democratic amendments are. Our amendments are targeted toward American people, not targeted toward the rich.

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the Senator from North Dakota is now recognized for 15 minutes.

Mr. BIDEN. Mr. President, may I ask the Senator from Nevada a question about what he just stated?

Mr. REID. I am happy to maintain the floor and yield to my friend from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Nevada, what confuses me about what the Senator from Pennsylvania said, and others have said, and is disturbing, our friends on the other side of the aisle have an incredible definition of what constitutes security. The idea that we would at this moment cut the end strength of the U.S. military, there would be 100 out of 100 Senators in opposition on the floor.

The idea that we are like those soccer moms we talk so much about, they are no longer soccer moms, I suggest. They are security moms. They are literally worried about whether or not in their children's schoolyard, in their shopping center, in their daily routine, they and/or their family might be a victim of terrorism.

If this war is a war the President talks so much about, with good reason, a war on terror, I assume we are saying the same thing. A war on terror is not a war that is only being conducted by special forces overseas, but the war on terror is in the United States.

What is the greatest concern Americans have? It is that something is going to happen as happened on September 11.

I ask this of these friends of ours on the other side of the aisle. I think they mean well. They talk about the fact they do not want to grow government. I ask, How are you going to combat terror in the United States of America, in Washington, DC; in Omaha, NE; in Wilmington, DE; in San Francisco, CA; how are you going to confront terror, combat terror? How are you going to make our nuclear powerplant that is right across the river from tens of thousands of Delawareans secure? How are you going to make sure there are no Americans subject to poison gas attacks, the water supply being polluted, chemical agents, or, God forbid, biological weapons. The only way to do that, it seems to me, is with more defense.

What is the defense? That is homeland defense. The defense is the FBI, local law enforcement; the defense is domestic surveillance, domestic operations. My friends keep saying they do not want to grow government. What the devil are they talking about? They just cut 1,100 FBI agents. They shrank government. If tomorrow they took this similar percentage of U.S. Marines and cut them, we would say: My God, what are they doing? They are crazy.

A U.S. marine, I ask my friend from Nevada, who is going to confront a terrorist on the Mall in Washington, DC, or at a nuclear powerplant in Nevada or Delaware, who will confront that person? Who will track them down? Is it a marine? A special forces person? No, it is going to be a law enforcement officer.

These fellows have, unintentionally, I hope, emasculated law enforcement. They have cut the COPS Program that put 100,000 cops on the street. They eliminated that. They transferred, necessarily, 570-some FBI agents out of violent crime strike forces toward terror. They have reduced the coverage in the States. They have now cut another roughly 1,100 FBI agents, eliminated any help for local law enforcement. They ballooned—as a consequence of that, in part—the budget of all these States, and they proudly stand here and say: We are not going to grow government.

I raise my hand; I want to grow government to fight terror. I want to grow the number of FBI agents. I want to grow the number of CIA agents. I want to grow the number of police officers. I want to grow the ability to defend my family from a terrorist attack on a nuclear powerplant in my region, all of which are exposed now. They are exposed.

I hope my friends, when they come to the floor, will explain to me why an increase in the deficit to maintain the end strength of the FBI is less worthy than increasing the deficit over 10 years by half a billion, counting interest, to give people a deduction, no taxes, on their dividends.

Mr. REID. If I could respond to my friend, the distinguished Senator, formally chairman of the Judiciary Committee and Foreign Relations Committee, the only place the Senator has misspoken is that the tax cut will be near $1 trillion when interest is included, near $1 trillion.

Mr. BIDEN. I was only talking about the dividends.

Mr. REID. And I say to my friend, the Senator is absolutely right.

We have to have a secure nation. The amendments we have supported and were offered by Senator BYRD are amendments that would give the State of Delaware, the State of North Dakota, and the State of Nevada, a little bit of relief from the unfunded mandates we passed on.

I also remind my friend from Pennsylvania who was talking about how bad the amendments were; he talked a lot about the deficit. We are not talking as "pie in the sky." We, as Democrats, have a ledger you can look to of success. For the first time in modern history, during the Clinton years, we were spending less money than we were taking in. The last year of the Clinton administration, they were coming to us saying: Better not retire that debt so quickly because you could have an adverse effect on the economy. I guess someone in the Bush administration heard that because they listened clearly. Instead of having a surplus, as we had, they have gone gang busters.

Mr. BIDEN. If the Senator will yield briefly—and I will yield the floor—I appreciate the response.

I have no doubt and I do not disagree with anything the Senator has said overall, but I am just suggesting that I wonder how any Members will explain at home, if, God forbid, one of our nuclear powerplants is blown up; if, God forbid, sarin gas is released in the tunnels under New York City; if, God forbid, any number of other things I could mention, which I won't because they will frighten people, happen, I wonder how any Member will explain how we justified, in the name of not growing government, reducing the number of what I call domestic defense officials, the number of FBI agents, the law enforcement agents, the number of people who, in fact, have as their primary responsibility, the security of our people. A government's first and foremost responsibility is security. It is not tax equity, it is security. Security. I am here to say we are skating perilously close to a disaster line here for failing to step up to the plate.

My last comment is I made a speech on September 10 to the National Press Club making the same argument I am making now. It was at that time thought to be somehow a little bit of—we can't afford it. The argument I made on September 10 at the National Press Club was we were ignoring domestic security and international terror at our peril and I laid out what we were not doing.

Let me say to you, I will be back on the floor again and again because I do not want my children or my grandchildren saying to me: Where were you during the war, daddy? Put it another way: Where were you when we were fighting terrorism, or supposed to be fighting terrorism? Why were you cutting law enforcement, cutting the FBI? Why were you cutting the very agencies that were designed to protect our security, that mom in her living room, her child in her school, her husband on the subway? Where were you?

I think we are misguided, in terms of the majority view on this floor. I want to grow government to defeat terror. I want to do it with people with guns. I want to do it with people with might. I want to do it with people with intelligence capability. I want to stop it before it happens. You cannot convince me you can do a better job with fewer people.

I thank my friend.

Mr. REID. I have a unanimous consent request, if my friend will yield.

I ask unanimous consent that Senators REED of Rhode Island, CLINTON, BINGAMAN, JOHNSON, and SCHUMER be added as cosponsors to the Dodd amendment No. 71.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized under the previous order for 15 minutes.

Mr. DORGAN. Mr. President, I came to the floor because I want to talk about an amendment that will be offered tomorrow dealing with disaster aid for farmers, but I can't help but comment just a moment on some of the discussion I heard on the floor as I entered the Chamber, and also just prior to that, the notion there is one side of this Chamber that somehow is for big government and there is the other side that is protecting the American people against big government.

My colleague from Delaware said it appropriately. If you take a look at the amendments that have been offered and debated, the amendments, for example, by my colleague, Senator BYRD, are talking about additional investments in homeland security. Does anyone really think it is just building big government to care about investments in homeland security?

Do you know, for example, that there are 5.7 million containers that come into America's ports every single year and only 100,000 of them are inspected and 5.6 million containers are not inspected? Do you think maybe we ought to do better than that? Do you think there is a potential threat by terrorists dealing with our ports and harbors and the containers that are coming in from all parts of the world?

If you do, do you really want to stand up and say what my colleague is trying to do is just big government? Or maybe you want to stand up and say this is an important investment in the security of this country. Maybe you want to stop the kind of demagoguery that exists around this town at almost every turn on almost every subject.

Isn't there a reason to have a thoughtful debate about what kind of security the American people expect and deserve, responding to the terrorist threat around the world? I think it ought to be thoughtful rather than thoughtless, and too much of the dialog I find, regrettably, is thoughtless.

We have heard, of course, the same dissenting voices. When the proposal was to create a Medicare program, the dissenting voices were to say: Oh, no, we can't do that. Create a Social Security Program to help seniors? No, we can't do that.

It's a good thing this Chamber wasn't filled with people with that attitude when President Eisenhower proposed we build the interstate highway system or that wouldn't have gotten built.

I won't go on. I will just say I don't think anyone in here pines for "big government." But I think we want a better country. And some of us very strongly believe that to have a better country is to decide to invest in America's kids, to improve education, to make our neighborhoods safe, to create the kind of circumstances in which we have economic growth and opportunity, and people have decent jobs—jobs that pay well, jobs that have security. All of these represent what will make this a better country—not a bigger government, a better country. I think we would be well advised to redraw a few of these charts that we see brought to the floor of the Senate and talk about what is important to the future of America instead of trading slogans back and forth.

But that is not why I came to the floor. I want to talk just for a moment about the issue of disaster aid for family farmers. Last week a cattle rancher from western North Dakota called and said: I don't want any political discussion or political talk. What I need to know is, will there be some assistance for those of us who have been hit by disaster? Because I just spent 2 hours at my local bank. The fact is, if there is not disaster aid made available by the Congress to help those of us who got hit by a natural disaster—a drought that has been devastating for them—then I am not going to be able to continue. There will not be any credit for the coming year and I am not going to be able to continue on my ranch.

There are thousands, tens of thousands of people all across this country in exactly the same situation, wondering if, during this disaster, this devastating drought that has been likened in some parts of our country to the Dust Bowl days of the 1930s—a devastating drought that is not the fault of farmers and ranchers but that has crippled their ability to make a living, devastated their livestock herds and meant that seeds they planted in the spring could not possibly produce the harvest in the fall—wondering whether, as has always been the case, whether Congress will do in this disaster what it has done in previous disasters, and that is say to those farm families: We would like to extend a helping hand.

We do that in virtually every other circumstance. When there is a hurricane in one of our southern States, when there is a fire or a flood or an earthquake, our country is quick to send teams of people and say: Let us help you. This is a natural disaster. It is not of your making and we understand the need for our country to reach out and extend a hand and say let us help you.

I have always been pleased to say let me be a part of that. I want to help the people who have been hit hard by these devastating natural disasters. So my vote has always been yes. My colleagues, fortunately, have always said the same when it comes to disasters that hit the family farm. The question is whether we will provide enough help to allow them to continue on that family farm or ranch.

We are going to offer, tomorrow morning, I believe—at least it will be tomorrow, I hope it will be the first amendment up—Senator DASCHLE, myself, Senator BAUCUS, and others will offer a farm disaster package here on the floor of the Senate and that package will be similar to that which has been offered in the Senate previously and passed by the Senate previously, $5.9 to $6 billion. It received a very wide margin here in the Senate. The vote was bipartisan. It was declared emergency spending, as has always been the case with respect to disaster relief. And it was blocked. It was blocked by the House; blocked by the White House. But nonetheless, blocked.

We passed disaster relief on three occasions in the last Congress, only to see it blocked, and we were unable, then, to get this disaster relief made available to family farmers across the country.

So, we will try again tomorrow, urging that the Congress pass disaster relief. We could and should be able to do that in the Senate. I am reading there are some others with a disaster proposal that is less than half of what should be available and also providing that those who had no disaster will get payments. Last week's construct was a bit different from this week's. But what I read is we will still see, under the proposal offered by the majority, a disaster relief proposal that will spread money to those in rural America, notwithstanding who might or might not have been hit with a disaster.

It is our proposition that only those who have need—incidentally, it is a wide group of family farmers and ranchers across this country who have been hit by this devastating drought—it is only those, in my judgment, who should receive the benefit of the disaster program.

We passed a new farm program last year that would provide better price supports and that would guard against falling prices. But this isn't about price support. This is about disaster.

In my part of the country, a fair portion of the crops—particularly in southern North Dakota—never got out of the ground. In parts of North Dakota and in parts of much larger areas of the country, if you saw a picture of the ground that you would have taken during what would have been harvesttime, you would see something that looked very much like a moonscape. The seeds were in the ground but the seeds did not come up. That farmer and his or her spouse would have lost everything. Many of them right now are visiting with their bankers to determine whether they will be able to continue on the farm or ranch.

I hope this Congress is ready to say, as it did last year in the Senate, that we believe we ought to provide a disaster package to family farmers who suffered this drought disaster.

There are many strikes that are against farmers and ranchers—some perpetrated by the Congress and some by others, one of which is trade, for example. I will not spend much time talking about that. But our farmers have been beset these years by low prices, by bad trade deals, and by a range of disasters—in some cases too much moisture, and in other cases too dry, but the result is the same. In both cases, their livestock herds are decimated. They are unable to raise a crop.

My hope is that by tomorrow we will have sufficient numbers in the Senate, as we have had on previous occasions in the last year and a half, who will stand up for family farmers and ranchers and decide they, too, will support, as they have in the past, disaster relief. My hope is that by this time tomorrow we will have had the debate, finished the debate, and had a favorable vote. Senator DASCHLE and I, and Senator BAUCUS and others, have spoken on the floor previously.

Senator BAUCUS put this in the stimulus plan last year and Senator DASCHLE was in the Chamber leading the effort. We have had plenty of debate on it. It ought not be a mystery for any Member in this Senate about what is happening in rural America. No one, in my judgment, need ask the question, including the President of the United States—who, incidentally, went to South Dakota so often last year that he should have rented an apartment in South Dakota, and he came to North Dakota. And within the last couple of years, he has said, oh, by the way, you family farmers, when you need me, I will be with you. We needed him and he wasn't with us—last year and now this year. We asked this President to join us. We asked the Speaker of the House to join us and help us pass disaster relief at this point.

That is why beginning tomorrow Senator DASCHLE, myself, and others will be pushing for an amendment on this omnibus bill. I know there will be those who will come to the floor—and perhaps one of my colleagues who spoke earlier today—and say, well, what they are talking about is big government. What we are talking about is trying to stimulate the economy and help those in the country who need some help. One quick way to stimulate the economy in rural America is to help those farmers and ranchers with some disaster relief, as we have always done in the past. That disaster relief finds its way into the mainstream. It supports jobs and main streets and businesses in all of our communities in rural America.

It is not just about family farmers. It is about the world economy. It is about stimulating our economy. There is no more quick way to do that than to include in any stimulus package—in this case to include in the omnibus bill—a piece of legislation that does what Congress should have done a year ago but failed to do because the Speaker of the House and the President blocked it; that is, pass a decent disaster relief bill in the neighborhood of $6 billion on an emergency basis that no longer leaves America's food producers in doubt; that says to those families who are struggling on the farms that we are with you, we care about you, but when you suffer disaster this country is going to extend its hand to you.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that following the remarks Senator REED I be recognized for 15 minutes.

Mr. REID. Mr. President, reserving the right to object, I have spoken to the floor staff. Following the statement of Senator VOINOVICH, Senator DURBIN wishes to speak on the amendment that Senator REED is going to offer.

Mr. DURBIN. Mr. President, reserving the right to object, it is my understanding that Senator REED may speak for 10 minutes. Is that correct?

Mr. REED. No.

The PRESIDING OFFICER. The Senator has no limit.

Mr. DURBIN. All right. I ask unanimous consent that follow his remarks I be recognized for brief comments on the same subject. But I will wait. I think that is appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I have to preside at 4 o'clock. May I ask unanimous consent to be recognized to speak at 5 o'clock after I am finished presiding?

Mr. REID. I think that will be just fine. We will have no objection.

Mr. REED. I have no objection. I think I can assure the Senator that I will be finished before 4 o'clock.

Mr. NELSON of Florida. Mr. President, may I inquire of the assistant Democratic leader, when will we get a unanimous consent on the African famine amendment?

Mr. REID. I have spoken to the majority. They recognize that the next amendment we want to offer is by the Senator from Florida. We understand that Senator INHOFE will be ready to go also. I am sure we will get that consent as soon as the debate on unemployment insurance is completed.

The PRESIDING OFFICER. Hearing no objection, the unanimous consent request of the Senator from Ohio is agreed to. The Senator will follow the Senator from Rhode Island.

The Senator from Rhode Island is recognized.

AMENDMENT NO. 40

Mr. REED. Mr. President, under the unanimous consent, I call up amendment No. 40.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. REED), for himself and Mr. DURBIN, Mr. KENNEDY, Mr. LEVIN, Ms. CANTWELL, Mr. CORZINE, Mr. JEFFORDS, Mr. BINGAMAN, Mr. BAUCUS, and Mrs. CLINTON, proposes an amendment numbered 40.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To expand the Temporary Extended Unemployment Compensation Act of 2002)

At the appropriate place in title I of division G, insert the following:

SEC.   . ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) ENTITLEMENT TO ADDITIONAL WEEKS.—

(1) IN GENERAL.—Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended to read as follows:

"(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.".

(2) REPEAL OF RESTRICTION ON AUGMENTATION DURING TRANSITIONAL PERIOD.—Section 208(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147), as amended by Public Law 108–1, is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)"; and

(ii) by inserting before the period at the end the following: ", including such compensation by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) EXTENSION OF TRANSITION LIMITATION.—Section 208(b)(2) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147), as amended by Public Law 108–1 and as redesignated by paragraph (2), is amended by striking "August 30, 2003" and inserting "December 31, 2003".

(4) CONFORMING AMENDMENT FOR AUGMENTED BENEFITS.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by striking "the amount originally established in such account (as determined under subsection (b)(1))" and inserting "7 times the individual's average weekly benefit amount for the benefit year".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(2) TEUC–X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendments made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC–X amounts") prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as "TEUC amounts").

(3) APPLICATION TO EXHAUSTEES AND CURRENT BENEFICIARIES.—

(A) EXHAUSTEES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before such date,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(B) CURRENT BENEFICIARIES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) as to whom the condition described in subparagraph (A)(ii) does not apply,

such individual shall be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by subsection (a)) with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(4) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR INDIVIDUALS FOR WHOM SUCH A DETERMINATION WAS MADE PRIOR TO THE DATE OF ENACTMENT.—Any determination of whether the individual's State is in an extended benefit period under section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) made prior to the date of enactment of this Act shall be disregarded and the determination under such section shall be made as follows:

(A) INDIVIDUALS WHO EXHAUSTED 13 TEUC AND 13 TEUX–X WEEKS PRIOR TO THE DATE OF ENACTMENT.—In the case of an individual who, prior to the date of enactment of this Act, received 26 times the individual's average weekly benefit amount through an account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) (by reason of augmentation under subsection (c) of such section), the determination shall be made as of the date of the enactment of this Act.

(B) ALL OTHER INDIVIDUALS.—In the case of an individual who is not described in subparagraph (A), the determination shall be made at the time that the individual's account established under such section 203, as amended by subsection (a), is exhausted.

Mr. REED. Mr. President, today I join with Senator DURBIN and several other of my colleagues in calling for an extension of Federal unemployment benefits for the 1 million long-term unemployed workers who have exhausted their benefits and were not aided by the legislation that we passed on January 8.

On January 8, we passed a bill that extended benefits to unemployed workers who were cut off from receiving their benefits on December 28. With the December 28th deadline, approximately 800,000 workers were cut off from receiving their benefits. We essentially gave them 13 weeks of extended benefits, but in doing so we neglected to provide additional benefits for a million Americans who lost their unemployment benefits—first, their State benefits of 26 weeks, and then their extended Federal unemployment benefits.

In recent recessions, Congress always acted to respond to the plight of these unemployed Americans who are searching for work, trying to maintain their households, and trying to maintain their families. In the early 1990s, Congress extended benefits five different times—three of those times during the Presidency of President George Herbert Walker Bush.

In contrast to the 1990s, the situation is even greater today. At the end of December 2002, an estimated 2.2 million workers exhausted their Federal benefits; whereas, in the recession of the 1990s, approximately 1.4 million Americans had exhausted those benefits.

Where is this crisis affecting Americans? It is everywhere. It is estimated that of these 1 million jobless Americans, about 56,800 are from Texas; 44,000 are from Pennsylvania; 43,500 are from Ohio; 37,600 are from North Carolina; 53,000 are from Illinois; 20,000 are from Indiana; 27,000 are from Tennessee; 18,000 are from South Carolina; and 84,000 are from New York. And the list goes on and on.

This is not a rollcall to be proud of because it represents the fact that the economy is not working. These are not small numbers. We overlooked a lot of those Americans when we took partial action on January 8.

This is not just about numbers. This is about people.

I think there is an erroneous perception that somehow these people are not looking hard enough for work; that they are really the hard-core unemployed, transient workers; that somehow they just don't deserve our help. Nothing could be further from the truth.

I will share some stories that have appeared in the press about people who are struggling with this dilemma of unemployment. I think you will find these people are very similar to people in your neighborhoods, in your families. They are Americans who want to work but in this economy cannot find work.

And there is something else that is going on here, too. This economic dilemma has some characteristics of a cyclical unemployment cycle, but many economists believe there are structural issues at work. You see, this is the situation where, for the first time in recent memory, many of these unemployed Americans are highly skilled, highly educated, and highly motivated. Yet they cannot find work.

For example, Laura Carson of Easton, MA, lost her job in July of 2001. She was a human resources executive. She worked for approximately 17 years, since she graduated from Suffolk University. She has applied for unemployment insurance. She exhausted her State benefits, and then she exhausted her extended benefits. She is still looking. She tried to get a job this holiday season in a retail shop, but she could not find work. She is still looking. Just to survive, she has gone ahead and refinanced her house and taken out a home equity loan. But that is only putting off the inevitable, as bills keep crashing in upon her.

These are the types of people we are trying to help: Susan Brown of Chappaqua, NY, lost her job as a consultant 18 months ago. She used to be a principal in a firm that specialized in Web design. She is one of the victims of this technological bubble that burst. Her company went belly-up in 2001.

This is a woman who has worked for 18 years since she got out of college. She worked through high school and put herself through college. This is exactly what we like to reward in America: hard work, discipline, and dedication. She got remarried over the summer and, ironically—but in this market, not surprisingly—her husband lost his job, also. She has had to dip into her 401(k) plan to make ends meet. She is still looking but still very frustrated about finding work. She said:

> There are just no jobs. I can't even tell you how hard it is.

And prior to her loss of employment, she was making $200,000 a year. This is an example of this new phenomenon where highly skilled, highly motivated, highly educated people just can't find comparable employment in this recession.

Jules Berman of Queens was laid off from his job. He worked for almost 30 years for a New York candy company. He filed for unemployment insurance in December 2001, and he has seen his benefits exhausted. He has never been out of work before in his entire work life.

What you are seeing, again, if you do the math: after 30 years, seeing middle-aged men and women, who are losing their jobs for the first time in their work history, who thought—as we all did, our contemporaries—if you worked hard, got a good education, got in with a good company and strived and struggled each day, you certainly could work until you retired on your pension and your Social Security. That is not the case. And now, at the age of 50, with mortgages, with children who are going to college, with health care bills and health care concerns, they are looking for a job.

That is the reality, and it is not just in the Northeast. Eric Strubble lives in Newcastle, CA. He was laid off from Hewlett-Packard—another example of the huge downturn in technology companies that has taken place in the last few years. He has filled the gap with these unemployment benefits, but, as he said:

> Obviously, if we had to live off it, there would be no way, but it helps stretch things out a bit.

People don't get unemployment insurance because they don't want to work. It is a fraction of what you make in your salary check each week. The average unemployment benefit is about $256. It does not make up for your lost wages. It allows you, as Mr. Strubble says, to "stretch things out a bit" until you get on your feet.

Joyce Smith, 52, of Ardmore, TN, exhausted her $190-a-week benefit in August. She was a factory worker. As she said:

> There's not much out there. They don't want people my age. It's been a panic and a struggle, and you just go into a depression.

Gary Hineman of Morgantown, PA, an unemployed steelworker who is 48 years old, has worked his whole life. In fact, he fibbed about his age at 16 just to get in the Steelworkers Union. He worked all his life, worked hard, and yet he is looking desperately for work. He said:

> If I could speak to Members of Congress, I would tell them to see how we live and how we feel. They want the economy to pick up, but there are no jobs to pick it up with.

That is Mr. Hineman. His wife Michelle works as a grocery clerk. They are getting by on her $15-an-hour job.

Mr. Hineman said: "That is the only thing I've got going for me." These are examples. These are the realities. These are the people we are trying to help and we should help: hard-working Americans. Yet we neglected 1 million of them.

Now, as the comments of these individuals suggest, this is a reflection of an economy that is not working. For the first time in 8 years, family incomes have fallen; poverty is increasing; families at all income levels are losing their health insurance; gross domestic product is growing, but it is not growing fast enough to make up the jobs that are necessary so these people can get back to work.

Indeed, the reality for most Americans today is, they live on their paychecks not their portfolios. When the paycheck stops, they are in very difficult circumstances. Our proposal is very simple: Let's give these individuals some more extended unemployment benefits so they can stretch it out a bit longer, find that job, make decisions that are going to get them back in the workforce.

Let me point out that our economy has lost over 2.2 million private payroll jobs since President Bush took office. The unemployment rate is currently 6 percent—nearly 2 percentage points higher than when President Bush took office. Long-term unemployment is very high, and that is the issue we are dealing with in this amendment: giving some support to these long-term unemployed.

By the way, I cannot think of a more efficient stimulus program than giving people looking for work unemployment benefits to tide them over until they find work. The money goes directly to them and directly into the economy. So from the standpoint of economic policy, that makes sense. Certainly from the standpoint of helping citizens of this country, it makes a great deal of sense.

The unemployment insurance trust fund has a $24 billion surplus. The funds are there. We should access them and allow these individuals additional benefits. We have to do more to help working Americans to make sure they make it through a very difficult, very challenging economic situation.

We have done it before, and I hope we can do it again. I hope we will do it again in this bill. This is an issue of great concern for our economy, but, as I have tried to illustrate with these individual stories, this is about our neighbors, people we live with back in our home States, the people we represent, the people who have worked all their lives; and all they want is a chance to keep their heads above water until they can find that job, as they look for that job day in and day out.

I think it is the least we can do for them. I hope we will do it. I am pleased and proud to be joined by Senator DURBIN as a cosponsor. I know he will return a bit later to make his comments.

I hope we can, in fact, take up this amendment, adopt it on a strong bipartisan basis, and make sure that all long-term unemployed, not just those who were satisfied in the last legislation—but all the long-term unemployed—get a chance for extended benefits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 86

Mr. VOINOVICH. Mr. President, I rise today in opposition to the proposed amendment to stop the New Source Review reforms from moving forward, and in support of Senator INHOFE's second-degree amendment. I am pleased to have an opportunity to speak about this because there is a lot of confusion among our colleagues and throughout the country over what NSR New Source Review—means. The program is a policy that is in desperate need of reform. Reform is critical to public health and the environment, to our Nation's economy and energy supply, and to the safety of our country's workforce.

The program was created back in 1977. It simply requires new facilities to install the "best demonstrated technology" to control emissions. The program also requires older facilities to update their equipment to "state of the art" when they do major modifications. I underscore "major modifications."

When the NSR program was created 26 years ago, Congress believed that incorporating pollution controls whenever new facilities are built or when older ones are significantly modified was the most efficient way of controlling pollution. The EPA issued their first NSR regulation, a 20-page document, in 1980. This implementing regulation excluded from the definition of modification "routine maintenance, repair and replacement." Since then, the EPA has produced over 4,000 pages of guidance documents in an attempt to explain and reinterpret the regulations. I say "attempt" because in fact the guidance documents are very confusing.

It is important for the public and Members of this body to understand that the lawsuits blossoming all over the United States for NSR violations were brought about by an EPA guidance document, not new regulations, an EPA guidance document in 1998 which changed the definition of routine maintenance. This continual reinterpretation has led to confusion, misunderstanding by the EPA, the States, and the industries affected by the regulations.

This chart, which I have used at hearings before the Government Affairs and EPW Committees, shows why companies are reluctant to subject themselves to New Source Review permits. If you were a company and you were going to do routine maintenance and repair, would you ever submit yourself to this maze? I am sorry it is in such small print because my colleagues can't see it. But this is the kind of thing they are being required to do if they want to go forward with routine maintenance and repair.

Not only has the situation led to costly litigation, but to a climate of uncertainty, forcing companies to forgo needed maintenance and repair work until the regulatory policies are clarified. Ironically, this uncertainty has led companies to reduce their investments in cleaner, less polluting technologies for fear that the shifting regulatory environment would declare such improvements a violation.

While the goal of the Clean Air Act has been to make the air cleaner, the NSR program has at times worked against this goal and wound up having the opposite effect.

I want to clarify a very important point often misconstrued by the opponents of NSR reform. All major facilities are regulated by the Clean Air Act. No plants are exempt from the Act, and no plants are "grandfathered." All facilities have permit levels that they must meet for their emissions. They must abide by ozone and particulate matter standards, what we refer to as maximum achievable control technology standards, the acid rain program, the NO_X SIP Call, the regional haze program, and a range of other regulatory programs that apply to each industry or facility. Furthermore, states implement source-specific emission limits through state implementation plans that can be set at more stringent emissions levels if the states deem it necessary.

In fact, as this chart shows, the Clean Air Act has been extremely successful in reducing emissions of pollutants. Since the 1970s, emissions of all criteria pollutants—carbon monoxide, lead, particulate matter, nitrogen oxide, ozone, and sulfur dioxide—have been reduced by 29 percent. This is significant when you consider the fact that over the past 30 years, our population has increased by 38 percent, our Nation's energy consumption has increased by 45 percent, the number of miles our vehicles travel each year has increased by 143 percent, and our gross domestic product has increased by 160 percent.

While our country has grown, emissions have decreased. However, I strongly believe that more can and should be done.

I have worked tirelessly over my entire career to improve our nation's and Ohio's air quality. In the 1970s, as Mayor of Cleveland, I worked on this issue firsthand by operating a 57 megawatt municipally owned utility. I also spent considerable effort as Governor to get 28 of Ohio's counties into attainment for ozone. Through my efforts to institute an automobile emissions testing program and convince one of our major coal fired facilities to install a scrubber, all 88 of Ohio's counties met the air quality standard requirements of the Clean Air Act by the time I left office.

I have continued this work here in the Senate since 1999. As chairman of the Clean Air Subcommittee, I have been working to further reduce pollution from power plants through a multi-emissions strategy. Last year, we worked on this issue in the EPW Committee. Unfortunately, the majority moved ahead on a proposal that would have been unjustifiably devastating to our economy and very costly for consumers and businesses alike.

In the 108th Congress, I plan to work to craft a bipartisan multi-emissions strategy that makes real reductions possible right away. I urge my colleagues to lay politics aside and work with me to improve public health, protect our environment, provide better regulatory certainty, and ensure continued access to safe, reliable, and low-cost electricity.

Mr. President, the NSR program plays an important role in reducing power plant emissions. It also—this is something that is not well understood—applies to every stationary source in the country. When people talk about this, they think it is just utilities that are involved. Rather, we are talking about refineries, chemical plants, and manufacturing facilities. NSR applies to all of them, and all of them out there today are uncertain about what they should be doing and, as a result, are doing nothing.

The current confusion over NSR is actually contributing to polluting our air. When NSR is clarified, I am sure that many of these companies would move on with their programs. They would reduce emissions, and they would make their facilities more efficient.

It is imperative that the NSR program be reformed if we are to improve air quality because at present companies either can't or won't make the necessary changes to improve efficiency and the environment. Without NSR reform, multi-emissions legislation will not work.

We need to do everything possible to encourage new investments in more efficient equipment that produces fewer noxious emissions. That is why Senator CONRAD and I, along with 24 of our colleagues, sent a bipartisan letter to Administrator Whitman in May calling on her to "complete the [NSR] review and to undertake the necessary regulatory process in the near future to clarify and reform the NSR program."

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 13, 2002.
Hon. CHRISTINE WHITMAN,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR WHITMAN: The Administration's National Energy Policy included a recommendation that the Environmental Protection Agency (EPA) conduct a review of the New Source Review (NSR) program and make recommendations to improve the program. We are writing to urge you to complete that review and to undertake the necessary regulatory process in the near future to clarify and reform the NSR program. We also encourage you to implement any changes in a way that protects human health and the environment while providing regulatory certainty for the electric utility industry and other industries that must comply with the program while providing reliable and affordable electricity to consumers.

We have heard of many situations where confusion over the NSR program is having a dampening effect on utilities' willingness to perform energy efficiency and environmental improvement projects. The NSR program needs to be clarified to adequately define the concept of "routine maintenance" to avoid the regulatory uncertainty currently facing industry. Such clarification would allow companies to repair their facilities and maintain reliable and safe electric service for consumers and workers without being subject to the threat of federal government lawsuits for allegedly violating vague NSR requirements.

Again, we urge EPA to expeditiously proceed with a regulatory process to clarify and reform the NSR program. Thank you for your consideration.

Sincerely,

Kent Conrad, George V. Voinovich, Mark Dayton, Byron L. Dorgan, Jean Carnahan, Tim Johnson, Zell Miller, Richard Lugar, Chuck Hagel, Arlen Specter, Kit Bond, Thad Cochran, Ben Nighthorse Campbell, Evan Bayh, Sam Brownback, Jim Bunning, Mary Landrieu, Craig Thomas, John Warner, Pete Domenici, Ben Nelson, Larry Craig, Mike Euzi, Mike DeWine, Richard Shelby, Mitch McConnell.

Mr. VOINOVICH. Our letter was bipartisan, nine Democrats and 17 Republicans, all calling for reform. While I am sure all 26 of us would not necessarily agree on exactly what the reforms should ultimately look like, we did all agree that we ought to get moving with it. We are running out of time.

In our letter to Ms. Whitman we also stated:

> We have heard of many situations in which confusion over the NSR program is having a dampening effect on utilities' willingness to perform energy efficiency and environmental improvement projects.

Mr. President, I'd like to share just one of the examples that I am aware of. For refiners, I am aware of an incident in which tubes on a reboiler furnace failed, resulting in a fire which damaged the remaining tubes. New tubes were installed and the unit was back in production within two weeks. However, they were in violation of NSR due to the "actual-to-potential" emissions test. If NSR regulations were followed, the unit should have undergone the permit process, resulting in the refinery being out of commission for five to 18 months. I think my colleagues should remember that the next time a refinery closes and prices spike.

Mr. President, the 26 Senators who signed this letter are not the only ones who think that NSR has prohibited reductions in emissions. This is really important. In August 2001, the National Governors Association passed a unanimous resolution calling for NSR reform. Their resolution states "New Source Review requirements should be reformed to achieve improvements that enhance the environment and increase energy production capacity, while encouraging energy efficiency, fuel diversity, and the use of renewable resources."

Furthermore, according to the National Coal Council study, commissioned by the Clinton administration, if the EPA were to return to the pre-1998 NSR definitions, we could generate 40,000 new Megawatts of electricity from coal-fired facilities and reduce pollution at the same time.

The current NSR program threatens our energy supply due to both short-term and long-term reliability problems. According to the Department of Energy, electricity demand is projected to grow by 1.8 percent per year through 2020. At the same time, no new nuclear plants have been constructed since the 1970s and the number of new coal facilities has declined significantly since the 1980s. Our nation's use of coal will continue to increase, resulting in greater demand on our aging coal facilities. In order to meet the growing electricity demand, more frequent maintenance and repair work will be needed to keep these coal facilities on-line.

Another point that needs to be made, which is often overlooked in this debate, is that the costs of NSR are passed on to the ratepayers. Somehow people forget that the customer always pays. Too often, the environment and the ratepayer get lost in the constant duel between extremist environmental groups and recalcitrant companies.

Higher energy prices will have a more profound effect on low-income families and the elderly. The Department of Energy, as this chart shows, claims that those individuals or families making less than $10,000 per year will spend 29 percent of their income on energy costs, and those making between $10,000 and $24,000 a year will spend 13 percent of their income on energy costs.

The NSR program not only prevents the installation of more efficient and less polluting technologies, but it also interferes with safety improvements.

According to the Boilermakers Union, "Maintenance is necessary to maintain worker safety. Electric generating facilities harness tremendous forces: superheater tubes exposed to flue gases over 2000 degrees; boilers under deteriorating conditions; and parts located in or around boilers subjected to both extreme heat and pressure."

Failure to maintain and repair equipment creates a potential danger to the lives and safety of the men and women who work on these facilities, and they are not moving forward right now with many of these repairs.

Fortunately, the EPA has responded to the bipartisan and strong call for reform of the New Source Review program. On December 31, 2002 the EPA published a rule that included five reforms of the program. Some of my colleagues might not know that the final rule was actually proposed by the Clinton administration. Let me repeat: These reforms were proposed by the Clinton administration. They are bipartisan.

The reforms are the result of over 10 years of work by the EPA across three administrations and have involved over 130,000 written comments in the last year alone. The EPA has conducted a detailed environmental analysis of the rule and found that the reforms will have a net benefit to the environment, a net benefit. They are good for the environment. Again, I want to stress to my colleagues that Senator INHOFE's amendment will allow us to move forward and help the environment.

This morning my colleague from North Carolina proposed an amendment to delay the implementation of these reforms for 6 months until a study is completed to assess their impact. They have been studied for a long time. On the surface this sounds like a good idea. However, if this amendment passes, we will delay reforms that have been worked on for over 10 years and would make improvements in the environment and to public health today. An EPA analysis already found that the reforms will have a net benefit to the environment.

Furthermore, Mr. President, contrary to an argument put forth by critics of NSR reform, EPA has stated publicly that it deliberately wrote the rule so that current lawsuits would not be affected by the proposed NSR reforms.

It is my belief that if this amendment passes, it will also seriously harm the prospects of future reforms to the NSR program. For example, EPA has proposed a rule to provide a new definition for "routine maintenance, repair, and replacement." The EPA did not offer specifics but asked for public comment on a range of options. This proposal is at the crux of the issue and is imperative. I believe this amendment would not only delay the current rule from being implemented, but it would also effectively delay other very important reforms to the program. We have to get on with it.

I join my colleague and friend, Senator INHOFE, today in the second-degree amendment he has proposed. This amendment would allow the reforms to be implemented while requiring the National Academy of Sciences to evaluate its impact. It allows the reforms to go forward to stop this state of limbo that exists. At present, nothing is happening. Companies will then be able to make efficiency improvements and reduce their emissions. At the same time, the Academy can study the impact of the reforms as they are being implemented.

Ending the confusion surrounding the NSR reforms will allow companies to make the investments that are necessary to both increase our energy supply and environmental protections. We can reduce pollution and become more energy-efficient. We need to provide both for continued economic development and protections for public health and the environment. To meet these needs, we must move enact substantive NSR reform.

I thank the administration for their work in developing this proposal and moving ahead with the Clinton era reforms. I urge them to continue these efforts. Support for these actions is strong and broad-based. The confusion about NSR regulations is pervasive throughout our Nation, from the regulated community to the regulators. It must be addressed—and soon.

Mr. President, I sincerely urge my colleagues to support Senator INHOFE's second-degree amendment to Senator EDWARDS' amendment. The program is broken and desperately needs to be reformed. We cannot afford further delay.

Mr. INHOFE. Will the Senator yield?

Mr. VOINOVICH. Yes.

Mr. INHOFE. First of all, I thank the Senator from Ohio for the time he has spent in setting out this issue. Not many people are aware of the fact that Senator VOINOVICH was the head of the National Governors Association Clean Air Committee and has been working on it for a long time.

I only add to his comments and ask him if he is in agreement that we have 180 pages here, and almost all of this was done during the Clinton administration. All the data that would be available for the NAS is found in the results that are very positive in this report. So I certainly hope this is an accommodating way for the Senator from North Carolina to say, yes, we want the input of the NAS; we don't want to wait 6 more months.

Mr. VOINOVICH. Again, I thank the Senator. I emphasize that 130,000 comments were made last year regarding those regulations that have been issued by the EPA. So it has been really vetted. People have had an opportunity to participate in this. I support the Senator's suggestion that rather than ask for a study by the Academy, we delay that and let the rules be issued, and then let the Academy look at it. That is a much sounder, more commonsense approach to dealing with this problem.

Mr. REID. Will the Senator yield for a question?

Mr. VOINOVICH. I am more than happy to yield.

Mr. REID. Mr. President, would it not be better, rather than having the rule going into effect and having all the people, from our perspective, start polluting while the study is taking place, to find out which side is right? We are saying to have the NAS study the issue, hold this off for 6 months, and then there should be a determination made as to whether the rule as proposed by the administration affects people.

I don't see—and I ask my friend from Ohio, the distinguished junior Senator—what harm can be done in holding off for 6 months this rule going into effect when, if we don't hold off, our reasoning would be, as indicated in the study I talked about earlier today, where just 2 months—2 plans would put into the environment 120 tons of bad things every year.

Would it not be better to wait and see what the study of the National Academy of Sciences comes up with before the rule went into effect?

Mr. VOINOVICH. Mr. President, I say to the Senator from Nevada that the previous administration had been working on these rules. They started out during the Clinton administration. The Bush administration began looking at the recommendations from the previous administration. They subjected them to review by many organizations. By the way, these rules do not apply to utility companies. They have only proposed a rule in this regard. What I am saying to Senator REID and others is that because the regulations have not been reformed, companies for several years have done nothing to move forward with installing controls that would reduce emissions or make their facilities more efficient. I think we have delayed long enough. It has been vetted.

If someone believes yet another review is necessary, it should be done after the reforms are implemented. Any additional review should be done after implementation so that we are dealing with reality and not speculation. This is very important. I think it is time for us to go forward with the reforms to allow facilities to do their routine maintenance and repair work. This will make their facilities more efficient, reduce their emissions and, in some cases, produce more energy.

Mr. REID. Mr. President, I will respond simply to my friend that the environmental community has a different view. They believe this radical rule change would simply allow pollution to take place that is not allowed now.

We hear that the rules the administration has made are the same as rules made in the Clinton administration. This simply isn't true. Here is what Carol Browner has said:

> Some have suggested that the administration's announced changes are changes the Clinton administration supported. Nothing could be further from the truth. Fundamental to everything we did was a commitment to ongoing air quality improvements. There is no guarantee, and more importantly, no evidence or disclosure demonstrating that the administration's announced final or proposed changes will make the air cleaner. In fact, they will allow the air to become dirtier.

Mr. VOINOVICH. Mr. President, we had a hearing in the EPW committee last year on the rules before they were publicized, and they were savaged because many people believed the issuance would interfere with current lawsuits. The EPA claims that the reforms do not interfere with pending lawsuits for violations under the guidance that was issued back in 1998.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Illinois is recognized.

AMENDMENT NO. 40

Mr. DURBIN. Mr. President, I came to the floor to speak on the Reed-Durbin amendment regarding unemployment insurance. If another Senator has been waiting to speak, I will be glad to wait. If not, I will proceed.

Mr. President, I rise in support of the amendment which has been introduced by JACK REED of Rhode Island and myself. About 20 years ago, when I first ran for Congress, I waited each month for an economic indicator which really led the debate about the state of America's economy. That economic indicator every single month was the unemployment rate. If the unemployment rate in America was high, or going up, that really consumed all of the political attention of candidates and Members of Congress. That was considered to be the yardstick or barometer of how healthy America's economy is. In the span of time I have served in Congress, that yardstick and barometer has changed.

We now focus more on the situation of the Dow Jones Index and Standard & Poor's. We look daily, almost on a minute-by-minute basis, to the report of the Dow Jones Index as an indicator of our economic well-being. But I think in so doing, we have overlooked something we have done for a long time. If the economy is not strong, people do not go to work. If they do not go to work, they get desperate to keep their families together, to pay for the basics, to make sure their kids have the necessities of life, and they struggle to hope that the economy returns to strength and they can return to employment, and soon.

There is a lot of talk in this Chamber about who is responsible for this recession. That is a common topic in politics. We politicians spend a lot of time pointing fingers, saying: This recession really started the last few months of the Clinton administration; no, no, it really started in the first few months of President George W. Bush's administration. Let me for a moment push that aside and suggest that the families who lost their jobs do not care. They are not interested in when this started. They want to know when it is going to end so that if they lost a job and are falling behind, they have a chance to get back into the workforce.

These are not people who can be characterized as lazy in any way. They have worked, and worked hard, for a long time, but contractions in the American economy because of this recession have killed jobs all across America. During the 8 years of the Clinton administration, we created 22 million new jobs. During the first 2 years of this administration, we have lost 2 million jobs nationally, and we are losing over 100,000 a month. As a result, many people are hard pressed to keep up with their obligations to their family.

The December 2002 unemployment rate of 6 percent is the highest rate in over 8 years. According to a Congressional Budget Office economic forecast, the unemployment rate is expected to remain at that level at least until the second half of this year, 2003.

Over 1.85 million workers have been looking for work for at least 6 months. As of January this year, more than 1 million workers exhausted the 13-week temporary benefits extension enacted in March 2002 and remain unemployed. Employment has declined by 1.7 million jobs since January of 2001. The decline is slightly worse than the average fall-off after the last six recessions. While the unemployment rate remains far lower than at the end of the recessions in the 1980s and 1990s, it has still risen significantly from its 30-year low of 3.9 percent in 2000, not that long ago.

The reason I raise that point and the reason Senator REED and I come to the floor to offer this amendment is to suggest that hundreds of thousands, perhaps 1 million, unemployed workers in this country are facing extraordinarily dangerous and difficult times. These are people who are caught up in the vortex of this recession and cannot get out. They cannot find work. They drew unemployment for a short period, and it has been exhausted. They used it all up. Now where are they? They are stuck in a position where they have to try to meet their monthly bills and have no unemployment compensation, no prospects for employment, and the recession seems to be going on interminably.

I asked business leaders of major corporations from my State to give me their best guess of when this recession would end. Frankly, they told me—and it was depressing to hear—it might be 2 years. I hope they are wrong. I hope it ends tomorrow. I hope we see better signs of encouragement. The fact is, it has not happened.

What have we done in the past when we have dealt with recessions not even as bad as this one? We said time and again if the recession continues indefinitely, we have to step in. We cannot abandon these Americans who are victims of this economy. Let us give them a helping hand. Let us do something for their families. Let us make certain they do not lose their homes to mortgage foreclosures. This is not a Democratic response or a Republican response, it has been our American response year in and year out.

Let me give an example. During the recession of the early 1990s which, in many respects, was not as bad as this one, Congress extended temporary unemployment benefits five times. During this recession, we have extended benefits only twice. Of the five times Congress extended benefits in the early 1990s, three were under President Bush's father in the recession he faced, and two were under President Clinton when he took office, and the recession had continued.

This is not a partisan response we are suggesting today. It is unfortunate only two Democratic Senators would offer this. This should have been a bipartisan offering.

During the recession of the early 1990s, Congress established the Emergency Unemployment Compensation Program which was in place for 30 months, from November 1991 to April 1994. During this recession, we established the Temporary Extended Unemployment Compensation Program which is scheduled to expire at the end of May 2003 and, therefore, would have only been in place for less than 15 months. Here we are with a recession that is worse and a response that does not measure up to half of what we did during the last major recession we faced.

We passed an extension of unemployment compensation benefits recently which will provide temporary benefits to some workers. This amendment which Senator REED and I proposed will provide assistance for an additional 53,000 workers in my State and 1 million workers nationwide. It will provide 13 weeks of additional benefits. Workers in high unemployment States who already receive 26 weeks of benefits will receive an additional 7 weeks of benefits. Thus, the greatest number of weeks a worker can receive is 59 weeks, the same as under the extension enacted under President Bush's father.

The CBO cost estimate, $6.5 billion, is substantial but still represents only slightly more than a third of the balance in the unemployment insurance trust fund, after accounting for the extension enacted earlier this month. I think the 5-month extension we enacted was something that was good and it helped a lot of workers, but we cannot leave out the 1 million Americans who will not be helped by this action taken just a few weeks ago. One million Americans have exhausted their unemployment benefits and are stuck in a situation—without a job in a recession—to which, frankly, we do not see an end. What we are asking the Senate to do today on this appropriations bill is to think about those we have left behind. I do not believe it is fair to characterize the people who are victims of this recession as anything less than hard-working Americans caught behind the curve of this economy. I do not care whose responsibility this recession is for this moment. We can argue about that for a long time, but I do feel a responsibility to these workers and their families.

In my State, the unemployment rate in November of last year was 6.7 percent. This is a 13.6-percent increase from November of the previous year when our rate was 5.9 percent. Our unemployment rate in Illinois sadly is tied for third highest in the Nation. Alaska and Oregon are higher. We are tied with the State of Mississippi. If one measures the impact of a recession by the percent change in unemployment rates, this recession has hit my State twice as hard as the recession of the early 1990s, and as of January 1, 2003, over 53,000 Illinois workers exhausted the 13-week temporary benefits extension enacted in March 2002 and remain unemployed. Each week, 4,000 Illinois workers will exhaust their regular State unemployment benefits.

The President, in his radio address a few weeks ago, said as follows:

> We will not rest until every person in America who wants to work can find a job.

Thank goodness. That is a pledge every President should make. On December 28, in another weekly radio address, the President said, and this is right after Christmas and we knew unemployment benefits were expiring:

> One of my first priorities for the new Congress will be an extension of unemployment benefits for Americans who need them.

The President responded and Congress answered with an extension of unemployment benefits that took us close to meeting that pledge, but not close enough for 1 million Americans who were left behind. The extension of unemployment benefits that the President proposed and signed excluded 1 million American workers who have been unemployed for over 9 months and have exhausted all their temporary Federal benefits without finding a new job.

I have argued in this Chamber today that this is a question of fairness and compassion. Let me add parenthetically that it is also a stimulus to the economy. The money given to unemployed workers is spent almost immediately to meet the needs of their family. It is not salted away, invested, or saved. It is spent for goods and services creating economic activity and jobs in a time when this economy dearly needs that to happen.

I hope my colleagues will reconsider this issue and join Senator REED and myself in enacting this amendment.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. NICKLES. I will ask a quick question. I know my colleague referred to the 1990–1991 recession a couple of three times and alluded to: We did it then. Why do we not do it now?

Is the Senator aware of the fact that the unemployment rate was 7 percent or more, compared to the current level of 6 percent, when we passed the Federal unemployment extension in 1990–1991?

Mr. DURBIN. I say to the Senator from Oklahoma, I am aware of that fact, but I hope he is also aware of the fact that the recession we are currently in also has some economic indicators that are even more troubling than what we faced in the early 1990s.

I say to the Senator in good faith that I sincerely hope this recession ends tomorrow. I do not care what the political consequences are for Democrats or Republicans, but I hope the Senator from Oklahoma will concede the recession we are in today is unlike those we have had before. There is high unemployment. Maybe we have not reached record levels, but there seems to be a resistance to getting this economy started again. I think that is why we are debating a stimulus and growth package.

I hope the Senator will concede that, though the numbers may not be exactly as bad, the depths of this recession and the impacts of the current recession are really unique and we should respond to them at least in the way we did before.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to speak on this issue, but my colleague, the chairman of the Finance Committee, was in the Chamber prior to my arrival so I will speak after his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first, I think all 100 Senators would agree, both from the standpoint of our needs for the future as well as what we have done in the past, that we all recognize the legitimacy of the Federal Government stepping in to compensate with Federal unemployment help when State programs have run out. There is no dispute about that.

There is a dispute over when and how much, and the plan we are being offered now would be a plan that has been put in place at other times but under much higher rates of unemployment.

I hope we do not have higher rates of unemployment, but sometime down the road we will, hopefully not now during this period of time, and it seems to me we ought to keep reserve to do what we have other times in the past when we have had higher rates of unemployment than we have right now, as opposed to triggering in programs that do much more for the unemployed than we normally do at 6-percent unemployment, let's say, as opposed to 7-percent unemployment.

If we were to go the route that is being proposed, then we would be doing more than we normally do at this rate of unemployment we have now. Surely, the people who are proposing what they are proposing today, as all of us would probably do if there is a higher rate of unemployment, would expect the Congress to respond to that. It is not a question of should we respond: it is a question of a measured response and when it triggers in.

I am not condemning people who say we ought to do more today beyond what States do, but they are responding in a way that we would normally respond when the unemployment situation would be much more negative than it is right now.

I think it is wrong for my colleagues to speak about this recession being different than other recessions, for two reasons. No. 1, the definition of a recession is two quarters of negative growth. We had three quarters of negative growth but that negative growth ended September 30, 2001. So we have had five quarters now of growth, about 2½ percent average.

Economists are predicting the quarter we are in now for 2003 would be about 3-percent growth, so I do not think it is fair to say we are in recession unless we have a Senator who is making his own definition of a recession—and he has that right—but I think we should be comparing apples with apples and not apples with oranges.

The second point I make is even if we were just coming out of a recession instead of being five quarters out of a recession—an official recession as defined by economists—I think we all need to remember that historically unemployment as a statistic is a lagging indicator. So one would expect other indicators of an improving economy to improve before the unemployment figure improved. Consequently, this has to be taken into consideration as help is given to unemployed people.

It is quite obvious that a number of my Democratic colleagues seem to think we can never spend enough on unemployment. So I want to review where we are so the record is straight.

Under the regular State unemployment program, workers are entitled to as much as 26 weeks of unemployment benefits. Under the temporary federally funded unemployment program enacted last March, those who exhaust their regular State benefits can receive up to 13 weeks of additional Federal benefits. In addition, workers in high unemployment States can receive yet another additional 13 weeks. That is a maximum of 26 weeks of Federal benefits.

So to some, it works out this way: Workers in every State can collect up to 39 weeks of benefits, 26 of those being State and 13 Federal. Workers in higher unemployment States can collect up to a whole year of unemployment benefits, which means 26 weeks State, 26 weeks Federal.

Last year, this temporary program was estimated to cost $11 billion. We are still responding, as we should in a bipartisan way, to this unemployment statistic still being relatively high but not as high as it has historically been. Earlier this month, in addition to what we did last March, Congress voted to extend these Federal benefits through May of 2003. This extension is estimated to cost $7 billion more. That happens to be a total of $18 billion in federally funded unemployment benefits. According to some of my Democratic colleagues, that still seems not to be enough.

Through this amendment, I think they are trying to spend an additional $6 billion. The amendment they offered today would change the current law to provide 26 weeks of federally funded benefits in every State, and 33 weeks in high unemployment States. The last time Congress provided 33 weeks of benefits, the unemployment rate was well over 7 percent. That is why I made the point. If we do this, what are we going to do if unemployment gets up to 7 percent, which I do not think anybody expects it to but suppose it did? The current unemployment rate is 6 percent.

Now there is something even more troubling. What I have said until now has been done by Congress in the past during certain times of high unemployment. More disturbing to me, this amendment changes current law to provide a uniform duration of benefits. Most States vary the duration of benefits based on the worker's actual employment history. Variable duration recognizes the insurance principles inherent in unemployment compensation by providing a shorter duration for workers who had a limited amount of work prior to qualifying for the benefits. These workers have paid less unemployment taxes and they have less attachment to the workforce.

Congress has never provided extended benefits without regard to the duration of State benefits. That is a very dramatic departure that this amendment holds for the future. A uniform duration means some workers will be able to collect more Federal benefits than they would State benefits. Moreover, a uniform duration means some workers will actually be able to collect benefits for a longer period of time than they actually worked.

Current law requires a minimum of 20 weeks of work to qualify for Federal benefit. Yet this amendment provides up to 33 weeks of benefits. These 33 weeks of Federal benefits could be paid in addition to as much as 39 weeks of State benefits. That happens to be a total of 72 weeks of benefits for someone who maybe only worked 20 weeks. This amendment represents the single largest expansion of Federal unemployment benefits in the entire history.

That brings me to an issue of how, if this were a legitimate approach to unemployment compensation, this ought to be handled by committees of appropriate jurisdiction, not be offered on the floor of the Senate to an appropriations bill. I am speaking because that appropriate committee is the Senate Finance Committee. We have jurisdiction over unemployment compensation. A departure in Federal responsibility is very important to consider as a committee—its impact, its costs. More important, if we are going to have this sort of an impact that is so different from what States have historically had, it ought to be considered by the committee of appropriate jurisdiction. We are dealing with something that is other than just simple extension of unemployment compensation.

Now, we may need to revisit this issue later this year, depending upon how the economy performs. But when we do that, we need to do it in a way that we take into full consideration that this amendment represents an unprecedented and, at least at this point with 6 percent unemployment compared to more than 7½ percent unemployment when it has been used in the past, an unjustified expansion of the unemployment program.

I urge my colleagues not to vote for this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, the chairman of the Finance Committee, for his statement. I hope my colleagues pay attention to it, especially the last part. The chairman of the Finance Committee said this has not gone through the Finance Committee, and pointed out several things that sounded like this is about what we did in the 1990s, but it is not. It is expensive. This is a different proposal than what we have seen.

We actually had a similar type of proposal that was debated last year, to which I objected, I believe the Senator from Iowa objected, and maybe the Senator from New Hampshire objected, that was a doubling of the Federal program from 13 to 26 weeks. This is a different iteration of that. It is different—in some cases maybe better, in some cases maybe worse. The one we objected to last year was a $17 or $18 billion program. The proposal now, we understand from the authors—I have not seen this from the Congressional Budget Office, but I respect them and I assume it is correct—says it costs $6.5 billion. Last week, we passed a bill that cost $7.2 billion. So this is $6 billion on top of that.

The Senator from Iowa mentioned that this says there would be a mandatory 26-week Federal unemployment compensation program. Present law we passed last week is an extension of up to 13 weeks for all States. There is a big difference in legislative language when you say "up to" rather than mandating 26 weeks. One, you are doubling the program, and you also do not keep it connected to the State program. Some States have different durations. We have always been tied to the State program.

I keep hearing about what we did in 1990; we want to duplicate what we did in 1990. The chairman of the Finance Committee alluded to the fact that the 1990 unemployment rate was much higher. It was 7 percent, 7.4 percent, 7.8 percent. The unemployment rate today nationwide is 6 percent. We have a lot of States that are substantially lower. We have 24 States that have unemployment rates at or below 5 percent this year—now. We have nine States that have unemployment levels between 2.7 and 4 percent. I remember in my private sector days, if you had unemployment at about 4 percent, you might not be able to hire somebody.

So there will always be some who are unemployed because people are changing jobs, they just graduated, they just moved and are temporarily unemployed. There is always a segment of the population temporarily unemployed. Almost half of our States have unemployment rates of 5 percent or less.

I mentioned there is a big difference from the language we passed in 1990. In 1990, we did do 26 weeks, but up to 26 weeks. We also had unemployment rates that were over a full point higher.

Also, sometimes we want to ask: when are we going to pay attention to the committees of jurisdiction? We are on an appropriations bill, yet we have an amendment that expands entitlements. Even though we extended current law last week, agreeing to spend an additional $7 billion plus, colleagues say: Wait a minute, let's add another $6.5 billion on top of that. We will just do an amendment that should come out of the Finance Committee right now. This is the first time that people will have seen it, and it's different than the proposals we have seen in the past, and we will see if we cannot pass it.

It does not belong here. Obviously, my colleagues know the budget point of order lies against this amendment. This proposal has not been introduced as a bill and a committee hearing has not been held, that I know of. Maybe different bills have been introduced. If it is the bill Senator CLINTON was talking about introducing, this is not the same bill. There is a reason we should follow regular order. There is a reason we should use the committee of jurisdiction. There is a reason we should have bipartisan cooperation on bills such as this. I am disappointed we are not.

In this current recession, we have spent up to $26.25 billion since March of 2001 to help the unemployed. That is almost what we spent in the 1990s. People say: Well, you are not helping; you do not care about the people. That is hogwash. The proposal introduced today by Senator REED and Senator DURBIN is not targeted. Twenty-four States have unemployment of 5 percent or less, but they will get the same benefits as everyone else, except the highest unemployment states get an extra 7 weeks.

Then we have the dilemma of, right now, the present requirement is a person only has to work 20 weeks and they can receive as much as 52 weeks in unemployment compensation. That is not a bad deal, especially when you consider 72 percent of workers in a household who are eligible to receive these benefits have another family member who is employed.

Think of that: 52 weeks of paid unemployment compensation while in a household where, in 72 percent of those households, there is an employed family member.

This is a crummy way to legislate. It doesn't belong on this appropriations bill. We need to finish this appropriations process. We have 11 bills that were not finished last year. We have already finished one-quarter of this present fiscal year and we haven't passed these bills and we need to complete them. If colleagues want to do a change on unemployment compensation, they should introduce a bill, have it referred to an appropriate committee, and ask the chairman for a hearing, ask the chairman for a markup. That is the way business is supposed to be done in the Senate. It is not to try to rewrite entitlement programs. If you can do unemployment compensation, you can do Medicare, you can do Social Security, you can do any other bill, but that is not following the procedure.

Senator STEVENS has great expertise, but I doubt that controlling or managing unemployment compensation is his area of expertise. That is not what his committee does. That belongs properly in the Finance Committee. We need to start respecting committees' jurisdictions and we have not been doing it.

I urge my colleagues, let's not be playing games. Let's not be trying to pass something they know won't pass and they know it will not come out of conference even if they are successful. I don't believe they will be successful. They should not be successful.

Mr. President, the pending amendment offered by the Senator from Rhode Island, Mr. REED, increases mandatory spending and, if adopted, it would cause an increase in the deficit. Therefore I raise a point of order against the amendment pursuant to section 207 of H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, as amended by S. Res. 304.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll.

Mr. REID. Mr. President, I renew my request to vitiate the quorum call.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the leaders set a time for the budget waiver I am going to be suggesting in just a second. That is part of the unanimous consent request.

Therefore, on behalf of Senator REED of Rhode Island, I move to waive the Budget Act under the requisite rules of the Senate.

Mr. NICKLES. Reserving the right to object, and I shall object, because I think somebody in our conference said they would wish to consult with me so, temporarily, I object.

Mr. REID. Mr. President, we have some business here to conduct.

Mr. NICKLES. Will the Senator yield? I have a unanimous consent request I would like to enter before the 5 o'clock vote.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent when the Senate considers S. 121, the AMBER Alert bill, Senator HATCH be granted 5 minutes to speak. Therefore, debate on the bill would commence at 5 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection. Mr. President, I ask the record reflect I do not waive any of my rights under the motion that the Senator from Oklahoma offered, and I would renew my motion to waive at a subsequent time.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oklahoma is agreed to.

Mr. NICKLES. I thank my colleague.

Mr. REID. I also made a request. I say to my friend from Oklahoma, I want to make sure the record is reflective that I do not waive any of my rights on the motion to waive the Budget Act.

Mr. President, while I still have the floor, we have a few minutes until 5 o'clock when debate on the AMBER Alert matter takes place. We have two matters. We have the Senator from West Virginia to be heard—I did see him here. He wanted to speak on the Ridge nomination, which is going to come up. He wanted to get that debate out of the way.

We also have Senator NELSON here, who has been patiently waiting, who wishes to offer an amendment on his behalf and that of Senator INHOFE. We would need consent to set aside the pending amendment to allow him to do that.

I ask unanimous consent the pending amendment be set aside for the Senator from Florida to offer his amendment. He said he would need 25 or 30 minutes to speak, but he said that he could do that this afternoon in 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 97

(Purpose: To make additional appropriations for emergency relief activities)

Mr. NELSON of Florida. I call up amendment No. 97 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. NELSON), for himself, Mr. DASCHLE, Mr. LEAHY, and Mr. DURBIN, proposes an amendment numbered 97.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . In addition to amounts appropriated by this Act under the heading "Public Law 480 Title II Grants", there is appropriated, out of funds in the Treasury not otherwise appropriated, $600,000,000 for assistance for emergency relief activities: *Provided*, That the amount appropriated under this section shall remain available through September 30, 2004: *Provided further*, That the entire amount appropriated under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. NELSON of Florida. Mr. President, I rise to address a humanitarian crisis in the world that has not been getting the attention its magnitude warrants. The world has focused on the buildup of forces in the Persian Gulf region for a possible war. We focused on a very dangerous situation in North Korea, which threatens the U.S. interests and Asian security. We have a litany of problems plaguing the Western Hemisphere as well, relating to narcotics trafficking, civil war, and abject poverty.

But today I call to the Senate's attention, sub-Saharan Africa and the starvation that is occurring in east Africa, in west Africa, central Africa and in the southern part of Africa. The droughts in these areas have caused a massive food shortage which will worsen over the next few months and threatens the lives of millions of Africans. It is our responsibility, as a nation of bounty, to demonstrate to the world that the United States lives up to its commitments and obligations to those in need.

In that spirit I am offering this amendment. This amendment is not about politics. If you will recall what President Reagan once said, he said:

> A hungry child knows no politics.

He was correct. This is about people dying. This is about reaching out and saving lives. We have an opportunity to do the right thing now, and that is save African children from starving to death.

Congressman FRANK WOLF, my good friend, has just returned from Ethiopia and Eritrea.

Mr. President, I ask unanimous consent that his report of his trip be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIP REPORT: ETHIOPIA AND ERITREA—DECEMBER 29, 2002–JANUARY 4, 2003

Babies wailing and screeching, desperately trying to get nourishment from their mothers' breasts.

Two- and three-year-olds so severely malnourished that they cannot stand, much less crawl or walk, their pencil-thin legs so frail that they could be snapped like a twig with little or no effort.

Young boys and girls with bloated bellies. A teenager whose legs are no thicker than my wrist.

Drinking water almost non-existent—a four-hour walk each way just to find some. Fields scorched. Crops failed.

River beds dry as a bone. Hand-dug collecting ponds for rain so sun-baked that the earth has cracked.

Disease. Despair.

These are some of the horrific sites I witnessed last week in Ethiopia, which once again is facing a famine of catastrophic proportions.

I spent a week in Ethiopia in 1984—when nearly one million people died of starvation—including two nights in a feeding camp. The squalid conditions of the camps and the suffering faces of the children, mothers and elderly were haunting and unforgettable. What I saw—and experienced—changed me forever. I never thought I would see something like that again. I have. Last week.

By Easter, thousands of Ethiopians could be dead from starvation. Children living in villages just 90 miles from the capital city, Addis Ababa, which is easily accessible by truck, are already near death. Conditions in villages in more remote areas of the country are significantly worse.

DIRE SITUATION

While the government of Ethiopia is out in front of trying to draw attention to the crisis—unlike in 1984 when the Mengistu government tried to keep the famine secret until a BBC camera crew broke the story—what makes this year's crisis more horrific is that the population of Ethiopia has increased from 45 million in 1984 to 69 million today. In addition, HIV/AIDS is spreading throughout the country and Ethiopia's 2½-year border war with neighboring Eritrea has drained precious resources and led to thousands of displaced people and families, particularly in remote areas of the country.

With each crisis—drought, war, disease—more families become destitute and completely dependent on others for their welfare and survival. The repeated droughts have made more people vulnerable to hunger and hunger-related diseases, sharply increasing the danger of outright starvation among groups that may have been able to survive previous crop failures and livestock losses.

This also is a tough neighborhood, with Sudan bordering to the west and Somalia to the east. These countries are struggling to overcome internal turmoil of their own and refugees from each have crossed into Ethiopia and are living in refugee camps.

But perhaps the greatest difficulty is getting the world to respond. The focus in capital cities around the globe is the war on terror, Iraq and North Korea.

HOW COULD THIS HAPPEN?

I do not believe this situation should ever have been allowed to develop. Does anyone really believe that the world would turn a blind eye if this crisis were unfolding in France or Australia? If the photographs in this report were of Norwegian children wouldn't the world be rushing to help? Is not the value of an Ethiopian child or Eritrean mother the same in the eyes of God?

This disaster has been building since last fall, yet there has been little mention of it in the Western media, let alone any in depth reports. Without graphic photographs and video-tape, foreign governments will not feel the pressure to act.

The situation in Ethiopia is dire and many believe if immediate action is not taken to address the looming crisis, the number of people who could die from starvation could surpass those who perished during the 1984–1985 drought. In 1984, 8 million were in need of food aid. Today, more than 11 million people—just slightly less than the combined population of Maryland and Virginia—are presently at risk and that number is growing every day.

Last year's crops produced little or nothing, even in parts of the country that normally provide surpluses of food. The demand for international food aid is tremendous. I was told there is enough food in the country to meet January's needs and part of February's, although at reduced levels. Incredibly, there is nothing in the pipeline to deal with March, April, May, or the rest of the year. Even if ships loaded with grain were to leave today, many would not make it in time to avert disaster.

Villagers are living on about 900 calories a day. The average American lives on 2,200 to 2,400 calories a day.

An elderly woman at a feeding station in the northern part of the country showed me her monthly allotment of wheat: it would have fit into a bowling ball bag.

A man working under the hot African sun with fellow villagers to dig a massive rain collecting pond—each carrying 50-pound bags of dirt up from the bottom of the pit—told me he had not had a drink of water all day and didn't know if he would eat that night. It would depend on whether his children had food.

NO WATER

Water—for drinking and bathing—is almost non-existent, and what is available, is putrid. There is no medicine—and even if there was something as simple as an aspirin there is no water with which to wash it down. Disease is rampant.

During my trip I visited villages in both the north and south of the country. I went to a food distribution center and a health clinic. I talked with farmers who had already begun to sell off their livestock and mothers who did not know where or when their children would get their next meal. I met with U.S. State Department officials and NGOs. I also met with Prime Minister Meles and a number of relief officials in his government.

The government's decision not to establish feeding camps is a wise one. The camps only exacerbate the crisis because they allow diseases to spread much more quickly and take people away from their homes and albeit limited support systems. In 1984, many families traveled great distances to reach the camps and by the time they got there were often near death. Moreover, villagers who left for the camps and somehow managed to survive had nothing to return to because they had lost their homes and sold their livestock.

Fortunately, relief organizations, including U.S. AID and the United Nations World Food Programme, have developed an early warning system to better predict the effects of the looming crisis and have been sounding the alarm since the fall.

Nevertheless, they are facing an uphill battle. Donor fatigue is a very real problem.

COMPETING WORLD CRISIS

Getting the world—and the United States, in particular—to focus on the issue is difficult because of the war on terrorism, the situation in Iraq and the growing crisis in North Korea.

Since August 2002, the United States has provided approximately 430,000 metric tons of food, valued at $179 million. This amount constitutes approximately 25 percent of the total need in the country. The U.S. government will need to do more to avert a disaster of biblical proportions.

Before leaving on the trip, a number of well read people in the Washington area looked at me quizzically when I told them I was going to Ethiopia. They all asked why? When I told them that the country was facing another famine along the scale of 1984, they were dumbfounded.

Time is of the essence. A village can slip dramatically in just a matter of weeks. Many of the children I saw last week will be dead by early February and those who do somehow miraculously survive will be severely retarded. The world cannot afford to wait any longer.

I also visited neighboring Eritrea, where the situation is not much better. Widespread crop failures are expected as a result of the drought. Compounding the situation are the lingering effects of its war with Ethiopia, which ended in December 2000. While nearly 200,000 refugees and displaced persons have been reintegrated into society following the truce, almost 60,000 have been unable to return to their homes due to the presence of land mines, unexploded ordnance, insecurity or the simple fact that the infrastructure near their homes has been completely destroyed.

RECOMMENDATIONS

Donors, including the United States, must make prompt and significant food-aid pledges to help Ethiopia overcome its current crisis. The food pipeline could break down as early as next month if donors do not act immediately. There are a number of countries, Canada and France, for instance, that can and should do more.

The Office of Management and Budget (OMB) must work to ensure that the U.S. assistance is released as quickly as possible.

When President Bush visits Africa, he should consider going to Ethiopia. I believe he would be moved by what he sees.

The Bush Administration should make an effort to rally public support similar to what was done during the 1984–85 famine. Perhaps the new director of faith-based initiatives at USAID should serve as the coordinator for such an effort.

Donor support also must include water, seeds and medicine as well as veterinary assistance.

The Ethiopian government should take its case to capitals around the globe, sending representatives to donor nations armed with photographs of dying children to put a face on the growing crisis. Regrettably, if they do not ask, they will not receive.

The Ethiopian government must contribute additional food aid from its own resources as it did in 2000 and 2002 as a sign of leadership and commitment to the welfare of its people.

More must be done to develop long-term strategies to tackle the root causes of the food shortages in Ethiopia, like improving irrigation and developing drought-resistant crops. The government must develop a 10- or 15-year plan designed to help end the constant cycle of massive food shortages. A well developed plan would go a long way toward reassuring the international community that the country wants to end its dependence on handouts.

The Ethiopian government also should do more to help diversity its economy. Its largest export—coffee—is subject to huge price fluctuations in the world market and rather than exporting hides and leather to Italy and China—only to come back as belts, purses and shoes—the government should work to attract business that will make these products on Ethiopian soil.

The government of Ethiopia also should consider a sweeping land reform policy that would allow farmers to own their property rather than the government owning all the country's land, a vestige of the country's socialist days.

The media needs to more aggressively pursue this looming crisis. It was responsible for making the world aware of the terrible famine that was occurring in 1984 and has the ability to let the world know about the tragedy unfolding again.

Many of the same issues that apply to Ethiopia apply to Eritrea. Both countries are in desperate need of assistance.

In closing, I want to thank all the people—from government officials in both Ethiopia and Eritrea to U.S. officials and NGOs and missionaries in both countries—who are working around the clock to deal with this crisis. I also want to thank U.S. Ambassador to Eritrea Donald McConnell and U.S. Ambassador to Ethiopia Auzerlia Brazeal and their respective staffs for all they do. They are outstanding representatives of the U.S. government. Special thanks go to Jack Doutrich in Eritrea and Karen Freeman, Jo Raisin and Makeda Tsegaye in Ethiopia. Roy "Reb" Brownell with USAID in Washington also deserves special recognition.

Finally, I want to thank Lt. Col. Malcom Shorter, who accompanied me on the trip, and Dan Scandling, my chief of staff, who took all the photographs and videotaped the trip.

Available on line at: http://www.house.gov/wolf.

Mr. NELSON of Florida. This report states that thousands of Ethiopians could be dead of starvation by Easter. Frank Wolf writes:

> More than 11 million people, just slightly less than the combined population of Maryland and Virginia—are presently at risk—and that number is growing every day. That number could surpass the number that died in the 1984–85 hunger crisis in the region.

The U.N. World Food Programme also warned of severe food shortages this spring, estimating that between 10 million and 14 million Ethiopians, at risk of starvation, are at risk of starvation in this year, 2003.

Back in 1985, my wife Grace and I spent 8 days in the feeding camps in Ethiopia. And every day we carry with us what we experienced.

I ask unanimous consent to have printed in the Record, since I do not have the time to read portions, an article that I wrote in January of 1985 about the starvation that occurred there.

There being no objection, the material was ordered to be printed in the Record, as follows:

Ethiopian Hunger Problem Baffles the Mind

Addis Ababa, Ethiopia.—Here in this drought-stricken land the enormity of the hunger problem baffles the mind. As I visited the feeding centers where gentle humans are restoring life to some of the starving, I was bewildered as to how to solve this crisis.

The problem of famine in Africa is real. Twenty nations have been affected. Seven are critical. Just in Ethiopia alone, over 7 million people are threatened by starvation.

A severe drought is a major cause. The rains either did not come or were less than is required to germinate the seeds in the fertile soil.

Agricultural techniques are backward. There are few drilled wells, little irrigation, almost no fertilizer used and severe topsoil erosion. If there is to be problem-solving, it will be long-term and it will be painful. Attitudes will have to be changed to use modern agricultural methods. And in Marxist countries, the collective farm reduces the farmer's incentive to produce for himself and only aggravates the sparse production.

There have been four major droughts in Ethiopia in the last 35 years. People have died of starvation. But this is the worst drought and death is apparent throughout the land.

My visit to Alamata and Korem, two feeding centers 250 miles north of Addis Ababa, was shocking. The emaciated bodies of young and old were overwhelming. One's emotions cannot be controlled as you see the helpless trying to survive. The huge numbers dulled my sense of hope.

Thousands have died and thousands more died in remote villages which statistics will not record. But there is hope—because humankind is responding—and responding well.

The Free World is responding swiftly by sharing its abundance of food, medicine and blankets. Help from Western nations, from the private sector and from government, is pouring in. People are acting out of their best humanitarian instincts.

The United States is leading the pack. There are not many "ugly Americans" in Africa today. We are responding from our generosity. And America is responding mightily!

Americans are responding as a government. President Reagan has announced his intention to provide one-half of the food assistance needed in Africa this year—a $500 million U.S. contribution. For Ethiopia, a Marxist state, with whom we have strained relations, $130 million in food is already planned. This government-supplied grain is distributed by many private volunteer agencies, such as Catholic Relief and World Vision, and soon some will be given directly to the Ethiopian government relief agency. The sacks bear the words: "Donated by the People of the United States of America."

The private sector is also responding. For 1985, food assistance to Ethiopia through private organizations is estimated to be $125 million, with another $22 million spent on Ethiopian refugees elsewhere.

The private sector from Florida responded magnificently. A "flight of mercy" was organized, funded, loaded, and flown to Addis Ababa, which bespeaks the generosity of Floridians.

This mission was conceived by my wife, Grace Nelson, as a needed response to the problems she had seen in Africa last summer. In Mali, she held a starving child in her arms. She has not been able to forget it. After organizing some fundraising activities, the thought of a "flight of mercy" came from a discussion with the editor of the Florida Times Union. He suggested that although people wanted to help, they needed a concrete mission to respond to and one which could be tracked to a successful conclusion.

This story is an American success story. A DC–8 was chartered and loaded with 40 tons of food, medicine and blankets, in the midst of ongoing fund drives. WCPX–TV in Orlando collected over $80,000 and two truckloads of blankets. World Vision, a Christian humanitarian organization, provided the mechanism for obtaining the two tons of medicine and thirty-eight tons of fortified food, eleven tons of which were donated by a former Ethiopian official in Indiana. This special mixture of oats, powdered milk and honey, known as ATMIT, is indigenous to Ethiopia. Another $120,000 was raised before the flight departed Chicago on January 12th.

The plane was so long you could hardly see from one end of the cargo bay to the other. During the 24-hour journey, our group of "food shepherds" slept on top of the pallets of fortified food using some of the donated blankets for warmth. It was a good feeling to know that our mission was one of trying to help the starving by actually taking food to them.

Our landing was the first of a stretch-DC–8 on the Addis Ababa runway. Trans-American Cargo Airlines and World Vision soon had the cargo unloaded.

Success does not come easily and indeed we soon had our problems. Food was being delayed to the feeding centers because rebel activity in the region interrupted transportation of supplies. When we finally were cleared for an old DC–3 to fly us to the camps, we found they were running dangerously low on food. But our supplies arrived just in time.

I shall never forget the children, also starved for affection, clinging to my hands and arms smiling in spit of their physical deprivation. They were proof that the World Vision feeding center was successful because only a few weeks before they had been lifeless and lethargic. Others were in intensive care, often with their mothers, as nutritional supplements were administered—sometimes through a tube because they were too weak to eat.

The staff was loving and kind . . . it showed. The nuns at the Missionaries of Charity Compound ministered to the dying. These sisters are sponsored by Mother Teresa of Calcutta, who had just paid a visit, greeting and blessing each person in the camp—9,000 of them! What a lesson in love.

There are those who say, "let them die." Their theories of over-population and survival-of-the-fittest are practical, they say. Besides "why should we care about a foreign, strange land?" Fortunately, most of America does not think that way. The goodwill, hopes and prayers of Floridians were obvious in our specific flight of mercy. Many have responded before, others are following.

This mission was successful because of the spirit and character of our people. Perhaps it is best summed up in Matthew Chapter 25: "When you did it for the least of these, you were doing it for me."

Mr. NELSON of Florida. Mr. President, from my letter, which will be in the Record, you will see the similarity to what we have here today.

Just in Eritrea, crop failures and the lack of rainfall put about 1.5 million at risk—just less than half the population. But these grotesque figures only speak to those in the Horn of Africa. For example, down in Zimbabwe, 49 percent of the population is in need; in Malawi, approximately 29 percent of the population is in need; in Zambia, approximately 26 percent of the population; and in Lesotho, approximately 30 percent of the population. These are just some of the countries whose populations need food right now.

The World Food Programme estimates that a total of over 38 million people are at risk of starvation throughout Africa this year. This figure is almost beyond comprehension, and compels this body to provide relief.

The toll of this famine threatens to be far worse than anything we have seen previously for another reason. The terrible epidemic of HIV/AIDS, which is currently ravaging the continent, destroys the immune systems of its victims. When further weakened by malnutrition, they are unable to fight off even the most mild illnesses. If we do not act, the death toll will rise, and it will rise quickly.

There is also a security aspect to providing this relief. It is well-known that the Horn of Africa has had its problems with extremism, particularly in nearby Sudan. As such, crises in this region may pose significant security threats as we fight the global war on terrorism. Terrorist organizations and other extremists have frequently used food as a political weapon in past famines. By controlling the distribution of food, they can hold entire populations of hungry people hostage, and thereby gain their unwitting support. We must combat these threats on all fronts, including providing relief, and with it order, to regions that desperately need it.

Now, allow me to explain this amendment in the context of the fiscal year 2003 appropriations bill we are debating. Because of the Congress' inability to pass the 2003 appropriations bills on time, food relief is being undercut by $252 million as we operate at 2002 funding levels. Moreover, such severe food shortages in Africa were not contemplated in the president's 2003 request. Simply funding the president's request will not be enough to stave off a massive starvation crisis in Sub-Saharan Africa.

I ask that a letter from the Alliance for Food Security to President Bush dated January 3, 2003 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR FOOD SECURITY,
January 3, 2003.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: US charitable, agricultural and commercial groups have come together to urge additional US Government funding to provide assistance to 30 million Africans suffering from severe food shortages, without diminishing US efforts to address chronic hunger and provide relief elsewhere. To assure that previously-planned food aid programs and emergency relief can go forward in fiscal year (FY) 2003, we urge you to seek full funding of the $1.2 billion appropriations for PL 480 Title II when the current continuing appropriations bill expires. To provide the additional commodities needed for urgent emergencies in Ethiopia, Eritrea and southern Africa, we ask you to seek emergency supplemental funds for the $603–778 million that would provide half of the commodities to meet projected needs for FY 2003.

In FY 2003, US food aid levels are alarmingly insufficient. There are several reasons for this resource gap.

First, Congress has not yet passed the FY 2003 appropriations bill and is forcing PL 480 Title II to operate at a level that is $252 million less than the Administration's FY 2003 budget request. Second, even if the Administration's FY 2003 budget request for Title II is approved, because most commodity prices have increased, that funding level would buy 30% fewer commodities than originally planned. Third, severe food shortages in southern and eastern Africa were not anticipated when the Administration prepared its FY 2003 budget request, and these emergencies require an additional $600–778 million above the Administration's FY 2003 budget request.

Finally, for FY 2003, the Administration initiated a policy which precludes the purchase of commodities for food aid using general Commodity Credit Corporation (CCC) authority. Instead, the Administration stated its intent that it would seek appropriations to meet legitimate food aid needs. Although the FY 2003 PL 480 Title II budget request was increased to make up for the loss of a portion of CCC commodities, the funding request is insufficient to meet the needs of both ongoing programs for poor and displaced persons, as well as people facing emergency food shortages.

Insufficient funding for ongoing Title II programs will hurt millions of people in regions that are recovering from war or are vulnerable to crises, such as Afghanistan, West Africa, Bangladesh, Nicaragua, Angola, Somalia and Sudan. Cuts in these programs could also have negative repercussions for U.S. foreign policy and national security interests, and could lead to future emergencies. The more subtle and insidious effects of chronic under-nutrition must not be overlooked. Thus, the full appropriations of $1.2 billion is needed now for FY 2003.

Beyond the FY 2003 appropriations, another $603 to $778 million is needed to meet the historic US commitment of providing at least half of the commodities required during a food crisis in poor countries. This funding is needed to provide a nutritious mix of foods to avoid starvation in Ethiopia, Eritrea and 6 southern African countries, and to help people rebuild their strength and take the first steps towards recovery. People are even more vulnerable to starvation due to the HIV/AIDS pandemic, which makes this an extraordinary crisis and requires immediate response. Even if the Bill Emerson Humanitarian Trust is used to provide up to 500,000 MT (valued at $250 million including delivery costs), this would only provide one-third of the estimated emergency needs.

In conjunction with delivering adequate food supplies to address the emergencies in Africa, charitable organizations are committed to helping people immediately move into the recovery phase. Food aid must be integral with investments in agricultural production, such as seeds, fertilizer and farming tools, and with expanded HIV/AIDS efforts. This includes services that improve prevention, enable families to provide nutritious foods and care for relatives living with the disease, and ensure the nutritional, educational and financial needs of orphans are met.

Using food aid to assist people who are impoverished so in the future they may provide for their own nutritional needs in the main purpose of the PL 480 Title II program. It is an equally high calling as helping people who face immediate famine. To diminish the one in order to care for the other is not a choice our great country should make. In compassion and recognition of our urgent needs in Africa while at the same time maintaining the U.S. commitment to fund the developmental and other relief programs of Title II in FY 2003.

Sincerely,

ACDI/VOCA.
Africare.
American Maritime Congress.
American Soybean Association.
Astaris LLC.
Bread for the World.
California Wheat Commission.
Chippewa Valley Bean Co., Inc.
Didion Milling, Inc.
Friends of World Food.
Illinois Soybean Association.
Adventist Development & Relief Agency International.
Agricor, Inc.
American Red Cross.
APL Limited.
Bethel Grain Company.
California Association of Wheat Growers.
CARE.
Central Bag Company.
Counterpart International.
Food for the Hungry, Inc.
Global Food & Nutrition, Inc.
International Organization of Masters, Mates & Pilots, ILA, AFL-CIO.
International Orthodox Christian Charities.
J.R. Short Milling Company.
Land O'Lakes.
Mercy Corps.
National Farmers Union.
North American Millers Association.
Opportunities Industrialization Centers International, Inc.
Project Concern International.
Salvation Army World Service Office.
TechnoServe.
The Manchester Company.
U.S. Dairy Export Council.
U.S. Wheat Associates.
USA Rice Federation.
World Vision.
International Relief & Development.
Jesuit Refugee Service USA.
Maritime Institute for Research and Industrial Development.
National Dry Bean Council.
National Potato Council.
Northwest Medical Teams.
P&O Nedlloyd Limited.
Salesian Missions.
Save the Children.
The International Rescue Committee.
Transportation Institute.
U.S. Jesuit Conference.
USA Dry Pea and Lentil Council.
Washington Wheat Commission.

Mr. NELSON of Florida. Mr. President, this letter from a coalition of over 50 nongovernmental, humanitarian and agricultural groups seeks between $608 and $778 million above the President's request to meet the demands of these emergency circumstances. The $600 million my amendment provides is based on close consultation with these organizations who know the situation well from their work on the ground in Africa.

This amendment provides resources called for in the African Famine Relief Act of 2003 introduced by Senator DASCHLE. It does not specifically designate the funds for sub-Saharan Africa, to be consistent with the way we have traditionally appropriated P.L. 480 Title II funds. But I trust that these funds will be used for the purpose for which they are intended—staving off the imminent threat of mass starvation in Africa.

It is my hope that this amendment will be acceptable to my colleagues on both sides of the aisle, and to the administration, and I will explain why. The designation of these funds as "emergency funds" is important. That means the funds do not have to be spent unless the President likewise designates this crisis as an emergency. If he does not designate the situation in Africa as an emergency, and most would agree it is an emergency, but the President would not be required to provide these funds and it would not affect the topline.

Over the weekend, USAID Administrator Andrew Natsios took an important first step to provide some relief to Ethiopia, by agreeing to send 262 metric tons of food there at a cost of about $127 million. I commend Mr. Natsios and Secretary Powell for their attention to this issue, but we need to do more. It is my hope that by speaking about this issue now, increased attention to the plight of the Africans will spur American and international action. The U.S. Senate should show leadership on this without delay. I thank the Chair, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I want to underscore the importance of the issue that Senator NELSON has raised today. Some 38 million Africans are threatened with starvation in the coming months. In a six-country region encompassing Zambia and Zimbabwe, Malawi and Mozambique, Swaziland and Lesotho, 25 percent of the population is urgently in need of assistance. This food crisis is striking a tremendously vulnerable population that has already been devastated by HIV/AIDS, compounding the difficulty of African families' struggle for survival. In the Horn of Africa, almost half of Eritrea's population is at risk, and Ethiopia stands on the brink of a crisis rivaling that of the mid-1980s.

I have served on the Subcommittee on African Affairs since I came to the Senate, and spent over half of my tenure here as either the ranking minority member or chairman of that subcommittee. I have watched this crisis unfold over the past year with horror. The United States and the international community must act now to address this crisis; delay will mean death for too many innocent families. But we must also work in the months and years ahead to address some of the underlying causes of food insecurity in Africa, so that we can reduce communities' vulnerability to natural factors affecting harvests. Certainly we need to join with the many Africans who want to ensure that misguided policies and decisions are examined, discarded, and not repeated—from the tremendously destructive policies pursued by the Zimbabwean government, to corrupt practices affecting food stocks in Malawi, to the impact of the government's national service program on the agricultural sector in Eritrea. And certainly we need to ensure that assistance is distributed responsibly, fairly, and efficiently. But we also need to help African societies reinvigorate their agricultural sectors, by working to get small farmers the technical assistance, infrastructure, and opportunity that they need to succeed.

In July of last year, I asked the GAO to examine some of the causes contributing to the southern African food crisis, and to evaluate the efficacy of our response, so that we can improve our performance and prevent crises in the future. Unfortunately, the World Food Program has warned that early indicators suggest drought may continue to plague the region in the year ahead. I am looking forward to the GAO's final report, and hope that it can point the way toward proactive steps that we can take to work with our African partners on this issue.

As another step in this broader, long-term effort, this week I am introducing a resolution calling on USAID to give adequate attention to land tenure issues as the agency pursues efforts to bolster agricultural development and fight hunger, and I hope to work with my colleagues on other initiatives aimed at addressing underlying causes of chronic food insecurity in the months ahead. Too often, we think of Africa only as a troubled continent, full of flood and famine, war and deadly disease. But I have traveled widely on the continent, and I have met with energized and committed Africans from government officials to businessmen to community activists. There is no lack of good partners on the continent, and there is no absence of promise or potential. Our commitment to get serious about these issues now can lead to meaningful success, improving the lives of millions of Africans and bolstering food security in the region.

These long-term initiatives deserve Congress's support, but we will be working with profoundly weakened partners in our every effort—be it counterterrorism initiatives or programs aimed at increasing trade and investment—if we do not address this immediate emergency. Senator NELSON is right to sound the alarm about this crisis now, while we have an opportunity to act and to help those people currently at risk. To help now is humane, it is right, and it is in our interest.

Mr. REID. Mr. President, I ask unanimous consent that the Reed amendment on unemployment insurance which is before the body be recalled, and I move to waive the relevant section of the Budget Act for the consideration of the Reed amendment. Senator NICKLES also raised a point of order. I just want to move to waive it. Such time as we vote on it will be the decision of the body.

The PRESIDING OFFICER. Is the Senator asking for regular order on that amendment?

Mr. REID. I asked that the Reed amendment be recalled. I ask for regular order and renew my unanimous consent request to waive the relevant section of the Budget Act for consideration of the Reed amendment.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, will the Senator from Florida yield?

Mr. NELSON of Florida. Mr. President, it was clearly my intention to regain the floor so I could yield to my friend from Oklahoma.

Mr. REID. Mr. President, will the Senator yield?

Mr. INHOFE. Yes.

Mr. REID. I ask unanimous consent that we return to the Nelson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I yield to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the distinguished Senator from Florida for yielding.

Let me first of all say, to clarify the understanding that I have in listening to his presentation, that his request would not necessarily be binding unless the President were to include this as something which he would interpret as an emergency; that is, the funding that is requested by the Senator. Is that correct?

Mr. NELSON of Florida. The Senator is correct. If the President did not designate the situation in Africa as an emergency, the President would not be required to provide these funds and it would not affect the top line.

Mr. INHOFE. If the Senator will yield further, I can't quite see the Senator's map of the continent. My understanding is that most of that is in sub-Saharan Africa. Is that correct?

Mr. NELSON of Florida. The Senator is correct. It involves three countries in east Africa, six countries in west Africa, three countries in central Africa, and about seven countries in southern Africa.

Mr. INHOFE. Mr. President, if the Senator would yield further, let me just make a comment. I perhaps have had maybe even a conflict of interest in this case. But that conflict has made me very sensitive to the plight they have in sub-Saharan Africa. As the Senator from Florida knows, I have been there many times. I am very familiar with that whole region. But in the case of Ethiopia, which seems to be one of the first areas the Senator is addressing, a drought is taking place there right now. In fact, I have and I will hold up a picture of a little girl we found during that drought. She was abandoned. She was 3 days old. We were able to get her back into good health. I am very proud to say that this little girl—Zegita Marie Rapert—happens to be my granddaughter. She is now officially adopted.

By the way, in case you are wondering why she is wearing a crown, that was her first birthday. She has three older brothers ages 4, 5, and 6. It is a pretty typical family. Anyone from Ethiopia is considered royalty: Queen of Sheba—anyone from Ethiopia is royalty. So they gave her this crown for her first birthday.

I would suggest that there is no area that is having a more difficult time right now. I know there is a lot of competition for funds. But I think the way the junior Senator from Florida has structured this amendment, that would allow the administration to make some of these determinations and some of these priorities.

I strongly support the idea of giving some aid to that area because of the drought that has been unprecedented for about 12 years. Hopefully, this will happen and it will become a reality for these people.

We do a lot of talking around here about poverty; we do a lot of talking about problems; but until you see some of the poverty and some of the effects of the drought that has taken place right now in the sub-Saharan, Africa, it is really one that we don't understand.

I yield the floor.

NATIONAL AMBER ALERT NETWORK ACT OF 2003

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the clerk will report S. 121.

The assistant legislative clerk read as follows:

> A bill (S. 121) to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

Mr. NELSON of Florida. Madam President, I have a parliamentary inquiry. I had asked for the yeas and nays, and there was determined to be a sufficient second.

Could you inform me, on the Nelson amendment, what is the parliamentary situation?

The PRESIDING OFFICER. The yeas and nays have been ordered on that amendment.

Mr. REID. Madam President, if I could ask the Chair to direct the Senator's attention to the Senator from Nevada, it is my understanding we have a vote scheduled for 5:15. There are 15 minutes of debate prior to that time. The two leaders are trying to figure out what votes are going to come next. We have a series of amendments that have been offered today. I ask that my friend from Florida withhold until the two leaders have determined the time for the vote.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise in strong support of S. 121, the National AMBER Alert Network Act of 2003. Specifically, I congratulate and thank my colleagues who have worked so hard toward the passage of this needed legislation: Senators KAY BAILEY HUTCHISON and DIANNE FEINSTEIN. Both of them are deserving of the credit for this bill. I am very proud to align myself with both of them.

Senator HUTCHISON has been a great leader in this area, and I am very much appreciative of her. Also, Senator LEAHY and others have worked hard on this bill.

The horrific kidnapping of Elizabeth Smart in my home State of Utah is illustrative of a terrifying wave of recent child abductions that has swept our Nation. Clearly, there is a tremendous need for legislation to help communities fight these terrible crimes.

Without question, when it comes to child abductions, time is of the essence. We are all too aware that child abductors prey on the youngest, most innocent and vulnerable members of our society—often for the purpose of committing other serious violent crimes against them.

Too often, it is only a matter of hours before a kidnapper abuses, assaults or kills the child victim.

According to figures released by the Bureau of Justice Statistics, almost 75 percent of the murders that occur following child abductions happen within the first 3 hours.

AMBER Alert systems are critical to successful search and recovery efforts because they enable law enforcement authorities to galvanize entire communities to assist in the safe recovery of child victims.

We recently witnessed the success of the AMBER Alert system in California where the system was used to broadcast the disappearance of Nichole Timmons. After she was recognized, Nichole was safely recovered in the neighboring State of Nevada.

In another recent California case, the AMBER Alert system was used to broadcast the disappearances of Tamera Brooks and Jaqueline Marris. Just hours after their abduction, and minutes before their possible murder, the two young women were found.

My home State of Utah recently adopted a statewide alert program aimed at preventing child abduction called the Rachel Alert. The program was named after young Rachel Runyan who was kidnapped from behind her home in Sunset, UT, and later found murdered.

I know that law enforcement agencies are working closely with broadcasters and the public to develop AMBER Alert systems across our country. Despite these efforts, however, I believe a National AMBER Alert Coordinator in the Department of Justice is needed to assist States in developing effective alert plans that can be coordinated nationwide.

Fortunately, we already have the technology in place to do just that—the Emergency Broadcast System. For years, broadcasters have been cooperating with Government officials and reaching Americans across our country by issuing emergency alerts on our televisions and radios. We have all experienced an interruption in regular programming so that a news breaking announcement can be made. With the addition of a National AMBER Alert Coordinator and continued cooperation between law enforcement officials and broadcasters, we can create an effective national AMBER Alert system.

Just now, I walked into the Senate Chamber with Ed Smart, who, as the country knows, has joined with his wife and family to launch one of the most brave, concerted, and vigilant efforts ever known to locate their precious daughter, Elizabeth.

On many occasions, Ed and Lois Smart have educated me about the need for enhanced efforts to combat child abduction, such as the National AMBER Alert Network Act.

This measure is overwhelmingly supported by the Smart family and all the parents who have firsthand experience with the uncertainty, pain, and trauma that exist while waiting for news about an abducted child.

We have no greater resource than our children, and we need to see to it that we do all we can to protect them from predators of all types.

So let us pass this legislation for Elizabeth Smart and Rachel Runyon and, indeed, for all children in our Nation.

Madam President, I yield the remainder of our time to the distinguished Senator from Texas, who deserves so much credit for being on top of this bill and bringing it to the Senate.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, how much time do I have?

The PRESIDING OFFICER. Five minutes forty-five seconds.

Mrs. HUTCHISON. Madam President, Senator FEINSTEIN and I introduced this bill last session. Under the leadership of Senator LEAHY and Senator HATCH, it went through in a remarkably short amount of time. Everyone could see the need for this bill, something that could be done on a volunteer basis, but with that Coordinator in the Department of Justice, we could really make a difference when a child is abducted in this country.

Unfortunately, the bill died in the House. So we have introduced the bill again. And this time, once again, through the leadership of Senator HATCH and Senator LEAHY, it has gone through the committee in record time. I hope we can pass this bill and give the House plenty of time to also pass this legislation and send it to the President.

The President has asked for this bill. He knows we need legislation on the books to create this Coordinator and to help every abducted child have a chance to live.

A Department of Justice study shows that 75 percent of child homicides occur within 3 hours of abduction. AMBER Alerts have gone out within 17 minutes of an abduction. That means we are giving law enforcement personnel the help they need to find this person who takes a child and wants to do harm to this child.

Forty-three abducted children have been recovered with the assistance of AMBER Alerts. We now have 85 regional AMBER Alerts in this country, up from 53 when we introduced the bill last summer.

People like Joann Donnellan are running the National Center for Missing and Exploited Children and have provided the technical assistance to States and local governments to help us find these children quickly.

In fact, this bill is named for Amber Hagerman of Arlington, TX, who was abducted in 1996 and found murdered. Her death had such an impact on the community that it was determined that if we could get the word out and try to find someone who had taken a child, that it would help save these children.

In fact, we have found that AMBER Alerts have been so effective that an abductor who saw an AMBER Alert sign in California went to the side of the road and let the child out because he knew he was going to be caught and that he was in trouble. So it is very effective.

What we want to do is have a Coordinator in the Justice Department who a local law enforcement official can call and not have to make 10 calls to contiguous States. He or she can make that one call to the AMBER Alert Coordinator in the Justice Department. That person will then be able to put the word out in contiguous States, without having to go through different call lists and wasting time.

We know that time saves lives in AMBER Alerts. When a child is abducted, if we can save time, we can give that child the chance to not be harmed or horribly murdered, as we have seen in so many instances with child abductions.

It is hard for me to understand how someone could prey on a defenseless child. It is the worst nightmare a parent would have to hear, that her child or his child has been taken by a stranger and you don't know what has happened. I have met with the parents of Elizabeth Smart, the wonderful couple from Utah, who have lost their child to an abductor and still have not heard from her. The agony they must go through every day is something no parent can imagine.

With this bill, we will put the coordinator in place. We will help set criteria for when an AMBER Alert would go out. We thank the National Association of Broadcasters and the local broadcasters associations because they voluntarily put the word out through radio and television in a community where this has occurred.

We want to make that go further and wider. We also want to try to help States with signage and help them know what works. For instance, the blinking signs on highways have been very effective.

This is a bill that will make a difference. We know that if we can find a child within 24 hours, we have the best chance for them to be recovered safely.

I thank Senator FEINSTEIN, my cosponsor of this bill, and thank again Senators HATCH and LEAHY for pushing this bill through the Judiciary Committee in record time because we know this bill needs to be on the books.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am very pleased the Senate is again taking up and passing the AMBER Alert Network Act. I remember last year when Senator HUTCHISON would meet me coming in one door of the Senate and she would say: This bill is extremely important. Can we get it up and pass it.

And before I would get to the other door, Senator FEINSTEIN would grab me saying the same thing.

I went to the Judiciary Committee with it. I must say with the strong help and support of the then-ranking member, now chairman of the committee, Senator HATCH. In the course of just 1 week after we introduced this, we held a hearing on the AMBER Alert bill. We passed it in the Judiciary Committee, and we passed it in the full Senate. That is almost unheard of.

This is a case of what can happen in the Senate when people set aside political or partisan labels, work together and make sure something can pass.

It was unfortunate that the House did not pass it but now we will give them a chance. I am proud to join Senator HUTCHISON and Senator FEINSTEIN as an original cosponsor of the legislation.

Senator HUTCHISON said it very well, the reasons for the legislation, as did Senator HATCH. I commend those Senators for their leadership. Senator HUTCHISON and Senator FEINSTEIN have been absolutely dynamic in this case. Because of their support, they made it possible for Senator HATCH and I to get the unanimous support of the Judiciary Committee to move this bill.

It has been credited with recovering 43 children nationwide; 84 modified versions have been adopted in local, regional and Statewide locations. And 33 States have a Statewide plan.

My home State of Vermont is not yet one of them, but this bill would help towns and counties in States such as mine to build and maintain the AMBER Alert.

We spoke about how parents feel. I can imagine, when my children were growing up, the terrible fear that my wife and I would have had at the disappearance of any one of them. I don't know how a parent or grandparent gets through that. I don't know how members of the family get through it. The most vulnerable and most trusting part of our society is our children. Because they are the most vulnerable and the most trusting, we, not only as legislators but as parents, as family members, owe a particular duty to them.

I know President Bush is ready to sign this bill as soon as it is passed by both bodies and goes to his desk. I urge all Senators to vote for it to send a very clear message to the other body that we support it. It is a bipartisan bill. They would then pass it. The President will sign it.

Mr. FEINGOLD. Madam President, I am pleased to support the National Amber Alert Network Act of 2003. I urge the House of Representatives to take prompt action to pass this critical legislation and for the President to support it.

We have all heard the stories of parents who have found themselves trying to find a child who has been abducted, while fearing serious injury or even death. While local law enforcement officials work tirelessly to locate these children, the reality is that they are not always able to find a child in time without the help of the public.

What has made the difference around the country in many communities is the Amber program, a system designed to get critical information to the general public that might lead to locating a child and his or her abductor before the worst can happen.

The National Amber Alert Network Act of 2003 builds upon successful local programs and encourages other communities to develop Amber programs. The National Amber Alert Network Act of 2003 would enhance local programs by giving State and local communities help in apprehending an abductor who takes a child and then crosses State lines. In Wisconsin, there are three Amber programs in effect, in Madison, in La Crosse and in Green Bay. But, if a child is taken from Wisconsin and brought across State lines to another State, the local Amber programs have no uniform way to get critical information from one State to another.

The National Amber Alert Network Act of 2003 would allow communities the flexibility to develop Amber programs that are responsive to the needs of their areas and provide Federal assistance and coordination for local programs. The National Amber Alert Network Act would have the Department of Justice create a national coordinator to work on interstate issues, develop voluntary minimum standards for the issuance and dissemination of Amber alerts, and provide matching grants for the development and enhancement of local Amber alert plans.

The cost of implementing the National Amber Alert Network Act of 2003 is small when we consider the price every parent and community must pay when children are not protected. I am hopeful the National Amber Alert Network Act will help local programs continue to reunite families and apprehend their abductors.

(At the request of Mr. LEAHY, the following statement was ordered to be printed in the RECORD.)

• Mrs. FEINSTEIN. Madam President, today, the Senate will vote on a bill that will save children's lives by expanding the existing AMBER Alert program nationwide.

I want to commend Senator KAY BAILEY HUTCHISON for her continued leadership on this legislation. Her work on this bill has been extraordinary.

I also want give a special thanks to Senator HATCH, Chairman of the Judiciary Committee, and to Senator LEAHY, the Ranking Member, for putting the National Amber Alert Network Act on the fast track to the Senate Floor.

Senator HUTCHISON and I introduced the bill on January 9th, 2003. Now, just a couple of weeks later, we are voting on Senate passage. I am hopeful that this tidal wave of Senate support will carry over to the House and we soon will have a national AMBER Alert law.

So what are AMBER Alerts? AMBER Alerts are official bulletins transmitted over the airwaves to enlist the public's help in tracking down child abductors fleeing a crime scene.

AMBER Alerts are such powerful tools because they can be issued within minutes of an abduction and reach a wide public audience.

Statistics show that children in the most dangerous abduction cases have precious little time until their safety is compromised.

According to a study by the U.S. Department of Justice, 74 percent of children who were abducted, and later found murdered, are killed in the first hours after being taken.

Simply put, we need more AMBER Alerts because they may be the best tool law enforcement has to save kidnaped children facing imminent danger.

The National AMBER Alert Network Act has three key components.

First, the legislation would authorize $20 million to the Department of Transportation and $5 million to the Department of Justice in FY 2004 to provide grants for the development of AMBER Alert systems, electronic message boards, and training and education programs in states that do not have AMBER Alerts.

To date, AMBER Alert systems exist in 34 states and a total of 85 local, regional and state jurisdictions. This bill would help the expansion of AMBER Alerts to new jurisdictions.

Second, the bill would build upon the President's Executive Order by authorizing a national coordinator for AMBER Alerts in the Department of Justice to expand the network of AMBER Alert systems and to coordinate the issuance of region-wide AMBER Alerts.

Third, the bill provides a framework for the Department of Justice to establish minimum standards for the regional coordination of AMBER alerts. The Department of Justice, working with the National Center for Missing and Exploited Children and other private organizations with expertise in this area, would build upon the best standards currently in place.

The effectiveness of AMBER Alerts depends on the continued judicious use of the system so that the public does not grow to ignore the warnings.

Furthermore, it is the specific intent of this bill not to interfere with the operation of the 85 AMBER plans that are working today.

Participation in regional AMBER plans is voluntary, and any plan that wishes to go it alone may still do so.

I urge members to support this bill because AMBER Alerts have a proven track record.

Nationally, since 1996, the AMBER Alert has been credited with the safe return of 43 children to their families, including one case in which an abductor reportedly released the child after hearing the alert himself.

I would like to briefly describe two of these cases: the rescues of 10-year-old Nichole Timmons from Riverside and four-year-old Jessica Cortez from Los Angeles.

Last fall, Nichole Timmons and her mother Sharon attended a hearing of the Senate Judiciary Subcommittee on Technology, Terrorism, and Government Information on the AMBER Alert program.

In moving testimony, Sharon described how Nichole was abducted from their Riverside home on August 20, 2002 and how an AMBER Alert brought her daughter back to her within hours of the abduction.

In Nichole's case, an Alert was issued not just in California, but in Nevada as well.

After learning about the Alert, a tribal police officer in Nevada spotted the truck of Nichole's abductor and stopped him within 24 hours of the abduction.

He was found with duct tape and a metal pipe. The AMBER Alert was the only reason that Nichole was able to return home to her mother—safe.

I can't think of any testimony in support of a bill more powerful than the sight of a mother sitting next to her daughter who she thought might be gone forever.

The second case I want to mention is that of Jessica Cortez. Jessica disappeared from Echo Park in Los Angeles on August 11, 2002.

But when Jessica's abductor took her to a clinic for medical care, receptionist Denise Leon recognized Jessica from the AMBER Alert and notified law enforcement.

Without the publicity generated by the Alert, Jessica could have been lost to her parents forever.

Through this legislation, we will extend to every corner of the nation a network of AMBER Alerts that will protect our children.

This program will increase the odds that an abducted child will return to his or her family safely.

But importantly, it will deter potential abductors from taking a child in the first place.

As Marc Klaas said at a hearing on the bill last fall, this legislation will "save kid's lives."•

Mr. LEAHY. Madam President, I yield back whatever time remains on this side.

Mr. HATCH. Madam President, I yield back whatever time we have, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN) the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mrs. LINCOLN) would vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl

Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—8

Bingaman
Brownback
Daschle
Feinstein
Graham (FL)
Harkin
Hollings
Lincoln

The bill (S. 121) was passed, as follows:

S. 121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National AMBER Alert Network Act of 2003".

SEC. 2. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) Coordination Within Department of Justice.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) Consultation With Federal Bureau of Investigation.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) Cooperation.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 3. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) Establishment of Minimum Standards.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) Limitations.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) Cooperation.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 4. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) Program Required.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) Activities.—Activities funded by grants under the program under subsection (a) may include—

(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and

(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

(c) Federal Share.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) Distribution of Grant Amounts on Geographic Basis.—The Secretary shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) Administration.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) Authorization of Appropriations.—(1) There is authorized to be appropriated for the Department of Transportation $20,000,000 for fiscal year 2004 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 5. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) Program Required.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) Activities.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Secretary considers appropriate for supporting the AMBER Alert communications program.

(c) Federal Share.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) Distribution of Grant Amounts on Geographic Basis.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) Administration.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) Authorization of Appropriations.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 27

Mr. STEVENS. Madam President, I ask for regular order on amendment No. 27, the LIHEAP amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is now pending.

Mr. STEVENS. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. For the information of the Senate, this is the LIHEAP amendment. The statements concerning the amendment will be after—

Mr. REED. Madam President, I ask unanimous consent that there be 1 minute for myself and Senator COLLINS to explain the amendment.

Mr. STEVENS. Madam President, that would be in order. I have no problem with that. I ask for 1 minute on each side to explain this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, this amendment would direct the President to release $300 billion for the Low-Income Home Energy Assistance Program. It will be offset by using unexpended emergency LIHEAP funds which were already appropriated in the 2001 Supplemental Appropriations Act. Today, as the temperatures freeze, people throughout the country—people in the Northeast, the Midwest, many parts of the country—are freezing. This includes low-income seniors. With rising oil prices, a declining economy, and cold temperatures, it is the "perfect storm" for those people. We can help them with this amendment.

The amendment will also provide assistance to address the scorching heats of summer in other parts of the country. I urge passing.

I yield the remaining time to my colleague Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, when I left Maine earlier today, the forecast was for temperatures with a wind chill of 40 below zero tonight. We are facing a "perfect storm" of exceedingly cold winter weather, high energy prices, and a difficult economy.

This amendment is a modest amendment with very little budget impact. But it is an amendment that will make a real difference in the lives of low-income families in Maine and States across the Nation.

No one should have to choose between being warm in the winter, buying prescription drugs, or buying the food they need to remain healthy. This amendment will address the needs of thousands of low-income families across this Nation so that they will not be faced with those choices.

Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STEVENS. We are prepared to accept this amendment, but I think the sponsors wish a vote.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the amendment of the Senator from Rhode Island, Mr. REED.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) and the Senator from Arkansas (Mrs. LINCOLN) would each vote "aye".

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 4, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—88

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—4

Ensign
Kyl
Nickles
Sessions

NOT VOTING—8

Bingaman
Brownback
Daschle
Feinstein
Graham (FL)
Harkin
Hollings
Lincoln

The amendment (No. 27) was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, it was my hope that we could debate and vote on the confirmation of the Ridge nomination during today's session. It is my understanding that the other side of the aisle will require approximately an hour and 40 minutes for debate. In a discussion a few minutes ago, we agreed that we would at least begin that debate tonight.

Shortly, I will be asking for unanimous consent to outline what the proposal is.

It is an important nomination. I believe all of us would like to address and vote on the nomination as soon as possible. We will be conducting that vote tomorrow.

I encourage our colleagues who have statements to make those tonight, if at all possible.

As in executive session, I ask unanimous consent that following the stacked votes on Wednesday morning, the Senate proceed to executive session for the consideration of Calendar No. 1, the nomination of Tom Ridge to be Secretary of Homeland Security. Further, I ask that the debate time be limited as follows: Senator DORGAN, 15 minutes; Senator BYRD, 15 minutes; Senator CARPER, 15 minutes; Senator FEINSTEIN, 10 minutes; Senator LAUTENBERG, 20 minutes; Senator LIEBERMAN, 15 minutes; Senator DASCHLE, 10 minutes; and Senator COLLINS to be in control of 1 hour and 40 minutes. I further ask unanimous consent that following the use or yielding back of the debate time the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; further, that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Reserving the right to object, Mr. President, if I could, through the Chair, direct a question to the majority leader, it is my understanding that the majority leader is contemplating two votes in the morning.

Mr. FRIST. That is correct.

Mr. REID. And once that consent is done, it is my understanding we would have a couple votes, is that right, at 9:15 or 9:30 in the morning. Following that, this debate would take place, and we would vote on this matter prior to the normal party caucuses; is that right?

Mr. FRIST. That is correct. I understand that Senator CARPER may be willing to use his time tonight. I would encourage others to do so, once the unanimous consent request is agreed to. Shortly, we will enter into an agreement for two stacked votes for tomorrow morning at approximately 9:30. Following those votes, we will begin consideration of the Ridge nomination. I expect the vote will occur prior to the policy luncheons tomorrow afternoon, as outlined.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the second vote tomorrow morning be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I remind my colleagues that late nights are to be expected for the remainder of this week as we continue to work through amendments to the appropriations bill. I believe the amendments have been filed at this juncture. I look forward to having the opportunity of looking through the amendments so we can give our colleagues a better idea of the schedule over the course of this week. It is my hope we will be able to complete the bill this week as early as possible. I think after looking over the amendments that have been given to the managers we will have a much better idea in that regard.

Mr. President, I ask unanimous consent that Senator COLLINS be yielded 10 minutes at this juncture.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the LIHEAP amendment just adopted: Senators GRASSLEY, SPECTER, LIEBERMAN, KOHL, BAUCUS, and LINCOLN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

Mr. President, Senator JACK REED and I have offered an amendment that provides for the immediate release of $300 million in funds for the Low Income Home Energy Assistance Program, also known as LIHEAP.

I thank the chair and ranking member of the Labor-HHS Appropriations Subcommittee, Senators SPECTER and HARKIN, for their efforts in support of this critical program. Despite the extremely difficult fiscal constraints facing our Nation, Senators SPECTER and HARKIN have managed to provide $1.7 billion in regular-year LIHEAP funds in the Omnibus Appropriations Act. This is $300 million more than the administration's request.

Unfortunately, while the bill before us provides more regular LIHEAP funds than the administration requested, the total funding, which includes both regular funding and emergency funding, is considerably less than was provided in fiscal year 2002. In fact, total LIHEAP funding in this bill falls $300 million below the total funding provided in fiscal year 2002. It is also $300 million below the total funds provided in the Labor-HHS appropriations bill which passed the Senate Appropriations Committee on July 18, 2002, by a vote of 29 to 0.

Mr. President, the amendment that Senator REED of Rhode Island and I have offered would provide for the immediate release of an additional $300 million for low-income heating assistance by designating emergency funds provided in the Supplemental Appropriations Act of 2001 as regular-year funds for fiscal year 2003.

For that reason, our amendment is fiscally responsible. Because these funds were already made available, our amendment does not increase total spending in the omnibus appropriations bill. These are funds that were already approved. The effect of our amendment is for this $300 million to be released immediately.

Some might argue that these funds should not be released unless the President declares an emergency. Anyone who thinks that we don't currently have an emergency in home heating assistance should visit with a low-income family in Houlton, ME. Houlton recently experienced the coldest temperature of any place in the lower 48 States. A few days ago, temperatures in Houlton were 19 degrees below zero. Tonight, the forecast, with windchill, is for the temperature range to be from 20 to 40 below in some parts of my home State. When the temperature is that cold, and you do not have money in your budget to heat your home, that is an emergency.

Adding to the problem of exceptionally cold winter weather, energy prices have escalated dramatically. The cessation of oil exports from Venezuela, as well as the prospect of a war in the Middle East, have pushed the price of crude oil up by nearly $6 per barrel in the last month. Home heating oil inventories are near 5-year lows, and prices are 20 percent higher than last winter. The Energy Information Administration predicts that home heating oil prices could rise 45 percent by the time winter is over. The price of natural gas, kerosene, and other fuels are facing similar pressures.

In addition to a cold winter and high energy prices, we are also facing difficult economic times. Unemployment has reached an 8-year high. In Maine, as in many States, low-income and unemployed workers are struggling. Just last week, Great Northern Paper, the largest employer in northern Maine, filed for bankruptcy and laid off its workforce of more than 1,000 employees.

In short, we are facing a "perfect storm" of high energy prices, exceedingly cold weather, and a difficult economy. With little prospect for a quick resolution of the crises in Iraq and Venezuela, continued forecasts for a cold winter, and the dubious prospects for a very quick economic rebound, all of us living in cold weather climates will face challenges in order to heat our homes this winter.

This combination of factors strains everyone's pocketbook, but, of course, it places a particular burden on seniors living on limited incomes and on our low-income families. These families already carry a higher energy burden than most Americans. They can spend up to 20 or 25 percent of their entire income just paying their home energy bills. No one should have to choose between heating their homes or putting food on the table, having prescriptions in the medicine cabinet, or even staying in their homes altogether.

Experience has shown, however, that pressures to pay energy bills and the inability to pay have resulted in increased medical expenses for our elderly, malnutrition for our children, and even homelessness. As an indicator of just how difficult this winter has been in my home State, let me tell you that 10,000 more people in Maine have applied for low-income heating assistance this year compared to last year.

Unfortunately, even as the need has increased, the amount of assistance has declined. In Maine, the average household benefit has seen a steady decline over the last four winters. In the winter of 1999 to 2000, the average LIHEAP benefit for a Maine family was $491. The next year, it had fallen to $433. By last winter, the number had further declined to $358. Fortunately, with the approval of the Reed-Collins amendment, we can reverse this decline or at least ensure that more Maine families will be helped; otherwise, low-income Maine families struggling to heat their homes will only receive between $330 and $350 this winter, not nearly enough to help.

I would like to say a word about the history of the LIHEAP funds that our amendment addresses. The Supplemental Appropriations Act of 2001 provided an extra $300 million in LIHEAP funds in order to help low income families deal with high energy prices. Report language specifically directed that at least $150 million of these funds were to be used to address unmet needs resulting from high energy prices. The other half of the money was directed to be used to meet the most critical needs arising from energy cost increases and increases in unemployment, among other things.

I have been working for the better part of 2 years to secure the release of these funds. On August 13, 2001, I joined Senator REED, Senator KENNEDY, and a number of my colleagues in sending a letter to the President requesting the release of the very same $300 million in emergency funds from the fiscal year 2001 supplemental appropriations bill. On September 10, 2001, I again joined many of my colleagues in sending a letter to OMB director Mitch Daniels requesting the immediate release of these funds. On October 26, 2001, 17 Senators joined Senator REED and me in a letter to the Senate Minority and Majority leader requesting legislative language to require the release of these funds. On October 30, 2001, I offered an amendment to the fiscal year 2002 Labor, Health and Human Services appropriations bill expressing the sense of the Senate that these funds should be released immediately. That amendment was supported by Senators SPECTER and HARKIN and passed the Senate as part of the fiscal year 2002 Labor-HHS bill.

On February 12, 2002, I joined my colleague Senator SNOWE in sending a letter to the President again requesting the release of these same funds. On September 23, 2002, Senator REED and I were joined by Senator SPECTER, Senator HARKIN, and 35 of our colleagues in a letter to the President requesting the release of $200 million in emergency funds that were made available as part of the fiscal year 2002 Labor-HHS Appropriations Bill. These funds expired without ever being spent. Finally, on December 23, 2002, half of our colleagues joined Senator REED and me in sending a letter to the administration requesting a total of $2 billion in fiscal year 2003 funding—which is the same amount made available by combining the $300 million in my amendment with the $1.7 billion already in the bill.

The LIHEAP program is essential in helping many low-income families get through the winter months. This has been an unusually cold winter. This has been a year where home heating prices have soared. This has been a year where the economy has been difficult. The combination of those three factors calls out for us to provide this additional assistance.

I am very pleased that our colleagues have joined together with an overwhelming vote. I hope very much this provision will be retained in the final conference report.

Mr. President, I yield back the remainder of my time.

Mr. SARBANES. Mr. President, I come to the floor today to talk about the HUD/VA appropriations bill contained in the omnibus package currently under consideration by the Senate. I want to commend Senators MIKULSKI and BOND for recognizing the importance of providing Americans with the opportunity to live in decent, safe, and affordable housing. However, despite their efforts, housing programs suffer from a lack of adequate funding in this bill.

The Appropriations Committee faced tough choices in revising their fiscal year 2003 bills, due to the decision to cut domestic programs substantially across the board. Senate appropriations were forced to cut almost $10 billion from their earlier spending decisions for fiscal year 2003. More than $1 billion of this cut comes from critical housing programs. While the Senate bill before us today is far superior to the House appropriations bill, it does not provide adequate resources. Now is not the time to cut $1 billion from the social safety net. Over 100,000 people lost their jobs last month, and unemployment continues to be high. Working families deserve our support, and instead of providing it to them, we continue to cut programs that help people provide for their families.

While the administration is asking us to provide a tax cut of $674 billion, primarily for the wealthiest Americans, over $1 billion in funding is being cut from programs that help low-income families afford housing. The problem of affordable housing has become a crisis for many working families all across America. According to a recent study, 14 percent of families pay over half of their income in rent or live in substandard housing. The significant gap between the wages of low-income workers and housing costs makes evident that housing assistance is necessary for many working families. On average, a family in this country needs to earn almost $15 an hour to afford a modest two-bedroom apartment. This is almost three times the minimum wage.

When millions of American families are unable to afford decent and safe housing, the consequences are serious and far-reaching. When children do not have stable home environments, their health suffers as does their educational attainment. In addition, housing assistance can help people transition from welfare to work. Recent studies have found that people leaving welfare who receive housing assistance retain employment for longer and make more than those who do not receive such assistance. Unfortunately, this bill does not do enough to ensure that working and elderly families in this country can afford safe and decent housing.

Just last week, HUD announced that housing authorities around the country will be facing drastic cuts in their operating funding. These cuts are due to HUD's error in estimating public housing needs. Because of HUD's mistake, there was a $250 million shortfall in the operating fund in fiscal year 2002. Upon learning of this shortfall, HUD indicated that it would seek additional funding from Congress. Unfortunately, HUD never asked for these funds. Instead, HUD will use fiscal year 2003 funds; to make up for the shortfall. This means that we are starting out with a $250 million cut in the program this year. This cut will leave housing authorities with no choice but to scale back their programs, lay off staff and put off needed repairs.

HUD should request, and we should provide additional funding to make sure that families in public housing are adequately housed. In addition, HUD must provide as much funding as possible to PHAs under the current budget situation. Housing authorities are currently receiving only 70 percent of their funding. This is an unnecessary and irresponsible cut. Even assuming a loss of $250 million from fiscal year 2003 funds, HUD should be able to provide at least 90 percent of operating costs to public house authorities. If HUD intends to fund public housing at higher levels later in the year, as they have announced, they should do so now, thereby helping PHAs avoid unnecessarily cutting off assistance to needy families.

In addition to under-funding the public housing operating account, the HUD appropriations bill cuts $160 million from the Public Housing Capital Fund, which is used to repair and modernize public housing. Over 1.5 million families reside in public housing, housing that is generally safe and decent. However, this older housing stock is in need of constant maintenance. Capital needs in public housing grow by $2.3 billion every year, and the backlog of needed capital repairs is over $20 billion. If we do not adequately fund the Public Housing Capital Fund, this backlog will continue to grow, threatening the homes of 1.5 million American families and the Federal Government's substantial investment in this housing.

While I strongly oppose the cuts in the public housing program, there are some important provisions contained in this bill that I wholeheartedly support. This bill fixes a serious problem created by the House Committee and ensures that Section 8 housing vouchers, a critical housing resource, are not lost. The House appropriations bill, H.R. 5605, will result in the immediate loss of over 125,000 vouchers and will lead to the continued loss of housing vouchers over time. Though the bill before us today cuts funding from the voucher program, it does so in a way that guarantees that all vouchers in use will be funded, and ensures that housing authorities can serve as many families as possible with the vouchers they are allocated. This is an important provision, and I want to commend Senators BOND and MIKULSKI for including this in the HUD/VA appropriations bill.

I am also pleased that the Senate retains $100 million in interest reduction payments for housing uses. Unfortunately, the House bill complies with the administration's request to rescind this $100 million which should be used to rehabilitate affordable housing. Given the great need for housing around the country, it is remarkable that we would rescind funding which could be used to increase housing opportunities. The Senate bill rightly requires that HUD use these funds to modernize affordable housing. Unfortunately, HUD has refused to take any action to use these IRP funds for their intended purpose, and I urge HUD to quickly comply with congressional intent and distribute these needed dollars.

Affordable, stable housing is the bedrock of stable, vibrant communities. Unfortunately, too many Americans find themselves in precarious housing situations in neighborhoods of despair. The continued cuts to housing programs supported by the current administration will hurt the millions of Americans who live in public housing or received housing vouchers, and the millions more Americans who are in need of housing assistance. These cuts will be felt all around the country. I hope that the administration will recognize this and the growing housing needs around the country and I urge them to fully fund Federal housing programs in the fiscal year 2004 budget. I am also hopeful that the Senate bill, which ensures the viability of the housing voucher program, prevails at conference with the House.

DEMOCRACY PROGRAMS

Mr. MCCONNELL. Mr. President, the ranking member of the Foreign Operations Subcommittee and I intended to include the following section in the report accompanying the FY 2003 Foreign Operations, Export Financing, and Related Programs appropriations bill. I ask unanimous consent that it be printed in the RECORD following the remarks of the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. My friend from Kentucky and I agreed to include this section in the report, but we regret that it was not included before the report hit the printing presses. It is our hope and expectation that it be considered as if included in the fiscal year 2003 Foreign Operations report, as originally printed in the RECORD last week.

EXHIBIT 1

DEMOCRACY OVERSIGHT AND COORDINATION

The Committee strongly supports programs and activities that advance democracy and freedom abroad, and has included funding in this Act for specific democracy programs it believes are important to United States security interests. The Committee believes that democracy promotion abroad can be an effective bulwark against terrorism, if properly established and implemented.

However, the Committee remains concerned with the inconsistent application of democracy programs by State and USAID, and the apparent lack of coordination of these programs within, and between, the agencies. For example, while the Committee applauds State's comprehensive review of Middle East democracy programs, it is perplexed by its lack of leadership and support for the advancement of democracy in Burma.

In order to address these concerns, the Committee recommends that State and USAID jointly conduct a comprehensive review of democracy programs, and consider centralizing oversight and coordination within the Bureau of Democracy, Human Rights, and Labor. The Committee will review the progress made in this endeavor as it considers action on the fiscal year 2004 foreign operations appropriations bill.

NOMINATION OF GOVERNOR RIDGE

Mr. CARPER. Mr. President, apparently within the next 24 hours we will have the opportunity to vote on the President's nominee to head our new Department of Homeland Security. The President has made an excellent choice. It is hard for me to imagine a better choice to undertake this responsibility than Governor Ridge.

Twenty years ago this month, Governor Ridge and I stood with about 80 other freshmen Congressmen and women at the other end of this building and raised our right hand and took an oath of office to defend our Constitution and country. He and I then served together in the House for the next 10 years and actually helped to lead one of the Banking Committee subcommittees as ranking Democrat and Republican.

Later we served as Governors in the neighboring States of Pennsylvania and Delaware. Even before we came to Washington, we served in the Armed Forces of our country where he served with real distinction in the U.S. Army during the Vietnam war.

I will always be especially grateful for a breakfast Governor Ridge came to almost 20 years ago. I had just been elected the at large Congressman from Delaware and ended the campaign with a little bit of debt. We decided to have a fundraising breakfast to help take care of the debt, and Senator BIDEN, then the junior Senator from Delaware, was good enough to come and speak at our breakfast. We had a whole host of Democratic colleagues from the House, new freshmen who wanted to show their support for their new colleague. One Republican stopped by that breakfast, and it was the freshman Congressman from Erie, PA.

I will always be grateful for that appearance and for the friendship that has spanned some 20 years. I will be pleased to vote with my colleagues and join, I suspect all of them, in making him a unanimous choice for Secretary of the Department of Homeland Security.

While I believe Governor Ridge is more than qualified for the job, the task he faces is daunting. Congress has given him a Department that at least on paper should be able to prevent and respond to terrorist attacks more effectively than Federal Government and State governments can today. We have authorized the transfers of literally dozens of agencies and tens of thousands of workers. We have outlined a skeleton organization that should be able to pull together under one roof information on threats and vulnerabilities and to use that information to improve security and better prepare our first responders.

Very little of what we have outlined, though, will be in place on day 1, and day 1 is tomorrow for all intents and purposes. A number of outstanding questions remain. Both in the Committee on Governmental Affairs where I serve and on the Senate floor, we have had a healthy debate over the details of how the transition to a new Department of Homeland Security should work. I know some of my colleagues are uncomfortable with what we have. I have a few concerns of my own.

That being said, I think it is important now that we put aside our disagreements and do what we need to do to enable this Department to do what it needs to do, to protect American lives.

Let me take a few minutes to discuss a couple of the issues I hope Governor Ridge will address early on during his tenure as Secretary of this Department.

First, let me touch on the subject of rail security. Now that the Transportation Security Administration has for the most part achieved the goals we set for them, it is time for them and for the Department of Homeland Security to focus on other modes that have received less attention, especially rail. As I said before, our failure more than a year after September 11 to act to improve the security of our rail infrastructure is an Achilles' heel in our Nation's effort to secure our total transportation system.

In New York City today, hundreds of thousands of people on their way to work pass through tunnels that are badly lit, poorly ventilated, and from which escape is very difficult. In fact, there is even a rail tunnel that goes under the Supreme Court and congressional offices just a couple of hundred yards from where we are gathered this evening. Every day thousands of people pass through that tunnel under this Capitol on their way to work or to home.

Passenger safety demands a real investment, but to ask Amtrak to do more with respect to security without providing more resources is, in my view, an unfunded mandate, not a solution. I thank Governor Ridge for understanding the importance of improving rail security, not just for passenger rail but for freight rail as well.

I also thank Governor Ridge for acknowledging at our hearing last week that Amtrak is likely to need some additional financial assistance, if it is expected to make the security enhancements that need to be made.

Let me also touch on the matter of first responders. States and localities are in desperate need of additional new resources to help prepare their police, their fire, and emergency personnel for any future terrorist attacks. At the same time, most State and local governments are suffering through extraordinary fiscal crises that are forcing some to raise taxes or cut services. We see that in Delaware, in Tennessee, and a host of other States as well.

I am disappointed that the omnibus appropriations bill on the floor this evening and today and again tomorrow probably does not provide State and localities with the level of first responder aid that they need. In the future, I hope Governor Ridge, soon to be Secretary Ridge, and our colleagues in Congress and the President will heed the calls from back home for more first responder aid.

I also hope Governor Ridge works quickly in the coming weeks to set up a communications link between the new Department and first responders so their needs can be heard and information on what they need to do to protect their communities makes its way down to them.

When the Committee on Governmental Affairs first marked up the Homeland Security Act and again when a modified version of the bill reached the floor, Senators COLLINS and FEINGOLD and I offered an amendment to create an office of State and local coordination within the new Department. That would place a homeland security liaison office within each State. Our language, unfortunately, was not included in the final bill, but I do hope Governor Ridge will consider setting up something like what we recommended once this new Department is in place and he and his employees have gotten their sea legs.

I want to close with some comments on relations with employees. A matter that held up final passage of this legislation when we created the new Department last month was really relations with employees, what kinds of rights they have under the collective bargaining laws and under the merit rules of the civil service rules of our country.

Recently, ADM James Loy, head of the Transportation Security Administration—I am told a very able person—used the authority Congress granted him under the airline security legislation we passed after September 11 to forbid airport screeners from joining unions. He cited his view that the screeners perform sensitive national security work as the reason for his decision.

The admiral's decision may or may not have been the right one. Whether it was or not, it has not done much to improve relations between the administration and thousands of unionized employees who are being transferred to this new Department, who perform work just as sensitive as—or in some cases even more sensitive than—that performed by the screeners.

As he works with the Office of Personnel Management to develop a human resources management system for this new Department, I urge Governor Ridge to work swiftly to repair the strained relationship between the administration and the public employees' union. He will benefit by doing that, the employees of that Department will benefit, and I believe our Nation will, too.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 2

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 9:20 a.m. on Wednesday, the Senate resume consideration of the Inhofe amendment No. 86, and it be modified in order to be a first-degree amendment; further, I ask unanimous consent that there be 10 minutes for debate equally divided between Senators INHOFE and EDWARDS; I further ask consent that following the use or yielding back of time, the Senate proceed to a vote in relation to the Inhofe amendment, to be followed immediately by a vote in relation to the Edwards amendment No. 67, with no amendments in order to either amendment prior to that vote.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business and that Senators be permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 3, 2001 in Los Angeles, CA. An African-American man was shot by an Hispanic man, Carlos Garcia. Garcia shot and critically wounded the victim after telling him that he "did not like black men associating with Hispanic women," according to police. After the incident, the gunman hijacked a bus and caused a deadly crash as he was fleeing from police.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO JENNIFER CHARTRAND

Mr. LEAHY. Mr. President, I rise today to pay tribute to Ms. Jennifer Chartrand, who is leaving the Republican staff of the Foreign Operations Subcommittee.

Jennifer hails from Brooklyn and graduated from Fordham University. She began her career in the Senate with the Ethics Committee and went on to become a legislative assistant for Senator CONRAD BURNS. Jennifer's next move was to join the Foreign Operations Subcommittee, where my staff members got to know her well. She served both in the majority and the minority and was a valuable source of institutional knowledge on a range of issues.

While she was a tenacious fighter for Republican priorities, she always worked for good ideas, irrespective of which Senator came up with it. Perhaps most importantly, she always fought for the institutional prerogatives of both the Appropriations Committee and the Senate as a whole. Jennifer also recently staffed a congressional delegation to Europe which I was a part of. I truly appreciate all of her hard work in putting together that trip.

While I hate to see Jennifer leave, the good news is that she is only moving across the hall to the Defense Subcommittee. I hope that Senators STEVENS and INOUYE will not mind if we borrow her from time to time.

ADDITIONAL STATEMENTS

TRIBUTE TO UCONN HUSKIES WOMEN'S BASKETBALL RECORD-BREAKING STREAK

• Mr. LIEBERMAN. Mr. President, it is my pleasure to rise in tribute to the University of Connecticut Huskies women's basketball team, which on Saturday, January 18th made Division I history by winning their 55th consecutive game. In doing so, they surpassed the 54-game streak set by Virginia Tech between 1980 and 1982 and delighted fans all across my state.

Fifty-five straight wins would be an incredible accomplishment in any sport at any time. But it's especially impressive in women's college basketball today because this is an era of true parity in the sport. There are so many strong teams able to compete with and, on any given night, beat a great team like the Huskies. But the Huskies keep on working, and they keep on winning, at home and on the road, in blowouts and in squeakers. Sometimes they win with defense. Sometimes with three-point shooting. Sometimes with pure hustle. But they always find a way.

It's no wonder the Huskies have an admirer in legendary UCLA coach John Wooden, whose UCLA men's basketball teams in the early 1970's set an all-time Division I record with 88 straight wins. Coach Wooden said of what the Huskies have accomplished, "It's a tremendous feat in any era. I think they play the pure game, more so than the men. The best college basketball in my opinion is played by the better women's teams."

Of course, last year the very best team in the nation was UConn, which racked up a perfect 39–0 season en route to the national championship. The players on that team—led by All-American seniors Sue Bird, Tamika Williams, Swin Cash and Asjha Jones—built the bulk of this record streak.

And this season, a team led by All-American junior Diana Taurasi and many terrific young players is in the hunt for the championship again. There will be tons of tough games to play. Just this Monday, January 20th, they matched up against Notre Dame and extended the streak to 56. And on February 1st, they will play Duke, now ranked first in the country.

Mr. President, competition isn't about perfection. It's about perseverance. I'm reminded of the words of Michael Jordan, who said, "I have missed more than 9,000 shots in my career. I have lost almost 300 games. On 26 occasions I have been entrusted to take the game winning shot . . . and I missed. I have failed over and over and over again in my life. And that's precisely why I succeed." So even if—if—the team should lose someday, the real measure of their character will be how they bounce back, what they learn, how they become an even better team because of it.

So much of the credit for this team's success goes to coach Geno Auriemma, who has built the best program in the Nation during his 18 years in Storrs. Assistant Coach Chris Dailey has also played a pivotal part in the remarkable run. The Huskies have won three national championships over the last 7 years. They have made 14 straight NCAA tournament appearances and won a combined 23 Big East regular and tournament championships. Over the last 3 years, they've amassed an astounding 123–4 record.

I wish them luck in the weeks and months to come as they seek to extend the streak further. This has been a month of history in women's college basketball. Tennessee coach Pat Summit just won her 800th game—and the Huskies won their 55th straight victory. It is a golden time for the sport, and for all the fans who love it.•

BILL ROSENDAHL'S 15TH ANNIVERSARY AS A HOST AND PRODUCER AT ADELPHIA

• Mrs. BOXER. Mr. President, I rise today in honor of Bill Rosendahl, who has just marked his 15th anniversary of producing a variety of shows for Adelphia Communications. I would like to take a few moments to recognize Bill's many successes.

I have been a guest on Bill's shows many times. Recently I appeared on his "One-on-One" interview program and enjoyed a discussion with Bill ranging from the possible war in Iraq to our Nation's environment and energy policies. Bill is extremely knowledgeable about issues facing our Nation and world. His questions are intelligent, insightful, and penetrating.

Since 1987, Bill has produced 2,600 shows. For 15 years, viewers have tuned in to watch interviews with leaders including former Vice President Al Gore, my colleague Senator DIANNE FEINSTEIN, California Governor Gray Davis, Prince El Hassan Bin Talal of Jordan, and former Prime Minister of Israel Ehud Barak.

In addition to his role at Adelphia, Bill serves as Chairman of the California Cable Telecommunications Association, Chairman of the California Commission on Tax Policy in the New Economy, and on boards of the California Channel and Cable Positive.

Prior to his career in the cable industry, Bill Rosendahl was a White House appointee to the State Department as Chief of Operations for the U.S. Trade and Development Program and an associate in philanthropic work for John D. Rockefeller III. He has been involved in many presidential, gubernatorial, and senatorial campaigns. Bill has also traveled to more than 50 countries throughout the world.

It is clear that Bill Rosendahl deserves our warmest wishes on this special occasion. Because of Bill's work, Californians are more informed about issues facing our State, Nation and world. He provides a forum for an engaging exchange of ideas, perspectives and outlooks on the future. I am certain that the next 15 years will be just as exciting as the first.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–570. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Motor Vehicle Inspection and Maintenance Program—Request for Delay in the Incorporation of On-Board Diagnostics Testing (FRL7436–9)" received on January 10, 2003; to the Committee on Environment and Public Works.

EC–571. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan (FRL7439–2)" received on January 10, 2003; to the Committee on Environment and Public Works.

EC–572. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Idaho Designation of Areas for Air Quality Planning Purpose: Idaho (FRL7422–3)" received on January 10, 2003; to the Committee on Environment and Public Works.

EC–573. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania: Control of Volatile Organic Compounds From Solvent Cleaning Operations (FRL7437–5)" received on January 10, 2003; to the Committee on Environment and Public Works.

EC–574. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revision to the Control of Volatile Organic Compound emissions from Screen Printing and Digital Imaging (FRL7420–8)" received on January 10, 2003; to the Committee on Environment and Public Works.

EC–575. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Sulfur Dioxide attainment Demonstration for the Warren county Nonattainment Area Permit Emission Limitations for Two Individual Sources in Warren County (FRL7421–1)" received on January 10, 2003; to the Committee on Environment and Public Works.

EC–576. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oregon (FRL7429–5)" received on January 10, 2003; to the Committee on Environment and Public Works.

EC–577. A communication from the Chairman, Federal Accounting Standards Advisory Board, transmitting, pursuant to law, the report entitled "Eliminating the Category National Defense Property, Plant and Equipment"; to the Committee on Governmental Affairs.

EC–578. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report entitled "Federal Managers' Financial Integrity Act Report—2002"; to the Committee on Governmental Affairs.

EC–579. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report relative to the compliance of the Commission with the Inspector General Act of 1978 (IG Act) and the Federal Managers' Financial Integrity Act (FMFIA); to the Committee on Governmental Affairs.

EC–580. A communication from the Chief Executive Officer, Corporation for National & Community Service, transmitting, pursuant to law, the report of the Inspector General's Semi-Annual Report to Congress covering the six month period from April 1, 2002 through September 30, 2002 along with the Corporation's Report on the Final Action; to the Committee on Governmental Affairs.

EC–581. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the Department of Interior covering the 6-month period of April 1, 2002 through September 30, 2002; to the Committee on Governmental Affairs.

EC–582. A communication from the Attorney General, transmitting, pursuant to law, the Attorney General's Semiannual Management Report to Congress: April 1, 2002 to

September 30, 2002 and the Office of the Inspector General Semiannual Report to Congress for April 1, 2002 to September 30, 2002; to the Committee on Governmental Affairs.

EC–583. A communication from the District of Columbia Auditor, transmitting, the report entitled "Certification of the Fiscal Year 2003 Revenue Estimate in Support of the District's $374,200,000 Multimodal General Obligation Bonds (Series 2002A and 2002B)"; to the Committee on Governmental Affairs.

EC–584. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the twenty-seventh Semiannual Report to Congress on Audit Follow-Up, covering the period from April 1, 2002 to September 30, 2002; to the Committee on Governmental Affairs.

EC–585. A communication from the Inspector General, Department of Housing and Urban Development, transmitting, pursuant to law, the report relative to the inventory of commercial activities for the year 2002; to the Committee on Governmental Affairs.

EC–586. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report relative to the plan describing the new strategic goals, objectives, strategies and measures for fiscal years 2002-2007; to the Committee on Governmental Affairs.

EC–587. A communication from the administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Semiannual Report of the Inspector General of NASA for the period ending September 30, 2002; to the Committee on Governmental Affairs.

EC–588. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, the report of the National Mediation Board Documentation of Management Control Plan; to the Committee on Governmental Affairs.

EC–589. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the report on the District of Columbia Courts' Master Plan for Facilities, including the Family Court and on the Family Court's use of Newly appointed magistrate judges in child abuse and neglect matters; to the Committee on Governmental Affairs.

EC–590. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program (KY–234–FOR)" received on January 11, 2003; to the Committee on Energy and Natural Resources.

EC–591. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program (KY–240–FOR)" received on January 11, 2003; to the Committee on Energy and Natural Resources.

EC–592. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program (OK–028–FOR)" received on January 11, 2003; to the Committee on Energy and Natural Resources.

EC–593. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the Department of Labor's Alternative Fuel Vehicles (AFV) Reports for Fiscal Years 1999–2001; to the Committee on Energy and Natural Resources.

EC–594. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the intent of the President to add Afghanistan to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP); to the Committee on Finance .

EC–595. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2003-9—Bureau of Labor Statistics Price Indexes for Department Stores—November 2002" received on January 10, 2003; to the Committee on Finance.

EC–596. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of section 644 of EGTRRA—procedure for waiver of 60 day rollover requirement (Rev. Proc. 2003–7)" received on January 10, 2003; to the Committee on Finance.

EC–597. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Private Foundation Transfer of Assets (Rev. Rul. 2003–13)" received on January 10, 2003; to the Committee on Finance.

EC–598. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Census Tracts—2003 (Rev. Proc. 2003–15)" received on January 10, 2003; to the Committee on Finance.

EC–599. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Indian Tribal Government Trusts for Minors (Rev. Proc. 2003–14)" received on January 10, 2003; to the Committee on Finance.

EC–600. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "1259 Reestablished Positions (Rev. Rul. 2003–1, 2003–3 I.R.B. .(01–21–2003)[RR–144425–02]" received on January 10, 2003; to the Committee on Finance.

EC–601. A communication from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR parts 321, 351, 352, 353, 359, 360, Offerings of United States Savings Bonds, Series EE, HH and I; Regulations Governing United States Savings Bonds, Series EE, HH, and I; Payments by Banks and Other Financial Institutions of the United States Savings Bonds and United States Savings Notes (Freedom Shares)" received on January 14, 2003; to the Committee on Finance.

EC–602. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Fire and Safety Requirements for Certain Health Care Facilities (RIN0938-AK35)" received on January 11, 2003; to the Committee on Finance.

EC–603. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the report relative to Medicare+Choice organizations; to the Committee on Finance.

EC–604. A communication from the Secretary of the Navy, transmitting, pursuant to law, the report relative to the Cessation of Training at Vieques Naval Training Range; to the Committee on Armed Services.

EC–605. A communication from the Principle Deputy, Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, the annual report describing host nation laws and treaty obligations of the United States, and the conditions within host nations, that necessitate restrictions on purchases in overseas commissaries and exchange stores; to the Committee on Armed Services.

EC–606. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of DoD Pilot Mentor-Protege Program (DFARS Case 2002–DO29)" received on January 10, 2003; to the Committee on Armed Services.

EC–607. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Trade Agreements Act—Exception for U.S.-Made End Products (DFARS Case 2002–D008)" received on January 10, 2003; to the Committee on Armed Services.

EC–608. A communication from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Under Secretary of Defense for Personnel & Readiness, received on January 9, 2003; to the Committee on Armed Services.

EC–609. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Classification for Medical Washers and Medical Washer-Disinfector (Doc. No. 01N–0339)" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–610. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices, Reclassification of the Cutaneous Carbon Dioxide and the Cutaneous Oxygen Monitor (Doc. No. 01N–0576)" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–611. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitative Training: Rehabilitation Long-Term Training Program—Vocational Rehabilitation Counseling (RIN1820–ZA16)" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–612. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitle "Extension of Tolerances for Emergency Exemptions (Multiple Chemical) (FRL7284–8)" received on January 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–613. A communication from the Finance Specialist, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural Empowerment Zones and Enterprise Communities (RIN0503-AA20)" received on January 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–614. A communication from the Acting Director, Office of Regulatory Law, Veterans

Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses (RIN2900–AK98)" received on January 10, 2003; to the Committee on Veterans' Affairs.

EC–615. A communication from the Deputy General Counsel, Veterans Health Administration, Department of Veterans Affairs , transmitting, pursuant to law, the report of a rule entitled "Health Care for Certain Children of Vietnam Veterans—Covered Birth Defects and Spina Bifida (RIN2900–AK88)" received on January 10, 2003; to the Committee on Veterans' Affairs.

EC–616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Univair Aircraft Corp Models 415c, cd, d, e, g, and f-1, f-1A airplanes docket no. 2000–CE–79 (RIN2120–AA64) (2003–0070)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Surface Area at Indian Springs Air Force Auxiliary Field: Indian Springs, NV; Docket no. 02–AWP–2 (2120–AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.; to the Committee on Commerce, Science, and Transportation.

EC–618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Withdrawal—Modification of Class E Airspace; Zanesville, OH; Docket no. 01–AGL–21 (2120–AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; and Amendment of Class E5 Airspace; Greenville, SC: Docket No. 02–ASO–4 (2120–AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200, 200CB, and 300 Series; Docket no. 2000–NM–392; Docket No. 2000–NM–392 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Rotax GmbH 912 F and 912 S Series Reciprocating Engines; Docket No. 2002–NE–18 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Henderson Airport; Las Vegas, NV; Doc. No. 02–AWP–4 (2120–AA66)(2003–0016)" received on January 14 , 2003; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself, Ms. STABENOW, and Mr. SANTORUM):

S. 198. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 199. A bill to amend the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to carry out certain authorities relating to the importation of municipal solid waste under the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada; to the Committee on Environment and Public Works.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 200. A bill for the Relief of Ashley Ross Fuller; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. SARBANES):

S. Res. 24. A resolution designating the week beginning May 4, 2003, as "National Correctional Officers and Employees Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 35

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 35, a bill to provide economic security for America's workers.

S. 54

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 54, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 87

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 87, a bill to provide for homeland security block grants.

S. 121

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 121, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. 121

At the request of Mrs. HUTCHISON, the names of the Senator from Oregon (Mr. SMITH), the Senator from Texas (Mr. CORNYN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Missouri (Mr. TALENT), the Senator from Ohio (Mr. DEWINE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Washington (Ms. CANTWELL), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 121, supra.

S. 121

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 121, supra.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 144

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 144, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 173

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 173, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

AMENDMENT NO. 26

At the request of Mr. LOTT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 26 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 27

At the request of Mr. CHAFEE, his name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 27

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 27

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 27

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 27

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 27

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 27

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 27

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 27

At the request of Mr. REED, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Wisconsin (Mr. KOHL), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 27 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 40

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 40 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 40

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 40 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 40

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 40 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 51

At the request of Mr. FITZGERALD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 51 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 55

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of amendment No. 55 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 55

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 55 intended to be proposed to H.J. Res. 2, supra.

AMENDMENT NO. 61

At the request of Ms. MIKULSKI, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 61 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Ms. STABENOW, and Mr. SANTORUM):

S. 198. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today with Senators STABENOW and SANTORUM to introduce the New Homestead Economic Opportunity Act. This legislation will create a single-family housing tax credit for developers who build in low income areas, and allow more Americans to reach their dreams of homeownership. It will also encourage developers of single family units to invest in low income areas and improve our communities.

Currently, there are no tax credits available to developers of new or rehabilitated, affordable single-family housing. The low-income housing tax credit provides tax credits to owners of low-income rental units, but does not provide a solution to the problem of a lack of affordable homes. The quality of life in distressed neighborhoods can be improved dramatically by increasing home ownership. Existing buildings in these neighborhoods often need extensive renovation before they can provide decent owner-occupied housing. It is also difficult for renovations to occur because the costs involved exceed the prices at which the housing units could be sold. Similarly, the costs of new construction may exceed its market value. Properties sit vacant and neighborhoods remain devastated. The New Homestead Economic Opportunity Act bridges the gap between development costs and market prices and will revitalize these areas.

Our legislation will create a single-family housing tax credit of $1.75 per resident which will be made available annually to States. In my home State of Oregon, the most recent Census estimates State or local housing credit agencies will award these credits to housing units, including condominiums and cooperatives planned for development of single-family housing in census tracts with median incomes of 80 percent or less of area median income. The value of the credits could not exceed 50 percent of the qualifying cost of the unit. Rules similar to the current law rules for the Low Income Housing Tax Credit will apply to determine eligible costs of individual units.

The owner of the housing unit being sold to a qualified buyer will be eligible to claim the single-family housing tax credit over a 5-year period beginning on that date. Eligible home buyers must have incomes at 80 percent or less of applicable median family income. They would not have to be first time homebuyers, and rules similar to the mortgage revenue bond provisions will apply to determine applicable median family income.

In Oregon, rising housing costs are prohibiting working families from being able to afford homes. With a lack of affordable housing, costs are rising, and families are unable to gain the stability and equity homeownership provides. In its first year, the New Homestead Economic Opportunity Act would support more than 360 new affordable homes, probably more if credits are used in connection with less costly rehabilitations. A family of three or more with an income of $30,000 will be a qualified buyer in Oregon. This legislation will affect real working Americans.

I am proud to sponsor this legislation that will further the dream of so many Americans through homeownership. I urge my colleagues to join me in supporting the New Homestead Economic Opportunity Act.

I ask unanimous consent that the New Homestead Economic Opportunity Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "New Homestead Economic Opportunity Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. COMMUNITY HOMEOWNERSHIP CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 42 the following new section:

"SEC. 42A. HOMEOWNERSHIP CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the amount of the homeownership credit determined under this section for any taxable year in the credit period shall be an amount equal to the applicable percentage of the eligible basis of each qualified residence.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable percentage' means the appropriate percentage prescribed by the Secretary for the month in which the taxpayer and the homeownership credit agency enter into an agreement with respect to such residence (which is binding on such agency, the taxpayer, and all successors in interest) as to the homeownership credit dollar amount to be allocated to such residence.

"(2) METHOD OF PRESCRIBING PERCENTAGE.—The percentage prescribed by the Secretary for any month shall be the percentage which will yield over a 5-year period amounts of credit under subsection (a) which have a present value equal to 50 percent of the eligible basis of a qualified residence.

"(3) METHOD OF DISCOUNTING.—The present value under paragraph (2) shall be determined—

"(A) as of the last day of the 1st year of the 5-year period referred to in paragraph (2),

"(B) by using a discount rate equal to 72 percent of the annual Federal mid-term rate applicable under section 1274(d)(1) to the month applicable under paragraph (1) and compounded annually, and

"(C) by assuming that the credit allowable under this section for any year is received on the last day of such year.

"(c) QUALIFIED RESIDENCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified residence' means any residence—

"(A) which is located—

"(i) in a census tract which has a median gross income which does not exceed 80 percent of the greater of area or state-wide median gross income, or

"(ii) in an area of chronic economic distress, and

"(B) which is purchased by a qualified buyer.

For purposes of clause (ii) of subparagraph (A), an area is an area of chronic economic distress if it is approved for designation as such under section 143(j)(3), except that such designation shall not require the approval of the Secretary and shall cease to apply after the end of the 5th calendar year after the calendar year in which the designation is made.

"(2) RESIDENCE.—For purposes of paragraph (1), the term 'residence' means—

"(A) a single-family home containing 1 to 4 housing units,

"(B) a condominium unit,

"(C) stock in a cooperative housing corporation (as defined in section 216(b)), or

"(D) any factory-made housing which is permanently affixed to real property.

In the case of a single-family home described in subparagraph (A) which contains more than 1 housing unit, the term 'residence' shall not include any new residence and shall include only the portion of such home which is to be occupied by the owner thereof (based on the percentage of the total area of such home which is to be occupied by the owner).

"(3) TIMING OF DETERMINATION.—For purposes of paragraph (1), the determination of whether a residence is a qualified residence shall be made at the time a binding commitment for an allocation of credit is awarded by the homeownership credit agency, except that the determination of whether a buyer is a qualified buyer shall be made at the time the residence is sold.

"(4) MEDIAN GROSS INCOME.—For purposes of this section, median gross income shall be determined consistent with section 143(f)(2).

"(d) ELIGIBLE BASIS.—For purposes of this section—

"(1) NEW QUALIFIED RESIDENCES.—

"(A) IN GENERAL.—The eligible basis of a new qualified residence is—

"(i) in the case of a qualified residence which is sold in a transaction which meets the requirements of subparagraph (B), its adjusted basis (excluding land) immediately before such sale, and

"(ii) zero in any other case.

"(B) REQUIREMENTS.—A sale of a qualified residence meets the requirements of this subparagraph if—

"(i) the buyer acquires the qualified residence by purchase (as defined in section 179(d)(2)),

"(ii) the buyer of the qualified residence is not a related person with respect to the seller, and

"(iii) the buyer's debt financing is originated by a 3rd party who is not a related person with respect to the seller.

"(2) EXISTING QUALIFIED RESIDENCES.—

"(A) IN GENERAL.—The eligible basis of an existing qualified residence is—

"(i) in the case of a qualified residence which is sold in a transaction which meets the requirements of subparagraph (B), the adjusted basis of the rehabilitation expenditures with respect to the qualified residence which are paid or incurred in connection with such sale, and

"(ii) zero in any other case.

"(B) REQUIREMENTS.—A sale of a qualified residence meets the requirements of this subparagraph if—

"(i) the buyer acquires the qualified residence by purchase (as defined in section 179(d)(2)),

"(ii) the qualified residence has undergone substantial rehabilitation in connection with the sale described in clause (i),

"(iii) the buyer of the qualified residence is not a related person with respect to the seller, and

"(iv) the buyer's debt financing is originated by a 3rd party who is not a related person with respect to the seller.

"(C) SUBSTANTIAL REHABILITATION.—

"(i) IN GENERAL.—For purposes of subparagraph (B), substantial rehabilitation means rehabilitation expenditures paid or incurred with respect to a qualified residence which are at least $25,000.

"(ii) INFLATION ADJUSTMENT.—In the case of a calendar year after 2003, the dollar amount contained in clause (i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase under this clause which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.

"(3) EFFECT OF SUBSEQUENT SALE, ETC.—A subsequent sale, assignment, rental, or refinancing of the qualified residence by the buyer or the subsequent sale, assignment, or pooling of the buyer's financing by the originator shall not be considered in determining whether or not the prior sales transaction satisfied the requirements of subparagraph (B) of paragraph (1) or (2).

"(4) SPECIAL RULES RELATING TO DETERMINATION OF ADJUSTED BASIS.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the adjusted basis of any qualified residence (or any rehabilitation expenditures in respect thereof)—

"(i) shall not include so much of the basis of such qualified residence (or rehabilitation expenditures) as is determined by reference to the basis of other property held at any time by the person acquiring the residence, and

"(ii) shall be determined without regard to the adjusted basis of any property which is not part of such qualified residence.

"(B) BASIS OF PROPERTY IN COMMON AREAS, ETC., INCLUDED.—The adjusted basis of any qualified residence shall be determined by taking into account (on a pro rata basis) the adjusted basis of property (of a character subject to the allowance for depreciation) used in common areas or provided as comparable amenities to all residences within a project.

"(5) SPECIAL RULES FOR DETERMINING ELIGIBLE BASIS.—

"(A) RELATED PERSON, ETC.—For purposes of this section, a person (in this clause referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52). For purposes of the preceding sentence, in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent'.

"(B) NONRESIDENTIAL SPACE EXCLUDED.—No portion of the eligible basis of a qualified residence shall include costs attributable to nonresidential space.

"(C) LIMITATION.—The eligible basis of any residence may not exceed the mortgage limit for Federal Housing Administration insured mortgages in the area in which such residence is located.

"(e) DEFINITION AND SPECIAL RULES RELATING TO CREDIT PERIOD.—

"(1) CREDIT PERIOD DEFINED.—For purposes of this section, the term 'credit period' means, with respect to any qualified residence, the period of 5 taxable years beginning with the taxable year in which the sale of the qualified residence occurs satisfying the requirements of subsection (d)(1)(B) or (d)(2)(B).

"(2) SPECIAL RULE FOR 1ST YEAR OF CREDIT PERIOD.—

"(A) IN GENERAL.—The credit allowable under subsection (a) with respect to any qualified residence for the 1st taxable year of the credit period shall be determined by multiplying the eligible basis under subsection (d) by the fraction—

"(i) the numerator of which is the sum of the number of remaining whole months in such 1st taxable year after the sale of the qualified residence, and

"'(ii) the denominator of which is 12.

"(B) DISALLOWED 1ST YEAR CREDIT ALLOWED IN 6TH YEAR.—Any reduction by reason of subparagraph (A) in the credit allowable (without regard to subparagraph (A)) for the 1st taxable year of the credit period shall be allowable under subsection (a) for the 1st taxable year following the credit period.

"(f) LIMITATION ON AGGREGATE CREDIT ALLOWABLE WITH RESPECT TO QUALIFIED RESIDENCES LOCATED IN A STATE.—

"(1) CREDIT MAY NOT EXCEED CREDIT DOLLAR AMOUNT ALLOCATED TO QUALIFIED RESIDENCE.—

"(A) IN GENERAL.—The amount of the credit determined under this section for any taxable year with respect to any qualified residence shall not exceed the homeownership credit dollar amount allocated to such qualified residence under this subsection.

"(B) TIME FOR MAKING ALLOCATION.—

"(i) GENERAL RULE.—An allocation shall be taken into account under subparagraph (A) only if it is made not later than the close of the calendar year in which the qualified residence is sold, and only if the qualified residence is sold within 1 year after the residence (or the rehabilitation expenditures, as applicable) is completed.

"(ii) EARLIER ALLOCATION BY AGENCY.—A homeownership credit agency may allocate available homeownership credit dollar amounts to a qualified residence prior to the year of sale of such qualified residence if—

"(I) the taxpayer owns fee title or a leasehold interest of not less than 50 years in the site of the qualified residence as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made, and

"(II) such qualified residence is completed not later than the close of the 2nd calendar year following the calendar year in which the allocation was made.

"(C) VESTED RIGHT TO CREDIT DOLLAR AMOUNT.—Once a homeownership credit allocation is received by a taxpayer, the right to such credit is vested in such taxpayer and is not subject to recapture, except as provided in paragraph (4)(B).

"(2) HOMEOWNERSHIP CREDIT DOLLAR AMOUNT FOR AGENCIES.—

"(A) IN GENERAL.—The aggregate homeownership credit dollar amount which a homeownership credit agency may allocate for any calendar year is the portion of the State homeownership credit ceiling allocated under this paragraph for such calendar year to such agency.

"(B) STATE CEILING INITIALLY ALLOCATED TO STATE HOMEOWNERSHIP CREDIT AGENCIES.—Except as provided in subparagraphs (D) and (E), the State homeownership credit ceiling for each calendar year shall be allocated to the homeownership credit agency of such State. If there is more than 1 homeownership credit agency of a State, all such agencies shall be treated as a single agency.

"(C) STATE HOMEOWNERSHIP CREDIT CEILING.—The State homeownership credit ceiling applicable to any State for any calendar year before 2003 shall be zero and for any calendar year after 2002 shall be an amount equal to the sum of—

"(i) the unused State homeownership credit ceiling (if any) of such State for the preceding calendar year,

"(ii) the greater of—

"(I) $1.75 multiplied by the State population, or

"(II) $2,000,000,

"(iii) the amount of State homeownership credit ceiling returned in the calendar year, plus

"(iv) the amount (if any) allocated under subparagraph (D) to such State by the Secretary.

For purposes of clause (i), the unused State homeownership credit ceiling for any calendar year is the excess (if any) of the sum of the amounts described in clauses (ii) through (iv) over the aggregate homeownership credit dollar amount allocated for such year, except that such amount shall be zero for 2003. For purposes of clause (iii), the amount of State homeownership credit ceiling returned in the calendar year equals the homeownership credit dollar amount previously allocated within the State to any qualified residence with respect to which an allocation is canceled by mutual consent of the homeownership credit agency and the allocation recipient.

"(D) UNUSED HOMEOWNERSHIP CREDIT CARRYOVERS ALLOCATED AMONG CERTAIN STATES.—

"(i) IN GENERAL.—The unused homeownership credit carryover of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

"(ii) UNUSED HOMEOWNERSHIP CREDIT CARRYOVER.—For purposes of this subparagraph, the unused homeownership credit carryover of a State for any calendar year is the excess (if any) of the unused State homeownership credit ceiling for such year (as defined in subparagraph (C)(i)) over the excess (if any) of—

"(I) the unused State homeownership credit ceiling for the year preceding such year, over

"(II) the aggregate homeownership credit dollar amount allocated for such year.

"(iii) FORMULA FOR ALLOCATION OF UNUSED HOMEOWNERSHIP CREDIT CARRYOVERS AMONG QUALIFIED STATES.—The amount allocated under this subparagraph to a qualified State for any calendar year shall be the amount determined by the Secretary to bear the same ratio to the aggregate unused homeownership credit carryovers of all States for the preceding calendar year as such State's population for the calendar year bears to the population of all qualified States for the calendar year.

"(iv) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

"(I) which allocated its entire State homeownership credit ceiling for the preceding calendar year, and

"(II) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (iii).

"(E) STATE MAY PROVIDE FOR DIFFERENT ALLOCATION.—Rules similar to the rules of section 146(e) (other than paragraph (2)(B) thereof) shall apply for purposes of this paragraph.

"(F) POPULATION.—For purposes of this paragraph, population shall be determined in accordance with section 146(j).

"(G) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2003, the $2,000,000 and $1.75 amounts in subparagraph (C) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—

"(I) In the case of the $2,000,000 amount, any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(II) In the case of the $1.75 amount, any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.

"(3) LIMITATION ON ALLOCATIONS TO AREAS OF CHRONIC ECONOMIC DISTRESS.—Not more than 50 percent of a homeownership credit agency's portion of the State homeownership credit ceiling for a calendar year may be allocated to residences located in areas which are designated as areas of chronic economic distress in accordance with paragraph (1) of subsection (c).

"(4) SPECIAL RULES.—

"(A) RESIDENCE MUST BE LOCATED WITHIN JURISDICTION OF CREDIT AGENCY.—A homeownership credit agency may allocate its aggregate homeownership credit dollar amount only to qualified residences located in the jurisdiction of the governmental unit of which such agency is a part.

"(B) AGENCY ALLOCATIONS IN EXCESS OF LIMIT.—If the aggregate homeownership credit dollar amounts allocated by a homeownership credit agency for any calendar year exceed the portion of the State homeownership credit ceiling allocated to such agency for such calendar year, the homeownership credit dollar amounts so allocated shall be reduced (to the extent of such excess) for residences in the reverse of the order in which the allocations of such amounts were made.

"(g) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) COMPLETED.—The term 'completed' means the point in time where a qualified residence is first placed in a condition or state of readiness and availability for occupancy.

"(2) PROJECT.—The term 'project' means 1 or more residences together with functionally related and subordinate facilities developed and made available to inhabitants of such residences, including recreational facilities and parking areas. To constitute a project, each residence must—

"(A) be developed by the same taxpayer pursuant to common planning and feasibility studies,

"(B) be financed through a common plan of construction financing, and

"(C) have common ownership prior to sale.

For purposes of this paragraph, it is not necessary that all residences within a project be contiguous or that all residences consist only of either new residences or existing residences and it is not necessary that each residence within a project be a qualified residence.

"(3) QUALIFIED BUYER.—

"(A) IN GENERAL.—The term 'qualified buyer' means a buyer if at the time of the acquisition of the qualified residence, the buyer—

"(i) is 1 or more individuals whose income does not exceed 80 percent of the area median gross income (70 percent for families of less than 3 members), and

"(ii) intends to occupy the residence as the buyer's principal residence (within the meaning of section 121).

"(B) SPECIAL RULES IN QUALIFIED CENSUS TRACTS.—With respect to residences located in qualified census tracts (as defined in section 42), subparagraph (A) shall be applied by substituting '100 percent' for '80 percent' and '90 percent' for '70 percent'.

"(C) DETERMINATION OF INCOME.—For purposes of this paragraph, a buyer's income shall be determined in accordance with section 143(f)(4).

"(4) NEW QUALIFIED RESIDENCE.—The term 'new qualified residence' means a qualified residence the original ownership of which begins with the taxpayer.

"(5) EXISTING QUALIFIED RESIDENCE.—The term 'existing qualified residence' means any qualified residence which is not a new qualified residence.

"(6) HOMEOWNERSHIP CREDIT AGENCY.—The term 'homeownership credit agency' means any agency authorized to carry out this section.

"(7) POSSESSIONS TREATED AS STATES.—The term 'State' includes the District of Columbia and a possession of the United States.

"(8) APPLICATION TO ESTATES AND TRUSTS.—In the case of an estate or trust, the amount of the credit determined under subsection (a) shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each.

"(h) REDUCTION IN TAX BENEFITS.—

"(1) RECAPTURE OF CREDIT.—If within the first 3 years after the original purchase of a qualified residence, the residence is sold by the qualified buyer to a buyer who does not qualify as a qualified buyer, the qualified buyer—

"(A) shall deduct and withhold an amount equal to the recapture amount from the amount realized on such sale, and

"(B) shall transfer such amount to the homeownership credit agency which allocated the homeownership credit dollar amount to such residence.

"(2) RECAPTURE AMOUNT.—For purposes of paragraph (1), the recapture amount is an amount equal to 50 percent of the gain resulting from such resale, reduced by 1/36th for each month the resale occurs after the original purchase.

"(3) DENIAL OF DEDUCTIONS IF CONVERTED TO RENTAL HOUSING.—If a qualified residence is converted to rental housing within the first 3 years after the original purchase, no deduction under this chapter shall be permitted to offset rental income with respect to such residence during such period.

"(i) APPLICATION OF AT-RISK RULES.—For purposes of this section, rules of section 465 shall not apply in determining the eligible basis of any qualified residence.

"(j) REPORTS TO THE SECRETARY.—

"(1) FROM THE TAXPAYER.—The Secretary may require taxpayers to submit an information return (at such time and in such form and manner as the Secretary prescribes) for each taxable year setting forth—

"(A) the eligible basis for the taxable year of each qualified residence with respect to which the taxpayer is claiming a credit under this section,

"(B) the amount of all homeownership credit allocations received by the taxpayer from any and all State homeownership credit agencies, and

"(C) such other information as the Secretary may require.

The penalty under section 6652(j) shall apply to any failure to submit the return required by the Secretary under the preceding sentence on the date prescribed therefor.

"(2) FROM HOMEOWNERSHIP CREDIT AGENCIES.—Each agency which allocates any homeownership credit dollar amount to any residence for any calendar year shall submit to the Secretary (at such time and in such form and manner as the Secretary shall prescribe) an annual report specifying—

"(A) the amount of the homeownership credit dollar amount allocated to each residence for such year,

"(B) sufficient information to identify each such residence and the taxpayer initially entitled to claim the credit under this section with respect thereto, and

"(C) such other information as the Secretary may require.

"(k) RESPONSIBILITIES OF HOMEOWNERSHIP CREDIT AGENCIES.—

"(1) PLANS FOR ALLOCATION OF CREDIT AMONG RESIDENCES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, the homeownership credit dollar amount with respect to any qualified residence shall be zero unless such amount was allocated pursuant to a qualified allocation plan of the homeownership credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) of which such agency is a.part.

"(B) QUALIFIED ALLOCATION PLAN.—For purposes of this paragraph, the term 'qualified allocation plan' means any plan which sets forth the homeownership development priorities of the homeownership credit agency.

"(C) CERTAIN HOMEOWNERSHIP DEVELOPMENT PRIORITIES MUST BE USED.—The development priorities set forth in a qualified allocation plan must include—

"(i) contribution of the development to community stability and revitalization,

"(ii) community and local government support for the development,

"(iii) need for homeownership development within the area,

"(iv) sponsor capability, and

"(v) long-term sustainability of the project as owner-occupied residences.

"(2) CREDIT ALLOCATED TO RESIDENCE NOT TO EXCEED AMOUNT NECESSARY TO ASSURE FEASIBILITY.—

"(A) IN GENERAL.—The homeownership credit dollar amount allocated to a residence shall not exceed the amount the homeownership credit agency determines is necessary for the feasibility of the residence.

"(B) AGENCY EVALUATION.—In making the determination under subparagraph (A), the homeownership credit agency shall consider—

"(i) the sources and uses of funds and the total financing planned for the residence,

"(ii) any proceeds or receipts expected to be generated by reason of tax benefits,

"(iii) the anticipated appraised value of the residence, and

"(iv) the reasonableness of the developmental costs of the residence.

"(C) DETERMINATION MADE WHEN CREDIT DOLLAR AMOUNT APPLIED FOR.—A determination under subparagraph (A) shall be made as of each of the following times:

"(i) The application for the homeownership credit dollar amount.

"(ii) The allocation of the homeownership credit dollar amount.

"(3) LIEN FOR RECAPTURE AMOUNT.—A homeownership credit dollar amount may be allocated by a homeownership credit agency to a residence only if such agency has a lien on such residence for the payment of any amount potentially required to be paid under subsection (h) to such agency.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

"(1) dealing with—

"(A) projects which include more than 1 residence or only a portion of a residence, and

"(B) buildings which are completed in portions,

"(2) providing for the application of this section to short taxable years,

"(3) preventing the avoidance of the rules of this section, and

"(4) providing the opportunity for homeownership credit agencies to correct administrative errors and omissions with respect to allocations and record keeping within a reasonable period after their discovery, taking into account the availability of regulations and other administrative guidance from the Secretary.".

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following:

"(16) the homeownership credit determined under section 42A(a).".

(c) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(11) NO CARRYBACK OF HOMEOWNERSHIP CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 42A may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.".

(d) CONFORMING AMENDMENTS.—

(1) Section 55(c)(1) is amended by inserting "or subsection (h) or (i) of section 42A" after "section 42".

(2) Subsections (i)(3)(D), (i)(6)(B)(i), and (k)(1) of section 469 are each amended by inserting "or 42A" after "section 42".

(3) Section 772(a) is amended by striking "and" at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

"(11) the homeownership credit determined under section 42A, and".

(4) Section 774(b)(4) is amended by inserting ", 42A(h)," after "section 42(j)".

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 42 the following:

"Sec. 42A. Homeownership credit.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified residences sold after December 31, 2002.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 199. A bill to amend the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to carry out certain authorities relating to the importation of municipal solid waste under the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Canadian Waste bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CANADIAN TRANSBOUNDARY MOVEMENT OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. CANADIAN TRANSBOUNDARY MOVEMENT OF MUNICIPAL SOLID WASTE.

"(a) DEFINITIONS.—In this section:

"(1) AGREEMENT.—The term 'Agreement' means—

"(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099); and

"(B) any regulations promulgated to implement and enforce that Agreement.

"(2) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given the term in the Agreement.

"(b) Prohibition.—It shall be unlawful for any person to import, transport, or export municipal solid waste, for final disposal or incineration, in violation of the Agreement.

"(c) Authority of Administrator.—

"(1) In general.—Beginning immediately after the date of enactment of this section, the Administrator shall—

"(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

"(B) implement and enforce the Agreement (including notice and consent provisions of the Agreement).

"(2) Consent to importation.—In considering whether to consent to the importation of municipal solid waste under article 3(c) of the Agreement, the Administrator shall—

"(A) give substantial weight to the views of each State into which the municipal solid waste is to be imported; and

"(B) consider the impact of the importation on—

"(i) continued public support for, and adherence to, State and local recycling programs;

"(ii) landfill capacity, as provided in comprehensive waste management plans;

"(iii) air emissions resulting from increased vehicular traffic;

"(iv) road deterioration resulting from increased vehicular traffic; and

"(v) public health and the environment.

"(d) Compliance Orders.—

"(1) In general.—If, on the basis of any information, the Administrator determines that a person has violated or is in violation of this section, the Administrator may—

"(A) issue an order that—

"(i) assesses a civil penalty against the person for any past or current violation of the person; or

"(ii) requires compliance by the person with this section immediately or by a specified date; or

"(B) bring a civil action against the person for appropriate relief (including a temporary or permanent injunction) in the United States district court for the district in which the violation occurred.

"(2) Specificity.—

"(A) In general.—Any order issued under paragraph (1) for a violation of this subsection shall state with reasonable specificity the nature of the violation.

"(B) Penalties.—

"(i) Maximum penalty.—Any penalty assessed by an order issued under paragraph (1) shall not exceed $25,000 per day of noncompliance for each violation.

"(ii) Considerations.—In assessing a penalty under this section, the Administrator shall take into account—

"(I) the seriousness of the violation for which the penalty is assessed; and

"(II) any good faith efforts of the person against which the penalty is assessed to comply with applicable requirements.

"(e) Public Hearing.—

"(1) In general.—Any order issued under this section shall become final unless, not later than 30 days after the date of issuance of the order, the person or persons against which the order is issued submit to the Administrator a request for a public hearing.

"(2) Hearing.—On receipt of a request under paragraph (1), the Administrator shall promptly conduct a public hearing.

"(3) Subpoenas.—In connection with any hearing under this subsection, the Administrator may—

"(A) issue subpoenas for—

"(i) the attendance and testimony of witnesses; and

"(ii) the production of relevant papers, books, and documents; and

"(B) promulgate regulations that provide for procedures for discovery.

"(f) Violation of Compliance Orders.—If a person against which an order is issued fails to take corrective action as specified in the order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order.".

(b) Table of Contents.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4011. Canadian transboundary movement of municipal solid waste.".

Ms. STABENOW. Mr. President, I am pleased to join with Senator Levin in reintroducing this bill to address the growing problem of Canadian waste shipments to Michigan.

In 2001, Michigan imported almost 3.6 million tons of municipal solid waste, more than double the amount that was imported in 1999. This gives Michigan the unwelcome distinction of being the third largest importer of waste in the United States.

My colleagues may be surprised to know that the biggest source of this waste was not another state, but our neighbor to the north, Canada. More than half the waste that was shipped to Michigan in 2001 was from Ontario, Canada, and these imports are growing rapidly. On January 1, 2003, as another Ontario landfill closed its doors, the city of Toronto switched from shipping two-thirds of its trash, to shipping all of its trash, 1.1 million tons, to Michigan landfills. Experts predict that soon there will be virtually no local disposal capacity in Ontario, which could mean even more waste being shipped across the border to Michigan.

Not only does this waste dramatically decrease Michigan's own landfill capacity, but it has a tremendous negative impact on Michigan's environment and the public health of its citizens. The Canadian waste also hampers the effectiveness of Michigan's State and local recycling efforts, since Ontario does not have a bottle law requiring recycling.

Currently, 110–130 truckloads of waste come into Michigan each day from Canada. These trucks cross the Ambassador Bridge and Blue Water Bridge and travel through the busiest parts of Metro Detroit, causing traffic delays, and filling our air with the stench of exhaust and garbage. These trucks also present a security risk at our Michigan-Canadian border, since by their nature trucks full of garbage are harder for Customs agents to inspect than traditional cargo.

Michigan already has protections contained in an international agreement between the United States and Canada, but they are being ignored. Under the Agreement Concerning the Transboundary Movement of Hazardous Waste, which was entered into in 1986, shipments of waste across the Canadian-U.S. border require government-to-government notification. The Environmental Protection Agency, EPA, as the designated authority for the United States would receive the notification and then would have 30 days to consent or object to the shipment. Not only have these notification provisions not been enforced, but the EPA has indicated that they would not object to the municipal waste shipments.

This legislation will give Michigan residents the protection they are entitled to under this bilateral treaty. The bill would give EPA the authority to implement and enforce this treaty, and would create civil penalties for those who ship waste in violation of the treaty. In addition, it would create criteria for the EPA's determination of whether or not to consent to a shipment, such as the State's views on the shipment, and the shipment's impact on landfill capacity, air emissions, public health and the environment. These waste shipments should no longer be accepted without an examination of how it will affect the health and welfare of Michigan families.

Again, I thank my colleague, Senator Levin, for introducing this bill and I look forward to working with him to move it through the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 24—DESIGNATING THE WEEK BEGINNING MAY 4, 2003, AS "NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK"

Mr. BYRD (for himself and Mr. Sarbanes) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 24

Whereas the operation of correctional facilities represents a crucial component of the criminal justice system of the United States;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK.

That the Senate—

(1) designates the week beginning May 4, 2003, as "National Correctional Officers and Employees Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 67. Mr. EDWARDS (for himself, Mr. Lieberman, Mr. Jeffords, Mrs. Clinton, Mr. Reid, Mr. Daschle, and Mr. Schumer) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes.

SA 68. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 69. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 70. Mr. FRIST submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 71. Mr. DODD (for himself, Mr. Kennedy, Ms. Mikulski, Mr. Jeffords, Mrs. Murray, Mr. Edwards, Mr. Dayton, Mr. Corzine, Mr. Kerry, Mr. Reid, Mr. Reed, Mrs. Clinton, Mr. Bingaman, Mr. Johnson, and Mr. Schumer) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 72. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 73. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 74. Mr. STEVENS (for himself and Mr. Frist) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 75. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 76. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 77. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 78. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 79. Mr. DASCHLE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 80. Mr. DAYTON (for himself and Mr. Johnson) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 81. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 82. Mr. EDWARDS (for himself, Mr. Lieberman, Mr. Jeffords, Mrs. Clinton, and Mr. Reid) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 83. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 84. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 85. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 86. Mr. INHOFE proposed an amendment to amendment SA 67 proposed by Mr. Edwards (for himself, Mr. Lieberman, Mr. Jeffords, Mrs. Clinton, Mr. Reid, Mr. Daschle, and Mr. Schumer) to the joint resolution H.J. Res. 2, supra.

SA 87. Mr. McCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 88. Mr. WARNER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 89. Mrs. CLINTON (for herself, Mr. Schumer, Mr. Bingaman, and Ms. Mikulski) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 90. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 91. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 92. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 93. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 94. Mr. BREAUX (for himself and Ms. Landrieu) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 95. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 96. Mr. VOINOVICH (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 97. Mr. NELSON of Florida (for himself, Mr. Daschle, Mr. Leahy, Mr. Durbin, and Mr. Biden) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra.

SA 98. Mr. McCONNELL (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 99. Mr. McCONNELL (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 100. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 101. Mr. VOINOVICH (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 103. Mr. LEAHY (for himself, Mr. Harkin, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 104. Mr. LEAHY (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 105. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 106. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 107. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 108. Ms. CANTWELL (for herself and Mr. Nelson, of Florida) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 109. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 110. Mrs. BOXER (for herself and Mrs. Feinstein) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 111. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 112. Mr. BUNNING (for himself and Mr. Santorum) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 113. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 114. Mr. JEFFORDS (for himself and Mr. Schumer) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 115. Mr. JEFFORDS (for himself and Mr. Schumer) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 116. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 117. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 118. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 119. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 120. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 121. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 122. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 123. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 124. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 125. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 126. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 127. Mr. DURBIN (for himself, Mr. DeWine, Mr. Daschle, Mr. Kennedy, Mrs. Boxer, Mrs. Murray, Mr. Schumer, Ms. Mikulski, Mr. Leahy, Mr. Kohl, Mrs. Clinton, Mr. Biden, Ms. Landrieu, Mr. Corzine, Mr. Edwards, and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 128. Mr. LEVIN (for himself, Mr. Fitzgerald, Mr. DeWine, Mr. Voinovich, and Mr. Schumer) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 129. Mr. KERRY (for himself and Ms. Snowe) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 130. Mr. CONRAD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 131. Mr. HARKIN (for himself, Mr. Durbin, Ms. Landrieu, and Mr. Breaux) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 132. Mr. HARKIN (for himself, Mr. Feingold, and Mr. Dodd) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 133. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 134. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 135. Mr. TALENT (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 136. Ms. MIKULSKI (for herself, Mr. Kennedy, Mr. Kerry, Mr. Jeffords, and Mrs. Clinton) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 137. Mr. LIEBERMAN (for himself, Ms. Landrieu, Mr. Hollings, and Mr. Graham, of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 138. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 139. Mr. GRAHAM, of Florida (for himself, Mr. Nelson, of Florida, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 140. Mr. REID (for himself, Mr. Wyden, Mr. Ensign, Mr. Harkin, and Mr. Crapo) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 141. Mrs. MURRAY submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 142. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 143. Mr. REID (for himself and Mr. Kyl) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 144. Mr. SANTORUM submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 145. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 146. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 147. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 148. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 149. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 150. Ms. MURKOWSKI (for herself and Mr. Stevens) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 151. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 152. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 153. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 154. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 155. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 156. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 157. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 158. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 159. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 160. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 161. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 162. Mr. FITZGERALD (for himself, Mrs. Clinton, and Mrs. Dole) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 163. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 164. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 165. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 166. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 167. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 168. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 169. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 170. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 171. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 172. Ms. LANDRIEU (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 173. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 174. Mr. AKAKA (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 175. Mr. SCHUMER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 176. Mr. SCHUMER (for himself, Mr. Graham, of Florida, Mr. Kennedy, Mr. Reid, Mrs. Clinton, Mr. Johnson, Mr. Conrad, Mr. Kerry, Mr. Daschle, Mr. Jeffords, Ms. Landrieu, and Mr. Leahy) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 177. Mr. SCHUMER (for himself, Ms. Mikulski, Mr. Smith, Mr. Kennedy, Mr. Sarbanes, Mrs. Murray, Mr. Lautenberg, Ms. Cantwell, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 178. Mr. NELSON of Florida (for himself, Mr. DASCHLE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 179. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 180. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 181. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 182. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 183. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 184. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 185. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 186. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 187. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 188. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 189. Mr. INOUYE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 190. Mrs. BOXER (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 191. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 192. Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 193. Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 194. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 195. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 196. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 197. Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 198. Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEAHY , and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 199. Mr. DURBIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 200. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 201. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 202. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 203. Mr. ALLEN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 204. Mr. COCHRAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 205. Mr. McCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 206. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 207. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 208. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 209. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 210. Mr. NICKLES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 211. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 212. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 213. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 214. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 215. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 216. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 217. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 218. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 219. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 220. Mrs. BOXER (for herself, Mr. ENSIGN, and Mr. SPECTER) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 221. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 222. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 223. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 224. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 225. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 226. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 227. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 228. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 229. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 230. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 231. Mr. GRAHAM, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 232. Mr. GRAHAM, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 233. Mr. CORZINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 234. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 235. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 236. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 237. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 238. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 239. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 240. Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 241. Mr. CHAFEE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 242. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 243. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 244. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 245. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 67. Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, Mr. REID, Mr. DASCHLE, and Mr. SCHUMER) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . NEW SOURCE REVIEW FINAL RULE.

(a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to determine, not later than September 1, 2003, whether and to what extent the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002), would allow or could result in—

(1) any increase in air pollution (in the aggregate or at any specific site); or

(2) any adverse effect on human health.

(b) DELAYED EFFECTIVE DATE.—The final rule described in subsection (a) shall not take effect before September 15, 2003.

SA 68. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. . MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.

(a) FUNDING RULES FOR CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) SPECIAL FUNDING RULE.—

(A) IN GENERAL.—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)–3 (as in effect on the date of the enactment of this section).

(B) RULES OF SPECIAL APPLICATION.—In applying the requirements of Treasury Regulation section 1.412(c)(1)–3 for purposes of paragraph (1)—

(i) the plan shall be treated as having met the requirements of Treasury Regulation section 1.412(c)(1)–3(a)(2),

(ii) the payment schedules shall be determined—

(I) by using the maximum amortization period permitted under section 1.412(c)(1)–3, and

(II) on the basis of the actuarial valuation of the accrued liability and the current liability of the plan as of January 1, 2003, less the actuarial value of the plan assets on that date,

(iii) the payments under a restoration payment schedule shall be made in level amounts over the payment period, and

(iv) the actuarial value of assets shall be the fair market value of such assets as of January 1, 2003, with prospective investment returns in excess of or less than the assumed return phased in over 5 years.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SA 69. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, after line 13, insert the following new section:

"SEC. 423. From amounts previously appropriated under the heading "Emergency Response Fund" in Public Law 107–038, $90,000,000 shall be made available, until expended, for the Federal Emergency Management Agency to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less that $25,000,000 shall be made available for such services for current and retired firefighters.".

SA 70. Mr. FRIST submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place add the following:

United States Postal Service

The United States Postal Service (USPS) is required under Title 5, Chapter 83 United States Code, to fund civil service Retirement System benefits attributable to USPS employment since 1971;

The Office of Personnel Management has reviewed the USPS financing of the civil Service Retirement System and determined current law payments overfund USPS liability;

Therefore, It is the Sense of the Senate that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

SA 71. Mr. DODD (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Mr. EDWARDS, Mr. DAYTON, Mr. CORZINE, Mr. KERRY, Mr. REID, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. JOHNSON, and Mr. SCHUMER) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 1052, line 25, strike "budget)." and insert the following: "budget).

TITLE —FUNDING EDUCATION FOR CHILDREN WITH DISABILITIES

SEC. . HELPING CHILDREN SUCCEED BY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

Congress makes the following findings:

(1) All children deserve a quality education.

(2) In Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania (334 F. Supp. 1247)(E. Dist. Pa. 1971), and Mills vs. Board of Education of the District of Columbia (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as "IDEA") (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only ⅕ of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation's awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 17 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

SEC. . FUNDING FOR PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for part B of the Individuals with Disabilities Education Act, other than section 619 of such part, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $1,500,000,000 for carrying out such part, other than section 619 of such part, to remain available through September 30, 2004.

(b) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsection (a) shall not result in a further across-the-board rescission under section 601 of Division N.".

SA 72. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution, insert the following:

SEC. . In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: $10,000,000 to provide for grants as authorized by section 11027 of Public Law 107–273, to implement the Crime-free Rural States Program.

(b) The amount made available under the account for buildings and facilities of the Federal Prison System in this joint resolution is reduced by $10,000,000.

SA 73. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution, insert the following:

SEC. . In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: $10,000,000 to provide for grants as authorized by section 11027 of Public Law 107–273, to implement the Crime-free Rural States Program.

SA 74. Mr. STEVENS (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

.In Division L, Homeland Security Act of 2002 Amendments, in Section 101(1)(b)(2)(c), strike the first sentence and insert in lieu thereof:

"To the extent that exercising such discretion is in the interest of Homeland Security, and with respect to the designation of any given university-based center for homeland security, the Security may except certain criteria as specified in 308(b)(2)(B) and consider additional criteria beyond those specified in 308(b)(2)(B)."

SA 75. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1037, strike lines 7 through 12 and insert the following:

SEC. 206. SPECIALTY CROPS.

(a) DEFINITION OF SPECIALTY CROP.—In this section, the term "specialty crop" means any agricultural commodity, other than wheat, feed grains, oilseeds, cotton, rice, peanuts, or tobacco.

(b) ASSISTANCE.—The Secretary shall use $500,000,000 of funds of the Commodity Credit Corporation to provide emergency financial assistance for each of crop years 2001 and 2002 to producers of specialty crops for losses incurred as a result of damaging weather or related condition.

SA 76. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes, which was ordered to lie on the table; as follows:

In Division A, at the appropriate place, insert the following new section:

"SEC. . There is hereby appropriated $6,000,000 for grants made available in accordance with section 7412 of Public Law 107–171."

SA 77. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

In Division A, at the appropriate place, insert the following new section:

"SEC. . SUMMER FOOD PILOT PROJECTS.

(a) IN GENERAL.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended—

(1) in paragraph (1), by striking "means a State" and all that follows and inserting "means each State.";

(2) in paragraph (5)(A), by striking "pilot project" and inserting "pilot projects carried out in eligible States that participated in the pilot project during fiscal year 2001"; and

(3) in paragraph (6)(A), by inserting "in eligible States that participated in the pilot project during fiscal year 2001" after "carried out".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect immediately upon enactment of this Act."

SA 78. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003; and for other purposes; as follows:

At the appropriate place, add the following:

"SEC. . FUNDING FOR INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

In addition to any amounts otherwise appropriated under this Act for support of the Individuals with Disabilities Education Act the following sum is appropriated out of any money in the Treasury not otherwise appropriated for this fiscal year ending September 30, 2003, $1,500,000,000, which is to remain available through September 30, 2004, provided that, unless there is a separate and specific offset for any amounts that are appropriated under Title III of Division G for support of special education in excess of $9,691,424,000 for the individuals with Disabilities Education Act, the percentage amount of any across-the-board rescission provided under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $9,691,424,000 for special education in Title III of Division G."

SA 79. Mr. DASCHLE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1032, strike line 21 and all that follows through page 1040, line 25, and insert the following:

TITLE II—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2003".

SEC. 202. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) Crop Insurance.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 203. LIVESTOCK ASSISTANCE PROGRAM.

(a) In General.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A–51).

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A–51).

SEC. 204. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this title, to remain available until expended; and

(2) transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to remain available until expended, an amount equal to the amount of funds under section 32 of that Act that—

(A) were made available before the date of enactment of this Act to provide assistance to livestock producers under the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070); and

(B) were not otherwise reimbursed from another account used by the Secretary or the Commodity Credit Corporation.

SEC. 205. EMERGENCY DESIGNATION.

(a) In General.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) Designation.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. 206. BUDGETARY TREATMENT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

SA 80. Mr. DAYTON (for himself and Mr. Johnson,) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . CONTRACTS WITH CORPORATE EXPATRIATES.

(a) Short Title.—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) Limitation on Waivers.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

"(d) Waivers.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.".

(c) Expanded Coverage of Entities.—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

(d)Section 835(b)(1) of such act is amended by inserting "before, on, or" after "completes".

SA 81. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CONTRACTS WITH CORPORATE EXPATRIATES.

(a) Short Title.—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) Limitation on Waivers.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

"(d) Waivers.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.".

(c) Expanded Coverage of Entities.—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

(d) Section 835(b)(1) of such act is amended by inserting "before, on, or" after "completes".

Sec. . This provision shall take effect 1 day after enactment.

SA 82. Mr. EDWARDS (for himself, Mr. Lieberman, Mr. Jeffords, Mrs. Clinton, and Mr. Reid) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NEW SOURCE REVIEW FINAL RULE.

(a) Cooperative Agreement.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to determine, not later than September 1, 2003, whether and to what extent the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002), would allow or could result in—

(1) any increase in air pollution (in the aggregate or at any specific site); or

(2) any adverse effect on human health.

(b) Delayed Effective Date.—The final rule described in subsection (a) shall not take effect before September 16, 2003.

SA 83. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days. During this period, the National Nuclear Security Administration is directed to establish a Financial Services Center of Excellence to be maintained and operated in its offices in Las Vegas, Nevada.

SA 84. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

SEC. . NORTH LAS VEGAS WATER REUSE PROJECT.

(a) Authorization.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the 'Project') to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the city North Las Vegas and country of Clark, Nevada.

(b) Cost Share.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) Limitation.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) Funding.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

Sec. . Reclamation Wastewater and Groundwater Study and Facilities Act.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390th et seq.), as amended.

SA. 85. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The Secretary of the Interior, and the heads of other participating Federal agencies, may participate in the CALFED Bay-Delta Authority established by the California Bay-Delta Act (2002 Cal. Stat. Chap. 812), to the extent not inconsistent with other law. The Secretary of the Interior, in carrying out CALFED activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Enlargement, In-Delta Storage, and Upper San Joaquin Storage Projects.

SA 86. Mr. INHOFE proposed an amendment to amendment SA 67 proposed by Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, Mr. REID, Mr. DASCHLE, and Mr. SCHUMER) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 1, strike all after "Sec." and insert the following:

" . (a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

(b) DEADLINE.—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

SA 87. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois,".

(b) The amendment made by subsection (a) takes effect on January 1, 2003.

SA 88. Mr. WARNER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled "Plum Tree Island Unit VA–59P, Long Creek Unit VA–60/VA–60P" and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA–59P and Long Creek Unit VA–60/VA–60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled 'Coastal Barrier Resources System", dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SA 89. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. BINGAMAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION O—MEDICARE AND MEDICAID PROVISIONS

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BIPA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Health Care Improvement Act of 2003".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) BIPA.—In this division, the term "BIPA" means the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554.

(d) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION O—MEDICARE AND MEDICAID PROVISIONS
Sec. 1. Short title; amendments to Social Security Act; references to BIPA; table of contents.
TITLE I—MEDICARE PROVISIONS
Sec. 101. Revision of acute care hospital payment updates.
Sec. 102. Extension of level of adjustment for Indirect Costs of Medical Education (IME).
Sec. 103. Hospital outpatient department outlier payments.
Sec. 104. Hospital outpatient department transitional payments.
Sec. 105. Application of rules for determining provider-based status for certain entities.
Sec. 106. Extension of treatment of certain physician pathology services.
Sec. 107. Extension of the authorization for appropriations for Medicare Rural Grant Program.
Sec. 108. Extension of enhanced payments for psychiatric hospitals.
Sec. 109. Additional delay in application of 15 percent reduction on payment limits for home health services.
Sec. 110. Extension of temporary increase for home health services furnished in a rural area.
Sec. 111. Extension of temporary increase in adjusted Federal per diem rate under PPS for skilled nursing facilities.
Sec. 112. Extension of increase in nursing component of PPS Federal rate under PPS for skilled nursing facilities.
Sec. 113. Increase in renal dialysis composite rate for services furnished in 2003.
Sec. 114. Extension of the authorization for appropriations for vaccines outreach expansion.
Sec. 115. Extension of moratorium on therapy caps.
Sec. 116. Increase in the conversion factor for payments under the medicare physician fee schedule.
Sec. 117. Revision of Medicare+Choice minimum percentage increase.
TITLE II—MEDICAID PROVISIONS
Sec. 201. Extension of medicare cost-sharing for part B premium for certain additional low-income medicare beneficiaries.
Sec. 202. Medicaid DSH allotments.
TITLE III—APPLICATION AND BUDGET SCOREKEEPING
Sec. 301. Application of provisions of division.
Sec. 302. Budget Scorekeeping.

TITLE I—MEDICARE PROVISIONS

SEC. 101. REVISION OF ACUTE CARE HOSPITAL PAYMENT UPDATES.

Subclause (XVIII) of section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended by striking "minus 0.55 percentage points".

SEC. 102. EXTENSION OF LEVEL OF ADJUSTMENT FOR INDIRECT COSTS OF MEDICAL EDUCATION (IME).

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (VI) by inserting "and fiscal year 2003" after "2002"; and

(2) in subclause (VII), by striking "2002" and inserting "2003".

(b) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended—

(1) by striking "1999 or" and inserting "1999,"; and

(2) by inserting ", or of section 102 of the Health Care Improvement Act of 2003" after "2000".

SEC. 103. HOSPITAL OUTPATIENT DEPARTMENT OUTLIER PAYMENTS.

(a) IN GENERAL.—Section 1833(t)(5) (42 U.S.C. 1395*l*(t)(5)) is amended—

(1) in subparagraph (C)—

(A) in clause (i), by striking "exceed the applicable" and inserting "exceed a percentage specified by the Secretary that is not

(1) in subparagraph (C)—

(A) in clause (i), by striking "exceed the applicable" and inserting "exceed a percentage specified by the Secretary that is not less than the applicable minimum percentage or greater than the applicable maximum"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) APPLICABLE PERCENTAGES.—For purposes of clause (i)—

"(I) the term 'applicable minimum percentage' for a year means zero percent for years before 2003 and 2.0 percent for years after 2002; and

"(II) the term 'applicable maximum percentage' for a year means 2.5 percent for years before 2003 and 3.0 percent for years after 2002."; and

(2) in subparagraph (D)—

(A) in the heading, by striking "TRANSITIONAL AUTHORITY" and inserting "FLEXIBILITY"; and

(B) in the matter preceding clause (i), by striking "for covered OPD services furnished before January 1, 2002,".

SEC. 104. HOSPITAL OUTPATIENT DEPARTMENT TRANSITIONAL PAYMENTS.

Section 1833(t)(7) (42 U.S.C. 1395*l*(t)(7)) is amended—

(1) in subparagraph (B)—

(A) in the heading, by inserting "AND 2003" after "2002"; and

(B) by inserting "and 2003" after "furnished during 2002" in the matter preceding clause (i); and

(2) in subparagraph (C)—

(A) in the heading, by striking "2003" and inserting "2004"; and

(B) by striking "2003" and inserting "2004" in the matter preceding clause (i); and

(3) in subparagraph (D)(i), by striking "2004" and inserting "2005".

SEC. 105. APPLICATION OF RULES FOR DETERMINING PROVIDER-BASED STATUS FOR CERTAIN ENTITIES.

Section 404 of BIPA (114 Stat. 2763A–506) is amended by striking "2002" and inserting "2003" each place it appears.

SEC. 106. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of BIPA (114 Stat. 2763A–550) is amended by striking "2-year period" and inserting "3-year period".

SEC. 107. EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS FOR MEDICARE RURAL GRANT PROGRAM.

Section 1820(j) (42 U.S.C. 1395i–4(j)) is amended by striking "2002" and inserting "2003".

SEC. 108. EXTENSION OF ENHANCED PAYMENTS FOR PSYCHIATRIC HOSPITALS.

Section 1886(b)(2)(E)(i) (42 U.S.C. 1395ww(b)(2)(E)(i)) is amended—

(1) in subclause (I), by striking "and" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(III) only in the case of a hospital or unit described in clause (ii)(I), for a cost reporting period beginning on or after October 1, 2002, and before September 30, 2003, 2 percent.".

SEC. 109. ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENT LIMITS FOR HOME HEALTH SERVICES.

Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—

(1) by redesignating subclause (III) as subclause (IV);

(2) in subclause (IV), as redesignated, by striking "described in subclause (II)" and inserting "described in subclause (III)"; and

(3) by inserting after subclause (II) the following new subclause:

"(III) For the 12-month period beginning after the period described in subclause (II), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (II), updated under subparagraph (B).".

SEC. 110. EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) IN GENERAL.—Section 508(a) BIPA (114 Stat. 2763A–533) is amended—

(1) by striking "24-MONTH INCREASE BEGINNING APRIL 1, 2001" and inserting "IN GENERAL"; and

(2) by striking "April 1, 2003" and inserting "October 1, 2003".

(b) CONFORMING AMENDMENT.—Section 547(c)(2) of BIPA (114 Stat. 2763A–553) is amended by striking "the period beginning on April 1, 2001, and ending on September 30, 2002," and inserting "a period under such section".

SEC. 111. EXTENSION OF TEMPORARY INCREASE IN ADJUSTED FEDERAL PER DIEM RATE UNDER PPS FOR SKILLED NURSING FACILITIES.

Section 101(d)(1) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–325), as enacted into law by section 1000(a)(6) of Public Law 106–113, is amended—

(1) in the heading, by striking "AND 2002" and inserting ", 2002, AND 2003"; and

(2) by striking "and 2002" and inserting ", 2002, and 2003".

SEC. 112. EXTENSION OF INCREASE IN NURSING COMPONENT OF PPS FEDERAL RATE UNDER PPS FOR SKILLED NURSING FACILITIES.

Section 312(a) of BIPA (114 Stat. 2763A–498) is amended by striking "October 1, 2002" and inserting "October 1, 2003".

SEC. 113. INCREASE IN RENAL DIALYSIS COMPOSITE RATE FOR SERVICES FURNISHED IN 2003.

Notwithstanding any other provision of law, with respect to payment under part B of title XVIII of the Social Security Act for renal dialysis services furnished in 2003, the composite payment rate otherwise established under section 1881(b)(7) of such Act (42 U.S.C. 1395rr(b)(7)) shall be increased by 1.2 percent.

SEC. 114. EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS FOR VACCINES OUTREACH EXPANSION.

Section 4107(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395x note) is amended by striking "2002" and inserting "2003".

SEC. 115. EXTENSION OF MORATORIUM ON THERAPY CAPS.

Section 1833(g)(4) (42 U.S.C. 1395l(g)(4)) is amended by striking "and 2002" and inserting "2002, and 2003".

SEC. 116. INCREASE IN THE CONVERSION FACTOR FOR PAYMENTS UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(d)(5)(A) of the Social Security Act (42 U.S.C. 1395w–4(d)(5)(A)), as added by section 402 of title IV of division N of this Act, is amended by inserting "increased by 2 percent" after "2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of such section 402.

SEC. 117. REVISION OF MEDICARE+CHOICE MINIMUM PERCENTAGE INCREASE.

Section 1853(c)(1)(C) (42 U.S.C. 1395w–23(c)(1)(C)) is amended by striking clause (iv) and inserting the following:

"(iv) For 2002, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2001.

"(v) For 2003, 104 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2002.

"(vi) For 2004 and each succeeding year, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.".

TITLE II—MEDICAID PROVISIONS

SEC. 201. EXTENSION OF MEDICARE COST-SHARING FOR PART B PREMIUM FOR CERTAIN ADDITIONAL LOW-INCOME MEDICARE BENEFICIARIES.

Section 136 of Public Law 107–229, as added by section 5 of Public Law 107–240, is amended by striking "60 days after the date specified in section 107(c) of Public Law 107–229, as amended" and inserting "September 30, 2003".

SEC. 202. MEDICAID DSH ALLOTMENTS.

(a) CONTINUATION OF BIPA RULE FOR DETERMINATION OF ALLOTMENTS FOR FISCAL YEAR 2003.—

(1) IN GENERAL.—Section 1923(f)(4) (42 U.S.C. 1396r–4(f)(4)) is amended—

(A) in the paragraph heading, by striking "AND 2002" and inserting "THROUGH 2003";

(B) in subparagraph (A)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) fiscal year 2003, shall be the DSH allotment determined under clause (ii) increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for-fiscal year 2002."; and

(C) in subparagraph (C)—

(i) in the subparagraph heading, by striking "2002" and inserting "2003"; and

(ii) by striking "2003" and inserting "2004".

(2) CONFORMING AMENDMENTS.—Section 1923(f)(3) (42 U.S.C. 1396r–4(f)(3)) is amended—

(A) in the paragraph heading, by striking "2003" and inserting "2004"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The DSH allotment for any State—

"(i) for fiscal year 2004, is equal to the DSH allotment determined for the State for fiscal year 2002 under the table set forth in paragraph (2), increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the Consumer Price Index for all urban consumers (all items; U.S. city average), for fiscal year 2004; and

"(ii) for fiscal year 2005 and each succeeding fiscal year, is equal to the DSH allotment determined for the State for the preceding fiscal year under this paragraph, increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the Consumer Price Index for all urban consumers (all items; U.S. city average), for the previous fiscal year.".

(b) INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.—Section 1923(f)(5) (42 U.S.C. 1396r–4(f)(5)) is amended—

(1) by striking "fiscal year 1999" and inserting "fiscal year 2001";

(2) by striking "Health Care Financing Administration" and inserting "Centers for Medicare & Medicaid Services";

(3) by striking "August 31, 2000" and inserting "August 31, 2002";

(4) by striking "1 percent" each place it appears and inserting "3 percent"; and

(5) by striking "fiscal year 2001" and inserting "fiscal year 2003 (as determined under paragraph (4)(A)(iii))".

TITLE III—APPLICATION AND BUDGET SCOREKEEPING

SEC. 301. APPLICATION OF PROVISIONS OF DIVISION.

(a) APPLICATION ONLY TO LAST 6 MONTHS OF FISCAL YEAR 2003.—Except for the amendments made by sections 116 and 201, the provisions of, and amendments made by, this division shall only apply to the Social Security Act, the Balanced Budget Act of 1997, the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113, and BIPA during the period that begins on April 1, 2003, and ends on September 30, 2003.

(b) NO EFFECT ON PERIODS BEYOND SEPTEMBER 30, 2003.—All provisions of, and amendments made by, this division shall not apply after September 30, 2003, and, after such date, the Social Security Act, the Balanced Budget Act of 1997, the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113, and BIPA shall be applied and administered as if the provisions of, and amendments made by, this division had not been enacted.

SEC. 302. BUDGET SCOREKEEPING.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this division that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

SA 90. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 506, strike lines 3 through 9 and insert the following:

"servation activities, $936,593,000, to remain available until expended: *Provided*, That $322,300,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507(3)): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 (15 U.S.C. 4502(d)(2)), such sums shall be allocated to the eligible programs as follows: $277,300,000 for weath-".

SA 91. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeland Security Block Grant Act of 2003".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Grants to States, units of general local government and Indian tribes; authorizations.
Sec. 5. Statement of activities and review.
Sec. 6. Activities eligible for assistance.
Sec. 7. Allocation and distribution of funds.
Sec. 8. State and regional planning communication systems.
Sec. 9. Nondiscrimination in programs and activities.
Sec. 10. Remedies for noncompliance with requirements.
Sec. 11. Reporting requirements.
Sec. 12. Consultation by Secretary.
Sec. 13. Interstate agreements or compacts; purposes.
Sec. 14. Matching requirements; suspension of requirements for economically distressed areas.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(2) CITY.—The term "city" means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Secretary—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) FEDERAL GRANT-IN-AID PROGRAM.—The term "Federal grant-in-aid program" means a program of Federal financial assistance other than loans and other than the assistance provided by this Act.

(4) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(5) METROPOLITAN AREA.—The term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget.

(6) METROPOLITAN CITY.—

(A) IN GENERAL.—The term "metropolitan city" means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of not less than 50,000.

(B) PERIOD OF CLASSIFICATION.—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Secretary, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included in an urban county under subsection (d).

(C) ELECTION BY A CITY.—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Secretary, relinquish such classification for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(7) NONQUALIFYING COMMUNITY.—The term "nonqualifying community" means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(8) POPULATION.—The term "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(9) STATE.—The term "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Secretary; and the District of Columbia.

(11) URBAN COUNTY.—The term "urban county" means any county within a metropolitan area.

(b) BASIS AND MODIFICATION OF DEFINITIONS.—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Secretary may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) Designation of Public Agencies.—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this Act.

(d) Local Governments, Inclusion in Urban County Population.—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section 4, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(11) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) Urban County.—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Secretary, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

(a) Authorization.—The Secretary is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this Act.

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $3,000,000,000 for each of fiscal years 2003 through 2006, and such sums as may be necessary thereafter, for the purpose of carrying out the provisions under section 7.

(2) State, regional, and local planning, training, and communication systems.—There are authorized to be appropriated $500,000,000 for each of fiscal years 2003 through 2006, and such sums as may be necessary thereafter, for the purpose of carrying out the provisions under section 8.

SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.

(a) Application.—

(1) In general.—Prior to the receipt in any fiscal year of a grant under section 7(b) by any metropolitan city or urban county, section 7(i) by any State, or section 7(i)(3) by any unit of general local government, the grantee shall—

(i) indicate its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds; and

(ii) provide the Secretary with the certifications required under paragraph (2) and, where appropriate, subsection (b).

(2) Grantee statement.—

(A) Contents.—

(i) Local government.—In the case of metropolitan cities or urban counties receiving grants under section 7(b) and units of general local government receiving grants under section 7(i)(3), the statement of projected use of funds shall consist of proposed homeland security activities.

(ii) States.—In the case of States receiving grants under section 7(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

(B) Consultation.—In preparing the statement, the grantee shall consult with appropriate law enforcement agencies and emergency response authorities.

(C) Final statement.—A copy of the final statement and the certifications required under paragraph (3) and, where appropriate, subsection (b) shall be furnished to the Secretary and the Attorney General.

(D) Modifications.—Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(3) Certification of enumerated criteria by grantee to secretary.—Any grant under section 7 shall be made only if the grantee certifies to the satisfaction of the Secretary that—

(A) it has developed a homeland security plan pursuant to section 6(a)(8) that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this Act; and

(B) the grantee will comply with the other provisions of this Act and with other applicable laws.

(b) Submission of Annual Performance Reports, Audits and Adjustments.—

(1) In general.—Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of funds made available under section 7, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a)(2).

(2) Uniform reporting requirements.—

(A) Recommendations by national associations.—The Secretary shall encourage and assist national associations of grantees eligible under section 7, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Secretary, within 1 year after the effective date of this Act, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively.

(B) Establishment of uniform reporting requirements.—Based on the Secretary's approval of the recommendations submitted pursuant to subparagraph (A), the Secretary shall establish uniform reporting requirements for grantees, States, and units of general local government.

(3) Reviews and audits.—The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section 7(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary objectives of this Act and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 7(i), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this Act and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(4) Adjustments.—The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection. With respect to assistance made available to units of general local government under section 7(i)(3), the Secretary may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Secretary's reviews and audits under this subsection, except that funds already expended on eligible activities under this Act shall not be recaptured or deducted from future assistance to such units of general local government.

(c) Audits.—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(d) Metropolitan City as Part of Urban County.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Secretary may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under section 5 and carrying out activities under this Act.

SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

(a) In General.—Activities assisted under this Act may include—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, other water infrastructure, nuclear power plants, and other power infrastructure;

(B) security for tunnels and bridges;

(C) security for oil and gas pipelines and storage facilities; and

(D) security for chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

(b) Costs Covered.—Grants received under section 7 may be used to cover any costs related to the eligible activities listed in this section that were incurred on or after September 11, 2001.

SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) Set-Aside for Indian Tribes.—

(1) In general.—For each fiscal year, of the amount appropriated for grants pursuant to section 4(b)(1) (excluding the amounts provided for use in accordance with section 6), the Secretary shall reserve 1 percent of the amount so appropriated for grants to Indian tribes.

(2) Selection of indian tribes.—

(A) In general.—The Secretary shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts.

(B) Rulemaking.—The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment.

(b) Allocation to Metropolitan Cities and Urban Counties.—

(1) Allocation percentage.—Of the amount remaining after allocations have been made to Indian tribes pursuant to subsection (a), 70 percent shall be allocated by the Secretary to metropolitan cities and urban counties.

(2) Entitlement.—Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2006, from such allocation in an amount not exceeding its basic amount computed pursuant to this subsections (c) and (d).

(c) Computation of Amount Allocated to Metropolitan Cities.—

(1) Computation ratios.—The Secretary shall determine the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(A) the population of the metropolitan city divided by the population of all metropolitan cities;

(B) the potential risk, as it pertains to chemical security, of the metropolitan city divided by the potential risk, as it pertains to chemical security, of all metropolitan cities;

(C) the proximity of the metropolitan city to the nearest operating nuclear power plant and the proximity of all metropolitan cities to the nearest operating nuclear power plant to each such city;

(D) the proximity of the metropolitan city to the nearest United States land or water port and the proximity of all metropolitan cities to the nearest United States land or water port to each such city;

(E) the proximity of the metropolitan city to the nearest international border and the proximity of all metropolitan cities to the nearest international border to each such city; and

(F) the proximity of the metropolitan city to the nearest Disaster Medical Assistance Team (referred to in this subsection as "DMAT") and the proximity of all metropolitan cities to the nearest DMAT to each such city.

(2) Clarification of computation ratios.—

(A) Relative weight of factors.—In determining the average of the ratios under paragraph (1), the ratio involving population shall constitute 50 percent of the formula in calculating the allocation and the remaining factors shall be equally weighted.

(B) Potential risk as it pertains to chemical security.—If a metropolitan city is within the vulnerable zone of a worst-case chemical release, as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities, the ratio under paragraph (1)(B) shall be 1 divided by the total number of metropolitan cities that are within such a zone.

(C) Proximity as it pertains to nuclear security.—If a metropolitan city is located within 50 miles of an operating nuclear power plant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(C) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(D) Proximity as it pertains to port security.—If a metropolitan city is located within 50 miles of 1 of the 100 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes, or within 50 miles of one of the 30 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics, the ratio under paragraph (1)(D) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port.

(E) Proximity to International Borders.—If a metropolitan city is located within 50 miles of an international border, the ratio under paragraph (1)(E) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of an international border.

(F) Proximity to disaster medical assistance teams.—If a metropolitan city is located within 50 miles of a DMAT, as organized by the National Disaster Medical System through the Department of Public Health, the ratio under paragraph (1)(F) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a DMAT.

(d) Computation of Amount Allocated to Urban Counties.—

(1) Computation ratios.—The Secretary shall determine the amount to be allocated to each urban county, which shall bear the same ratio to the allocation for all urban counties as the weighted average of—

(A) the population of the urban county divided by the population of all urban counties;

(B) the potential risk, as it pertains to chemical security, of the urban county divided by the potential risk, as it pertains to chemical security, of all urban counties;

(C) the proximity of the urban county to the nearest operating nuclear power plant and the proximity of all urban counties to the nearest operating nuclear power plant to each such city;

(D) the proximity of the urban county to the nearest United States land or water port and the proximity of all urban counties to the nearest United States land or water port to each such city;

(E) the proximity of the urban county to the nearest international border and the proximity of all urban counties to the nearest international border to each such city; and

(F) the proximity of the urban county to the nearest Disaster Medical Assistance Team (referred to in this subsection as "DMAT") and the proximity of all urban counties to the nearest DMAT to each such city.

(3) Clarification of computation ratios.—

(A) Relative weight of factors.—In determining the average of the ratios under paragraph (1), the ratio involving population shall constitute 50 percent of the formula in calculating the allocation and the remaining factors shall be equally weighted.

(B) Potential risk as it pertains to chemical security.—If a urban county is within the vulnerable zone of a worst-case chemical release, as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities, the ratio under paragraph (1)(B) shall be 1 divided by the total number of urban counties that are within such a zone.

(C) Proximity as it pertains to nuclear security.—If a urban county is located within 50 miles of an operating nuclear power plant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(C) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(D) Proximity as it pertains to port security.—If a urban county is located within 50 miles of 1 of the 100 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes, or within 50 miles of one of the 30 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics, the ratio under paragraph (1)(D) shall be 1 divided by the total number of urban counties that are located within 50 miles of a United States land or water port.

(E) Proximity to International Borders.—If a urban county is located within 50 miles of an international border, the ratio under paragraph (1)(E) shall be 1 divided by the total number of urban counties that are located within 50 miles of an international border.

(F) Proximity to disaster medical assistance teams.—If a urban county is located within 50 miles of a DMAT, as organized by the National Disaster Medical System through the Department of Public Health, the ratio under paragraph (1)(F) shall be 1 divided by the total number of urban counties that are located within 50 miles of a DMAT.

(e) Exclusions.—

(1) In general.—In computing amounts or exclusions under subsection (d) with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant;

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

(2) Independent cities.—Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (i) with respect to such fiscal year.

(f) Inclusions.—

(1) Local government straddling county line.—In computing amounts under subsection (d) with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if—

(A) the part of such unit of local government that is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section; and

(B) the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section.

(2) Use of grant funds outside urban county.—Any amount received under this section by an urban county described under paragraph (1) may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(g) Population.—

(1) Effect of consolidation.—Where data are available, the amount to be allocated to a metropolitan city that has been formed by the consolidation of 1 or more metropolitan cities within an urban county shall be equal to the sum of the amounts that would have been allocated to the urban county or cities and the balance of the consolidated government, if such consolidation had not occurred.

(2) Limitation.—Paragraph (1) shall apply only to a consolidation that—

(A) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(B) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(C) took place on or after January 1, 2003.

(3) Growth rate.—The population growth rate of all metropolitan cities defined in section 3(a)(6) shall be based on the population of—

(A) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(B) cities that were metropolitan cities before their incorporation into consolidated governments.

(4) Entitlement share.—For purposes of calculating the entitlement share for the balance of the consolidated government under this subsection, the entire balance shall be considered to have been an urban county.

(h) Reallocation.—

(1) In general.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section 5, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Secretary that they would be adversely affected by the loss of such amounts from the metropolitan area.

(2) Ratio.—The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(3) Transfer.—Notwithstanding paragraphs (1) and (2), the Secretary may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(i) Allocation to States on Behalf of Non-qualifying Communities.—

(1) In general.—Of the amount appropriated pursuant to section 4 that remains after allocations pursuant to subsections (a) and (b), 30 percent shall be allocated among the States for use in nonqualifying communities.

(2) Allocation ratio.—

(A) Population-based.—The allocation for each State shall be based on the population of that State, relative to the populations of all States, excluding the population of qualifying communities.

(B) Pro-rata reduction.—The Secretary shall make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under subparagraph (A) so that the nonqualifying communities in each State will receive the same percentage of the total amount available under this subsection as the percentage that such communities would have received if the total amount available had equaled the total amount allocated under subparagraph (A).

(3) Distribution.—

(A) In general.—Amounts allocated under this subsection shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this Act—

(i) by a State that has elected, in such manner and at such time as the Secretary shall prescribe, to distribute such amounts consistent with the statement submitted under section 5(a); or

(ii) by the Secretary, if the State has not elected to distribute such amounts.

(B) Certification.—Before a State may receive or distribute amounts allocated under this subsection, the State must certify that—

(i) with respect to units of general local government in nonqualifying areas, the State—

(I) provides, or will provide, technical assistance to units of general local government in connection with homeland security initiatives;

(II) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(III) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A); and

(ii) each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(4) Minimum amount.—Each State shall be allocated in each fiscal year authorized under this Act and under this section not less than 0.75 percent of the total amount appropriated in one fiscal year for grants made available to States under this section, except that the American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(5) Administration.—

(A) In general.—If a State receives and distributes amounts under paragraph (1), the State shall be responsible for the administration of funds so distributed. The State shall pay for all administrative expenses incurred by the State in carrying out its responsibilities under this Act, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of $150,000 plus 50 percent of any such expenses under this Act in excess of $150,000. Amounts deducted in excess of $150,000 shall not exceed 2 percent of the amount received under paragraph (1).

(B) Distribution.—If the Secretary distributes amounts under paragraph (1), the distribution shall be made in accordance with determinations of the Secretary pursuant to statements submitted and the other requirements of section 5 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Secretary.

(C) Reallocation.—

(i) Failure to comply.—Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(ii) Closeout.—Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Secretary under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which such amounts become available.

(6) Single unit.—Any combination of units of general local governments may not be required to obtain recognition by the Secretary pursuant to section 3(2) to be treated as a single unit of general local government for purposes of this subsection.

(7) Deduction.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(8) Applicability.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Act and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(j) Qualifications and Determinations.—The Secretary may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(k) Pro Rata Reduction and Increase.—

(1) Reduction.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under this section, and funds are not otherwise appropriated to meet the deficiency, the Secretary shall meet the deficiency through a pro rata reduction of all amounts determined under this section.

(2) Increase.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under this section, the Secretary shall distribute the excess through a pro rata increase of all amounts determined under this section.

SEC. 8. STATE AND REGIONAL PLANNING; COMMUNICATIONS SYSTEMS.

(a) Allocations.—Subject to appropriations authorized under section 4(b)(2), $500,000,000 shall be allocated to States, regional cooperations, and local communities, in accordance with subsection (b) for—

(1) homeland defense planning within the States;

(2) homeland defense planning within the regions;

(3) the development and maintenance of Statewide training facilities and homeland security best-practices clearinghouses; and

(4) the development and maintenance of communications systems that can be used between and among first responders, including law enforcement, fire, and emergency medical personnel.

(b) Use of funds.—Of the amount allocated under subsection (a)—

(1) $325,000,000 shall be used by the States for homeland defense planning and coordination within each State;

(2) $50,000,000 shall be used by regional cooperations and regional, multistate, or intrastate authorities for homeland defense planning and coordination within each region;

(3) $50,000,000 shall be used by the States to develop and maintain Statewide training facilities and best-practices clearinghouses; and

(4) $75,000,000 shall be used by the States and local communities to develop and maintain communications systems that can be used between and among first responders at the State and local level, including law enforcement, fire, and emergency personnel.

(c) Allocations to States.—

(1) In general.—Funds under this section to be awarded to States shall be allocated among the States based upon the population for each State relative to the populations of all States.

(2) Minimum amount provision.—The provision in section 7(i)(4) relating to a minimum amount shall apply to funds awarded under this section to States.

(3) Local communications systems.—Not less than 30 percent of the funds awarded under subsection (b)(4) shall be used for the development and maintenance of local communications systems.

(d) Allocations to Regional Cooperations.—Funds under this section to be awarded to regional cooperations and regional, multistate, or intrastate authorities, shall be allocated among the regional cooperations based upon the population of the areas covered by the cooperations.

SEC. 9. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 10. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Secretary shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

SEC. 11. REPORTING REQUIREMENTS.

(a) In General.—Not later than 180 days after the end of each fiscal year in which assistance is awarded under this Act, the Secretary shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 7.

(b) Reports to Secretary.—The Secretary is authorized to require recipients of assistance under this Act to submit to such reports and other information as may be necessary in order for the Secretary to comply with subsection (a).

SEC. 12. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this Act including the issuance of regulations, the Secretary shall consult with the Attorney General and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 13. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. 14. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) Requirement.—Grant recipients shall contribute from funds, other than those received under this Act, 10 percent of the total funds received under this Act. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) Economic Distress.—Grant recipients that are deemed economically distressed shall be waived from the matching requirement set forth in this section.

SA 92. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 772, strike lines 10 through 23.

SA 93. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1037, line 8, insert "(a) Fruits and Vegetables.—" before "The".

On page 1037, between lines 12 and 13, insert the following:

(b) Avocado and Citrus Producers.—

(1) In general.—The Secretary shall use $80,000,000 of funds of the Commodity Credit Corporation to make payments, as soon as practicable after the date of enactment of this Act, to avocado and citrus producers that suffered economic losses, including quality losses, as the result of the imposition of quarantines to prevent the introduction of fruit flies from Mexico into the State of California during the 2002 or 2003 crop year, or both.

(2) Amount.—The amount of payments for which producers are eligible to receive payments under this subsection shall be based an the value of avocados and citrus, as determined by the Secretary.

(3) Limitations.—

(A) In general.—Except as provided in subparagraph (B), the Secretary shall not establish a payment limitation, or income eligibility limitation, with respect to payments made under this subsection.

(B) Payment quantities.—The Secretary may establish a limitation on the maximum quantity of avocados or citrus for which a producer may receive payments under this subsection.

(4) Other federal assistance.—A producer shall be ineligible for a payment under

this subsection to the extent that the producer received compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SA 94. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MORGANZA, LOUISIANA, TO THE GULF OF MEXICO, MISSISSIPPI RIVER AND TRIBUTARIES.

The project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, Mississippi River and Tributaries, is authorized to be carried out by the Secretary of the Army substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated August 23, 2002, at a total cost of $680,000,000, with an estimated Federal cost of $442,000,000 and an estimated non-Federal cost of $238,000,000.

SA 95. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 313, line 14, strike the period and insert a colon and the following: "*Provided*, That, of the funds made available pursuant to this section, not less than $6,000,000 shall be made available for the United States Agency for International Development to use in support of programs that—

"(1) promote the inclusion of a significant number of women in future legislative bodies to ensure that women's full range of human rights are included and upheld in any constitution or legal structures of Afghanistan;

"(2) promote the continuation and strengthening of the Ministry for Women's Affairs as the Government of Afghanistan makes the transition to a long-term government structure, and encourage the appointment of women to high-level positions within the ministries of the Government of Afghanistan;

"(3) ensure that a significant portion of United States development, humanitarian, and relief assistance is channeled to local and United States-based Afghan women's organizations;

"(4) provide technical assistance, training, and capacity-building for local women-based organizations to ensure that United States funded efforts will be both effective and sustainable;

"(5) promote multiyear women-centered economic development programs, including programs to assist widows, female heads of household, women in rural areas, and disabled women;

"(6) increase women's access to or ownership of productive assets such as land, water, agricultural inputs, credit, and property;

"(7) provide long-term financial assistance for primary, secondary, higher, nontraditional, and vocational education for Afghan girls, women, boys, and men;

"(8) provide financial assistance to build the health infrastructure and to deliver high-quality comprehensive health care programs, including primary, maternal, child, reproductive, and mental health care; and

"(9) provide, in close consultation with women's organizations in Afghanistan, training for the military and police forces on the protection, rights, and the particular needs of women, and emphasize that violations of women's rights are intolerable and should be prosecuted:

"*Provided further*, That one year after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to Congress that contains—

"(A) a detailed description of programs funded by the United States Agency for International Development that are carried out under the preceding proviso;

"(B) other programs of the United States Agency for International Development that directly or indirectly benefit women; and

"(C) barriers that remain for women in Afghanistan, specifically in the protection of basic human rights, education, reproductive health, legal rights, political participation, and economic opportunity, and what types of foreign assistance is necessary to ensure that these barriers might be eliminated.".

SA 96. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 852, between lines 4 and 5, insert the following:

SEC. 4 . DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the "Nathaniel R. Jones Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

SA 97. Mr. NELSON of Florida (for himself and Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . In addition to amounts appropriated by this Act under the heading "Public Law 480 Title II Grants", there is appropriated, out of funds in the Treasury not otherwise appropriated, $600,000,000 for assistance for emergency relief activities: *Provided*, That the amount appropriated under this section shall remain available through September 30, 2004: *Provided further*, That the entire amount appropriated under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 98. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, line 26, strike "this heading" and insert in lieu thereof: the heading "Economic Support Fund"

SA 99. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, strike everything after "the" on line 3, through "Agency" on line 4 and insert in lieu thereof:

headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs"

SA 100. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 5, insert "of which $10,000,000 will be provided for the continuance of methamphetamine reduction efforts" before the semicolon.

SA 101. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . ARMED FORCES MEMORIAL.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map referred to in section 8902(a)(3) of title 40, United States Code.

(2) MEMORIAL.—The term "memorial" means the memorial authorized to be established under subsection (b)(1).

(b) AUTHORITY TO ESTABLISH MEMORIAL.—

(1) IN GENERAL.—The Pyramid of Remembrance Foundation may establish a memorial on Federal land in the area depicted on the map as "Area II" to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

(B) EXCEPTION.—Subsections (b) and (c) of section 8903 of title 40, United States Code, shall not apply to the establishment of the memorial.

(c) FUNDS FOR MEMORIAL.—

(1) USE OF FEDERAL FUNDS PROHIBITED.—Except as provided by chapter 89 of title 40, United States Code, no Federal funds may be used to pay any expense incurred from the establishment of the memorial.

(2) DEPOSIT OF EXCESS FUNDS.—The Pyramid of Remembrance Foundation shall transmit to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of title 40, United States Code—

(A) any funds that remain after payment of all expenses incurred from the establishment of the memorial (including payment of the amount for maintenance and preservation required under section 8906(b) of title 40, United States Code); or

(B) any funds that remain on expiration of the authority for the memorial under section 8903(e) of title 40, United States Code.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . VALUE-ADDED PROJECTS FOR AGRICULTURAL DIVERSIFICATION.

Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture shall make a grant of $200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

SA 103. Mr. LEAHY (for himself, Mr. HARKIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1037, line 2, strike "$250,000,000" and insert "$552,000,000".

SA 104. Mr. LEAHY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows;

In the division relating to agriculture—

(1) in the matter under the heading "CHILD NUTRITION PROGRAMS (INCLUDING TRANSFERS OF FUNDS)" under the heading "FOOD AND NUTRITION SERVICE" in title IV—

(A) strike "$5,834,506,000" and insert "$6,386,506,000"; and

(B) strike "$4,745,663,000" and insert "$4,193,663,000"; and

(2) strike section 205.

SA 105. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

SEC. - . ESTABLISHMENT OF SPECIAL COMMITTEE ON THE ORGANIZATION OF THE SENATE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate, to be known as the Special Committee on the Organization of the Senate (in this section referred to as the "Special Committee").

(b) PURPOSES.—The purposes of the Special Committee are—

(1) to assist the Senate in addressing its organizational structure in light of reorganization efforts in the Executive Branch and the House of Representatives; and

(2) to report to the Senate a set of recommendations as to necessary changes in the committee structure of the Senate.

(c) COMPOSITION.—

(1) IN GENERAL.—The Special Committee shall be composed of—

(A) the Majority Leader and the Minority Leader;

(B) 5 members of the Senate appointed by the Majority Leader; and

(C) 5 members of the Senate appointed by the Minority Leader.

(2) COCHAIRMEN.—The Majority and Minority Leaders of the Senate shall each designate 1 member of the Special Committee as cochairman.

(d) POWERS.—

(1) IN GENERAL.—For the purposes of this resolution, the Special Committee is authorized—

(A) to make investigations into any matter within its general purposes;

(B) to make expenditures from the contingent fund of the Senate;

(C) to employ personnel;

(D) to hold hearings;

(E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(F) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946;

(G) to publish and report the findings of the Special Committee; and

(H) to take depositions and other testimony.

(2) ADMINISTRATION OF OATHS.—A cochairman of the Special Committee or any member thereof may administer oaths to witnesses.

(e) REPORTS.—

(1) TO THE SENATE.—Not later than 1 year after the date of enactment of this section, the Special Committee shall issue a final report of recommendations to the full Senate.

(2) PRELIMINARY REPORTS.—The Special Committee may issue such preliminary reports and recommendations as the cochairmen deem appropriate.

SA 106. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

SEC. . FUNDING FOR CITIZENSHIP AND IMMIGRATION SERVICES.

(a) AMENDMENT TO THE HOMELAND SECURITY ACT.—Section 457 of the Homeland Security Act of 2002 (Public Law 107–296) is amended to read as follows:

"SEC. 457. FUNDING FOR CITIZENSHIP AND IMMIGRATION SERVICES.

"(a) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by striking 'services, including the costs of similar services provided without charge to asylum applicants or other immigrants' and inserting 'services'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Attorney General or the Secretary, as may be appropriate, such funds as may be necessary to compensate for the loss of any funds for adjudication services by reason of the operation of the amendment made by subsection (a), including funds necessary—

"(A) to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act (8 U.S.C. 1157–59); and

"(B) to provide fee waivers or exemptions to applicants and petitioners.

"(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(c) STATUTORY CONSTRUCTION.—Nothing section 286(m) of the Immigration and Nationality Act, as amended by subsection (a), or any other provision of law, shall be construed to require the reduction of any fee, or the foregoing of any increase in any fee, for adjudication services that is otherwise authorized under such section 286(m) or any other provision of law, until the date that is 90 days after the date on which funds are specifically appropriated and made available under subsection (b) in an amount equal to the amount of such proposed reduction or foregone increase for any fiscal year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall be effective as if it were included in the enactment of the Homeland Security Act of 2002 (Public Law 107–296).

SA 107. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . RESTORATION OF PROVISION REGARDING FEES TO COVER THE FULL COSTS OF ALL ADJUDICATION SERVICES.

The Homeland Security Act of 2002 is amended by striking section 457, including the amendment made by such section.

SA 108. Ms. CANTWELL (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, between lines 14 and 15, insert the following:

In addition to any amounts otherwise appropriated under this Act for title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), $678,551,000 is appropriated to carry out that Act, of which—

(1) $156,965,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with subparagraphs (B) and (C) of section 127(b)(1) of that Act (29

U.S.C. 2852(b)(1)) (relating to youth activities);

(2) $76,000,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(1) of that Act (29 U.S.C. 2862(b)(1)) (relating to employment and training activities for adults);

(3) $206,096,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(2) of that Act (29 U.S.C. 2862(b)(2)) (relating to employment and training activities for dislocated workers);

(4) $181,890,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for use under section 169 of that Act (29 U.S.C. 2914) (relating to youth opportunity grants); and

(5) $57,600,000 (which is available for obligation for the period July 1, 2003 through June 30, 2006) shall be for carrying out subtitle C of title I of that Act (29 U.S.C. 2881 et seq.) (relating to the Job Corps).

Notwithstanding any other provision of this Act, funds provided under the preceding sentence shall not result in a further across-the-board rescission under section 601 of division N.

SA 109. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . IMPERIAL PROJECT.

Notwithstanding any other provision of law, none of the funds provided by this Act or any other Act for any fiscal year may be used by the Secretary of the Interior to approve the plan of operations submitted by the Glamis Imperial Corporation for the Imperial project, an open-pit gold mine located on public land administered by the Bureau of Land Management in Imperial County, California.

SA 110. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES.

(a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

SA 111. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the division making appropriations for the Department of Agriculture, insert the following:

SEC. . ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER.

(a) IN GENERAL.—The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

SA 112. Mr. BUNNING (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the general provisions relating to the Department of Health and Human Services, insert the following:

SEC. . GRANTS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed physician, free ultrasound examinations to pregnant woman needing medical services.

(b) ELIGIBILITY REQUIREMENTS.—An entity may receive a grant under subsection (a) only if the entity meets the following conditions:

(1) NONPROFIT, TAX EXEMPT ORGANIZATION.—The entity is a nonprofit private organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a) of such Code.

(2) CLINIC.—The entity operates as a community-based pregnancy help medical clinic.

(3) QUALIFIED ENTITY.—The entity is legally qualified to provide medical services to pregnant women and is in compliance with all Federal, State, and local requirements for the provision of such services.

(4) PROCEDURES.—The entity agrees to comply with the following medical procedures:

(A) IMAGE AND DESCRIPTION.—Each pregnant woman upon whom the ultrasound equipment is used will be shown the visual image of the embryo or fetus involved from the ultrasound examination and will be given a general anatomical and physiological description of the characteristics of the embryo or fetus.

(B) AGE.—Each pregnant woman will be given, according to the best medical judgment of the physician or physician's agent performing the ultrasound examination, the approximate age of the embryo or fetus considering the number of weeks elapsed from the probable time of the conception of the embryo or fetus, based upon the information provided by the woman as to the time of her last menstrual period, her medical history, a physical examination, or appropriate laboratory tests.

(C) INFORMATION ON OPTIONS.—Each pregnant woman will be given information on abortion and alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will assist women choosing those alternatives.

(D) INSURANCE.—The entity will obtain and maintain medical malpractice insurance in an amount not less than $1,000,000, and such insurance will cover all activities relating to the use of the ultrasound machine purchased with the grant under subsection (a).

(5) MULTIPLE REVENUE SOURCES.—The entity does not receive more than 30 percent of its gross annual revenue from a single source or donor.

(c) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—No grant made under subsection (a) may be made in an amount that exceeds the lesser of—

(1) an amount equal to 50 percent of the purchase price cost of the ultrasound machine involved; or

(2) $20,000.

(d) APPLICATION FOR GRANT.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary in such form, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(e) ANNUAL REPORT TO SECRETARY.—The Secretary may make a grant under subsection (a) only if the applicant for the grant agrees to report on an annual basis to the Secretary, in such form and manner as the Secretary may require, on the ongoing compliance of the applicant with the eligibility conditions established in subsection (b).

(f) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED PREGNANCY HELP MEDICAL CLINIC.—The term "community-based pregnancy help medical clinic" means an entity that—

(A) provides free medical services to pregnant women under the direction and supervision of a licensed physician who serves as the medical director for such clinic; and

(B) does not charge for any services rendered to its clients, whether or not such services are for pregnancy-related matters.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(g) APPROPRIATIONS AND OFFSET.—

(1) APPROPRIATIONS.—There is appropriated to carry out this section $5,000,000 for fiscal year 2003.

(2) OFFSET.—Of the amount appropriated or otherwise made available by title III of division K for the National Aeronautics and Space Administration, the amount available for the Origins program under the Office of Space Sciences is hereby reduced by $5,000,000.

SA 113. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SAVINGS PROVISION OF CERTAIN TRANSFERS MADE UNDER THE HOMELAND SECURITY ACT OF 2002.

The transfer of functions under subtitle B of title XI of the Homeland Security Act of 2003 (Public Law 107–296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

SA 114. Mr. JEFFORDS (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. . The amendments made by section 890 of the Homeland Security Act of 2002, relating to the Air Transportation Safety and Systems Stabilization Act, are repealed and the Air Transportation Safety and Systems Stabilization Act shall be applied as if such amendments had not been enacted.

SA 115. Mr. JEFFORDS (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, line 25, strike "$566,500,000" and insert "$750,000,000".

SA 116. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place in Division A insert:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to ensure that United States contributions for international humanitarian food assistance for each fiscal year 2003 and 2004 shall be no less than the previous five year average beginning on the date of enactment of this Act.

SA 117. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table: as follows:

At the end, add the following:

SEC. 602. The rescission requirements in section 601(a) shall not apply with respect to the budget authority provided for amounts appropriated by title I of division K for the Department of Veterans Affairs for the Veterans Health Administration for Medical Care, or to any amounts appropriated pursuant to that budget authority.

SA 118. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . TRANSFER OF FOREST LEGACY PROGRAM LAND.

Section 7(*l*) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(*l*)) is amended by inserting after paragraph (2) the following:

"(3) TRANSFER OF FOREST LEGACY PROGRAM LAND.—

"(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of a participating State, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

"(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

"(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

"(I) conserves the land or interest in land; and

"(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

"(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State, the State shall—

"(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

"(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

"(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Forest Legacy Program account, to remain available until expended.".

SA 119. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . In addition to amounts otherwise appropriated in this Act, there are appropriated $1,600,000,000 to enable the Department of Health and Human Services to enhance the preparedness of the United States to respond effectively to acts of bioterrorism, of which—

(1) $850,000.000 shall be made available for grants to States and local communities for the costs of smallpox vaccination programs; and

(2) $750,000,000 shall be made available to extend the Vaccine Injury Compensation Program under title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) to cover those individuals who experience injuries or other hardships resulting from the administration of vaccinia virus or other countermeasures against smallpox.

SA 120. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . In addition to amounts otherwise appropriated in this Act, there are appropriated $2,875,000,000 to enable the Department of Health and Human Services to enhance the preparedness of the United States to respond effectively to acts of bioterrorism, of which—

(1) $850,000,000 shall be made available for grants to States and local communities for the costs of smallpox vaccination programs;

(2) $750,000,000 shall be made available to extend the Vaccine Injury Compensation Program under title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) to cover those individuals who experience injuries or other hardships resulting from the administration of vaccinia virus or other countermeasures against smallpox;

(3) $1,250,000 shall be made available to improve the preparedness of hospitals for bioterrorism; and

(4) $25,000,000 shall be made available to the Centers for Disease Control and Prevention to enhance control of biological agents and toxins as described under section 351A of the Public Health Service Act.

SA 121. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (V), by adding "and" at the end; and

(2) by striking subclauses (VI) and (VII) and inserting the following:

"(VI) on or after October 1, 2001, 'c' is equal to 1.6.".

(b) Section 1886(d)(2)(C)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended—

(1) by striking "1999 or" and inserting "1999,"; and

(2) by inserting ", or of section 404 of division N of the Joint Resolution entitled 'Joint Resolution making further continuing appropriations for the fiscal year 2003, and for other purposes' after "2000".

SA 122. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: ": *Provided further*, That an additional $13,603,766 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Health and Human Services shall be reduced on pro rata basis by $13,603,766".

SA 123. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . (a) IN GENERAL.—In addition to amounts otherwise appropriated in this Act, there are appropriated $584,646,000, of which—

(1) $43,492,000 shall be made available to the National Center on Minority Health and Health Disparities;

(2) $21,015,000 shall be made available to the Office of Minority Health of the Department of Health and Human Services;

(3) $15,334,000 shall be made available to the Office for Civil Rights of the Department of Health and Human Services for discrimination-related enforcement and allocated to enforcement actions and the investigation of complaints and potential violations of law relating to discrimination and racial disparities in health care;

(4) $491,500,000 shall be made available to the Department of Health and Human Services for research and activities under the Minority HIV/AIDS initiative; and

(5) $13,305,000 shall be made available to the Health Resources and Services Administration for Health Professions Training for Diversity programs.

(b) OFFICE OF MINORITY HEALTH.—The amount appropriated under subsection (a)(2), shall be made available to the Office of Minority Health of the Department of Health and Human Services to be used for activities including—

(1) to undertake, through and in collaboration with the Public Health Service agencies, a coordinated Federal initiative to reduce racial and ethnic disparities in health, particularly in the six focus areas of infant mortality, cancer screening and management, cardiovascular disease, diabetes, HIV/AIDS, and immunizations;

(2) to increase funding for minority health initiatives and collaborations at the multi-State, State, and local level that employ proven public health strategies to reduce health disparities in specific minority populations;

(3) to expand Federal efforts and assist States in the collection and analysis of health status data that includes standard racial and ethnic data;

(4) to conduct or support research on effective health interventions in minority communities;

(5) to assist in the development and dissemination of cross cultural curricula for the training of health professionals;

(6) to provide technical assistance to States to improve public health infrastructures and outreach for health disparity populations; and

(7) to sponsor National Forums on African American Health Care, Latino Health Care, Asian American Health Care, and Native American Health Care.

SA 124. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 620, between lines 18 and 19, insert the following:

SEC.   . PELL GRANT FUNDING.

(a) ADDITIONAL APPROPRIATIONS.—Notwithstanding any other provision of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, for an additional amount for "Student Financial Assistance" for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $1,350,000,000 to remain available through September 30, 2004.

(b) MAXIMUM PELL GRANT.—Notwithstanding any other provision of this Act, the maximum Pell Grant for which a student shall be eligible during award year 2003-2004 shall be $4,500.

(c) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsections (a) and (b) shall not result in a further across-the-board rescission under section 601 of Division N.

SA 125. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 620, between lines 18 and 19, insert the following:

SEC.   . ADDITIONAL FUNDING FOR EDUCATION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, in lieu of any amounts otherwise appropriated under this Act for part A of title II of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $3,500,000,000 for carrying out such part, to remain available through September 30, 2004.

(b) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsection (a) shall not result in a further across-the-board rescission under section 601 of Division N.

SA 126. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003; and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.";

(2) by inserting before section 273 (42 U.S.C. 6283) the following:)

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(3) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(4) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by amending the items relating to part D of title I to read as follows:

"PART D—NORTHWEST HOME HEATING OIL RESERVE

"Sec 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

"(2) by amending the items relating to part C of title II to read as follows:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

"Sec. 273. Summer fill and fuel budgeting programs."; and

(3) by striking the items relating to part D of title II.

(d) Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by inserting "(considered as a heating season average)" "mid-October" through March".

(e) Full Capacity.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable.

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(b) Recommendations.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

SA 127. Mr. DURBIN (for himself, Mr. DeWine, Mr. Daschle, Mr. Kennedy, Mrs. Boxer, Mrs. Murray, Mr. Schumer, Ms. Mikulski, Mr. Leahy, Mr. Kohl, Mrs. Clinton, Mr. Biden, Ms. Landrieu, Mr. Corzine, Mr. Edwards, and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 7 and 8, insert the following:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

ADDITIONAL AMOUNT FOR GLOBAL HIV/AIDS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, $180,000,000, to remain available until September 30, 2004: *Provided*, That of such amount, not less than $100,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (in addition to amounts made available for contribution to such Fund under any other provision of this Act): *Provided, further*, That, of the additional amount appropriated under this heading, up to $25,000,000 (not to be derived from the amount made available for contribution under the preceding proviso) may be transferred to (and upon transfer shall be merged with) amounts appropriated for the Department of Health and Human Services for the Centers for Disease Control and Prevention for disease control, research, and training under title II of division G of this Act, which shall be made available for child survival, maternal health, and other disease programs and development activities to prevent, treat, care for, and address the impact and consequences of HIV/AIDS: *Provided, further*, That not more than seven percent of the total amount appropriated under this heading may be made available for administrative costs of departments and agencies of the United States that carry out programs for which funds are appropriated under this heading, but funds made available for such costs may not to be derived from amounts made available for contribution and transfer under the preceding provisos.

SA 128. Mr. LEVIN (for himself, Mr. Fitzgerald, Mr. DeWine, Mr. Voinovich, and Mr. Schumer) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, line 19, strike "projects:" and insert "projects; and of which $500,000 shall be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois:".

SA 129. Mr. KERRY (for himself and Ms. Snowe) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS.

The matter under the heading "Business Loans Program Account" in chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117) is amended by striking "For emergency expenses" and inserting the following: "For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses".

SA 130. Mr. CONRAD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1032, strike line 21 and all that follows through page 1041, line 13, and insert the following:

TITLE II—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2003".

SEC. 202. CROP DISASTER ASSISTANCE.

(a) In General.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary, but not to exceed $2,250,000,000, of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) Crop Insurance.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 203. LIVESTOCK ASSISTANCE PROGRAM.

(a) In General.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary, but not to exceed $720,000,000, to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–51).

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–51).

SEC. 204. CROP AND PASTURE FLOOD COMPENSATION PROGRAM.

(a) Definition of Covered Land.—In this section:

(1) In general.—The term "covered land" means land that—

(A) was unusable for agricultural production during the 2001 or 2002 crop year, or both, as the result of flooding;

(B) was used for agricultural production during at least 1 of the 1992 through 2000 crop years;

(C) is a contiguous parcel of land of at least 1 acre; and

(D) is located in a county in which producers were eligible for assistance under the 1998 or 2000 Flood Compensation Program established under part 1439 of title 7, Code of Federal Regulations.

(2) Exclusions.—The term "covered land" excludes any land for which a producer is insured, enrolled, or assisted during the 2001 or 2002 crop year (as applicable) under—

(A) a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program operated under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

(C) any crop disaster program established for the 2001 or 2002 crop year (as applicable);

(D) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(E) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

(F) any emergency watershed protection program or Federal easement program that prohibits crop production or grazing; or

(G) any other Federal or State water storage program, as determined by the Secretary.

(b) Compensation.—The Secretary shall use not more than $12,000,000 of funds of the Commodity Credit Corporation to compensate producers with covered land for losses on the covered land from long-term flooding.

(c) PAYMENT RATE.—The payment rate for compensation provided to a producer under this section shall equal the average county cash rental rate per acre established by the National Agricultural Statistics Service for the 2001 or 2002 crop year (as applicable).

(d) PAYMENT LIMITATION.—The total amount of payments made to a person (as defined in section 1001(e) of the Food Security Act (7 U.S.C. 1308(e))) under this section may not exceed $40,000.

SEC. 205. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this title, to remain available until expended; and

(2) transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to remain available until expended, an amount that does not exceed the greater of—

(A) $250,000,000; or

(B) the amount equal to the amount of funds under section 32 of that Act that—

(i) were made available before the date of enactment of this Act to provide assistance to livestock producers under the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070); and

(ii) were not otherwise reimbursed from another account used by the Secretary or the Commodity Credit Corporation.

SEC. 206. REGULATIONS.

SA 131. Mr. HARKIN (for himself, Mr. DURBIN, Ms. LANDRIEU, and Mr. BREAUX) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, line 1, strike "$329,397,000," and insert "$348,397,000, of which $19,000,000 (referred to in this title as the 'supplemental legal assistance amount') is to provide supplemental funding for basic field programs, and related administration, to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and".

On page 183, after line 25, add the following:

SEC. . The amount made available under each account in this division, other than the accounts relating to the Legal Services Corporation and the accounts contained in title III, for travel expenses, supplies, and printing expenses shall be reduced on a pro rata basis, so that the total of the reductions equals $19,000,000.

SA 132. Mr. HARKIN (for himself, Mr. FEINGOLD, and Mr. DODD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used by the Secretary of the Treasury or his delegate to issue any rule or regulation which implements the proposed amendments to Internal Revenue Service regulations set forth in REG–209500–86 and REG–164464–02, filed December 10, 2002, or any amendments reaching results similar to such proposed amendments.

SA 133. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1037, strike line 18 and all that follows through page 1039, line 9.

SA 134. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1036, strike lines 15 through 22 and insert the following:

established by the Secretary for the Program; and

(2) effective beginning on the date of enactment

SA 135. Mr. TALENT (for himself, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CORN.

Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the planting, prevented planting, and production of corn used to produce popcorn as the planting, prevented planting, and production of corn for the purposes of determining base acres and payment yields for direct and counter-cyclical payments under subtitle A of title I of Public Law 107–171.

SA 136. Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. KERRY, Mr. JEFFORDS, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place in title II of division G, insert the following:

SEC. . (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title VIII of the Public Health Service Act, there are appropriated an additional $20,000,000, to remain available until expended, to carry out programs and activities authorized under sections 831, 846, 846A, 851, 852, and 855 of such Act (as amended by the Nurse Reinvestment Act (Public Law 107–205)).

(b) OFFSET.—Amounts made available under this division for the administrative and related expenses for departmental management shall be reduced on pro rata basis by $20,000,000.

SA 137. Mr. LIEBERMAN (for himself, Ms. LANDRIEU, Mr. HOLLINGS, and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "(1) Except" and inserting the following:

"(1) IN GENERAL.—Except";

(2) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(3) by striking "(2) The Secretary" and inserting the following:

"(2) WAIVER.—The Secretary";

(4) by striking "paragraph (1)" and inserting "paragraphs (1) and (3)"; and

(5) by adding at the end the following:

"(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "Pursuant to" and inserting the following:

"(1) IN GENERAL.—Under"; and

(2) by adding at the end the following:

"(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.".

SA 138. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriation for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. Section 136 of Public Law 107–229, as added by section 5 of Public Law 107–240, is amended by striking "60 days after the date specified in section 107(c) of Public Law 107–229, as amended" and inserting "September 30, 2003".

SA 139. Mr. GRAHAM of Florida (for himself, Mr. NELSON of Florida, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was

On page 271, between lines 10 and 11, insert the following:

SEC. 1 . MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

SA 140. Mr. REID (for himself, Mr. WYDEN, Mr. HARKIN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making furthur continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CDBG FUNDS.—(a) Not later than 30 days after the date of enactment of this Act, funds made available for block grants 1 under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for fiscal year 2002 may not be withheld from any metropolitan city that has satisfied the population criteria pursuant to the 2000 census and has satisfied all other required criteria, including the metropolitan cities listed in subsection (b).

(b) The metropolitan cities listed in this subsection are—

(1) Ames, Iowa;
(2) Bend, Oregon;
(3) Carson City, Nevada; and
(4) Idaho Falls, Idaho.

SA 141. Mrs. MURRAY submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

SEC. SENSE OF THE SENATE REGARDING THE CONTINUATION OF AMTRAK SERVICE.—It is the Sense of the Senate that the conferees on this joint resolution should approve the full $1,200,000,000 included in the Senate version of this resolution for Grants to the National Railroad Passenger Corporation (Amtrak) so as to ensure the continuation of passenger rail service along Amtrak's national passenger rail network, including the Northeast Corridor, for the remainder of the current fiscal year.

SA 142. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between iines 3 and 4, insert the following:

SEC. 7 . RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES.

(a) IN GENERAL.—In carrying out section 2507 of Public Law 107–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use $1,000,000 to provide a grant to the Walker River Paiute Tribe for the creation of a fish hatchery at Walker Lake; and

(3) use $2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River Operating Agreement.

(b) RESTORATION OF LAKES.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Commissioner of Reclamation, may take actions or initiate programs that will provide additional water to Pyramid, Summit, and Walker Lakes in the State of Nevada—

(1) to protect, restore, and enhance fish, wildlife, and associated habitats of the Lakes; and

(2) to protect, restore, and enhance fish, wildlife, and associated habitats in the watersheds of the Lakes if the actions or programs will result in the restoration of the Lakes.

(c) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107–171.

SA 143. Mr. REID (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . FEDERAL MILK MARKETING.

(a) EXEMPTION OF MILK PRODUCERS AND HANDLERS FROM OBLIGATION TO POOL MILK.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(M) OBLIGATION OF CERTAIN MILK PRODUCERS AND HANDLERS TO POOL MILK.—

"(i) DEFINITION OF COVERED PRODUCER OR HANDLER.—

"(I) IN GENERAL.—In this subparagraph, the term 'covered producer or handler' means a producer-handler, producer operating as a handler, or handler of Class I milk products—

"(aa) a plant of which is located within the boundaries of a marketing area (as those boundaries are in effect as of the date of enactment of this subparagraph) and covered by an order issued pursuant to this paragraph;

"(bb) that has packaged fluid milk product dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that enforces minimum prices to handlers for milk purchases; and

"(cc) that is not otherwise obligated by an order under this paragraph, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk presented by those milk dispositions or sales.

"(II) EXCLUSIONS.—The term 'covered producer or handler' does not include—

"(aa) a handler that operates an exempt plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph)); or

"(bb) a producer-handler that has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 6,000,000 pounds of milk in any 30-day period.**

"(ii) REQUIREMENT.—Notwithstanding any other provision of this subsection and without limiting the authority of the Secretary to otherwise regulate a noncovered producer or handler, a covered producer or handler shall be subject to all minimum price requirements of the Federal milk marketing order in which the plant of the covered producer or handler is located, at Federal order class prices for the county in which the plant is located.".

(b) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

"(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area of any handler's own farm production exceeds the lesser of—

"(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131); or

"(ii) 5,000,000 pounds.".

(c) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c(11)(C) the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the last sentence and inserting the following: "In the case of milk and its products, no county located within the State of Nevada shall be within a marketing area defined in any order issued under this section.".

(2) INFORMAL RULEMAKING.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without, regard to sections 556 and 557 of title 5, United States Code.

SA 144. Mr. SANTORUM submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, line 7, before the period at the end insert the following: "*Provided further*, That, notwithstanding any other provision of law, the funds under this heading that are available for efforts relating to the treatment and prevention of HIV/AIDS shall also include family preservation efforts carried out through programs and initiatives that are designed to maintain and preserve the families of those persons afflicted with HIV/

AIDS and to reduce the numbers of orphans created by HIV/AIDS".

SA 145. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking "fiscal year 2002" and inserting "fiscal year 2004".

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking "AND 1999" and inserting "THROUGH 2000"; and

(ii) by adding at the end of subparagraph (A) the following:

"(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.".

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting "or for fiscal year 2000 by the end of fiscal year 2002," after "fiscal year 2001,";

(ii) in subparagraph (A), by striking "1998 or 1999" and inserting "1998, 1999, or 2000";

(iii) in subparagraph (A)(i)—

(I) by striking "or" at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting "; or"; and

(III) by adding at the end the following new subclause:

"(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).";

(iv) in subparagraph (A)(ii), by striking "or 1999" and inserting ", 1999, or 2000";

(v) in subparagraph (B), by striking "with respect to fiscal year 1998 or 1999";

(vi) in subparagraph (B)(ii)—

(I) by inserting "with respect to fiscal year 1998, 1999, or 2000," after "subsection (e),"; and

(II) by striking "2002" and inserting "2004"; and

(vii) by adding at the end the following new subparagraph:

"(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).".

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking "AND 1999" and inserting ", 1999, AND 2000"; and

(ii) in paragraph (3)—

(I) by striking "or fiscal year 1999" and inserting ", fiscal year 1999, or fiscal year 2000"; and

(II) by striking "or November 30, 2001" and inserting "November 30, 2001, or November 30, 2002", respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking "2000" and inserting "2001"; and

(ii) by adding at the end of subparagraph (A) the following:

"(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.".

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting "or for fiscal year 2001 by the end of fiscal year 2003," after "fiscal year 2002,";

(ii) in subparagraph (A), by striking "1999, or 2000" and inserting "1999, 2000, or 2001";

(iii) in subparagraph (A)(i)—

(I) by striking "or" at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting "; or"; and

(III) by adding at the end the following new subclause:

"(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).";

(iv) in subparagraph (A)(ii), by striking "or 2000" and inserting "2000, or 2001";

(v) in subparagraph (B)—

(I) by striking "and" at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following new clause:

"(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and"; and

(vi) by adding at the end the following new subparagraph:

"(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allotment for fiscal year 2001 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).".

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking "AND 2000" and inserting "2000, AND 2001"; and

(ii) in paragraph (3)—

(I) by striking "or fiscal year 2000" and inserting "fiscal year 2000, or fiscal year 2001"; and

(II) by striking "or November 30, 2002," and inserting "November 30, 2002, or November 30, 2003,", respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

"(1) STATE OPTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

"(B) PAYMENTS TO STATES.—

"(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

"(ii) EXPENDITURES DESCRIBED.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

"(2) QUALIFYING STATE.—In this subsection, the term 'qualifying State' means a State that—

"(A) as of April 15, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is up to 185 percent of the poverty line or above; and

"(B) satisfies the requirements described in paragraph (3).

"(3) Requirements.—The requirements described in this paragraph are the following:

"(A) SCHIP income eligibility.—The State has a State child health plan that (whether implemented under title XIX or this title)—

"(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child's lack of health insurance;

"(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

"(B) No waiting list imposed.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

"(C) Additional requirements.—The State has implemented at least 4 of the following policies and procedures (relating to coverage of children under title XIX and this title):

"(i) Uniform, simplified application form.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

"(ii) Elimination of asset test.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

"(iii) Adoption of 12-month continuous enrollment.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

"(iv) Same verification and redetermination policies; automatic reassessment of eligibility.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

"(v) Outstationing enrollment staff.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).".

SA 146. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 720, beginning in line 5, strike "*Provided further*, That none of the funds provided in this Act shall be available to compensate in excess of 37 active duty flag officer billets:".

SA 147. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 136, beginning with line 10, strike through line 22.

SA 148. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, beginning with line 8, strike through line 12.

SA 149. Mr. McCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, beginning with line 11, strike through line 15.

SA 150. Ms. MURKOWSKI (for herself and Mr. Stevens) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 432, line 10 after "expended:" insert the following:

"*Provided*, That subsection (t) of P.L. 93-153 is amended hereinafter in the first sentence by inserting "or renew or extend" before "any" the first place it appears and by inserting "on or" before "before:".

SA 151. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following new section:

"SEC. . CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS.

"(A) Section of P.L. (43 U.S.C. 1629b) is amended:

"(1) at subsection (d)(1) by striking "An" and inserting in its place "Except as otherwise set forth in subsection (d)(3) of this section, an";

"(2) by creating the following new subsection:

"(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

"(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

"(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.";

"(3) by creating the following new subsection:

"(f) Substantially all of the assets. For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.

"(B) Section of P.L. (43 U.S.C. 1629e) is amended by striking subsection (B) and inserting in its place the following:

"(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if:

"(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

"(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title."

SA 152. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

Sec. . Of the total amount appropriated under title IV of the Department of Defense Appropriations Act, 2003 (Public Law 107-248) for Ballistic Missile Defense Technology, $4,000,000 shall be available for a Phase III Small Business Innovation Research (SBIR) program that is based on the Missile Defense Agency's Phase II Small Business Innovation Research (SBIR) program for the use of an open atmosphere vapor deposition process for frequency adaptive electronics and high-density memory storage.

SA 153. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —REFORM RELATING TO FEDERAL EMPLOYMENT

SEC. . SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the "Federal Workforce Flexibility Act of 2003".

(b) Table of Contents.—The table of contents of this division is as follows:

DIVISION —REFORM RELATING TO FEDERAL EMPLOYMENT

Sec. . Short title; table of contents.

TITLE I—FEDERAL HUMAN RESOURCES MANAGEMENT INNOVATIONS

Sec. 101. Streamlined personnel management demonstration projects.

Sec. 102. Effective date.

TITLE II—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT
Sec. 201. Recruitment, relocation, and retention bonuses.
Sec. 202. Streamlined critical pay authority.
TITLE III—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS
Sec. 301. Agency training.
Sec. 302. Annual leave enhancements.

TITLE I—FEDERAL HUMAN RESOURCES MANAGEMENT INNOVATIONS

SEC. 101. STREAMLINED PERSONNEL MANAGEMENT DEMONSTRATION PROJECTS.

Chapter 47 of title 5, United States Code, is amended—

(1) in section 4701—

(A) in subsection (a)—

(i) by striking “(a)”;

(ii) by striking paragraph (1) and inserting the following:

“(1) ‘agency’ means an Executive agency and any entity that is subject to any provision of this title that could be waived under section 4703, but does not include—

“(A) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency, and, as determined by the President, any Executive agency or unit thereof which is designated by the President and which has as its principal function the conduct of foreign intelligence or counterintelligence activities; or

“(B) the General Accounting Office;”;

(iii) in paragraph (4), by striking “and” at the end;

(iv) by redesignating paragraph (5) as paragraph (6); and

(v) by inserting after paragraph (4) the following:

“(5) ‘modification’ means a significant change in 1 or more of the elements of a demonstration project plan as described in section 4703(b)(1); and”; and

(B) by striking subsection (b); and

(2) in section 4703—

(A) in subsection (a)—

(i) by striking “conduct and evaluate demonstration projects” and inserting “conduct, modify, and evaluate demonstration projects”;

(ii) by striking “, including any law or regulation relating to—” and all that follows and inserting a period; and

(iii) by adding at the end the following: “The decision to initiate or modify a project under this section shall be made by the Office.”;

(B) by striking subsection (b) and inserting the following:

“(b) Before conducting or entering into any agreement or contract to conduct a demonstration project, the Office shall ensure—

“(1) that each project has a plan which describes—

“(A) its purpose;

“(B) the employees to be covered;

“(C) its anticipated outcomes and resource implications, including how the project relates to carrying out the agency's strategic plan, including meeting performance goals and objectives, and accomplishing its mission;

“(D) the personnel policies and procedures the project will use that differ from those otherwise available and applicable, including a specific citation of any provisions of law, rule, or regulation to be waived and a specific description of any contemplated action for which there is a lack of specific authority;

“(E) the method of evaluating the project; and

“(F) the agency's system for ensuring that the project is implemented in a manner consistent with merit system principles;

“(2) notification of the proposed project to employees who are likely to be affected by the project;

“(3) an appropriate comment period;

“(4) publication of the final plan in the Federal Register;

“(5) notification of the final project at least 90 days in advance of the date any project proposed under this section is to take effect to employees who are likely to be affected by the project;

“(6) publication of any subsequent modification in the Federal Register; and

“(7) notification of any subsequent modification to employees who are included in the project.”;

(C) in subsection (c)—

(i) by striking paragraph (1) and inserting the following:

“(1) any provision of chapter 63 or subpart G of part III of this title;”;

(ii) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(iii) by inserting after paragraph (3) the following:

“(4) section 7342, 7351, or 7353;

“(5) the Ethics in Government Act of 1978 (5 U.S.C. App.);”; and

(iv) in paragraph (6) as redesignated, by striking “paragraph (1), (2), or (3) of this subsection; or” and inserting “paragraphs (1) through (5);”;

(D) by striking subsections (d) and (e) and inserting the following:

“(d)(1) Unless terminated at an earlier date in accordance with this section, each demonstration project shall terminate at the end of the 10-year period beginning on the date on which the project takes effect.

“(2) Before the end of the 5-year period beginning on the date on which a demonstration project takes effect, the Office shall submit a recommendation to Congress on whether Congress should enact legislation to make that project permanent.

“(e) The Office may terminate a demonstration project under this chapter if the Office determines that the project—

“(1) is not consistent with merit system principles set forth in section 2301, veterans' preference principles, or the provisions of this chapter; or

“(2) otherwise imposes a substantial hardship on, or is not in the best interests of, the public, the Government, employees, or eligibles.”; and

(E) by striking subsections (h) and (i) and inserting the following:

“(h) Notwithstanding section 2302(e)(1), for purposes of applying section 2302(b)(11) in a demonstration project under this chapter, the term ‘veterans' preference requirement’ means any of the specific provisions of the demonstration project plan that are designed to ensure that the project is consistent with veterans' preference principles.

“(i) The Office shall ensure that each demonstration project is evaluated. Each evaluation shall assess—

“(1) the project's compliance with the plan developed under subsection (b)(1); and

“(2) the project's impact on improving public management.

“(j) Upon request of the Director of the Office of Personnel Management, agencies shall cooperate with and assist the Office in any evaluation undertaken under subsection (i) and provide the Office with requested information and reports relating to the conducting of demonstration projects in their respective agencies.”.

SEC. 102. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE II—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 201. RECRUITMENT, RELOCATION, AND RETENTION BONUSES.

(a) BONUSES.—

(1) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by striking sections 5753 and 5754 and inserting the following:

“§ 5753. Recruitment and relocation bonuses

“(a) In this section, the term ‘employee’ has the meaning given that term under section 2105, except that such term also includes an employee described under subsection (c) of that section.

“(b)(1) The Office of Personnel Management may authorize the head of an agency to pay a bonus to an individual appointed or moved to a position that is likely to be difficult to fill in the absence of such a bonus, if the individual—

“(A)(i) is newly appointed as an employee of the Federal Government; or

“(ii) is currently employed by the Federal Government and moves to a new position in the same geographic area under circumstances described in regulations of the Office; or

“(B) is currently employed by the Federal Government and must relocate to accept a position stationed in a different geographic area.

“(2) Except as provided by subsection (h), a bonus may be paid under this section only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

“(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not to exceed 4 years. The Office may, by regulation, prescribe a minimum service.

“(2)(A) The agreement shall include—

“(i) the length of the required service period;

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to subsections (d) and (e) and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(3) The agreement shall be made effective upon employment with the agency or movement to a new position or geographic area, as applicable, except that a service agreement with respect to a recruitment bonus may be made effective at a later date under circumstances described in regulations of the Office, such as when there is an initial period of formal basic training.

“(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 4 years.

“(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full service period, or in a combination of these forms of payment.

"(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

"(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

"(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the amount of the bonus may be up to 50 percent of the employee's annual rate of basic pay at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 100 percent of the employee's annual rate of basic pay at the beginning of the service period.

"(f) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying recruitment bonuses and a plan for paying relocation bonuses, subject to regulations prescribed by the Office.

"(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a recruitment or relocation bonus in appropriate circumstances when the agreed-upon service period has not been completed.

"(h)(1) At the request of the head of an Executive agency, the Office may extend coverage under this section to categories of employees within the agency who otherwise would not be covered by this section.

"(2) The Office shall not extend coverage to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members.

"§ 5754. Retention bonuses

"(a) In this section, the term 'employee' has the meaning given that term under section 2105, except that such term also includes an employee described in subsection (c) of that section.

"(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee, subject to regulations prescribed by the Office, if—

"(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee; and

"(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

"(A) the Federal service; or

"(B) for a different position in the Federal service under conditions described in regulations of the Office.

"(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

"(d) Except as provided in subsection (j), a bonus may be paid only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

"(e)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

"(2)(A) The agreement shall include—

"(i) the length of the required service period;

"(ii) the amount of the bonus;

"(iii) the method of payment; and

"(iv) other terms and conditions under which the bonus is payable, subject to subsections (f) and (g) and regulations of the Office.

"(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

"(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

"(ii) the effect of the termination.

"(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

"(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

"(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

"(f)(1) Except as provided in subsection (g), a retention bonus, which shall be stated as a percentage of the employee's basic pay for the service period associated with the bonus, may not exceed—

"(A) 25 percent of the employee's basic pay if paid under subsection (b); or

"(B) 10 percent of an employee's basic pay if paid under subsection (c).

"(2) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single lump sum at the end of the full period of service required by the agreement. An installment payment may not exceed the product derived from multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee. If the installment payment percentage is less than the bonus percentage rate, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

"(3) A retention bonus is not part of the basic pay of an employee for any purpose.

"(g) Upon the request of the head of an agency, the Office may waive the limit established under subsection (f)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

"(h) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying retention bonuses, subject to regulations prescribed by the Office.

"(i) The Office may prescribe regulations to carry out this section.

"(j)(1) At the request of the head of an Executive agency, the Office may extend coverage under this section to categories of employees within the agency who otherwise would not be covered by this section.

"(2) The Office shall not extend coverage under this section to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members.".

(2) Technical and Conforming Amendment.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5754 and inserting the following:

"5754. Retention bonuses.".

(b) Relocation Payments.—Section 407 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note; 104 Stat. 1467) is repealed.

(c) Effective Date and Application.—

(1) Effective date.—Except as provided under paragraphs (2) and (3), this section shall take effect on the first day of the first applicable pay period beginning on or after 180 days after the date of enactment of this Act.

(2) Application to agreements.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to be subject to section 5753 as in effect on the day before such effective date.

(3) Application to allowances.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to section 5754 as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).

SEC. 202. STREAMLINED CRITICAL PAY AUTHORITY.

Section 5377 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) The Office of Personnel Management, in consultation with the Office of Management and Budget, may, upon the request of the head of an agency, grant authority to fix the rate of basic pay for 1 or more positions in such agency in accordance with this section.";

(2) in subsection (e)(1), by striking "Office of Management and Budget" and inserting "Office of Personnel Management";

(3) by striking subsections (f) and (g) and inserting the following:

"(f) The Office of Personnel Management may not authorize the exercise of authority under this section with respect to more than 800 positions at any 1 time, of which not more than 30 may, at any such time, be positions the rate of basic pay for which would otherwise be determined under subchapter II.

"(g) The Office of Personnel Management shall consult with the Office of Management and Budget before making any decision to grant or terminate any authority under this section."; and

(4) in subsection (h), by striking "The Office of Management and Budget shall report to the Committee on Post Office and Civil Service" and inserting "The Office of Personnel Management shall report to the Committee on Government Reform.".

TITLE III—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

SEC. 301. AGENCY TRAINING.

(a) Training To Accomplish Performance Plans and Strategic Goals.—Section 4103 of title 5, United States Code, is amended by adding at the end the following:

"(c) The head of each agency shall—

"(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

"(2) modify such program or plan to accomplish such plans and goals.".

(b) AGENCY TRAINING OFFICER; SPECIFIC TRAINING PROGRAMS.—

(1) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding after section 4119 the following:

"§ 4120. Agency training officer

"Each agency shall appoint or designate a training officer who shall be responsible for developing, coordinating, and administering training for the agency.

"§ 4121. Specific training programs

"In consultation with the Office of Personnel Management, each head of an agency shall establish—

"(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

"(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

"(A) relating to employees with unacceptable performances; and

"(B) mentoring employees and improving employee performance and productivity.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end the following:

"4120. Agency training officer.
"4121. Specific training programs.".

SEC. 302. ANNUAL LEAVE ENHANCEMENTS.

(a) ACCRUAL OF LEAVE FOR NEWLY HIRED FEDERAL EMPLOYEES WITH QUALIFIED EXPERIENCE.—

(1) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by adding at the end the following:

"(e)(1) In this subsection, the term 'period of qualified non-Federal service' means any equal period of service performed by an individual that—

"(A) except for this subsection would not otherwise be service performed by an employee for purposes of subsection (a); and

"(B) was performed in a position—

"(i) the duties of which were directly related to the duties of the position in an agency that such individual holds; and

"(ii) which meets such other conditions as the Office of Personnel Management shall prescribe by regulation.

"(2) For purposes of subsection (a), the head of an agency may deem a period of qualified non-Federal service performed by an individual to be a period of service performed as an employee.".

(2) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act and shall only apply to an individual hired on or after that effective date.

(b) SENIOR EXECUTIVE SERVICE ANNUAL LEAVE ENHANCEMENTS.—

(1) IN GENERAL.—Section 6303(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding after paragraph (3) the following:

"(4) one day for each full biweekly pay period for an employee in a position paid under section 5376 or 5383, or for an employee in an equivalent category for which the minimum rate of basic pay is greater than the rate payable at GS–15, step 10.".

(2) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this subsection.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Paragraph (1) shall take effect 120 days after the date of enactment of this Act.

(B) REGULATIONS.—Paragraph (2) shall take effect on the date of enactment of this Act.

SA 154. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the followimg:

DIVISION —REFORM RELATING TO FEDERAL EMPLOYMENT

SEC. . SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Federal Workforce Flexibility Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION —REFORM RELATING TO FEDERAL EMPLOYMENT

Sec. . Short title; table of contents.

TITLE I—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

Sec. 101. Recruitment, relocation, and retention bonuses.
Sec. 102. Streamlined critical pay authority.

TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

Sec. 201. Agency training.
Sec. 202. Annual leave enhancements.

TITLE I—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 101. RECRUITMENT, RELOCATION, AND RETENTION BONUSES.

(a) BONUSES.—

(1) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by striking sections 5753 and 5754 and inserting the following:

"§ 5753. Recruitment and relocation bonuses

"(a) In this section, the term 'employee' has the meaning given that term under section 2105, except that such term also includes an employee described under subsection (c) of that section.

"(b)(1) The Office of Personnel Management may authorize the head of an agency to pay a bonus to an individual appointed or moved to a position that is likely to be difficult to fill in the absence of such a bonus, if the individual—

"(A)(i) is newly appointed as an employee of the Federal Government; or

"(ii) is currently employed by the Federal Government and moves to a new position in the same geographic area under circumstances described in regulations of the Office; or

"(B) is currently employed by the Federal Government and must relocate to accept a position stationed in a different geographic area.

"(2) Except as provided by subsection (h), a bonus may be paid under this section only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

"(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not to exceed 4 years. The Office may, by regulation, prescribe a minimum service.

"(2)(A) The agreement shall include—

"(i) the length of the required service period;

"(ii) the amount of the bonus;

"(iii) the method of payment; and

"(iv) other terms and conditions under which the bonus is payable, subject to subsections (d) and (e) and regulations of the Office.

"(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

"(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

"(ii) the effect of the termination.

"(3) The agreement shall be made effective upon employment with the agency or movement to a new position or geographic area, as applicable, except that a service agreement with respect to a recruitment bonus may be made effective at a later date under circumstances described in regulations of the Office, such as when there is an initial period of formal basic training.

"(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 4 years.

"(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full service period, or in a combination of these forms of payment.

"(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

"(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

"(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the amount of the bonus may be up to 50 percent of the employee's annual rate of basic pay at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 100 percent of the employee's annual rate of basic pay at the beginning of the service period.

"(f) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying recruitment bonuses and a plan for paying relocation bonuses, subject to regulations prescribed by the Office.

"(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a recruitment or relocation bonus in appropriate circumstances when the agreed-upon service period has not been completed.

"(h)(1) At the request of the head of an Executive agency, the Office may extend coverage under this section to categories of employees within the agency who otherwise would not be covered by this section.

"(2) The Office shall not extend coverage to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members.

"§ 5754. Retention bonuses

"(a) In this section, the term 'employee' has the meaning given that term under section 2105, except that such term also includes an employee described in subsection (c) of that section.

"(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee, subject to regulations prescribed by the Office, if—

"(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee; and

"(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

"(A) the Federal service; or

"(B) for a different position in the Federal service under conditions described in regulations of the Office.

"(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

"(d) Except as provided in subsection (j), a bonus may be paid only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

"(e)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

"(2)(A) The agreement shall include—

"(i) the length of the required service period;

"(ii) the amount of the bonus;

"(iii) the method of payment; and

"(iv) other terms and conditions under which the bonus is payable, subject to subsections (f) and (g) and regulations of the Office.

"(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

"(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

"(ii) the effect of the termination.

"(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

"(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

"(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

"(f)(1) Except as provided in subsection (g), a retention bonus, which shall be stated as a percentage of the employee's basic pay for the service period associated with the bonus, may not exceed—

"(A) 25 percent of the employee's basic pay if paid under subsection (b); or

"(B) 10 percent of an employee's basic pay if paid under subsection (c).

"(2) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single lump sum at the end of the full period of service required by the agreement. An installment payment may not exceed the product derived from multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee. If the installment payment percentage is less than the bonus percentage rate, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

"(3) A retention bonus is not part of the basic pay of an employee for any purpose.

"(g) Upon the request of the head of an agency, the Office may waive the limit established under subsection (f)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

"(h) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying retention bonuses, subject to regulations prescribed by the Office.

"(i) The Office may prescribe regulations to carry out this section.

"(j)(1) At the request of the head of an Executive agency, the Office may extend coverage under this section to categories of employees within the agency who otherwise would not be covered by this section.

"(2) The Office shall not extend coverage under this section to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members.".

(2) Technical and conforming amendment.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5754 and inserting the following:

"5754. Retention bonuses.".

(b) Relocation Payments.—Section 407 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note; 104 Stat. 1467) is repealed.

(c) Effective Date and Application.—

(1) Effective date.—Except as provided under paragraphs (2) and (3), this section shall take effect on the first day of the first applicable pay period beginning on or after 180 days after the date of enactment of this Act.

(2) Application to agreements.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to be subject to section 5753 as in effect on the day before such effective date.

(3) Application to allowances.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to section 5754 as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).

SEC. 102. STREAMLINED CRITICAL PAY AUTHORITY.

Section 5377 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) The Office of Personnel Management, in consultation with the Office of Management and Budget, may, upon the request of the head of an agency, grant authority to fix the rate of basic pay for 1 or more positions in such agency in accordance with this section.";

(2) in subsection (e)(1), by striking "Office of Management and Budget" and inserting "Office of Personnel Management";

(3) by striking subsections (f) and (g) and inserting the following:

"(f) The Office of Personnel Management may not authorize the exercise of authority under this section with respect to more than 800 positions at any 1 time, of which not more than 30 may, at any such time, be positions the rate of basic pay for which would otherwise be determined under subchapter II.

"(g) The Office of Personnel Management shall consult with the Office of Management and Budget before making any decision to grant or terminate any authority under this section."; and

(4) in subsection (h), by striking "The Office of Management and Budget shall report to the Committee on Post Office and Civil Service" and inserting "The Office of Personnel Management shall report to the Committee on Government Reform.".

TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

SEC. 201. AGENCY TRAINING.

(a) Training To Accomplish Performance Plans and Strategic Goals.—Section 4103 of title 5, United States Code, is amended by adding at the end the following:

"(c) The head of each agency shall—

"(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

"(2) modify such program or plan to accomplish such plans and goals.".

(b) Agency Training Officer; Specific Training Programs.—

(1) In general.—Chapter 41 of title 5, United States Code, is amended by adding after section 4119 the following:

"§ 4120. Agency training officer

"Each agency shall appoint or designate a training officer who shall be responsible for developing, coordinating, and administering training for the agency.

"§ 4121. Specific training programs

"In consultation with the Office of Personnel Management, each head of an agency shall establish—

"(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

"(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

"(A) relating to employees with unacceptable performances; and

"(B) mentoring employees and improving employee performance and productivity.".

(2) Technical and conforming amendment.—The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end the following:

"4120. Agency training officer.
"4121. Specific training programs.".

SEC. 202. ANNUAL LEAVE ENHANCEMENTS.

(a) Accrual of Leave for Newly Hired Federal Employees With Qualified Experience.—

(1) In general.—Section 6303 of title 5, United States Code, is amended by adding at the end the following:

"(e)(1) In this subsection, the term 'period of qualified non-Federal service' means any equal period of service performed by an individual that—

"(A) except for this subsection would not otherwise be service performed by an employee for purposes of subsection (a); and

"(B) was performed in a position—

"(i) the duties of which were directly related to the duties of the position in an agency that such individual holds; and

"(ii) which meets such other conditions as the Office of Personnel Management shall prescribe by regulation.

"(2) For purposes of subsection (a), the head of an agency may deem a period of qualified non-Federal service performed by an individual to be a period of service performed as an employee.".

(2) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act and shall only apply to an individual hired on or after that effective date.

(b) SENIOR EXECUTIVE SERVICE ANNUAL LEAVE ENHANCEMENTS.—

(1) IN GENERAL.—Section 6303(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding after paragraph (3) the following:

"(4) one day for each full biweekly pay period for an employee in a position paid under section 5376 or 5383, or for an employee in an equivalent category for which the minimum rate of basic pay is greater than the rate payable at GS–15, step 10.".

(2) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this subsection.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Paragraph (1) shall take effect 120 days after the date of enactment of this Act.

(B) REGULATIONS.—Paragraph (2) shall take effect on the date of enactment of this Act.

SA 155. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 488, on line 2, strike the period after the word "accomplishment" and insert the following:

": *Provided further*, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2003, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties, and except that Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board."

SA 156. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

On page 489, line 8, after "Service;" add the following new proviso: "*Provided further*, That hazardous fuel treatment dollars in the National Fire Plan are to go to the County Partnership Restoration Program for forest restoration on the Apache-Sitgreaves National Forest in Arizona, the Lincoln National Forest in New Mexico, and the Grand Mesa, Uncompahgre and Gunnison National Forest in Colorado;"

SA 157. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 547, between lines 4 and 5, insert the following:

TITLE —T'UF SHUR BIEN PRESERVATION TRUST AREA

SEC. 01. SHORT TITLE.

This title may be cited as the "T'uf Shur Bien Preservation Trust Area Act".

SEC. 02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 03. DEFINITIONS.

In this title:

(1) AREA.—

(A) IN GENERAL.—The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term "Area" does not include—

(i) the subdivisions;

(ii) Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term "existing use" means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term "modified use" means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term "modified use" includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term "new use" means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term "new use" does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term "Piedra Lisa tract" means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term "Pueblo" means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the

Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term "special use permit" means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term "special use permit area" means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term "special use permit area" includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term "subdivision" means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term "traditional or cultural use" means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 04. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 05(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 05(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 06(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word "Trust" in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 09 or subsection (b) or (c) of section 13 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 05(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the "Mining Law of 1872").

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 05. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 06(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section 07, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 04, 05(c), 07, 08, and 09.

(b) ACCESS.— Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 04(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 04(e) and 06(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 10.

SEC. 06. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 04(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section 05(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 07. MANAGEMENT OF THE AREA.

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 08. JURISDICTION OVER THE AREA.

(a) CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 05(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 05(a)(4).

SEC. 09. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning,

regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) Special Use Permit Area.—

(1) In general.—The land described in the special use permit is excluded from the Area.

(2) Jurisdiction.—

(A) In general.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) Preexisting status.—The preexisting jurisdictional status of that land shall continue in effect.

(3) Amendment to plan.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) Land dedicated to aerial tramway and related uses.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) La Luz Tract.—

(1) In general.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) Nonapplicability of certain restriction.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(f) Evergreen Hills Access.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) Pueblo Fee Land.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) Rights-of-Way.—

(1) Road rights-of-way.—

(A) In general.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) Conditions.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) Utility rights-of-way.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) Forest service rights-of-way.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 10. EXTINGUISHMENT OF CLAIMS.

(a) In General.—Except for the rights and interests in and to the Area specifically recognized in sections 04, 05, 07, 08, and 09, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) Subdivisions.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) Special Use and Crest Facilities Areas.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) Pueblo Agreement.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) Consideration.—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 09, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 11. CONSTRUCTION.

(a) Strict Construction.—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) Existing Rights.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 05(a)(3)(A).

(c) Not Precedent.—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) Fish and Wildlife.—Except as provided in section 08(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) Federal Land Policy and Management Act.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

SEC. 12. JUDICIAL REVIEW.

(a) Enforcement.—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) WAIVER.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) VENUE.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 13. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) ACCEPTANCE OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) FUNDS RECEIVED.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) TREATMENT OF LAND EXCHANGED OR CONVEYED.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) FAILURE TO MAKE OFFER.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) LAND ACQUISITION AND OTHER COMPENSATION.—

(1) IN GENERAL.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) PIEDRA LISA TRACT.—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 09(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 09(b)(2).

(d) REIMBURSEMENT OF CERTAIN COSTS.—

(1) IN GENERAL.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) TREATMENT OF REIMBURSEMENT.—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) PAYMENTS.—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated.

(4) APPLICATIONS.—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) MAXIMUM REIMBURSEMENT.—

(A) IN GENERAL.—No party shall be reimbursed in excess of $750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed $3,000,000.

(B) OFFSET.—The percentage amount of each rescission provided for under section 601 of division N shall be increased by such percentage amount as is necessary to rescind an amount of funds equal to the total amount reimbursed under this section.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 13(c).

SEC. 15. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

SA 158. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 547, between lines 4 and 5, insert the following:

TITLE —T'UF SHUR BIEN PRESERVATION TRUST AREA

SEC. 01. SHORT TITLE.

This title may be cited as the "T'uf Shur Bien Preservation Trust Area Act".

SEC. 02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 03. DEFINITIONS.

In this title:

(1) AREA.—

(A) IN GENERAL.—The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term "Area" does not include—

(i) the subdivisions;

(ii) Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term "existing use" means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term "modified use" means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term "modified use" includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term "new use" means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term "new use" does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term "Piedra Lisa tract" means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term "Pueblo" means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term "special use permit" means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term "special use permit area" means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term "special use permit area" includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term "subdivision" means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term "traditional or cultural use" means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 04. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 05(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 05(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 06(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word "Trust" in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 09 or subsection (b) or (c) of section 13 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 05(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the "Mining Law of 1872").

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 05. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 06(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section 07, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 04, 05(c), 07, 08, and 09.

(b) ACCESS.— Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) Compensable Interest.—

(1) In general.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 04(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 04(e) and 06(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) Effect.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 10.

SEC. 06. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) Limitations.—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 04(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) Exception.—No person who exercises traditional or cultural use rights as authorized by section 05(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 07. MANAGEMENT OF THE AREA.

(a) Process.—

(1) In general.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) New uses.—

(A) Request for consent after consultation.—

(i) Denial of consent.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) Granting of consent.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) Final request for consent.—

(i) Request.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) Denial of consent.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) Failure to respond.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) Public involvement.—

(A) In general.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decisionmaking process; and

(iii) the position of the Pueblo on the proposal.

(B) Court challenge.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) Emergencies and Emergency Closure Orders.—

(1) Authority.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) Notice.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) No consent.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) Disputes Involving Forest Service Management and Pueblo Traditional Uses.—

(1) In general.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) Dispute resolution process.—

(A) In general.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) Disputes requiring immediate resolution.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 08. JURISDICTION OVER THE AREA.

(a) Criminal Jurisdiction.—

(1) In general.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) Jurisdiction of the Pueblo.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 05(a)(4).

(3) Jurisdiction of the United States.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) Jurisdiction of the State of New Mexico.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) Overlapping jurisdiction.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) Federal use of state law.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) Civil Jurisdiction.—

(1) In general.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) Jurisdiction of the Pueblo.—

(A) In general.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) Regulatory jurisdiction.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 05(a)(4).

SEC. 09. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 10. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 04, 05, 07, 08, and 09, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) SUBDIVISIONS.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) SPECIAL USE AND CREST FACILITIES AREAS.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) Pueblo Agreement.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) Consideration.—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 09, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 11. CONSTRUCTION.

(a) Strict Construction.—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) Existing Rights.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 05(a)(3)(A).

(c) Not Precedent.—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) Fish and Wildlife.—Except as provided in section 08(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) Federal Land Policy and Management Act.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

SEC. 12. JUDICIAL REVIEW.

(a) Enforcement.—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) Waiver.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) Venue.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 13. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) Contributions.—

(1) In general.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) Deadline.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) Land Exchange.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) Acceptance of payment.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) Funds received.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) Treatment of land exchanged or conveyed.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) Failure to make offer.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) Land Acquisition and Other Compensation.—

(1) In general.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) Piedra lisa tract.—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 09(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 09(b)(2).

(d) Reimbursement of Certain Costs.—

(1) In general.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94–2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) Treatment of reimbursement.—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) Payments.—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated as provided in advance in appropriations acts.

(4) Applications.—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) Maximum reimbursement.—

(A) In general.—No party shall be reimbursed in excess of $750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed $3,000,000.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 13(c).

SEC. 15. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

SA 159 Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, at the end of line 15, insert the following: "Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter 'Board') which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall submit an annual report to the Secretary detailing the expenditures of the board."

SA 160. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

On page 183, line 25, insert the following after "contributions.": "Such amounts shall be subject only to conditions and requirements required by the Maritime Administration."

SA 161. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 295 at the end of line 24 insert the following new section:

"Sec. 3XX. None of the funds appropriated by this or any other Act may be used to defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande Fire Activities in P.L. 106–246 and P.L. 106–377.

SA 162. Mr. FITZGERALD (for himself, Mrs. CLINTON, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, line 10, before the period at the end of the line insert the following: "*Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement".

SA 163. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 741.

SA 164. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. 641. MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.

(a) FUNDING RULES FOR CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) SPECIAL FUNDING RULE.—

(A) IN GENERAL.—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)–3 (as in effect on the date of the enactment of this section).

(B) RULES OF SPECIAL APPLICATION.—In applying the requirements of Treasury Regulation section 1.412(c)(1)–3 for purposes of paragraph (1)—

(i) the plan shall be treated as having met the requirements of Treasury Regulation section 1.412(c)(1)–3(a)(2),

(ii) the payment schedules shall be determined—

(I) by using the maximum amortization period permitted under section 1.412(c)(1)–3, and

(II) on the basis of the actuarial valuation of the accrued liability and the current liability of the plan as of January 1, 2003, less the actuarial value of the plan assets on that date,

(iii) the payments under a restoration payment schedule shall be made in level amounts over the payment period, and

(iv) the actuarial value of assets shall be the fair market value of such assets as of January 1, 2003, with prospective investment returns in excess of or less than the assumed return phased in over 5 years.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SA 165. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 641, line 10, insert "President Pro Tempore emeritus, $7,500;" before "Chairmen of the Majority and Minority Conference Committees".

On page 641, line 13, strike "$120,000" and insert "$127,500".

On page 641, line 22, strike "$116,891,000" and insert "$117,041,000".

On page 642, between lines 3 and 4, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $150,000.

On page 645, line 2, strike "$18,513,000" and insert "$18,355,500".

On page 650, between lines 23 and 24, insert:

SEC. 8. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE.

(a) ESTABLISHMENT.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) DESIGNATION.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate, shall be the President pro tempore emeritus of the United States Senate.

(c) APPOINTMENT AND COMPENSATION OF EMPLOYEES.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) EXPENSE ALLOWANCE.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed $7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

SA 166. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 713, strike line 23 and all that follows through page 714, line 3, and insert the following:

SEC. 209. UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) APPROPRIATIONS.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) NAME CHANGE.—

(1) IN GENERAL.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) in the section heading by inserting "**ECONOMIC AND**" before "**SECURITY**";

(B) in subsection (a)—

(i) in paragraph (1), by inserting "Economic and" before "Security"; and

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(C) in subsection (b)—

(i) in the subsection heading, by inserting "ECONOMIC AND" before "SECURITY";

(ii) in paragraph (1), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting "Economic and" before "Security"; and

(II) in subparagraph (H), by inserting "Economic and" before "Security"; and

(iv) in paragraph (4), by inserting "Economic and" before "Security" each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting "Economic and" before "Security";

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the first sentence, by inserting "Economic and" before "Security"; and

(II) in the second sentence, by inserting "Economic and" before "Security";

(iv) in paragraph (4), by inserting "Economic and" before "Security"; and

(v) in paragraph (6), by inserting "Economic and" before "Security" each place it appears.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) MEMBERSHIP AND TERMS.—

(1) IN GENERAL.—Section 1238(b)(3) of the Floyd D. Spencer National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) in the matter preceding subparagraph (A), by striking "12 members" and inserting "8 members"; and

(B) by striking subparagraph (F) and inserting the following:

"(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

"(i) appoint 2 members to the Commission;

"(ii) make the 2 appointments with respect to the 108th Congress on a staggered term basis, such that—

"(I) 1 appointment shall be for a term expiring on December 31, 2003; and

"(II) 1 appointment shall be for a term expiring on December 31, 2004;

"(iii) make all appointments with respect to the 109th Congress, and each subsequent Congress, on an approximate 2-year term basis to expire on December 31 of the applicable year; and

"(iv) make appointments not later than 30 days after the date on which each new Congress convenes;".

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

SA 167. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST.

(a) IN GENERAL.—Notwithstanding any other provision of law, any interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combine Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

SA 168. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For additional amounts for grants to state and local health departments to support activities related to immunizing first responders against smallpox, $850,000,000: *Proivded*, That this amount is transferred to the Centers for Disease Control and Prevention.

SA 169. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution insert the following:

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $363,000,000, to remain available until expended, only for the Entry Exit System, to be managed by the Justice Management Division: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exist System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Proivded further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

SA 170. Mr. BYRD submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution insert the following:

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expenses, $150,000,000: *Provided*, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $35,000,000 shall be available for construction and renovation activities at the National Center for Combating Terrorism: *Provided further*, That $90,000,000 of the funds provided shall be available to meet increased safeguard and security needs throughout the nuclear weapons complex, including at least $25,000,000 for cyber security.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" for emergency expenses needed to conduct critical infrastructure assessments at critical energy supply facilities nationwide, $50,000,000, to remain available until expended: *Provided*, That $25,000,000 of the funds made available shall be provided to the National Infrastructure Simulation and Analysis Center: *Provided further*, That $25,000,000 of the funds made available shall be provided to the National Energy Technology Laboratory.

SA 171. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution insert the following:

DIVISION —HOMELAND SECURITY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $620,000,000, to remain available until September 30, 2004, of which $500,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and $120,000,000 shall be available for Operation Safe Commerce. .

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $47,000,000 for the Container Security Initiative.

SA 172. Ms. LANDRIEU (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 397, line 12, delete all after "Fund", through "opportunities" on line 17, and insert in lieu thereof:

not less than $8,000,000 shall be made available for programs to support women's development in Afghanistan, including girl's and women's education, health, legal and social rights, economic opportunities, and political participation: Provided further, That of the funds provided in the previous proviso, $5,000,000 shall be made available to support activities directed by Afghan Ministry of Women's Affairs including the establishment of women's resource centers throughout Afghanistan, and not less than $1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: Provided further, That one year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede he development of women in Afghanistan.

SA 173. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: ": *Provided further*, That notwithstanding any other provision of this Act, the amount, excluding the amount of user fees appropriated, that is appropriated for devices and radiological products under the salaries and expenses account of the Food and Drug Administration is increased to $205,720,000: *Provided further*, That amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Health and Human Services shall be reduced on pro rata basis by the amount necessary to increase such amount to $205,720,000".

SA 174. Mr. AKAKA (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . Sense of Congress on Pay Parity.—It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar Federal employees paid under the Federal Wage system.

SA 175. Mr. SCHUMER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 1, strike "$3,927,587,000" and insert "$4,202,587,000 (which amount shall not be subject to reduction by any other provision of this Act, including section 601)".

On page 99, line 17, strike "$1,368,415,000" and insert "$1,827,715,000 (which amount shall not be subject to reduction by any other provision of this Act, including section 601)".

On page 105, line 19, before the period, insert the following: "*Provided further*, That, notwithstanding any other provision of this Act, including section 601, the total amount appropriated under this heading for the Weed and Seed Program Fund shall not be reduced".

On page 106, line 12, before the period, insert the following: "*Provided further*, That, notwithstanding any other provision of this Act, including section 601, the total amount appropriated under this heading for Community Oriented Policing Services shall not be reduced".

On page 111, line 20, before the period, insert the following: "*Provided further*, That, notwithstanding any other provision of this Act, including section 601, the total amount appropriated under this heading for the Juvenile Justice Programs shall not be reduced".

SA 176. Mr. SCHUMER (for himself, Mr. Graham of Florida, Mr. Kennedy, Mr. Reid, Mrs. Clinton, Mr. Johnson, Mr. Conrad, Mr. Kerry, Mr. Daschle, Mr. Jeffords, Ms. Landrieu, and Mr. Leahy) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 898, before the period at the end of line 21, insert the following: ": *Provided, further*, That, notwithstanding any other provision of this Act, the total amount appropriated for fiscal year 2003 for the Veterans Health Administration for medical care is $23,889,304,000".

SA 177. Mr. SCHUMER (for himself, Ms. Mikulski, Mr. Smith, Mr. Kennedy, Mr. Sarbanes, Mrs. Murray, Mr. Lautenberg, Ms. Cantwell, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division G, insert the following:

Sec. . (a) In General.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.), there are appropriated an additional—

(1) $33,500,000 to carry out part A of such title XXVI (42 U.S.C. 300ff–11 et seq.);

(2) $32,400,000 to carry out part B of such title XXVI (42 U.S.C. 300ff–21 et seq.);

(3) $62,000,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff–26);

(4) $8,300,000 to carry out part C of such title XXVI (42 U.S.C. 300ff–51 et seq.);

(5) $15,000,000 to carry out part D of such title XXVI (42 U.S.C. 300ff–71 et seq.);

(6) $9,705,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff–111(a)); and

(7) $3,500,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff–111(b)).

(b) Reduction in Administrative Accounts.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Health and Human Services shall be reduced on pro rata basis by $164,405,000.

SA. 178. Mr. NELSON of Florida (for himself, Mr. Daschle, and Mr. Leahy) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . In addition to amounts appropriated by this Act under the heading "Public Law 480 Title II Grants", there is appropriated, out of funds in the Treasury not otherwise appropriated, $600,000,000 for assistance for emergency relief activities: *Provided*, That the amount appropriated under this section shall remain available through September 30, 2004.

SA 179. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows;

On page 29 line 11 strike the period and insert the following:

: *Provided*,

(a) Whereas, the Commodity Credit Corporation (CCC) is a Government owned and operated entity that was created to stabilize, support, and protect farm income and prices;

(b) Whereas, CCC was incorporated on October 17, 1933, under a Delaware charter. On July 1, 1939, CCC was transferred to the United States Department of Agriculture (USDA). It was reincorporated on July 1, 1948, as a Federal corporation within USDA by the Commodity Credit Corporation Charter Act (62 Stat. 1070; 15 U.S.C. 174);

(c) Whereas, the mission of the CCC has expanded over time:

(1) Pursuant to section 2701 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171), the officer and directors of CCC have a responsibility to use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the conservation reserve program (CRP); the wetlands reserve program (WRP); the conservation security program (CSP); the grassland reserve program (GRP); the environmental quality incentives program (EQIP); and the wildlife habitat incentives program (WHIP), including the provision of technical assistance; and

(2) Pursuant to section 1601 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171) the officers and directors of CCC have a responsibility to use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out Title I of the Act;

(d) Whereas, CCC is managed by a Board of Directors, subject to the general supervision and direction of the Secretary of Agriculture, who is an ex-officio director and chairperson of the Board. The Board consists of seven members, in addition to the Secretary, who are appointed by the President of the United States by and with the advice and consent of the Senate. All members of the Board and Corporation officers are USDA officials;

(e) Whereas, CCC has in the past requested other agencies to assist it in the conduct of its business and reimbursed them for their administrative expenses under the authority granted to it by section 11 of the CCC Charter Act. For example:

(1) CCC's price support, storage, and reserve programs, and its domestic acquisition and disposal activities have been carried out primarily through the personnel and facilities of the Farm Service Agency (FSA).

(2) The Agricultural Marketing Service (AMS) occasionally uses CCC authority to acquire various commodities for domestic and foreign food assistance programs.

(3) Export sales and foreign assistance disposal of CCC-controlled stocks have been administered through the General Sales Manager of the Foreign Agricultural Service (FAS).

(4) The Natural Resources Conservation Service has administered several conservation programs under the auspices of CCC;

(f) Whereas, in 1996 section 11 of the CCC Charter Act was amended to limit reimbursements by CCC to other agencies in the performance of any part or all of the functions of the CCC;

(g) Whereas, section 10 of the CCC Charter Act mandates that the Secretary appoint such officers and employees of the CCC as may be necessary for the conduct of business of the Corporation. Expenditures of the Corporation under this section are not subject to the section 11 cap on reimbursements to other agencies;

(h) The Secretary is directed to exercise her authority under section 10 of the CCC Charter Act and appoint such officers and employees of the CCC as may be necessary for the conduct of business of the Corporation if the Secretary determines that the total amount of funds available under section 11 of the CCC Charter Act are not sufficient to allow other agencies to carry out the functions of the CCC.

SA 180. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1027, strike line 6 and all that follows through page 1032, line 8.

SA 181. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "No funds appropriated under this Act may be used in a manner inconsistent with Executive Orders 12873, 13101, 13123, 13148, 13149, and 13221."

SA 182. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: ": *Provided further*, That an additional $7,866,000 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management of the Department of Agriculture shall be reduced on pro rata basis by $7,866,000".

SA 183. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: ": *Provided further*, That an additional $7,866,000 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Health and Human Services shall be reduced on pro rata basis by $7,866,000".

SA 184. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: ": *Provided further*, That an additional $13,603,766 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management of the Department of Agriculture shall be reduced on pro rata basis by $13,603,766".

SA 185. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations by the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 988, after line 23, insert the following provision:

"The Environmental Protection Agency is directed to submit a report no later that February 15, 2004 on the practices and procedures by which States develop separate emission standards, including standards for nonroad engines or vehicles, as compared to the development by Environmental Protection Agency of national emission standards under the Clean Air Act. This report shall include an assessment of the procedures, practices, standards and requirements used by States as opposed to those used by Environmental Protection Agency, including how States and the Environmental Protection Agency take into account technological feasibility, economic feasibility, impact on the economy, costs, safety, noise and energy factors associated in the development of these standards.".

SA 186. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. 1 . MISSOURI RIVER.

None of the funds made available by this Act may be used by the United States Fish and Wildlife Service—

(1) to require the Corps of Engineers to implement a steady release flow schedule for the Missouri River; or

(2) to prevent the Corps of Engineers from relocating bird nests along the Missouri River.

SA 187. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, line 10, strike "supports or" and "the management of a program of"

On page 347, line 4, after the colon, insert: *Provided further*, That of the funds appropriated under this heading, not less than $35,000,000 shall be made available for the United Nations Populations Fund:

On page 347, line 7, strike "if" and insert in lieu thereof:

unless

On page 347, line 8, strike "no longer supports or"

On page 347, line 9, strike "the management of a program of"

On page 365, line 4, before the period insert the following:

Provided further, That of the funds appropriated under title II of this Act, not less than $435,000,000 shall be made available for family planning/reproductive health"

On page 424, line 13, insert the following new section:

REQUIREMENTS RELATED TO PRIVATE ORGANIZATIONS

SEC. 585. Notwithstanding any other provisions of law, regulation, or policy, in determining eligibility for assistance authorized under part I or the Foreign Assistance Act of 1961, foreign private organizations shall be subject to only those requirements relating to the use of non-United States Government funds for advocacy and lobbying activities that apply to United States private organizations receiving assistance under part I of such Act.

SA 188. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 589, line 17, strike "$8,648,884,000" and insert "$8,848,884,000".

On page 589, line 23, strike "$6,667,533,000" and insert "$6,867,533,000".

SA 189. Mr. INOUYE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . NEW ELECTRIC UTILITY ENTITIES SERVING EXTREMELY HIGH-COST COMMUNITIES.

(a) IN GENERAL.—Section 19 of the Rural Electrification Act of 193 (7 U.S.C. 918a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) ACQUISITION BY CONSUMER-OWNED ENTITIES OF ASSETS OF AN ELECTRIC UTILITY.—A consumer-owned entity that acquires the assets of an electric utility providing electricity to residential customers at a rate exceeding 18 cents per kilowatt hour shall be eligible to receive a grant under subsection (a) for the purposes of—

"(1) paying any transaction, transition, or other organizational costs associated with the acquisition; and

"(2) if the Secretary determines that relocation and refurbishment of any generation asset of the electric utility will enhance efforts to reduce overall electric costs in the community served, paying the costs of relocation and refurbishment.''.

(b) APPLICABILITY OF AMENDMENT.—The amendment made by subsection (a) applies to a consumer-owned entity that acquires the assets of an electric utility on or after the date that is 2 years before the date of enactment of this Act.

SA 190. Mrs. BOXER. (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 203, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SALARIES.

No funds shall be used to pay any federal employee or any employee, member or chairperson of any federal commission, board, committee, or council an annual salary in excess of the annual salary of the President of the United States.

SA 191. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1051, line 7, strike "access." and insert "access; and

"(3) $3,000,000 shall be made available to the oyster industry in the State of Louisiana for economic assistance to the oyster fishery affected by Hurricane Isidore, and Hurricane Lili: *Provided*, That such funds may be used only for (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including oystermen, oyster processors, and related businesses serving the oyster industry; (C) domestic product marketing and seafood promotion; and (D) State seafood testing programs.

SA 192. Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 982, strike lines 21 through 25 and insert the following:

per project; $1,500,000,000, to remain available until expended, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499; 100 Stat. 1613),

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SA 193. Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 260, line 9, before the colon, insert the following: ", and that the Corps of Engineers shall bear full responsibility for correcting any design deficiencies of Waterbury Dam".

SA 194. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 12, strike "$257,886,000" and insert "$317,213,000".

SA 195. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of Division G, insert the following:

SEC. . FULLY FUNDING IDEA.

(a) FULLY FUNDING IDEA.—Notwithstanding any other provision of this Act, the total amount appropriated for fiscal year 2003 (out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003) to carry out part B of the Individuals with Disabilities Education Act, other than section 619 of such Act, shall be the greater of—

(1) $19,204,246,000; or

(2) the amount necessary to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act, other than section 619 of such Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available through September 30, 2004.

(c) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsection (a) shall not result in a further across-the-board rescission under section 601 of Division N.

SA. 196. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of law, with respect to any State that is operating under a waiver described in section 415(a) of the Social Security Act (42 U.S.C. 615(a)) which would otherwise expire on a date that occurs during the period that begins on September 30, 2002 (or in the case of New Hampshire, March 31, 2002), and ends on September 30, 2003, the State may elect to continue to operate under that waiver, on the same terms and conditions as applied to the waiver on the day before such date, through September 30, 2003.

SA. 197. Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. 4 . REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.

Not later than July 1, 2004, the Administrator of the Environmental Protection Agency shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SA. 198. Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. 4 . NEW SOURCE REVIEW PROGRAM.

Not later than February 15, 2003, the Environmental Protection Agency, the Department of Energy, and the Department of Justice shall each satisfy all information requests relating to the new source review program under section 111 and parts C and D of title I of the Clean Air Act (42 U.S.C. 7411, 7470 et seq.) made in 2001 or 2002—

(1) by the Committee on Environment and Public Works, the Committee on the Judiciary, or the Committee on Health, Education, Labor, and Pensions of the Senate, or a member of any of those Committees; or

(2) by the General Accounting Office on behalf of any of those Committees or a member of any of those Committees;

through the provision of copies of the requested documents, analyses, electronic mail, or document logs to the requesting Committee or member or to the General Accounting Office.

SA 199. Mr. DURBIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 257, on line 15, strike "that action." and insert "that action, except that this limitation on attorneys' fees paid by the District of Columbia shall not apply if the plaintiff is a child who is (a) from a family with an annual income of less than $17,600; or (b) from a family where one of the parents or guardians is a disabled veteran; or (c) where the child has been adjudicated as neglected, delinquent, in need of supervision, abused, or is a ward of the District of Columbia; or (d) from a family where one of the parents or guardians is on active duty with the Armed Services of the United States or the National Guard; or (e) from a family for which the primary custodian is over the age of 65; or (f) from a family where one of the parents or guardians is a firefighter or law enforcement officer."

SA 200. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Before the period at the end of the undesignated paragraph under the heading "International Military Education and Training", insert the following: "*Provided further*, That funds made available under this heading for Indonesian military personnel shall be available only for "Expanded International Military Education and Training" assistance, unless the President determines and reports to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are (1) demonstrating a commitment to assist United States efforts to combat international terrorism, including United States interdiction efforts against al-Qaida and other terrorist organizations, and taking effective measures to bring to justice those responsible for the October 13, 2002, terrorist attack on Bali, which killed United States citizens, and (2) taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia group against whom there is credible evidence of involvement in the August 31, 2002, attack, which resulted in the deaths of United States citizens, and in other gross violations of human rights: *Provided further*, That nothing in the preceding proviso prohibits the United States from conducting ongoing contacts and training with the Indonesian Armed Forces, including sales of nonlethal defense articles, counterterrorism training, officer visits, port visits, educational exchanges, or Expanded International Military Educational and Training for military officers and civilians".

SA 201. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 450, line 2 strike "restoration:" and insert the following:

"restoration; and with the funds provided in this title, the Secretary shall release a plan for assisting states, federal agencies and tribes in managing chronic wasting disease in wild and captive cervids within 90 days of enactment of this Act.".

SA 202. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 443, line 3, strike "projects:" and insert the following:

"projects; and of which $500,000 of the funds provided to the National Park Service for resource stewardship activities is for work with the U.S. Geological Survey to refine a chronic wasting disease test for use on live cervids.".

SA 203. Mr. ALLEN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Of the $10 million available for the Challenge Grant Program, not more than $3 million shall be made available for Communities In Schools, Inc.

SA 204. Mr. COCHRAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1032, strike line 21 and all that follows through page 1042, line 7, and insert the following:

TITLE II—AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Assistance Act of 2003".

SEC. 202. DEFINITIONS.

In this title:

(1) COVERED COMMODITY.—The term "covered commodity" has the meaning given the term in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901).

(2) DISASTER COUNTY.—The term "disaster county" means a county included in the geographic area covered by a qualifying natural disaster declaration, excluding a contiguous county.

(3) ELIGIBLE NONINSURABLE COMMODITY.—The term "eligible noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) produced in an area that is eligible for coverage under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term "qualifying natural disaster declaration" means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 203. SUPPLEMENTAL DIRECT PAYMENTS.

(a) IN GENERAL.—The Secretary shall make payments to producers on a farm if—

(1)(A) the farm is located in a disaster county declared during calendar year 2001 or 2002; or

(B) the producers on the farm have incurred qualifying crop losses with respect to the 2001 or 2002 crop of a covered commodity or peanuts due to damaging weather or related condition, as determined by the Secretary using the same loss thresholds for the quantity and quality losses as were used in administering section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–55); and

(2) the producers on the farm are eligible for direct payments for the 2002 crop of a covered commodity or peanuts under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(b) AMOUNT.—The amount of the payment made to the producers on a farm under this section shall be equal to 42 percent of the amount of the direct payment the producers on the farm are eligible to receive for the 2002 crop under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(c) CROP INSURANCE.—As a condition of the receipt of a payment under this section—

(1) in the case of an insurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to obtain at least catastrophic risk protection coverage for each insurable commodity produced on the farm for each of the next 2 crop years for which crop insurance is available under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of an eligible noninsurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for each eligible noninsurable commodity produced on the farm for each of the next 2 crop or calendar years (as applicable) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section.

(d) ADMINISTRATION.—The total amount of payments made to a person under this section for 1 or more covered commodities, and the total amount of payments made to a person under this section for peanuts, shall not exceed the dollar amounts that are specified in paragraphs (1) and (2), respectively, of section 1001(b) of the Food Security Act of 1985 (7 U.S.C. 1308(b)).

(e) TIME FOR PAYMENT.—The Secretary shall make payments under this section as soon as practicable after the date of enactment of this Act.

SEC. 204. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK ASSISTANCE PROGRAM.—Subject to subsection (c), in carrying out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), the Secretary shall—

(1) provide assistance to any applicant that—

(A) conducts a livestock operation that is physically located in a county that requested a declaration as a disaster county during the period beginning on January 1, 2001, and ending on the date of enactment of this Act; and

(B) meets all other eligibility requirements established by the Secretary for the Program;

(2) provide assistance to producers of an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)) that meet all other eligibility requirements established by the Secretary for the Program; and

(3) effective beginning on the date of enactment of this Act, carry out the Program using funds of the Commodity Credit Corporation.

(b) LIVESTOCK LOSS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), the Secretary shall use $250,000,000 of funds of the Commodity Credit

Corporation to establish a program under which payments for livestock losses are made using the criteria established to carry out the 1999 Livestock Assistance Program to producers for losses in a disaster county declared during calendar year 2001 or 2002.

(2) CHOICE OF PAYMENTS.—If the farm of the producers is located in a disaster county declared during each of calendar years 2001 and 2002, the producers on the farm may elect to receive payments under this subsection for losses associated with the qualifying natural disaster declaration in either calendar year 2001 or calendar year 2002, but not both.

(c) RELATIONSHIP OF LIVESTOCK ASSISTANCE PROGRAMS.—

(1) DEFINITION OF LIVESTOCK ASSISTANCE PROGRAM.—In this subsection, the term "livestock assistance program" means—

(A) the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260);

(B) the 2002 Livestock Compensation Program, as announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070) and modified in accordance with subsection (a); and

(C) the livestock loss assistance program established under subsection (b).

(2) PAYMENTS.—The amount of assistance that the producers on a farm would otherwise receive for a loss under a livestock assistance program shall be reduced by the amount of the assistance that the producers on the farm receive under any other livestock assistance program.

SEC. 205. EMERGENCY SURPLUS REMOVAL.

The Secretary shall transfer $250,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out emergency surplus removal of agricultural commodities.

SEC. 206. SPECIALTY CROPS.

The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers directly or through grants to States, or take such other action as the Secretary determines is appropriate, to assist producers of fruits and vegetables (including nuts).

SEC. 207. TOBACCO PAYMENTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PERSON.—The term "eligible person" means a person that—

(A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2002 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2002 crop year, taking into account temporary transfers.

(2) ELIGIBLE TOBACCO.—The term "eligible tobacco" means each of the following kinds of tobacco:

(A) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(B) Fire-cured tobacco, comprising types 21, 22, and 23.

(C) Dark air-cured tobacco, comprising types 35 and 36.

(D) Virginia sun-cured tobacco, comprising type 37.

(E) Burley tobacco, comprising type 31.

(F) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(b) PAYMENTS.—Not later than June 1, 2003, the Secretary shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) POUNDAGE PAYMENT QUANTITIES.—

(1) IN GENERAL.—

(A) FLUE-CURED AND CIGAR TOBACCO.—In the case of Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the poundage payment quantity under this section shall equal the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(B) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of each other kind of eligible tobacco, the poundage payment quantity under this section shall equal—

(i) in the case of eligible persons that are owners described in subsection (a)(1)(A), the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; and

(ii) in the case of eligible persons that are controllers described in subsection (a)(1)(B) or growers described in subsection (a)(1)(C), the number of pounds of effective poundage quota of the kind of tobacco, including temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(2) CONVERSION OF INDIVIDUAL ALLOTMENTS TO POUNDAGE PAYMENT QUANTITIES.—In the case of each kind of eligible tobacco other than Flue-cured tobacco (types 11, 12, 13, and 14) and Burley tobacco (type 31), individual allotments shall be converted to poundage payment quantities by multiplying—

(A) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; by

(B)(i) in the case of fire-cured tobacco (type 21), 1,746 pounds per acre;

(ii) in the case of fire-cured tobacco (types 22 and 23), 2,676 pounds per acre;

(iii) in the case of dark air-cured tobacco (types 35 and 36), 2,475 pounds per acre;

(iv) in the case of Virginia sun-cured tobacco (type 37), 1,502 pounds per acre; and

(v) in the case of cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), 2,230 pounds per acre.

(d) AVAILABLE PAYMENT AMOUNTS.—The available payment amount for each kind of eligible tobacco under subsection (b) shall not exceed the amount obtained by multiplying—

(1) 5.55 cents per pound; and

(2) the national basic poundage quota for the applicable kind.

(e) DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.—

(1) IN GENERAL.—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this paragraph, as determined by the Secretary.

(2) FLUE-CURED AND CIGAR TOBACCO.—In the case of payments made available in a State under subsection (b) for Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the Secretary shall distribute (as determined by the Secretary)—

(A) 50 percent of the payments to eligible persons that are owners described in subsection (a)(1)(A); and

(B) 50 percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(3) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of payments made available in a State under subsection (b) for each other kind of eligible tobacco not covered by paragraph (2), the Secretary shall distribute (as determined by the Secretary)—

(A) 33⅓ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);

(B) 33⅓ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and

(C) 33⅓ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(f) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224).

(g) JUDICIAL REVIEW.—A determination by the Secretary under this section shall not be subject to judicial review.

SEC. 208. COTTONSEED.

The Secretary shall use $50,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 209. HURRICANE ASSISTANCE.

(a) IN GENERAL.—In a State in a which a qualifying natural disaster declaration has been made during a calendar year, the Secretary shall make available to first processors that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) assistance in the form of payments, or commodities in the inventory of the Commodity Credit Corporation from carrying out that section, to partially compensate producers and first processors for crop and other losses that are related to the qualifying natural disaster declaration.

(b) ADMINISTRATION.—Assistance under this section shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers; and

(2) made available under such terms and conditions as the Secretary determines are necessary to carry out this section.

(c) QUANTITY.—To carry out this section, the Secretary shall—

(1) use 200,000 tons of commodities in the inventory of the Commodity Credit Corporation under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make payments in an aggregate amount equal to the market value of 200,000 tons of commodities described in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or payments with a total market value of 200,000 tons of commodities described in paragraph (1).

(d) LIMITATIONS.—The Secretary shall provide assistance under this section only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a qualifying natural disaster declaration was made during calendar year 2002.

SEC. 210. WEATHER-RELATED LOSSES.

The Secretary shall use not more than $80,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2002 crop year, as determined by the Secretary.

SEC. 211. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED ALONG RIO GRANDE FOR WATER LOSSES.

(a) IN GENERAL.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219; TS 994).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of economic losses described in subsection (a) that were incurred by the producers.

SEC. 212. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED IN NEW MEXICO FOR TEBUTHIURON APPLICATION LOSSES.

(a) IN GENERAL.—The Secretary shall use not more than $1,650,000 of funds of the Commodity Credit Corporation to reimburse agricultural producers on farms located in the vicinity of Malaga, New Mexico, for losses incurred during calendar years 2002 and 2003 as the result of the application by the Federal Government of tebuthiuron on land on or near the farms of the producers during August 2002, to remain available until expended.

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of losses described in subsection (a) that were incurred by the producers.

SEC. 213. ADMINISTRATION.

Section 1232(a)(7)(A)(iii) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)(iii)) is amended by inserting before the semicolon the following: ", except that this clause shall not apply during the 2002 calendar year".

SEC. 214. SENSE OF SENATE ON ASSISTANCE FOR PORK PRODUCERS UNDER THE FEED ASSISTANCE PROGRAMS.

It is the sense of the Senate that—

(1) weather-related disasters have caused economic distress for United States pork producers in the form of higher feed costs;

(2) feed assistance programs administered by the Secretary (such as the Livestock Assistance Program established under part 1439 of title 7, Code of Federal Regulations, and the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260)), have been very effective in—

(A) assisting cow-calf producers that have been negatively affected by weather-related disasters; and

(B) reducing Commodity Credit Corporation-owned stocks of powdered nonfat dry milk; and

(3) the Secretary, using authorities of the Commodity Credit Corporation, should expand feed assistance programs admininstered by the Secretary to include United States pork producers that are negatively affected by weather-related disasters.

SEC. 215. FUNDING.

(a) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

(b) ADMINISTRATION.—The Secretary, acting through the Farm Service Agency, may use not more than $70,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of this title and title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), to remain available until expended.

SEC. 216. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 205. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . PRICE SUPPORT ADJUSTMENTS.

(a) CARRY FORWARD ADJUSTMENT.—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(1) by striking ": *Provided*, That" and inserting ", except that (1)"; and

(2) by inserting before the period at the end the following: ", (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year".

(b) SPECIAL REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 206. Mr. VOINOVICH (for himself, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, between lines 12 and 13, insert the following:

SEC. 5 . EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES.

Section 503 of the Energy and Water Resources Development Approptiations Act, 2002 (115 Stat. 512), is amended by striking "2002 and 2003" and inserting "2002 through 2005".

SA 207. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 547, between lines 4 and 5, insert the following:

TITLE —OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX

SEC. 01. SHORT TITLE.

This title may be cited as the "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act".

SEC. 02. DEFINITIONS.

In this title:

(1) INTERNATIONAL REFUGE.—The term "International Refuge" means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term "Refuge Complex" means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled "The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex" and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term "western basin" means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term 'western basin' includes the Bass Island archipelago in the State of Ohio.

SEC. 03. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act" and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate—

(1) to facilitate the acquisition of property within the Refuge Complex; or

(2) to carry out this title.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) CONSENT.—No land, water, or interest in land or water described in paragraph (1) may be acquired by the Secretary without the consent of the owner of the land, water, or interest.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this title.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as "Port Authority Facility Number Three" and "Grassy Island", respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. 04. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 03(a)(1).

SEC. 05. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this title.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this title.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled "Great Lakes Strategy 2002—A Plan for the New Millennium", developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure, to the maximum extent practicable, that hunting, trapping, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this title, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

(e) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Ohio to use authority under the recreational trails program under section 206 of title 23, United States Code, to provide funding for acquisition and development of trails within the boundaries of the Refuge Complex.

SEC. 06. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section 03(c);

(2) to carry out the study under section 03(e); and

(3) to develop, operate, and maintain the Refuge Complex.

SA 208. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . BANDON CRANBERRY WATER CONTROL DISTRICT.

"(a) Of the funds made available to the United States Department of Agriculture for the Rural Community Advancement Program, $250,000 shall be made available from the Rural Community Facilities Grant Program for grants to the Bandon Cranberry Water Control District in Coos County, Oregon, to help meet certain debt obligations for existing water supply projects.

"(b) The Department is further directed to work with the Bandon Cranberry Water Control District to restructure its remaining debt on water supply projects, in light of the significant reduction in commodity prices experienced by the cranberry growers in recent years."

SA 209. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . BANDON CRANBERRY WATER CONTROL DISTRICT.

"(a) Of the funds made available to the United States Department of Agriculture for the Rural Community Advancement Program, $250,000 shall be made available from the Rural Community Facilities Grant Program for grants to the Bandon Cranberry Water Control District in Coos County, Oregon, to help meet certain debt obligations for existing water supply projects."

SA 210. Mr. NICKLES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 578 strike lines 15 through 19.

SA 211. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 772, beginning with line 24, strike through line 2 on page 773.

SA 212. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 745, beginning with "account; to be available" in line 24, strike through line 12 on page 749, and insert "account.".

SA 213. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, beginning with "the following" in line 10, strike through line 2 on page 735, and insert, "sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note).".

SA 214. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 262, beginning with "That" in line 2, strike through "State," in line 24, and insert "That the Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River except that the funds shall not become available until completion of the feasibility study required by Public Law 105–245, for the continuation of which the Secretary may use $500,000 of such funding, and except that the funds for such construction shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects: *Provided further*, That the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission,".

SA 215. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1052, line 5, strike "1.6 percent" and insert: "0.5 percent".

SA 216. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, line 9, insert the following:

"SEC. 136. At the end of Pub. L. No. 92–203, as amended, insert the following new section:

"Notwithstanding any other provision of law, section 4(5) of Pub. L. 100–497 shall include those entities defined in section 3(g) of Pub. L. 92–203, and 25 U.S.C. sections 465 and 467 shall be applicable to such entities to carry out, within the continental United States, the purposes of Pub. L. 100–497. For the sole purpose of carrying out the activities permitted by Pub. L. 100–497, those entities shall be deemed to be on the list provided for in Pub. L. 103–454 and in carrying out these activities shall have the same powers, authority, status and immunities as if included on that list. The applicable Secretary, utilizing the authority provided in section 22(f) of Pub. L. 92–203 or 1302(h) of Pub. L. 96-487 may in his or her discretion enter into a land exchange pursuant thereto. An entity defined in section 3(g) of Pub. L. 92–203 may apply, for a period of ten years from the date of enactment of this section, to the Secretary of the Interior to have title to any lands that have been or may be acquired by the entity pursuant to section 22(f) of Pub. L. 92-203, section 1302(h) of Pub. L. 96–487, or subsections 12(b)(6) or 12(b)(7) of Pub. L. 94–204, as amended, placed in the status described in 25 U.S.C. sections 465 and 467 to carry out the purposes of Pub. L. 100–497, and the Secretary shall accept title to such lands and place them into such status forthwith, and such lands shall be deemed to have been in such status prior to October 17, 1988.'"

SA 217. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . Funding for the Individuals with Disabilities Education Act. In addition to any amounts otherwise appropriated under this Act for support of Part B of the Individuals with Disabilities Education Act, the following sum is appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $1,500,000,000, which shall become available on October 1, 2003, and shall remain available through September 30, 2004, academic year 2003–2004.

SA 218. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC 7(c) OF PL 106-143 IS AMENDED BY STRIKING "2001", AND INSERTING 2004.

SA 219. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

(a) COST SHARING.—Public Law 99–558 (100 Stat. 3144) is amended by striking section 2 and inserting the following:

"SEC. 2. COST SHARING.

"Up to 25 percent of the total cost of establishing the memorial may be derived from Federal sources.".

(b) REPEAL OF DUPLICATIVE ENACTMENTS.—

(1) Section 118 of Public Law 99–500 (100 Stat. 1783–266) is repealed.

(2) Title VIII of Public Law 99–590 (100 Stat. 3339) is repealed.

(3) Section 118 of Public Law 99–591 (100 Stat. 3341–266) is repealed.

SA 220. Mrs. BOXER (for herself, Mr. ENSIGN, and Mr. SPECTER) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3 p.m. and 8 p.m.—after school is out and before parents arrive home.

(3) Studies show that organized extracurricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that every effort should be made to—

(1) accommodate the waiting lists of children needing access to after-school programs; and

(2) fund after-school programs at the level authorized in the Leave No Child Behind Act.

SA 221. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. . SCOPE OF FEDERAL JURISDICTION OVER WATERS OF THE UNITED STATES

None of the funds made available under this Act shall be used—

(1) to promulgate or implement any regulation relating to the scope of Federal jurisdiction under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) over waters of the United States (including the proposed rulemaking described in the notion issued on January 15, 2003 (68 Fed. Reg. 1991 (January 15, 2003)) or any similar regulation); or

(2) to implement as a policy of the Federal Government the holding in Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, 531 U.S. 159 (2001), relating to the scope of Federal jurisdiction conferred by Congress under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), so as to apply the holding of that case to any factual situation other than the precise facts in that case.

SA 222. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. . FEDERAL JURISDICTION OVER WATERS OF THE UNITED STATES.

"No funds made available by this Act shall be used by the Administration of the Environmental Protection Agency or the Secretary of the Army Corps of Engineers to exempt any bodies of water that are currently covered by the Clean Water Act from the Clean Water Act."

SA 223. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . CALIFORNIA OFFSHORE OIL LEASES.

"No funds made available by this act shall be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in southern California planning area of the outer Continental Shelf during any period in which the leases are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases."

SA 224. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, after line 13, insert the following new section, with the section renumbered as appropriate:

"**Sec.** 423. Section 214 of the Housing and Community Development Act of 1980 (42. U.S.C. 1436a) is Amended by:

(1) in subsection (a)(6), by striking out "or" at the end;

(2) by renumbering paragraph (7) as (8) in subsection (a);

(3) by adding after paragraph (6) in subsection (a), the following new paragraph: "(7) a qualified alien described in 8 U.S.C. 1641, or";

(4) in subsection (c)(1)(A), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)"; and

(5) in subsection (c)(2)(A), by inserting "(other than a qualified alien as described in 8 U.S.C. 1641(c))" after "any alien"."

SA 225. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, line 19, strike "projects:" and insert "projects; and of which $55,000,000 shall be available for the Southeast Louisiana project:".

SA 226. Mr. KOHL submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 7, strike "$682,814,000" and insert "$678,814,000".

On page 35, line 12 strike "$86,762,000" and insert "$82,762,000".

On page 43, line 7, strike "$35,000,000" and insert "$34,000,000".

On page 43, line 18, strike "$47,498,000" and insert "$46,498,000".

In Division A, at the appropriate place, insert the following new section:

SEC. . There is hereby appropriated $6,000,000 for grants made available in accordance with section 7412 of Public Law 107–171."

SA 227. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On Page 41, line 20, strike "$55,956,000" and insert "53,956,000".

On Page 42, line 14, strike "$730,000,000" and insert "722,000,000".

In Division A, at the appropriate place, insert the following new section:

SEC. . There is hereby appropriated an amount sufficient for expansion of the program described in section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to include an additional twenty states; *Provided*, That these funds should be used to include states with the lowest program participation rates averaged over the three previous years.

SA 228. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 17 through 20.

SA 229. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 24, strike "$133,155,000" and insert "$118,155,000".

SA 230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, beginning with "$346,437,000," in line 24, strike through line 6 on page 264 and insert "$331,687,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, using $250,000 of the funds provided herein, is directed to continue environmental review and project plans for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi.".

SA 231. Mr. GRAHAM of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) The letter to State Medicaid Directors dated December 20, 2002, from Dennis G. Smith, Director, Center for Medicaid and State Operations of the Centers for Medicare & Medicaid Services (relating to placing limits on coverage of emergency services under the medicaid program under title XIX of the Social Security Act), shall have no force or effect and State medicaid programs shall be administered without regard to such letter.

(b) None of the funds appropriated or made available in this Act may be used for payments for medicaid expenditures directly or indirectly related to capitation payments (or other forms of premium or risk payments) to a managed care entity (including a primary care case manager) that does not pay for use of emergency services by a medicaid beneficiary enrolled with the entity that meet the prudent layperson standard under 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u–2(b)(2)).

SA 232. Mr. GRAHAM of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) The letter to State Medicaid Directors dated December 20, 2002, from Dennis G. Smith, Director, Center for Medicaid and State Operations of the Centers for Medicare & Medicaid Services (relating to placing limits on coverage of emergency services under the medicaid program under title XIX of the Social Security Act), shall have no force or effect and State medicaid programs shall be administered without regard to such letter.

(b) None of the funds appropriated or made available in this Act may be used for payments for medicaid expenditures directly or indirectly related to capitation payments (or other forms of premium or risk payments) to a managed care entity (including a primary care case manager) that does not pay for use of emergency services by a medicaid beneficiary enrolled with the entity that meet the prudent layperson standard under 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u–2(b)(2)).

(c) None of the funds appropriated or made available in this Act may be used to approve medicaid plan amendments, waivers, or waiver amendments that restrict payment on behalf of a medicaid beneficiary enrolled with a managed care entity (including a primary care case manager) for use of emergency services that meet the prudent layperson standard under section 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u–2(b)(2)).

SA 233. Mr. CORZINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, between lines 23 and 24, insert the following:

SEC. 110. None of the funds appropriated by this Act may be used to remove, deport, or detain an alien spouse or child of an individual who died as a result of a September 11, 2001, terrorist attack, unless the alien spouse or child is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)) (including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States); or

(2) a member of the family of a person described in paragraph (1).

SA 234. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

SEC. 111. (a) In addition to amounts appropriated in Public Law 107–248, funds are hereby appropriated for the National Commission To Fight Terrorist Attacks Upon the United States for fiscal year 2003 in the total amount of $3,000,000.

(b) The total amount appropriated under the heading "Departmental offices, salaries, and expenses" in title I of division J of this Act is hereby reduced by $3,000,000.

SA 235. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

SEC. 111. (a) In addition to amounts appropriated in Public Law 107–248, funds are hereby appropriated for the National Commission To Fight Terrorist Attacks Upon the United States for fiscal year 2003 in the total amount of $300,000,000.

SA 236. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . SENSE OF THE SENATE CONCERNING CERTAIN FUNDS FOR TECHNICAL ASSISTANCE FOR MANDATORY CONSERVATION PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) conservation technical assistance provided through the Department of Agriculture is essential to help the farmers, ranchers, and landowners of the United States to implement and maintain critical conservation practices;

(2) Congress provided a historic increase in mandatory funding for voluntary conservation efforts in the Farm Security and Rural Investment Act of 2002 (Public Law 107–171);

(3) in that Act, Congress provided mandatory funding sufficient to cover all conservation technical assistance needed to carry out conservation programs;

(4) under that Act, conservation technical assistance is provided to carry out conservation programs;

(5) the General Accounting Office has determined that, under the Farm Security and Rural Investment Act of 2002, funding for conservation technical assistance—

(A) is provided directly for conservation programs; and

(B) is not subject to the limitation specified in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(6) the General Accounting Office has determined that funds in the Conservation Operations account cannot be used to fund conservation technical assistance for conservation programs under the Farm Security and Rural Investment Act of 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should provide full funding for conservation technical assistance in order to implement conservation programs under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.); and

(2) the President should not use funds from the Conservation Operations account to provide conservation technical assistance for carrying out conservation programs directly funded by that title.

SA 237. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 596, between lines 2 and 3, insert the following:

ELECTION REFORM GRANT PROGRAM

Notwithstanding title I of division B, the appropriation under such title of $50,000,000 to the Office of Justice Programs of the Department of Justice for an election reform grant program is rescinded, the proviso relating to such appropriation shall have no effect, and there is appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Health and Human Services for the expenses authorized by part 2 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107–252; 116 Stat. 1698), relating to payments to States and units of local government to assure access for individuals with disabilities, $50,000,000, to remain available until expended.

SA 238. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 111, line 25, strike ": *Provided*, That" and all that follows before the period on page 112, line 4.

SA 239. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1032, strike lines 18 through 20, and insert the following:

carry out the provisions of the Help America Vote Act of 2002 (Public Law 107–252; 116 Stat. 1666), to remain available until expended.

SA 240. Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CLARIFICATION OF CERTAIN PATENT PROVISIONS TO RAILROAD CARS.

Section 272 of title 35, United States Code, is amended by adding after the period the following: "This section shall apply to any vehicle that is a railroad car entering and leaving the United States on a regular basis.".

SA 241. Mr. CHAFEE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of Division G, add the following:

SEC. . HIGHER EDUCATION FUNDING.

Notwithstanding any other provision of this Act, of the amounts appropriated under this Act for programs or activities under title III of Division G that are in excess of $54,195,685,000 that are available for distribution to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965—

(1) $1,350,000,000 shall be available to the Secretary of Education to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (Federal Pell Grants); and

(2) $150,000,000 shall be available to the Secretary of Education for programs under the Higher Education Act of 1965, other than programs under subpart 1 of part A of title IV of such Act.

SA 242. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J.Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"The Secretary of the Army, acting through the Chief of Engineers, is directed to provide $2,900,000 of the funds provided therein for the continuation of the shore protection project in Dare County (Bodie Island), North Carolina, as authorized by Section 101 (24) of the Water Resources Development Act of 2000."

SA 243. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . RURAL HOUSING SERVICE.

Title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading "RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)" under the heading "RURAL HOUSING SERVICE" (114 Stat. 1549, 1549A–19) by inserting before the period at the end the following: ": *Provided further*, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)".

SA 244. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BLUE RIDGE NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (b).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of North Carolina.

(b) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(c) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(d) MANAGEMENT ENTITY.—

(1) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i)(1), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(2) BOARD OF DIRECTORS.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(A) 2 members shall be appointed by AdvantageWest;

(B) 2 members shall be appointed by HandMade In America, Inc.;

(C) 1 member shall be appointed by the Education and Research Consortium of Western North Carolina;

(D) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(E) 3 members shall—

(i) be appointed by the Governor of the State;

(ii) reside in geographically diverse regions of the Heritage Area;

(iii) be a representative of State or local governments or the private sector; and

(iv) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i)(1) shall be used to implement any amendment proposed by the management entity under subparagraph (A)(ii) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i)(1) to—

(A) make loans and grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) Duties.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)(1)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) Prohibition on the acquisition of real property.—The management entity shall not use Federal funds received under subsection (i)(1) to acquire real property or an interest in real property.

(g) Technical and Financial Assistance.—

(1) In general.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) Priority for assistance.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) Land Use Regulation.—

(1) In general.—Nothing in this Act—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) Private property.—Nothing in this Act—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) Non-federal share.—The non-Federal share of the cost of any activities carried out using Federal funds made available under paragraph (1) shall be not less than 50 percent.

(j) Termination of authority.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SA 245. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On Page 1027, strike Title II of Division M in its entirety and insert the following:

TITLE II—PRICE-ANDERSON ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Price-Anderson Amendments Act of 2002".

SEC. 202. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) Indemnification of Nuclear Regulatory Commission Licensees.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "August 1, 2002" each place it appears and inserting "August 1, 2017".

(b) Indemnification of Department of Energy Contractors.—Section 170d. (1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "December 31, 2004" and inserting "August 1, 2017".

(c) Indemnification of Nonprofit Educational Institutions.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2017".

(d) Effective Date.—The indemnification authority extended by this section shall apply to nuclear incidents occurring on or after August 1, 2002.

SEC. 203. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking "$63,000,000" and inserting "$94,000,000"; and

(B) by striking "$10,000,000 in any 1 year" and inserting "$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t."; and

(2) in subsection t.(1)—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "July 1, 2002"; and

(C) by striking "such date of enactment" and inserting "July 1, 2002".

SEC. 204. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) Indemnification of Department of Energy Contractors.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) Contract Amendments.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

"(c) Liability Limit.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 205. INCIDENTS OUTSIDE THE UNITED STATES.

(a) Amount of Indemnification.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) Liability Limit.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 206. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2013".

SEC. 207. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 208. TREATMENT OF MODULAR REACTORS.

Section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 209. APPLICABILITY.

The amendments made by sections 203, 204, and 205 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

SEC. 210. CIVIL PENALTIES.

(a) Repeal of Automatic Remission.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) Limitation for Not-for-Profit Institutions.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d. (1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.".

(c) Effective Date.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

FILING OF MOTION

Ms. STABENOW. Mr. President, I move that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the joint resolution H.J. Res. 2 be instructed to insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division L relating to Homeland Security Act of 2002 Amendments, as passed by the Senate, (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296)).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's proposed FY 2004 budget.

The Committee will hear testimony from the following:

1. The Department of the Interior on Tuesday, February 11, 2003, beginning at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

2. The Forest Service on Thursday, February 13, 2003, beginning at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

3. The Department of Energy on Tuesday, February 25, 2003, beginning at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

For further information on these hearings, please call Jennifer Owen, Staff Assistant at (202) 224–5305.

PRIVILEGE OF THE FLOOR

Mr. EDWARDS. Mr. President, I ask unanimous consent the privilege of the floor be granted to Erica Burens of my staff during today's business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JANUARY 22, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., on Wednesday, January 22. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.J. Res. 2, the appropriations bill, as under the previous order.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF TOM RIDGE

Mr. McCONNELL. As in executive session, I ask unanimous consent that the agreement with respect to the Ridge nomination be modified so that the time allocated to Senator Feinstein be given to Senator Nelson of Nebraska. I further ask unanimous consent that given the statement of the Senator from Delaware this evening, the time allocated to Senator Carper be vitiated.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of Senators, there will be two votes beginning at 9:30 tomorrow morning. Following those votes, the Senate will begin consideration of the nomination of Tom Ridge. A vote is expected on that nomination prior to the policy luncheons on Wednesday. It is the intention of the majority leader to recess for those luncheons following the vote on the Ridge nomination. Senators can expect additional votes tomorrow afternoon and into the evening as the Senate continues to consider amendments to the appropriations bill.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, January 22, 2003, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate January 21, 2003:

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL P. HUDSON, 1787

DEPARTMENT OF DEFENSE

LAWRENCE MOHR, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2003, VICE JOHN E. CONNOLLY, TERM EXPIRED.

LAWRENCE MOHR, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2009. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

JANET HALE, OF VIRGINIA, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

THE JUDICIARY

JUDITH NAN MACALUSO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–114, APPROVED JANUARY 8, 2002

JOSEPH MICHAEL FRANCIS RYAN III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–114, APPROVED JANUARY 8, 2002.

JERRY STEWART BYRD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–114, APPROVED JANUARY 8, 2002.

DEPARTMENT OF EDUCATION

KAREN JOHNSON, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE REBECCA O. CAMPOVERDE.

RAILROAD RETIREMENT BOARD

MICHAEL SCHWARTZ, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2007, VICE CHERRYL T. THOMAS, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALBERT T. CHURCH III, 9703

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARGARET C. GRAM, 9545

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES V. ENGLISH, 4471

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES C. BALSERAK, 7592
JAMES H. BARTLETT, 5029
MICHAEL S. BRONSTEIN, 5942
GLENN R. MARKENSON, 1330
REID T. MULLER, 3525
MARTIN E. SELLBERG, 3709

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TIMOTHY H. LEWIS, 4264

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

HOWARD S. LOLLER, 3925

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 628, AND 3064:

To be colonel

JOHN F. NEPTUNE, 0313

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHARLES E. SWALLOW, 9418

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

WAYNE C. HOLLENBAUGH, 5991

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOSEPH T. HUGHES, 0646

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

GREGORY T. BRAMBLETT, 8589

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ALLEN C. WHITFORD, 7113

DEPARTMENT OF DEFENSE

SHARON FALKENHEIMER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2007, VICE LONNIE R. BRISTOW, TERM EXPIRED.

SENATE—*Wednesday, January 22, 2003*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. We will be led in prayer this morning by our guest Chaplain, Rabbi Arnold Resnicoff, retired Captain of the Chaplain Corps of the U.S. Navy.

PRAYER

The guest Chaplain offered the following prayer:

O God, who made a world of change, You challenged us to change the world. You gave us dreams of better times and the power to pursue those dreams, to do our part to make a difference and help those dreams come true.

Earlier this week we set aside a day to recall that there are those who seek to kill the dreamers, and thereby kill the dreams. But we will remember dreamers, those who had a dream, and through our work—through the courage and determination of Americans of all faiths and colors—we will embrace the dreams that make our Nation strong, that make us a force for hope and freedom throughout the world.

Almighty God, at a time when others say around the world that all is hopeless, that things will never change, we roll up our sleeves as this session now begins and remind ourselves that how we act does matter and what we do does count. Through our leaders here, through Americans from sea to shining sea—and of course, through those in our Nation's Armed Forces whose faith and courage must sustain them in harm's way—we will keep the dreams alive, to build a land where liberty will be proclaimed, where justice rolls like mighty waters, where all shall live in freedom—and, one day, where none shall be afraid. And may we say, Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, this morning, after 10 minutes for debate, the Senate will vote in relation to the Inhofe amendment regarding clean air, to be followed by a vote in relation to the Edwards amendment. Following those votes, the Senate will proceed to executive session for the consideration of the nomination of Tom Ridge to be Secretary of Homeland Security. We have a consent agreement which provides for a limited period of debate, and therefore I expect a vote on the confirmation prior to the policy luncheons. I expect the Senate to recess for the policy luncheons following the vote on the Ridge nomination.

Additional amendments are pending to the appropriations measure, and therefore rollcall votes will occur throughout the afternoon and into the evening.

I remind my colleagues that late nights are anticipated as we continue to make progress on the bill.

As of last night, 245 amendments were filed. As I look through page after page of these amendments, I think all of us expected much fewer than that. I encourage my colleagues, as I look through page after page of amendments, to come together and ask that most or many of these amendments not be called up, that we can work them out in other ways. I also ask my colleagues to recognize that we do need to finish this appropriations bill in short order and go forward as we look at issues such as funding first responders and funding election reform which we have already passed.

Our goal, I think on both sides of the aisle, is to finish this bill as soon as possible, allowing time for debate and consideration of the appropriate amendments on this bill. Our goal is to finish this week. We will continue to work in good faith, working across the aisle, addressing each of the issues that are important to these appropriations bills. We worked yesterday and made great progress. We made great progress last night, into the early evening, and have been working on the amendments over the course of the last 18 hours since we have had the amendments. That goal of finishing this week is real and one that we should work towards accomplishing.

If we do finish this bill Thursday night, I expect we would not have rollcall votes on Friday or Monday. If we cannot finish it by tomorrow night—again, I recognize that is ambitious, but if we focus on completion of the bill, we can accomplish that—we will have rollcall votes through Friday and we will have rollcall votes until we finish it, including Monday and into next week.

Again, working together, looking at these amendments, having a number of them not called up and recognizing we can address these issues in other ways as we go forward, I hope we get these to a manageable number.

Mr. REID. If the majority leader will yield, this morning, on the Ridge speeches, people who have designated time should be here or they will lose their time because the time will run. It is my understanding that the majority may not use all their time so I suggest to those on this side of the aisle they should be here; otherwise, they will lose their time.

Mr. FRIST. Mr. President, I add to that, we decided not to do the Ridge nomination out of consideration for a number of people who wanted to speak who either were not back last night or prepared to go forward. We reached an agreement yesterday we would give time to people who requested it. We did that by unanimous consent and it is set up for this morning. I ask anyone on that list to come down and we will respectfully give them that time. We need to finish this vote this morning. We would like to have a vote this morning or shortly after noon.

Mr. STEVENS. Will the majority leader yield for a brief statement?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I address the majority leader. We have gone over the amendments. Quite a few of them are technical in nature and legislative in nature. We have members of our staff in the appropriations room downstairs, room 128, prepared to discuss any amendment that a Member wishes to try to work out with the committee and have it adopted without votes. I believe there are quite a few in that category we could accept. All of the amendments are being checked with the committees of legislative jurisdiction where they are legislative in nature and they do not affect the bill from a financial point of view.

I hope Members would tell us if they sincerely wish to press their amendments. There are a great many that are very redundant. We will have to choose as to which amendment the individual Senator wishes to bring forward. If we are to finish this bill and be able to get it to the House for conference, when the House comes back, this means a lot of long hours.

I say at the outset, there are 129 amendments that our committee would oppose. If a Member wishes to know which we will oppose, we are happy to tell them. I urge the majority and minority to help us by determining the amendments that Members absolutely insist they will raise so we can get a schedule and start working our way through these amendments. It will take the cooperation of every Member.

Keep in mind, these are bills that should have been passed last year.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Amendments should not be the vehicle for legislation that would arise in this 2-year period of the new Congress. I hope everyone will join in tabling amendments that are legislative in nature, that should be raised later in the session. To hold up this bill at this time is very unfair to the thousands of people out there waiting to know whether they will have funding at the level of 2003, as intended by the President and by the Congress, instead of continuing at the level of the 2002 appropriations which, after all, were devised in the late part of 2001. We are dealing with people who have been waiting for 2 years now to have different types of funding.

I hope we can get this bill done this week. I hope we have that will to get it done.

Mr. FRIST. Mr. President, let me continue through the Chair to encourage the managers to work very aggressively on both sides of the aisle to complete this bill.

What I just heard from the bill managers, we need participation of everyone pulling together to give some focus to the 245 amendments in order to complete this bill. This is unfinished business from the last Congress. As my colleagues know, we are supposed to be on recess right now, a scheduled recess for this week. We have called everyone back on the floor of the Senate, all 100 U.S. Senators, and asked them to cancel their plans from overseas travel, meeting with leaders around the world, to meeting with constituents at home, for the sole purpose of completing this bill and addressing these very important issues.

Again, I am optimistic we can finish this week, I am confident we can, but only if we have the participation of everyone, recognizing the importance of this bill and the appeal that the managers are making that we all work together to get these amendments condensed to a manageable number, and their willingness to work with us, again, essentially around the clock, on time that was supposed to be a recess, to complete this important bill.

Mr. REID. Mr. Leader, if I could, the manager of the bill, the President pro tempore of the Senate, has done outstanding work last night and was able to get rid of 116 amendments. If we give him a few more hours, maybe he can do better than that. I have great faith in the Senator from Alaska and the Senator from West Virginia.

I would say—and this is not the time for debate—people contend we did not do the work of last year, and we should have, we acknowledge that, but it was not the fault of the Senate. It was the fault of the House.

We are going, as I told the leader yesterday, to do everything we can to move this bill as quickly as we can. I think it would be in the best interests of everyone if we did move it.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of H.J. Res. 2, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Pending:

Edwards amendment No. 67, to require a study of the final rule relating to prevention of significant deterioration and nonattainment new source review to determine the effects of the final rule on air pollution and human health.

Dodd amendment No. 71, to provide additional funding for part B of the Individuals with Disabilities Education Act.

Gregg amendment No. 78, to provide additional funding for special education programs.

Dayton amendment No. 80, to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security.

Inhofe amendment No. 86 (to amendment No. 67) to provide for a study by the National Academy of Sciences.

Reed amendment No. 40, to expand the Temporary Extended Unemployment Compensation Act of 2002.

Nelson (Fl.) amendment No. 97, to make additional appropriations for emergency relief activities.

AMENDMENT NO. 86, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 86, with 10 minutes for debate to be equally divided between the Senator from Oklahoma and the Senator from North Carolina.

Under the previous order, that amendment is modified to become a first-degree amendment.

The amendment, as modified, is as follows:

At the appropriate place, insert:

" . (a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

(b) DEADLINE.—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me acknowledge this is a little different than it was yesterday. Yesterday, it was a second-degree amendment. To accommodate both sides, we will have two first-degree amendments that we will consider today.

Our leader talked about the unfinished business from last year. This first amendment falls into that category. It actually was unfinished business from the Clinton administration. I have a letter from Bob Perciasepe, the clean air man, director for the Clinton administration, saying at the last minute they were unable to get this completed. What we are trying to do now is to complete this effort.

With that, I reserve the remainder of my time so we can hear from the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, first, I yield a minute and a half to my friend from Vermont, who has worked so hard on this issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I urge my colleagues to vote against the Inhofe amendment and for the Edwards amendment. The Inhofe amendment might appear to be a step in the right direction. It demonstrates our legitimate concern that these NSR changes are bad for the environment, bad for public health. It shows that these impacts deserve better study.

Unfortunately, for that one step forward, the Inhofe amendment takes two steps backward. The Inhofe amendment requires a study that should have been completed long before the rules were finalized and certainly before they become effective.

That is the whole point of Executive Order 12866. The Agency should have done a comprehensive cost and benefit analysis of this deregulation, because of the tremendous potential loss in health benefits.

Instead, the Agency issued a warmed over version of its report to the White House energy task force and called it analysis. That report is simply propaganda to justify deregulating vast numbers of major sources of pollution.

These final NSR rules are very different from the reforms proposed by the Clinton administration. The differences warrant longer review and consideration.

The PRESIDING OFFICER. The Senator has consumed his minute and a half.

Mr. EDWARDS. I yield the Senator another 30 seconds.

Mr. JEFFORDS. Mr. President, we have tried to do that. But this administration has fought us at every turn on this matter. They refuse to share information that is our right to have.

The Inhofe amendment doesn't work. It would bar the door after the horse has already left the barn. We need real public health and air quality information before the rules take effect, not later, after the damage is done.

That damage could be severe. Independent analysis for just a few states—Florida, Virginia and Colorado—suggests that the rules would allow new emissions of thousands of tons annually of smog or acid rain causing pollutants.

There is one final note for Senators to consider—the potentially large increases in pollution from these so-called NSR "improvements" will come back to haunt them. Other sources and sectors in nonattainment areas, such as transportation, for instance, will have to make up the difference in emissions that is necessary to achieve air quality standards. It's a zero sum game.

Senators should first vote against the Inhofe amendment and then support the Edwards-Lieberman-Jeffords amendment.

Mr. EDWARDS. Mr. President, we reserve the remainder of our time.

Mr. INHOFE. Mr. President, let me make one point. The analysis that was referred to by the Senator from Vermont as not being complete is right here. It is 180 pages of analysis of all data that was available. If they were to try to have the NAS do a further analysis, they would have to go back and use this same data. This job has been done. This has been delayed now for 10 years.

At this point I yield 2 minutes to the Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, the administration's New Source Review, or NSR review, will benefit the environment. Right now companies face an average delay of 8 months, sometimes as long as 18 months, to get an NSR permit. Therefore, many companies avoid the process altogether. That means that there are environmental losses because companies stick with old, outdated technologies instead of the most modern, efficient pollution control measures.

There is a specific example. EPA has done a plantwide application limits, or PALS, test and the results are striking. Many companies have multiple emissions from many different sources, including big to extremely small pipes. If you tried to do it under the existing framework, you would have to have a permit for each one. As a facility wants to upgrade or modernize, they have go through a time-consuming process but PALS allows a plant to calculate its total emissions from all sources. As long as they stay below the plantwide total, they can do it.

A striking example is at the DaimlerChrysler plant in Newark, DE, where they make Dodge Durango trucks. They needed to upgrade their process. They did it. PALS allowed them to make over 90 changes.

The environment was benefited. An amazing thing happened. With the new flexibility, the plant was able to cut pollution in its painting process, cut smog-forming volatile organic compounds and hazardous plant pollutants. Plant managers cut 400 tons of air pollution from the clean air process and cut paint odors by 50 percent.

We have auto assembly plants in Missouri. We make light trucks and vans. I would love for my constituents to breathe cleaner air because of the PALS program reforms. That is why the Clinton administration's EPA, led by Carol Browner, supported the NSR reforms. We should and I urge support for the Inhofe amendment and the defeat of the Edwards amendment.

Mr. INHOFE. We reserve the remainder of our time.

Mr. EDWARDS. Mr. President, this administration has made new rules that are the biggest rollback of clean air protections in history. The amendment from me, Senator LIEBERMAN, Senator JEFFORDS, Senator REID, Senator DASCHLE, and others says: Before the administration puts kids with asthma and seniors with respiratory problems at risk, we ought to take at least 6 months to see what effect it is going to have on their health. In other words, what we are saying is let's look before we leap.

The amendment from my friend from Oklahoma says exactly the opposite. It says let's leap and then later we will look. What are we going to say when the study that he is proposing is completed if, in fact, it shows what all of us believe it is going to show now, which is that this change will cause pollution, it is going to put kids with asthma at risk, it is going to put senior citizens with serious respiratory problems at risk? What are we going to say to them, those kids who have had asthma attacks, seniors who have had serious heart or respiratory problems as a result of these changes in the rules?

In other words, what the Inhofe amendment is suggesting is let's pollute more now, study it, and when we find out we are wrong we will go back and do something about it.

The responsible thing to do is to conduct a serious, quantitative analysis so we can determine what impact this will have on kids and what impact it will have on seniors' health before it has the force of law.

This study that is referred to by my friend from Oklahoma could well have been bought and paid for by the administration's own people. It is called "qualitative," which means it is guessing by political appointees as opposed to serious analysis. The career officials within the EPA itself have said that it is self-selecting and misleading. One of the key States that is cited in the study has actually disavowed it.

The bottom line is this: The EPA has never scientifically studied and modeled this issue. The one analysis that did do that, by private consultants that the EPA has used in the past, says that these new rules will cause 120 tons more pollution at just two factories.

We should not leap before we look. We need to see what impact this will have on the health of kids and seniors. And all we are asking is 6 months.

I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from North Carolina time has expired. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time remains for both sides?

The PRESIDING OFFICER. The Senator from Oklahoma controls a minute and a half. The time has expired for the Senator from North Carolina.

Mr. INHOFE. First, let me comment that this amendment enjoys the embrace and the support of virtually every organization of business or labor unions in America. It was unanimously approved by the National Governors Association, the Environmental Council of the States, the National Black Chamber of Commerce, et cetera, and virtually every labor union in America.

At this time I recognize the chairman of the clean air subcommittee, the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I think the arguments have been made that this is about delaying something that has been looked at for over the last 10 years. I hope my colleagues will decide this issue today on a bipartisan basis, as was the letter that we sent to Administrator Whitman, asking that she move forward with the new regulations to end some 4 or 5 years of uncertainty by businesses throughout this country, in terms of routine maintenance and repair of their facilities. This vote for the Inhofe amendment is a vote for the environment. It will allow us to move forward quickly, to do what should have been done several years ago so these repairs and the maintenance can be done. We can reduce the emissions and we can make these facilities more efficient.

The PRESIDING OFFICER. All time has expired. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I ask unanimous consent that each side be given an additional minute.

Mr. STEVENS. I object. I am going to object to all requests for extension of time.

The PRESIDING OFFICER. Objection is heard. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham (FL)
Gregg
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Sununu
Wyden

NOT VOTING—4

Feinstein
Harkin
Hollings
Inouye

The amendment (No. 86), as modified, was agreed to.

Mr. CRAPO. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 67

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment offered by the Senator from North Carolina. Under the previous order, there will be a 10-minute rollcall vote. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I ask unanimous consent that each side be given 1 minute prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. EDWARDS. Mr. President, the administration has proposed some of the most dramatic changes in the Clean Air Act that have been made in our history. All this amendment says is before we make these significant changes, we take a serious look at a quantitative study of what effect it is going to have on human health, particularly kids with asthma and seniors with cardiorespiratory problems. Look before we leap. It is that simple.

The studies that have been done have not been serious scientific studies. There has not been any serious scientific study done to support this rule. The only serious scientific studies say this rule will cause significantly more pollution.

In addition to that, the Governors, although they support some kind of reform, specifically do not support this reform, and so it is critically important that Senators support this amendment for the sake of our kids and for the sake of our seniors. Six months just to determine what effect this will have on the health of our kids and our seniors is a perfectly reasonable, responsible thing to do. I ask my colleagues to vote for the amendment.

Mr. BIDEN. Mr. President, I rise today on behalf of all those who breathe and I want to thank the sponsors of this amendment for their efforts. I say that half in jest, because I get the feeling that those who are trying to weaken our clean air laws often forget why we passed them in the first place—so we all can breathe cleaner, healthier air. I certainly support the most efficient and effective regulations we can devise to curb pollution, and I agree with the statement that the New Source Review Program could use some reform, but we must not lose sight of the fact that these rules are designed first and foremost to protect public health.

The Bush administration has shifted priorities from protecting the public to protecting polluters from doing their best. The Bush administration is protecting special interests, rather than protecting our environment and the public health. That is unacceptable and threatens to reverse the progress we have made as a nation to protect our citizens from health threats in the workplace and environment.

This is a serious issue for the people in my State of Delaware. We live in a region that is in non-attainment with the Federal ozone standard. Bottom line, we don't meet the current health-based standards. But not all of our air pollution comes from industry in Delaware. We could do everything right and still not be in compliance. What our neighbors do and what industries do in other parts of the country affects us and our ability to breathe clean air. If power plants in Pennsylvania, Maryland or even West Virginia and Ohio aren't required to do all they can to reduce harmful emissions, we pay the price in higher respiratory illnesses and premature deaths, particularly among children and the elderly. To me, that is all the more reason that we should be tightening the rules, reducing emissions from coal-fired power plants, instead of making it easier for the utility companies.

But you know what is so surprising to me, what I just can't understand—the administration has no data to even suggest that these changes will improve air quality, nor have they conducted any analysis, studies, anything. Show me that the changes will not cause a deterioration in the quality of our air. Show me that children and the elderly will not have to worry about being outside in the summer. Show me that states like Delaware will benefit. And we, my colleagues in the Senate and I, have asked * * * repeatedly!

That is why this amendment is so important. This amendment does two things. First, it would prevent the implementation of the rule changes prior to September 15, 2003. Second, it simply asks for a rigorous analysis of the air pollution and public health impacts of the proposed rule changes. The National Academy of Sciences would be tasked with completing this study by August 15, 2003. Sure, it would have made sense to do the analysis before the changes were published in the Federal Register, but it is not too late.

I want to share briefly a success story from my State of Delaware where we helped pioneer the Plantwide Applicability Limit, or so-called PAL permit. PAL is an innovative approach where separate process permitting requirements are consolidated in exchange for greater pollution reductions. This allows flexibility for plant process expansion and modification while saving businesses time and money. And it works.

One permit Delaware helped pioneer was at DaimlerChrysler's Newark Delaware Assembly Plant, where the Dodge Durango is manufactured. The plant focuses primarily on vehicle coating—painting—and assembly of parts produced at other DaimierChrysler facilities to produce finished vehicles. Years ago, when it wanted to start producing the Durango, the plant had to build a new state-of-the-art paint shop in a new building. Permit applications for this new process triggered New Source Review requirements for non-attainment areas. Working with the EPA, one of the first ever PAL permits was issued to the plant in 1996. And, the permit, the first of its kind for the automotive industry, was issued in 99 days. The plant continues to operate under this flexible permit and, as an added benefit, has saved Chrysler $13 million in increased productivity and pollution prevention. This was a win-win situation. Chrysler won with a permit that gave them flexibility to meet production needs and Delaware citizens won through reduced air pollution. Not surprising, Delaware does not believe it could repeat the pollution prevention performance of the PAL permit it issued under the new rule and is opposing the reform proposal.

I urge my colleagues to support this amendment. Give us 6 months to find out. Send the right message. Let's not forget that these rules are designed to protect public health, not to protect industry from fulfilling its civic duty. Let's not reverse the progress we have made over the past three decades.

Mr. BYRD. Mr. President, today I voted in favor of the Edwards amendment requiring a 6-month delay in four New Source Review, NSR, rules so that a study by the National Academy of Sciences, NAS, could be carried out. I support a commonsense approach to making air quality improvements while also increasing our economic growth. I have long been a supporter of the steel, coal, chemical, forestry, and other interests in my State. Still, the Edwards amendment, requiring a short 6-month delay with a study regarding the health and environmental impacts of these four rules, was imperative in my mind. Evidence of this administration's intransigence is ubiquitous across the many agencies. Congress has the right and responsibility to get important information in order to make more informed decisions. A better understanding of the health and environmental impacts of these new rules is an important part of that decisionmaking process.

When the Clean Air Act was amended in 1977, Congress established the NSR program to prevent serious deterioration in the Nation's air quality. The intention of this program was to strike a delicate balance between making important improvements in the Nation's air quality while also allowing existing factories, powerplants, and other facilities to meet our changing energy, economic, and social needs.

Over the years, it has become evident that these NSR regulations are very complicated requiring many thousands of pages of guidance. This red tape has led to much industry uncertainty and litigation. For a number of years, the EPA has been examining and documenting these problems, and the NSR program is in need of reform. Even as we must maintain our air quality, NSR should not be an impediment to making commonsense improvements at industrial facilities.

However, Members of Congress have made numerous requests of the administration regarding its justifications for promulgating these new rules. Unfortunately, the Environmental Protection Agency has not adequately responded to these congressional requests for information on the potential impacts of these NSR reforms. While I do not support efforts to halt this important reform effort, I believe that this administration must be more responsive to the interests of Congress so that the public has a more complete understanding of these issues and their effect on our Nation.

Mr. DASCHLE. Mr. President, I joined Senators EDWARDS and LIEBERMAN as a cosponsor of their amendment to delay implementation of the Bush administration's proposed weakening of the Clean Air Act. This amendment would delay implementation of the regulations for 6 months while the National Academy of Sciences conducts an analysis on the effects of the rules on public health and the environment.

On December 31, 2002, the Bush administration finalized the most significant weakening of the clean air protections since the Clean Air Act was adopted 30 years ago. These changes would allow increased levels of pollution at 17,000 industrial facilities across the Nation. More than 170 million Americans live in areas with unhealthy air quality. Air pollution is a serious public health problem, particularly among children and senior citizens.

Mounting medical evidence shows that air pollution causes asthma attacks, heart and lung disease, and premature death. More than 1,000 physicians from across the Nation urged the administration to halt its proposed weakening of the Clean Air Act. In a September 27, 2002 letter to the administration, the physicians said, "It is irresponsible for the Environmental Protection Agency to move forward and finalize new regulations that could have a negative impact on human health."

For 2 years, the Environment and Public Works Committee, Judiciary Committee and the Health, Education, Labor and Pensions Committee have issued more than a dozen requests for documents and an analysis from the administration on the public health impacts of the clean air changes. The administration ignored these requests.

Many states have objected to the clean air changes. The State and Territorial Air Pollution Program administrators have asked for a 1-year delay to assess the new regulations. Twelve States, including my State of South Dakota, face a March 3 deadline to comply with the new regulations. We hear so much from the administration about working with states but in this case the administration turned its back on South Dakota and 11 other States, that are simply asking for more time to understand these regulations. In a January 16, 2003 letter to EPA Administrator, Christine Whitman, the State and local air administrators said, "State and local air pollution control agencies have been working vigorously to study the new rule. However, gaining full command of the many intricacies of the regulation, as well as complete understanding of the impacts and implications, will take time and, we firmly believe, cannot be accomplished in the next 45 days."

This amendment makes a very simple requirement: before these sweeping regulations are put into place, the National Academy of Sciences should conduct an objective study of the effects these rules would have on public health and the environment. I strongly urge my colleagues to vote for this amendment.

Mrs. CLINTON. Mr. President, I was pleased today to vote in support of the Edwards-Lieberman amendment, which I was proud to cosponsor with my colleague Senator JEFFORDS and others. Unfortunately, this effort to temporarily halt the Bush administration's weakening of the Clean Air Act was narrowly defeated. Although we were simply trying to obtain an independent, scientific analysis of the impact of these Clean Air Act changes before they went into effect, rather than after, the amendment was opposed by half of the Senate.

Just shy of passage, this vote was a very strong showing of bipartisan support of protecting clean air and ensuring healthy communities, and against any backsliding on the Clean Air Act. And it was not by any means the end of this debate. We will not give up this fight to stop any weakening of existing Clean Air Act protections and to ensure that all Americans have clean, healthy air to breathe.

Many believe that the Clean Air Act changes the Bush administration has made, and which go into effect in less than 6 weeks, will allow more pollution into our air, not less. More pollution that is known, scientifically and medically proven, to cause or contribute to asthma attacks, heart attacks, cardiopulmonary disease, cancer, and even premature death. More pollution that is making people sick, especially children and the elderly.

That is why my colleagues and I were seeking 6 months for the National Academy of Sciences to conduct an independent, scientific analysis of the Bush administration's changes to the New Source Review, NSR, provisions of the Clean Air Act before they went into effect, to ensure that they would not negatively impact air quality or public health. The reason we are seeking such a study is simple, it's a matter of public health and, in some cases, life and death.

Just last week, The New York Times reported the findings of a study by scientists at Columbia University's Mailman School of Public Health. The study, to be published next month in the journal Environmental Health Perspectives, finds that "pollutants in the air in Upper Manhattan and the South Bronx have been linked to lower birth weights and smaller skulls in African-American babies." The study's findings are particularly troubling because lower birth weights and smaller skulls have been linked to poor physical and mental health later in life, including lower IQs and poor cognitive function.

This particular study is being conducted at the Center for Children's Environmental Health, which is currently being funded by the U.S. Environmental Protection Agency, EPA, and the National Institute of Environmental Health Sciences. Unfortunately, the EPA wants to reduce funding for these Children's Environmental Health Centers around the country. But that is another matter.

The point is that air pollution is scientifically proven to have negative health impacts—particularly on children. Other studies show that children who play sports in communities with high average air pollution levels have a higher risk of developing respiratory illness, and that children who live in polluted areas have a 10 percent lower lung function growth rate compared to those who live in less polluted areas.

Pound for pound, children breathe more air than adults, which makes them more susceptible to air pollution. But we are all at risk.

That is why we need to be doing more—not less—to clean up our air, protect children's health, and provide for safe and health communities. Today, about 175 million Americans live in areas violating health standards for smog or soot. That is unacceptable. And that is why we need to be applying the Clean Air Act to its utmost and keeping it as strong an environmental statute as possible.

We offered this amendment today because we are concerned that the changes the Administration has made to the NSR provisions of the Clean Air Act will do the exact opposite. We believe, as do many others, that these changes will allow more pollution into our air, not less.

That is why 1,000 doctors, nurses, and public health professional from all over the country wrote to John Graham, Director of the Office of Information and Regulatory Affairs at the White House, last September to ask him to block these changes that they believed would weaken the Clean Air Act. In their letter, these health professionals said, "Pollution . . . regulated under NSR touches the lives of millions of Americans across the Nation. This pollution is harmful to human health and sends thousands of individuals to hospital emergency rooms each month. Study after study shows a link between exposure to air pollution and health conditions such as respiratory diseases, asthma attacks, cardiopulmanory disease, cancer, and even death. No changes to NSR should occur without the public being provided with a comprehensive analysis demonstrating that the proposed changes to NSR will improve air quality and human health."

That is essentially what this amendment called for—an independent, scientific study by the National Academy of Sciences to determine whether the Administration's changes to NSR could result in any increase in air pollution or any adverse effect on human health. By waiting just a few months, we could make certain that these rule changes would not increase pollution or negatively impact human health.

We are saying, "Don't take us at our word. Don't take the words of these thousand health care providers. Let's let the scientists tell us what the impacts of these changes will be." Unfortunately, some of our colleagues would rather allow the Bush Administration changes to go forward, and then do the study after the fact to see what impacts we experience on air quality and human health. If there are negative impacts, which we think there will be, we may be able to pull back the rule at a later date. But we will not be able to pull back any air pollution that is released, or any hospitalizations, asthma attacks, heart attacks, or other health impacts that occur as a result.

This is not the way the process is supposed to work. We are supposed to know, before we go forward with any rulemaking, what the impacts of that rulemaking will be. And we have asked, repeatedly, for such information from the administration, to no avail. Which is why we offered this amendment today.

When the Congress passed the Clean Air Act and President Nixon signed the Act into law back in 1970, the intent was to reduce air pollution and protect public health. As section 101(b) of the Clean Air Act states, one of the purposes of the Act is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare."

All we were trying to do today, and what we will be continuing to fight for, is to ensure that the purpose of the Clean Air Act is upheld. I don't think this is too much to ask.

Especially when in testimony before the Senate, former EPA Administrator Carol Browner stated, "There is no guarantee, and more importantly, no evidence or disclosure demonstrating that the administration's announced final or proposed changes will make the air cleaner. In fact they will allow the air to become dirtier."

Especially when EPA, in its own Supplemental Analysis of the Environmental Impact of the 2002 Final NSR Improvement Rules, dated November 21, 2002, states ". . . the EPA cannot quantify with specificity the emissions changes for a given pollutant or pollutants, if any, that result from the NSR rule changes now being adopted, nor can we reliably determine the anticipated locations of any emissions changes."

Especially when, despite numerous requests from the Environment and Public Works Committee, and from more than 40 of our colleagues in the Senate, the EPA has failed to provide us with definitive evidence that shows that these final changes to the NSR provisions of the Clean Air Act will not have a negative impact on air quality or on human health.

A few months for independent, scientific certainty that these rule changes will improve air quality and not adversely effect human health. It is not too much to ask.

In fact, just last week, the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials wrote to EPA Administrator Whitman and asked that the effective date of the final NSR rule revision be delayed by a whole year. Their letter reads, "As you are aware, the State and Territorial Air Pollution Program Administrators, STAPPA, and the Association of Local Air Pollution Control Officials, ALAPCO, have serious concerns with the U.S. Environmental Protection Agency's, EPA's, recently promulgated final rule affecting changes to the New Source Review, NSR, program, 67 FR 80186, and with the adverse impact these changes would likely have on the ability of States and localities to achieve and sustain clean, healthful air. These concerns are further compounded by the fact that, for a number of States across the country, the revised NSR program is scheduled to take effect on March 3, 2003. Accordingly, we write to you today, on behalf of STAPPA and ALAPCO, to request that EPA extend by 1 year the effective date of the final NSR rule revisions."

These same State, territorial, and local air officials, which have gone on record in support of changes to NSR, believe that "the administration has gone too far in revamping the program" and that "because the reforms are mandatory, they will impede, or even preclude, the ability of States and localities all across the country to retain or adopt programs that are more protective than the Federal requirements."

That is in part why the Attorneys General from nine States are suing the Federal Government over these changes. Whereas the existing NSR program was the foundation for a series of lawsuits brought by the States, the Federal Government and environment groups against dozens of old, coal-fired powerplants and other industrial sources, the tables are now turned.

Now, the Attorneys General from nine States, New York, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont have had to file a lawsuit against the Federal Government, challenging these new regulations. The very regulations that the States had been using in conjunction with the

Federal Government to go after bad actors and improve air quality.

Some of us will join in that lawsuit, because we, too, are convinced that the Bush administration is violating the Clean Air Act and going against the intent of Congress. But again, that is a separate matter.

Again, as I already stated, this vote was a very strong showing of bipartisan support for protecting clean air and ensuring healthy communities, and against any backsliding on the Clean Air Act. And it was by no means the end of this debate. We will not give up this fight to stop any weakening of existing Clean Air Act protections and to ensure that all Americans have clean, healthy air to breathe.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, to clear up a couple things, first, this does not apply to coal-fired plants. The Senator from North Carolina has been talking about that. I have a letter from the administrator saying that. Second, this is not something that came out of the Bush administration. It is something that came out of the Clinton administration. In listening to some of the comments made by some of the Senators on the other side, I think they have lost sight of that fact.

Third, it is hard to find anyone who is not supporting this. People want these plants to be able to go ahead, make the improvements, clean up the air, and do a better job for the environment. We have the National Conference of State Legislators, Governors, the environmental councils of the States, the National Black Chamber of Commerce, virtually every labor union; they are all listed. The list is on the desks. I would encourage Members not to delay this effort. All this amendment would do is delay it for 6 more months. It has already been delayed for 10 years. It is time to go ahead. I urge Members to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. EDWARDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Indiana (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessary absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham (FL)
Gregg
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Sununu
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Feinstein
Harkin
Hollings
Inouye

The amendment (No. 67) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF THOMAS J. RIDGE OF PENNSYLVANIA TO BE SECRETARY OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to proceed to the consideration of Executive Calendar No. 1, which the clerk will report.

The legislative clerk read the nomination of Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority whip.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 2:20 today, the Senate proceed to a vote in relation to the motion to waive the Budget Act with respect to the Reed amendment No. 40; provided that immediately following that vote, Senator DASCHLE be recognized in order to offer an amendment relating to drought assistance; provided further that following the reporting of the amendment, Senator COCHRAN be immediately recognized in order to offer another first-degree amendment relating to the same subject. I further ask unanimous consent that there then be a total of 70 minutes of debate on both amendments, to be divided equally between the two sponsors of the amendments.

Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote in relation to the Cochran amendment, to be followed immediately by a vote in relation to the Daschle amendment, with no further intervening action or debate and no amendments in order to either amendment prior to the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, it is my understanding that we are now turning to consideration of the nomination of Thomas Ridge; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator will control 1 hour 40 minutes.

Ms. COLLINS. Under the previous order, I yield myself such time as I may consume.

For the information of my colleagues, I expect my initial statement will not exceed 12 minutes.

Mr. President, I rise today in strong support of the nomination of Gov. Tom Ridge to be the first Secretary of the Department of Homeland Security. As chairman of the Committee on Governmental Affairs, I assure my colleagues the committee thoroughly considered this nomination in an extensive hearing last Friday at which the nominee expertly and in a forthright manner answered all of the questions posed to him. Every member of the committee participated in the hearing at some point and each member was able to pose questions to Governor Ridge.

Subsequently, the committee voted unanimously to report Governor Ridge's nomination to the full Senate. I am very pleased we are taking up this important assignment today.

The United States has made substantial progress in improving homeland security since the terrorist attacks of September 11. The new Department of Homeland Security will provide the organizational framework to help our Nation better cope with the threat of a terrorist attack. September 11, 2001, underscored the concerns raised by many experts, including the members of the Hart-Rudman Commission who warned our Nation was not adequately prepared for 21st century threats but, rather, was still operating under a cold war threat environment. The nature of the threat has changed since the end of the cold war. Change has brought with it the need to reorganize the Government in a way that will enable us to better protect our Nation and its citizens.

September 11 focused our attention on homeland security. Now we understand all too well why it is a problem if our first responders do not have compatible communication systems. Interoperability has gone from being a buzzword to a matter of life and death. Now we understand the vulnerability posed by 17 million shipping containers arriving in the United States from ports all over the world with few of them ever being searched. Now we understand our Nation's 20,000 miles of land and sea borders present countless opportunities for those who would do us harm.

We also understand we can no longer rely on an ad hoc approach to homeland security. Currently, as many as 100 Federal agencies are responsible in some way for homeland security. But not one has homeland security as its primary mission. When that many entities are responsible, none is really accountable and turf battles and bureaucratic disputes are inevitable.

The new Department of Homeland Security will work to address these problems by better securing our ports, our borders, and our critical infrastructure. It will synthesize and analyze intelligence information from multiple sources. It will coordinate security activities now undertaken separately by agencies such as the Customs Service, the INS, and the Federal Emergency Management Agency. The new Department will help remedy many of the current organizational weaknesses in order to better protect us against future attacks.

Congress's passage of legislation creating this new Department was only the first step in what will be a long and difficult process. The homeland security effort will take all of us working together as a team—the administration, the new Secretary, and the Congress—to ensure the success of this massive reorganization. This effort will require the new Secretary to overcome unique challenges. The Department's leadership will have to address management and reorganization issues, as well as issues related to integrating the various agencies, each with differing work rules, information technology systems, and cultures.

In addition to these challenges, the new Secretary must also ensure that the nonhomeland security functions moving to the Department are not neglected. For example, it is critically important to my home State of Maine and to coastal communities throughout our Nation that the Coast Guard's new homeland security responsibilities not divert its attention from its traditional role, including search and rescue missions. In a given year, the Coast Guard performs over 39,000 search and rescue missions.

Just recently, the Coast Guard was involved in a rescue of two fishermen from a fishing island off the coast of Maine. On a typical day, the Coast Guard saves 10 lives, interdicts 14 illegal immigrants, inspects and repairs 135 buoys, and helps more than 2,500 commercial ships navigate into and out of U.S. ports.

Because of the vital importance of these functions, Senator STEVENS and I worked with many of our colleagues on both sides of the aisle to include strong language in the new Homeland Security Act to ensure that the Coast Guard will continue to make search and rescue and other traditional missions a priority, not an afterthought.

Another challenge for the new Department will be to effectively support those men and women who are on the front lines, our Nation's 2 million first responders, including our police officers, our firefighters, and our emergency medical personnel. The Homeland Security Act establishes a new office for State and local government coordination, but it offers no assurance that the new Department will coordinate and communicate effectively with our Nation's first responders.

Ensuring that our partners at the State and local level have sufficient attention, resources, and cooperation will require more work.

This is another advantage that Governor Ridge brings to this important job. As a Governor, he understands better than most people how important the role played by State and local governments is to our national security.

The establishment of the Department of Homeland Security will be the most significant restructuring of the Federal Government in more than 50 years. It is the most important reorganization since Congress created the Department of Defense in 1947. It will involve the merger of 22 Federal agencies and some 170,000 employees. Managing this Department will pose extraordinary challenges.

Fortunately, we have before us a man of extraordinary capacity in Gov. Tom Ridge. Governor Ridge's resume is impressive. In addition to his current service as assistant to the President for homeland security, Governor Ridge twice was elected as Governor of Pennsylvania, served six terms in the Congress, and worked as an assistant district attorney in Pennsylvania. His resume speaks to the management and leadership skills that he possesses which will be necessary to make this effort successful.

Perhaps the clearest indication of Governor Ridge's character is something that you won't find on his resume. It is the story of his service in the U.S. Army during the Vietnam war. Governor Ridge was one of the few, if not the only, graduate of Harvard who served in Vietnam as an enlisted man, and he did so with great distinction. Infantry Staff Sergeant Ridge was awarded a Bronze Star for valor. These are impressive credentials that speak to the character of a remarkable man.

The new Department will not make us safer overnight, but its establishment must lead, and I believe will lead, to new capabilities that will make our Nation secure under the very capable leadership of Tom Ridge. Our goal must be a department that enables our country to better deter, detect, prepare for, and, if necessary, respond to a terrorist attack.

To attain this goal will require not only extraordinary leadership from the new Secretary but also the cooperation of the agencies transferred to the new Department and the full support of the Congress. Ultimately, the success of the new Department rests not just on the broad shoulders of Governor Ridge but on all of us.

Today I am hopeful the Senate will take an important step forward in making our homeland safer and more secure by promptly confirming Governor Ridge. We are asked to confirm Governor Ridge for a Cabinet post that may well be the most challenging position created by Congress during the last 50 years. I can't think of a better person to have at the helm of this new Department when it opens its doors this Friday than Governor Ridge.

For this reason it is important we act promptly so the new Department opens on Friday with a new Secretary firmly in control. I urge my colleagues to support the confirmation of Governor Ridge as Secretary of Homeland Security. In my judgment, the President could not have made a better choice for this critically important position.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I listened with great interest to the Senator from Maine. I can't think of a better person to have on my side, if I were Governor Ridge, than the distinguished junior Senator from Maine. If I were feeling otherwise, I would be almost persuaded—remembering that old Baptist hymn we used to sing in West Virginia, "Almost Persuaded," I would be almost persuaded to vote for him, if I had intended to otherwise. In this case, I think I will join her in voting for Governor Ridge.

Ms. COLLINS. I thank the Senator.

Mr. BYRD. So I salute her.

Now that the nomination has been reported unanimously to the Senate by the Governmental Affairs Committee, it seems certain that Tom Ridge will be confirmed by an overwhelming margin to be the Nation's first Secretary of Homeland Security.

And, while organizing 28 agencies—some say 22. I have heard that there are 28 agencies and offices—within a new Homeland Security Department will be a difficult task, to say the least, Senators seem to be confident that Governor Ridge is qualified to handle the job. I think that is the case. Governor Ridge appears to have the necessary qualities and experience to serve admirably as the first Secretary of Homeland Security. But I hope he understands that his new job responsibilities will involve more than just overseeing a new Department intended to protect our homeland.

Despite the objections of some Senators, this new Homeland Security Department has been empowered with wide-ranging authorities, and its officers will have prime access to information about the American public. With that access comes the potential for abuse.

We have already seen the administration pushing the legal envelope in the fight against terrorism—so much so that phrases such as "enemy combatants," "material witness warrants," and "military tribunals" have become synonymous with terrorist-related arrests here at home. We have seen the development of a parallel legal system for both U.S. citizens and noncitizens in which terrorist suspects may be investigated, jailed, tried, and punished without the legal protections long guaranteed by the American legal system.

Given the origins of this new Homeland Security Department—from the crafting of a secret plan in the bowels of the White House, to the refusal of the Homeland Security Director to testify before the Congress, to the expanding cloak of secrecy that has fallen over this administration—it is essential that Governor Ridge understand that he will be responsible not only for defending the homeland but also for defending against the abuse of power inside the new department.

As the department's first Secretary, Governor Ridge will set the precedents for how this new department uses its authorities in the name of homeland security. How far this department can peer into the lives of the American public will, in large part, be influenced by Governor Ridge.

The Congress will continue to perform its oversight role and to be on the lookout for abuses of power. But Senators will vote to confirm Governor Ridge today with the expectation that he understands and respects the oversight role of the Congress, and that he will never mislead the people's representatives or the people themselves about the actions of the department.

Most importantly, when the Senate votes to confirm Governor Ridge today, as I believe it will, it should be with the expectation that he respect the constitutional doctrines of checks and balances and separation of powers.

We have seen this administration running the Federal Government, to a disconcerting degree, from within the confines of the White House. We have seen how the President's advisors—whether they be his economic advisors, his national security advisors, or his homeland security advisors—can direct numerous Government actions, insulated from the Congress and the American public, by keeping the decisionmaking process inside of the Oval Office.

Over the last year, the White House has scrupulously avoided answering the questions of the Congress, as this branch has tried to assess our Nation's homeland security vulnerabilities. It is this body—this body—that must pass laws and provide funds to tighten up our borders, to hire inspectors, to buy vaccines, to prevent more terrorist attacks. But all too much, when we have looked for information on which to base our decisions from this administration, our requests have largely been denied. So today, we will vote to confirm Governor Ridge to be Secretary of Homeland Security and to answerable to us—answerable to the Congress, to both House of Congress—and to the people we represent.

This new department must not be just a public relations front, while the real work of debate on strategies and crafting of policies is being conducted inside the Executive Office of the President, protected from public scrutiny. The decisionmaking process with regard to the safety of our communities must remain open to the public, not hidden away. This is the only way that we can work to ensure that our Government operates within the legal boundaries established by the Congress, and that it does not threaten the privacy rights and civil liberties of the American public. That is the only way that we can be sure that this massive new department, in which so many have invested so must hope, actually does what it is supposed to do.

I intend to support the nomination of Governor Ridge, and I will do so with the hope he understands that he is charged with not only protecting the American public from overzealous terrorists but also with protecting their civil liberties from an overzealous new bureaucracy. And only time will tell. But time will tell. And so I express my support and shall cast my vote with the fervent hope that Governor Ridge will not blindly follow the President but that he will respect the institutional role of the Congress and be faithful to the Constitution and to the people whose liberties and safety may depend upon the decisions he, Mr Ridge, will make.

I yield the floor.

Ms. COLLINS. Mr. President, I yield as much time as he would like to the Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chair of the committee and I begin by congratulating her on her accession to the Chairmanship. Her distinguished career began as a staffer for the Committee on Governmental Affairs. Senator COLLINS is now the chairwoman—a very significant advance.

I have sought recognition to support the nomination of Governor Tom Ridge to be Secretary of Homeland Security. Tom Ridge embodies the classic American success story. He was born in very modest circumstances—an occupant of public housing as a youngster; Harvard educated, he served as an enlisted man in the Vietnam war, and was honored with medals for his distinguished service. With outstanding academic credentials from Dickinson Law School, Governor Ridge became an experienced assistant district attorney—which, I might add, is a very important developmental office. Sometimes I am asked what office I consider more important, being district attorney of Philadelphia or being a U.S. Senator. I am quick to respond that, for me, the most important office was assistant district attorney, with the development of trial skills, analysis, and organization.

Tom Ridge was an outstanding prosecuting attorney. He came to the Congress of the United States in 1982. I have worked closely with Governor Ridge for the past 20 years plus. He was an outstanding two-term Governor in Pennsylvania, enjoying great popularity and great success.

Shortly after September 11, 2001, when Governor Ridge received a call from his former gubernatorial colleague—now President Bush—to take on the job as Presidential Adviser of Homeland Security, Governor Ridge responded as a great patriot, taking on the very difficult job of coordinating the affairs on homeland security.

With the Department scheduled to come into existence on January 25, it is very important that we move ahead promptly with his confirmation. It is my expectation that the vote will be overwhelming, if not unanimous. We had a hearing last Friday in the Governmental Affairs Committee. Rules were waived to send the matter to the floor at an early date. I am pleased to see that the majority leader has listed the issue for resolution today.

It is my hope that Governor Ridge will find, in this new position, the ability in our Federal Government to put all of the so-called dots on the board at the same time. It is my judgment that the Secretary of Homeland Security needs a somewhat broader authority than the position has at the present time institutionally.

I had filed an amendment to the homeland security bill which would give the Secretary the authority to direct all of the intelligence agencies—the CIA, the FBI, the Defense Intelligence Agency, and all other agencies—so that the analytical aspects of the work would be under one umbrella:

Let the CIA conduct their work worldwide, let the FBI undertake their traditional role, and let the Defense Intelligence Agency undertake its regular duties as all of the intelligence agencies continue functioning operationally. But when it comes to analysis, it is my view that all ought to be under one umbrella.

Governor Ridge testified that there is excellent coordination among the intelligence agencies at the present time. He testified last Friday candidly, but he couldn't say what had happened before he came to the scene. I commented in my discussion with Governor Ridge during his confirmation proceedings that he cannot say what would happen after he left, that it is not a matter of personalities. The relationship between Governor Ridge and President Bush, which is a very close relationship, enhances Governor Ridge's ability to gather information from the other intelligence agencies. But institutionally, we have to be prepared for the day when the relationships might not be that close. We are a government of laws, not a government of men; a government of relationships defined by statute, and not depending upon personal relationships.

It is my view that had all of the so-called dots been on the same board prior to September 11, September 11 could have been avoided.

We now know about the famous FBI Phoenix report from the summer of 2001 which was lost in the FBI bureaucracy. We now know more about the effort of the Minneapolis field office of the FBI to secure a warrant for Zacarias Moussaoui under the Foreign Intelligence Surveillance Act. The wrong standard was applied. They were looking for 15 percent—more probable than not when the case law is that there has to be suspicion only founded on the totality of the facts. We know the CIA had information about two men in Kuala Lumpur which was not conveyed to the Immigration and Naturalization Service or the FBI. Those men got into the United States and were on two of the suicide bomber planes on 9/11. We know the National Security Agency received a report on September 10 that something was to happen the next day. It wasn't translated until September 12.

So if all of these so-called dots had been on the board, I think the acts of 9/11 could have been prevented.

The Director of the Central Intelligence Agency testified last fall that another attack would occur. I do not believe we have to concede that. I do not believe we have to await another attack. I believe our fundamental job is to prevent an attack. We do have intelligence agencies where improvements have been made, and we need the cooperation among all of the intelligence agencies to put all of these so-called dots on the same board. It is my hope that Governor Ridge will ultimately have that authority. As I said at the hearing on Friday, I intend to offer that amendment and pursue it through the legislative process in committee and to bring it to the floor of the Senate.

The issue of labor relations was also a matter discussed at the hearing. There is no doubt about the President's need for a national security waiver. But it is my view that that is a Presidential judgment and a Presidential decision and that, to the extent possible, the traditional labor-management laws of the United States ought to be followed unless there is a real national security interest as determined by the President in light of our very difficult war against terrorism and against al-Qaida.

I am pleased to see a man of Governor Ridge's competency coming to this position. The toughest job is to stop calling him Governor Ridge and to start calling him Secretary Ridge. But we are going to start that tomorrow as he takes on perhaps as tough a job as there is in Washington, DC, today.

I don't think I have to urge my colleagues to support this nomination. I think the vote will be overwhelming, if not unanimous. I want to add my voice in support of Governor Ridge because I have known him a long time and have firsthand experience as to his competency, and to express my concerns about the operation of the Department as we move ahead on this very vital war against terrorism.

I thank the chairwoman and yield the floor.

Ms. COLLINS. Mr. President, I thank the Senator from Pennsylvania for his comments, for his introduction of Governor Ridge at the hearing last Friday, and for his participation as a member of the committee. We are indeed fortunate to have the benefit of his expertise.

Mr. President, I ask unanimous consent that after the Senator from North Dakota delivers his remarks, the Senator from Alabama be recognized next for as long as he needs, with a limit of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me say I am pleased to announce that I will vote for Governor Ridge, to confirm Governor Ridge for the position of Secretary of Homeland Security.

I have known Governor Ridge for a long while. I served with him in the House of Representatives. I think he is a public servant with great skill and great dedication. I am very pleased to see him continue to offer himself for public service. I am very pleased to cast a vote in favor of his nomination. It is a good one. I commend President Bush for sending it to us. And I think he will be confirmed overwhelmingly by the Senate, if not unanimously.

Let me, however, say there are several things I am concerned about with respect to homeland security. And it mirrors some of the suggestions offered by my colleague just moments ago.

I want to say—as I indicate I am proud to vote for Governor Ridge—there are three areas I hope very much we will make some significant improvements in and for. Let me describe them.

First and foremost for me is information sharing. The task force headed by former Senators Warren Rudman and Gary Hart, on October 25, issued a report to this country. The report was titled "America Still Unprepared—America Still in Danger." It was a bipartisan task force sponsored by the Council of Foreign Relations, which included former Secretaries of State George Shultz and Warren Christopher; retired ADM William Crowe, former Chairman of the Joint Chiefs of Staff; and many others.

They found that 1 year after the September 11 attacks, America remains dangerously unprepared for another terrorist attack. At the top of their concerns—the top of their list—was this:

> 650,000 local and state police officials continue to operate in a virtual intelligence vacuum, without access to a terrorist watch list provided by the U.S. Department of State that goes to immigration and consular officials.

Let me say that again. The watch list—the list that the Department of State has, that has on it names of terrorists and suspected terrorists—that list is not available to State and local law enforcement officials across this country. And the Rudman-Hart report says you have 650,000 additional eyes and ears out there in law enforcement that ought to be able to access that report.

To give you an example, 36 hours before September 11 and those devastating attacks, one of the hijackers, Ziad Jarrah, a 26-year-old Lebanese national, who was flying the airplane that crashed in Pennsylvania, was pulled over on Interstate 95 in the State of Maryland by a Maryland State Police trooper for driving 90 miles an hour. He was one of the key organizers of the al-Qaida terrorist cell formed in Germany 3 years ago. He shared a Hamburg apartment with Mohammed Atta. And he was at the controls of flight 93.

When this hijacker was pulled over by a Maryland trooper, he was driving a rented car under his own name. This hijacker, it turns out, was not on the watch list. But if he had been—and there is no reason to think he would not have been, given today's circumstances—that Maryland trooper would have had no idea and no access to the information that he had just pulled over someone who was a known terrorist, a suspected terrorist.

If this afternoon, in Fargo, ND, a city police officer or a county sheriff or a highway patrolman pulls over an automobile, and it is filled with four people who snuck across the United States-Canadian border in some remote area of our country, and those four people are on the terrorist watch list, a list compiled by the State Department, that city police officer or county sheriff will have no access to that information. They can call in and get the NCIC and find out who has been convicted of a felony and who has outstanding warrants, but they are not able to get to the names on the State Department's watch list of who the terrorists are, the known terrorists and suspected terrorists. That is unforgivable, in my judgment.

Let me read a detailed excerpt from the Hart-Rudman report:

> With just fifty-six field offices around the nation, the burden of identifying and intercepting terrorists in our midst is a task well beyond the scope of the FBI. This burden could and should be shared with 650,000 local, county, and state law enforcement officers, but they clearly cannot lend a hand in [the] counterterrorism information void [that now exists because] when it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb, and blind.

Why? Because we have a list with the names of terrorists on it, and the names of suspected terrorists on it, and the police officers and the county sheriffs and the highway patrolmen have no access to that list and are not allowed to have access to that list. That is wrong.

Let me continue quoting from the Hart-Rudman report:

> Terrorist watch lists provided by the U.S. Department of State to [the U.S.] immigration [folks] and consular officials are still out of bounds for state and local police. In the interim period as information sharing issues get worked out, known terrorists will be free to move about to plan and execute their attacks.

Even when they are stopped by local police officers, and even when their names are run against the NCIC, those local law enforcement officials have no ability, no capability, to run those names against the watch list that contains the names of terrorists and suspected terrorists.

This needs to get fixed. I hope Governor Ridge makes this a first priority. This was the top recommendation of this blue ribbon commission that says America is unprepared. This was their top recommendation. And months after it was issued, to the best I can understand, very little is happening in the administration to resolve this. I believe very strongly it needs to be resolved, and soon.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. DORGAN. Mr. President, let me make two additional points.

One of them is a point I have made many times on the floor of the Senate, and that is the issue of container security. We are spending about $8 billion to do something called a national missile defense plan, so that if there is an intercontinental ballistic missile aimed at the United States, and shot at us by a terrorist somewhere in the world, we can send up another missile, and with our $8 billion, we will hit a bullet with a bullet. That is the proposition, in any event.

It is very unlikely, of course, that a terrorist group is going to have access to an intercontinental ballistic missile, but we are spending $8 billion dealing with that and rogue states having access to those missiles.

A more likely threat, according to most people, is not a 15,000-mile-an-hour missile aimed at our country with a nuclear warhead; a more likely threat is a container on a container ship, slowly but surely, at 2 miles an hour, pulling up to a dock in New York City or Los Angeles or San Diego or Seattle, with a container in the middle of all the containers on that ship containing a dirty bomb or a nuclear weapon.

Mr. President, 5.7 million of those containers come into this country each and every year; 100,000 of them are inspected, 5.6 million are not.

I happen to have toured a port a couple of times. I come from a State that is landlocked. I do not know much about ports, so I have done a couple tours. I have great admiration for Customs and others working on those docks, in those ports. During a tour, I recall asking them: What is in this container? They said: We don't know, but let us show you what we're doing with some containers. They took me to a garage-like structure and opened one container that had frozen broccoli from Poland. That was the first time I had seen frozen broccoli from Poland in 100-pound bags, destined, I suppose, for the restaurants across America.

They pulled out a couple bags and opened them. Sure enough, it was frozen broccoli from Poland. I asked: How do you know what is in the middle bag in the middle of this container? They said: We don't. I asked: How many of these do you inspect? They said: Two percent of all containers we inspect.

The fact is, we need to do better because our ports, our big cities are under threat of terrorist acts, where terrorists using a container, put in a container ship, could come into one of our ports with a weapon of mass destruction immersed in one of those containers.

We have heard about the suspected terrorist who actually put himself in a container and put himself on a container ship, took with him some water, something to sleep on, a cot, a computer, wireless satellite telephones, and food, and then shipped himself to Toronto, Canada, probably with the intention of going from the Middle East to Canada and then sneaking into this country. But the point is, he was discovered. But he put himself in a container on a container ship with all the comforts of home, shipping himself to Canada.

My point is, if we care about the security of this country and care about defeating terrorists, care about identifying and thwarting terrorist acts, then we have to care a great deal about port security.

The fact is, we are not funding it. This bill that is before us has cut funding once again. People say we are adding funding. The fact is, we have cut the funding that the Customs Service says they need. It has just been cut. And we try to add it back, and we lose the vote.

But, look, this isn't about spending; it is about protecting our country. We cannot turn a blind eye to port security and say that somehow we have done what is necessary to defend this country. I hope Governor Ridge comes in and understands that is a very difficult issue but one that we have to address in a very aggressive way.

Finally, let me talk about northern border security, border security generally but northern border security specifically.

With respect to our borders, it is true that a country cannot defend itself if it does not control its borders. It is the case, for example, that we have had 10 times as many Border Patrol agents on the southern border between the United States and Mexico as we have had on the northern border. We have done that for many years because of immigration and drug problems.

The fact is, the danger today is more than just that. The danger today is the potential of terrorists sneaking into this country and committing an act of terrorism. We have 4 or 5,000 miles of border between the United States and Canada, a long border between two countries that get along well.

Up in my part of the country where we have border stations in the northern part of North Dakota, those stations close in many cases at 10 at night. Up until a year or so ago, the only thing that existed, once those stations closed, was an orange cone in the middle of the road. The impolite people who snuck into this country could shred that cone at 60 miles an hour. The polite ones at least stopped to remove the cone and put it back in place.

We have changed some of that but not enough. This is a long, porous border. If this country is going to provide the security it needs for the American people, then it has to have control of its borders. That means we have to fund the Customs Service, the Immigration Service, and the Border Patrol and have the coordination of those agencies that work together to do the job they know needs doing.

I am pleased to support Governor Ridge. I have great confidence in him. He is a great public servant. I am proud to say yes when they call the vote. He needs the tools. This man needs the tools to do the job. You can't provide the kind of support we need for this country and the kind of investment we need to make sure we have security at our ports and airports, nuclear facilities, trains, and so on, you can't do that on the cheap.

One day—I pray this will not happen—another terrorist act may occur and something that we have failed to do here, something that we know we should have done will be pointed out as a flaw in the system. They knew this could happen, but they didn't do anything about it.

Let's make these investments now: Port security, watch lists, giving access to all of the law enforcement people, the names of terrorists and suspected terrorists, border security. Yes, at the southern border but also the northern border. Let's do these things together. We know right now that Osama bin Laden is somewhere in this world. At least we are told they think he is still alive.

Osama has been forgotten by some. The fact is, Osama bin Laden is a dangerous guy. We don't know where he is. We don't know where Omar is. The terrorist al-Qaida cells are still a very serious problem. Homeland security is critically important. That is why I support this nomination.

This nominee is a quality person who can do this job, but he can't do this job without the tools. We, the administration and the Congress, have to own up to that and make the investments necessary that will protect this country against the threat of terrorists.

Just a couple of months ago, the head of the FBI said the danger of a terrorist attack is as high today or higher than it was September 10, the day before the devastating terrorist attacks.

I am proud to vote for Governor Ridge. I wish him well. I want to help him. I hope this administration and this Congress will do what is right to make the investments necessary to protect our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that after the Senator from Alabama has concluded his remarks, the Senator from Nebraska be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise to express my admiration for Governor Ridge. I have over the weeks and months observed him in his leadership role. I believe he has performed exceptionally well. This Nation was attacked on September 11. We remember that vividly. We also remember the Nation's determination to do a better job of protecting our homeland.

The President looked all over the country. He picked somebody to lead the effort to bring together State and local and Federal agencies in a way that would enhance dramatically our ability to be safe from terrorist attack. It was not talk he wanted; he wanted leadership, he wanted action. So, he created the Office of Homeland Security in the White House right next to him.

He chose to head that critical agency someone he knew, someone he had grown to respect as a fellow Governor who had a record of achievement and excellence and professionalism. He chose a man who understood State agencies as well as Federal agencies. He chose a man who served in the U.S. Congress and who had served in the military, winning combat medals for his actions in Vietnam. He chose the kind of person we needed at that time.

It was a thankless task. Many said it could not be done. Many said we would not be able to prevent further attacks. Anybody taking that job had to know that they were taking great personal risk because anything that did happen would be their fault. They would have to answer for it.

I am so impressed with Governor Ridge. He took charge aggressively. He changed the way this Government did business. He took control of the situation by meeting with the heads of the Government agencies.

I used to be a Federal prosecutor for 15 years. I worked with the FBI and the DEA and Customs and the Coast Guard and all those Federal agencies—ATF, Secret Service, all of them. They act at times like foreign nations. They produce memoranda of understanding that are like treaties. It is difficult to make a move. They have their own agendas. They are charged by Congress to do A and B and C, and they are not interested in doing D. Maybe they should.

Tom Ridge took charge and dealt with the leadership of those agencies. Barriers were broken down to an unprecedented degree. Despite obvious results that we wish had been achieved but were not able to be accomplished, tremendous things were accomplished under the President's unequivocal leadership and the efficiency and leadership of Governor Ridge. I am proud of Tom and excited to have him take on that job.

Now that we have moved to the Department of Homeland Security with 170,000 people, I want to say this—I have shared this thought with him; I think he comprehends it—this Congress is not moving blocks and departments and governmental entities all cobbled together into some giant agency and just expecting it to be better than it was before. The very fact they are now one agency with one mission, should on balance clearly make the Department more efficient in our fight against terror. They have individual institutional biases and tendencies that may not be perfectly compatible with this new agency. It is going to take strong leadership. We don't need excessive administration.

I expect and believe and am excited about the potential for Governor Ridge to use the force of his will, to use the mandate this Congress has given him, to use the confidence and support the President has in him to make sure those agencies realize, when they come together, that it is now a new organization, and we expect the greatest efficiency possible.

We expect the mission we have assigned to this agency will be the No. 1 guiding factor to make America safe, and we want them not to focus on bureaucracies and special interests and labor rules, but focus on making this country safe. I believe Governor Ridge understands that mission, and he is going to work with the employees to reach a higher degree of productivity than we have ever had.

I thank Senator COLLINS for her leadership. She is a master of this subject and has worked so hard at it. I will not say anymore. I am excited about the potential of this agency. We would like to see, frankly, this agency set a new standard for governmental efficiency and productivity. There is an opportunity here to do better. I believe we can. I am excited, and I will be supporting Governor Ridge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank the Senator from Maine for the opportunity to address the nomination of my good friend, Governor Ridge, for this important position that has been created to take care of homeland security.

I rise in support of the nomination for a number of reasons. While we were Governors, for 4 years we worked together within the Governors Association to make sure our States were taken care of; that the economies of the States were directed in an appropriate fashion; that we worked together to make clear the State issues before the Congress of the United States.

In that experience, I had the opportunity to see firsthand Governor Ridge at work for the benefit of his State and for our country. In the last few months, I have had that same experience of seeing him at work in his new role of developing the homeland security strategy, the homeland security approach that I think will truly bring about homeland security.

His background enables him in a very unique way to bring together local, State, and Federal agencies. It is truly an honor for me to be here today to say I am proud to support his nomination, and I look forward to working with him.

Last year, as we were finishing up the second session of the 107th Congress, Governor Ridge came to Nebraska and looked at the University of Nebraska Medical Center as a possible site for a biomedical laboratory as part of the homeland security effort to make sure we have the capacity to deal with any kind of bioterrorism that would require medical treatment and for the detection of bioterrorist activity.

While he was there, we had an opportunity to look at the facility but I think in a broader sense of what we need to have in terms of laboratories around the country to work with the CDC and to work with others in this new role.

At the end of the year, we also had what appeared to be somewhat of a grab for one of those institutions in another part of our country. The then-majority leader agreed with a number of us that we would have a way to deal with this in a compromise this year. That majority leader passed it on to Senator FRIST, the new majority leader, to work this through.

A good-faith effort has been made—I am not totally convinced the language is as strong as I would like to see it, but clearly a good-faith effort has been made to resolve this issue so that the playing field is level so other institutions will be able to compete fairly to have the biomedical lab in their location based on the criteria.

To give an idea of how strong and supportive I am of Governor Ridge, I have been supportive of giving him, if you will, the total authority to set the criteria so that we do not set the criteria by law but he can by rule and regulation set the criteria and make the determination. That is the kind of support I think this gentleman will have from this Congress in so many different ways because of what he has been able to show and reflect in his work thus far. There will be total support along the way.

I am looking forward to the days ahead to work with Governor Ridge as he becomes Secretary Ridge in this very important responsibility.

On another matter related to this—and I do not come to the floor very often to talk about partisan politics or to respond to those partisan arguments that are sometimes made. I think typically they tend to derail us, distract us, and detract from the subject of the day. So yesterday when I heard someone talking about a partisan deficit as opposed to a deficit because some of us were supportive of firefighters, some of us were supportive of first responders and of police officers on the spot—recognizing that we ought not to simply have our pictures taken with these first responders as a matter of publicity or as a matter of PR; what we should, in fact, do is make sure we are supporting them financially—I was dismayed by what I heard and what I saw on a chart.

I wish to respond today because I think if we are going to focus on what homeland security is about, what Governor Ridge is focused on, it is about hometown security. If we are not secure in our hometowns, if we are not supportive financially in every way we possibly can, if we are not responding at the hometown level, the police officers, the firefighters, and the first responders of the emergency service workers and all those who protect our water supply and who protect our food supply, we are not going to have homeland security. That is what it has been about these last several days. We may have different ideas about doing it, we may have a different philosophy whether we do it through this budget or whether we do it in another budget, but that is different than to say it is a growing partisan deficit caused by one group versus another.

If we are not going to support our firefighters and we are not going to support our police officers at the local level, then we ought not say we are for homeland security. One cannot be for homeland security if one is not for hometown security.

The fact is, there may be disagreements, but I think we ought to set aside the partisan rhetoric and work together to find a way to fund these very important services rather than to talk in a global sense, in a broad sense about homeland security. It sounds great, but the only way it works is if we are focused on what is happening in Charlotte, NC, what is happening in Lincoln, NE, what is happening in Bangor, ME—what is happening in the localities across our country. If we do not have security at the local level, this homeland is not secure, and none of us are truly safe.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that for the remainder of the debate on the nomination of Tom Ridge to be the new Secretary of Homeland Security, that any quorum calls be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that 2 minutes of the time set aside for Senator LIEBERMAN be allotted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, Tom Ridge and I came together to Washington in 1982. We were new Members of Congress 20-plus years ago. He was a fine Member of Congress. He had the ability to work across party lines. When he became Governor of the State of Pennsylvania, I was excited for him. From all reports I have been able to obtain, he did a good job as Governor of the State of Pennsylvania.

When President Bush suggested he be head of the program to protect the American people from terrorists, I told the President I thought it was a good appointment, and I told Governor Ridge I thought it was important he make the change from becoming Governor to becoming the head of the new Department of Homeland Security.

His job has now been created as a Cabinet-level office, and I think Tom Ridge has earned his stripes. There are things he has done I have not totally agreed with, but most everything he has done I have agreed.

When he became head of this Department, I told Tom Ridge I would sit back and not cry out for a Cabinet-level office, but the determination was made by him, the President, and many others that there needed to be a Cabinet-level office created. I am glad that has happened. Tom Ridge will be a fine Secretary. He is a good man. He will have awesome responsibilities. This will not be an easy task. Secretary Ridge has the difficult job of merging the many departments, agencies and offices that now comprise the Department of Homeland Security.

I stand ready to help him as he seeks to complete this monumental undertaking.

We simply must not rest because we passed legislation to create the Department of Homeland Security. This law provides the framework for the new department, but only the new Secretary can take the pieces of the new department and make them function as a single, committed agency.

In Nevada, we still have daunting challenges and unfulfilled opportunities. I look forward to working with Governor Ridge to address these.

In particular, Nevada is faced with diminishing Federal resources and increasing State budget deficits at the same time that it must address new homeland security responsibilities. In fact, Nevada ranks near the bottom in the country in terms of funding for State homeland security efforts. With millions of tourists each year, this places an extra burden on Nevada. Most funding for emergency responders is based on population. But population alone does not determine the vulnerability of a city like Las Vegas.

At the Nevada Test Site, Nevada also has one of the Nation's premier centers for training emergency responders and other special counter-terrorism forces. Last February, Governor Ridge accepted my invitation and came to Nevada to observe the excellent training and counter-terrorism facilities at the Nevada Test Site. In the coming year, I look forward to having Governor Ridge return and putting the full resources of the administration behind his project.

Protecting our nation from a future terrorist attack will not be an easy task. Having a Secretary for the Homeland Security Department in place will ensure that the process of building the new Department begins soon.

As we continue to develop this new department, I look forward to working with Governor Ridge to ensure our Nation is secure.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the time during the quorum call be charged equally against both sides.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the vote on the nomination of Tom Ridge occur at 12:10 today, with all the other parameters for debate remaining. Further, I ask unanimous consent that immediately following the vote, the Senate then stand in recess until 2:15 today. Finally, I ask unanimous consent that when the Senate reconvenes at 2:15 today, there be 5 minutes for debate equally divided between Senators NICKLES and REED or their designees prior to the scheduled vote.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would add we are moving action along quite well. We have a number of amendments pending after we dispose of the Reed of Rhode Island amendment. We are working with Senator STEVENS to get a number of votes lined up for later this afternoon. We are going to go to the agriculture amendment soon. That is in the previous order.

I have had a number of inquiries made. We will probably be in late tonight; that means later than 7 p.m. or so. People will have to cooperate if they have amendments to offer. I hope they will limit the time on these amendments. The two leaders have spoken at some length today about trying to move this along. I hope people will cooperate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, today I look forward to the Senate's speedy confirmation of Governor Ridge to be the new Secretary of the Department of Homeland Security. I believe that Governor Ridge is the right person for the job, and I strongly support his selection to head the new department.

The challenge before Governor Ridge is massive: 22 agencies with over 170,000 people must be reassembled under one umbrella. These agencies and their personnel need to communicate with each other, to work together, and to begin retooling their operations to increase the protections needed to secure America's safety and well-being. Again, it is a massive job.

But Governor Ridge is not the only one who needs to roll up his sleeves. The Congress also has work to do on homeland security, first by enacting legislative repairs to the Homeland Security Act. This Act passed at the end of the last Congress using a hastily written bill that discarded many important provisions that had been worked out on a bipartisan basis. My colleagues and I identified a number of these problems during Governor Ridge's confirmation hearing before the Governmental Affairs Committee last week.

First, the Homeland Security Act leaves the intelligence community without clearly defined roles and creates the possibility for unnecessary and costly duplication of effort. Language addressing the coordination and analysis of intelligence issues was included in the bipartisan bill reported out of the Senate Governmental Affairs Committee, but the key language was dropped from the final Homeland Security Act. The goal of this language was to lay out clearly which agency had primary responsibility for analyzing information about foreign intelligence, and avoid having the new Department of Homeland Security duplicate the work of the Counter Terrorist Center, or CTC, at the CIA. Specifically, the language would have provided that the CTC has the primary responsibility for analysis of foreign intelligence and gave the DHS the primary responsibility of taking that foreign intelligence and mapping it against threats to the U.S.

At his confirmation hearing, Governor Ridge indicated that he agreed with maintaining the CTC's primary role on analyzing foreign intelligence. In fact, when I asked Governor Ridge: "Will you duplicate the CTC?" he responded: "It is not our intention to replicate the CTC with respect to foreign intelligence. Our intention is to use foreign intelligence from the CTC to match threats with vulnerabilities." When asked which agency was intended to have primary responsibility to analyze foreign intelligence, Governor Ridge responded: "the CIA." Those were precisely the answers in the bipartisan Senate approach.

On January 18, the Washington Post reported that President Bush had decided to "leave responsibility for collecting and analyzing foreign intelligence on terrorists with the CIA, and to have the homeland security agency perform further analysis aimed at protecting U.S. infrastructure." Again, this is exactly the approach taken in the earlier, bipartisan Senate bill. I am hopeful that the Department will continue to follow the framework set out by the President and Governor Ridge, and that he and the Congress will take any steps needed to restore the clear language on intelligence responsibilities in the Homeland Security Act.

A second problem I have with the Homeland Security Act is the section of the law that exempts the agency from complying with some aspects of the Freedom of Information Act, FOIA, the key Federal statute helping the public keep track of what their government is doing. Government bureaucrats often don't like FOIA requests because they take time and resources to answer. Many would like to reduce the public's right to know.

That's what happened in the Homeland Security Act. Language was added to that law that unnecessarily limits the use of FOIA.

Last year, Senators LEAHY, BENNETT, and I worked out a FOIA compromise which was included in the original Senate Governmental Affairs Committee bill. At the homeland security markup, we were told that the Administration supported our compromise language. But this compromise was ultimately dropped. Instead, the Homeland Security Act cuts back on the public's right to know what its government is up to by expanding the types of information that the new department can keep shielded from the public, including unclassified information about "critical infrastructure" issues involving such matters as electrical grids, computer systems, or water treatment facilities.

There is a related problem with the HSA language barring use of critical infrastructure information in civil proceedings. Suppose the DHS gets information submitted by a chemical company indicating a chemical plant is in danger of releasing a toxic gas due to a vulnerability in its critical infrastructure. The statute ties the hands of the DHS, barring it from disclosing the information in court without the chemical company's consent. The statute even bars the DHS from giving the information to another agency such as the Environmental Protection Agency, EPA.

What's more, a whistleblower within the DHS or the EPA could be thrown in jail for disclosing this unclassified information. Even a member of Congress who releases the information presumably could be, under some circumstances, jailed! I find this to be incredible. Limiting the public's right to know and jailing whistleblowers isn't the direction we should be going and is not necessary to protect America.

At the Governmental Affairs hearing, Governor Ridge seemed to agree that criminalizing whistleblower disclosures of unclassified critical infrastructure information was not the intent of the Homeland Security Act. I am hopeful that Governor Ridge will help us to remedy some of the FOIA problems caused by the Homeland Security Act and restore the bipartisan compromise worked out in our committee.

Another problem requiring prompt action is to get adequate funding to the agencies charged with homeland security. Because of the failure of Congress to pass appropriations bills, the key Federal agencies at the front lines of protecting our homeland have gone underfunded in the first 3 months of this fiscal year. Now, the Republican majority has come up with an Omnibus Appropriations bill that inadequately funds vital homeland security needs for FY 2003. For example, $362 million is not provided to the INS for the Entry-Exit system, which would track the arrival and departure of non U.S. citizens; $265 million is cut from the INS for construction of border security facilities; $92 million is not provided for FBI information technology enhancements; $8 million is cut from the Customs Service container security initiative; and $132 million is cut from FEMA first responders. I supported an amendment in the Senate that would have provided $5 billion to address these and other homeland security priorities in the Omnibus Appropriations bill which was defeated. By under funding homeland security, and promising billions of dollars in tax cuts instead, we have delayed the delivery of urgently needed dollars to the very agencies charged with protecting us from terrorist attacks. The administration's priorities are misplaced and need to be corrected.

Finally, the Homeland Security Act authorizes funding for various homeland security grants, such as grants for first responders and grants for new science and technology equipment. People in Michigan and all our States are eager to gear up to fight terrorism, but it must be a Federal/State partnership. It is unacceptable for us to simply tell the States what they must do and then expect them to somehow find the money to take on new and vast responsibilities. One central office has to be designated as the place to find out about the Federal grants that will be awarded and administered by the Homeland Security Department and all of its many components. And in the interim, it would be helpful for the Department to provide numbers to call and people to contact who can give out this information. In a meeting in my office, Governor Ridge indicated that he agreed that an interim number would be helpful.

I look forward to a quick confirmation of Governor Ridge. I also call on my colleagues to begin the work needed to remedy the remaining problems with the Homeland Security Act.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the nomination of Governor Ridge to become the first Secretary of the Department of Homeland Security.

I do so with the utmost confidence in the personal integrity and professional ability of Governor Ridge. We in America should honor and support public servants who take on challenges as difficult and daunting as this one. This will be one of the hardest, and, instantly, one of the most important jobs in Government. We are in the midst of a crisis. We are at war. Raising our guard is an urgent task, and it falls to this new Secretary and those under his command to close our many vulnerabilities as quickly and effectively as possible. I believe that Governor Ridge, from his experience in the Congress, as Governor of Pennsylvania, and of course over the last year as the director of the White House Office of Homeland Security, is very well prepared for the job. I am confident that this Department, which I have worked hard for over a year now to try to bring into being, will be in good hands.

But at the same time, I must express my deep doubts as to whether the administration in which Governor Ridge serves has done enough to make the Nation safer, and as to whether going forward it has the strong vision and strategy, as well as the necessary fiscal commitment, to improving America's security.

Based on its design, the establishment of a Department of Homeland Security ought to be a great leap forward in our homeland defenses. We will at long last consolidate more than two dozen agencies and offices and organize them in a logical, accountable, and strong chain of command. And at the top of the agency, we will have a single cabinet secretary with budget authority who will be held accountable to the Congress and to the people.

But getting there from here is no small task. It is both a tremendous opportunity and a sobering responsibility. Creating this Department will be the largest and most complex Federal Government reorganization since the 1940s, and demands a strong partnership between Congress and the executive branch.

Let me say for my part, as one who fought for the new Department for more than a year, in the Governmental Affairs Committee and on the Senate floor, that I plan to do everything I can to ensure that the Department has the resources and the support it demands and deserves, because this is the most urgent responsibility our government has today. We must strive to do this together, across party lines. For generations, we in the Congress have managed to elevate support for our armed services above partisan politics, and we must do the same for homeland security. At the same time, we must work together to oversee the organization, the long-term strategy, and the day-to-day operations of the Department. That is our obligation to the American people. But I have never been under the illusion that reorganization itself would, by itself, be the solution to our homeland security challenges. It was only always the necessary first step. Having the right structure is no guarantee of success. We also need the right people, policies, programs, and resources.

And in this area, the administration's homeland security efforts over the past year and three months have left much to be desired and much to be done. After many months of raising our guard, America is not nearly safe enough. It is no exaggeration to say that the holes in our defenses are not getting demonstrably smaller. According to almost every independent assessment produced in the past few months, America remains dangerously vulnerable to terrorist attack. The most persuasive of these, in my view, was produced by Former Senators Hart and Rudman, the men who, long before we were attacked, were calling for our government to reshape itself to better guard against the threat of terrorism.

Last year, Senators Hart and Rudman headed a second task force intended to assess the progress made since September 11 and recommend urgent reforms. That task force released its report last October. I quote from its introduction: "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy." In our committee hearing last week, Governor Ridge indicated that he fundamentally understands the amount of work we have left to do. I appreciate that. He and I disagree about how much has been accomplished over the past year, but I am grateful we share the same understanding of the size and scope of the challenge that remains.

Let me repeat some of the hard facts about our remaining vulnerabilities: Our local and State law enforcement officials are operating in a virtual intelligence vacuum with no access to the terrorist watch lists that the State Department provides to our immigration and consular officials. In the words of the Hart-Rudman report, this means that, when it comes to combating terrorism, "the police officers on the beat are effectively operating deaf, dumb, and blind." That's unacceptable, and in my view, the administration has taken very small steps at best to fix this problem; containers, ships, trucks and trains entering the United States over our borders and through our ports are subject to hardly any examination. Of the 21,000 shipping containers that come through our ports every day, no more than 2 percent, that's about 400, are inspected. The administration has begun to address this problem, trying to balance the competing demands of security and commerce, but we remain dangerously at risk; our first responders are unprepared for potential chemical or biological attacks. They lack the necessary training, and their communications systems are in most cases incompatible with one another. Again, I know the administration has talked about fixing this problem, but solutions have yet to materialize; we must make better use of our National Guard's effectiveness and expertise here at home. I have put forward proposals suggesting how our country can do that but again, I have heard few ideas or directives from the White House on this front. We lack effective vaccines and medicines to counter the vast majority of biological and chemical weapons. I have put forward comprehensive legislation to spur the private sector development of these countermeasures. Our attempts to engage the administration in a conversation on meeting this urgent need have fallen on deaf ears.

I believe it is unnerving and unacceptable that we have not come further faster. Bureaucratic inertia is a powerful force. That's why the Homeland Security Act which we passed and the President signed needs to be implemented boldly and aggressively.

Governor Ridge seems to understand this, upon being appointed the President's Homeland Security Advisor, said that, "The only turf we should be worried about protecting is the turf we stand on." And while he has tried his best to honor that statement, I am not yet convinced that the administration as a whole is prepared to live up to that rhetoric. Let me give you one crucial example of an area in which a generally reactive rather than proactive mindset is already producing serious problems: intelligence collection, dissemination, and analysis.

We now know that the failure of our intelligence agencies to connect the dots on September 11 was the single greatest error among many glaring failures. Nevertheless, the Bush administration has thus far failed to challenge or change the status quo of the intelligence community to fix what is broken.

On paper, the passage of the new Homeland Security Act has ushered in a new era. The bill creates a single all-source information analysis and infrastructure protection unit within the new Department. We had a lot of discussion and debate over the roles and responsibilities of this new unit, would it be focused only on protecting critical infrastructure, or would it be designed to help do what we didn't do before 9/11, namely "connect the dots" to prevent attacks before they occur. In the end we compromised: it would do both. But I am very disturbed by indications that the administration believes the primary responsibility of the new Department's intelligence unit is to protect critical infrastructure, and that performing analysis to prevent attacks is peripheral or secondary at best.

The fact is, we can imagine horrific terrorist attacks that are not against critical infrastructure but against people, a bomb in a shopping mall or a biological agent dropped from overhead onto city streets. It makes no sense for the Department of Homeland Security's intelligence division to put on critical infrastructure blinders rather than assessing and processing all information related to terrorist attacks against Americans here at home.

This is an absolutely central question, not in any way a semantic distinction. The question here is whether the new Department will systematically work to prevent all terrorism, or whether it will have the much narrower mission of protecting critical infrastructure.

During the long debate over the legislation creating a Department of Homeland Security, the Senate Governmental Affairs Committee held hearings focused specifically on the intelligence mission and information needs of the new Department. We analyzed the Administration's original legislation and determined that the information analysis and infrastructure protection directorate it proposed was too narrowly focused and would not have the access to information it needed to "connect the dots", and therefore prevent future terrorist attacks. We proposed separate directorates for intelligence and for critical infrastructure which would be headed by separate, Senate confirmed Under Secretaries. This was to make it clear that the intelligence function in the Department would be focused on its full range of missions, preventing attacks, improving border security, better informing our emergency response activities, and, yes, protecting critical infrastructure.

The administration resisted this approach, and insisted that the directorate be headed by a single Under Secretary. However, they agreed that separate Assistant Secretaries, one for information analysis and another for infrastructure protection, would head up two distinct entities in the directorate. And it was clear that the Directorate would be focused on detecting and preventing attacks, as well as protecting critical infrastructure.

As a result the language in the Homeland Security Act reflects a compromise. It makes clear that the mission of the Information Analysis and Infrastructure Protection Directorate includes detecting and preventing all terrorist threats against our country, not just those against critical infrastructure.

Regrettably, long after our deliberations finished, long after the bill was signed, the Administration has apparently now decided that no compromise was reached, that the position in the President's original proposal was adopted by the Congress. Let me make clear: that is a false interpretation, and it is one which, if unchallenged, will mean that the Department of Homeland Security will, from the beginning, have abdicated one of its most vital functions, that is preventing acts of terrorism against the American people.

The legislative history is clear, yet the administration is apparently intent on creating an intelligence unit narrowly focused on protecting only critical infrastructure, rather than preventing any and all acts of terrorism against the American people on our home soil. This is not what we agreed to, and it is not what America needs. I will continue to insist that the administration fulfills the intent of the legislation we passed.

Finally, let me say a few words about the critical problem of insufficient funding, which has so far hamstrung and hobbled our efforts to better protect America. We have dozens of Federal agencies, including many that are being consolidated into the new Department of Homeland Security—that are in the midst of urgent work post-September 11. The Coast Guard, Border Patrol and others need to train their employees and invest in new technology. They need to pay bills for expensive investments they have already made. But this administration isn't providing them with the necessary funding . . . and some in Congress are not rising to the challenge either.

Indeed, just last week on the Senate floor, the Republican leadership rejected a $5 billion package of investments in homeland security programs.

The problem is especially pressing at the local level. Local and State first responders, who are also our first preventers of terrorism, are not getting the support they need, despite promise after promise from the administration. Late last year, the President inexplicably blocked $2.5 billion in emergency spending that could have gone to federal agencies and state and local officials for their homeland security efforts. That was wrong.

This war on terrorism cannot be won with wishful thinking. It will take strong leadership and a lot of money. It will take real, not rhetorical, partnership among every layer and level of government. It will take talent, training, and technology. And it will take tireless effort on the part of thousands of Federal employees.

All this will soon fall on Governor Ridge's broad shoulders. I do not doubt his talent or his commitment to the job. I have confidence in his competence. But unless and until this administration strengthens its strategy, corrects its long-term vision, and puts its money where its mouth is, and does all these things urgently, the hard work of a good man, and of the thousands of men and women in his charge, will not be enough to make America as safe as we must be.

Mr. LEAHY. Mr. President, today the Senate considers President Bush's nomination of Director Tom Ridge to be the first Secretary of the new Department of Homeland Security. The real question, however, is not whether the Senate will support the new Department or Director Ridge. I have no doubt that we will. Indeed, the proposal for establishing this Department was born in the Senate, and both that proposal and Director Ridge have enjoyed widespread bipartisan support even during the many months that President Bush was threatening to veto any new cabinet level Department of Homeland Security.

Rather, the real question today is whether the President will continue to support the new Department with more than words, or whether having used the Senate proposal for political purposes in the last election, he will now simply disengage or move on to other matters.

The initial signs are not good. Even as we debate the confirmation of Director Ridge, the administration is trying to push through Congress a massive tax cut that will benefit most the wealthiest Americans at the same time as massive spending cuts in vital homeland security measures. These reductions include slashing grants to state and local first responders as well as cutting FBI agents and FBI computer upgrades. These are key homeland security measures.

When we voted to establish the new Department of Homeland Security, I warned that it would not be enough to just shift agencies from one building to another or to rewrite some boxes on an organizational flow chart. While reorganization was a good first step, I warned that reform was what was needed, and it still is.

Reform is a much more difficult task than reorganization. It takes persistence and hard work, and reform cannot be accomplished by one branch of government or one party working unilaterally. True and successful reform will require us to work together. It will require Republicans to work with Democrats in the Congress, and it will require the President and the new Secretary of Homeland Security to work with the Congress.

Unfortunately, the track record of the administration in working in a bipartisan manner with the Congress on the homeland security is not a good one. When Director Ridge first assumed his current position, we in the Senate were anxious to hear from him how the Administration was working to protect the homeland. In fact, the Judiciary Committee was the first Committee to invite him to testify after the 9/11 attacks. Unfortunately, for months, the administration refused to allow Director Ridge to testify and tell Congress what he was doing. The President opposed establishing a new cabinet level department in part to avoid such Congressional oversight.

That position changed only after congressional oversight highlighted the problems at our agencies charged with protecting our domestic security from international terrorists. I remember well the day when the President reversed his position and decided to support a new Department of Homeland Security. It was on the morning of June 6, 2002, when the Judiciary Committee was holding nationally televised hearings highlighting the testimony of FBI whistleblower Coleen Rowley, who was selected as one of Time Magazine's "People of the Year" for 2002. Moments before we began our hearing, the White House announced that it would support a new department, but the President's proposal was long on rhetoric and short on details. Indeed, there was not even a written legislative proposal when the President went on television that night to talk about his welcome change of heart.

Eventually, we got a very brief legislative proposal, but the administration candidly admitted that it was a work in progress. Along with that first draft came a promise from Director Ridge, who ran the Administration's legislative effort, that "We will work together on this." Director Ridge repeated that promise when he testified before the Senate Judiciary Committee on June 26, 2002, stating that he was "anxious to work with the Chairman and other members of the committee to assure that the concerns that [I had] raised are properly addressed." He assured us that "[t]his Administration is ready to work together with you in partnership to get the job done. This is our priority, and I believe it is yours as well."

That is precisely what we in the Senate tried to do. We negotiated in a bipartisan manner to work out our many differences on the bill. The work was not easy.

For example, I worked with my friends Senator LEVIN, Senator LIEBERMAN and Senator BENNETT to reach a responsible compromise on the administration's proposal to gut the Freedom of Information Act with an overly broad exemption that would have given more protection to certain information handed over by private companies and businesses than we give to classified government information. We reached a bipartisan agreement that satisfied both sides and the White House agreed to the compromise language.

I also worked with Senator GRASSLEY to address the omission of whistleblower protections from the bill, and we crafted a bipartisan amendment to actually improve existing whistleblower protections as a homeland security measure. We also sought to include the bipartisan FBI Reform bill in the measure so that we could do more than simply move the deck chairs around in the homeland security measure. There were many examples of such bipartisan efforts to address real problems in our Nation's domestic security and improve on the administration's bill.

Unfortunately, in the end, the administration did not keep the promise to "work together" on the homeland security bill. Instead, the final bill was written by a small group of Republicans, working in secret with the administration. The bill was quickly rammed through the House, which promptly adjourned so that no compromise or debate could occur between the two chambers. Our bipartisan FOIA agreement was jettisoned and the overly broad administration proposal was inserted. The administration's new FOIA-gutting law also for the first time makes it a crime for any Federal Government employee, including Members of Congress and their staffs, to leak or disclose any private business information that the business wants to keep secret. Is this an effort to crimp congressional oversight and control the flow of information to the American people? We will see how this administration wields this new power.

The bipartisan FBI Reform Act was omitted from the administration's Homeland Security bill entirely. The bipartisan amendment strengthening whistleblower protections was also left out so that current whistleblower protection, with all of its flaws, simply applies to the new Department. These protections will mean nothing without vigorous enforcement of these laws by the administration. The leadership of the new Department and the Office of Special Counsel must work to encourage a culture that does not punish whistleblowers, and the Congress, including the Judiciary Committee, must continue to vigorously oversee the new and other administrative departments to make sure that this happens. I appreciate Director Ridge's comments at last Friday's hearing before the Governmental Affairs Committee when he stated, "there's specific language in the statute that reminds the secretary and reminds everyone associated with the new Department that there shall be no reprisals for legitimate whistleblower activity."

Gone too were other protections for the federal employees who have spent the last year and a half of their lives protecting our country against terrorist attack. Inserted, instead of these important security measures, were pet provisions benefitting Eli Lilly and Texas A&M, to name a few.

And now we hear a familiar promise. "Don't worry. We will work together to reform." We will work to "clarify" the protections for vital whistleblowers; work to ensure that the best federal workers don't leave the Department; work to make sure that the INS operates better and that the FBI reforms itself.

I only hope that, once he is confirmed, Secretary Ridge will work with us in a bipartisan manner.

Our best defense against terrorism is improved communication and coordination among local, State, and Federal authorities; and between the U.S. and its allies. Through these efforts, led by the Federal Government and with the active assistance of many others in other levels of government and in the private sector, we can enhance our prevention efforts, improve our response mechanisms, and at the same time ensure that funds allotted for protection against terrorism are being used most effectively. Indeed, Governor Ridge stated at the hearing before the Governmental Affairs Committee last Friday that "all 50 states and territories have appointed homeland security advisers that participate regularly in meetings at the White House and in bimonthly conference calls with the Office of Homeland Security." I appreciate that the local officials of Vermont will have a "single entry point to address many of the homeland security concerns."

At the same time that the Department of Homeland Security works to protect the safety of Americans, it is essential that Secretary Ridge makes sure to protect the freedoms of Americans. Recent press reports have warned that the Department will turn into a "supersnoop's dream" because it will allow creation of a huge centralized grand database containing a dossier or profile of private transactions and communications that each American has had within the private sector and with the government. Indeed, in section 201, the bill authorizes a new Directorate for Information Analysis and Infrastructure Protection to collect and integrate information from government and private sector entities and to "establish and utilize . . . data-mining and other advanced analytical tools." In addition, in section 307, the bill authorizes $500,000,000 next year to be spent by a new Homeland Security Advanced Research Projects Agency, HSARPA, to make grants to develop new surveillance and other technologies for use in detecting, preventing and responding to homeland security threats.

We do not want the Federal Government to become the proverbial "big brother" while every local police and sheriff's office or foreign law enforcement agency to become "little brothers." How much information should be collected, on what activities and on whom, and then shared under what circumstances, are all important questions that should be answered with clear guidelines understandable by all Americans and monitored by Congress, in its oversight role, and by court review to curb abuses.

I appreciate Director Ridge's promise at last Friday's Governmental Affairs' Committee hearing that "[a]ny new data-mining techniques or programs to enhance information sharing and collecting must and will respect the civil rights and civil liberties guaranteed to the American people under our Constitution."

The reorganization is done, but the hard work of reform lies ahead. The FBI, the INS, and other important government agencies must improve their performance, and they need the support of both the Congress and the Administration to do so. The new Department of Homeland Security cannot "go it alone." The Congress now will have an imperative to monitor vigilantly and responsibly the implementation of the new Department. It is essential that Governor Ridge work with Congress as the Director of Homeland Security. Governor Ridge stated before the Governmental Affairs Committee last Friday that he is "going to do [his] very, very best to respond to whatever requests [he] get[s] from Congress of the United States, because we need to not only build this Department together, but we need to sustain and make sure that we work together to make it as effective as possible." We will hold him to this promise.

We must work together to effect reform. It is time to match the rhetoric and make that promise come true. I offer my assistance and wish Director Ridge all the best in his new job. Too much depends on it for Director Ridge to fail.

Mr. GRAHAM of Florida. Mr. President, I rise today in support of the nomination of Governor Tom Ridge as the first Secretary of the new Department of Homeland Security.

Sixteen months after the terrorists turned airliners into missiles and leveled the World Trade Center and damaged the Pentagon, the creation of a Department of Homeland Security and the speedy confirmation of Governor Ridge will contribute to the safety of our Nation.

Today's confirmation comes after a long struggle over the granting of statutory authority for a Department of Homeland Security. I was an early proponent of statutory authority, recognizing that the additional powers of cabinet level authority were required for the individual tasked with our Nation's security.

After Governor Ridge was appointed last year, Paul C. Light, Director of Governmental Studies at the Brookings Institution, and I wrote two op-ed pieces for the Washington Post that evaluated the performance of Governor Ridge as the director of the White House Office of Homeland Security. I will submit these for the RECORD.

What we found was that Governor Ridge was not able to do his job without statutory authority. While he had access to the information and people needed to do his job, he lacked impact. Despite influence in the budget and personnel process, the Governor's authority over the operations and management of the homeland security establishment was weak. Even with a talented staff, his input in selecting other key administration personnel was unclear.

Mr. President, that is why today I am voting in favor of Mr. Ridge's confirmation. While it is not a panacea to our Nation's security concerns, it is a step in the right direction. Giving Governor Ridge the authority to be in charge of the Department of Homeland Security will provide him with the ability to order the changes required in our newest security apparatus.

Ultimately, the reorganization of 22 agencies and 170,000 Federal employees is going to take months, if not years, to accomplish. The reality is that Americans are still vulnerable to additional terrorist attacks and the Federal Government is not adequately preparing for that threat.

Right now, we are relying heavily on the intelligence community and the FBI as the front line in our battle against terrorism. And I remain concerned about the FBI's lack of preparation and failure to answer some of the most fundamental questions about suspected terrorists who sleep among us like how many operatives of terrorist groups are within our borders.

The sooner we act to have an agency that can coordinate and provide a clear line of authority for our nation's security, the better equipped we will be to protect our nation.

I ask unanimous consent the op-ed pieces to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 24, 2002]

A NEW JOB FOR TOM RIDGE

(By Bob Graham and Paul C. Light)

Last fall we set seven criteria for measuring Tom Ridge's performance as President Bush's appointed director of homeland security ["Tools for the Homeland Security Chief," op-ed, Nov. 22]. Although we were skeptical about whether he could do his job without statutory authority, members of Congress decided to defer to the president, who said Ridge should be given the benefit of the doubt to begin carrying out his important mission.

Over six months into his task, Ridge has had both success and frustration. He clearly has access to the information needed to do his job, which was our first criterion for evaluating his office. But that information is still muddy, its sources many, and its usefulness often mixed—as evidenced by the color-coded system of vague threat warnings his office developed. Ridge has also had access to key decision-makers such as the president, vice president and attorney general, which was our second criterion. What he apparently has not had is success in making his case on the need for sweeping reorganization of the nation's troubled homeland security agencies.

Unfortunately, no one knows for sure just what he believes about the need for reorganization—as a White House staffer, he has not been given permission to testify before Congress. There are reports that he wants much more than mere tinkering with the Immigration and Naturalization Service (INS), Border Patrol, Customs Service and other agencies. If this is true, he has not been successful in making his case. He may have access, but what he truly needs is impact.

Ridge has had his greatest success in the budget and personnel process, our third criterion. Homeland security agencies such as the INS and Coast Guard would receive more money and personnel under the new Bush budget than they could ever have expected during ordinary times. But as Ridge has argued in making the case against his testifying before the Senate Appropriations Committee, he has no power to spend, obligate, or audit money. At the end of the day, agencies must put their trust in the president's budget office for the dollars and personnel they need. That reduces Ridge's clout in ensuring that those dollars will be spent in a manner consistent with the overall plan for homeland security.

As for our fourth, fifth and sixth criteria—his staff, executive office space, and role in selecting key presidential appointees—Ridge has had mixed success. He is still running a minimalist, though apparently talented, operation, and he is still looking for office space within shouting distance of his home in the Old Executive Office Building. But it is not at all clear that he has had a role in selecting key personnel such as the new nominees to be surgeon general or director of the National Institutes of Health—both essential players in the fight against bioterrorism.

Ridge does not have much say over the operations and management of the homeland security establishment, which was our seventh and final criterion. As the recent events at INS suggest, homeland security depends on agencies' being properly structured, staffed and led. The homeland security workforce is willing and patriotic, but its organizational infrastructure is weak. Yet Ridge can only stand on the sidelines as the media reveal one weakness after another in our security system. He can cajole, advise, influence, and arm-twist, but he cannot order anyone to do anything for good or ill.

Ridge himself may have made the most persuasive case for a stronger office of homeland security in a little-noticed speech recently. Appearing before an association of state and local emergency management officials, Ridge talked about the need for more coordination, better technology and simple accountability.

"As part of our consideration of the new 21st-century border, we are presently considering a range of options that goes from simply a new technology architecture that puts it all on the same database to a series of consolidations that could ultimately involve four or five departments," he told the National Emergency Management Association. "There is no line of accountability. As you take a look at 21st-century borders, you have got to have somebody in charge."

We believe it is time to nominate Tom Ridge for that job, both literally and figuratively.

The Senate Governmental Affairs Committee is ready to begin moving a bill that will create a Cabinet-level Department of Homeland Security, with its director to be confirmed by the Senate. The need for that authority is clear as our war on terrorism moves into the next phase.

Sen. Bob Graham (D-FL) is chairman of the Senate Select Committee on Intelligence. Paul C. Light is vice president and director of governmental studies at the Brookings Institution.

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TOOLS FOR THE HOMELAND SECURITY CHIEF

(By: Bob Graham and Paul C. Light)

Former Pennsylvania governor Tom Ridge has been on the job as homeland security director a little less than a month and a half now, and it is important to respect the president's wish that he be given time to settle in before Congress begins to move legislation to strengthen the authority Bush assigned him in his executive order.

But it is also important to lay down some criteria for evaluating his new office in the weeks and months ahead. Americans need a yardstick against which to measure this crucial job, while Congress can more responsibly assess whether Ridge needs the additional powers that can be granted only through permanent law.

These criteria range from the seemingly mundane to the broadest of goals, but we're convinced that all will prove important as Ridge finds his way in political and official Washington:

1. Ridge needs to be first in line for information.

It's hard to tell just who gets information at what point on the homeland security front. What we do know is that Ridge needs to get the first call from the front lines, not the last. He also needs to have access to all paper moving in and out of the Oval Office, including all briefing documents from the National Security Council, if he is to have any chance of influencing key decisions.

2. He needs access to the principals.

The Office of Homeland Secarity cannot succeed if Ridge can't call meetings with Cabinet members and the heads of the agencies he coordinates. He should meet with his counterparts in the Cabinet, not their deputies.

3. Ridge needs to be a gatekeeper in the budget and personnel process.

Two things matter in bureaucratic politics: money and people. If Ridge is to have any hope of persuading agencies to work together, he must be able to influence the budget process and the allocation of new employees. Without access to these levers, his sole power rests on the president's willingness to intervene on his behalf, which in turn rests on Ridge's readiness to play this trump card.

Decisions are being made about the allocation of $20 billion in emergency spending that Congress has approved for homeland security. And the Office of Management and Budget is making the key marks on fiscal 2003 budgets, including dollars for new employees. If someone from the Office of Homeland Security is not involved in those meetings, Ridge will have lost a critical lever to force needed cooperation.

4. Ridge needs a permanent staff that owes its loyalty to him, and him alone.

Ridge has made some very good appointments to his team, several of which were announced Tuesday. But many of the members of his staff are still "detailees" from a variety of federal agencies, including some from agencies he has been asked to oversee in his effort to build a strong homeland defense. No matter where they come from, Ridge should ask all those on his team, including temporary employees, to fill out the same financial disclosure forms that other White House staff must complete. That is part of ensuring the legitimacy of his effort.

5. He needs a staff within shouting distance.

Ridge has been given an office in the West Wing, close to the Oval Office and his longtime friend the president. But most of his staff will be housed miles from the White House or even the Old Executive Office Building, which former vice president Walter Mondale once described as like being in Baltimore. Ridge's staff could end up being distant players, both literally and figuratively.

6. Ridge needs a say in the selection of appointees at the agencies he oversees.

As of this week there were still 35 vacancies among the 164 Senate-confirmed positions in agencies central to the war on terrorism and homeland defense. Ridge should have a say in choosing the 14 appointees yet to be named, including the deputy director of the Federal Emergency Management Agency, the director of the National Institutes of Health and the candidate for commissioner of the Food and Drug Administration.

7. Ridge needs to be involved in all management reviews of the homeland defense establishment.

Under the Government Performance and Results Act, every federal agency is required to submit an annual performance plan outlining its agenda for action. Ridge should be asked to approve those plans, and should be given access to all Office of Inspector General audits and investigations in any of the agencies he coordinates. Ridge should be given a role in helping rebuild the homeland security workforce and should be consulted on all legislation regarding homeland security.

These criteria go to the essential questions of Tom Ridge's ability to get what he needs, and the government's ability to give what he asks.

On Oct. 8, the day he was sworn in, Ridge noted that he and his office had been given "an extraordinary mission," then added: "But we will carry it out."

We hope he is given the right tools to do so.

Ms. MURKOWSKI. Mr. President, I come to the floor today to offer my support for the confirmation of Governor Ridge as Secretary of Homeland Security. President Bush chose wisely when he nominated Tom Ridge to head this new department. Governor Ridge's adeptness in politics won him six terms as a United States Congressman and two terms as Governor of Pennsylvania. In both positions, he was praised for his intelligent leadership and attention to detail. His service in the military, in which he received a Bronze Star for Valor in Vietnam, only adds more credit to his name.

While my colleagues can further attest to Mr. Ridge's accomplishments, I would like to focus my attention on the impact that Homeland Security has on my State, and I encourage Mr. Ridge to consider Alaska's security as a means of enhancing National Security.

With nearly 50 percent of the total Coastline of the United States, Alaska has much to gain from the new Department of Homeland Security.

Our coastal communities rely on a free-flow of air and maritime traffic to meet their daily needs. Any interruption in this traffic could imperil our isolated communities.

Twenty percent of our Nation's domestic oil supply flows through the Trans-Alaska Pipeline, which spans some 800 miles from Prudhoe Bay in the north, to Valdez in the south. The Valdez terminal is the northernmost ice-free port in the United States. Its protection, therefore, is crucial to the safe and effective transport of Alaska Crude oil to the West Coast.

Another port of importance to my State is the Port of Anchorage. Nearly 80 percent of all goods destined for Alaskan cities flow through the Anchorage Port. These communities, many with populations smaller than 100 people, rely on the Anchorage Port to remain open. Providing for the security of the Port of Anchorage is essential to the well-being of the Alaskan people.

In addition to commerce, most of the people in Alaska's coastal regions rely on the Fishing industry for jobs, generating nearly half a billion dollars for the State annually. With approximately 1,200 groundfish vessels operating in Alaskan waters, harvesting nearly 2 billion pounds of groundfish every year for U.S. and foreign consumers, Alaska's position as a fish leader is unquestionable. Fishing in Alaskan waters is an issue of security. The ability to maintain our own domestic food supply should be paramount to the new Department, and Alaska's role in its production is key.

The safeguarding of these fishing vessels falls to the capable men and women of the U.S. Coast Guard, one of the new Department of Homeland Security's essential agencies. Although only 4 percent of the Coast Guard is stationed in Alaska, the Kodiak Coast Guard base is the largest single Coast Guard installation in the country. It is imperative, for maritime law enforcement, search and rescue, and oil spill response that the Coast Guard maintains its mission in Alaska.

The focus of Homeland security is not limited to water, however, but encompasses all ports of entry. As an international hub, the Ted Stevens Anchorage International Airport is the busiest cargo airport in the country. Nine hours to most major destinations, the airport's location makes it an ideal crossroads for international trade, as well as for domestic travel and commerce. Airport security continues to be of great importance to this and other airports throughout Alaska.

Likewise, Alaska is home to four military bases—two air force bases, and two army bases—and new missile defense facilities. Protecting our military assets for national defense and future military engagements will require comprehensive planning with Governor Ridge and the new Department of Homeland Security.

I look forward to working with the new Secretary to provide for the security of this great Nation as well as for the State of Alaska.

Mr. SANTORUM. Mr. President, as a proud Pennsylvanian, I want to express my strong support for Governor Tom Ridge and to applaud the President for his nomination as the first Secretary for the Department of Homeland Security. Unfortunately, scheduling prevented me from introducing Governor Ridge during the nomination hearing in the Senate Governmental Affairs Committee. I would like to commend the Committee for its expedited consideration of this important nomination in order to facilitate the establishment of this critical new agency and the Senate for the quick consideration of his nomination today.

Governor Ridge has served the Commonwealth of Pennsylvania for many years and the Nation since shortly after the tragic attacks of September 11, 2001. This period of challenge has shown the greatness of our Nation in the immediate response of heroic Americans such as Todd Beamer and others who gave their lives flying over Pennsylvania in United Flight #93 and the many who have heeded the call to service and sacrifice since then. I would especially like to thank Governor Ridge today for heeding the President's call and agreeing to help in this new way to better prepare and protect our Nation from old and new threats in the midst of a changing world.

Governor Ridge was born in Munhall, PA, just outside of Pittsburgh and grew up in Erie in northwestern Pennsylvania. He graduated from Harvard University and then attended my alma mater, Dickinson School of Law. He served in Vietnam as a staff sergeant in the U.S. Army and was awarded the Bronze Star for Valor. He practiced law in Erie after completing his law degree and then served as assistant district attorney. He was elected to the U.S. House of Representatives in 1982 where he served 6 terms. He was then elected for two terms as Governor of Pennsylvania where he served from 1995–2001.

Governor Ridge has prepared well for this responsibility in his service to Pennsylvania and his service to President Bush as the homeland security advisor. We are fortunate that Tom has agreed to serve the country in this new way. I also want to congratulate his wife, Michele, and their two children. I strongly support his nomination and look forward to supporting him in his new responsibility as Secretary of the Department of Homeland Security and encourage all of my colleagues to support his confirmation.

Mr. DOMENICI. Mr. President, as we are all aware, the events of September 11 have changed how we perceive our country and our own safety. For over a half century, Americans have felt safe and secure being isolated by sheer distance from our enemies.

As we have all found, we are no longer safe inside the borders of our own country. We feel vulnerable, and we are vulnerable.

We must rethink how we do business and in doing so re-organize our Government to meet the challenges of the future. We did this with the passage of the Homeland Security bill. Now we must find strong leadership to help us manage this process.

I believe Governor Tom Ridge is immensely qualified to be the first Secretary of the new Department of Homeland Security, and to begin the arduous tasks of securing our Nation against the threat of terrorism, not to mention the challenge of consolidating 22 agencies into a 170,000-employee-strong Department—the largest Government reorganization in 50 years.

Tom Ridge selflessly left his own political career as Governor of the great State of Pennsylvania, where he was his own boss, to become the point man for President Bush on homeland security and now reporting to 100 Senators.

We in Congress should all make an effort to work with Mr. Ridge. It will be our job to give him the tools in order to do his job properly.

I look forward to working with Secretary Ridge and his new organization. As the Chairman of the Energy Committee, I plan to work with the Department of Energy, particularly the National Nuclear Security Administration and our national labs to make sure they work closely with Homeland Security. Our labs were born from the Manhattan Project during World War II and it is once again time for them to step to the plate and help our country defend itself.

As a Senator from a border State, I will work with Governor Ridge to make sure that he gets the tools needed to do the job he was chosen for. This will include: more funding for equipment at our land borders; additional funding for personnel; additional funding for training; and additional funding for industry/business partnership programs along the land border.

It will be important for the border enforcement agencies of the new Department to work with the private sector on both sides of the border and reward those partners who adopt strong internal controls designed to defeat terrorist access to our country.

It is also important that the Federal Law Enforcement Training Center was transferred to the new Department. I will make sure that the transition of that Bureau from Treasury to Homeland Security goes smoothly. I know FLETC-Artesia, New Mexico will play a growing role in providing the training to the men and women who protect our country.

I fully support the nomination of Governor Tom Ridge to be the first Secretary of the Department of Homeland Security.

Mr. LAUTENBERG. Mr. President, I am pleased to support the nomination of Governor Tom Ridge as Secretary of the newly created Department of Homeland Security, DHS, when the Senate votes later this morning to confirm him.

The Governmental Affairs Committee held its hearing on Governor Ridge on Friday and reported his nomination favorably later that afternoon. The expedited action on Governor Ridge is an illustration that when the administration seeks a consensus nominee from the start, the Senate can be very accommodating. I hope that administration officials will keep that in mind as they consider candidates for the Federal judiciary.

Governor Ridge brings strong qualifications and experience to the job. He is literally battle-tested. He has served as President Bush's first and only Director of Homeland Security. He has management experience as the Governor of one of the Nation's larger States, Pennsylvania. Moreover, he has served in Congress and so knows the importance of the task we have, which is to provide adequate funding for this new department and oversee its operations.

Having said that, his task is extraordinarily large and extraordinarily difficult. Governor Ridge will preside over the biggest Federal reorganization since the creation of the Department of Defense after the end of World War II.

We feel compelled to create a Department of Homeland Security largely because of the 9/11 terrorist attacks. There were attacks on our soil before 9/11, but 9/11 has focused our Nation's attention much as the attack on Pearl Harbor did for the World War II generation.

We face a cunning and ruthless enemy determined to make our home front the front lines. We face an enemy that deliberately targets civilians, not soldiers. We face an enemy that wants to disrupt our society by every means possible.

Keeping America safe will be an enormous challenge. Keeping America safe without trampling on the civil liberties that make us a free people will be an even bigger challenge.

The Department of Homeland Security's purpose is to prevent terrorist attacks within the U.S. and respond to such attacks that do occur. The DHS will consist of 22 agencies now scattered throughout the Federal Government and will contain four major divisions:

A division of information analysis and infrastructure protection, which will operate in concert with the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and other intelligence agencies to assess threats;

A division of science and technology that will develop and promote measures to defend against nuclear, chemical, or biological attacks;

A division of emergency preparedness and response—built on the current Federal Emergency Management Agency (FEMA)—which will prepare for and respond to natural and man-made disasters; and

A division for border and transportation security that will encompass what is now the Customs Service, the Transportation Security Administration, and the Border Patrol.

Additionally, the new Department will include the Secret Service, the Coast Guard, and a new Bureau of Citizenship and Immigration Services. The Immigration and Naturalization Service is to be abolished and nearly all of its employees are being moved to the new Department from the Justice Department. The bill would also move most of the Bureau of Alcohol, Tobacco and Firearms from the Treasury Department to the Justice Department and rename it the Bureau of Alcohol, Tobacco, Firearms and Explosives. The new Department will also have an Office for State and Local Coordination charged with helping state and local governments to implement the national strategy for combating terrorism.

So Governor Ridge must bring together 170,000 employees from disparate agencies and manage a budget that now totals $20 billion and is expected to reach $31 billion by 2007. That is an enormous task.

We are operating on the premise that consolidating all of these agencies and programs under one roof is a good idea. That seems like a reasonable premise, but in all candor, we will have to wait and see.

I am concerned about what will happen to the non-DHS functions of agencies moved to the new Department, such as those of the Coast Guard and FEMA. I want to make sure that the Coast Guard's traditional functions of maritime safety, search and rescue, aid to navigation, etc., will not be hurt by the reorganization.

Port security operations accounted for 1–2 percent of Coast Guard activities before 9/11. By early October 2001, they increased to 56 percent of all operations. The Coast Guard is trying to move towards a "new normalcy" with port-security operations accounting for 20–25 percent of all operations. According to the Congressional Research Service, prior to 9/11, the Coast Guard already was been underfunded with regard to its expanding responsibilities. Over the last 25 years there has been a substantial growth in mission areas such as counter-drug operations, alien interception, pollution prevention, and fisheries enforcement. These functions will still need to be performed and have to be funded adequately.

Similarly, FEMA's non-DHS functions of natural disaster response and relief should not be weakened.

Another issue we will have to grapple with is oversight. Some of the oversight will rest with the Governmental Affairs Committee; some of it will be spread among several committees. That may be a good thing; but it could also prove to be unworkable. Again, we will have to wait and see. How we handle appropriations is another matter we will have to sort out.

Another issue is the labor rights of the DHS employees. When President Bush sent his DHS proposal to Congress, it contained anti-labor provisions that would have allowed him to strip civil service protections from Federal employees of the Department, so he could hire, fire and transfer employees as he wished.

On the Senate floor, Senator LIEBERMAN offered an amendment to maintain the current collective bargaining rights of more than 40,000 Federal employees slated to move into the new Department. At the same time, in line with long-standing Presidential prerogative, the Lieberman amendment would have given the administration the ability to suspend these employees' collective bargaining rights if new job duties are related to intelligence, counterintelligence or terrorism investigations, and collective bargaining would adversely impact national security.

President Bush threatened to veto the bill if the Lieberman amendment passed and Republicans filibustered the amendment. President Bush demanded authority to strip all employees in the department of their civil service protections. Citing national security concerns, the President claimed that the labor provisions would not give him broad enough authority to hire, fire and change job assignments at the proposed agency.

I think this course of action was regrettable. The Republicans did agree to a slight compromise on the labor issue: the department is required to consult on any workplace changes with employees' unions. In the end, though, the President will have wider-ranging authority to waive union rights than ever before. This is an issue we will have to revisit.

We also need to be concerned about civil liberties. Of course, we need to be vigilant to protect the American people from those who would do us grave harm. But we can't sacrifice our freedom for security. Governor Ridge and the new department will have to balance the two. It won't be easy but it is absolutely necessary.

Speaking more parochially, because of New Jersey's proximity to New York, we suffered enormously on 9/11: nearly 700 New Jerseyans lost their lives. But it is not just our proximity to New York that concerns me. We have plenty of critical infrastructure targets: ports, airports, tunnels, rail lines, chemical plants, etc. We have 8.5 million people and several large population centers. I want to make sure that we aren't short-changed when the DHS allocates resources to the States to bolster their security.

I also want to make sure that Governor Ridge and the new department fulfill their responsibility to help keep guns out of the hands of terrorists. That means, to me, closing the "gun show loophole"—something President Bush pledged to do as a candidate in 2000. It is too easy for people to buy guns and other weapons at gun shows, no questions asked. We shouldn't make it easy for terrorists to buy assault weapons, .50-caliber guns, sniper rifles, etc.

In summary, the creation of the DHS has not been without controversy. As I noted, there are questions about whether the consolidation of various agencies under one roof will be an effective way to prevent and respond to terrorist attacks; whether the civil liberties of U.S. citizens—particularly immigrants—will be adequately protected with regard to border security and intelligence gathering activities; whether state and local entities will receive adequate funding for their new DHS-related responsibilities; and whether non-DHS functions of agencies will be protected.

Moving a bit farther afield, we need to consider where DHS fits in with regard to our overall priorities for fighting terrorism. The new department is responsible for preventing terrorism, but it will have nothing to do with addressing the root causes of that terrorism. Its very existence and the debate that will swirl around it could take attention and resources away from more proactive foreign policy and domestic law enforcement and social welfare efforts to reduce the impetus for terrorist acts, foreign and domestic.

While the primary responsibility to make America safer without sacrificing our freedoms will rest with Governor Ridge and the new Homeland Security Department, in fact, all Americans share that somber responsibility. We will all have to work together, and we wish Governor Ridge well in this great undertaking.

Mrs. FEINSTEIN. Mr. President, I support the nomination of Tom Ridge to be Secretary of Homeland Security. I think that Mr. Ridge is an excellent choice for the job.

If confirmed, Mr. Ridge will oversee the new Department of Homeland Security, the consolidation of more than two dozen agencies and offices that have been reorganized into a single agency with an overriding mission: protecting the United States from terrorist attack and responding to an attack should one occur.

Unlike his current position in the White House, Mr. Ridge will have budget authority and will be accountable to Congress and the people.

I introduced legislation with Senator BOB GRAHAM on September 21, 2001, long before the Homeland Security Act was signed into law, to give him such authority. I believe that it is indispensable for him to do his job adequately.

I applaud Mr. Ridge's willingness to accept the responsibility of leading the new Department. He will oversee and direct the largest Federal reorganization since the National Security Act of 1947.

It is an enormous challenge. According to historians, James Forrestal, the first Secretary of Defense after passage of the 1947 act, resigned after 2 years due to mental exhaustion caused by the difficulties of managing the new Department.

Even with all of his energy and talent, Mr. Ridge will not be able to do it alone.

We need to be sure that the Department of Homeland Security attracts and retains top people, people committed to ensuring homeland security. And we need to be sure that the department has the tools and resources it needs to protect us from and respond to terrorist attacks.

It is hard to understate the importance of getting this new Department off the ground and running.

Last November, I chaired a hearing of the Technology and Terrorism Subcommittee of the Senate Judiciary Committee on the Hart-Rudman Terrorism Task Force Report. Members of this new 17-member Hart-Rudman Task Force included two former Senators, two former Secretaries of State, two former chairmen of the Joint Chiefs of Staff, and two Nobel laureates.

The task force report is chilling to read. And its conclusion is even more disturbing. It reads: "A year after September 11, America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy."

Just a month before our hearing, CIA Director George Tenet testified before the Joint Intelligence Committee inquiry that "al-Qaeda is in an execution phase and intends to strike us both here and overseas." He also said that the terrorist threat is as bad today as it was in the summer of 2001.

The statements made by the Hart-Rudman Task Force as well as Director Tenet contrast with Mr. Ridge's recent testimony before the Senate Government Affairs Committee.

There, Mr. Ridge testified that, "America is undoubtedly safer and better prepared today than on September 10, 2001" and that "much has been accomplished" to protect Americans from terrorism.

My own view is that, while the terrorist threat remains extremely serious, I would disagree with those who argue that we have done nothing since September 11 to reduce our vulnerability to a major terrorist attack.

In fact, since September 11, the 107th Congress has passed major anti-terrorism legislation in the areas of law enforcement, intelligence, aviation security, border security, and bioterrorism.

However, what we have done so far is not enough. Much more remains to be done, particularly in the areas of intelligence, seaport security, and first responders, including the National Guard.

That is why many of us in Congress have been trying to pass additional legislation to protect our country from terrorist attack.

Let me give three examples of homeland security legislation that I plan to pursue in this Congress.

First, we need to create the position of Director of National Intelligence, whose full-time job would be to oversee the Nation's intelligence community. Under the current structure, the intelligence community is fragmented, there is a lack of coordination between agencies, and there is no effective leadership.

The concept behind the bill was endorsed by the House-Senate Intelligence Committee investigating the September 11 attacks.

Second, as the Hart-Rudman Task Force recognized, we need comprehensive, immediate action to better secure our ports. Our seaports remain a huge gaping hole in our national security.

Terrorism experts who have studied the issue believe that if terrorists try to bring weapons of mass destruction into this country, those weapons will almost certainly come in shipping containers. Only 1 to 2 percent of the 21,000 shipping containers that enter the nation's 361 ports each day are even inspected.

I introduced legislation with Senators KYL, HUTCHISON, and SNOWE in the last Congress that would thoroughly address the issue of port security from the point cargo is loaded in a foreign country to its arrival on land in the U.S. We plan to pursue similar legislation in this Congress.

Third, we should train and equip 2,700 National Guard units for emergency response.

Modeled after legislation creating the successful National Guard counterdrug program, my proposed bill would permit each governor, with oversight and funding from the Secretary of Defense, to create a homeland security activities plan for his or her State.

The National Governors Association, the National Guard , and the co-chairs of the Senate National Guard Caucus all support the bill. The Hart-Rudman Task Force also endorsed the idea.

One thing we should do right now is fully fund homeland security.. Certainly, the last thing we should be doing is starving the new Department of resources to fight the war on terrorism.

One reason I oppose the omnibus appropriations bill is that it cuts homeland security by $1 billion, money that has already been requested, authorized, and appropriated.

Right now, the INS will lose $627 million for border security. First responders will lose $132 million. And other homeland security departments and agencies will also suffer.

These cuts will make our Nation more vulnerable. They will also make Mr. Ridge's already tough job even harder.

I hope that he will be a vigorous advocate for legislation to strengthen our country against terrorists and for adequate resources to pay for such protection.

I congratulate Mr. Ridge on his nomination and look forward to working with him once he is confirmed.

Mr. DASCHLE. Mr. President, I associate myself with the comments made by the distinguished assistant Democratic leader. We asked our colleagues to file amendments by the end of the day on Tuesday. They have. There is a significant number of both Republican and Democratic amendments. I am hopeful we can finish our work on this bill by tomorrow night. There is no reason, given the excellent debate we have had on a number of issues, that we should not try to finish. I hope we can get the cooperation of all Senators in seeking time agreements and in limiting the number of amendments yet to be offered. We have had a very good debate. There will be many other occasions throughout the year when we will have opportunities to express ourselves on a number of issues.

I urge my colleagues, on both sides of the aisle—as I say, there were a good number of amendments offered by both Republican and Democratic Senators—in order to accommodate that schedule.

I come to the floor to express my support for Tom Ridge as the first Secretary of Homeland Security. Governor Ridge has created an impressive record in public service. As a Member of Congress, as Governor from the State of Pennsylvania, he has done a good job in meeting the challenges we all have faced as a country and we in particular face at the Federal level of Government in addressing the needs and concerns of our homeland—or as we sometimes say, hometown defense—over the course of the last year.

There is one very consequential concern I have as we consider the creation of this Department and its leadership. That concern goes to resources. On several occasions over the course of the last several years, and even the last several months, we as a body, we as a Senate, have come to the conclusion we cannot fight the war on terror, we cannot do what we must do in creating a presence in the Persian Gulf, we cannot address the extraordinary challenges we face in Afghanistan, if we do not have the resources the Department of Defense needs to accommodate those missions.

What did we do? We responded, as required, by providing the resources to the Department of Defense to ensure those missions could be fulfilled. I have every expectation we will be dealing with supplementals in the not too distant future, and I would be surprised if it was not the case that the Defense Department, once again, comes to the Congress to seek approval for additional appropriations for this fiscal year. We will look at those requests, but in most cases my guess would be we will support them. We will support them because we realize they cannot carry out a mission without resources.

It is with that understanding that I am troubled this Department of Homeland Security has not had the same degree of support, does not have the same degree of commitment, has not had the resources that it must have to deal with the challenges and the mission that it faces and has faced from its very creation. Last year, the Congress passed overwhelmingly by a vote of 92–7 a supplemental appropriations bill to provide those resources. The President, for reasons that are not entirely clear to many of us, chose not to permit the $2.5 billion in that supplemental appropriations bill for homeland defense.

Yet as I talk to Governors, as I talk to mayors, as I talk to local officials at every level of Government, they tell me the single biggest concern they have is their lack of confidence, their inability to deal with what they perceive to be a real vulnerability in protecting water supplies, energy facilities, roads, bridges, and ports. They are concerned about that vulnerability. One mayor called it homeland "insecurity." He said there was a homeland insecurity today in part because in spite of what we all profess to be our goal, there is a lack of willingness, a lack of commitment time and again on the part of the administration to provide the resources to meet that goal in dealing with the needs of the Defense Department and others as we consider our mission internationally.

The President's budget we are now debating, this omnibus appropriations bill, unfortunately, reflects the same lack of attention and priority and concern for resources. In fact, cuts have been made that devastate our ability to deal with homeland defense, devastate our ability to deal with those areas for which there is absolute unanimity about priority. The budget that is currently pending would cut 1,175 FBI agents, 1,600 Customs inspectors, and 450 food safety inspectors. The list goes on and on.

You cannot have security without resources. You cannot deal with our extraordinary challenges in law enforcement without FBI agents. We cannot deal with the problems we have with immigration without Custom inspectors. We certainly cannot deal with the insecurity our country faces today without dealing with food safety in a more consequential way.

We have a responsibility to ensure as this Department of Homeland Security becomes a reality, as we create the leadership, as we now confirm the first Secretary, we owe it to him, but far more importantly we owe it to the country to ensure that homeland insecurity is addressed, insecurity with regard to resources, insecurity with regard to our budget, insecurity in dealing with the extraordinary challenges we face in restoring confidence and building the kind of true homeland security we all want and need.

We will have more opportunities to talk about this matter as Secretary Ridge comes before the Congress. We are off to an important beginning as he is confirmed today. I hope he will come back with a comprehensive plan that will enable him to convince not only us but the American people that he will have the resources and this will be the priority we all say it is.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, there has been a lot of discussion about the funding for homeland security. I agree with my colleagues that this is an area that is going to require more resources. In particular, we want to make sure that the resources flow down to the State and local levels, that they are available to the first responders, those who are first on the scene in the event of a terrorist attack.

I do want to point out, however, that H.J. Res. 2 contains significant new funding to strengthen our homeland security. For example, the omnibus bill provides over $5.3 billion for the Transportation Security Administration, which is a critical component in our efforts to secure our national transportation system and to ensure the freedom of movement of American people and commerce.

This funding amounts to a $1.84 billion increase over last year, or a 53-percent increase over fiscal 2002 figures. Of this funding, a minimum of $124 million will go toward buying explosive detection systems and trace detection systems; $250 million in funding will go toward the installation of airport detection systems. Many of us have noted the increased scrutiny of checked baggage in the recent weeks. One hundred million is for a very important purpose and that is for seaport security grants to port authorities.

In another area, let's look at the first responders, which are of special concern to me. The omnibus bill includes more than $1.6 billion for emergency planning and assistance to help prepare our first responders. This amounts to an increase of over $997 million from the level provided in the fiscal year 2002 budget. Of this money, $900 million is for the FIRE Grant Program, a very popular program in the State of Maine, that helps our firefighters equip themselves and prepare for future threats. In Maine, we found that the FIRE Grant Program is particularly useful to some of our small, rural communities, which simply would not have access to the resources needed to upgrade their equipment and their training.

Mr. President, $114 million of the money for FIRE Grant Program funding is for interoperable communications equipment for firefighters and EMS personnel. September 11 taught us very dearly how important it is for our first responders to be able to communicate with one another, to have compatible equipment.

Mr. President, $75 million is for urban search and rescue teams and another $75 million is for State and local emergency planning grants. We need to do so much more training and joint exercises at all levels of government to make sure we have a coordinated response to allow us to detect, prepare for, and, if necessary, respond to a terrorist attack more effectively.

Let's look at the area of bioterrorism, one of the major threats we face today. We learned right here in the Senate the amount of damage that an anthrax attack can inflict. The omnibus bill provides considerable funding for bioterrorism. It includes money for the CDC, for example, for a smallpox vaccine, for an evaluation and research on the anthrax vaccine, and it includes money to make our hospitals better able to respond to a bioterrorism attack.

I point out that the $3.7 billion for bioterrorism preparedness is exactly the same in this omnibus bill as in the Labor-HHS-Education bill authored under different leadership last July. The bioterrorism preparedness funding includes $940 million for upgrading State and local capacity. It includes $300 million for the National Pharmaceutical Stockpile. It includes $492 million for hospital preparedness. It includes $1.5 billion for bioterrorism-related research and construction at the National Institutes of Health.

My point is that there is significant and much needed new funding included in this legislation. So we are making a genuine effort to provide the resources that are necessary to make our Nation more secure. It is not going to happen overnight. Money alone does not solve the problem, but money, clearly, is part of the solution, and we are making a major step forward in that regard through the funding provided by this bill, the billions of dollars in funding provided by this bill.

Finally, let me touch on the Coast Guard, which is of special concern to me. The omnibus appropriations bill includes more than $6 billion for the Coast Guard. This amounts to an increase of more than $1 billion from last year's enacted level. I stress this because it has been of great concern to me, Senator STEVENS, and many other of my colleagues that we fully fund the Coast Guard so it does not jeopardize its traditional mission while it takes on increased responsibilities in the area of homeland security, particularly port security.

So I think it should be evident from a review of this bill that we are making a significant commitment of additional funding for homeland security. This is a very positive step forward. More resources undoubtedly will be needed and will be considered as part of the President's budget.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I yield to the distinguished Senator from Utah, the chairman of the Judiciary Committee, for up to 6 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair. I thank the Senator from Maine. I sure appreciate the work that she has done on this issue. She deserves a lot of credit. This has been a big week for her with all of the things she has been able to accomplish.

Mr. President, I am pleased to rise in support of the confirmation of my colleague and friend, Tom Ridge, to serve as this Nation's first Secretary of Homeland Security.

I commend my fellow Senators for moving this nomination with the speed that it deserves. Senators COLLINS and LIEBERMAN have done an excellent job. I am very appreciative of that.

With the creation of the Department of Homeland Security, and now the confirmation of Tom Ridge to head that agency, the President finally has a unified department specifically devoted to fighting terrorism.

Tom Ridge will begin his tenure as Secretary with an enormous task: implementing the new Department that Congress has created just months ago.

This is the most comprehensive reorganization that our Federal Government has undergone in over 50 years.

Because I know Tom Ridge, I know that he is up to the task. I view his confirmation as critical to the success of the new Department's mission.

After successfully implementing the reorganization of nearly 200,000 Federal employees, Secretary Ridge's work will just have begun.

As the first Secretary of the Department of Homeland Security, Tom Ridge will face the awesome challenges and responsibilities of safeguarding our borders and enhancing our Nation's ability to respond to future terrorist attacks. He must do so while ensuring that our cherished individual civil liberties are protected.

He will be responsible for collecting intelligence from a number of different sources, fusing it into a single coherent picture, and then ensuring that it is acted upon appropriately.

While all of us hope and pray that our Nation will not be attacked by terrorists again, we must remain ever vigilant to that real threat. The department's goals and efforts are of paramount importance to all our constituents, including those in my home state of Utah and, of course, the entire Nation.

Tom Ridge is the right man for this challenge. He was a wonderful Governor of Pennsylvania. He certainly has been a heroic figure throughout the lives of many people.

Less than 1 month after the terrorist attacks on our country, Governor Ridge was sworn in as the Director of the White House Office of Homeland Security.

He has worked there with an unwavering dedication to protect our homeland. I commend Governor Ridge on his efforts to improve our Nation's security and his dedication and courage in tackling these most difficult issues in these times of crisis.

Tom has accomplished much.

While there is much more to do to ensure the safety of our great Nation, I am comforted by his demonstrated track record of leadership and success.

Tom Ridge and the President have been a steady beacon of hope for all Americans, and I want to thank them for all their accomplishments.

By confirming Tom Ridge, we are taking a big step forward in helping to defend our Nation from terrorism.

I am confident that Secretary Ridge will work vigorously to secure our Nation and protect Americans—and to protect all of us in ways that really have to be undertaken.

I am proud to support Secretary Ridge's nomination and look forward to working with him on homeland defense and security issues in the future.

I look forward to working with my colleague from Maine and others on the other side in the future on these very important issues.

This agency is so big that it crosses over a whole raft of communities.

I again want to pay tribute to the distinguished chairman of the committee and her ranking member for having done such a good job in bringing this nomination forward at this particular time.

I reserve the remainder of my time for the chairman. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, the Senate is now about to vote on the nomination of Gov. Tom Ridge to be the new Secretary of Homeland Security. I urge all of my colleagues to vote yes on this nomination. He is truly an outstanding individual to head this important new Department.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas J. Ridge of Pennsylvania to be Secretary of Homeland Security?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—6

Feinstein
Harkin
Hollings
Inouye
Kerry
Lieberman

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 40

The PRESIDING OFFICER. Who yields time on the motion to waive?

The Senator from Rhode Island.

Mr. REED. Madam President, before recognizing my colleague, Senator DURBIN, let me say the Reed-Durbin amendment would provide up to 1 million Americans who are long-term unemployed and were not assisted by the January 8 amendment we passed. This would be a positive stimulus for our economy. These benefits would be paid out until the economy came back and then automatically stop. It also recognizes the structural changes. The high-tech meltdown and the exodus of manufacturing have left many people without jobs. They need our help now.

Our economy is in distress. We have to help these hard-working Americans. We cannot wait any longer because as we wait, they invade their 401(k)s, they extend their credit cards, they do anything to make ends meet. We should help them now.

I yield the remainder of my time to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Rhode Island for yielding. I am happy to cosponsor this amendment with him. I am glad it has finally come to a vote.

I listened to the arguments yesterday by the Senators from Oklahoma and Iowa and others who suggested this recession is not that bad; we really should not be talking about a million people who have exhausted their unemployment benefits; things were a lot worse 12 or 13 years ago.

The unemployment rate in the United States of America has increased over 50 percent since October of 2000. We now have 6.0 percent or more who are unemployed in this country, a million of whom have exhausted their unemployment benefits. When the President said he was going to help these families, he forgot a million Americans, 53,000 in my State.

I hope my colleagues in the Senate will understand that the money we have collected over the years and we put in the unemployment trust fund is money designed specifically for this purpose.

Previous Presidents, Democrats and Republicans alike, have noted the need to help these struggling families. We cannot turn our backs on them. We will have a chance today by voting yes on this amendment, and I hope my colleagues on both sides will join in that effort.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 2½ minutes. The Senator from Rhode Island has 36 seconds.

Mr. NICKLES. Madam President, I urge my colleagues to vote no on the motion to waive the budget point of order. I am afraid we are going to have to decide this many times, are we going to be waiving the budget every time we turn around?

There is a reason a budget point of order lies against this amendment. We are on an appropriations bill. Instead of trying to pass appropriations, some people are saying, let's expand entitlements.

It so happens we did this January 7. The Senate unanimously passed a bill to expand unemployment compensation, extend the present law through May, and it cost us about $7.2 billion.

Now our colleagues are coming back and saying: This is a 13-week Federal program. Let's make it a 26-week Federal program, except let's even do more. The Federal program today is up to 13 weeks. The bill we have before us says all States get a mandatory 26 weeks. It is not coupled to what the State programs have.

We have never done that in the history of the United States. We have always coupled Federal unemployment extensions with the State program. But that is not what this amendment does. The amendment was not drafted well and was not thought out well. It is very expensive. It is about the fifth iteration we have seen, and it is still not done very well.

I urge my colleagues, if they want to do it, introduce the bill, have it referred to the appropriate committee, have that committee have hearings on it and mark it up with professional staff to do a good job. This is grossly irresponsible. It would cost $6.3 billion.

I ask unanimous consent to have printed in the RECORD a Congressional Budget Office letter stating that fact.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 22, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As requested by your staff, CBO has prepared a preliminary estimate of the costs of amendment number 40 to House Joint Resolution 2. This amendment would expand the Temporary Extended Unemployment Compensation Act of 2002 (as amended by Public Law 108–1) to provide additional weeks of federal unemployment benefits by increasing the maximum number of additional weeks of benefits available in all states from 13 to 26. The amendment also would change the number of weeks available in states with high unemployment from 13 to 7.

CBO estimates that enactment of this amendment would increase outlays by between $5.8 billion and $5.9 billion in 2003, and by about $500 million in 2004, for a total cost of about $6.3 billion. Under our most current estimates, there would be no significant budgetary effects in subsequent years. Under the March 2002 baseline assumptions, there would be an offsetting increase in revenues in later years because this spending would reduce the amount of Reed Act transfers assumed under the March projections. However, CBO has not yet estimated this effect.

If you have additional questions about this estimate, we will be pleased to provide them. The CBO staff contact is Christi Hawley Sadoti, who may be reached at 226–2820.

Sincerely,
BARRY B. ANDERSON,
Acting Director.

Mr. NICKLES. Colleagues, let's have regular order in the Senate. Why have the Finance Committee have jurisdiction over an issue if we are just going to skip the committee and consider it on the floor? Are we going to do this with every authorizing committee: There is an appropriations bill, let's ignore the authorizing committee and come up with all kinds of entitlement expansions. That is the reason a budget point of order lies against this. That budget point of order is well taken.

This chairman of the Budget Committee plans on enforcing the budget. I urge my colleagues to vote no on the motion to waive the Budget Act.

Mr. KENNEDY. Since President Bush assumed office in January 2001, the economic well-being of America's families has significantly deteriorated, and a major cause of this crisis for so many families is the economic policy of the Bush administration, which has neglected the basic needs of working men and women, lavished extravagant tax breaks on the wealthiest taxpayers, and allowed corporate abuse and excess to go unchecked.

Today, nearly 8.6 million Americans are unemployed—2.6 million more than when President Bush took office. Due to the lack of available jobs, the number of long-term unemployed—those out of work for more than 6 months, has now soared to nearly 2 million—a 70 percent increase from last year. Long-term unemployment has increased in every month since March 2001. It is clear that Congress needs to do more for these Americans, who have worked hard, played by the rules, and are suffering because of the economic downturn.

The new law enacted earlier this month provided needed assistance for many of the unemployed, but it does nothing for the 1 million long-term unemployed who have run out of their State and Federal unemployment benefits and still have not found jobs. These Americans are struggling to make ends meet. Many have depleted their savings and refinanced their homes. A tragic number are facing foreclosure.

In Massachusetts, nearly 170,000 workers are unemployed. Ninety thousand of those workers will be helped by the new law. But more than 30,000 of those hardest hit by the recession have run out of all of their State and Federal benefits and are still out of work.

The unemployment trust fund now contains about $25 billion. It was intended for just this kind of situation. We now have an opportunity to extend unemployment compensation to families across this country who have lost their jobs through no fault of their own, but have not yet found a new job. They deserve this lifeline during this difficult time, before they are able to get back on their feet.

The issue is fundamental fairness.

At other times in recent years, Republicans and Democrats have come together to provide this urgently needed support. The first President Bush signed into law three benefit extensions for those who had run out of their State and Federal benefits. The same is true of the recessions of the 1970s and 1980s. Congress recognized each time that benefits were insufficient to reach the workers who were hardest hit. We acted to give them a safety net. It's time to live up to this standard now and provide unemployment benefits for these 1 million workers. These benefits are their lifeline, and Congress should act as soon as possible to provide the assistance they deserve.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment by my colleague from Rhode Island. While I understand his desire to address the problem of unemployment, I would suggest this is neither the time nor the place to do so.

First, I would remind my colleagues that this amendment would increase mandatory spending in an appropriation bill, and therefore is subject to a 60-vote point of order.

Second, let's remember what we've already done to address this issue. Last year, Congress voted to provide more than $11 billion in federally funded benefits, and we voted earlier this month to provide an additional $7 billion on top of that. That's a total of $18 billion in federally funded unemployment benefits.

Third, I would suggest this amendment is based on a faulty premise. On one hand, my colleague seems to suggest unemployment is worse than ever before. On the other hand, he suggests this amendment is no more than we've done before.

I would suggest he is mistaken on both counts.

The truth is this amendment represents the greatest expansion of Federal unemployment benefits in history, and it is being proposed at a time when unemployment is well below historical recession levels.

Let's be clear about what this amendment does. It would provide a minimum of 26 weeks of federally funded unemployment benefits and a maximum of 33 weeks—at an additional cost of more than $6 billion.

The last—and only time—Congress provided up to 33 weeks of unemployment benefits was back in 1992 when the unemployment rate reached nearly 8 percent. Today, the unemployment rate is 6 percent.

Moreover, every other time Congress has provided federally funded unemployment benefits, they have been linked to the duration of State benefits. This amendment would provide between 26 and 33 weeks of Federal benefits without regard to the duration of

State benefits. This is an unprecedented expansion of the unemployment program.

It violates the insurance principles inherent in the unemployment program by breaking the link between the time someone has worked to the time that person can collect unemployment benefits. This amendment would allow someone who worked as few as 20 weeks to collect as much as 33 weeks of federally funded benefits. This is neither the right time, the right place, nor the right way to change the unemployment program.

Unemployment has not risen to the historical level of previous recessions. Moreover, a uniform duration of benefits would violate every historical precedent.

I urge my colleagues to sustain the point of order and defeat this amendment.

Mr. KERRY. Mr. President, right now the American people are dealing with tough economic times. Over 1 million Americans have exhausted their unemployment benefits without finding a job, more than 30,000 of those people are from my home State of Massachusetts. Can you imagine how hopeless these workers are to be at the end of their benefits with no job? I've heard from so many of my constituents recently about the great difficulties they're having finding jobs and how scared they are about providing for their families when their benefits run out. These are people who are desperate to work, but they've found that jobs are simply not available right now. In fact, there are 1.5 million fewer jobs today than in March 2001 when the current economic downturn began, and the number of jobs in the economy has been stagnant for several months.

I am pleased that Senator REED has offered an amendment to the omnibus appropriations bill to provide additional weeks of benefits to the long-term unemployed, to those 1 million American workers whose benefits have already expired. I am a cosponsor of Senator REED's amendment, although unfortunately I will not be present to vote in support of the motion to waive the budget act today. When we passed S. 23 on the first day of the 108th Congress, we extended benefits for one group of the unemployed, but ignored this equally deserving group. It is totally unfair to me that we have not provided benefits to the long-term unemployed, particularly when we know that the current unemployment rate of 6.0 percent is the highest rate in nearly 9 years and is higher than when the Temporary Emergency Unemployment Compensation program was created.

Twenty percent of America's unemployed have been without work for more than twenty-six weeks and that percentage is still growing. We must not leave the long-term unemployed and their families with no where to turn. I urge my colleagues to support the Reed amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I yield 10 seconds to the Senator from Maryland.

Mr. SARBANES. Madam President, I point out that taxes have been paid into the unemployment insurance trust fund for the purpose of paying unemployment insurance in an economic downturn. That fund has close to $25 billion in it. About $7 billion was used in the last legislation we passed. The purpose of paying that money in good times is to be able to pay it out in bad times. I support this amendment.

Mr. REED. Madam President, we might be able to wait here for procedural niceties, but the million Americans who are desperate for jobs and can't find jobs cannot wait. I urge passage.

I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 49, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham (FL)
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Feinstein
Harkin
Hollings
Inouye
Kerry
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 79

Mr. DASCHLE. Madam President, I call up amendment No. 79.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 79.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency disaster assistance to agricultural producers)

Beginning on page 1032, strike line 21 and all that follows through page 1040, line 25, and insert the following:

TITLE II—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2003".

SEC. 202. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 203. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–51).

SEC. 204. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this title, to remain available until expended; and

(2) transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to remain available until expended, an amount equal to the amount of funds under section 32 of that Act that—

(A) were made available before the date of enactment of this Act to provide assistance to livestock producers under the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070); and

(B) were not otherwise reimbursed from another account used by the Secretary or the Commodity Credit Corporation.

SEC. 205. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. 206. BUDGETARY TREATMENT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 204

(Purpose: To provide agricultural assistance)

Mr. COCHRAN. Madam President, I call up Cochran amendment No. 204.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 204.

Mr. COCHRAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of January 21, 2003, under "Text of Amendments.")

Mr. DASCHLE. Madam President, just for the information of all Senators, the order that has been agreed to will accommodate debate on both the Cochran amendment and the Democratic amendment simultaneously. There will be 70 minutes equally divided to accommodate Senators who wish to speak to the amendments. I am sure we will accommodate Senators on both sides of the aisle in an attempt to alternate back and forth as people wish to speak. So both amendments are pending and both amendments are subject to comment by our colleagues.

I appreciate, as always, the great willingness on the part of the chairman of the Agriculture Committee to enter into this agreement and to accommodate this debate as we anticipate it.

It has been 342 days since the effort was first initiated to bring about meaningful disaster relief to many parts of the country. During those 342 days, I don't know how many hours we spent on the Senate floor attempting to inform our colleagues and urging the Senate to act as expeditiously as it could to address the concerns of so many farmers and ranchers.

We did it first in the farm bill itself. We attempted to provide meaningful disaster assistance within the farm legislation. It passed in the Senate. In conference, I had a number of conversations with the chair of the Agriculture Committee in the House and with the Speaker, and it was the view, almost unanimously expressed in the House, that they would not be willing to support disaster assistance on the farm bill. They said: We will come back at a later date and address it in a sufficient way. So we completed our work on the farm bill and anticipated we would have an opportunity to pass meaningful assistance later in the year.

When the Interior appropriations bill came before the Senate, we offered an amendment, and it generated 79 votes. That amendment provided about $6 billion in direct assistance to farmers and ranchers. Forty different farm organizations publicly expressed their support for the effort. Over and over again, people said: This must be urgent. You have to understand the extraordinary urgency of what is happening and the need for this relief as quickly as you can get it to us.

Madam President, just for the record, I note that I will use my leader time to make my remarks with regard to the amendment so that I can accommodate other Senators who wish to speak.

The PRESIDING OFFICER. The leader has that privilege.

Mr. DASCHLE. So we adopted that amendment with 79 votes, with every expectation that we could get help to the farmers and ranchers who need it as quickly and as meaningfully as possible.

Almost from the beginning, the administration's position was that we just could not afford it; that the $6 billion was out of line; that it was too expensive; that there really was not a way to provide the resources to help farmers and ranchers with the magnitude of help we proposed in the amendment.

I must say, I find it deeply troubling that at the very time the administration says we cannot afford the $6 billion in disaster assistance, they come forth with a $670 billion tax cut, a tax cut that helps those at the very top, with very little support for anyone else—borrowing the money, I might add.

So, on one hand, the administration is saying to the American people, somehow we can afford a tax cut, $20 billion of which will go to 226 millionaires, at the very time we do not have the resources, we do not have the will, we do not have the support for $6 billion for farmers and ranchers.

I have to say, over the course of the last 342 days, time and time and time again, people have come to us saying: We don't understand either, but we hope that however you ultimately decide to help us, you help us soon.

There are places in South Dakota that have not had rain for months. There are places in South Dakota where we had no crop at all last year. We have locations in our State where virtually all of the livestock population has been sold off.

In letters, in e-mails, in phone calls, farmers and ranchers—by the thousands—have contacted the Senate pleading for help, asking that we do so as quickly as possible. So this is our last chance. This is our last opportunity, at least for the foreseeable future. I cannot imagine when we can come back to the Senate floor and try this again.

So we are offering the same amendment that generated 79 votes last fall. The amendment provides help in the two categories where help is most needed—the crop disaster assistance program and the livestock assistance program—with one minor exception. Last fall, the administration shifted several hundred million dollars to ill-considered, unresponsive, and underfunded disaster efforts for those key or niche areas of livestock producers, a very small number of livestock producers, which amounted to about 2 weeks of assistance before it expired.

This amendment replenishes what the administration took from that important account, funding for school lunch and funding for hunger relief. I must say, I hope everyone will recognize the importance of taking this action.

As I said, the Senate is already on record; 79 Senators in an overwhelming bipartisan vote, 40 organizations, including the Farmers Union, the Farm Bureau, the National Wheat Growers, the National Cattle and Beef Association, the National American Soybean Association, 40 farm organizations have said: Help us now. Do what you were not able to do last year. Join as you did last year. Pass this meaningful assistance. We have waited too long.

I hope people recognize there is a difference between the two amendments. I have the utmost respect for the Senator from Mississippi, the chairman of the Senate Agriculture Committee. He will do an outstanding job as chair of the committee itself. We don't stipulate a dollar figure in this amendment. We leave that to the administration to define. We simply say: Let's meet the need that is there, meet the need in crop assistance, meet the need in livestock assistance, but meet the need that is there.

The alternative says: We know the need is there, but we are only going to provide $3 billion to meet that need. We recognize it may only be half but, I suppose they would argue, at least it is something.

We need more than just something. We need to provide the kind of assistance that is so desperately needed in the dead of winter to ensure that at long last, those who have waited so long get the help they truly deserve.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi.

Mr. COCHRAN. Madam President, let me compliment the distinguished Democratic leader for his effort to get an agreement under which we could carefully and thoughtfully consider this issue in the Senate. We have reached that agreement, and we have two alternatives now pending before the Senate: The so-called Daschle amendment and the Cochran amendment.

For the information of Senators, these are not the only efforts that have been made up to this point to deal with the disaster facing agriculture. In fairness, we have to acknowledge that the administration has been working very diligently to use existing authority to make payments to producers under the authority of current law to deal with the losses being suffered in production agriculture and in the livestock industry. Specifically, the Risk Management Agency of the Department of Agriculture has been supervising the payment of crop insurance benefits and so far $4.1 billion in crop insurance indemnities have been paid to producers across the country.

In addition, the Livestock Compensation Program has been utilized to the extent of the payment of $932 million by the Department of Agriculture, and for the Livestock Feed Assistance Program, outlays of $150 million have been made available. Adding up these three specific instances of assistance, we can see that $5.182 billion of benefits have been paid to agricultural producers.

I agree with what the distinguished Senator from South Dakota has said: That is not enough. So we come here today trying to define new authorities for the Department of Agriculture under which additional benefits can be made available to compensate farmers for losses that have been sustained because of not only drought, which has been devastating in some parts of the country, but also other adverse weather conditions—excessive rainfall at the time in the South where farmers were trying to get into the fields to harvest cotton, to harvest other crops, and were not able to do so because of the difficult conditions created by excessive rainfall.

All of these producers will be eligible for benefits under the Cochran amendment. It will be capped however. The CBO, the Congressional Budget Office, estimates the outlays under this amendment would amount to $3.1 billion. The additional fact to be kept in mind is, under our scoring procedures, trying not to add to the deficit with this amendment, we have offset the spending under the Appropriations Committee bill to which this amendment is added, so that this is not going to be new spending under this amendment.

By comparison with the Daschle amendment, the $6.5 billion that the Congressional Budget Office estimates that amendment will cost will be added to the deficit. It is not offset. It is declared an emergency. And under the Budget Act, that is one way of funding disasters that are unanticipated. I am not suggesting it is illegal, but it simply does have budget implications in terms of additions to the deficit that the Cochran amendment does not.

We also try to deal with the disaster in terms of defining the areas where benefits could be made available. These basically are in disaster counties, counties that have been declared a disaster under current law by the Department of Agriculture or by the President. Other farmers who are located outside of those designated areas, if they can prove a loss up to 35 percent, may do that, and they will be eligible for compensation just as farmers who are located in the disaster declaration areas.

We are trying to make this applicable to those who have suffered disasters. At one point some Senators raised a question about the wording of this amendment I offer today because it appeared to make available benefits to those who might not have had a disaster or may not have suffered any economic losses due to any kind of disaster. We hope we have tightened up the definition of eligibility so only those where there have been declarations of disaster or where they can prove they suffered damages up to 35 percent will be eligible for benefits. We hope we have taken care of that difficulty. We appreciate the fact that Senators are not bashful normally and they were not in this case either when they disagreed with some parts of this amendment as it was earlier drafted and brought this to our attention.

We tried to accommodate those concerns, and we think the amendment has been improved to the extent that it merits the support of the Senate.

We hope Senators on both sides of the aisle will look at the suggestions we have made carefully. We have tried to cover livestock producers as well as row crop producers. Other specialty vegetable crops and the like are covered as well. We think this is a generous but responsible way to deal with the problem. We hope Senators will vote for the amendment.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, there are a number of our colleagues who have asked to be recognized. I don't want to take a lot of time because we have a lot of Senators who wish to be heard.

There is one difference between the two amendments of which I think all of our colleagues ought to be aware. Under the Cochran amendment, in disaster counties, counties declared disaster, every producer is eligible regardless of loss. In my State, there are counties that were declared disaster that had pockets where they had all the rain they needed, where there are livestock producers who really don't need any assistance.

What we are doing is taking away from those who need assistance to provide resources to those who don't need it by not differentiating, by not having some qualification, by not saying they have to meet this threshold.

What our amendment says is, they have to have incurred at least a 35-percent loss to be eligible for benefits, even in those counties declared disaster. There is no discretion in that regard in the Cochran amendment.

I yield 2 minutes to the distinguished Senator from Wisconsin.

Mr. KOHL. Madam President, I rise in support of the amendment being offered by Senator DASCHLE to provide much-needed assistance to our Nation's farmers who have been hard hit by a series of natural disasters, notably severe drought that has destroyed crops and harmed livestock operations in many States. Although my State of Wisconsin has not suffered the losses that most other farm States have faced these last 2 years, wise, Wisconsin farmers have been hurt by natural disasters in the past and probably will be again in the future. And until we come up with an agriculture policy that protects farmers from ruin when drought, or floods, or tornadoes, or disease strikes, Wisconsin will stand by other farm States as they seek disaster assistance.

Before I yield the floor to other Senators who would like to speak on this amendment, I would like to take a moment to briefly comment on the fiscal year 2003 appropriations bill for Agriculture, Rural Development and Related Agencies. First I commend Senator COCHRAN on the job he has done, given the tough fiscal restraints he was facing. It is never easy to cut funding and balance multiple priorities, and I believe Senator COCHRAN has done good work, given the circumstances.

However, there are two items that have been taken out of the bill as it was originally written, which I believe warrant mention, and reconsideration.

The bill before us no longer funds an expansion of the Summer Food Service Program. This increase would have expanded to all 50 States a successful 13 State pilot program to streamline the process of setting up a summer feeding site. A report released this summer found that the 13 pilot States increased their participation in the SFSP by 8.9 percent between July 2000 and July 2001. Participation in the rest of the Nation decreased by approximately 3.3 percent during the same time period. I have an amendment to restore the funding for this important program.

I also have an amendment to fund a program authorized in the 2002 Farm Bill and funded in the Agriculture Appropriations bill passed out of committee last July. The program, initiated by the Girl Scouts of the USA, Boy Scouts of America, National FFA Organization, and National 4–H Council, allows these experienced and very successful youth organizations to increase their presence in remote rural communities. As we pare back on funds for education and other federal initiatives for our children, we should not also cripple private efforts to bring programs like Girl Scouts, Boy Scouts, 4–H and Future Farmers of America to our underserved rural youth.

Again, I thank Senator COCHRAN and his staff for their hard work. Overall, I believe this is a good bill, and I look forward to working together to try and restore the items I just mentioned in a fiscally responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Nebraska, Mr. HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

Madam President, I rise in support of drought disaster aid for America's drought-stricken agricultural producers and to support the Cochran amendment to the omnibus appropriations bill.

I wish to also express my thanks to Chairman STEVENS, Chairman COCHRAN, and their staffs for their hard work and especially for finding the necessary critical funding to offset the spending in the bill.

Those of us in drought-stricken States have known for many months that our farmers and ranchers needed assistance. Unfortunately, in a year when 80 percent of U.S. counties were declared a disaster, the House and Senate adjourned last November with neither Chamber having passed 2002 drought aid.

There is no doubt that disaster relief is justified. In Nebraska, only the Dust Bowl years of 1934 and 1936 were dryer than what the State experienced last summer. Since autumn, conditions have only worsened throughout much of the Plains, as well as most of the West and Southwest. This has been one of the driest winters in these regions in more than 100 years.

Nebraska officials are becoming increasingly concerned about irrigation resources for the upcoming growing season. The water level at Lake McConaughy, Nebraska's largest reservoir, is 60 percent below capacity.

With the Federal budget deficit projected to balloon near $300 billion in this fiscal year, Congress must demonstrate fiscal responsibility. The days of budget surpluses are gone, but at the same time we must turn our attention to this much-needed drought assistance.

Under this proposal, the Cochran amendment, disaster payments would get more attention more quickly than under the old crop disaster formula, and we would help a larger number of farmers and ranchers.

Months ago, the President made it clear that any disaster aid for agriculture must be offset. Last week, White House agriculture adviser Chuck Conner reiterated this requirement, telling farm groups that all disaster aid proposals would be judged upon three criteria: One, cost; two, available budget offsets; and, three, whether farmers would be more self-reliant in the end. The Cochran amendment complies with the President's request.

I urge my colleagues to support the proposal of the chairman of the Agriculture Committee. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I yield 4 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I thank Senator DASCHLE for his leadership on this amendment and express my high regard for Senator COCHRAN as well. We now find ourselves in a circumstance where the drought has gone on for 2001 and 2002 across much of this country, including in South Dakota, and it has been devastating. There has been a $2 billion loss to South Dakota's economy alone based on numbers from South Dakota State University.

There is a need for urgent relief and comprehensive relief. We had 79 votes in this body for a $6 billion package last year. Now we find ourselves in a circumstance where we are being told about fiscal constraints and yet the White House and our colleagues on the other side of the aisle are telling us they are willing to borrow $674 billion over the coming decade—$108 billion this next year—for a so-called tax relief plan, but we do not have the resources for a comprehensive $6 billion drought relief bill in rural America.

If ever there was an initiative that would stimulate the economy of rural America, it is the comprehensive $6 billion amendment before us today, and it would fit very nicely within the context of the enormous stimulus initiative coming to us from the White House and from our colleagues.

While I appreciate the work that has gone into the alternative bill presented by the Senator from Mississippi, it is half the money. With respect to aid for livestock producers, arguably the hardest hit, $1.5 billion would be available for livestock under the bill I support and Senator DASCHLE supports as opposed to only $250 million under the alternative version.

By applying the AMTA payments, we wind up with gross inequities in the plan offered by the other side. In one of my counties, for instance, it is a primary disaster area, but it has been determined that just 23 percent of its 1,200 farmers have experienced crop or hay losses meeting or exceeding the 30-percent threshold that normally triggers disaster relief. That means 77 percent of the farmers in that disaster county have not experienced significant crop or hay losses but will still get an AMTA payment from the alternative plan.

Meanwhile, a rancher in a western county in South Dakota with whom I spoke this morning said his average AMTA payment is just $250 per year because he is primarily a cattle producer. Under the alternative plan, he would receive a $250 AMTA payment, which would purchase just a couple bales of hay, and be forced to compete with other producers for just $250 million annually remaining for livestock producers, and that is spread across the entire country.

On top of that, under the alternative plan, producers must pick drought payments from 2001 or 2002, but not from both, and there is concern over a $10 million grant for Texas farmers and $50 million carved out for cotton as opposed to the comprehensive crop loss coverage under the Daschle bill that I am cosponsoring.

Simply put, the amendment I have cosponsored provides real, comprehensive aid to crop farmers and livestock producers who suffered actual losses to the drought or other natural disasters. The alternative plan provides aid to producers regardless of loss. It simply is not fair.

It ought to be apparent which bill provides the real assistance and real relief. We are seeing a hemorrhage of farmers and ranchers off the land. It hits the youngest producers worst. Those least capitalized are least able to sustain their operations throughout all of this crisis. We have rancher after rancher who have liquidated their animals. Young people are leaving the land. We are falling below the critical mass of population in many of our rural areas to sustain basic rural institutions.

At a time when this body is debating economic stimulus, I can think of no other initiative that would do more for rural America than this $6 billion drought bill in the context of the $108 billion that has been proposed by the White House as economic stimulus for this year alone.

It makes sense for this initiative to pass now. I ask support of the Daschle amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. COCHRAN. Madam President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair. Madam President, I thank Senator COCHRAN for all his amendment does to deal with the drought and the severe crises in the agricultural community in our country.

I want to specifically speak about a part of this amendment that affects my home State and thank him for the support he has given to the farmers who live in south Texas and who are suffering because Mexico has refused to meet its requirements under the 1944 water treaty with the United States.

Farmers, families, and communities in the Rio Grand Valley of Texas have suffered devastating economic losses due to Mexico's refusal to comply with this treaty. The treaty obligates Mexico to allow an average of 350,000 acre feet of water to flow into the Rio Grande River annually for the United States, while obligating the United States to allow an average of 1.5 million acre feet of water to flow to Mexico from the Colorado River.

Even during the hardest times, since 1944 America has strictly complied with its obligations under the treaty of 1944, but Mexico has accrued a deficit of 1.5 million acre feet. Mexico claims that drought conditions in Chihuahua prevented it from releasing Rio Conchos water into the Rio Grande. However, Mexico's agricultural production in Chihuahua has blossomed.

Recent reports by Texas A&M University's Extension Service, accompanied by NASA satellite photographs from the University of Texas, document Mexico's increased use of irrigation water to promote high value water-dependent crops such as corn, oats, forage, and vegetables in the state of Chihuahua. We can see from this satellite photograph the Madero Reservoir's water storage is at 14-percent capacity on June 25 of 2002. Even during the low 14-percent water storage, Mexico continued to irrigate its fields. However, two months later, August 28, 2002, the Madero's water storage has risen to 75 percent of its total capacity and we still couldn't get Mexico to comply with the treaty and fully deliver its water obligations to South Texas this year.

We cannot stand by and allow our farmers and ranchers to suffer because an international treaty is not being met. This satellite image clearly shows Mexico is holding the water it owes the U.S. While its reserves are full, Mexico only delivers the bare minimum this year. Furthermore, Mexico is making no effort to repay its debt. I find it incomprehensible that Mexico would not even comply this year when it clearly has the water available.

Mexico's domestic agricultural production is flourishing with U.S. treaty obligated water while the Rio Grande Valley in Texas is suffering from a decline of more than 100,000 acres of farmland, nearly a $1 billion net loss to the regional economy and 30,000 lost jobs.

Many agricultural operations have been forced to go out of business and many are expected to fail unless the United States can resolve this issue immediately. Agricultural production and its allied industries are the economic engines of south Texas. It is one of the few weapons that south Texas has to combat—unemployment and poverty. The United States cannot afford to stand by and allow Mexico's destruction of an American industry and the communities and people whose survival depend on it.

Mexico needs to change its water management practices. I have urged the President to press Mexico to immediately comply with its obligations, and the President has done so. He has repeatedly talked to the President of Mexico, as have I, and many others. If Mexico continues its refusal to comply with the 1944 water treaty, I think the United States must consider renegotiating this treaty with Mexico and taking into consideration the 1.5 million acre feet of water that we are sending to Mexico every year from the Colorado River.

Texas has suffered severe losses and the Rio Grande Valley's economic viability and livelihood depend on this water. The United States has a duty to either force Mexico to deliver the water to South Texas or compensate Texas families who are paying the price for this abrogation of the treaty.

Senator COCHRAN'S amendment has $10 million that would be available for grants through the Texas Department of Agriculture——

The PRESIDING OFFICER. The Senator has used her 5 minutes.

Mrs. HUTCHISON. To help these farmers stay in business. I thank the Senator for helping us get through this hard time while we try to make Mexico keep its commitments.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank the Democratic leader for this time to speak about the need for disaster relief, and I commend my good friend and colleague from Mississippi, the chair of the Senate Agriculture Committee, for bringing forth his proposal.

The debate today is not simply about disaster relief. It is about economic stimulus, and it looks to me as if the debate has already begun. Part of the stimulus package will involve tax cuts. Obviously, for a State such as Nebraska, tax cuts can be helpful, but to many farmers and ranchers who have no taxable income, who are about to lose their farms, who are about to lose their ranches and everything they have owned and that has been in the family for generations, a tax cut simply is not going to be enough.

That is not an argument against the tax cut. It is an argument real stimulus. It is an argument in favor of disaster relief.

Let's put a face on this problem. Let's go to southwest Nebraska, my home area, not far from Saint Francis, KS, where the distinguished Democratic leader's wife hails from. Randy Peters, who lives on his family farm that has been in the family for generations, when I say, look, we are getting you tax cuts, he will say, I appreciate that, Senator, that is nice. I then say, maybe part of the package will be eliminating the taxes on your dividends, and he says, that is great but, Senator, but the problem is that right now I do not have any taxable income. I spent all my savings on the farm and so I do not even have any dividends to be sheltered, and besides they are raising my taxes in Lincoln. What can you do to help me?

I say to him and I say to my colleagues, the best way we can help those who are experiencing the ravages of this drought is to simply move forward and pass enough in disaster relief to take care of the problem.

I have heard, and I suspect it will be suggested, that something is better than nothing. I agree, something is better than nothing, but in this case, something is just not good enough. We ought to be talking about how we are going to do something that is good enough to take care of those who are having this unfortunate experience we are seeing today.

There seems to be no relief in sight from the drought. Every forecast, every suggestion for the future, indicates an indefinite drought, but there can be financial relief if we will step forward and make sure we provide for enough, not less than what is required.

As we debate the whole area of economic stimulus, I hope we are not going to be in a position where we say to the White House, we know something is better than nothing and they know something is better than nothing. But we are not going to be able to do everything that is necessary because if we are going to require offsets consistently whether it is disaster relief or other spending, then I suppose the question has to be raised: Where is the offset on the stimulus package? If that is the case, maybe there is not enough. Something, of course, is better than nothing.

I do not want to make that argument then, and I do not want to hear that argument now, because something is better than nothing, we understand that. But when it is not good enough, we ought to strive towards making sure we can look Randy Peters and the family farmers and ranchers across this Nation who are experiencing these challenges in the eye and say we have done what we can do and it is not just a half a loaf to feed you for a very short period of time. Let's do enough to make sure we take care of our agricultural needs for the future.

There is not a better way to take care of rural America than to make sure our farmers and our ranchers do not lose their farms and ranches as an experience of this drought that continues today. It is not over. I have termed it "Drought David" as one way of getting it some attention so it has an identity. What I want to do is make sure we take care of those farmers and ranchers whose identity may be a little bit unknown in the hallowed Halls of the Capitol but whose pain is being felt.

The PRESIDING OFFICER. The Senator has used 4 minutes.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to yield 3 minutes to the distinguished Senator from Wyoming, Mr. THOMAS.

Mr. THOMAS. I rise to support this disaster assistance, one of the things that is most important for us to deal with in the area I come from.

I thank the chairman of the committee for putting this bill forward and going back and making it fit the need. We have to send relief to people who have had real disasters. I thank also the Democrat leader for his work. He has worked on it for some time.

We do need, of course, to have balance in our spending. We need to have some control. We know that. We have to be reasonable about how we do that.

In Wyoming, this is probably the third year of drought. Fortunately, up until this last year, we generally had runoff and the irrigating systems worked reasonably well. This year that is less the case. We do not have the kind of storage we have had in the past. We need to deal with this issue.

In Wyoming, livestock is at least equally important as the crops. We need to adjust that, which has been done here, to make sure livestock is recognized as well.

We have had natural disasters throughout the country. We have had tax relief. That is good. But in many cases tax relief is not sufficient because there is no income to tax. We had a farm bill this year which changed things. We had an unworkable insurance program. We need to do something about that so it does work.

We also now have a farm program that is based on loans for crops. If you do not have a crop, you do not benefit from the farm program. That has been difficult.

I am pleased we do have an option. We did have a year ago the opportunity and did vote for a disaster bill at that time. Frankly, it seemed at the time and still seems that it is very unlikely to pass. We have to have some results as opposed to just talking about it. That is what we are talking about, something that we can complete for the people throughout the country.

This bill is a good bill. The Cochran amendment moves the money quickly to those who need it. It goes to those who are needy and have had losses. That is very important.

It does include livestock. We need that, certainly. Also, it is the kind of budget recognition we need. It has an offset. I urge our support of the Cochran amendment.

Mr. DASCHLE. I yield 4 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Madam President, I hope my colleagues listen to what I have to say. We all are talking about the need for disaster assistance. That is undisputed. There are provisions in the Cochran amendment which do partially address natural disaster, particularly drought disaster, in our country. I say partially. That is wonderful. That is fine.

I am quite confident the provisions that have helped Texas producers are needed. I also understand in some parts of the country a natural disaster occurred, say, in 2002—not 2001. And the amendment before the Senate, the Cochran amendment, provides 1 year, for 2002. I can understand why some of my colleagues are in favor of the Cochran amendment because it helps them, it helps their producers.

Madam President, I can understand why there are tobacco provisions in the Cochran amendment. I am sure the producers in North Carolina and South Carolina will get significant benefit from the tobacco provisions. For all I know, it is well intended and deserved and they should have it.

We are talking here about a natural disaster. Mother Nature does not pick and choose years—2001 or 2002. Mother Nature does not choose which parts of the country it will affect or not affect. Mother Nature does not choose which farms in a certain county will be hit by disaster and which farms in the county are not hit.

I start with the good news. Fortunately, the Cochran amendment provides assistance to those parts of America that have experienced natural disasters. That is good.

Unfortunately, the Cochran amendment does not provide assistance to those other farmers who have experienced disaster in a different way, those who got hit by disaster in 2001. Nebraska is 2002. Kansas is 2002. My State of Montana is 2002, but it is also 2001. There are several years of disaster.

The amendment offered by the Senator from South Dakota is designed to help fairly producers across the country who have experienced natural disasters, irrespective of where they are, irrespective of whether they are in a certain county which on average may have 35-percent loss or not.

The Cochran amendment is unfair. It helps some producers who have not experienced disasters. That is wrong. The Daschle amendment helps producers who have experienced disasters. That is fair. That is right.

I only wish the Senators from Mississippi, North Carolina, and other Senators would come to the high plain States and see what a disaster we have. It is sad. It is stunning. It is despairing. It is so sad, looking in people's eyes. Thousands are leaving their places; they are drying up. It is worse this year even than last year, thus far. It may rain some more; we do not know.

We, across America, have a big heart. We help Americans who need help. We have helped those who have experienced hurricane losses. We helped those with earthquake damage, say, in California or New York in the Trade Towers. We knew intuitively that is what you do.

I say to my colleagues and all those who are helped, remember those who are not sufficiently helped.

To sum up in one sentence, we are talking about a few billion. That does not affect the outyear budget deficit. We can always make adjustments. We are all concerned about the deficit. Help our people who need help. In many parts of our country we need help desperately. I urge colleagues to put aside the partisanship and do what is right for America and vote for farmers who need the help, help offered in the amendment of the Senator from South Dakota.

Mr. COCHRAN. Madam President, I yield 10 minutes to the distinguished Senator from Kansas, Mr. ROBERTS.

Mr. ROBERTS. I thank the distinguished chairman of the Senate Agriculture Committee for yielding time to me.

Everyone understands, on a bipartisan basis, I say to the distinguished Senator from Montana, that we are not in very good shape with regard to farm country. It does not matter if you have been hit by hurricane, flood, or record-breaking drought.

Last spring, I warned this is exactly what would happen because the current farm bill was structured to provide assistance to producers when they had a crop, but left them dangling in the Kansas, Wyoming, Nebraska, and Montana wind when there was no crop to harvest, not to mention other parts of the country suffering these kind of weather disasters.

It seems to me, and maybe I took it a little personal, we will not get into partisanship because we have to accomplish some degree of relief, but I was criticized on the floor of the Senate last spring. They said I didn't know anything about agriculture because producers with high prices are just fine and need no Government assistance.

Well, as everyone here knows, with the wheat, sorghum, corn, and soybean prices have experienced the highest levels in the last few years, but like most of the producers in Kansas or throughout the Great Plains or in other sections of the country, it does not do much good if all the producer had to harvest was a dust cloud. Prices are high because the drought cut production and supply.

What are we going to do about this? We heard that we have one approach that is $6 billion. I question that, really. Not in regard to the intent of the distinguished Senators who brought it forward, but if my second-degree amendment to the $6 billion bill as of last year was $2.9 billion, an amendment that was not allowed because of some parliamentary maneuvers, now costs $4.03 billion, I have to assume that the $6 billion is probably closer to $7 billion or $8 billion.

But that is not really the issue. The issue is the chairman of the Agriculture Committee really brought forth this amendment and worked with many of us to ensure that we are directing the bulk of assistance to those areas that have actually experienced the crop losses in recent years.

This past year in Kansas, we have really gone through a very difficult time. Kansas State University estimates the crop losses in the State at over $1 billion. Thankfully, these have been partially offset by $406 million in crop insurance indemnity payments. That is the other half of the equation, and yes we had to improve the crop insurance program in 2000 but thank goodness for that.

But the losses are very substantial. Livestock losses total over $300 million in Kansas; 26 percent of pasture conditions are rated poor to very poor. We have seen a winter, in many parts, the driest on record. And net farm income is forecast to be approximately $10,000. When all is figured in for 2002, this is estimated to represent a shortfall of about $35,000 in simply meeting family living expenses.

On top of all this, the total government payments on the 2002 crop were estimated to be 60 percent less than received in 2001.

That is right. Under this farm bill described by the other side as the best farm bill ever—the greatest farm bill ever, pardon me—our Kansas producers have seen a drop of 60 percent in government assistance because it is a price support program. We have high prices but no income support. That is why we are back again, despite the predictions that we would not have another disaster bill.

I heard from many bankers who say there will be no next year for many of our producers unless we grant relief. You know, you can't take issues and promises to the bank. That is what we have. Issues do not pay bills. Promises do not pay bills. Debate will not pay bills. We need to give them hope and an assistance package that can actually pass.

Everyone here knows that the House of Representatives will not pass the proposal that has been put forth by my good friends on the other side of the aisle. It will not pass the House. There are many reasons for that: Budget reasons, any other reason you can come up with. Some sections of agriculture who do not want to open up the farm bill. It will not pass the House. It will not be signed into law by the President of the United States. That is a given.

We can argue the merits of that and the politics of that. We did all last year. But now is not the time to keep arguing about that. Put politics aside. It is not the best bill that I could possibly write or that the distinguished Senator from Mississippi could write, but it is a bill that will be passed by the House and signed into law by the President.

As I said, the amendment is not perfect, but it does give them hope. It targets assistance to those areas which were actually declared a disaster area. It provides vital livestock assistance that will aid producers throughout the country. It provides assistance for specialty crops. And it does replenish some of the section 22 account so these funds can be used for nutrition programs and purchase programs for specialty crops and the meat sector.

It doesn't bust the budget; it is paid for. It doesn't take any money out of the agriculture baseline.

The back of the envelop math is $190 million for Kansas. I don't know what it is for the other States that are represented here on the floor. But it is substantial. Is it enough? We can argue that all day long. But this is a decision whether we have $190 million that goes to Kansas, hard-hit Kansas producers and livestock producers, or nothing. So that is the issue.

Coming pretty close to the truth is coming pretty close, but it is still not the truth, and that is the truth. We could have an issue or a bill. Our farmers are sick and tired of being sick and tired. It may well be that if it doesn't rain, we will be back here again later on this year to try to fix the farm bill, do some technical correction, or come with additional assistance. I don't know. But right now you had better pass this $3.1 billion package put together by the distinguished Senator from Mississippi and backed by some of us who want something as opposed to nothing. That is the way it is.

I yield the floor.

Mr. DASCHLE. I yield 5 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a very disappointing debate. It seems to me, at least, in this Chamber these days, when the big interests have something they need to move through, it moves through like a greased pig, no problem at all. Today we are talking about family farmers. It is a little more difficult.

It is interesting to me to see people who, last year, with 79 votes, many of them participating in the 79 votes to support nearly $6 billion in relief for family farmers—help for family farmers to offset the disasters they faced—now are saying somehow that is ill advised. They say the President wouldn't sign this. I will tell you this. The President cannot sign a bill he won't get. The quick way to decide the President won't get a bill is to decide he won't support the $6 billion that is needed.

I have heard this "half a loaf" nonsense forever—a half a loaf is better. The fact is it is only a half a loaf when it comes to the little guy. I am talking about people who raise families and raise food out on the family farm. They live under the yard light, take all the risks and hope it rains, but not too much, hope the insects don't come, hope the crop disease doesn't come, hope it doesn't hail, and hope, if they get a crop, they are able to sell it at a decent price. They take all those risks, and then a disaster happens.

Let me show this disaster. This chart shows widespread extreme drought in a significant part of our country. This poster shows two different scenes in my State. This farmer is standing on farmland, but of course you can't grow on farmland inundated with water. In the same State, this farmer stands on ranchland with not a bit of vegetation. It looks like a moonscape.

Is this a disaster? Half a loaf? We can't afford to do what is necessary? Watch the talk here in this Chamber when it comes to tax cuts for those at the top of the income ladder. The sky is the limit. We don't have to offset that. Borrow the money. Give them more tax cuts. When it comes to the families out there trying to make a living, hit by a disaster they didn't cause, all of a sudden we hear all this refrain: What about an offset? What about an offset?

I know where this comes from. It comes from the White House. The President doesn't want to sign this bill. He came to my State and said to family farmers: When you need me, I'll be there. We need him, and he is not there. I think we ought to send him a bill that doesn't represent the half a loaf.

We have two choices today. One is the bill the Senate has already passed by 79 votes. If the same people who believed disaster relief was needed then still feel the same way about family farmers, then we will pass this amendment. But if you believe we really can't do that because we need to make room for tax cuts for upper income folks—which are not offset; we will borrow the money for that—if you feel that way, if that is the choice you want to make, then don't vote for this; vote for the Cochran amendment. But I tell you, it is disappointing.

Good enough. You know. Throw somebody drowning under 20 feet of water 10 feet of rope and say: I am being a good Samaritan here. It is not being a good Samaritan, in my judgment, for the policy choice to say those economic All-Stars—who live on America's farms, who produce food for a hungry world—are not worthy, when it comes to disaster, to get the full measure of support from this country for what they do.

The operative question is, Do we want family farmers in our future? Do we care about who farms? Some don't. Some say the agrifactories can produce milk—4,000 cows a day 3 times a day—farm the entire county, get $25 million from a farm bill that pays the big interests.

It is not what I want to be doing. I want this Congress to recognize that when disaster strikes family farmers, we stand with family farmers. We want to help. Why? Because we want a future in which families can live on the land in this country and raise food for a hungry world.

I just do not understand at all. There are people watching this debate today, who have just spent time with their bankers and their lenders, who are not going to be able to go into the field next spring, who are going to have to sell their livestock if we don't pass good disaster relief, if we don't pass the kind of disaster relief that is available in the amendment we have offered.

They wait, wondering: Will I be able to continue to farm? They call our offices, and some weep, saying: We have done this all of our life. We are not frivolous in spending money. We have done the best job we can, and we are going broke through no fault of our own. The drought has devastated our family, devastated our farm, and we need help.

In previous years, this country has said: In these circumstances, let us lend a helping hand. Let us extend our hand to say we care about you and we want you to remain on the family farm. The only way that is going to happen is if we pass the bill introduced by my colleague, Senator DASCHLE, and others of us, to make this disaster relief work for family farmers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Idaho, Mr. CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank the chairman of the Appropriations subcommittee, Senator COCHRAN, for working with all of us to reshape the legislation to fit those and to compensate those and help those who truly have lost through disaster.

That is exactly what the Cochran amendment now does. In so shaping that, we are also able to fit in those livestock farmers and ranchers who lost grazing and need some more assistance for food supplementation and hay supplementation for their livestock. We already provided them in October with substantial assistance. This is in addition to that.

I am not a midwesterner. I can't talk about the extent of the drought down in the Midwest as my colleague from North Dakota just did. But I can tell you that the 44 counties of Idaho which are split by two time zones, three air sheds, and three different moisture patterns did rather well this year. With commodity prices up, they are doing better than they probably had anticipated they would at the beginning of this crop season a year ago. But 27 counties did experience extreme drought conditions. They do mostly irrigation there. The pastureland and the grazing lands there were badly damaged and livestock had to be brought in early. High-priced hay had to be purchased to feed the livestock in order to sustain or maintain the family operation. That drove up the cost of hay for the dairy farmer. While none of this goes to the dairy farmer, his costs of operation have gone up substantially.

What I think we have to recognize is what we do is a balance in the first instance. What we ought to be doing is dealing with those who truly experienced loss through natural disaster, as the Cochran amendment now does. That is what is important. That is what we ought to be about.

We have a farm bill that some of us voted for and some didn't. I can tell you it is probably not the farm bill I would have written. But we now have it. There are those in the Chamber who will claim it is their work product and that we are working to implement it and make it work. We ought not just be constantly adding to it and having it become the second largest income source for American agriculture. It doesn't work very well if we are the ones who they end up depending upon mostly. But when a natural disaster strikes—whether it be a drought or a hurricane or too much water and a flood—that is what we do best. And that is what we ought to be about.

That is exactly what the Senator from Mississippi and I and others are attempting to address in the Cochran amendment. Yes. Money will come to Idaho—not as much as to others. But I believe this is a balanced and appropriate way to deal with a bill that will get to the President's desk and that will be signed.

Mr. LEVIN. Mr. President, I would like to express my support for the amendment that has been introduced by our distinguished Democratic leader. This amendment reflects the disaster assistance packages that the Senate passed three times last year, but in each of these cases the House of Representatives failed to go along with these measures. Most convincingly, this amendment last passed the Senate by a vote of 79–16. I cosponsored that amendment as well because it provided much needed assistance to our Nation's farmers who have suffered significant crop losses during the past 2 crop years. Farmers throughout the Nation have suffered great losses, and farmers in my home State of Michigan have been among those who have suffered most.

Two years of statewide crop failure have threatened the viability of many of Michigan's farmers, and this amendment strives to address the losses suffered by growers in the 2001 and 2002 growing years. Over the past 2 years, some farmers faced early warm temperatures followed by freezing conditions. For others, torrential rains came early in the growing season and were followed by long droughts. Still other farmers faced drought conditions at the start of the crop year and heavy rains at harvest time.

Last year, USDA Secretary Ann Veneman recognized the atypical weather conditions that greatly diminished crop production in Michigan by designating all of Michigan's 83 counties as disaster areas. If that was not bad enough, Secretary Veneman designated 82 of Michigan's 83 counties as official disaster areas in 2001.

Michigan is one of the Nation's most diverse States in terms of the sheer breadth and number of crops grown in it, and growers of many crops have been affected by adverse weather conditions. Total losses for Michigan farmers for both 2001 and 2002 are roughly estimated at $314 million. For 2 years, I have met with many farmers who want to know if they will receive assistance. Assistance is what farmers in Michigan and throughout the Nation need.

Last year, cherry farmers in Michigan lost upwards of 95 percent of their crops, a level that threatens to devastate Michigan and the Nation's cherry industry, given that Michigan produces over 70 percent of the tart cherries in the Nation. Last summer, I had the opportunity to visit with cherry growers in Michigan and listen to them as they told me how this year's crop losses were the worst that the industry had ever suffered since crop records have been kept. Additionally, 80 percent of all Michigan apple farmers have lost upwards of 40 percent of their crop this year.

In 2001, farmers in just one area of Michigan, which is one of the leading dry bean producing regions in the Nation, lost 85 percent of their bean crop. Due to severe drought, bean growers who export every other row they grow, lost 85 percent of their crops.

Across the state, in the southwest corner of Michigan, Labrusca grape growers lost 80 percent of their crop and they suffered similar losses this year. While the losses suffered by bean and grape growers are particularly severe, they are not the only crops to have suffered drastic losses.

Approximately 25 percent of apple growers in Michigan and across the Nation are in danger of going out of business in the next 2 years, and in Michigan that means that our cherry, peach, and asparagus crops, which are often grown on the same orchards as apples, will be greatly decreased. Orchard communities around the country have been devastated. Orchard operators still have very high operating expenses even if they do not harvest a crop. Orchards must be tended to all year long. Activities such as pruning and spraying are expensive to conduct, but they must be done even when there is no crop.

As farmers have left the business, small businesses and cooperatives that have been around for generations have also gone out of business, and local governments have lost significant tax revenue. This assistance will allow many growers to reduce debt and get private bank or USDA loans for the next growing season. This assistance will give farmers the shot in the arm they need to recover from several years of low prices. This aid is the economic stimulus package for rural America.

Our Nation's farmers have not shared in the prosperity which many Americans have experienced over the past decade. No one, least of all America's farmers, likes the fact that annual emergency agriculture supplementals have seemingly become routine.

Yet, we must provide this assistance if we are to address the problems facing farmers throughout the Nation. Several growers have told me that the crop losses they suffered this past year were so severe that without emergency assistance they will most likely lose their farms. This assistance is not the answer to the problems facing our farmers and rural America, but it is an important part of an effort to keep families on their farms. I thank the Senator for South Dakota for his efforts in offering this amendment.

Mrs. CLINTON. Mr. President, I would like to express my support of the amendment introduced by my colleague, Mr. DASCHLE, because it provides emergency disaster relief to farmers. During the past 2 years, Mother Nature has not been kind to farmers and bad weather has devastated their crops and threatened the survival of family farms.

New York State experienced statewide drought this past growing season. Farmers across the State have struggled with lower crop yields and higher feed prices for their livestock. Fifty-five counties in the State have been designated as primary disaster counties by the Secretary of Agriculture, which includes all of New York's agricultural counties.

But in New York, crop damage has not come solely from drought. Unseasonably high temperatures in the spring followed by frost and hailstorms have devastated specialty crops such as apples, peaches, pears, grapes, strawberries, stone fruits, onions, and cherries. And the disasters have not just been limited to the 2002 crop year—many farmers in New York were also hurt because of adverse weather in 2001.

The unfortunate result of this disastrous weather is that a large percentage of these farmers, particularly those that produce specialty crops, are bordering on financial ruin. I have met with the farmers and growers of New York, and their stories are heartbreaking as they talk about bankruptcy and selling off their family's farm. For many specialty crops, adequate crop insurance that would cover more than catastrophic losses is not available. Crop disaster relief is truly needed to keep these farms going as well as the rural economies that they support. Time is running short for these hard-working families in New York, and they need our help.

The funding that Senator COCHRAN has proposed would give our farmers in New York and across the Nation the relief they need. While it provides a total of $100 million for specialty crops, these funds are not focused on those who have incurred weather-related losses. In 2002 alone, New York's apple growers sustained damage of over $80 million. The amount provided by Senator COCHRAN is not enough to address these losses and the tremendous needs of other New York crops—such as Labrusca grapes, peaches, pears, strawberries, stone fruits, onions, and cherries. And this says nothing to the financial needs of specialty crop producers across the entire country.

In addition, the amendment by Senator Cochran would not fully replenish section 32 funds that the administration took last year from programs designed to feed impoverished urban, suburban, and rural residents. Without fully replenishing these funds, the ability of nutrition and food aid programs to assist citizens in need may be compromised. New York has many in need of food aid, and I cannot stand by while this form of assistance is in jeopardy. The amendment proposed by Senator DASCHLE does address these needs, and that is why I ask my colleagues to support this emergency disaster assistance package.

I have worked with my colleagues in the past to pass legislation that would provide financial relief to farmers who have suffered losses due to natural disasters in 2001 or 2002. I supported the farm bill last year which included disaster aid. I cosponsored S. 2800, a bill that would provide emergency disaster assistance to agricultural producers. And I cosponsored the crop disaster amendment to the Interior Appropriations that passed with 79 votes.

In the 108th Congress, I have cosponsored S. 21, which would again provide emergency disaster assistance to agricultural producers as well as restore section 32 funding. And I support Senator DASCHLE today, in his continued efforts on behalf of this Nation's farmers who have suffered disaster, our rural communities who depend upon farm incomes, and those in this Nation who are hungry.

Mr. KERRY. Mr. President, I would like to voice my support today for Senator DASCHLE's amendment which provides emergency disaster assistance for crop and livestock producers who have suffered losses during the 2001 and 2002 agriculture production years due to natural disasters.

For U.S. farmers and ranchers, the current production disaster is multifaceted. In many areas, drought has decimated crops and has reduced water supplies available for livestock. In other regions, farmers are experiencing crop destruction and reduced yields and quality due to flooding and an increased incidence of crop pests and diseases. Especially hard hit are the specialty crops such as apples, cherries, and grapes in the Great Lakes region, the Eastern States and the Pacific Northwest that suffered frost, freeze, and drought damage this season and adverse weather in 2001.

The negative economic impact of natural disasters to American agriculture and rural communities continues to grow. In my home State of Massachusetts, the cranberry industry suffered $10 million loss in 2002 from drought alone. The situation across the Nation is the same: our farmers are in trouble and Congress needs to step in and provide assistance.

It is for those reasons I support the Daschle amendment. Unlike the Cochran amendment, it provides equitable disaster assistance to those producers—crop and specialty crop alike—who were impacted by disasters.

Mr. ENZI. Mr. President, I rise to speak in support of the Cochran amendment. This package is the result of a concentrated effort to provide speedy and targeted assistance to agricultural producers who have suffered from drought and other disasters.

At $3.1 billion, the size of this package is not as large as what I have supported in the past. But the time has come to support and pass assistance in the Senate that our agricultural producers actually receive. The Senate passed drought assistance numerous times in 2001, but each time the provisions were stripped by the House.

Today we have an opportunity to pass desperately needed drought assistance that for the first time has a good chance of landing in producers' pockets and not in the trash can across the street. The President has consistently asked that drought assistance be offset and that it be budget neutral. This amendment is budget neutral.

The Cochran amendment targets assistance to producers in counties that have been declared primary disaster areas. It uses a mechanism to distribute the assistance that will not burden the FSA with another long sign up period and excessive paperwork. It is an improvement over what is currently in the omnibus bill because it specifies $250 million for the Livestock Assistance Program.

The Cochran amendment specifically benefits Wyoming producers in a number of ways. The amendment reimburses producers in my State that grazed their own Conservation Reserve Program acres this fall for the 25 percent reduction in their CRP payment. The amendment also provides $80 million to sugar beet producers who have suffered production losses in the 2002 crop year. Many of those sugar beet producers live in my State. I know they will be grateful for the assistance that will help them maintain a number of sugar beet cooperatives.

Wyoming's current drought situation is serious. Because the need is so great, I will support the Cochran amendment. It is better to provide a simple meal to a starving man than promise a feast and not deliver.

I urge my colleagues to support the Cochran amendment and responsibly provide drought assistance to the people who have waited so long.

Mr. BAUCUS. Mr. President, last week, I saw that $3.1 billion was included for drought assistance in the omnibus funding bill. It was a good way to start the day, until I started to dig deeper. Montana producers will not receive meaningful relief from these funds.

I am fighting today for full funding for both 2001 and 2002 for the crop disaster program, livestock assistance program, and the American Indian livestock feed program that 79 Members of the Senate agreed to on September 10, 2002.

I have spent a lot of time visiting producers on their farms and ranches in Montana. And each time I am stunned by the desperation in their voices and in their eyes, stunned by the way the winds are blowing away their topsoil and their herds are getting smaller and smaller.

I cannot stress how important it is that we quickly pass meaningful drought disaster assistance. The unrelenting drought in Montana has brought economic hardship to our agriculture producers and our rural communities.

The same way we use emergency funds to rebuild communities hurt by tornadoes and hurricanes, we should use emergency funds to rebuild our communities hurt by drought. There is no reason that a double standard should apply to agriculture.

And the situation has become even more devastating, since many of these regions are suffering their third, fourth, or fifth year of consecutive drought conditions.

According to the New York Times on May 3, 2002, "In eastern Montana, more than a thousand wheat farmers have called it quits rather than trying to coax another crop out of the ground that has received less rain over the last 12 months than many deserts get in a year."

It is anticipated that another 1,300 Montana wheat producers will call it quits if disaster assistance is not provided.

The effects of the drought have gone beyond our farmers and ranchers. Businesses are closing their doors, employees are being laid off, and main streets are literally drying up.

According to Dale Schuler, past president of Montana Grain Growers and a farmer in Chouteau County, MT, nearly 2,000 square miles of crop in his area of central Montana have gone unharvested. That is an area the size of Delaware. "Farmers and our families have not had the means to repay our operating loans, let alone buy inputs to plant the crop for the coming year."

Dale added, "Chouteau County is the largest farming county in Montana, and yet our last farm equipment dealer had no choice but to close his doors, our local co-op closed its tire shop, one farm fuel supplier quit, and the fertilizer dealers and grain elevators are laying off workers. I believe that we are set to see a mass exodus from Montana that has not been seen since the Great Depression of the 1930's.

On September 3, 2002, the Wall Street Journal printed an article that stated that, "the U.S. may be looking at the most expensive drought in its history, inflicting economic damage far beyond the Farm Belt."

Loans have been made with the understanding that Congress was going to provide disaster assistance because as a country and a Government that is what we as Americans do. We rush to provide assistance to victims of hurricanes and tornadoes. As we all know, that is not what has occurred with the drought.

Now we have bankers who are desperately trying to not call loans due and producers who are desperately trying to scrape enough together to make the bank hold on just a little longer.

Producers are considering selling parcels of land or pieces of equipment that they have considered vital to their operation. They will do it if it means that they can keep the farm or ranch that their family has been working for generations. Scraping that money together has never been more difficult as most of the potential buyers are in similar financial straits.

The devastation of this drought does not end at the front door of our rural homes. The enormous economic toll of this relentless drought on our communities will take years to recover.

However, the toll on our rural families is irreparable. Incidents of domestic abuse, suicides, and alcoholism have increased significantly in the past 2 years. We must not continue to let our inability to uphold our responsibilities cripple rural communities any longer.

We cannot and must not continue to ignore the impacts of drought and the effect it has on our agricultural producers and our rural communities. Agricultural producers are every bit as deserving of assistance for their suffering from the drought as the small business owner in Louisiana suffering from a hurricane.

I cannot urge more strongly my colleagues in the House and Senate to work together to pass full funding for natural disaster assistance for both 2001 and 2002. I, again, ask the President to live up to the words he spoke almost a year ago when he said that the agriculture economy is vital to the national economy. It is vital that we pass agriculture disaster assistance immediately to help our producers, to help our economy, and to help our Nation.

Mr. TALENT. Mr. President, I rise today in support of the agriculture disaster assistance funding included in the fiscal year 2003 omnibus appropriations bill. The farmers and ranchers in Missouri have suffered through bad weather and depressed prices, threatening their ability to stay in business. Agriculture is the cornerstone of the Missouri economy and I am pleased that the Senate was able to provide much needed assistance to these producers.

Over the past 3 years, the agriculture community has faced droughts, flooding and insect infestations that have damaged yields and reduced profits. This package provides a responsible level of assistance to those who have suffered or continue to suffer substantial losses as a result of natural disasters.

After months of political maneuvering, the Senate finally passed a new farm bill last year. This legislation provided increased economic resources, certainty, and stability across a wide range of agricultural and rural programs. However, the new farm bill is incapable of predicting and adequately dealing with natural disasters. The floods and droughts have deteriorated Missouri's agriculture production and exposed the shortcomings of these new farm programs.

I have heard from producers around Missouri. Our farmers need this additional assistance to secure their operating loans for the 2003 crop year. Agriculture producers and lenders can include this assistance in cashflow projections. This $3.1 billion will give farmers great assistance as they make planting decisions for the upcoming crop year.

Depressed prices, falling farm income, weather disasters and unstable global markets present a host of challenges to production agriculture. This assistance, made through direct payments and the additional funds for the livestock compensation program, enables farmers in Missouri and across the country, to continue to produce the safest, most abundant and affordable food in the world.

I support this targeted disaster assistance measure that would bring great equity to Missouri's farmers and ranchers.

Mr. SARBANES. Mr. President, I rise today in strong support of the amendment offered by the Senator from South Dakota to address the critical needs of our Nation's family farmers affected by natural disaster.

Over the past 2 years, farmers throughout the Nation have been devastated by periods of prolonged drought and other natural disasters. Last year, in my own State of Maryland, the drought was among the most destructive in our history. Over the summer, as I traveled through the rural areas of my State, I saw firsthand the damage that had been done. The fields were dry and the crops withered. According to the Department of Agriculture, corn production was down 42 percent from 2001 and both the corn crop and yield were the smallest in 14 years. Similarly, soybean production was down 46 percent from the previous year and the crop and yield were the worst in 15 years.

At the urging of the Maryland Congressional Delegation, the Secretary of Agriculture declared 21 of the State's 23 counties primary natural disaster areas. And, as a result, farmers in the disaster areas and the two contiguous counties became eligible for emergency loans. Unfortunately, for many farmers, taking on additional loans is just not possible.

The Daschle amendment will provide meaningful disaster relief to those farmers in Maryland and throughout the Nation. The amendment, similar to one that passed the Senate with my support and that of 78 of my colleagues in the last Congress, provides approximately $6 billion in direct emergency disaster assistance to producers who have been directly impacted by drought or natural disaster. This amendment has the support of more than 40 farm, ranch, and rural organizations, including the American Farm Bureau Federation and the National Farmers Union.

In my view, this amendment will provide our farmers with a much needed safety net, one not included in the recently passed farm bill, that will allow them to maintain their livelihoods and their lands. I urge my colleagues to join me in supporting its passage.

Mr. LEAHY. Mr. President, I rise today to urge my colleagues to support the Daschle amendment providing emergency assistance to our Nation's family farmers suffering weather-related natural disaster losses in 2001 and 2002 and to oppose the Republican alternative.

The Daschle amendment offers several distinct advantages over the Republican alternative offered by Senator COCHRAN.

Unlike the Daschle amendment, the Republican alternative requires deep cuts in discretionary programs. And the cuts will have a dramatic impact on many Americans. This across-the-board cut would eliminate: 1,175 FBI Agents; 490 Food Safety Inspectors; 1,600 Customs inspectors, (fewer inspectors than pre 9/11); kick 2,722 children off early childhood education, (added to original cuts totals 5,522 children); kick 224,689 women, infants and children off WIC; and leave 230,000 Veterans without medical services.

Never before has Congress insisted that emergency assistance be offset by cuts in other programs. We don't do this for hurricane relief. We shouldn't do it for drought relief.

Unlike the Daschle amendment, the Republican alternative doesn't target assistance to those who suffered from a disaster. In fact, it pays producers who did not suffer a disaster.

Historically, producers must show that they personally suffered a qualifying loss before receiving federal disaster assistance. But the Republican amendment does away with this important requirement.

So, under their proposal, if a single producer in a county suffers a qualifying loss, every producer in the county and every contiguous county will be eligible to receive a payment. It's wasteful and fails to ensure that those producers who really need the help get it.

Unlike the Daschle amendment, the Republican alternative fails to fully restore food assistance funds to the Section 32 account.

Back in September, the administration raided money set aside to buy food commodities for school lunches and our Nation's food banks to pay for the Livestock Compensation Program.

The payments to drought-stricken farmers were desperately needed, but the administration never should have taken these funds, which were specifically targeted for the hungry.

In his amendment, Senator COCHRAN recognizes the blatant unfairness of the administration's move and restored about half of the funds needed. But with our weak economy and growing food lines, now is not the time for half measures.

The Daschle amendment will put the food assistance program back on a sound financial footing, allowing soup kitchens and food banks to keep helping hungry families.

For these reasons, I urge my colleagues to support the Daschle amendment and to oppose the Republican alternative.

Mr. DASCHLE. Madam President, how much time remains?

The PRESIDING OFFICER. The Democrat leader has 13 minutes 31 seconds. The Senator from Mississippi has 8 minutes 25 seconds.

Mr. DASCHLE. Madam President, I yield 3 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, following up on what the distinguished Senator from Idaho was talking about—operating costs—in a State such as Michigan, which has great diversity, we have a very large number of fruit and vegetable growers. I remember hearing from Fred Tubbs who has 40 acres of cherries. He says even though he lost his crop and even though he had been devastated this year, he has to continue to spray. He has to continue to have operational costs as well.

My grave concern about the Cochran amendment is so many of our farmers—particularly family farmers—have been left out of this amendment. People such as Fred Tubbs have—with operating costs whether or not they have a crop.

We have two choices in front of us: The Daschle amendment and the Cochran amendment. The Cochran amendment is not a disaster package. That is very clear. There are farmers who did not have a disaster and may have had a bumper crop who will be helped under this amendment. States that have seen devastation in crops such as soy beans would be helped under this provision. But grape growers, apple growers, cherry growers, asparagus, peaches, plums—all of those fruit and vegetable growers who have been devastated in my State would not receive assistance under this plan.

There is a small provision in the Cochran amendment that would provide $100 million set aside for fruits and vegetables. I will just share with my colleagues that in Michigan alone the fruit and vegetable losses are $180 million. The amount in this bill is $100 million for the entire country. Our farmers deserve better than this. We can do better.

I also indicate that the bill provides a small amount—$250 million in the Cochran amendment—for section 32 as it relates to nutrition and the purchase of fruits and vegetables. Unfortunately, that is far less than the $1 billion that was removed last year for livestock assistance.

Our fruit and vegetable growers were very pleased the first time we passed a farm bill last year that included them—that recognized our fruit and vegetable growers across the country. Yet we are seeing attempts at every turn to eliminate the assistance that was placed into the farm bill.

It is time for the Daschle amendment; it is time to provide needed disaster assistance for both losses in 2001 and 2002.

I urge my colleagues to do the right thing for our farmers.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Minnesota, Mr. COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I thank the Senator for yielding the time.

I rise in support of the Cochran amendment. Last year when I was running for the U.S. Senate, I promised to get something done in the way of relief for Minnesota farmers. The picture the distinguished Senator from North Dakota showed is a picture that is close to the heart of Minnesotans who suffered disasters. They have suffered flooding. They have been hurt. They have suffered losses.

Last year, the House and the Senate attempted to pass the Daschle legislation, but it never became law. Those two bills looked good on paper, but they never became law. They never lightened the load of one farmer. They never comforted one farm family. They never provided a single auction.

When I ran for the Senate, I promised to get to work to get something done for disaster relief for Minnesota farmers. I never promised to vote for something that everyone knows is going nowhere, and then shrug my shoulders and say: Gee whiz, I tried. I promised to shoot straight for the people back home and to be honest about what I think can be done and then help it become law. No one believes the alternative disaster package now scored by the Congressional Budget Office at nearly $7 billion has support to become law. I think it is irresponsible to raise hopes and expectations to that level.

I was elected to get something done. I have some serious concerns about the $3.1 billion disaster package in the Cochran amendment. In my view, the help provided in this bill needed to be better targeted to farmers hit by disaster. I was among a number of Senators who expressed concerns to the chairman of the Agriculture Committee. He went back to the drawing board. He made some changes to better target the help. Although he didn't go as far as I would like, we are going to get something done for Minnesota farmers. Farmers can't cashflow on promises alone. They need help now. I am told this $3.1 billion relief package can get help to our farm families within weeks. I am going to support this $3.1 billion package. I was elected to get things done. The Cochran amendment gets things done. Let's pass it and let us move on.

I yield the floor.

Mr. DASCHLE. Madam President, I yield 4 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I hear over and over from the other side that we can't get it done. That is a self-fulfilling prophecy. We have gotten it done for 4 years, before last year, every year. When farmers suffered a natural disaster, we responded—and we responded with the package we are offering today. This isn't some new formulation. This isn't something that has never been done before. It was done every year before when farmers suffered from a natural disaster. All of a sudden, the other side throws up their hands and says they cannot do it. The reason they can't do it is they will not vote for it. Vote for it, and we will pass it here, and then we will be able to go to the House and fight it out with them.

This notion that we should give in to what the House might agree to, I have never heard of that working very well in the Senate. We are the masters of our destiny. We represent the people who sent us here. We should not abrogate our responsibility to what the House might do or might not do. We ought to do what has been done for 4 years in the past and reach out and help a part of the country that has been devastated.

A headline in the Wall Street Journal of today reads: "Midwest Drought Is Threatening Agriculture, Rivers and Tourism."

The article begins, "A severe drought that began in the Great Plains is engulfing the Midwest this winter, snarling the Mississippi River, crippling snow-dependent businesses, and increasing the likelihood for poor crops at a time when the nation's grain supply is precariously low."

That is the Wall Street Journal.

The package offered on the other side isn't a disaster package. A farmer isn't required to have a farm loss in order to get a payment. Let me repeat that. You do not have to have a crop loss to get a payment under the plan being offered on the other side.

No. 2, every eligible farmer—which could be as many as 97 percent of the farmers in this country—could get the same level of payment regardless of what loss they suffer. Even if they have no loss, if they are in a disaster county, they get help.

Now we see the appearance, in this proposal, of $53 million in direct payments to tobacco producers—not tobacco producers that have had a disaster but just tobacco producers.

This is not a disaster bill. I don't know what one would term it, but it is not disaster assistance, not the disaster assistance we gave 4 years in a row before last year.

The proposal on the other side provides one-half of what was done in every previous year—one-half. That does not meet the test of what is required. We ought to pass what we know is right, what we have done before, what we have provided in assistance every time in the past when there was a natural disaster; and that is the Daschle proposal. I hope my colleagues will support it.

The difference is dramatic. In my State, if a farmer suffers a full loss, they get $6.50 an acre under the proposal from the other side. Under the Daschle proposal, they get $45 an acre. But under the Republican proposal, if you did not suffer a loss, you get $6.50 an acre. If you did not have any loss—and it does not matter under the Republican proposal what level of loss you suffer—you get the same payment. We have never designed a disaster package that way.

I hope colleagues will think very carefully about this vote and provide the parts of the country that have suffered natural disaster with a natural disaster package.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to yield 2 minutes to the distinguished Senator from Montana, Mr. BURNS.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I thank my friend from Mississippi. And I thank my friend from South Dakota for his work.

I want to make a couple of points because I guess we are all trying to say the same thing; it is just that everybody has not had an opportunity to say it.

The farming business is just as competitive as any other business. But let's go back and think a little bit. You have 2 years here: 2001 and 2002. You also have a section in this bill that deals with CRP. But I am going to make sure that something gets to the President of the United States. That is what I am going to do.

I may end up supporting both of them. Somewhere in the middle we will come up with a disaster package that provides the right kind of assistance to the people who have had actual losses. That is what is important. It is not one or the other. We were operating under a different bill the last 2 or 3 years that the Senator from North Dakota was referring to, completely different. There is no question in my mind that we are looking at a year now or a Congress now where we are going to have to take a look at risk management and how we manage our risk.

I am pragmatic. I do not want to mislead my people in the State of Montana who are going into their 6th year of drought. We know what it is all about. So I will probably support both amendments. But I want to make sure we get one to conference so we can deal with some of those specific areas in order to get the money to the people who have actually experienced the impact of this drought.

I thank the chairman of the committee. I also appreciate the leadership of the Democratic leader.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). Who yields time?

Mr. DASCHLE. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, 19 Minnesota counties were declared disaster areas last year because of severe flooding. Many of those same counties were devastated the year before. In fact, many of the same farmers lost their entire crops in both of the last 2 years.

That is real disaster. Whether it is a record drought in South Dakota or flooding in Minnesota, we know the vicissitudes of Mother Nature are ones that no farmer can predict and no farmer, in this case, can survive.

Last year the Senate bill contained disaster assistance. We understood that it did not make sense to have a bill where if you suffered some loss—you were going to get a lower price—you were going to get a countercyclical payment, but if you suffered complete loss, you would get nothing at all. But the House would not agree to that because the administration was opposed to it.

I was confused for a while about the administration talking about "compassionate conservative" because I thought they meant both the words together. But I have concluded they mean one or the other. If it is tax breaks for the wealthiest people in this country, then they are very compassionate. If they are talking about farmers who are on the brink of disaster, they are very conservative.

For big corporations and, indeed, new tax shelters, they are very compassionate. For unemployed workers, they are very conservative.

In this case, we need more compassion. And we can also be conservative because, in fact, this package is eminently affordable.

The distinguished new chairman of the Senate Agriculture Committee was quoted as saying that the figure he had received from the administration, from the U.S. Department of Agriculture, in terms of the savings in this year's farm bill, was $5 billion. That is almost the entire cost of Senator DASCHLE'S amendment. Certainly, in the context of everything else that is being proposed by the administration, an additional $1 billion for farmers who are destitute would be very much affordable.

I might also say this is economic stimulus. This is money that will go in the pockets of farmers who will go out literally the next day to pay for goods and services in their communities. Those dollars multiply four times through the communities in Minnesota, twice more through the State, and once more at the Federal level.

This, along with extending unemployment benefits, is the kind of economic stimulus that really gets the country moving forward and helps people who need a helping hand. It does everything that the Government ought to be doing for the people who need it rather than the people who do not.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, today we have the ability to address a problem that has been neglected for the last 18 months. For 18 months farmers have been waiting for 2001, and now 2002 disaster assistance, but partisanship kept us from providing rural America with relief. Today, we will provide the remedy.

Today the Senate has the opportunity to address the issue of significant loss in the agriculture community due to natural disasters. In Iowa we have experienced both drought and flood during the last 2 years. For instance, last year the eastern side of the State—counties such as Clayton, Delaware, Jackson, Clinton, and Scott—had a disaster in 2002 due to flood. In 2001, the southern two tiers of counties in Iowa experienced drought. Turning back to 2002 again, one of Iowa's best production years ever, we saw counties such as Harrison, Mills, Adams and Cass turn up bone dry during critical states of the growing season.

Iowa had record yields in 2002, but we did not have uniformity in state-wide averages of precipitation or production and that has made the package we are debating today very important to many family farmers in my home State.

The agriculture assistance package I have worked on with Chairman COCHRAN and other Members provides $3.1 billion of assistance to areas and individuals with the greatest need. Our proposal will give assistance to farmers who live in "primary" designated disaster counties and to farmers who have had a 35 percent crop loss outside of those primary counties. We will be able to get checks to the farmers in the primary designated counties within 4 weeks after the President signs the bill. The farmers who can account for a 35 percent crop loss will need to go to their local FSA office and sign-up for assistance.

Our program also contains an additional $250 million for the Livestock Assistance Programs—LAP provides direct payments to eligible livestock producers who suffered grazing losses due to natural disaster—and offers a sense of the Senate that encourages the U.S. Department of Agriculture to provide surplus dry milk supplies to pork producers to use as feed.

Some members of the Senate will try to make "political hay" out of this by opposing our proposal. They will say the need is greater than $3.1 billion and our assistance isn't focused, but the fact is the only way the House of Representatives and the White House are going to allow us to spend more on agriculture, after we have already spent over $180 billion on the other agriculture disaster we experienced last year, the 2002 farm bill, is if we "find" the money through offsets.

Those who choose to oppose this proposal will claim that their proposal was better for rural America, but what good is a proposal that can't pass? We tried it their way; I voted for emergency funding more than once, but the Senate leadership was unsuccessful in advancing any assistance to rural America. In fact, the last time I voted for emergency spending we couldn't even get it off the floor of the Senate. Doesn't it seem reasonable that we should actually vote on something that can actually pass? Isn't tangible assistance better than empty promises?

The assistance in our proposal will get to farmers months before the assistance in the Democratic alternative. Most farmers will get help within four weeks after the President signs the legislation, instead of waiting up to eight months under the alternative approach. Family farmers that carry significant debt, or those that have been forced to arrange "bridge loans" because of the problems with farm bill payments need the assistance now to reduce their debt, not eight months from now when the debt has had plenty of time to build due to interest.

Chairman STEVENS worked diligently to find an offset that would provide funds to address the current need. I appreciate the work of Chairman STEVENS and thank him for his assistance. I would also like to thank Chairman COCHRAN for working with me and other members to fit this proposal to the need in rural America. Without Chairman COCHRAN'S dedication to developing the best proposal possible for rural America we would not have such broad support.

Mr. President, family farmers need disaster assistance, not "pie in the sky" empty promises that can't make it past the House of Representatives or the White House. It was important to make sure farmers who need assistance receive help as quickly as possible, and we've done that. I encourage my colleagues to support family farmers and support the Cochran amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think we have had a good discussion of these two amendments that are pending before the Senate. I continue to believe the way to get the assistance to the farmers in the most expeditious way possible is to vote for the Cochran amendment. The reason for that is, the counties that have been declared disaster counties are already a matter of record. With these computer programs that the Department of Agriculture has, sometimes it takes time to get to a point where you can actually send out checks if new information is going to be included in that program.

That is what would happen under the alternative presented by my friend from South Dakota. Farmers would have to come in and sign up for benefits. The Department of Agriculture, through the Farm Service Agency offices around the country, would have to gather that information, process it, and submit it to the Department here. I think it is not unreasonable to expect there to be months that go by before the checks would actually go to the farmers who need the help; whereas, in the Cochran amendment the funds would go out much more expeditiously—I think in a matter of weeks. That has been the experience in the past disaster situations where we have followed this kind of benefit program.

The percentage of the payment is calculated on the basis of the farm payment received by farmers in the past. That is a matter of record. The identity and the addresses, all of that is already in the computers.

This is no small matter. You cannot disregard the importance of that because farmers are hurting now. We have talked about how we don't want to put this off. If you vote for the Cochran amendment, you won't be putting it off. You will not be putting it off for months before farmers get the benefits to which they are entitled.

I urge Senators to vote for the Cochran alternative. We have had a good description of the content of the bill. It is going to be not only approved in conference but will be signed by the President and will get the benefits to those who need it quickly.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I ask the distinguished chair of the Agriculture Committee if it is his understanding that both amendments will be up-or-down amendments as they are offered to the Senate.

Mr. COCHRAN. That is my understanding of the meaning of the agreement we reached.

Mr. DASCHLE. That is my understanding as well. I appreciate the clarification.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Democratic leader has 3 minutes. The Senator from Mississippi has 1 minute 42 seconds.

Mr. DASCHLE. Mr. President, in the final 3 minutes, let me quickly comment on a few points raised. First, to the point that we need to comply with the House prior to the time we vote in the Senate, as the distinguished Senator from North Dakota said, that is not usually the practice here. The Senate takes its stand, the House takes its stand, and we work out whatever differences there are in the two stands in conference. We don't say because the House has a position, we have to comply with the House position before we even go to conference. I hope our colleagues will not set that very dangerous precedent as their motivation for voting for the Republican amendment.

Secondly, we have gone through this many times. The formulation we have used as a body, as a government, is the formulation offered in the Democratic amendment. We give the administration latitude to administer it. We have created these programs, disaster assistance and crop assistance, for those relief benefits to be provided. That is what we do here. It is the Republican amendment that creates a new infrastructure, not the Democratic amendment. The traditional and accepted approach we have used in disaster after disaster is the one we offer again and the one for which we voted last fall and received 79 votes.

Thirdly, what troubles me the most is that the Republican amendment is one-half of what is estimated to be the need. Even though it is one-half of the need, it is written in such a way that everybody, regardless of whether they have a loss, is eligible. So what happens is you have situations such as the Senator from North Dakota described where those who are eligible, who may be entitled to a $45-per-acre payment, will get $6. Those who may not need any money at all will get $6. There are many of us who do our very best to maximize whatever value we get out of whatever dollars we commit in the programs we authorize. I just don't see why that nondiscriminating approach is not what we want to do especially if you cut in half the benefits to begin with. It seems to me you ought to maximize the benefits to those who need them. There ought to be some degree of need demonstrated, which is why we say that 35-percent threshold has to be realized. To say you are entitled to benefits with no loss at a time when you are cutting the overall cost to the program by 50 percent turns logic on its head.

For those reasons, I hope my colleagues will do what they have done before. I hope they will support this amendment. I hope we can show the same bipartisan support we did last fall, and I hope we can work out whatever differences we have with the House in conference as we have always done.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN. Before I yield back the time remaining on this side of the aisle, parliamentary inquiry: The schedule under the order is for a vote to occur at this time on the Cochran amendment and then, following the vote on the Cochran amendment, a vote will occur on the Daschle amendment; is that correct?

The PRESIDING OFFICER. The agreement was for the vote on the Cochran amendment to be first, followed by the vote on the Daschle amendment.

Mr. COCHRAN. I thank the Chair. I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, may I ask for the yeas and nays on both amendments? I ask unanimous consent that that be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second on both amendments?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 204. The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—59

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Edwards
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—35

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Feingold
Graham (FL)
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NOT VOTING—6

Dodd
Feinstein
Harkin
Inouye
Kerry
Lieberman

The amendment (No. 204) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 79

The PRESIDING OFFICER. The question now is on agreeing to the Daschle Amendment No. 79. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Graham (FL)
Hollings
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Feinstein
Harkin
Inouye
Kerry
Lieberman

The amendment (No. 79) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, for the information of Senators, we now have an amendment to be offered by Senator NELSON of Florida. I am going to ask, in a minute, that we have a minute on each side to explain this amendment. After that, Senator MCCAIN has an amendment he wishes to debate. We believe we will be able to accept that amendment. Senators DURBIN and DEWINE have another amendment, and we believe we will accept that one. Following that is the Specter amendment, which will take an hour on each side. After that, we have other amendments that are going to be offered. We are going to try to get an agreement in just a few minutes that the next vote will not be before 7:45, something like that.

Mr. REID. If I may ask my friend from Alaska, the manager of this bill, is there any way we could cut the time down on this 2 hours? We have not had a 2-hour amendment in 2 days. I cannot understand why the amendment would take 2 hours.

Mr. STEVENS. What amendment?

Mr. REID. Did I hear the Senator say the Specter amendment will be an hour on each side?

Mr. STEVENS. We do not have an agreement yet. We expect to have an agreement of 1 hour total, 30 minutes each side, but we do not have that agreement yet.

Mr. REID. Fine.

Mr. STEVENS. But we do expect to get that agreement soon.

I would like to get an understanding that the next vote, after the Nelson vote, will not occur before 7:45.

Mr. REID. I apologize to my friend. I was on the telephone.

Mr. STEVENS. That is so we can work this out and try to get an idea what we can do. Perhaps we can get the amendments so we can argue them tonight and vote on them tomorrow morning, but we will not know until 7:45.

Mr. REID. I would say to my friend, we have done good work over here. We have set an example for the majority. We have about eight or nine amendments, and the folks over here have agreed to time limits. And 30 minutes is the longest we have on any of them.

Mr. STEVENS. I congratulate my friend. He has always done very good work in this regard. The Senator from Nevada does a good job.

I want to announce that tomorrow morning I hope to be able to call up amendments four or five at a time in a block that we have intended to agree to, but if people want to object, they can at that time. We will have to pull them up and have a vote. But we think we have an agreement on a whole series of amendments.

I would say potentially there are 70 amendments that are technical in language and have de minimis amounts of money on small projects in States that we can adopt in a process tomorrow morning on a consent basis, if we can work that out. But tonight I hope to have, if we can do it, at least a couple amendments argued so we can vote on them either tonight, after 7:45, or vote tomorrow morning.

Mr. REID. Will the distinguished manager yield for another comment?

Mr. STEVENS. Yes.

Mr. REID. The reason I gave the Senator the outline of what we have been able to do is, we are going to try to stick to these times that we have. But when you talk to your folks, have them understand that these times are contingent on your times also being agreeable.

Mr. STEVENS. It is a two-way street, Madam President. I agree 100 percent. We do intend to follow that procedure.

I would be happy to yield to my colleague from the South.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from the North.

If I am correct, Madam President, we are trying to get some amendments on the table. I would be happy to ask unanimous consent to offer my amendment following Senator SPECTER.

Mr. REID. At this time we cannot do that. I say to my friend from Washington, we have a schedule. I have already told Senators what the order would be.

Mr. STEVENS. The projection is the Specter amendment would be voted on at 7:45.

AMENDMENT NO. 97

Madam President, I now ask unanimous consent that there be a period of 1 minute on each side so the distinguished Senator from Florida can explain his amendment, and I will take the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, this is the African famine starvation relief amendment.

Nearly two decades ago in Africa, my wife Grace held an almost lifeless, starving child in her arms, and that changed my wife's life forever. For two decades she has been at the forefront of trying to get relief.

There was this famine 15, 17 years ago, and because of drought it is back. You have seen it. Everyone has seen it. The world has seen it: The spindly legs, the distended bellies, the thatched hair, the begging eyes.

The Senator from Alaska says he cannot accept this amendment because it is an emergency. It does not require the President to declare an emergency.

He says he will not accept any emergency amendments. If there is not an emergency, then I would ask, what is an emergency for America to share its abundance?

Mr. LEAHY. Mr. President, I rise today to speak in favor of the amendment offered by Senator NELSON that would provide $600 million in emergency food aid to sub-Saharan Africa. I know other Senators are waiting to speak so I will make three short points.

First, there is an enormous humanitarian crisis in sub-Saharan Africa. The World Food Program estimates that there are 38 million now at risk of starvation. The situation has gone from bad to worse.

Second, humanitarian organizations with field operations in Africa, such as Catholic Relief Services and Save the Children, report that at least $600 million is needed to address these immediate needs. What are the reasons for this shortfall?

We are debating a budget request that is almost a year old. When the request was submitted last year, this crisis in Africa had not reached this magnitude. On top of that, commodity prices have increased 30 percent.

Third, the Nelson amendment is carefully tailored to give the President the flexibility he needs to deal with the crisis. If the President does not want to spend this money, he does not have to declare an emergency. However, if he feels, as many of us do, that this money is needed now to address this growing crisis, he can declare it an emergency and provide this assistance to sub-Saharan Africa.

This is a bipartisan issue. I know Secretary Powell and Administrator Natsios care deeply about Africa. Representative WOLF just came back from Ethiopia and Eritrea and issued a compelling report on the dire situation there.

The administration does not currently have the resources to deal with this crisis. It is up to Congress to provide the resources to prevent mass starvation in Africa. We may not get another chance for months.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Mr. STEVENS. Madam President, I regret deeply that I am faced with this dilemma. There is $1.850 billion in Public Law 480 in the amendment I have offered. That is $335 million above the 2002 level. That money has not been allocated yet, and it is entirely available to allocate to the cause to which the Senator from Florida seeks to send relief.

I understand his position, but we have already increased this amount in the bill. It is a sizable increase. I urge the Senate to realize that and to support my motion to table.

Mr. President, I move to table the Senator's amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—48

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham (FL)
Hollings
Inhofe
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Wyden

NOT VOTING—6

Feinstein
Harkin
Inouye
Kerry
Lieberman
Voinovich

Mr. STEVENS. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. For the information of Senators, we are now going to take up Senator SPECTER's amendment. I ask unanimous consent that the vote on the Specter amendment commence at 20 minutes after 6. That will be the last vote tonight.

We are going to debate it now. Senator SPECTER wants 25 minutes, and we will take the remainder of that time and vote at 6:20.

Mr. REID. That is going to be fine, but we would like to see the amendment. Why don't we start the debate, give us the amendment, and let us look at it.

Mr. STEVENS. The amendment has been filed. It is the Specter amendment on the airline.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. What is the number of the amendment?

The PRESIDING OFFICER. The amendment is numbered 68.

Mr. STEVENS. That is on or in relation to his amendment at 6:20.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I want the record to show I have 25 minutes of the time between now and the vote.

Mr. STEVENS. Yes, that is part of the request.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 68

Mr. SPECTER. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 68.

Mr. SPECTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements)

At the appropriate place, insert:

SEC. . MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.

(a) FUNDING RULES FOR CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) SPECIAL FUNDING RULE.—

(A) IN GENERAL.—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)–3 (as in effect on the date of the enactment of this section).

(B) RULES OF SPECIAL APPLICATION.—In applying the requirements of Treasury Regulation section 1.412(c)(1)–3 for purposes of paragraph (1)—

(i) the plan shall be treated as having met the requirements of Treasury Regulation section 1.412(c)(1)–3(a)(2),

(ii) the payment schedules shall be determined—

(I) by using the maximum amortization period permitted under section 1.412(c)(1)–3, and

(II) on the basis of the actuarial valuation of the accrued liability and the current liability of the plan as of January 1, 2003, less the actuarial value of the plan assets on that date,

(iii) the payments under a restoration payment schedule shall be made in level amounts over the payment period, and

(iv) the actuarial value of assets shall be the fair market value of such assets as of January 1, 2003, with prospective investment returns in excess of or less than the assumed return phased in over 5 years.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

Mr. SPECTER. Madam President, this amendment arises out of the bankruptcy proceedings and reorganization of US Airways. It involves the effort by US Airways, with the agreement of the pilots, to restructure one of its pension plans. US Airways, as is well known, was very hard hit, as was the airline industry generally, by the events of September 11. US Airways was hit much harder because Reagan National Airport was closed down. In order to pare their expenses, the employees of US Airways made enormous concessions. The pilots made concessions of some $650 million a year.

In order to obtain financing to get a Federal loan guarantee, there had to be substantial modifications made. One of the proposals from US Airways was to restructure its pension plan so that instead of having a 5-year payout, it would be a 30-year payout. This was agreed to by the pilots, by the employees who are affected. And the Pension Benefit Guaranty Corporation, PBGC, made a determination that it did not have the discretion to permit a plan termination and a reinstatement of the plan with a longer payout.

We had an extensive hearing in the subcommittee of the Appropriations Committee on Labor, Health and Human Services, and Education last Tuesday to inquire into this matter in some detail. It is my view that the PBGC has substantial discretion, but in order to make a clarification, I filed this amendment.

Two weeks ago, Senator SANTORUM and I sought unanimous consent to take up this legislation as a freestanding bill. I offer it on this omnibus appropriations bill because time is of the essence and all of US Airways's reorganization proceedings have to be completed by March 31, 2003.

I am well aware of the preference not to have this sort of matter on an appropriations bill, but we have no choice if we are to have this reorganization go forward.

Key testimony last Tuesday, a week ago yesterday, was given by an expert attorney, William Kilberg, who had served as Solicitor to the Department of Labor in 1974 when the relevant statute was passed. Mr. Kilberg, along with his affiliate Gary Ford, rendered an opinion that the PBGC has the authority to allow for the plan modification, as I have just articulated. The critical language of Mr. Kilberg's working opinion is as follows: The statute "allows the PBGC to restore a plan when it is to be terminated or is in the process of termination."

Then, referring to the decision of the Supreme Court of the United States in the one case that interprets this matter, the LTV case, Mr. Kilberg said "the court said that a plan can be restored when restoration would further the interest that Title IV of ERISA is designed to protect." He then enumerated the three points of the statutory structure: that is, to keep premiums at a reasonable level; to keep plans going; and to have the plans pay benefits.

Now, if the proposal by US Airways, agreed to by the Air Line Pilots Association, is not permitted, then the PBGC will have to pay the pensions. So it was in the financial interest of PBGC to have the plan adopted as US Airways and the pilots wanted.

Pilots who have worked for 30 years would be cut on their pensions by some 20 to 25 percent, which would be a drastic curtailment, especially inequitable in the context of the pilots giving up some $650 million a year.

When unanimous consent was asked 2 weeks ago, an objection was raised by the chairman and ranking member of the Finance Committee, and hearings were contemplated during the month of January. We went ahead with hearings, as I said, from the subcommittee.

I ask unanimous consent that Senator CLINTON be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. So the essence of it is that this would be a win-win-win situation. It would really be a win situation for the PBGC because it would not have to pay the pensions. It would be a win situation for the pilots since their pensions would not be reduced drastically, and they are the real parties of interest at risk. And it would be a win situation for US Airways, which can structure its reorganization and this way obtain financing and obtain the appropriate guarantee.

One point to be focused on with particularity is that this does not order the PBGC to adopt the US Airways proposal. All it does is say the PBGC has the authority to do so. The Secretary of Labor, who is the dominant public official in this matter, advised me that she felt bound by the opinion of the attorneys for the PBGC.

How much time remains?

The PRESIDING OFFICER. The Senator has 18 minutes 30 seconds.

Mr. SPECTER. I reserve the remainder of my time.

Mr. ALLEN. Madam President, will the Senator from Pennsylvania yield for a series of questions?

Mr. SPECTER. I do.

Mr. ALLEN. Madam President, I ask the Senator from Pennsylvania, his amendment as best I understand it—and this is for the benefit of other Senators to understand the purpose of the amendment—the Pension Benefit Guaranty Corporation, interpreted the law and felt that they had not accorded what management and labor wanted in the restructuring of pensions, and the purpose of the amendment is, in a permissive manner, to allow those directors to make that determination where right now in their legal opinion they do not have that authority.

The point is, this is permissive as opposed to mandatory or dictating that they must accept?

Mr. SPECTER. Madam President, the Senator from Virginia has articulated the situation accurately. It is permissive. They do not have to adopt the plan. But the Secretary of Labor would then be in a position to exercise her discretion, perhaps, if it was plain that the PBGC had the authority. It is permissible only.

I go into some detail with the background of the opinions that they do have the authority because the whole statutory structure has been set up to keep these plans going, to have reasonable premiums, and to have the plans pay benefits. What the PBGC has said is that it cannot do it while everyone really agrees it ought to be done.

Mr. ALLEN. Madam President, I want to make it clear, the Senator states that the pilots union, all labor, all management, are in agreement with this amendment to try to help save this airline and help save those jobs and the service to the communities that are served by US Airways; is that correct?

Mr. SPECTER. Madam President, that is correct. The leader of the pilots association, the national president, testified Tuesday in favor of the plan and in favor of this legislation. The president of the pilots association of US Airways in Pittsburgh testified in favor. The president of US Airways, David Siegel, told me again today that he was very appreciative of my pushing this matter, that it would be very helpful to US Airways.

Mr. ALLEN. One final question. This applies only to this agreement that has to do with US Airways, labor and management. It should not have any impact whatsoever on any other airline; is that correct?

Mr. SPECTER. Madam President, the Senator from Virginia is correct. It has never been tailored to set a precedent or open any portals for any other situation in order to eliminate or obviate the argument that others can rush in.

Madam President, when I pressed the general counsel and the executive director of the PBGC for any public policy reason not to do this, they had no reason.

I ask unanimous consent that Mr. Kilberg's testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT OF WILLIAM KILBERG'S TESTIMONY

Senator SPECTER. Mr. Kilberg, you've heard the testimony of Mr. Keightley. What is your analysis and conclusion of it?

Mr. KILBERG. I have a great deal of respect for Mr. Keightley, but both Mr. Ford and I disagree with his opinion, the restoration or the authority to restore a plan, as stated in Section 4047. And while Mr. Ford was general counsel to PBGC, I have had the honor of being solicitor of the Department of Labor, and I was solicitor in 1974, when the statute was passed and the initial restoration authority language was put in.

It is very, very broad. It allows the PBGC to restore a plan when it is to be terminated or is in the process of termination. So a plan does not actually have to have been terminated in order to have it restored.

The Supreme Court has had an opportunity to look at this language in one case, the LTV case, the only instance where there's been a plan restoration, and in that decision, the court said that a plan can be restored when restoration would further the interest that Title IV of ERISA is designed to protect.

When we look at the interest as set forth in the statute, the preamble to the statute, it is really just—just three. It is to keep premiums at a reasonable level and to keep plans going and paying benefits. And it was our conclusion that, in this instance, a plan termination and a restoration funding schedule which allowed a 30-year period of amortization would do precisely that.

The PBGC and Mr. Keightley, in his opinion, says that funding relief is not a proper purpose. I can't disagree with that, but I would assert, respectfully, that it is a proper method permitted by the statute in order to achieve the statutory objectives of maintenance of plans and their benefits and to keep PBGC premiums at a reasonable level.

That's basically the sum and substance of our disagreement. There's relatively little case law. You will note that Mr. Keightley's opinion doesn't cite any. There's just the LTV decision. But we believe that that, combined with the language of the statute and its purposes, would support the argument that the PBGC has discretion to work out a restoration funding schedule if it chose to do so with an employer like U.S. Air that is in bankruptcy, where there is no question but that a distress termination would be appropriate, where it is able to fund those benefits over time, and, frankly, where it has received unprecedented concessions from its unions, giving up going-forward benefits that make the ability to fund this plan over time a great likelihood.

Senator SPECTER. Would you amplify your analysis of the one decision by the Supreme Court of the United States on this general area, which signifies to you the Supreme Court's interpretation of legislative intent and the public policy in this matter?

Mr. KILBERG. Well, in LTV it was LTV's decision to create a follow-on plan which mirrored the plan that it had terminated that caused the PBGC to first take the position that the termination was a sham and then to insist that it could restore the plan to LTV and create a new funding schedule.

That case was hotly litigated. It went to the Supreme Court, and the Supreme Court interpreted the statute to give the PBGC an extraordinarily broad grant of discretion, as I indicated, to restore a plan when restoration would further the interest that Title IV of ERISA is designed to protect.

The court went further and said that in carrying out this specific and what it called an unambiguous statutory mandate, the PBGC is not required to focus on the policies and goals of other statutes. In other words, one of the arguments that LTV was making was that because of the Internal Revenue code and other statutes, the PBGC could not exercise its authority to restore the plan and to impose a funding requirement upon LTV. The court said that PBGC, in fact, has that very, very broad authority.

Senator SPECTER. Mr. Keightley, would you care to comment on Mr. Kilberg's testimony?

Mr. KEIGHTLEY. First, I'd like to comment that the Supreme Court, contrary to the trial court as well as the Court of Appeals, deferred to the interpretation of the PBGC as to what a statutory authority was in that particular case. And that particular case was not at all analogous to the situation. In that case, the LTV plans had been terminated in order to avoid shut-down benefits. After that took place, the unions and management agreed to, basically, pension plans that made retirees, as I understand and read the opinions, one-hundred percent whole and many of the others substantially whole, with the PBGC paying the basic benefits, and then they made up the rest in this, what we would call an abusive follow-on plan. So they were letting us absorb their pension cost; and, to the extent you view that as a labor cost. That is completely—and the court said we had the authority to construe the restoration authority in that context.

In my view, that has no connection with the current situation at all. I would say that they said we had broad authority in interpreting our statute in order to come to that result, but they deferred to our interpretation and agreed with us. And, as I say, I just don't see taking that language. There are limits to what I think we can do under that statute, and I think you folks are, you know, U.S. Air folks are asking us to go beyond that.

I might point out that there is no question that the purpose, reading from the joint opinion, of the termination restoration, is to provide funding relief for U.S. Airways and pension plans. There's just no question about that. And so, again, we think Congress addressed that issue, told everybody who had that authority, limited the waivers. If you remember the waivers in the IRS context are, you get to waive it and spread the funding over, say, five years, I believe, much shorter period of time.

So Congress has addressed that issue and built that limited waiver provision into ERISA, and that's how I get to the conclusion that PBGC does not have that statutory authority, and other government agencies only have a very limited statutory authority, which U.S. Air has advised us does not meet their needs financially.

Senator SPECTER. While there's no doubt that the LTV case is very different factually, your response doesn't really go to the basic point that Mr. Kilberg made with respect to the Supreme Court's determination that the PBGC has broad authority and broad discretion to interpret the statute. Do you disagree with Mr. Kilberg's statement as to the Supreme Court's decision in that respect?

Mr. KEIGHTLEY. We have broad authority within the statutory limits.

Senator SPECTER. Well, do you think if you made a finding, as Mr. Kilberg says you have the authority to do so, if that was your decision within your broad discretion, that that would be upheld by the Supreme Court?

Mr. KEIGHTLEY. I do not believe—if the purpose was the termination, to provide funding relief for U.S. Airways, I do not believe the Supreme Court, or for that matter, any other court, would uphold that position.

Mr. KILBERG. I do.

Senator SPECTER. Senator Santorum, anything further?

Mr. KEIGHTLEY. One last point. I might point out that in the bankruptcy proceedings in response to our opposition to their termination restoration, they have abandoned that position and are now pursuing legislative relief plus a termination, and we intend to be working with them on some other solution. But at this time, they're not pushing that, and litigating it in the bankruptcy court is the point.

Mr. KILBERG. With all due respect to Mr. Keightley, no one questions that the PBGC has discretion. The PBGC does not have to agree to terminate a plan. The PBGC does not have to agree to restore a plan. It certainly does not have to agree to a particular restoration funding schedule if it does decide to restore a plan. So this is all within the agency's discretion, and we respect the agency's decision in this regard. There's not much choice about it. We wouldn't have standing to raise a complaint, bankruptcy court or anywhere else.

Senator SANTORUM. Because what you would raise is they have the discretion, so you certainly can litigate something where you're saying they have discretion and then argue that you abuse—I guess you could argue they abused the discretion.

Mr. KILBERG. Well, that would be a very difficult argument. Certainly the PBGC has policy reasons. We may not agree with them, but that doesn't mean that their use of discretion for them to assert them.

Mr. KEIGHTLEY. I continue to say we don't believe it is a discretionary area when the sole purpose is altering the funding. That's the purpose—that's the reason we're being asked for this, and that is beyond our statutory authority. There may be other areas where we have discretion that is within that authority, but it doesn't extend this far.

Senator SANTORUM. Do you agree that that's the purpose?

Mr. KILBERG. No. I mean, that's the method, obviously. And I had the same point, Senator, that you had earlier, the confusion between a restoration funding schedule and a waiver of funding.

A waiver of funding is a term of art. It does go to the Internal Revenue Service. There are very, very strict limitations. They would not help U.S. Air in this instance. They're really not for this purpose. What we're looking for, clearly, is something far more creative, but something we believe that, if it could be achieved, would help U.S. Air to come out of bankruptcy and would serve the interest of its employees as well as the company.

Mr. KEIGHTLEY. May I read one sentence for the record from the December 13th memorandum signed by Mr. Kilberg? "The purpose"——

Senator SPECTER. Where are you reading from?

Mr. KEIGHTLEY. I'm reading from the December 13th memo of Mr. Kilberg and Mr. Ford.

Senator SPECTER. I understand that, but where from the memo?

Mr. KEIGHTLEY. Oh, in the first paragraph. "The purpose of the termination restoration"—I underscore "purpose"—"is to provide funding relief for U.S. Airways' pension plans."

Senator SANTORUM. Mr. Kilberg?

Senator SPECTER. Well, there's no doubt about that, is there?

Mr. KILBERG. There's no doubt, there is no doubt about that, but that is our purpose. The question earlier was "purpose under the statute." They said that that was not a purpose under the statute. When we use the term "purpose," we're using it as a method. That's the method that we thought——

Senator SANTORUM. To accomplish what purpose under the statute?

Mr. KILBERG. To accomplish a purpose under the statute that would, from the PBGC's standpoint, that would maintain premiums, and from the company employees' standpoint that would restore the plan and would allow the employees to obtain the benefits under the plan. Those are the statutory purposes.

We used the term "purpose" here—we weren't talking about statutory purpose; we were talking about our purpose.

Senator SANTORUM. Mr. Keightley, is the purpose, is the method by which Mr. Kilberg has suggested U.S. Airways wants to achieve its purposes proscribed by the statute?

Mr. KEIGHTLEY. Yes, it's beyond our statutory authority, whether it's a method or a purpose.

Senator SANTORUM. Is it proscribed by the statute . . .

Mr. SPECTER. Anyone can examine the record. There was simply no public policy reason given. When I talked about this to my colleagues, the argument has been raised, well, it is complicated. Well, we have not had hearings before the other committees. We had a very extensive hearing before the subcommittee on labor in the Appropriations Committee. I say, this is win-win-win all the way around.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator has 14 minutes 32 seconds.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I will yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I thank the Senator for yielding this time.

I understand what the Senator from Pennsylvania is trying to do here, but I am concerned that the Finance Committee has not had a chance to look into this issue, the impact on the Pension Benefit Guaranty Corporation. Neither has the Commerce Committee. I am also concerned about the precedent that is being set here.

It is a rifleshot for one company. The other companies would like to have this same opportunity, perhaps. They are all involved in this Pension Benefit Guaranty Corporation. It may be permissive, as was pointed out, I believe, by the Senator from Virginia. But if this company, US Airways, does not make it in the end, as I understand it, the other companies that pay into this benefit plan will be responsible for covering the losses. Whether or not that is accurate, I am not positive what the impact would be. So that has been my concern, as I expressed to the Senator earlier today.

It may have some merit. We may even want to look at setting this precedent. But I don't think we have yet fully thought it through, and I am concerned we may be making a mistake here that could cause tremendous additional damage to the rest of the aviation industry.

I am going to be working with Senator MCCAIN, Senator HUTCHISON, and Senator ROCKEFELLER on this issue this year. We need to take a serious look at aviation as a whole, not only the airlines but labor, obviously—their needs. How we deal with their pensions, what we do about security, the costs they are faced with. It is going to take some time to do this. To do this one rifleshot at this time, I would have to raise questions about it.

I would like to be able to work with the Senator from Pennsylvania because I know how committed he is to doing the right thing for the men and women who work for this company, but I express my reservation at this time on this bill.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is fine to talk about working this out this year, but that will be too late, and the pilots will then have 25 percent of their pensions remaining. We talked to the Finance Committee two weeks ago about scheduling a hearing in January. No hearing has been scheduled for the Finance Committee during the month of January, as was anticipated. When the Senator from Mississippi makes a point that the other airlines will have to pay the pensions of US Airways pilots, that is precisely what is going to happen if this plan is not adopted. The PBGC is going to have to pay the pension benefits. So, at worst, if US Airways does not succeed, in any event, PBGC will be no worse off if this is adopted than if US Airways fails.

I reserve the remainder of my time.

Mr. ROCKEFELLER. Mr. President, I have strong concerns about the very narrow manner in which this provision is written. In general, I am not in favor of legislating in a way that deals with one specific company. Furthermore, as a member of the Senate Committee on Finance and the Senate Committee on Commerce, Science & Transportation, I regret that this matter was not considered via the normal committee process. I hope that we can have a broad discussion in the days ahead about ways to address pension issues at struggling companies. Despite these concerns, however, I am supporting the amendment of the senior Senator from Pennsylvania, particularly since this provision will place no additional burden on the American taxpayer. I also support its goal of protecting employees' pensions. Furthermore, this provision is important to US Airways' effort to secure a loan from the Air Transportation Stabilization Board. As a critical provider of air service to West Virginia, I am committed to doing everything I can to ensure US Airways' long-term viability.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, will the Senator yield me 2 minutes?

Mr. GRASSLEY. Yes.

Mr. MCCAIN. I have the same concerns as articulated by the chairman of the Subcommittee on Aviation of the Commerce Committee, Senator LOTT. I know he and I would both be willing to look into this situation.

We are in great sympathy for the entire airline industry. United Airlines is in bankruptcy. They have similar problems.

As far as this giving any leeway is concerned, it says right here:

> . . . funding rules [for certain plans] shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan. . . .

Then it goes on to describe USAir.

Then later on it says:

> . . . the minimum funding requirements under this paragraph shall be the requirements. . . .

This is clearly a mandate. There is no flexibility in this. We all know what "shalls" mean in appropriations bills.

I am in sympathy for the entire airline industry. That is why the first hearing we had in the Commerce Committee was on the status of the airline industry. CEOs of these industries came before us. They are in bad shape. They are in very bad shape. They are hemorrhaging hundreds of millions of dollars every year.

USAir is in bankruptcy. United is in bankruptcy. Others border on bankruptcy. This needs to be viewed in the context of the entire airline industry. As much sympathy as I have for USAir, I don't think we can do something such as this at this particular time on an omnibus appropriations bill.

I want to commit to the Senator from Pennsylvania, I appreciate his dedication to the people of Pittsburgh and to the people who are employed by USAir, and I look forward to working with him.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. I yield 5 minutes to my colleague from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in support of the Specter amendment. I understand, just listening to the Senator from Arizona, that this is a complex issue and there are a lot of carriers involved in bankruptcies or financial distress. For this carrier timing is the issue. They have to file this complete reorganization by the end of March.

We have a situation where hearings and study by the Commerce Committee, Finance Committee, HELP Committee—whatever—are great for looking at the overall picture of pensions and what we are going to do with funding of distressed plans, but that doesn't solve the problem of US Airways. US Airways went about solving their own problem, and they did so by working in a very aggressive fashion with a labor union that is most involved, which is the pilots, and got enormous concessions. They got enormous concessions from the pilots union, in this case, to dramatically reduce their pension benefits in order for the airline to survive.

This was actually a model of labor-management cooperation. They came to the administration believing—as Senator SPECTER has outlined, justifiably so—because their counsel, who is a former PBGC lawyer, suggested they had the discretion to do so—they could get this plan approved. That is because it was a model of how to restructure a pension plan to: No. 1, provide a reduction of expenses to allow the company to go forward and emerge from bankruptcy—and that is what this plan does; it reduces US Airways' expenses to allow them to emerge from bankruptcy; No. 2, provide the best possible compensation for a pilots union, for pilots who obviously have very good benefits, but they were willing to take a hit, but not as much as would be the case if the PBGC took over the plan. So it was a good compromise; and, No. 3—and this is something our colleagues should be concerned about—it doesn't cost the Federal Government any money. If the PBGC takes over the plan—if the plan is terminated and the PBGC takes over this plan, it is a half a billion dollars. That is what is going to be the cost if we don't agree to this amendment and don't give the administration the flexibility to adopt the US Airways-pilots union agreement.

So we have here a situation where we would be encouraging positive cooperation between labor and management; saving the Federal Government money; and, according to the provisions we enacted here after 9/11, where airlines effectively were eligible for these loan guarantees but we wanted to be sure if these guarantees were given, the companies would do the things necessary to run a good financial operation, US Airways has dramatically reduced their costs at the direction of the board we set up to help stabilize the airlines.

So US Airways has done everything we would want a company to do: Reduce costs to make them competitive; get agreements with their labor unions to reduce costs but at the same time not in a draconian way; and save the Federal Government money. The administration has come back and said: That may be all well and good, but we don't have the authority to do this and we just don't think it is good policy. But even if we did think it was good policy, we don't have the authority to do it.

Fine. This amendment gives them the authority to do it. It doesn't force them to do it.

So I say to my colleagues who suggest what we are doing here is opening Pandora's box by allowing other companies to come in under this USAir exemption, all this does is give them the flexibility to deal with this situation. It doesn't force them to adopt the US Airways proposal.

So I think this is a prudent step. It is in response to the PBGC saying they do not have the authority. I am not sure—and I don't know whether Senator SPECTER has commented on this—whether they would even exercise that authority if this amendment is agreed to. But what it does is it gives them the opportunity, or hopefully the incentive, to relook at their decision based on the facts as to what would be in the best interests of the fund, the people who actually contribute to the pension system. So it is not taxpayers' dollars but it is employee contributions.

So it would, in fact, be beneficial, I believe, saving money, encouraging labor-management cooperation, and encouraging companies, airlines in particular, to restructure in a way that is going to give them the chance to be profitable over the long term.

That is a win-win-win for us. Hopefully, we will be successful in agreeing to Senator SPECTER's amendment.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. SPECTER. Mr. President, in response to the arguments raised by the Senator from Arizona, he points out the "shalls" in the pending amendment. But each of the "shalls" relate to preexisting obligations under which the PBGC can put this plan into effect. The two "shalls" in subsection (2)(A) say that "the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation." So it establishes the funding in accordance with existing regulations. What it does not say is that the PBGC has to put the plan into effect.

The later provision under (B)(i) says that "the plan shall be treated as having met the requirements of Treasury Regulation," and specifies the technical compliance. But it does not in any way require that the PBGC has to carry this plan forward.

Let me add as cosponsors Senators WARNER, ALLEN, DOLE, CLINTON, and Senator SANTORUM, whom I believe I should have mentioned earlier as an original cosponsor to the bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 1 minute of my 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is the same issue which the Senator from Arizona raised not too long ago. It has serious deficiencies: No. 1, that it only applies, as I understand it, to one carrier and not to other carriers, which on its face raises many serious questions.

No. 2, I said to the Senator from Pennsylvania at that time, if I were in the position to influence whether we would have hearings on this subject in the near future, I would certainly do so. Time has passed. We have a new chairman of the Finance Committee. But I still hold the same view; namely, that we should have a good opportunity to address this issue more broadly and more fairly and deal with other airlines that face, to some degree, the same issues; otherwise, this is a single-shot amendment. It is unfair to other airlines. We should have more time to consider the right way to deal with this issue.

I respectfully urge Senators not to adopt this amendment so we can more appropriately deal with the matter at an appropriate time.

Mr. GRASSLEY. Mr. President, I yield myself the 1 minute remaining. At the end of the time being used up, I will make a motion to table. I will not do that yet.

But I want to reiterate what my colleague from Montana said; that this is a problem bigger than USAir and requires the time of our committee to work on it. The statistic the distinguished chairman of the Appropriations Committee gave me is that there are about 125 companies in one shape or another that are working in unison to try to find a global solution. So taking care of the situation for US Airways ought to be taken care of in conjunction with the issues that other companies have before the Congress instead of using a rifleshot. This is within the jurisdiction of the Senate Finance Committee. Nothing has been said about those left, but the chairman of the Senate Appropriations Committee is trying to write an appropriations bill that would avoid the blue slip problem with the House of Representatives.

So this has a lot of problems. We have to deal with it in the committee.

Mr. DOMENICI. Mr. President, could I ask a question of Senator SPECTER? Do we have time?

The PRESIDING OFFICER. Senator SPECTER will have to yield time.

Mr. SPECTER. I yield.

Mr. DOMENICI. Mr. President, I have a very simple question. If in fact this amendment is agreed to, and let us assume the next step is that the board grants it—although you were saying that is optional, let us assume it is granted—do the other airlines have a chance of losing money as far as that fund is concerned now or in the future because of this incident?

Mr. SPECTER. Mr. President, I thank the Senator from New Mexico for his question. The answer is they do not have any chance of losing money unless you say the competitors of US Airways stay in flight. But that is very much in the competitive interest of the United States.

Mr. DOMENICI. I should have said other than they will retain a competitor.

Mr. SPECTER. They lose absolutely nothing.

Mr. DOMENICI. If you have to extend the program in terms of the payoff, does that mean it takes care of itself and that United Airlines money put into that plan takes care of that, not the other airlines? The other airlines don't pay for it in any way?

Mr. SPECTER. Mr. President, that is exactly correct. It is the money of US Airways paid over a longer period of time which meets the obligations to the pension. The other side of that coin is if the plan is not adopted, PBGC has to pay the pensions.

I yield 1 minute to my colleague from Pennsylvania.

Mr. SANTORUM. I thank the Senator. I want to make a point, too, that this is not a pension fund that has been underfunded for a long period of time. This isn't like a lot of the industries that have been in bad shape for years. I believe this pension fund is overfunded as recently as 2½ years ago. So this is not a chronically bad pension fund that all of a sudden is now coming into bankruptcy and asking for help. This is a fund that has been dramatically affected by two things: No. 1, obviously, September 11. One can make the argument that no other airline was affected more by 9/11 than US Airways. Why? Because they closed the most profitable place they operate—Reagan National Airport. Who did that? The Federal Government. They closed their most profitable center at Reagan National Airport for an extended period of time—the place that was the most effective with air travellers for US Airways. That is where the traveling fell off most dramatically. That had a huge impact on their ability to pay into their pension. No. 2, obviously the decline in the market.

The "perfect storm," if you will, hit US Airways and put them in a particularly bad situation. And for them to come to the PBGC and say: Look, this is not a long-term problem, this is a problem that happened which is a very unusual event. Give us an opportunity to work ourselves out of the hole.

Mr. SPECTER. Would my colleague yield for a question? How much longer is he going to take?

Mr. SANTORUM. I just wanted to know if the Senator from Pennsylvania agrees.

Mr. SPECTER. Take another minute.

Mr. SANTORUM. I wanted to know if the Senator from Pennsylvania happened to agree with my analysis.

Mr. SPECTER. Absolutely.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. SPECTER. No. I don't have enough time, I regret to say. Let me make a concluding argument. If time remains, I will yield for a question from the Senator from Montana.

We have heard this business of a single shot. That is what we do around here. We fire single shots. We have a problem, and we try to structure legislation to answer the problem. We should fire single shots.

The most fascinating part about this argument today is that not one public policy argument has been advanced against this proposition. Nobody has said this is bad public policy. They have said that it is the jurisdiction of the Finance Committee. Senator SANTORUM and I were on this floor on January 9 asking unanimous consent to take up the bill, and the Senator from Montana, then the chairman, and the Senator from Iowa, then the ranking member now reversed, said we will try to give you a hearing in January. No hearing has been scheduled. We went ahead in the Appropriations Committee. We heard from the executive director of the PBGC and the general counsel. They had not one public policy argument to advance against what we have said.

Mr. BAUCUS. Mr. President, will the Senator yield on that very point about the public policy argument?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. SPECTER. Twenty seconds.

Mr. BAUCUS. Will the Senator agree, strong public policy, which this body has adopted, is that a company does not borrow from their pension funds for their own corporate purposes? That is a strong public policy point.

Mr. SPECTER. Mr. President, has the time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, the business about borrowing from the pension plan is a purple herring. It does not even rise to the level of being a red herring. Nobody has said anything about borrowing from the pension plan.

Here we have an amendment which is a rifleshot to protect the pensions of thousands of pilots. Otherwise, the PBGC is going to have to pay out money. This jurisdictional business does not have any standing when the equities are so strong in favor of this amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty seconds.

Mr. SPECTER. Mr. President, in summation, I believe the arguments are overwhelmingly in favor of this amendment. I am joined by Senator SANTORUM; Senator WARNER, Senator ALLEN, Senator DOLE and Senator CLINTON.

A beneficial question was asked by Senator DOMENICI. We deal in rifleshots. We deal in protecting our constituents. And Pennsylvania has a big constituent interest, but so does America. This is the country's sixth biggest airline.

The PRESIDING OFFICER. The time has expired.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—64

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Conrad
Cornyn
Corzine
Craig
Daschle
Dayton
Dorgan
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Hagel
Hatch
Hollings
Hutchison
Inhofe
Johnson
Kohl
Kyl
Lautenberg
Levin
Lincoln
Lott
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Sessions
Smith
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Wyden

NAYS—31

Allen
Biden
Boxer
Byrd
Cantwell
Carper
Clinton
Collins
Crapo
DeWine
Dodd
Dole
Domenici
Durbin
Edwards
Gregg
Jeffords
Kennedy
Landrieu
Leahy
Lugar
Mikulski
Reed
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Snowe
Specter
Warner

NOT VOTING—5

Feinstein
Harkin
Inouye
Kerry
Lieberman

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator DURBIN be allowed to call up an amendment which we will accept and then Senator MCCAIN call up an amendment which we will accept. We are working on a unanimous consent request and, if it is accepted, there will be no more votes tonight. We have not quite gotten that straight yet. We cannot announce that yet. As soon as we get this unanimous consent request adopted, we will be able to make that announcement.

For the time being, does the Senator have a time limit on his amendment?

Mr. DURBIN. Five minutes.

Mr. STEVENS. Five minutes on the Durbin amendment. How much time on the McCain amendment?

Mr. MCCAIN. Senator KYL and I would both like 15 minutes, if that is agreeable.

Mr. STEVENS. Each?

Mr. MCCAIN. Ten each.

Mr. STEVENS. Ten each.

Mr. DURBIN. Mr. President, I say to the Senator from Alaska, I note the presence of my colleague, Senator DEWINE, who would also like 5 minutes. A total of 10 minutes.

Mr. STEVENS. Fifteen minutes for Senator DURBIN and Senator DEWINE, and 20 minutes for Senator MCCAIN and Senator KYL—10 minutes each for Senator KYL and Senator MCCAIN. Is that agreeable?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. After which we will accept the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. And that no amendments be in order to these amendments. I ask there be no amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 127

Mr. DURBIN. Mr. President, I express my gratitude to my colleague and cosponsor of this amendment, Senator DEWINE from Ohio. It has been a bipartisan effort from the start, and we would not be at this successful moment without him. I thank him from the bottom of my heart for his dedication to this cause. I particularly thank the Senator from Alaska. He led the effort to fund the first effort to deal with the AIDS epidemic. I salute him for his leadership.

I call up amendment No. 127.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DEWINE, Mr. DASCHLE, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. CLINTON, Mr. BIDEN, Ms. LANDRIEU, Mr. CORZINE, Mr. EDWARDS, Mr. LAUTENBERG, Mr. COLEMAN, Ms. COLLINS, Mr. BROWNBACK, Mr. SMITH, Mrs. DOLE, Mr. SPECTER, and Ms. SNOWE, proposes an amendment numbered 127.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional amount for funding global HIV/AIDS programs)

On page 311, between lines 7 and 8, insert the following:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

ADDITIONAL AMOUNT FOR GLOBAL HIV/AIDS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, $180,000,000, to remain available until September 30, 2004: *Provided*, That of such amount, not less than $100,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (in addition to amounts made available for contribution to such Fund under any other provision of this Act): *Provided, further*, That, of the additional amount appropriated under this heading, up to $25,000,000 (not to be derived from the amount made available for contribution under the preceding proviso) may be transferred to (and upon transfer shall be merged with) amounts appropriated for the Department of Health and Human Services for the Centers for Disease Control and Prevention for disease control, research, and training under title II of division G of this Act, which shall be made available for child survival, maternal health, and other disease programs and development activities to prevent, treat, care for, and address the impact and consequences of HIV/AIDS: *Provided, further*, That not more than seven percent of the total amount appropriated under this heading may be made available for administrative costs of departments and agencies of the United States that carry out programs for which funds are appropriated under this heading, but funds made available for such costs may not to be derived from amounts made available for contribution and transfer under the preceding provisos.

Mr. DURBIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators CLINTON, BIDEN, LANDRIEU, CORZINE, EDWARDS, COLEMAN, COLLINS, BROWNBACK, SMITH, DOLE, SPECTER, and SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will speak briefly to the substance of this amendment.

This amendment adds $180 million to the U.S. effort to fight the global AIDS epidemic. I believe future generations will judge our work by many standards. One of the first tests of public service will be what we did to respond to the most devastating epidemic in history. The challenge of global AIDS is a challenge to each and every one of us blessed with good health, a bountiful life, and a conscience. Today, with this amendment, the United States will increase its spending on the global AIDS crisis by 50 percent over last year's level. With these dollars, children will not be orphaned, communities will have hope, and we will extend a hand to help the least of our brothers and sisters.

Now we turn to the world community and ask that they join us, increasing their commitment with the United States to this struggle, showing our mutual resolve to commit the resources, the energy, and the leadership to save a world at risk.

I am hoping that by the end of this week, Senator DEWINE, Senator GRAHAM of Florida, and a few others will be able to make a trip with me to visit Haiti. As far as my experience is concerned, it is the first time—Senator DEWINE has been there many times—to see that the AIDS epidemic is not across the ocean, it is in our backyard. It is in every part of this world. It threatens us from every direction. Once one has seen it face to face, they will never, ever be the same.

Two years ago, I went to Africa and saw it myself. I saw it in Uganda, where I sat on a porch with mothers who were HIV positive, who were gathering scrapbooks, photos, notes, and little memorabilia of their lives to leave to their children who were in the yard playing, children who had been orphaned already, losing one parent, and were about to lose their second parent.

There are 42 million AIDS victims worldwide, most of them in sub-Saharan Africa. When one meets these victims, sees their courage, and sees what little it takes to fight this AIDS epidemic successfully, as they have in Uganda and a few other countries, they realize that our leadership and our commitment at this moment in history can make such a difference.

The United States has again shown leadership with this amendment. I thank Senator STEVENS and my colleagues in the Senate for joining what I consider to be a historic moment. We have made a commitment on behalf of our country, which we hope others in the world will join, and in so doing, I believe we can catch, and I hope apprehend, this epidemic before it is out of control, bringing peace and joy to the minds of many who today are suffering around the world.

I thank my colleague Senator DEWINE. It has been a genuine joy to work with him on this. I thank him for his commitment.

I ask unanimous consent that Senator DODD be added as a cosponsor of this amendment as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. I thank my colleague for adding me as a cosponsor. I commend my colleague from Illinois for taking the leadership on this effort. I also commend our colleagues on both sides of the aisle for endorsing and supporting this proposal.

Over the last number of days, there have been rare occasions when we have found some common ground. At this late hour on Wednesday night, it is refreshing to know that on this matter, and I think eventually on the matter raised by Senator NELSON of Florida earlier, the issue of starvation and hunger, we will eventually find some common ground as well.

The leadership of Senator DURBIN is something that ought to make all of us proud as Members of this body that the United States can step up to the forefront and try to do everything we possibly can to alleviate the hardships caused by this scourge. I commend him for his efforts. I thank others who have joined Senator DURBIN as a cosponsor and thank Senator STEVENS for his willingness to accept this amendment and to endorse it.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in the support of Senator DURBIN and Senator DEWINE's amendment to increase U.S. support for the fight against the HIV/AIDS pandemic. As a 10-year member of the Senate Subcommittee on African Affairs—and over half of those years have been as either the ranking minority member or the chairman—I have seen the terrible unfolding of the pandemic. I have read and repeated the numbing statistics that grow more horrifying every year. In 2002 alone, 3.1 million people died of AIDS. Five million were infected with HIV over the course of the year, and 42 million people were living with the virus by the end of the year. Ten million children have been orphaned by AIDS, and that number is expected to quadruple in the next 10 years. And I have seen the reality of these statistics in individual faces; I have met with orphans, with the sick, with the dying, and with the mourning. And while most of my own experience with this disaster has been in the African context, this is not only an African problem. In India, China, Russia, and the countries of the Caribbean, the terrible statistics have begun their own march steadily upward as the pandemic is taking hold.

The devastation is all the more appalling each year not just because the numbers grow, but because each year we have more tools at our disposal to fight this catastrophe. We know more about what works in terms of prevention and public awareness; we have improved treatment protocols and developed more effective methods for stopping the transmission of HIV from mother to child. But we still have not developed the will to scale up our activities and to use these tools on a grand scale.

The world simply must do more. Whole communities are being gutted—robbed of their core of productive adults. Whole societies—whole countries, even—are at risk. I urge my colleagues to consider the magnitude of the crisis, consider the human tragedy involved, consider the consequences of massive destabilization in the developing world, and to support this amendment. It is not going to solve the problem before us, but it is a step in the right direction, and we must take these steps at our every opportunity.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank Senator DURBIN for the great work he has done. I thank Senator DODD, Senator COLEMAN, and all of those who have worked on this bill to bring us to this point. I also thank Senator TED STEVENS for raising the amount of money that this bill originally had by $50 million, at our request. And then coming along, he brought this bill to the floor and agreed to this amendment. I am very grateful. He has been a leader in this area.

I also thank the majority leader, BILL FRIST, who has great vision in this area and great compassion as well. My colleague from Illinois has said it very well. When you travel to Africa or, as my wife Fran and I have, to Haiti, when you see these children, when you hold them, touch them, talk to the people who care for them, when you know these children whom you see or are holding in all likelihood many of them are going to die, it truly does change you forever. When you leave those countries and when you leave those children, you know you cannot just leave. You know you have to try to do something. That is an experience I had, it was an experience my wife Fran had, but we are not unique. I know my colleague BILL FRIST has traveled to Africa. When he goes there, he can do much more than I can. He can work as a medical doctor. I know Senator INHOFE goes, as well as many other people, and they see this, and they come back. I have talked with so many of my colleagues.

This amendment says to the world that the United States of America does not just care, does not just want to use its rhetoric, but that we are going to back that up with our dollars and that we are going to do something about it and that, as the richest country in the world, we are going to lead in this area. We are going to be a leader in the world.

In the last several years, we have done a lot better. My colleague has said our spending level in this area has gone up significantly, and I compliment my colleagues on the Appropriations Committee for that. With this amendment, we are upping that a lot more. It is $150 million more. That money goes a long way. That money can be used primarily in two significant ways. One is to help in the area of the transmission from mothers who have AIDS to their babies. It is an amazing statistic. We know, medical science tells us and the experts tell us, if we can reach these mothers early enough, before they give birth to that child who will have AIDS because the mom has AIDS, and get medical treatment to her and get the proper drugs to her that really cost comparatively little, we can save that child.

Two out of three of the children who will be born, if the mother gets the appropriate drugs, will not have AIDS. Think of the savings in dollars and cents, let alone the human savings. We can do that. Yet children are being born every single day with AIDS who needlessly would not have to have AIDS.

With the great plagues in Africa today and the great plagues in Haiti today, there are a number of children who are orphans. All throughout this little country of Haiti, there are thousands of orphans. Why? Because there are not the drugs to keep the parents alive. And that is transforming that little country of Haiti. For the next year, there will be just as many incidents of AIDS in Haiti, a country of 8 million people, as there will be in the entire United States of America. We can see this is a problem not just in sub-Saharan Africa, it is a problem in a country that is only a 1-hour flight from Miami.

So this bill goes a long way to deal with this problem. It speaks volumes. It says we care and we are going to put our money where our mouth is. It is a step forward.

It does not do everything, we have a long way to go, but I think it is a great bipartisan effort. I thank all of my colleagues for getting behind this. I thank Senator STEVENS for accepting the amendment. I again pay tribute to Senator DURBIN, who has been a real bulldog on this. I thank all of my colleagues who have really made a great commitment to it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. LEAHY. Mr. President, I support this amendment and I congratulate my friend from Illinois, Senator DURBIN. He has been a passionate, relentless advocate for increased funding to fight the horrific scourge of AIDS.

The foreign operations portion of this omnibus appropriations bill contains $791 million for international programs to fight AIDS. That is a lot of money, and I applaud Senator McCONNELL, the chairman of the Foreign Operations Subcommittee, for including those funds, which is similar to the amount that was reported by the Appropriations Committee last July.

It is a lot more than we were spending to combat AIDS just 2 or 3 years ago. But think about it another way. The amount we expect to provide in 2003 on AIDS, which threatens the lives of each of the world's 6 billion people—is less than what my own State of Vermont, with a population of only 600,000 people, will spend on health care during that same period.

So while the United States is doing more than ever, and we can point to successes in several countries such as Uganda, Thailand, and Brazil, the reality is that the AIDS pandemic is out of control.

It is spreading faster, not slower. Forty million people are infected. Almost nobody is receiving treatment. Twenty five million people have died from AIDS-related causes, and at the current rate that number is expected to exceed 65 million by the year 2020.

The reality is that despite everything we have done and are doing, we are failing miserably to control this pandemic. Until we develop a strategy that matches the challenge, and until we start thinking in terms of billions, not millions, of dollars, we will continue to fail.

The alternative is unthinkable, but it is by no means far-fetched. 100 million deaths, 200 million, 400 million, this virus spreads exponentially and so does the cost of controlling it.

Imagine waking up tomorrow morning and learning that every single man, woman, and child—every single person—in Miami, Minneapolis, Atlanta, Denver, Boston, Seattle, Washington, DC, New York City, Los Angeles, Chicago, Houston, Philadelphia, San Diego, Detroit, and Dallas combined had a virus for which there was no cure.

That is the reality in Africa today. Every hour—hour, not day, not week not month, every hour—AIDS buries another 250 Africans.

Within the next decade, at the current rate, more than 40 million children in Africa will lose one or both parents to AIDS.

Many of these children will end up on the streets, turning to crime, drugs or prostitution, driving the rates of HIV even higher, perpetuating this vicious cycle.

This is an enormous challenge for Africa, but it is an even greater challenge for the world.

Every day, another 12,000 people are infected and millions more continue to suffer needlessly.

In India, the infection rate is skyrocketing. In China, only 4 percent of the Chinese population even knows how AIDS is spread.

It is a grim picture, but there is a great deal we can do. We do not have a cure for AIDS and there is no vaccine in sight, but we know how to protect ourselves from the HIV virus. We can provide basic care to the sick, and mobilize communities to support the growing number of AIDS orphans.

We know how, for pennies a day, to treat the half of all AIDS patients who will otherwise die from the pneumonia, tuberculosis, or meningitis that prey upon weak immune systems. We have to get these drugs, as well as antiretroviral drugs which have been available in wealthy countries for years, to people in poor countries that need them.

We know how to reduce the transmission of AIDS from mothers to children. We must also care for the mothers who are sick, because a young child without a mother in these countries cannot survive.

We know all these things but, even so, we are failing. The disease is spreading out of control. What we lack, even after all these years, is a global plan.

This administration, as the one before it and the one before that, has no plan for how to mount a global campaign to combat the most deadly virus in history. There is no strategy for dealing with 40 million AIDS orphans, no strategy for getting treatment to the 40 million people infected today, or the 50 million who will be infected in another 3 years, no strategy for expanding education and prevention programs on the scale that is called for.

It is not enough to point to a few success stories, as important as they are. You have to look at the big picture. Despite everything we have done and are doing, we have failed miserably. This deadly pandemic is out of control, and the amount of money being spent is a pittance of what is needed.

If we are going to conquer—or at least control—this disease, we need to think differently about it. It sounds cliche and it has probably been said many times before, but we need the health equivalent of the Manhattan Project or putting a man on the moon. We need to increase our investment not linearly but exponentially. Where we are spending millions we need to spend billions.

Unless we start treating AIDS as a global health catastrophe, not just someone else's problem, we will face a far worse, and far more costly, crisis in the future.

The world faces immense challenges—from global warming to the threat of nuclear, chemical and biological weapons, to poverty on a vast scale. We cannot ignore any of challenges because they all affect the security of future generations of Americans.

But when those same future generations look back at this time and place, I believe they will judge us, more than anything, on how we responded to AIDS. It is the most urgent, the most compelling, moral issue of our time.

This amendment is a step, and an important one. I urge President Bush, who has shown real leadership in focusing our country and the world on combating terrorism, to think differently about AIDS. As serious a threat as international terrorism is, and we are spending many billions of dollars to protect ourselves from terrorists, measured by the number of victims it pales compared to AIDS.

Last year, the White House opposed an earlier amendment by Senator DURBIN, to provide $500 million in emergency funding to combat AIDS. Because of the White House's objection, that amendment was defeated. I hope we do not repeat that mistake today because if AIDS is not an emergency, nothing is.

To those who would say we cannot afford the additional $180 million provided in this amendment, I say look at the past decade. Look at the past two decades. If we had only acted then. We could have saved tens of millions of lives and billions of dollars. Instead, there was monumental failure of leadership, and today we are facing costs that were unthinkable then.

Have we learned nothing? I hope we have. Let us pass this amendment.

Mr. KENNEDY. Mr. President, I join in support of the amendment offered by the Senator from Illinois, Senator DURBIN, and by the Senator from Ohio, Senator DEWINE, to provide urgently needed help in the international battle against AIDS, TB, and malaria.

AIDS killed 3 million people last year, TB almost 2 million, and malaria killed more than 1 million, mostly children in Africa. These terrible diseases end lives, destroy families, undermine economies, and threaten the stability and progress of entire nations.

AIDS, TB, and malaria rob poor countries of the workers they need to develop their economies. They lose teachers needed to combat illiteracy and train their workers for modern challenges. Africa has lost 7 million farmers needed to meet the food needs of entire nations. These diseases plunge poor nations into even deeper, more desperate poverty.

We must carry the fight against AIDS, TB, and malaria to every corner of the globe. And the Durbin-DeWine amendment would help the United States and the world to meet this extraordinary challenge.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescription drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies.

As we sought to enforce child labor laws at home, we also worked to protect children abroad. As we developed new ways of promoting children's health and public health, we have shared these lifesaving discoveries with other countries in need.

And once again, we are called upon to open the doors between nations to do all we can to halt the spread of AIDS, TB, and malaria, and to treat those infected by these deadly diseases.

Twelve years ago, this country demonstrated its commitment to the care and treatment of Americans living with AIDS by passing the Ryan White Care Act. Since that time, community-based care has become more available, drug treatments have been developed that nearly double the life expectancy of HIV positive individuals, and public campaigns have increased awareness of the disease. Yet, advances such as these remain largely the privilege of wealthy nations.

AIDS inflicts a particular toll on developing countries. Globally, 40 million people have HIV/AIDS, and the overwhelming majority live in poor countries. Sub-Saharan Africa is the most affected region, where nearly all of the world's AIDS orphans live.

Governments can make the difference in battling this epidemic. Where governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. But these countries cannot turn the corner on AIDS on their own. Their governments must be provided the technical assistance and resources to carry out anti-AIDS campaigns. They need financial help to afford expensive antretroviral drugs. And drug companies must do their part to make these drugs more affordable to the poor.

The challenges are great, but not insurmountable. The epidemic is in its early stages. In most regions of the world, the prevalence rate is still less than 1 percent of the population. But we cannot delay. It only took 10 years for the HIV/AIDS population to double in the Russian Federation. And in South Africa, the rate increased from 1 in 100 people to 1 in 4 in one decade.

The Durbin-DeWine amendment would help the United States and the world to meet the extraordinary challenges of AIDS, TB, and malaria. By supporting this amendment to increase the funding for bilateral AIDS prevention, care and treatment, as well as the United States commitment to the Global Fund, we will be helping to address the global public health crisis and maintain international stability.

I thank Senator DURBIN and Senator DEWINE for offering the amendment, and I urge my colleagues to support it.

Mr. DURBIN. I yield 2 minutes to my colleague from Minnesota. I precede this by saying I was particularly touched by his decision to add his name as a cosponsor of this amendment. He is new in the Senate. I do not know him well. But he has made a fabulous first impression on me that he would stand up so early in his Senate career for such an important issue.

I yield 2 minutes to the new Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my distinguished colleague from Illinois for yielding the floor and giving me this opportunity.

Two weeks ago yesterday, I was sworn in as a Senator. This is the very first amendment I signed onto. I appreciate this opportunity.

All too often, we talk about all politics being local, but there is a global aspect. We are touched by what happens around the world. The Jewish philosopher Maimonides said we each should view ourselves as if the world were held in balance and any single act of goodness on our part can tip the scales.

The reality is the impact of this amendment will tip the scales again and again and again and it will change the world.

As my colleague from Ohio discussed, we reach one mother, we save one child. I believe this is a national security issue. If we do not deal with the plague and the plight of AIDS, it will have a tremendous impact upon our security here.

I believe this is a humanitarian issue. We are doing the right thing.

I thank my colleague from Illinois for his leadership in helping me be part of doing what is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I conclude briefly by saying there are many people in this world who do not understand the United States of America. There are many people in this world who hate the United States of America. They do not understand who we are. They do not understand our values.

Tonight, the Senate, with this small effort, is trying to say to the world that we care, we are part of this global community that wants to make this a better Earth, better for everyone to live on. I hope that some who judge us will judge us by what we have done tonight.

I express my gratitude to all the Senators who have joined me in this effort, particularly Senator DEWINE, in passing this important amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 127) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Could I ask the regular order?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator is to be recognized to offer an amendment.

AMENDMENT NO. 54

Mr. McCAIN. On behalf of Senator KENNEDY, Senator KYL, Senator FEINSTEIN, and myself, I believe there is an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. KYL, for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. McCAIN, and Mr. FEINGOLD, proposes an amendment numbered 54.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make funds available for the Entry Exit System)

On page 95, line 7, strike "$3,076,509,000" and insert the following: "$3,241,787,000: *Provided*, That of the amount appropriated under this heading $80,200,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: *Provided further*, That, of the amounts made available in the preceding proviso, $42,400,000 shall only be available for planning, program support, environmental analysis and mitigation, real estate acquisition, design and construction: *Provided further*, That $25,500,000 shall only be available for an entry-exit system pilot, including demonstration projects on the southern and northern border, and $12,300,000 shall only be available for system development: *Provided further*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77: *Provided further*, That none of the funds made available by this Act shall be available for any expenses relating to the National Security Entry-Exit Registration System (NSEERS), and that the Attorney General shall provide to the Committee on Appropriations all documents and materials: (1) used in the creation of the NSEERS program, including any predecessor programs; (2) assessing the effectiveness of the NSEERS program as a tool to enhance national security; (3) used to determine the scope of the NSEERS program, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the NSEERS program to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining of whether the Department of Justice consulted with other federal agencies in the development of the NSEERS programs, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of NSEERS, including the role of the FBI in conducting national security background checks of registrants; (7) explaining why certain INS District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies.".

Mr. McCAIN. Mr. President, I join my friend, Senator KYL, and thank him, Senator KENNEDY, Senator FEINSTEIN, and Senator FEINGOLD. I also thank Senator STEVENS for his agreement to this amendment which we think is a very important amendment.

I understand that under the previous order, I have 10 minutes and the other Senator from Arizona has 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. Mr. President, this amendment restores $165 million, which was the level of funding requested by the President, to the INS for development and implementation of the exit-entry systems to be used at ports of entry across the United States.

Before any of my colleagues might have an impression that somehow I am breaking some of my iron rules, the fact is this amount of money was requested by the President in the President's budget, so what Senator KYL and I are achieving here is the restoration of at least some of those funds for this very important program.

This morning, on the front page of the Wall Street Journal:

> A Ranger's Death Shows New Hazards Of a Venerable Job. Law Enforcement Has Become A Bigger Part of Duties; Some Bridle at the Change. A Gunfight on the Border.
>
> Organ Pipe Cactus National Monument, Ariz.
>
> In the ovenlike afternoon heat last Aug. 9, Kris Eggle got a call for help.
>
> Mexican police were chasing a truck that was about to cross the poorly marked national border into this desert park. Mr. Eggle, a 28-year-old park ranger, raced to the scene and found the truck stuck in a dust-filled pothole on the U.S. side. Several men spilled out and ran.
>
> Mr. Eggle spotted one of them trying to hide behind a bush. He approached the suspect and prepared to arrest him, when the man whipped out an AK–47 automatic rifle and fired.

Mr. Eggle, a dedicated member of the U.S. Park Service, was killed in that encounter. He is the fourth park ranger to be killed in recent times as we are experiencing an increasing level of violence on our southern border.

We are in a crisis on our southern border—not just Arizona, but Arizona, unfortunately, is experiencing a majority of these problems because there have been crackdowns in California and in Texas, which has then funneled people up through Arizona.

This is a tragedy—a tragedy. Last year, 320 illegal immigrants died in the desert of Arizona trying to get across, usually exploited by unscrupulous coyotes, as they are called, who brought them across the border and said, "Tucson is right over the next hill," and left them to die in the desert of Arizona.

By the way, the motivation of those who died, I am sure, was simply to get a job so they could feed their families. The ones with the drug smugglers and the coyotes and the bad people, they don't starve in the desert because they know how to survive and they know where to go. Innocent people are dying every day in the deserts of Arizona and across this Nation. These innocent people, very frankly, are coming here because they want a better life in the United States. That is the same reason my ancestors came here and any of us who are not Native Americans.

There is a crisis in health care in Arizona. Emergency rooms are being shut down. Over $100 million in medical expenses was incurred by the State of Arizona last year because of medical services paid for by illegal immigrants. Senator KYL will talk about the fact that it is the INS people who are waving medical emergencies across the border. That is a Federal responsibility. It is not a State responsibility. It is a Federal responsibility. Enforcement of our border is a Federal responsibility.

Do you know what else is happening? An interesting and very alarming thing is happening. People, believing—correctly—that the Federal Government won't take care of its responsibilities, are beginning to want to take these responsibilities in their own hands in the form of vigilantism.

The Arizona Daily Star, January 3, 2003:

> Bisbee militia leader Chris Simcox says he is set today to launch the first patrols along the border with members of his Civil Homeland Defense group.
>
> Simcox has said he plans to have groups of armed citizens patrolling three areas of the

Arizona-Mexico line, though he wouldn't specify the sites.

Do you know what vigilantism leads to, Mr. President? There is no doubt what it leads to; that is the death of innocent people. Our border is uncontrolled. If we are going to win a war on terrorism, how do we know who those 1,000 people a day are? A thousand people a day who are coming across the Arizona border into our country are not just people who are seeking a job, not even just drug smugglers, but could be terrorists, as well.

This amendment is attacking a small part of a major problem that we have in this Nation. I don't think it is a parochial attitude toward my own State when the facts are that three out of every five illegal aliens who are coming into the United States of America are apprehended in the State of Arizona. There are miles and miles and miles of border. What separates the United States of America from Mexico is seven strands of barbed wire. The latest tactic—I don't mean to take too much of my colleagues' time—is to take an SUV, put something in front of it, and bust right through the barbed-wire fence and bring in the drugs and bring in the illegals and everybody else who wants to get in. Senator KYL went down and talked to a rancher—11 times in 1 week SUVs have driven right across his property, a couple of them armed. Our citizens deserve better than that; those who live along the border, those who run health care facilities along the border, deserve better than that and certainly the citizens of this country deserve a better enforcement of our national borders than they are receiving today.

I say in closing that Senator KYL and I, along with other border State Senators, intend to make this an issue this year because it has to be addressed. It has to be addressed.

If we are going to preserve the security of this Nation, we have to have protection of our borders. It may cost money. It may be a difficult task to achieve. But the consequences of a failure to act are unacceptable.

I yield the remainder of my time and again I thank Senator STEVENS for helping us with this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are prepared to accept the amendment, and I ask it be adopted.

The PRESIDING OFFICER. There is time remaining.

Mr. KYL. I would like to speak on it as well.

Mr. STEVENS. I am sorry, I thought the Senator had already spoken. I withhold my motion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me take a couple of minutes to amplify a couple of points my colleague, Senator McCAIN, made and also I ask unanimous consent Senator DOMENICI of New Mexico be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, as Senator McCAIN just noted, we have a crisis on the southern border with Mexico. We have drug and human smuggling daily. There are over 500,000 illegal immigrants a year crossing into the United States; 320 people died last year crossing into the desert area of Arizona. There is a significant degradation of the environment that has occurred because of the large number of people and vehicles coming across. The ranchers' operations are disrupted, their cattle are sent scurrying, their fences are cut, their water is taken. We have hundreds of millions of dollars of medical costs that are unreimbursed because of the emergency care that is being provided to illegal immigrants. We have the vigilantes that Senator McCAIN talked about springing up now, an understandable reaction to a problem but not an appropriate one. We have attacks on the Border Patrol every day, and even park rangers are being killed.

This is a crisis and it has to be dealt with. I thank Senator STEVENS and the other Senators who were helpful, for helping us to restore some of the funding the President had requested, and for their willingness to accept this amendment to begin to deal with at least one aspect of this problem.

We have not only, however, a problem of controlling the border at the border, but we also have a problem of dealing with the people who come to the United States legally but stay here illegally. That is one of the specific focuses of this amendment. I would like to take just a second to talk about it.

Did you know that half of the approximately 10 million people who are here in the United States illegally today came here legally and they overstayed their visas? The problem is, we don't have an effective system in our country that can track the people who are here illegally. We have mandated it three times in the law now. It is called an Entry Exit System. One of the things this amendment will do is to restore about $80 million to help fund this Entry Exit System.

This was originally left out of the Senate version of the bill, but as I said, thanks to the work of Senator GREGG and Senator HOLLINGS, Senator BYRD and Senator STEVENS, we were able to get this funding back into the bill.

The Entry Exit System was originally authorized in 1996 through the Illegal Immigrant and Immigrant Responsibility Act of 1996, and then it was strengthened again in the U.S.A. Patriot Act after September 11, and again in the Border Security and Visa Entry Reform Act. In all three cases we need to basically mandate the Federal Government to institute and administer this program.

Finally, Congress has gotten the attention of the appropriate officials, and we are beginning to get this done. It makes no sense to spend all of the resources we spend to control the border and then totally ignore the fact that half of the people who are here illegally got here legally, but we have no way of tracking them and determining where they are at a given time.

There are a lot of reasons this is important, but just think about the terrorism aspect for just a moment. This will help us identify terrorists, someone who arrived on a valid visa but hasn't exited the country because they want to stay here and engage in some nefarious activity. Just imagine if we had an effective system working at the time the September 11 hijackers came here. All of them came legally but of course they weren't all remaining in the country legally after they arrived.

It will also obviously help in a lot of other ways. As a matter of fact, when someone exits the country, if our law enforcement officials need to question them for any reason, they can be stopped and therefore they can be questioned because of the effectiveness of this system.

I want to make a final comment for the benefit of the administration because Congress is now acting to begin the funding of this program.

Senator GREGG, the chairman of the Appropriations Subcommittee, has made the point in the past it always has not been a wise expenditure of money by Congress to fund INS systems because the money doesn't seem to be spent very wisely. What we are saying is, as a result of this amendment, we are willing to put confidence in the INS, in the new Homeland Security Department, Justice Department, Border Patrol, and the other agencies that have this responsibility. But we expect them to follow through on the laws that we pass so when we mandate a system, it is implemented, and we expect it to be implemented on time.

We are going to be restoring the funding so they can do that. We expect them to do their part of the job and put these systems into effect. Not only is it important to help us with the problems of illegal drug smuggling and illegal immigration and general crime control, but it is now very important to deal with the problem of terrorism and the terrorist threat to our country.

I thank Senators STEVENS, GREGG, and HOLLINGS. I thank the cosponsors of this legislation. I am very much looking forward to working with them on the problems that Senator McCAIN and I have identified in many other areas that we are going to have to deal with this year to deal with this crisis situation on the border between the United States and Mexico.

The PRESIDING OFFICER. Is all time yielded back? The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment offered by the Senators from Arizona.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 54) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 80, AS MODIFIED

Mr. REID. Mr. President, is amendment No. 80 pending?

The PRESIDING OFFICER. Yes, it is.

Mr. REID. On behalf of Senator DAYTON, I ask unanimous consent the Dayton amendment be modified with the changes that are now at desk, the amendment as modified be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No. I thank the Senator from Nevada for his great work on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 80), as modified, was agreed to, as follows:

(Purpose: To amend the Homeland Security Act of 2002 (Public Law 107-296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security, and for other purposes)

At the appropriate place, insert the following:

SEC . CONTRACTS WITH CORPORATE EXPATRIATES.

(a) SHORT TITLE.—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) LIMITATION ON WAIVERS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107-296) is amended by striking subsection (d) and inserting the following:

"(d) WAIVERS.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.".

(c) EXPANDED COVERAGE OF ENTITIES.—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. If the Senator will yield? The Senator from Connecticut wishes to make a short statement. We have a unanimous consent agreement we wish to enter into.

Mr. STEVENS. Yes. I have a unanimous consent request to offer as soon as the Senator from Connecticut is finished.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I believe the unanimous consent request needs to be made to withdraw both the Dodd and the Gregg amendments and then I will offer what will be a substitute for those two amendments. I think it needs to proceed in that order, if I am not mistaken.

Mr. STEVENS. We do plan to offer a unanimous consent request that would bring up amendment No. 217. Is that what the Senator is referring to?

Mr. DODD. I believe so.

AMENDMENTS NOS. 71 AND 78 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent the Dodd and Gregg amendments be withdrawn. Would you like to have that adopted first?

Mr. DODD. I think we ought to do that first.

Mr. STEVENS. I ask unanimous consent the pending Dodd and Gregg amendments be withdrawn. Further, that Senator DODD be recognized to call up amendment No. 217, that the amendment be modified with the changes that I, Senator GREGG, and Senator DODD have agreed to, and will send to the desk, that the amendment be agreed to and the motion to reconsider be laid on the table. After that, I will ask the Senate proceed to other amendments.

Does the Senator from Connecticut wish to be heard at this time?

Mr. REID. Mr. President, reserving right to object, I ask the Senator to complete the request. Let us get it finished.

Mr. STEVENS. Does the Senator from Connecticut withhold?

I further ask unanimous consent that the Senate then proceed to the consideration of the following amendments in the following order and that the designated times in relation to the amendments be equally divided in the usual form:

Senator FEINGOLD, amendment No. 200, 30 minutes;

Senator MIKULSKI, amendment No. 61, 20 minutes;

Senator MURRAY, amendment No. 30, 20 minutes.

I further ask consent that following debate on each amendment, the amendment be temporarily set aside and a vote occur in relation to each amendment on Thursday at a time determined by the leader, with no second-degree amendments in order to any amendments prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, Senator FEINGOLD has graciously consented to limit his time to 20 minutes equally divided.

Mr. STEVENS. Mr. President, I amend that request to 20 minutes instead of 30.

Mr. DODD. Mr. President, reserving the right to object, may I inquire, if I may have 1 minute.

Mr. STEVENS. It is my intention to ask that the Senator from Connecticut be recognized for whatever time he needs.

Mr. DODD. I would like 3 or 4 minutes to explain what the amendment will achieve.

Mr. STEVENS. Mr. President, may we have the consent agreement agreed to?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that the Senator from Connecticut be recognized.

AMENDMENT NO. 217, AS MODIFIED

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. STEVENS, Mr. GREGG, Mr. KENNEDY, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Mr. EDWARDS, Mr. DAYTON, Mr. CORZINE, Mr. KERRY, Mr. REID, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. JOHNSON, Mr. SCHUMER, Mr. BAUCUS, and Mr. KOHL, proposes an amendment numbered 217, as modified.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for special education programs)

At the appropriate place, add the following:

SEC. . Funding for the Individuals with Disabilities Education Act. Notwithstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for support of Part B of the Individuals with Disabilities Education Act other than section 619 of such part the following sum is appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $1,500,000,000, which shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That notwithstanding any other provision of this Act, funds provided under this section shall not result in a further across-the-board rescission under section 601 of Division N.

Mr. REID. Mr. President, if I could direct a question to the manager of the bill, it is my understanding that the majority leader has said there will be no more rollcall votes tonight.

Mr. STEVENS. Mr. President, it is my privilege to announce that. I was going to do that after the Senator from Connecticut was finished. I assume he is not going to want any further votes. I announce in behalf of the majority leader that there will be no further votes this evening. The next vote will occur tomorrow at probably around 11 o'clock.

Mr. DODD. Mr. President, I thank the distinguished chairman of the Appropriations Committee, Senator STEVENS, and Senator GREGG, and, of course, my colleagues Senator MIKULSKI and others who spoke eloquently on this subject matter a few days ago regarding special education funding. I say to my colleague from Alaska that he has been a great help.

This $1.5 billion for special education is going to make a huge difference for schools and communities during the 2003-2004 school year. This is 1-year funding—it is not fully funding special education as we have promised, but it is a great step. As I look at the Presiding Officer, a former mayor, I know that Governors all across this country, as well as mayors, consistently put special education funding at or near the top of their list of priorities. And, it is especially important to note that unlike some other amendments that the Senate has adopted the past few days, this funding will not come through across the board cuts that include such critical programs as Head Start, WIC, and others that I have talked about. This is the way for us to address our priorities.

I am very grateful to my colleagues for supporting this. I will not take a lot of time this evening to go into it. Obviously, it makes a huge difference to our States, our communities, and, of course, families and children who will be the direct beneficiaries of these efforts.

Our colleague from Alabama spoke the other day about the importance of reform in this area. I agree that we need to review these programs to make sure the dollars are reaching the families who need them. And we will be reauthorizing IDEA in this Congress as we have in the past. But in the midst of a lot of pressure, I say to the Senator from Alaska, the chairman of the committee, that this is a special moment.

While it is late evening, and there will be no other recorded votes tonight, I want to thank him immensely for working out a solution to this. This may not be perfect. I know that some are a little bit disgruntled over how we managed to get this done. But this will truly make a difference in the lives of children and families. It is a special moment as we begin this 108th Congress. So, again, I thank the Senator from Alaska, and his staff, for working this out with us.

And, I thank my colleagues who have been stalwart. Senators HARKIN, JEFFORDS, and HAGEL, among others, who have done, and I know will continue to do, a tremendous amount of work in this area.

Finally, I hope and expect that this amendment, which includes not only myself and the many other Democrats I listed as co-sponsors, but also Senator STEVENS, the chair of the Appropriations Committee, and Senator GREGG, the chair of the Health, Education, Labor, and Pensions Committee, will be maintained in conference. I urge the conferees to oppose any effort to strip this provision that is so critical to our children and families.

Mrs. MURRAY. Mr. President, I would like to add my wholehearted support for the amendment offered by my friend from Connecticut.

The passage of IDEA was a watershed event—for children with disabilities and for all Americans.

By opening the doors of our public schools, we enabled millions of talented students to join their peers in becoming productive members of society.

Equally important, we improved education for all students by allowing them to know the strength and richness that diverse people with different experiences, challenges, and abilities bring to our lives.

Finally, we took yet another critical step on our journey to becoming a country that lives out our ideals of democracy, opportunity, and equality.

Because we have not lived up to the commitments made in IDEA, the full promise of this law has yet to be fulfilled.

Having failed to provide the full 40 percent of excess cost that was committed over 25 years ago, we have cheated students of the high-quality education they deserve.

This amendment gives us another chance to right that wrong and move forward on a path to full funding.

Last year during the ESEA debate, this body unanimously adopted an amendment that would have fully funded IDEA over the next 6 years.

The Dodd amendment would add the first increment of the full funding to the appropriations bill.

I hope my colleagues have not changed their minds about the importance of funding special education. I hope this amendment will also be adopted unanimously.

Frankly, given my home State's projected budget shortfall of $2.4 billion, these funds are even more desperately needed to maintain and improve education for children with disabilities.

We have all agreed time and again that it is important to fully fund IDEA. Now we can actually provide the dollars to back up those statements. With this amendment, we have the opportunity to make an important choice for our children's future.

Are we going to make the investment in education that all our children deserve?

Or are we going to offer another false promise?

Cheating children of their education cheats them of their chance to succeed.

This is especially true for children with disabilities, who already face a more challenging future. We must do everything in our power to ensure all children have that chance.

I ask my colleagues to join me in supporting this amendment.

Mr. President, recently I received a note from an educator in my state reminding me what this money could mean for our students.

Northport School District is a small, rural school district nestled between the Idaho panhandle and the border with British Columbia. It serves 202 students in grades K-12.

Mary Swaim is both the special education director and the only special education teacher in Northport, WA. She has one aide, who spends the majority of her day giving physical therapy to six students.

Mary told me that they currently have 15 special needs students with disabilities that range from Autism to muscular dystrophy and from Down's Syndrome to learning disabilities.

According to Mary, one of these students costs the district $30,000 a year. They have spent a small fortune on therapeutic equipment that includes a Hoyer lift, tables, wheel chairs, walkers and therapy balls.

But Mary's concern is not the cost of educating these children. She is worried that this small school cannot afford the staff to provide the quality education these students deserve.

According to Mary, fully funding IDEA would give Northport the money to hire another special education teacher, and would greatly improve these children's chance to learn and to succeed.

Mary told me:

> I've watched your legislation to keep class sizes small in general education but, in special education, we frequently have higher numbers than the general education classes and all of our students have far greater needs. More funding would mean quality education. Thank you so much for asking my opinion.

I believe we need to do more than ask Mary's opinion. I believe we need to listen to her valid concerns and act, as we can today, to make a difference for the students about whom she is so rightly concerned.

Mr. President, I ask unanimous consent that a letter from Mary Swaim be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Dear Senator MURRAY: You asked what difference it would make to me and my students if IDEA were funded at 40 percent. Northport School District is a small, rural school with 202 students K–12 and we have a B–3 Early Headstart program/4–5 year old EACAP program renting space on our campus. We currently have 15 special needs students that include Autism, multiple handicaps, muscular dystrophy, mental retardation and specific learning disabilities. We could hire a full time teacher on what it costs this district for the autistic student alone ($30,000.00). The muscular dystrophy student costs at least $12,000.00 a year over the funding we receive for him. We have an autistic student who will be three years old in March and will be added to our program and we have two multiple handicapped kindergarten students who require speech, occupational therapy and physical therapy. We have spent a small fortune on therapeutic equipment that includes a Hoyer lift, tables, wheel chairs, walkers and therapy balls. I am

the special education teacher/director. I have one full time aide and the majority of her day is spent delivering physical therapy to six students. We receive only a small portion back from Medicaid on what we put out on our students. This small school cannot afford the staff to provide a quality education to these students. I've watched your legislation to keep class sizes small in general education but, in special education, we frequently have higher numbers than the general education classes and all of our students have far greater needs. More funding would mean quality education. Thank you so much for asking my opinion.

Mary Swaim, Northport School District #211

Mr. STEVENS. Mr. President, has the amendment been agreed to?

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 217), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 200

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) for himself, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, and Mr. DURBIN, proposes an amendment numbered 200.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restrict funds made available for IMET assistance for Indonesian military personnel to "Expanded International Military Education and Training" assistance unless certain conditions are met)

Before the period at the end of the undesignated paragraph under the heading "International Military Education and Training", insert the following: "*Provided further*, That funds made available under this heading for Indonesian military personnel shall be available only for "Expanded International Military Education and Training" assistance, unless the President determines and reports to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are (1) demonstrating a commitment to assist United States efforts to combat international terrorism, including United States interdiction efforts against al-Qaida and other terrorist organizations, and taking effective measures to bring to justice those responsible for the October 13, 2002, terrorist attack on Bali, which killed United States citizens, and (2) taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia group against whom there is credible evidence of involvement in the August 31, 2002, attack, which resulted in the deaths of United States citizens, and in other gross violations of human rights: *Provided further*, That nothing in the preceding proviso prohibits the United States from conducting ongoing contacts and training with the Indonesian Armed Forces, including sales of nonlethal defense articles, counterterrorism training, officer visits, port visits, educational exchanges, or Expanded International Military Educational and Training for military officers and civilians".

Mr. FEINGOLD. Mr. President, I ask that Senators LEAHY, WYDEN, BOXER, and DURBIN be added as cosponsors of this amendment.

Mr. President, I rise today to offer a very simple amendment to this bill.

This amendment restricts Indonesian participation in the International Military Education and Training program, or IMET, limiting that participation to Expanded-IMET only, until the President can determine that Indonesia is doing two things—demonstrating a commitment to assist U.S. efforts to combat terrorism and taking effective measures, including cooperating with the FBI, to bring to justice those members of the Indonesian Armed Forces and militia groups against whom there is credible evidence of involvement in the August attack on American citizens.

On August 31, 2002, two American schoolteachers and one Indonesian citizen who were working at an international school for the children of Freeport McMoRan's mine employees were killed, and eight more Americans were wounded when they were ambushed on a mountain road in Papua, Indonesia. Press reports indicate that Indonesian garrisons control all access to the remote road where the attack occurred. The attackers sprayed their targets with automatic weapons—weapons that would be rare to find in the hands of separatists in the area. Police reports indicated that the Indonesian military was very likely involved in the attack, but the investigation was then turned over to the military, which, not surprisingly, has proven unwilling to investigate itself, and unwilling to fully cooperate with the FBI. In November, the Washington Post reported that intelligence agencies had obtained information indicating that, prior to the ambush, senior Indonesian military officials discussed an operation targeting Freeport and intended to discredit Papuan separatists.

The survivors of the attack, and the widows of the murdered, want their government to pressure the Indonesians to uncover the truth about the attack and to bring those responsible to justice. This Senate should support them.

I want to be very clear about what this amendment does not do. It does not cut off military contacts with Indonesia. Rather, it explicitly states that nothing in the amendment shall prohibit important national security contacts and programs, including counter-terrorism training, sales on non-lethal defense articles, officer visits, port visits, participation in conferences, or educational exchanges. The amendment explicitly permits Indonesian civilians and military personnel to participate in the expanded-IMET program, which offers a wide range of courses highly relevant to the reform efforts so important to the future of the military in Indonesia's new democratic system.

I believe that the United States should work with Indonesia to support such reforms, and should work within Indonesia and other states around the world in making the coalition against terrorism ever stronger.

The October 12 terrorist attack in Bali made plain that international terrorism threatens Indonesia just as it threatens the rest of the world, and I am encouraged by the many positive steps that Indonesia has taken in the wake of that horrific event—steps to track down those responsible using solid law enforcement methods, and broader steps to acknowledge the reality of international terrorism's link to Indonesia. These efforts marked a welcome change from an initial reluctance in Jakarta to acknowledge the fact on the ground. More work remains ahead. The International Crisis Group recently published a powerful report on the Jamaah Islamiyah terrorist network, a group that is linked to dozens of attacks across Southeast Asia and that is believed by intelligence officials to be associated with al Qaeda. It is my hope that cooperation with Indonesia will continue to grow stronger.

But I also believe that our relations with Indonesia and the Indonesian military cannot be characterized by a business-as-usual approach until they have made a commitment to cooperate in investigating the murder of American citizens. In late December, when American citizens were brutally murdered in Yemen, the White House spoke plainly, stating that "it is our intention to bring to justice any and all people who were responsible for these murders." The White House was right to make that perfectly clear, and I take them at their word. And it is all the more important in the Indonesian case—where one of the institutions of the state may well be responsible for the murder of American citizens, where we find a long history abusive and extortionate military practices and an urgent need for military reform—it is all the more important, in this case, the U.S. make its intentions plain. We must be equally clear with the Indonesians, equally resolute in our commitment to get to the bottom of the murders in Papua. I hope that my colleagues will join me in this effort, and support this amendment.

Mr. LEAHY. Mr. President, I strongly support this amendment. It addresses a problem that has been a concern of mine for years, which is the involvement of the Indonesian military in deliberate attacks against American citizens.

I fully appreciate that Indonesia is an important country with an elected president. We want to support Indonesia in every way we can, and we are doing so. The foreign operations portion of this omnibus appropriations bill provides $150,000,000 in economic assistance for Indonesia, a significant increase above the amount requested by the President.

We are also supporting the Indonesian military. Our armed forces are engaging with the Indonesian military at all levels, including providing them millions of dollars in antiterrorism training assistance.

So no one should be under any illusion that we are not engaging with the Indonesian military or that we are not working with them to thwart international terrorism. We are training them and we are working with them.

We are doing that despite the fact—and this is widely known—that the Indonesian military was responsible for creating and arming some of the most radical Muslim terrorist groups in that country.

But that is not what this amendment is about. This amendment focuses on a separate, $400,000 military training program, which was suspended in 1999 after senior Indonesian military officers orchestrated the massacre of some 1,000 people in East Timor, and then lied about it.

It was criminal, it was shameful, and it was universally condemned.

At that time, we, the Congress, said that we would resume that IMET training program when the Indonesian military took steps to bring to justice those responsible. Was that too much to ask? No one thought so at the time. Not here, not in the Pentagon.

There has been no justice. In fact, the Indonesian military has flagrantly obstructed justice, intimidating, judges and threatening witnesses.

But even worse, there is credible evidence that 5 months ago—last August—the Indonesian military purposefully singled out American citizens for assassination. That they planned an attack which left two American teachers dead and several others wounded. Since then, they have actively tried to obstruct the police investigation of the crime.

We all agree that Indonesia is an important country, and that we need to work with the Indonesian government to combat international terrorism, and on other issues. We are doing that. But should we not at least expect the Indonesian military to cooperate with the investigation of the murders of American citizens?

Is that too much to ask? It is not about the money. The amount of money is insignificant. It is about the message it sends. This amendment says that before we resume this tiny military training program, the deaths of Americans need to be investigated and the people involved brought to justice.

If the military had not actively obstructed the investigation, this amendment would not be necessary. There is even evidence that an army officer shot at a police investigator, and that a police vehicle was attacked. Only after months of refusals and obfuscation, have they finally agreed to let the FBI assist in the investigation, and we do not yet know what access to witnesses or other evidence the FBI will have.

This amendment does not cut off anti-terrorism training and it does not cut off the IMET program. In fact, it reinstates the IMET program. There should be no confusion about that. The Feingold amendment reinstates the IMET program. But not for combat training—not until they meet the conditions in the amendment.

It is a timely and reasonable amendment. It is a simple amendment. It is a victims rights amendment.

Mr. FEINGOLD. I yield the remainder of my time.

Mr. SESSIONS. Mr. President, I yield back time in opposition to this amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. FEINGOLD. Mr. President, it is my understanding we will be allotted a moment to summarize prior to the vote on the amendment tomorrow.

The PRESIDING OFFICER. There is no order to that effect at this time.

Mr. FEINGOLD. I ask the minority whip, what is the intention?

Mr. REID. Mr. President, Senator STEVENS and Senator BYRD, the two managers of the bill and all these amendments, have allowed the participants to have a minute on each side. I am sure that will happen tomorrow.

Mr. FEINGOLD. Mr. President, has the other side yielded back their time?

Mr. SESSIONS. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand there are two more amendments to be called up by Senators MIKULSKI and MURRAY. For each I believe we have 20 minutes to speak on behalf of those amendments.

I see Senator MIKULSKI.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 61

Ms. MIKULSKI. Mr. President, I call up amendment No. 61 dealing with the contracting out of employment of Federal employees.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY, proposes an amendment numbered 61.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or work force conversions, and for other purposes)

At the appropriate place, insert the following:

SEC.   . None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other Administrative regulation, directive, or policy.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my colleague, Senator HARRY REID, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, my amendment will prevent the arbitrary privatization of almost a million Federal workers. It prevents agencies from establishing or applying or enforcing any numerical goal, target, or quota for the contracting out of Federal jobs either by public-private competitions or by directly converting jobs to the private sector.

I want to be very clear, I am not against privatization, but I believe the privatization should be based on thoughtful criteria, not arbitrary numerical quotas.

This administration has stated, in another arena, they are absolutely against quotas. So am I. But they seem to use quotas when it is convenient. I do not understand why OMB wants to use quotas to get rid of Federal employees. Let's not use quotas at all, whether it is to get into college or to get rid of Federal workers.

Right now, many people are thinking about how to reform the Federal workforce. Excellent thinking. Former Federal Reserve Chairman Volcker and Senator VOINOVICH—leaders in this area—have put a lot of work into this issue. What they are saying, loud and clear, is, we need to be able to recruit the best, we need to be able to retain the best, we need to be able to maintain the integrity of the civil service system and make sure it never lapses into cronyism or political patronage. I am for their approach.

Why am I offering this amendment? And why would that go against the thinking I have just talked about? Because the Office of Management and Budget has issued a directive calling for bounty hunters in Federal agencies to get rid of 850,000 jobs over the next 3 years. That is nearly half of the Federal workforce. No agency would be immune from these cuts. And, more importantly, there is no criteria for the cuts. Managers will be forced to meet arbitrary targets, sometimes against their will or even their better judgment—without careful criteria, without rationale, without guidelines; and without considering: Would privatization of these jobs affect national security? Is it cost-effective for the taxpayer? What is its impact on the mission of each agency? And what would arbitrary, cavalier, swashbuckling privatization mean?

I think it is a dangerous trend with our Federal employees. Look at the Customs Service. Recently, they were made part of the Homeland Security Department. Their top priority should be protecting our borders and our ports, like stopping the millennium bomber. They should be searching for terrorists instead of wasting their time searching for private companies to do part of their job.

Next let's look at DOD. We may be going to war. Yet the Army would have to contract out as many as 200,000 jobs. Transferring these jobs to the private sector could seriously erode morale and readiness. While the military is fighting a war against terrorism, and maybe even a war in Iraq, let's not have a war within the Pentagon over who gets to keep their job.

Who are the kinds of people I am talking about? I am thinking about a secretary at the FBI in the Baltimore field office who has worked there for close to 50 years. During the terrible sniper case that gripped our whole Capital region, the FBI was on the job with our local law enforcement, along with the BATF, and it was the people in the back office keeping the agency support.

What are we going to say to that secretary who has worked with field officers, who has helped keep the FBI going for over 48 years and went to the same high school I went to and, by the way, Congresswoman PELOSI? Hello. Thank you very much. You are part of a quota. You are going to be replaced by a Kelly Girl. There is nothing wrong with Kelly Girls, but there is nothing wrong with a dedicated secretary who stuck with the FBI for 50 years so they could be effective and out there on the job protecting us.

So I am not seeking an end to privatization, but I think we should follow the FAIR Act. I think we should follow OMB's A-76 circular on these kinds of things.

Privatization is a code word to go after Federal employees. I do not know why OMB wants to do this. There is even a question of whether it will save money.

First of all, we have now the smallest Federal workforce since the 1960s. Also, at the same time, we know, from Federal managers themselves, that they are really nervous about this OMB directive because they think it will, first, undermine morale; and, second, there is no clear criteria. And instead of doing the job, they now have to justify the job.

I do not know why we are so prickly, hostile to our Federal employees. Who are the Federal employees? They are the Customs inspectors, they are the nurses at our VA hospitals, and they are the people at Social Security who make sure the seniors get their checks on time.

I am a Senator from Maryland, and I am really proud of it. I represent over 100,000 Federal employees. I wish you could meet them the way I do: on the job, at supermarkets. I represent people who are Nobel Prize winners at the National Institutes of Health and the National Institute of Standards and Technology. I represent people who work for the Coast Guard who are out there protecting our coast. I represent FBI agents. I represent the National Security Agency, the faculty at the United States Naval Academy that is getting our next generation of leaders ready.

They work hard every day to guard our borders, protect our homes, get America ready for the future. Workers in the FDA are protecting our food supply and making sure our pharmaceuticals are safe. They are also the Federal employees in other parts of America, the ones who died at the World Trade Center. How about the ones who died at the Pentagon? How about the ones who lost their lives in Oklahoma City? They were protecting our Nation. They were protecting our communities.

We said a grateful Nation will never forget. Well, let's not forget them when it comes to pushing out their colleagues from the Federal workforce. I know what Federal employees do. They work hard. They think for themselves first as citizens of the United States and second as workers at missions-driven agencies.

Let me just close by saying this. We need to have a civil service in this country. And we need to have a civil service that is reliable and has integrity and is independent.

We have gone from an age of patronage politics to an age of partisan politics. I believe the American people want us to be in an age of performance politics. That means keeping a civil service. Do not fool around with the civil service. Don't just contract it out and reward your pals through cronyism or a new form of patronage.

I fought a political machine to get into politics, and I will fight a political machine that will try to destroy the civil service of the United States.

Let's keep a strong nonpolitical Federal workforce. Let's get rid of the quotas for the OMB circular, and let's take a rational approach maintaining the civil service but privatizing those jobs that are appropriate.

I yield the floor and reserve time that I might need for rebuttal.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment offered by the Senator from Maryland, Ms. MIKULSKI, of which I am a cosponsor.

I have long been concerned about the costs and benefits associated with the process by which the Federal Government contracts out work. In particular, I am concerned about the lack of data on whether these contracts actually achieve real savings for taxpayers, and about the effects of outsourcing on the pay and benefits of Federal workers.

I do not oppose contracting out. Such a process is often appropriate. I am concerned, however, that the arbitrary quotas proposed by the Office of Management and Budget will encourage Federal agencies to circumvent the existing public-private competition process for contracting out work without regard for what is the best use of taxpayer dollars. Contracting out affects the jobs of thousands of dedicated Government employees each year. These men and women deserve the chance to compete for this work—and for their jobs—on a level playing field.

The amendment offered by the Senator from Maryland would prohibit OMB from using numerical targets to privatize jobs currently filled by Federal employees. It would not prevent Federal agencies from contracting out. Instead, it would ensure that contracting decisions are based on what is best for American taxpayers, rather than on arbitrary quotas set by OMB.

The language included in the Mikulski amendment was adopted by the Senate Appropriations Committee last year as part of the fiscal year 2003 Treasury-Postal appropriations bill. It was also adopted overwhelmingly by the House of Representatives by a vote of 261–166 during that body's consideration of the fiscal year 2003 Treasury-Postal appropriations bill.

I remain concerned about the administration's push to contract out hundreds of thousands of Federal jobs with little regard for true public-private competition. Late last year, OMB released its proposed changes to the Circular A–76 process, that, if adopted, would result in the privatization of 850,000 Federal jobs nearly half of the Federal workforce. The proposed revisions would allow agencies to contract out jobs currently held by Federal employees without public-private competition. In addition, the proposal would force agencies to privatize work without competition if they fail to meet arbitrary deadlines for contracting out work.

The proposal further undermines competition by rarely allowing Federal employees to compete for new work or work that is currently being done by contractors. It would also switch to a so-called "best value" system of competition, rather than continuing the current cost-based system that takes into account quality of work.

OMB's proposal does nothing to improve the tracking of costs and benefits of contracted work or to ensure that there is oversight to determine whether the contractors are providing quality services or otherwise complying with the terms of their contracts. Further, once a contractor has been awarded a job, there is no mechanism to recompete the work at a later date to ensure that taxpayers are actually receiving the best work for the best price.

I agree that the Federal contracting system needs reform. But to rush to outsource the positions of nearly half of the Federal workforce in an arbitrary manner, and without allowing these dedicated workers to compete to keep their jobs, is shortsighted. We should proceed cautiously to ensure that the contracting process is fair to Federal workers and that it actually results in a quality, cost-effective product for taxpayers. OMB's current plan for arbitrary quotas and little public-private competition will not achieve these goals.

I urge my colleagues to support this amendment.

Mr. AKAKA. Mr. President, I rise today to support and cosponsor Senator Mikulski's amendment to the omnibus appropriations bill. Our amendment would prevent funds appropriated by this bill from being used to impose privatization quotas on Federal agencies. This amendment would promote sensible procurement policies by eliminating the need to contract out Federal work just to meet subjective targets. Decisions to contract out Federal work, which would reduce the Federal workforce, should never be based on political objectives. This amendment is an important step towards preventing contracting decisions based on arbitrary quotas.

Under proposed regulations governing privatization, up to 850,000 Federal employee jobs will be reviewed for privatization. At minimum, the administration intends to open up at least 425,000 Federal jobs to competition by the end of 2004. The decision to do so is not based on data or hard science. How did the administration choose that number? I want my colleagues to know that there is no evidence that outsourcing such a sizeable number of Federal jobs so quickly will achieve any cost savings at all. The proposed revisions to A–76, the regulations governing the contracting of Federal work, support outsourcing quotas by forcing agencies to outsource jobs without first holding public-private competitions, regardless of whether the move to privatization saves the Government any money.

Arbitrary quotas serve no purpose, and they place Federal workers in the unenviable position of never knowing whether their job will be eliminated. Even if employees were to understand the regulations governing Federal contracting, they would be competing in a system that is skewed toward private-sector bidders. Moreover, Federal managers are ill-prepared and undertrained to deal with large-scale outsourcing of government work. Federal employees are being forced to compete for jobs they already hold with very little, if any, training or guidance on how to enter the Federal contracting process and successfully compete with seasoned bidders. The past performance of Federal employees will not be taken into account when analyzing whether a Government contract should be awarded. However, a great value will be placed on the past performance of a private contractor.

As a member of the Governmental Affairs Committee, I am committed to an efficient, effective, and responsive Federal Government. However, as we look for ways to achieve this, we must ensure that contracting objectives are fair to our Federal workforce and result in cost savings. I do not believe that these goals are mutually exclusive. I will continue to work toward ensuring that Federal procurement policies are fair to Federal workers and cost-effective. The Mikulski amendment achieves this end, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield back the time on this side.

Ms. MIKULSKI. Mr. President, if the other side yields back its time, I therefore yield back my time and know that there will be an agreement to vote on my amendment that will be concluded at the end of the evening.

I thank my colleague from Alabama. I hope all my debates are that easy.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

AMENDMENT NO. 39

Mrs. MURRAY. Mr. President, I call up amendment No. 39 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. Murray], for herself, Mr. Kennedy, Mr. Reed, Mrs. Clinton, Mr. Bingaman, Mr. Dodd, Ms. Cantwell, and Ms. Stabenow, proposes an amendment numbered 39.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the community access program)

On page 570, line 19, insert before the period the following: "; Provided further, That $120,027,000 shall be appropriated to carry out the community access program to increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay".

Mrs. MURRAY. Mr. President, I am offering this amendment on behalf of myself, Senators Kennedy, Reed, Clinton, Bingaman, Dodd, Stabenow, and Cantwell.

The amendment I have called up is very simple. It restores the $120 million to the Community Access Program that was cut in the managers' amendment. This $120 million level is exactly the same level as we appropriated in fiscal year 2002, and it is the same level that was included in the fiscal year 2003 Labor-HHS-Education appropriations bill which we marked up last year.

The Community Access Program helps increase the capacity and effectiveness of community health care institutions and providers that serve patients regardless of their ability to pay.

It is a community-based program that seeks to coordinate care for the uninsured. It has been very successful, and it enjoys broad bipartisan support.

It is difficult for me to understand why the President's budget eliminates a program that seeks to get care for the uninsured at a time when the ranks of the uninsured continue to grow. Without a coordinated community-based approach to accessing care, the uninsured simply end up in our emergency rooms or go without care, and both of those results add to our growing health care crisis.

I know firsthand how successful this program has been. Washington State has four CAP grantees that have worked to expand access to quality, comprehensive care for those who have no health care safety net. They are based in Spokane, Wenatchee, Olympia, and Seattle.

As I have met with our CAP grantees, they have shown me a glimpse into what I think is the future of health care.

In October I visited the Odessa Brown Children's Clinic. I saw a doctor, a dentist, and a psychologist in the same room, not just treating body parts but actually treating the whole child in a comprehensive, compassionate way. Today that project is known as "Kids Get Care," and it is connecting more than 3,000 children to comprehensive health care.

These kinds of efforts are making a real difference for low-income families, and they need more investment. Our CAP grantees have worked to ensure that our increased investment in community health centers reaps the greatest benefit possible. They have worked with vulnerable populations to tear down barriers to care and not just economic barriers. They use the small investment to better serve the uninsured. We should be strengthening efforts like this right now, not eliminating them.

Currently in my home State of Washington, one in nine residents is uninsured. And with my State's ongoing economic crisis—and I am sure across the country—demand is going to grow for programs that provide care for the uninsured. We need to meet the immediate needs of these families who today can only get access in the emergency room.

CAP provides the seed money that gives community health care providers the ability to serve those who have nowhere else to go.

As a member of the HELP Committee, I am disappointed that the majority has proposed eliminating this program. The HELP Committee worked in a bipartisan manner, under the leadership of Senators KENNEDY, GREGG, and FRIST, and secured passage of a 4-year health care safety net authorization bill. Last year that provided an authorization of this CAP program. That legislation was, in fact, unanimously adopted by the Senate in October of 2002 and signed by the President on October 26, 2002.

The purpose of the authorization is spelled out now in Public Law 107–251. I want to read the committee report. The purpose is:

> To provide assistance to communities and to consortia of health care providers, in order to develop or strengthen an integrated health care delivery system that coordinates health services for individuals who are uninsured and individuals who are underinsured and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions.

Those are goals we must achieve. I understand the fiscal pressures facing the chairman of the Appropriations Committee and Chairman SPECTER, but we are facing a major health care crisis in this country. This is not just a crisis of the uninsured but a crisis of increasing costs. The impact of this will only mean higher Federal expenditures in programs such as Medicare and Medicaid, not to mention the human toll on our uninsured citizens.

I applaud the recent comments by the new majority leader in discussing the racial inequities in our health care delivery system, and I look forward to working with him to address this injustice and to ensure greater access to care for all Americans. Fair and just access to care is a civil rights issue.

Being uninsured does not have to mean going without. We can offer a safety net to provide comprehensive care to the uninsured through programs such as CAP and community health centers.

I believe that CAP provides us a model for closing the gaps in health care and eliminating racial inequities. If we truly hope to provide fair and equal access, we must not eliminate CAP in this bill.

CAP is certainly not the only solution, but we all know that in order to address our health care crisis, we have to find innovative solutions that use our resources more effectively, and CAP does just that. It supports innovative community-based programs.

I urge my colleagues to support this amendment. I remind them, it was authorized by the full committee last year, unanimously passed the Senate, and has broad bipartisan support. We need to back our words in that bill with the resources for these communities to provide care for the uninsured and the growing ranks of uninsured across this country. We need to strengthen our fragile health care safety net across this country, and this amendment will help us do that.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Washington for her comments. I had the pleasure a little over a year ago to travel to five different rural health clinics in Alabama, many of these in areas where minority citizens live, and was very pleased to have the chief Assistant Secretary of Health and Human Services, Claude Allen, to do that, an African-American himself, the chief deputy to Tommy Thompson.

My understanding is the administration does support rural health clinics; in fact, it has plans to expand them. Properly done, it would be the right way to go. I will be looking at the Senator's amendment and reviewing that as we go forward.

I think the general policy and the general direction of this administration will be to expand those clinics rather than to reduce them.

Mr. SESSIONS. Mr. President, we are waiting for the assistant Democratic leader, and while Senator MURRAY is here, I will add further on that subject that we visited rural health clinics in Alabama. They do a lot of work. Somehow we have created a system of health care where it is not easy for physicians and health care professionals to choose to live in rural areas, and it has taken Government programs to meet the crisis need. I wish we could figure out a way to incentivize it so a person who might like to live in a small town could practice medicine there and make a decent living and have a nice life. Somehow we have not done that effectively. That is the reason we have felt the need to create these clinics with Government support.

TEXTILE TRANSSHIPMENTS

Mrs. DOLE. Mr. President, it is my understanding that in the 107th Congress, $9.5 million was authorized by the Trade Promotion Authority Act for the hiring of up to 71 new customs agents to more vigorously enforce the existing textile trade agreements. I ask Senator CAMPBELL, is that correct?

Mr. CAMPBELL. Yes, it is.

Mrs. DOLE. And it is also my understanding that this funding was not included in the final version of the bill before us. Is that also correct?

Mr. CAMPBELL. Yes, that is correct.

Mrs. DOLE. I understand the severe budget restraints you and the committee were working under to produce this final bill. I wish that the committee had been able to fund this very important measure.

Since 1996, 65,7000 jobs have been lost in North Carolina alone in the textile industry. However, contrary to some opinions, the North Carolina textile industry can compete domestically and worldwide if, and I strongly emphasize "if," the Federal Government allocates the resources to its customs agents to do their jobs and enforce existing trade agreements.

Chuck Hayes, the former head of the American Textile Manufacturers Institute, once said that thousands of textile jobs could have been saved in North Carolina if the United States had rigorously enforced our existing textile trade agreements.

But in order to do that, the Customs Service needs to hire many more experienced agents to be able to investigate cases of illegally shipped textile products into the United States through our ports. It is a massive undertaking but one that we must pursue in order to save the remaining textile jobs in North Carolina and elsewhere and put our domestic textile industry on a more equal basis versus overseas manufacturers.

Mr. CAMPBELL. I fully understand and appreciate the Senator's feelings on this matter and I will work with her on this problem in the next appropriations cycle for fiscal year 2004.

Mrs. DOLE. I thank the Senator for that pledge, to work with me. The health and welfare of thousands of hard-working North Carolina families depends on enforcing the textile trade agreements we now have in force. I will continue to stay in close contact with you and the committee on this issue.

PORT SECURITY

Mrs. MURRAY. Mr. President, I rise to request to enter into a colloquy with the chairman and the ranking member on the Treasury and General Government Appropriations Subcommittee, the distinguished Senators from Colorado and North Dakota, regarding port security.

Mr. DORGAN. Mr. President, the security of our Nation's ports is of extreme importance to me, so I gladly will engage in a colloquy with the senior Senator from Washington. Being from a northern border state, like the senior Senator from Washington, I am particularly concerned about how others may try to use the border to circumvent our security. Furthermore, it is important that improving our security doesn't unnecessarily infringe upon commerce that travels over our northern border.

Mr. CAMPBELL. Mr. President, I also agree that securing our Nation's ports and points of entry is critical to protecting our citizens.

Mrs. MURRAY. Mr. President, on October 31, 2002, the U.S. Customs Service published regulations requiring sea carriers to provide cargo manifests 24 hours prior to the lading of containerized cargo at foreign ports for shipment to the United States. In short, since December 2, 2002, the Customs Service has been asking for a detailed list of all cargo entering a U.S. port and detailed information regarding the shipper. This will allow Customs agents to identify at-risk cargo, thus making our ports safer.

My State of Washington includes the ports of Seattle and Tacoma. These ports combined represent the Nation's third largest intermodal container gateway. So I applaud this initiative, which will allow customs agents the opportunity to identify at risk cargo, while expediting the process for low-risk cargo.

Having said that, I am concerned that if this rule is not adopted by the Customs authorities in countries with whom we share a border, we could actually make our borders even less secure. There is a substantial flow of overseas containerized goods coming over the Canadian and Mexican borders, especially the Canadian border, into the U.S. annually. If those goods are not subject to the 24-hour rule, as overseas containerized goods coming through U.S. ports are, we have defeated the intent of the rule. In addition, we are actually providing an incentive for shippers to use the Canadian or Mexican gateways instead of bringing their goods through U.S. ports. This scenario hurts us in two ways. First, it diminishes the security at our borders if the same rules do not apply to overseas containerized goods coming through Canada or Mexico, and second, if shipping lines flock to ports located in our northern and southern neighbors to bring goods into the U.S. due to the "hassle factor," it takes jobs and the potential for economic growth from our communities.

For this reason, I am gratified to learn that the Canadian Government is in the process of considering port security regulations of its own. U.S. Customs has thus far been able to work successfully with Canadian Customs on programs such as the Smart Border Accord, the Container Security Initiative, and the Customs Trade Partnership Against Terrorism effort.

So I am asking the distinguished Senators from Colorado and North Dakota regardless of whether the Canadian Government does or does not implement a similar advanced manifest information requirement, to with me to see our Government require the same manifest information on all container traffic that is destined to the United States on a through-bill-of-lading via a Canadian or Mexican port.

Mr. DORGAN. Mr. President, I thank the distinguished Senator from Washington for raising this issue with me. Congress must be vigilant in making sure that all cargo entering this country via any method—sea, air, or rail—faces the same level of scrutiny. Should the perception develop that it is easier to move goods into the U.S. through Canada, not only would our Nation's ports be disadvantaged economically, but our country would face a greater security risk. As you point out, regulation on ship traffic is moving ahead. I understand that Customs Commissioner Bonner has directed that regulations regarding rail, air, and truck shipments be kept on track. I certainly will work with the distinguished Senator from Washington and the Customs Service to ensure that all cargo entering the United States receives equal scrutiny.

Mr. CAMPBELL. Mr. President, I will work with the Senator from Washington, my ranking member, and the Customs Service to achieve this important goal. We must work hard to plug the security holes that exist, and this is one we should fix.

PROVIDENCE PERFORMING ARTS CENTER

Mr. CHAFEE. Mr. President, as we move forward on this measure, I noted in the Senate Report accompanying the FY 2003 Commerce, Justice, State, and the Judiciary Appropriations bill that the Appropriations Committee urged the Economic Development Administration (EDA) to evaluate several worthwhile proposals for projects which may be eligible for funding under the various EDA programs.

Mr. GREGG. That is correct. The committee listed six such proposals.

Mr. CHAFEE. I would like to make the Senator from New Hampshire, the Chairman of the Commerce Appropriations Subcommittee, aware of a strong economic development proposal from my home state of Rhode Island.

The proposal focuses on the renovation of the restored historic theater at the Providence Performing Arts Center, PPAC, in our capital city of Providence. Listed on the National Register of Historic Places, the facility was recently named an Official Project of the Save America's Treasures program directed by the National Trust for Historic Preservation and the White House Millennium Council. The full renovation of the theater, both structural and mechanical, is the ultimate goal of the non-profit entity that operates the center. A renovated PPAC has the potential to be one of the major economic development stimulants in the old downtown. I know from my membership on the Environment and Public Works Committee, which has authorizing jurisdiction over the EDA, that this project is very similar to others funded by the agency.

I ask the chairman if the Providence initiative is in keeping with the projects recommended by the committee and listed in the report?

Mr. GREGG. It is. In fact, the proposal to renovate and operate a vibrant theater appears to be just the type of job-creating project EDA should be encouraging in our downtowns.

Mr. CHAFEE. That being so, I ask the chairman if he would deem the Providence project part of the committee's recommendation to the EDA.

Mr. GREGG. Although we cannot amend the report at this point, I would urge the EDA to evaluate the Providence Performing Arts Center project along with the other projects listed in the committee report. The project should be given every consideration within applicable procedures and guidelines by the Economic Development Administration.

Mr. CHAFEE. I thank the Senator and look forward to working with the committee and EDA to generate positive economic development in downtown Providence.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN ETHIOPIA

Mr. KENNEDY. Mr. President, our colleague in the House of Representatives, FRANK WOLF, recently returned from a visit to Ethiopia and Eritrea. His report on the trip describes the dire health and humanitarian crisis in these countries.

Congressman WOLF states that, without urgently needed support, an additional 11 million people may perish because of the famine exacerbated by drought, because of the HIV/AIDS epidemic, and because of the lingering effects of those countries' 2½ year border war.

These issues are extremely serious, and the international community can and must do more to help alleviate this crisis. I believe that Congressman WOLF's report will be of interest to all of us in the Senate, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIP REPORT: ETHIOPIA AND ERITREA—
DECEMBER 29, 2002–JANUARY 4, 2003

Babies wailing and screeching, desperately trying to get nourishment from their mothers' breasts.

Two- and three-year-olds so severely malnourished that they cannot stand, much less crawl or walk, their pencil-thin legs so frail that they could be snapped like a twig with little or no effort.

Young boys and girls with bloated bellies. A teenager whose legs are no thicker than my wrist.

Drinking water almost non-existent—a four-hour walk each way just to find some. Fields scorched. Crops failed.

River beds dry as a bone. Hand-dug collecting ponds for rain so sun-baked that the earth has cracked.

Disease. Despair.

These are some of the horrific sites I witnessed last week in Ethiopia, which once again is facing a famine of catastrophic proportions.

I spent a week in Ethiopia in 1984—when nearly one million people died of starvation—including two nights in a feeding camp. The squalid conditions of the camps and the suffering faces of the children, mothers and elderly were haunting and unforgettable. What I saw—and experienced—changed me forever. I never thought I would see something like that again. I have. Last week.

By Easter, thousands of Ethiopians could be dead from starvation. Children living in villages just 90 miles from the capital city, Addis Ababa, which is easily accessible by truck, are already near death. Conditions in villages in more remote areas of the country are significantly worse.

DIRE SITUATION

While the government of Ethiopia is out in front of trying to draw attention to the crisis—unlike in 1984 when the Mengistu government tried to keep the famine secret until a BBC camera crew broke the story—what makes this year's crisis more horrific is that the population of Ethiopia has increased from 45 million in 1984 to 69 million today. In addition, HIV/AIDS is spreading throughout the country and Ethiopia's 2½-year border war with neighboring Eritrea has drained precious resources and led to thousands of displaced people and families, particularly in remote areas of the country.

With each crisis—drought, war, disease—more families become destitute and completely dependent on others for their welfare and survival. The repeated droughts have made more people vulnerable to hunger and hunger-related diseases, sharply increasing the danger of outright starvation among groups that may have been able to survive previous crop failures and livestock losses.

This also is a tough neighborhood, with Sudan bordering to the west and Somalia to the east. These countries are struggling to overcome internal turmoil of their own and refugees from each have crossed into Ethiopia and are living in refugee camps.

But perhaps the greatest difficulty is getting the world to respond. The focus in capital cities around the globe is the war on terror, Iraq and North Korea.

HOW COULD THIS HAPPEN?

I do not believe this situation should ever have been allowed to develop. Does anyone really believe that the world would turn a blind eye if this crisis were unfolding in France or Australia? If the photographs in this report were of Norwegian children wouldn't the world be rushing to help? Is not the value of an Ethiopian child or Eritrean mother the same in the eyes of God?

This disaster has been building since last fall, yet there has been little mention of it in the Western media, let alone any in depth reports. Without graphic photographs and video-tape, foreign governments will not feel the pressure to act.

The situation in Ethiopia is dire and many believe if immediate action is not taken to address the looming crisis, the number of people who could die from starvation could surpass those who perished during the 1984–1985 drought. In 1984, 8 million were in need of food aid. Today, more than 11 million people—just slightly less than the combined population of Maryland and Virginia—are presently at risk and that number is growing every day.

Last year's crops produced little or nothing, even in parts of the country that normally provide surpluses of food. The demand for international food aid is tremendous. I was told there is enough food in the country to meet January's needs and part of February's, although at reduced levels. Incredibly, there is nothing in the pipeline to deal with March, April, May, or the rest of the year. Even if ships leaded with grain were to leave today, many would not make it in time to avert disaster.

Villagers are living on about 900 calories a day. The average American lives on 2,200 to 2,400 calories a day.

An elderly woman at a feeding station in the northern part of the country showed me her monthly allotment of wheat: it would have fit into a bowling ball bag.

A man working under the hot African sun with fellow villagers to dig a massive rain collecting pond—each carrying 50-pound bags of dirt up from the bottom of the pit—told me he had not had a drink of water all day and didn't know if he would eat that night. It would depend on whether his children had food.

NO WATER

Water—for drinking and bathing—is almost non-existent, and what is available, is putrid. There is no medicine—and even if there was something as simple as an aspirin there is no water with which to wash it down. Disease is rampant.

During my trip I visited villages in both the north and south of the country. I went to a food distribution center and a health clinic. I talked with farmers who had already begun to sell off their livestock and mothers who did not know where or when their children would get their next meal. I met with U.S. State Department officials and NGOs. I also met with Prime Minister Meles and a number of relief officials in his government.

The government's decision not to establish feeding camps is a wise one. The camps only exacerbate the crisis because they allow diseases to spread much more quickly and take people away from their homes and albeit limited support systems. In 1984, many families traveled great distances to reach the camps and by the time they got there were often near death. Moreover, villagers who left for the camps and somehow managed to survive had nothing to return to because they had lost their homes and sold their livestock.

Fortunately, relief organizations, including U.S. AID and the United Nations World Food Programme, have developed an early warning system to better predict the effects of the looming crisis and have been sounding the alarm since the fall.

Nevertheless, they are facing an uphill battle. Donor fatigue is a very real problem.

COMPETING WORLD CRISIS

Getting the world—and the United States, in particular—to focus on the issue is difficult because of the war on terrorism, the situation in Iraq and the growing crisis in North Korea.

Since August 2002, the United States has provided approximately 430,000 metric tons of food, valued at $179 million. This amount constitutes approximately 25 percent of the total need in the country. The U.S. government will need to do more to avert a disaster of biblical proportions.

Before leaving on the trip, a number of well read people in the Washington area looked at me quizzically when I told them I was going to Ethiopia. They all asked why? When I told them that the country was facing another famine along the scale of 1984, they were dumbfounded.

Time is of the essence. A village can slip dramatically in just a matter of weeks. Many of the children I saw last week will be dead by early February and those who do somehow miraculously survive will be severely retarded. The world cannot afford to wait any longer.

I also visited neighboring Eritrea, where the situation is not much better. Widespread crop failures are expected as a result of the drought. Compounding the situation are the lingering effects of its war with Ethiopia, which ended in December 2000. While nearly 200,000 refugees and displaced persons have been reintegrated into society following the truce, almost 60,000 have been unable to return to their homes due to the presence of land mines, unexploded ordnance, insecurity or the simple fact that the infrastructure near their homes has been completely destroyed.

RECOMMENDATIONS

Donors, including the United States, must make prompt and significant food-aid pledges to help Ethiopia overcome its current crisis. The food pipeline could break down as early as next month if donors do not act immediately. There are a number of countries, Canada and France, for instance, that can and should do more.

The Office of Management and Budget (OMB) must work to ensure that the U.S. assistance is released as quickly as possible.

When President Bush visits Africa, he should consider going to Ethiopia. I believe he would be moved by what he sees.

The Bush Administration should make an effort to rally public support similar to what was done during the 1984-85 famine. Perhaps the new director of faith-based initiatives at USAID should serve as the coordinator for such an effort.

Donor support also must include water, seeds and medicine as well as veterinary assistance.

The Ethiopian government should take its case to capitals around the globe, sending representatives to donor nations armed with photographs of dying children to put a face on the growing crisis. Regrettably, if they do not ask, they will not receive.

The Ethiopian government must contribute additional food aid from its own resources as it did in 2000 and 2002 as a sign of leadership and commitment to the welfare of its people.

More must be done to develop long-term strategies to tackle the root causes of the food shortages in Ethiopia, like improving irrigation and developing drought-resistant crops. The government must develop a 10- or 15-year plan designed to help end the constant cycle of massive food shortages. A well developed plan would go a long way toward reassuring the international community that the country wants to end its dependence on handouts.

The Ethiopian government also should do more to help diversify its economy. Its largest export—coffee—is subject to huge price fluctuations in the world market and rather than exporting hides and leather to Italy and China—only to come back as belts, purses and shoes—the government should work to attract business that will make these products on Ethiopian soil.

The government of Ethiopia also should consider a sweeping land reform policy that would allow farmers to own their property rather than the government owning all the country's land, a vestige of the country's socialist days.

The media needs to more aggressively pursue this looming crisis. It was responsible for making the world aware of the terrible famine that was occurring in 1984 and has the ability to let the world know about the tragedy unfolding again.

Many of the same issues that apply to Ethiopia apply to Eritrea. Both countries are in desperate need of assistance.

In closing, I want to thank all the people—from government officials in both Ethiopia and Eritrea to U.S. officials and NGOs and missionaries in both countries—who are working around the clock to deal with this crisis. I also want to thank U.S. Ambassador to Eritrea Donald McConnell and U.S. Ambassador to Ethiopia Auzerlia Brazeal and their respective staffs for all they do. They are outstanding representatives of the U.S. government. Special thanks go to Jack Doutrich in Eritrea and Karen Freeman, Jo Raisin and Makeda Tsegaye in Ethiopia. Roy "Reb" Brownell with USAID in Washington also deserves special recognition.

Finally, I want to thank Lt. Col. Malcom Shorter, who accompanied me on the trip, and Dan Scandling, my chief of staff, who took all the photographs and videotaped the trip.

REAUTHORIZATION FUNDING

Mr. BINGAMAN. Mr. President, I would like to take a few minutes in morning business to speak about my priorities this year in Federal transportation funding. I think all Senators are probably aware that Congress must reauthorize the 6-year surface transportation bill in 2003.

As I travel around my State, I continue to hear frequently from citizens about the need to improve our basic transportation infrastructure, including highways and transit. Access to a high-quality transportation system is an essential element in economic development, and I believe the Federal Government has an important role to play in helping communities build and maintain the basic transportation infrastructure that businesses need.

Thus, the reauthorization this year of Federal transportation funding will be essential if New Mexico is to have the high-quality transportation system it needs to attract new jobs and businesses to our State. Safe and efficient highways and public transit are especially important for economic developments in the rural parts of my State. Basic transportation infrastructure is also vital to our communities, schools, and families, and helps support everyday life.

The most recent 6-year transportation act, known as TEA–21, was enacted in 1998. TEA–21 has been a good piece of legislation for my State, and I was pleased to support the bill. One of the key improvements Congress made in 1998 was to establish a firewall that, for the first time, ensured all tax receipts deposited in the Highway trust fund were fully used each year for transportation projects.

Under TEA–21, New Mexico has made substantial progress in upgrading key highways and transit programs in both urban and rural areas all across the State. As a result of the higher Federal highway funding provided under the act, in the past 6 years New Mexico has been able to complete a number of much-needed transportation projects.

For example, Highway 285 was upgraded to four lanes between Carlsbad and Interstate 40; US 550 is now four lanes all the way from Bernalillo to Bloomfield; the Big I in Albuquerque was completely rebuilt; US 54 is now four-lanes between El Paso and Tularosa; and the Santa Fe bypass was opened. In addition, US 70 will soon be upgraded to four lanes from Las Cruces to Texico, and work is now underway to upgrade US 84/285 between Santa Fe and Poloaque. I do believe each of these projects will contribute significantly to improving highway safety and efficiency in my State.

TEA–21 has also helped New Mexico improve transit services both in our cities and in rural areas. A number of communities have been able to obtain new transit vehicles and equipment with grants from the Federal Transit Administration. For example, the Alvarado transit center was opened in Albuquerque and Federal funds have been used to purchase new transit equipment and facilities in communities including Albuquerque, Santa Fe, Las Cruces, Rio Rancho, Farmington, Taos, Angel Fire, Carlsbad, Clovis, and Los Lunas. In addition, Albuquerque initiated a study of a new high-capacity transportation system, and steps are being taken to preserve the Santa-Fe-to-El-Dorado rail line for future use.

Throughout its history, New Mexico has played a key role in the transportation system of this country. The original Spanish settlers established the Camino Real between Santa Fe and Mexico City. In the last century, our Nation's first transcontinental highway, Route 66, passed through New Mexico.

Today, New Mexico continues to provide a critical link in our Nation's interstate and international transportation network, including trade with Mexico. However, we are a State with limited financial resources to deal with the transportation needs of what is essentially our portion of a vast national system.

Mr. President, in total land area New Mexico is the fifth largest state in the Union, but we have only 0.6 percent of the national population. At the same time, New Mexico has over 2 percent of the interstate highway system miles and slightly less than 2 percent of the total miles on the national highway system. Moreover, because of our vast land area and predominantly rural character, New Mexicans average more miles of driving per capita than the residents of every other State but one.

Clearly, in light of its size and vast network of roads, the transportation needs of my State far outstrip the ability of New Mexico's sparse population to provide the funds needed to maintain and improve the State's critical piece of the national transportation system.

Consequently, my top priority in the reauthorization of the highway bill will be to ensure that New Mexico receives its fair share of Federal transportation dollars for both highways and transit programs. The majority of the funding in the transportation bill is distributed directly to States and local governments under congressionally set formulas. I will be working to make sure the new formulae fully reflect New Mexico's transportation needs, including our extensive miles of important national roads and highways.

Mr. President, another of my top priorities in the reauthorization will be to continue a number of the critical programs in TEA–21 that greatly benefit New Mexico. Two of these important programs are the Congestion Mitigation and Air Quality program, known as CMAQ, and the Enhancements program, both of which help manage some of the negative impacts of transportation on our communities.

At the same time, I will oppose efforts to weaken rules that protect the environment. I will also oppose attempts to limit the ability of local communities to participate in the planning and development of transportation projects that affect them.

In addition, I fully support reauthorizing the Scenic Byways program that helps communities in New Mexico enhance facilities for visitors traveling our rural highways. New Mexico now has 27 scenic byways, including six that have achieved the designation of National Scenic Byways.

I also believe we should continue to make progress in improving the safety of our highways as well as in reducing the staggering number of traffic fatalities and injures caused by drunk drivers. I will be looking for ways to strengthen both of these important Federal programs when Congress debates the bill this year.

In addition to supporting the continuation of a number of important programs already in TEA–21, I will be authoring a series of bills that I hope the Senate will include in the final reauthorization bill.

First, I will reintroduce my bill to authorize a new Federal program to upgrade rural two-lane roads on the national highway system to four-lane highways. This $1.8 million, 6-year national program targets funds to four-lane roads in New Mexico such as US 64/87 between Clayton and Raton, US 54 from Tularosa to Nara Visa, US 62/180 south of Carlsbad, and US 666 south of Shiprock.

Second, I will introduce legislation to extend and expand the Indian Reservation Roads Program, which is so important to Indian communities in New Mexico. This program provides direct funding to tribes in 33 states to improve transportation. My bill increase the annual funding for tribal roads from $275 million to $500 million, reestablishes a separate $15 million per-year program to repair bridges on tribal lands, and dedicates $20 million per year in new Federal funding for tribal transit projects.

Third, I will introduce legislation to establish a new University Technology Center at New Mexico State University in collaboration with the University of Oklahoma and Oklahoma State University. The focus of the new center is on nondestructive methods to measure the wear and tear on highway bridges.

Fourth, I will reintroduce a bill to designate US Highway 54 between El Paso, Texas, and Wichita, Kansas, as the SPIRIT High Priority Corridor on the national highway system. In New Mexico, the route runs for about 350 miles from the southern border with Texas, through Alamogordo, Carrizozo, Vaughn, Santa Rosa, and Tucumcari, to Nara Visa. This designation will help focus attention on the need to upgrade this heavily traveled highway to four lanes. The bill was cosponsored last year by Senators ROBERTS, INHOFE, HUTCHISON, and DOMENICI.

Fifth, I will introduce legislation to reauthorize the special funding that goes directly to San Juan and McKinley Counties in New Mexico, as well as neighboring counties in Arizona and Utah, to help maintain roads used by school buses on the Navajo Reservation. In TEA-21, Congress provided $1.5 million per year for 6 years to counties in the three States to help ensure that buses carrying children to school have passable roads. It is not acceptable when Indian children can't attend school simply because their school buses couldn't get through on the many poor quality roads in the region.

Sixth, I will reintroduce my bill to authorize Los Alamos National Laboratory to continue its advanced computer-modeling project to develop the National Transportation Modeling and Analysis Program, or NATMAP. The program will provide a valuable tool for analyzing the national transportation system, including cars, trucks, railroads, barges and airplanes, as a single integrated system. The program will also be valuable in assessing the impacts of disruptions to any portion of the transportation network.

I hope each of these bills will gain bipartisan support and will be included in the comprehensive 6-year reauthorization bill. I will have more to say about each of these six initiatives over the next few weeks as the bills are introduced.

Finally, one of the other important parts of the transportation bill is the authorization of funding for individual high-priority highway and transit projects around the State. In 1998, I helped secure funding for a number of highway projects throughout New Mexico, including upgrades of highways 84/285 and 70, Unser Boulevard, Paseo del Norte, and the uptown and northwest areas of Albuquerque and Rio Rancho.

This year, some of the projects for which I intend to pursue funding include reconstruction of the access road from Interstate 40 to the Double Eagle II airport in anticipation of the relocation of Eclipse Aviation; construction of a new Paseo del Volcán on the northwest side of Albuquerque and Rio Rancho; reconstruction of the I–40 and Coors Boulevard interchange; construction of a new interchange on Interstate 25 to serve Mesa del Sol; and expansion of the I–25 interchange in Belen.

In the rural areas of New Mexico, I will be seeking Federal funding to complete four-lane upgrades of the Ports-to-Plains corridor along US 64/87 between Clayton and Raton, US 54 from Tularosa to Nara Visa, US 62/180 south of Carlsbad, and US 666 south of Shiprock.

For transit projects, one of my priorities will be an authorization for the design and construction of a high-capacity transit corridor in Albuquerque. This effort was first initiated in 1998. The project has now been through the required preliminary studies and is ready to move forward with preliminary design for either a light-rail system or a system with dedicated bus lanes. In addition, I will be seeking an authorization to continue efforts to preserve the Santa Fe El Dorado rail line as a possible commuter route.

In addition to funding for my priority highway and transit projects, a large number of additional projects will be funded directly by the State and local governments with formula grants funds provided under the 6-year transportation bill.

I know reauthorizing the transportation bill is a massive effort. A number of committees here in the Senate will be involved, including the Finance Committee where I am a member. I look forward to working this year with the Environment and Public Works Committee, including Chairman INHOFE and Senator JEFFORDS, on the highway programs in the bill, and with the Banking, Housing and Urban Affairs Committee, including Chairman SHELBY and Senator SARBANES, on the transit portion of this important legislation. I do believe that reauthorization of the transportation bill is critical to the citizens of New Mexico and to the Nation. I hope we can complete a bipartisan bill this year in a timely manner.

PROMOTING DEMOCRACY AND HUMAN RIGHTS IN IRAN

Mr. MCCONNELL. Mr. President, included in the omnibus bill is a provision I authored permitting the use of fiscal year 2003 foreign operations funds to support the advancement of democracy and human rights in Iran. While I believe that Iran rightly belongs in the Axis of Evil, I also recognize that the people of Iran, those residing in the country and abroad, are growing increasingly weary of the repression imposed upon them by Iran's ruling clerics.

We all know how these clerics came to power, and today, many Americans appreciate the demographic changes underway in that country. To put it simply, with each new birth in Iran, the popularity and control of the regime is further undermined. An estimated 50 percent of Iran's 70 million people were born after our compatriots were held hostage for 444 days. The call of the clerics is falling on increasingly deaf ears, and Iran's youth are already in the streets demanding good governance, accountability, and economic opportunity from Iranian hardliners.

The ingredients for political and economic change in Iran already exist. Our task must be to consider how best to support these efforts. I propose worthwhile endeavors include funding for Iranian newscasts, publication of Iranian political journals, development of websites, and dissemination of information on democracy, the concepts of nonviolent struggle, and secularism.

As I am familiar with democracy programs that have been implemented in other parts of the world, including the former Yugoslavia and Burma, I am well aware of the challenges posed in funding democracy and human rights programs in Iran. But I am confident that it can be done.

I will have more to say on this topic at a later date, but I appreciate the attention of my colleagues on this important issue.

Let me close by thanking Jennifer Chartrand for her five years of service with the Foreign Operations Subcommittee. Jennifer left earlier this year to work with the Defense Subcommittee, and she will be missed. In addition to managing her accounts in a professional and effective manner, Jennifer deserves special recognition for helping the people of Burma in their struggle for democracy and human rights. As this is a cause close to my heart, I am particularly grateful for all her hard work on this issue. I wish Jennifer all the best in her new position, and I look forward to continue to work with her in her new capacity.

A CENTENNIAL SALUTE TO THE SALT RIVER PROJECT

Mr. MCCAIN. Mr. President, as this Congress deals with the large and complex challenges facing our Nation in the 21st century, we do well to remember local histories and the great public endeavors of our people that have helped make America great.

In my home State of Arizona, we remember and celebrate the vision and commitment that, 100 years ago on February 7, launched an organization that helped a great metropolis bloom in the desert.

A century ago, the Salt River Project (SRP) was formed by settlers to sustain central Arizona's small farming communities through times of drought, flooding, and heat. Through the SRP, with the assistance of the Federal Government, many people worked to build the great Theodore Roosevelt Dam which sits on the Salt River, east of the Phoenix metropolitan area.

The dam, completed a year before statehood, stood as the largest masonry dam of its day. It provided the lifegiving water and flood protection that enabled downstream communities to flourish and grow.

People of all walks and faiths, including Native Americans and immigrant Italian stonemasons, helped build the roads, pack the mules, drive the wagons, and carve the great blocks that created Roosevelt Dam. In 1911, Teddy Roosevelt, then years past his final term, came to Arizona to dedicate the dam and the great labors that made the project a reality.

The water supplies assured by the structure nurtured a growing economy, and hydroelectric facilities were developed to power our growth. The dam created Roosevelt Lake, a major conservation and recreational resource enjoyed by so many of our residents and visitors.

Over the years through the SFP's efforts, other water storage facilities were constructed helping to provide the water, power, flood control, conservation and recreation that sustains our communities and one of the Nation's most vibrant economies.

Today, the SRP serves some 780,000 electric customers and supplies water to more than 1.5 million people. It is the Nation's oldest multi-purpose reclamation project, the largest water supplier in central Arizona and a major public power utility, helping to sustain a quality of life and economic vigor of which Arizonans are richly proud.

Mr. Speaker, it is with pleasure that I offer this tribute to the Salt River Project and the people it represents. Arizona looks forward to a future for the SRP that is as successful as its past and to ensuring that our great public works continue to serve the best interests of our great people in the hundred years to come.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 17, 2001 in Springfield, MO. An African-American man, Maurice Wilson, was stabbed three times by one of six men whom witnesses described as skinheads and white supremacists. Police said the stabbing appeared to be racially motivated. The victim had walked into a diner with his girlfriend, who is white, and another interracial couple. A fight ensued between the victim and the group of alleged white supremacists when one of the group pulled out a knife and stabbed the victim.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

30TH ANNIVERSARY OF ROE V. WADE

Ms. CANTWELL. Mr. President, I rise today to speak on the 30th anniversary of the Roe v. Wade decision.

Thirty years ago, in 1973, the U.S. Supreme Court held that women have a constitutional right to an abortion. That decision, Roe v. Wade, was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. Roe v. Wade held that women have a constitutional right to an abortion, but after viability, States can ban abortions as long as they allow exceptions when a woman's life or health is endangered. Since then, while the Court has consistently ruled in favor of this right, there is no doubt that this right is being eroded.

And today, the thirtieth anniversary of that landmark decision, I especially want to thank those who are continuing to provide safe and legal reproductive health care to the women of our community. In the face of crippling challenges, especially violence and threats of violence, these health care workers have held fast in their commitment to provide the quality health care that all women deserve.

Like most Americans, I believe that we must work to reduce the number of unwanted pregnancies through education and family planning. But I also believe that our Constitution protects a woman's right to privacy, and that this constitutional right encompasses the decision of whether to terminate a pregnancy.

Unfortunately, we are seeing a concerted effort by those who seek to overturn this right to stack our courts with ideological conservatives who seek not only to weaken the right to make personal decisions about one's own body, but also to make exercising that right a criminal offense. As a Senator, I take my responsibility to advise and consent on nominees to the Federal judiciary extremely seriously. While I recognize the privilege of the President to select his nominees, I believe it is critical that we conduct a comprehensive evaluation of each nominee, since, unlike members of the President's cabinet and other executive branch appointees, Federal judges receive lifetime appointments, and are expected to interpret our Nation's laws in a fair and balanced manner.

I am especially concerned that President Bush has chosen to renominate several extremists on this issue, especially Priscilla Owen. Her record demonstrates that, as a member of the strongly conservative Texas Supreme Court, she was an activist judge, interpreting the law to fit her ideological ends. Indeed, while President Bush's current White House Counsel was serving on the Texas Supreme Court, then-Justice Alberto Gonzales called one of her rulings "an unconscionable act of judicial activism."

Many of my colleagues and I spend much of our time, and must continue to do so, defending the actual right to have an abortion. But in my mind, the easiest way to reduce the number of abortions is to prevent unwanted pregnancies in the first place. And I simply don't understand why so many anti-choice members don't understand that connection.

Studies show that the use of family planning reduces the probability of a woman having an abortion by 85 percent. Unfortunately, the U.S. still has 3 million unintended pregnancies each year in the United States, half of which end in abortion. This is why I support the Equity in Prescription Contraceptive Coverage Act, authored by Senator OLYMPIA SNOWE of Maine, and why I will be cosponsoring that bill when she reintroduces it.

The women in the Senate are in a unique position to fight against the erosion of Roe. I stand with them today to honor those who came before me in fighting for this right. Together we will continue to make sure that the women of America have the right to privacy, and the fundamental freedom of choice in our lives.

ADDITIONAL STATEMENTS

CONGRATULATIONS ON THE RETIREMENT OF MAJOR GENERAL GORDON E. STUMP, ADJUTANT GENERAL OF THE MICHIGAN NATIONAL GUARD

• Mr. LEVIN. Mr. President, January 31 of this year will be the last day that MG Gordon E. Stump serves as the head of the Michigan National Guard. This will bring to a close the tenure of the longest serving adjutant general in the Nation. For 12 years, GEN Stump has embodied the pride, professionalism and dedication that is the hallmark of the citizen soldiers of the National Guard.

Increasingly, our Nation's military relies on the men and women of the National Guard and Reserve to serve seamlessly alongside of our active duty military. The ability of these citizen soldiers to pick up, leave their families and serve where they are needed is a tribute to them and to the ability of their leadership to prepare them for service. It is because of the dynamic leadership and vision of men and women like GEN Stump that our National Guard is able to operate with such professionalism.

Since I have had the pleasure of first working with GEN Stump, I have witnessed a man who had a clear vision for the future of the Michigan National Guard. To that end, he has tirelessly worked to improve the tools available to the soldiers under his command. He has worked to improve their hardware, facilities and training opportunities, and he has achieved success in each of these efforts. Today, the Michigan Army Guard possesses the UH–60 Black Hawk instead of the Vietnam era Huey Cobra helicopter. Additionally, airlift capacity has been enhanced with the addition of C–130 aircraft, F–16s have been upgraded with the addition of Litening targeting pods, and the Multiple Launch Rocket System is now available for use by the soldiers of the Michigan National Guard.

In just over a decade, GEN Stump has upgraded Michigan's Guard facilities by securing $179 million in military construction funds that have been used for 32 projects throughout Michigan. Among these facilities is Selfridge Air National Guard Base, ANGB, a unique base because it is the only Air National Guard facility in the United States with all the branches of the service represented on the base. This is also the base where GEN Stump maintained his aeronautical skills and became qualified as an F–16 pilot.

Under GEN Stump's leadership, Michigan became one of 23 States to participate in the Department of Defense's State Partnership program that paired States with nations that were once part of the former Soviet Union. These partnerships sought to teach the militaries of these nations about the standards required by members of the North Atlantic Treaty Organization, NATO.

GEN Stump worked to develop the Michigan Youth Challenge program, a program that works with at-risk youth enabling them to earn their general equivalency diploma while enabling them to develop the skills needed to succeed in life. Additionally, GEN Stump was able to work with the State of Michigan to initiate a program with 18 colleges and universities in the State that coupled with the Montgomery GI Bill, virtually guarantees a free education for Michigan guard members. These programs have resulted in a manning increase from 84 percent to over 99 percent for the Michigan National Guard.

All of these efforts have paid important dividends for Michigan and the Nation. The Michigan National Guard has participated in over 10 Department of Defense missions including Operations Desert Shield, Desert Storm, Joint Endeavor, Noble Eagle, and Enduring Freedom. Forces have also been provided to the 1996 Summer Olympics, humanitarian missions throughout the world, and disaster relief efforts in Michigan. In the days and months following September 11, residents of Michigan saw the Michigan National Guard come to the aid of their fellow citizens. Guard members protected key sites, assisted at airports and aided Customs officials with their duties along the northern border between the United States and Canada. Their hard work helped our Nation remain secure and maintain the free flow of commerce between both nations.

GEN Stump's leadership has been recognized by his peers. He has been appointed to serve on the Reserve Forces Policy Board, the Adjutant Generals Association, and for the past 2 years as the president of the National Guard Association of the United States. GEN Stump has left an indelible impression upon the Michigan National Guard. I look forward to working with his successor, GEN Thomas Cutler, and I know that the new Adjutant General of Michigan will agree with me that his job has been made easier because of the hard work and dedication of GEN Stump. I commend GEN Gordon E. Stump for his long and distinguished career of service to the United States Air Force, the Michigan National Guard, and his Nation, and I know my Senate colleagues will join me in wishing him well in the years to come.•

HONORING ELSIE MEEKS

• Mr. JOHNSON. Mr. President, I rise today to publicly honor Elsie Meeks of Kyle, SD, on her appointment to the Federal Reserve Board's Consumer Advisory Council.

Elsie will join 29 other members, selected from 167 nominees, on the Council for a 3-year term. Established by Congress in 1976, the Consumer Advisory Council advises the Federal Reserve Board on the exercise of its duties under the consumer credit protection laws and on other consumer-related matters, representing the interests both of consumers and the financial community.

Elsie's numerous accomplishments are remarkable. An enrolled member of the Oglala Lakota Tribe, she helped develop and was Executive Director of the Lakota Fund, a Native American community development financial institution on the Pine Ridge Indian Reservation in South Dakota. Co-owner of the Long Creek Grocery in Wanblee, she received the distinguished "South Dakota Minority Small Business Advocate of the Year" award. In 1998 Elsie was nominated for Lieutenant Governor, becoming the first Native American woman nominated by a major party on a gubernatorial ticket in South Dakota. She was appointed by Senator DASCHLE in 1999 to serve as the first Native American on the U.S. Commission on Civil Rights.

Currently, Elsie is a board member of the National Community Capital Association and is the Executive Director of First Nations Oweesta Corporation, a subsidiary corporation of First Nations Development Institute, which provides technical assistance and training for the development and expansion of Native American community development financial institutions.

It is an honor for me to share Elsie's accomplishments with my colleagues and to publicly commend her for honorably serving South Dakota and the Nation. This prestigious honor is a reflection of her extraordinary service, commitment, and unwavering dedication to the Native American community. She will be a tremendous asset to the Consumer Advisory Council. Her accomplishments serve as a wonderful example for other hard-working and dedicated South Dakotans to emulate. On behalf of all South Dakotans, I would like to congratulate Elsie and wish her continued success.•

KIWANIS CLUB OF HASBROUCK HEIGHTS-TETERBORO

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to an organization that has been aiding the children of their community for fifty years. The Kiwanis Club of Hasbrouck Heights-Teterboro is celebrating its 50th anniversary.

For 50 years the club has conducted numerous projects to help sick children, abandoned children, special needs children, exceptional children and children suffering from poverty in their community. They help individuals of all ages from infants to senior citizens.

The Kiwanis Club is also honoring Dr. Burnett Eglow. Dr. Eglow is the only original charter member of the Kiwanis Club of Hasbrouck Heights-Teterboro that has been active in this club for all 50 years.

I ask my colleagues to join me in paying tribute to Dr. Burnett Eglow and the Kiwanis Club of Hasbrouck Heights-Teterboro for all they have done throughout their 50 years for their community.●

TRIBUTE TO JOHN L. McGOLDRICK

● Mr. LAUTENBERG. Mr. President, it is with great pride that I rise today to pay special tribute to an outstanding gentlemen from New Jersey. On January 20, The American Jewish Committee Institute of Human Relations Award Dinner will honor John L. McGoldrick. Since 1979, John McGoldrick has served as a director of the New Jersey Transit Corporation, which is the United States' third largest passenger rail and bus company. As anyone from New Jersey knows, passenger rail and bus service is extremely important to the commerce and quality of life in our State.

Currently John McGoldrick is executive vice president of Bristol-Myers Squibb Company. He is vice chairman of the company's executive committee and is responsible for Global Corporate Policy. He is also general counsel of the company and director of the Bristol-Myers Squibb Foundation.

More important than any of those responsibilities is Mr. McGoldrick's responsibility for Bristol-Myers Squibb's HIV/AIDS initiatives in Africa. That includes the company's groundbreaking $115 million Secure The Future program in Southern and Francophone Africa, as well as the ACCESS program to make antiretroviral therapy more accessible in the developing world.

At Bristol-Myers Squibb John McGoldrick has also led the company's efforts in support of the State of New Jersey Commission on Holocaust Education.

John McGoldrick is also very active outside of his work at Bristol-Myers.

Mr. McGoldrick is a director of the Regional Plan Association, a trustee of Legal Services of New Jersey and a Trustee of the HealthCare Institute of New Jersey.

Mr. McGoldrick also has been elected a Member of the American Law Institute, a fellow of the American College of Trial Lawyers, a fellow of the American Bar Association and a fellow of the American Academy of Appellate Lawyers.

He is also a director of Zimmer Holdings, Inc., which is a company that manufactures artificial hips and knees as well as other orthopedic products.

I ask my colleagues to join me and the American Jewish Committee Institute of Human Relations in honoring Mr. John L. McGoldrick for his great service to New Jerseyans and people all over the world.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. TPE331 Series Turboprop and TSE331 3U Series Turboshaft Engines; Doc. No. 99-NE-53 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727, 727C, 727-100C, 727-200, and 727-200F Series Airplanes; docket no. 99-NM-105 (2120-AA64)(2003-0055)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, INC Model 205A, A-1, B, 212, 412, EP, and 412 CF Helicopters: docket no. 2001-SW-37 (2120-AA64)(2003-0056)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CI 600 2C10 Series Airplanes; Doc. No. 2002-Nm-99 (2120-AA64)(2003-0053)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, B1, B2, B3, C, D1, AS355E, F, F1, F2, and N Helicopters: CORRECTION (2120-AA64)(2003-0052)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corp Model S-76A Helicopters, CORRECTION; docket no. 200-SW-46 (2120-AA64)(2003-0054)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Enstrom Helicopters Corp Model F 28, 28A, 28C, 28F, 280, 280c, 380f, and 280FX Helicopters: Docket no.: 2001-SW-67 (2120-AA64)(2003-0049)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332L2 helicopters; Docket No. 2002-SW-04 (2120-AA64)(2003-0050)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corp Model S-76A Helicopters; CORRECTION; docket no. 2000-SW-46 (2120-AA64)(2003-0051)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schweizer Aircraft Corporation Model 269A, 269A-1, 269C and TH 55A Helicopters: Docket No. 2001-SW-58 (2120-AA64)(2003-0046)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA341G, SA342J, and SA360C Helicopters; doc. no. 2001-SW-72 (2120-AA64(2003-0047)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopters Textron Canada Model 407 Helicopter; Doc. No. 2002-SW-08 (2120-AA64)(2003-0048)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 and 11F Airplanes; doc. no. 2002-NM-33 (2120-AA64)(2003-0042)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautics SA; Docket no. 2002–NM–129 (2120–AA64)(2003–0043)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney JT8d–200 Series Turbofan Engines; docket no. 98–ANE–43 (2120–AA64)(2003–0045)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier-Rotax GmbH Type 912F and 914 F Series Reciprocating Engines; Doc. No. 2002–NE–08 (2120–AA64)(2003–0039)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT8D Series; CORRECTION; Docket No. 98–ANE–43 (2120–AA64)(2003–0040)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Teledyne Continental Motors; CORRECTION: Doc. No. 2000–NE–19 (2120–AA64)(2003–0041)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 81 (MD81), DC 9 82 (MD 82), DC 9 83 (MD 83), DC 9 87 (MD 87), and MD 88 Airplanes; CORRECTION: Docket no. 2002–NM–216 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400, 400D, and 400F Series Airplanes; Docket No. 2002–NM–314 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, Inc Models AT 502, AT 502A, AT 502B, AT 503A Airplanes; Docket No. 2002–CE–54 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–600, 700, 700C, 800, and 900 Series Airplanes Model 747 Series Airplanes; and Model 757 Series Airplanes; Docket no. 2002–NM–309 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited CN–2 and BN2A Mk III Series Airplanes; Docket no. 2002–CE–35 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes; CORRECTION: Docket No. 2002–NM–271 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MT Propeller Entwicklung GMBH Models MTV 9 B C and MTV 3 B C Propellers; CORRECTION; Docket no. 99–NE–35 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9, 10, 20, 30, 40, and 50 Series Airplanes and C9 Airplanes; Docket No. 2002–NM–287 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives, Dornier Model 328–300 Series Airplanes; Docket no. 2002–NM–293 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cirrus Design Corporation Models SR20 and SR22 Airplanes; Docket no. 2002–CE–31 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited BN2T and BN2T 4R Series Airplanes; Docket No. 2002–CE–34 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, INC, Model MD900 Helicopters; Docket no. 2002–SW–50 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Limited, Aero Division-Bristol, SNECMA Olympus 593 Mk. 610–14–28 Turbojet Engines; Docket No. 2002–NE–28 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Limited, Aero Division-Bristol, SNECMA Olympus 593 Mk. 610–14–28 Turbojet Engines; Docket No. 2002–NE–29 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2C10 Series Airplanes; Docket No. 2002–NM–269 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 535 Turbofan Engines; Docket No. 2002–NE16 (2120–AA64)(2003–0057)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Limited, Aero Division-Bristol, SNECMA Olympus 593 Mk 610–14–28 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Brackett Aircraft Company, Brackett Single Screen Air Filter; Docket No. 2002–CE–38 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 90 30 Airplanes; Docket No. 2001–NM–375 (2120–AA64)(2003–0060)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 200B, 200C, 200F, 300, 400, 400F, and 747SR Series Airplanes; Equipped with a Main Deck Side Cargo Door Manufactured by Boeing; Docket No. 2002–NM–270 (2120–AA64)(2003–0059)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 90–30 Airplanes; Docket No. 2001–NM–84 (2120–AA64)(2003–0058)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney JT8D Series Turbofan Engines; Docket No. 2001–NE–30 (2120–AA64)(2003–0063)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney Canada PT61 Series Turboprop Engines; Docket No. 99–NE–44 (2120–AA64)(2003–0062)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Britten Norman Limited BN2A Mk III Series Airplanes; Docket No. 2002–CE–36 (2120–AA64)(2003–0061)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700C, 800, and 900 Series Airplanes; Docket No. 2002–NM–148 (2120–AA64) (2003–0066)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model EC135 Helicopters; Docket No. 2002–SW–15 (2120–AA64) (2003–0065)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA365N, N1, AS–365N2, and AS 365 N3 Helicopters; Docket No. 2001–SW–34 (2120–AA64)(2003–0064)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes; Docket No. 2002–NM–135 (2120–AA64)(2003–0069)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket No. 2002–NM–141 (2120–AA64)(2003–0068)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes; Docket No. 2002–NM166 (2120–AA64)(2003–0067)" received on January 14 , 2003; to the Committee on Commerce, Science, and Transportation.

EC–671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace, ST. George, UT Docket No. 01–ANM–19 (2120–AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–672. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace, Hailey, ID; Docket No. 01–ANM–18 (2120–AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–673. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace, Freemont, NE; CORRECTION; Docket No. 02–ACE–5 (2120–AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–674. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empressa Brassilera de Aeronuatica SA Model EMB 135 and 145 Series Airplanes: Docket No. 2002–NM–348 (2120–AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–675. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations) [CGD07–03–05–103] (2115–AE47)(2003–0002)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–676. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Chesapeake Bay Entrance and Hamptoan Roads, VA and Adjacent Waters (CGD05–02–102) (2115–AE84)(2003–0001)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–677. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Cape Cod Canal, MA (CGD01–02–144) (2115–AE47)(2003–0001)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–678. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of Palm Beach, Palm Beach, FL; Port Everglades, Fort Lauderdale, FL; Port of Miami, FL; and Port of Key West, FL (COTP Miami 02–156) (2115–AA97) (2003–0003)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–679. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Darien, Rincon, Screven, and Statesboro, Georgia; Palatka and Middleburg, Florida) (MM Docket Nos. 01–123 and 01–177)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–680. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (De Funiak Springs and Valparaiso, Florida (MM Doc. No. 02–62)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–681. A communication from the Deputy Assistant Administrator, for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS issues a final rule to extend the applicability date of the existing regulations for the interim North Pacific Groundfish Observer Program (Observer Program), which otherwise expire December 31, 2002, through 2007. This final rule also amends regulations governing the Observer Program" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–682. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Domestic Fisheries Division, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries: Pacific Tuna Fisheries: Final Rule; 2002 Management Measures for Yellowfin and Juvenile Bigeye Tuna (0648–AP86)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–683. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Global Ocean Data Assimilation Experiment (GODAE)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–684. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS if prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands Management area (BSAI). This Action is necessary to prevent exceeding the 2002 total allowable catch (TAC) of Pacific cod allocated for catcher processor vessels using hook-and-line gear in this area." received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–685. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirement Through the Year 2010 (FCC 02–67)(WT Docket 96–86)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-686. A communication from the Administrator, Centennial of Flight Commission, National Aeronautics and Space Administration, transmitting, pursuant to law, the report entitled "National Plan for The Centennial of Flight Commemoration" received on January 9, 2003; to the Committee on Commerce, Science, and Transportation.

EC-687. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report relative to the National Transportation Board appeal letter to Office of Budget and Management regarding the 2004 budget request; to the Committee on Commerce, Science, and Transportation.

EC-688. A communication from the Congressional Liaison Officer, Trade and Development Agency, transmitting, pursuant to law, the report relative to the Trade and Development Agency funding obligation regarding the Karachi Port Trust 25 Million Gallons per Day Desalination Plant; to the Committee on Appropriations.

EC-689. A communication from the Chief Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Accrual of Income by Vendors in Cases of Disputed Liability (Rev. Rul. 2003-10)" received on January 8, 2003; to the Committee on Finance.

EC-690. A communication from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "32 CFR part 352, Offering of United States Savings Bonds, Series HH" received on December 20, 2002; to the Committee on Finance.

EC-691. A communication from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Centralized Offset of Federal Payments to Collect Nontax Debts Owed to the United States (1510-AA65)" received on January 2, 2003; to the Committee on Finance.

EC-692. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule that amends 42.72(b) of Part 22 of the Code of Federal Regulations, amending the definition of "registration" in connection with an application for an immigrant visa, received on January 2, 2003; to the Committee on Foreign Relations.

EC-693. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a Nomination Confirmed for the position of Assistant Administrator, Bureau for Asia and the Near East, received on January 2, 2003; to the Committee on Foreign Relations.

EC-694. A communication from the Associate General Counsel, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correspondence with the United States Patent and Trademark Office (0651-AB58)" received on January 10, 2003; to the Committee on the Judiciary.

EC-695. A communication from the Acting Assistant Attorney General for Administration, Justice Department Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Department of Justice System of Records: 'Personnel Investigation and Security Clearance Records for the Department of Justice' (DoJ), DOF-006" received on January 14, 2003; to the Committee on the Judiciary.

EC-696. A communication from the General Counsel, Office of General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility 67 FR 72593 (Doc. No. FEMA-7797)" received on January 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-697. A communication from the General Counsel, Office of General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 67 FR 71482 (44 CFR 65)" received on January 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-698. A communication from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to 31 CFR parts 585 and 586 (31 CFR parts 585 and 586)" received on January 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-699. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Amendment to Regulation K (International Banking Operations)" received on January 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-700. A communication from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened wildlife and plants; final designation of critical habitat for three plant species from the island of Lanai, Hawaii; Final Rule (RIN1018-AH10)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-701. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized Advances NUHOMS-24PTI Addition (RIN3150-AG74)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC-702. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Advisory Committee Act Regulations (RIN3150-AH02)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC-703. A communication from the Director, Office of Radioactive Waste Management, Department of Energy, the report of the 18th Annual Report on the activities and expenditures of the Office of Civilian Radioactive Waste Management; to the Committees on Energy and Natural Resources; and Environment and Public Works.

EC-704. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report entitled "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2000" received on January 2, 2003; to the Committee on Environment and Public Works.

EC-705. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Redesignation and Approval and Promulgation of Indiana Implementation Plans (FEC706RL7436-2)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-706. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities (FRL7437-3)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-707. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Conditional Approval of Implementation Plan: Indiana (FRL7433-7)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-708. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Ohio (FRL7436-1)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-709. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of document entitled "Instructions to Assist Community Water Systems in Complying with the Public Health Security and Bioterrorism Preparedness and Response Act of 2002" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-710. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Educational Outreach and Baseline Assessment of existing Exposure and Risks of Exposure to Lead Poisoning of Tribal Children; Notice of Funds Availability" received on January 8, 2003; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Ms. SNOWE):

S. 201. A bill to amend title 31, United States Code, to provide Federal aid and economic stimulus through a one-time revenue grant to the States and their local governments; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. SHELBY, Mr. MILLER, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. LOTT, Mr. INOUYE, and Mr. COCHRAN):

S. 202. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 203. A bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. ENZI, Mrs. LINCOLN, Mr. BAUCUS, Mr. SMITH, Mr. HARKIN, Mr. DOMENICI, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. DAYTON):

S. 204. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 128

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 128, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes.

S. 160

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

AMENDMENT NO. 14

At the request of Mr. GRAHAM of Florida, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 14 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 21

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 21 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 26

At the request of Mr. LOTT, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 26 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 39

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 39

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 39

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 39

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 39

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 39

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 39

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 40

At the request of Mr. REED, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 40 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 51

At the request of Mr. FITZGERALD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 51 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 54

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 54 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 54

At the request of Mr. KYL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 54 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 55

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 55 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 59

At the request of Mr. WYDEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Iowa (Mr. HARKIN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 59 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 61

At the request of Ms. MIKULSKI, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Iowa (Mr. HARKIN), and the Senator from Nevada (Mr. REID) were added as cosponsors of amendment No. 61 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 67

At the request of Mr. EDWARDS, the names of the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 67 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 68

At the request of Mr. SPECTER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 68 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 68

At the request of Mr. SARBANES, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 68 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 68

At the request of Mr. EDWARDS, his name was added as a cosponsor of amendment No. 68 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 75

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 75 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 76

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 76 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 89

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. CORZINE), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 89 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 97

At the request of Mr. NELSON of Florida, the names of the Senator from Wisconsin (Mr. KOHL), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 97 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 127

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mrs. DOLE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maine (Ms. SNOWE), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 127 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 127

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 127 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 128

At the request of Mr. LEVIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 128 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 129

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 129 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 131

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Ms. STABENOW), the Senator from Vermont (Mr. LEAHY), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 131 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 135

At the request of Mr. TALENT, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 135 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 136

At the request of Ms. MIKULSKI, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. CORZINE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 136 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 151

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 151 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 162

At the request of Mr. FITZGERALD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 162 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 172

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 172 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 174

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 174 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 176

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 176 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 196

At the request of Mr. DAYTON, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Delaware (Mr. CARPER), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 196 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 196

At the request of Mr. DASCHLE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 196 intended to be proposed to H.J. Res. 2, supra.

AMENDMENT NO. 200

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 200

At the request of Mr. WYDEN, his name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 200

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 200

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 206

At the request of Mr. VOINOVICH, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 206 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 207

At the request of Mr. VOINOVICH, the names of the Senator from Michigan

(Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 207 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 217

At the request of Mr. STEVENS, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. JEFFORDS), the Senator from Washington (Mrs. MURRAY), the Senator from North Carolina (Mr. EDWARDS), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KERRY), the Senator from Nevada (Mr. REID), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mrs. CLINTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mr. SCHUMER), the Senator from Montana (Mr. BAUCUS), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 217 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 218

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 218 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 236

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 236 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. ENZI, Mrs. LINCOLN, Mr. BAUCUS, Mr. SMITH, Mr. HARKIN, Mr. DOMENICI, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. DAYTON):

S. 204. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with Senators ENZI, LINCOLN, BAUCUS, SMITH, HARKIN, DOMENICI, JOHNSON, NELSON of Nebraska, and DAYTON entitled the "Medicaid Safety Net Improvement Act of 2003." This legislation is important to the continued survival of many of our Nation's safety net hospitals that provide critical health care access to our Nation's 41.2 million uninsured citizens, including 373,000 in New Mexico, through the Medicaid disproportionate share hospital, or DSH, program.

In recognition of the burden certain hospitals bear in providing a large share of health services to the low-income patients, including Medicaid and the uninsured, the Congress established the Medicaid DSH program in the mid-1980's to give additional funding to support such "disproportionate share" hospitals. By providing financial relief to these hospitals, the Medicaid DSH program maintains hospital access for the poor. As the National Governors' Association has said, "Medicaid DSH's funds are an important part of statewide systems of health care access for the uninsured."

Recent reports by the Institute of Medicine entitled "America's Health Care Safety Net: Infact But Endangered," the National Association of Public Hospitals entitled "The Dependence of Safety Net Hospitals" and the Commonwealth Fund entitled "A Shared Responsibility: Academic Health Centers and the Provision of Care to the Poor and Uninsured" have all highlighted the importance of the Medicaid DSH program to our health care safety net.

Unfortunately, as the Commonwealth Fund report notes, ". . . there are large inequities in how these funds are distributed among states." In fact, for a number of states, including New Mexico, our federal DSH allotments are not allowed to exceed 1 percent of our state's Medicaid program costs. In comparison, the average state spends around 9 percent of its Medicaid funding on DSH. This disparity and lack of Medicaid DSH in "extremely low-DSH states" threatens the viability of our safety net providers. In New Mexico, these funds are critical but inadequate to hospitals all across our state, including University Hospital, Eastern New Mexico Regional Hospital, Lea Regional Hospital, Plains Regional Medical Center, Memorial Medical Center, and others.

In an analysis of the Medicaid DSH program by the Urban Institute, the total amount of federal Medicaid DSH payments in six States was less than $1 per Medicaid and uninsured individual compared to five States than had DSH spending in excess of $500 per Medicaid and uninsured individual. That figure was just $14.91 per Medicaid and uninsured person in New Mexico. Compared to the average expenditure of $218.96 across the country, such disparities cannot be sustained.

As a result, this bipartisan legislation increases the allowed Federal Medicaid DSH allotment in the "extremely low-DSH states" from 1 percent to 3 percent of Medicaid program costs, which remains far less, or just about one-third, of the national average. The 18 States that would benefit from this legislation include: Alaska, Arkansas, Delaware, Idaho, Iowa, Kansas, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Wisconsin, and Wyoming. I would add that the legislation does not impact the Federal DSH allotments in other States but only seeks greater equity by raising the share of Federal funds to "extremely low-DSH States."

Once again, the Commonwealth Fund recommends such action. As the report finds, "States with small DSH programs are not permitted to increase the relative size of their DSH programs . . . [C]urrent policy simply rewards the programs that acted quickly and more aggressively, without regard to a State's real need of such funds." Therefore, the report concludes, ". . . greater equity in the use of Federal funds should be established among States."

Again, this is achieved in our legislation by raising the limits for "extremely low-DSH States" from 1 percent to 3 percent and not by redistributing or taking money away from other States.

Failure to support these critical hospitals could have a devastating impact not only on the low-income and vulnerable populations who depend on them for care but also on other providers throughout the communities that rely on the safety net to care for patients whom they are unable or unwilling to serve.

As the Institute of Medicine's report entitled "America's Health Care Safety Net: Intact But Endangered" states, "Until the nation addresses the underlying problems that make the health care safety net system necessary, it is essential that national, State, and local policy makers protect and perhaps enhance the ability of these institutions and providers to carry out their missions."

I would like to thank Senators BAUCUS and GRASSLEY, the leaders of the Senate Finance Committee, for their recognition of this problem and inclusion of this language in several bills they introduced in the last Congress, S. 3018, "Beneficiary Access to Care and Medicare Equity Act of 2002" and S. 2873, "Improving Our Well-Being Act of 2002."

Our Nation's governors remain very concerned as well. In a letter written to Senators BAUCUS and GRASSLEY on October 23, 2002, the governors of the States of Arkansas, Idaho, Iowa, Nebraska, New Mexico, Utah, Wisconsin, and Minnesota wrote, "Our 15, which is now 18, States are in distress and cannot wait another year for some measure of relief. We strongly urge you to use any vehicle available to include the low-DSH issue. The States are seeking to raise the cap implemented two years ago from 1 percent to 3 percent to provide them some flexibility in addressing the increasing strain facing our safety net hospitals."

The governors add, "The survival of many community hospitals, the lifeline for many rural community's health care and economy in our States, are being threatened. Current disparities in DSH funding severely harm our States' most vulnerable safety net hospitals."

At a time of growing numbers of uninsured and increased financial strain on our Nation's safety net, we need to increase the ability of "extremely low-DSH States" to address the problems facing their safety net and to reduce the current inequity in funding among the States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Safety Net Improvement Act of 2003".

SEC. 2. INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.

(a) INCREASE IN DSH FLOOR.—Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r-4(f)(5)) is amended—

(1) by striking "fiscal year 1999" and inserting "fiscal year 2001";

(2) by striking "August 31, 2000" and inserting "August 31, 2002";

(3) by striking "1 percent" each place it appears and inserting "3 percent"; and

(4) by striking "fiscal year 2001" and inserting "fiscal year 2003".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as if enacted on October 1, 2002, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2003 and each fiscal year thereafter.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, January 22, 2003, at 2:30 p.m., in SR-253, to consider the nomination of Asa Hutchinson to be Under Secretary of the Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KOHL. Madam President, I ask unanimous consent that Michelle Weddle, a detailee on my Appropriations staff, be granted the privilege of the floor during consideration of H.J. Res. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that Erica Pagel, a fellow in the office of Senator CLINTON, be granted floor privileges for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JANUARY 23, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Thursday, January 23. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 10:45 a.m., with the time equally divided, and Senators be permitted to speak therein for up to 10 minutes each. Further, I ask that at 10:45 a.m., the Senate resume consideration of H.J. Res. 2, the appropriations bill. I further ask consent that at 11 a.m., the Senate proceed to a series of votes in relation to the pending amendments as under the previous order.

Finally, I ask consent that there be 2 minutes equally divided for debate prior to each of the stacked votes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, this appears to be in order. I wanted the opportunity to say we have made great progress today. Both leaders have indicated they want to finish this bill tomorrow. That is possible, but it is not going to be easy. I note to those on my side of the aisle that we have a number of amendments to be offered tomorrow. We have amendments by Senators KENNEDY, CLINTON, BINGAMAN, CANTWELL, and Senator BOXER may offer an amendment.

If there are other Democrats who want to offer amendments, they should contact me. Some of them have worked with the managers, but if they don't let me know they are interested in offering amendments, the day is going to go by quickly and they will not have that opportunity. Some wanted these amendments listed tonight to be it. I thought in fairness to Senators that this may have been misunderstood. We were close to saying the amendments in order were just those I listed tonight.

I hope tomorrow we can move through the amendments. If we just do these, plus whatever Senator STEVENS has—he has 60 or 70 amendments he is going to try to clear tomorrow morning, and it is going to call for a long day. I ask that everybody continue to move forward. From our side, I can say that we appreciate the new leader allowing us to offer amendments, not immediately filing cloture as we believe has happened in the past quite a bit. So we are very satisfied with the opportunity we have had to offer amendments, and we hope this is the wave of the future.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank the Democratic whip and I note that it has gone well. We have covered a lot of territory. People have had the opportunity to present amendments and speak on them and have votes on their amendments. But we have a lot out there, and a lot of work is being done. It would be much to the pleasure of the people on this side if we were able to complete this tomorrow. A lot of effort has gone into the last several days. Senator STEVENS is as committed to doing everything he can on this side to work with the leadership on the other side of the aisle to bring this matter to a conclusion tomorrow, with everybody having a fair opportunity to speak and vote as they choose.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of Senators, three back-to-back rollcall votes will commence at 11 a.m. tomorrow in relation to the pending amendments to the appropriations bill. The first vote will be on the Feingold amendment No. 200 dealing with military training. The second vote will be on the Mikulski amendment No. 61 on public-private competition. The third vote will be on the Murray amendment No. 39 regarding community action programs, CAP.

The managers of the bill will continue to work with the Members in an effort to reach short time agreements on any remaining amendments so that the Senate can complete action on the bill at a reasonable time tomorrow. Additional votes will occur throughout the day on Thursday. I thank the Members for their attention.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Thursday, January 23, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 22, 2003:

DEPARTMENT OF THE TREASURY

MARK W. EVERSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE FOR A TERM OF FIVE YEARS, VICE CHARLES ROSSOTTI, TERM EXPIRED.

DEPARTMENT OF DEFENSE

JOHN PAUL WOODLEY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MICHAEL PARKER.

CONFIRMATION

EXECUTIVE NOMINATION CONFIRMED BY THE SENATE JANUARY 22, 2003:

DEPARTMENT OF HOMELAND SECURITY

THOMAS J. RIDGE, OF PENNSYLVANIA, TO BE SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SENATE—*Thursday, January 23, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The prayer this morning will be offered by our guest Chaplain, Father Daniel P. Coughlin, the Chaplain of the House of Representatives.

PRAYER

The guest Chaplain, Father Daniel P. Coughlin, offered the following prayer:

Francis of Assisi wrote many years ago to the rulers of his people: "Keep a clear eye toward life's end. Do not forget your purpose and destiny as God's creature. What you are in His sight is what you are and nothing more. Do not let worldly cares and anxieties or the pressures of office blot out the divine life within you or the voice of God's Spirit guiding in your great task of leading humanity to wholeness. If you open yourself to God and His plan printed deeply in your heart, God will open Himself to you."

Lord God, may Your grace and presence be with the Members of the Senate as they fulfill the duties of their office and serve You by serving the people of these United States. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period for morning business until the hour of 10:45 a.m. At 10:45 a.m., the Senate will resume consideration of H.J. Res. 2, the appropriations bill. Under the order of last night, at 11 a.m., the Senate will proceed to a series of up to three votes in relation to the pending amendments to the appropriations measure. The first vote will be in relation to the Feingold amendment No. 200 regarding expanded international military education. The second vote will be in relation to the Mikulski amendment No. 61 on public-private competition. The third vote will be on the Murray amendment No. 39 regarding the community action program. Following those votes, the managers will continue to work through any remaining amendments. It is hoped we will be able to complete action on this bill at a reasonable time today.

I thank the Democratic leader and whip for their assistance in reaching short time agreements on the amendments that were offered yesterday. We made tremendous progress over the last 36 hours. I thank all Members of this body for their cooperation in coming to the Chamber to offer their amendments and limiting their remarks. A great deal of progress was made yesterday, and if we are able to continue that good work over the course of today, I believe we will finish this bill and complete these 11 appropriations bills sometime today.

Again, I announce to my colleagues if we complete this bill today, there will be no session of the Senate on Friday.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Nevada.

Mr. REID. Mr. President, under the direction of the Democratic leader, we have been able to move a lot of amendments. We also have about six amendments left on this side at this stage, or maybe a couple of others may pop up, but that is what we have. The managers of the bill are going to try to move a bunch of amendments shortly. I think we have an opportunity to finish this bill some time early this evening.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business be divided, with the Republicans getting the last half and the Democrats getting the first half.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:45 a.m., with the time to be equally divided and Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. STEVENS. Will the Senator yield for a moment?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be 1 minute on each side prior to the votes on the three amendments this morning.

The PRESIDING OFFICER. That has already been ordered.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

QUALIFYING INDIVIDUAL PROGRAM AND THE STRATEGIC PETROLEUM RESERVE

Mr. BINGAMAN. I thank the Chair. Mr. President, I wish to use a few moments of morning business to talk about and describe two amendments I have proposed to the pending legislation. I hope these are amendments that can be unanimously agreed to by all Senators. They seem to me to make eminent sense and, clearly, are in the best interest of our country and the people we represent.

The first amendment I wish to speak about is amendment No. 138. This amendment, which Senator KENNEDY is cosponsoring with me, would extend a critical Federal-State program that assists low-income Medicare beneficiaries to pay the health premiums under the Medicare Program. It uses the Medicaid Program to do that. It is a program that was enacted in 1997. It was slated to be reauthorized at the end of 2002, but, of course, Congress did not enact either Medicaid or Medicare legislation in the 107th Congress. The program was extended by the continuing resolutions that we have enacted in the last few months. It was extended until March 12 of this year.

The amendment I have offered will extend that program through September 30 of this year to give us additional time to do a more complete extension.

This program is known as the QI-1 Program. It is the Qualifying Individual Program. It is a program within Medicaid. It is a block grant payment to States to pay the Medicare Part B premium of $58.70 per month, and it is a program that will allow States to pay that premium for individuals who have incomes of somewhere between $887 a month and $997 a month, or couples with an income of $1,194 a month up to $1,344 a month. This covers Medicare beneficiaries whose income is between 120 and 135 percent of the Federal poverty level.

This amounts to a benefit of nearly $700 annually that many older and disabled Americans depend upon to pay for a portion of their health care costs and items such as prescription drugs and supplemental coverage. There are well over 120,000 people nationwide who currently rely on the QI–1 Program. These 120,000 people will be hard pressed to afford Medicare coverage without this assistance.

In short, to prevent the erosion of existing low-income protections, Congress needs to extend this 5-year Federal allocation for the QI–1 Program through the remainder of this fiscal year.

According to the data of the Kaiser Family Foundation, there are over 9 million Medicare beneficiaries with incomes between 100 percent of poverty and 175 percent of poverty. Although we do not know the exact number eligible for this particular program of Medicare beneficiaries who are between 120 and 135 percent of poverty, we can estimate there are at least 1 million who are eligible for the program. As I have indicated, there are 120,000 people currently enrolled.

In my home State, for example, we have almost 1,000 New Mexicans enrolled in the QI–1 Program. Disenrolling these low-income Medicare beneficiaries would cost each and every one of them about $700 annually. This could have a significant impact not only on their finances but on their health.

In a letter from the Medicare Rights Center, they give an example of a 69-year-old widow with severe arthritis, with hypertension, with high cholesterol, in the Nation's Capital. This woman, I refer to as Mrs. B, does not qualify for Medicaid, yet she cannot afford premiums for a Medicare HMO or Medigap plan. This QI–1 Program, which we are seeking in this amendment to extend, does cover her Part B premium of over $700 per year. If she loses that assistance, she does not know how she can make ends meet. She already struggles to buy food, make the Medicare copayment, and purchase prescription drugs.

This is a bipartisan issue. President Bush had included QI–1 reauthorization in his fiscal year 2003 budget. Moreover, in his confirmation testimony to be the Commissioner of the FDA, Mark McClellan testified that the administration continues to support reauthorization of this program. In addition, QI–1 reauthorization was also included as part of S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002, which was introduced by my colleagues, Senator BAUCUS and Senator GRASSLEY, late last year.

During each and every Senate race this past fall, candidates from both sides of the aisle promised our Nation's seniors and disabled Medicare beneficiaries improved health coverage with the addition of prescription drug coverage. While waiting for that to come about, low-income Medicare beneficiaries should not be blindsided by the loss of critically needed premium protection that the QI–1 Program provides.

I urge passage of this amendment, when we get to it, for another 6½ months. I implore my colleagues to address the issue and to permanently extend the program once that issue becomes appropriate to consider.

Mr. President, another amendment I have filed, amendment No. 126, is an amendment to provide permanent authority to operate the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is the major tool the United States has to deal with the impact of a significant disruption in oil supplies. Releasing oil from the SPR, as it is referred to, in coordination with stock drawdowns with other consuming nations pursuant to the international energy agreement, can add more supply to a tight market, can reduce the possibility of price spikes, and reduce the possibility of economic havoc as the United States experienced during the Arab oil embargo.

We are currently experiencing a disruption in oil supplies from Venezuela. We face the possibility of an additional disruption if we wind up going to war with Iraq and during the aftermath of any conflict in Iraq. In this context, it should be of concern to all Senators that the current authority to draw down oil from the Strategic Petroleum Reserve and to participate in the international energy agreement will expire on September 30 of this year.

My amendment incorporates the exact language we agreed to last fall between House and Senate conferees on H.R. 4, the comprehensive energy bill. The amendment permanently authorizes the Strategic Petroleum Reserve. It also requires filling the Reserve to 700 million or its current capacity.

While I prefer to move this legislation through the Energy Committee, I cannot guarantee we would complete our work and get this legislation to the President before September 30. Therefore, I believe the prudent thing for the Senate to do is to add this language to the omnibus appropriations bill and deal with this matter now.

Again, I see this as a bipartisan issue, one that the administration supports, one that my colleagues on both sides of the aisle support. I hope very much this amendment, as well, can be added to the bill without objection by any Senator.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMINE RELIEF FOR AFRICA

Mr. NELSON of Florida. Mr. President, I take a couple of moments to inform the Senate what I will be doing later. Yesterday, this freshman Senator from Florida brought forth an amendment that was a $600 million emergency famine starvation relief amendment for sub-saharan Africa. There was a good bit of drama that occurred in the well, because the vote was so razor thin in difference. The final vote on a motion to table my amendment was agreed to 48 to 46. One vote change would have had the vote 47 to 47, and the motion to table my amendment would have failed, which would have given me the opportunity to go on and try to pass the amendment.

I have spoken to the substance, the reason for this amendment. There is not a person in the Senate who has not seen sights of those children with the spindly legs, the distended bellies, the thatched hair, and the soulful eyes. A lot of it is caused by the lack of rain. This has gone in cycles.

In 1985, I had the privilege of assisting my wife who had put together the first private group, other than the NGO organizations, responding to the famine in Ethiopia. My wife had raised the money in Florida. I was then a Member of the House of Representatives and had arranged for this stretch DC8 airplane. We rode the sacks of food into Addis Ababa and went into the feeding camps to see that food was distributed. Of course, when you see those starving children, and when my wife had the experience of holding a near lifeless African child in her arms, realizing in only a matter of moments that child would expire, it makes an impression. When famine comes back to that part of the land some 17 years later, it is hard to sit still.

Although my amendment was defeated yesterday by the razor-thin margin of one vote, I am not going to sit still. I am going to offer that amendment again and, fortunately, am in a parliamentary procedure by which I can do so because a very similar amendment to the one that was defeated yesterday had been filed by me.

For those Senators on the other side of the aisle—and there were four or five yesterday—who have been deeply touched by personal experiences in Africa, having seen that famine and the ravages of it on human beings, for those five or six on the other side of the aisle, and a score more who wanted to vote for that amendment, first, I thank you profoundly for your votes. You know, each one of you, who you are. And second, I want to say that we are going to have another chance. We are going to have another chance this afternoon.

I ask Senators to examine their hearts and see if they don't think that this is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, to help move things along and to notify Democrats as to whose amendment would come, I ask unanimous consent that the Democratic amendments—and Senator STEVENS may want to intersperse these with Republican amendments, and that is his privilege, but I ask unanimous consent that the next Democrat amendment be that of Senator KENNEDY, No. 123; Senator CLINTON, No. 89; Senator BINGAMAN, Nos. 126 and 138, and Senator CANTWELL, No. 108.

Mr. President, I also would say on each of these our members have agreed to time. But until the majority has seen the amendments, I am not going to ask time limits be established, even though we have established what our people have asked for in the way of time.

The PRESIDING OFFICER. Is there objection? The Senator from Wyoming?

Mr. THOMAS. I think probably there is no disagreement but at this time there needs to be some more agreement from our leader, so I object for the moment.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, how much time do the Democrats have left?

The PRESIDING OFFICER. Two minutes forty seconds.

Mr. REID. Mr. President, all we are trying to do is move things along. We have a right to have our amendments in the order we want. If we want to move this bill along, as the two leaders want, we cannot have these foolish—I know someone told the Senator to object. I am not calling the Senator foolish—these foolish objections. I know there is nothing that can be done because there is an objection that has been raised, but it is too bad.

Democratic Senators should be aware this is the order we are going to offer amendments.

Mr. BYRD. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. BYRD. Mr. President, if the Senator will yield, have these priorities been established already and agreed to with Mr. STEVENS?

Mr. REID. Yes, I have talked to Senator STEVENS. I talked to him this morning in the presence of the majority leader.

Mr. BYRD. What the distinguished whip is trying to do is simply to lay the prioritization in the RECORD, so Senators will not have to wait around; they will know when their amendments are going to be called up?

Mr. REID. Absolutely right. We have a number of Senators who have been waiting since yesterday or the day before to offer amendments. This is done so they are not standing around here waiting, so there is some kind of order in the Chamber rather than people trying to get recognized.

Mr. BYRD. Perhaps, when Senator STEVENS is back on the floor, you can get that consent. I would hope so.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Wyoming.

PUBLIC-PRIVATE COMPETITION

Mr. THOMAS. Mr. President, we would like to take the remainder of the time that has been assigned to this side of the aisle to talk about an amendment that would be before us this morning, the Mikulski amendment, which has been proposed as an amendment to the bill. It has to do with the implementation of the Federal Activities Inventory Reform Act, the FAIR Act, which was passed in 1998. It basically requires all Federal agencies to itemize jobs that are classified as noninherently governmental in nature, so there will be an opportunity for competition for those kinds of activities that the private sector, in the cases where it is appropriate, can be a competitor and can, indeed, do generally more efficiently than having it continue, as it has, with no competition.

In 2001 the FAIR Act inventory noted over 840,000 Federal jobs that are noninherently governmental. Those are jobs that could be done by contract, that could well be done by contract. There should be opportunity for that competition to exist.

The goal, of course, of the FAIR Act is to spend taxpayers' money as efficiently as possible, to ensure the Federal Government is not without competition with the private sector.

I think most of us would like to have as much done in the private sector as we reasonably can do. This, obviously, is not all the things Government does. There are inherently governmental programs, and they will continue to be that. The goal of the FAIR Act is to spend the taxpayers' money as efficiently as possible to ensure the Federal Government does not compete with the private sector. Wherever that can be, whether it is in contracting, whether it is the kinds of things that could be better done in the private sector, that is what we are seeking to do.

President Bush's Competitive Sourcing Initiative asked the Federal agencies to conduct private sector competitions in up to 15 percent of the jobs listed in the FAIR Act inventory. Of course, that is exactly what needs to be done, to identify these roles and then to have an opportunity to put them into the private sector and let the Government compete with the private sector and do it that way. It is a pretty basic sort of philosophy and something which I think most people would agree to do.

The amendment that has been put forth was to not allow the administration to move forward with their plans. I will later offer a copy of a letter that the President has sent through his administration, saying that they are opposed to this idea, that they want to move forward.

The fact is, during the Clinton administration, after the 1998 passage of the FAIR Act, there was very little done to implement it. Now we have an administration that believes they ought to implement the law as it exists, and we want to move forward in doing that.

That is what this is all about. We will be voting on that amendment later today. It has been before the Senate several times. It has failed before. Hopefully, it will fail again. In fact, it was put on the appropriations bill for the Treasury Department last year and then taken off before it became part of this bill. So there has been a strong feeling about that, and that is what we want to pursue.

I yield the Senator from Virginia 5 minutes to comment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Wyoming, Mr. THOMAS, for his leadership. I will not repeat his eloquent explanation of the FAIR Act. I am rising with him, and hopefully with a majority of our colleagues, in opposition to Senator MIKULSKI's amendment which would prohibit the administration from applying and enforcing efforts to get the private sector involved where it is appropriate in various governmental services.

This amendment would weaken the executive branch's ability to manage the Federal Government. It would impede improvement of many of the Government's significant commercial activities and prevent the outsourcing of inherently nongovernmental jobs to the private sector. It really would be one of anti-efficiency.

I think the Bush management plan has a relatively modest goal of injecting some competition to the commercial activities performed by the Government. I believe we ought to be encouraging, not impeding, public-private competition reviews. Clearly, the President ought to have the flexibility to best execute governmental functions and to enforce important management objectives and goals, specifically in the area of competitive sourcing.

The fact that they look at potentially competitive areas each year doesn't mean that these jobs will go to the private sector. It only means that there will be an analysis. It may be that the Government functions at less cost and with better service and efficiency than the private sector.

They also realize even if the Government continues to perform a service or function that there are better ways of doing it. We will need to be looking at ways of improving, of innovating, of adapting and not just keep doing things the same old way.

This amendment is opposed by large and small business enterprises all across the country. The U.S. Chamber of Commerce is opposed to this, whose letter I will submit along with my statement.

For example, they state the time is now to create a more efficient and effective partnership between the public and private sectors and not to enact restrictive policies that limit funding, flexibility, and the decisionmaking process.

We also have received letters from the Professional Services Council which represents 140 different businesses—the CADI, Northrup-Grumman, Lockheed, Quest, and many others. They point to what we all recognize as the truth. Competition is the greatest and the best guarantor of optimal performance and efficiency, and the Government's increasing reliance on competition has proven essential to achieving both meaningful savings and significant performance improvements.

Also, the Northern Virginia Technology Council that represents 1,600 member companies with 180,000 employees in Northern Virginia, is opposed to this.

The Information Technology Association of America, which represents 400 corporate technology companies, is opposed to it.

In addition, there is a coalition on outsourcing and privatization made up of small, minority, and women-owned businesses, national security organizations, experts in technology, community, and taxpayer groups that says do not be fooled by the hype and that urges Congress to hold the executive branch responsible for the highest possible level of performance and efficiency without placing procedural obstacles in the way of achieving that goal.

The Contract Services Association also points out that many of their members oppose this. Many of their members are small businesses, including eight A-certified companies, small, disadvantaged businesses, and Native American-owned firms. The goal of their Contract Services Association is to put the private sector to work for the public good. I ask unanimous consent that all of these letters be submitted as part of my statement.

Perhaps as important as all of these job opportunities is the recognition right now that this could have not only negative economic ramifications, but that it could impact national security as well. Indeed, at a time when our Nation is at war, the Federal Government must have the flexibility to contract out for services.

For example, look at the Departments of Defense and Homeland Security. What is going to be most useful for the Department of Homeland Security is not where all these boxes are located and who is moved from one place to the other, but the adaptation and the utilization of enterprise systems that will allow them to analyze volumes of information, analyze it accurately, and share it within the institution and also with others.

Furthermore, such contracting creates more private sector jobs and allows federal agencies to focus on their core missions, instead of concentrating on commercial activities.

I think at this point we need to be working for the taxpayers. We need to be increasing security. And we should be embracing advancements in technology and have the private sector help where they can help.

Therefore, I suggest that no member of this body should support legislation that increases the cost of government for taxpayers while limiting the government's ability to respond to the changing economic and security needs of the American people.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE.
Washington, DC, January 21, 2003.

TO MEMBERS OF THE U.S. SENATE: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, offers our strong support of H.J. Res. 2—the Fiscal Year 2003 Omnibus Appropriations bill. Passage of this measure is critical for continuity of existing domestic spending programs and initiation of funding for new programs for Homeland Security.

The U.S. Chamber and the business community applaud the Senate's resolve to wrap up the Fiscal Year 2003 spending bills prior to the upcoming Appropriations Committee's important work on the Fiscal Year 2004 appropriations measures. While separate passage of the 11 remaining individual Fiscal Year 2003 spending bills would be preferable, we support the Senate's determination in creating and moving this $385.9 billion spending package during this compressed time frame. We are troubled that passage of this important appropriations measure could be jeopardized by the addition of several onerous policy riders to this package.

The Chamber strongly opposes any efforts to stall needed reform of the new source review (NSR) program. The amendment offered by Senator John Edwards (D-NC) would effectively prohibit the U.S. Environmental Protection Agency (EPA) from expending funds to implement recently promulgated changes to the NSR program. This amendment would derail much needed NSR reforms at a time when the courts are reviewing the regulations.

The Edwards NSR amendment would disrupt the Clean Air Act permitting process, and stifle economic activity during an economic downturn by making the maintenance and expansion of existing industrial facilities and power plants almost impossible. The new regulations have restored some certainty to the troubled NSR process. Congress should not interfere in the regulatory efforts of two administrations in this way.

In addition, we specifically urge you to oppose an amendment offered by Senator Barbara Mikulski (D-MD) that would prohibit the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions of commercial functions with Federal agencies. Such language would legislatively weaken any President's authority to manage the Federal government and effect real saving and fundamental improvements. It is directly counter to efforts by the Bush Administration to increase government efficiency through competition between the public and private sectors. It would limit the President's ability to establish goals for outsourcing, and other procurement and acquisition workforce initiatives. Such a prohibition could significantly limit private sector involvement and discourage competition, which has proven to reap significant cost savings and performance enhancements regardless of who wins. The time is now to create more efficient and effective partnerships between the public and private sector, not to enact restrictive policies that limit funding or flexibility in the sourcing decision-making process.

We also ask you to oppose an amendment sponsored by Senator Mark Dayton that would deny new contracts to subsidiaries of a publicly traded corporation if the corporation is incorporated in certain tax-advantaged foreign countries. By imposing these bans on contracting with domestic subsidiary corporations, Congress is seeking to discourage corporate "inversions," i.e., corporate flight from U.S. tax domicile in order to achieve tax parity with foreign competitors. We believe Congress should be asking why our tax system is causing corporate flight increasingly to occur.

Corporations should be free to incorporate where they choose, without the Federal government imposing economic penalties upon their free exercise of prudent business decision-making, and that the U.S. Congress certainly should not favor foreign firms over U.S. firms in the tax code. These contract bans are a poor substitute for needed reform of the U.S. tax code's archaic international provisions which currently put our corporations at a competitive disadvantage internationally and provide great incentive for them to leave this country. We believe that the proper response should be the undertaking of serious and overdue tax reform, such as conversion of the U.S. tax system to one based on territoriality, to active parity.

We also urge you to oppose the amendment offered by Senator Tom Harkin (D–IA) and Senator Russ Feingold (D–WI) pertaining to cash balance plans. Cash balance plans have become popular among both employers and employees. Because they are a relatively new "hybrid" type of plan, until last month, Treasury had not provided clear guidance to plan sponsors about how such plans should be designed. On December 10, 2002, after more than three years of study by an interagency task force, the Treasury Department issued proposed cash balance plan regulations.

The Harkin/Feingold amendment would prohibit the Treasury Department from finalizing or enforcing this rule. The proposed regulation clarifies how cash balance plans must be designed in order to satisfy existing laws pertaining to age discrimination and pension accruals. While the Chamber has concerns about certain parts of the regulations, which we will be conveying in comments to the Treasury Department, we do not believe the appropriations process is the proper place for enforcing pension laws and regulations.

We urge your swift consideration of the Fiscal Year 2003 Omnibus spending measure. In addition we strongly support the concept that spending restraint is a critical component to encouraging economic growth and long-term prosperity. Because of the importance of fully funding our domestic spending priorities, the U.S. Chamber may include votes on or in relation to these issues in our annual How They Voted Ratings for 2003.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

PROFESSIONAL SERVICES COUNCIL,
Arlington, VA, January 8, 2003.

Hon. TED STEVENS,
Committee on Appropriations, U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I write on behalf on the 140 member companies of the Professional Services Council (PSC), the leading national trade association representing the Federal, professional and technical services industry. PSC's companies provide services including information technology, research and development, and high-end consulting to every government agency, and represent a significant portion of the government's technology industrial base.

As the Senate considers the remaining FY 2003 appropriations bills, I urge you to remove Section 640 of the Fiscal Year 2003 Treasury Appropriations bill, or any related provision that prohibits the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions for commercial functions within agencies.

While Congress should hold the Executive Branch responsible for the highest levels of performance and efficiency, it should not place obstacles in the way of achieving that goal. Section 640 prohibits the President from establishing and enforcing important management objectives and goals, specifically in the area of competitive sourcing, which is one key element of his management agenda. It is an inappropriate constraint on executive branch management and on the President's flexibility to best execute governmental functions. Competition is the best guarantor of optimal performance and efficiency, and the government's increasing reliance on competition has proven essential to achieving both meaningful savings and significant performance improvements.

Again, on behalf of the member companies of the PSC, and the hundreds of thousands of working Americans who provide support to our government every day, I urge you to remove Section 640 of the Fiscal Year 2003 Treasury Appropriations bill.

Sincerely,

STAN Z. SOLOWAY,
President.

NORTHERN VIRGINIA
TECHNOLOGY COUNCIL,
Herndon, VA, January 23, 2003.

Hon. GEORGE ALLEN,
U.S. Senator,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of the more than 1,600 member companies of the Northern Virginia Technology Council (NVTC), I urge you to oppose an amendment offered by Senator Barbara Mikulski that would prohibit the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals or targets for public-private competition of commercial functions within federal agencies.

During floor action on the FY 2003 Omnibus Appropriations bill, Senator Mikulski intends to offer an amendment (#61) which would prevent President Bush from setting any goals for federal agencies as a way to save taxpayer dollars and make the government more efficient. It is directly counter to efforts by the Bush Administration to increase government efficiency through competition between the public and private sectors. This amendment would significantly limit private sector involvement and discourage competition vital to the technology community.

I am concerned that this amendment hinders the flexibility of the President to efficiently manage the Federal government. By prohibiting the President from establishing and enforcing important management goals, specifically in the area of competitive sourcing, this amendment inappropriately hinders private-public competition. Competition creates the best environment for optimal performance and efficiency. The government's increasing reliance on competition has proven beneficial to taxpayers, private industry and the overall economy.

Again, on behalf of the more than 1,600 member companies representing over 180,000 employees in Northern Virginia that heavily rely on federal procurement contracts, I urge you to oppose the Mikulski amendment. Our membership includes companies from all sectors of the technology industry including information technology, software, Internet, ISPs, ASPs, telecommunications, bioscience, and aerospace, as well as the service providers that provide vital support and services to the Federal government.

Sincerely,

BOBBIE KILBERG,
President.

CONTRACT SERVICES
ASSOCIATION OF AMERICA,
Arlington, VA, January 23, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR MR. ALLEN: On behalf of the members of the Contract Services Association of America (CSA), I urge you to vote against an amendment offered by Senator Barbara Mikulski.

This provision would prohibit the expenditures of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions for commercial functions within agencies.

I am concerned, however, that the amendment hinders the flexibility of the President to efficiently manage the Federal government. One long-established management tool, used by all Presidents, is to set goals—whether it is for outsourcing targets within the Department of Defense (as established by the Clinton Administration), goals for performance-based services contracting or even small business contracting goals. Indeed, the amendment is directly counter to efforts by the Bush Administration aimed at increasing government efficiency through competition between the public and private sectors.

CSA is the premier industry representative for private sector companies that provide a wide array of services to Federal, state, and local governments. CSA members are involved in everything from maintenance contracts at military bases and within civilian agencies to high technology services, such as scientific research and engineering studies. Many of our members are small businesses, including 8(a)-certified companies, small disadvantaged businesses, and Native American owned firms. The goal of CSA is to put the private sector to work for the public good.

Again, I urge you to vote against the Mikulski amendment.

Sincerely,

GARY ENGEBREISON,
President.

INFORMATION TECHNOLOGY
ASSOCIATION OF AMERICA,
January 23, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of the Information Technology Association of America, we urge you to oppose an amendment that Senator Barbara Mikulski will be offering today during floor consideration of the Omnibus Appropriations bill. ITAA appreciates your leadership in raising the IT industry's concerns on this restrictive amendment.

As you know, this amendment would prohibit agencies from using appropriated funds to establish, apply or enforce any numerical goals aimed at conducting public-private competitions for commercial functions within Federal agencies. President Bush and his Administration would be hampered in their efforts to promote competition and to manage the Federal government. All future Administrations would also face these restrictions. The Mikulski Amendment would also undermine the intent of the new revisions to the OMB Circular A–76, which were recently issued by the Office of Federal Procurement Policy.

The Information Technology Association of America consists of over 400 corporate members throughout the United States, and a global network of 49 countries' IT associations. ITAA members range from the smallest IT start-ups to the industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, and telecommunications services sectors.

Again, we urge you to vote "No" on this amendment and thank you for your leadership in opposing this restrictive amendment.

Sincerely,

HARRIS N. MILLER,
President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Virginia who certainly touched on the issues involved.

I yield to my friend and colleague, the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak in opposition to the amendment that was offered by my colleague, the Senator from Maryland. This amendment would prohibit the administration from applying or enforcing any numerical goals for competitive sourcing within agencies, or converting Federal employees doing this work to private sector contractors. This provision would prevent this President and all future Presidents from managing Federal agencies for increased cost-effectiveness and quality.

I want to emphasize that again.

It would prevent this President and all future Presidents from managing Federal agencies for increased cost-effectiveness and quality. That is what we are trying to do. It is good for Government. Congress passed the first step, which was the Federal Activities Inventory Reform Act—the FAIR Act—in 1998. That was the bill that was drafted and sponsored and put through the process by my colleague from Wyoming, Senator THOMAS. It requires all Federal agencies to itemize jobs classified as noninherently governmental in nature. These are positions which potentially could be from the private sector, lessening the size of the Federal Government, and creating more opportunities for our economy through private business.

This is a tremendous step we have taken. It is one that recognizes we pay Government with taxes to operate, and we provide buildings and space for them—and a lot of other things that are kind of hidden costs. We have said the hidden costs ought to be counted in all of this. There ought to be competition with the private sector in all areas where it is traditionally done.

It seems to me like a pretty basic concept. President Bush's Competitive Sourcing Initiative requires Federal agencies to conduct public-private competition on 15 percent of the jobs listed on the FAIR Act inventory—that is, 840,000 jobs in 2001. That is to conduct public-private competition on just 15 percent of these 840,000 jobs that were listed in the inventory as being noninherently governmental in nature.

This amendment would prevent the President from setting and enforcing this reasonable goal. If this amendment passes, one of the losers will be the small business community.

I host an annual procurement conference in Wyoming to encourage small businesses to seek Federal procurement opportunities. Small businesses, services, and products is one of the treasures we will leave in the ground if this amendment is agreed to. We have a tremendous resource—the small businesses out there—that can provide services in a very competitive way. We need to make sure they have that opportunity.

I was visiting one Federal agency where they were talking about how they were going to check on bills that were coming in for Medicare. They were building their own program to do that. The interesting thing is the private sector already had programs that would do thousands more procedures than they were able to program in their first year of programming. Their agency wasn't designed to program it. But they tried doing it from the ground up.

I see that in agency after agency. When I take a look at this Government Performance Results Program, that is another thing that we put on agencies. They are supposed to tell us what they are doing, how we will know when they get it done, and how that relates to the budget. Congress needs to enforce that a little bit more to make sure it is happening because it gives us tremendous insight into all of the agencies and what their job is and the ways they are infringing on the private sector at greater expense than what the private sector would have. It is also resulting in some greater efficiencies in Government.

A couple of weeks ago, I visited the mint in Philadelphia. Those people are aware of this particular amendment. They are working like crazy to make sure they are the most competitive agency for being able to perform that work, and I am certain that they will. It is that kind of spirit of American competitiveness that they have at that Government agency. They do outstanding work there. I am sure, as a result, that is the way they will continue to handle it.

But it is an awareness that agencies have to have. President Bush's initiative encourages Federal agencies to allow private industry—including small business—to compete for jobs. Everybody wins because Federal agencies can concentrate on their real goals and private industry is encouraged at the same time.

I urge my colleagues to defeat this amendment, allow the administration to manage Federal agencies, and give small businesses a chance.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Senator for his comments. Certainly, his interest in small business activities is reflected in his comments on this bill.

I think there are a number of reasons why we should oppose this amendment. The administration opposes such limitations on the management agenda. I think all of us in the Government need to push the idea of having some vision as to where we are going and look beyond next week but to look to the future as to what we want to do with a number of activities that could well be in the competitive arena and to make some plans to get those out there.

That is basically what the administration is seeking to do. Senior advisers to the President are recommending that he veto any legislation that challenges this management agenda. Certainly we do not want that to happen.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Three minutes ten seconds remain.

Mr. THOMAS. Mr. President, I yield 2½ minutes to my friend from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Wyoming for recognizing me.

I rise in opposition to the Mikulski amendment to this omnibus appropriations bill. Succinctly put, we held a hearing 4 or 5 years ago on this very particular point. Much of it has been covered in the discussion and the debate so far, but if we want to have an efficient Government, we need to allow the private sector to compete.

What we need to do as well is make sure this 47-year-old Federal policy—which states "the government should not be involved in commercial activities"—is complied with and is enforced.

The goal of the FAIR Act was to eliminate the Government's direct competition with the private sector while at the same time providing a better utilization of taxpayer dollars. This is going both ways: So we do not have direct competition with the private sector, which we should not do, which is against Federal law for us to do, and at the same time provide a better utilization of taxpayer dollars so we concentrate the Government workers in areas where only the Government can do the work.

This seems to me to be good management and good objectives.

In 2001, the FAIR Act inventory noted that over 840,000 Federal jobs were noninherently governmental. President Bush's Competitive Sourcing Initiative requires Federal agencies to conduct public-private competition on 15 percent of the jobs listed on the FAIR Act inventory. This seems to be minimal at best.

The Mikulski amendment prohibits the President from establishing or enforcing goals for competitive sourcing. This is not the direction in which we should go. In addition, it would severely impede our ability to manage the Federal Government. We need that management flexibility at this time. Where we have budget deficits that are rising, we need to get those down and to use every tool we have at our disposal to be able to keep those budget deficits down as efficiently and effectively as we possibly can.

This amendment would prevent improving the performance of the Government's many commercial activities. We certainly do not need to do that. The amendment goes against the congressionally mandated findings of the Commercial Activities Panel which unanimously adopted the principle of competition.

Competition has been good in this country. It is the basis for what our economy is—so that things can grow based on competition.

For those reasons, I will oppose the Senator's amendment.

The PRESIDING OFFICER. The Senator has used his time.

Mr. BROWNBACK. I yield the floor.

Mr. THOMAS. Our time has expired, Mr. President. I thank the Chair for the opportunity to express these views. I urge that Members vote against this terrorism do not murder American citizens and do not conspire to cover up such murders.

Mr. President, I reserve the remainder of my time.

Mr. BOND. Will the Senator yield for a question?

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. How much time do I have?

The PRESIDING OFFICER. The Senator has 24 seconds.

Mr. FEINGOLD. I yield to the Senator for a question.

Mr. BOND. Mr. President, I am not speaking on the time on this side. I ask my colleague from Wisconsin if he has visited the area, if he has talked with our officials in the region, if he has talked with the people in governments who support us and who support Indonesia. Has he had the opportunity to find out what the impact of this amendment would be?

Mr. FEINGOLD. I have had daily contact with a wide variety of individuals we are concerned with, including some the Senator mentioned. I have been involved in this issue of Indonesia and East Timor for 10 years, since I have been a Member of the Senate and a member of the Subcommittee on Asia. I think I have a right to speak on this as much as the Senator from Missouri. When it comes to the deaths of American citizens, they should be cooperating with the FBI.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. McCONNELL. Mr. President, this is exactly the wrong time to be taking away IMET from the Indonesian military. For 10 years they were prohibited from having the kind of military-to-military relationship with us that helps upgrade their military and teach them about human rights and to do the right thing regarding their own people. It took a long time to get IMET restored, and the leader of that effort was Senator INOUYE of Hawaii—that bipartisan effort to get IMET restored. Now we would take a step in the wrong direction.

(At the request of Mr. McCONNELL, the following statement was ordered to be printed in the RECORD.)

● Mr. INOUYE. Mr. President, I want to convey to my colleagues my opposition to this amendment. During the markup of the foreign operations bill by the full Appropriations Committee, I offered an amendment to restore full International Military Education and Training to Indonesia. I believe full participation in this important program is essential to maintain our partnership with Indonesia in our global fight against terrorism. The restriction on the participation of Indonesia proposed by my colleague from Wisconsin will harm our relationship and impede our fight against terrorism in one of the front-line countries of this fight. I urge my colleagues to oppose this amendment. The Feingold amendment will send a message to the Indonesians that although we ask for their cooperation in our fight against international terrorism, we will not provide them with the training and tools necessary for that fight and view their country as not worthy of full participation in our international assistance programs. I do not believe this is the message we want to send to one of our critical allies. It is in our national interest to have a stable and democratic Indonesia and that their military is accountable and professional. We can work toward these goals through the participation of Indonesia's military in our IMET program.

Once again, I urge my colleagues to oppose the pending amendment.

Mr. President, I ask that a copy of the statement I made when I offered my amendment before the Appropriations Committee be printed in the RECORD.

The statement follows.

INTRODUCTION OF THE AMENDMENT TO RESTORE IMET TO INDONESIA

Mr. Chairman, together with my colleagues the senior Senators from Alaska, Kentucky, and Missouri, I offer an amendment to restore full International Military Education and Training (IMET) program participation to Indonesia.

In April, Senators Stevens and I traveled to Asia. We visited Indonesia where they had just brought into custody a Muslim cleric who was quoted as having said, "Osama bin Laden is a lightweight." Indonesia has the world's largest Muslim population and has only recently embraced democratic principles. We must engage and support this fledgling democracy by supporting reform of the military and helping to build capacity to control and support modern, professional armed forces. We believe that full access to IMET programs will foster the necessary changes.

We also believe that the continued restriction on IMET program participation of Indonesia sends a message to the Indonesians. It is a message that they are second class international citizens, unworthy of full participation in our international assistance programs. Is this the message we want to send?

I appreciate that this bill provides $400,000 for Expanded (IMET (E-IMET) programs in Indonesia. However, the training provided under E-IMER focuses on administration of the armed forces and the dissemination of international human rights information through the use of Mobile Education Teams that are sent in country. The E-IMET program does provide valuable skills in defense resource management and military justice, but Indonesia needs to focus on professionalizing the military. This can only be accomplished through our assistance via the full IMET program.

I IMET program training is provided to all levels of the military, from generals to enlisted personnel. This training, much of which is provided in the United States, builds invaluable connections between the United States and foreign nations that provide long-term benefits. The Department of Defense conducts a variety of activities for foreign military and civilian officials. Formal instruction is offered involving more than 2,000 courses taught at approximately 150 military schools and installations. The program is based upon the premise that active promoting of democratic values is one of the most effective means available for achieving U.S. national security and foreign policy objectives and for fostering peaceful relationships among the nations of the world.

I understand that Senator Leahy views IMET as a reward and does not believe it should be afforded to the TNI in light of past abuses and failure to achieve the accountability benchmarks set in last year's Foreign Operations Appropriations bill. This is not a reward. IMET is a vehicle to help TNI achieve those benchmarks. Indonesia has made some progress toward meeting the Leahy conditions, but without recognition of and response to what has been accomplished to date, we will only bolster the arguments of those in Indonesia opposed to reform who believe it is worthless to try to please the United States since we are unwilling to recognize their progress.

There are few countries in the world with democratic governments where the rule of law is as firmly established as in the United States. That cannot be our litmus test for provision of assistance. Providing the requested assistance to Indonesia would not be an exception to a well-established rule. Our nation assists countries that are obviously not democracies. Why do we do this? Because, it is in our national interest. Were we helping a democracy when we embarked on Operation Dessert Storm and put up our fortune and our most precious resource, the lives of our soldiers? No, we were not, but we were acting in our national interest.

It is in our national interest to have a stable and democratic Indonesia. It is in our national interest that Indonesia develops internal capabilities to address international terrorism. It is in our national interest that Indonesia's military is professional and accountable. We can work toward these goals through the participation of Indonesia's military in our IMET program.

Please be assured that I do not advocate lifting the prohibition on the participation of Indonesia in the Foreign Military Financing program. I believe a strong professional and accountable TNI must be established before Indonesia's participation in that program is renewed. However, I believe participation in the full IMET program is vital to reaching that goal, and I ask my colleagues to support this amendment.●

Mr. BIDEN. Mr. President, I rise today to express my deep concern about a deadly attack that occurred last August in West Papua, Indonesia, and to call on the Government of Indonesia to cooperate fully with U.S. law enforcement authorities to ensure that those responsible are brought to justice.

Ted Burgon of Oregon and Rick Spier of Colorado were gunned down along with an Indonesian, Bambang Riwanto. Eight Americans were injured: Nancy Burgon, Saundra Hopkins, Ken Balk, and Taia Hopkins, all of Oregon, Patsy Spier of Colorado, Francine Goodfriend of Illinois, Steven Emma of Florida, and Lynn Poston, of Washington State.

The victims, school teachers from the International School and their families, were associated with the Freeport-McMoran mine in West Papua.

I speak to this issue because the bill before us restores funding for International Military Education and Training programs for Indonesia. Before we do that, I think we need some answers.

Mr. President, there is troubling evidence that members of the Indonesian military may have been behind the attack. It occurred less than half a mile from an Indonesian military outpost.

Hundreds of rounds were fired at the teachers and their vehicles during the ambush, which lasted 45 minutes, but the military was very slow to respond and failed to apprehend any of the assailants.

The Indonesian police promptly began an investigation. They collected evidence, interviewed witnesses, and reconstructed the ambush. The senior police official in charge said last December that there is evidence that soldiers from the army's strategic reserve force were involved in the shooting. This same senior police official also reported last November that a witness to the ambush reported seeing members of the Indonesian army's special forces participating in the attack.

The motive? The Army may have hoped to blame the murders on West Papuan rebels who have been fighting a low level insurgency for years seeking independence from Indonesia.

Bottom line: The police report on the murders concludes, quote: "there is a strong possibility that the case was perpetrated by members of the Indonesian National Army Force, however, it still needs to be investigated further."

Well, guess what happened? After they pointed the finger at the military, the two senior police officials on the case, General Raziman and Assistant Senior Police Commissioner Sumarjiyo were mysteriously transferred, removed from all responsibility for investigating the murders.

The investigation was handed over to the Indonesian military itself! Not surprisingly, the military concluded that the armed forces had nothing to do with the killings.

Mr. President, this is the same military that denied all culpability for gross violations of human rights over 25 years in East Timor and Aceh. The same military that has armed, trained, and protected militant Islamic groups associated with grotesque, religiously motivated attacks on innocent civilians elsewhere in Indonesia.

Mr. President, it is essential that the United States secure the full support of Indonesia—a nation of 200 million people, most of them Muslims—in the war on terrorism.

Indonesia itself has been the target of terrorists, as we witnessed last year in the terrible bombing on Bali that left hundreds dead and injured, many of them Australian tourists.

It is appropriate that in the wake of 9/11, the United States has sought ways to strengthen our ties to Indonesia, including considering the resumption of normal military training for the Indonesian Army. Civilian authorities in Jakarta and some officers within the military are trying to end the culture of impunity that has prevailed for the past 30 years. I think it is in our national interests to establish appropriate links to the Indonesian armed forces to improve their professionalism, enhance intelligence sharing, and help prevent future terrorist attacks in Indonesia or elsewhere.

But that does not mean we should turn a blind eye to continuing abuses by the Indonesian Army.

We will not be doing ourselves or the Indonesian people any favors if we ally ourselves with those who may themselves be responsible for criminal acts.

Before we jump to restore IMET funding for Indonesia, I hope that President Bush will give us his assurance that we are getting the full cooperation of Indonesian authorities. The FBI should have full access to all the evidence and to the witnesses to the attack. An independent investigation should be launched of the possible Indonesian military involvement.

These are American citizens we are talking about. Victims, perhaps, of a cynical effort to manipulate United States public opinion and convince our government to increase aid to the Indonesian armed forces as part of the war on terrorism. We need to get to the bottom of what happened.

Mr. McCONNELL. Mr. President, I ask unanimous consent that a letter from the State Department opposing this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE, ASSISTANT SECRETARY OF STATE FOR LEGISLATIVE AFFAIRS,
Washington, DC, January 22, 2003.

Hon. MITCH McCONNELL,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: I am writing to express concern about the proposed amendment to the FY 03 omnibus appropriation bill by Senator Feingold that restricts IMET to Indonesia. The Department of State opposes this amendment, which would damage important U.S. foreign policy interests in Indonesia.

The amendment in question would limit Indonesian military personnel to participation in the Expanded IMET program only, absent a presidential determination "that the Government of Indonesia and the Indonesian Armed Forces are (1) demonstrating a commitment to assist United States efforts to combat international terrorism, including United States interdiction efforts against al-Qaida and other terrorist organizations, and taking effective measures to bring to justice those responsible for the October 13, 2002 terrorist attack on Bali, which killed U.S. citizens, and (2) taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia group against whom there is credible evidence of involvement in the August 31, 2002 attack which resulted in the deaths of United States citizens, and in other gross violations of human rights."

We share Senator Feingold's concerns on both points and have been working actively with the Indonesian Government on them. Indonesia is engaged in the war against terrorism—including a new police counter-terrorism unit that we are helping to establish. Indonesia authorities are investigating and prosecuting terrorists, including members of the al-Qaida affiliated Jemaah Islamiyah (JI), while not sacrificing newly-gained democratic freedoms. In the extremely professional Bali bombing investigation, Indonesian National Police investigators have detained over 30 supects to date, and are cooperating with regional ASEAN neighbors to uncover possible links to international terrorism. The Bali investigation process has also seen good cooperation between the Indonesian National Police and counterparts from the Australian Federal Police, the FBI, and Scotland Yard. It is also important to note that the Indonesian Police, not the Indonesian Armed Forces, have the lead responsibility in this and in other terrorist investigations.

The killing of American citizens in Papua is a matter of gravest importance to us. The President has directed that we emphasize to the Government of Indonesia that there must be a credible investigation and process of justice to avoid damage to our entire bilateral relationship. We have done so at the highest levels. In response to our repeated demarches, the Indonesian Government has agreed to a new investigation of this crime to include FBI participation. FBI agents will arrive in Indonesia on January 22 to explore the terms of their participation in the investigation.

We have requested that $400,000 in FY03 IMET be provided for Indonesia. If approved by Congress, this will be the first time in a decade that we will have the ability to use IMET as a tool to pursue our national objectives in Indonesia. These objectives include strengthening Indonesian cooperation in the war on terrorism, as well as supporting the democratic transition in, and the territorial integrity of, Indonesia. IMET assists these objectives by providing us with access to the Indonesian Armed Forces, which remains among the most prominent national institutions in Indonesia. IMET also provides a vehicle for the United States to impart our ideas about civil-military relations to foreign military audiences, and to promote military reform.

We ask that Congress proceed with its consideration of the Administration's IMET request. The goals of the proposed amendment by Senator Feingold are worthy and we share them. But, they are now, and will remain, works in progress for some time to come, not settled issues. In the interim, if Congress approves our request, we will not obligate these IMET funds without further consultation with Congress.

We hope that this information assists you in your consideration of this amendment. Please contact us if you have any questions.

Sincerely,

PAUL V. KELLY,
Assistant Secretary.

Mr. McCONNELL. Mr. President, let me sum it up. The Bali bombing underscores that when it comes to terrorism, Indonesia is at ground zero, right there in the middle of it. They are on our side. This amendment should be roundly defeated.

Mr. ALLARD. Mr. President, with much reservation, I rise today in support of the Feingold amendment. On August 31, 2002 several Americans in West Papua—Indonesia were brutally attacked by heavily armed assailants. Two Americans—Rick Spier and Ted Burgon—were murdered during the 35 minute ambush and many others were seriously wounded.

Last week, I met with Rick Spier's wife, Mrs. Patsy Spier, who was also shot three times during the attack. She described with much emotion the circumstances of the attack and the horrific result. I was saddened by her loss and angered by the Indonesian Government's failure to bring the perpetrators to justice. Following my meeting with Mrs. Spier, I contacted the Department of State and later received a detailed briefing from Deputy Assistant Secretary Matthew Daley. I also contacted the Federal Bureau of Investigation and expressed my interest in meeting the agents charged with investigating this case upon their return from Indonesia.

Following these meetings, I wrote to President Bush to express my strong views about this matter. I urged the President to press the Indonesian Government to conduct a comprehensive investigation into the attack. I further wrote that if the Indonesian Government fails to act, a severe diplomatic response, including the suspension of funding for the International Military Education Training Program for Indonesia, should be considered. I ask unanimous consent to have printed in the Record at the conclusion of my remarks my letter of January 16 to President Bush.

The PRESIDING OFFICER. Without objection, it is as ordered.

(See exhibit 1).

Mr. ALLARD. I am pleased that Senator MITCH MCCONNELL, Chairman of the Foreign Operations Subcommittee, has included strong report language on Indonesia. As I noted in a colloquy with Senator MCCONNELL, the references in the report language to the Americans murdered in West Papua and the demands that justice be served for these crimes were warranted and much appreciated.

The amendment before us would limit Indonesian military personnel to participation in the IMET program only, absent a presidential determination that the Indonesian government and armed forces are "demonstrating a commitment to assist United States efforts to combat international terrorism" and "taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia" whom might be involved in the August 31 killings.

I understand that the Department of State opposes this amendment, which it believes would damage important U.S. foreign policy interest in Indonesia. In a letter sent to Senator MCCONNELL, Assistant Secretary of State James Kelly wrote:

> . . . the President has directed that we [the Department of State] emphasize to the Government of Indonesia that there must be a credible investigation and process of justice to avoid damage in our entire bilateral relationship.

He further wrote:

> In response to our repeated demarches, the Indonesian government has agreed to a new investigation of this crime to include FBI participation. FBI agents will arrive in Indonesia on January 22 to explore the terms of their participation in the investigation.

While I applaud the administration for its involvement in this issue and am encouraged by Indonesia Government's agreement to conduct a new investigation, I strongly believe that the murder of innocent Americans is unacceptable and demands serious action on our part. We cannot be seen as rewarding the Indonesian Government for covering up the killing of Americans. Such an action would set a frightful precedent and give other nations the impression that the murder of Americans would not warrant a serious response on the part of the United States. Clearly, the IMET funding in this bill sends the wrong signal at the wrong time. Therefore, despite serious reservations, I will vote in support of the Feingold amendment.

Like many of my colleagues here in the Senate, I will continue to monitor this situation very closely, and should the Indonesian Government conduct a full and fair investigation, I will consider supporting new funding for Indonesia in the future.

EXHIBIT 1

U.S. SENATE,
Washington, DC, January 16, 2003.

Hon. GEORGE W. BUSH,
President, the White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to express my growing concern about the lagging investigation into the August 31, 2002 attack on several Americans in West Papau, Indonesia. Three people were killed, including two Americans, during the attack, and eight others were seriously wounded.

As you may know, the Indonesian police completed its preliminary investigation last fall and concluded that the Indonesian military may have been responsible for the attack. Despite being informed of the results of the police investigation, the Indonesian military has failed to look into this matter. In fact, press reports suggest that the Indonesian military may have exonerated itself of any responsibility.

I understand that senior officials at the Department of State have expressed the concerns of your Administration about the dogged pace of the investigation to the Indonesian government. Your effort to determine who was responsible for this brutal attack is commendable. However, more must be done.

I urge you to press the Indonesian government to conduct a comprehensive investigation into the attack. Such an investigation should include active and meaningful participation by United States law enforcement agencies who should have complete access to evidence and witnesses.

The murder of innocent Americans overseas warrants a serious response on our part. If the Indonesian government fails to act, severe diplomatic actions, including the suspension of IMET funding for Indonesia, should be considered. We cannot afford to overlook further delays in this important investigation.

Again, thank you for your efforts, and I look forward to your response.

Sincerely,

WAYNE ALLARD,
U.S. Senator.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

The question is on agreeing to amendment No. 200.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. STEVENS. We ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was annouced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—36

Allard
Biden
Boxer
Campbell
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Pryor
Reed
Reid
Sarbanes
Smith
Stabenow
Wyden

NAYS—61

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Harkin
Inouye
Lieberman

The amendment (No. 200) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the next vote be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Can we have order in the Chamber, please. Will the Senator from Alaska restate his request?

Mr. STEVENS. I ask unanimous consent time for the vote on the Mikulski amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. There is objection. Reserving the right to object, Mr. President, the Senate is not in order.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Ms. MIKULSKI. I ask unanimous consent the rollcall on the Mikulski amendment be postponed until such time to be called up as agreed upon by the two managers. We think we can work something out.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 39

Mr. STEVENS. Mr. President, the next amendment in order is Senator MURRAY's amendment. There is a minute on each side, if the Senator wishes to use it. I wish to state now we will accept this amendment and it will be included in the across-the-board cut as an offset. Because of an amendment that was adopted yesterday, we now have leeway in that ceiling that we self-imposed, and we can take the amendment of the Senator from Washington. I believe her amendment has the approval of the House also. Many of us want to vote for it. We are prepared to accept the amendment.

The PRESIDING OFFICER. Is there debate?

Mr. STEVENS. Let her offer it, please.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Alaska, and Senators FRIST and GREGG and others who worked with us on the Community Access Program.

I urge adoption of the amendment.

Mr. STEVENS. I understand the Senator from Rhode Island has a colloquy?

May I announce there will be no votes for a little while now. We have worked out we will have another series in a few minutes. Right now we would like to have the colloquy out of the way.

I urge we adopt the Murray amendment.

Mr. KENNEDY. Mr. President, I commend Senator MURRAY for her strong leadership in restoring funds for the Healthy Communities Access Program to improve the delivery of care to the uninsured. The program provides grants to coalitions of health providers to improve the coordination of care for the uninsured. Since its inception, we have seen an overwhelmingly positive response to the program. Through these grants, 150 communities have been able to increase care for the uninsured, reduce unnecessary health costs, and create innovative projects through collaboration and information-sharing. In Massachusetts, the Cambridge Health Alliance used its grant to launch an impressive outreach campaign to enroll 57,000 uninsured residents in a comprehensive and well-coordinated system of care. The Alliance has formed strong partnerships with local schools, law enforcement, and advocacy groups who work together to meet the needs of the most vulnerable members of the community.

The Healthy Communities Access Program embodies exactly the kind of innovative approach to improving the quality of health care that we need. Yet, despite its successes, the administration wants to zero out the program and the Omnibus Bill eliminates its funding. We should not allow the gains made in communities across the country to be lost because of this shortsightedness. I urge the Senate to approve this amendment and support our communities in this effective way to improve care for the uninsured.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 39) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I inquire how much time the Senator from Rhode Island and the Senator from West Virginia wish for their colloquy?

Mr. CHAFEE. I believe it would be about 10 minutes.

Mr. STEVENS. Ten minutes total?

Mr. ROCKEFELLER. We don't need that much.

Mr. STEVENS. I ask unanimous consent the Senator from Rhode Island and the Senator from West Virginia be recognized for not to exceed 10 minutes total.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

S–CHIP

Mr. CHAFEE. Mr. President, I have been working for the last several months with a bipartisan group of Members from the House and Senate to protect funding for the State Children's Health Insurance Program, also known as S–CHIP, which provides critical health care to millions of children. In Rhode Island, over 12,000 children participate in this program. There is strong, bipartisan support for a 2-year S–CHIP proposal developed last fall that would preserve $2.7 billion in Federal S–CHIP funds that either expired at the end of fiscal year 2002 or will expire at the end of the current fiscal year. Our proposal also establishes a redistribution formula for the Centers for Medicare and Medicaid Services to use to quickly redistribute unspent fiscal year 2000 funds to those states that have exhausted their allotments and need additional funds.

Under Federal law, CMS is required to redistribute all unspent 2000 funds this year, but there is no Federal requirement on what formula it should use. CMS is currently holding off redistributing unspent 2000 funds because it is awaiting Congressional action. However, a few States, including Rhode Island, need the redistribution of 2000 funds as soon as possible so they have sufficient funds for the rest of the year to maintain services to the children currently enrolled in S–CHIP.

This S–CHIP issue is very time-sensitive. If we do not remedy this situation soon, some States may scale back S–CHIP eligibility because they will assume they will have far less in Federal funds available than previously expected.

Unfortunately, it appears that we cannot address this issue in the omnibus appropriations bill. I appreciate the willingness of the chairman of the Finance and budget Committees, Senators GRASSLEY and NICKLES, to work with us to address this issue in both the fiscal year 2004 budget resolution and then to move this legislation quickly in the Finance Committee.

I also think it is imperative for us to work with CMS so that they can move forward to begin to redistribute some of the unspent 2000 funds to States like mine that are facing a serious S–CHIP funding problem. As Congress moves ahead to complete action on this proposal, CMS should move forward on the immediate redistribution of these funds.

Mr. KENNEDY. Will the Senator yield for a moment? Does the Senator have the time?

I want to commend my friend from Rhode Island. As one of the authors of the S–CHIP Program, we gave the States an opportunity to use the money and then we provided, if they did not use the money, that States that were attempting to cover the children would have some access to it and then eventually it would go back to the Treasury.

We are finding out now that there are a number of States that are prepared to go ahead and insure these children. This program is so enormously important, because if you put it with the Medicaid Program, there is no real reason why any child in America isn't covered with some form of health insurance.

I commend the Senator from Rhode Island. This program was agreed to and accepted in a strong bipartisan way. As author, along with my friend from Utah, Senator HATCH, if we had just not provided this provision and let the States have a little more time to implement it, we would have a lot more children covered. This makes a great deal of sense. It is focused and it is a successful program. The point the Senator from Rhode Island makes is that it will ensure that hundreds of thousands of more children will be protected with health insurance.

I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, following on what the Senator from Rhode Island said, it is extremely important that we get it done immediately. This is a two-part problem. One is the $1.5 billion shortfall in this fiscal year, and the $1.6 billion in the second fiscal year. The States have the money. Since we did not put the program under Medicaid at the very beginning, States started at various rates. Some were faster than others. Therefore, not all the money has been used. Rather than return it to the Treasury where it can't help any child at all—we still have 8 million, or 10 million, or 12 million children who need to be insured. We need to do the short-term fix, which is what this colloquy is about. Then we need to get to a longer term fix in the Finance Committee. I look forward to working with Chairman GRASSLEY and Chairman BAUCUS to mark up a bill which will accomplish this objective on an annual basis, and then, of course, move on to the next logical step, which is to include the parent or parents of those same children.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to join in the colloquy that has just been held because it comes under the jurisdiction—or at least some of it—of the committee that I chair.

I thank my colleagues for their attention to this important children's health care policy. They are correct that something must be done to address the funds that have and will revert to the treasury in the near future. They are also correct to note the constraints within the omnibus bill. I strongly support the State Children's Health Insurance Program. It is a program that provides heath care for over 16,000 low-income children in my state.

Senators CHAFEE, SNOWE, and ROCKEFELLER are looking to address a necessary maintenance issue within S-CHIP. As Senator SNOWE noted, I worked very closely with Senator BAUCUS, Senator CHAFEE, Senator ROCKEFELLER, Chairman TAUZIN, and Representative DINGELL on a bipartisan, bicameral proposal that would have addressed expired S-CHIP funds.

The proposal reflected a balanced approach to redistributing S-CHIP funding taking into account that some states are spending through their existing allotments and other states are ramping up their programs and will need additional funding in the years to come.

This proposal did not pass the Senate last year, but it is a fair approach to redistributing S-CHIP funds. Unfortunately, I can not support including this policy at this time. The omnibus bill is a poor vehicle for this necessary maintenance.

I am sympathetic to the intent of this policy, although this is neither the time nor the place to address this issue. The Senate and the House have an agreement with the Administration to keep the omnibus appropriation bill under $750 billion. The S-CHIP policy costs over $1.2 billion in budget authority in 2003. An amendment of this nature would break that agreement and that is simply not acceptable. I appreciate Senator SNOWE's, CHAFEE's and ROCKEFELLER's willingness to accept this reality.

I assure my colleagues that I will work with them in the near future to update the S-CHIP redistribution policy in the near future as chairman of the Finance Committee. It my understanding that Senator NICKLES, the chairman of the Budget Committee, is also interested in a regular order approach and that he is interested in putting money aside in the budget to address the needs of S-CHIP.

With this in mind, I believe the most appropriate way to address this issue is to work with the Chairman of the Budget Committee, Senator NICKLES, to secure sufficient funding for this bipartisan S-CHIP proposal and then to address it in the Finance Committee. I will also continue my work with Energy and Commerce Committee Chairman TAUZIN, so the Senate and the House can move forward in a coordinated fashion.

I assure my colleagues that I will work with them once the budget resolution for fiscal year 2004 has been adopted to move legislation quickly through the Finance Committee that reflects a bipartisan, bicameral two-year agreement on S-CHIP.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. GRASSLEY. Yes.

Mr. NICKLES. Mr. President, I compliment the chairman of the Finance Committee. I will work with him. I tell the chairman of the Appropriations Committee, if these amendments had come up, we would have had problems. There were about three S-CHIP amendments. We will not do the amendments on the appropriations bill. We will work to try to make it possible to do them through the Budget Committee. If we did pass one, it would go over to the House, and the House—which did pass a budget, and they have exceeded their authorization—they would stop it. I think this is the best way to work. When we pass a new budget resolution, we will supersede last year's budget resolution. We will be able to do this in regular order through the Finance Committee.

I look forward to working with the chairman, and also Senator SNOWE, Senator COLLINS, Senator ROCKEFELLER, and others who have strong interests in trying to make sure these unexpended funds that are set aside for S-CHIP can be appropriately used.

Ms. SNOWE. Mr. President, I rise today to speak about the State Children's Health Insurance Program and to thank my colleagues for their willingness to work with me on restoring funding to this program that is essential to ensuring continued health care coverage for America's children.

For the past week, I have worked with my colleagues to secure this agreement that will restore $2.7 billion in expired, or soon to expire, SCHIP funding. This compromise, that has been endorsed by our Nation's Governors, would ensure that this funding remains in the program and continues to provide children with access to the care that is vital to their healthy development.

I appreciate the willingness of Majority Leader FRIST, Finance Committee Chairman GRASSLEY and Budget Committee Chairman NICKLES to work with us in developing this agreement. Because of their commitment to finding a solution, we are able to move forward with this important policy.

I believe this agreement is the most appropriate way to restore the SCHIP funding. Because the budget resolution adopted by the House of Representatives does not include adequate budget authority to restore this funding, the floor amendment that I filed to the omnibus appropriations bill would be subject to a budget point of order in the House. Given the that this point of order would lie against the provision, the likelihood that the House would strip this during conference is great. In light of these circumstances, I believe that this agreement is the most appropriate way to ensure that this funding is restored.

The agreement that was struck would, in exchange for withdrawing the amendments that my colleagues and I filed to the omnibus appropriations bill to restore SCHIP funding—provide the support of the majority leader and Chairman GRASSLEY and NICKLES to make necessary changes that will remove the budget hurdles that have prevented this legislation from being enacted.

Specifically, Senator NICKLES has provided his commitment to reallocate through the fiscal year 2004 budget process additional budget authority for SCHIP in fiscal year 2003 and fiscal year 2004. Senator NICKLES, I am confident that under your leadership, the budget process will move smoothly and expeditiously and that we will be able to speed the adoption of this proposal in both the Senate and House of Representatives.

Further, Chairman GRASSLEY has agreed to move this policy through his committee as soon as the necessary changes are made to the budget allocations. Again, under his strong leadership, I am confident that we will get this done.

Finally, Majority Leader FRIST has agreed to place the legislation on the Senate calender as soon as it is reported from the Finance Committee.

I might add that while I am aware that this agreement was forged in the Senate, the underlying policy proposal was developed through a bipartisan, bicameral process led by Senators GRASSLEY and BAUCUS last fall. I hope that the House of Representatives will work with us to make the necessary changes to the fiscal year 2003 and fiscal year 2004 budget allocations and to see this vital policy enacted in a timely manner.

Since 1997, States have made historic progress in their effort to insure low-income children under SCHIP. In fact, the National Center for Health Statistics just released data this month showing that the percentage of children 17 years of age and younger with health insurance has increased from 86.1 percent in 1997 to 91.2 percent during the first half of 2002. During this same period of time, statistics show the percentage of children insured by government programs, such as SCHIP, also increased to 27.2 percent. While these statistics are encouraging, a great deal of work remains if we are to address the critical issues of affordability and accessibility of health insurance, especially as they relate to health care for our children.

These compelling statistics reinforce the necessity that Congress must act to restore the expiring SCHIP funds. If we delay, we could jeopardize the substantial progress that has been made since 1997 in increasing the number of insured children in America. It is estimated that without restoration of this funding, almost one million children could lose health insurance coverage.

How it works it this, once passed, the policy would restore $2.7 billion in SCHIP funding that has either reverted to the Treasury or is scheduled to revert to HHS for redistribution. On October 1, 2002, $1.2 billion reverted to the Treasury in unspent SCHIP funding from 1998 and 1999. If we do not recapture this funding, it will be lost to the program. Our agreement allows the States to reclaim this unspent money and provides until the end of fiscal year 2004 to spend it on health insurance provided by SCHIP.

It also strikes a compromise between States that have spent all of their 2000 and 2001 allotments, and those that have not, by dividing the funding evenly between them. Those States that have not spent all of their allocations would be able to retain half of their funding, while the remaining States would receive additional allotments from the redistributed funding.

It also rewards those States that used Medicaid to expand access to health care for low-income children prior to the creation of SCHIP, by allowing them to access some of their SCHIP funding to serve this population. This compromise has the endorsement of the National Governors Association and children's health advocates from across the country.

In my home State of Maine, this proposal would allow the State to keep $13.4 million in SCHIP funding and would provide until the end of fiscal year 2004 to spend it. I do not know about your State, but in Maine $13.24 million will help provide health care assistance to a lot of children, children who otherwise would not have access to immunizations, well-baby visits and yearly check-ups.

While my colleagues and I have agreed to forgo the appropriations process as the vehicle to move this package, we certainly have not abandoned our effort to restore the funding. If fact, we are more committed then ever to seeing the SCHIP funding restored and have added the support of the majority leader and chairs of the Finance and Budget Committees. Adding their endorsement to this effort, which already has garnered strong bipartisan support, will help to speed its passage.

In closing, I wish to highlight a quote from Secretary Thompson when his agency released the positive new data I referenced earlier regarding the level of health insurance for children in our country. He said:

> More and more children are getting the health care they need, thanks in large measure to our success in working with states to expand health coverage through the SCHIP program. We are giving governors the flexibility they need to continue to expand coverage to more children, and our strategy is paying off for children and parents alike.

This strong endorsement of SCHIP should act as an impetus to getting this policy enacted and ensuring that we do so in a timely fashion. Again, I appreciate the support of my colleagues and look forward to working with you as we move forward to enact this policy.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time on the Kennedy amendment be 30 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. What was the request?

Mr. STEVENS. My request was that the time on the Kennedy amendment be 30 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I also ask unanimous consent that the time on any amendment be limited to 30 minutes unless specifically requested otherwise by myself or the distinguished minority whip.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I renew that request.

Mr. MCCAIN. I remove my objection.

Mr. STEVENS. The unanimous consent request is that the time on any amendment be limited to 30 minutes unless specifically requested otherwise by myself or the minority whip.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that on the Clinton amendment numbered 89 the time be equally divided and limited to 30 minutes, and that there be no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, on amendment No. 138 offered by Senator BINGAMAN, I ask unanimous consent that debate be limited to 30 minutes and that there be no second-degree amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I have included the Clinton amendment numbered 89 with 30 minutes equally divided; the Bingaman amendment numbered 138 with 30 minutes equally divided, and I would like to do the same on the Cantwell amendment.

Mr. STEVENS. I can't agree on the Cantwell amendment. We can agree on the others.

Mr. REID. Those two will be fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, staff has indicated that we were perhaps not clear on the Kennedy amendment. There would be no second-degree amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 123

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 123.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for reducing health disparities and promoting minority health)

At the appropriate place, insert the following:

SEC. . (a) IN GENERAL.—In addition to amounts otherwise appropriated in this Act, there are appropriated $584,646,000, of which—

(1) $43,492,000 shall be made available to the National Center on Minority Health and Health Disparities;

(2) $21,015,000 shall be made available to the Office of Minority Health of the Department of Health and Human Services;

(3) $15,334,000 shall be made available to the Office for Civil Rights of the Department of Health and Human Services for discrimination-related enforcement and allocated to enforcement actions and the investigation of complaints and potential violations of law relating to discrimination and racial disparities in health care;

(4) $491,500,000 shall be made available to the Department of Health and Human Services for research and activities under the Minority HIV/AIDS initiative; and

(5) $13,305,000 shall be made available to the Health Resources and Services Administration for Health Professions Training for Diversity programs.

(b) OFFICE OF MINORITY HEALTH.—The amount appropriated under subsection (a)(2), shall be made available to the Office of Minority Health of the Department of Health and Human Services to be used for activities including—

(1) to undertake, through and in collaboration with the Public Health Service agencies, a coordinated Federal initiative to reduce racial and ethnic disparities in health, particularly in the six focus areas of infant mortality, cancer screening and management, cardiovascular disease, diabetes, HIV/AIDS, and immunizations;

(2) to increase funding for minority health initiatives and collaborations at the multi-State, State, and local level that employ proven public health strategies to reduce health disparities in specific minority populations;

(3) to expand Federal efforts and assist States in the collection and analysis of health status data that includes standard racial and ethnic data;

(4) to conduct or support research on effective health interventions in minority communities;

(5) to assist in the development and dissemination of cross cultural curricula for the training of health professionals;

(6) to provide technical assistance to States to improve public health infrastructures and outreach for health disparity populations; and

(7) to sponsor National Forums on African American Health Care, Latino Health Care, Asian American Health Care, and Native American Health Care.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this is a health amendment. It is related to the broad disparities that exist in health care in our society, which recently the President of the United States has recognized, and also our majority leader.

I will take a moment or two to demonstrate these very significant health disparities. This amendment is intended to support and expand some of the existing programs which are in effect and a number of which have been cut very deeply in this omnibus appropriations bill, to restore funding to the appropriations, and then also to meet some of the current needs.

Just very quickly, we have nearly one in four African Americans and one in three Hispanics who are uninsured compared to 16 percent of all Americans. The mortality rate for African Americans is 1.6 times higher than for Whites, a ratio that is actually identical to the ratio in 1950. That has not changed since 1950—the last 50 years. The African-American infant mortality rate is twice that of Whites. Diabetes afflicts Hispanics twice as much as Whites. Minorities are less likely to get heart medicines or cardiac surgery or even essential pain medications. African-American men suffer prostate cancer twice as often as White men.

This is the reality. And I could go on. There are very dramatic and significant disparities. Take, for example, the health disparities in HIV/AIDS. This chart shows the rate per 100,000 of the population. It is 81.9 among Black Americans, 34.7 among Hispanics, 9.4 among American Indians/Alaskans. And it is 8.4 among the White population. There is a tremendous disparity.

What we have seen is that the minority HIV/AIDS initiative faces a devastating cut in this omnibus bill. It is an 85-percent cut. Do we hear that? An 85-percent cut.

In 2002, there was $381 million available for the initiative. In the omnibus, it is $50 million. This amendment would put it at $540 million. It would take the $380 million and adjust it to the increased demands we are facing.

It is absolutely intolerable that we have seen this dramatic reduction in terms of outreach for services, for prescriptions, for caring among minority populations. I think it is one of the glaring deficiencies of this particular program.

Before continuing, I must make a brief comment on today's Washington Post article on the front page where they say the AIDS panel choice wrote of a "gay plague"—a "gay plague." "Views of White House Commission Nominee Draw Criticism."

I would have thought, with all the debate and discussion we have had here on the floor, going back to the debate and discussion on Ryan White, and how we have debated and discussed the NIH budget and other issues relating to minority health, that we could have moved beyond this kind of serious stereotype of characterizing those with HIV or AIDS as part of a "gay plague." Most of us thought this country had gone well beyond that kind of horrible insensitivity. I believe this appointment should be withdrawn. It is an insult to gay Americans, to those who have worked so hard to treat people with AIDS with sensitivity and support.

Removing one individual is not enough. We must maintain and expand our commitment to deal with the disease. When it comes to AIDS in the minority community, this appropriations bill is missing in action.

This amendment also provides some assistance to the NIH Center on Minorities and Health Disparities to try to make sure that the center, which coordinates a national research agenda on minority health is going to be adequately funded.

It also provides a very small and modest increase in the HHS Office for Civil Rights. Many members of the minority community are being excluded from treatment, care, and attention. It is difficult to think that is the case, but that is happening all over this country. The HHS Office for Civil Rights has more than 1,000 complaints on its desk that are being unanswered. We provide a few million dollars, from $33 million up to $48 million, to be able to deal with this.

Finally, one of the most important provisions in all of this pertains to programs that are directed to try to help meet the deficiencies in training minority health professionals and support historically Black schools. I just want to point out that in the Clinton year of 2000, funding was $93 million; in 2001, it was $109 million; and in 2002, it was $115 million; but the Bush request for this year is $10 million—$10 million.

There has been an increase in the revised omnibus, but it still shows a blatant and flagrant failure to understand the serious problem in the declining numbers of minority health professionals. These series of programs and the centers of excellence that enable many minorities to make it to schools of professional training—in nursing, dentistry, and medicine—those programs would have effectively been closed down. And the scholarship programs which have been available to minority students effectively would have been drastically reduced.

It does seem to me, after all we have heard in the debates over the period of the last 2 weeks, on issues of affirmative action, on issues of civil rights, that the one area on which we could all come together is these extraordinary disparities in health care that have been out there. These are the same disparities that have been around for the last 50 years and, under this omnibus bill, programs that help to alleviate the disparities are being cut back or abandoned in a very significant and important way.

This amendment restores those funds and adds additional funding to it to make sure we have realistic levels of assistance to reduce disparities. It does seem that even though we have had debates that have been divisive over recent times, on issues of affirmative action and other judicial issues, we as a Senate ought to be able to come together and say that whether you are going to get care and attention on a particular sickness or disease should not depend on the color of your skin. That is what is happening.

Mr. President, I yield myself 2 more minutes.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, that is what is happening. In too many instances we are finding that those whose skin is not white are being denied medical care. They are being denied the services which are so essential to individuals to improve their kind of health conditions.

This is an area we can do something about. We will have broad debates on other kinds of policy issues, but in terms of reducing the disparities and having support for the tried and true programs, this amendment will advance that cause. I hope we can accept it and move on.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Does anyone yield time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and the time to be applied equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, this amendment by the Senator from Massachusetts would increase funding by nearly $600 million. It would increase funding for programs at the National Center on Minority Health and Health Disparities, the Office of Minority Health at the Department of Health and Human Services (HHS), the Office for Civil Rights at HHS, the Department's Minority HIV/AIDS initiative, and the Health Resources and Services Administration's (HRSA) Health Professionals Training for Diversity Programs.

I support these programs. In fact, many of these programs were established or authorized by legislation that I authored, including the Minority Health and Health Disparities Act of 2000 and the Health Professions Education Partnership Act of 1998.

However, this amendment provides no offsets for these spending increases. At a time when we are facing significant spending pressures, it is irresponsible to propose such spending without specifying how to pay for them; and, although I support and will continue to support these programs, I must oppose this amendment.

I would also note that the bill we are considering already contains significant increases in many of these programs, and I would commend Senators STEVENS and SPECTER for their good work in this area. In fact, for the National Center on Minority Health and Health Disparities and for the Office of Minority Health, the bill before us today contains exactly the same funding levels as the Democrats provided in their July 2002 Labor-HHS Appropriations bill.

In the case of Health Professions' programs in general, and the Health Professionals Training for Diversity program in particular, the bill already contains a drastic increase from that provided in the Democrats' July bill. For the Health Professionals Training for Diversity program that this amendment targets, I would point out that the underlying bill contains $125 million—an increase from the previous fiscal year—and that this program was zeroed out by the Democrats in July. For them to now say that we are not providing sufficient funding is disingenuous and disgraceful.

I am disappointed by this attempt to politicize an important issue that we have successfully worked in the past to address on a bipartisan basis. I have made this issue of health disparities a priority over the past several years, and hope that, together, we can make additional strides in an area of health disparities in the coming year.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. KENNEDY. I have 5 minutes remaining?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. I yield myself 2½ minutes.

Mr. President, I would like to call attention to the Labor-HHS appropriations conference report from FY 2002 on the Minority HIV/AIDS Initiative.

What it shows is the appropriations for HIV/AIDS health programs for FY 2002—$123 million for HRSA; $96 million for CDC; $7 million for SAMHSA/Center for Mental Health Services; $57 million for SAMHSA/Center for Substance Abuse Treatment; $38 million to the Center for Substance Abuse Prevention; $50 million for the Office of the Secretary; $9.7 million for the Office of Minority Health. That adds up to $381 million.

The Senate fiscal year 2003 omnibus appropriations lists $50 million for the Minority HIV/AIDS Initiative, Office of the Secretary. That is it. It is all listed in very considerable detail in this 2002 report. On the other hand, under this fiscal year 2003, minority HIV/AIDS has just the $50 million, Office of the Secretary.

This is extremely important. The 2002 conference report illustrates exactly where the funding has been directed and the support for it. That is completely missing in this proposal.

Our amendment addresses these issues and provides the kind of support which will make an important difference in reducing the disparities in health care in our society.

Having listened to so many who have spoken so often in the last several days on civil rights, there may be differences on one issue or another affecting civil rights, but we should all come together on this issue to address the disparities in health care which exist. We should go beyond our differences.

I reserve the remainder of my time.

The PRESIDING OFFICER. Does anyone yield time?

Mr. KENNEDY. Mr. President, I yield myself 1 additional minute.

What do these cuts mean? They mean 10,000 minority women and children, including HIV-infected pregnant women, will lose medical care under title IV of Ryan White; 11,000 minority patients in the hardest hit cities will lose lifesaving drugs and critical medical care through title I of Ryan White; another 5,000 minority patients will lose medical care funded through State governments under title II of Ryan White. These are just some of what will happen unless we make major changes in the omnibus appropriations bill, and my amendment does that.

I withhold my remaining time.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, this is an important program. As a matter of fact, the amendment I have offered provides $130 million more than the minority bill in the last Congress for these same programs. In addition, the amendment I have offered, the omnibus amendment, provides over $3.1 billion for minority health, education, and training initiatives which was not in the bill that was prepared in the last Congress when the leadership was on the other side of the aisle.

This $3.1 billion is an increase of $144.3 million over the level of fiscal year 2002, which is the operating level now.

Has the Senator's time expired?

The PRESIDING OFFICER. The Senator has 2 minutes 33 seconds.

Mr. KENNEDY. I have 2 minutes which I will use.

Mr. STEVENS. Would the Senator consider reserving his 2 minutes and have 2 minutes reserved on this side, and let's put this off? I know many people have left the building now for lunch. I would like to see this vote started at 1:15. At that time the Senator would have 2 minutes, and I would have 2 minutes before that vote. Is the Senator agreeable to that?

Mr. KENNEDY. That is fine.

Mr. REID. Mr. President, if the Senator would yield, reserving the right to object, it is my understanding what we are planning on trying to do—Senator CLINTON is in the Chamber, and she is willing to offer her amendment. There is 30 minutes on that which would take us until about 12:30. I understand Senator McCAIN is available.

Mr. STEVENS. It would be my hope, I say to the distinguished Democratic whip, that we would have a series of amendments stacked and start the votes at 1:15. A series of tabling motions, as a matter of fact, would occur at 1:15.

Mr. REID. My only statement here, in reserving my right to object, is that it is good we are stacking these votes. I have no problem with that. But I would rather we did it when the debate on the third one ends.

Mr. STEVENS. I don't have any objection to that. I think the third one will end when I make the motion to table.

Mr. REID. Let's do that. Let's have Clinton. Let's have McCain.

Mr. STEVENS. Two McCains.

Mr. REID. There are two McCains? OK, fine. We would do those and then have three stacked votes.

Mr. STEVENS. Clinton and two McCains, and we will have the vote take place at the end of the last of those.

Mr. REID. I think that is appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Is that agreeable with the Senator from Massachusetts?

Mr. KENNEDY. Would the Senator be good enough to repeat?

Mr. REID. We are going to have a series of votes starting at approximately 1:15, 1:30.

Mr. KENNEDY. I thank the leaders.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I have not yet made the motion to table because we have 2 minutes on a side. I will make it later. Is Senator CLINTON prepared to proceed now?

Mrs. CLINTON. Yes.

Mr. STEVENS. We will put off the McCain amendment until the Senator has offered the amendment.

AMENDMENT NO. 89

(Purpose: To improve health care under the medicare and medicaid programs)

Mrs. CLINTON. Mr. President, I call up amendment No. 89 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mrs. CLINTON) proposes an amendment numbered 89.

(The amendment is printed in the RECORD of January 21, 2003 under "Text of Amendments.")

Mrs. CLINTON. Mr. President, I rise to offer the 6-month Medicare and Medicaid extenders amendment No. 89 to H.J. Res. 2. The modified version of the amendment is at the desk. The modification assures that the cost of this amendment is fully offset by extension of the Customs user fee.

The current appropriations bill, like the extension of unemployment insurance we passed earlier, represents unfinished business from last year. We are dedicating so much time to deliberating this bill because we recognize our obligation to take care of issues we left unresolved in the last Congress. I stand before you today to discuss another obligation that we left unfinished. That is Medicare.

Virtually every Senator on both sides of the aisle has in the past expressed deep concern about the shortfalls of the Medicare system, particularly the lack of a long overdue prescription drug benefit.

Now, regardless of the many DSH solutions that have been proposed and debated, I think it is fair to say that all of us stand united in saying Medicare needs fixing. Now, does this amendment provide that long-awaited fix? No. But what it does do is effectively freeze Medicare in its 2002 state.

As badly as we all believe that Medicare was functioning last year because of the fiscal pressures, without action Medicare will be in even worse shape this year. Many of the Medicare and Medicaid provisions enacted in the Balanced Budget Act of 1999 or the Beneficiary Improvement and Protection Act of 2001 either expired at the end of fiscal year 2002 or will be expiring soon.

Last year, there was bipartisan interest, led by Senators GRASSLEY and BAUCUS, in addressing many of these ill-conceived cuts. But that effort was caught up and procedurally tangled at the end of last year, and many of the cuts we were trying to avert will now go into effect. I believe a number of these cuts, once implemented, will be very difficult to reverse. Yet because of procedural roadblocks, we won't be able to address them, despite the overwhelming bipartisan majorities in this body to fix these cuts and their impact.

This is policy by default and by neglect, not by deliberative democracy. My bill provides a 6-month moratorium on this Medicare cliff to prevent irreversible deterioration of services for beneficiaries while Congress completes the unfinished debate from last year over a more comprehensive Medicare reform package. The measures in this amendment—with the exception of the physician payment update, which lasts from March 1 to September 30—are scheduled to be implemented from April 1 to September 30, 2003, the exact same time period as the other rural hospital provision that is already included in the omnibus.

The specific measures of this amendment include an inflationary update for hospitals and a continuation of the workforce add-on for nursing facilities that are trying to maintain nurses in a time of shortage. It also delays the automatic 15-percent home health cut. It prevents cuts in dialysis services, and it helps stroke victims by continuing a moratorium on the $1,500 cap for therapy services.

This amendment would also assure that hospitals serving a disproportionate share of Medicaid and Medicare beneficiaries, including teaching hospitals, are not crippled or even have services basically shut down while Congress debates this issue. It assures that doctors who have suffered a 5.4-percent cut last year, and are frozen at last year's rate by this omnibus bill, would get a 2-percent increase from last year's unacceptably low levels. It also extends the QI Program, which I know my colleague Senator BINGAMAN is very interested in; that provides support for low-income seniors who would otherwise be unable to afford Medicare premiums. These seniors will be kicked off Medicare on April 1. Once they are kicked off, it will be hard to identify and reinstate them unless Congress extends their eligibility.

Medicare+Choice plans are also increasing their premiums, cutting benefits, and withdrawing services. I believe beneficiaries need protections against these health plan deductions and we should debate and pass these protections in the coming year.

In the meantime, I am troubled by reports of plans pulling out of markets and leaving beneficiaries stranded. As you can tell from this chart, until we can act to help beneficiaries, this amendment provides for a 3-percent increase, increasing the 2 percent already scheduled, which will hopefully prevent further pull-outs and the disruption they cause to the continuity of care.

So what would happen if we didn't do anything? Well, as this chart shows, hospitals are already struggling to keep up with rising health care demands while trying to invest in the latest lifesaving technology. They would lose roughly $1 billion, including over $100 million in New York alone. Medicaid DSH hospitals, which take care of a disproportionately high number of uninsured patients, would lose an additional $100 million.

Meanwhile, this chart shows the increasing amount of uncompensated care that hospitals are forced to provide. Let me say a word about physicians, many of whom were forced to limit their Medicare practice due to last year's cut. This will—if we don't act, if we only implement what is in the omnibus bill—continue to bring about limitations in practice and decrease the numbers of patients who are served.

Skilled nursing facilities already facing worsening nursing shortages would lose $700 million. That amounts to about $32 per day per resident. And for the average nursing facility, this amendment amounts to about a $117,000 annual cut. That is enough to pay for two registered nurses, three licensed practical nurses, or five certified nursing assistants.

Home health agencies, which are so critical in allowing patients to be taken care of at home rather than in expensive inpatient facilities, would lose $500 million. These are just a few of the providers who form the fabric of our seniors' health care system. If we allow the fabric to fray, it will be much harder to weave it together again. As this chart shows, the fabric is already framed. Over the past year, I have talked to numerous providers from New York and from other States who are just on the brink of halting services, not only to Medicare patients but actually going out of business altogether. The common refrain I hear is that once these providers leave the Medicare system, they are not coming back, even if an eventual long-term solution is found. In other words, it is far easier, and I argue far cheaper, to preserve our current system and then strengthen it later than to allow the current system to be destroyed with the hope of rebuilding it in the future.

When a critically ill patient comes into the emergency room, he is first seen in the ER, stabilized, then sent to surgery, if required. Why? Well, we all know from watching television that the ER physician knows that surgery will take a while. If immediate measures are not taken, the patient could die before the surgeon can even begin operating.

What we have with Medicare right now is a critically ill system, one which I know requires major surgery in the very near future to transplant the dying patient into once again a live and vigorous one. But until we are ready to do that operation, we need to take immediate action to stabilize the system and prevent it from collapsing before we are able to act.

This amendment will act as that stabilizer, will give us time to undertake the long-term task. I therefore urge my colleagues to support the amendment. Continued inaction will leave Medicare so irreversibly damaged that even the best healers among us will be unable to revitalize it. I look forward to stabilizing our patients and getting on to debating the right cure.

Mr. SCHUMER. Will my colleague yield for a question?

Mrs. CLINTON. Yes.

Mr. SCHUMER. Mr. President, I am happy to cosponsor this amendment. I will ask the Senator a question. We in New York—and I think it is true throughout the country—are seeing that our providers, whether they be hospitals or clinics or home health care, are laying off people and are not able to do the job anymore that they once did. There is no more fat in the system. We cut that out in New York in the 1980s, and then we did it further federally in the 1990s.

Aside from the No. 1 job, which is to provide the best health care possible to our seniors and others, aren't our cutbacks in New York and elsewhere causing the economy to go down even further because of the layoffs of many people? These are some of the poorest citizens—people who just climbed the ladder, with health care jobs, particularly at the entry level, which are important to immigrants and so many others. Doesn't she believe her amendment might have a small stimulative effect on the economy, and, conversely, not doing this amendment and allowing the cuts to go deeper would hurt our economy throughout the country?

Mrs. CLINTON. The Senator is absolutely correct. Health care is a primary provider of jobs in every State that I know of and certainly in the cities across the country. Our hospitals, nursing homes, home health programs, physicians offices are all providing employment. That is why it was so important that we tried to address this last year. We could not get past the procedural roadblocks, despite the best efforts of Senator GRASSLEY and Senator BAUCUS. I supported their proposals. Now we have to act because we are on the brink of an emergency.

I want to make sure that the modified version of the amendment with the offsets we have found is at the desk because there seems to have been some confusion.

Mr. DORGAN. Mr. President, will the Senator from New York yield?

Mrs. CLINTON. Yes, I will yield.

Mr. DORGAN. Mr. President, I say to the Senator from New York, it is not a question of whether we address this issue; it is a question of when and how. This is a very serious issue. It has a profound impact especially on rural hospitals but on all hospitals and all facilities that provide patient care. This Congress has to address this issue.

I really appreciate the amendment the Senator has offered. I hope perhaps we can begin the process of addressing it today. If not, it has to be soon.

Mrs. CLINTON. I thank the Senator from North Dakota. Clearly, if we do not act, doctors are going to start pulling out of Medicare in a month. Then we are going to have the rapid unraveling of the system, which we all fear. It is going to be much harder to put it together under the leadership of Senator GRASSLEY and others who are addressing this issue.

Mr. NICKLES. Mr. President, will the Senator from New York yield?

Mrs. CLINTON. Yes.

Mr. NICKLES. I heard the Senator mention a modification, but I have not seen it yet. I am concerned in reading page 15, section 302, about budget scorekeeping, that the Senator is modifying the Budget Act or trying to waive the Budget Act.

Mrs. CLINTON. The Senator is correct to point that out. That is not in the modified amendment. I apologize; the Senator has not gotten a copy of the modified amendment.

Mr. NICKLES. For the Senator's information, none of us has a copy of the modification. This Senator, for one, is going to be very reluctant to agree to anything if we are modifying the budget or waiving the budget.

Mrs. CLINTON. No.

Mr. NICKLES. I warn my colleague, she cannot be throwing up a modification and saying we want you to accept this when the amendment deals with substantive issues. The amendment deals with entitlements, with issues that are under the Finance Committee jurisdiction. I have made five speeches saying we should not be doing authorizing work on an appropriations bill without the appropriate committees having significant time to review the bill.

Mrs. CLINTON. Mr. President, I agree with the Senator. As the Senator knows, as often happens around here, we have been working very closely with staff of the Finance Committee. Many of these provisions have been modified, and also we were able to fully offset the costs by extension of the Customs user fee, knowing full well that is a concern of many of my colleagues with respect to how this would be paid for. I will take the position it is such an emergency that we should find new money, if necessary, to give us the time to do this in a deliberative manner. But we do have the offsets, and the modified amendment provides for those offsets.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mrs. CLINTON. Yes.

Mr. DURBIN. Can the Senator tell me whether this amendment addresses the indirect medical education cost issue?

Mrs. CLINTON. The teaching hospitals will certainly help defray some of the increasing costs that are not going to be taken care of otherwise.

Mr. DURBIN. Mr. President, I say to the Members of the Senate, I hope they have listened carefully to their hospital administrators across their States, particularly at teaching hospitals which we count on to deal with some of the most complicated medical cases that are presented, and also hospitals that are responsible for teaching the next generation of specialists, including children's hospitals.

If the Senator from New York does not prevail, I can tell her that in my State of Illinois, some of the very best and most important care will be compromised, and we will see the next generation of doctors who we want to be the best and brightest in America not being prepared. How can that be in the best interest of medical care in Illinois, New York, Iowa, or Oklahoma?

I salute the Senator from New York. We have talked about a lot of amendments to this appropriations bill, but I wish to ask the Senator in closing——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. DURBIN. Does she believe, with the offset she has come up with, that we have avoided any budget complaints that this bill is not being paid for?

Mrs. CLINTON. The Senator's question is absolutely pertinent. We worked very hard through the night addressing that point. I have been informed by my staff, in consultation with the Finance Committee staff, that the amount is offset. Clearly, as I have said, I think this is such an emergency that we should spend new money, but we do have such an offset.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if there is a question before the Senate, I do not want to interfere.

Mr. NICKLES. Mr. President, for the information of my colleagues, correct me—parliamentary inquiry—I do not believe there has been a modification agreed to.

The PRESIDING OFFICER. There has not.

Mr. NICKLES. The modification has a tax increase to pay for it, I understand that, but that may have some problems in itself. I want all of our colleagues to know the amendment has not been modified as of yet.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the modified amendment be accepted at the desk and be considered.

Mr. KYL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to pose a question to the Senator from New York, if I may. Do I understand the offset is with Customs user fees; is that correct?

Mrs. CLINTON. Yes.

Mr. KYL. Mr. President, I object because the Customs user fees would be one of the worst offsets we could provide, given the obligations of the Homeland Security Department with Customs security at our borders.

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have time.

Mrs. CLINTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. CLINTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have time.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is my understanding I have 15 minutes.

The PRESIDING OFFICER. The Senator has 13½ minutes.

Mr. GRASSLEY. Mr. President, I yield myself 5 minutes, and then I will yield Senator KYL 5 minutes.

I want my colleagues to reject this amendment. I, like the Senator from New York, agree we need to strengthen and improve Medicare, and I proved that last year with a bipartisan bill on Medicare give-back. Working with Senator BAUCUS, we put together a $43 billion bill that would have improved health care in rural America and address many of the issues the Senator from New York wants to address as well.

While I support addressing the needs of all Medicare providers, I cannot support doing it in this way in the amendment being proposed. We have to do this in a comprehensive, studied, and targeted way.

Everyone agrees that Medicare needs improving, and most of us would agree that Medicare payments need to be updated, but we do not have agreement on how that should be done. Some, including this Senator, believe that at least some providers need more money, but other Senators who might disagree with me say that providers are doing well and that their funding should be reduced.

Even very recently, we had the nonpartisan Medicare Payment Advisory Committee last week make recommendations to Congress calling for reductions in some provider payments.

I do not take these recommendations as gospel truth, and they are not going to govern my decisionmaking, but I believe we have a responsibility in the Finance Committee to examine all of these issues closely. More important, the only way we get anything done in this body is by a bipartisan approach. So we have to build a consensus before we pass a one-size-fits-all policy such as the one before us. I believe the place to do that is the Finance Committee. We will do our homework. That means listening to providers, beneficiaries, and experts to craft payment adjustments that ensure access to services for Medicare beneficiaries.

I will certainly ensure that the Finance Committee consider my colleague's proposal. The two Medicare provisions in this omnibus bill are limited in time and duration. They target the cases with the most widespread support—physicians as well as rural and small urban hospitals—while we can do it. These two items stand the best chance of being preserved through conference and in negotiation with the White House.

If this bill turns into some sort of Christmas tree for additional health care provisions, then the reality is that these provisions are likely to come out of the bill entirely, and we will not be helping anybody. Consequently, particularly doctors are going to have to wait until spring or summer. Let's not let the best be the enemy of the good.

That is why I suggest we keep with the compromise in the bill and expect our committee, which we will do, to bring forth recommendations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, to inform my colleague from New York, at least at this point I have not decided to object to a unanimous consent to modify her amendment, but I am concerned about the amendment. I am concerned about the modification, of which I have just now received a copy. I think I have the first copy on this side of the aisle.

These are entitlement changes. They are expensive and they affect a lot of people.

I will also tell my colleague from New York, there are a lot of us who have a lot of interest in a whole lot of these provisions. Being on the Finance Committee, I have worked with a lot of provider groups that have an interest in Medicare modifications and updates. This should go through the Finance Committee, and it should be bipartisan. Ninety-some-odd percent of the Medicare adjustments that have ever been made since Medicare's inception have been bipartisan.

I might mention that when I read language we are going to waive the budget and/or now we are going to raise taxes, that is not bipartisan; that is not working together.

I reserve the right to object on the modification, but I say to my colleagues, this is the type of bill that should have regular order, should go through the committees, should be bipartisan through the committees, with input from all members of those committees, instead of being on an appropriations bill where we have not had a chance to thoroughly analyze it to a greater degree.

I think we have some mutual objectives that can be accomplished in short order, but I do not believe this is the right way to do it today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. How much time do I have remaining?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. GRASSLEY. Okay. I yield 5 minutes to the Senator from Arizona and then 3½ minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I have already objected to the modification of the amendment because it includes an offset of U.S. Customs Service fees. I have talked to the Senator from New York about my commitment to try to find a way in the Finance Committee to develop a plan very early in this year to find the reimbursement capability for the health care providers that are included within her amendment because I have in the past cosponsored legislation which would provide for adequate reimbursement to all of the health care professions.

To set the record straight, we have ensured in this legislation that the cut that was going to take place in physician reimbursements will not take place. Additionally, there is funding for the rural hospitals. That will be done because those were the emergency requirements that we deal with in this legislation.

In addition to that, the add-ons to the reimbursements to all of the other providers that are the subject of the amendment of the Senator from New York are set to expire. It is my intention to work with the Senator from New York to find a way to ensure that we can continue those add-ons. That can be done in the Finance Committee, and I am hopeful we will be able to do that.

The first point I want to make is that the true emergency—the physicians—is being taken care of in this legislation. The expiration of the add-ons is something I will work on with the Senator from New York to try to accomplish, but we cannot do it by offsetting Customs user fees. At a time when we are asking the Customs Department to aid us in the war on terror at our borders and they are stretched as thin as they can possibly be stretched, it would be the absolute wrong thing to do. In talking with the Senator from New York, I am sure she agrees that if this is, in fact, what would happen, this would not be a necessarily good thing, that the funding that ordinarily would accrue to the Customs Service would not necessarily accrue to the Customs Service if an offset is permitted for this particular program.

I will quote two things from a statement before the Terrorism Subcommittee last year. Bonni Tischler, the Acting Director of the Customs Service, testified, and I will quote a couple of things she said. I asked her about the effect of an offset on Customs user fees. She said: My personal opinion is it would severely hamper us.

Later on she said: Yes, we would be severely hampered in how we operated.

Then in a letter from the Customs Service from the Acting Commissioner which was sent to all of us—it was actually a memorandum from the Under Secretary for Enforcement—the point was that it would negatively impact the available funding from the Customs Service.

I think my bone fides are pretty good. I helped to defeat a proposal of my chairman, Chairman GRASSLEY, which was also going to be using the Customs user fees as an offset. This is the wrong way to achieve what may well be good objectives, and therefore I was constrained to object.

We are all in agreement that we cannot allow the reimbursements to physicians to be cut in March. We are taking care of that in this legislation. In addition, we should try to find ways to prevent the add-ons, or the other health care providers, from not continuing to be in effect throughout the next year. It is my commitment to try to work with the Senator from New York in a way to ensure that happens as part of the Finance Committee deliberations probably on the Medicare legislation.

Mr. REID. Mr. President, I understand the Senator from Iowa, Mr. GRASSLEY, controls the time; is that right?

Mr. GRASSLEY. The Senator from Arizona used his 5 minutes, and I have yielded 3½ minutes to Senator SANTORUM.

Mr. REID. I ask for 30 seconds.

Mr. GRASSLEY. Of my time?

Mr. REID. Yes.

Mr. GRASSLEY. If it is not more than 30 seconds and we can get the show on the road, let's do it.

Mr. REID. I say to everyone on that side of the aisle, we are going to have a vote on this amendment one way or the other. It is not that hard to do. So I think rather than having two votes, we should have one. I suggest that as the votes have gone in the last week or so, they have not been too favorable for us, and I do not know what the fear is of having a vote. We are going to have a vote sometime today. I thank the Senator very much for the 30 seconds.

Mr. GRASSLEY. I yield the remaining time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senator from Iowa. I take this opportunity today to keep the Senate updated as to the "spendometer" that is flying now at a very high rate of speed as a result of the last few amendments. We have been going through all the different amendments, and now they are at such a level I will not detail them all, but as of the last time I spoke with this chart, we were at $341 billion. That was yesterday at about this time. So within a 24-hour period, we have gone from $341 billion added to the deficit, with the inclusion of the amendments that have yet to be voted on—which are the Clinton, the Kennedy, the Cantwell, and the Bingaman amendments—with those votes we will be almost to the grand total of a half a trillion dollars in new spending being proposed over the next 10 years by Members on the other side of the aisle.

These are additions to the baseline which CBO will score as an amount that will be added to with inflation, plus the interest costs of carrying this additional deficit.

So when we hear the other side talk about how we cannot afford any relief for the taxpayer, we cannot afford any economic stimulus package because we will add to the deficit, this is money they want to add to bills that should have been passed 3 months ago.

In a matter of a month or two, we will consider the 2004 budget. I suspect we will see amendments probably double or triple this amount to add to the 2004 budget on top of what they wanted to add to the 2003 budget. We are looking at an enormous expansion of Government that has been voted on almost unanimously by the Members on the other side of the aisle. Some of them, I agree, have been voted by us and I condemn us for the ones that we have voted for, but they have been rather small amounts of money.

I argue that we are heading down a path of Government growth in spending that is simply not sustainable in this economy, and we need to focus on growing the economy, not growing Government.

This is a fundamental difference between the two sides of the aisle. We are about growing the economy through putting more money out in the private sector. They are about growing the Government in the last week to the tune of almost a half trillion dollars in new spending over the next 10 years.

That is fine. If they want to go out to the American public and say we think the answers to the economic woes this country is suffering are going to be met with more Government spending to the tune of a half trillion dollars over the next 10 years, go out and make the case, but do not make the case that we do not have money to help this economy grow because we are concerned about deficits.

No one who proposes half a trillion dollars in new spending—and, by the way, votes for it almost unanimously—can make a legitimate claim that they are worried about deficits. One cannot be worried about deficits and vote unanimously, almost to a person on the other side, for almost half a trillion dollars in new spending over the next 10 years. It is inconsistent. It is not honest.

Let's be consistent. We are either for more spending, we are for higher deficits, or we are for growth in the economy. That is the difference between the two parties. Let's face the facts.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa retains 20 seconds.

Mr. GRASSLEY. Mr. President, I yield back the remainder of my time.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I enjoyed very much the speech of my colleague from Pennsylvania, but it has almost no relevance to what is going on here at all. It was good for the amusement of the Chamber, but those numbers bear no relationship to the amendments that have been offered.

The Senator from Pennsylvania adds up some tote board scoring of costs that bear no relationship to the amendments on which we voted. These amendments were not spending for 10 years. These amendments were to restore cuts that have been made in the budget for this year. This does not have anything to do with spending for 10 years from now, or 5 years from now. So all those cumulative totals bear no relationship to what has occurred in the Senate.

The concern with deficits of the Senator from Pennsylvania is interesting, but it is a change for him because he supported the massive tax cuts that have opened up this chasm, where we have gone from a projection 2 years ago of $5.6 trillion of surpluses over the next decade to now being $2 trillion in the hole. Where was he in his concern for deficits then?

The assertion that each of these items that have been voted on can be totaled is erroneous as well. We cannot just take each of these amendments, every one of them which has been defeated, and total them. One amendment is offered, it is defeated. That money cannot be treated as though it has been spent. That is what the Senator from Pennsylvania has done. It defies logic. It defies reason. It defies the facts.

These amendments were not offered in total. They were offered one at a time. As they were defeated, another amendment was offered. So you cannot total them. And you certainly cannot make 10-year totals from any of them because they are 1-year pending proposals.

I am happy to yield to my colleague.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. If I might ask a question, it has been interesting to hear this discussion. I saw the tote board.

Mr. McCAIN. What is the regular order?

The PRESIDING OFFICER. It is the understanding of the Chair, based on previous conversations, that we were to proceed with the Senator from Arizona and the offering of his amendment.

Mr. CONRAD. If I might ask the Chair, the Senator from North Dakota sought recognition, was granted recognition, the Senator from North Dakota still has the floor; is that not the case?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. That is correct. And I have yielded to my colleague, the Senator from North Dakota, for a question.

Mr. DORGAN. If I might ask a question, the discussion was quite interesting. I will be very brief.

Our colleague said our position is to grow Government. I am wondering if growing Government would be something that occurs as a result of proposals that dramatically increase the Federal deficit. Is it the case that those who would propose and support policies that dramatically increase the deficit, such as a $1.7 trillion tax cut or $690 billion tax cut, all of which is borrowed, is it the case that would target the growth of the economy?

Mr. CONRAD. Mr. President, deficits inhibit growth and hurt the economic strength of the country. That is undeniable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 214

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The amendment is numbered 214.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 214.

Mr. McCAIN. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require completion of the feasibility study required by Public Law 105-245, and the other requirements of that law relating to construction of an emergency outlet at Devils Lake, North Dakota, before any appropriated funds are spent for the project)

On page 262, beginning with "That" in line 2, strike through "State," in line 24, and insert "That the Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River except that the funds shall not become available until completion of the feasibility study required by Public Law 150-245, for the continuation of which the Secretary may use $500,000 of such funding, and except that the funds for such construction shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects: *Provided further*, That the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission.".

Mr. McCAIN. Mr. President, as soon as the Senator from Minnesota arrives in the Chamber, I intend to propose a time agreement so we can dispense with this amendment. I would like to consult with cosponsors before we do. I don't think this issue needs to be debated very long. But I will propose a time agreement very shortly.

I offer an amendment to a provision of a bill regarding a project to construct an outlet in Devils Lake, ND. The project is very controversial and its impact extends well beyond North Dakota into Minnesota, Missouri, and Canada. I am pleased to be joined in support of this by Senators DAYTON and COLEMAN.

The outlet from the landlocked lake allows contaminated water to flow into neighboring waterways, causing the introduction of invasive species.

I ask unanimous consent to have letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH; MINNESOTA CENTER FOR ENVIRONMENTAL ADVOCACY; NATIONAL AUDUBON SOCIETY; NATIONAL WILDLIFE FEDERATION; SIERRA CLUB,

January 22, 2003.

Re McCain-Dayton Devils Lake Amendment to the Omnibus Appropriations Bill.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of our conservation organizations and the millions of members and supporters we represent, we urge you to support the McCain-Dayton Devils Lake amendment to the Omnibus Appropriations Bill for FY 2003. That amendment would remove an anti-environment, antitaypayer rider authorizing the Devils Lake "Emergency" Outlet project in North Dakota. The rider waives the standard requirement that the project's benefits must exceed its costs and changes current law to weaken international consultation requirements with Canada.

Far from a parochial state issue, the rider would authorize a bad precedent-setting out-of-basin water transfer and a key element of North Dakota's longstanding and highly controversial Garrison Water Diversion Plan. The States of Minnesota, Missouri, and the Great Lakes Commission all oppose the Devils Lake project. So too do the Canadian Government and the province of Manitoba.

The Bush Administration did not request any funding for the Devils Lake outlet and the Army Corps of Engineers has delayed issuing a Final Environmental Impact Statement for the project, citing the need for additional analysis of the project's environmental impacts in the U.S. and Canada. The Corps has also calculated that the project benefit/cost would only generate 37 cents of benefits on the dollar based on the region's hydrologic record.

Because Devils Lake has no natural outlet, it contains high concentrations of salts, dissolved solids and other pollutants. Pumping the lake water into the Sheyenne River, which flows to Minnesota and Manitoba, would take a dramatic toll on water quality downstream—with serious impacts on people, wildlife and the environment that could reach through the Red River to Lake Winnipeg and as far as the Hudson Bay.

Far from an "emergency," the water level of Devils Lake has actually declined over the last two years. In addition, taxpayers have already spent more than $350 million on mitigation, including buying out affected property owners around the lake. This project is not authorized and has not been reviewed in hearings before the Senate Environment and Public Works Committee. When considered through the proper channels, it will become clear that there are far better and less expensive solutions, such as restoring wetlands around Devils Lake, than transferring its water out of basin.

We urge you to support the McCain amendment, which would preserve a legitimate planning process for the Devils Lake project, honor our international treaty obligations to Canada, and protect wildlife and the environment and the affected communities in Minnesota's Red River Valley.

Sincerely,

Sara Zdeb, Legislative Director, Friends of the Earth; Peter Bachman, Executive Director, Minnesota Center for Environmental Advocacy; Bob Perciasepe, Sr. Vice President for Policy, National Audubon Society; Jim Lyon, Senior Director for Congressional and Federal Affairs, National Wildlife Federation; Debbie Sease, Legislative Director, Sierra Club.

Mr. McCAIN. The Canadian Government is so concerned that it was a leading item in recent talks between President Bush and the Prime Minister of Canada.

The provision authorizes $5 million for construction and a total of $100 million for the Corps of Engineers to have completed their feasibility study or environmental review. In fact, the Corps has indicated they do not believe the outlet would accomplish the purpose for which it was intended.

There is a letter from the Canadian Ambassador addressed to the Honorable BILL YOUNG, chairman of the Appropriations Committee that. I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CANADIAN EMBASSY,
Washington, DC, March 8, 2000.

Re Devils Lake Supplemental Appropriation.

Hon. BILL YOUNG,
Chairman, Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that you will soon be considering the Administration's request for $6.6 million in emergency supplemental funding for preconstruction activities related to the Corps of Engineers' proposed construction of an outlet from Devils Lake, North Dakota, to the Sheyenne River. I am writing to express the strong opposition of the Government of Canada and the Province of Manitoba to a project that could lead to transfers of water, potentially carrying non-native biota, including fish diseases, from Devils Lake into the Red River and Hudson Bay basin, a result that the International Joint Commission concluded in 1977 could have "irreversible and catastrophic" consequences for Manitoba's commercial fishing industry.

While Canada sympathizes with North Dakota's problems with Devils Lake flooding, it cannot agree to a solution that poses a genuine threat to Canadian water resources, as well as to those of other states. There are alternative, internal solutions available to North Dakota, including the construction of additional flood protection works and the pursuit of upper basin storage approaches. Canada urges that additional funds not be provided for the Devils Lake outlet project unless and until all of the issues it raises are thoroughly addressed through studies repeatedly mandated by Congress, and following meaningful consultation with Canada under the 1909 Boundary Waters Treaty.

There is little question that an outlet to the Sheyenne River from Devils Lake would adversely affect water quality in the Red River (into which the Sheyenne flows), due to the high level of total dissolved solids, sulphates and bioaccumulation of mercury in Devils Lake water. The initial work done by the Corps of Engineers has raised serious doubts about the possibility of operating an outlet in compliance with existing US water quality standards. Water quality in the Red River at the point where it flows into Canada has already failed to meet established objectives, according to the International Joint Commission. Additional, poor quality water from Devils Lake would require municipalities which use the Red River as their drinking water source to increase their level of treatment, and incur increased costs.

Although the US Fish and Wildlife Service's preliminary review in May 1999 did not address the impact of an outlet on the Red River, it concluded that "the combination of high total dissolved solids (TDS), sulfates, and chlorides (plus unknown levels of other toxic or harmful constituents) would likely devastate the freshwater aquatic life in the Sheyenne River." The US Fish and Wildlife Service also concluded that the "introduction of Devils Lake water into the Sheyenne River will significantly degrade water quality, increase erosion and sedimentation, and result in conditions detrimental to aquatic mollusks, such as freshwater mussels, pill clams, and snails." We understand that these concerns are shared by the Minnesota Department of Natural Resources and contribute to opposition to the outlet from Governor Ventura and Senator Wellstone.

In addition to the impact on downstream water quality and its effect on aquatic species, Canada is especially concerned about the potential transfer of unknown biota from Devils Lake to the Red River. While there is some knowledge of the large fish species, very little is understood at this time about microscopic organisms in either system such as fish pathogens, viruses, etc. As you know, there are many examples of prior man-made connections between major watersheds causing severe regional and international problems because of biota transfer, including the introduction of the sea lamprey into the Great Lakes, the spread of zebra mussels to dozens of states, and the invasion by round gobies (which are displacing perch in Lake Michigan) of the Mississippi River and Missouri River watersheds. Zebra mussel management in the Great Lakes alone costs over $3 billion per year. President Clinton recognized the seriousness of this national problem last year in his Executive Order on Invasive Species. If a Devils Lake outlet to the Sheyenne River is constructed, it will provide a permanent route for existing and future non-native biota to move into the Hudson Bay basin.

From a technical standpoint, there is serious doubt that an outlet with the proposed capacity would have any demonstrable effect on the level of Devils Lake. After thorough review, the Corps of Engineers announced in a June 1999 press release its conclusion that an outlet is not the necessary or appropriate solution, at this time, and recommended a review of alternatives. Restoration of drained wetlands is one possibility. As Devils Lake has no natural outlet, its high levels may well have been exacerbated by the amount of run-off from drained wetlands in the basin.

If the proposed outlet is nevertheless constructed and found ineffective, this could result in pressure to increase the flows, thereby increasing the volume of water flowing into the Red River and Hudson Bay basin, and exacerbating future flooding and water quality problems in both the United States and Canada.

Of critical concern to Canada, Manitoba and US opponents of the outlet is the link between the Bureau of Reclamation's Garrison Diversion Unit and the stabilization of water levels in Devils Lake. It is well known that water level stabilization in Devils Lake was one of the original goals of the Garrison project. Public statements by both local government officials in the Devils Lake basin and by the North Dakota congressional delegation clearly indicate that this has been their long-term goal. While gaining an outlet to Devils Lake is their immediate objective, once water levels recede naturally following the end of the present wet cycle—as they have historically—their next goal will be to create an inlet to raise the lake level using water diverted from the Missouri River. It is important to note that less than ten years ago, North Dakota was examining proposals to construct an inlet to Devils Lake from the Missouri River because of concerns with low water levels. This objective has remained evident in State of North Dakota literature on the Garrison Diversion and on Devils Lake. This raises once again Canadian and other concerns over inter-basin biota transfer that caused such controversy over the Garrison Diversion before the 1986 Reformulation Act.

The potential for imminent overflow of Devils Lake to the Red River basin in minimal. U.S. federal agencies had concluded in

1999 that, even with the previous rate of lake level increase, such an overflow would not occur naturally for another 10–18 years, and that planning for such an event would not have to begin for another five or six years. This year, it is predicted there will be a decrease in level for the first time in several years, further supporting that conclusion. This allows sufficient time for serious and thoughtful examination of all potential alternatives and a thorough assessment of environmental impacts.

For all these reasons, Canada is very concerned that the Corps of Engineers has proposed in its Supplemental Fiscal Year 2000 request, and in its request for Fiscal Year 2001, the deletion of language contained in the last several Energy and Water Development Appropriations Acts that requires a showing of an emergency need and economic justification before construction can proceed. Canada urges that those restrictions, which among other things require compliance with U.S. environmental laws and obligations under the Boundary Water Treaty of 1909, remain intact.

I would be pleased to respond to any questions you may have regarding Canada's position on the Devils Lake outlet or the Garrison Diversion project.

Yours sincerely,

RAYMOND CHRÉTIEN,
Ambassador.

Mr. MCCAIN. In part it reads:

> While Canada sympathizes with North Dakota's problems with Devils Lake flooding, it cannot agree to a solution that poses a genuine threat to Canadian water resources, as well as to those of other states. There are alternative, internal solutions available to North Dakota, including the construction of additional flood protection works and the pursuit of upper basin storage approaches. Canada urges that additional funds not be provided for the Devils Lake outlet project unless and until all of the issues it raises are thoroughly addressed through studies repeatedly mandated by Congress, and following meaningful consultation with Canada under the 1909 Boundary Waters Treaty.
>
> From a technical standpoint, there is serious doubt that an outlet with the proposed capacity would have any demonstrable effect on the level of Devils Lake. After thorough review, the Corps of Engineers announced in a June 1999 press release its conclusion that an outlet is not the necessary or appropriate solution, at this time, and recommended a review of alternatives. Restoration of drained wetlands is one possibility. As Devils Lake has no natural outlet, its high levels may well have been exacerbated by the amount of run-off from drained wetlands in the basin.

I have had extended conversations with both Senators from North Dakota. I do not claim to have extensive education and expertise on this issue. I think it is serious when we have these concerns by Canada and neighboring States and there is not a cost-benefit analysis.

My friends from North Dakota point out that it is under the way in which that cost-benefit analysis is conducted. With a basin such as this, that catches water and does not release water, as happens in the case of rivers, this is very difficult, if not impossible, to do. I still believe we should be able to fashion some kind of formula to find out what the cost-benefit ratio is.

I also point out that, thanks to the good efforts of the Senators from North Dakota, $350 million has been spent in the last several years, raising highways and relocating individuals who live in proximity to Devils Lake.

There are concerns raised. I think the concerns are serious. I also assured my colleagues from North Dakota that I will send my staff out to North Dakota.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I will be glad to yield.

Mr. STEVENS. Will the Senator entertain a time agreement now?

Mr. MCCAIN. I would like to wait, if it is agreeable to the Senator from Alaska. I understand the senior Senator from Minnesota is on his way. If you could give me about 3 or 4 minutes?

Mr. STEVENS. All right. Thank you.

Mr. MCCAIN. The senior Senator, as well as the junior Senator, from Minnesota, have views on this issue. I would not like to enter into a time agreement until such time as they at least are consulted. But I am sure they would be agreeable to a reasonable time limit.

I did discuss with my colleagues from North Dakota that I sent staff out to Devils Lake to further look at this situation. I understand and appreciate their long involvement—I understand 9 years—in this issue. I would be more than willing to learn more about this issue.

At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I thank our colleague from Arizona for taking the time to listen to our concerns, because this is a disaster of staggering proportion in our State. Let me just say it is the unanimous view of every elected official in the State of North Dakota, every single one, Republican and Democrat, that we must deal with this unfolding crisis.

Here is what has happened to this lake. This lake, by the way, is three times the size of the District of Columbia. This is a massive lake. It has risen dramatically, some 26 vertical feet, since 1992. It started rising then and, as you can see, it has been straight up since then. This is a flood unlike any other in our Nation's history. The reason for that is that there are only two closed basins in the entire United States. The drainage basin for this lake is the size of the State of Massachusetts. This lake, if it continues uncontrolled, will reach the size of the State of Rhode Island. That is not just conjecture. That has happened two times in history. Those two times were at times when North Dakota and Minnesota were unpopulated.

Already the cost to the Federal Government already of this lake rising has been over $350 million. Threatened structures have been moved. Highways have been raised. A massive dike protecting the town of Devils Lake has been increased twice already. The Federal Government is poised to raise it again. So the hard reality is that unless more is done, we face a catastrophic event.

The year before last, 50 miles outside this basin, there was an event where 18 inches of rain fell in 1 day. If that event had occurred 50 miles to the west, this lake would have gone up, according to the Corps of Engineers' calculations, by 3 feet, perhaps even more. That probably would have overwhelmed the road system, because we now have roads acting as dams, protecting homes, protecting people from catastrophic loss. If that event would have occurred in the middle of the night, it is entirely likely that lives would have been lost.

The consequences of a failure to act here are enormous. This lake, which is already three times the size of the District of Columbia, has had an uncontrolled release out of the east end twice before in its history. If it happened again, it would be devastating to the hundreds of thousands of people downstream.

I remind our colleagues, the first ones downstream are the people in North Dakota, in the towns of Valley City, Fargo, and Grand Forks.

We have insisted that water quality has to be met with any outlet procedure. The provision in this bill provides that the funds shall not become available unless the Secretary of the Army determines that an emergency exists with respect to the need for an outlet and reports to Congress that the construction is technically sound, environmentally acceptable, and in compliance with the National Environmental Policy Act; provided further that the justification for the emergency outlet shall be fully described, including the analysis of benefits and costs to which the Senator from Arizona referred. There will be a requirement that a cost-benefit analysis is done. Provided further that the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State that the project will not violate the treaty between the United States and Great Britain relating to the boundary waters between the United States and Canada.

We have attempted to be environmentally sensitive and cost-friendly to American taxpayers, but also to respond to this burgeoning crisis in the Devils Lake Basin, a crisis that has already cost the taxpayers of the United States $350 million. If the growth of this lake continues, it has the prospect of costing the American taxpayers hundreds and hundreds of millions of dollars more.

We have already had to buy out an entire town. We have already had to buy out the town of Church's Ferry.

The next town on the list is Minnewaukan. There is the lake. It has already eaten up the playing field of the high school there. That is all under water. This entire town is now threatened.

American taxpayers have already had to buy out Church's Ferry. Next is Minnewaukan, and if this continues, Devils Lake, a town of 10,000, would potentially fall into the requirement of having to be bought out. The cost of that to the American taxpayers would be billions of dollars. That is the hard reality.

Let me close with this photo. We like to say this is the luckiest fellow in North Dakota because he just escaped the advancing flood. This is a lake that, as one Federal official came out and said: My God, this looks like an ocean. Indeed, it is huge, three times the size of the District of Columbia. If it continues to grow, we will see complete devastation for hundreds and hundreds of thousands of acres and for hundreds of thousands of people.

This is a picture of a home having to be burned because it was in line with the floodwaters before it could be moved. Of course it would have created a serious health hazard had it been allowed to go into the water. So homes all across this area had to be burned and hundreds have had to be moved.

This project needs to go forward to protect human life and to prevent a disaster of stunning proportion. If this lake escapes uncontrolled out of the east end, as it has twice in our history, we expect that the downstream people would have a very serious adverse health effect.

I asked one time, when I heard repeatedly the Corps of Engineers talk about the health effects that would occur, the illness that would be the result of an uncontrolled release of the water out of the east end, what kind of health problems would occur? They explained the water systems downstream cannot handle the dissolved salts that are in this lake. If it went out of the east end of the lake uncontrolled, thousands of people downstream would be made ill.

There are many things that need to be done. Additional storage in the upper basin, millions of dollars have been spent on that. Moving threatened structures, raising roads, millions of dollars have been spent on that. Raising the dike protecting Devils Lake, tens of millions of dollars have been spent on that.

But one part of an overall strategy to deal with this crisis is to provide for an outlet. As the Senator from Arizona correctly states, there is no assurance that will solve the problem, but it is our best hope to prevent a catastrophe of truly stunning proportion, one that would not only adversely affect the people of North Dakota but the people of Minnesota and the people of Canada as well.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that Senator DORGAN be recognized for 5 minutes, Senator DAYTON for 10 minutes, Senator MCCAIN for 2 minutes, and following that the debate on this be ended.

The PRESIDING OFFICER. Under the previous order, the vote will occur at 1:15 on the Kennedy amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote be moved to 1:45.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague has pretty much covered this subject.

Let me say to my colleague from Arizona that I understand he raised some concerns to which I think Senator CONRAD has responded. I appreciate the manner in which Senator MCCAIN has raised this issue. This is not an issue that is irrelevant to others. It is very important to others. It is important to our neighbors. It is important to the State of Minnesota. It is important to the neighboring country of Canada to the north. It is important to the American taxpayers. It is, obviously, important to my colleague from Arizona. I don't dismiss concerns people have raised about these issues.

I want to say—as my colleague, Senator CONRAD, said—that it is not our intention to build an outlet from the lake itself in a manner that injures anyone. We don't come to this project saying we would like to have a project for our State. This is not something we are anxious to do because we believe this project would be something that would be a feather in our cap. We come to this because we have a lake that has been chronically flooding for a long time.

As was mentioned earlier, there are only two closed basins in this country. One is the Great Salt Lake and the other is Devils Lake. The upper basin of Devils Lake is the size of the State of Massachusetts. Water funnels down from that basin into Devils Lake. This picture doesn't do justice to the lake. But it does show what is happening here. What used to be a road and commerce and opportunity in this area of our State that is very important to us is now flooded—inundated—with water. This extends over to an Indian reservation called the Spirit Lake Nation.

I recall one day driving around with the tribal chairman of the Spirit Lake Nation with a man named Elmer White. Elmer is dead now. Elmer passed away a couple of years ago. He said: Our elders told us the water was coming. He said: All of these roads that are no longer passable and all of these roads that are now inundated with water, our elders told us this was going to happen.

What happened is we stranded part of this Indian reservation. We have had to make substantial investments in roads in order to get people to hospitals. They have to move around and meander in strange ways on backroads.

This flooding has been chronic and very difficult. Frankly, I don't expect anybody to understand lake flooding until they have seen it. My notion of a flood is almost always the notion of the Red River Valley flood or some other flood that I have seen on television someplace. There is a coursing and a gushing river—a virtual torrent and wall of water. It sweeps houses and trees and cattle downstream in a rush of water and in a roar of noise. Then, 12 hours later, or 24 hours later, or 48 hours later, the river is back in its banks, in all its calm. That is what river flooding is. That is what we think of with flooding.

This lake has increased 26 feet in height in the last 9 years. It has gobbled up more and more land.

One of the things we have to do to respond—not because we want to but because we must in order to protect others—is try to take some pressure off that lake and do it without hurting anyone else. If we don't take pressure off that lake with a measured outlet, what is going to happen is, if that water continues to rise, it goes over the divide naturally in an uncontrolled way and you have people living downstream—yes, in North Dakota our big population centers, but also up in Canada—and the worst quality water is going to make literally hundreds of thousands of people sick—North Dakotans, Minnesotans, and Canadians. That is what will happen in an uncontrolled release of water over the divide if we don't do something to reduce the risk.

That is what this proposed outlet is about.

I have a couple of final points. This outlet cannot be built unless it meets all environmental standards. Under the NEPA Act, the studies are ongoing. The studies must be done.

Second, this cannot be built and we cannot do anything unless we pledge—as we have and unless our country determines as it has—that we will not violate the boundary waters treaty with Canada. We don't intend to take a problem that exists here and foist that problem on someone else; certainly not on our constituents living downstream, not on our neighbors, not on Minnesotans, and not on the Canadians.

This is a project that is critically necessary to reduce risks.

I understand my colleague from Arizona and the questions he has raised.

We had a long meeting this morning. I hope we will be able to resolve all of these issues. But I believe this project is critically important to a whole lot of folks who have been victimized by chronic floods that came and stayed—by lake flooding that has been devastating to this region of the country. We must find a way to reduce the risk for the people who live in this region, for the American taxpayer—especially for people who live downstream who would be the recipients and victims of an uncontrolled release of water if we don't do something to take the pressure off this lake.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I thank the distinguished Senator from Minnesota for taking on so many of the responsibilities here, and for his involvement in the balance of our portfolios in Minnesota. I welcome the Chair.

I don't like to disagree with my colleagues from North Dakota. We have an excellent working relationship. In fact, our two States—other than fighting over hockey players—generally get along pretty well on everything else, and particularly on this matter related to the water management. We have worked cooperatively on water problems in most cases over the last couple of decades because it is absolutely necessary to get something accomplished. Minnesota shouldn't be foisting problems on North Dakota that are not of its creation and that exacerbate their situation. We in Minnesota would ask the same of our friends across the border in North Dakota. In this case, that is exactly what would happen.

I am very disappointed that my colleagues from North Dakota have chosen to try to insert this funding into the appropriations bill authorizing a $100 million project that I am told did not go before the Senate committees. It hasn't had that review. It hasn't gone through the normal Senate process. It has been instead snuck into this measure.

I thank the distinguished Senator from Arizona, Mr. McCAIN, for his vigilance in this matter. I am going to read bills as carefully and as thoroughly as the Senator from Arizona does because he does a phenomenal job at identifying these attempts to circumvent our Senate process.

In 1999—this preceded my time in the Senate—according to the RECORD, the States of Minnesota and North Dakota, along with the Canadian Government, which may not have been in complete accord, worked out language that was reflected in the 1999 bill which set forth basic procedures that would have to be followed before this project could move forward.

That language says very specifically, among other things, that the economic justification for this emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood projects.

I am told the project itself does not meet those requirements. Minnesota projects have been turned down by the Army Corps of Engineers because of the cost-benefit analysis. The costs exceed the benefits. In this area, we were told that the project would have a cost benefit of 0.37 percent. According to the EPA, that is an understatement because it fails to take into account the environmental damage that would ensue.

The solution, according to my colleagues, is to waive that requirement and have them report on a cost-benefit analysis but not have to apply the same standard or measure that is applied to the other projects in Minnesota and other States across the country, which would circumvent the will of the Congress in terms of how these projects are managed, and to make it consistent across the Nation.

The funding would then allow water to be diverted initially to North Dakota but then into the Red River, which is the common boundary between Minnesota and North Dakota, and within the site of severe flooding in recent years, which included cites that are on the Minnesota and North Dakota border. But also, then, at the very northern part, as we border Canada, the river diverts from North Dakota—the Rainy River—and runs across our northern border.

I wish I could show my colleagues this picture. It is of this last summer, the flooding that occurred in Roseau, MN. The entire city was under water—everything except the Polaris manufacturing plant, which employs 1,800 people in the northwestern corner of our State. If that had been flooded, the company's loss would have been just so devastating to the region; its cost is almost incalculable. It was within half an inch of flooding entirely and only because the entire city gave up on their homes and went to sandbags. Just down the river in Warroad, MN, the dikes were an inch from overflowing and flooding the entire city.

So anything that would divert water from anywhere else and put that water downstream into Minnesota poses a grave risk to our State. That is the reason our Department of Natural Resources has opposed it, along with local officials throughout Minnesota.

There are also concerns about the effect in terms of the solidity of the water in Devils Lake. Because of its own problems, it is much different in quality and characteristic from water elsewhere.

So, again, they are going to solve their problem by passing it on to us. I think, again, this is grotesquely unfair and unwarranted.

This project is opposed by not only the State of Minnesota but by the Environmental Protection Agency. We have castigated EPA recently—some of us—in some of their decisions. In this case, EPA stands four square with the environmental organizations in opposing this project.

The U.S. Fish and Wildlife oppose it. The State of Minnesota, the Canadian Government, the Great Lakes Commission, Taxpayers for Common Sense, the National Wildlife Federation, Minnesota Conservation Federation, the Minnesota Center for Environmental Advocacy—just about everybody opposes it except for North Dakota. I understand the reasons that the North Dakota Senators would want to accomplish this project but not at Minnesota's expense, not at the violation of our procedures here, not at the circumvention of the way we send legislation through our committees and the governmental relations we have between North Dakota and Minnesota and Canada.

We are attempting to work constructively to solve these problems. This is not the way to do that. I urge my colleagues to oppose this measure.

I also point out that the Army Corps of Engineers, which is the very entity that would be carrying out this project, itself has indicated that it would not favor proceeding at this time. It was, I expect, the decision of the Chief of Engineers, Robert Flowers, of the Army Corps of Engineers, in August of last year, who announced he would not approve the environmental impact statement because the Corps had not given adequate consideration to the project's potential for serious environmental damage. He recommended that the International Joint Commission be given the opportunity to examine the report.

That unwillingness to proceed—again, a Federal Government agency doing its job properly, as instructed by the rules and regulations of laws passed by Congress and the rules and regulations that itself promulgated—brought this project to a halt. So now we are going to circumvent that entire professional judgment here in the Senate.

Mr. President, I conclude my remarks at this point, but I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona has 2 minutes.

Mr. McCAIN. Mr. President, I yield my 2 minutes to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank, again, Senator McCAIN, and I thank my colleague, Senator DAYTON. He is here defending his constituency as he sees it. I just want to assure him of a couple of things.

No. 1, on this notion that we are asking for a different standard of measuring the cost-benefit test, that is true. And the reason is that the standard that applies in the law has no relevance to what is happening in North Dakota. The standard that applies in the law is designed to deal with river flooding, where the water comes and the water goes, and once the damage has been done you can rebuild.

That is not the circumstance here. That is why everyone who has examined this circumstance has said the standard cost model is irrelevant.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield, but if I can just finish my thought.

What is required here is to understand this is cumulative damage as this lake continues to rise. That is why we have had to raise this dike twice, and the Federal Government is poised to raise it a third time. That is why the roads have had to be raised twice. That is why hundreds of threatened structures have had to have been moved. More will have to be done. And the cumulative cost continues to grow.

Second, on the question of flooding in Minnesota, we share the border with Minnesota. We are not going to do anything that will make the flooding worse for our own people. We share the border with Minnesota. We will do nothing to hurt Minnesota or North Dakota because that would not be in our constituency interest.

Finally, we have to meet NEPA. That is what our amendment provides. That is what is in this law. We have to meet the National Environmental Policy Act. We have to meet the Boundary Waters Treaty with Canada. But we should not be blocked, either, by Canada refusing to make a joint referral to the IGC, which they have done for more than a year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. Mr. President, I understand I have a minute remaining.

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes remaining.

Mr. DAYTON. Mr. President, then I will entertain questions from my colleagues from North Dakota in return.

I will point out, I was not here in 1999, but my two colleagues from North Dakota were. I do not know the circumstances under which this language was adopted. That requires the Army Corps of Engineers to undertake exactly the same kind of cost-benefit analysis for this project as it does for others. If that was not applicable then, I do not know why that was not raised in 1999 or 2000 or 2001.

Contrary to what the Senator implied, the language in this amendment does not set up a different standard. It weighs the standard. It simply says the Army Corps of Engineers will describe the cost benefit. It is not going to have any standard it has to meet whatsoever other than the fact that that analysis is done.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DAYTON. When I finish my thought.

In terms of the two States, I cannot explain why, since we do share a common border, our departments of natural resources view it differently, although the interests are different. But I know for a fact that part of that is because of the severe flooding which we shared in 1997 in East Grand Forks and Grand Forks and Fargo and Moorhead.

But also, as I indicated, in the last 2 years Minnesota farmers have been devastated in the northwestern part of the State and the cities there have been flooded after the river diverts from the North Dakota-Minnesota border.

We have circumstances that are different; therefore, the interests of our States differ. That is exactly the reason why Minnesota and North Dakota and Canada should be working cooperatively on this and not have one State go off on its own trying to finagle something which I think undermines the trust and working relationship.

I will yield for a question.

Mr. DORGAN. I just point out, if this were to injure downstream citizens in your State or ours, I would not support it. We do not intend to foist a problem that exists in this basin on any other constituency anywhere.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. In the judgment of Minnesota, that is what you are doing.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I move to table the Senator's amendment and ask for the yeas and nays on that tabling motion. And I ask unanimous consent that vote take place following the vote on Senator CLINTON's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, the vote will take place after the Clinton amendment.

Mr. STEVENS. Mr. President, Senator McCAIN has another amendment. It is my understanding that the parties have agreed to a 20-minute time agreement equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 230

Mr. McCAIN. Mr. President, I call up amendment No. 230 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona proposes (Mr. McCAIN) proposes an amendment numbered 230.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the total construction general account in the Corps of Engineers, Flood Control Mississippi River and Tributaries, etc., account by $14,750,000 and restore the appropriation for the Yazoo Basin Backwater Pumping Plant to the $250,000 level recommended by the President)

On page 263, beginning with "$346,437,000," in line 24, strike through line 6 on page 264 and insert "$331,687,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, using $250,000 of the funds provided herein, is directed to continue environmental review and project plans for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi.".

Mr. McCAIN. Mr. President, I rise to offer an amendment to reduce funding for the Yazoo Pump Project in Yazoo Basin, MS. I believe the project is wasteful and environmentally harmful. It has not been subjected to standard responsible environmental or economic assessment. And although it was touted as a flood control project, the Yazoo pumps are not designed to save homes and lives. Instead, in my view, the pumps are specifically designed to drain wetlands so that large landowners can increase agricultural production on marginal lands, the majority of which are irreplaceable wetlands.

In fact the U.S. Environmental Protection Agency has indicated this project will likely be subject to a Clean Water Act veto because the project will drain and damage more than 200,000 acres of significant wetlands in the Mississippi flyway. That is more than three times the number of wetlands lost across the country in an entire year from all causes. It is more than seven times as many wetlands as the Corps allows private developers to destroy in an entire year nationwide under the Clean Water Act section 404 permit program.

Wetlands drained will include more than 31,000 acres currently enrolled in the Wetlands Reserve and Conservation Reserve programs which the Federal taxpayers already have paid more than $30 million to protect. Tens of thousands of acres of forest and wetlands located on Federal and State lands will also be damaged. But the harm won't end there. The pumps will alter the hydrology of the entire 925,000-acre project area and of the Dear Creek, Steele Bayou, Little Sunflower, and Big Sunflower Rivers that flow through that area. The project also encourages increased pesticide use in an area of the country already plagued by significant toxic contamination.

The U.S. Fish and Wildlife Service has also opposed the project due to the severity of the ecological harm it will cause.

I ask unanimous consent to print in the RECORD the opposition statement of the EPA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Atlanta, GA, January 19, 2001.

Hon. LOUIS CALDERA,
Secretary of the Army,
Washington, DC.

DEAR SECRETARY CALDERA: While there has been extensive communication between the Environmental Protection Agency (EPA) and the Corps of Engineers regarding the Yazoo Backwater Pumping Plant, we are writing to express directly to you the depth of our concern with the environmental consequences of the Corps proposal. It would alter the hydrology of over 200,000 acres of ecologically significant wetlands. It would drain wetlands currently enrolled in the Conservation Reserve Program and the Wetlands Reserve Program, wetlands being managed as mitigation for previously constructed projects in the region, and wetlands on national forest, national wildlife refuge, and state lands. Moreover, an independent evaluation has found serious flaws in the Corps' cost-benefit analysis for this project. Our objections are intensified because the unacceptable environmental impacts are avoidable.

The Yazoo Backwater Pumping Plant would work against the progress that has been made in reducing the losses of our nation's wetlands resulting from the hard work of the Army Corps, other agencies, and our non-federal partners. Just last week Secretaries Babbitt and Glickman announced that the net wetland loss rate has been reduced to less than 60,000 acres per year across the entire U.S., which puts in perspective the massive scale of the wetlands at risk because of the Yazoo project.

The Corps has not responded to our concerns that the project exceeds the Congressional authorization. The Flood Control Act of 1941, upon which the Corps derives its authority to construct the Yazoo Pumps, prohibits the draining of lands below the 90 foot elevation. This prohibition has never been removed or altered. The recommended plan, however, proposes to drain lands well below the 90 foot elevation with significant adverse environmental impacts. Over approximately 150,000 acres of forested and cropped wetlands will be adversely impacted by draining below the authorized elevation.

Explicit Congressional authorization would be required before the Corps could proceed with the project or seek a Clean Water Act exemption, and any such authorization would be subject to the cost share requirements of 33 U.S.C. §2213.

Because of the environmental effects, EPA strongly opposes Congressional authorization of the project as proposed. We hope that the Department of Army would share our objections.

We are reiterating EPA's offer to work with the Corps to develop an alternative to meet project objectives, while avoiding the significant level of environmental damage associated with the Corps proposal. Other federal agencies with programs that could be part of an alternative approach, including the Federal Emergency Management Agency, the Natural resources Conservation Service, and the U.S. Fish and Wildlife Service have also expressed their willingness to cooperate with the Corps in exploring less environmentally damaging alternatives.

Thank you for your interest and involvement in this important issue. If your wish to discuss this matter, please contact John Meagher at 202-260-1917.

Sincerely,

J. CHARLES FOX,
Assistant Administrator, Office of Water.
JOHN HANKINSON,
Regional Administrator, EPA Region IV.

Mr. McCAIN. The controversy surrounding this project is not limited to the environmental harm the pumps will cause. An independent economic analysis conducted by a highly respected economist, who also chairs the National Academy of Sciences panel, shows that the Yazoo pumps cannot be economically justified. It shows that the Corps has overstated just the agricultural benefits of the project by $144 million. It also shows that the Corps of Engineers is asking Federal taxpayers to spend well over $180 million simply to help large landowners earn more farm subsidy payments.

Those subsidies are already substantial. In just the 2-year flood plain of the project area, where 150,000 acres of wetlands will be damaged, 51 landowners split $15.3 million on Federal farm subsidies in the 6 years from 1996 to 2001. One of those landowners received $2.7 million during that time while four others received more than $1 million each.

Perhaps the worst thing about this project is that each and every benefit could be achieved in a way that would avoid each and every impact we are talking about. Nonstructural measures, including the purchase of conservation and flowage easements and targeted flood proofing of buildings, could reduce flood damages in the region. This alternative has been suggested for years but has been brushed aside by the Corps. The Corps has not finished its environmental review of this project, has not finished the feasibility study for this project, and it has not issued a record of decision. The Corps of Engineers has far to go to satisfy its planning requirements. The draft environmental review was so flawed that it was given the lowest possible rating by the EPA.

This makes any directive to enter into a continuing contract for the pumps supply contract entirely premature. Given the widespread opposition to this project, the detailed and scientifically supported challenges to the Corps project analysis, and the ecosystemwide harm this project will cause, Congress would do an enormous disservice to taxpayers and the environment to direct the Corps to begin construction.

This amendment would allow the planning process to proceed without interference. It would ensure we don't short circuit the ongoing environmental and physical review of this project that could destroy an entire ecosystem and cause taxpayers hundreds of millions of dollars.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not.

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I rise in opposition to the amendment of the distinguished Senator from Arizona. Let me point out that there has been a lot of discussion over the last several years about the impact of the Yazoo Backwater project.

The Corps of Engineers several years ago undertook a reevaluation of this project which was authorized over 40 years ago. As a matter of fact, it is a part of a very large Mississippi River and tributaries project. This is one of the last parts of that authorized project to be constructed. Because it is one of the last projects to be constructed, an intense amount of scrutiny has been devoted to the project. That is just fine. That is an appropriate thing for people who are concerned and interested in the environment and in agricultural production and in the lives and well-being of the people who live in this area.

The point is, the project is not going to authorize the drainage of any new wetlands. There will be no new lands cleared of bottom lined hardwood for this project. There will be a small amount of land cleared, 38 acres, in order to construct the project. But 62,500 acres of existing agricultural land will be reforested. There will be new habitat created, way beyond what exists now.

The purpose of this project is not to create new agricultural opportunities in this part of the Mississippi Delta, but it is to save lives. It is to prevent damage to existing infrastructure such as roads and bridges. It is to prevent the flooding of schools and hospitals and businesses. It is to address the concerns of people who want the project to proceed, such as those who visited my office last week when they heard there might be an amendment to strike the money to begin this construction project.

These were not big shot farmers. These were poor people who have homes and businesses in Mayersville and in Sharkey County in the area where this project will be constructed.

I am hopeful that the Senate will reject this amendment. It is an amendment designed to cut money the committee put in the bill, $14.5 million. It will cut almost all of that money.

The Corps of Engineers is nearing the point where they will be able to enter into contracts for design and construction of the project and to do some real estate activities that are necessary before the construction is actually begun.

I urge the Senate to carefully look at the facts. I will include for the RECORD 5 pages of misconceptions and the facts that prove those misconceptions to be erroneous. I hope Senators will take the time to look at them and to read these factual statistics and information as relevant to this project. I ask unanimous consent that a document entitled "Yazoo Backwater Area, Mississippi" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YAZOO BACKWATER AREA, MISSISSIPPI

The Corps of Engineers initiated the reevaluation of flood control plans for Mississippi's Yazoo Backwater Area, a 1,550-square-mile portion of the state's flood-prone lower Delta region. The goal of the study was to provide protection to businesses, infrastructure, and people of the area, while notably improving the future of the region's environment.

Extensive coordination with customers and stakeholders took place over the course of the study to find a solution that addressed both the economic and environmental needs of the Backwater Area. The Corps spent several years in a consensus building process among environmental agencies and economic interests in the Mississippi Delta. The effort resulted in a multi-purpose approach that addresses the desire for a balance between flood control, environmental restoration, and the concerns of the private landowners in the Yazoo Backwater area.

As a part of our public involvement program, it is the goal of the Vicksburg District to provide the public with unbiased, factual information about the Yazoo Backwater Project. A considerable amount of inaccurate and/or incomplete information is currently being circulated about this proposed project.

The following misconceptions were selected based on the comments we received since the release of our draft report.

Misconception 1: Contrary to federal policy, the Yazoo Pumps are designed to drain wetlands to increase agricultural production on lands that have always flooded.

Facts: The structural features of the Yazoo Backwater Area Project are designed to lessen flooding in the Lower Delta for those flood events that exceed a one-year flood. While the lessening of flooding would possibly increase production on existing agricultural lands, Federal agricultural policy remains in place, which would preclude the clearing and draining of any wetlands. In addition, the non-structural flood control feature of the proposed project provides for increasing bottomland hardwood wetland habitat by converting up to 62,500 acres of lands currently in agricultural production to forest lands.

Misconception 2: The project will drain and damage 200,000 acres of wetlands, two times the number of acres destroyed each year across the country by all public and private projects combined.

Facts: The wetland resources in the project area would be increased by 23% under the proposed plan. The Yazoo Backwater Area Project includes both a structural and non-structural feature. The structural feature, the pumping plant, would not change flooding on 62,500 acres of farmed or prior converted wetlands or the 142,000 acres of bottomland hardwoods that are now flooded by the 1-year flood. These lands would continue to be flooded. The Corps of Engineers would purchase conservation easements on up to 62,500 acres of farmed or prior converted wetlands from willing sellers and reforest this land. Lands above the 1-year flood plain would receive reduced levels of flooding. In this area, there could be some increase in the level of production on these lands and there could be some shifting of crop types by the farmers; however, no additional land would be cleared.

Misconception 3: The project would not make a single home free from flooding.

Facts: There are 1,441 homes that would be impacted under existing conditions by a 100-year flood. The average value of these homes is approximately $36,000. With the implementation of the proposed Yazoo Backwater Area Project, over 1,000 of these homes would be free from flooding by the 100-year event.

The proposed project would lower the elevation of the 100-year flood by 4 to 4½ feet. For example, if a flood similar to the 1973 flood occurred again, those homes that had 4 to 4½ feet of water in them in 1973 would no longer be flooded. Those homes and structures that had more than 4½ feet of water would still have water in them; however, they would not be flooded as deep or for as long.

The Eagle Lake area would see significant reductions in flooding. Almost all residences in this area would be protected from the 100-frequency flood event. Only 5 of the homes would still be subjected to the 100-year flood, but even these 5 homes would benefit overall from the lessened flooding. Flooding in other communities in the project area would also be reduced significantly. No homes in the towns of Cary, Valley Park, Anguilla, Rolling Fork, Mayersville, or Hollandale would be flooded by the 100-year flood with the project in place.

Flooding impacts even those residents whose homes have not flooded in the past. Those residents have to contend with significant flooding of roads and bridges. Flooding of roads in the area disrupts transportation of children to schools, causes access problems for emergency vehicles, and creates problems for area residents in their daily lives. It becomes difficult to get to the supermarket for food, or to see a doctor or dentist. This proposed project would help to alleviate much of the flooding of area roads and bridges.

Misconception 4: This project would promote increased pesticide and fertilizer use in a region already plagued by toxic contamination.

Facts: With the reforestation of up to 62,500 acres of cropland, an increase in the usage of agricultural chemicals associated with implementation of the recommended Yazoo Backwater Project is unlikely. No additional land would be cleared for agricultural production.

Misconception 5: The project would waste millions of tax dollars to increase agricultural production when the federal government is spending billions on farm subsidies and on taking excess croplands out of production.

Facts: The amount of agricultural cropland in the Yazoo Backwater Area would be reduced, not increased. In the case of the Yazoo Backwater Area, the proposed project would not change the flood patterns on the 62,500 acres of cropland or the 142,000 acres of bottomland hardwoods in the 1-year floodplain. These lands would still flood as they have in the past. The Federal government would offer to purchase conservation easements from willing sellers on these 62,500 acres of cropland and where these easements are purchased, the agricultural intensification benefits associated with this project would be limited to either increasing the amount of a crop grown per acre of remaining cropland or switching to grow a more valuable crop on the remaining cropland.

Misconception 6: The project is wasteful because it benefits a few people at tremendous taxpayer expense.

Facts: In addition to local benefits, the project would also provide additional national benefits. Everyone who uses stores, schools, roads, medical facilities, or owns businesses and farms would benefit. The project as proposed would reverse the prior clearing of bottomland hardwood forests in this important area by replanting up to 100 square miles of the alluvial flood plain, which accounts for approximately 20% of farmland that is now in use. Such local benefits would be accomplished over and above a return of $1.48 in economic benefits to the country for every $1 invested.

Misconception 7: The pumps would destroy some of the best remaining bottomland hardwood forest in the lower Mississippi River basin, which provide habitat for bald eagles, alligators, bobcat, deer, and the threatened Louisiana black bear.

Facts: The construction of the pump plant would result in the loss of a 38-acre tract of forested land. No additional clearing would be required for implementation of the project and no additional clearing is expected due to project implementation. The reforestation of up to 62,500 acres of agricultural lands would provide a significant environmental benefit to the backwater area. This land use conversion from agricultural to bottomland hardwoods would result in a significant increase in environmental habitat by connecting fragmented tracts of forested land. This reforested land would also create a significant buffer between agricultural activities and the aquatic environment, which would result in improved water quality in the lower Delta.

The project calls for raising low water levels during the summer months, which would provide more wildlife habitat. The excessive low water stages on the Mississippi River experienced over the past two summers would have resulted in an extreme hardship on the terrestrial and aquatic environment had it not been for the operation of the Steele Bayou Structure. Water was ponded approximately 20 feet higher than that of the Mississippi River. The entire basin would have essentially dried up if it were not for the structure and the series of weirs in Steele Bayou constructed by the Corps. The proposed project would allow for increased stages to even further reduce the hardship on aquatic habitat.

Separate habitat-based analyses for waterfowl, wetland, terrestrial, and aquatic resources, have documented both the positive and negative impacts to the environment from the recommended plan. These studies showed that terrestrial resources would increase 17 percent, wetland resources would increase 23 percent, and aquatic resources would increase 19 percent; however, waterfowl resources would decrease 42 percent. The waterfowl decrease is the result of a reduction in foraging habitat with the reforesting of agricultural lands. The U.S. Fish and Wildlife Service has indicated that the reforestation of agricultural lands is more important to waterfowl than the loss of foraging habitat since sufficient foraging habitat would remain in the area.

Misconception 8: The project would damage productive lakes and swamps that support hunting, fishing, and ecotoursim industry.

Facts: The pump project would not drain the delta. The pumps would only operate during flood conditions when the Steele Bayou Control Structure gates are closed and water levels are above evaluation 87. At this level, there are still about 170,000 acres that remain flooded on a yearly basis. The pump would be used to reduce flooding for only the more serious events.

Misconception 9: The pumps would be used for all floods.

Facts: The pump feature of the project is designed to remove only that water which is above elevation 87.0 and trapped behind the closed gates of the Steele Bayou Structure. The Steele Bayou Structure gates are closed only when the Mississippi River is at flood stage to prevent backwater flooding into the protected area. Should the water level be above elevation 87.0 while the gates of Steele Bayou Structure are open, it is unlikely the pump would be utilized because normal gravity flow would occur.

Misconception 10: The Vicksburg District is behind in its mitigation requirements for other projects.

Facts: The Yazoo Backwater project requires no compensatory mitigation. Several other projects under construction by the Vicksburg District do require compensatory mitigation; the Vicksburg District is committed to fulfilling all of its authorized mitigation requirements. Lands required for mitigation by the Vicksburg District are from willing sellers and must meet certain environmental criteria such as use as a moist soil area or frequency of flooding prior to purchase. The lands purchased to meet this mitigation requirement are acquired concurrent with project construction. As of June 2000, the Vicksburg District has purchased 82,050 acres of mitigation lands for all projects requiring land acquisition. This acreage is 12,450 acres more than the amount required to be concurrent with construction of our projects.

The PRESIDING OFFICER. The Senator from Mississippi, Mr. LOTT, is recognized.

Mr. LOTT. Mr. President, I, too, rise in opposition to this amendment and support the funds that are provided in this section of the energy and water appropriations bill for the Yazoo Backwater Pump Project. I thank the committee for the time they spent on this project and for the funds they provided. Actually, they have a lot of knowledge about this project because it is not new.

Let me take a minute to add a few points to the very good points my colleague, the senior Senator from Mississippi, already made. First of all, the Great Flood of 1927 that hit the Mississippi Delta covered 27,000 square miles, killed more than 500 people, and left 700,000 people homeless.

In response to this event and because water from 41 percent of the United States drains through the Delta—I was listening to the discussions about the Devil's Lake project in North Dakota and thinking that the drainage begins way up there, but it all winds up down in this funnel-like area of the Mississippi Delta. Being aware of that, Congress passed the Flood Control Act of 1929 making flood protection in the Mississippi River Valley a Federal responsibility.

The Yazoo Pump Project was actually authorized in 1941 as a part of this overall effort. So, you see, this is not something that hasn't been considered and worked on for years and years. The point was made earlier that the Corps of Engineers hasn't finished its review. I wonder, how long does it take? Year after year, these people who live in this area are threatened with floods, as are their homes and businesses and hospitals, as the Senator pointed out. It is a very dangerous situation.

This pump actually will protect 1,000 homes—not just a few rich farmers, as has been alleged, but 1,000 homes, and includes, very importantly, the reforestation of over 62,000 acres currently in agricultural production.

This is a win-win situation. It protects the people from flooding while restoring large amounts of land to natural habitat. I thought that was what we should be trying to do.

This is a project that is being moved forward very carefully. The funding here is slightly short of $15 million. So it is being done incrementally and in a way that will include the ability to improve this natural habitat.

This pumping plant, by the way, is not unique. There are currently 15 similar plants in operation throughout Arkansas, Louisiana, and Mississippi within 200 miles of the Yazoo pump. In fact, the W.G. Huxtable Pump in Arkansas is almost the same size as the Yazoo but drains only half the acreage of the Yazoo. The Yazoo will protect 2.6 million acres, while the Huxtable plant drains only 1.3 million acres.

This project has bipartisan support from Democrats such as Congressman BENNIE THOMPSON, who has been there and looked at the damage and the threat to the people. He supports this project, as do Democratic State elected officials.

Aside from that type of statistic, I think the most important thing is the human side of this. Year after year—and it is almost every year that people have water in their homes. You cannot believe what it is like. I was looking at some of the pictures being shown earlier with the Devil's Lake project. We can show you the same type of pictures from Mississippi—people with sandbags around their houses and the water is up above the porch level. These are hard-working, mostly poor people in this area of the Mississippi Delta—five counties right down at the end of the funnel, really.

By the way, in most of these counties, the African-American population is the majority—the lowest is 54 percent, up to as much as 71.8 percent. The delegation Senator COCHRAN referred to who came to see us was led by Ms. Ruby Johnson of Cary, MS. She met with us to talk about these projects. She had a delegation of five. All five of them were African Americans who literally were concerned about being able to continue to live there. They were talking about how their kids have left the Delta and can't come back. They cannot attract businesses and industry because of, among other things, the threat of the flooding year in and year out. They told us stories about having to put their children in boats to take them to school when the water is rising. They told us of fearing snakes, which find their way into their homes after the waters recede.

The Federal Government has made a promise to these good people. This project has been delayed, analyzed, and criticized in the media. Special interest groups are saying it is not being done in an environmentally sound way. It is. A project like this one which will provide flood protection while restoring thousands of acres to its natural habitat should be held up as a model for future environmental projects.

I urge defeat of this amendment and support of the Yazoo Backwater Pump. If we don't, we are going to end up with five counties in this area that will have no people and no opportunity for a decent living, or any kind of business, or economic development. We can have all of these in this area if only we keep the promises first made by the federal government over 70 years ago. The people of the Mississippi Delta have waited long enough.

So I appreciate the opportunity to speak, and I plead for my colleagues to oppose the amendment.

Mr. McCAIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Arizona has 4½ minutes.

Mr. McCAIN. Mr. President, I know of no two Members of the Senate who have worked harder on behalf of their constituents than my friends from Mississippi. I also understand that they have special problems and special needs in one of the least economically well-off parts of America. I understand their dedication to this and other efforts they have made on behalf of their constituents.

It is with that understanding that I still oppose this project. It has nothing to do with the admiration and respect I have for both of my dear friends.

Mr. President, I hope this amendment will be sustained by my colleagues. I yield the remainder of my time.

Mr. STEVENS. I yield the remainder of our time.

The PRESIDING OFFICER. The time is yielded back.

Mr. STEVENS. Mr. President, we are going to proceed to a vote on four amendments soon. There is an agreement for 2 minutes on each side before Kennedy amendment No. 123.

I ask unanimous consent that there be 2 minutes before the Clinton amendment No. 89, which will follow the Kennedy amendment. And then on the McCain amendment No. 214, I have already made a motion to table that amendment. The yeas and nays are in order. I move to table the McCain amendment No. 230, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that following the Kennedy amendment, the votes on all three succeeding amendments be limited to 10 minutes each.

Mr. REID. Reserving the right to object, Mr. President, I want to say a couple things to the manager. First of all, the Clinton amendment—have you moved to table that?

Mr. STEVENS. No.

Mr. REID. There is a question as to whether or not she is going to be able to modify. Senator NICKLES is not in the Chamber.

Mr. STEVENS. It is my hope that she will be able to modify the amendment. We are trying to work that out. I have not asked for the yeas and nays on the Clinton amendment yet.

Mr. REID. I also say that we have been through this and we are trying to limit the votes to 10 minutes. We hope the majority leader will condense the votes to 10 minutes; otherwise, we are going to be here really late tonight.

Mr. STEVENS. We are saying 10 minutes. I think the Senate will see what 10 minutes means this afternoon. If we are going to finish, we must stick to that. So there will not be voting beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Senator KENNEDY has 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 123

Mr. KENNEDY. Mr. President, my good friend from Alaska has alleged that the appropriations bill already has funds for minority health. The fact is that this bill dramatically cuts funding for minority AIDS treatment and prevention. It cuts the Office of Civil Rights and the Office of Minority Health, and it has a small, inadequate increase for other minority health problems.

Let me focus on what this bill does for minority AIDS. Bear in mind that we have an epidemic of AIDS in the minority community that is killing and infecting minority men and women and children every day. Last year's appropriations bill set aside $123 million for AIDS efforts out of the Health Resources and Service Administration for the minority AIDS program. That is the Ryan White Program. You can search this Senate appropriations bill from cover to cover. You will not find it; it is not there. You will find $96 million for prevention and tracking of AIDS through the CDC set-aside for minorities in last year's bill. You can look cover to cover in this Senate bill and you won't find it; it is not there. The list goes on.

So what does it mean to reject this amendment? It means that thousands of minority students will not enter the health professions to become doctors and nurses and scientists.

It means civil rights violations will continue to go uninvestigated and unpunished. It means tens of thousands of minority men, women, and children with AIDS will not get the medical care they need, and prevention efforts will be reduced.

On this Dr. Martin Luther King birthday week, let us stand up for minority health. Let us do what the new majority leader has said we should do and put new emphasis on minority health. Let us do what the true spirit of America calls us to do. Let us try to bring the blessing of good health to all of our people.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I hope my good friend from Massachusetts will agree that this amendment would provide an additional $584 million for various programs, and the amendment I offered provides $130 million more than the bill that was before the Senate last year when it was managed by the Democratic Party.

My amendment also, I stated, provides $3.1 billion for a minority health, education, and training initiative which was not in the July bill that was before us. This is an increase of $144.3 million over the 2002 level. That is the current level of funding for these programs.

Mr. President, I move to table this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii INOUYE), and the Senator from Connecticut (Mr. LEIBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Harkin
Inouye
Lieberman

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 89

Mr. STEVENS. Mr. President, the Senate will now consider Senator CLINTON's amendment numbered 89, with 2 minutes on each side. I ask that Senator NICKLES take the time on our side.

I remind the Senate that all votes now will be 10 minutes for the rest of the afternoon, and 10 minutes means 10 minutes. If we are to finish this evening, we cannot go on and on and on with these amendments. Ten minutes means 10 minutes.

The PRESIDING OFFICER. Who yields time? The Senator from New York.

Mrs. CLINTON. Mr. President, I rise in support of my amendment. I urge the Senate to take action now because, in the event we do not freeze the cuts that would go into effect, we will be facing disastrous impacts throughout our Nation with respect to our physicians, our home health agencies, our skilled nursing homes, our Medicare+Choice programs, our teaching hospitals, our community hospitals, our rural hospitals—all of which need to keep up with inflation and increasing costs and demands.

If you look across our country you can see specifically the amount of money that our hospitals and all of our other health care providers will lose if we do not take this action now to freeze these cuts before they go into effect on the first of March.

This amendment provides for the freeze. It also provides for a 2-percent increase for physicians who otherwise are going to be leaving Medicare.

I really appreciate the commitment we have received from the Finance Committee to address this issue. We will all be working diligently to ensure we do address it. But in the meantime, our system is deteriorating. The quality of service is decreasing. The numbers of providers are not there to take care of the increased demand, and I urge the Senate to take this intermediary step to vote this 6-month action while we try to fix the program.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, the Senate is not order in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I want to make sure from the Senator from New York this is the original proposal, not the modified proposal?

Mrs. CLINTON. Yes, it is the original proposal.

Mr. NICKLES. I urge our colleagues to vote to sustain a budget point of order that I will raise in just a moment. This is a bill that should go through appropriate order, regular order. This is an entitlement program. These are big changes. These are changes we should do in the Finance Committee. These are changes for which we have bipartisan support in the Finance Committee, many, but they have to be worked out.

This is an amendment many of us saw just moments ago. It deals with billions of dollars—actually I think it is about $4.1 billion.

The chairman of the Finance Committee and also the ranking member of the Finance Committee did a fix for doctors, but there are a lot of other provisions we need to consider, dealing with some of the provisions mentioned by the Senator from New York, but they need to be dealt with in a bipartisan way through the regular order through the committee. If we are going to bypass all the committees all the time, maybe we don't need to have committees. Those on the Finance Committee who have been working on this issue would like to have some input on it as well.

Therefore, the pending amendment by Senator CLINTON includes an increase in mandatory spending and, if adopted, would certainly increase the deficit. Therefore I raise a point of order pursuant to section 207 of H. Con. Res. 68, the fiscal year 2000 budget resolution as amended by S. Res. 304 from the 107th Congress.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask to speak using leader time for approximately 3 minutes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, before doing that, I would be happy to yield to the Senator from New York. Was she about to respond?

Mrs. CLINTON. Mr. Majority Leader, I was going to move to waive the relevant section of the Budget Act and ask for the yeas and nays, but let me wait until you are finished.

Mr. FRIST. It would be more appropriate for you to go ahead.

Mrs. CLINTON. Pursuant to section 207(C) of H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, I move to waive section 207(B) of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Using leader time, I just want to make a very brief comment because this is a very important issue, an important issue to the many seniors who are listening to this debate, and individuals with disabilities, the physicians, the hospitals, the health care providers.

It is very clear to me that health care providers today are being inadequately paid under the Medicare Program, and that is why I, as has been pointed out earlier, regret the fact that we finished, adjourned the 107th Congress, without passing legislation to provide seniors with prescription drug coverage and have more comprehensive strengthening of the Medicare system.

But now, once we get finished with some of the unfinished business such as the appropriations bills, we have a new Congress, we have new leadership, and we absolutely will address strengthening Medicare head on, including provider payments, including a prescription drug benefit package for our seniors and individuals with disabilities.

This particular amendment has not been considered by the Finance Committee. There are urgent needs that we are addressing in the underlying Stevens amendment. It has been mentioned one of those is a flattening of this decrease in payments that we have seen for doctors over time, by freezing what otherwise would be a 4.4-percent cut for physicians. The underlying Stevens amendment addresses that.

What the Senator from New York has proposed—part of that is contrary to the specific recommendations of MEDPAC, which is the advisory commission specifically set up for us, in terms of learning what we should be doing. A package such as this, as the Senator from Oklahoma pointed out, does deserve careful vetting, careful consideration. We simply have not had that opportunity to date.

Let me make it clear once again. My priority as majority leader, as a physician, is to address in a comprehensive way, legislation that will do things such as provide access to seniors, strengthen and improve the Medicare Program, as well as address provider payments, which this particular amendment attempts to do. I look forward to working with my Finance Committee colleagues. I do want this to go through the Finance Committee where we can have careful vetting and consideration as we develop this legislation which will strengthen Medicare.

In closing, I urge Senators to vote no to waive the Budget Act.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I hadn't intended to speak, but I will be brief, and I will use some of my leader time to do so. Let me say three things.

First, I don't know that there is a greater crisis in our country today than in what we are witnessing with providers in rural and urban areas alike. Whether it is doctors or nurses, facilities, nursing homes—the crisis is as severe as any that I have seen in our lifetime.

Secondly, there are those who say this process ought to go through an appropriate legislative process, the way we would normally do things. I couldn't agree more that the legislative process is a good one and we ought to respect it.

But we have talked about providing relief, now, for years. There is a great deal in this bill that we are now supporting that had nothing to do with the legislative process or committee consideration. This is an emergency that has to be addressed. I don't know how much longer we can wait. Of course, it is always better to go through the committee process, and where that is possible we ought to do so. But this doesn't preclude going through the committee process as we look at this issue over and over again in the coming months and years.

So it is critical we send the right message. At least the Senate ought to go on record today that, at this point, with as difficult a time as our health care industry is having, with the crisis we are facing at the provider level, at the facility level, at the institutional level—throughout our country—we need to say without equivocation that we are going to be partners in fixing it. There is no better time to do that than right now. There is no better message to send than the one we can send with this amendment. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive. The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, I have the authority of the leader to yield 1 minute to me on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I am trying to finish this bill tonight. We are trying to get this bill into conference with the House and to settle the 11 bills that were not passed last year, for whatever reason they were not passed.

This, with all due respect to the Senator from New York, is a Finance Committee amendment. It would require the Ways and Means and Finance Committees to meet, separate from us, in conference. It is not something that belongs on this bill. This is an appropriations bill. For years we had points of order that would take these out of our consideration, but I urge the Senate not to do this. There are a whole series of other amendments coming up just like this one that deal with other subjects from other committees. They are legislative amendments.

We are going to finish this tonight by saying we are passing an appropriations bill or we are going to sit here and debate other legislative items that should go to Finance or Energy or other committees all night.

I urge that the Senate vote no on this motion. I hope we will table the other ones because we will have a series of them unless people listen to us. Let us get out of here tonight.

I might add one little thing. In my lifetime, we have never met before the State of the Union Message. Do you know why? Because Presidents in the past were just like this one—trying to figure out what should be in the State of the Union Message and what should be in the budget. This President can't decide what should be in the State of the Union Message because we haven't yet finished last year's budget. I hope we can go home tonight.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56.

[Rollcall Vote No. 21 Leg.]

YEAS—41

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Harkin
Inouye
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment fails.

Mr. DOMENICI. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, parliamentary inquiry: How long did that vote take?

The PRESIDING OFFICER. Fourteen minutes.

AMENDMENT NO. 214

The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. One minute.

Mr. MCCAIN. Mr. President, I yield my minute to the Senator from Minnesota, Mr. DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the Senator from Arizona whose vigilance brought this matter to light.

This project is opposed by those who are supposed to carry it out, the Army Corps of Engineers, the chief engineer of which, last August, said this project does not meet environmental standards. It does not meet the cost-benefit analysis standards that are applied to every other water diversion project across the country.

So that North Dakota solution is, I am sorry to say: Well, let's waive the standards and waive the tests. So we would not have a cost-benefit analysis requirement. They do one, but it would not account for anything. And they pass this problem on to Minnesota and to Canada, both of which oppose this project. The Canadian Government is opposed, the State of Minnesota is opposed, the EPA is opposed, the Army Corps of Engineers is opposed, the major environmental groups in this area are opposed, everyone is opposed to this project, except for the State of North Dakota, which wants to pass this problem on to Minnesota.

That is why I ask my colleagues to join in opposition.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. CONRAD. Mr. President, the time in opposition is on our side.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, what has just been stated is not the case. The Corps of Engineers is not opposed to this project. They have been working on this project for years. EPA has not registered opposition to this project. We have met with the Director.

Let me show my colleagues the problem we face. We have a lake called Devils Lake that has risen 26 vertical feet since 1992. The Federal Government has already had to spend $350 million raising roads, raising protective dikes, and moving threatened structures and populations. The Corps of Engineers has determined that if we have to continue to buy out communities—we have already had to buy one; the water is lapping at the edge of a second town—if we have to buy out the town of Devils Lake, it will cost billions of dollars.

The answer is, more storage in the upper basin and outlet.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. I urge my colleagues to support the tabling motion.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—62

Akaka
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chambliss
Clinton
Cochran
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Frist
Graham (FL)
Grassley
Hagel
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Specter
Stevens
Thomas
Warner

NAYS—34

Alexander
Biden
Cantwell
Carper
Chafee
Coleman
Collins
Dayton
DeWine
Dole
Ensign
Feingold
Fitzgerald
Graham (SC)
Gregg
Hatch
Hutchison
Inhofe
Kerry
Kyl
Leahy
Levin
McCain
Murray
Nickles
Sessions
Shelby
Smith
Snowe
Stabenow
Sununu
Talent
Voinovich
Wyden

NOT VOTING—4

Baucus
Harkin
Inouye
Lieberman

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, what is the next amendment?

AMENDMENT NO. 230

The PRESIDING OFFICER. The question recurs on a motion to table the McCain amendment No. 230.

Mr. STEVENS. May we have order? The Senator has time.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Mr. NICKLES. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

The Senator from Arizona.

Mr. McCAIN. Mr. President, I understand I have 1 minute.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. Mr. President, this amendment would eliminate $14.5 million for construction activities for the Yazoo Pump Station in Mississippi. It would require the completion of feasibility studies, environmental review, and the economic analysis that is required of other core projects.

If the project proceeds unimpeded, there are 200,000 acres of environmentally sensitive wetlands that would be destroyed and a host of other environmental problems that will ensue.

It is telling that the other Federal agencies charged with evaluating projects and protecting the Nation's environment are opposed to the project. The EPA has given, in the core analysis of this project, its lowest possible rating. And the analysis also revealed that the costs of the project far outweigh the benefits, questions that should be answered before this project proceeds. I urge my colleagues not to table the amendment.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Senators should understand this is a project that actually protects the environment in a more aggressive way than it would have without the project being funded. Mr. President, 62,500 acres of farmland will be reforested under this project, when this project is complete. This is money that begins a process of developing, design, and construction. It is at the early stage of work.

There are homes, hospitals, schools, businesses, roads, and bridges that are flooded but for the construction of this project. It will get worse rather than better. These are mostly poor people who are affected in this area of Mississippi.

I urge the Senate to reject this amendment and vote aye on a motion to table.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent for 1 minute while I explain the process.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. This is the last of the stacked votes. After this vote is over, we will start the process of bringing before the Senate the amendments we have on both sides agreed to accept in groups. We expect that will take an hour or so to accomplish. As I understand it, between 4 and 5 there will be a briefing. We have asked for no votes during that time.

I think Members know if their amendment is going to be accepted. If there is anyone on either side who intends to ask for a vote on an amendment, I urge them to notify either me or the Senator from Nevada, and we will then, hopefully, have a process to get those amendments voted upon before 6 o'clock.

Mr. REID. Will the Senator yield?

Mr. STEVENS. I ask unanimous consent that the Senator from Nevada have a minute also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator MIKULSKI offered an amendment earlier in the proceedings. There was some hope we could work that out. We have not been able to do that.

Mr. STEVENS. The Senator is right. I thought it was worked out. During this vote, we will try our best to work it out.

Ms. MIKULSKI. Mr. President, I say to the very cooperative Senator from Alaska, we have not been able to work out our amendment because of a disagreement with OMB. Our colleagues have been most collegial, but we have not been able to work it out. We have been able to work out the nurses amendment, but I do not believe we have been able to work out the civil service quota amendment.

Mr. REID. The question is, Should we dispose of that after this vote?

Mr. STEVENS. If we do not dispose of it, it will be the first vote when we come back at 5 o'clock.

Mr. REID. I also say, because there are a lot of Members in the Chamber now, we have scrubbed our side quite well. I have amendments still by Senators BINGAMAN, CANTWELL, NELSON, LAUTENBERG, DURBIN, DODD, LANDRIEU, and WYDEN. They know the numbers of those amendments. I think that is all we have. I hope that is all we have. That is eight. Even if we have 10 minutes a side—my colleagues can add it up themselves—it is going to be quite a long night. I hope this is all. If it is not, we need to know right away.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 230. The yeas and nays have been ordered. The clerk will call the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—67

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Cochran
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Dorgan
Durbin
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Johnson
Kennedy
Kohl
Landrieu
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Warner

NAYS—30

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Coleman
Dayton
Dodd
Edwards
Ensign
Feingold
Feinstein
Graham (FL)
Jeffords
Kerry
Kyl
Lautenberg
Leahy
Levin
McCain
Murray
Reed
Schumer
Stabenow
Sununu
Voinovich
Wyden

NOT VOTING—3

Harkin Inouye Lieberman

The motion was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, on rollcall vote No. 23, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. COCHRAN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, if I could have the attention of the Senate, the managers have now reviewed the 245 amendments that were filed by the deadline on the omnibus bill. At this juncture, we continue to work to clear as many of these amendments as we can.

To facilitate the Senate's consideration of these amendments, we will now present them grouped by the subcommittee with jurisdiction over each amendment. We intend to proceed in the following order this afternoon as we complete the review of each section.

The first section we will consider, and I will bring it to the desk in a moment, will be the Legislative Branch-Treasury bill; the second, Commerce, Justice, State; the third, Foreign Operations; the fourth, Labor-Health and Human Services; the fifth, Transportation-HUD-VA; sixth, Defense-Energy and Water; seventh, Agriculture; and the eighth, Interior.

There are also separate groups of amendments that require modification to be adopted. We are going to handle them in a separate group.

The managers intend to call up amendments by number in each group and ask for adoption en bloc. Any Senator, of course, is entitled to object to these amendments and needs to be on the floor so we can proceed to debate and vote on amendments that may be objected to. These have been cleared on both sides of our Appropriations Committee by the subcommittee staffs, by myself, and I believe the manager on the other side.

If we can adopt this process, it is still possible to finish today. We do not know on this side yet how many amendments we may wish to have a vote upon. I think this process may identify some of those.

I yield the floor.

Mr. REID. Is the Senator wishing to move forward on the first block at this time?

AMENDMENTS NOS. 165, 23, 70, 96, 113, 190, AND 174

Mr. STEVENS. I will call that up now. I ask unanimous consent that the following amendments be considered en bloc: No. 165 and 166 offered by Senator BYRD; No. 23 offered by Senators GRASSLEY and BAUCUS; No. 70 offered by Senator FRIST; No. 96 offered by Senator VOINOVICH; No. 113 offered by Senator KOHL; No. 190 for Senators BOXER and DORGAN; and No. 174 offered by Senator AKAKA. They all come under the heading of the Legislative Appropriations bill.

Mr. REID. Every amendment is fine, except No. 166; we need to look at that, the second amendment.

Mr. STEVENS. Senator BYRD's? I will pull that out of the package, then.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc with the noted exception?

Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 165

(Purpose: To provide for the Office of the President pro tempore emeritus)

On page 641, line 10, insert "President Pro Tempore emeritus, $7,500;" before "Chairmen of the Majority and Minority Conference Committees".

On page 641, line 13, strike "$120,000" and insert "$127,500".

On page 641, line 22, strike "$116,891,000" and insert "$117,041,000".

On page 642, between lines 3 and 4, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $150,000.

On page 645, line 2, strike "$18,513,000" and insert "$18,355,500".

On page 650, between lines 23 and 24, insert:

SEC. 8. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE.

(a) ESTABLISHMENT.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) DESIGNATION.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate,

shall be the President pro tempore emeritus of the United States Senate.

(c) APPOINTMENT AND COMPENSATION OF EMPLOYEES.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) EXPENSE ALLOWANCE.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed $7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

AMENDMENT NO. 23

(Purpose: To strike the provision relating to the treatment of certain excise taxes)

On page 820, strike lines 3 through 13.

AMENDMENT NO. 70

(Purpose: To provide additional funding for innovative programs at the state and local level)

At the appropriate place add the following:

UNITED STATES POSTAL SERVICE

The United States Postal Service (USPS) is required under Title 5, Chapter 83 United States Code, to fund Civil Service Retirement System benefits attributable to USPS employment since 1971;

The Office of Personnel Management has reviewed the USPS financing of the Civil Service Retirement System and determined current law payments overfund USPS liability;

Therefore, It is the Sense of the Senate that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

AMENDMENT NO. 96

(Purpose: To designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones Federal Building and United States Courthouse")

On page 852, between lines 4 and 5, insert the following:

SEC. 4 . DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the "Nathaniel R. Jones Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

AMENDMENT NO. 113

(Purpose: To provide a savings provision for certain transfer of functions under the Homeland Security Act of 2002 (Public Law 107–296))

At the appropriate place, insert the following:

SEC. . SAVINGS PROVISION OF CERTAIN TRANSFERS MADE UNDER THE HOMELAND SECURITY ACT OF 2002.

The transfer of functions under subtitle B of title XI of the Homeland Security Act of 2003 (Public Law 107–296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

AMENDMENT NO. 190

SEC. . SALARIES.

No funds shall be used to pay any federal employee or any employee, member or chairperson of any federal commission, board, committeé, or council and annual salary in excess of the annual salary of the President of the United States.

AMENDMENT NO. 174

(Purpose: To express the sense of Congress that there should be parity in the adjustment in pay rates for members of the uniform services and civilian employees of the United States, including prevailing rate employees, and for other purposes)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON PAY PARITY. It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar federal employees paid under the Federal Wage System.

Mr. STEVENS. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 46, 72, 100, 159, 160, 191, AS MODIFIED, 233, AND 107

Mr. STEVENS. Mr. President, I turn now to the amendments we have agreed to accept within the jurisdiction of the State, Justice, Commerce Subcommittee. I have at the desk the following package: Amendment No. 46 by Senators WYDEN and SMITH; No. 72 by Senator LEAHY; No. 100 by Senator GRASSLEY; Nos. 159 and 160 for myself; No. 191 for Senators BREAUX and LANDRIEU; No. 233 for Senators CORZINE and CLINTON; and amendment No. 107 for Senator KENNEDY.

I send a modification to the desk of amendment No. 191 and ask that it be substituted for the amendment in this package.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I know of no objection to these items. They have been cleared on both sides. I ask unanimous consent that these amendments be agree to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 46

(Purpose: To establish the West Coast Groundfish Fishing Capacity Reduction Program)

On page , between lines and , insert the following new section:

SEC. . WEST COAST GROUNDFISH FISHERY CAPACITY REDUCTION.

(a) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of P.L. 107–206 and 16 U.S.C. 1861a(b)–(e) except that, the program may apply to multiple fisheries, except that: Within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall be made and accepted under this section; except that: Section 144(d)(1)(K)(3) of Title I, Division B of P.L. 106–544 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section, except that no vessel harvesting and processing whiting in the catcher-processors section (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness Crab and Pink Shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary: for each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total exvessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp based on the 3 highest total annual revenues earned from such stocks that the bidder's reduction vessel landed during 1998, 1999, 2000 or 2001. For purposes of this paragraph, the term "total annual revenue" means the revenue earned in a single year from such stocks. The secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California, except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains, except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph, except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if it were applicable to fee-share fisheries.

(j) The term "fee-share fishery" means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term "reduction fishery" means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

AMENDMENT NO. 72

(Purpose: To provide necessary funding for the Crime-free Rural States by offsetting funds by reducing the account for buildings and facilities of the Federal Prison System)

At the appropriate place in the joint resolution, insert the following:

SEC. . In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: $10,000,000 to provide for grants as authorized by section 11027 of Public Law 107-273, to implement the Crime-free Rural States Program.

(b) The amount made available under the account for buildings and facilities of the Federal Prison System in this joint resolution is reduced by $10,000,000.

AMENDMENT NO. 100

(Purpose: To increase funding for methamphetamine reduction efforts, and for other purposes)

On page 107, line 5, insert "of which $10,000,000 will be provided for the continuance of methamphetamine reduction efforts" before the semicolon.

AMENDMENT NO. 159

On page 237, at the end of line 15, insert the following: "Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter "Board") which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall submit an annual report to the Secretary detailing the expenditures of the board."

AMENDMENT NO. 160

On page 183, line 25, insert the following after "contributions.":

"Such amounts shall be subject only to conditions and requirements required by the Maritime Administration."

AMENDMENT NO. 191

On page 127, line 17, insert after the ":" the following:

"*Provided further*, That of the funding provided for the National Marine Fisheries Service, $3,000,000 may be made available to the oyster industry in the State of Louisiana for economic assistance to the oyster fishery affected by Hurricane Isidore, and Hurricane Lili: *Provided further*, That such funds may be used only for (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including oystermen, oyster processors, and related businesses serving the oyster industry; (C) domestic product marketing and seafood promotion; and (D) State seafood testing programs:".

AMENDMENT NO. 233

(Purpose: To prohibit funds appropriated under this Act from being used to remove, deport, or detain an alien spouse or child of an individual who died as a result of a September 11, 2001, terrorist attack, unless certain circumstances exist)

On page 115, between lines 23 and 24, insert the following:

SEC. 110. None of the funds appropriated by this Act may be used to remove, deport, or detain an alien spouse or child of an individual who died as a result of a September 11, 2001, terrorist attack, unless the alien spouse or child is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)) (including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States); or

(2) a member of the family of a person described in paragraph (1).

AMENDMENT NO. 107

(Purpose: To restore a provision regarding fees to cover the full costs of all adjudication services)

At the appropriate place, insert the following new section:

SEC. ___. RESTORATION OF PROVISION REGARDING FEES TO COVER THE FULL COSTS OF ALL ADJUDICATION SERVICES.

The Homeland Security Act of 2002 is amended by striking section 457, including the amendment made by such section.

METHAMPHETAMINE REDUCTION

Mr. GRASSLEY. Mr. President, I would like to have a word with the Chairman concerning funding for the war on methamphetamine production and trafficking. I appreciate your accepting my amendment to allocate $10 million for the continuance of methamphetamine reduction efforts. I understand that these funds will come from the $50 million in the bill designated for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug hot spots. It is also my understanding that this $10 million will be used to combat meth production and distribution in the State of Iowa. This money will go to the Iowa Office of Drug Control Policy to fund programs that I consider essential to treating and controlling the drug problem in the State of Iowa. These programs would include a Drug-Free Workplace Coordinator to help educate employees to deter and detect use, and put procedures in place to take corrective action if there is a workplace-related substance abuse problem; various community prevention, intervention, and treatment programs; and for a Meth Safe House in Iowa to provide a safe and drug-free environment for recovering meth addicts, and help push them away from the negative influences that previously fed their addiction.

Mr. STEVENS. I was pleased to be able to make the Senator's amendment a part of the manager's package. The Senator's understanding is correct. This $10 million will go to the Iowa Office of Drug Control Policy to fund programs to combat methamphetamine production and trafficking.

Mr. CORZINE. Mr. President, I rise today to introduce an amendment along with Senator CLINTON that would prevent the Immigration and Naturalization Service from deporting the spouses of children of the victims of the September 11 attacks. This simple legislation would allow some 300 people who are still grieving the loss of their loved ones to remain in the United States to sort out their affairs.

The Patriot Act responsibly included a provision that allowed nonimmigrant survivors of victims of the September 11 attacks to remain in the United States until September 11, 2002. That length of time, however, was not sufficient for those families to sort out their affairs before returning to their countries of origin.

I remain steadfast in my belief that these families should be permitted to stay in the United States indefinitely as legal permanent residents. I intend to raise that issue in the future. This amendment, however, is crafted narrowly as a stopgap humanitarian response to the everyday challenges these families face before being able to return to their native countries. Though in mourning for well over a year, many widows and children have not recovered the remains of their loved ones. Instead, they are awaiting DNA analyses of the samples collected from the attack site.

The children of these widows and widowers are enrolled in American schools. In fact, some are native-born American citizens and would have to return to a country they don't know or face the prospect of separating from their one surviving parent.

The great majority of these families is still awaiting awards from the victims' compensation fund. They have homes that will need to be sold and other unfamiliar financial matters to settle before returning to their native countries. And many are participating in support groups with other survivors, groups that simply will not exist in their birth country. It would be inhumane to deport them at this time.

This amendment will provide these brave families with additional time to attend to their affairs and undertake the unenviable task of dismantling their lives in the United States.

I urge my colleagues to support this simple but important legislation.

Mr. LEAHY. Mr. President, I rise to discuss a provision that the Senate agreed to earlier today and that is of particular importance for my State of Vermont—my amendment to appropriate $10 million for the Crime-Free Rural States Program. I worked to authorize this program last year in the 21st Century Department of Justice Appropriations Authorization Act, which was signed into law last November.

This program will provide crucial law enforcement assistance to rural States that are struggling with a variety of crime problems. It provides for grants to State criminal justice, Byrne, or other designated agencies to develop rural States' capacity to assist local communities in the prevention and reduction of crime, violence, and substance abuse.

This program gives States the flexibility to use the funding where it is most needed. For example, Vermont is suffering terribly from a rapid increase in the abuse of heroin that has put an extraordinary burden on our communities and our law enforcement agencies. Vermont could use the money provided by this program to help local governments address this crisis.

Rural States face unique problems in their efforts to reduce crime, with small numbers of law enforcement officers responsible for protecting widely-dispersed communities. As drugs and violent crime have become more prevalent in remote regions of our Nation, law enforcement officers in those areas have seen their jobs become increasingly difficult. This program, which States would administer with the assistance of the National Crime Prevention Council, would help State and local law enforcement by promoting innovation in the development of crime-fighting technology and by funding the development of statewide strategic plans, including performance targets to ensure the funding is well-spent.

This program will provide crucial assistance to rural States. I thank Senators STEVENS, BYRD, GREGG, and HOLLINGS for accepting it as part of the managers' package. In addition, I urge the conference committee that will reconcile the House and Senate-passed bills to retain this provision, and give rural States assistance they so desperately need.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 191, AS MODIFIED

Mr. STEVENS. Mr. President, I have been asked, notwithstanding the actions taken so far, to ask unanimous consent that amendment No. 191 be reconsidered—brought back to the desk in order that one word might be changed.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. STEVENS. I send the modification to the desk. It changes the word "shall" to "may."

The PRESIDING OFFICER. Without objection, the amendment is further modified.

Mr. STEVENS. I ask unanimous consent that the modification I made to amendment No. 191 be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I urge passage of that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 191), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 138

Mr. REID. I have spoken to the managers of the bill. In an effort to save time, we ask that we move to the Bingaman amendment No. 138 and there be 20 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. And prior to the vote, that there be no second-degree amendment filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before discussing the Bingaman amendment No. 138, I ask unanimous consent first, with regard to amendment No. 126, that Senator DOMENICI and Senator LANDRIEU be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask that that amendment be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Ms. COLLINS, Mr. KENNEDY, and Ms. LANDRIEU, proposes an amendment numbered 138.

Mr. BINGAMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 138

(Purpose: To extend the QI–1 program under title XIX of the Social Security Act through the end of fiscal year 2003)

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. Section 136 of Public Law 107–229, as added by section 5 of Public Law 107–240, is amended by striking "60 days after the date specified in section 107(c) of Public Law 107–229, as amended" and inserting "September 30, 2003".

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself, Senator COLLINS, Senator KENNEDY, and Senator LANDRIEU. The purpose is to extend a critical Federal-State program that assists low-income Medicare beneficiaries to pay their health premium costs.

This program that has been on the books, now, since 1997 and that I am trying to extend to the end of this fiscal year, the end of September, is one which allows States to use Medicaid funds to assist these low-income individuals in paying their Medicare premiums. It is for low-income seniors. It was enacted as part of the 1997 Balanced Budget Act. It was slated for reauthorization at the end of this last year, 2002. Unfortunately, we did not enact any Medicare or Medicaid legislation as part of the 107th Congress, so the program was extended by the last two continuing resolutions.

The current continuing resolution under which we are operating the Government right now provides for extension of this until March 12. The amendment I am offering would further extend this through September 30 of 2003.

The program to which I am referring is called the QI–1 Program, Qualifying Individual Program, within Medicaid. It is a block grant payment to States to pay the Medicare Part B premium. This Part B premium is $58.70 per month this year.

This program only applies to individuals who have monthly incomes between $887 and $997. So if you have an income over $997 per month, you are not qualified to participate in the program I am trying to extend. In the case of a couple, the income of the couple can be anywhere between $1,194 and $1,344. This represents an effort to cover Medicare beneficiaries with incomes between 120 and 135 percent of the Federal poverty level. This amounts to a little over $700 annually for many of these older and disabled Americans who depend upon this payment for a portion of their health care costs. This is for such things as prescription drugs and supplemental coverage. We have over 120,000 people nationwide who currently rely on this QI–1 Program. They will be hard pressed to afford Medicare coverage unless this assistance is continued.

In short, to prevent the erosion of existing low-income protections, Congress needs to extend the 5-year Federal allocation for the QI–1 Program this year.

We do not know the exact number of people who are eligible for this particular program—that is, the number of Medicare beneficiaries who have incomes between 120 percent and 135 percent of poverty—but the estimate we have is there are about a million of these individuals. We have about 120,000, as I indicated before, who are actually enrolled, although the numbers are likely far higher than that. We have missing data from several States, and it is very difficult to calculate it.

In my State of New Mexico, for example, we know there are almost 1,000 New Mexicans who are currently enrolled in the QI–1 Program. This disenrolling of these low-income Medicare beneficiaries, which is what we would do if we did not adopt my amendment—we would disenroll these people from the program—it would cost each and every one of them $700 annually. It could have a significant impact on their health.

In a letter from the Medicare Rights Center, they gave an example of the kind of person who is affected by this amendment. The example was a 69-year-old widow with severe arthritis, hypertension, and high cholesterol who lives here in our Nation's Capital. This woman, referred to as Mrs. B, does not qualify for Medicaid, yet she cannot afford premiums for a Medicare HMO or a Medigap plan. The QI-1 Program does cover her Part B premium of over $700 per year. If she loses that assistance, as she will unless the amendment we are offering here is adopted—if she loses that assistance, she does not know how she could make ends meet since she already struggles to buy food, to pay her Medicare copayment, and to purchase prescription drugs. As I indicated before, in order to qualify for this payment which she is now receiving, she cannot have an income of over $997 per month.

This is a bipartisan issue. President Bush has included the QI-1 reauthorization in his fiscal year 2003 budget. When we had the confirmation hearing in the Health and Education Committee on the new Commissioner for the Food and Drug Administration, Mark McClellan, he testified that the administration continues to support the reauthorization of this program.

In addition, QI-1 reauthorization was also included in S. 3018, which is the Beneficiary Access to Care and Medicare Equity Act. This was a bill that Senators GRASSLEY and BAUCUS introduced late last year.

During every Senate race around this country last fall, candidates on both sides of the aisle promised our Nation's seniors and disabled Medicare beneficiaries improved health coverage with the addition of a prescription drug benefit. While they are waiting for us to enact that prescription drug benefit, low-income Medicare beneficiaries should not be blindsided by the loss of critically needed premium protection that is provided in the QI-1 Program.

I urge the passage of this amendment to extend the program another 6½ months. I urge my colleagues to join me in addressing the issue on a more permanent basis in the coming months. There are at least 120,000 low-income Medicare beneficiaries who are counting on us.

Let me also respond very briefly to some comments my colleague from Pennsylvania made earlier, where he said all of these amendments that are being offered are new money.

This is not new money. This is an existing program. It is a program that has been in place for 5 years. There are 120,000 individuals out there who are depending upon us continuing to assist them in making these Medicare premium payments. This is not an example of growing government, as was suggested. This is an example of maintaining a benefit for low-income seniors and disabled individuals in our society.

Let me indicate a few of the numbers we are talking about in different States so my colleagues have a sense of what is involved.

In the State of Alabama, there are 9,817 individuals currently receiving this benefit; in the State of Arizona, there are 5,620; in the State of Florida, there are 13,769; in the State of Kentucky, 4,329; Louisiana, 5,596; New Jersey, 7,214; North Carolina, 9,059; Ohio, 8,362; and Oklahoma, 3,169. There are many individuals who depend upon this payment. The correct thing to do, and the right thing to do, is for us to adopt this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 10 seconds.

Mr. BINGAMAN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. STEVENS. Mr. President, I reserve the remainder of our time on that amendment and ask unanimous consent that it be set aside temporarily so Senator CANTWELL might present her amendment.

Mr. REID. Mr. President, Senator CANTWELL has agreed to bring up amendment No. 104 with 20 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. May I ask what the unanimous consent request is?

Mr. REID. Cantwell for 20 minutes.

Mr. BINGAMAN. I would still have the initial minute or so?

The PRESIDING OFFICER. That is correct.

Mr. REID. One minute prior to the vote.

Mr. BINGAMAN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 108

Ms. CANTWELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Ms. CANTWELL], for herself and Mr. NELSON, proposes an amendment numbered 108.

Ms. CANTWELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 108

(Purpose: To increase appropriations for workforce investment activities)

On page 549, between lines 14 and 15, insert the following:

In addition to any amounts otherwise appropriated under this Act for title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), $678,551,000 is appropriated to carry out that Act, of which—

(1) $156,965,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with subparagraphs (B) and (C) of section 127(b)(1) of that Act (29 U.S.C. 2852(b)(1)) (relating to youth activities);

(2) $76,000,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(1) of that Act (29 U.S.C. 2862(b)(1)) (relating to employment and training activities for adults);

(3) $206,096,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(2) of that Act (29 U.S.C. 2862(b)(2)) (relating to employment and training activities for dislocated workers);

(4) $181,890,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for use under section 169 of that Act (29 U.S.C. 2914) (relating to youth opportunity grants); and

(5) $57,600,000 (which is available for obligation for the period July 1, 2003 through June 30, 2006) shall be for carrying out subtitle C of title I of that Act (29 U.S.C. 2881 et seq.) (relating to the Job Corps).

Notwithstanding any other provision of this Act, funds provided under the preceding sentence shall not result in a further across-the-board rescission under section 601 of division N.

Ms. CANTWELL. Mr. President, I ask unanimous consent to add the following Senators as cosponsors of my amendment: Senators KENNEDY, BINGAMAN, MURRAY, BOXER, AKAKA, CLINTON, SARBANES, and FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise today to urge my colleagues to support this important amendment sponsored by myself, the Senator from Florida, and others, which restores essential funding for education and job training in America.

Job training should be our first priority, not our last priority. American workers want to learn new skills, and businesses are looking for skilled workers. So it would be a terrible decision today to deny them the opportunity to provide job training so that they can go back to work. But that is exactly what we are doing in this omnibus bill today. In fact, this bill is a 10-percent cut in the fiscal year 2002 funding level. That is a 10-percent cut in the fiscal year 2002 level after the Senate Appropriations Committee voted last year to increase that number to a higher amount. My amendment restores the original committee level.

Some would argue that these funds have no material impact because they would like to say that fiscal year 2002 funds that haven't yet been distributed could also be used to offset this cut that is being proposed by the administration. That is like saying there is a magic slush fund for job training when there isn't. The fact is that job training dollars—because the programs continue for several years—are committed over a 2- or 3-year period of time. That is how they make the programs effective. In fact, if this amendment does not pass today and we do not make a decision to restore these cuts, over 65,000 job training opportunities will be lost in America.

To further bolster this notion of the fact that these cuts really will take effect and have full impact, I point out to my colleague the GAO study on this very issue on whether the States were spending their workforce investment dollars. In fact, quoting from the report, it said:

> States are spending their funds faster than required by law. And even though 44 percent of the program funds for year 2001 are being carried over to 2002, many of these funds have already been committed. Furthermore, because of reporting inconsistencies, the Department of Labor data do not adequately reflect the funds and how they have been obligated in long-term commitments.

What does this mean? It means that GAO is saying there is no magic slush fund. If we make this cut today, we will actually see a cut in reduction in programs.

Some of my colleagues ask: What is so serious about that? Maybe we need a little belt tightening. I point out to my colleagues that we are going through rough economic times. Actually retraining workers who are then rehired by a company to add to their bottomline profitability is a good economic stimulus package. As Stephanie Powers, CEO of the National Association of Workforce Boards, wrote me:

> We strongly agree with the GAO's report and we support maintaining current funding levels. We are on the front line of serving over 2.3 million workers who have lost their jobs over the last two years, and this cut would dramatically impede our ability to meet these services at a very critical time.

If there is a silver lining to this economic recession we have been in, it is the fact that there are companies and there are businesses that say they still want to hire workers but can't find the skilled workers they need.

Take the health care industry, for example. The American Hospital Association estimates that there are currently over 126,000 unfilled nursing positions in the country. Why would we take money away from the training programs to retrain individuals who have lost their jobs and who could go into nursing to give their families an income and give the health care industry the workers they need?

While we are facing tough economic times, we are also simply facing a skills gap. The best way to deal with that skills gap is to give the dislocated workers the opportunity to improve their skills. That is why, given the high unemployment rate, and the unemployment claims just last week increasing by 18,000 and over 2 million people having lost their jobs in the last 2 years, this amendment would actually be the economic stimulus we are looking for.

I don't think job training is a political issue or a partisan issue. In fact, last year I was enthused by the fact that a majority of Members of the Senate signed a letter asking the Senate Appropriators to increase funding for Job Training Programs. Of those Senators who signed the letter, I want to read from it and quote that they said:

> We are writing to express our support for increasing the funding for 2003. The ability of a skilled workforce is critical to our Nation's economy and will provide the adequate support for job training. We are concerned that the unemployment landscape may not turn around rapidly and that these displaced workers will not be able to return to their former jobs. Many of them need to prepare for new jobs in the workforce.

If the same colleagues who signed this letter will vote for this amendment today, we can put this issue to rest and give the American workers the kind of job training and skills they need.

This amendment will accomplish a stimulus for our economy that is much needed. It will make sure that we don't say no to workers and no to the businesses that are looking for help, and it will make sure that we will say yes to tomorrow's economic opportunities for all of us. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how much time does Senator CANTWELL have remaining?

The PRESIDING OFFICER. Three minutes three seconds.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am a cosponsor of Senator CANTWELL's amendment and the Workforce Investment Act program amount she is seeking. The bottom line is workforce training in a time when our economy is in a recession. One of the things we want to do is, when people are thrown of work, we want to get them retrained with skills so they can obtain work. So that is what this is all about.

This funding that we are trying to restore was already provided in the Senate Appropriations Committee-passed bill; but subsequently, with these across-the-board cuts, it has been severely nicked, to the tune of what we are trying to restore.

Why do we want to restore this amount, other than because of the commonsense answer that you want to provide job training for folks out of work? It assists workers who lose their jobs as a result of circumstances beyond their control. It helps Americans gain an element of self-sufficiency.

This is not the time to cut funding for programs that give Americans the tools, the guidance, and the skills they need to handle these problems.

I am very much a proponent of this Workforce Investment Act because I have seen what it can do. I have seen the workforce centers in Florida. We have about four. I have been to one of those centers. And what do they do? They train young people to have a saleable skill in the job market. And they have an incredible success rate of placing 80 percent. And those 80 percent are in jobs that last some number of months. That is an incredible success rate.

Since its inauguration way back in 1964, the Job Corps has provided over 2 million disadvantaged youth with the integrated, academic, vocational, and social skills training they needed to gain independence.

In closing, I wish to share an e-mail I recently received from an organization committed to providing education to young adults down in Tampa. This is what the e-mail said:

> We have helped 178 youths get a High School Diploma, 171 youths enter college, 605 youths complete Job Readiness Training and almost 800! youths have found jobs.

These are real results, results that may not be duplicated if we do not continue to invest in providing employment training and opportunity for disadvantaged Americans.

I yield the floor.

The PRESIDING OFFICER. The time has expired.

Who yields time in opposition?

All time in support of the amendment has been utilized.

Who yields time in opposition?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that amendment be set aside, the time reserved as it is now, pending another amendment to be offered and debated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Does the Senator from Wyoming wish to speak on the Cantwell amendment?

Mr. ENZI. Yes.

Mr. STEVENS. Mr. President, how much time remains on the Cantwell amendment?

The PRESIDING OFFICER. Eight minutes nine seconds.

Mr. STEVENS. I yield the Senator from Wyoming such time as he wishes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the chairman.

Mr. President, the amendment before us is the Workforce Investment Act amendment which appropriates an additional $678 million for programs under title I of the Workforce Investment Act. It has some money for all of the different processes: youth activities, employment and training activities, opportunity grants, and Job Corps.

The managers' amendment to the omnibus appropriations bill provides $5.12 billion for training and employment services. That is $144.3 million above the budget request. Of this total amount, the bill provides $1.38 billion for dislocated worker activities.

As chairman of the Subcommittee on Employment, Safety and Training, I have been a strong supporter of the Workforce Investment Act. In fact, I have joined with my colleagues on both sides of the aisle in efforts to provide sufficient funding for the Workforce Investment Act.

Therefore, I have to carefully explain why I am opposing this amendment. Let me be clear, I am not questioning the importance of job training in these difficult economic times, nor am I questioning the importance of the Workforce Investment Act as our Federal workforce development system. However, I am opposing an amendment that increases funding without offsetting such increased amounts. I am opposing an amendment that increases funding by $678 million that is not targeted to the individuals who are most in need of job training and assistance. Of the $678 million increase in funding, only $206.1 million will go to dislocated worker programs, those individuals who are most in need of assistance to get back to work.

The President's economic stimulus proposal gives $3.6 billion to fund personal reemployment accounts to individuals who need the most help getting back to work. These accounts can be used for job training, child care, transportation, or other expenses associated with finding a new job. These accounts will be administered through the Workforce Investment Act's One-Stop Career Center. The personal reemployment accounts proposed by the President are both targeted and flexible, unlike the amendment before us.

Most importantly, the Workforce Investment Act is up for reauthorization this year. My subcommittee will shortly be commencing hearings on the reauthorization. During the reauthorization process, we will be considering funding issues for the Workforce Investment Act to determine how resources are most effectively used for people who need it most. This is not the time to address these issues. We need to complete our work on fiscal year 2003 appropriations now. The time to address the Workforce Investment Act is during the reauthorization of the bill this coming year which will be one of my priorities as chairman of the Subcommittee on Employment, Safety, and Training.

Again, I encourage my colleagues to oppose the amendment. It is not offset. It is new money. It is not directed toward the problem, and we will be doing reauthorization.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask Democratic Senators LAUTENBERG, DODD, WYDEN, and KOHL to come to the floor. We have amendments that need to be offered, and we have now an hour. If we don't do that, it will be an extra hour or more we will have to work later tonight.

Mr. STEVENS. Mr. President, on the Cantwell amendment, what is the time situation?

The PRESIDING OFFICER. Four minutes fifty seconds remain for the opponents.

Mr. STEVENS. Does Ms. CANTWELL have any time remaining?

The PRESIDING OFFICER. No.

Mr. STEVENS. I yield back the remainder of our time. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I ask unanimous consent that amendment be set aside until a time agreed upon by the two managers after 5 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 98, 99, AND 162, EN BLOC

Mr. STEVENS. Mr. President, I have on the desk a group of amendments that come under the jurisdiction of the Foreign Operations Subcommittee. I ask unanimous consent that we now consider, en bloc, amendment No. 98 by Senators MCCONNELL and LEAHY; amendment No. 99 by Senators MCCONNELL and LEAHY; and amendment No. 162 by Senators FITZGERALD, DOLE, and CLINTON. I further ask that they be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 98

On page 366, line 26, strike "this heading" and insert in lieu thereof: the heading "Economic Support Fund"

AMENDMENT NO. 99

On page 366, strike everything after "the" on line 3, through "Agency" on line 4 and insert in lieu thereof:

headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs"

AMENDMENT NO. 162

(Purpose: To restrict the availability of funds for the International Committee of the Red Cross)

On page 335, line 10, before the period at the end of the line insert the following: "*Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement".

AMENDMENTS NOS. 35, 52, 58, 87, AND 220, EN BLOC

Mr. STEVENS. Mr. President, we have another group of amendments before the Senate: Amendment No. 35 by Senator KENNEDY; amendment No. 52 by Senator GRASSLEY; amendment No. 58 by Senators COLLINS and BOND; amendment No. 87 by Senators MCCONNELL, BOXER, and ENSIGN; and amendment No. 220 by Senator SPECTER. I ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 35

(Purpose: To provide funding for the mass layoff statistics program)

On page 563, line 14, insert before the period the following: ", and $6,600,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2). On page 640, line 2, increase the amount by $6,600,000".

AMENDMENT NO. 52

Beginning on page 1043, strike line 19 and all that follows through page 1044, line 3, and insert the following:

TITLE IV—TANF AND MEDICARE

SEC. 401. Section 114 of Public Law 107–229, as amended by section 3 of Public Law 107–240 and by section 2 of Public Law 107–294, is amended—

(1) by striking "the date specified in section 107(c) of this joint resolution" and inserting "September 30, 2003"; and

(2) by striking ": *Provided further*, That notwithstanding" and all that follows through the period and inserting a period.

AMENDMENT NO. 58

(Purpose: To provide for an extension of the temporary increase in payments for medicare home health services furnished in a rural area)

At the appropriate place, insert the following:

SEC. . EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) IN GENERAL.—Section 508(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–533), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(1) by striking "24-MONTH INCREASE BEGINNING APRIL 1, 2001" and inserting "IN GENERAL";

(2) by striking "April 1, 2003" and inserting "October 1, 2003"; and

(3) by inserting before the period at the end the following: "(or 5 percent in the case of such services furnished on or after April 1, 2003, and before October 1, 2003)".

(b) CONFORMING AMENDMENT.—Section 547(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–553), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by striking "the period beginning on April 1, 2001, and ending on September 30, 2002," and inserting "a period under such section".

AMENDMENT NO. 87

(Purpose: To amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees)

At the appropriate place, insert the following:

SEC. . (a) Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois,".

(b) The amendment made by subsection (a) takes effect on January 1, 2003.

AMENDMENT NO. 220

At the appropriate place, insert the following:

SEC. . FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3:00 p.m. and 8:00 p.m.—after school is out and before parents arrive home.

(3) Studies show that organized extracurricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that every effort should be made to—

(1) accommodate the waiting lists of children needing access to after-school programs; and

(2) fund after-school programs at the level authorized in the Leave No Child Behind Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 26, 48, 92, 69, AND 224, EN BLOC

Mr. STEVENS. Mr. President, I have a group of amendments at the desk now that pertain to the Transportation and VA–HUD Subcommittee: Amendment No. 26 by Senator LOTT; amendment No. 48 by Senator SARBANES; amendment No. 92 by Senator FEINSTEIN; amendment No. 69 by Senator CLINTON; and amendment No. 224 by Senators BOND and MIKULSKI.

I ask unanimous consent that those amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 26

(Purpose: To amend the Aviation and Transportation Security Act)

At the appropriate place add the following:

Section 145[c] of P.L. 107–71 is amended by striking the number (18) and inserting the number (36).

AMENDMENT NO. 48

(Purpose: To redirect funds to the Susquehanna Greenway, Maryland)

On page 787, after line 25, add the following:

SEC. 3 . SUSQUEHANNA GREENWAY, MARYLAND.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking "Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville" and inserting "Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County".

AMENDMENT NO. 92

(Purpose: To strike the section that redefines the Alameda Corridor East and Southwest Passage, California, that has previously been designated as a high priority corridor on the National Highway System)

On page 772, strike lines 10 through 23.

AMENDMENT NO. 69

(Purpose: To authorize the use of certain previously appropriated funds by the Federal Emergency Management Agency to be used for health examinations of emergency services personnel who responded to the terrorist attacks on the United States on September 11, 2001)

On page 1014, after line 13, insert the following new section:

"SEC. 423. From amounts previously appropriated under the heading "Emergency Response Fund" in Public Law 107–038, $90,000,000 shall be made available, until expended, for the Federal Emergency Management Agency to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less than $25,000,000 shall be made available for such services for current and retired firefighters.".

AMENDMENT NO. 224

(Purpose: To permit certain qualified aliens and immigrants access to public and assisted housing consistent with the intent of the 1996 welfare and immigration reform legislation)

On page 1014, after line 13, insert the following new section, with the section renumbered as appropriate:

"SEC. 423. Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by—

(1) in subsection (a)(6), by striking "or" at the end;

(2) by renumbering paragraph (7) as (8) in subsection (a);

(3) by adding after paragraph (6) in subsection (a), the following new paragraph:

"(7) a qualified alien described in 8 U.S.C. 1641, or";

(4) in subsection (c)(1)(A), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)"; and

(5) in subsection (c)(2)(A), by inserting "(other than a qualified alien as described in 8 U.S.C. 1641(c))" after "any alien"."

AMENDMENT NO. 48

Mr. SARBANES. Mr. President, the purpose of this amendment is to redirect funding that was made available in the Transportation Equity Act for the 21st Century for the construction of a pedestrian and bicycle bridge across the Susquehanna between Havre de Grace and Perryville, MD to a related project.

During a tour of Havre de Grace and Perryville in April 1998, the mayors of the two towns and members of the Lower Susquehanna Heritage Greenway Committee, briefed me on the Heritage Greenway plan and expressed a hope that the two towns would one day be connected by a pedestrian/bicycle bridge. There are three bridges spanning the Susquehanna River at U.S. Route 1, I–95 and U.S. Route 40, but for safety reasons Maryland State Highway Administration policy prohibits pedestrian/bike traffic on these bridges. The Lower Susquehanna Greenway Resource Report dated January, 1994 identified the need to link greenway trails along the river in Harford and Cecil Counties via a river crossing ard identified a potential crossing site which would utilize the old Route 40 piers that parallel the existing Amtrak bridge.

In order to help facilitate construction of a pedestrian and bicycle bridge at this site, Senator MIKULSKI and I succeeded in getting a provision included in TEA–21 which provided $1.25 million for this project. Using a portion of the funds, the State Highway Administration conducted an engineering analysis of the existing piers and determined that the piers could not support such a bridge without significant and costly structural and other improvements. Since that time the Susquehanna Heritage Greenway Committee has been examining other options, including a ferry boat and a pedestrian/bicycle bridge crossing further upstream. My amendment would give the committee additional flexibility to undertake these potential crossing alternatives and related Lower Susquehanna Heritage Greenway projects. I urge adoption of the amendment.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 59, 34, 37, 38, 42, 49, 84, 128, 161, AND 206, EN BLOC

Mr. STEVENS. Mr. President, I present another group of amendments to the desk. They are: Wyden amendment No. 59; Craig amendment No. 34; Bunning and Bingaman amendment No. 37; Bunning amendment No. 38; Domenici amendment No. 42; Sarbanes amendment No. 49; Reid amendment No. 84; Levin and others amendment No. 128; Domenici and Bingaman amendment No. 161; and Voinovich amendment No. 206.

I ask unanimous consent that these amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 59

(Purpose: To provide certain limitations and prohibitions on the development and deployment of the Total Information Awareness program)

At the end of title I of division M, add the following:

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 60 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 60 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 60 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties; and

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program;

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term "Total Information Awareness program"—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term "non-United States person" means any person other than a United States person.

(3) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

AMENDMENT NO. 37

At the appropriate place, insert the following:

SEC. . GAO STUDY ON SUBTITLE D OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT.

(a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study on the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) in assisting the Department of Energy (in this section referred to as the "DOE") contractor employees in obtaining compensation for occupational illness.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representative Energy and Commerce Committee on the results of the study conducted under subsection (a).

AMENDMENT NO. 38

At the appropriate place, insert the following:

SEC. . GAO STUDY OF CLEANUP AT THE PADUCAH GASEOUS DIFFUSION PLANT IN PADUCAH, KENTUCKY.

(a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky.

(b) REPORT TO CONGRESS.—Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representative Energy and Commerce Committee on the results of the study conducted under subsection (a).

AMENDMENT NO. 42

(Purpose: To correct extension date and provide civil penalties in Division M, Title II)

On Page 1027, line 17, strike "August 1, 2002" and insert "December 31, 2004".

On Page 1032, at the end of line 8, insert the following new section:

"SEC. 210. CIVIL PENALTIES.

"(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Automatic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

"(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.".

"(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section."

AMENDMENT NO. 49

(Purpose: To direct the Secretary of the Army to provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense)

At the appropriate place in the division relating to energy and water, insert the following:

SEC. . HERRING CREEK-TALL TIMBERS, MARYLAND.

(a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, shall provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

AMENDMENT NO. 84

At the appropriate place, insert the following:

SEC. ___. NORTH LAS VEGAS WATER REUSE PROJECT.

SEC. 1. (a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the 'Project') to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the city North Las Vegas and county of Clark, Nevada.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

SEC. 2. Reclamation Wastewater and Groundwater Study and Facilities Act.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

AMENDMENT NO. 128

(Purpose: To set aside funds for the Chicago Ship and Sanitary Canal, Illinois)

On page 259, line 19, strike "projects:" and insert "projects; and of which $500,000 may be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois:".

AMENDMENT NO. 161

On page 295 at the end of line 24 insert the following new section:

"SEC. 3. None of the funds appropriated by this or any other Act may be used to defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande Fire Activities in P.L. 106–246 and P.L. 106–377.

AMENDMENT NO. 206

(Purpose: To extend the prohibition on oil and gas drilling in the Great Lakes through fiscal year 2005)

On page 424, between lines 12 and 13, insert the following:

SEC. 5 . EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES

Section 503 of the Energy and Water Resources Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking "2002 and 2003" and inserting "2002 through 2005".

PRICE-ANDERSON

Mr. DOMENICI. Mr. President, I rise to discuss provisions in the Omnibus Appropriations bill relating to Price-Anderson nuclear liability. As you know Price-Anderson coverage for NRC licensees ended last August 1. Extension of Price-Anderson had been agreed upon by conferees on last Session's Comprehensive Energy Bill, but the demise of that Bill ended hopes of extension of Price-Anderson before it lapsed.

I've discussed this situation with Senator INHOFE and Senator VOINOVICH, from their perspectives involving the Environment and Public Works Committee with jurisdiction over Nuclear Regulatory Commission issues. I'm pleased that they concur that the nation is best served by prompt renewal of Price-Anderson legislation, retroactive to August 1 of last year, to ensure that both NRC licensees and Department of Energy contractors are subject to its full provisions. I believe we agreed that the language agreed to by the energy bill conferees last year was adequate to accomplish this goal.

Mr. INHOFE. The Environment and Public Works Committee has had Price-Anderson reauthorization bills referred to it in three consecutive Congresses now—my bill, S. 2292, in the 106th Congress as well as Senator VOINOVICH's bills, S. 1591 and S. 1360 from the 107th Congress and S. 156 in this 108th Congress. I laud Senator VOINOVICH's diligent and effective work on this legislation. I would also like to thank Environmental and Public Works Committee staff and associated staff who have worked on this legislation, especially Andrew Wheeler, Lewis Renjel, Marty Hall, Brian Mormino, and Aloysius Hogan.

It is quite appropriate that the passage of this legislation be one of the first actions of the new Republican majority in the U.S. Senate. Indeed, I had scheduled the passage of Senator VOINOVICH's bill S. 156 for my first Environment and Public Works Committee mark-up as Chairman in this 108th Congress. Moreover, in the Environment and Public Works Committee I look forward to further productive oversight and legislation regarding the Nuclear Regulatory Commission, control of nuclear energy, infrastructure, and continued environmental enhancement for our flora, fauna, air, water, and soil.

I support the opportunity to enact this legislation promptly on this omnibus appropriations bill in lieu of Environment and Public Works Committee action. By fostering the clean-up of our soil and water and by fostering clean air energy sources, the legislation we pass in this bill is good for our environment. The sooner we enact this legislation, the better for our environment.

Mr. VOINOVICH. I concur with both of my colleagues, Senators INHOFE and DOMENICI, that prompt, retroactive renewal of the Price-Anderson program is in the best interest of the Nation. We need to do whatever we can to promote a safe and efficient nuclear energy industry and encourage the development of new nuclear reactors. Reauthorizing the Price-Anderson Act is a major step in that direction.

Almost a year before the program was to expire, on August 3, 2001, I introduced S. 1360 and shortly thereafter S. 1591 to reauthorize the Act. During consideration of the Energy bill, I then proposed an amendment that included the provisions of my bills. While my colleagues recognized the importance of the amendment and passed it by a vote of 78–21, the Energy bill was ultimately not considered. Thus, I recently reintroduced my bill from last Congress as S. 156.

I am pleased that this matter is finally being handled in the Omnibus Appropriations bill with the inclusion of the House and Senate compromise language of my amendment.

AMENDMENT NO. 49

Mr. SARBANES. Mr. President, the purpose of this amendment is to ensure the integrity of a shoreline protection system that was constructed by the Army Corps of Engineers in 1985 at Tall Times, MD to mitigate the erosion induced by the Herring Creek entrance jetties.

The Herring Creek Navigation Project, located on the left bank of the Potomac River in St. Mary's County, MD, was constructed in 1960 by the U.S. Army Corps of Engineers to maintain a navigable channel at the inlet. Although the jetties functioned as designed, they blocked the natural drift of sand along the shoreline and caused significant erosion in the area downstream of the project. To correct this erosion problem, in 1985 the Corps of Engineers implemented a mitigation project under the authority of section 111 of the River and Harbors Act of 1968. The modification consisted of construction of 250 feet of beach fill and 2,187 linear feet of stone revetment, and upgrading 350 linear feet of existing revetment along the Tall Timbers waterfront, south of the project inlet. The revetment was constructed essentially on top of an existing wooden bulkhead built by St. Mary's County in 1950. Herein lies the problem: the wooden bulkhead is failing in sections, causing huge sinkholes on private property, and undermining the integrity of the revetment.

Although the Local Cooperation Agreement specified that the Army Corps of Engineers was responsible for maintaining the revetment, it did not specify who would be responsible for maintaining the bulkhead. St. Mary's County and local residents assert that this is a Corps responsibility. The Corps asserts that it does not have the authority to repair the bulkhead.

The amendment that Senator MIKULSKI and I are offering would clarify the responsibilities of the Army Corps of Engineers to provide maintenance of the project. It should be pointed out that, should the entire bulkhead fail, the revetment will also fail and the Corps would be responsible for replacing the entire revetment at a cost of well over $1 million. This is an instance where an ounce of prevention now will prevent a pound of federal expenditures later. I urge adoption of the amendment.

AMENDMENT NO. 59

Mr. REID. Mr. President, I rise to speak in support of an amendment that was offered by my colleague from Oregon, Senator WYDEN.

I want to begin with a USA Today article from February 27, 2002 entitled "Bush Cheney Champion Privacy—for themselves" by Tony Mauro.

The article describes how the administration is very concerned about protecting privacy when it comes to protecting their meetings to develop an energy policy for our Nation. As Mr. Mauro writes, "Cheney and Bush want privacy for their conversations, but not for anyone else's."

This article also sheds light on how the administration places a premium on privacy. Unfortunately, its leaders seem to value secrecy mainly to protect themselves from embarrassing revelations or to protect their corporate cronies from public scrutiny.

And yet while the White House was fighting vigorously to prevent the American people from getting access to government records, the administration was working arduously to ensure that government would have unprecedented access into the personal lives of the American people through electronic records.

Today, my colleague from Oregon is offering an amendment to ensure that such a program does not go forward unless the privacy of the American people is assured.

This week, many of my colleagues have joined me in speaking on civil rights and civil liberties. I feel strongly that we must defend the civil liberties of Nevadans and all Americans, including their fundamental right to privacy.

After September 11, our Nation was forced to reflect on the freedoms we so often take for granted.

Americans have accepted many restrictions on those freedoms, because they recognized some limits were necessary to provide security against terrorists and other realistic threats, and because they believed these restrictions would be administered justly.

So we tolerate waiting several hours to board airplanes, because we know it necessary to check our luggage more rigorously than ever before.

But the program my distinguished colleague from Oregon is describing concerns me, and I have heard from many Nevadans expressing their opposition to the White House plan unless we have greater assurances that it will not infringe upon our precious privacy.

Senator WYDEN's amendment aims to curtail the Total Information Awareness program being funded at the Defense Advanced Research Projects Agency, which is an effort to develop a digital description of each and every one of us, available in nanoseconds.

This digital "you" will be made up of every credit card purchase, every bank transaction, every driver's license application, every court record, and every library book loan you ever borrowed.

The Federal Government will store all this information—ready to be processed in a moment's notice.

Sound like a good idea?

I don't think so for a very simple reason: No one has figured out how this information is going to be protected, so that you don't become the victim of an overzealous Government snoop.

The Total Information Awareness program is doing nothing to protect that privacy. Instead of being an electronic Fort Knox, TIA is going to be a gold mine for privacy violations.

In fact, the White House decided to pick a John Poindexter to run the project. He may be a brilliant man, but he was also convicted of lying to Congress in the Iran-Contra scandal.

How are we supposed to believe a man who lied to Congress when he tells us that your privacy is safe—that this clearinghouse of confidential computer records won't be used improperly?

There other problems. Just look at the way this agency will work.

All the research to build this computer web will be done by contractors—businesses who are allowed to market, sell and distribute their work for commercial development.

That means the same technology the government is developing to snoop on your video rentals could be used by the video rental companies to peek on your publicly available government records.

You can bet the companies who buy this technological peeping tom won't be using it to protect the public good, but merely to pad their corporate profits.

Your privacy is not a privilege but a principle that must be protected.

Senator WYDEN's amendment is an important and necessary step to prevent the Federal Government from trampling your privacy while still allowing the Federal Government to protect us against terrorists.

AMENDMENT NO. 59

Mr. WYDEN. Mr. President, as the Senate moves forward on the Omnibus Appropriations bill, I wish to explain in greater detail the amendment I first discussed the other day. I offered this amendment with Senators FEINSTEIN, REID, BOXER, and CORZINE to establish clear and unambiguous congressional oversight over the Pentagon's Office of Total Information Awareness, TIA. It is an amendment on which I have worked with colleagues on both sides of the aisle, and I want to especially recognize the invaluable guidance Senator INOUYE has provided us in crafting this amendment.

It is an amendment that would limit the scope of the Office of Total Information Awareness. This is a program that is now being directed by retired Admiral John Poindexter, the former National Security Adviser to former President Reagan. It is one that raises a number of important issues that have arisen in our country since the horrific events of 9/11.

Let me be clear. The amendment does not kill the program; rather, the amendment shifts the burden to the executive branch to make the case for the program. The amendment would restrict funding for the program unless the Secretary of Defense, the Attorney General and the Director of Central Intelligence send to Congress within 60 days a report answering a series of questions about the TIA program, or the President certifies to Congress in writing that that cessation of TIA's research and development work would endanger U.S. national security. Further, the amendment would prohibit DOD from sharing this technology with any Federal agency that wishes to deploy or implement it until the Secretary of Defense informs Congress about the element of the program's technology that would be deployed and the intended method and scope of the deployment, and an authorization and an appropriations law have been enacted to provide for the specific deployment or implementation.

Given the fact that our country is engaged in fighting a war against an enemy without boundaries, clearly we must, as a nation, take steps that constantly strive to balance the rights of our citizens against the need to protect the national security of our Nation.

My concern is the program that is being developed by Mr. Poindexter is going forward without congressional oversight and without clear accountability and guidelines. That is why I think it is important for the Senate, as we reflect on the need to fight terrorism while balancing the need to protect the rights of our citizens, to emphasize how important it is that a program like this be subject to congressional oversight, and that there be clear accountability.

On the Web site of this particular program, the Total Information Awareness Program, is cited a Latin slogan—"Knowledge is power"—something we would all agree with, and it states:

> The total information awareness of translational threats requires keeping track of individuals and understanding how they fit in to models. To this end, this office would seek to develop a way to integrate databases into a "virtual centralized grand database.

The "centralized grand database" would enable the federal government to look at the education, financial, travel, medical, and other activities of U.S. citizens, and develop risk profiles for millions of Americans in the quest to examine questionable conduct and certainly suspicious activity that would generate concern for the safety of the American people. Our country must fight terrorists, but America should not unleash virtual bloodhounds to sniff into the personal financial, medical, and other records of millions of Americans.

I am of the view the Senate has a special obligation to be vigilant in this area so we do not approve actions or condone actions by this particular office that could compromise the bedrock of this Nation: our Constitution.

I sit on the Senate Intelligence Committee. I know it is a difficult job to find and maintain the proper balance between constitutional rights and the need to thoroughly track down every valid lead on terrorism, but I will tell you, I think it is critically important that the Senate have oversight over this program, and we make sure there is not a program of what amounts to virtual bloodhounds.

We need to make sure there are guidelines and rules so that there has to be, for example, evidence there is activity that could threaten the country before additional intrusive steps are taken and, second, that there are safeguards in place at a time when it is possible, because of modern technology and new databases, to share information very quickly.

The fact is much of this information is already being shared in the private sector, and that is why so many Americans are troubled about the prospect of losing privacy right now. What is of concern to many about the Office of Total Information Awareness is it will take the current policies that threaten the privacy of the American people and magnify those problems, given the fact we have not been informed as to what safeguards and constitutional protections would be in place when this program goes forward.

I am of the view that the Senate must act to suspend this massive data-mining project unless and until the executive branch comes forward to make the case for it and Congress determines whether the proposed benefits of this technology come at too high a price to the privacy and personal liberty of U.S. citizens.

Clearly, to fight terrorism, we have to have the confidence of the American people. In doing so, we must protect their rights. My concern is the Office of Total Information Awareness, as it is constituted today, tips that balance against the procedural safeguards that are needed to protect the rights of millions of Americans while fighting terrorism.

That is why I and my distinguished colleagues believe Congress must act now to limit the scope of the TIA office. The amendment will ensure that as this program is developed in its early days it is done in a fashion that is sensitive and respectful of constitutional protections and safeguards, while still ensuring that our Nation can continue to fight terrorism.

In closing, I again thank the distinguished ranking member of the Senate Defense Appropriations Subcommittee for his generous assistance.

AMENDMENT NO. 59

Mr. FEINGOLD. I support the Wyden-Feinstein Amendment. This amendment would represent a critical first step towards addressing the concerns that so many of our citizens have about one specific data-mining system, the Total Information Awareness program in the Department of Defense. The amendment would require specific congressional authorization before the Total Information Awareness program could be deployed.

Time after time at listening sessions I told throughout my home State of Wisconsin people have expressed serious concerns about the prospect of data mining. People want a government that can protect us, but not at the expense of our most cherished liberties.

The untested and controversial intelligence procedure of data-mining is capable of maintaining and accessing extensive files containing both public and private Government records on each and every American. The Total Information Awareness program represents a dangerous step that threatens some of the very freedoms that we are fighting to preserve in the fight against terrorism. Through comprehensive data mining, as envisioned by the Information Awareness office at the Department of Defense, everything from people's video rentals or drugstore purchases made with a credit card to their most private health concerns could be fed into a computer and monitored by the Federal Government.

It is important to emphasize that this amendment is only a first step. I will continue to fight for further congressional oversight and action on the important issue of data mining. The administration must suspend not only the Total Information Awareness program but all other data-mining initiatives in the Department of Defense and the Department of Homeland Security until Congress can determine whether the proposed benefits of aggressive data mining comes at too high a price for our privacy and personal liberties.

I urge my colleagues to support the amendment.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have another series of amendments. These are the amendments we stopped. Senator Wyden's amendment No. 59, Senator Bunning's amendment, with Senator Bingaman, amendment No. 37, Senator Bunning's amendment No. 38, Senator Domenici's amendment No. 42, Senator Sarbanes' amendment No. 49, Senator Reid's amendment No. 84, Senator Levin's, and others, amendment No. 128. I read them before. I am leaving out the second amendment. That is why I am reading them through again. Domenici and Bingaman amendment No. 161, and Senator Voinovich, No. 206.

There are nine amendments. Does the clerk agree? Amendment No. 34 is set aside temporarily. It is not in the package.

AMENDMENTS NOS. 49, 128, 65, AND 139, AS MODIFIED

Mr. STEVENS. Mr. President, I ask unanimous consent that where the word "shall" appears in amendments Nos. 49, 128, 65, and 139, it be changed to "may."

The PRESIDING OFFICER. Is there objection?

Mr. REID. I urge approval of the amendments en bloc.

The PRESIDING OFFICER. Without objection, the foregoing amendments are modified.

The amendments, as modified, were agreed to as follows:

AMENDMENT NO. 49, AS MODIFIED

At the appropriate place in the division relating to energy and water, insert the following:

SEC. . HERRING CREEK-TALL TIMBERS, MARYLAND.

(a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, may provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

AMENDMENT NO. 128, AS MODIFIED

On page 259, line 19, strike "projects:" and insert "projects; and of which $500,000 may be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois:".

The PRESIDING OFFICER. The foregoing request to take amendment No. 34 out is agreed to.

Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I want to make sure the clerk heard my modifications. I do not remember the clerk acknowledging the words were changed per my request.

The PRESIDING OFFICER. The clerk made the changes from "shall" to "may."

That request has been granted.

Mr. STEVENS. Mr. President, I acknowledge my error. We have two of those in the next block. The amendments have been changed, as I requested, and they now have been adopted.

The PRESIDING OFFICER. The clerk made all the corrections.

The amendments have been adopted.

Mr. STEVENS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, parliamentary inquiry: Was amendment No. 161 included in the last group?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I thank the Chair.

AMENDMENT NO. 74

Mr. STEVENS. Mr. President, I send amendment No. 74 to the desk, which I introduce on behalf of the distinguished majority leader, to reinforce the discretion of the Secretary of Homeland Security in applying criteria to designate college- and university-based centers for homeland security research.

Mr. REID. Mr. President, it is my understanding that we are not doing this en bloc, that this is standing alone?

Mr. STEVENS. This is one item standing alone.

Mr. REID. We have no objection to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. FRIST, proposes an amendment numbered 74.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 74

(Purpose: To further reinforce the discretion of the Secretary of Homeland Security in applying criteria to designate college- and university-based centers for homeland security research)

In Division L, Homeland Security Act of 2002 Amendments, in Section 101(1)(b)(2)(C), strike the first sentence and insert in lieu thereof:

"To the extent that exercising such discretion is in the interest of Homeland Security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in 308(b)(2)(B) and consider additional criteria beyond those specified in 308(b)(2)(B)."

Mr. STEVENS. I ask for adoption of the amendment.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 74) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The group of amendments on defense and—energy and water have been adopted; is that right?

Mr. STEVENS. Except for 34?

Mr. REID. Except for 34.

The PRESIDING OFFICER. That is correct.

Mr. REID. I say to my friend from Alaska that amendment No. 158 has been cleared on this side. It is in the next batch on Interior.

Mr. STEVENS. I thank the Senator. We have one item we have to check.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 137

Ms. LANDRIEU. I call up amendment No. 137 by Senator LIEBERMAN and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU), for herself, Mr. LIEBERMAN, Mr. HOLLINGS, and Mr. GRAHAM of Florida, proposes an amendment numbered 137.

Ms. LANDRIEU. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 137

(Purpose: To authorize additional appropriations for historically black colleges and universities and to decrease the cost-sharing requirement relating to the additional appropriations)

On page 486, between lines 8 and 9, insert the following:

SEC. . HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "(1) Except" and inserting the following:

"(1) IN GENERAL.—Except";

(2) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(3) by striking "(2) The Secretary" and inserting the following:

"(2) WAIVER.—The Secretary";

(4) by striking "paragraph (1)" and inserting "paragraphs (1) and (3)"; and

(5) by adding at the end the following:

"(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "Pursuant to" and inserting the following:

"(1) IN GENERAL.—Under"; and

(2) by adding at the end the following:

"(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.".

Ms. LANDRIEU. Mr. President, I thank the managers for working with us on this amendment. I believe it has been accepted now on both sides. I ask for 2 minutes to explain the amendment, and I think we are prepared to accept it.

Mr. STEVENS. I have no objection to 2 minutes for the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, as you may know, as the Chairman knows, there is currently a very important program—it is not a large program, but it is a very important program to historically Black colleges and universities within the parameters of our Historic Preservation Fund. It helps these universities, as they come up with private sector dollars, to match the authorization that our program creates. It gives them an opportunity to preserve these historic buildings, which are of tremendous significance to this Nation, for our heritage, our culture, and the current educational needs of over 300,000 students who attend these fine institutions.

This amendment by Senator LIEBERMAN and myself and many others on both sides of the aisle basically reauthorizes the program. It expands it from $5 million a year to $10 million a year, an authorization for 5 years to $50 million, reduces the match from 50 percent to 30 percent, without adding any money to the current bill. It is strictly an authorization.

This amendment reflects two bills that passed both the House and the Senate that reflect this language. It has broad-based support and would be very helpful to these universities.

I thank the managers for working this out. I urge adoption of the amendment.

Mr. LIEBERMAN. Mr. President, I am proud to join with Senator LANDRIEU in offering this amendment to provide historic preservation funding for Historically Black Colleges and Universities. Sixteen of us from both parties sponsored similar legislation last session, which passed the Senate as well as the House. But the two pieces did not come together in the closing days of the session.

American history has been a constant, if not always consistent, march toward an ideal. That ideal is equal opportunity for all.

In every generation, it has taken the work of pioneers to open the gates of the American community to people who had previously been excluded. We have seen it happen with one immigrant group after another. Pioneers have stepped forward when others would not, to defiantly state, in effect, that we as a nation will not be defined by surface characteristics. We will look deeper and try harder. The pioneers have held us to our national promise, and reminded us that America and Americanism are not about where you came from, what language you speak, what religion you practice, or what you look like, but about belief in basic ideals of responsibility, opportunity and community.

Historically Black Colleges and Universities have been such pioneers for generations, and they continue today to help America become its best self.

In April of this year, I went to Allen University in Columbia, SC to talk about reforming higher education to help more Americans at all income levels not only go to college, but graduate—and get a good job when they do. Today, about 30 percent of undergraduates at 4-year colleges are minorities. That is an increase of 10 percent over the last 10 years. HBCUs have helped expand that access to college. However, we are still living in a country where if you are white, you are twice as likely to obtain a bachelor's degree by the time you're 24 than if you are African American. And if you are wealthy, you are five times more likely to actually get a bachelor's degree than if you are from a low-income family. In other words, we don't have equal opportunity—not yet.

Historically Black Colleges have always held us to the high human standards to which America deserves to be held—and to which our people demand we be held.

Today, America has over 100 Historically Black Colleges and Universities, which educate about 300,000 undergraduate students and thousands of graduate, professional and doctoral students.

In fact, 8 of the top 10 producers of African-American engineers are HBCUs. And 42 percent of all the PhDs earned each year by African Americans are earned by graduates of HBCUs.

Despite playing such a central role in our economy, society, and culture, HBCUs have been physically eroding for years. In 1998, the National Trust for Historic Preservation reported that most of the HBCUs in the United States are showing serious signs of neglect. The trust said that campus landmarks are decaying and college grounds are badly in need of attention. And a 1998 General Accounting Office report estimated that in HBCUs nationwide, there were more than 700 historic buildings in disrepair.

That is why I am proudly sponsoring this amendment to provide more restoration funding for historic sites at Historically Black Colleges and Universities throughout the Nation.

These beautiful, architecturally significant structures are in most cases over a hundred years old, and were often built using the help of the students themselves. Their architectural beauty is a sign of something deeper—the fact that they have served as critical portals of opportunity for African Americans throughout our history. That is why they deserve our strong protection and sensitive preservation.

I saw this firsthand. When I visited Allen University, I went to Arnett Hall—a building that had been transformed from an eyesore into a beautiful and stately facility with the help of Federal funds. In the past, students and faculty would walk into the hall and get the message that we as a nation were neglecting these historic treasures. Now, they absorb the message that we consider historically black colleges and universities central to our history and to our future.

Thanks in no small part to these institutions, the overarching history of African Americans in this country has been not a tragedy, as it once was, but a brilliant movement toward dignity, inclusion, freedom, and opportunity.

That is the right message for African Americans and all Americans.

In closing, I would also like to reiterate that this amendment is not new. Bills providing historic preservation funding to Historically Black Colleges and Universities unanimously passed both Houses at the end of last year. By approving this amendment, we will clean up last year's unfinished business. Please join with me and Senator LANDRIEU to adopt this amendment.

Mr. STEVENS. Mr. President, I thank the Senator from Louisiana. I am prepared to ask that amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 137) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is a motion to table the Cantwell amendment, and the yeas and nays have been ordered on that motion.

Mr. STEVENS. Following that, there are two other amendments that would be the pending business?

The PRESIDING OFFICER. The Senator is correct. First, the Bingaman amendment, followed by the Mikulski amendment.

Mr. REID. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. REID. I say to my friend, the manager of the bill, it is my understanding that the matter that recurs now is Mikulski?

The PRESIDING OFFICER. There is a pending motion to table the Cantwell amendment.

Mr. REID. I say, then, for the benefit of Senators, we have Mikulski, Bingaman, and Cantwell that are now pending, and we are going to dispose of Cantwell now. What would be the parliamentary order after that?

The PRESIDING OFFICER. The Bingaman amendment would be next, and then the Mikulski amendment.

Mr. STEVENS. Mr. President, it would be my intention to attempt to adopt the Bingaman amendment without a recorded vote. We will see how that happens. May we proceed with the Cantwell vote now?

AMENDMENT NO. 108

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 108. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID, I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed (RI)
Reid (NV)
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—2

Harkin
Inouye

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 138

Mr. STEVENS. Mr. President, I ask that we bring up Bingaman amendment No. 138. We previously discussed this amendment. Does the Senator wish to say anything?

Mr. BINGAMAN. Mr. President, I ask to add Senators JOHNSON, CLINTON, and HOLLINGS as cosponsors.

I very much appreciate the managers' willingness to agree to this amendment. It is a very good amendment. I know it is supported on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for agreement on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 138) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 61

Mr. STEVENS. The third amendment was the amendment of Senator MIKULSKI. I inquire if there is a modification at the desk?

Ms. MIKULSKI. I believe there is a unanimous consent.

Mr. STEVENS. Let me ask unanimous consent that we proceed to Senator MIKULSKI's amendment and that it be in order to offer, if a second-degree amendment is agreed to, it be in order for her to offer a further second-degree perfecting amendment, and that there be 20 minutes equally divided between Senators THOMAS and MIKULSKI prior to a vote in relation to this amendment.

Mr. REID. Reserving the right to object, we need consent that the Mikulski amendment, the order with respect to that, be vitiated first. There is an order already in effect in that regard.

Mr. STEVENS. I am afraid I didn't read the whole unanimous consent.

The PRESIDING OFFICER. The only agreement was barring the second-degree amendments, which the Senator has addressed.

Mr. REID. That will be fine.

Mr. STEVENS. I ask that that unanimous consent request be withdrawn and I be permitted to offer a different one.

The PRESIDING OFFICER. The unanimous consent request is withdrawn.

Mr. STEVENS. I ask unanimous consent that the order——

The PRESIDING OFFICER. May we have order, please.

Mr. STEVENS. I ask unanimous consent that the order with respect to the Mikulski amendment be vitiated and that Senator THOMAS be recognized to offer a perfecting second-degree amendment regarding public-private competition; provided further that there be a 20-minute period for debate equally divided between Senators THOMAS and MIKULSKI prior to a vote in relation to the second-degree amendment. I further ask that following that debate time, the Senate proceed to a vote in relation to the Thomas amendment. I further ask consent that if the second-degree amendment is agreed to, Senator MIKULSKI be recognized in order to offer a further second-degree perfecting amendment, provided there be 20 minutes for debate equally divided between Senators THOMAS and MIKULSKI prior to the vote in relation to that amendment; finally, if the Thomas second-degree amendment is not agreed to, the Senate proceed immediately to vote in relation to the Mikulski first-degree amendment and, notwithstanding the drafting of the Mikulski amendment, if it were adopted, the first-degree amendment would be subject to further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, it was my understanding we were going to have three rollcall votes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Yes. I say to the Senator, one of them was approved by voice vote, so this is the third vote.

Mr. BYRD. This is the third vote. But this new request, what is this?

Mr. REID. This is to set up the order of debate on the Mikulski amendment which is going to be second-degreed by Senator THOMAS. This is something we have worked on almost all day. So there will be two votes on the Mikulski amendment, one on Thomas and one on Mikulski.

Mr. BYRD. For the moment, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Reserving the right to object, is there any way—if I can get the attention of the Senator from Wyoming and the Senator from Maryland—is there any way we could save 10 minutes by having 15 minutes between each of them rather than 20?

Mr. THOMAS. Yes, that is fine.

Ms. MIKULSKI. I didn't hear the Senator.

Mr. REID. We have 40 minutes. I am asking if we can reduce that to 15 on each rather than 20, for a total of 30.

Ms. MIKULSKI. Yes.

Mr. REID. I ask that that be agreed to: Rather than 20 minutes on each, it be 15 on each of the amendments for debate.

Mr. BYRD. Mr. President, I stated earlier that for the moment I object.

The PRESIDING OFFICER. There is objection.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I renew the Stevens request, as amended by me.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. As what?

Mr. REID. The time.

Mr. STEVENS. OK.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming.

AMENDMENT NO. 246 TO AMENDMENT NO. 61

Mr. THOMAS. Mr. President, the amendment is at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. THOMAS) proposes an amendment numbered No. 246 to amendment No. 61.

Mr. THOMAS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

Mr. THOMAS. Mr. President, this is a second-degree amendment to the underlying amendment. We discussed this amendment this morning and delayed a vote in hopes of coming to a compromise over some of the concerns that were raised. For nearly 2 hours the administration officials, my staff, Senator COLLINS' staff, Senator BROWNBACK, and Senator MIKULSKI worked to find a way to address these concerns. Unfortunately, the Senator from Maryland did not agree with that.

So I am offering this amendment. The compromise was reached that the administration believes allows the Government, the President, to continue setting important management goals for the public-private competition. What this is, of course, is allowing for the FAIR Act, which was passed in 1998, to continue to be effective, where we can go through and list those items that are not inherently governmental and have some competition for those items in the private sector so we can have certainly a more efficient Government. This is the way we think we ought to do it.

This amendment would allow for the restrictions on the quotas. But when there has been study, when there has been a real approach to what can be done and the kinds of activities that fit, then we can move forward.

The complaint here on the amendment has simply been because of setting quotas. Quotas does not mean that people will be replaced by private enterprise, but, rather, areas that are not inherently governmental will be used.

I turn now to the Senator from Maine for her comments.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I think the Senator from Maryland has raised a very legitimate point about the use of arbitrary quotas or numerical targets to guide the contracting-out activities of Federal agencies. It seems to me that having one target for every agency may well be counterproductive and not result in the greatest efficiencies.

On the other hand, I am concerned that the amendment of the Senator from Maryland may have some unintended consequences. It could be read as rejecting the notion of ever having competitive contracting, to see whether a specific function is best performed in-house or contracted out to the private sector.

I am also concerned that it could have an impact on other laws, although I know that is not the intent of the Senator from Maryland.

We have consulted with the General Accounting Office and have come up with some language to try to deal with this. I do want to assure the Senator from Maryland, as the new chairman of the Governmental Affairs Committee, I want to work with her to try to resolve this issue because the issue she has brought to our attention is a legitimate one. So I hope to continue, in my new capacity, to work with her, to work with the Senator from Wyoming, to work with the Senators from Virginia who have also expressed concerns about this issue.

Mr. THOMAS. Mr. President, I yield now to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I——

Ms. MIKULSKI. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, parliamentary inquiry: First, I recognize that the Senator has time. But I didn't know if we were going to alternate speakers. Does the Senator from Wyoming intend to use all of his 15 minutes and then turn it over to me?

I am sorry. I don't want to in any way deny the Senator from Ohio his right to speak. Usually one side makes an argument, and then the other replies, and then go back. Are we not doing that?

Mr. THOMAS. I understood we had 15 minutes to present our point of view and that the others would present their point of view.

Ms. MIKULSKI. This discussion will be on my time. But usually when we have a time allocation we go back and forth. Is the Senator from Wyoming going to take all of his 15 minutes and then give me all of mine? Is that the way we are going to do it?

Mr. THOMAS. That was my understanding.

The PRESIDING OFFICER. The Chair will say that there is no agreement to go back and forth. The Senator from Ohio has the floor at the moment.

Ms. MIKULSKI. Mr. President, the Senator from Ohio has the right to speak, but it was not part of the agreement. I was just referring to the usual and customary behavior in the Senate.

Mr. REID. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Chair would also announce that the 15 minutes was to be evenly divided——

Ms. MIKULSKI. No. We didn't.

The PRESIDING OFFICER. On each amendment.

Ms. MIKULSKI. When do I get my time? There are 15 minutes on each amendment?

The PRESIDING OFFICER. That is correct—evenly divided on each amendment by 7½ minutes.

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, how much time do we have on this side?

The PRESIDING OFFICER. Three minutes twenty seconds remain.

Mr. VOINOVICH. I thank the Chair.

First, I share the concerns of the Senator from Maryland about this problem, and I want to do everything in my power as chairman of the subcommittee on Government oversight and work toward dealing with the solution to the problem that is being presented.

According to the best information I have, this amendment would circumvent the administration's prerogative in the executive branch by prohibiting the administration from managing the Federal Government's competitive sourcing process. It would repeal initiatives passed on a bipartisan basis over the past 10 years, including the Government Performance Act.

The amendment would prohibit agencies from developing and implementing strategic plans allowing Federal employees to focus on high-priority activities, and it would prevent agencies from increasing efficiencies, lowering costs, implementing innovation and technology, and it would prevent agencies to meet their agency missions.

Additionally, the President has said that if this provision were in the Treasury-Postal appropriations, he would veto the bill.

We tried to work out a compromise based on some of these concerns that he had. We thought that it met the concerns of the Senator from Maryland. Unfortunately, it did not.

I urge that we vote no on her amendment and yes on the amendment we are proposing today—understanding this will not solve the problem and that we will need to deal with it throughout the remainder of the year.

Mr. THOMAS. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 1½ minutes.

Mr. THOMAS. I would like to turn to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Wyoming for his leadership. I rise in support of his amendment, and, as the Senator from Ohio said, in opposition to the amendment of the Senator from Maryland.

My friends and colleagues, we need to always, as a government, be looking at new ways of adopting innovation and have improvements—whether it is our national security or homeland defense. There are many ideas, many systems, and many programs in the private sector that can perform more efficiently and better for the American people. We need to examine those.

I think the Bush administration's proposal is very modest and reasonable, and it is supported by a variety of private sector groups. The Mikulski amendment is opposed by a broad range of organizations, such as the Northern Virginia Technology Council, the U.S. Chamber of Commerce, the Professional Services Council, the Contract Services Association, and many others.

For small businesses, large businesses, disadvantaged businesses, minority-owned businesses, let us care about the jobs in the private sector. Let us also care about those governmental services that are essential for our security, but let us make what we are procuring the best for all Americans.

I ask my colleagues to support the amendment of Senator THOMAS and oppose the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maryland is recognized for 7½ minutes.

Ms. MIKULSKI. Mr. President, I rise with vigor to unabashedly oppose the amendment of the Senator from Wyoming. The reason I do is that he introduces the words "quota" and "target."

The amendment of the Senator from Wyoming essentially says that a "target" or a "goal" is to be considered—"target, target, quota, quota." I thought we didn't like targets and quotas. I am surprised that the Senator from Wyoming is so enthusiastic about them.

Under the Thomas amendment, Federal managers will still be forced to meet arbitrary quotas for privatization without real criteria, rationales, or consideration. Under the Thomas amendment, the goal is to get a quota or a target—not better government.

Let us be very clear. My original amendment never did seek the end to privatization. Privatization must be based on thoughtful criteria as established by the Congress in the FAIR Act.

Let us privatize Federal jobs where appropriate, but let us keep a strong, independent Federal workforce.

I want to deal with the very valid issues raised by the Senator from Maine. I agree. I wanted to modify my amendment. I wanted to modify my amendment by adding what is now in the first paragraph in the Thomas amendment, which I agree to—that nothing in this section would prevent any agency of the executive branch from subjecting work performed by the Federal Government employees to be contracted out to public or private competition.

I wanted to do that this morning. The Senator from Wyoming would not agree to that modification. We went into a dialog. In the dialog, the Senator from Maine, again, offered a very constructive recommendation—that nothing in this section would limit the use of such funds under the Government Performance Act.

I was willing to go with that. If we had agreed to that, we could have agreed to that modification this morning and Senators could be heading home tonight. But, no, OMB had to get into the act. They insisted that this paragraph say, unless there has to be a target or quota. Sure. They say based on research and sound analysis.

Let me tell you. When the fox is guarding the hen house, I don't care what accounting system they have. They are still going after targets and they are still going after quotas. That is why I object to the amendment of the Senator from Wyoming.

I would love to have agreed to the original two paragraphs that I think would have met the very valid concern of the other side.

I salute those on the other side who are reformers. But, no, we didn't go that route.

I am still opposing it. Anything with the word "target" in it and anything with the word "quota" in it. I am fighting today. I am fighting all night, if I have to. I will fight tomorrow, and I will fight on until the end of the 108th Congress.

I am not going to destroy the integrity of the civil service system with arbitrary quotas and with arbitrary and capricious targets. We are going to do this right. We are going to do it under the law. We are not going to turn Federal managers into bounty hunters.

How much time do I have?

The PRESIDING OFFICER. The Senator from Maryland has 3½ minutes.

Mr. SPECTER. Mr. President, I am voting in favor of Senator MIKULSKI's amendment and against Senator THOMAS' amendment because the Thomas amendment provides for quotas. I favor contracting out where there is an individual analysis that saves the Federal Government money and maintains appropriate quality. I have consistently opposed quotas in school admissions and employment and I similarly oppose quotas in this situation.

Ms. MIKULSKI. Mr. President, I hope when we do another process such as this and enter into negotiations and when the negotiation is over we don't come back and offer something that had been rejected as an amendment.

I am disappointed that this amendment is being offered. That is politics. Everyone has a right to offer their amendments. I accept the offer of the Senator from Maine and the Senator from Ohio for the long haul and for discussion.

This is very serious. We do know we need a modernized civil service. We do know we need to reform. But we do not need targets and quotas where OMB has said itself, get rid of 127,000, 500,000 jobs this year. So 127,000 people? Who are we going to get rid of? Let's start with the Nobel prize winners at NIH. Who needs them? They can go off to the private sector. Good-bye. Who needs a Nobel prize winner for finding the cure for Alzheimer's? Maybe we could contract out Customs officers. Maybe we could go to rent-a-cop agencies.

Or what about those secretaries who keep the agencies going—like the one who went to my high school who has worked for the FBI for nearly 50 years in Baltimore, who has helped keep the FBI going, such as when the FBI was out trying to find the sniper who killed several Marylanders and people from Northern Virginia.

I don't know what is so hostile about Federal employees. If we want to save money in pensions, and if we want to save money in health care, that is another issue. But bounty hunters? No. Maybe bounty hunters are OK when you go after predators, but I don't think the Federal employees should be subjected to bounty hunters.

Guess who else is opposed to this amendment. Federal managers, because they say all they are going to be doing is paperwork to be able to justify this.

I could elaborate. Everybody knows I am opposed to the Thomas amendment because it is just a dressed-up version of going after quotas, which I tried to stop in the first place.

Mr. President, I know that it is getting late. I think we ought to have a vote on this. If I prevail, by defeating the Thomas amendment, we are done. If not, I am going to come back and have another say.

Mr. President, I yield all of my time back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NOT VOTING—2

Harkin
Inouye

The amendment (No. 246) was agreed to.

Mr. ALLEN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

AMENDMENT NO. 247

Ms. MIKULSKI. Mr. President, I send an amendment to the desk, which is provided for under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI) proposes an amendment numbered 247.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or work force conversions, and for other purposes)

In lieu of the language proposed to be inserted insert the following:

SEC. . None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other Administrative regulation, directive, or policy. This section shall take effect one day after the date of this bill's enactment.

Ms. MIKULSKI. Mr. President, I believe we can move expeditiously along on this debate. Might I inquire from the Presiding Officer the amount of time we have to debate this amendment?

The PRESIDING OFFICER. The Senator from Maryland has 7½ minutes, and the Senator from Wyoming has 7½ minutes.

Ms. MIKULSKI. I thank the Chair.

Mr. President, my amendment is the original amendment that I had pending this morning. It seeks to maintain the integrity of the civil service system by making sure that civil service is never subjected to bounty hunters looking to get rid of their jobs through arbitrary and capricious targets and quotas. It makes sure that the civil service never lapses into cronyism or political patronage.

My amendment prevents Federal agencies from establishing or applying arbitrary targets or quotas for the contracting out of Federal jobs.

I want to be clear that my amendment does not prohibit privatization. Privatization can continue to go forth as established by Congress in the FAIR Act of 1998. It allows contracting out. I don't object to that. What I object to is targets, quotas, and bounty hunters. Firstly, this is the smallest Federal workforce since the 1960s. Next, we are at war. We are fighting a war against terrorism. We also created a new agency called Homeland Security. Lastly, we are facing the largest number of potential retirees from civil service in over 30 years.

Don't we want a civil service? I am proud of the civil service. Members of my family have been part of the Federal civil service. My brother-in-law was a librarian, I have a sister who was a secretary, and I am a Senator. I believe if we are going to recruit and retain the people we need, we need to make sure we do not embark upon this arbitrary, capricious, hostile, and predatory behavior. That is not the way to govern. That is not the way to inspire. That is not the way to recruit, and it is certainly not the way to retain.

It is not that BARBARA MIKULSKI is opposed to this; Federal managers are opposed to this amendment. They are concerned that they are going to be writing lots of justifications on how to retain jobs. They want to fight for America. They want to fight for or perform the missions of their agencies. We went from an era of patronage politics. Now we are embroiled in an atmosphere of partisan politics. I wish we could get back to performance-based politics, sound civil service, good reform, some of the ideas being proposed by the other side of the aisle, looking at what should be contracted out, which would maintain the mission of the agency, give value to the taxpayer but dignity to the Federal employee.

So what is wrong with that? I will tell you why the amendment is being opposed. What we want to be able to do is allow the privatization to occur under the laws that now exist.

The FAIR Act of 1998 and the 76-OMB circular that was established in the 1960s in the Kennedy-Johnson era is what I want.

My amendment simply prohibits the arbitrary and capricious contracting out by saying:

> None of the funds made available in this act may be used by an executive agency to establish, apply, or enforce numerical targets or quotas.

That is all it says.

If you are for quotas, vote for this. If you are for targets, vote for this. If you are for arbitrary and capricious decisionmaking, go ahead and do it. Who is going to hire these people? Are we going to create new corporations?

What about all those guys who worked for Enron? Maybe they could get into "let's hire a public employee and privatize." And all the guys from WorldCom, maybe when they get out on parole they could start a new agency to pick up these Federal employees.

I do not know for the life of me why we are so hostile to Federal employees. We have less of a workforce now, and we are asking them to fight for America; we are asking them to work for missions, the agencies. We took away their privileges in homeland security, and now we are going to take away their jobs.

Mr. REID. I ask to be made a cosponsor.

Ms. MIKULSKI. I thank the Senator from Nevada for asking to be a cosponsor. I reserve such time as I may have.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Mr. President I remind my colleagues that the amendment this body just agreed to contains word for word the amendment of the Senator from Maryland. However, it goes on to explain that as we go through the 76 process; it is not the quotas that matter. That is what gives some guidance to management. What you have to do is study the issue and make sure that is the appropriate place.

It seems to me we ought to be looking a little bit ahead instead of being defensive about big Government and everyone working in the big Government. We all like Government. We like the employees. They do a good job. The point is, do you want an efficient Government or one that continues to grow and pays no attention to efficiency and has no competition? What we are talking about is a bill that was passed in 1998 which said we are going to list those functions within the Federal Government that are not specifically governmental, that could be done outside the Government, and compete.

I cannot imagine what is wrong with the idea of having competition, what is wrong with the idea of being more efficient. They are still jobs. We are not taking away jobs. They may be moving to the private sector where they can compete and do that particular function of Government more efficiently.

The idea that we just sit here and defend civil service because they are working—it disturbs me when we talk about secretaries. This does not have anything to do with secretaries. This has to do with those functions in Government that can be done by contracting with the private sector. There are a lot of those functions, and there are a lot of those functions that are already in place.

We need to go ahead with what we have done. I suppose it is somewhat philosophical: If you do not like the private sector, if you do not like competition or like to create opportunities for people to compete, then I suppose that is the way you feel.

There are a number of reasons to oppose the amendment.

The administration worked at this compromise. The administration and OMB said they are going to suggest to the President that if this provision passes, that the bill be vetoed. Senior advisers are recommending the President veto any legislation that challenges a management agenda to be more efficient.

By the way, before this appropriations bill was passed, this amendment was taken out. It was in there, and it was defeated last year. This is not the first time we have dealt with this issue, and each time it has been defeated because most of us think competition is a good idea. Most of us think efficiency is a good idea. Most of us think we ought to keep Government as small as we can and get the job done that way.

Therefore, I urge we defeat this amendment that is before us and continue to move ahead with the opportunity for the Federal Government to carry out a plan of more efficiency and a plan that passed in the Congress to do that.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Is the Senator yielding back all his time?

Mr. THOMAS. I am yielding back.

Ms. MIKULSKI. Excuse me?

Mr. THOMAS. I yield back my time. I am sorry.

The PRESIDING OFFICER. Does the Senator wish to be recognized?

Mr. ALLEN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Maryland has 2 minutes 28 seconds. The Senator from Wyoming has 4 minutes 44 seconds.

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in opposition to the Mikulski amendment. As we focus on this after having previously accepted the amendment of the Senator from Wyoming, let me share with my colleagues the views of people who would be affected by this in the private sector.

The Information Technology Association of America recognizes that as a result of this amendment, rather than promote competition and better management of the Federal Government, the Bush administration would face restrictions. There are many companies in the ITAA. There are large companies, some small startups, as well as industry leaders in software and the Internet. All of these companies would be denied opportunities or hampered by this amendment and therefore urge us to vote no.

Other associations, such as the Northern Virginia Technology Council, which consists of 1,600 members and 180,000 employees, urge us to vote no as well. Bobbie Kilberg, the president, says this amendment would significantly limit private sector involvement and discourage competition vital to the technology community.

The Contract Services Association of America, an industry representative for private sector companies that provide services to the Federal, State, and local governments—they include small disadvantaged businesses, Native American-owned businesses, section 8(a)-certified companies—wants to have those folks working for the public good.

The Professional Services Council recognizes that we want to hold the executive branch responsible for efficient management of services and looks at this amendment as one that would harm the ability of the administration to do so.

The Chamber of Commerce of the United States looks at this issue in a way with which I agree, and that is, that this is the time to create more efficient and effective partnerships between the public and private sectors, not to restrict policies that limit funding or flexibility in sourcing and decisionmaking processes.

We talk about homeland security. It is very important. Many wonderful public servants will be involved in homeland security, but what is really going to help homeland security is the adaptation, the utilization of technologies from enterprise services that allow them to analyze the volumes of information, share it within those agencies, also with other agencies in a secure way, and with State and local governments.

It is important that in this time when we are worrying about the cost of Government and worrying about the taxpayers, we should not be limiting the ability of our Government to respond to changing economic and security needs of the American people.

While I understand the heartfelt sincerity of the Senator from Maryland, I think there are a lot of people we need to be worried about, and let's make sure we are providing the very best of services to the people of this country.

Competition has always been good. It has made it better. Let's adapt, let's innovate, and let's move forward in a principled way. I ask my colleagues to defeat this amendment. I thank the Chair.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. I guess we are going to use this time. I might as well join in.

I want to read a part of a communication from OMB:

> Now is the wrong time to short-circuit implementation of the common sense principle of competition—a proven prescription for reaping significant cost savings and performance enhancements—especially since numerous agencies are starting to make real progress. The principle of competition was unanimously adopted by the recent congressionally-mandated Commercial Activities Panel. Prohibiting the funding for public-private competitions is akin to mandating a monopoly regardless of the impact on services to citizens and the added costs to taxpayers. If the final version of the bill would contain such a provision—

Talking about this amendment—

> the President's senior advisers would recommend that he veto the bill.

The PRESIDING OFFICER. The time controlled by the Senator from Wyoming has expired.

Mr. SARBANES. Mr. President, I rise today in support of an amendment offered by Senator MIKULSKI regarding the use of quotas in contracting out Government jobs. The administration has put forth proposals requiring that a specified number of jobs usually performed by Federal employees be contracted out to private companies each year. Senator MIKULSKI's amendment would prevent any of the funding in the omnibus appropriations bill to be used in the enforcement of these quotas.

The administration states that this is an issue of efficiency. I disagree. There is no evidence that contracting out Federal Government jobs saves the Government time or money. In fact, the opposite is often true, the Federal Government is overcharged for less efficient work by private companies, work that could be done more efficiently and more effectively by Federal employees. Too often, jobs are simply contracted out without a proper public-private competition, and without continued monitoring of whether any cost savings actually results. Furthermore, by requiring that a set number of Federal jobs be contracted out each year, the jobs may be contracted out without any regard to cost savings.

In addition, national security is now of vital importance to our Nation. We must take a close look at the implications of contracting out to ensure that our national interests are being protected. We need Federal employees to do these jobs, jobs that are not suited to the private sector. Indeed, Federal employees are now screening baggage at our Nation's airports, one of the most vital roles in this unprecedented time. Requiring that a certain number of Federal jobs be contracted out each year could result in the contracting out of jobs vital to our national security.

I firmly believe that the United States Government should not contract out jobs merely for the sake of "reducing" the Federal workforce. Nor should we show a preference to contract employees over our dedicated public servants who have demonstrated such determination and commitment in this difficult time. I urge my colleagues to support Senator MIKULSKI's amendment and oppose the use of quotas in the contracting out of jobs already ably performed by our Federal employees.

Mr. KENNEDY. Mr. President, I strongly support Senator MIKULSKI's amendment to prohibit arbitrary, "one-size-fits-all" privatization quotas for Federal agencies. Under the amendment, agencies would still be able to compete, convert, and contract out Federal activities, but on a case-by-case basis, with the goal of maximizing quality and cost-efficiency.

Under the OMB quotas, Federal departments and agencies are encouraged to privatize five percent of their jobs now, and 50 percent by next year. The administration's current policy will lead to the privatization of 850,000 jobs, nearly half the Federal workforce.

Fair competition and contracting out can be effective when used in the right way. But, this quota system imposes a blanket mandate on all Federal agencies, without taking into account individual agency needs. Agencies are not all alike. It may be appropriate to contract out the construction of military equipment or the mowing the lawn. But, many Americans will have serious concerns about contracting out the food inspections conducted by the Department of Agriculture, or the tax audits performed by the Internal Revenue Service. It makes no sense to impose the same privatization policy on every agency.

The Government has a responsibility to provide its services efficiently and effectively and with accountability. Under the administration's quota system, a broad range of sensitive and critical activities could be privatized without accountability, including some that could put our national security at risk. Those who safeguard our borders and those who repair our planes, ships, and tanks should be held accountable for their work.

Despite the growing reliance on private contractors, Federal agencies today do not have a method in place to hold contractors accountable. Many of us have deep concerns about privatizing so much of the Federal workforce in the absence of reliable and comprehensive measures to determine the quality of the tens of billions of dollars of work performed by private contractors. There are no mechanisms to track the quality of service contracting. Some agencies served by contractors today do not even know which services are being provided by contractors.

In addition, privatization under the administration's current quota system can occur without competition. Many Federal jobs will be lost, with no opportunity for the Federal employees to compete and demonstrate their efficiency. Currently, when Federal jobs are opened to competition, Federal workers are hired more than half the time. It makes no sense to privatize work that Federal workers can do more efficiently. The administration's proposal gives an unacceptable preference for private contractors over public workers.

The administration's proposal will reduce the standard of living for large numbers of Federal workers, since contractors have incentives to reduce costs by offering inferior compensation. According to the Economic Policy Institute, one in ten contractor employees earns less than a living wage. When work is privatized, displaced Federal workers are likely to lose their health benefits and their security for the future.

Several groups have voiced their opposition to the administration's plan. The Federal Managers Association, which represents the executives, managers, and supervisors in the Federal government, has stated its support for the Mikulski amendment. As the association states, the amendment will "provide Federal agencies and departments with the ability to use competition to truly benefit the American people and not require competition for the sake of fulfilling quotas." Even the Commercial Activities Panel, comprised largely of contractors, opposes the privatization plan because it believes that such decisions require informed judgements and analyses that consider the specific needs of each agency.

The Mikulski amendment will preserve the high standards which make Government responsive to the needs of our citizens, and I urge the Senate to support it.

Mr. KERRY. Mr. President, I strongly support the amendment offered by Senator MIKULSKI that would prevent Federal agencies from establishing, applying, or enforcing any numerical goal, target, or quota for the contracting out of Federal jobs. The Mikulski amendment is identical to language that passed the House by a large, bipartisan margin and was included in the House fiscal year 2003 Treasury appropriations.

I was very troubled by the Office of Management and Budget's directive to contract out 850,000 jobs over the next 3 years. I was concerned because the OMB privatization quotas encourage agencies to privatize Federal employee jobs without public-private competition, which is unfair both to the affected employees as well as the taxpayers. In fact the OMB quotas force agencies to privatize Federal employee jobs that even Federal managers believe should continue to be performed by reliable Federal employees.

Senator MIKULSKI's amendment is reasonable and fair. It allows for the contracting out of Federal employee jobs, but it prevents jobs from arbitrarily being privatized. Instead it will ensure that thoughtful criteria are established before Federal employee jobs are given away. This is an issue of fundamental fairness, and about establishing a fair and reasonable process.

I strongly support Senator MIKULSKI's amendment and I urge my colleagues to vote for it.

Ms. MIKULSKI. Mr. President, I want to make a few quick points. First, my amendment, word for word, was voted for in the House of Representatives. I say to my friends on the other side of the aisle and to my very good friend, the Senator from Virginia, that this amendment was offered by two Congressmen from Virginia, MORAN and WOLF. This amendment passed the House 261 to 166. TOM DAVIS, JO ANN DAVIS, and FRANK WOLF voted for this. I might also note that the Presiding Officer voted for it when he was in the House. So it had bipartisan support.

I wish we had that bipartisan support. I wish the people who voted for it in the House would vote for it now that they are in the Senate. That is No. 1.

No. 2, who would be contracted out? OMB has told the agencies, 127,500 people by the end of 2003. They are going to go for the largest numbers in the quickest way. It is going to be clerical. It is going to be support. It is going to be the mail. It is going to have a tremendous impact on people of color who have worked their way into Federal civil service.

If one reads the Federal Managers Magazine, they have said the VA has said it is going to have a tremendous impact, they fear, on their diversity. The same has also been said by other agencies.

Again, I am not looking for quotas in diversity anymore than I am looking for quotas in contracting out, but I want us to know who is going to be affected. It is not going to be that high-tech software engineer.

I believe that just as the Northern Virginia High Tech Council has offered great ideas and ingenuity through their members, so has Maryland. We understand that.

Let's look at NIH. Let's look at FDA. Who is going to be contracted out there? Is it really going to be the Nobel prize winner? No. It is going to be a lot of folks who do the thankless day to day work who are going to be contracted out.

Now, my colleagues also need to know, I fear for national security. In many of these agencies, it is going to be the blue-collar jobs, such as the electricians, the people who are the facility managers, and others.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Ms. MIKULSKI. Vote yes on Mikulski.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 247. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii, (Mr. INOUYE), and the Senator from Massachusetts, (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Harkin
Inouye
Kerry

The amendment (No. 247) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the underlying amendment is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I wish to present to the Senate a series of amendments that have been modified since they have been introduced. After that, the Senator from New Jersey has an amendment to offer on which there will be a 15-minute time limitation equally divided. I ask unanimous consent that there be 15 minutes equally divided on the amendment of the Senator from New Jersey with no other amendments in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. After the Senator's amendment is presented, we will have a vote in relation to that. I will probably move to table it. We, then, will have a series of amendments from the agriculture subcommittee and from the interior subcommittee that have been worked out. Following that, Senator STABENOW wishes to offer a sense-of-the-Senate resolution and speak briefly.

We will then go to third reading. We have, I believe, two Members who wish to speak briefly before third reading. If Senators will stay with us, we will probably have about 45 minutes to an hour of time ahead of us.

Does the Senator from Nevada have any comment about that?

Mr. REID. No. On our side, prior to third reading, we have Senator STABENOW who wants to make a brief statement on her sense-of-the-Senate amendment. And Senator DAYTON is going to ask for up to 5 minutes before final passage.

Mr. STEVENS. I think I misspoke. I think Senator STABENOW wishes to have a sense-of-the-Senate regarding conferees. Am I correct?

Ms. STABENOW. That is correct.

Mr. LAUTENBERG. Mr. President, if the Senator from Alaska will yield, I think there is an understanding that I am going to modify the amendment I have at the desk.

Mr. STEVENS. I have not said that. The Senator has that right. But I am offering modified amendments before we take up the Senator's amendment.

Mr. LAUTENBERG. I thank the manager.

AMENDMENTS NOS. 6, 83, 85, 131, 136, 144, 156, 172, 150, 199, 186, 142, 178, 57, 167, 166, AND 188, AS MODIFIED

Mr. STEVENS. Mr. President, I now offer a series of amendments, and after I name them I will ask that they be considered en bloc: Amendment No. 112 offered by Senator BUNNING and Senator SANTORUM—these are modifications at the desk that have been cleared on both sides—amendment No. 6 by Senator COLEMAN; amendment No. 83 by Senator REID; amendment No. 85 by Senator REID; amendment No. 131 by Senators HARKIN, DURBIN, and LANDRIEU; amendment No. 136 by Senator MIKULSKI and others; amendment No. 144 by Senator SANTORUM; amendment No. 156 by Senator DOMENICI; amendment No. 172 by Senators LANDRIEU and SNOWE; amendment No. 150 by Senator MURKOWSKI and myself; amendment No. 199 by Senators DURBIN and HUTCHISON; amendment No. 186, which is a sense-of-the-Senate resolution by Senator BOND; amendment No. 142 by Senator REID; amendment No. 178 by Senator NELSON of Florida; amendment No. 57 by Senator MCCAIN—that is the Korea sense-of-the-Senate resolution—amendment No. 167 by Senator BYRD; amendment No. 166 by Senator BYRD—that is the China commission—and amendment No. 188 by Senator DODD.

To my knowledge, we have no objections to any of those.

Mr. REID. Mr. President, 112 has not been cleared on this side.

Mr. STEVENS. No. 112 was cleared. We showed that to you. It was the one modified by your subcommittee.

Mr. KYL. Mr. President, I think the Korea resolution sense of the Senate was in that list that the chairman read.

Mr. STEVENS. It was.

Mr. KYL. I wanted to speak for 5 minutes on that.

Mr. STEVENS. Will the Senator make the statement after we adopt this package?

Mr. KYL. Sure.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I just ask——

Mr. STEVENS. I still have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BINGAMAN. Not wishing to object, I ask if any disposition has been made on amendment 126.

Mr. STEVENS. We have not been able to clear that one yet. It is not in this package. We have another series in a package. There is another package coming later.

Mr. BINGAMAN. I will wait for the remaining package. If not, I will ask for a vote on it.

Mr. STEVENS. We will confer with the Senator.

I now ask unanimous consent that the series of amendments that I have referred to be modified in accordance with the submissions that are at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, what is the consent request?

The PRESIDING OFFICER. There is a unanimous consent request that the amendments as presented at the desk be agreed to.

Mr. STEVENS. Modified in accordance with the way we presented them to the desk. I, first, want to modify them.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, before they are agreed to, I have to work out a situation on amendment No. 112.

Mr. STEVENS. I ask, then, that No. 112 be taken out of this package.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. It will be at the desk, and we will consider it later.

I ask unanimous consent that these amendments be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 6, AS MODIFIED

(Purpose: To increase funding for the Paul and Sheila Wellstone Center for Community Building)

On page 928, line 24, strike "$3,000,000" and insert in lieu thereof "$5,000,000".

AMENDMENT NO. 83, AS MODIFIED

SEC. . Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days.

AMENDMENT NO. 85, AS MODIFIED

At the appropriate place, insert the following:

SEC. . The Secretary of the Interior, and the heads of the other participating Federal agencies, may participate in the CALFED Bay-Delta Authority established by the California Bay-Delta Act (2002 Cal. Stat. Chap. 812), to the extent not inconsistent with other law. The Secretary of the Interior, in carrying out CALFED activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Enlargement, In-Delta Storage, and Upper San Joaquin Storage projects. These storage studies should be pursued along with on-going environmental and other projects in a balanced manner.

AMENDMENT NO. 131 AS MODIFIED

(Purpose: To increase appropriations for the Legal Services Corporation by $19,000,000 to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and to offset the increased appropriations by reducing funds for travel, supplies, and printing expenses)

On page 170, line 1, strike "$329,397,000," and insert "$348,397,000, of which $19,000,000 (referred to in this title as the 'supplemental legal assistance amount') is to provide supplemental funding for basic field programs, and related administration, to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and".

On page 111, line 25, strike "$50,000,000," and insert $31,000,000."

AMENDMENT NO. 136 AS MODIFIED

(Purpose: To increase funding for certain nursing programs as authorized under the Nurse Reinvestment Act, and increase funding for International Mother and Child HIV Prevention)

At the appropriate place in title II of division G, insert the following:

SEC. . (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title VIII of the Public Health Service Act, there are appropriated an additional $20,000,000, to remain available until expended, to carry out programs and activities authorized under sections 831, 846, 846A, 851, 852, and 855 of such Act (as amended by the Nurse Reinvestment Act (Public Law 107–205)).

On page 571, line 24, strike "$4,302,749,000" and insert "$4,317,749,000" in lieu thereof.

On page 572, line 1, strike "$168,763,000" and insert "$183,763,000" in lieu thereof.

On page 572, line 18 after the colon, insert the following: "*Provided further*, That of the amounts provided herein for international HIV/AIDS, $40,000,000 shall be for the International Mother and Child HIV Prevention Initiative.".

On page 640, increase the amount on line 2 by $35,000,000.

AMENDMENT NO. 144 AS MODIFIED

(Purpose: To make funds available for the treatment and prevention of HIV/AIDS include family preservation efforts)

On page 311, line 7, before the period at the end insert the following: "*Provided further*, That the funds under this heading that are available for the treatment and prevention of HIV/AIDS should also include programs and activities that are designed to maintain and preserve the families of those persons afflicted with HIV/AIDS and to reduce the numbers of orphans created by HIV/AIDS"

AMENDMENT NO. 156 AS MODIFIED

(Purpose: To clarify the use of funding under the National Fire Plan)

On page 489, line 8, after "Service;" add the following new proviso: *Provided further*, That funds for hazardous fuel treatment under this heading may be used for the County Partnership Restoration Program for forest restoration on the Apache-Sitgreaves National Forest in Arizona, the Lincoln National Forest in New Mexico, and the Grand Mesa, Uncompahgre and Gunnison National Forest in Colorado;"

AMENDMENT NO. 172 AS MODIFIED

(Purpose: To provide for the protection of the rights of women in Afghanistan, and to improve the conditions for women in Afghanistan)

On page 397, line 12, delete all after "fund"," through "opportunities" on line 17, and insert in lieu thereof:

, not less than $8,000,000 may be made available for programs to support women's development in Afghanistan, including girl's and women's education, health, legal and social rights, economic opportunities, and political participation: *Provided further*, That of the funds provided in the previous proviso, $5,000,000 may be made available to support activities directed by the Afghan Ministry of Women's Affairs including the establishment of women's resource centers in Afghanistan, and not less than $1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: *Provided further*, That one year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede women's development in Afghanistan.

AMENDMENT NO. 199 AS MODIFIED

On page 257, strike lines 9 through 15 and insert the following in lieu thereof:

"None of the funds contained in this Act may be made available to pay:

(a) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(b) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers."

AMENDMENT NO. 150 AS MODIFIED

SEC. . The document entitled "Final Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (FEIS)" dated November 2002, shall be deemed sufficient to meet the requirements of section 102(2)(C) of the National environmental Policy Act (42 U.S.C. 4332(2)(C)) with respect to the determination contained in the Record of Decision dated January 8, 2003 relating to the renewal of the Federal right-of-way for the Trans-Alaska Pipeline and related facilities.

AMENDMENT NO. 186, AS MODIFIED

(Purpose: To prohibit the use of funds by the United States Fish and Wildlife Service to impose on the Corps of Engineers certain requirements relating to the Missouri River)

On page 486, between lines 8 and 9, insert the following:

SEC. 1 . MISSOURI RIVER.

None of the funds made available by this Act may be used by the United States Fish and Wildlife Service—

(1) to require the Corps of Engineers to implement a steady release flow schedule for the Missouri River; or

It is the sense of the Congress that the member States and Tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

AMENDMENT NO. 142, AS MODIFIED

(Purpose: To protect, restore, and enhance fish, wildlife, and associated habitats of certain lakes and rivers)

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES.

(a) In General.—In carrying out section 2507 of Public Law 107-171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use $1,000,000 for the creation of a fish hatchery at Walker Lake to benefit. the Walker River Paiute Tribe; and

(3) use $2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River settlement Act, P.L. 101-618.

(c) Administration.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107-171.

AMENDMENT NO. 178, AS MODIFIED

(Purpose: To make additional appropriations for emergency relief activities)

At the appropriate place, insert the following:

Sec. . In addition to amounts appropriated by this Act under the heading "Public Law 480 Title II Grants", there is appropriated, out of funds in the Treasury not otherwise appropriated, $500,000,000 for assistance for emergency relief activities: Provided, That the amount appropriated under this section shall remain available through September 30, 2004.

AMENDMENT NO. 57 AS MODIFIED

(Purpose: To express the sense of the Senate with respect to North Korea)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE WITH RESPECT TO NORTH KOREA.

It is the sense of the Senate that—

(1) North Korea has violated the basic terms of the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994 (and the Confidential Minute to that agreement), and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by "nuclearizing" the Korean peninsula;

(2) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the International Atomic Energy Agency personnel monitoring the freeze;

(3) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483);

(4) the Agreed Framework is, as a result of North Korea's own actions over several years and recent declaration, null and void;

(5) North Korea's pursuit and development of nuclear weapons is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(6) North Korea must immediately come into compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other commitments to the international community;

(7) any diplomatic solution to the North Korean crisis must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability, including effective and comprehensive verification requirements, on-site monitoring, and free access for the investigation of all sites of concern;

(8) the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures to ensure the highest possible level of deterrence and military readiness against the multiple threats that North Korea poses;

(9) since 1995, the United States has been the single largest food donor to North Korea, providing $620,000,000 in food aid assistance over that time;

(10) North Korea does not allow full verification of the use of food aid assistance, as shown by the failure of North Korea to permit the World Food Program to introduce a system of random access monitoring of such use in North Korea and the failure of North Korea to provide the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(11) the failures described in paragraph (10) fall short of humanitarian practice in emergency operations in other parts of the world; and

(12) North Korea should allow full verification of the use of food aid assistance by—

(A) providing the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(B) permitting the World Food Program to introduce a system of random access monitoring in North Korea; and

(C) providing access for the World Food Program in all counties in North Korea.

AMENDMENT NO. 167 AS MODIFIED

(Purpose: To modify the requirements relating to the allocation of interest of the Abandoned Mine Reclamation Fund)

At the appropriate place insert the following:

SEC. ___ . TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST.

(a) In General.—Notwithstanding any other provision of law, any interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund. No transfers made pursuant to this section shall exceed $24,000,000.

(b) Prohibition on Other Transfers.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combine Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) Limitation.—This section shall cease to have any force and effect after September 30, 2004.

Amendment no. 166, as modified

(Purpose: To rename the United States-China Security Review Commission as the United States-China Economic and Security Review Commission, and for other purposes)

On page 713, strike line 23 and all that follows through page 714, line 3, and insert the following:

SEC. 209. UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) Appropriations.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) Name Change.—

(1) In general.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) in the section heading by inserting "**ECONOMIC AND**" before "**SECURITY**";

(B) in subsection (a)—

(i) in paragraph (1), by inserting "Economic and" before "Security"; and

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(C) in subsection (b)—

(i) in the subsection heading, by inserting "Economic and" before "Security";

(ii) in paragraph (1), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting "Economic and" before "Security"; and

(II) in subparagraph (H), by inserting "Economic and" before "Security"; and

(iv) in paragraph (4), by inserting "Economic and" before "Security" each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting "Economic and" before "Security";

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the first sentence, by inserting "Economic and" before "Security"; and

(II) in the second sentence, by inserting "Economic and" before "Security";

(iv) in paragraph (4), by inserting "Economic and" before "Security"; and

(v) in paragraph (6), by inserting "Economic and" before "Security" each place it appears.

(2) References.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-

China Economic and Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) MEMBERSHIP, RESPONSIBILITIES, AND TERMS.—

(1) IN GENERAL.—Section 1238(b)(3) of the Floyd D. Spencer National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) by striking subparagraph (F) and inserting the following:

"(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

"(i) appoint 3 members to the Commission;

"(ii) make the appointments on a staggered term basis, such that—

"(I) 1 appointment shall be for a term expiring on December 31, 2003; and

"(II) 1 appointment shall be for a term expiring on December 31, 2004; and

"(III) 1 appointment shall be for a term expiring on December 31, 2005;

"(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

"(iv) make appointments not later than 30 days after the date on which each new Congress convenes;".

(2) RESPONSIBILITIES OF THE COMMISSION.—The U.S.-China Commission shall focus on the following nine areas when conducting its work during fiscal year 2003 and beyond:

A. PROLIFERATION PRACTICES.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the U.S. might take, including economic sanctions, to encourage the Chinese to stop such practices;

B. ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.—The Commission shall—analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on U.S. economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems;

(C) ENERGY.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the U.S. can play, including joint R&D efforts and technological assistance, in influencing China's energy policy;

(D) UNITED STATES CAPITAL MARKETS.—The Commission shall evaluate the extent of Chinese access to, and use of, United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities;

(E) CORPORATE REPORTING.—The Commissions shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's "hollowing-out" of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei;

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community and Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate U.S. enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese;

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China;

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

AMENDMENT NO. 188, AS MODIFIED

(Purpose: To exempt Head Start programs from across the board rescissions)

Notwithstanding any other provisions of this Act, the $6,667,533,000 provided for the Head Start Act shall be exempt from the across-the-board rescission under Section 601 of Discussion.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, Senator LAUTENBERG has 5 minutes on his amendment on the Superfund.

Mr. REID. Mr. President, if the Senator wants to call up amendment No. 112 now, he can.

Mr. STEVENS. Very well.

AMENDMENT NO. 112, AS MODIFIED

Mr. STEVENS. Mr. President, I call up amendment No. 112.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 112, as modified.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 112 AS MODIFIED

(Purpose: The Secretary of HHS may make grants to purchase ultrasound equipment)

At the end of the general provisions relating to the Department of Health and Human Services, insert the following:

SEC. . GRANTS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed physician, free ultrasound examinations to pregnant women needing medical services: *Provided, That:* the Secretary shall give priority in awarding grants to those organizations that agree to adhere to professional guidelines for counseling pregnant women. Whereby a pregnant woman is fully informed in a non-biased manner about all options.

Mr. STEVENS. Mr. President, I ask for the immediate adoption of the modified amendment.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 112), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the manager.

AMENDMENT NO. 192, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 192.

Mr. President, I ask unanimous consent to modify the amendment that is at the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. STEVENS. Mr. President, reserving the right to object, we have not seen the modification.

I remove that objection.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 192), as modified, is as follows:

AMENDMENT NO. 192 AS MODIFIED

(Purpose: To increase the appropriation for the Hazardous Substance Superfund)

On page 982, strike lines 21 through 25 and insert the following:

per project; $1,372,888,000, to remain available until expended, consisting of $736,444,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499; 100 Stat. 1613), and $636,444,000 as a payment from general

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 7½ minutes.

Mr. LAUTENBERG. I thank the Chair.

The authorization level under the Superfund law for this year is $11.5 billion. The bill before us provides $1.27 billion. Of that amount, 50 percent comes from the Superfund trust fund and the rest comes from general revenues.

There is now about $120 million in unobligated funds left in the Superfund trust fund. My amendment takes $100 million of that and adds it to the $1.27 billion so that we can increase the number of contaminated sites we will be cleaning up, but also to give some encouragement to a group of highly trained professionals so they can look to a continuation of a career that has been devoted to getting these sites cleaned up.

My amendment doesn't fully fund the program, but because the average cost of cleanup in a normal Superfund site is $12 million, this $100 million could help protect eight more communities from contaminated ground water and toxic soil in their neighborhoods.

From the beginning, an important principle of Superfund has been that those responsible for the contamination should pay for the cleanup. The polluters—not the general public—should pay.

In keeping with this principle, my amendment draws only from the trust fund, not from general revenues.

Unfortunately, it seems that some have lost sight of the "polluter pays" principle at the heart of the Superfund program.

In the appropriations bill before us, taxpayers, not polluters, would pay for 50 percent of the cleanup program. This simply isn't fair to our Nation's taxpayers.

But the "polluter pays" principle is fair. It has worked, and it should be preserved. Yet the tax on petroleum and chemical products—the sources of contamination at most Superfund sites—has been allowed to lapse. We need to reauthorize the funding source and reinstate a dependable revenue stream for the program, but that is a debate for another day. In the interim, we have to do more with what we have.

In the 4 years leading up to the year 2000, an average of 87 Superfund were being cleaned up each year. Since then, the number has dropped by half: 42 sites cleaned up in 2001 and 47 sites cleaned up in 2002. This isn't acceptable nor is it responsible.

Adequate funding for Superfund is a very serious matter for the people of my home State of New Jersey. My State has 113 hazardous waste sites on the National Priority List (NPL)—more than any other State.

But I would quickly point out this isn't simply an urban-State problem. The largest Superfund site in the country right now is in Coeur d'Alene, ID, one of the most beautiful States in our country. And yet there is this blight in their midst. And we see the same thing in Montana, another rural mountain State, so beautiful with nature's blessing.

Mrs. BOXER. Will the Senator yield?

Mr. LAUTENBERG. Sure.

Mrs. BOXER. Mr. President, I want to take a moment to thank the Senator from New Jersey and say how wonderful it is, for anyone who cares about the environment and of cleaning up the environment, to have him back.

This is a very important amendment. Superfund sites are all over the country in almost every single State. They hurt our people. They are dangerous to our children. They have to be cleaned up.

The Senator is right. Polluter pays is the way we ought to go with these funds. So I just wanted to rise to thank my friend.

Mr. LAUTENBERG. Mr. President, I thank the Senator from California. We have worked diligently together to try to turn these Superfund sites from environmental and health hazards into productive properties for the affected communities.

I yield to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend the Senator for the amendment. It is a crime that we have not been utilizing the Superfund the way it should be utilized. The Senator is putting it back on track. I commend the Senator for his efforts.

Mr. LAUTENBERG. I thank the Senator from Vermont.

Mr. CORZINE. Will my colleague from New Jersey yield?

Mr. LAUTENBERG. Yes. I yield to my colleague.

Mr. CORZINE. I just want to reinforce and reemphasize how important this is in our State of New Jersey with the 113 sites. By the way, there is an increasing sense—scientific sense, data sense—that we are having a high incidence of cancer in areas that surround these sites.

This is a health problem. It really is something that needs to be addressed. I think my colleague from New Jersey is doing exactly the right thing to bring this issue forward.

Mr. LAUTENBERG. I thank my distinguished colleague.

Mr. President, nationally, one in four Americans lives within 4 miles of an NPL site. That is unacceptable. Contaminated sites endanger our environment, they endanger our health, they endanger our economy.

We have money in the trust fund. We should use it. We desperately need to clean up these sites and make them safe and productive again, especially for the sake of the communities that surround them. Having these blighted locations throughout our country is simply that; it is a plague on these communities. We ought to get on with transforming them from wastelands into industrial, commercial, and residential sites that benefit everybody.

This amendment is cosponsored by several of my colleagues, including Senator CORZINE, Senator BOXER, Senator KENNEDY, Senator BIDEN, Senator CLINTON, Senator NELSON of Florida, Senator JEFFORDS of Vermont, Senator KERRY, and Senator SCHUMER.

Mr. President, I hope we will be able to use these funds for the purpose intended: cleaning up more Superfund sites faster in the coming year. I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise in opposition to the Lautenberg amendment. I look over and see both Senators from Louisiana here. I can assure you that money is not just the answer. I remember at Bossier City there was a site that the Federal Government was going to clean up. It was going to cost X dollars. I don't remember the exact amount, but I didn't know this amendment was going to come up. After we spent quite a bit of time, we found that the responsible parties were willing to do it under State supervision. All of the parishes agreed to it. All of the citizens, neighborhood groups, agreed to it. Yet they were still going to do it. We ended up forcing this through and cleaning it up for one-half the amount of money and in one-half of the time.

We need to reform the Superfund system. I would argue with my good friend from Idaho, I think we have the largest Superfund problem in Tar Creek in the State of Oklahoma.

I will not yield to my friend because I think I need my time.

But I would say this: We have spent about $100 million on it over the last 15 years, and it has not resolved the problem. We want to reform the system. We need to reform the system. And, of course, there are no offsets. So I know that will mean something to some of the people.

But let's go ahead, give our committee a chance, give Senator CHAFEE, whose subcommittee has the jurisdiction, a chance to go in here and do a better job rather than pouring money on a system that is not working today.

Now I will yield——

Mr. CRAIG. One minute.

Mr. INHOFE. One minute to the Senator from Idaho.

Mr. CRAIG. The superfund site in Coeur d'Alene, ID, that the Senator from New Jersey referred to, 3 years ago was touted to cost $1 billion to clean up. As a result of a cooperative State plan, in conjunction with EPA—the first unique plan of this kind, designed under a new State commission; and our new Director Whitman has signed off on it—that same area can be cleaned up and meet all of the standards for less than $300 million over a 12-year to 15-year period.

Now, $300 million versus $1 billion is a heck of a lot of money. Because of these new cooperative relationships and State plans—that past EPAs refused to negotiate and bring States into the process—but because we are now doing that, I agree with the Senator from Oklahoma, there is great opportunity for reform. You just don't throw money at these problems. You resolve them in new, creative ways, and still meet standards for clean water and clean air.

Mr. INHOFE. I appreciate the comments of the Senator from Idaho because we do have two of those devastating sites.

I yield whatever time I have to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, in addition to the arguments that the distinguished Senators from Oklahoma and Idaho made about the need to revise the Superfund law, let me simply point out that this amendment would add $100 million more to Superfund spending. You can call it coming from the Superfund trust fund, but it is still spending, and it still scores against the budget. It goes over the agreement that we had with the President.

The current bill funds Superfund activities and cleanup at $1.273 billion for fiscal year 2003. This is what the administration requested, and that is what is needed.

The Superfund cleanups are adequately funded.

Does my colleague from Oklahoma wish to add anything further?

Mr. INHOFE. Yes. We are in the process of making some major changes. You heard from the Senator from Idaho the improvements that have been made there. And this is one of the main agenda items.

So I urge the defeat of the Lautenberg amendment and yield to the Senator from Missouri.

Mr. DOMENICI. Will you give me 1 minute?

Mr. INHOFE. Sure.

Mr. DOMENICI. I want to tell the Senate, 10 years ago I made a speech downtown to 350 people. They were anxiously paying attention. I said: It is this year we are going to reform that crazy fund where we can't get anything done. The money is piling up and chemicals don't get cleaned up—the Superfund. I am looking to make sure I never go back to that group because it has been 10 years, and I don't want them to ask me what happened. Maybe it will happen next year.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I listened with interest to the comments of my colleagues.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, parliamentary inquiry: How much time does the Senator from New Jersey have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 52 seconds remaining. The Senator from Oklahoma has 2 minutes 30 seconds.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, no one would suggest that we shouldn't look for more efficient ways to do things with regard to the Superfund program. And there is always redress, unfortunately, to the court if one wants it. But the Superfund Program has been working: 87 sites a year, on average, were being cleaned up, up until the year 2000; over 800 sites in all. That is pretty darn good. We learned how to do it. The program is working. To deprive it now is really not what ought to be happening. I am sure citizens across this country would agree with us: More money, more cleanups. That is what we want out of the Superfund Program.

I yield back whatever time remains.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have to argue with my good friend from New Jersey. If he wants to use the Superfund Program as an example of a program that has been working, then we don't have any problems around here because it hasn't been working. We have been working on making major changes. We are going to make major changes.

I yield back the time and move to table the Lautenberg amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—53

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Harkin
Inouye

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 10, 28, 47, 65, AS MODIFIED; 88, 110, 139, AS MODIFIED; 155, 201, 218, 151, 50, 34, 126, 158, EN BLOC

Mr. STEVENS. Mr. President, if I may have the attention of the Senate, I have two more amendments that have been cleared. I will make a request after I recite the amendments.

Amendment No. 10, Senator NELSON of Florida; amendment No. 28, Senator KENNEDY; amendment No. 47, Senator FEINSTEIN; amendment No. 65, as modified, Senator KYL; amendment No. 88, Senator WARNER; amendment No. 110, Senators BOXER and FEINSTEIN; amendment No. 139, as modified, Senators GRAHAM, NELSON, and VOINOVICH; amendment No. 155, Senator DOMENICI; amendment No. 201, Senator FEINGOLD; amendment No. 218, Senator HATCH; amendment No. 151, Senator MURKOWSKI and myself; amendment No. 50, Senator SARBANES; amendment No. 34, Senator CRAIG; amendment No. 126, Senators BINGAMAN and DOMENICI; and amendment No. 158, Senators BINGAMAN and DOMENICI.

Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Is that agreeable?

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc.

Mr. STEVENS. I urge they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 10

(Purpose: To transfer the building at 5401 NW Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon to the Administrator of the General Services Administration)

At the appropriate place, insert the following:

(a) The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b), if written offer therefore (accompanied by such proof of title, property descriptions and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of the enactment of this Act.

(b) The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon.

(c) The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

AMENDMENT NO. 28

(Purpose: To permit the National Park Service to rehabilitate historic buildings in the New Bedford Whaling National Historical Park that were severely damaged by fire)

At the appropriate place, insert the following:

Section XXX. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking "$2,000,000" and inserting "$5,000,000".

AMENDMENT NO. 47

(Purpose: To extend the expiration of the Herger-Feinstein Quincy Library Group Act of 1998)

On page 486, line 9, insert the following:

SEC. . Congress reaffirms its original intent that the Herger-Feinstein Qunicy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by five years.

AMENDMENT NO. 65, AS MODIFIED

(Purpose: Fund rehabilitation on the Apache-Sitgreaves National Forest)

On page 488, line 10, strike "1,349,291,000" and insert "$1,351,791,000."

On page 489, line 9, strike "$3,624,000" and insert "$6,124,000."

On page 489, line 10, following "restoration," insert "of which $2,500,000 may be for rehabilitation and restoration on the Apache-Sitgreaves National Forest."

On page 493, line 17, strike "$148,263,000", and insert "$145,763,000."

AMENDMENT NO. 88

(Purpose: To clarify the boundaries of the Plum Island Unit of the Coastal Barrier Resources System)

On page 486, between lines 8 and 9, insert the following:

SEC. ___. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled "Plum Tree Island Unit VA–59P, Long Creek Unit VA–60/VA–60P" and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA–59P and Long Creek Unit VA–60/VA–60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled 'Coastal Barrier Resources System", dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

AMENDMENT NO. 110

(Purpose: To express the sense of the Senate regarding prohibiting the use of funds to approve any exploration, development, or production plan for, or application for a permit to drill on, land in the southern California planning area of the outer Continental Shelf that is subject to certain leases)

On page 486, between lines 8 and 9, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES.

(a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

AMENDMENT NO. 139

(Purpose: To direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida)

On page 271, between lines 10 and 11, insert the following:

SEC. 1___. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

AMENDMENT NO. 155

(Purpose: To extend certain authority relating to the Board of Trustees of the Valles Caldera Trust)

On page 488, on line 2, strike the period after the word "accomplishment" and insert the following:

": *Provided further*, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of 107(d)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2003, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties, and except that Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board."

AMENDMENT NO. 201

(Purpose: To require the release of a Department of the Interior strategy to address chronic wasting disease)

On page 450, line 2, strike "restoration:" and insert the following:

"restoration; and with the funds provided in this title, the Secretary shall release a plan for assisting states, federal agencies and tribes in managing chronic wasting disease in wild and captive cervids within 90 days of enactment of this Act:".

AMENDMENT NO. 218

(Purpose: To extend the availability of funds for the Four Corners Interpretive Center)

At the appropriate place, insert the following:

SEC. 7(c) of PL 106–143 is amended by striking "2001", and inserting 2004.

AMENDMENT NO. 151

At the appropriate place in the bill insert the following new section:

"SEC. Clarification of Alaska Native Settlement Trusts.

"(A) Section of P.L. (43 U.S.C. 1629b) is amended:

"(1) at subsection (d)(1) by striking "An" and inserting in its place "Except as otherwise set forth in subsection (d)(3) of this section, an";

"(2) by creating the following new subsection:

"(d)(3) A resolution described in subsection (a)93) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

"(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or "(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.";

"(3) by creating the following new subsection:

"(f) Substantially all of the assets. For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.

"(B) Section of P.L. (43 U.S.C. 1629e) is amended by striking subsection (B) and inserting in its place the following:

"(B) shall give rise to dissenters rights to the extend provided under the laws of the State only if:

"(i) the rights of beneficiaries in the settlement Trust receiving a conveyance are inalienable; and "(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title."

AMENDMENT NO. 50

(Purpose: To direct the Director of the United States Fish and Wildlife Service to submit a report on avian mortality at communication towers)

On page 486, between lines 8 and 9, insert the following:

SEC. . REPORT ON AVIAN MORTAILITY AT COMMUNICATIONS TOWERS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) Contents.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

AMENDMENT NO. 34

(Purpose: To modify the provision relating to the Bonneville Power Administration Fund)

On page 286, between lines 15 and 16, insert the following:

For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: *Provided*, That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

AMENDMENT NO. 126

"SEC. . PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) Amendment to Title I of the Energy Policy and Conservation Act.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 166. There are authorized to be appropriated to the secretary such sums was may be necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) Amendment to Title II of the Energy Policy and Conservation Act.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

"(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.";

(2) by inserting before section 273 (42 U.S.C. 6283) the following:

" Part C—Summer Fill and Fuel Budgeting Programs"

(3) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(4) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) Technical Amendments.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by amending the items relating to part D of title I to read as follows:

"Part D—Northeast Home Heating Oil Reserve

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for releas; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

(2) by amending the items relating to part C of title II to read as follows:

"Part C—Summer Fill and Fuel Budgeting Programs

"Sec. 273. Summer fill and fuel budgeting programs."; and

(3) by striking the items relating to part D of title II.

(d) Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by inserting "(considered as a heating season average)" after "mid-October through March".

(e) Full Capacity.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the Untied States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impact on petroleum markets.

(f) Recommendations.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

AMENDMENT NO. 158

(The amendment is printed in the Record of Tuesday, January 21 under Text of Amendments.")

AMENDMENT NO. 158

Mr. BINGAMAN: Mr. President, the amendment being offered jointly by the senior Senator from New Mexico and myself represents a consensus solution in New Mexico to a thorny land dispute in and around Albuquerque. The text of this amendment passed the Senate unanimously as part of a package of public land bills at the very end of the last Congress. Because of the urgency of resolving this dispute, we are offering this Senate-passed language on this bill. I thank my colleague from New Mexico and my colleagues in the Senate for their help in passing this amendment.

Mr. STEVENS. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 33, 102, AS MODIFIED; 205, 236, 243, 135, AS MODIFIED; 116, AS MODIFIED; 226, AS MODIFIED; 163, AS MODIFIED; 187, AS MODIFIED; 62, AS MODIFIED; 238, AND 129, EN BLOC

Mr. STEVENS. I have another list. I will similarly make a request that they be considered en bloc: Amendment No. 33, Senator Craig and Senator Durbin; amendment No. 102, Senator Leahy. It should be modified so that "shall" reads "may." I ask for that modification now.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. STEVENS. Amendment No. 205, Senator McConnell; amendment No. 236, Senator Harkin; amendment No. 243, Senator Edwards. Further, at the desk are modifications for amendment No. 135, Senator Talent; amendment No. 116, Senator Leahy; amendment No. 226, Senator Kohl; amendment No. 163, Senator Fitzgerald and Senator Harkin. I ask that those amendments be so modified according to the items at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. On amendment No. 187, there is a substitute at the desk. On behalf of Senator Leahy, I ask that the substitute be considered as part of this package in lieu of the original version of this amendment.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. STEVENS. Amendment No. 62, as modified, Senator McConnell; amendment No. 238, Senator Dodd; and amendment No. 129, Senator Kerry and Senator Snowe. Mr. President, amendment No. 62 is a modification. I did not read that. I ask that that original amendment be modified according to the papers that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that they be adopted en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 33

(To clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds, dry peas, lentils, and small chickpeas)

At the appropriate place in Division A, insert the following:

SEC. . MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR OTHER OILSEEDS, DRY PEAS, LENTILS, AND SMALL CHICKPEAS.

(a) DEFINITION OF OTHER OILSEED.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting "crambe, sesame seed," after "mustard seed,".

(b) LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.

"(B) Rapeseed.

"(C) Canola.

"(D) Safflower.

"(E) Flaxseed.

"(F) Mustard seed.

"(G) Crambe.

"(H) Sesame seed.

"(I) Other oilseeds designated by the Secretary.";

(2) in subsection (b), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.

"(B) Rapeseed.

"(C) Canola.

"(D) Safflower.

"(E) Flaxseed.

"(F) Mustard seed.

"(G) Crambe.

"(H) Sesame seed.

"(I) Other oilseeds designated by the Secretary.";

(3) by adding at the end the following:

"(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

"(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

"(1) in the case of dry peas, United States feed peas;

"(2) in the case of lentils, United States number 3 lentils; and

"(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.".

(c) REPAYMENT OF LOANS.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking "and extra long staple cotton" and inserting "extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)";

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

"(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

"(2) the repayment rate established for oil sunflower seed.

"(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).".

(d) APPLICABILITY.—This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

AMENDMENT NO. 102, AS MODIFIED

(Purpose: To provide funds for value-added projects for agricultural diversification)

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . VALUE-ADDED PROJECTS FOR AGRICULTURAL DIVERSIFICATION.

Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture shall make a grant of $200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

AMENDMENT NO. 205

(Purpose: to improve the administration of price supports)

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . PRICE SUPPORT ADJUSTMENTS.

(a) CARRY FORWARD ADJUSTMENT.—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(1) by striking ": *Provided*, That" and inserting ", except that (1)"; and

(2) by inserting before the period at the end the following: ", (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year".

(b) SPECIAL REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

AMENDMENT NO. 236

(Purpose: To express the sense of the Senate concerning use of certain funds to provide technical assistance for mandatory conservation programs under the Farm Security and Rural Investment Act of 2002)

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . SENSE OF THE SENATE CONCERNING CERTAIN FUNDS FOR TECHNICAL ASSISTANCE FOR MANDATORY CONSERVATION PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) conservation technical assistance provided through the Department of Agriculture is essential to help the farmers, ranchers, and landowners of the United States to implement and maintain critical conservation practices;

(2) Congress provided a historic increase in mandatory funding for voluntary conservation efforts in the Farm Security and Rural Investment Act of 2002 (Public Law 107–171);

(3) in that Act, Congress provided mandatory funding sufficient to cover all conservation technical assistance needed to carry out conservation programs;

(4) under that Act, conservation technical assistance is provided to carry out conservation programs;

(5) the General Accounting Office has determined that, under the Farm Security and Rural Investment Act of 2002, funding for conservation technical assistance—

(A) is provided directly for conservation programs; and

(B) is not subject to the limitation specified in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(6) the General Accounting Office has determined that funds in the Conservation Operations account cannot be used to fund conservation technical assistance for conservation programs under the Farm Security and Rural Investment Act of 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should provide full funding for conservation technical assistance in order to implement conservation programs under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.); and

(2) the President should not use funds from the Conservation Operations account to provide conservation technical assistance for carrying out conservation programs directly funded by that title.

AMENDMENT NO. 243

(Purpose: To broaden the purpose for which certain funds for rural housing may be used)

On page 80, between lines 3 and 4, insert the following:

SEC. 7 . RURAL HOUSING SERVICE.

Title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading "RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)" under the heading "RURAL HOUSING SERVICE" (114 Stat. 1549, 1549A–19) by inserting before the period at the end the following: ": *Provided further*, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)".

AMENDMENT NO. 135, AS MODIFIED

(Purpose: To improve the administration of certain programs relating to corn)

At the appropriate place, insert the following:

SEC. . CORN.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the planting, prevented planting, and production of corn used to produce popcorn as the planting, prevented planting, and production of corn for the purposes of determining base acres and payment yields for direct and counter-cyclical payments under subtitle A of title I of Public Law 107–171.

(b) EFFECTIVE DATE.—This section takes effect on October 1, 2003.

AMENDMENT NO. 116, AS MODIFIED

(Purpose: Expressing the sense of the Senate that the United States should use the authorities of the Commodity Credit Corporation to provide additional international food aid)

At the appropriate place insert:

Whereas there are immediate needs for additional food aid in the Sub-Saharan Africa where more than 38 million people are at risk of starvation;

Whereas there are serious shortfalls of food aid in other parts of the world, including Afghanistan a key nation in the war on terror, that have put millions at risk of starvation;

Whereas other potential emergencies in Iraq, North Korea, and other regions could place millions more at risk of starvation;

Whereas prices have increased by 30 percent over the course of the past year for certain staple commodities;

Whereas additional food aid helps build goodwill towards the United States, is consistent with the National Security Strategy of the United States, dated September 17, 2002, and reduces the conditions that can contribute to international terrorism;

Resolved, That it is the sense of the Senate that:

(1) the Secretary of Agriculture should immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to ensure that United States contributions for international humanitarian food assistance for each fiscal year 2003 through 2007 shall be no less than the previous five year average beginning on the date of enactment of this Act.

(2) The President should immediately submit an emergency supplemental request to meet any additional shortfalls in fiscal year 2003 for food and to vulnerable populations living in sub-Saharan Africa that are not met by actions undertaken in paragraph (1) or by any other provision in this Act.

AMENDMENT NO. 226, AS MODIFIED

(Purpose: To provide funding for Grants for Youth Organizations Program)

Strike the text of the amendment and insert the following:

On page 17, line 5, after "tuition shall receive no less than $1,000,000;" insert the following: "for grants to youth organizations pursuant to 7 U.S.C. 7630, $3,000,000;" On page 16, line 1, strike "$284,218,000" and insert "$281,218,000".

AMENDMENT NO. 163, AS MODIFIED

(Purpose: To provide funding for bioenergy program)

Strike the text of the amendment and insert the following:

On page 75, strike lines 17–20 and insert the following:

SEC. 741. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 that exceed 77 percent of the payment that would otherwise be paid to eligible producers (7 U.S.C. 8108).

AMENDMENT NO. 187, AS MODIFIED

(Purpose: To provide funding for international family planning programs and for other purposes)

On page 347, line 4, after the colon, insert: *Provided further*, That of the funds appropriated under this heading, not less than $35,000,000 shall be made available for the United Nations Populations Fund:

On page 306, line 25, strike "$368,500,000" and insert in lieu thereof "$385,000,000"

On page 365, line 4, before the period insert the following:

: *Provided further*, That of the funds appropriated under title II of this Act, not less than $435,000,000 shall be made available for family planning/reproductive health

On page 347, line 7, strike "Secretary of State" and insert in lieu thereof:

President

AMENDMENT NO. 62, AS MODIFIED

On page 318, line 21 after "ethics:" insert the following:

Provided further, That not to exceed $200,000,000 of the funds appropriated under this heading in this Act may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That not to exceed $15,000,000 of the funds appropriated under this heading in Public Law 107–206, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, FY 2002, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Jordan:

AMENDMENT NO. 238

(Purpose: To clarify the effect of the appropriation relating to election reform)

Beginning on page 111, line 25, strike ": *Provided*, That" and all that follows before the period on page 112, line 4.

AMENDMENT NO. 129

(Purpose: To authorize the use of certain funds previously appropriated to the Small Business Administration for loan guarantee subsidies under section 7(a) of the Small Business Act)

At the appropriate place, insert the following:

SEC. . USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS.

The matter under the heading "BUSINESS LOANS PROGRAM ACCOUNT" in chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117) is amended by striking "For emergency expenses" and inserting the following: "For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses".

AMENDMENT NO. 129

Mr. KERRY. Mr. President, today I offer, on behalf of myself and Senators SNOWE, LANDRIEU, LIEBERMAN, and LEVIN, an amendment to H.J. Res. 2, the fiscal year 2003 Omnibus Appropriations resolution. The purpose of the amendment is to reverse severe budget cuts to the SBA's largest small business lending program, commonly referred to as the 7(a) loan program. As part of the administration's fiscal year 2003 budget request, the President under-funded the program by 56 percent, leaving small businesses short than $6 billion in critical loan dollars.

In order to restore over a billion dollars of that short-fall, this amendment would transfer unused funds from SBA's STAR loan program to the 7(a) loan program. As my colleagues may recall, the STAR program was a temporary loan program that I established with Senator BOND to help small businesses across the Nation hurt by terrorist attacks of September 11, 2001. Thousands of small businesses nationwide were helped by the $3.6 billion in loans already made available through the STAR program, and I thank Senators HOLLINGS and BYRD for helping me to secure the funding.

The authorization for the STAR loans has expired and rather than let the remaining money lapse, we should re-allocate it to help small businesses have access to regular 7(a) loans. Just as we took care of small businesses hurt by 9/11, it is time to turn our attention to those who need financing in this down economy when banks are restricting capital to small businesses. Not only is the 7(a) loan program SBA's largest lending program to small businesses, but it is also the single, largest source of long-term capital available to small businesses in this country. As banks have cut back on lending to small businesses, demand for SBA's loan programs have grown by more than 16 percent, and this is one of the few sources for working capital loans. As I said a few minutes ago, by reprogramming this money, we will be able to leverage over a billion dollars in loans to small businesses, thereby stimulating the economy and creating and preserving jobs. Further, transferring this money would be budget neutral and has the support of OMB.

There is much at stake for small businesses in all of our States. In my home State of Massachusetts, if we implement the President's budget as requested, small businesses stand to lose $121 million in loan dollars and almost 3,700 jobs. As a nation, we would lose $6.2 billion in loans, which translates into 189,000 jobs either lost or not created. In this economy, we can not afford to lose any more jobs or hinder job creation.

This amendment was part of a more comprehensive proposal that Senator BOND and I put forth last Congress. One part was to use more accurate data and a more predictive cost model, and the other was to transfer money from the STAR program to the 7(a) loan program. That legislation had the bipartisan support of then-Budget Committee Chairman CONRAD, then-ranking Member DOMENICI and Senators LANDRIEU, SNOWE, HARKIN, HOLLINGS and BYRD. It was approved by the Office of Management and Budget and voted out of the Senate by unanimous consent. Unfortunately, politics kept it from passing the House. This Congress, our incoming Chair, Senator SNOWE, has quickly taken up where Senator BOND left off, re-introducing last year's bill, now S. 141, to correct the program's subsidy rate model. I thank her for her swift work and for joining me today in offering this amendment. I ask all my colleagues to vote in favor of this amendment.

In closing, I want to thank Chairwoman SNOWE, Senator BOND, Senator CONRAD, Senator DOMENICI, Congressman MANZULLO, and Congresswoman VELAZQUEZ for their previous and continued efforts in this fight for small businesses. In addition, I would like to thank the countless small business groups, from NAGGL and NADCO to the small business coalition lead by the U.S. Chamber of Commerce, which included among many others, the National Black Chamber of Commerce, National Small Business United, and the American Bankers Association, for their hard work and support with regard to this matter.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 226, AS MODIFIED

Mr. KOHL. Mr. President, the 2002 farm bill authorized the Grants for Youth Program, an initiative to develop pilot programs and expand outreach to youth in rural communities and small towns across the Nation. The Girl Scouts of the USA, Boy Scouts of America, National FFA Organization, and National 4-H Council will be key players in this initiative. The original Senate version of the fiscal year 2003 Agriculture appropriations bill included $6 million in funding for this new program. That funding was removed in the version before us.

I am offering an amendment to restore $3 million in funding for the Grants for Youth program. This program will be funded through the USDA Extension Service. In view of enhanced need for funds for education and other Federal initiatives for our children, we should also support private efforts to bring programs like Girl scouts, Boy Scouts, 4-H and Future Farmers of America to our underserved rural youth. It would be a mistake to keep these marvelous—and proven—youth programs from expanding to our rural areas.

PROVO AIRPORT CONTROL TOWER FUNDING

Mr. HATCH. Mr. President, will the distinguished chairman of the Transportation Subcommittee, my good friend, the Senator from Alabama, yield for a question?

Mr. SHELBY. I will be glad to.

Mr. HATCH. My office was recently visited by the mayor of Provo, in my home State of Utah. He reiterated to me the importance of erecting a control tower to handle an unusually large volume of air traffic coming into and out of the airport.

My colleagues may not be aware of this, but Provo's airport currently does not have a tower—even though it is the second most used airport in the state, providing a much needed training ground for new pilots and a landing area for corporate jets that keeps them out of the Salt Lake City International Airport traffic flow.

It is my understanding there are 143,000 operations at this airport per year. I share the concern of Mayor Lewis Billings and the citizens of Provo that this type of airport traffic with no control tower is very unsafe and, in the past, has led to a crash and a number of near misses.

Mr. SHELBY. I note for the Senator from Utah that the Transportation Appropriations Subcommittee has already allotted $666,000 for this project in the Fiscal Year 2003 appropriations bill.

Mr. HATCH. I am very appreciative to the Senator from Alabama and the other Appropriations Committee members for this, and I know it will be very helpful to the effort. However, I understand the House appropriation for this same project currently stands at $1 million which would really help the city of Provo get this project underway. I am also very appreciative for the Appropriations Committee's vigilance in keeping the budget to an absolute minimum and restraining superfluous spending. I only ask that the good Senator from Alabama try to work in conference to recede to the House number.

Mr. SHELBY. I thank my colleague for making me aware of his interest in this project. I know you recognize that we have a great many requests for funding, and we are working hard to provide the appropriate levels for each one within budget constraints. I will be mindful of the Senator's interest in this project during conference deliberations with the House.

SUMMER FOOD SERVICE PROGRAM

Mr. KOHL. Mr. President, I have long supported programs important to improving the lives of children and, last year, I had included in the fiscal year 2003 Agriculture appropriations bill a provision to expand an ongoing pilot related to the USDA Summer Food Services Program. This increase would have expanded to all 50 States a successful 13-State pilot program to streamline the process of setting up a summer feeding site. A report released last summer by the Food Research and Action Center found that the 13 pilot States increased their participation in the SFSP by 8.9 percent between July 2000 and July 2001. Participation in the rest of the Nation decreased by approximately 3.3 percent during the same time period.

Mr. COCHRAN. I appreciate the efforts of my friend from Wisconsin. I agree that the Summer Food Service Program is important for several reasons. Not only does it provide children with a healthy meal, but many of the approved sites that administer the SFSP also provide educational and recreational opportunities that foster learning throughout the summer months while parents are working.

Mr. KOHL. While I understand the fiscal constraints we were facing during this budget year, I believe that it is important that we continue to work to find ways to increase the number of low-income children who receive healthy meals over the summer. I believe the expansion of the SFSP is an excellent way to do that, and I look forward to working with the chairman of the Agriculture Committee to make such an expansion permanent during the reauthorization of the Child Nutrition Act.

Mr. COCHRAN. Again, I thank the senior Senator from Wisconsin, and I appreciate his commitment to this important issue. I look forward to working with him on this program during the upcoming reauthorization of the Child Nutrition Act.

SECTION 32

Mr. LEAHY. Mr. President, I have two amendments at the desk that are intended to address a critical shortage in nutrition funding for schools, food banks and soup kitchens brought about by the Bush administration's decision to pay for Federal farm disaster assistance using funds available to the Secretary of Agriculture under Section 32 of the Act of August 24, 1935.

Since 1935, the so-called Section 32 program has provided the means for the Secretary of Agriculture to assist farmers and ranchers by purchasing surplus commodities, which are then used to help poor Americans by providing emergency food assistance to those in need. It creates a "win-win" situation allowing us to help our farmers while feeding the hungry.

Section 32 is the primary source of federal funding for purchases of food distributed to the needy through schools, state and tribal governments, food banks, soup kitchens, and other charitable institutions. Last year, USDA surplus food donations to the needy through Section 32 totaled more than $250 million. And the President's budget for 2003 called for $215 million in Section 32 surplus food donations this fiscal year.

On October 10 of last year, Senator TOM HARKIN and I wrote to Secretary of Agriculture Ann Veneman seeking assurances that federal funding for these programs would not be diminished this fiscal year due to the Bush Administration's use of Section 32 to pay for the Livestock Compensation Program. We were concerned that this maneuver—taking some $752 million out of Section 32—would constrain the Secretary's ability to provide the needed and historic levels of funding for federal emergency food assistance programs.

The Secretary never responded to our letter, but White House and USDA officials met with hunger program advocates and assured them there would not be cuts in federal emergency food assistance. Senator HARKIN and I found this quite remarkable, because it appeared evident from the beginning that the Bush Administration had over-committed its Section 32 funds. According to the President's own budget figures, it was clear that Section 32 funds would be depleted once the Livestock Compensation Program (LCP) was implemented and that was before a $185 million cost over-run was reported by USDA in early December, bringing the cost of the LCP program to $937 million.

According to the President's budget submissions and information provided by USDA, an estimated $5.9 billion in funding will be available for Section 32 during fiscal year 2003. This includes approximately $5.8 billion in new appropriations and approximately $92 million in carryover funds. Taking the original estimate of $752 million out of Section 32 to fund the Livestock Compensation Program leaves only $5.148 billion to meet the Department's other obligations under Section 32. That amount is not enough to fully-fund the child nutrition programs and meet the Department's other obligations under Section 32.

In fiscal year 2003, to meet requirements of the Richard B. Russell School Lunch Act $4.746 billion was scheduled to be transferred from Section 32 directly into the child nutrition programs' cash account and $400 million was budgeted to purchase commodities for the child nutrition programs. In addition, $75 million was budgeted to be transferred to the Commerce Department for fisheries activities; and $25 million is needed for Agriculture Marketing Service administrative expenses. These expenditures alone exceed the level of funding available in Section 32 after the LCP program is implemented, leaving no funding food banks, soup kitchens and the like.

I understand that the Administration has since shifted monies among various accounts, and was able to alleviate some of the pressure on Section 32 by tapping the Commodity Credit Corporation to pay for a portion of the commodity purchases for the School Lunch Program. This allowed USDA to come closer to balancing its books and freed up some money for emergency food assistance, but a gap still remains.

In a December 3 letter to the Chairman and Ranking Member of the Senate Appropriations Subcommittee on Agriculture, Nutrition, and Forestry, Secretary Veneman acknowledged that even after shifting funds among various accounts, USDA would be able to donate no more than $125 million worth of surplus commodities to food banks, soup kitchens, etc. this year.

That is half of last year's level and roughly $90 million less than budgeted for by the President.

It is a sad fact that this food is sorely needed. According to USDA, in 2002 more than 33.6 million Americans were food insecure—at risk of hunger. Nearly 25 million of them turned to charities that operate food banks or soup kitchens for food. Sixty-two percent of the people requesting emergency food assistance were members of families—children and their parents. Thirty-two percent of the adults requesting food assistance were employed. Of those people seeking emergency food relief, more than one-third (36 percent) had to choose between buying food or paying for housing. Many seniors have to choose between purchasing food or purchasing prescription drugs. For many Americans, wages and pensions have simply not risen enough in the last years to cover the increased cost of living, and food has become unaffordable.

These cuts couldn't have come at a worse time. With the weak economy and increased joblessness, demand for emergency food assistance is rising. A recent survey by U.S. Conference of Mayors found that during the past year requests for emergency food assistance in our nation's cities increased by an average of 17 percent-the sharpest increase in 10 years—with 83 percent of the cities registering an increase.

Now is not the time to reduce federal emergency food assistance funding. Now is the time to increase federal emergency food donations, not decrease them.

In his amendment, Senator COCHRAN provided an additional $250 million for surplus commodity purchases, largely addressing this year's shortfall. If these funds are fully utilized to provide emergency food assistance this fiscal year, then I would agree that at least this year's problem has been adequately addressed. However, I am concerned that the Administration might elect not to use these funds this year.

And so I ask Senator COCHRAN and Senator KOHL whether they will entertain a question regarding the intended use of these funds.

Is it the Senators' intention and understanding that the $250 million made available in the Cochran amendment for the Section 32 program be used to provide emergency food assistance to those in need this fiscal year?

Mr. COCHRAN. As the language in section 205 of my amendment that was adopted by the Senate yesterday states, these funds would only be available for surplus removals and would restore funds in the Section 32 account that were used for other purposes this fiscal year.

Mr. KOHL. That is my understanding. I share your concern that the Administration might elect not make these purchases, and it would be my hope that the House and Senate conferees agree on language ensuring that these purchases are made this fiscal year.

Mr. COCHRAN. I will be glad to work with the Senator from Wisconsin and the Senator from Vermont to address their concerns during the Conference.

Mr. LEAHY. I thank the Senators for their assurances. In light of this, I will withdraw my amendments.

• Mr. HARKIN. I would like to associate myself with the remarks of Senator LEAHY regarding the restoration of Section 32 funds that were depleted to finance the Administration's ad-hoc program to provide emergency aid to livestock producers.

On two separate occasions last year, the Senate passed provisions on strongly bipartisan votes to provide disaster assistance for our Nation's farmers and ranchers. Rather than acknowledging the need for this emergency disaster assistance legislation, the Administration devised a program of limited help to livestock producers and thereby put in jeopardy Federal assistance for the school lunch and other domestic nutrition and hunger relief programs this fiscal year and possibly next.

The Administration funded the Livestock Compensation Program through the use of Section 32 funds. Section 32 provides funds for school lunch and other domestic nutrition and hunger relief programs. Further, through Section 32 purchases of surplus commodities—such as fruits, vegetables and portk—USDA is able to support producers and provide food to child nutrition programs, soup kitchens and food banks, and Indian reservations.

When the LCP was announced, the Administration estimated the program would use $752 million from Section 32. However, due to the "open ended" nature of the LCP and an under-estimate of its projected cost, as of December 3 the program had drained an additional $185 million—for a total of $937 million—from Section 32. Even at the $752 million level, it was apparent that the Administration had over-committed the resources of the Section 32 account by several hundred million dollars.

Use of such a large amount of Section 32 funds diverted resources away from other agricultural producers who benefit from use of Section 32 for the traditional purpose of removing surpluses from the market. The shortfall in Section 32 funds also jeopardizes child nutrition programs that depend on bonus commodities as well as The Emergency Food Assistance Program which relies on surplus commodities to supply soup kitchens and food banks and the Food Distribution Program on Indian Reservations.

As a result of the current economic downturn, State, local and private contributions to food banks and other emergency nutrition facilities are declining while demand for emergency food assistance is on the rise. In fact, a recent U.S. Conference of Mayors report shows that the need for emergency food assistance has increased by a sharp 19 percent this year. Pulling back on the Federal commitment to domestic food assistance programs run by faith-based and other institutions at this time would be unjustified and irresponsible.

I therefore commend Senator COCHRAN for including an additional $250 million in Section 32 funds in his disaster assistance amendment. If used carefully, this amount should be sufficient, although a larger amount would have been justified. It is essential that Senate and House conferees protect the intended use of these funds. I join my colleague, Senator LEAHY, in requesting that the Administration be directed to use these funds for surplus removals and restoration of funds in the Section 32 account that were diverted to other purposes this fiscal year.●

THE IMPORTANCE OF ASSISTING FOX ISLANDS ELECTRIC COOPERATIVE IN PROVIDING AFFORDABLE AND RELIABLE ELECTRICITY TO THE RESIDENTS OF NORTH HAVEN AND VINALHAVEN

Ms. SNOWE. Mr. President, I rise today to engage in a colloquy with the distinguished junior Senator from Maine, the distinguished Chairman of the Agriculture Appropriations Subcommittee, the distinguished ranking member of the Agriculture Appropriations Subcommittee. As the chairman and ranking member are aware, the U.S. Department of Agriculture's Rural Utilities Service administers the electric programs that provide funding and support services for utilities that serve rural communities in order to assist in modernizing local infrastructure. I ask the chairman and ranking members to give consideration to the extraordinary electricity costs faced by the island communities of North Haven and Vinalhaven, and work to have the Rural Utilities Service assist Fox Islands Electric Cooperative in providing reliable and affordable electricity to these communities.

The 1,770 households in North Haven and Vinalhaven obtain electricity from four undersea electric cables that run twelve miles to the mainland. These cables, which are maintained by Fox Island Electric Cooperative and serve as the islands' only source of electricity, were originally installed back in 1978 and have now reached the end of their manufacturing life expectancy. Over the past five years the cables have been failing with ever-increasing frequency and since February, electric service has been interrupted four times.

I have been in touch with the Fox Islands Electric Cooperative and the communities of Vinalhaven and North Haven about this situation, and it has become clear that the escalating nature of this problem deserves attention. With that said, Fox Islands Electric Cooperative is confronted with the difficult decision of taking on significant debt to replace the submarine cables or continue operating the outmodeled transmission system. Unfortunately, both alternatives will continue to impose high electric costs on the townspeople. Each household on the island currently pay 15.5 cent per kilowatt hour, a rate almost triple the national average. Without assistance in replacing these cables electricity rates would rise to 23 cents per kilowatt hour.

As the chairman and ranking member are aware, the fiscal year 2003 Omnibus Appropriations bill provides $30 million for the Rural Utilities High Energy Cost Project to assist communities with extremely high energy costs. If the communities of North Haven and Vinalhaven quality for the High Energy Cost Program, this could provide much needed assistance to the citizens who pay an extraordiarily high rate for their electric utilities. Any consideration that the distinguished chairman and ranking member can provide is much appreciated.

Ms. COLLINS. I join the distinguished senior Senator from Maine in asking the distinguished chairman and distinguished ranking member to give this unique situation consideration in conference. While many Americans have experienced the inconvenience of a temporary blackout or brownout, frequent power outages and high energy prices for the citizens of North Haven and Vinalhaven have imposed significant financial burden and uncertainty on the community.

The placement of the cables on the sea floor, in combination with their old age, means that the lines are susceptible to damage from rough seas and fishing activity. Blackouts resulting from a severed or damaged cable not only incapacitate local businesses, but also disable the Water Districts, hampering their ability to maintain adequate water supplies to the towns' residents.

Due to the complex nature of working underwater, repairing the undersea cables is both expensive and time consuming. Fox Islands Electric Cooperative currently carries $2.7 million in debt owed to the Rural Utilities Service and estimates that replacement of the submarine cables will cost $7 million dollars. While the islands' electricity costs have always been above average due to its remoteness and small population, frequent disruptions and repairs have raised electric rates even further for the citizens of North Haven and Vinalhaven. As the distinguished chairmen and distinguished ranking member continue their work on the fiscal year 2003 Omnibus Appropriations bill in conference, I would greatly appreciate consideration that may be given to Fox Islands Electric Cooperative.

Mr. COCHRAN. I thank the distinguished Senators from Maine, and I will be happy to work with them in conference on this important electric project, which will provide affordable and reliable electricity to the islands.

Mr. KOHL. I look forward to the opportunity to work with the distinguished Senators from Maine on this important project to provide a reliable and affordable source of electricity to these communities, and I will work with Senator COCHRAN in conference to remedy this problem.

Mr. STEVENS. Mr. President, I ask unanimous consent that when we reach third reading, Senators KYL, MCCAIN, DAYTON, and STABENOW be recognized for 5 minutes.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there are still two amendments. On one we are waiting for the papers, and on the other we are waiting for clearance. One is amendment No. 207; the other is amendment No. 143. It is my understanding we worked out language so that these two are acceptable, but I do not have the language yet. We should have it momentarily.

Mr. STEVENS. The Senator is correct, but we do not have the modifications yet at the desk.

Mr. REID. I ask if the four Senators can speak after the vote. The reason I say that is the ranking member of the Foreign Relations Committee and the former chairman of the Intelligence Committee and present chairman of the Banking Committee are scheduled to leave on a plane immediately. They both have very important speeches to give. If they do not leave quickly, the speeches will not be given.

I am wondering if it is possible to do those speeches after third reading, but that does not work because we have amendment No. 143 and amendment No. 207 still awaiting action.

Mr. STEVENS. I inquire of the Senators mentioned if those four Senators will be willing to speak after final passage.

I ask unanimous consent that Senators KYL, MCCAIN, DAYTON, and

STABENOW each have their time after final passage and that Senator COLEMAN be added for 5 minutes.

Mr. REID. Senator STABENOW has a sense-of-the-Senate amendment that has to be part of the package, so I ask that she be allowed to do hers right now.

Mr. STEVENS. Senator STABENOW may proceed now.

Mr. REID. Five minutes is what she has agreed to.

Mr. STEVENS. Mr. President, Senator STABENOW seeks 5 minutes on a matter of the sense of the Senate regarding instructions to conferees.

Mr. REID. It has been cleared on both sides.

Mr. STEVENS. I ask unanimous consent that the Senator be recognized for 5 minutes at this time and I regain control of the floor after that.

The PRESIDING OFFICER. Is there objection?

Does the Senator from Minnesota object?

Mr. DAYTON. May I inquire, I was not clear on the sequence. Will we have the opportunity to make our remarks before the vote on final passage?

Mr. STEVENS. The request is that the other Senators speak after final passage. Two Senators have a plane to catch to go on a very important mission for the Senate and they need to leave.

Mr. DAYTON. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Michigan.

AMENDMENT NO. 248

Ms. STABENOW. Mr. President, I send an amendment to the desk, and I ask unanimous consent that it be considered in lieu of my motion to instruct the conferees that is already at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 248.

Ms. STABENOW. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 248

(Purpose: To express the sense of the Senate that the conferees on the part of the Senate for H.J. Res. 2 should insist that certain amendments to the Homeland Security Act of 2002 be included in the conference report)

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the conferees on the part of the Senate on the disagreeing votes of the two Houses on this joint resolution should insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division I, relating to Homeland Security Act of 2002 Amendments, as passed by the Senate, (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107-296)).

Ms. STABENOW. Mr. President, as I indicated, my amendment is a sense of the Senate that insists that the conference report for the Omnibus Appropriations Act retain the Senate provisions that repeal the special interest vaccine component provisions that were originally included in the Homeland Security Act.

The purpose of this amendment is to send a very strong message to the Senate conferees who will represent our interests in the conference, and to the House, that we stand firmly behind the repeal of the vaccine component provisions that were contained in last year's Homeland Security Act. We need a strong show of support in favor of this amendment to demonstrate our commitment to public interest over special interests. We also need to ensure that the conference report of this bill maintains a full repeal of that language. Anything less is absolutely unacceptable.

Last November, Speaker HASTERT and Representative DELAY gave only vague assurances they would strike the special interest provisions from the Homeland Security Act, and since then I have seen signs that their commitment to this process may have continued to slip, and we certainly do not wish that to happen after the hard work of putting this language into the bill.

Again, we need to send a very strong message to all the Members of the House and the Senate that we must have full repeal of this special interest provision, commonly referred to as the "thimerosal provision."

I thank my colleagues Senators SNOWE, COLLINS, and CHAFEE, who worked to incorporate the spirit of the bill, S. 105, that I introduced at the beginning of the year that proposed a full repeal into the final version of this Omnibus Act. I also thank the cosponsors of my bill.

Most importantly, though, I thank the families of children with autism for working so hard to repeal the special interest provisions. They are the ones who have been successful in this effort, and I congratulate them. I joined them in a capital rally a few weeks ago where we praised them for their courage, hard work, and commitment. They traveled of their own accord and paid their own costs, which is very difficult and burdensome for a family of a special needs child. They came to Washington, DC, to fight to repeal this provision.

I promised those parents I would fight to remove it and that we would fight that it be repealed in total in conference and signed by the President. So I thank my colleagues who have been involved in this issue, and I ask that they join in keeping the promise to these very special families by supporting my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment is a sense-of-the-Senate resolution concerning instruction to conferees, and I am pleased to consider the Senator's suggestion. I ask that the sense-of-the-Senate amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 248) was agreed to.

AMENDMENTS NOS. 207 AND 143, AS MODIFIED

Mr. STEVENS. Mr. President, there are two remaining amendments. No. 207 is at the desk as well as No. 143, as modified. This is the modification for No. 143. I send it to the desk.

The PRESIDING OFFICER. Is there objection to modifying the amendment? Without objection, it is so ordered. The amendment is modified.

Mr. STEVENS. I ask that the amendments be adopted en bloc.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 207

(Purpose: To expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge)

On page 547, between lines 4 and 5, insert the following:

TITLE —OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX

SEC. 01. SHORT TITLE.

This title may be cited as the "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act".

SEC. 02. DEFINITIONS.

In this title:

(1) INTERNATIONAL REFUGE.—The term "International Refuge" means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term "Refuge Complex" means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled "The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex" and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term "western basin" means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term 'western basin' includes the Bass Island archipelago in the State of Ohio.

SEC. 03. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act" and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate—

(1) to facilitate the acquisition of property within the Refuge Complex; or

(2) to carry out this title.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) CONSENT.—No land, water, or interest in land or water described in paragraph (1) may be acquired by the Secretary without the consent of the owner of the land, water, or interest.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this title.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as "Port Authority Facility Number Three" and "Grassy Island", respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. 04. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 03(a)(1).

SEC. 05. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this title.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this title.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled "Great Lakes Strategy 2002—A Plan for the New Millennium", developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure, to the maximum extent practicable, that hunting, trapping, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this title, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

(e) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Ohio to use authority under the recreational trails program under section 206 of title 23, United States Code, to provide funding for acquisition and development of trails within the boundaries of the Refuge Complex.

SEC. 06. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section 03(c);

(2) to carry out the study under section 03(e); and

(3) to develop, operate, and maintain the Refuge Complex.

AMENDMENT NO. 143

(Purpose: To clarify the obligation of certain producers and handlers of milk to Federal order pools, to apply minimum milk price requirements to certain handlers of Class I milk products in the Arizona-Las Vegas marketing area under certain circumstances, and to exclude Nevada from Federal milk marketing orders)

On page 80, between lines 3 and 4, insert the following:

(a) STUDY ON THE SALE OF MILK INTO CALIFORNIA.—Within 90 days, the Secretary shall report to Congress on the economic impacts to California dairy farmers from handlers or processors of Class I milk products in the Las Vegas-Nevada-Arizona region selling milk or milk products into the California state order.

(b) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

"(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, prior to January 1, 2005 no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) or Pacific Northwest Marketing Order (Order No. 124) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area or the Pacific Northwest Marketing area of any handler's own farm production exceeds the lesser of—

"(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131); or the Pacific Northwest Marketing area (Order No. 124); or

"(ii) 5,000,000 pounds.".

(c) EXCLUSION OF CLARK COUNTY, NEVADA FROM FEDERAL MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c(11)(C) the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act

of 1937, is amended by striking the last sentence and inserting the following: "In the case of milk and its products, Clark County, Nevada shall not be within a marketing area defined in any order issued under this section.".

(2) INFORMAL RULEMAKING.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without regard to sections 556 and 557 of title 5, United States Code.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion on to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I would like to pose a question to my esteemed colleague from Montana. It is my understanding that the fiscal year 2003 Senate Appropriations Interior Subcommittee report contains 4 million dollars allocated for the Next Generation Lighting Initiative. Is that correct?

Mr. BURNS. You are correct Senator. Four million dollars is in the report for this purpose which originated from a request to the Interior Appropriation Subcommittee in the form of a Dear Colleague letter dated April 23, 2002, initiated by both Senator DEWINE and yourself, which contains 22 bipartisan signatures.

Mr. DEWINE. Senator BINGAMAN, as you know my state of Ohio is considered the home to the lighting industry, and from the start, I have been a strong supporter of the Next Generation Lighting Initiative. I feel it is important that for the record, there is a good understanding by the executive branch on the legislative history of the Next Generation Lighting Initiative. Would you please be so kind as to share with us its history?

Mr. BINGAMAN. I would be glad to. The Next Generation Lighting Initiative was first introduced as S. 166 in the 107th Congress. It was then included in H.R. 4, the Comprehensive Energy Bill, as amended by the Senate, which then went into conference with the House. Unfortunately, the energy bill failed in conference, but the Next Generation Lighting Initiative, and nearly the entire R&D authorization title were conferenced with the House. This agreed upon R&D authorization title, with the Next Generation Lighting Initiative, is now found in H.R. 238, as introduced by the House Science Committee in the 108th Congress.

Mr. DEWINE. Senator BINGAMAN, did we not introduce this conference language as a bill this Congress?

Mr. BINGAMAN. Yes, it is now S. 167.

Mr. BURNS. My esteemed colleagues, Senators BINGAMAN and DEWINE, I wish to thank you both for sharing with me the legislative history of the Next Generation Lighting Initiative, and I hope this is of aid to the Department of Energy as it manages this project. It will be useful background to my subcommittee as it performs its oversight duties in the upcoming year.

CLEAN WATER PARTNERSHIP FOR THE AMERICAS

Mr. CHAFEE. Included within Senate Report 107-219, and repeated in Chairman STEVENS' Overview and Summary of his amendment to H.J. Res. 2, the Omnibus Appropriations Bill, is report language stating the Appropriations Committee's strong support for the Clean Water for the Americas Partnership. Does the Chairman of the Foreign Operations Subcommittee share my expectation that the United States Agency for International Development (USAID) will fund the Clean Water for the Americas Partnership at $10 million for fiscal year 2003?

Mr. MCCONNELL. It is my expectation that it will be funded, and I expect USAID to communicate with you and your office in a timely manner to discuss funding for this program.

Mr. LEAHY. Let me add that the subcommittee would appreciate being informed of these discussions. There are millions of impoverished people in Latin America who lack access to clean, safe water, which is a cause of chronic disease and environmental pollution. The Senator from Rhode Island's initiative, the Clean Water for the Americas Partnership, could help address these problems, and I would hope that USAID would work with him and the Subcommittee to support it.

SAWTOOTH NAT. RECREATION AREA

Mr. CRAPO. Mr. President, would the distinguished Chairman of the Subcommittee yield for a colloquy regarding Land and Water Conservation Funds for Idaho?

Mr. BURNS. I would be pleased to yield to the Senator to discuss this important issue.

Mr. CRAPO. First allow me to commend the Chairman and Ranking Member of the Subcommittee for their leadership and hard work on this bill. The Committee has had to make difficult decisions with scarce resources and have worked hard to do so in a fair manner. I appreciate Chairman BURNS and Ranking Member BYRD's effort and diligence.

Idaho is a state of spectacular natural beauty and wildlife habitat. One jewel within the Gem State is the Sawtooth National Recreation Area, SNRA. The SNRA is a national treasure enjoyed by locals and visitors to Idaho alike. The opportunity to preserve important parts of its pristine beauty is available through the purchase of scenic easements. Further, when the SNRA was established nearly thirty years ago, a commitment was made to private property owners to secure easements.

In the past, funding has been inadequate to complete the easement purchases. However, in recent years, with the support of the Chairman and Ranking Member, we have been a renewed interest in completing the purchase of relevant easements within the SNRA. Idaho is grateful for the committee's support in obtaining these easements.

It is expected that $3 million in Fiscal Year 2003 will fulfill the easement needs in the SNRA. Unfortunately, funding for easements in the SNRA was not included in the committee-passed bill. I recognize the subcommittee is operating under significant financial restraints and not all worthy projects can be funded. Yet, it is my hope the Chairman and ranking member can revisit their important project in the conference.

Again, I am grateful the committee has previously responded to the opportunities to use land and water conservation funds to acquire easements in the SNRA to protect the valuable habitats and scenic values. Support for easements in the SNRA are locally-driven, with wide-spread support and anxious willing-sellers. Completion of this project will address the concerns of private property owners and protect this wonderful resource for all Americans to enjoy.

I would ask the Chairman and ranking member if they would work with me in conference to evaluate this request, with an eye toward inclusion in the conference report.

Mr. BURNS. I appreciate Senator CRAPO's interest in the Sawtooth National Recreation Area. I understand this is an important issue to the Senator and would be happy to work with him so that the acquisition of these easements will be considered in conference.

Mr. BYRD. I too appreciate Senator CRAPO's devotion to the SNRA. I am pleased we have been able to provide funding for this worthy project in the past and are near completion.

I look forward to working with the Senator during the conference.

Mr. CRAPO. I thank the Chairman and Ranking Member.

Mr. BENNETT. The chairman may be aware that drought in the west has caused record low water levels in Lake Powell at Glen Canyon National Recreation Area. Does the chairman agree that the National Park Service should use funds available in its repair and rehabilitation account to address the recreation infrastructure needs that have arisen because of these low water levels?

Mr. BURNS. I agree with the Senator that the service should make every effort to address these recreation infrastructure needs, including boat ramp extensions and intermediate pump stations, using resources in the repair and rehabilitation account or other appropriate funding sources.

Mr. BENNETT. I thank the chairman.

ERGONOMICS REGULATION

Mr. GREGG. Mr. President, I would like to ask the chairman of the Labor, HHS, Education Subcommittee of the Appropriations Committee, Senator SPECTOR, to engage in a colloquy on certain appropriations within his subcommittee's jurisdiction.

There is a $2 million appropriation for the Department of Labor that indicates that the Secretary may use it if she decides to issue new ergonomic standards. It is my understanding that the appropriation is not a mandate or a direction to the Secretary to issue any such standard, but it is only available in case there is a decision made to issue those standards. Is that correct?

Mr. SPECTER. I would report that the language does not require the Secretary of Labor to re-issue ergonomics regulation, but simply make sure that funding is available for work within the $18 million recommended for safety and health standards activities of OSHA.

WILDLIFE MANAGEMENT

Mr. WARNER. Mr. President, I would like to engage the distinguished managers of the bill in a brief colloquy, and commend them, along with the distinguished junior Senator from Montana, for providing substantial la mounts of funding in recent years for wildlife conservation efforts at the State level. As you know, United States laws and policies place the primary responsibility for implementing wildlife management programs in the hands of the 50 States, but effective implementation depends on Congress providing consistent and adequate funding to the States. For decades, such Federal funding has focused primarily on- and been largely responsible for- enormously successful programs ensuring conservation and sustainable use of important wildlife species hunted or fished by the millions of sportsmen across America. At the same time, the population of many non-game species has fallen dramatically over the past thirty years due in great measure to the lack of focus of Federal resources on the conservation of these species prior to their decline.

The bottom line it that it is in the Federal interest to continue our partnership with the States and provide adequate funding so we can maintain the population of these non-game species of wildlife before they near endangered status, which is far more costly to correct.

Funding for the Fish and Wildlife Service State and Tribal Wildlife Grants Program for Fiscal Year 2003 has fallen to dangerously low levels in the current bill. I ask the managers of the bill to give every consideration to addressing this issue to the best of their ability when this important program is considered in conference with the House of Representatives. I yield the floor to my distinguished colleague from Arkansas.

Mr. LINCOLN. Mr. President, I strongly support the remarks of my friend from Virginia. The State and Tribal Wildlife Grants Program provides States with the resources critically needed for foresighted and cost effective wildlife conservation and restoration efforts. These funds will enable the States to probatively plan and implement their wildlife management strategies for game and non-game species in cooperation with landowners to their mutual benefit. I, too, would ask the managers of the bill to give serious consideration to significantly increase the funding for this critical program as it is considered in conference.

Mr. BURNS. Mr. President, I thank the distinguished Senators from Virginia and Arkansas for their support of this important program to assist States in implementing effective programs to ensure conservation and sustainable use of game and non-game species. As this program is considered in conference, I will give every consideration to the request of the Senators from Virginia and Arkansas, and keep their views in mind as we negotiate a final omnibus appropriations bill.

Mr. BYRD. Mr. president, I, too, thank the Senators from Virginia and Arkansas for raising this issue and for their strong support of State wildlife conservation efforts, I will give every consideration to this request as we discuss this program during a conference with the House of Representatives.

Mr. HOLLINGS. Mr. President, I rise today to thank chairman BURNS and Ranking Member BYRD for their support of the National Park Service Rivers and Trails Conservation Assistance Program. I see the Chairman's Committee report has included language requiring the Park Service to give careful consideration to applications for assistance for the Ohio River Trail, the Fanno Creek Greenway Trail and the Tuscaloosa Nature Preserve and Hiking Trail. I would like to also bring the trail redevelopment project at Charles Towne Landing to your attention.

Charles Towne Landing in Charleston, SC, was the first successful European/African settlement in South Carolina between 1670 and 1680. It is one of four original settlement sites remaining in the United States. In 1971, the State of South Carolina designated the site as a State Park comprised of 663 acres, of which 196 acres are high ground and 467 acres are salt marsh and freshwater lagoons. Three trails make up over 6 miles of paths which edge freshwater lagoons and wetlands. When these trails were originally constructed in 1970 no consideration was given to disability access, erosion control or archaeological cultural resources. Today, the trails are in a serious state of disrepair. Would the Chairman and Ranking Member agree that the Rivers and Trails Program is ideally suited to provide technical assistance to Charles Towne Landing in their trail redevelopment efforts?

Mr. BYRD. The Senator from South Carolina is correct. The Rivers and Trails Program provides significant benefits to local governments and organizations for river restoration, the preservation of open space, and the development of trail and greenway networks. Certainly, the staff's technical expertise in ecologically sensitive trail construction would be appropriate for the Charles Towne Landing project.

Mr. BURNS. I concur. The National Park Service should give careful consideration to the Charles Towne Landing application as well as the others.

Mr. HOLLINGS. I thank the distinguished Chairman and Ranking Member of the Subcommittee for their attention to this matter and, again, appreciate their support.

BYRNE GRANTS

Mr. GRASSLEY. Senator STEVENS, I would like to speak with you for a moment about the recent vote on Senator Harkin's Byrne Grant Program amendment. While I agree with you that it is vitally important that this Omnibus Appropriations bill adheres to principles of fiscal responsibility, I must stress that the continuation of the Byrne Formula Grants is absolutely critical to local law enforcement, especially in rural States like Iowa. I voted on the procedural motion to table the Harkin amendment, because of our need for fiscal responsibility. However, I would not have done so, if you had not made a personal commitment to me that the funds for the Byrne Formula Grants would be fully restored in conference. Because the availability of these funds makes such a difference to Iowa, I want to once again get an assurance from you that when we take the final vote on this bill the full funding for the Byrne Grants will be included in the bill.

Mr. STEVENS. Senator GRASSLEY, I appreciate your concern about the Byrne Grant Program. I agree with you completely. I will commit to you that when the conference report comes back here for a final vote, we will have the Bryne Formula Grants in there at the House level of $500 million. I appreciate your understanding and help on this important matter.

HYDROGEN ECONOMY

Mr. WYDEN. Senator GORDON SMITH and I would like to discuss an important element of the Department of Energy's Hydrogen Fuel Cells and Infrastructure Program. This program is preparing the country for the next energy revolution—what many refer to as the "hydrogen economy." It will establish an energy infrastructure for America based on abundant and domestically produced hydrogen, which will be used to fuel our powerplants, our homes, and our automobiles. The Senator's leadership, and that of the Congress as a whole, has strengthened the program over the past few years. However, there is one area on which the House and Senate have not yet achieved a consensus, an area that Senator SMITH and I believe is important for establishing one early element of the hydrogen economy.

I am referring to fuel cells, and specifically the Proton Exchange Membrane, or P-E-M fuel cell. Is the Senator aware that this technology is being developed by American companies for widespread applications, including homes and automobiles, but that before it may be used broadly in these applications, the fuel cell must be greatly improved and made affordable?

Mr. REID. That is my understanding. Would you please explain further?

Mr. SMITH. The Congress and the DOE have partnered with the U.S. fuel cell industry, beginning with the space program and continuing today, to develop and demonstrate fuel cells. Early commercial fuel processors that generate the hydrogen for fuel cells are being marketed tested by our industrial partners, as are P-E-M fuel cell powerplants. They need to be improved and demonstrated in niche markets. Then their costs will reduce substantially. As this scenario plays out, as it has so many times with the introduction of revolutionary new technology supported by the Federal Government, the very large residential and automotive markets will adopt fuel cells. It is then that America will achieve a significant level of independence from overseas sources.

Mr. REID. That is very helpful. Is it possible that there will be near-term niche markets such as hospitals, aircraft control centers, or other buildings that cannot tolerate power failure?

Mr. WYDEN. That is correct. However, at the current pace of development it will be at least a decade before fuel cell systems are available in any significant numbers for large markets. Meanwhile, Japan and the European countries are investing more in fuel cell development than the U.S. is investing, and we are losing our leadership in this area. Japan's investment last year alone was three times that of the DOE.

Senator SMITH and I agree that U.S. fuel cell companies are ready to demonstrate P-E-M fuel cell powerplants that will serve the niche markets, and can accelerate the introduction of fuel cells to markets in the near term and the larger markets in the mid term. Would the Senator agree that there is an exciting opportunity here?

Mr. REID. Yes, and what does the Senator recommend be done?

Mr. WYDEN. We suggest that the Congress approve $4 million for continued development and validation of advanced P-E-M fuel cells and metal membrane fuel purification technologies in the Energy & Water appropriations measure.

Mr. REID. Do other funding communities support an acceleration of these technologies?

Mr. SMITH. Yes. The Interior Appropriations Conference, directed DOE to provide the plan and rationale for increasing the pace of fuel cell public-private partnerships in the fiscal year 2002 report.

Mr. WYDEN. Senator SMITH and I appreciate the Senator's consideration of our request. We thank him for the opportunity for this exchange, and his continued leadership for the advancement of energy technologies important to our Nation.

SOUTHEAST LOUISIANA FLOOD CONTROL PROJECT

Ms. LANDREIU. Mr. President, I rise to request a colloquy with my fellow Senator from Louisiana and the Chairman of Appropriations Committee, the distinguished Senator from Alaska, regarding Amendment No. 225 to provide additional funding for the Southeast Louisiana Flood Control Project.

Mr. BREAUX. Mr. President, the Southeast Louisiana Flood Control Project is of extreme importance to me and Louisiana, so I will gladly engage in a colloquy with the junior Senator from Louisiana.

Mr. STEVENS. Mr. President, I also agree that the Southeast Louisiana Flood Control Project is critical to protecting the citizens of southeast Louisiana and wish to engage in a colloquy with my distinguished colleagues from Louisiana.

Ms. LANDRIEU. Mr. President, on July 24, 2003, the Senate Appropriations Committee unanimously approved the fiscal year 2003 Energy and Water Appropriations bill, which included $55 million for the Southeast Louisiana Flood Control Project. However, the current omnibus bill that we are debating regarding fiscal year 2003 appropriations only provides $40 million for this worthy project. Accordingly, Senator BREAUX and I have offered an amendment which will restore funding to $55 million for this critical flood control project in the New Orleans metropolitan area.

Although Senator BREAUX and I have decided to withdraw our amendment from consideration by the full Senate at this time, we wish to inform the Senate of this project and emphasize its importance.

The Southeast Louisiana Flood Control Project is commonly referred to as SELA. Its purpose is to provide flood protection to handle a 10-year rainfall event and reduce damages arising from larger rainfall events in the New Orleans metropolitan area. In 1996, Congress authorized construction of this project.

The SELA project is currently under construction and essentially involves adding pumps and increasing the number and size of drainage channels in the New Orleans metropolitan area. The total cost of this project is $647 million with a non-federal cost share of approximately 25 percent or $166 million. To date, $308 million in Federal funds have already been expended on SELA.

Mr. BREAUX. Louisiana annually experiences an enormous amount of rainfall. One example of this occurred in May 1995 when the New Orleans metropolitan area received more than 24 inches of rainfall in less than 24 hours. This area is particularly vulnerable to large rainfalls because the rainwater is trapped within the developed areas by the levees at the edges of the Mississippi River which were built to prevent river flooding.

When complete, SELA will protect approximately 30 percent of Louisiana's population and 40 percent of Louisiana's economy. Furthermore, when complete, its average annual flood control benefits are estimated at $53.4 million.

Ms. LANDRIEU. Mr. President, the SELA flood control project is a smart investment. By investing in these flood control projects, we could prevent the expenditures of hundreds of millions of dollars that will otherwise be spent in Federal flood insurance claims and other disaster assistance programs.

Mr. BREAUX. Mr. President, for all of these reasons, my distinguished colleague from Louisiana and I respectfully request that SELA funding for fiscal year 2003 be increased beyond the $40 million currently proposed in the omnibus bill and, further, that funding be restored to $55 million as was approved by the Senate Appropriations Committee in July.

Mr. STEVENS. Mr. President, I will work with my distinguished colleagues from Louisiana, my ranking member, and the entire Senate in our continued deliberation of the appropriations legislation so that the construction of the vital SELA project can continue.

PROVO AIRPORT CONTROL TOWER FUNDING

Mr. HATCH. Would the distinguished Chairman of the Transportation Subcommittee, my good friend, the Senator from Alabama, yield for a question?

Mr. SHELBY. I would be glad to.

Mr. HATCH. My office was recently visited by the mayor of Provo in my home state of Utah. He reiterated to me the importance of erecting a control tower to handle an unusually large volume of air traffic coming into and out of the airport.

My colleagues may not be aware of this, but Provo's airport currently does not have a tower—even though it is the second most used airport in the state, providing a much needed training ground for new pilots and a landing area for corporate jets that keeps them out of the Salt Lake City International Airport traffic flow.

It is my understanding that there are 143,000 operations at this airport per year. I share the concern of Mayor Lewis Billings and the citizens of Provo that this type of airport traffic with no control tower is very unsafe and, in the past, has led to a crash and a number of near misses.

Mr. SHELBY. I would just note for the Senator from Utah that the Transportation Appropriations Subcommittee has already allotted $666,000 for this project in the fiscal year 2003 appropriations bill.

Mr. HATCH. I am very appreciative to the Senator from Alabama and the other Appropriations Committee members for this and I know it will be very helpful to the effort. However, I understand the House appropriation for this same project currently stands at $1 million which would really help the City of Provo get this project underway. I am also very appreciative for the Appropriations Committee's vigilance in keeping the budget to an absolute minimum and restraining superfluous spending. I only ask that the good Senator from Alabama try to work in conference to recede to the House number.

Mr. SHELBY. I thank my colleague for making me aware of his interest in this project. I know you recognize that we have a great many requests for funding and we are working hard to provide the appropriate levels for each one within budget constraints. I will be mindful of the Senator's interest in this project during conference deliberations with the House.

BIA SCHOOL OPERATIONS FUNDING

Mr. DORGAN. Mr. President, as the Senate considers the fiscal year 2003 omnibus appropriations bill, Interior Chapter, I would like to engage the distinguished Senator from West Virginia in a colloquy regarding the School Operations Budget for the Bureau of Indian Affairs. As the Chairman knows, the current language of the Senate omnibus appropriations bill for fiscal year 2003 eliminates $11.9 million in increased funding the administration requested for these schools.

As a member of the Appropriations Committee, I understand very well the difficult task the Chairman faced in putting the Interior bill together under the difficult budget constraints we are operating under for the upcoming fiscal year. However, the 185 Bureau-funded schools rely solely on the Federal Government for funds to provide an education to about 50,000 Indian children.

I suspect that the funding level for school operations in the Senate bill reflects the Chairman's wise desire to reject the administration's ill-advised "School Privatization Initiative." I commend him for rejecting the School privatization Initiative, but I hope we might find a way to still retain the programmatic increases requested by the administration for Student Transportation, Administrative Cost Grants and facility operations, as well as to restore the $2 million reduction proposed by the administration for instructional programs through the Indian School Equalization Program.

The House bill uses the funds targeted for the privatization initiative to make the increases outlined above. I respectfully request the Chairman's assurance that he will do his best to accept the House bill's level of funding for the School Operations budget of the Bureau of Indian Affairs when we go to conference, and I will be as helpful as I can as a conferee on this matter.

Mr. BYRD. I understand the concern of my colleague regarding this matter and thank you for raising it. The Committee realizes the importance of funding for these schools that rely on the Federal Government for 100 percent of their funding. I can assure the Senator that the Committee is supportive of the Bureau of Indian Affairs school system, and I will do what I can to see that higher levels of funding for School Operations are provided during conference with the House.

TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM

Ms. STABENOW. Mr. President, I would like to take this opportunity to commend my colleagues on the Senate Interior Appropriations Subcommittee for their continued support and commitment to the Tribal School Construction Demonstration Program administered by the Bureau of Indian affairs. I also rise to engage in a colloquy with the distinguished Chairman of the Interior Appropriations Subcommittee, Mr. BURNS.

My distinguished colleagues, the chairman and ranking member of the Interior Appropriations Subcommittee, Mr. BURNS and Mr. BYRD respectively, worked to make sure that this important program received funding this year. A tribe in my home State of Michigan, the Saginaw Chippewa Tribe of Michigan, met with me and the subcommittee early in this process regarding their intention to utilize the demonstration program. Thank you for all of your cooperation and hard work on this legislation.

Over the last 25 years, the Saginaw Tribe has worked hard to create a tribal economy to provide education, health care, and other governmental services to its members. The tribe has made many constructive steps towards self-sufficiency and is dedicated to providing every educational opportunity to its tribal youth. The dilapidated condition of their current school facility has been a roadblock to further advancement. The temporary, modular housing facility where Saginaw Chippewa children attend classes is inadequate. It is a dismal learning environment, anything but conducive to the positive development and education of young minds.

Although the current language in the Interior appropriation bill only allocates $3 million to the program, a sum nearly $2 million short of what the Tribe is seeking in a Federal match, the Tribe would still like to partner with the Department this funding cycle in order to begin immediate construction of the Saginaw Chippewa Academy. The Tribe is willing to assume a cost-share greater than 50 percent to complete construction. In addition, the Tribe is also willing to forgo any future Federal dollars to fund operation and maintenance costs in order to receive the highest priority for a Federal matching grant as set forth in the authorizing language under the program. Given all of these commitments, don't you think the tribe should be given high consideration from the Department of Interior for this grant during the fiscal year 2003 year?

Mr. BURNS. Yes, I agree with the distinguished Senator from Michigan. The Senate did include funding in the amount of $3 million for the Tribal School Construction Demonstration Program. The legislation also authorizes the Department of Interior to continue administering the program from fiscal year 2003 to 2007. Future years funding will be subject to appropriations. In addition, the authorizing language provides that the Secretary of Interior shall ensure that a tribe that agrees to fund all future operations and maintenance costs receives the highest priority for a grant under the program.

The program was first authorized and funded in fiscal year 2001. The Program was reauthorized in fiscal year 2002, but the subcommittee did not provide funds to the Department of Interior because there were no eligible tribes capably of sharing the construction costs. The subcommittee was pleased to learn that the Saginaw Chippewa Tribe of Michigan is eligible, willing, and capable to take advantage of this innovative program during the fiscal year 2003 funding cycle.

The subcommittee believes that the Tribal Construction Demonstration Program will continue to prove to be one of the most beneficial and successful programs of its kind for the improvement of Native American education facilities.

Ms. STABENOW. Mr. Chairman, thank you for clarifying this issue and for your support of this critical project. The Saginaw Tribe is eager to partner with the Department of interior to ensure that the educational needs of its people are met.

ADVANCED HOUSING RESEARCH CONSORTIUM

Mr. DORGAN. Mr. President, I request the Senate's support and assistance on a funding item of importance to the University of North Dakota and other universities involved in the consortium for advanced housing research.

Several years ago, my state experienced extreme flooding in the Red River Valley. These floods destroyed thousands of homes in my state. After the flood waters receded, the University of North Dakota, UND, recognized the need for research that could increase the survivability of wood structures during natural disasters. To meet this need, the UND chemistry department began working with the Housing Research Consortium for Natural Disasters to improve the durability of wood and to increase the effectiveness of assessment and recovery technologies.

Although it has taken several years, I am pleased that this research initiative has finally been identified for funding through the U.S. Forest Service. The House fiscal year 2003 Interior Appropriations Bill contains $1.7 million for this research through the advanced housing research consortium. While the initial request was substantially higher than what was contained in the House bill, I think that this funding is a good start and I urge my colleagues who will serve with me on the Conference Committee to recede to the House position on this item.

Mr. BURNS. I understand the importance of this item to the Senator from North Dakota, and I will work with him on this item when this bill moves to conference.

Mr. BYRD. I thank the Senator from North Dakota, a Member of our Subcommittee, for bringing this item to the attention of the Senate.

Mr. DORGAN. I thank the distinguished managers of this chapter of this bill.

NEXT GENERATION LIGHTING INITIATIVE

Mr. BINGAMAN. Mr. President, I would like to pose a question to my esteemed colleague from Montana. It is my understanding that the fiscal year 2003 Senate Appropriations Interior Subcommittee report contains $4 million allocated for the next generation lighting initiative? Is that correct?

Mr. BURNS. You are correct, Senator. Four million dollars is in the report for this purpose which originated from a request to the Interior Appropriations Subcommittee in the form of a dear colleague letter dated April 23, 2002, initiated by both Senator DEWINE and yourself, which contains 22 bipartisan signatures.

Mr. DEWINE. Senator BINGAMAN, as you know my State of Ohio is considered the home to the lighting industry, and from the start, I have been a strong supporter of the next generation lighting initiative. I feel it is important that for the record, there is a good understanding by the executive branch on the legislative history of the next generation lighting initiative. Would you please be so kind as to share with us its history?

Mr. BINGAMAN. I would be glad to. The next generation lighting initiative was first introduced as S. 1166 in the 107th Congress. It was then included in H.R. 4, the comprehensive energy bill, as amended by the Senate, which then went into conference with the House. Unfortunately, the energy bill failed in conference, but the next generation lighting initiative, and nearly the entire R&D authorization title were conferenced with the House. This agreed upon R&D authorization title, with the next generation lighting initiative, is now found in H.R. 238, as introduced by the House Science Committee in the 108th Congress.

Mr. DEWINE. Senator BINGAMAN, did we not introduce this conference language as a bill this Congress?

Mr. BINGAMAN. Yes, it is now Senate Bill 167.

Mr. BURNS. My esteemed colleagues, Senators BINGAMAN and DEWINE, I wish to thank you both for sharing with me the legislative history of the next generation lighting initiative, and I hope this is of aid to the Department of Energy as it manages this project. It will be useful background to my subcommittee as it performs its oversight duties in the upcoming year.

Mr. LEAHY. Mr. President, while I appreciate the desire of my colleagues to complete the omnibus fiscal year 2003 appropriations bill early in the session of this Congress, this rush to complete the bill, unfortunately, allows for the addition of certain riders that should have greater scrutiny prior to being added under the cover of darkness. Of particular concern to me is section 329, which would eliminate consideration of the record of decision for the 2002 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan, forest plan, from the Forest Service's administrative appeal process and judicial review.

The inherent values of the Tongass National Forest to the American public cannot be understated. As the Nation's largest national forest, 17 million acres, located in southeast Alaska, it contains large tracts of pristine lands that are presently unprotected from future management activities. This is the last vestige for species that once roamed the Lower 48 States uninterrupted by the designs of humans. The Tongass is home to the American eagle, grizzly bears, a variety of fish species, including the Chinook, Coho, and Sockeye salmon to name a few, that once flourished in the rivers throughout the United States and numerous plant and wildlife species both common and unique.

Section 329 is opposed by many Alaska and national environmental organizations. Over 170,000 Americans commented on the agency's 2002 Draft EIS, which recommended no new wilderness on any of the 9.7 million acres of Tongass roadless areas. Over 95 percent of those commenting urged the agency to recommend more wilderness protection for the Tongass.

While there is a time and place for the appropriate management of any national forest, making that determination of when and where needs to include the public in the decisionmaking process. Whereas, collaboration and public involvement play an integral role in the development of any forest plan, at times there is the need for an objective review to ensure that the public's concerns have been addressed. Removing these reviews, either through the agency's established appeals process or by the court, undermines the basic intent of allowing for public involvement in the management of the public's lands.

It has taken numerous years to develop the Tongass Forest Plan; this should not be viewed negatively, but as a reflection of the public's passion for this national treasure. The court told the Forest Service in a previous order to go back to the drawing board. This determination was due to the lack of additional lands into the National Wilderness Preservation System. This court decision resulted in the 2002 Supplemental EIS, which now my colleague proposes to bypass both the agency's internal review process and the judicial system. It is as though he is saying "trust us, we will get it right this time." It is not a matter of right or wrong, but a matter of due process that we need to ensure has been adhered to, to ensure that the American public's concerns have been heard on the management of their national lands.

This amendment would set a dangerous precedent for the entire national forest system by essentially giving the Forest Service a free pass to write the record of decision however they like because it cannot be reviewed. I urge my colleagues to remove the language and instead let the review process work as it is intended to occur.

Mrs. CLINTON. Mr. President, I am extremely disappointed that this bill contains a 15-year reauthorization of the Price-Anderson Act, which indemnifies the commercial nuclear power industry and limits the industry's liability in the event of an accident. This act, which has provided such protections for the nuclear power industry for some 45 years, needs to be revisited and seriously reconsidered—particularly in the wake of the events of September 11, 2001. It is my hope that such consideration will still be given by the Senate Committee on Environment and Public Works, the Committee of jurisdiction of which I am proud to be a member, despite the reauthorization of the Act on page 1027 of this 1052-page bill—a reauthorization which has not been debated at all of the floor or in Committee this Congress.

In addition to increased security concerns at nuclear powerplants as a result of the terrorist attacks of September 11, 2001, there are additional issues that warrant further debate before this act is reauthorized. Recently, the General Accounting Office found that liability limits under the Price-Anderson Act are not adequate to provide for compensation of victims in all nuclear accident scenarios—not to mention the kind of event we experienced in New York on September 11, 2001. Also, questions have been raised as to whether the Price-Anderson Act includes sufficient protections to deal with the currently deregulated energy industry—whether the act would operate as intended and ensure that nuclear powerplant operators are able to provide compensation in the event of an accident up to the act's limits.

A recent study has concluded that under the act, limited liability corporations and multi-tiered holding companies that own nuclear powerplants may be able to effectively shield their intermediate and or parent corporations from financial responsibilities under the Price-Anderson Act and thereby walk away from Price-Anderson obligations without jeopardizing other assets. The use of these relatively new corporate structures for ownership of nuclear powerplants raises questions about the respective obligations of subsidiary, intermediate, and parent corporations to make the payments required under the provisions of the Price-Anderson Act—questions that should be resolved before the act is reauthorized for a 15-year period.

In addition, there is increasing cause for concern regarding the general safety and security of our Nation's nuclear powerplants. A recent report by the Nuclear Regulatory Commission's (NRC's) Inspector General found that "NRC appears to have informally established an unreasonably high burden of requiring absolute proof of a safety problem . . . before it will act to shut down a power plant." In addition, the NRC recently ruled that the risk of terrorism is too speculative to be considered when making nuclear reactor licensing decisions. And a recent survey of NRC employees shows that a third of employees question the Commission's commitment to safety, and almost half say that they do not feel safe speaking up in the NRC. While almost 90 percent of the agency's executive-level employees answered favorably to questions regarding the Commission's commitment to safety, less than two-thirds of those in the mid-level ranks answered similarly, according to recent press reports about the employee survey.

In addition, reports have been issued that show security guards at nuclear powerplants are over-worked and under-trained, that the guards themselves do not feel that they are getting the support they need to do their jobs right. In fact, a January 2002 report commissioned by Entergy, the owner of the Indian Point nuclear power plant in New York, found that only 19 percent of security guards at Indian Point 2 stated that they could "adequately defend the plant after the terrorist event of September 11th."

For these and other reasons, I strongly oppose the inclusion of this 15-year reauthorization of the Price-Anderson Act in this legislation. I remain committed to a thoughtful reconsideration and debate of this act as it pertains to the commercial nuclear power industry, and look forward to addressing this and other issues related to nuclear powerplants, including the important issue of nuclear powerplant security, in the Senate Environment and Public Works Committee this Congress.

Mr. DURBIN. Mr. President, I intended to offer an amendment to address fundamental concerns that a provision in this bill discriminates against children in need of special education services because they happen to live in the District of Columbia. That provision imposes a limitation of $3,000 on how much the District of Columbia may pay per case in attorney's fees to plaintiffs who prevail in litigation brought against the District of Columbia public schools under the Individuals with Disabilities Education Act, IDEA, in order to enroll their children in special education services.

I would prefer that we eliminate section 135 from the bill entirely. Congress should not impose restrictions on the District of Columbia's use of local funds. If someone is raising a child with a serious learning disability and wants that child evaluated for enrollment in a special education program, we have provisions in the law across America governing access to services. This law provides for the awarding of reasonable attorney's fees at prevailing community rates to parties who prevail in their due process proceedings. It is only in the District of Columbia that some Members of Congress want to unfairly limit the amount paid to those attorneys. These same Congressmen and Senators would never impose such limitations on their own States and districts. In last year's Senate appropriations bill for the District of Columbia, the Senate overwhelmingly supported an amendment I offered to soften the impact of a $2,500 attorney fee limitation by designating certain situations in which such a cap would not apply.

I have been engaged in extensive discussions with my colleague, Senator HUTCHISON, the chief proponent of section 135, which have led to a modification of that provision. The nature and amount of attorney fees in special education cases brought under IDEA raise serious questions about both the adequacy of in-school programs to serve special education students and some aggressive activities of certain attorneys and firms. The modification raises the limit on the amounts which may be paid to $4,000 per action. It also precludes the payment of the fees of any attorney or firm whom the chief financial officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

I note that this bill mandates that the chief financial officer of the District of Columbia require disclosure by attorneys in IDEA cases of any financial, corporate, legal, board memberships, or other relationships with special education diagnostic services, schools, or other special education service providers before paying any attorney's fees. The chief financial officer may also require attorneys in special education cases to certify that all services billed in special education were rendered. The bill also directs that the chief financial officer will prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certifications and the amount paid by the government of the District of Columbia, including the District of Columbia public schools, to attorneys in cases brought under IDEA. The bill further allows the inspector general of the District of Columbia to conduct audits of the certification to ensure attorney compliance.

I endorse the committee report's strong recommendation that the council of the District of Columbia, in cooperation with the Mayor of the District of Columbia and the District of Columbia school board, develop legislation to address conflicts of interest in special education cases.

I hope these provisions will produce needed accountability. I hope these provisions will help prevent manipulative practices by a few which unfortunately denigrate the honest, dedicated work of the vast majority of the attorneys who devote their careers to serving vulnerable families and children through legal representation in special education placement cases.

It is my expectation that the reauthorization of the Individuals with Disabilities Education Act and reform efforts by the District of Columbia Public Schools will make the imposition of caps on how much the District of Columbia may pay in attorney's fees in IDEA cases unnecessary in subsequent appropriations bills.

Mr. McCAIN. Mr. President, I voted in support of the Edwards amendment to delay the implementation of the EPA's final rule on New Source Review for six months for the purpose of ascertaining the impact on air quality and human health. There has been significant controversy and uncertainty about the effects of this rule. I believe in this case we need to have an independent assessment in order to assure the public that this regulatory change will not jeopardize existing air quality or human health.

Given that the rule represents a significant change in national clean air policy, we should have this essential information in hand at this final phase of the rule-making process. However, we haven't seen any thorough or independent analysis of the pertinent data or a definitive assessment of impacts.

I have stated my strong view on the issue of global climate change that we have sufficient information to move forward to define effective measures to address this most serious environmental problem. In order to move forward responsibly with this significant change of air emissions regulation, we apparently need additional scientific information.

I am struck by the extent of disagreement over the effects of this change amongst air quality experts, members of the regulated community, air quality regulators on the federal, state, and local levels, and environmental groups. I believe the federal taxpayers who pay for this regulatory program, in terms of both dollars and health impacts, would want Congress to approve the implementation of this new regulatory regime only if we are certain the costs are commensurate with the benefits.

At this point, there is significant confusion on this score. The EPA has testified that 50 percent of the facilities that are now subject to the Clean Air Act's technology requirements would fall out of those requirements under the rule changes. A number of reputable studies indicate that emissions will increase as a result. The argument has also been made by the Administration and others that air quality will improve because facilities would be encouraged to install new, more energy-efficient technology.

This amendment provides a six month period for an independent panel of scientific experts to give us the information that we need in order to assert that this policy change will benefit the public and the environment, as well as the regulated community. Once we have this information, we should move forward decisively to either put the final rule in place or reject this approach.

Mr. GRASSLEY. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
Washington, DC, January 23, 2003.

The Hon. TED STEVENS,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

The Hon. DANIEL K. INOUYE,
Ranking Member, Subcommittee on Defense, Committee on Appropriations, U.S. Senate Washington, DC.

DEAR CHAIRMAN STEVENS AND RANKING MEMBER INOUYE: We very much appreciate your efforts on behalf of including in the FY03 Omnibus Appropriations bill an amendment we have worked on relating to the Department of Defense Total Information Awareness Program.

We wish to let you know that as the Senate moved toward final passage of the Omnibus Appropriations bill this afternoon, our office continued to be engaged in a discussion with other interested offices about the wording of the language in Sec. 111(c)(2)(B) of Amendment No. 59 affecting the scope of the Office of Total Information Awareness. Questions have been raised that the wording of this subsection of the amendment, as adopted, could be interpreted to inhibit lawful foreign intelligence activities. That is not the intent of the amendment, and to correct the problem we propose to strike in that subsection (B) all after the word "activities." We are committed to working jointly with you to address this concern through enactment of this change in conference.

Again, we appreciate your willingness to include a provision establishing strong Congressional oversight over this program, and look forward to working with you to correct the language to reflect our intent more accurately.

Sincerely,

CHARLES E. GRASSLEY.
RON WYDEN.

Mr. McCAIN. Mr. President, after six continuing resolutions to keep the Federal Government operating and more than 3 months into the new fiscal year, the appropriations process for fiscal year 2003 is finally coming to an end. Of the 13 appropriations bills that were required to be passed and enacted into law last year to fully fund programs for fiscal year 2003, only two were passed and enacted. The 11 remaining bills have been bundled up in this so-called "omnibus" appropriations legislation.

And once again, as in past years, we are faced with voting on a massive legislative package without adequate time for thorough review and debate. The 1,052-page bill before us, which appropriates approximately $400 billion, was not made available for review at 9:00 p.m. on the night before the first full day of debate on the bill. The managers submitted for the RECORD what would have been the committee reports for the 11 bills encompassed in this omnibus, but it was not available for review until debate on this bill was well under way. Have members and their staffs even spent the time to learn what is contained in this monstrous vehicle?

When will we ever learn? I hope that the 108th Congress brings with it a renewed spirit of bipartisan cooperation. In the last Congress, such cooperation took a backseat to election year politics, partisan bickering, and ill-advised parliamentary tactics that had the effect of further polarizing this body. If we continue on this troubled path, we will be in the same situation 1 year from now. And again, this will be at the cost of the American taxpayer.

During times of threats to our national security, it has been common practice to ask Americans to sacrifice to protect our homeland. However, today some believe it appropriate to merely craft this appropriations bill with little regard for the severe security and fiscal challenges confronting our Nation. We are on the verge of a possible war, and our economy is in distress. So what are we appropriating scarce resources for? Orangutans, pig waste, and sea otter commissions.

There is approximately $11 billion in pork-barrel spending and a number of legislative riders that are riddled throughout this bill. In fact, Congressional earmarks reached their highest level during the last fiscal year, increasing 32 percent from the previous year. The multitude of unrequested funding earmarks buried in this 1,052-page bill will undoubtedly further burden American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion away from Federal programs that have undergone the appropriate merit-based selection process.

As I discussed earlier today, one of the most egregious riders we consistently see in appropriation bills are the Army Corps of Engineers's water projects. Water projects have become synonymous with pork because of the habitual authorization of these projects in appropriation bills. These water projects continue to be slipped into appropriation bills without congressional consideration as to their effects on the environment and without going through established project evaluation procedures.

Today's Washington Post reports that the Yazoo Pump project in central Mississippi—which would involve building the world's largest hydraulic pumping plant—would authorize $15 million to drain 200,000 acres of wetlands that is home to both waterfowl and rare plants. The sole purpose of this project is to drain environmentally sensitive wetlands for agricultural production. Touted as a "flood control project," the Yazoo pump is not designed to save homes or land but to drain the wetlands for soybean and cotton production. More importantly, $30,000 of federal taxpayer money has already been spent to preserve these wetlands because of their unique features as a bird sanctuary. At a minimum, we should allow the EPA to complete its study of this project—environment review is still ongoing. In fact, in the draft environmental review, the EPA gave the Yazoo the lowest possible rating calling the project "flawed and inadequate." If this project could not proceed forward on the merits, why should Congress give its blessing to it in a rider to an omnibus appropriation bill?

The next project, located in Devil's Lake, North Dakota not only authorizes a wasteful and highly controversial project but the rider also exempts the project from standard evaluation procedures. Today's Minneapolis Star Tribune reports that the rider provides $100 million for pipeline into the

Sheyenne River, which flows into the Hudson Bay. Because of widespread water quality concerns on connecting rivers and lakes, there is strong opposition to this project from the Canadian government, the States of Missouri and Minnesota, and U.S. Fish and Wildlife Service, the EPA, national conservation organizations and environmental groups in North Dakota. Despite this opposition and the complex ecological issues raised by this project, funding has been authorized and standard language requiring the Corps to evaluate the merits of the project has been omitted. The bottom line: If this project was ever assessed on its merits, it would likely never survive.

The report language for this bill directs the Agency for International Development to provide at least $2.5 million to the Orangutan Foundation located in Indonesia. The foundation likes to call the orangutan "the neglected ape." Luckily for them, they are not being neglected by the Appropriations Committee. And, the appropriators not only like orangutans, they also are fond of gorillas. The Committee gave $1.5 million to groups like the Dian Fossey Gorilla Fund. Mr. President, why stop at giving special preference to these two primates? What about the other members of the animal kingdom? Which brings us to the lowly catfish and its heretofore unknown relation to the cow. In the emergency disaster relief section of this bill, a provision was included that would qualify catfish farmers for livestock compensation payments. As my colleagues know, the livestock compensation program is a Federal farm program that compensate eligible livestock producers—such as owners of beef and dairy cattle, sheep, goats, or certain breeds of buffalo—who have suffered losses or damages as a result of a severe drought.

While I often take issue with various farm policies that disproportionately benefit large agribusiness of farms at the expense of small farmers and taxpayers, or those that compromise American agricultural trade commitments, this effort to compensate catfish farmers from a farm program that is intended for livestock stands out. I am certain that catfish proponents will offer a dozen different explanations to justify this provision. However, not even hog, poultry, or horse producers are eligible under the livestock compensation program. Why should catfish then get livestock payments? Mr. President, when did a catfish become analogous to a cow?

Catfish farmers are hardly left out in it the cold—they are eligible for other types of emergency assistance from USDA. Also, in the recent 2002 farm bill, domestic catfish proponents were successful in banning all catfish imports by requiring that foreign catfish be labeled as something other than catfish. It seems very clear to me that catfish farmers do not want to compete on a fair basis, domestically or abroad, and are willing to double-dip into disaster-relief funding intended for other farmers in need. Mr. President, let's remove this extraneous provision and let livestock be livestock, not catfish.

Other interesting earmarks include: $200,000 for the Anchorage People Mover in Alaska; $250,000 for the Mary Baldwin College in Staunton, Virginia for the Center for the Exceptionally Gifted: now they really are exceptionally gifted; $1.5 million for WestStart's Vehicular Flywheel Project in the State of Washington; an extra $1 million for the National Center for the Ecologically-based Noxious Weed Management at Montana State University; $600,000 to treat waste on small swine farms in South Carolina; $1 million for a DNA bear sampling study in Montana; $100,000 for the Alaska Sea Otter Commission; $300,000 to the Southern Regional Research Center at New Orleans, LA, for termite detection systems, evaluation of wood products for protecting building materials, and bait technology; $200,000 to study seafood waste at the University of Alaska; $300,000 for Old Stoney feasibility study in Wyoming; $650,000 for grasshopper and Mormon cricket activities in the State of Utah;

I am pleased to see that $1.5 billion was added to this legislation to supplement the $50 million that was originally appropriated to fund the recently-passed "Help America Vote Act." However, I am concerned that this funding has only been added as a common pool and not designated according to the legislation that Congress passed last year. For example, the bill would not explicitly fund the program to improve accessibility for disabled voters at the poling places. I urge my colleagues to address this discrepancy in the House-Senate Conference.

I believe it is beneficial that the Senate address physician and hospital fee schedules under Medicare. Recent Medicare physician fee reductions have forced many doctors across the Nation to reduce Medicare patients, leaving seniors without access to the care they need. Similarly, rural hospitals, particularly in my home State of Arizona, have experienced an unfair imbalance in payment schedules compared to their urban counterparts. Although our Nation's health care providers would benefit from provisions under this bill, I do not believe that appropriations bills are the venue for such legislative language. I am also concerned about giving hospitals and doctors well over $1 billion in additional funds from Medicare, without providing seniors with a much needed prescription drug benefit.

There are numerous provisions in this bill that circumvent the clear jurisdiction of the Commerce Committee. Perhaps the most egregious example is section 211 of Division B, which would grant new life to an already failed shipbuilding project that has cost the American taxpayer over $185 million, and give it to a foreign-owned corporation. I've already expressed my opposition to this special interest provision. But there are a host of other items that I wish to discuss.

Another section of the bill would allow a narrow class of airports to exclude air carriers that may want to provide scheduled air service. It is my understanding that this is so narrowly tailored that it benefits just one airport—Centennial Airport in Colorado.

Another provision would allow an airport to give Airport Improvement Program money back to the FAA enabling the agency to hire staff to speed up environmental reviews of that airport's projects. This is an area in which the Commerce Committee took action last year, and we will continue to monitor and pursue further action this year, should it be necessary. Appropriations bills are not the proper nor the traditional vehicles that should be used to address the AIP.

This bill also earmarks $1.2 billion for New Starts under the transit program. I find this set of earmarks to be particularly egregious. The earmarks do not just direct the Federal Transit Administration (FTA) to spend the appropriated funds on pet projects in certain States, they also actually change the recommendations that FTA has made regarding which projects should be funded and the level of funding each project should receive in fiscal year 2003. Mr. President, when are we going to allow the FTA to do its job? The FTA, not the appropriators, should determine which projects have merit and should be funded.

This bill also would limit funding for the number of Coast Guard flag officers to 37. While the Coast Guard is authorized under title 14 to have 48 flag officers, it currently has 37 on active duty. But as the Coast Guard grows in size to meet its new homeland security missions, its authorized flexibility to promote additional flag officers would be severely restrained under this bill. If there is a concern that the Coast Guard has too many flag officers, then that concern should be addressed through the committee of jurisdiction—the Commerce Committee.

The bill provides $48.7 million for the Corporation for Public Broadcasting for costs related to digital program developed associated with the transition of public broadcasting to digital broadcasting. This is $23.7 million more than the President's request, and it was not considered by the Commerce Committee, which is the authorizing committee. More importantly, I don't believe that Congress is exercising sound fiscal policy when we make a decision to appropriate millions of dollars to publicly funded television stations so that they may purchase the latest in digital technology. Rather the Corporation for Public Broadcasting should come before the authorizing committee to have a discussion with members on how to best achieve the goals of public broadcasters and ensure that taxpayer dollars are being spent wisely.

The bill appropriates $100 million for fisheries disaster assistance. Of this, $35 million is for direct assistance to the State of Alaska, for any person, business, or town that has experienced an economic hardship even remotely relating to fishing. This money is in addition to the $20 million for developing an Alaskan seafood marketing program.

Of the remainder, $35 million is for the shrimp industries of the Gulf of Mexico and South Atlantic, to provide far-reaching assistance to these fisheries. $20 million is provided for voluntary capacity reduction programs in the Northeast and West Coast groundfish fisheries. $5 million is for Hawaiian fishermen affected by fishing area closures. And, 5 million for the blue crab fisheries affected by low harvest.

The bill provides these handouts without requiring any accountability on how the money is actually spent. Moreover, the allocations were made without offering any form of justification. How much federal money do these regions really need, if any? If these needs are legitimate, how do they compare to the needs of other regions? We may never know, because these appropriations circumvented every stage of committee review. We have no basis for determining how necessary this is or whether or not this is sound policy.

Another provision authorized the Secretary of Commerce to award grants to encourage individuals to travel to the United States and establishes the United States Travel and Tourism Promotion Advisory Board; $50 million is appropriated to implement this section. This is yet another example of inserting authorizing language in an appropriations bill, and providing an enormous amount of money for an initiative that has not yet been fully examined and discussed by the Senate Commerce Committee.

The Congressional Budget Office recently estimated that the Federal Government had a budget deficit of about $109 billion during the first quarter of fiscal year 2003. That is significantly more than the $35 billion shortfall recorded over the same period last year. And all forecasts project growing deficits for as far as the eye can see.

Our current economic situation and our vital national security concerns illustrate that we need more than ever to prioritize our Federal spending. While I commend members of the Appropriations Committee for holding down spending to the level recommended by the President, some of these provisions, as is the case in virtually all appropriations legislation, serve no national priority. My friends on the committee are no doubt tired of hearing me say this, but I am obliged to do so; we can and we must do better.

Mr. KERRY. Mr. President, I strongly support the amendment offered yesterday by Senator BILL NELSON and several others to increase funding for emergency relief in Africa by $600 million in fiscal year 2003. I could not be present for the vote on this amendment, but I would have voted for it if I were able to. This additional funding is urgently needed to address a mounting famine that has put an estimated 38 million people at risk for starvation in Ethiopia, Eritrea, and six southern African countries.

Because the President submitted his fiscal year 2003 budget request nearly a year ago—before the famine reached its current magnitude—the omnibus appropriations bill we are now debating does not provide adequate resources both to counter this humanitarian crisis and to fund ongoing programs in Africa to assist poor and displaced persons. The United States has generally provided more than half of the food aid required to address this kind of crisis. The proposed $600 million in additional funding is needed to reach the one-half mark and forestall further destruction in southern and eastern Africa.

The ripple effects of this kind of famine go far beyond the millions of Africans who are directly affected. Because severe famine can force families to leave their homes—sometimes even their countries—in search of better conditions and to resort to other desperate measures, it can cripple economic progress and threaten political stability throughout the affected regions. Ultimately, a crisis of this magnitude can imperil even our own security. We have an obligation to the people of Africa and to our own citizens to provide the resources necessary to address this emergency.

EMERALD ASH BORER INFESTATION

Mr. LEVIN. Mr. President, we have before the Senate the Omnibus Appropriations bill. This bill funds a wide array of vital programs, but this bill does not address a relatively new problem that is affecting the ash tree population in Southeast Michigan.

I am talking about the Emerald Ash Borer, an Asian beetle that most likely traveled to Michigan on wooden shipping pallets. An invasive species, the Ash Borer is rapidly destroying ash trees in southeastern Michigan and as it spreads will do so nationwide. In the time that it has been in Michigan, the Ash Borer has already killed 6 million trees. Ironically, this invasive pest has the potential to wipe out the very tree that was planted to replace the elm trees that succumbed to Dutch Elm Disease.

Ms. STABENOW. My good friend and fellow Senator from Michigan is correct; the Emerald Ash Borer has the ability to destroy our nation's urban forests. The threat is so great that the Departments of Agriculture for Indiana and Ohio as well as the Province of Ontario, all of which border Michigan, have published warnings about the Ash Borer even though it is not known to have spread from Michigan, yet.

Currently, an Interagency Invasive Species Task Force including the U.S. Department of Agriculture, Michigan State University, Michigan Technological University, and the Michigan Department of Agriculture is working to analyze this problem. As such the task force has placed a quarantine on 13 counties in southeastern Michigan.

Mr. KOHL. I thank my friends from Michigan for bringing this problem to the Senate's attention. I understand that the Emerald Ash Borer may pose a very real threat to the health of our Nation's urban forests.

Mr. LEVIN. It is imperative that the Animal Plant Health Inspection Service (APHIS) take a vital role addressing this problem. It is my expectation that APHIS will conducted surveillance into this problem and develop a containment strategy that will lay the groundwork for the eradication of this invasive species.

Ms. STABENOW. Having APHIS report on these efforts to Congress would greatly assist us as we seek to assist with the eradication of this pest and as we seek funds to help contain and eradicate the Emerald ash borer.

Mr. COCHRAN. I appreciate the concerns expressed by my colleagues, and I assure them that this subcommittee recognizes the horrible effects that the Emerald Ash Borer has had on Southeastern Michigan and the potential it has to devastate our nation's Ash tree population. We will work with them to address this problem.

Mr. DORGAN. Mr. President, the Committee Report to the fiscal year 2003 Interior Appropriations bill recommends a $2 million increase in technology deployment for the Clean Cities program and recognizes the work of the National Ethanol Vehicle Coalition to increase E–85 fueling capacity.

I appreciate the Subcommittee's recognition of the important environmental, energy, and economic security benefits that would result from expanding our nation's E–85 fueling capacity. I would also like to thank Senator BYRD for the Subcommittee's recognition of the work being done by the National Ethanol Vehicle Coalition to increase E–85 fueling capacity. E–85 is a form of alternative transportation fuel consisting of 85 percent ethanol and 15 percent gasoline. It will help reduce America's dependence on foreign oil.

Currently, there are over 2 million vehicles in the national vehicle fleet that are capable of using E–85 fuel. The use of E–85 in these vehicles has the potential to reduce foreign oil imports by 34 million barrels a year, while adding $3 billion to total farm income and reducing greenhouse gas emissions.

On March 18, 2002, 10 colleagues and I sent a letter to the chairman and ranking member requesting that $2 million be designated to install additional E–85 fueling capacity across the country and to begin an E–85 educational awareness effort in cooperation with the Nation's automakers.

It is my hope that, as this bill goes to conference with the House, the Subcommittee would work to provide funding to expand the deployment of E–85 fueling capacity, which is important for my State and the Nation.

Mr. KENNEDY. Mr. President, on Christmas Eve, the Department of Labor quietly announced that it would discontinue the Mass Layoff Statistics program, which collects data and reports on large layoffs involving 50 or more employees. It's obvious from the timing of the announcement that the administration hoped few would notice this embarrassing attempt to conceal bad news about the economy.

Since President Bush took office two years ago, the economic well-being of America's families has dramatically deteriorated. Yet the administration continues to support economic policies that neglect the basic needs of working men and women, and lavish excessive tax breaks on the wealthiest taxpayers.

The unemployment rate has risen, while wages have stagnated. Income inequality has increased, while stock portfolios and 401(k)s have declined.

The poverty rate has increased to its highest level in nearly a decade, while household incomes have fallen and home foreclosures have reached their highest rate in 30 years.

Hard-working families are suffering. Nearly 8.6 million workers are now unemployed, 2.6 million more than when President Bush took office. Companies are more likely to continue to layoff workers than create new jobs. Now is not the time to conceal information about layoffs and other important economic data from the public.

The mass layoff statistics are one of the best measures we have to understand the impact on workers of changes in the economy. In the wake of the September 11 tragedies, the mass layoff statistics were used to give us a clear picture of the economic damage that resulted from terrorist attacks. Many businesses, particularly those in downtown Manhattan, were directly affected by the horrific attacks and were forced to layoff many workers.

The Bureau of Labor Statistics added non-natural disasters as a reason for mass layoffs in its report, and these layoffs became one of the few available figures on individuals hurt economically by the attacks.

Similarly, in the wake of the Enron, WorldCom and other corporate scandals, the statistics revealed the tens of thousands of layoffs that followed. WorldCom had 20,000 layoffs. At Arthur Andersen, 7,000 workers were laid off. At Global Crossing, 9,000 workers were laid off, and Enron laid off 4,000 workers.

The Mass Layoff Statistics program is respected as one of the most accurate signs of the industries has been described as the best, easy-to-understand overview of which industries in the greatest distress and the workers bearing the burden.

Unfortunately, history is repeating itself. In 1992, in a time of an earlier economic downturn, the first President Bush also canceled the Mass-Layoffs Statistics program.

It was reinstated by President Clinton, and has continued to provide important information. Economic policy officials, state and local workforce investment boards, state unemployment insurance directors, job training agencies, job placement organizations, and researchers rely on this data, and they deserve to have it.

The National Association of State Workforce Agencies has sent a letter to Secretary Chao urging the Department of Labor to reinstate the program. As the letter says: "The states have come to rely on this information as an economic indicator and a tool for operational decisions on service delivery and funding allocations for dislocated worker programs."

The Mass Layoff Statistics program provides accurate, timely information about the industries that are involved in large layoffs. It provides clear guidance on how to allocate resources, set economic priorities, and respond to the urgent needs of the local communities affected.

I am pleased that the Senate has accepted my amendment to restore the $6.6 million in funding needed by this program. This is great news for the State and local governments that rely on this information, the economists who use this data and the American public, which has a right to know the truth about our economy.

Mr. DORGAN. Mr. President, I rise to express my disappointment that the funding level for the State Wildlife Grants Program has been decreased dramatically. This program is essential in our Nation's efforts to conserve fish and wildlife, because it focuses on preventing species from becoming threatened or endangered. Due to constraints in this bill, the Senate had funded this important program at $40 million less than the House level of $100 million. Now, in the omnibus, this program is funded at an even lower level of $45 million. This is quite disappointing. And there will be additional across-the-board cuts which will hurt programs such as this one even more.

Today, more than 1000 species are listed as federally threatened or endangered. The State Wildlife Grant Program helps provide resources to State agencies like the North Dakota Game and Fish Department to prevent further decline in fish and wildlife.

In this time of fiscal constraints it is important to recognize that this program will actually save taxpayer dollars. Efforts to bring a species back from the brink of extinction are quite difficult and expensive. The old adage "an ounce of prevention is worth a pound of cure" is most appropriate in this case. These funds allow States to address such conservation problems before they become even more costly. Thus, these funds simultaneously save both wildlife and taxpayer dollars.

There is growing recognition of North Dakota's national importance as a key breeding area for migratory birds, especially grassland species. Baird's sparrow and Sprague's pipit are two priority species that are found in my State in greater abundance than most other places. If we can work now to maintain healthy grasslands, we can ensure that ranchers can continue to work this land, as well as ensure the survival of these birds. This is possible when we work early to prevent problems rather than waiting for a species to become listed and endangered.

The State Wildlife Grants program has the support of our Nation's leading sportsmen and environmental organizations as evidenced by a letter delivered to each Senator earlier this year. This includes a broad range of conservation interests such as Pheasants Forever, Audubon, Defenders of Wildlife, National Wildlife Federation, and the International Association of Fish and Wildlife Agencies. Notably, all 50 state fish and wildlife agencies, including the North Dakota Game and Fish Department, support this program.

Because of this nationwide support, and our own understanding of the program's commonsense approach to conservation, 28 Senators—myself included—signed a letter requesting an increase from the fiscal year 2002 base of $85 million.

I hope we will be able to increase the funding for this important program in conference and that we will be able to work across the aisle to restore much needed funding for this program. In fact, I hope we will be able to restore this funding to the $100 million level that was previously provided by the House.

The funding provided for the State Wildlife Grants program in this bill will significantly help conserve declining wildlife, but a significantly stronger commitment from the Federal Government is essential to address mounting conservation needs and, therefore, I am extremely disappointed that this funding has been cut even below the previous Senate level. Instead, I support the House position that provides greater funding for this critical program.

SMALLPOX

Mr. KENNEDY. Mr. President, I commend the distinguished majority leader and chairman for their commitment to enhancing America's preparedness for bioterrorism. We have worked together successfully for many years to help America prepare more effectively for the threat of biological attack. The Nation is embarking on a program to vaccinate millions of health care and emergency workers against the threat of a potential biological attack using smallpox, and I look forward to working with the distinguished majority leader and chairman to ensure that this program is conducted in a way that properly protects the health and safety of those receiving the vaccine.

Mr. FRIST. I appreciate the Senator's comments. I believe that we are all in agreement on the importance of a smallpox immunization program to our national security, and I look forward to working with the Senator and with Chairman GREGG to ensure the success of a smallpox immunization program.

Mr. KENNEDY. I have offered an amendment to the current legislation that would provide funding for a program to compensate those who suffer injuries from the smallpox vaccine, and to provide States, localities and cities with funding to implement the vaccination program. I understand from my colleagues that, while they are unable to support this amendment, they are willing to work with me on legislation that would provide appropriate compensation for those who may be injured by the vaccine.

Mr. GREGG. I appreciate the Senators' interest in this area, and I believe we should work to pass legislation to provide appropriate compensation. I have scheduled a hearing in the Health, Education, Labor and Pensions Committee for next week that I hope will delve into many of the questions we must address in crafting the appropriate policy in this area. We are all in agreement that we should work to address this issue in a timely manner, and I will work with the Senator and leaders to ensure prompt consideration in the committee and on the floor of the Senate of such legislation.

Mr. KENNEDY. I am sure that my colleagues appreciate that implementing the smallpox plan will impose significant costs on many communities. We should provide additional resources to allow communities to implement the plan without having to curtail other important health priorities.

Mr. GREGG. I will do my best to see that appropriate funding is provided later in the year.

Mr. FRIST. I join my colleagues in their comments, and I am committed to bringing legislation to provide appropriate compensation to the floor promptly and to address legitimate funding needs.

Mr. KENNEDY. I thank my colleagues for their commitment to address these issues.

Ms. MIKULSKI. Mr. President, I wish to speak about an amendment that I have offered to get behind the nurses and patients in this country. My amendment would provide $20 million in this bill to fund programs created by last year's bipartisan Nurse Reinvestment Act to recruit and retain nurses. I'm pleased that my amendment has been accepted by the managers of this appropriations bill. I thank Senators STEVENS, BYRD, SPECTER, and HARKIN for working with me to include my amendment in the Senate fiscal year 2003 appropriations bill.

My amendment is a down payment. It has the support of 17 bipartisan cosponsors. The Nurse Reinvestment Act is an important bipartisan accomplishment from the last Congress. Republicans and Democrats came together to make this down payment to address the nursing shortage, a crisis that impacts patient care across the country. Now Congress must provide the funds to make these nurse recruitment and retention efforts a reality.

America is facing a nursing shortage and it will only get worse. Today, there are about 126,000 nurse vacancies in hospitals alone nationwide. This number does not even include the nurses needed in nursing homes, home health agencies, schools and other sites. In my home state of Maryland, about 15.6 percent of the nursing jobs are vacant in hospitals. More than 2,000 full-time nurses are desperately needed.

In 2000, there was a shortage of 110,000 registered nurses in this country. According to the Department of Health and Human Services, this number will: more than double by 2010 to 275,000; more than quadruple in 2015 to 507,000; and reach 808,000 in 2020.

The demand for nurses will increase as the 78 million baby boomers get older and start to need more health care. The nursing shortage comes at a time when nurses are being asked to do more: hospitals caring for more critically ill patients; nurses receiving small pox vaccinations and giving small pox vaccinations to patients; and the nurses in military reserves called into active duty.

Most importantly, this nursing shortage affects patient care. Nurses are on the front lines of health care everyday in hospitals, nursing homes, and home health agencies. A study published last year in the New England Journal of Medicine found that nursing shortages in hospitals are associated with a higher risk of complications and even death for patients.

Last year, Congress passed the bipartisan Nurse Reinvestment Act as a down payment to help recruit and retain nurses, a first step to help address the nursing shortage. This bill alone will not solve the nursing shortage. It does not address the fact that nurses are underpaid, overworked, and undervalued.

The Nurse Reinvestment Act does three things. First, it helps bring men and women into the nursing profession by making nursing education more affordable. It provides scholarships and loan repayments in exchange for two years of service in areas that need nurses the most.

Second, the Nurse Reinvestment Act helps keep nurses in the profession by providing additional education and training opportunities and programs to empower nurses. It provides financial assistance to pursue advanced degrees and training such as fostering mentoring programs, internships and residencies, as well as specialized geriatric care training. It also supports programs to encourage collaboration with other health care professionals and promote nurse involvement in decision-making. Finally, it increases the number of faculty in nursing education programs by forgiving loans in exchange for a commitment to teach in a nursing school.

Last year, Congress put nursing recruitment and retention as a priority in our federal lawbooks. But this will be a hollow opportunity if Congress does not fund the Nurse Reinvestment Act this year. Congress must now put the Nurse Reinvestment Act as a priority in the federal checkbook. Funding the Nurse Reinvestment Act in 2003 has bipartisan support from 37 Senators. I also want to thank Senators KENNEDY, KERRY, JEFFORDS, CLINTON, MURRAY, ROCKEFELLER, CORZINE, LIEBERMAN, COLLINS, SARBANES, LAUTENBERG, JOHNSON, BIDEN, CANTWELL, SMITH, ROBERTS, and LANDRIEU for cosponsoring my amendment.

My amendment is endorsed by the American Nurses Association, American Association of Colleges of Nursing, National League for Nursing, Emergency Nurses Association, American Association of Community Colleges, American College of Nurse Practitioners, National Association of Pediatric Nurse Practitioners, Oncology Nursing Society, and the Maryland Nurses Association. Numerous other groups support funding the Nurse Reinvestment Act in 2003 including the American Hospital Association, American Health Care Association, and the Federation of American Hospitals. But most importantly, this amendment has the support of patients who want to have nurses when they need them. Patients across the country are depending on the Congress to help them.

This is my third nursing shortage as a United States Senator. I want to help find solutions so that it is the last nursing shortage. I thank my colleagues for their support. I strongly urge the House and Senate conferees on this bill to keep this $20 million to fund the Nurse Reinvestment Act in the conference report. Patients, nurses, and health care facilities across the country are depending on your support.

Ms. CANTWELL. Mr. President, I support the amendment offered by my colleague, Senator LARRY CRAIG, which I am proud to cosponsor along with the entire Northwest delegation. This amendment would provide an additional $700 million in borrowing authority for the Bonneville Power Administration, BPA, which will allow the agency to make much-needed improvements in our region's transmission grid, modernizing lines and reducing bottlenecks. The borrowing authority will also allow BPA to fund new conservation and renewable energy initiatives and make improvements at existing hydroelectric facilities, to make them more efficient and fish friendly.

This amendment is consistent with current law, advances many of our shared, bipartisan energy policy goals, and represents a sound investment for U.S. taxpayers. I would also point out to my colleagues that this amendment is similar to legislation passed as part of the Senate energy bill last spring, which contained $1.3 billion in additional BPA borrowing authority. Further, it is consistent with the President's budget request for Fiscal Year 2003, which provided $700 million for this purpose.

The Bonneville Power Administration—created in 1937 under the Bonneville Project Act—has historically been one of the primary economic engines of the Pacific Northwest. Today, BPA owns and operates 75 percent of the high-voltage transmission system in the region, consistent with principles of non-discriminatory open access. My colleagues may be interested to learn that among BPA's various statutory responsibilities included in the Pacific Northwest Power Planning and Conservation Act of 1980 is that the agency must "assure the Pacific Northwest of an adequate, efficient, economical and reliable power supply."

Even more specifically, the Federal Columbia River Transmission System Act of 1974 stipulates that the BPA Administrator "shall operate and maintain the Federal transmission system within the Pacific Northwest and shall construct improvements, betterments, and additions and replacements of such system within the Pacific Northwest as he determines are appropriate and required to: . . . maintain the electrical stability and electrical reliability of the Federal system . . ."

The additional borrowing authority provided in this amendment will enable Bonneville to uphold these crucial responsibilities. It is also important to note that this infrastructure investment is one for which U.S. taxpayers would be repayed, with interest. As my colleagues may know, BPA makes payment to the U.S. Treasury on an annual basis—from revenues it collects from northwest ratepayers. BPA expenditures thus do not place any long-term burden on appropriated or trust fund activities. Indeed, the principal on all BPA capital-borrowing costs is fully repaid, with legally-required, market-determined interest.

Like most of the country, transmission investment in the northwest has lagged behind demand. No major new transmission lines have been constructed in our region since 1987. In the meantime, Northwest loads have been growing steadily at a rate of 1.8 percent per year. This load growth, combined with deregulation of wholesale power markets, has given rise to a 2 percent per year rise in traffic on the transmission system.

In addition, the Northwest Power Pool has estimated that winter peak load will have grown from 59,972 megawatts in 1998 to 66,952 megawatts by 2008 or, by 12 percent. But at the present rate of transmission investment—without the improvements this amendment will allow—the system will have grown from only 61,415 circuit miles in 1998 to 62,325 circuit miles in 2008—or, by 2 percent. In short, regional transmission is not keeping up with load growth.

To remedy this situation—and in keeping with its statutory obligations—BPA has identified 26 groups of needed transmission projects, for construction and energization over the next 5 to 6 years. The first nine, some of which are already underway, would address the most critically constrained pathways in our area.

The construction of additional transmission will reduce existing bottlenecks, reinforce the system to assure minimal conformance with reliability standards for major load centers such as Seattle, Portland and Spokane, and ultimately allow the integration of more than 5,000 megawatts of new generation. I would also like to point out that this amendment will aid in the acquisition of new conservation and renewable energy sources, as well as make capital improvements on the 31-project federal hydroelectric system—all of which are extremely important components of BPA's multi-faceted public purposes.

This amendment will enhance the reliability of the northwest electricity grid—and, by extension, the western transmission system as a whole. It is consistent with the missions this body set out for the Bonneville Power Administration, dating back to 1937 and in the legislative history spanning the 66 intervening years. And it represents good energy policy today, which is why FERC Chairman Pat Wood—in hearings before the Senate Energy Committee last year—voiced his strong support for an increase in BPA borrowing authority.

I thank Senator CRAIG for bringing this amendment to the floor today, as well as all of my Northwest colleagues. I believe it has been a tremendous team effort that has spanned both a couple of years and the jurisdictions of the Senate Energy, Budget and of course Appropriations Committees. I would also like to thank the Chairmen and Ranking Members of those Committees for their support today.

Again, I urge my colleagues to support this amendment.

Mr. DORGAN. Mr. President, I discussed an item in the Energy Conservation account with the distinguished managers of the Interior Appropriations chapter of this bill. I believe that the reliable, efficient, and clean generation of electricity is vital to the American economy. The Congress has made important investments in fossil energy research to improve the efficiency and reduce emissions of large, central power generation technologies. In recent years the Appropriations Committee has recommended increases in what, I believe, are complementary and equally important technologies that generate power on a smaller, distributed generation scale.

These smaller technologies, including microturbines, fuel cells, reciprocating engines and industrial turbines, range in size from only a few hundreds of kilowatts up to 30 megawatts and offer many benefits. For example, fuel cells and microturbines can be deployed in urban areas to provide power where the construction of additional transmission and distribution lines is not practical because of the crowded conditions. Ironically, these same systems are well suited for use in rural areas, as well, where the cost of constructing electric lines to serve only a few customers may be prohibitive.

These onsite power generation systems are highly reliable. They are not vulnerable to power line failures caused by weather or manmade circumstances. Moreover, their smaller scale often allows distributed energy technologies to be located in areas where exhaust heat from the generators can be utilized rather than released into the atmosphere. When used in a combined heating and or cooling mode, distributed energy devices can attain efficiencies in excess of 80 percent.

The wise research investments recommended by the Committee will help conserve our important domestic energy resources, reduce environmental emissions, and help American companies and their employees maintain U.S. leadership in global markets for these technologies. I compliment the Senators from Montana and West Virginia for their leadership in this allocation of scarce resources available to the Committee.

Through the National Accounts Energy Alliance, the natural gas industry has worked closely with leading commercial and industrial companies who are logical candidates to use these distributed energy technologies as they become ready for testing in the market place. This is a partnership between government and the private sector. It marries the technology developers with the technology users such as major grocery stores, restaurant chains, and building developers. Most important, the Alliance serves to ensure that market requirements are fully understood by those who develop the technologies and that field testing in specific applications, which is essential to market acceptance and technology improvement, is an integral part of the development process.

Mr. President, I understand that the House-passed version of the Fiscal Year 2003 Department of the Interior and Related Agencies Appropriations bill included $3 million for this "applications integration." The Senate Committee report passed last summer is not specific about how the Department should allocate funds to the National Accounts Energy Alliance. I would hope that in conference we could accept the specific funding level provided in the House report for applications integration including the National Accounts Energy Alliance.

Mr. BURNS. Mr. President, I thank the Senator from North Dakota for his kind words as a member of the Interior subcommittee.

The Senator is correct. The House has recommended $3 million for "applications integration." I say to the Senator that he is always a strong and compelling advocate and that I will endeavor to give his request every favorable consideration within the limitations that will confront the conferees on this bill.

Mr. BYRD. Mr. President, I appreciate the Senator from North Dakota for bringing this matter to our attention. I, too, will work with him during the conference in support of his request.

Mr. DORGAN. Mr. President, I thank the Senators.

Mrs. BOXER. Mr. President, I had planned to offer an amendment to eliminate a dangerous anti-environmental rider that was slipped into this bill. I am not going to offer that amendment today because I believe the best strategy is to strip it in conference.

However, I want to take just a couple of minutes to let my colleagues know about this rider and to explain the bad precedent we would be setting.

In the National Forest Management Act, Congress requires a review of roadless areas for possible designation as wilderness areas. Under the National Environmental Protection Act we also require that this process involve the public and the right to appeal those decisions.

In 1997 a management plan for the Tongass National Forest was proposed that did not adequately address the question of wilderness designations. In response, a federal district court in Alaska ordered the Forest Service to complete a supplemental evaluation of possible wilderness areas. The Draft was released in May of 2002, with 8 alternatives. The administration's preferred alternative was no additional wilderness areas. A final recommendation is due to be released in February. At that point, the public has the opportunity to appeal the agency's decisions through the administrative process, and if necessary to make use of the courts.

Section 329 of the Interior Appropriations section of this bill would eliminate judicial and public oversight of U.S. Forest Service wilderness recommendations in the Tongass National Forest. In doing so, it waives two key environmental laws—laws that protect the right of the public to be involved in decision-making—the National Environmental Protection Act and the National Forest Management Act. This language will prevent the public, the states and the localities of their right to participate in the decision-making process.

Even more egregious, section 329 prohibits any judicial review or appeal of a decision on the Tongass Land Management Plan—a decision that has not even been made. So, before we know what the decision is, this section says there can be no more public input and no judicial review. This is a very bad precedent.

Judicial and public oversight are an intrinsic part of the process of environmental decision-making. In fact, the laws that govern management of our public lands are built on these principles of judicial and public oversight. These are our public lands, and we all have a right to take part in deciding how they are managed, how they are protected, and how they are exploited. Stripping away the ability of the American people to take part in the process is contrary to the spirit of our laws.

One hundred years ago, Republican President Teddy Roosevelt established the Tongass National Forest in Alaska with the support of the Alaskan people. For the last hundred years we have managed the Tongass in concert with the wishes of the public because we have had public participation.

This rider ignores history, it ignores our environmental laws and it creates dangerous precedent.

It is dangerous because it is a back door attempt to silence the public. It is dangerous because it is a back door attempt to override our laws, laws passed by this Congress after extensive debate. It is dangerous because it is a backdoor attempt to eliminate the normal checks and balances that are inherent in our system. And it is a dangerous thing for those of us who have pristine lands in our states.

Mr. GREGG. Mr. President, I rise to express opposition to a provision in the bill that syphons off critically needed enforcement funds in order to create an unnecessary bureaucracy.

The bill instructs the Secretary of Labor to create an Office of Pension Participant Advocacy. Committee language indicates that this office is to serve as a career ombudsman in the Department to advise Congress and the administration on necessary changes in policies to address problems affecting pension participants. It would also be charged with coordinating public and private efforts to assist participants and provide meaningful information.

At this time of heightened concern for pension plan stability, it makes no sense to curtail the enforcement budget of the Pension & Welfare Benefits Administration (PWBA). President Bush had requested an additional $3 million for enforcement and compliance activities. This bill takes that $3 million and puts it instead in the separate Management account to create a new, unnecessary office.

With every new corporate scandal, pension plan stability is put in doubt, and the PWBA is called into action. There is every reason to believe that Fiscal Year 2003 will be one of the agency's busiest every. Yet the money needed for enforcement has been diverted to create a new bureaucracy that duplicates current functions.

Since the collapse of Enron, more Americans than ever have learned of the important and effective work of the PWBA. We all hailed the agency's action in ousting the Enron pension plan board of trustees, and putting outside experts in their place. The PWBA's profile has never been higher, and its needs have never been greater. Now is the time to fund pension plan enforcement.

If this provision in the appropriations bill is allowed to become law, pension plan participants will be the losers. Enforcement efforts by the Department of Labor in their behalf will be curtailed. The money for enforcing their claims will have been diverted to decorate new offices for bureaucrats.

As the chairman of the authorizing Committee for the Department of Labor, I am strongly opposed to efforts to restructure an important function of the Department. Likewise, I object to efforts to divert resources away from needed investigations, compliance efforts, and participant education. I oppose the creation of an Office of Pension Participant Advocacy at this time and in this manner.

It must be recognized that the creation of such an Office is already within the management prerogative of the Secretary of Labor. She could create a separate office under current authority and resources. The proposal in the committee report language in essence micro-manages the Department.

The proposed functions of the Office of Pension Participant Advocacy are duplicative of the ongoing functions of Pension and Welfare Benefits Administration (PWBA) of the Department of Labor.

Today there are more than 100 highly trained and dedicated Benefits Advisors working out of PWBA's national office and 15 field offices located throughout the country. In 1996, PWBA had only 12 Benefits Advisors all located in the national office.

The creation of this team of Benefits Advisors represents a serious commitment on the part of the Department to protecting the rights of and helping workers obtain the benefits to which they are entitled.

The Benefits Advisors handled 170,000 inquiries in 2001 and recovered over $64 million in benefits for participants and beneficiaries through informed individual dispute resolution. Over $250 million have been obtained through this informal process over the last five years. These dollars are separate from any amounts recovered through the formal investigative process.

Complaint referrals from PWBA's benefits advisors have become the best source of investigative case leads. If a complaint from an individual appears to indicate a fiduciary violation by the plan or a matter that impacts several participants and not just one individual, then that inquiry is referred to an investigator.

According to statistics from the PWBA, last year 1,263 investigations were opened as a result of referrals from the Benefits Advisors; 1,238 investigations were closed with over $111 million in monetary results.

The proposed research functions of the Office of Pension Participant Advocate also duplicate important research of the General Accounting Office and investigations of the Department's Inspector General.

It is premature to establish an Office of Pension Participant Advocacy since it is the subject of ongoing legislative debate. Last year, the Health, Education, Labor and Pensions Committee narrowly reported out a pension reform bill that included a section creating an office of Pension Participant Advocacy with wider scope than is included in this appropriations bill. This year, the Democrat pension bill, S. 9, fails to include this controversial and unnecessary bureaucracy.

The ERISA Industry Committee makes the point quite succinctly in a letter to every Senator: "the creation of a new office in the federal government should be subject of full debate in the light of day. New government bureaucracy should not be established by adding provisions to appropriations bills, the language of which is unavailable to the public until after Committee consideration." I share their concerns.

Therefore, it is inappropriate through this bill to divert and restructure the important work of the Department of Labor in protecting workers' pensions. I regret the manner in which this provision was added to this legislation and I will work to oppose it at every turn.

Mr. BINGAMAN. Mr. President, I submitted an amendment to extend the authority for the Strategic Petroleum Reserve. The Strategic Petroleum Reserve, SPR, is the major tool the United States has to deal with the impact of a significant disruption in oil supplies. Current authorizations to the President to release or drawdown oil from the SPR will expire on September 30, 2003.

Release of oil from the SPR, in coordination with stock drawdowns with other consumer nations is done pursuant to the International Energy Agency's International Energy Program, IEP, Agreement. Actions taken under this agreement seek to add more supply to a tight market, reducing the possibility of price spikes and economic havoc that oil markets experienced during such incidents as the Arab oil embargo. Decisions to withdraw crude oil from the SPR during an energy emergency are made by the President under the authorities of the Energy Policy and Conservation Act.

It is important to extend the SPR authority on this legislation. While it may be possible to move legislation through the Energy Committee, there is no guarantee that a separate bill would be completed and on the President's desk before September 30. Therefore, the prudent thing for the Senate to do is to add this language to the Omnibus Appropriation bill. Such precautionary action has already been taken with regard to Price Anderson authority which does not expire until the end in 2004.

My amendment incorporates the exact language that was agreed to last fall by the House and Senate conferees on H.R. 4, the comprehensive energy bill.

The amendment:

Permanently authorizes the Strategic Petroleum Reserve and our participation in the International Energy program.

Codifies current Administration policy that the reserve be filled to 700 million barrels which is its current capacity. This does not affect the Administration's discretion to adjust the timing and extent of fill in light of market conditions.

Permanently authorizes the Northeast Heating Oil Reserve program.

Current market disruptions such as political unrest in Venezuela and the potential threat of a war with Iraq have already led to unusually high oil prices and talk of potentially tapping the SPR. In the current market context, operation of the SPR should be a top concern to all Senators.

For the benefit of my colleagues, I thought I would talk a little about the current situation regarding oil production in two important oil producing states—Venezuela & Iraq. The current uncertainty over production in Venezuela and the possibility of war with Iraq has contributed to the high oil prices we see today.

On December 2, oil workers opposed to Venezuelan President Chavez, initiated a general strike, now in its 53rd day. The strike has nearly shut down the government-owned oil company PdVSA. Production has dropped from 2.7 million barrels per day to less than half a million. At the same time, world oil prices, currently at a 2-year high, have risen more than $8 per barrel, or 30 percent since the strike began. Oil market experts attribute half of the price increase to the political unrest and production uncertainty in Venezuela.

The U.S. imports a significant amount of Venezuelan crude. Roughly 16 percent of U.S. imports come from Venezuela, or what on average amounts to more than a million barrels per day, according to the EIA. In the absence of Venezuelan imports, U.S. refiners have had to dip into their own inventory stocks and resort to using other crudes. Absent Venezuelan imports, the U.S. has increased its import of Iraqi crude in the last month.

Even though OPEC overproduction helped cushion the strike's impact at the outset, U.S. refiners had to turn to their own inventories and to Iraqi crude to make up for lost imports. Those inventories are already below normal operational inventory level.

Even if the strike were to end today, experts are unsure how long it will take to bring Venezuelan crude production back to its pre-strike level of three million barrels per day. It is unclear how carefully the oil wells in PdVSA's fields were shutdown during the strike. If the wells were shut down improperly, it may take more than six months to bring them back online.

Although some strikers have returned to work and the government succeeded in pumping up light crude production, Venezuela has not been able to restart production of its trademark heavy crude. To add to the uncertainty, Venezuela's Central Bank closed the country's foreign exchange market on Wednesday frustrating oil operators' ability to convert currency. The reliability of Iraqi crude supplies going forward is also uncertain.

The threat of war with Iraq has contributed to unusually high oil prices and talk of potentially tapping into the SPR. This region's importance to the stability of not only U.S. but also world markets cannot be understated.

Iraq represents 6 percent of U.S. petroleum imports and the Persian Gulf region represents 25 percent. If military conflict disrupts oil imports from

Iraq or other gulf states, the larger shortfall may exceed OPEC's leftover capacity. Even under a benign war scenario, panicked buying and a rise in crude prices would still occur at the outset of the conflict. Price estimates from oil analysts at the Center for Strategic and International Studies range up to $80 barrel oil for the worst case scenario.

In addition to the impact of a war on oil from Iraq, we cannot be certain about Iraqi production after a conflict is concluded. If Iraqi oil fields are damaged during the war, Iraqi production could be reduced for a longer period of time.

In this period of very tight oil markets and continuing uncertainty about both Venezuelan and Iraqi production, we may have to look very seriously at releasing oil from the Strategic Petroleum Reserve this year. We should not take the risk that our authority to use the SPR will expire in September. I urge my colleagues to vote for my amendment and re-authorize SPR authority now.

Ms. LANDRIEU. Mr. President, as Abigail Scott Duniway, a leader in the women's suffrage movement, once said, "The young women of today, free to study, to speak, to write, to choose their occupation, should remember that every inch of this freedom was bought for them at a great price. It is for them to show their gratitude by helping onward the reforms of their own times, by spreading the light of freedom and of truth still wider. The debt that each generation owes to the past it must pay to the future." If I think about my own life and the many blessings and freedoms that have been bestowed on me by my foremothers, I am mindful of the awesome responsibility I bear to "onward the reform of my times." It occurs to me that when Ms. Duniway made this statement she did not mean to infer that this responsibility went only as far as the American border, but rather to the women of the world.

With this in mind, I rise in support of an amendment offered by Senator SNOWE and myself which attempts to help ensure that the women of Afghanistan go to sleep at night covered by the same security blanket of freedom and democracy that the women of America enjoy. As you well know, Mr. President, it has been a long time since the people of Afghanistan have enjoyed such freedoms. For years, they suffered under one of the most brutal regimes in modern history. Instead of listing for my colleagues the rules imposed and the rights denied to women, I would like to read two excerpts from an article by Jan Goodwin published in 1998, entitled, "Buried Alive: Afghan Women Under the Taliban."

> Thirty thousand men and boys poured into the dilapidated Olympic sports stadium in Kabul. Street hawkers peddled nuts, biscuits and tea to the waiting crowd. The scheduled entertainment? They were waiting to see a young woman, Sohaila, receive 100 lashes for walking with a man who was not a relative . . . Since she was single it was punishable by flogging; had she been married, she would have been stoned to death.
>
> Not so long ago, a young mother, Torpeka, was shot repeatedly by the Taliban while rushing her seriously ill toddler to the doctor. Veiled as the law requires, she was spotted by a teenage Taliban guard, authorized to use weapons against women if they decide they are breaking the law, tried to stop her because women are not supposed to leave their homes. Afraid her child would die if she were delayed, she continued. The guard aimed his machine gun and fired several rounds.

Now, one may think that was yesterday and this is today. Yet, I am here to tell you that while the Taliban may no longer be in power, their legacy remains. For instance, a September 26, 2002 Washington Post article detailed what it is like for a woman to give birth to a baby in a "Taliban-free" Afghanistan. Even now, women continue to be banned by their husbands and fathers from giving birth in hospitals or receiving medical care during labor. Even if they are able to access care, there is often no care to be had. As a result, women are forced to have babies on a dirt floor with no help from anyone but their untrained female relatives.

Young girls traveling to schools on country roads are systematically beaten and raped by roadside bandits. Only 11 percent of girls can read and write and only 16 percent of women over 16 years old are literate and yet young girls are prevented by violence from getting the education they need. This cannot continue. If we hope to see the roots of democracy take hold and flourish in Afghanistan, then we must be willing to make a long term commitment to restoring justice and equality for all.

I am sad to report that a lot has been said about our level of commitment to the Afghan people, but so far, there has been more talk than action. On October 4, 2001, President Bush pledged that "America will stand strong and oppose the sponsors of terror. And America will stand strong and help those who are hurt by those regimes." Three months later, he confirmed this commitment in saying, "Thanks to our military and our allies and the brave fighters of Afghanistan, the Taliban regime has come to an end. Yet our responsibilities to the people of Afghanistan have not ended." Two months later, he sent a budget to Congress that did not have one red penny for aid to Afghanistan.

I am glad that my colleagues in the Senate, on both sides of the aisle, understand that actions speak louder than words. In July, the Senate Appropriations Committee passed a bill that included $150 million in military and humanitarian aid to Afghanistan. The bill before us now goes even farther, including a total of $220 million in aid. I would like to thank the Chair and ranking member of the subcommittee, Senators MCCONNELL and LEAHY for their leadership in this regard. In offering this amendment, Senator SNOWE and I propose that we go even one step further. What it does is proposes that while the amount of money appropriated is, of course, important to the overall success of our efforts in Afghanistan, so is the way in which it is spent.

Its purpose is twofold. First, it reserves $8 million, approximately 10 percent of the total funds appropriated for humanitarian aid, for programs to support women's development in Afghanistan, including girls' and women's education, health, legal and social rights, economic opportunities, and political participation. These programs should be long term in nature and invest in infrastructure development in Afghanistan. What I mean by this is, there are two ways to address the lack of women's health in this country, you can set up temporary immunization and nutrition centers or you can help build a women's health center and train physicians to work there. I am certain that USAID is doing the former, but I would like to suggest that we need to do more of the latter. This amendment is designed to move us in that direction.

Secondly, this amendment is structured in such a way to ensure that these funds are channeled through women-focused, women-run governmental and nongovernmental organizations. As you can imagine, the women of Afghanistan are more likely to access the services and support necessary to ensure their long-term economic independence and health if they trust that the person providing the service is not the enemy. Even during the Taliban regime, it was women's organizations, run by extremely brave Afghani women, who were fighting to protect women from violence and death. It will take time before the women there are able to trust in their government to protect and provide for their needs.

I am proud of this amendment. It is the first step in a road with many steps. I thank the Chair and the ranking member for their leadership and foresight in agreeing to accept it. I look forward to working with committee and with USAID to ensure that we use this money to "onward the reform of our times."

Mr. KERRY. Mr. President, I oppose the passage of H.J. Res. 2, the Omnibus Appropriations Resolution, because it does not provide appropriate levels of funding for the important priorities facing our Nation. First, the Republican majority and the Bush administration have set an arbitrary cap on spending that is inadequate to meet the needs of our Nation with respect to homeland security, education, veteran's health care, housing, highway funding, Amtrak, and other important domestic priorities. Second, the Republican majority forced a $9.8 billion reduction in domestic spending made available in the Senate Appropriations Committee-passed bills last year. Finally, this legislation includes a provision which would impose a 1.6 percent across-the-board reduction on all domestic spending and Senator GREGG's amendment increased that across-the-board cut to 2.9 percent. Together, these actions will dramatically reduce domestic spending and will force punitive cuts in many programs crucial to the future of our low- and moderate-income families, our children, and our economy. It is obvious that the Republican majority has been forced to impose these dramatic spending cuts in order to hide the huge costs of the tax legislation enacted in the 107th Congress—the benefits of which will accrue primarily to the wealthiest in our society.

I strongly believe that the level of funding included in the omnibus appropriations resolution to improve our homeland security is not sufficient and that additional funding is necessary for several critical initiatives aimed at strengthening our efforts to protect America and its interests. It is unbelievable to me that the President can propose an additional $674 billion tax cut, but can't make a sufficient investment in homeland security, which should be our first priority. Vulnerabilities exist in our homeland security infrastructure and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil." We must act to ensure that the functions needed to better protect our borders, coasts, cities, and towns have sufficient resources to do so.

Specifically, I believe this bill should have provided more money to states and localities to implement President Bush's smallpox vaccination plan, to make the radio equipment of first responders interoperable, and provide emergency planning and training for terrorist attacks. This bill should have made critical investments in our preparedness for biological attack. It should have included more funding to fortify our borders by funding such things as additional Coast Guard patrol boats and improvements to the INS entry and exit system.

Last year I was very involved in the development of the new port security law, which included new rigorous security requirements for our ports. I also worked hard to enact the Aviation Security Act to provide increased security at our airports. Given the vulnerabilities that we know exist in our port and airport security, I am deeply disappointed that the Senate would opt to provide insufficient funding to address these problems. The need to fully fund the TSA cannot be overstated; installing baggage screening equipment in the top 40 U.S. airports alone is expected to cost billions, and to date only one major airport has installed the necessary equipment mandated by the Aviation Security Act. We cannot hope to maintain the confidence of the American people in our ability to secure the nation's transportation system if we fail to adequately fund the legislation we've passed to achieve that goal. These investments are essential if we are to be fully protected from those who threaten our freedom.

I am also concerned that the omnibus appropriations resolution eviscerates the Byrne program. The Byrne program provides a flexible source of funding to state and local law enforcement agencies to help fight crime by funding drug enforcement task forces, more cops on the street, improved technology, and other anti-crime efforts. Massachusetts received over $11.5 million in Byrne funding last year. On countless occasions I have heard from law enforcement officers from Massachusetts about the value of the Byrne program to their crime fighting efforts.

The war against terror has placed unprecedented demands on State and local law enforcement to prevent terrorist attacks and to respond to an attack should one occur. But fighting the war on terror is not the only job that we expect police officers to do. We also expect them to combat the prevalence of drugs in our cities and rural communities, we expect them to keep our homes and families safe from thieves, and we expect them to make us feel secure when we walk through our neighborhoods. We're well aware that the States are facing a severe fiscal crisis—some $75 billion collectively—what priority does it reflect to cut back on support to local law enforcement in this budget and security environment? A wrong-headed one, in my estimation.

The increased accountability and teacher quality requirements of the No Child Left Behind Act necessitate a significant investment in our schools, but the omnibus appropriations bill before the Senate falls short of the needed investment. We must do everything possible to ensure that all children can learn to high standards, which is the goal of the No Child Left Behind Act. States, districts, schools, and teachers are diligently working to meet the stringent requirements of the new law at a time when they are facing shrinking education budgets due to the state fiscal crisis. Twelve states cut K-12 education spending last year and another eleven are poised to do so this year.

The omnibus appropriations bill includes an increase of only $1 billion for the Title I program—the education program that provides resources for the most economically disadvantaged students in the country. This amount is $4.65 billion short of the level authorized by the No Child Left Behind Act. The Department of Education announced that 8,652 schools will begin the 2002-2003 school year "in need of improvement." How will these schools be able to perform if they are not provided with the resources to attract and retain high-quality teachers and to implement reforms that will ensure all children can learn to high standards? As I stated many times during debates on the No Child Left Behind Act, tough accountability requirements without sufficient resources to meet the requirements is cruel to students, teachers, administrators, and parents. Ultimately it will undermine the success of this education law.

I strongly believe we must include additional funding in the omnibus appropriations resolution to increase the maximum Pell grant award from $4,100 to $4,500. Pell grants are extremely important in helping financially needy students enroll and stay in college, many of whom would not otherwise have the opportunity to attend college. According to "Empty Promises", a report released in June 2002 by the congressionally mandated Advisory Committee on Student Financial Assistance:

> . . . this year alone due to record-high financial barriers, nearly one-half of all college-qualified, low- and moderate-income high school graduates—over 400,000 students fully prepared to attend a four-year college—will be unable to do so, and 170,000 of these students will attend no college at all.

If we are to reduce income inequality in this country, then we must support students who are academically prepared to attend college, but do not have the financial means to do so on their own. Unfortunately, this funding was not included in the spending bill we are considering today. Our Nation's schools and our children deserve better.

Today, we are not meeting our promises to our veterans. The Department of Veterans Affairs—VA—has consistently received inadequate resources to meet rising medical costs and a growing demand for its health services. In November 2001, Secretary of Veterans Affairs Principi identified a $400 million funding shortfall for fiscal year 2002. As a result of this shortfall, more than 300,000 veterans throughout the country are on waiting lists for medical care, and many must wait 6 months or longer for an appointment to see medical staff. Although Congress provided $417 million for veterans health care as part of the FY 2002 emergency supplemental spending bill, passed in July 2002, the President agreed to spend only $142 million of the approved funds. In addition to the fact that the VA health system must now overcome the severely inadequate amount provided in fiscal year 2002, the VA has also been operating at last year's funding level since the onset of the 2003 fiscal year in October.

This funding crisis has forced the VA health system to resort to short-term fixes, such as discontinuing outreach activities in an effort to reduce enrollment, instituting new regulations that require the rationing of health care, and most recently excluding priority eight veterans from care. Moreover, the VA has already reduced services at a number of facilities throughout the country and has closed some facilities altogether. It is crucial for the VA to receive an appropriate increase in fiscal year 2003 medical care funding. For this reason I circulated a letter cosigned by 39 of my colleagues, urging the appropriations committee to assure that the $23.9 billion previously provided in both the Senate and the House Appropriations Committee bills—a $1.2 billion increase over the President's request—was not decreased. Instead, the Republican majority has decided to impose a 2.9 percent reduction to this funding level. Our nation's veterans deserve better.

Today, our nation is also facing an affordable housing crisis. For thousands upon thousands of low-income families with children, the disabled, and the elderly, privately owned affordable housing is simply out of reach. Recent changes in the housing market have further limited the availability of affordable housing across the country, while the growth in our economy in the last decade has dramatically increased the cost of the housing that remains.

The Department of Housing and Urban Development, HUD, estimates that more than 5 million American households have what is considered "worst case" housing needs. Since 1990, the number of families that have worst case housing needs has increased by 12 percent—that's 600,000 more American families that cannot afford a decent and safe place to live.

Earlier this month, HUD also announced plans to dramatically reduce the amount of funding available for the operation of public housing by up to 30 percent. This would cost the city of Boston approximately $13 million in housing funding during fiscal year 2003. This additional across-the-board cut would impose even further cuts in the operation of public housing. This is simply unacceptable to those who depend upon housing assistance.

I am also very disappointed at the inclusion of Section 213 in VA-HUD and Independent Agencies section of the omnibus appropriations resolution. This provision repeals of Section 9(n)(1) of the United States Housing Act and Section 226 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999. Repealing this important law will stop 7,000 locally developed housing units in the State of New York and 5,000 housing units in the Commonwealth of Massachusetts from being eligible for public housing operating and capital funds from HUD. Those who receive public housing assistance in Massachusetts and around the Nation deserve better.

Above and beyond those issues, I have significant concerns about the anti-environmental riders in this package. The Tongass Rider, a prime example, locks citizens out of the courts, thwarting legal challenges to the Bush administration's rewrite of the Tongass' land management plan and its failure to recommend any new wilderness in the nation's largest intact temperate rainforest. The Yazoo Pumps rider expedites construction of the largest water pump project in the world right on the Lower Mississippi River Basin, destroying as much as 200,000 acres of ecologically rich wetlands—not even the administration recommended funding for the Yazoo Pumps in its fiscal year 2003 budget. These are serious riders affecting our Nation's wild lands in serious ways and they do not belong in any legislation passed by the Senate, much less tacked on in a sneaky manner as riders to this omnibus bill.

The funding levels included by the Republican majority in the omnibus appropriations resolution and supported by the Bush administration are simply inadequate to meet our Nation's education, homeland security, veterans and housing needs. Our Nation deserves better. That is why I will oppose this legislation and I ask all of my colleagues to oppose this bill as well.

Mrs. BOXER. Mr. President, I will vote against the omnibus appropriations bill.

I agree that it is important to complete work on the fiscal year 2003 appropriations bills. But, while it is important to pass a bill, that does not mean we should pass this bill.

Last year, the Democratic-led Appropriations Committee completed its work on all 13 appropriations bills. The new Republican majority took those bills and had one mission: cut, cut, cut.

The FBI was cut $388 million, eliminating over 1000 FBI agents and surveillance aircraft used to respond to terrorist attacks.

The Food Safety Inspection Service was cut $28 million, eliminating over 600 food safety inspectors.

The National Institutes of Health was cut $809 million, reducing the budget for biodefense by 46 percent and abandoning the plan to double the health research budget over five years—a goal that I worked to establish when I was a member of the Senate Budget Committee.

The Veterans Administration was cut $692 million, meaning that over 200,000 veterans will go without medical services and another 200,000 will remain on the waiting list for care.

Head Start was cut over $395 million, depriving over 21,000 children of early education.

And the funding for After-School programs—the provision of the No Child Left Behind Act that I authored with Senator ENSIGN—was cut $90 million, meaning that 130,000 additional kids will not be able to participate in after-school programs and will be left alone on the streets after school gets out.

These cuts are not acceptable. Yes, we need to pass the appropriations bills, but not this way. We should go back to the drawing board and do it right.

Mr. McCAIN. Mr. President, like many of my colleagues, I am very concerned about the growing number of uninsured Americans. This vulnerable population reached an estimated 41.2 million in 2001 and has surely grown during the recent economic downturn. I believe this is a serious problem facing our Nation and I am committed to working with my colleagues to reduce the number of uninsured Americans, to address their needs and to help all Americans access affordable health care. It is because of this commitment that I strongly support the Community Access Program (CAP) and I am pleased to see that it has been fully funded for fiscal year 2003 in the Senate-passed bill.

In my home State of Arizona and across the country, the CAP program has helped many hardworking Americans, who are neither eligible for State assistance or employer-based insurance, obtain access to health care. Five CAP programs currently operate in Arizona. All of them function differently, but together the programs help thousands of Arizonans access affordable health care. These programs are particularly critical in the southern border region of and in the northern rural areas of my State, where the programs provide outreach services to low-income and non-English speaking patients. One program, the Pima Community Access Program (PCAP) works with doctors and hospitals to negotiate reduced rates for its members, and in some cases has successfully reduced the cost below that of our state Medicaid program.

The simple fact is that these programs are providing an invaluable service for the people of my State and across the country. CAP is one of several federally funded programs that exist to provide assistance to the uninsured. It is a merit-based grant program that allows local communities to develop plans that will best provide assistance to their uninsured populations. I believe that not only do we need to ensure funding for this important program, but we must also look towards expanding other successful programs and creating new innovative programs, like CAP, to address the needs of this vulnerable population.

Mr. STEVENS. Mr. President, third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed, and the joint resolution to be read the third time.

The joint resolution was read the third time.

Mr. STEVENS. Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, shortly we will be having our last vote of the evening on passage of the appropriations bill. I congratulate our two managers, and I thank all of our Members for their cooperation.

I will outline what our schedule will be so Members can plan. The Senate will be in a pro forma session on Friday. No business will be conducted tomorrow. The Senate will not be in session on Monday. We will next convene on Tuesday.

As a reminder, the President will deliver his State of the Union Address on Tuesday evening and Senators are asked to be in the Chamber beginning at 8:30 that evening. I expect there will be several important nominations available for consideration next week.

In addition, there may be other legislative matters and therefore rollcall votes are possible during next week's session. I do not anticipate any rollcall votes prior to Wednesday of next week. There will be further announcements as scheduling of those votes becomes more clear.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—69

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—29

Akaka
Biden
Boxer
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham (FL)
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NOT VOTING—2

Harkin
Inouye

The joint resolution (H.J. Res. 2), as amended, was passed.

(The joint resolution will be printed in a future edition of the RECORD.)

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses and the Chair appoints 29 members of the Appropriations Committee as conferees on the part of the Senate.

The Presiding Officer appointed Senators STEVENS, COCHRAN, SPECTER, DOMENICI, BOND, MCCONNELL, BURNS, SHELBY, GREGG, BENNETT, CAMPBELL, CRAIG, HUTCHISON, DEWINE, BROWNBACK, BYRD, INOUYE, HOLLINGS, LEAHY, HARKIN, MIKULSKI, REID, KOHL, MURRAY, DORGAN, FEINSTEIN, DURBIN, JOHNSON, and LANDRIEU conferees on the part of the Senate.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator SPECTER be added as an original cosponsor of Senate amendment No. 167. It was our error.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I want to express my deep appreciation to the chairman of the Appropriations Committee, to the distinguished ranking member, Senator BYRD, and to their staffs who very patiently for the last week have been working on this literally 24 hours a day. Terry Sauvain and Steven Cortese have really showed great leadership throughout on the completion of a very critical bill. I especially thank the staffs very much but also the chairman and the ranking member.

Mr. MCCAIN. Mr. President, I have a long statement concerning the bill. There are colleagues of mine waiting. Senator KYL, my friend and colleague from Arizona, would like to talk about Korea. But I want to talk about the sense-of-the-Senate amendment on Korea.

First, I would like to make a few comments about the bill that just passed. This is a very massive piece of legislation. Obviously, there were many legislative authorizations about which I was pleased to hear the distinguished chairman of the Appropriations Committee complain. But there are several in the area of water projects—the Yazoo Pump project in central Mississippi and Devils Lake in North Dakota.

I would like to point out a couple of items of interest.

Report language directs the Agency for International Development to provide at least $2.5 million to the Orangutan Foundation located in Indonesia. The foundation likes to call the orangutan "the neglected ape." Luckily for them, they are not being neglected by the Appropriations Committee. The appropriators not only like orangutan, they are also fond of gorillas. The committee gave $1.5 million to groups such as the Dian Fossey Gorilla Fund.

I do not know why we stop at gorillas. What about man's best friend? What about other species around the world that are endangered? I am sure that animal lovers throughout the world would be pleased to know that we are not just selecting orangutans and gorillas for millions of the taxpayers' dollars, which brings us to the lowly catfish.

Many of my colleagues will remember that last year the lowly catfish was designated as not a catfish but basa, depending on where it was raised. If it was raised in a pond in Vietnam, it was called basa. If it was raised in Arkansas, Mississippi, or other Southern States, it was called a catfish—a very interesting interpretation of species of animals.

Now the Appropriations Committee has done another marvelous feat; that is, we have now concluded that the lowly catfish, heretofore unknown, is related to the cow. In the emergency disaster relief section of this bill a provision was included that would qualify catfish farmers for livestock compensation payments. Perhaps the livestock compensation program is a Federal farm program that compensates eligible livestock producers such as owners of beef, dairy cattle, sheep, goats or certain breeds of buffalo that have suffered losses or damages as a result of the severe drought.

I discussed this issue with some of my colleagues. The distinguished President informed me that catfish in Tennessee many times walk on land and are seen to be moving about the countryside foraging in various places. That helps me understand the logic of designating the catfish as livestock.

My friend, Mr. ENZI of Wyoming, said he heard that trout can easily die in certain conditions. Trout can easily die. Certainly the same could be said about catfish. That could take place with catfish as well.

I often take issue with various farm policies that disproportionately benefit large agribusinesses or farms at the expense of small farmers and taxpayers or those who compromise American agricultural trade commitments. This effort to compensate catfish farmers from a farm program intended for livestock stands out. I am certain that catfish proponents will offer a dozen different explanations to justify this provision. But hogs, poultry, and horse producers are not eligible under the livestock compensation program. I wonder why catfish should get livestock payments when those worthy animals are excluded, such as hogs, poultry, or horses.

I think it is important for us to recognize that we have now a new category of livestock; and that is catfish. Catfish lovers, and I count myself as one, all over America will be very grateful to know not only are they a tasty treat, but they are eligible for disaster payments so that we can keep Americans supplied with catfish under any circumstances, drought or no drought.

Also, in the recent 2002 farm bill, domestic catfish proponents were successful, as I mentioned, in banning all catfish imports by requiring foreign catfish be labeled as something other than catfish.

I want to mention a few others and make a couple of comments about them.

Included in the bill are earmarks, among many others, such as $200,000 for the Anchorage People Mover in Alaska. Strangely, as I have mentioned in the past on numerous occasions, you will find many earmarks that are designated for the great state of Alaska; $250,000 for the Mary Baldwin College in Staunton, VA, for the Center for the Exceptionally Gifted. Now, my dear friends, they are exceptionally gifted because they have just received $250,000 for the exceptionally gifted. Not many colleges around the country are as lucky and exceptionally gifted as the young men and women at the Mary Baldwin College in Staunton, VA. And $1.5 million for WestStart's Vehicular Flywheel Project in the State of Washington.

One of the unfortunate aspects about an appropriations bill is that quite often, or most of the time, there is not an explanation. As I remember flywheel projects, it seems to me that was a perpetual motion machine. But it is something on which I think we should continue to make an effort. So we have decided to gift WestStart's—I don't know who WestStart's is. I know they are located in the State of Washington—$1.5 million to continue that effort. And $1 million for the National Center for the Ecologically Based Noxious Weed Management at Montana State University.

I think families all over America that have noxious weeds in their yards would be pleased to know that we are continuing a multimillion-dollar effort over a many-year period of time at the uniquely qualified Montana State University to try to get rid of these noxious weeds, or at least manage them, because I don't think they claim to remove noxious weeds. It is just a management program.

There is $600,000 to treat waste on small swine farms in South Carolina. I don't know if that means for small animals or small farms; that was not designated—perhaps both. It is in South Carolina. Since it is only $600,000, we all know it is chicken feed.

But my favorite—I will get to my favorite—again, strangely enough, $100,000 for the Alaska Sea Otter Commission.

There is $300,000 to the Southern Regional Research Center at New Orleans, LA, for termite detection systems, evaluation of wood products for protecting building materials, and bait technology.

Bait technology is something that all of us who love to fish will be very interested in hearing about. As we all know, for those of us who love to fish, bait technology is an intricate and very difficult challenge. So I can certainly see why the Southern Regional Research Center in New Orleans, LA, would be qualified.

There is $200,000 to study seafood waste at the University of Alaska. "Seafood waste"—I am not exactly sure what that means, but I am sure it is an important study.

There is $300,000 for the Old Stoney feasibility study in Wyoming. Old Stoney, he has been in there before—Old Stoney. And, again, I am not sure exactly what Old Stoney is. I think he is a building, but I am not sure. And I don't know what the feasibility or nonfeasibility is of Old Stoney.

There is $650,000 for grasshopper and Mormon cricket activities in the State of Utah. I don't know exactly what activities the Mormon crickets engage in and grasshoppers, but they are going to have $650,000 to engage in their activities.

Finally, because my colleagues are waiting to speak, there is $1 million for a DNA bear sampling study in Montana. I have to repeat that: $1 million for a DNA bear sampling study in Montana.

Up to this time, in my limited knowledge and experience, I had only known that DNA studies were to determine paternity in the commission or noncommission of a crime. But perhaps there are other uses. And I am not really familiar with a lot of the bears that live up in Montana. But this is really quite a remarkable study—a remarkable study—$1 million.

And I don't know how many bears there are in Montana, but I wonder if probably that amount of money is very significant, because I think it would be very hard to hire people who are eager to go out and get a DNA sample from a grizzly bear. In fact, I would be very interested in knowing the methodology as to how this DNA sampling is obtained from these grizzly bears.

So I wish them all luck up there in Montana. We will eagerly await the results of the DNAs of these bears. And any of them that have been guilty of the commission of some serious crime, I am certain it will help us in identifying them. I do agree that it is very difficult to tell one from another. So that is probably why the DNA is warranted here, as I am sure the Senator from Alaska would allege and the good folks up in Montana who have been plagued with a lack of ability to identify the bears according to their DNA now for several generations.

So I do believe, in a moment of seriousness, we really need to scrutinize some of these appropriations items more carefully. They do amount to a great deal of money. Again, I see this legislating on appropriations continuing, which I think is an unfortunate practice.

I congratulate the distinguished manager of the bill with the efficiency and dispatch in which he handled the legislation today. I congratulate him for his hard work in providing much needed funding so we can now begin next year's efforts. And I look forward to being able to do this 13 times in the coming year rather than just once or twice.

Mr. President, I ask unanimous consent to yield to the Senator from Arizona concerning a sense-of-the-Senate amendment.

Mr. BOND. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, that was a very enlightening speech, but I wonder how long the Senator wishes to speak. There are several others who want to speak. I understand it is only for 3 minutes; therefore, I will not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 57, AS MODIFIED

Mr. KYL. Mr. President, obviously, the subject which I will speak to is a very serious one and requires a lot more discussion than we are going to give it this evening. But the reason Senator MCCAIN and I offered the sense-of-the-Senate resolution on North Korea was to begin to shed light on this most difficult problem and to give voice to the Senate feelings so that everyone could appreciate the fact that the Senate views this as an incredibly important problem that requires us to pay a lot more attention to it and that requires the President to have additional tools to deal with it.

Mr. President, I ask unanimous consent that Senator BROWNBACK of Kansas be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, one of the primary reasons that Senator BROWNBACK is interested in this matter is because the last portion of this amendment talks about the fact that North Korea, alone among nations in the world, does not participate appropriately in the distribution of food aid assistance under the World Food Program.

The United States is the largest provider of food aid to North Korea, some $620 million since 1995. Yet North Korea does not comply with the World Food Program requirements to ensure that the food we provide actually gets to its intended beneficiaries. They, instead, divert much, if not most, of that food aid—that we desire for humanitarian reasons, to keep the people of North Korea fed, at least in a modest way—to its military industrial complex.

What this sense of the Senate does is to make it clear that the Senate believes that North Korea is in violation of agreements that it has signed not to develop nuclear weapons, that it is in violation of the agreed framework—by its own actions it has been declared null and void—that a diplomatic solution desirable in this situation must achieve the total disarmament of North Korea's nuclear weapons and their production capability, and that the United States and other allies in the region must take measures to ensure the highest possible level of deterrence and military readiness in the event that something there should occur.

So what we want to do by this sense of the Senate—as I said, the subject is far too serious to be dealt with in just a perfunctory way, but at least we hope this sense-of-the-Senate resolution, which was adopted earlier this evening, will begin the debate in the Senate, will enable us to make clear to the rest of the world that we view this situation seriously, that we support the President's efforts to try to achieve a resolution of it in a way that will result in the dismantlement of the nuclear program in North Korea and, frankly, will expose its horrendous practice of taking food aid with which the rest of us intend to keep the people of North Korea alive and diverting that for the military in North Korea. It will expose that problem to the light of day so we can begin to get that food to the people who deserve it.

Mr. MCCAIN. Mr. President, the amendment Senators BAYH, KYL, SESSIONS, and I offered expresses the sense of the Senate that North Korea must immediately comply with its international obligations to abandon and dismantle its nuclear weapons programs. As the administration explores a diplomatic solution to the crisis with North Korea, we believe it is important for the Senate to send Pyongyang a clear message that flagrant disregard for its commitments to the United States and the international community remains unacceptable.

Our amendment highlights North Korea's violation of both the Agreed Framework and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula. It expresses the Sense of the Senate that the Agreed Framework, as a result of North Korea's own actions, is null and void, and that North Korea must immediately come into compliance with its obligations under the Non-Proliferation Treaty and other commitments to the international community.

Our amendment states that North Korea's pursuit and development of nuclear weapons represent a serious threat to the security of the United States and our allies; that any diplomatic solution to this crisis must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability, backed by intrusive inspections; and that the United States and our regional allies should take measures to ensure the highest possible levels of deterrence and military readiness in the face of the North Korean threat.

We have also worked with Senator LUGAR to craft language calling on North Korea to allow full verification of food aid assistance by providing the World Food Program access to all areas of North Korea and permitting the WFP to undertake random inspections. Since 1995, the United States has been the single largest food donor to North Korea, providing $620 million in food aid assistance. We must have confidence that this assistance is going to hungry North Koreans, not the country's political and military elite. I thank the Senator from Indiana for his contribution.

North Korea's pursuit of a nuclear arsenal directly threatens the security of the American people. Those who counsel a return to the status quo fail to grasp the danger of rewarding threats and retreat and concession.

We all hope for a diplomatic solution to the current crisis. But as we have seen in the debate over Iraq and in our previous dealings with Pyongyang, our desire for peaceful outcomes cannot blind us to the dangers of policy drift or diplomatic accommodation in the face of compelling threats to our security.

North Korea and Iraq present different faces of the same danger. I believe North Korea poses a greater danger than Iraq, and confronting it presents a more difficult challenge. That is all the more reason to take whatever action necessary to prevent Saddam Hussein from becoming a threat of equal magnitude, and just as difficult to confront.

But the greater difficulty of resolving the Korean crisis is not the central concern. The greater danger it poses is. This doesn't absolve us of the responsibility to meet and overcome the threat any more than it replaces the necessity of overcoming the threat from Iraq. Nine years ago we faced a difficult set of options in dealing with North Korea. We chose to avoid them, and our irresolution has placed us in even greater danger. I hope we don't make the same mistake again.

Our security depends on preventing North Korea from possessing a nuclear arsenal. That must be the primary object of our diplomacy. Freezing Pyongyang's nuclear program in place while we and our allies prolong the reign of the world's last Stalinist regime does not accomplish that objective, but merely encourages future attempts at nuclear blackmail. In my view, only if North Korea is prepared to surrender the enriched uranium it secretly attained, the spent fuel rods that would yield enough plutonium for three to five nuclear weapons, as well as dismantle the reactor and reprocessing plant it now threatens to restart, should we or any other country consider any assistance that might help North Korea escape the certain destiny of a failed state.

I am pleased the Senate is going on record in its clear support for North Korea's nuclear disarmament, a rigorous inspection regime in any diplomatic agreement that is reached, the highest possible level of military readiness against the threat North Korea poses, and full and effective monitoring of food aid assistance. The burden is on North Korea to comply with its obligations, not on the United States to refrain from telling the truth about this rogue regime, or facing the consequences of the grave threat it poses to our people and our interests.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 6, AS MODIFIED

Mr. COLEMAN. Mr. President, I know it is late, but I did want to say a few words about Paul and Sheila Wellstone before we left today.

I am deeply gratified one of the first subjects that brings me to my feet in this Chamber is the memory of Paul and Sheila Wellstone.

I knew them both well. I was their mayor. I campaigned for them. I campaigned against them. At times I agreed with them, and at times I strongly disagreed with them. It is a measure of the humanity and integrity of Paul and Sheila Wellstone that even those who disagreed with them always respected and admired the enthusiasm, the passion, and the courage with which they pursued their vision.

This fall I had planned to contest an election against the Senator. I never dreamed I would be mourning his death. I was his political opponent. And, as two fighters at the end of a boxing match who embrace each other after the final bell has rung, I am sad for myself we never had that moment.

This body began the good work of providing a living memorial to Paul and Sheila and the others who died. We are proud that it will be in St. Paul, the city I served as mayor. It is a Paul and Sheila Wellstone kind of place. It is literally where the East meets the West. Since Paul came from the East, as I did, he probably felt very much at home in our ethnic neighborhoods, filled with middle-class working families. It has been a destination for immigrants, as were the Wellstones a generation back. It is a city of hard work and big dreams, the soul of who Paul and Sheila were.

We have the opportunity to retain that spirit; and that is the Paul and Sheila Wellstone Center for Community Building.

It will be a 93,000-square-foot building. A community center is a poor substitute for the real thing—Paul and Sheila themselves—but it is worth doing, providing a safe place where kids can play and learn, where families can receive training and support and community members can be organized to fight injustice and partake in the American dream.

In the spirit of Paul Wellstone, I should probably be out here trying to triple the funding because he was always pushing the edge, but I was sent here by my constituents with a more conservative vision. I simply urge my colleagues to support the funding level for the Paul and Sheila Wellstone Center authorized last year. I honor Paul and Sheila's memory today and will strive to be worthy of the example they set throughout the time I am in this place.

I had introduced an amendment and intended to offer it today to increase the appropriations amount for the Paul and Sheila Wellstone Center from $3 million currently in the bill to the full funding level of $10 million. However, I understand and very much appreciate the fact that my good friend, the chairman of the VA-HUD appropriations subcommittee, along with other distinguished managers of this bill, has agreed to increase the amount to $5 million and to ultimately provide full funding at $10 million in the conference report to accompany this legislation.

Mr. BOND. Mr. President, if the Senator from Minnesota will yield.

Mr. COLEMAN. I am happy to yield to my friend, the distinguished chairman of the VA-HUD appropriations subcommittee.

Mr. BOND. I commend the Senators from Minnesota for their tribute to our colleague, to Paul Wellstone and to Sheila Wellstone, Senator and Mrs. Wellstone.

We know what a priority this is for them and for the people of Minnesota. We commend their devotion. I know I speak for my colleagues in the Chamber when I say we want to do everything we can to help ensure that the Paul and Sheila Wellstone Center for Community Building serves as a successful living memorial to the two fine friends we have lost.

In order to do this, we have, working with my distinguished ranking member, the Senator from Maryland, increased the appropriations in this bill from $3 million to $5 million. I assure the Senators that Senator MIKULSKI and I will work together with our counterparts in the House to achieve full funding, $10 million, for the Paul and Sheila Wellstone Center. This is something which we understand is very important, and they have our commitment to work very hard to see that those dollars are made available.

I thank the Chair and my colleague from Minnesota.

Mr. COLEMAN. Mr. President, I thank the distinguished chairman for his assistance on this matter that is so important to me and all the people of the State of Minnesota. I know Senator Wellstone and his wife will be honored by the tribute we pay them today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I appreciate the words of the chairman of the subcommittee, the Senator from Missouri. I appreciate the Senator staying here to engage my colleague from Minnesota and myself in this colloquy.

I accept as a matter of good faith the sincerity of the words expressed on the floor and also in conversation with the chairman of the full Appropriations Committee, Senator STEVENS from Alaska, that this full funding will be sought in conference with the House. In a moment now of suspension of disbelief and cynicism, I will trust and believe that actually will occur.

I must say, nothing I have seen so far in this process has persuaded me that this result is going to occur. Obviously, what happens here is decided by the actions of the 100 of us, and the House the same. Before my distinguished colleague from Minnesota was sworn in last November, Senator Wellstone's immediate successor, Senator Dean Barkley, in his 2 months as a Senator from Minnesota, distinguished himself in a number of ways. One of them was getting the support of the administration and the House-Senate Democratic and Republican caucuses and leaderships to a $10 million authorization for this center that will be named after and honor the memory of Paul and Sheila Wellstone.

Ten million dollars is certainly real money, but in the scheme of a $690 billion bill, it is a tiny speck. As we heard from Senator MCCAIN earlier, there are projects of far less merit that have been funded at significantly higher amounts than this particular project. It is hard to listen to all of that and see how some of these projects that are not supported get in because a certain somebody is in favor of them. On a project such as this, which the entire Senate, only 2 months ago, voted unanimously to authorize at $10 million, I understand full well that is not an appropriation, but it was certainly the expectation when this vote was taken that $10 million was going to be needed and provided in a way that the memory of Paul and Sheila Wellstone could be recognized and acted upon and, in the spirit in which this project was passed, with unanimous, bipartisan support, that amount would be realized. Then we come back and hear at the beginning of this week that, in fact, only $3 million out of the $10 million was appropriated. Senator COLEMAN, to his credit, worked very hard this week within his caucus to raise that amount, I am told, to a commitment to $5 million.

I know how difficult it is for a freshman Senator in the first 2 years to get $2 million in this process. So I give the Senator from Minnesota high praise for getting $2 million in his first month. Nevertheless, that is only half of the commitment.

To me, it is shameful that we are quibbling over this kind of funding for something that the entire Senate ought to be doing because they said they would do it, because it is the right thing to do.

Paul Wellstone was my friend of 22 years and colleague for the last 2 years. I would feel the same way if it were a member of the other caucus and if it were somebody whose ideological views were totally the opposite of mine. This man gave his life in the service of his country. His wife lost her life, and his daughter lost her life. There but for the grace of God go any one of us who get on these planes and fly around.

For the Senate to have made a commitment and then failed to honor that commitment in full without any of this finagling is disgraceful. To pretend that 5 is really 10 and half is really whole and we will get it next time or the next round in the process when, with our own opportunity right here in front of us, we failed to do so—again, I will trust, but as President Reagan said: Trust, but verify.

The State of Minnesota will be watching this process in conference to see if in fact we can count on the words that have been expressed here tonight.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business and Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN HONOR OF CAPTAIN KEVIN BAKKE

Mr. DASCHLE. Mr. President, I come to the floor today to honor a great American and a valued public servant. Captain Kevin Bakke of the South Dakota Highway Patrol has served the people of South Dakota for more than 27 years. In his most recent capacity as the District One Commander in my hometown of Aberdeen, he oversaw all the law enforcement functions of the highway patrol for the northeastern region of South Dakota. His affable style of leadership is respected and well-liked by all those who know him.

During his 27 years as a law enforcement officer, Captain Bakke has served in various posts throughout the State of South Dakota. His talents were widely recognized by his peers and colleagues alike.

Kevin Bakke began his law enforcement career in 1975 as a trooper in Rapid City, was promoted to squad sergeant in Huron, and then to lieutenant in Aberdeen. Most recently, he has served capably as one of four captains in the South Dakota Highway Patrol.

Captain Bakke's absence will leave a void in the highway patrol, as many will miss his quick smile and skillful leadership. The citizens of South Dakota have been in good hands under Captain Bakke's protection. As he retires from the South Dakota Highway Patrol, I want to commend him for his extraordinary service to the people of our State, and to wish him the best in his new endeavors with the Transportation Security Administration.

RECOGNIZING THE NATIONAL CENTER FOR HEALTHY HOUSING'S 10TH ANNIVERSARY

Mr. REED. Mr. President, I rise today to recognize the National Center for Healthy Housing as it celebrates its 10th year of protecting children from residential environmental hazards while preserving the supply of affordable housing.

The National Center for Healthy Housing was founded in 1992 as the National Center for Lead-Safe Housing to address the No. 1 environmental health problem facing our Nation's children, childhood lead poisoning, and the threat that lead paint posed to the preservation of our Nation's affordable housing stock. Since its inception, the center has become our country's preeminent source of technical and practical information on reducing the threat of lead paint hazards in housing. The center was responsible for publishing the first comprehensive technical guidelines for evaluating and controlling lead paint hazards in housing, which are still being used today. The center conducted a scientific evaluation of 14 projects funded by the Department of Housing and Urban Development, (HUD), Lead-Based Paint Hazard Control Grant program. The evaluation yielded important information about the effectiveness of lead hazard control treatments and the results continue to inform national lead poisoning prevention policy. The center also published a groundbreaking scientific study on the relationship between settled lead dust levels and blood lead levels in children. It was this study that highlighted the insidious nature of the hazardous dust generated from lead-based paint.

Despite its many research accomplishments, the center is perhaps best known for its unique ability to translate scientific research and Government regulations into results. When HUD published its final lead-safe housing regulation 2 years ago, communities expressed concern about the lack of trained personnel to carry out the rule's requirements. In response, the center administered training to over 14,000 individuals across the country, enabling them to perform the lead-related services required by the rule. When local housing programs expressed a need to better understand the rule's requirements and how to incorporate them into the Community Development Block Grant and HOME programs, the center provided training to over 2,000 housing program staff in over 40 communities.

Today, as the National Center for Healthy Housing, the center continues its commitment to childhood lead poisoning prevention and is expanding its expertise to other environmental hazards in the home such as mold, allergens, and other irritants.

As we celebrate the center's 10th anniversary, I would also like to pay tribute to its founding director, Nick Farr. Mr. Farr retired last October after a long and distinguished career in both the public and private sectors. Much of his professional experience was in the areas of housing finance, housing and urban development, and housing-based lead poisoning prevention. A graduate of Yale Law School, Mr. Farr spent the 1950s and early 1960s in private practice. In 1962, Mr. Farr joined the Agency for International Development at the U.S. Department of State as Deputy Assistant Administrator for the Near East and South Asia economic assistance programs. Five years later, President Lyndon Johnson appointed him Director of the Model Cities Administration at the U.S. Department of Housing and Urban Development. In the 1970s, Mr. Farr was a New York University law professor before joining the U.S. Department of Commerce as General Counsel to the Economic Development Administration in 1977. In 1979, Mr. Farr was appointed General Deputy Assistant Secretary for Community Planning and Development at the U.S. Department of Housing and Urban Development. Then in the 1980s, Mr. Farr was Executive Director of the California Housing Finance Agency, Executive Vice President of the Wells Fargo Mortgage Company in California, and Vice President for Field Services at The Enterprise Foundation. During his tenure with The Enterprise Foundation, Mr. Farr served on the board of directors of a nonprofit housing developer based in Baltimore that focused on creating affordable, lead-safe housing units. As a result of his service on this board and his accumulated professional experience, in 1992, Mr. Farr conceived of, and created, the National Center for Lead-Safe Housing. As the founding director of the center, Mr. Farr helped spearhead a variety of public and private initiatives to protect our Nation's children from residential lead hazard exposures.

I ask my colleagues to join me in saluting Nick Farr's legacy and the profound impact that the National Center for Healthy Housing has had and continues to have on the creation and maintenance of safer and healthier affordable housing for low-income families across our Nation.

ON LIBYA'S CHAIRMANSHIP OF THE U.N. HUMAN RIGHTS COMMISSION

Mr. SMITH. Mr. President, I rise today to speak about the selection of Libya this week to head the U.N. Human Rights Commission. Libya's taking the helm of the U.N. Human Rights Commission makes a mockery of that institution and deprives the U.N. and the world at large of credible leadership from that position at a critical time.

It is a well established fact that Libya's totalitarian regime under Muammar al-Qadhafi has had an abysmal human rights record and has been a leading state sponsor of terrorism. The most widely publicized incident was the 1988 bombing of Pan American Airways flight 103 that resulted in 270 deaths. The Iran Libya Sanctions Act, ILSA, was extended until August 2006 due to such support for terrorism, attempts to acquire weapons of mass destruction, and belligerency over territorial claims. I was proud to author the ILSA extension in the last Congress.

The Libyan government must improve its standing in the international community by ceasing support to terrorists and moving towards a more democratic system. Under current circumstances, however, this chairmanship will be sadly devoid of leadership by example. Libya's ascendancy to the chairmanship of the Commission has dealt an appalling blow to the cause of human rights and to the credibility of that U.N. body.

Last week my great friend and colleague, CHUCK SCHUMER, the senior Senator from New York, urged Secretary Powell to do all that he could to prevent this travesty.

I ask unanimous consent to have this letter from Senator SCHUMER and me printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 16, 2003.

Hon. COLIN L. POWELL,
Secretary of State,
Washington, DC.

DEAR SECRETARY POWELL: We were greatly troubled to learn that Libya has been nominated by the African delegation to lead the U.N. Human Rights Commission and stands to potentially assume that key leadership role in a vote at the UN on Monday, January 20. We share the opinion of our respected colleague from the House International Relations Committee that Libya's ascendancy to that position would deal a significant blow to the cause of human rights.

Libya, under Muammar al-Qadhafi, has an abysmal human rights record and has been a leading state sponsor of terrorism. The most widely publicized incident was the 1988 bombing of Pan American Airways flight 103 that resulted in 270 deaths. As you are well aware, the Iran Libya Sanctions Act (ILSA) was extended until August 2006 due to such support for terrorism, attempts to acquire weapons of mass destruction, and belligerency over territorial claims.

We hope that the Libyan government will improve its standing in the international community by ceasing support to terrorists and moving towards a more democratic system. Under current circumstances, however, Libya's taking the helm of the UN Human Rights Commission would make a mockery of that institution and deprive the UN and the world at large of credible leadership on human rights at a critical time.

We believe that your personal leadership may be required to secure an acceptable outcome in the vote next Monday. Toward that end, we urge you to speak out on the human rights situation in Libya and to consider interceding with relevant delegations so that wisdom might prevail.

Thank you for your attention to this matter. We look forward to continuing to work with you, and appreciate your consistent efforts to promote respect for human rights.

Sincerely,

GORDON H. SMITH.
CHARLES E. SCHUMER.

STOLEN FIREARMS, ARMING THE ENEMY

Mr. LEVIN. Mr. President, last month Americans for Gun Safety, an organization which seeks to educate Americans on existing gun laws and new policy options for reducing access to guns by criminals and children, released a report entitled Stolen Firearms, Arming the Enemy. This report examines the effect of stolen guns on communities. According to the report, nearly 1.7 million firearms have been reported stolen since 1993. These stolen guns are frequently used later in committing crimes and fuel the black market for guns. Most of the estimated 170,000 guns stolen each year are never recovered.

The accessibility of stolen firearms was earlier highlighted by a 1997 Department of Justice survey of 33,731 state prison inmates. The survey found that nearly 10 percent of the inmates used a stolen firearm to commit the crime that put them in prison.

The Americans for Gun Safety report points to several factors that contribute to a state's firearm theft rate, such as gun ownership rates, overall crime rates, and safe storage laws. The report notes that the eighteen states with safe storage laws had firearm theft rates nearly 30 percent below that of States without safe storage gun laws. Additionally, over the last 10-year period, theft rates declined by at least 47 percent in States with safe storage laws compared to 30 percent in States without such laws.

As the Americans for Gun Safety report illustrates, safe storage laws can help prevent criminals from gaining access to firearms. Federal safe storage laws aimed at protecting children may have the added benefit of preventing gun theft. Last Congress, I cosponsored Senator DURBIN's Children's Firearm Access Prevention Act. Under this bill, adults who fail to lock up loaded firearms or unloaded firearms with ammunition can be held liable if a weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to legislation President Bush signed into law as Governor of Texas. I believe this is a simple common sense step we can take to reduce gun violence and gun-related crime. I support this bill and I hope the Senate will act on it during this Congress.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 7, 2001 in Mira Mesa, CA. A man of Indian descent was knocked out with a baseball bat in what was described as a hate crime linked to the September 11 backlash. The victim told police he was walking beside the road when he heard someone yell an ethnic slur. He was then hit on the head and knocked unconscious. A woman came to his aid and told him he had been hit by two white males with an aluminum baseball bat. The victim was treated at a local hospital.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

AFFIRMATIVE ACTION IN HIGHER EDUCATION

• Mr. FEINGOLD. Mr. President, I wish to address the importance of maintaining a commitment to affirmative action in college admissions programs.

President Bush, unfortunately, took our nation a step backward when he announced last week that his administration would file an amicus curiae brief with the Supreme Court opposing the admissions policies of the University of Michigan. The President apparently believes that college admissions decisions should never consider the race of applicants, even though he also says that he supports the pursuit of campus diversity.

In 1978, in University of California v. Bakke, the Supreme Court ruled that campus diversity can be a "compelling governmental interest" that justifies reasonable, narrowly tailored affirmative action programs at universities. The Supreme Court said that colleges and universities cannot use quotas to achieve campus diversity, but affirmed that campus diversity can be a worthy goal of college admissions policies. In December 2002, the Supreme Court, for the first time since its Bakke decision, agreed to review two cases that challenge a university's affirmative action programs—Grutter v. Bollinger, which involves the admissions program at the University of Michigan Law School, and Gratz v. Bollinger, which involves the undergraduate admissions program at the University of Michigan.

Some, including President Bush, have criticized affirmative action programs in higher education, like those in place at the University of Michigan, as "quota" programs. They are simply wrong. These affirmative action programs do not set quotas or numerical targets for admitting a certain number of students of a particular race or ethnicity. In fact, the Bakke decision long ago prohibited colleges from employing a quota system. So, for President Bush to suggest that this is a question of whether to support a quota system is a mischaracterization of the issue before the Court.

Some critics have also wrongly stated that affirmative action programs admit students primarily on the basis of race. According to the Washington Post, the President stated that the University of Michigan's admissions system selected students "primarily on the basis of the color of their skin." But again, this is simply not an accurate description of the current law or of how students are admitted to the University of Michigan.

Rather, in most affirmative action programs for college or graduate school admissions, race is simply one of numerous factors that can be considered by admissions officers to create a diverse student body. For example, under the University of Michigan's undergraduate admissions policy, the University considers the entire background of the applicant. Students are evaluated on a 150 point scale to determine their fitness for admission. The vast majority of these points—110 of 150 points—are awarded based on academic achievement. That means grades, test scores, and curriculum. The University also considers other factors like leadership, service, and life experiences. Only 20 points can possibly be awarded on the basis of race. A student who is socioeconomically disadvantaged can also earn 20 points but students cannot earn 20 points for both race and being socioeconomically disadvantaged. Thus, the University does not have a quota or numerical target for minority students, nor does the University admit students primarily on the basis of race.

Like the University of Michigan, most colleges and universities generally give academic records—such as college grades and standardized test scores, the caliber of high school attended, and the rigor of the student's chosen curriculum—the greatest weight in determining whether a student gains admission. But other factors—such as extracurricular activities, race, athletic talent, geographic diversity, or whether students are related to alumni—are also frequently given consideration in the college admissions process. Many colleges give preferences to the children of alumni, and these preferences will often work to the disadvantage of people of color. So, race can be a factor but is not the sole factor in determining admission to college.

I am especially disappointed in the Bush Administration's decision to oppose affirmative action programs because the President has said that he is committed to equal educational opportunities for all America's children. The President has said that education is one of his top priorities. Yet, he has now turned his back on many of the students he promised to help. By submitting an amicus curiae brief to the Supreme Court favoring the abolition of affirmative action programs, the President sends the message that he opposes creating higher education opportunities for minority students, who do not always have the same educational opportunities at the secondary school levels as white students.

I might add, that I believe Congress also has an important responsibility to ensure equal access to higher education. I strongly believe that Congress can do more to ensure that students meet the costs of today's college education. That is why Senator COLLINS and I have recently called for a doubling of Pell Grant funding by 2010. Pell grants are an important support for all low income students, regardless of race. In fact, if it were not for the Pell grant program, many low income students would not have the chance to attend college at all.

The Pell grant, however, does not cover what it once did. The price of a college education at both public and private institutions has increased dramatically. Congress needs to increase the funding of the Pell grant program to keep up with the increasing costs of higher education.

One of the greatest strengths of our nation is its pursuit of equal educational opportunities for all students. Our nation's colleges and universities are the envy of the world for their rigorous curricula and high-caliber professors, but also for their enriching experience of learning in an environment with students who represent a range of racial, ethnic, and social and economic backgrounds representing every part of America, if not the world. I am deeply disappointed that the President decided to put the government of the United States of America on the wrong side of the case where the Supreme Court will address this crucial issue. I hope that the Court will affirm the importance of campus diversity and uphold affirmative action admissions policies that allow colleges and universities to achieve this important diversity.

THE NOMINATION OF GOVERNOR TOM RIDGE AS SECRETARY OF THE HOMELAND SECURITY DEPARTMENT

Mr. JEFFORDS. Mr. President, I rise to speak on the nomination of Governor Tom Ridge to head the newly created Department of Homeland Security. Although I support his confirmation, I would like to elaborate on my expectation that Governor Ridge will be responsive to Congressional committees as he carries out his duties.

As the ranking member on the Senate Environment and Public Works committee, I have been deeply concerned about the creation of this new department. I voted against the legislation creating the Homeland Security Department in part because of concerns about the Federal Emergency Management Agency, FEMA, role in the new organization and its ability to carry out its mission once moved into the Department. The Environment and Public Works Committee, EPW, will continue to have oversight of FEMA within the new department. I fully expect Governor Ridge to answer any and all questions we may have about FEMA's new role in a responsive and timely fashion.

I also expect the Department to act to protect our chemical and nuclear plants from attack and to support legislation such as S. 157, the Chemical Security Act sponsored by Senator CORZINE and myself in the 108th Congress, and favorably reported by the EPW Committee in the 107th Congress as S. 1602, and S. 1746, the Nuclear Security Act sponsored by Senator REID and reported favorably by the EPW Committee in the 107th Congress.

Governor Ridge expressed his concern about these important security issues in testimony before the EPW Committee on July 10, 2002, stating, "The fact is, we have a very diversified economy and our enemies look at some of our economic assets as targets. And clearly, the chemical facilities are one of them." The Washington Post published a letter on Sunday, October 6, 2002 from Governor Ridge and Administrator Whitman expressing the commitment of the Bush Administration to reduce the vulnerability of America's chemical facilities to terrorist attack. In this letter the Governor stated that voluntary efforts alone are not sufficient to provide the level of assurance Americans deserve. I agree with the Governor and expect his engagement in the development of legislation to address this issue.

As Senator LEVIN pointed out in Governor Ridge's confirmation hearing before the Government Affairs committee last week, language contained in section 214 of the implementing legislation for the Homeland Security Department could be interpreted to exempt from disclosure any information included in a voluntary submission, including evidence of illegal activity such as hazardous waste dumping. Further information, even if discovered independently of the submission, could not be used in any action against that company. Even a Member of Congress would be prevented from taking any action with that information.

In other words, this language could give substantial legal shelter to companies acting illegally. The potential environmental consequences of this are enormous.

While I note the potential for this interpretation, I do not believe it is the correct interpretation, and I was heartened to hear that Secretary Ridge shares my views on this. In last week's confirmation hearing, he said, "That certainly wasn't the intent, I'm sure, of those who advocated the Freedom of Information Act exemption—to give wrongdoers protection, or to protect illegal activity. And I'll certainly work with you to clarify that language."

I agree with the Secretary that ambiguities in this language must be clarified to make clear that it is only the physical document being submitted to the Department of Homeland Security that is intended to be protected by this provision. Records generated elsewhere or by other means, even if they contain similar or identical information to that which was submitted to Homeland Security, would not be affected by this provision but would continue to be treated under existing Freedom of Information Act provisions or other applicable law. This allows confidentiality of the information voluntarily submitted to Homeland Security, while still allowing other Government agencies to proceed with their duties under existing law. It also allows the public continued access to information to which it has traditionally been entitled under our public information laws.

I look forward to working with Governor Ridge as he assumes his new post.

GLOBAL AIDS

Mr. KOHL. Mr. President, yesterday, I was pleased to join Senators DURBIN, DEWINE and others in sponsoring an amendment to increase funding to fight AIDS around the world. It is imperative that we do all we can to stem the spread of this deadly and devastating disease.

The latest statistics tell a grim story: The AIDS epidemic claimed more than 3 million lives in 2002, and an estimated 5 million people acquired the human immunodeficiency virus, HIV, in 2002, bringing to 42 million the number of people globally living with the virus. While we are most familiar with the presence of AIDS in Africa, especially sub-Saharan Africa, AIDS is rapidly expanding throughout Eastern Europe, Asia and the Caribbean. By 2010, it is estimated that approximately 40 million children worldwide will have lost one or both of their parents to HIV/AIDS.

The amendment adopted by the Senate would increase our commitment to the United States Agency for International Development's Child Survival and Health Programs Fund by $180 million. Of that amount, $100 million is for a U.S. contribution to the United Nations Global Fund to Fight AIDS, Tuberculosis and Malaria, and $25 million is available for transfer to the U.S. Centers for Disease Control to help in the prevention and treatment of HIV/AIDS. This amount will bring the total U.S. contribution for Fiscal Year 2003 in the fight against global AIDS to $1.525 billion. While this is a far cry from the $2.5 billion sought by the international health community to meet the needs of international organizations working to eradicate AIDS and individual countries grappling with soaring HIV infection rates, it is the least we can do.

The current Administration has asserted on a number of occasions that the U.S. government is prepared to play a leadership role in the fight against the spread of HIV/AIDS. Yet earlier this year, the President chose not to spend $200 million which was included in the Fiscal Year 2002 emergency supplemental for the U.N. Global Fund to Fight AIDS. It is no surprise that the international community questions our commitment to this fight. Leadership requires more than rhetoric. It requires that we commit our fair share of resources so we can fully participate in a larger, more comprehensive international effort to regain control of this crisis.

I am pleased my colleagues supported this amendment.

AMERICA'S PLACE IN THE WORLD

Mrs. FEINSTEIN. Mr. President, yesterday I gave an address to the World Affairs Council in Los Angeles, CA on America's role in the world. I ask unanimous consent to print my address in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Today America faces four great international challenges: the war on terror, the situation in Iraq, the Israel-Palestinian dispute, and the crisis in North Korea. These four present challenges to our Nation greater than any our Nation has faced in decades.

With respect to the ongoing war on terror, which centers around Osama bin Laden and al-Qaida, I can report substantial progress. The United States with its allies and the Northern Alliance succeeded in dispersing the Taliban government and putting al-Qaida operatives on the run. The government of Hamid Karzai is reasserting control over Afghanistan, although the going is difficult.

The security situation in Afghanistan is improving. We have 7,500 troops on the ground, and our allies, 5,000; they are providing security until the new government of Afghanistan is able to train military and police.

And, as a final action in the last Congress, a new Department of Homeland Security has been created to better coordinate efforts to safeguard the American people from terrorist attacks.

On the negative side, however, Osama bin Laden and many of his senior lieutenants are most probably still alive, along with hundreds, and possibly thousands of followers. They remain extremely dangerous.

And while Mullah Omar and the Taliban have been removed from power, they lurk in the remote areas of Afghanistan along the border with Pakistan and wait for a sign of weakness so they can return.

Bottom line, if we are to be successful in the war on terror, it is critical that Osama bin Laden, Mullah Omar, and other senior Taliban and al-Qaida operatives be brought to justice.

So, we must stay the course in Afghanistan. And wherever the war on terror takes us, we must not allow ourselves to get distracted or take our eye off the ball.

We must ensure that the Afghan economy and infrastructure are rebuilt. We must protect this fledgling democracy so it can survive and the Afghan people can flourish.

Just last week, Paul Wolfowitz, Deputy Secretary of Defense, said from Kabul that "stability and security" must be the goal. I agree.

Internationally, we must relentlessly pursue those who would use terror to destroy us. That must be our mission and it must be sustained until the job is finished.

With regard to Iraq, let me begin by saying categorically that no information has been presented to the Senate to date to connect Iraq to 9–11 or to any al-Qaida terrorist attack.

Nevertheless, Vice President Cheney laid the groundwork for a preemptive U.S. military strike against Iraq in a major speech last August 26, stating that Iraq either is, or would imminently be, a nuclear power.

But he provided no evidence to back up this accusation either publicly to the American people or privately, on a classified basis, to the Senate. He was, I believe, laying the ground work for a unilateral and preemptive attack on Iraq.

Then, however, in a welcome shift of position, the President went to the United Nations on September 12 and strongly urged the Security Council to compel Iraqi compliance with the 16 resolutions Iraq has defied over the past 11 years.

The President has repeatedly stated that the United States will lead "a coalition of the willing" to compel Iraq's compliance. In September, it appeared that the President had turned away from a unilateral course of action to a multilateral one. That was good and welcome news.

On October 10, I voted for a Senate Resolution that would have required the President to return to the Security Council for a vote before launching a military strike against Iraq. That resolution was defeated.

Subsequently, and based on the President's support for acting in concert with the UN Security Council, I joined 76 of my colleagues and voted to support a resolution authorizing the President to use of force to compel compliance if necessary.

Since November 24, the UN inspection teams have inspected Iraqi facilities that produce chemicals and pharmaceuticals, Saddam's palace compounds, health care centers, water plants, and numerous other facilities where old records, prior inspections, or intelligence indicate chemical, biological or nuclear weapons or missiles might either be made or secreted.

The International Atomic Energy Agency, IAEA, is also in the process of doubling the number of inspectors.

On December 7, Iraq gave the United Nations a 12,000-page account of its chemical, biological, nuclear, and missile programs.

And on December 28, Iraq provided the UN inspectors with the list of Iraqis participating in its weapons programs.

January 27 is a key date. On that day, the findings of the IAEA inspectors will be detailed, and any discrepancies between what they have found thus far and Iraq's earlier declaration should be revealed.

Inspections to date have produced no evidence sufficient to clearly establish continuing culpability in the production of weapons of mass destruction.

However, Iraq is not yet cooperating fully with the UN inspectors as the Security Council demanded. Saddam may well be up to his old tricks, moving weapons or other incriminating evidence from place to place. The history is a sordid one.

If there is clear evidence that Iraq is continuing an illegal program to produce weapons of mass destruction; or has submitted inaccurate or false information regarding its nuclear and biological programs; or has secret programs, facilities, or stockpiles; then the administration should make it public.

And, if there is hard evidence of weapons of mass destruction, then the Security Council must take immediate action to compel compliance, including using force, if necessary. And I would support such action.

But the massive increase of U.S. troops in the Persian Gulf appears to be an indication that regardless of the findings of the UN inspectors the President may well intend to use military force to bring about regime change in Iraq. This is deeply disturbing.

I strongly believe that the arms inspectors must be allowed to complete their task, to report back to the UN Security Council, and the Security Council must then consider action.

In the meantime, Iraq is effectively contained and prevented from developing weapons of mass destruction. It is not an imminent threat to its neighbors or the United States. And there is no need for precipitous action under these circumstances.

A preemptive unilateral attack against a Muslim nation may well create a divide between the U.S. and the Muslim world so deep and wide that it will bring with it negative consequences for decades.

There are efforts being made behind the scenes by Arab nations to achieve a peaceful regime change. These efforts should be given the opportunity to succeed. What is the rush to bring the tragedy of war?

If Iraq can be successfully contained and disarmed and war can be avoided, if the deaths of innocent people can be prevented, then that must be our course. War must be a last resort.

Let me make a few comments about one additional issue before discussing North Korea: A solution must be found to the Israeli-Palestinian crisis, and soon.

Unfortunately, it has not been, in my view, a high enough priority for the administration. As long as the Israeli-Palestinian crisis escalates, the risks of catastrophe remain unabated. Yet, one of the few things that most Israelis and most Palestinians agree on is that the United States is a unique third party capable of advancing the peace process.

Peace between Israel and the Palestinians is clearly in the U.S. national interest and would produce broader benefits as well: it would increase cooperation in the Islamic world in the war on terror; it would help us secure assistance from the Islamic world in pressuring Saddam Hussein to disarm; and it would restore credibility and momentum worldwide for American diplomacy and influence.

Right after the January 28th Israeli election, I believe President Bush should name a very senior and experienced person to be his personal emissary dealing with the Israeli-Palestinian crisis. The Israeli-Palestinian problem demands more creative and higher-level attention by the United States. It must be solved. Time is running out.

Now, with regard to North Korea I believe the situation is more menacing than that in Iraq. It presents a substantial and real danger to stability throughout the Asia-Pacific region and could ultimately directly threaten the United States.

North Korea possesses a much more advanced nuclear weapons program than Iraq, and it has been assessed that North Korea may already possess nuclear capability.

North Korea also has a missile delivery system, and once the third stage of the Taepo Dong missile is completed and operational, North Korea could strike any place in the United States.

Also, North Korea has: expelled all international inspectors and equipment; withdrawn from the Nuclear Non-Proliferation Treaty; restarted its plutonium processing plants; moved thousands of plutonium rods out of locked safe storage back into the nuclear production line; and is enriching uranium for nuclear weapon purposes.

The country and leadership are isolated, the economy is a failure and even the most basic necessities of life such as electricity, sanitation, and food are lacking. People are now starving by the thousands.

I had the opportunity in December to helicopter to the Demilitarized Zone, DMZ, where General LaPorte, our 4-star general in command, pointed out North Korean troop concentrations: 70 percent of the 1.2 million-man North Korean army is deployed along the DMZ, with enough heavy artillery to be able to substantially damage Seoul, killing millions. And there are reports that nerve agents may also be deployed along the DMZ.

Since my visit in December, the 800,000 forward-deployed North Korean troops have been placed on high alert and are prepared to move instantly.

North Korea, isolated with its failing economy, has clearly placed its total focus, not on feeding its people, but in developing its military, its missiles and its nuclear capability, all in defiance of treaties it has signed.

I believe the blame for precipitating this crisis lies squarely with North Korea, which clearly violated the agreed framework by beginning the surreptitious development of nuclear capacity.

But it also appears clear to me that the administration's handling of events on the Korean Peninsula over the past 2 years, as well as its broader foreign policy rhetoric and statements, have served, ironically, to fuel North Korea's paranoia and made the situation much more difficult to manage.

First, the administration failed to endorse President Kim Dae Jung's "Sunshine Policy" when President Kim visited the White House in March 2001. This move was perceived as a major humiliation in South Korea, helped set the stage for the rising tide of anti-Americanism, and was seen as a sign by the North that the administration was intent on a policy of isolation and confrontation.

Second, in January of 2002, the administration issued its Nuclear Posture Review, which states that there are certain situations in which the United States would contemplate and perhaps engage in a first use of nuclear weapons. One of the scenarios in this review included North Korea.

Third, in September 2002 the administration issued its National Security Strategy, which states that the United States reserves the right to strike preemptively, even without an imminent threat, if the administration believes another nation poses a threat to the United States.

And fourth, including North Korea as part of the "axis of evil" in the 2002 State of the Union address, along with statements by the President saying that he loathed Kim Jong Il, calling him names, and saying that he deliberately starved his own people, all helped fuel North Korea's paranoia and belligerence.

Meanwhile, one other troubling aspect of the Korean crisis is the growing anti-American sentiment in South Korea.

The new President, Roh Moo Hyun, won the election in an atmosphere of anti-Americanism. And in some quarters, our 37,500 troops stationed there are increasingly unwelcome.

The anti-American sentiment has been galvanized by the accidental deaths of two young Korean girls, run down by a large tank-like tracked vehicle on a narrow road while the girls were walking to a birthday party. A major outcry arose after the two servicemen driving the vehicle were acquitted in U.S. military court on charges of negligent homicide.

The situation on the Korean Peninsula offers no easy solution.

So I am pleased to see that after so many weeks of refusing to negotiate directly, the administration has now opened the door to high level discussions. This is a welcome and imperative change. It is the only acceptable course. And its result may well determine the effectiveness of diplomatic efforts in this crisis.

There must be direct and multilateral discussions between North and South Korea, Japan, China, and Russia as well as the United States. The solution is everyone's business and the responsibility of the leaders of all nations.

Much of what the administration has done since September 11 to safeguard U.S. security interests has been necessary and right. I have supported these efforts.

I believe that the administration has been correct in identifying the threat of the proliferation of weapons of mass destruction, especially if they fall into the hands of terrorists, as one of the top challenges facing U.S. foreign policy.

But in Iraq and North Korea, the administration has been pursuing two very different, and at times contradictory, approaches, which, in the process, has confused and angered many of our closest friends and allies.

With Iraq, the administration is beating the drums of war. With North Korea, it is pursuing multilateral diplomacy and a peaceful resolution of the crisis.

But these two crises are similar in many respects, and thus the question remains: can diplomacy be an effective tool in this new century to stay the ambitions of those states which seek nuclear weapons? Or is the use of force our only recourse?

I believe that the administration's current policy towards North Korea is more likely to produce a peaceful and acceptable outcome than its policy towards Iraq.

If you look at the different approaches to each of these problems alongside the administration's broader foreign policy statements and rhetoric, it is no wonder why serious questions about America's role in the world have been raised both here and abroad.

The administration's emphasis on unilateral action; its dismissal of international law, treaties, and institutions; and its dominant focus on military power as put forward in the Doctrine of Preemption, the rationale for unilateral preemptive attack; the National Security Strategy, which aims to make the United States the preponderant and unchallengeable military power in the world; and the Nuclear Posture Review, which states scenarios in which the United States would engage in a first use of nuclear weapons, even against the non-nuclear states, are particularly troubling.

Taken at face value, these positions mean the United States holds for itself the right to strike another sovereign nation, to wage war, if you will, even in the absence of an immediate threat, but based solely on the perception of a sufficient threat.

Despite administration efforts to downplay the actual wording in these documents, they are, in my view, unnecessarily provocative and dangerous.

I believe now, more than ever, that Teddy Roosevelt had it right, "walk softly and carry a big stick."

As a presidential candidate in 2000, George W. Bush spoke eloquently about the need for America to conduct itself with humility in international affairs. I remember him saying during the second Presidential debate on October 11, 2000: "If we're an arrogant nation, they'll resent us; if we're a humble nation, but strong, they'll welcome us. And our nation stands alone right now in the world in terms of power, and that's why we've got to be humble, and yet project strength in a way that promotes freedom."

Yet, one of the things I have found in the trips I have made abroad in the past year is that our allies across the globe increasingly believe that the United States is anything but humble.

They feel the United States does not listen to its allies, has shown disregard for treaties and international organizations, and has become increasingly unilateral.

As a result, we have lost much of the good will that followed the 9/11 attacks.

The preeminent position America occupies in the world today rests only in part on our military and economic strength.

In large part, it is also due to our moral influence and our unquenchable quest for truth, justice, and freedom, our belief that "all (people) are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are life, liberty and the pursuit of Happiness."

And regardless of whether one views Iraq or North Korea as the bigger threat, one thing they both have in common is that the United States is much more likely to be successful in dealing with them and safeguarding our own national security interests if we are able to act in concert with our friends and allies.

So we stand today at an important decision point in the history of our Nation and the world: Will the United States turn away from the successful bipartisan tradition of supporting a world ordered by law, and pursue instead a unilateralist path?

Or will we recommit our Nation to the achievement of workable democratic structures, to law and diplomacy, and to constructive leadership that produces coalitions to bring about just solutions?

There may be times, when all else fails, that unilateral American military action will be necessary, and Iraq may be a case in point. However, in my view, that has not been established. War must only be a last resort.

But the spirit of our foreign policy should not be the establishment of American hegemony, any more than we would want to see the establishment of al-Qaida's vision of a new radical fundamentalist Islamic world.

More importantly, I strongly believe that a foreign policy oriented towards cooperation and consultation will, in the long run, prove to be a more effective guarantor of U.S. national security than one of unilateralist impulse and confrontation.

ADDITIONAL STATEMENTS

SEPTEMBER 11 COMMISSION

• Mr. CORZINE. Mr. President, this past November, after extensive discussions, the Congress authorized the establishment of a commission to investigate the event surrounding the September 11 terrorist attacks. This commission should play a critically important role by allowing us to better understand the events surrounding this national tragedy and to better prepare against the threats of similar attacks in the future. The commission's work is also essential for the thousands of families who lost loved ones on September 11, and who want better information about what happened on that fateful day, and who want to ensure that all those responsible are held accountable. These families have suffered tremendous losses and they deserve our support.

I am very concerned, however, that the commission may lack the resources needed to do the job right. So far, in defense appropriations bill for Fiscal Year 2003, Congress has appropriated only $3 million for the commission. From all indications, this is grossly inadequate. And if we fail to supplement this with additional funding, we would not only be disgracing the memory of the victims of September 11, but we could be jeopardizing the future safety of all Americans.

Mr. President, in recent days, my staff and I have discussed the operation of this important investigatory commission with several of the appointed commissioners, both Democrats and Republicans. They have explained that the $3 million appropriated so far appears woefully insufficient to meet the commission's anticipated needs this fiscal year. in fact, actual needs for FY2003 probably will exceed $6 milion—more than twice the amount approved by the Congress.

Mr. President, the responsibilities of the September 11 commission are much broader than the other commissions and it is simply unreasonable to expect the commission to function effectively with only $3 million. After all, that's $2 million less than the funding received by a 1996 commission to look into the issues surrounding legalized gambling.

Think about that: $5 million to study gambling, $3 million to study the worst terrorist attack in the history of this country. That simply does not make sense.

Mr. President, it is important to remember that this commission has responsibilities and requirements that go far beyond those of any other commission in U.S. history. There are unique and expensive logistical requirements, including the hiring of expert staff with high-level security clearances. The commission must secure real estate appropriate for top secret discussions, and provide high-level security of its employees and its information systems.

In order to complete the work of this important commission thoroughly and on time, more resources will be needed during this fiscal year, and in the future.

Mr. President, I am hopeful that if the Congress considers a supplemental appropriations bill later this year, that legislation will include needed additional resources for the commission.

In fact, I had prepared an amendment to this bill to increase funding for the commission by $3 million. However, after a conversation with Governor Tom Kean, chair of the commission, I have decided not to introduce my amendment at this time. Rather, I will wait until a formal budget is drawn up by the commission.

I want to assure my colleagues, however, that I will not stop fighting for increased funding for the commission until I am convinced that the September 11 commission has received the funding that it needs to investigate the worst attack on American soil in our history. This matter is simply too important to do anything less.•

MIKE EVANS

• Mr. BAUCUS. Mr. President, I rise to pay tribute to one of the most dedicated public servants and loyal staff members I have had the privilege to work with. Mike Evans has served me with deliberation, dedication, and distinction for 18 years and I, the people of Montana, the United States Senate, and our nation are the better for it.

Mike began his career as my legislative assistant for tax policy in 1983. As many in this chamber will recall, that was a time of great debate in the Finance Committee. We had passed a major tax cut in 1981. The following year, a soaring budget deficit was demanding attention. By the time Mike came on board, not only was the Finance Committee dealing with "revenue raisers," to use the language of the day, but tax simplification was the hottest topic on the Finance Committee's agenda. Mike guided me through the controversies with his usual enthusiasm and attention to detail. In fact, he was so impressive that he soon became my legislative director, and expanded his responsibilities to include overseeing my work on the Agriculture and Environment and Public Works Committees.

Perhaps his most significant accomplishment during his time with the

EPW Committee was seeing the Clean Air Act of 1990 through the legislative process and into law. I was Chairman of the Environmental Pollution Subcommittee then and Mike was my right arm—and sometimes my eyes and ears, too!

Getting that bill through the EPW Committee, the Senate floor, and then conference with the House was an arduous task. But Mike was there all the way. Through the seemingly endless markups, through the backroom negotiations off the Senate floor, and through the midnight conferences with the House, Mike was always ready with the right arguments, the necessary supporting materials, and, most important, his sage advice. That bill was a significant advance in the protection of public health and the cleanup of our environment. Mike's contributions to the bill will be long remembered.

In 1991, the lure of the Preston Gates law firm proved too much and he returned to the firm from whence he came. But when I became Chairman of the Environment and Public Works Committee in 1993, I succeeded in luring him back into public service. Mike became my General Counsel on the EPW Committee, integrally involved with the reauthorization of the Clean Water Act, the Superfund law, and the Endangered Species Act. We weren't always successful, but Mike provided the legal underpinnings of our efforts.

It is as a lawyer that Mike's true talents show through. He not only masters the statutory construction and case law on any point with ease—or at least so it seems to me—but he is renowned among the staff for his ability to footnote material. I recall on several occasions getting memos from him where there was not a word of the memo on a page. Rather, the page was filled with footnotes! I told him that I appreciated a good footnote or two as much as the next lawyer, but next time he should save them for our opponents!

Mike is respected and admired by his colleagues. He was always willing to spend time with other staff to review legal arguments, provide advice and direction, and sometimes just be a sounding board. I was told that Mike's stature among his peers increased beyond measure when he revealed to the other staff that when reading bill language, subclause two is pronounced "subclause two" and not, as was the apparent custom, "two little eye."

Mike's attention to detail was perhaps most apparent when it came to the rules. First, he updated the EPW Committee rules and religiously filed away each application so that the Committee would have a file of precedents on which to refer.

It was in the defense of those EPW Committee rules that Mike became a small legend. In particular, he staunchly defended the Committee rule that prohibited the naming of public buildings for any living individual under the age of 70. But, lest you think Mike is perfect, even his best oratorical skills and most reasoned argument in defense of the rule were never a match for the political imperative involved in a naming bill. Mike lost every single one of those arguments!

When I took over as the Chairman of the Senate Finance Committee in 2001, Mike moved over as the Deputy Staff Director and Chief Counsel. Once again, Mike took responsibility for updating the Committee rules and establishing a record of precedents.

Mike not only mastered committee rules, he mastered the Senate rules. On his last day in the Senate, the Senate Parliamentarian noted that Mike was always prepared when he made a parliamentary inquiry. And, for the record, I have to warn the Senate Parliamentarian that Mike prepared comprehensive, annotated references for the Finance Committee staff and provided what is now affectionately known as "The Mike Evans' Procedure Seminar."

Ironically, despite his respect of the rules, last year he was thrown off the Senate floor with a bipartisan gaggle of Finance Committee staff for being too noisy. I believe Senator DAYTON presided over the ouster.

I have always respected a person that can manage both the demanding responsibilities of Senate staff while also caring for a growing family. And Mike has certainly done both. We were fortunate to be part of Mike's life as his family expanded from two—he and his wife Maureen—to six, with the addition of their four beautiful children: Sean, Christopher, Aselefech and Adanech. We have watched their children grow up and every step has been a reflection of their incredible parents.

Mike also found time to be one of the best read staffers I have ever known. I have no doubt that his counsel has been greatly strengthened by his acquaintanceship with thoughts and history beyond the reach of a single individual. And, his literary interests are not limited to reading. He is a most prolific author. As with most staff, he has done more than his share of floor statements. And as a lawyer, he has drafted the occasional law review article. But his talents also extend to poetry, including the occasional rhyming remembrance of triumphs and things best left unsaid when a staff member departs.

Suffice it to say, Mike fancies himself a music impresario. He feels it is his duty to bring music to "the people." Some of that music is even good. Mike has been known to wear Bob Marley T-shirts in the office over the weekend and sing Bruce Springsteen lyrics at the drop of a hat. In fact, when he discovered that one of the Finance Committee interns house-sat for Bob Dylan, the intern was suddenly spending more time in intense discussions with Mike.

Mike truly believes in the dignity and responsibilities of public service. He understands that when it comes to working in the Senate, as Bruce Springsteen would say, "the door's open but the ride ain't free." So, while he leaves the Senate staff to return to private practice at Preston Gates, I know that he will retain his commitment to service, to his family, to his colleagues, and to his country.

Every President, every member of Congress, every staff person in the United States Congress must first swear to support and defend the Constitution of the United States against all enemies, foreign and domestic, to bear true faith and allegiance to the same and to faithfully discharge the duties of the office. Mike Evans lived by this oath every day of his public service in the Senate.

Mike follows the rules: The Senate rules. The Committee rules. And the rules by which he lives his life—loyalty, diversity, fairness, honesty, and compassion, coupled with an unexpected, yet sharp sense of humor.

Mr. President, I thank Mike for his dedication and the nearly two decades for which I have been fortunate enough to benefit his counsel and friendship. May we all follow his example, to have the wit to discover what is true and the fortitude to practice what is good.•

POPCORN

• Mr. TALENT. Mr. President, in 1996 the Congress promised agriculture producers that they would no longer be penalized for heeding market signals and raising crops the market demanded.

Two-hundred farmers in my home State of Missouri responded to strong domestic and foreign demand and planted acres of popcorn. Now, with the passage of the 2002 farm bill, these producers are greatly disadvantaged compared to farmers that stayed with traditional program crops.

Under the provisions of the 2002 farm bill, producers who opted to grow popcorn since 1996 on acreage traditionally dedicated to program crops or soybeans are severely penalized if they attempt to update their program acreage history or yield history.

Unless corrected, this will cause a substantial, potential loss to both farm income and land value. I believe that this problem should be corrected in the most expeditious manner, as the April 15 deadline for signup into the new farm programs is quickly approaching. Senator LUGAR and I have introduced an amendment to allow producers to include popcorn in their program base acres. I am grateful to managers on both sides for addressing this issue in a managers amendment.

The correction is simple. Popcorn is simply treated as a variety of the traditional corn for the purposes of determining bases and yields. I urge my colleges to support my amendment and allow the Department of Agriculture to consider popcorn equivalent to corn for the purpose of computing base acreage. There are 278,000 acres of land nationwide normally devoted to production of popcorn. We should not penalize those who farm this land because they believed the promises of the 1996 act. Popcorn growers in Missouri and across the Nation deserve equitable treatment when determining base acres.●

TRIBUTE TO MR. CLAY SWANZY

● Mr. SESSIONS. Mr. President, I want to take a few moments today to make some remarks in appreciation for the Alabama Congressional delegation's most senior staff member, Mr. Clay Swanzy. Originally from Greensboro, AL, one of Alabama's most charming towns, Clay retired in November after 31 years of service to the U.S. Congress.

Mr. Swanzy has served on the congressional staff of three different distinguished Alabama congressmen: former Congressmen Jack Edwards of Mobile and Bill Dickinson of Montgomery, and most recently Congressman TERRY EVERETT of Enterprise. He was known on the staff of each congressman for his hard work, dedication to duty, and loyalty. In 1971, former Congressman Jack Edwards hired Clay away from his position as a political reporter for the Mobile Press Register to become his press secretary in Washington. Clay remained with Congressman Edwards until Congressman Bill Dickinson of Montgomery offered him a position as his chief of staff. In 1993, when Congressman Dickinson retired, Clay remained in Washington as the chief of staff for Dickinson's successor, Congressman TERRY EVERETT.

After managing Congressman EVERETT's office for 10 years, Clay decided to retire from public service in Washington and return to Alabama.

Clay always enjoyed working behind the scenes, outside the glare of the political spotlights. His departure is a loss for the Second Congressional District and the State of Alabama. All who knew and worked with him will miss him.

On more than one occasion I have sought and received good advice from Clay. During his years of service he has learned much. He never panics, and always thinks clearly and with compassion for those involved. He is a strong leader, but one who leads by wisdom, thoughtfulness, insight and grace rather than threats or bluster. The people of Alabama have benefited greatly from his leadership. I, as well as many other government officials, have benefited greatly from his service. Clay has always been a leader among Alabama's delegation staff. They have valued his judgment, insight, and experience.

We will certainly miss Clay, but he has earned his retirement. As proof that his long tenure in Washington has not turned his head, I am pleased to note that he has chosen to make his retirement home, back in Alabama, in beautiful Baldwin County. Clay, we thank you for your friendship and service and wish you Godspeed.●

IN RECOGNITION OF PEG BRADLEY'S BIRTHDAY

● Mr. CARPER. Mr. President, I rise today in recognition of Peg Bradley upon her fiftieth birthday. She is a woman with a kind heart, diverse interests and great abilities. She is one of the most remarkable people with whom I served in State government. In a State as small as ours, her dedication and tenacity have become legendary. She truly embodies the best of Delaware. I consider it a privilege to have known her and an even greater privilege to have worked closely with her on Delaware's education reforms in the decade of the 1990s.

Just 50 years ago, Peg was born in Kansas to O. Wayne and Wilma Gordon. While her journey to Delaware took her many places in the years preceding it, when she arrived at the University of Delaware in the late 1960s, she found her true home. With her diploma in hand, Peg embarked upon a career that would set the tone for education innovations throughout the State of Delaware and across the Nation.

The proud mother of three children, Kirsten, Carrie and Cort, and the grandmother to 4-year-old Xavier, Peg lives her life through the eyes of children.

While Peg learned and honed her craft teaching elementary school children, she really made her mark when she opened and became the first Director of the Preschool at Concordia Lutheran Church. Then, in 1992, Peg ran for State Representative as a Democrat in the most Republican District in the State of Delaware and won. During her 2 years in the State House, she sponsored legislation that dramatically expanded Head Start opportunities for Delaware youngsters and began drawing attention to the important role that the first few years of a child's life play in their ability to learn and go on to live productive lives.

Peg served as my education adviser during most of my 8 years as Governor. She was instrumental in helping me work my education reform proposals through the legislature, through the education community, and through the public from their infancy to implementation. She worked tirelessly to ensure that the reforms we made reflected what was best for Delaware's children. Today, Delaware has rigorous academic standards, the ability to measure objectively student progress toward those standards, and real accountability, in no small part because of Peg Bradley's stewardship and persistence. Part of her legacy is the consistent improvement in academic performance at all grade levels in Delaware in core subjects like math, English, language arts and science.

Together, along with the support of the legislature, the business community, many parents and educators, we amassed a record of innovative accomplishments, including unprecedented support for charter schools and public school choice; standards-based education, statewide testing and accountability. She even persuaded me to support a public school choice bill written by a certain State Senator named Rick Hauge. Just last week they celebrated their first wedding anniversary.

Peg helped me win battles that seemed daunting. In doing so, she won the grudging respect of more than a handful of cynics along the way. More than almost anyone else, Peg Bradley helped shape the legacy of my administration and change the face of education in Delaware.

Peg was an invaluable advisor, mentor, and resource to me throughout the last decade. She takes pride in her work and has made hundreds of educators and parents proud to work alongside of her. During the time that I was chairman of the National Governors' Association, we focused a good deal of our attention on raising student performance. Peg's assistance to me during that stressful time was invaluable and afforded her with an opportunity to play a significant role on a national stage.

Today, I rise both to celebrate this milestone moment in Peg's life and to shine a spotlight on her momentous commitment and countless contributions to the community. She is living proof that a life filled with good works is a good life indeed. I thank her for her friendship, congratulate her on her first 50 years and wish her and her husband Rick only the very best in the years that lie ahead.●

CHAMPIONS OF GOLF—THE FORD FAMILY

● Mr. HOLLINGS. Mr. President, I want to share with my colleagues an article in Golf Journal about the Ford family from my hometown of Charleston, South Carolina. Since 1927, the Ford family has won a number of golf tournaments including 10 Azalea Invitationals, 10 South Carolina or Carolina Amateur crowns, 20-some city titles and 50 club championships. I am proud to recognize this talented family, and I ask that this article be reprinted in the RECORD.

The article follows:

[From Golf Journal, Jan.–Feb., 2003]

Model Tee Fords

(By Rich Skyzinski)

The Fords of Charleston, S.C., much like the Kennedys of Massachusetts or the Baldwins of Hollywood, have a family tradition. For nearly a century, one generation after another has been reared by a philosophy handed down much like an old family recipe. The motto on the family crest ought to read, If you want to be good at something, play golf.

Role models have never been lacking. If any Ford demonstrated a desire for golf, he or she didn't need to look far for inspiration or instruction. Good golf genes have blessed generations, dating most notably to the second of five men named Frank Cordes Ford. Now 98, Frank Sr. (actually the second FCF) was the most accomplished of the Fords, and he can prove it. He can still rattle off a lot of the stories, in rapid-fire fashion: the games with Bob Jones, Harry (Lighthorse) Cooper, Henry Picard and Craig Wood; how he won a dollar bill (signed and framed) from Horton Smith; the day he one-upped the great Ben Hogan by hitting a 4-wood to within eight inches of the hole after Hogan hit a 3-wood shot to eight feet from virtually the same fairway location.

If ever a forebear set a standard for his progenies to shoot at, it's Granddaddy (Frank Sr.). He made sure any challenger was in it for the long haul. How else could you top his record of seven South Carolina Amateur crowns (and three runner-up finishes), four Azalea Invitational victories, 11 Charleston City titles and 18 Country Club of Charleston championships?

"The Ford family is known, certainly in the city and probably around the state, because of golf," says Bert Atkinson, 1991 U.S. Mid-Amateur runner-up and a C.C. of Charleston member. "I think it's probably always been that way."

If you are a Charleston golfer, at one time or another, a Ford has beaten you. Since 1927, family members have won 10 Azaleas, 10 South Carolina or Carolinas Ams, 20-some city titles and 50 club championships, give or take a few. An extra room would be needed for all the junior, mid-amateur and team trophies.

How did this all start? Tommy Ford, one of Granddaddy's three sons, claims it was not planned.

"No family ever gets together and says, 'Here is what we're going to do,'" says the 58-year-old. "It comes to you; you deal with it. If you become good, you try to live up to it. When you play well, the headlines start to reinforce this idea that you're living up to your dad's records. And all of a sudden you are, not that you ever tried. But you're fulfilling a pattern that started 60 years ago."

Granddaddy speaks from the other side of the equation. "I think they saw the fun I got out of golf," he allows, "and maybe some of them wanted to play because they thought it would be fun. Most of them worked pretty hard at it."

It isn't "a guy thing," either. Granddaddy's mother, Anne (Sissie) Ford, who moved to Charleston following her husband's death in 1918, won the C.C. of Charleston Women's championship in 1927. A year later, she lost in the final to her daughter, Anne Ford Melton.

And family members also are quick to credit Granddaddy's wife, Betsy. She was a caring, nurturing mentor who made the game what it should be for kids: fun. She also was an accomplished player, collecting a half-dozen club championships and two city titles.

Betsy, who died in 1998, and her husband played different roles in advancing the family tradition. She had a deep love for the game and passed it down to scores of youngsters. She helped her three sons and any grandchildren or great-grandchildren who wanted to play the game and was involved in many club and city youth programs. Once a youngster became proficient enough to break 80, Granddaddy would begin to share his passion and try to light their competitive fires.

"I don't remember any pressure or push, other than the brilliance of a mother, who believed that we should know a little about the game at the age we were," Tommy says. "There was a nudge towards lessons during the summer, but it was also, 'Go hunting. Do whatever you want to do' from her."

Sarah (Mahony) Ford Rijswijk, Frank Jr.'s widow, adds, "She said, 'If you marry into the Ford family, dear, you'd better play golf.' . . . I thought they were a little nuts because I played tennis. But I took up golf and Betsy was the one who led me into the game. She was the most wonderful teacher. She had a beautiful swing, classic, and was one of the few people I know who was really interested in your game, everybody's game. She really helped everybody. She was the consummate golfer."

Betsy's favorite classroom was the par-3 11th hole at the Country Club of Charleston. The hole is a classic Seth Raynor design with the green elevated some 10 or 12 feet and sharp drop-offs on each side. Betsy, a.k.a. Granny, would take a youngster to the bottom of the slope in front of the green and show them how to chip with a 7-iron. They would practice that shot over and over until the youngster could bump a shot into the hillside with an artisan's touch.

It's been more than 40 years since Frank III was tutored there by his grandmother but, he says, "I remember that to this day. She taught me to chip, and I've never chipped with a wedge or a sand wedge like so many guys do. I'm going to grab my 7-iron because that's what she taught me."

Even if a youngster had only a passing interest in the game, Betsy made her mark. Billy Ford, her middle son, recalls going out for a round with his son, Billy Jr., whom he thought was a novice, but evoked a double take with his confident practice swing on the first tee.

"Where'd you learn that?" his father asked.

"Granny," he replied proudly. "Granny taught me."

Betsy rarely commented on any of the youngsters' successes, but they could sense her pride when they did well.

"She could instill desire, which I think is a hard thing to do," says Sarah. "I won my first club championship and I beat her, and I think she was happier about it than I was."

Granddaddy himself was introduced to the game at age 15, by his mother and an uncle who lived in Canada. But he learned swing basics from a group of African-American caddies in Summerville, S.C. "They used to say, 'This is how you hold the club. This is the way you stand,'" he recalls.

He developed a tendency to sway during his backswing instead of pivoting, but there was little anyone could do to change this; after all, the swing worked for him. There was a time when the club's head professional was Henry Picard, later a Masters and PGA Championship winner. Picard had what was considered one of the finest swings in the game, but not even he could convince Granddaddy.

"He said, 'I'm going to get you out of this swaying,'" he remembers. "I said, 'Now Henry, listen. Don't try to give me any lessons because you can do whatever you want, but I'm not going to change my swing.'

"He said, 'Okay,' and never again told me how to do it."

Granddaddy carried that insistence with him to the cement and concrete business. Tommy tells a story of his dad trying to sell a prospective customer cement at 20 cents a bag, only to be told, "I don't need any cement." Ford lowered the price to 15 cents a bag and, receiving the same reply, went to 10 cents and then to a nickel.

"The customer finally said he couldn't afford not to buy it at that price and Dad got a customer for life," Tommy concludes. "He was the same way in golf as in business. He wanted to make every sale, and he wanted to win every time he stepped onto the golf course."

Granddaddy confined most of his playing to a local and regional level because he had a business to run. He qualified for the only U.S. Amateur he entered, in 1934 at The Country Club in Brookline, Mass., losing in the third round. He played until he was 90, then gave away his clubs one day after he shot 45 for nine holes. Atkinson, who played with him that day, remembers the exchange afterward.

"I said, 'That's pretty good playing, Mr. Ford.'" Atkinson says. "He put his arm around me and said, 'Yeah, but if I was 30 years younger I would have beaten you guys butt good.'"

None of Granddaddy's three sons were as passionate about the game as their father. Tommy blossomed into an accomplished player later in life, with seven club championships and a handful of senior titles. Billy was a good junior player and captain of the University of North Carolina golf team in 1953, but hasn't competed much since. Frank Jr., who died at age 44 in a 1974 Eastern Airlines plane crash, played little competitive golf.

If the old man's competitive fires were passed down, most of them found their way to Frank III, who has qualified for nearly a dozen U.S. Amateurs and four U.S. Mid-Amateurs, and his son, Cordes (Frank Cordes Ford IV), a 26-year-old law student at the University of South Carolina with his own collection of trophies. In 1996, Cordes completed a rare double when he won the Carolinas Amateur a week after Frank III took the state am. "They're the two that have the desire to go out there," says Sarah. "They want to win."

By contrast, Billy says, "I'm not trying to win anything anymore, just have a nice golf day."

Which isn't to say the patriarch's presence has not been felt. Billy once was about to close out a match at Biltmore Forest Country Club in Asheville, N.C., when Granddaddy came up to him, put his arm around the teenager and said, "Son, this is where I won my war bond."

"Everything's fine. I've got 20 feet for birdie, but I got it back to here," says Billy, imitating a putting stroke, "and just locked; couldn't move it. It exploded in my hand, went past the hole about 15 feet. I three-putted that, snap-hooked it on 16, hit a limb coming out of the woods on 17. Before I knew it, I went from 5 up with five to play to 1 up with one to play. It's funny now, but I was in tears then."

Because of the family's countless successes, there's an assumption throughout the Carolinas that Fords should be accomplished players simply because of their last name.

"I felt like I was supposed to play better than whatever I did," says Billy. "There was certain pressure on me, sure."

Tommy, who's a decade younger than his brother, adds: "Your identity is golf, because you grew up seeing golf and that's what you gravitated to. But I maintain you do the best you can for your own expectations, not necessarily for this family tradition thing. I never wanted to win tournaments to extend my father's streak."

Tommy is said to have the best swing in the family. People in Charleston often call him "sweet-swingin' Tommy Ford."

"The 'sweet-swingin' does not always live up to people's expectations," he says. "They know I'm Frank Ford's son so they think I am good. They remember what you've accomplished. You carry that expectation with you more so because of Daddy, Billy, Frank—the trickle-down effect of the background of winning. People view us as winners because that's what they remember Daddy doing, Frank doing, Billy doing. They expect us to be hard to beat. That's a little bit difficult sometimes."

Frank III's sister, Anne Ford Strickland, lived near Winston-Salem, N.C., for years and says the difference in the pressure she felt was palpable. "I never felt anything up there," she insists. "Part of it may have been because I had my married name. people didn't know me by Ford."

The Fords have never called attention to their exploits. Sometimes, even family members are unaware of them. Anne played in a C.C. of Charleston girls' program with Beth Daniel, who went on to become an LPGA Hall of Famer and a favorite of Anne's son David. Looking through Anne's scrapbooks, David came upon a newspaper clipping about his mom's victory over Daniel in a junior club championship in the mid-1960s.

"You beat Beth Daniel?" he asked, eyes widening.

What do you expect? She is a Ford.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–711. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste, Final Exclusion (FRL7432–8)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–712. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Interim Approval of the Alternative Permit Program; Territory of Guam (FRL743-5)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–713. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; The District of Columbia; Control of Emission from Emissions from Existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) Units (FRL7434–7)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–714. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; the District of Columbia, and the City of Philadelphia, Pennsylvania; Control of Emission from Existing Municipal Solid Waste Landfills (FRL7434–9)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–715. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, the District of Columbia, and Philadelphia, Pennsylvania; Control of Emissions from Existing Commercial/Industrial Solid Waste (CISWI) Incinerator Units (FRL7434–3)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–716. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutant; Delaware, the District of Columbia, Allegheny County and Philadelphia, Pennsylvania; Control of Emissions from Existing Small Municipal Waste Combustion Units (FRL7434–5)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–717. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Rule Amendments (FRL6767–4)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–718. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide (FRL7434–1)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC–719. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Alternative Financing Program" received on January 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–720. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "HHS exchange visitor Program; Request for waiver of the two year Foreign Residence Requirement (0991–AB21)" received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–721. A communication from the Director, Policy and Research, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–722. A communication from the Director, Policy and Research, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminates Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–723. A communication from the Director, Policy and Research, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–724. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Reclassification of the Absorbable Polydioxanone Surgical Suture (Doc. No. 99P–5589)" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–725. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Bioavailability and Bioequivalence Requirements; Abbreviated Applications; Final Rule (RIN0910–AC47)" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–726. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Regulations" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–727. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report entitled "Annual Reports for Fiscal Years 1996–1998 and 1999–2001" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–728. A communication from the Secretary of Education, transmitting, pursuant to law, the report entitled "National Advisory Committee on Institutional Quality and Integrity Annual Report Fiscal Year 2002" received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–729. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report entitled "Federal Housing Finance Board Office of the Inspector General Semiannual Report for the period April 1, 2002–September 30, 2002"; to the Committee on Governmental Affairs.

EC–730. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report entitled "Inspector General's Report to Congress and Management's report for the period ended September 30, 2002" received on January 10, 2002; to the Committee on Governmental Affairs.

EC–731. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Semiannual Report of the Inspector General of the Department of Education in the period ending September 30, 2002; to the Committee on Governmental Affairs.

EC–732. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report relative to internal management controls during fiscal year 2002; to the Committee on Governmental Affairs.

EC-733. A communication from the President, United States Institute of Peace, transmitting, pursuant to law, the report relative to Consolidated Financial Statements and Additional Information pursuant to the Inspector General Act of 1978; to the Committee on Governmental Affairs.

EC-734. A communication from the Inspector General, Department of the Interior, transmitting, pursuant to law, the report of the Fiscal Year 2002 Inventory of Commercial Activities, received on January 10, 2003; to the Committee on Governmental Affairs.

EC-735. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Audit Report Register for the period ending September 30, 2002, received on January 10, 2003; to the Committee on Governmental Affairs.

EC-736. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Inspector General's Semiannual Report to Congress for the period ending September 2002, received on January 10, 2003; to the Committee on Governmental Affairs.

EC-737. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the Semiannual report of the Inspector General of the National Science Board covering activities for the period of April 1, 2002 through September 30, 2002, received on January 2, 2003; to the Committee on Governmental Affairs.

EC-738. A communication from the Director of Engineering, Maintenance and Operations, The American Battle Monuments Commission, transmitting, pursuant to law, the report relative to the activities for Fiscal Year 2002; to the Committee on the Judiciary.

EC-739. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, the report relative to the activities of the Commission's first year of activity; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-7. A resolution adopted by the General Assembly of the State of Pennsylvania relative to cancer and biomedical research; to the Committee on Finance.

HOUSE RESOLUTION NO. 668

Whereas, Cancer is a leading cause of morbidity and mortality in the Commonwealth of Pennsylvania and throughout the nation; and

Whereas, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons 65 years of age or older, who are thus dependent on the Medicare program for provision of cancer care; and

Whereas, Treatment with anticancer drugs is the cornerstone of modern cancer care, and elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anticancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, Noncoverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or the selection of more toxic, less effective treatments that are covered by the program; and

Whereas, Medicare's failure to cover oral anticancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostate; and

Whereas, Certain members of the Congress of the United States have recognized the necessity of Medicare coverage for all oral anticancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913): Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania respectfully urge the Congress to adopt legislation requiring the Medicare program to cover all oral anticancer drugs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, members of the Congress, the Secretary of Health and Human Services and the Administrator of the Centers for Medicare and Medicaid Services.

POM-8. A resolution adopted by the General Assembly of the State of Pennsylvania relative to memorializing September 11 as "National Day of Life Appreciation and Freedom."; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 685

Whereas, The terrorist atrocities of September 11, 2001, against United States landmarks and citizens have united our nation in grief, remembrance and respect for the freedoms we enjoy; and

Whereas, The Congress of the United States convened in special session at Federal Hall in New York City on September 6, 2002, to honor victims of the terror attacks and demonstrate national unity; and

Whereas, Americans and citizens around the globe marked the first anniversary of the terror attacks in public ceremonies, including reading the names of victims at Ground Zero, and through private observances and spontaneous tributes; and

Whereas, Despite the shock and loss of the attacks, survivors, witnesses and bereaved family members pursue the work of rebuilding their lives and creating appropriate memorials to honor the dead; and

Whereas, In the face of continued threats against us, public officials endeavor to safeguard our communities and our democracy; and

Whereas, Our strength rests in the continuity of our national life and the inherent resilience which enabled recovery from other painful events in our history and empowers our progress toward a safe, peaceful and stable future for our children: therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to declare September 11 as "National Day of Life Appreciation and Freedom"; and be it further

Resolved, That copies of this resolution be transmitted to the President, the Presiding Officers of each House of Congress and each member of the Congress.

POM-9. A resolution adopted by the Legislature of the State of California relative to retirement security and savings; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, It has become increasingly apparent that many working individuals face challenges that make it difficult for them to maximize their retirement savings and plan adequately for their retirement; and

Whereas, Current law could be amended to encourage and facilitate increased retirement savings and retirement planning; and

Whereas, The 106th Congress considered H.R. 1102, the Retirement Security and Savings Act of 2000, which subsequently failed passage; and

Whereas, The Retirement Security and Savings Act of 2000 would have increased the amount of deductible contributions workers could make each year to an Individual Retirement Account, commonly known as an IRA, with special accelerations allowed for individuals 50 years of age and older; and

Whereas, The Retirement Security and Savings Act of 2000 would have increased the dollar limit on deductions for participation in tax-deferred retirement plans, tax-sheltered annuities, and deferred compensation plans under Sections 401(k), 403(b), and 457 of Title 26 of the United States Code; and

Whereas, The Retirement Security and Savings Act of 2000 would have repealed the laws that require the coordination of contributions to a plan under Section 457 of Title 26 of the United States Code with contributions to other such plans; and

Whereas, The Retirement Security and Savings Act of 2000 would have revised and clarified existing law to enhance pension fairness for women; and

Whereas, The Retirement Security and Savings Act of 2000 would have increased pension portability by allowing distributions from IRAs, tax-deferred retirement plans, tax-sheltered annuities, and deferred compensation plans under Sections 401(k), 403(b), and 457 of Title 26 of the United States Code to be rolled over to other plans or arrangements, including a surviving spouse's plans or arrangements; and

Whereas, The Retirement Security and Savings Act of 2000 would have allowed a participant in a state or local government plan to exclude from gross income certain direct transfers of funds if they were used to purchase permissive service credits under the plan or to repay certain contributions: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests that the President of the United States and the Congress of the United States enact legislation containing provisions similar to the Retirement Security and Savings Act of 2000; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM-10. A resolution adopted by the Legislature of the State of California relative to forest resources; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 25

Whereas, California is blessed with 40 million acres of forests that provide economic, consumer, environmental, and aesthetic benefits indispensable to our quality of life; and

Whereas, Preservation of those forestlands for fish and wildlife habitat, recreation, water quality, and open-space uses is a priority for all Californians and depends upon good forest management practices to ensure sustainable forests; and

Whereas, Good forest management integrates the nurturing, sustainable harvesting, and replanting of forests and conservation of soil, air, water, wildlife, fish habitat, and aesthetics; and

Whereas, Approximately 85 percent of California's water originates in forested watersheds; and

Whereas, Good Forest management requires cooperation among landowners, forest products enterprises, scientists, government, forest residents and visitors, and consumers of wood products; and

Whereas, 16 million acres of California forests contain productive forestlands available to provide a sustainable supply of building materials, paper, furniture, medicines, and other important products; and

Whereas, Forest-based enterprises have been an important component of California's economy for more than 150 years, supporting jobs, families, businesses, and entire rural communities throughout the state while providing significant tax revenues to government; and

Whereas, California was the first state to establish a multiagency, discretionary environmental review and approval process for timber harvesting on private lands in the United States; and

Whereas, Wood, a readily available and commonly used building product that is renewable, recyclable, reusable, and biodegradable, is critical to society's ability to meet the public's demand for housing; and

Whereas, Forest-based enterprises and professionals agree that they have a responsibility to be good stewards of the environment and are committed to continuing to improve upon modern, scientifically sound approaches that ensure maximum conservation and renewal of our forests: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California recognizes the important role that sustainably managed forests and products from those forests will continue to play in meeting the needs of the citizens of California; and be it further

Resolved, That the Legislature encourages good forest practices to ensure the conservation, maintenance, and enhancement of a productive and stable forest environment that protects water quality, wildlife resources, and rural communities; and be it further

Resolved, That the Legislature confirms its support for economically and environmentally sound management practices that ensure the sustainability of our forests as well as future supplies of essential products for our forests; and be it further

Resolved, That the Legislature memorializes the Congress to similarly declare its encouragement of public and private investment in economically and environmentally sound management practices that ensure sustainable forests for the benefit of present and future generations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–11. A resolution adopted by the Legislature of the State of California relative to labor negotiations by California waterfront workers; to the Committee on Health, Education, Labor, and Pensions.

Assembly Joint Resolution No. 37

Whereas, California ports are a crucial part of the global and local economies, and the labor negotiations that concern their operations are closely watched by businesses and governments; and

Whereas, The jobs in California ports are of high quality, due to agreements that have been negotiated over the last fifty year by the Pacific Maritime Association (PMA) and organized labor; and

Whereas, The legal, established collective bargaining process, including the right to strike, is a right of the waterfront union members under the National Labor Relations Act of 1935; and

Whereas, The Bush administration has announced, through Department of Labor officials, that it may invoke a national economic emergency in order to forestall a strike under the Taft-Hartley Act, or may use the National Guard to prevent such a strike; and

Whereas, The use of this power, or even the announcement of the intentions to use it, will and has upset what has been, up until now, a level playing field between management and labor: Now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California opposes any action by the President and the administration that would impose a Taft-Hartley injunction against waterfront unions, would remove union workers from coverage by the National Labor Relations Act, or would send military personnel to the West Coast docks to assist in a lockout of waterfront union workers; and be it further

Resolved, That the Chief Clerk of the Assembly transit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–12. A resolution adopted by the Legislature of the State of California relative to airport security workers; to the Committee on Commerce, Science, and Transportation.

Assembly Joint Resolution No. 39

Whereas, The Aviation and Transportation Security Act (Public Law 107–71) established the Transportation Security Administration within the Department of Transportation, to be administered by the Under Secretary of Transportation for Security; and

Whereas, Under the act, the Under Secretary is responsible for day-to-day security screening operations for passenger air transportation, including the screening of passenger baggage; and

Whereas, Under the act, the Under Secretary is responsible for developing standards for the hiring, training, testing, and retention of security screening personnel; and

Whereas, Under the act, the qualification standards require that security screeners be citizens of the United States; and

Whereas, The Under Secretary assumed responsibility for airport security on February 19, 2002, and all security screening personnel that are not United States citizens will be terminated by November 19, 2002; and

Whereas, A large percentage of security screening personnel at several airports in California are not United States citizens; and

Whereas, In the bay area alone, approximately 1,200 security screeners, most of whom are of Filipino descent, will lose their jobs as a result of the requirement that security screeners must be United States citizens, with no demonstrable showing that this will improve safety or security; and

Whereas, The vast majority of security screeners that are not citizens of the United States are legal immigrants from nations that have long been friends or allies of the United States and their countries having fought alongside our soldiers during wartime; and

Whereas, The vast majority of security screeners that are not citizens of the United States have either applied for citizenship or are prevented from applying for citizenship as a result of punitive immigration policies; and

Whereas, Immigrant security screeners are not to blame for the September 11, 2001, disaster, and punitive action against those immigrants who are not a security risk creates and inflames ill feelings for this country abroad: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to suspend or eliminate the requirement that security screeners be citizens of the United States, and instead provide that those individuals must meet the same immigration requirements as persons who serve in the National Guard; and be it further

Resolved, That the President and the Congress should act to ensure that any legal immigrant that has applied for citizenship should be allowed to keep his or her security screening job, absent evidence showing that they are a security or criminal risk; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–13. A resolution adopted by the Legislature of the State of California relative to federal proposal to devolve the administration of the unemployment insurance system; to the Committee on Finance.

Assembly Joint Resolution No. 42

Whereas, Unemployment insurance has been the bedrock of the social safety net for workers who have been laid off and are seeking jobs and is the first line of defense during economic downturns; and

Whereas, Unemployment insurance not only provides vital income support to laid off workers, but also stabilizes the local, state, and national economies because the benefits workers receive are invested back into the community; and

Whereas, President Bush's proposal would destroy the federal-state partnership on which the unemployment insurance system is founded and would eliminate the historic role of the federal government in both ensuring that administrative financing keeps pace with ever-changing workload needs and assuring that the program is implemented consistently across the country; and

Whereas, Although the administration proposes to provide much-needed additional "Reed Act" funding for state unemployment programs, under the proposal states would receive no federal aid to fund the administrative costs of the unemployment insurance system after 2006; and

Whereas, President Bush's proposal would reduce federal administrative payments that will result from the reduction in the Federal Unemployment Tax Act (FUTA) flat tax from $56 per worker per year to $14 per year; and

Whereas, This proposal would force California to raise taxes or find other state general funds to administer the unemployment insurance program; and

Whereas, President Bush's proposal would jeopardize the federal government's ability to help our state respond to economic downturns by drastically reducing the funding now dedicated to the federal unemployment trust funds; and

Whereas, The federal proposal would do nothing to help states cope with the challenges of expanding and modernizing their unemployment insurance systems, including ensuring that more low-wage workers are covered when they become unemployed: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the President and Congress of the United States to abandon the federal proposal to devolve the administration of the unemployment insurance system. The Legislature also urges the President and Congress of the United States to instead work with the state to ensure that the state receives a greater level of workload-based federal appropriations for administrative financing, and to provide new dedicated federal funding to help the state cover the workers who are now having the most difficulty collecting unemployment benefits; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President of the United States and to each Senator and Representative from California in the Congress of the United States.

POM–14. A resolution adopted by the Legislature of the State of California relative to veterans; to the committee on Veterans' Affairs.

Assembly Joint Resolution No. 50

Whereas, The United States presently has a population of over 25 million veterans from its previous wars. The majority of that veteran population is from World War II and the Korean War; and

Whereas, The World War II and Korean War veteran population is presently over 70 years of age, and that group is passing away at the rate of 1,000 veterans per day; and

Whereas, The United States government has acknowledged its responsibility to provide medical care or compensation for medical problems, as well as other benefits, to those veterans who served their country in time of war; and

Whereas, The United States Department of Veterans Affairs is charged with administering the federal benefits program for veterans; and

Whereas, When a veteran passes away with a claim pending against the Department of Veterans Affairs, the claim essentially ends with the veteran's passing regardless of how long the claim had been pending; and

Whereas, Dying while waiting is unacceptable for American veterans; and

Whereas, There presently exists a backlog of over 601,000 claims submitted by veterans. This backlog has persisted for several years, with some claims outstanding for one year or more; and

Whereas, A significant portion of these claims involve World War II and Korean War veterans, and despite determined efforts by the United States Department of Veterans Affairs to eliminate this backlog, the backlog continues; and

Whereas, There exists a trained group of individuals known as county veterans service officers located in 37 of the 50 states, representing 700 counties and a workforce of over 2,400 full-time local government employees; and

Whereas, These county veterans service officers were established in 1945 after World War II for the purpose of helping returning veterans reenter civilian life, and have continued to do so for all veterans of all wars since then; and

Whereas, These county veterans service officers are highly trained individuals who have continued to provide assistance to all veterans for over 50 years and are already familiar with the United States Department of Veterans Affairs claims policies and procedures; and

Whereas, For example, in California, county veterans service officers annually assist California's veterans obtain monetary benefits in excess of $150 million by assisting these veterans in filing over 50,000 claims annually with the United States Department of Veterans Affairs; and

Whereas, This claims processing backlog needs to be urgently reduced while our World War II and Korean War veterans are still with us; and

Whereas, The United States Department of Veterans Affairs could enter into a partnership with state and local governments to utilize these highly trained county veterans service officers to eliminate the present claims processing backlog, by expanding the county veterans service officers' role; and

Whereas, This would be a cost-effective way of reducing the claims processing backlog by eliminating the need for a substantial increase in federal employees; and

Whereas, These county veterans service officers, as represented by the California Association of County Veterans Service Officers and the National Association of County Veterans Service Officers, have offered to assist the United States Department of Veterans Affairs in exchange for block grants to the various states based upon each state's veteran population to compensate county veterans service officers for their expanded role: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the Congress of the United States and the President to support and enact legislation that would establish a federal/state partnership to use the knowledge and skills of the local county veterans service officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog in order that America's veterans can take advantage of the benefits that the United States has authorized for them for their faithful and loyal service to a grateful nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–15. A resolution adopted by the Legislature of the State of California relative to a national memorial; to the Committee on Energy and Natural Resources.

Assembly Joint Resolution No. 52

Whereas, On September 11, 2001, United Airlines Flight 93 while en route to San Francisco with 40 passengers and crew aboard was hijacked by terrorists; and

Whereas, The passengers and crew on the flight, understanding that the intention of the hijackers was to fly the plane into a target in the nation's Capitol, consulted with each other and their families about what action to take; and

Whereas, The passengers moved to stop this heinous act of terrorism, even at the cost of their lives, in an act of extraordinary bravery and self-sacrifice that resulted in the fatal crash of Flight 93 in Somerset County, Pennsylvania; and

Whereas, The passengers and crew, some of whom were California residents, will forever be remembered and are memorialized in this resolution. The crew included: Jason Dahl, Leroy Homer, Jr., Lorraine G. Bay, Sandra W. Bradshaw, Wanda A. Green, Ceecee Lyles, and Deborah Ann Jacobs Welsh. The passengers included: Christian Adams, Todd Beamer, Alan Beaven, Mark Bingham, Deora Bodley, Marion Britton, Thomas E. Burnett, Jr., William Cashman, Georgine Rose Corrigan, Patricia Cushing, Joseph Deluca, Patrick "Joe" Driscoll, Edward Porter Felt, Jane C. Folger, Colleen L. Fraser, Andrew Garcia, Jeremy Glick, Lauren Grandcolas, Donald F. Greene, Linda Gronlund, Richard Guadagno, Toshiya Kuge, Hilda Marcin, Waleska Martinez, Nicole Miller, Louis J. Nacke II, Donald A. Peterson, Jean Hoadley Peterson, Mark "Mickey" Rothenberg, Christine Snyder, John Talignani, Honor Elizabeth Wainio and Kristin Gould White; and

Whereas, Legislation (H.R. 3917) has been introduced to designate the crash site as a National Memorial that will honor the final resting place of the people of Flight 93 who were courageous and heroic in giving their lives to bring down the airplane. The legislation reads, in part, "the crash site is a profound symbol of American patriotism and spontaneous leadership of citizen-heroes"; and

Whereas, The designated National Memorial will honor the heroism of the Californians who were among the passengers and crew, demonstrating our commitment to the families, friends, neighbors, and colleagues of the victims that the legacy of their loved ones will endure for generations; and

Whereas, The National memorial will remind future generations of the unmatched courage of those aboard Flight 93 and inspire the nation to work for a world at peace and free of terrorism: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California requests the Congress and President of the United States to enact H.R. 3917 to designate a National Memorial at the crash site of Flight 93 in Somerset County, Pennsylvania to pay tribute to and honor the true heroes of this nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–16. A resolution adopted by the Legislature of the State of California relative to the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

Whereas, The United States Congress must reauthorize the Temporary Assistance for Needy Families (TANF) program by October 1, 2002; and

Whereas, States are achieving success under TANF because states have the flexibility to design appropriate, effective programs that move people into work and support vulnerable children. Under TANF, California has decreased families' dependence on welfare, increased work rates and wages, and improved the well-being of children; and

Whereas, Welfare reauthorization should help states like California build on their unprecedented success at moving people off welfare; and

Whereas, Devolution was a core principle in welfare reform. The TANF block grant allows each state to design the most effective and appropriate programs for moving families from welfare to work. Under TANF, California welfare recipients are working more hours than ever before and California has nearly tripled the number of welfare recipients who are working; and

Whereas, The flexibility offered in current federal law has permitted California to make the well-being of children its highest priority. Under current federal law, California ensures that poor children have a basic level of subsistence, regardless of their parents' immigration status or ability to meet participation requirements; and

Whereas, Current federal law supports the fact that different strategies are needed for families facing different barriers to work. Today, California's counties develop welfare-to-work plans, work program, and participation requirements that are tailored to each family's unique circumstances. Current federal law permits California's counties to develop programs that are sensitive to state and country labor markets and employment rates; and

Whereas, Since 1997, when the TANF program was created, the value of the TANF block grant has significantly diminished due to inflation. If TANF funding continues at current levels, the inflation-adjusted value of the block grant in 2007 would be approximately 22 percent less than its original value in 1997; and

Whereas, California is using all of its TANF block grant, yet faces a projected shortfall in its TANF program. At the same time, California faces a budget deficit of $24 billion, increasing the importance of adequate federal funding; and

Whereas, Child care is central to states' efforts to move families into work. Under TANF, states have helped many parents find and keep jobs, secure child care, and overcome personal barriers to work. As work participation requirements rise, so must state resources to meet families' corresponding child care needs; and

Whereas, Despite states' success in moving many families off welfare, many families still on aid have numerous and complex barriers to joining the workforce. States want to move these families into work as quickly as possible, but recognize that families with difficulties, such as domestic violence, learning disabilities, and mental illness, must receive supportive services to address these barriers to work; and

Whereas, California is currently being penalized by the federal government for failure to implement a statewide automated child support system due to system failure on the part of the project's original vendor. California has paid nearly $300 million in penalties from the state's General Fund and, upon completion of the statewide automation system, will pay total penalties of approximately $1.3 billion. California has entered into a corrective action plan with the United States Department of Health and Human Services and is in full compliance with the plan; and

Whereas, Federal child support automation penalties have served the important purpose of capturing the attention of California and have resulted in significant restructuring to establish a reliable approach to securing a statewide automated child support system; and

Whereas, Governor Davis and the California Legislature have made a strong commitment to improving the state's child support program that has resulted in historically high levels of child support collections: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That to build on the success of welfare reform, in reauthorization of the TANF program, the California Legislature urges federal policymakers to maintain state flexibility to spend TANF funds. Given states' demonstrated success using this flexibility, this central premise of welfare reform should not be compromised in welfare reauthorization; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to maintain state flexibility to provide a safety net to vulnerable children; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to maintain state flexibility to design the most effective ways to move people into work. State flexibility in designing work programs should not be compromised in welfare reauthorization; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to adjust the TANF block grant for inflation. Freezing the TANF block grant at current levels is not adequate to maintain even current program levels because inflation has eroded the value of the block grants. Welfare reauthorization is an opportunity for the federal government to address this funding inadequacy; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to recognize states' needs to provide ongoing supportive service. Welfare reauthorization should help states provide child care and supportive services, as they are substantial defenses in permanently keeping families off welfare; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to base the year on which the federal child support automation penalties are assessed to the 1997–98 fiscal year, the year prior to penalties first being imposed. This will ensure that states do not incur additional penalties because of increased investments in the administration of their child support programs; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to give states the option to reinvest federal child support automation penalties back into their child support programs and automation efforts. This will ensure that states continue to concentrate on the deficiencies that contribute to automation implementation delays and subsequent penalties; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to simplify the child support distribution rules to allow more money to reach families while also reducing California's system procurement cost and assisting in an earlier completion of the stateside automated system.

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–17. A resolution adopted by the New Jersey State Senate relative to medicare program providing coverage for all anti-cancer drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 65

Whereas, Cancer is a leading cause of morbidity and mortality in New Jersey and throughout the nation; and

Whereas, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons 65 years of age or older, who are dependent on the federal Medicare program for provision of cancer care; and

Whereas, Treatment with anti-cancer drugs is the cornerstone of modern cancer care and elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have injectable version; and

Whereas, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective and more cost-effective than existing therapies but, because these drugs do not have an injectable equivalent, they are not covered by the Medicare program; and

Whereas, Non-coverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries who suffer from blood-related cancers such as leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostrate; and

Whereas, Certain members of the United States Congress have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and have introduced legislation in the 107th Congress to achieve that result, namely, H.R. 1624 and S. 913: Now, therefore, be it

Resolved by the Senate of the State of New Jersey.

1. This House respectfully memorializes the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be transmitted to the President of the United States, the Secretary of Health and Human Services of the United States, the Administrator of the Centers for Medicare and Medicaid Services, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

POM–18. A resolution adopted by the Pennsylvania House of Representatives relative to projected State revenue shortfall for fiscal year 2003–2004; to the Committee on Finance.

HOUSE RESOLUTION NO. 694

Whereas, The Commonwealth of Pennsylvania anticipates a $1.8 billion revenue shortfall for the 2003–2004 fiscal year due to the economic downturn, which could rise substantially due to additional State costs for homeland security and the loss of other State revenues due to tax cut provisions included in Federal economic stimulus legislation; and

Whereas, Because of the loss of revenue as a result of the recession and the new demands for public services since September 11, 2001, State and local governments are facing deep cuts in vital public services, including public health systems, education and health care; and

Whereas, The Commonwealth of Pennsylvania is currently experiencing a 5.4% unemployment rate; and

Whereas, The numbers of displaced workers increase the demand for additional Medicaid coverage and other essential safety net services and place additional strain on the existing budget deficit; and

Whereas, State and local spending accounted for close to 12% of our nation's Gross Domestic Product (GDP) in 2000, the slowing of state economies having affected all industries; and

Whereas, Medicaid, though provided through a Federal-state partnership, accounts for approximately 16% of the Commonwealth budgets; and

Whereas, If no additional Federal funding is received by Pennsylvania, we will be forced to reduce benefits and eligibility to our most vulnerable citizens; and

Whereas, The Federal Medicaid Assistance Percentage (FMAP) provides an efficient means to distribute aid to states with minimal administrative costs; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress to pass a temporary increase in Medicaid funding to provide immediate aid to states facing deficit budgets and increased costs to their Medicaid programs; and be it further

Resolved, That the House of Representatives urge the Congress to quickly pass the State Budget Relief Act of 2001, H.R. 3414, or any temporary increase in Medicaid funding to assist our State in its budget crisis; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress, to the Pennsylvania congressional delegation and to Governor Mark S. Schweiker.

POM–19. A resolution adopted by the Senate of the State of Delaware relative to providing Medicare coverage for all anti-cancer drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 21

Whereas, cancer is a leading cause of morbidity and mortality in the State of Delaware and throughout the Nation; and

Whereas, cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, who are thus dependent on the federal Medicare program for provision of cancer care; and

Whereas, with treatment using anti-cancer drugs being the cornerstone of modern cancer care, elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's current coverage for anti-cancer drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, the nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anticancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but, because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, non-coverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many individuals suffering from blood-related cancers like leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

Whereas, certain members of the United States Congress have recognized the necessity of Medicare coverage for all oral anticancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913):

Now, Therefore, be it

Resolved by the Senate of the 141st General Assembly of the State of Delaware, That the Congress of the United States is hereby respectfully requested to enact legislation extending coverage under the Medicare program for oral as well as injected anticancer drugs, and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Delaware's congressional delegation, the Secretary of Health and Human Services, and the Administrator of the Centers for Medicare and Medicaid Services.

POM–20. A resolution adopted by the City of Miami, State of Florida relative to Federal election monitoring; to the Committee on Rules and Administration.

RESOLUTION NO. 02–1014

Be It Resolved by the Commission of the City of Miami, Florida:

Section 1. The City Attorney is directed to request the United States Department of Justice to monitor voting in the City of Miami at the November 5, 2002 election to assure the rights of individuals to vote.

Section 2. The City Commission states that the City of Miami does not allege fraud or misconduct, but seeks to assure the integrity of the United States' democratic system.

Section 3. The City Clerk is directed to transmit a copy of this Resolution to President George W. Bush, Vice-President Richard B. Cheney, Speaker of the House J. Dennis Hastert, Senators Bill Nelson and Bob Graham, all the members of the United States House of Representatives for Miami-Dade County, the United States Department of Civil Rights, Governor Jeb Bush, the Miami-Dade County Board of County Commissioners, Mayor Alex Penelas, and Supervisor of Elections David Leahy.

Section 4. This Resolution shall be come effective immediately upon its adoption and signature of the Mayor

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POM–21. A resolution adopted by the Township of Washington, Warren County, New Jersey relative to the phrase "one nation under God" in the Pledge of Allegiance; to the Committee on Rules and Administration.

RESOLUTION NO. 2002–104

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ". . . one Nation under God . . . ;" and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001; and

Whereas, THE PHRASE ". . . one nation under God . . ." has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Washington Township's Life; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a supported church or religion as existed at that time in the several nations of Europe, and not to references to in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottoes, including the Pledge of Allegiance, have long been a long established tradition and manifestly do not constitute the meaning of "an establishment of religion" as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of Washington Township; and

Whereas, the overwhelming majority of Americans and Washington Township residents, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved, by the Township Committee of the Township of Washington, Warren County, State of New Jersey as follows:

1. This Committee condemns in the strongest terms possible this imprudent decision by the United States Court of Appeals for the Ninth Circuit;
2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts;
3. That the Committee urges all elected Warren County officials to effectuate whatever actions may be necessary to nullify this decision;
4. That all of the Washington Township schools be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes;
5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials both Federal and State;
6. That a copy of this resolution be sent to all the Board of Chosen Freeholders in the State of New Jersey and to all the Municipal Governing Bodies in the County of Warren, urging them to adopt and distribute similar resolutions addressing this execrable decision;
7. That this Committee, in order to demonstrate it's commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase "ONE NATION

UNDER GOD" in its Township Meeting Room.

POM–22. A resolution adopted by the Borough of Moonachie, New Jersey relative to the phrase "one nation under God" in the Pledge of Allegiance; to the Committee on the Judiciary.

Resolution No. 02–169

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ". . . one nation under God. . .", and

Whereas, references to the Deity have been included in most sacred founding documents, speeches, mottoes, and political statements including the most recent crisis of September 11, 2001; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to express the phrase in question and has the potential to directly impact the citizens of Moonachie and the entire Bergen County; and

Whereas, the majority of Americans and Moonachie residents support the inclusion of this phrase in the Pledge of Allegiance and no one is required to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved by the Mayor and Council of the Borough of Moonachie as follows:

1. The Mayor and Council object to the recent decision by the United States Court of Appeals for the Ninth Circuit;

2. That this decision is an example of an arbitrary and unconstitutional abuse of powers by the Federal Courts:

3. That the Mayor and Council urges all of our elected officials to take whatever actions may be necessary to nullify this decision;

4. That all of our schools be encouraged and urged to continue to recite the Pledge of Allegiance in it current format in all of their classes;

5. That a copy of this resolution shall be sent to the President of the United States, the Honorable George W. Bush, the Vice President of the United States, the Honorable Richard Cheney, and to all of our elected officials, both Federal and State;

6. That a copy of this resolution shall also be sent to all the Municipal Governing Bodies in the County of Bergen as well as the Bergen County Board of Chosen Freeholders, urging them to adopt and distribute a similar resolution.

POM–23. A resolution adopted by the Township of Oldmans, New Jersey relative to the phrase "one nation under God" in the Pledge of Allegiance; to the Committee on the Judiciary.

Resolution No. 2002–69

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase "one Nation under God" and

Whereas, from its very inception, references to te deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001; and

Whereas, the phrase "one Nation under God" has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Oldmans Township life for almost 50 years; and

Whereas, the First Amendment of the Bill of Rights states Congress shall make no law respecting the establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottoes, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of "an establishment of religion" as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of Oldmans Township; and

Whereas, the overwhelming majority of Americans and Oldmans Township residents, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now therefore, be it

Resolved by the Township Committee of the Township of Oldmans as follows:

1. The Oldmans Township Committee condemns in the strongest terms possible this imprudent decision by the United States Court of Appeals for the Ninth Circuit.

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts.

3. The Oldmans Township Committee urges all of our elected Salem County Officials to effectuate whatever actions may be necessary to nullify this decision.

4. That the Oldmans Township School be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes.

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state.

6. That a copy of this resolution be sent to the Salem County Board of Chosen Freeholders and to all the Municipal Governing Bodies in the County of Salem, urging them to adopt and distribute similar resolutions addressing this execrable decision.

7. The Oldsman Township Committee, in order to demonstrate its commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase "ONE NATION UNDER GOD" in its Township Committee Meeting Room until December 21, 2002.

POM–24. A resolution adopted by the Elsinboro Township, Salem County, New Jersey relative to the phrase "one nation under God" in the Pledge of Allegiance; to the Committee on the Judiciary.

Resolution No. 2002–37

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ". . . one Nation under God . . ."; and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001, and

Whereas, the phrase ". . . one Nation under God . . ." has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Elsinboro Township life for almost 50 years; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottos, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of "an establishment of religion" as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of Elsinboro Township; and

Whereas, the overwhelming majority of Americans and Elsinboro township residents, support the inclusion of this phrase in the Pledge of. Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore be it

Resolved by the Township Committee of the Township of Elsinboro as follows:

1. The Elsinboro Township Committee condemns in the strongest terms possible this imprudent decision of the United States Court of Appeals for the Ninth Circuit.

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts.

3. The Elsinboro Township Committee urges all of our elected Salem County Officials to effectuate whatever actions may be necessary to nullify this decision.

4. That the Elsinboro Township School be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes.

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state.

6. That a copy of this resolution be sent to the Salem County Board of Chosen Freeholders and to all the Municipal Governing Bodies in the County of Salem, urging them to adopt and distribute similar resolutions addressing this execrable decision.

7. The Elsinboro Township Committee, in order to demonstrate its commitment to the

principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase "ONE NATION UNDER GOD" in its Township Committee Meeting Room until December 31, 2002.

POM–25. A resolution adopted by the Borough of Butler, New Jersey relative to the phrase "one nation under God" in the Pledge of Allegiance; to the Committee on Rules and Administration.

RESOLUTION NO. R2002–119

Whereas, on June 26, 2002, the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ". . . one nation under God . . .", and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001; and

Whereas, the phrase ". . . one nation under God . . ." has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Morris County life for almost 50 years; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to the Deity in official government documents, speeches and mottoes, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of "an establishment of religion" as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of the Borough of Butler; and

Whereas, the overwhelming majority of Americans and Morris County residents, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved, by the Major and Council of the Borough of Butler, New Jersey, as follows:

1. This Mayor and Council condemns in the strongest term possible, this imprudent decision by the United States Court of Appeals for the Ninth Circuit;

2. That this decision is an egregious example of an arbitrary and unconstitutional abuse of powers by the Federal Courts;

3. That the Mayor and Council urges all of our elected Morris County officials to effectuate whatever actions may be necessary to nullify this decision:

4. That all of our Morris County schools be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes;

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush; to the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state;

6. That a copy of this resolution be sent to all the other Municipal Governing Bodies in the County of Morris, urging them to adopt and distribute similar resolutions addressing this execrable decision.

POM–26. A resolution adopted by the City of Buffalo, state of New York relative to Buffalo's CDGB allocation; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION NO. 184

Whereas, HUD Assistant Secretary Roy Bernardi has informed Mayor Masiello that the City of Buffalo will be losing approximately $1.825 million in CDBG funding in its 2003 allocation (#11, CCP 10/15/02–"HUD CDBG Fiscal Year 2003 Allocation");

Whereas, According to Mr. Bernardi, this funding cut is mandated by HUD's funding formula, which is based on the 2000 census data of poverty, housing overcrowding and pre 1940 housing; and

Whereas, According to HUD's "CDBG Program Description", CDBG funds may be used to "benefit persons of low and moderate income, aid in the prevention or elimination of slums or blight, or meet other community development needs of particular urgency";

Whereas, It defies logic and fact that the City of Buffalo should see a decrease in funding, given its ongoing devotion in the areas of poverty and housing; and

Whereas, As in other urban areas throughout the country, it is very likely that Buffalo suffered an undercount of both its population and level of poverty in the 2000 census; and

Whereas, Buffalo's need for CDBG funding exists in greater measure that ever before, and a cut at this time would be particularly egregious given the City's projected deficit of $228 million for fiscal year 2003/04; and

Whereas, For the sake of Buffalo's impoverished communities, where hope is running short, it is imperative that our Congressional delegates work effectively and urgently to restore Buffalo's CDBG funding cut;

Now, therefore, Be It Resolved That:

This Common Council requests the WNY Congressional delegation to insure that the City of Buffalo's CDBG allocation for 2003 is restored to at least the 2002 level, whether by appealing flaws in the formula that mask Buffalo's need, or by building an alliance to increase total CDBG funding nationwide; and

Now, Therefore, Be It Further Resolved That:

This Common Council requests the WNY Congressional delegation members to file a response to this request with the Council c/o the City Clerk, 1308 City Hall, Buffalo, NY 14202, as soon as possible, outlining any ways in which City officials and others can support their strategy to restore CDBG funding; and

Be It Finally Resolved That:

The City Clerk be directed to send certified copies of this resolution to Congress members Slaughter, Quinn, and LaFalce, Senator Schumer and Clinton, the Clerk of the Senate, the Speaker of the House, HUD Secretary Martinez and President Bush.

POM–27. A resolution adopted by the Michigan State Senate relative to the Hunting Heritage Protection Act; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 281

Whereas, Hunting is an activity that is enjoyed by millions of people across Michigan and our entire country. Unlike some recreational pursuits, however, hunting provides a direct link to the outdoors heritage of our nation and is a sport that is closely tied to the quality of our natural resources. The benefits of hunting extend far beyond economic considerations. This reality is especially appreciated by the people of Michigan; and

Whereas, Recreational hunting continues to be an important way people relate to the outdoors, even in our modern society. Hunters and hunting organizations are among the most dedicated supporters of sound wildlife management and conservation practices. Fees from licenses contribute to programs that maintain unique resources for future generations; and

Whereas, In an effort to perpetuate our country's hunting heritage, Congress has been considering legislation that would take steps to ensure that hunting remains a key part of wildlife management on federal lands. This legislation, the Hunting Heritage Protection Act, provides that federal lands will be open to hunting, with specific exceptions. Federal agencies with authority on public lands are to support and enhance hunting within applicable laws and regulations. The legislation includes provisions to ensure that there is no net loss of land available for hunting as future land decisions are made; and

Whereas, Michigan has a long history of respect for the role that sound wildlife management can play in preserving unique recreational resources. Our citizens have strongly supported moves to protect our woods, waters, and wildlife. Federal legislation to ensure that hunting remains part of our national heritage reflects the will of our state: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Hunting Heritage Protection Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–28. A resolution adopted by the Michigan State Senate relative to funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 282

Whereas, Aquatic species from outside the Great Lakes that have become established here have significantly altered the ecology of this treasured freshwater resource. The lamprey, zebra mussel, and goby are the best known of these exotic invaders. The costs, from municipalities that have to maintain water systems to those who make their living on the lakes through recreation or other businesses, represent an enormous economic drain. Most importantly, these species can seriously upset the delicate balance of nature in ways we may not fully understand for decades; and

Whereas, Another invasion species is close to entering the Great Lakes. The Asian carp, a large, voracious fish imported to the Mississippi Valley region to clean certain vegetation and snails from commercial fish farming operations, has been making its way up the Chicago Ship and Sanitary Canal and is apparently getting close to Lake Michigan. Offices in the Great Lakes area and from the International Joint Commission have called for Congress to support measures to keep this threat out of the Great Lakes; and

Whereas, One of the strategies proposed to prevent the Asian carp from entering Lake Michigan is an electric dispersal barrier near Chicago. Congress has been considering appropriations that would provide for the United States Corps of Engineers to implement the dispersal barrier project. Delays in this effort jeopardize further the long-term health of the Great Lakes; Now, therefore be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and member of the Michigan congressional delegation.

POM-29. A resolution adopted by the City of Salem, New Jersey relative to the phrase "one nation under God" in the Pledge of Allegiance; to the Committee on the Judiciary.

RESOLUTION NO. 02-150

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ". . . one Nation under God . . ."; and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech and through the current crises of September 11, 2001; and

Whereas, the phrase ". . . one Nation under God . . ." has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of the City of Salem life for almost 50 years; and

Whereas, the First Amendment to the Bill of Rights states "Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottos, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of "an establishment of religion" as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of the City of Salem; and

Whereas, the overwhelming majority of Americans which includes the residents of the City of Salem, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved, by the Mayor and Common Council of the City of Salem, County of Salem, and State of New Jersey as follows:

1. The Mayor and Common Council condemns in the strongest terms possible this imprudent decision by the United States Court of Appeals for the Ninth Circuit.

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts.

3. The Mayor and Common Council of the City of Salem urges all of our elected Salem County Officials to effectuate whatever actions may be necessary to nullify this decision.

4. That the Salem City School System be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes.

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials both federal and state.

6. That a copy of this resolution be sent to the Salem County Board of Chosen Freeholders and to all the Municipal Governing bodies in the County of Salem, urging them to adopt and distribute similar resolutions addressing this execrable decision.

7. The Mayor and Common Council of the City of Salem, in order to demonstrate its commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase "ONE NATION UNDER GOD" in its Council Meeting Room until December 31, 2002.

POM-30. A resolution adopted by the Humboldt County Democratic Central Committee, City of Eureka, State of California relative to the use of force against Iraq; to the Committee on Foreign Relations.

A RESOLUTION

Whereas the Humboldt County Democratic Central Committee is responsible for representing the values and interests of Democratic voters in Humboldt County;

Whereas members of the Humboldt County Democratic Central Committee are publicly elected and constitute a diverse body of community leaders with demonstrated knowledge of civic issues and commitment to public service;

Whereas there are over 30,000 registered Democratic voters in Humboldt County, making the Democratic Party the largest civic organization on California's North Coast;

Whereas the possibility of war between the United States of America and the Republic of Iraq is a matter of great concern to Humboldt County Democrats;

Whereas the consequences of such a war could include the loss of American lives, the deaths of innocent Iraqi civilians, damage to United States diplomatic relations with countries throughout the Arab and Muslim world, diminished cooperative international efforts to reduce international terrorism, dangerously high global energy prices, and increased ethnic and religious violence in the Middle East;

Whereas a congressional authorization for the President to use force that would result in the overthrow of another government is tantamount to a declaration of war, a power constitutionally reserved to Congress, and one which cannot be deferred or delegated to the President;

Whereas embarking on such a war without broad international support and participation defies international laws and standards of decent, civilized behavior;

Whereas, the United States and the international community have not yet exhausted peaceful means to resolve the issues of Iraqi compliance with United Nations Security Council resolutions, which if successful, would provide knowledge about the true extent of potential threats posed by Iraq;

Whereas the Administration has failed to justify the human and financial cost of attacking Iraq, which must be based on either an objectively imminent threat posed by Iraq or a preeminent role that Iraq plays in supporting terrorism;

Whereas the use of force by the United States against another government under these circumstances undermines the democratic principles of this great republic to uphold justice, liberty and human rights;

Whereas the sudden and relentless emphasis on this issue by the Republican Party, the President and his administration just before a critical national election diverts public attention away from other vitally important issues including corporate fraud, the growing national debt, health care reforms and preserving Social Security: Now, therefore, be it

Resolved, That the Humboldt County Democratic Central Committee hereby opposes the preemptive use of force or a Congressional resolution authorizing such a use of force against Iraq or any sovereign nation without independently verified evidence of an imminent threat, due consideration of the short- and long-term consequences noted above, and the exhaustion of all peaceful means to remedy the situation; be it further

Resolved, That the Humboldt County Democratic Central Committee calls upon the President and his administration to fully participate in international collaborative efforts to peacefully ensure Iraqi compliance with United Nations resolutions; and be it further

Resolved, That the Humboldt County Democratic Central Committee calls upon our elected officials to pursue domestic policies that reduce our dependence on energy imports and support foreign policies that consistently respect and support human rights, national sovereignty, and international efforts to reduce poverty; and be it further

Resolved, That copies of this resolution be sent to our elected officials, the local media and civic organizations.

POM-31. A resolution adopted by the City of Miami, State of Florida relative to human rights violations in Afghanistan; to the Committee on Foreign Relations.

RESOLUTION NO. 02-860

Whereas, the abuse of women and children in Afghanistan and Pakistan and other countries under the leadership of fundamentalist regimes has been well documented by nations, international human rights organizations and the media, particularly since the take-over of Afghanistan by the Taliban; and

Whereas, these women and children continue to suffer from the deprivation and violation of their civil and human rights and be subjected to violence, repression and abuse; and

Whereas, the City of Miami Commission on the Status of Women has set out in its Position Statement/Paper its condemnation of the treatment of women and children in Afghanistan and Pakistan; and

Whereas, the City Commission wishes to strongly urge the government of the United States, and any other nations or authorities responsible for the status and treatment of women, to review the Position Statement/Paper of the City of Miami Commission on the Status of Women: Now, therefore, be it

Resolved by the Commission of the City of Miami, Florida:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The United States government and any other nations or authorities responsible for the status and treatment of women are strongly urged to review the Position Statement/Paper of the City of Miami Commission on the Status of Women which condemns the treatment of women and children in Afghanistan and Pakistan.

Section 3. The City Clerk is directed to transmit a copy of this Resolution to President George W. Bush, Vice-President Richard B. Cheney, Speaker of the House J. Dennis Hastert, Senators Bob Graham and Bill Nelson, all members of the United States House of Representatives for Miami-Dade County, the United States Department of State, the United States Department of Justice, the United Nations High Commissioner, and all Consulate Generals based in the City of Miami and Miami-Dade County.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

City of Miami Commission on the Status of Women Position Paper Condemning the Treatment of Women and Children in Afghanistan and Pakistan

The abuse of women in Afghanistan and Pakistan and other countries under the leadership of fundamentalist regimes has been documented for several years, particularly since the take-over of Afghanistan by the Taliban.

Prior to the takeover by the Taliban in 1996, women throughout Afghanistan enjoyed some degree of freedom. The Taliban institutionalized the sort of discrimination the entire world has now soundly condemned. Women comprised some 70% of school teachers, 50% of civilian workers, and 40% of doctors in Kabul.

Women have been banished to a bare existence, denied most schooling, adequate medical care, and any means to support themselves. It is estimated that the illiteracy rate among women is now 90%. Many women and children have died seeking medical care of any sort. It is also estimated by international organizations that there exist some 40,000 widows in Afghanistan. Though exempt from some of the edicts of the past government, they have been left with few means to support and feed themselves and their children.

Women and their male supporters have been publicly beaten and frequently killed by the "Religious Police" in their attempts to enforce their version of the law.

Many women have continued to pursue education and medicine in secret, teaching in secret home schools, and doctors have had to practice medicine under extreme restrictions as to their dress and the patients they may treat.

A recent article in the Miami Herald declared that in spite of the "loya jirga" (or "grand council" that was in progress in Afghanistan to choose the country's current and future leaders, in practice, women who speak out and fail to wear the traditional clothing mandated in the past, are still prime targets of the local warlords and their followers and are thus unable to fully participate in the rebuilding process. Recently, a relief agency trucking supplies into the mountains was stopped and a female relief worker raped by the "soldiers." Many of the warlords who control the areas of worst abuse are the same warlords who are participating in the "loya jirga" and have obtained positions of authority in the new government. Women who are working for progress and healing are subject to retribution at all levels.

In Pakistan and India, women have also historically been subject to repression and laws which treat them as less than property.

1. The United States government must come out even more strongly in support of women and children in Afghanistan and Pakistan and the Non-Governmental Organizations that strive to support them.

2. In spite of the passage of the Afghanistan Women and Children Relief Act of 2001 by Congress, more funding and more support must be forthcoming. The United States was the driving force behind the liberation of the countries in question from extremist rule, and must be the leading force assisting in the remediation of these atrocities.

3. The governments of Afghanistan and Pakistan should be encouraged to clearly and publicly condemn all acts of violence against women. They should develop and implement policies and disseminate materials to promote women's safety in the community and in detention.

4. The governments of Afghanistan and Pakistan should prohibit all acts of violence against women and establish legal protection. They should review existing laws such as the "Hudood Ordinance" (which criminalizes extra-marital' sex, including adultery, fornication and rape outside of a valid marriage) and add additional protections and penalties.

5. The governments of Afghanistan and Pakistan must investigate all allegations of violence against women and prosecute and punish those found to be responsible.

6. In Afghanistan, women must be reintroduced into open society with all the protections we in the West enjoy. Women doctors must be allowed to go back to work. Women teachers must be allowed to teach and schools must be allowed past the 8th grade.

7. Women must be made equal citizens as far as enlightened' religious practice allows. Prior regimes in Afghanistan allowed women great latitude in society. That must be restored.

8. The United States must fully support all United Nations efforts to end all forms of discrimination against women, and monitor these efforts on an ongoing basis and report to the people of the United States on progress achieved.

POM–32. A resolution adopted by the City of Belvedere State of New Jersey relative to supporting Israel in the campaign against terrorism; to the Committee on Foreign Relations.

Resolution

Whereas, the United States of America was struck by suicide terrorists on September 11, 2001, in attacks that killed thousands of U.S. citizens, destroyed the World Trade Center in New York City, damaged the Pentagon, and purposefully incinerated four commercial aircraft by turning those planes into suicide missiles; and

Whereas, the government of the United States and the military of this country are currently involved in an international and domestic effort of historic proportions to curb terrorism against this country and assist our friends and allies who are engaged in similar efforts; and

Whereas, the State of Israel, the closest ally of the United States in the Mideast and the only democratic nation in that region, has experienced a brutal spate of suicide terrorist attacks against civilizations in the last year by groups sponsored or given safe harbor by the Palestinian Authority and its Chairman, Yasser Arafat, and substantially assisted by our nations in the region such as Iraq and Iran; and

Whereas, an attack against the civilian population by terrorists of one country is an attack on civilizations in all countries and the increased use of suicide bombers is a new form of terrorism that threatens civilians everywhere; and

Whereas, the Warren County Board of Chosen Freeholders laments the tragic loss of life experience by the Israeli people during the recent hostilities in the Mideast: Now, therefore be it

Resolved by the Warren County Board of Chosen Freeholders:

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County stands behind those efforts of our President that support the government and people of Israel in this time of crisis in the Mideast.

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County supports the State of Israel and her citizens in the campaign against terror and in the effort to root out the terrorist infrastructure currently protected by and encouraged by the Palestinian Authority and other nations in the region still at war with the State of Israel.

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County call upon all Arab nations committed to and desirous of peace to take action by: abstaining from monetarily rewarding attacks on innocent citizens; encouraging accountability in the peace process by facilitating the establishment of democratic institutions of government in the Palestinian Authority to insure enforcement of peace if and when it is brokered; halting the use of state media and state education systems to fomet religious hatred and anti-Semitism; and encouraging the Palestian Authority to place in leadership people capable and willing to negotiate and consummate a permanent peace accord.

That the Warren County Board of Chosen Freeholders on behald of the citizens of Warren County urges our President and our Congress to support the State of Israel in its effort to live in peace and security, minimize to the greatest extent loss to innocents and to withstand pressure from those who would appease or accommodate terrorism in any form or at any place.

That a copy of this resolution be distributed to the President of the United States, the Honorable George W. Bush, to the Vice President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Celeste Colgan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Whereas, One of the strategies proposed to prevent the Asian carp from entering Lake Michigan is an electric dispersal barrier near Chicago. Congress has been considering appropriations that would provide for the United States Corps of Engineers to implement the dispersal barrier project. Delays in this effort jeopardize further the long-term health of the Great Lakes; Now, therefore be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and member of the Michigan congressional delegation.

POM–29. A resolution adopted by the City of Salem, New Jersey relative to the phrase "one nation under God" in the Pledge of Allegiance; to the Committee on the Judiciary.

Resolution No. 02–150

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ". . . one Nation under God . . ."; and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech and through the current crises of September 11, 2001; and

Whereas, the phrase ". . . one Nation under God . . ." has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of the City of Salem life for almost 50 years; and

Whereas, the First Amendment to the Bill of Rights states "Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottos, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of "an establishment of religion" as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of the City of Salem; and

Whereas, the overwhelming majority of Americans which includes the residents of the City of Salem, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved, by the Mayor and Common Council of the City of Salem, County of Salem, and State of New Jersey as follows:

1. The Mayor and Common Council condemns in the strongest terms possible this imprudent decision by the United States Court of Appeals for the Ninth Circuit.

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts.

3. The Mayor and Common Council of the City of Salem urges all of our elected Salem County Officials to effectuate whatever actions may be necessary to nullify this decision.

4. That the Salem City School System be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes.

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials both federal and state.

6. That a copy of this resolution be sent to the Salem County Board of Chosen Freeholders and to all the Municipal Governing bodies in the County of Salem, urging them to adopt and distribute similar resolutions addressing this execrable decision.

7. The Mayor and Common Council of the City of Salem, in order to demonstrate its commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase "ONE NATION UNDER GOD" in its Council Meeting Room until December 31, 2002.

POM–30. A resolution adopted by the Humboldt County Democratic Central Committee, City of Eureka, State of California relative to the use of force against Iraq; to the Committee on Foreign Relations.

A Resolution

Whereas the Humboldt County Democratic Central Committee is responsible for representing the values and interests of Democratic voters in Humboldt County;

Whereas members of the Humboldt County Democratic Central Committee are publicly elected and constitute a diverse body of community leaders with demonstrated knowledge of civic issues and commitment to public service;

Whereas there are over 30,000 registered Democratic voters in Humboldt County, making the Democratic Party the largest civic organization on California's North Coast;

Whereas the possibility of war between the United States of America and the Republic of Iraq is a matter of great concern to Humboldt County Democrats;

Whereas the consequences of such a war could include the loss of American lives, the deaths of innocent Iraqi civilians, damage to United States diplomatic relations with countries throughout the Arab and Muslim world, diminished cooperative international efforts to reduce international terrorism, dangerously high global energy prices, and increased ethnic and religious violence in the Middle East;

Whereas a congressional authorization for the President to use force that would result in the overthrow of another government is tantamount to a declaration of war, a power constitutionally reserved to Congress, and one which cannot be deferred or delegated to the President;

Whereas embarking on such a war without broad international support and participation defies international laws and standards of decent, civilized behavior;

Whereas, the United States and the international community have not yet exhausted peaceful means to resolve the issues of Iraqi compliance with United Nations Security Council resolutions, which if successful, would provide knowledge about the true extent of potential threats posed by Iraq;

Whereas the Administration has failed to justify the human and financial cost of attacking Iraq, which must be based on either an objectively imminent threat posed by Iraq or a preeminent role that Iraq plays in supporting terrorism;

Whereas the use of force by the United States against another government under these circumstances undermines the democratic principles of this great republic to uphold justice, liberty and human rights;

Whereas the sudden and relentless emphasis on this issue by the Republican Party, the President and his administration just before a critical national election diverts public attention away from other vitally important issues including corporate fraud, the growing national debt, health care reforms and preserving Social Security: Now, therefore, be it

Resolved, That the Humboldt County Democratic Central Committee hereby opposes the preemptive use of force or a Congressional resolution authorizing such a use of force against Iraq or any sovereign nation without independently verified evidence of an imminent threat, due consideration of the short- and long-term consequences noted above, and the exhaustion of all peaceful means to remedy the situation; be it further

Resolved, That the Humboldt County Democratic Central Committee calls upon the President and his administration to fully participate in international collaborative efforts to peacefully ensure Iraqi compliance with United Nations resolutions; and be it further

Resolved, That the Humboldt County Democratic Central Committee calls upon our elected officials to pursue domestic policies that reduce our dependence on energy imports and support foreign policies that consistently respect and support human rights, national sovereignty, and international efforts to reduce poverty; and be it further

Resolved, That copies of this resolution be sent to our elected officials, the local media and civic organizations.

POM–31. A resolution adopted by the City of Miami, State of Florida relative to human rights violations in Afghanistan; to the Committee on Foreign Relations.

Resolution No. 02–860

Whereas, the abuse of women and children in Afghanistan and Pakistan and other countries under the leadership of fundamentalist regimes has been well documented by nations, international human rights organizations and the media, particularly since the take-over of Afghanistan by the Taliban; and

Whereas, these women and children continue to suffer from the deprivation and violation of their civil and human rights and be subjected to violence, repression and abuse; and

Whereas, the City of Miami Commission on the Status of Women has set out in its Position Statement/Paper its condemnation of the treatment of women and children in Afghanistan and Pakistan; and

Whereas, the City Commission wishes to strongly urge the government of the United States, and any other nations or authorities responsible for the status and treatment of women, to review the Position Statement/Paper of the City of Miami Commission on the Status of Women: Now, therefore, be it

Resolved by the Commission of the City of Miami, Florida:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The United States government and any other nations or authorities responsible for the status and treatment of women are strongly urged to review the Position Statement/Paper of the City of Miami Commission on the Status of Women which condemns the treatment of women and children in Afghanistan and Pakistan.

Section 3. The City Clerk is directed to transmit a copy of this Resolution to President George W. Bush, Vice-President Richard B. Cheney, Speaker of the House J. Dennis Hastert, Senators Bob Graham and Bill Nelson, all members of the United States House of Representatives for Miami-Dade County, the United States Department of State, the United States Department of Justice, the United Nations High Commissioner, and all Consulate Generals based in the City of Miami and Miami-Dade County.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

CITY OF MIAMI COMMISSION ON THE STATUS OF WOMEN POSITION PAPER CONDEMNING THE TREATMENT OF WOMEN AND CHILDREN IN AFGHANISTAN AND PAKISTAN

The abuse of women in Afghanistan and Pakistan and other countries under the leadership of fundamentalist regimes has been documented for several years, particularly since the take-over of Afghanistan by the Taliban.

Prior to the takeover by the Taliban in 1996, women throughout Afghanistan enjoyed some degree of freedom. The Taliban institutionalized the sort of discrimination the entire world has now soundly condemned. Women comprised some 70% of school teachers, 50% of civilian workers, and 40% of doctors in Kabul.

Women have been banished to a bare existence, denied most schooling, adequate medical care, and any means to support themselves. It is estimated that the illiteracy rate among women is now 90%. Many women and children have died seeking medical care of any sort. It is also estimated by international organizations that there exist some 40,000 widows in Afghanistan. Though exempt from some of the edicts of the past government, they have been left with few means to support and feed themselves and their children.

Women and their male supporters have been publicly beaten and frequently killed by the "Religious Police" in their attempts to enforce their version of the law.

Many women have continued to pursue education and medicine in secret, teaching in secret home schools, and doctors have had to practice medicine under extreme restrictions as to their dress and the patients they may treat.

A recent article in the Miami Herald declared that in spite of the "loya jirga" (or "grand council" that was in progress in Afghanistan to choose the country's current and future leaders, in practice, women who speak out and fail to wear the traditional clothing mandated in the past, are still prime targets of the local warlords and their followers and are thus unable to fully participate in the rebuilding process. Recently, a relief agency trucking supplies into the mountains was stopped and a female relief worker raped by the "soldiers." Many of the warlords who control the areas of worst abuse are the same warlords who are participating in the "loya jirga" and have obtained positions of authority in the new government. Women who are working for progress and healing are subject to retribution at all levels.

In Pakistan and India, women have also historically been subject to repression and laws which treat them as less than property.

1. The United States government must come out even more strongly in support of women and children in Afghanistan and Pakistan and the Non-Governmental Organizations that strive to support them.

2. In spite of the passage of the Afghanistan Women and Children Relief Act of 2001 by Congress, more funding and more support must be forthcoming. The United States was the driving force behind the liberation of the countries in question from extremist rule, and must be the leading force assisting in the remediation of these atrocities.

3. The governments of Afghanistan and Pakistan should be encouraged to clearly and publicly condemn all acts of violence against women. They should develop and implement policies and disseminate materials to promote women's safety in the community and in detention.

4. The governments of Afghanistan and Pakistan should prohibit all acts of violence against women and establish legal protection. They should review existing laws such as the "Hudood Ordinance" (which criminalizes extra-marital sex, including adultery, fornication and rape outside of a valid marriage) and add additional protections and penalties.

5. The governments of Afghanistan and Pakistan must investigate all allegations of violence against women and prosecute and punish those found to be responsible.

6. In Afghanistan, women must be reintroduced into open society with all the protections we in the West enjoy. Women doctors must be allowed to go back to work. Women teachers must be allowed to teach and schools must be allowed past the 8th grade.

7. Women must be made equal citizens as far as enlightened religious practice allows. Prior regimes in Afghanistan allowed women great latitude in society. That must be restored.

8. The United States must fully support all United Nations efforts to end all forms of discrimination against women, and monitor these efforts on an ongoing basis and report to the people of the United States on progress achieved.

POM–32. A resolution adopted by the City of Belvedere State of New Jersey relative to supporting Israel in the campaign against terrorism; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the United States of America was struck by suicide terrorists on September 11, 2001, in attacks that killed thousands of U.S. citizens, destroyed the World Trade Center in New York City, damaged the Pentagon, and purposefully incinerated four commercial aircraft by turning those planes into suicide missiles; and

Whereas, the government of the United States and the military of this country are currently involved in an international and domestic effort of historic proportions to curb terrorism against this country and assist our friends and allies who are engaged in similar efforts; and

Whereas, the State of Israel, the closest ally of the United States in the Mideast and the only democratic nation in that region, has experienced a brutal spate of suicide terrorist attacks against civilizations in the last year by groups sponsored or given safe harbor by the Palestinian Authority and its Chairman, Yasser Arafat, and substantially assisted by our nations in the region such as Iraq and Iran; and

Whereas, an attack against the civilian population by terrorists of one country is an attack on civilizations in all countries and the increased use of suicide bombers is a new form of terrorism that threatens civilians everywhere; and

Whereas, the Warren County Board of Chosen Freeholders laments the tragic loss of life experience by the Israeli people during the recent hostilities in the Mideast: Now, therefore be it

Resolved by the Warren County Board of Chosen Freeholders:

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County stands behind those efforts of our President that support the government and people of Israel in this time of crisis in the Mideast.

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County supports the State of Israel and her citizens in the campaign against terror and in the effort to root out the terrorist infrastructure currently protected by and encouraged by the Palestinian Authority and other nations in the region still at war with the State of Israel.

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County call upon all Arab nations committed to and desirous of peace to take action by: abstaining from monetarily rewarding attacks on innocent citizens; encouraging accountability in the peace process by facilitating the establishment of democratic institutions of government in the Palestinian Authority to insure enforcement of peace if and when it is brokered; halting the use of state media and state education systems to fomet religious hatred and anti-Semitism; and encouraging the Palestinian Authority to place in leadership people capable and willing to negotiate and consummate a permanent peace accord.

That the Warren County Board of Chosen Freeholders on behald of the citizens of Warren County urges our President and our Congress to support the State of Israel in its effort to live in peace and security, minimize to the greatest extent loss to innocents and to withstand pressure from those who would appease or accommodate terrorism in any form or at any place.

That a copy of this resolution be distributed to the President of the United States, the Honorable George W. Bush, to the Vice President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Celeste Colgan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Stephen McKnight, of Florida to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Sidney McPhee, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Lawrence Okamura, of Missouri, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Marguerite Sullivan, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Stephen Thernstrom, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Terry L. Maple, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

*Phyllis C. Hunter, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of two years.

*Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of three years.

*Douglas Carnine, of Oregon, to be a Member of the National Institute for Literacy Advisory Board for a term of three years.

*Stanley C. Suboleski, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006.

*W. Scott Railton, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 2, 2007.

By Mr. McCAIN for the Committee on Commerce, Science and Transportation.

*Asa Hutchinson, of Arkansas, to be Under Secretary for Border and Transportation, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. Specter, Mr. Lugar, and Mr. Hatch):

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mrs. Clinton, Mr. Hatch, Mr. Bingaman, and Mr. Kyl):

S. 206. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Finance.

By Mr. SMITH:

S. 207. A bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind; to the Committee on Finance.

By Ms. SNOWE:

S. 208. A bill to require the Secretary of Homeland Security to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. Durbin, Mr. Cornyn, Mr. Levin, Mr. DeWine, Mr. Cochran, Mr. Fitzgerald, and Mr. Allen):

S. 209. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 210. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 211. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. Brownback, and Mr. Domenici):

S. 212. A bill to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 213. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 214. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. Bond, Mr. Leahy, Mr. Lieberman, Mr. Gregg, Mrs. Murray, Mr. Johnson, Mrs. Clinton, Mr. Breaux, and Mr. Feingold):

S. 215. A bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard; to the Committee on Armed Services.

By Mr. EDWARDS:

S. 216. A bill to authorize the National Institute of Standards and Technology to develop improvements in building and fire codes, standards, and practices to reduce the impact of terrorist and other extreme threats to the safety of buildings, their occupants, and emergency responders, and to authorize the Department of Homeland Security to form a task force to recommend ways to strengthen standards in the private security industry, stabilize the workforce, and create a safer environment for commercial building and industrial facility occupants; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. Lautenberg):

S. 217. A bill to reinstate felony penalties for licensed gun dealers who fail to maintain records of sales; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. McCain, Mr. Hollings, and Mr. Kerry):

S. 218. A bill to amend the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself and Mr. Specter):

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. McCain, Mr. DeWine, Mr. Bingaman, Mr. Brownback, Mr. Durbin, Mr. Domenici, Mr. Specter, Ms. Mikulski, Mr. Cochran, Mrs. Murray, Mr. Allen, Mrs. Clinton, Mr. Fitzgerald, Mr. Akaka, Mr. Dodd, and Ms. Landrieu):

S. Res. 25. A resolution designating January 2003 as "National Mentoring Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. Inouye, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 85

At the request of Mr. Lugar, the names of the Senator from Kansas (Mr. Roberts) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 138

At the request of Mr. Rockefeller, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S.J. RES. 4

At the request of Mr. Hatch, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S.J. Res. 4, A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 1

At the request of Mr. Sarbanes, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. Con. Res. 1, A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 33

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 33 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 39

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 59

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 59 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 89

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 89 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 108

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 108 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 108

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr . AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mrs. FEINSTEIN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of amendment No. 108 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 126

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 126 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 127

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 127 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 131

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of amendment No. 131 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 135

At the request of Mr. TALENT, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 135 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 136

At the request of Ms. MIKULSKI, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL), the Senator from Oregon (Mr. SMITH), the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 136 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 137

At the request of Mr. LIEBERMAN, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 137 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 137

At the request of Mr. LOTT, his name was added as a cosponsor of amendment No. 137 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 138

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 138 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 138

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 138 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 138

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 138 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 138

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of amendment No. 138 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 163

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 163 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 167

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 167 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 172

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 172 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 174

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 174 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 176

At the request of Mr. SCHUMER, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 176 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 178

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 178

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mrs. DOLE, her name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 187

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 187 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 188

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 188 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 192

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 192 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 199

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 199 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 214

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 214 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 214

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 214 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 236

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 236 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. LUGAR, and Mr. HATCH):

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, on October 7, 2002, the President of the United States said something very important about United Nations inspections in Iraq. He said: "Clearly, to actually work, any new inspections . . . will have to be very different. . . . To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside the country—and these witnesses must be free to bring their families with them so they are all beyond the reach of Saddam Hussein's terror and murder. And inspectors must have access to any site, at any time, without pre-clearance, without delay, without exceptions."

The President was right on the money about inspections. This is how to get the information the world needs on Saddam Hussein's weapons of mass destruction. Inspections are vital to stripping him of those banned weapons.

The United Nations responded properly to the President's challenge. On November 8, the Security Council adopted Resolution 1441, which provided: . . . that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi government."

The inspectors are given unprecedented authority. But how are they to implement it? Where will those weapons scientists and their families go, once they've told the truth about Saddam's weapons programs? They can't go home again. And at least in the short run, there will be no safe haven in the region for people who reveal Saddam's most terrible secrets.

Maybe some can go to Europe, although both al Qaeda cells and Saddam's agents have operated there. Maybe some can go to Canada, or to South America.

If the United States wants the world to show resolve in dealing with Saddam Hussein, however, then we must take the lead in admitting those people who have the courage to betray Saddam's nuclear, chemical, biological or missile programs. We have a large country in which to absorb those people, and, for all our problems, we have the best law enforcement and security apparatus to guard them.

What we do not have is an immigration system that readily admits large numbers of persons who were involved with weapons of mass destruction, have aided a country in the sop-called "axis of evil," and are bringing their families. I introduced legislation last October, therefore, to admit to our country those personnel, and their families, who give critical and reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency. On November 20, the Senate passed an amended version of that bill, S. 3079, with the strong support of the Administration; but there was not enough time for the House of Representatives to act on the legislation.

Two months have passed since inspections were resumed in Iraq. The new inspectors are gaining experience, as well as actionable intelligence from the United States and other countries. They are beginning to find unreported weapons; and every weapon destroyed is a weapon that will never be used to cause mass destruction or to attack U.S. forces.

But inspectors have had a hard time getting truthful information from the Iraqis they interview. Saddam Hussein terrorizes his people, including his weapons scientists, so effectively that they are afraid to be interviewed in private, let alone outside the country. They know that even the appearance of cooperation could be a death sentence for themselves or their families.

To overcome this obstacle, and to discover and dismantle Saddam Hussein's weapons of mass destruction, UNMOVIC and the IAEA must interview relevant persons securely and with their families protected, even if they protest publicly against this treatment. Hans Blix may dislike running "a defection agency," but that could be the only way to obtain truthful information about Saddam's weapons of mass destruction. The protests of those interviewed can actually be helpful, as they prevent Saddam from knowing which of his personnel may be willing to tell the truth once they and their families are given a secure environment.

The United States must help UNMOVIC and the IAEA to create that secure environment. So, today I am reintroducing the Iraqi Scientists Immigration Act.

I am joined by my esteemed colleague on the Judiciary Committee, Senator SPECTER of Pennsylvania, who co-sponsored the original bill, and also by the chairmen of the Foreign Relations Committee and the Judiciary Committee Senator LUGAR of Indiana and Senator HATCH of Utah. I have been assured, moreover, that the Administration remains eager to see this bill enacted. This bill is not political. Rather, it is a bipartisan effort to help the President succeed in forcing Iraq to destroy all its weapons of mass destruction capabilities.

I urge my colleagues to support quick action on this legislation. Iraqis will not come forward unless we offer protection to them and their families. Those who are willing to provide truthful information will merit our protection. And their information will help disarm Saddam Hussein; it will save lives if we have to go to war; and it could even help us to disarm Saddam without a war.

Current law includes several means of either paroling non-immigrants into the United States or admitting people for permanent residence, notwithstanding their normal inadmissibility under the law. These are very limited provisions, however, and they will not suffice to accommodate hundreds of Iraqi scientists and their families.

The legislation that I am re-introducing, the "Iraqi Scientists Immigration Act of 2003," will permit the Attorney General, on a case-by-case basis in coordination with the Secretary of State and the Director of Central Intelligence, to admit a foreigner and his family if such person: has worked in an Iraqi program to produce weapons of mass destruction or the means to deliver them; is willing to supply or has supplied critical and reliable information on that program to an agency of the United States Government; may be willing to supply or has supplied such information to United Nations or IAEA inspectors; and will be or has been placed in danger as a result of providing such information.

The Attorney General will also have the authority to give legal permanent resident status to persons who provide the promised information.

Finally, this legislation will be limited to the admission of 500 scientists, plus their families. If it works and we need to enlarge the program, we can do so.

The important thing to do now is to give our country the initial authority, and to give United Nations inspectors the ability to reassure Saddam's nuclear, chemical, biological and missile experts that they and their families will be protected if they help the world to bring those programs down.

President Bush, other world leaders, and the inspectors in Iraq are trying to disarm a tyrant whose arms programs make him a danger to world peace. And they are trying to do this without going to war, even as we prepare to wage that war if necessary. We owe it to the inspectors to give them every chance to succeed. We owe it to the President to give him the tools he needs to help those inspectors. We owe it to Iraq's people and its neighbors to do everything we can to dismantle its weapons of mass destruction programs. And we owe it to our own people to do all we can to achieve that end peacefully, and with international support.

This bill is a small, but vital step toward those ends. I urge my colleagues to give it their immediate attention and support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraqi Scientists Immigration Act of 2003".

SEC. 2. ADMISSION OF CRITICAL ALIENS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(W) Subject to section 214(s), an alien—

"(i) who the Attorney General determines, in coordination with the Secretary of State, the Director of Central Intelligence, and such other officials as he may deem appropriate, and in the Attorney General's unreviewable discretion, is an individual—

"(I) who has worked at any time in an Iraqi program to produce weapons of mass destruction or the means to deliver them;

"(II) who is in possession of critical and reliable information concerning any such Iraqi program;

"(III) who is willing to provide, or has provided, such information to the United States Government;

"(IV) who may be willing to provide, or has provided, such information to inspectors of the United Nations or of the International Atomic Energy Agency;

"(V) who will be or has been placed in danger as a result of providing such information; and

"(VI) whose admission would be in the public interest or in the interest of national security; or

"(ii) who is the spouse, married or unmarried son or daughter, parent, or other relative, as determined by the Attorney General in his unreviewable discretion, of an alien described in clause (i), if accompanying or following to join such alien, and whose admission the Attorney General, in coordination with the Secretary of State and the Director of Central Intelligence, determines in his unreviewable discretion is in the public interest or in the interest of national security.".

(b) LIMITATIONS AND CONDITIONS APPLICABLE TO "W" NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by redesignating subsections (m) (as added by section 105 of Public Law 106–313), (n) (as added by section 107(e) of Public Law 106–386), (o) (as added by section 1513(c) of Public Law 106–386), (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively; and

(2) by adding at the end the following new subsection:

"(s) NUMERICAL LIMITATIONS AND CONDITIONS OF ADMISSION AND STAY FOR NONIMMIGRANTS ADMITTED UNDER SECTION 101(a)(15)(W).—

"(1) LIMITATION.—The number of aliens who may be admitted to the United States or otherwise granted status under section 101(a)(15)(W)(i) may not exceed a total of 500.

"(2) CONDITIONS.—As a condition for the admission, and continued stay in lawful status, of any alien admitted to the United States or otherwise granted status as a nonimmigrant under section 101(a)(15)(W), the nonimmigrant—

"(A) shall report to the Attorney General such information concerning the alien's whereabouts and activities as the Attorney General may require;

"(B) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission or grant of status;

"(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of removal or for protection under the Convention Against Torture, any action for removal of the alien instituted before the alien obtains lawful permanent resident status;

"(D) shall cooperate fully with all requests for information from the United States Government including, but not limited to, fully and truthfully disclosing to the United States Government all information in the alien's possession concerning any Iraqi program to produce weapons of mass destruction or the means to deliver them; and

"(E) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.".

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)—

(A) by striking "or" before "(8)"; and

(B) by inserting before the period "or (9) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(W)";

(2) by redesignating subsection (l), relating to "U" visa nonimmigrants, as subsection (m); and

(3) by adding at the end the following new subsection:

"(n) ADJUSTMENT TO PERMANENT RESIDENT STATUS OF 'W' NONIMMIGRANTS.—

"(1) IN GENERAL.—If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(W)(i) has complied with section 214(s) since such admission or grant of status, the Attorney General may, in coordination with the Secretary of State and the Director of Central Intelligence, and in his unreviewable discretion, adjust the status of the alien (and any alien who has accompanied or followed to join such alien pursuant to section 101(a)(15)(W)(ii) and who has complied with section 214(s) since admission or grant of nonimmigrant status) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) RECORD OF ADMISSION; REDUCTION IN VISA NUMBERS.—Upon the approval of adjustment of status of any alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.".

(d) WAIVER AUTHORITY.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(W). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) in the case of such a nonimmigrant if the Attorney General considers it to be in the public interest or in the interest of national security.".

(e) CONFORMING AMENDMENT.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (S)" and inserting "(S), or (W)".

SEC. 3. WEAPON OF MASS DESTRUCTION DEFINED.

(a) IN GENERAL.—In this Act, the term "weapon of mass destruction" has the meaning given the term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) TECHNICAL CORRECTION.—Section 1403(1)(B) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking "a disease organism" and inserting "a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)".

By Mr. SMITH:

S. 207. A bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation to encourage a more environmentally friendly electricity future for the United States.

The bill I am introducing would provide for a ten-year extension of the tax credit for producing electricity from wind. I believe that an extension of this length will provide stability to this important emerging energy sector.

For the past several years, we have provided short-term extensions, sometimes retroactively, of this important tax incentive. The result has been that investors and utilities have been hesitant to commit the capital necessary to bring wind projects on line.

A major European wind turbine manufacturer had planned to build its first U.S. manufacturing facility in Portland, OR. The plant was expected to provide over 1,000 family-wage jobs once operational. Unfortunately, last November, the corporation announced it would put those plans on hold and lay off more than 500 employees. This happened at a time when Oregon already had one of the highest unemployment rates in the country.

The main reason given for putting on hold this facility was the failure of the Congress to clarify the production tax credit for wind energy. Slow demand in this economic downturn was also cited.

However, our economy is going to rebound. And when it does, the demand for electricity will increase. There is already over 180 megawatts of installed wind energy capacity, with another 150 megawatts of planned development. The Stateline Wind Energy Project, which straddles the Oregon-Washington border, has over 263 megawatts of installed capacity, making it the largest wind farm to date in the western United States.

When the Senate passed national energy legislation last year, there was a strong, bipartisan commitment to renewable energy resources. We can use the tax code to encourage the development of clean, renewable sources of electricity and a new generation of advanced technology vehicles. These vehicles can reduce our reliance on imported oil because their fuel efficiency is greatly improved and there are lower emissions of greenhouse gases and ozone-forming pollutants.

I have always held that if we use technology wisely, we can improve our environmental stewardship while maintaining our human stewardship and the standard of living we enjoy in this great Nation.

I would urge my colleague to join me in cosponsoring this important legislation.

By Ms. SNOWE:

S. 208. A bill to require the Secretary of Homeland Security to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation aimed at closing the dangerous cargo security loophole in our Nation's aviation security network.

In the wake of September 11 terrorist attacks, with the passage of the Aviation and Security Act of 2001, we reinvented aviation security. We overturned the status quo, and I am proud of the work we did. We put the Federal Government in charge of security and we have made significant strides toward restoring the confidence of the American people that it is safe to fly.

We no longer have a system in which the financial "bottom line" interferes with protecting the flying public. We also addressed the gamut of critical issues, including baggage screening, additional air marshals, cockpit security, and numerous other issues.

But there is more work to be done. We must not lose focus. If we are to fully confront the aviation security challenges we face in the aftermath of September 11, we must remain aggressive. We need a "must-do" attitude, not excuses about what "can't be done," because we are only as safe as the weakest link in our aviation security system.

I believe one of the most troubling shortcomings, which persists to this day, is lax air cargo security infrastructure in this country. According to the GAO, a full 22 percent of all the cargo shipped by air in this country in 2000 was shipped on passenger flights and typically half of the hull of every passenger plane is filled with cargo. The Department of Transportation Inspector General has recommended that current air cargo controls be tightened, particularly the process for certifying freight forwarders and assessing their compliance with security requirements, and has warned that the existing screening system is "easily circumvented." This must not be allowed to stand.

Moreover, according to a Washington Post report last summer, Internal Transportation Security Administration documents warn of an increased risk of an attack designed to exploit this vulnerability because TSA has been focused primarily on meeting its new mandates to screen passengers and luggage.

This is clear evidence that cargo security needs to be bolstered. And time is not on our side. We must act now. The bill I am introducing today is designed to tackle this issue by directing the TSA to submit a detailed cargo security plan to Congress that will address the shortcomings in the current system.

And while TSA is designing and implementing this plan, my bill would require interim security measures to be put in place immediately. The interim security plan would include random screening of at least 5 percent of all cargo, an authentication policy designed to ensure that terrorists are not able to impersonate legitimate shippers, audits of each phase of the shipping process in order to police compliance, training and background checks for cargo handlers, and funding for screening and detection equipment.

On September 11, terrorists exposed the vulnerability of our commercial aviation network in the most horrific fashion. The Aviation and Transportation Security Act of 2001 was a major step in the right direction, but we must always stay one step ahead of those who would commit vicious acts of violence on our soil aimed at innocent men, women, and children.

This bill is designed to build on the foundation we set in 2001. I urge my colleagues to join me in addressing this critical matter.

By Mrs. HUTCHISON (for herself, Mr. DURBIN, Mr. CORNYN, Mr.

LEVIN, Mr. DEWINE, Mr. COCHRAN, Mr. FITZGERALD, and Mr. ALLEN):

S. 209. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce legislation today that will enhance and encourage charitable giving in the United States. The Charitable IRA Rollover Act will allow individuals to rollover assets from an Individual Retirement Account, or "IRA," to a charity without incurring income tax consequences.

One of my priorities has been to promote charitable giving and expand the role charities and faith-based institutions play in addressing social problems in the United States. I hope this legislation moves us further in that direction.

Government alone cannot solve society's most serious problems. In fact, government social programs often fail in their missions. The old welfare system is a perfect example of what often goes wrong when government tends to throw money at a problem.

Under the old system, while trying to help people, government actually encouraged them to stay on welfare. It encouraged out-of-wedlock births and discouraged fathers from living at home. Many of these unintended consequences were addressed with the welfare reform bill, which will be reauthorized this year. The success of these reforms are evident in welfare rolls, which have now dropped by half across the United States.

But government is not the solution. Charities change hearts and lives and have a superior track record to the government in tackling social ills.

America's top charities address a broad range of problems. From the Salvation Army to the Boys and Girls Clubs, and the American Cancer Society to the Red Cross, each plays a role in improving America's health, education and welfare. Their success has been documented. It has been demonstrated that mentors in the Big Brothers/Big Sisters program can cut drug abuse by 50 percent.

Charitable giving is an American tradition. Americans appreciate the role of charities and are actively involved in many philanthropic causes. Nearly half of all Americans volunteer in some capacity on a regular basis, including nearly 25 percent of Americans who are active volunteers in religious affiliated organizations. That is why it is logical to use faith-based organizations as a means of accomplishing objectives which can be more personal and tailored to the individual in need.

The legislation I am introducing today helps these organizations by making it easier for people to make charitable contributions. Individuals age 59½ and older will be able to move assets without penalty from an IRA directly to a charity or into a qualifying deferred charitable gift plan, such as a charitable remainder trust, pooled income fund or gift annuity. Current law requires taxpayers to first withdraw the IRA proceeds and pay taxes on them before contributing the remaining funds to a charity. While current law allows taxes on the withdrawal to be offset somewhat by the current charitable deduction, this ability is limited.

Americans currently hold more than $2 trillion in assets in IRAs, and nearly 40 percent of American households have IRAs. This bill would allow senior citizens who have provided well for their retirement to transfer IRA funds to charities without the government taking a slice. This will cut bureaucratic obstacles and disincentives to charitable giving and unlock a substantial amount of new funds that could flow to America's charitable organizations.

The time for promoting charitable giving has come.

This proposal benefits everyone involved. Individuals will be able to give more of their savings to charities of importance to them. Charities will benefit from increased philanthropy, enabling them to continue their important work. Those needing help will have increased access to services from these charities. And the government will have to take care of fewer of those in need as charities are better able to assume that burden.

This is not a partisan proposal. It is a common sense way to remove obstacles to charitable giving. Senators DURBIN and LEVIN are original co-sponsors of this legislation. I look forward to working with them, the White House and many other colleagues to pass this bill. I hope the Senate will join in this effort to provide a valuable source of philanthropy for our nation's charities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charitable IRA Rollover Act of 2003.".

SEC. 2. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account to an organization described in section 170(c).

"(B) SPECIAL RULES RELATING TO CHARITABLE REMAINDER TRUSTS, POOLED INCOME FUNDS, AND CHARITABLE GIFT ANNUITIES.—

"(i) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account—

"(I) to a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

"(II) to a pooled income fund (as defined in section 642(c)(5)), or

"(III) for the issuance of a charitable gift annuity (as defined in section 501(m)(5)).

The preceding sentence shall apply only if no person holds an income interest in the amounts in the trust, fund, or annuity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(ii) DETERMINATION OF INCLUSION OF AMOUNTS DISTRIBUTED.—In determining the amount includible in the gross income of any person by reason of a payment or distribution from a trust referred to in clause (i)(I) or a charitable gift annuity (as so defined), the portion of any qualified charitable distribution to such trust or for such annuity which would (but for this subparagraph) have been includible in gross income—

"(I) shall be treated as income described in section 664(b)(1), and

"(II) shall not be treated as an investment in the contract.

"(iii) NO INCLUSION FOR DISTRIBUTION TO POOLED INCOME FUND.—No amount shall be includible in the gross income of a pooled income fund (as so defined) by reason of a qualified charitable distribution to such fund.

"(C) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 59½, and

"(ii) which is made directly from the account to—

"(I) an organization described in section 170(c), or

"(II) a trust, fund, or annuity referred to in subparagraph (B).

"(D) DENIAL OF DEDUCTION.—The amount allowable as a deduction under section 170 to the taxpayer for the taxable year shall be reduced (but not below zero) by the sum of the amounts of the qualified charitable distributions during such year which would be includible in the gross income of the taxpayer for such year but for this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. DURBIN. Mr. President, I am pleased to introduce, along with Senator KAY BAILEY HUTCHISON, the charitable IRA Rollover Act of 2003. We have introduced this legislation in the last two Congresses. Senator HUTCHISON and I sincerely hope that this legislation will finally become law this year.

The IRA Charitable Rollover Act has the support of numerous charitable organizations across the United States. The effect of this bill would be to unlock billions of dollars in savings Americans hold and make them available to charities. Our legislation will allow individuals to roll assets from an Individual Retirement Account into a charity or a deferred charitable gift plan without incurring any income tax consequences. Thus, the donation would be made to charity without ever withdrawing it as income and paying tax on it.

Americans currently hold about $2 trillion in assets in IRAs. This represents over one-fifth of Americans' total retirement market assets and will likely grow due to the increased contribution limits enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001. Recent studies show that assets of qualified retirement plans, such as IRAs, comprise a substantial part of peoples' net worth. Many of these individuals would like to give a portion of these assets to charity, but are reluctant to do so because of the tax consequences.

Under our current law, if money from an IRA is transferred to a charitable organization or into a charitable remainder trust, donors are required to recognize that as income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded. This is a huge disincentive contained in our complicated and burdensome tax code. This legislation will unleash a critical source of funding for our Nation's charities. This legislation will provide millions of Americans with a commonsense way to remove obstacles to private charitable giving.

Under the Hutchison-Durbin plan, an individual, upon reaching age 59½, could move assets penalty- and tax-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable remainder trusts, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets, which would be taxed according to normal rules. Upon the death of the individual, the remainder would be transferred to charity tax free.

There are numerous supporters of this legislation including the Art Institute of Chicago, the University of Chicago, the Field Museum, the Catholic Diocese of Peoria, Northwestern University, the Chicago Symphony Orchestra, Georgetown University, and others. There are over 100 groups in Illinois alone that support this sensible legislation.

I hope the Senate will join in this bipartisan effort to provide a valuable new source of philanthropy for our Nation's charities. I hope that our colleagues will cosponsor this important piece of legislation and that it will be enacted into law this year. I thank the Senator from Texas, Senator HUTCHISON, for working with me and my staff in this effort.

By Mr. BINGAMAN.

S. 210. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased today to again introduce legislation to protect several important archaeological sites in the Galisteo Basin in New Mexico. This bill identifies approximately two dozen sites in northern New Mexico which contain the ruins of pueblos dating back almost 900 years. When Coronado and other Spanish conquistadors first entered what is now New Mexico in 1541, they encountered a thriving Pueblo culture with its own unique tradition of religion, architecture and art, which was influenced through an extensive trade system. We know that these sites remain occupied up through the Pueblo revolt in 1680. After that, the sites were deserted, although we still don't know why they were abandoned, after over 700 years of continuous use.

Through these sites, we have the opportunity to learn more not only about the history and culture of these Pueblos, but also about the first interaction between European and Native American cultures. The Cochiti Pueblo, in particular, is culturally and historically tied to these sites, which have tremendous historical and religious significance to the Pueblo. I am grateful for the continued support of the Pueblo de Cochiti for this legislation. This bill has strong local support, including the Santa Fe Board of County Commissioners, the City of Santa Fe, and the Archdiocese of Santa Fe. I would also like to thank the Archaeological Conservancy for its efforts over the past several years to identify and protect many of these sites, and in helping with this legislation.

Many of these archaeological sites are on Federal land administered by the Bureau of Land Management. BLM archaeologists have already provided extensive background research on many of these sites, and I was pleased that the agency supported a similar bill I introduced in the previous Congress. Last Congress the Energy and Natural Resources Committee held a hearing on this bill in Santa Fe. It was clear from that hearing that there is strong local support for protecting these sites. In fact nobody testified in opposition to the bill, at either the Santa Fe or Washington hearings.

This bill simply authorizes the BLM to work in a cooperative manner with interested landowners to protect sites on Federal and non-Federal lands. Last Congress we included several provisions to make clear that the bill did not infringe on private property rights.

Although the bill is non-controversial, we have been unable to get the legislation passed through both the House and Senate, although last Congress I was pleased that bill was favorably reported by the Energy and Natural Resources Committee and passed by the Senate as part of a larger public lands bill. In the years since I first introduced this bill, many irreplaceable archaeological resources have been lost, whether by vandalism, erosion, or other means. Enactment of the Galisteo Basin Archaeological Sites Protection Act will allow us to take the steps necessary to protect these resources and to allow for improved public understanding and interpretation of these sites.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 210

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Galisteo Basin Archaeological Sites Protection Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

SEC. 3. GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—The following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	*Acres*
Arroyo Hondo Pueblo	21
Burnt Corn Pueblo	110
Chamisa Locita Pueblo	16
Comanche Gap Petroglyphs	764
Espinoso Ridge Site	160
La Cienega Pueblo & Petroglyphs	126
La Cienega Pithouse Village	179
La Cieneguilla Petroglyphs/Camino Real Site	531
La Cieneguilla Pueblo	11
Lamy Pueblo	30
Lamy Junction Site	80
Las Huertas	44
Pa'ako Pueblo	29
Petroglyph Hill	130
Pueblo Blanco	878
Pueblo Colorado	120
Pueblo Galisteo/Las Madres	133
Pueblo Largo	60
Pueblo She	120
Rote Chert Quarry	5
San Cristobal Pueblo	520
San Lazaro Pueblo	360

Name	Acres
San Marcos Pueblo	152
Upper Arroyo Hondo Pueblo	12
Total Acreage	4,591

(b) AVAILABILITY OF MAPS.—The archaeological protection sites listed in subsection (a) are generally depicted on a series of 19 maps entitled "Galisteo Basin Archaeological Protection Sites" and dated July, 2002. The Secretary of the Interior (hereinafter referred to as the "Secretary") shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments to the archaeological protection sites by publishing notice thereof in the Federal Register.

SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—

(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this Act shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

(A) the archaeological protection sites located on Federal land; and

(B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 6 of this Act.

(2) CONSULTATION.—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein with the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

SEC. 8. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands;

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 211. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation to establish the Northern Rio Grande National Heritage Area in northern New Mexico. I am pleased that Senator DOMENICI is again joining me in sponsoring this bill. The Northern Rio Grande National Heritage Area will be established as part of a collaborative effort between local residents, Indian tribes, businesses and local governments, who are working together to preserve the area.

By establishing the Northern Rio Grande National Heritage Area, I hope to commemorate the significant but complex heritage of northern New Mexico communities and Indian tribes, from the pre-Spanish colonization period to present day. Establishing a National Heritage Area will benefit the northern New Mexico communities, local residents, students, and visitors, as well as help the local protection and interpretation of the unique cultural, historical, and natural resources of northern New Mexico.

Last Congress, similar legislation was considered and favorably reported from the Committee on Energy and Natural Resources and passed by the Senate by unanimous consent as part of a comprehensive heritage area bill. Unfortunately, the House was not able to consider the bill prior to the sine die adjournment of the Congress. Since the bill is non-controversial and has already passed the Senate, it is my hope that we will be able to move it through the Committee and to the floor as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 211

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Rio Grande National Heritage Area Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "heritage area" means the Northern Rio Grande Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) Establishment.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) Boundaries.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) Management Entity.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) Management Plan.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding.

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) Authority.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) Duties.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act, consistent with the management plan.

(d) Prohibition on Acquiring Real Property.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) Public Meetings.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) Annual Reports and Audits.—

(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) Technical and Financial Assistance.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) Priority.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 7. SAVINGS PROVISIONS.

(a) No Effect on Private Property.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) Tribal Lands.—Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) Authority of Governments.—Nothing in this Act shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) Trust Responsibilities.—Nothing in this Act shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 8. SUNSET.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) Cost-Sharing Requirement.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

By Mr. BINGAMAN (for himself, Mr. Brownback, and Mr. Domenici):

S. 212. A bill to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that has significance for the entire Great Plains region of our Nation. It will establish a program for the hydrogeologic characterization, mapping, modeling and monitoring of the High Plains Aquifer, which extends from Wyoming to New Mexico and Texas. This legislation was the subject of a hearing last Congress before the Water and Power Subcommittee of the Senate Energy and Natural Resources Committee. It is the same as legislation that was unanimously agreed to by the full Senate last year. I am pleased to be joined by Senators Brownback and Domenici in introducing this bill.

The High Plains Aquifer, which is comprised in large part by the Ogallala Aquifer, extends under eight states: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. It is experiencing alarming declines in its water levels. This aquifer is the source of water for farmers and communities throughout the Great Plains region. The legislation I am introducing today is intended to ensure that sound and objective science is available with respect to the hydrology and geology of the High Plains Aquifer.

This bill, the "High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act," would direct the Secretary of the Interior to develop and carry out a comprehensive hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer. The Secretary is directed to work in conjunction with the eight High Plains Aquifer States in carrying out this program. The U.S. Geological Survey and the States will work in cooperation to further the goals of this program, with half of the available funds directed to the State component of the program.

A reliable source of groundwater is essential to the well-being and livelihoods of people in the Great Plains region. Local towns and rural areas are dependent on the use of groundwater for drinking water, ranching, farming, and other commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly. This threatens the way of life of all who live on the High Plains.

The bill I am introducing today would help ensure that the relevant science needed to address this problem is available so that we will have a better understanding of the resources of the High Plains Aquifer. I ask that my colleagues join me in once again supporting this bill.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection the bill was ordered to be printed in the Record, as follows:

S. 212

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) Association.—The term "Association" means the Association of American State Geologists.

(2) Council.—The term "Council" means the Western States Water Council.

(3) Director.—The term "Director" means the Director of the United States Geological Survey.

(4) Federal Component.—The term "Federal component" means the Federal component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(c).

(5) High Plains Aquifer.—The term "High Plains Aquifer" is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400-B, titled "Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.".

(6) High Plains Aquifer States.—The term "High Plains Aquifer States" means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

(7) Secretary.—The term "Secretary" means the Secretary of the Interior.

(8) State Component.—The term "State component" means the State component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(d).

SEC. 3. ESTABLISHMENT.

(a) Program.—The Secretary, working through the United States Geological Survey, and in cooperation with participating State geological surveys and water management agencies of the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program, for the purposes of the characterization, mapping, modeling, and monitoring of the High Plains Aquifer. The Program shall undertake on a county-by-county level or at the largest scales and most detailed levels determined to be appropriate on a state-by-state and regional basis: (1) mapping of the hydrogeological configuration of the High Plains Aquifer; and (2) with respect to the High Plains Aquifer, analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in High Plains Aquifer storage, the factors controlling the rate of horizontal and vertical migration of water within the High Plains Aquifer, and the current and past rate of change of saturated thickness within the High Plains Aquifer. The Program shall also develop, as recommended by the State panels referred to in subsection (d)(1), regional data bases and groundwater flow models.

(b) Funding.—The Secretary shall make available fifty percent of the funds available pursuant to this title for use in carrying out the State component of the Program, as provided for by subsection (d).

(c) Federal Program Component.—

(1) Priorities.—The Program shall include a Federal component, developed in consultation with the Federal Review Panel provided for by subsection (e), which shall have as its priorities—

(A) coordinating Federal, State, and local, data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

(B) supporting State and local activities with scientific and technical specialists; and

(C) undertaking activities and providing technical capabilities not available at the State and local levels.

(2) Interdisciplinary Studies.—The Federal component shall include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling and monitoring for the High Plains Aquifer.

(d) State Program Component.—

(1) Priorities—Upon election by a High Plains Aquifer State, the State may participate in the State component of the Program which shall have as its priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the High Plains Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. As a condition of participating in the State component of the Program, the Governor or Governor's designee shall appoint a State panel representing a broad range of users of, and persons knowledgeable regarding, hydrogeologic data and information, which shall be appointed by the Governor of the State or the Governor's designee. Priorities under the State component shall be based upon the recommendations of the State panel.

(2) Awards.—(A) Twenty percent of the Federal funds available under the State component shall be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the Program provided for by this title. In the event that the State geological survey is unable to utilize the funding for such purposes, the Secretary may, upon the petition of the Governor of the State, direct the funding to some other agency of the State to carry out the purposes of the Program.

(B) In the case of a High Plains Aquifer State that has elected to participate in the State component of the Program, the remaining funds under the State component shall be competitively awarded to State or local agencies or entities in the High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. A State may submit a proposal for the United States Geological Survey to undertake activities and provide technical capabilities not available at the State and local levels. Such funds shall be awarded by the Director only for proposals that have been recommended by the State panels referred to in subsection (d)(1), subjected to independent peer review, and given final prioritization and recommendation by the Federal Review Panel established under subsection (e). Proposals for multistate activities must be recommended by the State panel of at least one of the affected States.

(e) Federal Review Panel.—

(1) Establishment.—There shall be established a Federal Review Panel to evaluate the proposals submitted for funding under the State component under subsection (d)(2)(B) and to recommend approvals and levels of funding. In addition, the Federal Review Panel shall review and coordinate the Federal component priorities under subsection (c)(1), Federal interdisciplinary studies under subsection (c)(2), and the State component priorities under subsection (d)(1).

(2) Composition and Support.—Not later than 3 months after the date of enactment of this title, the Secretary shall appoint to the Federal Review Panel: (1) three representatives of the United States Geological Survey, at least one of which shall be a hydrologist or hydrogeologist; and (2) four representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association and the Council, so that there are two representatives of the State geological surveys and two representatives of the State water management agencies. Appointment to the Panel shall be for a term of 3 years. The Director shall provide technical and administrative support to the Federal Review Panel. Expenses for the Federal Review Panel shall be paid from funds available under the Federal component of the Program.

(f) Limitation.—The United States Geological Survey shall not use any of the Federal funds to be made available under the State component for any fiscal year to pay indirect, servicing, or Program management charges. Recipients of awards granted under subsection (d)(2)(B) shall not use more than 18 percent of the Federal award amount for any fiscal year for indirect, servicing, or Program management charges. The Federal share of the costs of an activity funded under subsection (d)(2)(B) shall be no more than 50 percent of the total cost of that activity. The Secretary may apply the value of in-kind contributions of property and services to the non-Federal share of the costs of the activity.

SEC. 4. PLAN.

The Secretary, acting through the Director, shall, in consultation with the Association, the Council, the Federal Review Panel, and the State panels, prepare a plan for the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The plan shall address overall priorities for the Program and a management structure and Program operations, including the role and responsibilities of the United States Geological Survey and the States in the Program, and mechanisms for identifying priorities for the Federal component and the State component.

SEC. 5. REPORTING REQUIREMENTS.

(a) Report on Program Implementation.—One year after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2011, the Secretary shall submit a report on the status of implementation of the Program established by this Act to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States. The initial report submitted by the Secretary shall contain the plan required by section 4.

(b) Report on High Plains Aquifer.—One year after the date of enactment of this Act and every year thereafter through fiscal year 2011, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

(c) Role of Federal Review Panel.—The Federal Review Panel shall be given an opportunity to review and comment on the reports required by this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 213. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with the support of my colleague Senator Domenici. This bill, which passed the Senate during the 107th Congress, would assist the City of Albuquerque, by clearing its title to two parcels of land located along the Rio Grande. More specifically, it would allow the City to move forward with its plans to improve the properties as part of a Biological Park Project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The Biological Park Project has been in the works since 1987 when the City began to develop an aquarium and botanic garden along the banks of the Rio Grande. The facilities constitute just a portion of the overall project. In pursuit of the balance of the project, the City, in 1997, purchased two properties from the Middle Rio Grande Conservancy District, (MRGCD), for $3,875,000. The first property, Tingley Beach has been leased by the City from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, has been leased by the City since 1963, and also used for public park purposes.

In the year 2000, the City's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States' assertion called into question the validity of the 1997 transaction between the City and MRGCD. Both MRGCD and the City dispute the United States' claim of ownership.

This dispute is delaying the City's progress in developing the Biological Park Project. If the matter is simply left to litigation, the delay will be both indefinite and unnecessary. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. Moreover, the record indicates that Reclamation had once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is very high. This bill is narrowly tailored to address this local interest, affecting only the two properties at issue. The general dispute concerning title to project works is left for the courts to decide.

I hope my colleagues will work with me to help resolve this issue which is important to the citizens of my State. While much of what we do here in the Congress is complex and time-consuming work, we should also have the ability to move quickly when necessary and appropriate to solve local problems caused by Federal actions. I therefore urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 213

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albuquerque Biological Park Title Clarification Act".

SEC 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that:

(1) In 1997, the City of Albuquerque, New Mexico paid $3,875,000 to the Middle Rio Grande Conservancy District to acquire two parcels of land known as Tingley Beach and San Gabriel Park.

(2) The City intends to develop and improve Tingley Beach and San Gabriel Park as part of its Albuquerque Biological Park Project.

(3) In 2000, the United States claimed title to Tingley Beach and San Gabriel Park by asserting that these properties were transferred to the United States in the 1950's as part of the establishment of the Middle Rio Grande Project.

(4) The City's ability to continue developing the Albuquerque Biological Park Project has been hindered by the United States claim of title to these properties.

(5) The United States claim of ownership over the Middle Rio Grande Project properties is disputed by the City and MRGCD in *Rio Grande Silvery Minnow v. John W. Keys, III*, No. CV 99-1320 JP/RLP-ACE (D. N.M. filed Nov. 15, 1999).

(6) Tingley Beach and San Gabriel Park are surplus to the needs of the Bureau of Reclamation and the United States in administering the Middle Rio Grande Project.

(b) Purpose.—The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach or San Gabriel Park to the City, thereby removing the cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) City.—The term "City" means the City of Albuquerque, New Mexico.

(2) Middle Rio Grande Conservancy District.—The terms "Middle Rio Grande Conservancy District" and "MRGCD" mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(3) Middle Rio Grande Project.—The term "Middle Rio Grande Project" means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(4) San Gabriel Park.—The term "San Gabriel Park" means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(5) Tingley Beach.—The term "Tingley Beach" means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) Required Action.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park to the City.

(b) Timing.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) No Additional Payment.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park and Tingley Beach.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) In general.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) Ongoing Litigation.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99-1320 JP/RLP-ACE, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 214. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce, along with my colleague Senator Domenici, legislation to designate Fort Bayard in New Mexico as a National Historic Landmark.

Fort Bayard is significant not only for the role it played as a military post in fostering early settlement in the region, but for its role as a nationally important tuberculosis sanatorium and hospital. During the 99 years spanning its establishment in 1866 through its closing as a Veterans Administration hospital in 1965, Fort Bayard served as the most prominent evidence of the Federal Government's role in southwestern New Mexico. Fort Bayard has recently been listed on the National Register of Historic Places in recognition of the historical significance of the site.

From 1866 to 1899, Fort Bayard functioned as an Army post while its soldiers, many of them African-American, or Buffalo Soldiers, protected settlers working in the nearby mining district. These Buffalo Soldiers were a mainstay of the Army during the late Apache wars and fought heroically in numerous skirmishes. Like many soldiers who served at Fort Bayard, some of the Buffalo Soldiers remained in the area following their discharge. Lines of headstones noting the names of men and their various Buffalo Soldier units remain in the older section of what is now the National Cemetery. In 1992, these soldiers were recognized for their bravery when a Buffalo Soldier Memorial statue was dedicated at the center of the Fort Bayard parade ground. It gradually became apparent that the Army's extensive frontier fort system was no longer necessary. By 1890, it was clear that the era of the western frontier, at least from the Army's perspective, had ended. Fort Bayard was scheduled for closure in 1899.

Even as the last detachment of the 9th U.S. Cavalry prepared to depart the discontinued post, new federal occupants were arriving at Fort Bayard. On August 28, 1899, the War Department authorized the surgeon-general to establish a general hospital for use as a military sanatorium. This would be the first sanatorium dedicated to the treatment of officers and enlisted men of the Army suffering from pulmonary tuberculosis. At 6,100 ft. and with a dry, sunny climate, the fort lay within what proponents of climatological therapy termed the "zone of immunity." By 1919, the cumulative effect of over 15 years of construction and improvement projects was the creation of a small, nearly self-sufficient community.

In 1920, the War Department closed the sanatorium and the United States Public Health Service assumed control of the facility. A second phase occurred in 1922 when a new agency, the Veterans' Bureau, was created within the Treasury Department and charged with operating hospitals throughout the country whose clientele were veterans requiring medical services. As a result, in the summer of 1922 the United States General Hospital at Fort Bayard was transferred to the Veterans' Bureau and became known as United States Veterans' Hospital No. 55. Its mission of treating those afflicted with tuberculosis, however, remained the same.

By 1965, there was no longer a need for a tuberculosis facility located at a high elevation in a dry climate, and the Veterans' Administration decided to close the hospital in that year. However, in part because of the concerns of the local communities that depended upon the hospital, the State of New Mexico assumed responsibility for the facility and 484 acres of the former military reservation. Since then, the State has used it for geriatric, as well as drug and alcohol rehabilitation and orthopedic programs. Because of the extensive cemetery dating to the fort and sanatorium eras at Fort Bayard, the State of New Mexico transferred 16 acres in 1975 for the creation of the Fort Bayard National Cemetery, administered by the Veterans' Administration.

For these and many other reasons, I believe it is clear that Fort Bayard is historically significant and merits recognition as a National Historic Landmark. Fort Bayard illuminates a rich and complex story that is important to the entire nation.

Last Congress identical legislation was considered and favorably reported by the Energy and Natural Resources Committee and included in a larger package of public land bills which passed the Senate by unanimous consent. Since there is broad local support for the bill, and it has already received the approval of the Senate, it is my hope that we can expeditiously consider the bill this year.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 214

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Bayard National Historic Landmark Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Fort Bayard, located in southwest New Mexico, was an Army post from 1866 and 1899, and served an important role in the settlement of New Mexico;

(2) among the troops stationed at the fort were several "Buffalo Soldier" units who fought in the Apache Wars;

(3) following its closure as a military post, Fort Bayard was established by the War Department as general hospital for use as a military sanatorium;

(4) in 1965 the State of New Mexico assumed management of the site and currently operates the Fort Bayard State Hospital;

(5) the Fort Bayard historic site has been listed on the National Register of Historic Places in recognition of the national significance of its history, both as a military fort and as an historic medical facility.

SEC. 3. FORT BAYARD NATIONAL HISTORIC LANDMARK.

(a) Designation.—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(b) Administration.—

(1) Consistent with the Department of the Interior's regulations concerning National Historic Landmarks (36 C.F.R. Part 65), designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit under Federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property.

(2) Nothing in this Act shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

SEC. 4. COOPERATIVE AGREEMENTS.

(a) In General.—The Secretary, in consultation with the State of New Mexico, may enter into cooperative agreements with appropriate public or private entities, for the purpose of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of Mexico.

(b) Technical and Financial Assistance.—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (a) in furtherance of the agreement.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mrs. FEINSTEIN (for herself, Mr. BOND, Mr. LEAHY, Mr. LIEBERMAN, Mr. GREGG, Mrs. MURRAY, Mr. JOHNSON, Mrs. CLINTON, Mr. BREAUX, and Mr. FEINGOLD):

S. 215. A bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard; to the Committee on Armed Services.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to give the National Guard an enhanced role in homeland security. I am pleased that Senators BOND, LEAHY, LIEBERMAN, GREGG, MURRAY, JOHNSON, CLINTON, BREAUX, and FEINGOLD join me as cosponsors of the bill.

In essence, the bill would permit each governor to create a homeland security activities plan for the National Guard in his or her State, and authorize the Secretary of Defense to provide oversight and funding for such plans.

The legislation is modeled after the existing successful National Guard counterdrug program, which was established under 32 U.S.C. sect. 112.

Under this program, the National Guard is used to provide support to law enforcement to help stop illegal drugs from being imported, manufactured, and distributed, and in supporting drug demand reduction programs.

The bill is supported by the co-chairs of the Senate National Guard Caucus, the National Governors' Association, the Adjutants General Association of the United States, the National Guard Association of the United States, and National Guardsmen across the country.

Giving the Guard an enhanced role in homeland security makes sense because the Guard connects local communities to the Federal Government, is located in almost every American community, and has the capabilities, legal authority, and structure to help respond to attacks on the homeland.

In addition, such an enhanced role would return the National Guard more to what was envisioned by the founders of this country.

Colonial militias protected their fellow citizens from Indian attack, foreign invaders, and later helped win the Revolutionary War.

And during the 19th century, the militia provided the bulk of the troops during the Mexican war, the early years of the Civil War, and the Spanish-American War.

It was not until 1903 that Congress passed legislation to increase the role of the National Guard as a Reserve force for the U.S. Army

Now, the National Guard has a dual Federal/State mission. In their role as State militias, Guard units are often activated for homeland duty under Title 32 and thus come under the command of the State governor.

In this status, they are exempt from the Posse Comitatus Act, which generally restricts law enforcement to civil authorities, and thus are used as the armed forces' primary provider of support to civil authorities.

The National Guard's access to military command and control, discipline, training, and equipment also makes it well suited to coordinate with and aid police, fire, medical, and other emergency responders.

The Army National Guard maintains over 3,000 armories around the Nation and the Air National Guard has 140 units throughout the United States.

There are about 460,000 National Guard members that train throughout the year, 353,000 Army National Guard and 106,000 Air National Guard.

The approximate numbers of National Guard in individual States run from about 1,000 to 21,000, and vary according tc the population of the State and recruitment efforts.

In light of the September 11 attacks on the World Trade Center and Pentagon as well as the October 2001 anthrax attacks on Congress and the media, many of us have come to believe that the National Guard should play a more central role in responding to terrorist attacks, particularly those with weapons of mass destruction.

In fact, the Guard has already played an important role in helping respond to these attacks, not only at the site of the attacks but also at airports, around the Capitol, and elsewhere.

For example, the National Guard currently has a number of Civil Support Teams that assess a suspected weapon of mass destruction event, advise first responders, and facilitate the assistance of additional military forces, if needed.

The National Guard is well-suited to performing an enhanced homeland security mission for many reasons. These reasons include that the fact the Guard is already: deployed in communities around the country; integrated into existing local, State, and regional emergency response networks; has ties with key players in local, State, and Federal government; is not bound by the Posse Comitatus Act while serving in Title 32 status and thus has maximum flexibility; is responsible for and experienced with homeland security missions, including air sovereignty, disaster relief, responding to suspected weapons of mass destruction events, and counterdrug operations; has existing physical, communications, and training infrastructure throughout the U.S.; has existing training facilities, distance learning training networks, and a number of highly skilled individuals who have left active forces; and helps preserve constitutional balance between State and Federal sovereign interests, given its unique dual State/Federal role.

Moreover, Department of Defense reviews and reports, including the 2001 Quadrennial Defense Review and Reserve Component Employment 2005 Study, have made clear that the National Guard should have an expanded role in homeland security.

Other experts agree. The Hart-Rudman and Gilmore terrorism commissions as well as the recent Hart-Rudman Terrorism Task Force have recommended that the National Guard be given a more direct role in the war on terrorism.

In sum, this legislation is a sensible, efficient way to make our country safer from terrorism. I look forward to working with my colleagues to pass it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guaranteeing a United and Resolute Defense Act of 2003" or the "GUARD Act of 2003".

SEC. 2. FUNDING ASSISTANCE FOR HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by inserting after section 112 the following new section:

"§ 112a. Homeland security activities

"(a) FUNDING ASSISTANCE.—(1) The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a homeland security activities plan satisfying the requirements of subsection (b).

"(2) To be eligible for assistance under this subsection, a State shall have a homeland security activities plan in effect.

"(3) Any funds provided to a State under this subsection shall be used for the following:

"(A) Pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of the State for service performed for the purpose of homeland security while not in Federal service.

"(B) Operation and maintenance of the equipment and facilities of the National Guard of the State that are used for the purpose of homeland security.

"(C) Procurement of services and the purchase or leasing of equipment for the National Guard of the State for use for the purpose of homeland security.

"(b) HOMELAND SECURITY ACTIVITIES PLAN REQUIREMENTS.—The homeland security activities plan of a State—

"(1) shall specify how personnel and equipment of the National Guard of the State are to be used in homeland security activities and include a detailed explanation of the reasons why the National Guard should be used for the specified activities;

"(2) shall describe in detail how any available National Guard training facilities, including any distance learning programs and projects, are to be used;

"(3) shall include the Governor's certification that the activities under the plan are to be conducted at a time when the personnel involved are not in Federal service;

"(4) shall include the Governor's certification that participation by National Guard personnel in the activities under the plan is service in addition to training required under section 502 of this title;

"(5) shall include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law;

"(6) shall include the Governor's certification that the Governor or a civilian law enforcement official of the State designated by the Governor has determined that any activities to be carried out in conjunction with Federal law enforcement agencies under the plan serve a State law enforcement purpose; and

"(7) may provide for the use of personnel and equipment of the National Guard of that State to assist the Directorate of Immigration Affairs of the Department of Homeland Security in the transportation of aliens who have violated a Federal or State law prohibiting terrorist acts.

"(c) EXAMINATION AND APPROVAL OF PLAN.—The Secretary of Defense shall examine the adequacy of each homeland security activities plan of a State and, if the plan is determined adequate, approve the plan.

"(d) ANNUAL REPORT.—(1) The Secretary of Defense shall submit to Congress each year a report on the assistance provided under this section during the preceding fiscal year, including the activities carried out with such assistance.

"(2) The annual report under this subsection shall include the following:

"(A) A description of the homeland security activities conducted under the homeland security activities plans with funds provided under this section.

"(B) An accounting of the funds provided to each State under this section.

"(C) An analysis of the effects on military training and readiness of using units and personnel of the National Guard to perform activities under the homeland security activities plans.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Governor', in the case of the District of Columbia, means the commanding general of the National Guard of the District of Columbia.

"(2) The term 'homeland security activities', with respect to the National Guard of a State, means the use of National Guard personnel, when authorized by the law of the State and requested by the Governor of the State, to prevent, deter, defend against, and respond to an attack or threat of attack on the people and territory of the United States.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 112 the following new item:

"112a. Homeland security activities.".

By Mr. EDWARDS:

S. 216. A bill to authorize the National Institute of Standards and Technology to develop improvements in building and fire codes, standards, and practices to reduce the impact of terrorist and other extreme threats to the safety of buildings, their occupants, and emergency responders, and to authorize the Department of Homeland Security to form a task force to recommend ways to strengthen standards in the private security industry, stabilize the workforce, and create a safer environment for commercial building and industrial facility occupants; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, as we all know, when terrorists struck America on September 11, 2001, the greatest loss of life occurred when the World Trade Center's two towers fell. These two towers were symbols of America's strength and prosperity, and they were reduced to rubble by the two massive blows.

As we continue securing America against terrorist attacks, we need to give more attention to the security of large buildings, especially skyscrapers and arenas. There are approximately 500 skyscrapers in the United States that are regularly occupied by at least 5000 people, and there are 250 major arenas and stadiums that hold many times more. These buildings will be primary targets of potential terrorist attack. We must do more to ensure that these buildings are secure.

That is why I am introducing today the Building Security Act of 2003. The bill does two things: first, it supports the research and funding we need so that buildings can withstand extreme assaults, including terrorist attacks. Second, the bill takes steps so that buildings will be guarded by a security workforce that is adequately prepared to respond to these dangers.

Consider the construction of large buildings. Today, many older buildings lack fire retardants and blast-resistant materials that can save hundreds of lives in a disaster. As a result of the study of the attack on the Federal Building in Oklahoma City in 1995, we know that design changes that would have increased building costs by only 1 to 2 percent might have saved as many of 85 percent of the people killed in that attack. The early reports on the World Trade Center collapse have suggested that the two towers could have endured the impact of the planes, but that the extraordinary heat generated by the explosions weakened the steel structure of those buildings. Advanced technologies in building construction would surely have slowed their collapse. On the positive side, we know that improvements in the construction of the Pentagon mitigated the loss of life; the plane struck the Pentagon on the one side of the building where the windows were blast-resistant and the structural columns had been reinforced. Those changes likely saved many lives.

There are new, better construction practices and materials out there, but we are not using them as much as we should. Part of the reason is that today, our Nation's brightest scientists and most innovative companies do not have the resources needed to research, create, and implement these practices. We must enable these people to develop new methods and materials, and help industry meet the higher standards we need, and we must do all that as quickly and efficient as possible.

The bill I introduce today will provide $40 million for the National Institutes of Science and Technology, or NIST, to help improve construction standards. The needed research is happening now, but it needs to move much more quickly. This legislation will do three things: 1. undertake an intensive national research effort to determine both how to build strong buildings, and how to improve building codes and standards; 2. specifically research the question of how to ensure that these higher standards are actually met, whether by mandates, tax credits, or other incentives; and 3. provide technical guidance to builders in adopting the new standards and codes.

We also must address standards for private security officers. Our country's buildings are staffed by almost two million private security officers. While they have the critical responsibility of preventing emergencies and protecting building occupants from harm, these officers are often inadequately trained or compensated to do so. The industry suffers from low retention, deficient training, and meager salaries. The job turnover rate within the private security industry is as high as 300 percent per year. Recent studies show that 4 in 10 private security officers report no new security measures in their buildings since September 11, and 7 in 10 report that their buildings never conduct evacuation and emergency drills. And over half of the States have no clear oversight for their respective private security industries, nor do they have standards or screening requirements for new hires.

This legislation authorizes a review of the private security industry by a commission in the Department of Homeland Security that includes all those with critical knowledge of the industry. The commission is tasked with establishing industry guidelines and standards and developing a means to implement those guidelines and standards in a timely way.

Our Nation's buildings have been targeted before, and I believe that they will be targeted again. We must do much more to make these buildings secure. This bill is important step in the right direction.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 217. A bill to reinstate felony penalties for licensed gun dealers who fail to maintain records of sales; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing a bill that could have a large impact on reducing gun violence in this country.

Last fall, two snipers terrorized the Washington, D.C. metropolitan area, killing ten victims and wounding others including children. Among the weapons used by the snipers was a high powered military-style assault rifle known as a Bushmaster XM15. Following the arrest of sniper suspects John Mohammed and John Lee Malvo, this weapon was linked to killings in Maryland, Virginia,Louisiana, and Alabama.

Agents from the Bureau of Alcohol, Tobacco and Firearms traced the Bushmaster weapon to a Tacoma, Washington gun dealership, the Bull's Eye Shooter Supply. Investigators even found the empty box in which the weapon was shipped.

But What the agents did not find was any record of the sale of the weapon because the gun dealer did not keep adequate records. If the gun was bought from Bull's Eye, we do not know when because there is no record of the Sale. There is no record of a gun application or a background check for John Mohammed. Had a background check been carried out, John Mohammed would not have obtained the weapon because a domestic violence restraining order had been field against him.

What is the weapon was stolen? If the owner of Bull's Eye had kept proper records and followed Federal law, he would have reported the weapon missing or stolen when it disappeared from the store. The knowledge that a Bushmaster XM15 was missing from a Tacoma area weapons store could have greatly aided investigators looking into the case.

The sloppy recordkeeping for this particular weapon was not an isolated case. it has been learned that inspectors had uncovered record-keeping violations in audits at Bull's Eye in 1998, 2000 and 2001. A total of 160 missing guns could not be accounted for in the 2000 audit.

This type of shoddy recordkeeping is dangerous. A small percentage of licensed dealers are responsible for a disproportionate number of crime guns. Specifically, 1.2 percent of all licensed gun dealers are responsible for the original sale of 57 percent of all firearms used in crimes, according to data from the ATF.

Gun dealers are not being punished when they ignore Federal recordkeeping laws. Why? Because in 1986, the National Rifle Association pushed a law through Congress that significantly weakened penalties for poor recordkeeping reducing maximum jail time for five years to one year. This meant that the crime was reduced from a felony to a misdemeanor. With this change, the undermanned and underfunded Bureau of Alcohol, Tobacco and Firearms and Federal prosecutors simply could not afford to bring cases against gun dealers for misdemeanor violations.

It is time we restore record keeping violations to a felony and that is what my bill does. It is not a new gun law. It is merely making the penalties tougher for violations for existing law. Regardless of whether you support or oppose additional gun laws, we all agree that we need strong enforcement of existing laws. My bill would make enforcement easier and tougher. I hope my colleagues will support this common-sense legislation. I ask unanimous consent that the text of the bill and a letter of support from the Violence Policy Center be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF CRIMINAL FELONY PENALTIES FOR FAILURE TO MAINTAIN RECORDS OF FIREARMS SALES.

Section 924(a)(3) of title 18, United States Code, is amended by striking "one year" and inserting "5 years".

VIOLENCE POLICY CENTER,
Washington, DC, January 21, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Violence Policy strongly endorses your legislation to reinstate felony penalties for firearm recordkeeping violations. That this legislation is urgently needed is highlighted by the circumstances surrounding the tragic Washington-area sniper shootings. Bull's Eye Shooter Supply, the gun dealer in Washington state from which the snipers acquired their Bushmaster XM15 assault rifle, had no record of the gun leaving its inventory. The store simply could not account for the disposition of the gun used to kill 10 and wound three in a shooting spree that terrorized the Washington metropolitan area.

This is not surprising taking into account the feeble penalties that currently apply to gun dealers who fail to keep adequate records. Your legislation would simply restore the felony penalty that applied until legislation backed by the National Rifle Association reduced it to a misdemeanor in 1986.

At the time, the Reagan Administration agreed that reducing recordkeeping violations to a misdemeanor was a dangerous idea. In 1986, the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF) identified this penalty change as a "weakness" of the legislation in which it was included. In a memorandum to the Department of the Treasury's Assistant Secretary for Enforcement, the ATF Director wrote, "By reducing all licensee recordkeeping violations to misdemeanors, serious violations could not be adequately prosecuted and punished, i.e., a dealer's sale of firearms off-record and his willful refusal to make or maintain any required record could only be prosecuted as misdemeanors."

It's time to put the teeth back in dealer recordkeeping enforcement. The Violence Policy Center strongly supports swift passage of the Boxer legislation to reinstate felony penalties for failure to maintain records of firearms transfers.

Sincerely,

M. KRISTEN RAND,
Legislative Director.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. KERRY):

S. 218. A bill to amend the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to support the Coastal Zone Enhancement Reauthorization of 2003. I am pleased to have bipartisan support for this bill and to be joined by the Chair and Ranking Democrats of the Commerce Committee and the Subcommittee on Oceans and Fisheries. Senators MCCAIN, HOLLINGS, and KERRY have been instrumental in developing the wide range of support for this bill and I appreciate their interest in improving the way we manage our Nation's valuable coastal and marine resources.

In 1972, Congress responded to concerns over the increasing demands being placed on our Nation's coastal regions and resources by enacting of the Coastal Zone Management Act. These pressures have greatly increased since the Act was originally authorized.

Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, nearly 53 percent of all Americans live in these coastal regions, and more than 3,600 people are relocating there annually. This small portion of our country supports approximately 361 sea ports, contains most of our largest cities, and serves as critical habitat for a variety of plants and animals.

This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this Act, coastal States can choose to participate in the voluntary Federal Coastal Zone Management Program. States then design individual coastal zone management programs, taking their specific needs and problems into account, and then receive Federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, to protecting habitat, to coordinating permits for coastal development.

As a voluntary program, the framework of the CZMA provides guidelines for State plans to address multiple environmental, societal, cultural, and economic objectives.

The health of our coastal zone is vitally important not only to the multitude of plants and animals that inhabit this area, but also to the people and communities that are dependent on it for their livelihood. For example, coastal areas provide habitat for more than 75 percent of the U.S. commercial fisheries and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, along with value-added services included, contributes $40 billion to the U.S. economy each year. Recreational fishing adds another $25 billion to the economy.

The Coastal Zone Management Program can be used to help balance the conservation of fish stocks with the demands that we place on coastal areas. In my State of Maine, a $150,000 study of the State's cargo needs led to a $27 million bond issue for cargo port improvements. As a result, Bath Iron Works built a new $45 million facility, creating 1,000 new jobs. Similar work needs to be done with our fishing ports so that when fisheries stock rebound, the fishermen will be able to realize the returns.

Unfortunately our precious coastal resources are being threatened by environmental problems, including non-point source pollution. Although the States are currently taking action to address this problem under existing authority, the Coastal Zone Enhancement Reauthorization of 2003 encourages, but does not require them to take additional steps to combat these problems through the Coastal Community Program.

This initiative provides States with the funding and flexibility needed to deal with their specific non-point source pollution problems. The States will have the ability to implement local solutions to a broad array of local problems. Many States are actively engaged in non-point source pollution programs and all can benefit from this new tool. I'm proud to say that Maine has risen to the challenge and already spends close to 30 percent of its funding on such activities. This has led to the reopening of hundreds of acres of shellfish beds and the restoration of fish nursery areas. Even with these successes, Maine is looking forward to this new opportunity to do more.

The Coastal Community Program in this bill also aids States in developing and implementing creative initiatives to deal with problems other than on-point source pollution. It increases Federal and State support of local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical.

The Coastal Zone Enhancement Reauthorization of 2003 significantly increases the authorization levels for the Coastal Zone Management Program, allowing States to better address their coastal management plan goals. The bill authorizes $135.5 million for fiscal year 2003, $141 million for fiscal year 2005 and increases the authorization levels by $5.5 million each year through fiscal year 2008. This increase in funding is necessary to allow the coastal programs to reach their full potential.

Additionally, the Coastal Zone Enhancement Reauthorization of 2003 increases authorization for the National Estuarine Research Reserve System, NERRS, to $13 million in fiscal year 2004 with an additional $1 million increase each year through fiscal year 2008. NERRS is a network of reserves across the country that are operated as a cooperative federal-state partnership.

Currently, there are 25 reserves in 22 States. They provide an important opportunity for long-term research and education in these ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I would like to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant program, section 306, serves as the base funding mechanism for the States' coastal zone management programs. The amount of funding each State receives is determined by a formula that takes into account both the length of the coastline and the population of each State.

However, since 1992, the Appropriations Committee has imposed a two million dollar cap per State on Administrative Grants. This was an attempt to ensure equitable allocation to all the participating states. Over the past eight years appropriations for Administrative Grants have increased by $19 million, yet the $2 million cap has remained. The result has been an inequitable distribution of these new funds. By fiscal year 2000, 13 States had reached this arbitrary $2 million cap. These 13 States account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 States with the largest coastlines and populations stuck at a two million dollar cap, despite major overall funding increases. While smaller States have enjoyed additional programmatic success due to an influx of funding, some of the larger States have stagnated.

In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure that equitable increases or decreases between funding years for each State. It further requires that States should not experience a decrease in base program funds in any year when the overall appropriations increase.

I would like to thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the States are treated fairly.

The Coastal Zone Management Program enjoys wide support among all of the coastal states due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program over the past several years.

I would like to thank Senator KERRY, the Ranking Democrat of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, the Chairman of the Commerce Committee, and Senator HOLLINGS, the Ranking Democrat of the Committee, for their support of this measure and for their willingness to discharge this bill out of the committee so that we may begin working with our colleagues in the House of Representatives to enact this critical piece of legislation.

This is a solid, reasonable, and a realistic bill that enjoys bipartisan support on the Commerce Committee. It is time that we now turn to legislation reauthorizing a program with a long track record of preserving our coastal environment while allowing sensible development.

I am pleased to support this legislation that will provide the States with the necessary funding and framework to meet the challenges facing our coastal communities in the 21st century. I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 25—DESIGNATING JANUARY 2003 AS "NATIONAL MENTORING MONTH"

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DEWINE, Mr. BINGAMAN, Mr. BROWNBACK, Mr. DURBIN, Mr. DOMENICI, Mr. SPECTER, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, Mr. AKAKA, Mr. DODD, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 25

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas numerous studies and research document that mentors help youth augment social skills and emotional well-being, improve cognitive skills, and plan for the future;

Whereas, for some youth, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life;

Whereas 17,600,000 youth, nearly half the youth population, want or need mentors to help them reach their full potential.

Whereas there exists a large "mentoring gap" of unmet needs, as evidenced by the fact that just 2,500,000 youth are in formal mentoring relationships, leaving 15,000,000 youth still in need of mentors;

Whereas the celebration of National Mentoring Month will institutionalize the Nation's commitment to mentoring and raise awareness of mentoring in various forms;

Whereas a month-long focus on mentoring will tap into the vast pool of potential mentors and motivate adults to take action to help a youth;

Whereas National Mentoring Month will encourage organizations of all kinds—businesses, faith communities, government agencies, schools, and other organizations—to engage their constituents in mentoring; and

Whereas the celebration of that month would above all encourage more people to volunteer as mentors, to the benefit of the Nation's youth: Now, therefore, be it

Resolved, that the Senate—

(1) designates the month of January 2003 as "National Mentoring Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring.

Mr. KENNEDY. Mr. President, it is a privilege today to join my colleagues in submitting a resolution recognizing January 2003 as National Mentoring Month. Business, community and media leaders have formed a coalition to raise public awareness about the importance of taking time to make a real difference in the life of a child.

Under the impressive leadership of the National Mentoring Partnership and the Harvard School of Public Health, the coalition is sponsoring an advertising campaign to explain the benefits of mentoring for children and mentors alike: Each of us has had adults who have made a positive difference for us, family, teachers, coaches, clergy, neighbors or caring friends who were there to listen and offer guidance. Each of us has the opportunity to offer that same gift to young persons today.

Each week with many of my colleagues in the Senate, I read with an elementary school student in the District of Columbia in the Everybody Wins program. During our lunchtime sessions, my first grade partner and I share good books and stories. Whether mentors choose reading programs or some other activity, these times are dedicated to listening and responding to the child's needs. Mentors have busy lives, and every child needs to know that we can make time for them.

In States across this country there are long lists of young persons waiting for mentors. This important project will connect new mentors to these waiting children, and enhance the quality of their lives. I urge the Senate to approve it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 246. Mr. THOMAS proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, AND Mrs. MURRAY) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes.

SA 247. Ms. MIKULSKI (for herself and Mr. REID) proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) to the joint resolution H.J. Res. 2, supra.

SA 248. Ms. STABENOW proposed an amendment to the joint resolution H.J. Res. 2, supra.

TEXT OF AMENDMENTS

SA 246. Mr. THOMAS proposed an amendment to amend SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003 and for other purposes; as follows:

Strike all after the first word and insert the following:

. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

SA 247. Ms. MIKULSKI (for herself and Mr. REID) proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other Administrative regulation, directive, or policy. This section shall take effect one day after the date of this bill's enactment.

SA 248. Ms. STABENOW proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the conferees on the part of the Senate on the disagreeing votes of the two Houses on this joint resolution should insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division L relating to Homeland Security Act of 2002 Amendments, as passed by the Senate, (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296)).

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Rhonda Sinkfield of the Finance Committee staff be accorded floor privileges during the duration of debate on H.J. Res. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent that Murali Raju, a fellow from my office, be granted the privilege of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 2 through 16, and 19.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under the title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. George W. Casey, Jr., 1204

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John P. Abizaid, 6229

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Celeste Colgan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Stephen McKnight, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Sidney McPhee, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Lawrence Okamura, of Missouri, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Marguerite Sullivan, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Stephen Thernstrom, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Terry L. Maple, of Georgia, to be a Member of National Museum Services Board for a term expiring December 6, 2005.

NATIONAL INSTITUTE FOR LITERACY

Phyllis C. Hunter, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of two years. (New Position)

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Douglas Carnine, of Oregon, to be a Member of the National Council Institute for Literacy Advisory Board for a term of three years. (New Position)

DEPARTMENT OF HOMELAND SECURITY

Asa Hutchinson, of Arkansas, to be Under Secretary for Border and Transportation, Department of Homeland Security. (New Position)

Mr. MCCAIN. Mr. President, the Senate has just confirmed the appointment of Asa Hutchinson to serve as the Under Secretary for Border and Transportation Security at the Department of Homeland Security. This is a very important position within the newly created Department, and one that encompasses far-reaching responsibilities. Therefore, I am pleased the Senate was able to move expeditiously on this confirmation so that Congressman Hutchinson can be in his position when the new Department officially begins operation tomorrow, January 24.

The Under Secretary for Border and Transportation Security is charged with critical duties, including: preventing the entry of terrorists and the instruments of terrorism into the United States; securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States; administering U.S. customs laws; establishing national immigration enforcement policies and priorities; carrying out INS immigration enforcement functioning; and administering the granting of visas or other forms of permission to enter the United States.

With these duties will go jurisdiction over many existing government units, including the United States Customs Service of the Department of the Treasury, the Transportation Security Administration, TSA, of the Department of Transportation, the Federal Protective Service of the General Services Administration, the Federal Law Enforcement Training Center of the Department of the Treasury, and the Office for Domestic Preparedness of the Office of Justice Programs of the Department of Justice.

Security policies are intertwined with safety policies, and many of the Under Secretary's functions are closely linked to other agencies of the federal governmental, such as the modal administrations responsible for transportation safety at the Department of Transportation. Further, many duties overseen by the Under Secretary have been and will continue to be performed by the Coast Guard. All of these functions will have to be carefully coordinated under Congressman Hutchinson's leadership.

The Under Secretary will face many difficult challenges, including those associated with the very serious situation at our southern border. For example, Arizona has been a leading gateway for illegal immigrants into the U.S. since the mid-1990s. Illegal immigrants are dying along on our borders. The attrition rate for Border Patrol Agents and INS inspectors has reached alarming levels. We have reached the point where we now have private citizens taking up arms and forming militia groups to patrol the border because they feel the federal government has failed to protect them. Just yesterday, the Wall Street Journal reported about the death of a U.S. Park Ranger in Arizona who was killed last August along the border, the fourth ranger killed in the line of duty since 1990. Further, uncompensated emergency and medical care provided to undocumented immigrants has left many border hospitals on the verge of financial ruin. Leadership and attention must be paramount in any effort undertaken by the Under Secretary to adequately address the wide range of border security issues, including how to ensure adequate resources are deployed for enforcement purposes.

Yesterday, the Commerce, Science, and Transportation Committee held its hearing to consider Congressman Hutchinson's nomination. We unanimously approved his nomination earlier today. The new Under Secretary will certainly have our Committee's full support as he takes on the many great challenges that he will face in his new position. The American public is very fortunate to have such a fine, capable, hardworking citizen agree to take on the immense responsibilities associated with this public service position.

I urge my colleagues' swift confirmation of Congressman Hutchinson.

Mr. LEAHY. Mr. President, the Senate today considers the nomination of Asa Hutchinson to become the first Undersecretary of Border and Transportation Security for the Department of Homeland Security. I will vote for this nomination, but not without reservations.

In addition to his service as head of the Drug Enforcement Administration, most of us in the Senate also know Asa Hutchinson from the substantial amount of time he spent on the floor of the Senate a few years ago during the impeachment trial of President Clinton. He and I were both involved in the deposition phase of that trial, and although we reached opposite conclusions on the question of impeachment, I found him to be a skilled attorney and advocate for his position, and a very likable colleague.

Because of my respect for him, I expedited his 2001 nomination to head the DEA. I noticed a hearing only days after becoming chairman of the Judiciary Committee, held the hearing the following week, and scheduled a committee vote for the earliest possible time. I then worked with Senator DASCHLE to have the full Senate consider his nomination as quickly as possible.

In his role as administrator, I believe he has done many things well. I do, however, have two concerns I would like to express today.

At his confirmation hearing to head the DEA, I asked Mr. Hutchinson whether the Federal Government should make it a priority to prosecute people who distribute marijuana to ill people in States that have legalized marijuana for medicinal use. He said he wanted to work with the Attorney General and develop an appropriate policy to reflect the Federal-State tensions involved in the issue. If such a policy was developed, I am unaware of it. In practice, the DEA under Administrator Hutchinson's leadership took a very tough line against the use of marijuana for medical purposes, launching a number of raids in California against individuals and groups that were operating in compliance with California law.

In Vermont, we are experiencing severe and growing problems with heroin abuse and our law enforcement officers face extraordinary burdens, it is problems like that that should be a priority for the DEA. Administrator Hutchinson's decision to use substantial Federal resources to crack down on the use of marijuana by ill people strikes me as setting the wrong priority, and certainly a different priority than he identified at his hearing.

I am also concerned by recent reports that Administrator Hutchinson made extensive use of Government planes at significant taxpayer expense for public appearances, while previous administrators flew commercially for similar events. If these reports are true, he would not be the first member of the Department of Justice to make questionable use of taxpayer dollars for travel. Similar questions were raised in 2001 about Attorney General Ashcroft's reliance on chartered planes. In addition, Hispanic agents have criticized Mr. Hutchinson for allowing the expiration of a committee that had been formed to brief the administrator on the concerns of Hispanic agents. I have not had the opportunity to discuss these accusations with him and his confirmation hearing for this post was not held before the Judiciary Committee. I would encourage Mr. Hutchinson to take affirmative steps to run an inclusive agency.

In his new position, Mr. Hutchinson will be responsible for ensuring that our borders are safe. I have worked extensively to strengthen our northern border, particularly since the terrorist attacks of September 11, 2001. I know that the personnel who protect our border are excellent, and I also know that they need more help. That is why I included provisions in the USA PATRIOT Act to triple INS and Customs personnel at the northern border, and to invest in improved technology and equipment to monitor the border. I look forward to working closely with Mr. Hutchinson to ensure that these provisions are finally and fully implemented and our borders are secure.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, JANUARY 24, AND TUESDAY, JANUARY 28, 2003

Mr. COLEMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m., Friday, January 24, for a pro forma session only. I further ask consent that immediately upon convening at 9:45, the Senate automatically adjourn over until 10:30 a.m. on Tuesday, January 28. I further ask consent that on Tuesday, following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 12:30, with the time equally divided and with Senators permitted to speak therein for up to 10 minutes each. Further, I ask that the Senate recess from the hours of 12:30 to 2:15 for the weekly policy luncheons to meet; further, that when the Senate reconvenes at 2:15, there be a period of morning business until the hour of 5 o'clock, again, with the time equally divided and with Senators limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COLEMAN. As announced earlier, the Senate will be in a pro forma session tomorrow—no business will be conducted—there will be no session on Monday, and the Senate will reconvene on Tuesday. The Senate will be in a period of morning business on Tuesday. Also as a reminder, the President will deliver his State of the Union Address on Tuesday. Members are asked to be in the Senate Chamber no later than 8:30 on Tuesday evening.

The majority leader has announced that there will be no rollcall votes prior to Wednesday of next week. The Senate could consider any legislative or executive matters that become available.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. COLEMAN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:31 p.m., adjourned until Friday, January 24, 2003, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 23, 2003:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CELESTE COLGAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

JEWEL SPEARS BROOKER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

ELIZABETH FOX-GENOVESE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

STEPHEN MCKNIGHT, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

SIDNEY MCPHEE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

LAWRENCE OKAMURA, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

MARGUERITE SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

STEPHAN THERNSTROM, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008.

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

TERRY L. MAPLE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005.

NATIONAL INSTITUTE FOR LITERACY

PHYLLIS C. HUNTER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS.

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS.

DOUGLAS CARNINE, OF OREGON, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS.

DEPARTMENT OF HOMELAND SECURITY

ASA HUTCHINSON, OF ARKANSAS, TO BE UNDER SECRETARY FOR BORDER AND TRANSPORTATION, DEPARTMENT OF HOMELAND SECURITY

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GEORGE W. CASEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN P. ABIZAID

SENATE—*Friday, January 24, 2003*

The Senate met at 9:45 a.m. and 9 seconds, and was called to order by the President pro tempore (Mr. STEVENS).

ADJOURNMENT UNTIL 10:30 A.M., TUESDAY, JANUARY 28, 2003

The PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until the hour of 10:30 a.m. on Tuesday, January 28, 2003.

Thereupon, the Senate, at 9:45 a.m. and 19 seconds, adjourned until Tuesday, January 28, 2003 at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, January 27, 2003*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 27, 2003.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, our God, this week beckons us as would an opening of a great door, on the unfolding of the 108th Congress of the United States.

Let there be light. As we enter, may there be a new creation.

Lord, You know our capabilities as a Nation. You know our limitations better than we know ourselves. You see clearly the needs of our day and the steps that must be taken.

But do not blind us by Your own wonderful light, for we are already overwhelmed by problems, complaints, and threats of violence.

For the Members of this House, be a gentle light. Lead them forth day by day along the path of consistency and integrity. Then will the knots of contradiction be unraveled and together Your people will walk with clarity of vision, determination of purpose and a new depth of human understanding.

Lord, be our light and our salvation, today and for endless years to come. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 121. An act to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The message also announced that pursuant to provisions of Public Law 107-306, the Chair, on behalf of the Democratic Leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

The Senator from Florida (Mr. GRAHAM).

Dr. Paul G. Kaminski of Virginia.

The message also announced that pursuant to provisions of Public Law 107-306, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence, announces the appointment of the Senator from Arizona (Mr. KYL) to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 9, 2003 at 3:15 p.m.

That the Senate passed without amendment H.J. Res. 1.

Appointments:

Benjamin Franklin Tercentenary Commission.

Antitrust Modernization Commission.

Ticket to Work and Work Incentives Advisory Panel.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 10, 2003 at 9:40 a.m.

That the Senate passed without amendment H.R. 11.

That the Senate passed without amendment H. Con. Res. 8.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, January 9, 2003:

H.J. Res. 1, making further continuing appropriations for fiscal year 2003, and for other purposes.

And Speaker pro tempore THORNBERRY signed the following enrolled bill on Friday, January 10, 2003:

H.R. 11, to extend the National Flood Insurance Program.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.
Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be more on family than other things, and I am at that point in my life.

At close of business on May 31, 2003, I will resign my seat as the Representative of the 19th district of Texas in the U.S. House of Representatives. I have written to the Governor of Texas to advise him of my decision so that he can set a date to schedule an election so the people of the 19th District can choose my successor.

Sincerely,
LARRY COMBEST.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.
Hon. RICK PERRY,
Governor of Texas, State Capitol,
Austin, TX.

DEAR RICK: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I want to thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be more on family than other things, and I am at that point in my life.

Please accept this letter as my resignation from the office of Representative of the 19th District of Texas in the U.S. House of Representatives to be effective close of business May 31, 2003. As I continue to serve the great people of the 19th district until such date, this written resignation should allow you sufficient opportunity to set a date to schedule an election so the people of the 19th District can choose my successor.

Sincerely,
LARRY COMBEST.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

Whereas, a vacancy for election purposes now exists in the membership of the United States House of Representatives from the 19th Congressional District of Texas, which consists of Andrews, Bailey, Cochran, Crane, Ector, Gaines, Hockley, Howard, part of Lamb, Loving, Lubbock, Lynn, Martin, Midland, Parmer, Terry, Ward, Winkler, and Yoakum Counties; and

Whereas, the United States Constitution, Art. I, §2, requires the executive authority of the state to issue writs of election to fill such vacancies, and 2 U.S.C. §8, requires that the date of such election be as prescribed by state law, and Texas Election Code §204.021, requires that such a vacancy be filled by special election; and

Whereas, Tex. Elec. Code §203.004, requires that, absent a finding of an emergency, the special election be held on the next eligible uniform election date, occurring on or after the 36th day after the date the election is ordered, which would be May 3, 2003; and

Whereas, Tex. Elec. Code §3.003, requires the election to be ordered by proclamation of the Governor;

Now, therefore, I, Rick Perry, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order by this proclamation a special election to be held in District 19 on Saturday, May 3, 2003, for the purpose of electing a U.S. Representative for Dist. 19 to serve out the unexpired term of the Hon. Larry Combest.

Candidates who wish to have their names placed on the special election ballot must file their applications with the Secretary of State no later than 5:00 p.m. on Wednesday, April 2, 2003.

Early voting by personal appearance shall begin on Wednesday, April 16, 2003, in accordance with Tex. Elec. Code §85.,001(a).

COMMUNICATION FROM DEPUTY GENERAL COUNSEL OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Kerry W. Kircher, Deputy General Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, January 13, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that we have been served with a civil subpoena for documents, issued by the Superior Court of San Francisco County, California, and directed to Custodian of Records for U.S. House of Representatives Office of General Counsel.

This office has no documents responsive to the subpoena and has so advised the party that caused the subpoena to be issued.

Sincerely,
KERRY W. KIRCHER,
Deputy General Counsel.

IRAQ MUST DISARM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today, U.N. Chief Inspector Hans Blix issued his report outlining the continued defiance and noncompliance of Saddam Hussein.

After over 2 months and 350 inspections, Iraq continues to conceal pertinent information on its weapons of mass destruction. We know of thousands of liters of biological and chemical agents, such as anthrax and mustard gas, that are still unaccounted for.

It is clear that Iraq is in material breach of U.N. resolutions because it refuses to fully cooperate, and it refuses to accept complete disarmament as demanded by the entire international community.

Now is the time for the United Nations to stand strong, and now is the time to hold Iraq responsible to the international community. We do not have the luxury of time with such a dangerous despot as Saddam Hussein, a man who has used biological and chemical weapons on his own people.

We cannot allow Saddam Hussein to continue to have control over an arsenal that threatens all peace-loving nations. Iraq must be disarmed, or it must voluntarily disarm.

NATIONAL AMBER ALERT NETWORK ACT

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, just a few minutes ago, we were notified that the Senate has passed the National AMBER Alert Network Act, and it will be introduced here in the House and will be taken up shortly.

As founder and chairman of the Congressional Caucus on Missing and Exploited Children, I am an original cosponsor of that piece of legislation, and I am here to encourage my colleagues to join me in that commonsense bipartisan legislation.

The National AMBER Alert Network Act builds on the success of the AMBER Alert Plan, a voluntary, cooperative program between law enforcement agencies and local broadcasters to quickly send an emergency alert to the public when a child has been abducted. Thanks to the work of the National Center for Missing and Exploited Children and others, there are now 84 AMBER plans. Still, the vast majority of America's communities have not established an AMBER plan to protect their children.

This legislation provides State and local entities grants through the Departments of Justice and Transportation for highway signage, education and training programs, and equipment to facilitate AMBER Alert systems. The bill offers States the resources they need to establish a seamless network of AMBER plans.

Please join me in supporting the National AMBER Alert Network Act.

IT IS TIME TO STAND FOR PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the U.N. process of inspections can work if the administration will let it: and yet we see, despite the efforts of the United Nations, the administration is preparing for war, preparing to send as many as 300,000 of our young men and women into battle. Stories of up to 800 missiles, poised for an attack on Baghdad, a city of over 3 million people. Reports of a new military strategy which plays off of this big missile attack which would attack water systems and electrical systems to totally destroy any infrastructure in Iraq, even news reports that the use of nuclear weapons is being considered.

Americans need to think about it. We have a country here which is dedicated to liberty and justice. But where is the justice if we are the first ones to use nuclear weapons? Where is the justice if we are going to attack a nation that has not attacked us? Where is the justice? It is time to stand for peace.

JOINT SESSION OF THE CONGRESS—STATE OF THE UNION MESSAGE

Mr. GIBBONS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 12) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 12

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 28, 2003, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess until approximately 4 p.m. today.

□ 1605

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 4 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after 6:30 p.m. today.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 26) honoring the contributions of Catholic schools, as amended.

The Clerk read as follows:

H. RES. 26

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2001-2002 academic year was 2,616,330, and the student-teacher ratio is 17 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 26 percent of school children enrolled in Catholic schools are minorities, and more than 13 percent are Non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 26.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to ask my colleagues to support H. Res. 26, which recognizes the contribution of America's Catholic elementary and secondary schools and congratulates these schools, students, teachers and parents for their dedication to education in our country.

I would like to thank the sponsor of the legislation, the gentleman from Louisiana (Mr. VITTER), and the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, for bringing this resolution to the floor today.

Mr. Speaker, I would like to share some remarkable facts about Catholic schools. They are widely acclaimed for their academic success. For example, the graduation rate of Catholic schools students is about 95 percent, while less than 5 percent of Catholic high school students drop out of school, and over 80 percent of Catholic high school graduates go on to college.

Catholic schools also teach a diverse group of students. Over 26 percent of students enrolled are minorities.

Catholic schools provide more than just an excellent scholastic education. They emphasize and promote the lifelong development of a student's moral, intellectual, physical, and social values. They produce students dedicated to their faith, values, families, and communities.

In Delaware, I am proud of the contributions of the 32 Catholic schools that operate there. There are too many to name, so I will insert a list of those schools in the RECORD.

Archmere Academy, Christ Our King School, Christ the Teacher Catholic School, Corpus Christi School, Holy Angels School, Holy Cross Elementary School, Holy Rosary School, Holy Spirit School, Immaculate Heart of Mary School, Our Lady of Fatima School, Our Lady of Grace Kindergarten, Padua Academy, Salesianum School, St. Ann's School, St. Anthony of Padua Grade School, St. Catherine of Siena School, St. Edmond's Academy, St. Elizabeth's Elementary School, St. Elizabeth's High School, St. Hedwig Elementary School, St. Helena School, St. John The Beloved School, St. Joseph's Academy, St. Mark's High School, St. Mary Magdalen School, St. Matthew's School, St. Paul's School, St. Peter School, St. Peter's Cathedral School, St. Thomas More Academy, St. Thomas The Apostle School, and Ursuline Academy.

Each one of these schools is following a long tradition of educating students to be the future leaders in our society. I offer them my gratitude for their dedication to this tradition.

Mr. Speaker, I ask my colleagues to support this straightforward resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, today's resolution recognizes the contributions of Catholic schools. Mr. Speaker, I attended Catholic schools myself. I received a high-quality education from these schools and have benefited greatly. Also, children all across America have benefited from a Catholic education. Certainly, we can all agree that Catholic schools are a strong and positive force in America's educational system.

Fortunately, the great, truly great, aspect of the American education system is its diversity. The goal of the American education system, both public and private, is to provide anyone in any city, in any State, with the opportunity to succeed.

The educational recipe for success in our country certainly includes Catholic schools, schools with other religious focuses and nonreligious private schools, along with our public schools. It is this variety, this diversity, that truly makes American education powerful and makes American education successful in its mission.

Mr. Speaker, today we are recognizing the educational and societal contributions that Catholic schools make to our Nation. I believe we must recognize the importance and value that all pieces of our educational system have in the lives of our children.

Mr. Speaker, in closing I want to thank the gentleman from Louisiana (Mr. VITTER) for introducing this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I rise today to honor Catholic schools for their continuing contributions to educating young Americans. Catholic schools impact not only the intellectual life of our Nation's youth but also their moral, physical and social lives and truly are a major component in instilling the proper values in the next generation.

This year, more than 2.5 million students in the U.S. will be enriched by their Catholic school education. America's Catholic schools are internationally acclaimed for their academic excellence and can boast a student-to-teacher ratio of 17 to one, but the impact of Catholic schools is far broader and more far reaching than even that.

More than 26 percent of 2.5 million school children enrolled in Catholic schools are minorities. More than 13 percent are non-Catholics, and again, it is tremendously important to the moral, the value-based life of our country.

My wife, Wendy, and I are both graduates of Catholic schools, and we realize perhaps because of that the special value Catholic schools provide to an education. That is why we chose to enroll our three daughters in Catholic schools and intend to do the same for our young son, Jack, when he is of age.

Because I believe so strongly in the value and contribution of Catholic schools, I joined with so many others here and introduce House Resolution 26, which supports the goals of Catholic Schools Week.

Again, I congratulate Catholic schools, parents and teachers for their tremendously important role in ensuring a brighter, stronger future for our Nation. I thank them for the hard work and dedication that is put into educating the youth of our country. I thank them, in particular, for instilling important, deep-seated values in the next generation of Americans.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I rise to speak in concurrence with House Resolution 26.

I think most of us realize the excellence of private schools, particularly the Catholic schools around the country that are internationally acclaimed for their academic excellence and provide students more than a superior scholastic education because they are very interested in value-added education, emphasizing a lifelong dedication to moral, intellectual, physical, and social values in America's young people. Certainly in our society today, a strong sense of values and character is critical.

As has been mentioned previously, the total Catholic school student enrollment for the 2001-2002 academic year is over 2.6 million; and of course the student-teacher ratio is critical in any educational setting, and a ratio of 17 to 1 is truly admirable and does provide for a much better academic environment.

Catholic schools teach a diverse group of students. Roughly one-fourth of the students who enrolled in Catholic schools are minorities, and more than 13 percent are non-Catholics.

We feel that the Catholic schools of the United States provide a tremendous service to all people who are interested in education and would like to commend them, and I urge support of House Resolution 26.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I wanted to spend just a few extra minutes thanking all of the many colleagues on both sides of the aisle in the House, Democrats and Republicans, for joining together in supporting this resolution and for honoring Catholic Schools Week. I think in so many ways Catholic schools are really vital to the education of our youth and vital to the intellectual and moral and values-based life of our country. I wanted to highlight just a couple of ways, though, I think Catholic schools are so healthy and so important.

Really, when we get right down to it, they are the main reasons Wendy and I have decided to send our kids to Catholic schools; and they go right to the heart of the contribution Catholic schools make to the life of our country.

One is something I touched on, and that is, Catholic schools offer a great value-based education. In my archdiocese in southeast Louisiana, the motto, the PR slogan, if you will, for the archdiocese school system is "Catholic schools, an education of value."

□ 1615

It is so true, and it is a play on words, of course, because it means at least two things: One is that it is a wonderful education; a wonderful nonpublic education. And of course nonpublic private school educations can often be extraordinarily prohibitively expensive. But in our archdiocese, and in virtually all across the country, Catholic schools offer a really solid education at a reasonable price. So it certainly is an education of value in that sense.

Of course, even more importantly, and an even more compelling reason so many parents send their kids to Catholic schools, is that it is an education rooted in a sense of values. And it is not simply 1 period of religion a day, and it is not simply going to mass 1 day a week or 1 day every other week. It is the whole atmosphere which really embodies loving, Christian principles, and it is a wonderful, loving, nurturing environment for any child, Catholic or non-Catholic, to be brought up in and educated in.

So that sense of values really is so important and such a mainstay of the important contribution Catholic schools make to the life of our country. I think it is something we can all learn from, whether we are helping improve education in the public sector or in any other sector. I think it is something over the last 10 years in particular we have begun to appreciate much more deeply, and that is that educating our children is not merely an intellectual exercise. It has to be a value-laden exercise. And we should not apologize for that in whatever setting.

Of course, if we are in the public school setting, there are limits to how we pass on those values, and we cannot do them in a way which endorses one religion over another or religion over nonreligion. But surely there is still plenty of room within that constitutional framework to offer kids in every setting an education rooted in positive, important values.

The second aspect of Catholic schools that I think is so important and so beneficial, which really goes to the heart of Wendy and my decision to send our kids, is that it is a very diverse environment that our kids find themselves in, particularly compared to other private school settings. So often in nonpublic school settings, particularly schools which are prohibitively expensive, you end up having a very narrow part of the community represented in that school. Those schools are super schools, and they do an excellent job academically, and certainly kids there are great and bright and talented. But it is so healthy in so many ways for kids to be exposed to a more diverse cross-section of the whole community socioeconomically, and certainly Catholic schools offer that. The enrollment of minority and other students in Catholic schools is very, very significant, and Catholic schools play such a positive and instrumental role in reaching out to those minority and other families.

So those are two of the key reasons, I think, Catholic schools make such a contribution to the life of our country. And as I said, those are the same reasons why we made the personal decision to send our kids there.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Delaware for yielding me this time and congratulate he and the gentleman from Michigan (Mr. KILDEE) for bringing this resolution to the floor today on behalf of the committee.

I rise in strong support of House Resolution 26, which recognizes and honors the contribution of Catholic schools in the United States. I commend the gentleman from Louisiana (Mr. VITTER) for his leadership in sponsoring this legislation.

Catholic schools throughout our Nation have a well-earned and an internationally acclaimed tradition of academic excellence, and I am pleased to join all my colleagues today in recognizing them. We are honoring and congratulating Catholic schools, their students, parents and teachers for their ongoing contributions to education and the vital role that they play in promoting and ensuring a brighter, stronger future for this Nation.

This week is National Catholic Schools Week, and it is fitting that we focus on the important role that Catholic schools play in providing a well-rounded education for America's young people, one that gives special attention to the academic, moral and social development of our children.

The theme of this year's week is "Catholic Schools: Making a World of Difference." This theme is clear in what one Catholic student wrote in an essay to celebrate this week when he said, "Most importantly, a Catholic school is a community of individuals; teachers, parents, students, who actively participate in enriching young people's educational lives."

I am impressed with how all Catholic schools emphasize intellectual, spiritual, moral and social values and produce well-rounded citizens. Catholic schools teach both students academic knowledge and real-life lessons in service to mankind and respect for one's neighbors.

Mr. Speaker, I can personally attest to the outstanding contributions and dedication of Catholic schools, as I am a proud product of Catholic schools in Ohio, having attended Sts. Peter & Paul Elementary School in Reading, Ohio, and Archbishop Moeller High School in Cincinnati. From this strong foundation I then went on to graduate from Xavier University, which is also located in Cincinnati.

In the great State of Ohio, Catholic schools have made a positive impact on the lives of hundreds of thousands of students. For example, Fenwick High School in Middletown, Ohio, Chaminade-Julienne High School in Dayton, Ohio, and Badin High School in Hamilton, Ohio, are excellent examples of schools that have profoundly influenced the lives of their students and continue to make significant contributions to their communities.

The top priority in the last Congress for the Committee on Education and the Workforce was the No Child Left Behind Act, a landmark reauthorization of the Elementary and Secondary Education Act, which provides services and benefits to both public and private schools. Across our country, many Catholic schools participate in these programs and activities under the act. The primary goal of No Child Left Behind is to improve academic achievement for all students and thereby close the achievement gap that exists between disadvantaged students and their peers. Unfortunately, these gaps have remained stubbornly wide over the last three decades.

However, our Nation's Catholic schools and the dedicated teachers who serve in them have kept the achievement gaps from growing even wider. Indeed, some data indicates that one in four Catholic school students are from underprivileged backgrounds. Coupled with the fact that approximately 95 percent of Catholic school students graduate, and 83 percent of these students go on to pursue a higher education, it is clear that Catholic schools are very successful in educating all students who enter their doors.

As Sol Stern wrote in a column entitled "The Invisible Miracle of Catholic Schools," in the City Journal, "Catholic schools are already transforming the lives of thousands of poor black and Hispanic children, many of whom are not Catholic. Catholic educators have remained committed to the ideal that minority children can share in, and master, our civilization's intellectual and spiritual heritage."

In addition, the number of students enrolled in Catholic schools who are not of the Catholic faith is over 13 percent. These students come from a wide variety of faiths and have chosen to attend a Catholic school. This is especially true for inner-city schools, where in some cases the majority of students enrolled are non-Catholic. Catholic schools and their educators have had tremendous success in reaching out to all students and their parents who are seeking the best possible education for their children.

So today, Mr. Speaker, I urge my colleagues to vote in support of this resolution and congratulate Catholic schools for the job they are doing in helping to educate all our Nation's children.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to express my strong support for H. Res. 26, a resolution recognizing the valuable contributions of Catholic Schools.

This week marks the 29th Anniversary of National Catholic Schools Week, a week dedicated to honor the achievements and successes of Catholic Schools throughout the U.S. More than 2.6 million children are enrolled in the 8,114 Catholic Schools in our country.

As Pope John Paul II said, ". . . the purpose of Catholic Education is to communicate Christ to you, so that your attitude toward others will be that of Christ." A Catholic education challenges students through a combination of high standards, strong motivation, effective discipline, and an emphasis on personal responsibility. It is an education that goes beyond preparation for a secular life; it is an education that prepares students for a Christian life.

Placing a premium on both academic standards and moral responsibility has proven to be a successful formula for Catholic schools. Consider the following facts. Catholic school student test performance in the three grade levels of the National Assessment of Educational Progress exceeds public school test results by an average of 4.5 percent in math, 4.8 percent in science, and 12.5 percent in reading. Only 3 percent of Catholic school students drop out of school, compared to a 14 percent dropout rate in public schools. In addition, 83 percent of Catholic highs school graduates go on to college, as compared to 52 percent of public high school graduates.

Children do not form their core moral values on the sole basis of what schools teach them. Learning a respect for life and respect for the rights of others does not just start at school. It starts at home. Accordingly, the Catholic school curriculum recognizes parents and family as primary educators and seeks to foster a shared vision among the two. As the father of four children who have attended Catholic schools, I know that Catholic schools strive to create a special bond between families and educators. Schools and families work hand-in-hand reinforcing family values, ethical behavior, social responsibility, and academic achievement.

There are more than 167,000 men and women who constitute our Catholic school faculty nationwide. Lay men and women represent 91 percent of the full-time equivalent teaching staff in Catholic elementary schools and 92 percent in middle schools. Parents know that the job of a good school teacher is not an easy one. The teachers and staff in our Catholic Schools are allies and supporters in helping parents instill solid moral lessons in our children. They deliver a curriculum that accentuates academic aptitude and moral responsibility. The Catholic school family—the teachers, administrators, librarians, and support staff—are all working every day to help parents rear and prepare America's next generation of leaders.

Mr. Speaker, learning in a religious setting is not for everyone and America's public school system is critical to providing educational opportunities for all. We must continue to vigorously support our public schools at both the Federal and local levels. At the same time, however, we should support those who seek the benefits of Catholic school and choose a religious setting as the best educational environment for their children. In effect, parents of Catholic school children pay twice—they pay their fair share of taxes necessary to support the public school system and they pay tuition at the school their children attend. I urge my colleagues to join me in addressing this inherent unfairness and work for the passage of a tuition tax credit program—some time this year—as the best way to help offset the double payment endured by those who send their children to Catholic schools.

In the interim, Mr. Speaker, as we work for passage of a tuition tax credit, all members can and should vote today for the passage of H. Res. 26 which appropriately recognizes the valuable contributions of Catholic schools across the Nation.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor and celebrate the many accomplishments of Catholic schools. On January 26 the annual weeklong national recognition of Catholic schools began across the Nation. I am proud to have several of the nation's high achieving Catholic schools in my district in metropolitan Kansas City, Missouri. As a former educator I understand the importance of recognizing the achievements of education throughout our Nation, and I welcome this opportunity to applaud the Catholic school community nationwide.

For 165 years, the Catholic schools of the Kansas City Diocese have prepared thousands of competent young adults fully for lives as productive citizens. There are over 40 Catholic education centers in metropolitan Kansas City, and they are all known for their high academic standards and rigorous educational instruction. These centers currently serve 14,000 students in my district. Every day over 1,000 dedicated faculty offer the guidance and instruction that make these students some of the best the Nation has to offer. Not only do the metropolitan Kansas City Catholic schools promote excellence in the classroom, they also encourage community service. In the first semester of this school year, our 14,000 students offered 87,978 hours of service to their communities by working to combat hunger and to provide care for the elderly.

One of the brightest educational beacons in the Kansas City Diocese is St. Elizabeth School in Kansas City. They are recipients of the prestigious Blue Ribbon Award from the United States Department of Education. The award recognizes St. Elizabeth's for exceeding local, State, and national education goals. I participated in the announcement of this award and was overjoyed to see the level of excellence embodied throughout the school. They expressed their gratitude by giving me a remembrance of our day together: a Kelly green sweatshirt that I cherish, especially in St. Patrick's Day parades.

St. Teresa's Academy, another blue ribbon school of excellence in my community, is the oldest school and women's institution in Kansas City. The school was founded and is sponsored by the Sisters of St. Joseph of Carondelet who, since their founding in the 17th century in France, have been in the forefront of preparing young women for the future.

I had the pleasure of accompanying the Secretary of Education, Roderick Paige, to St. Francis Xavier School in Kansas City. St. Francis is one of the seven Central City Catholic Schools established by the Catholic Diocese of Kansas City-Saint Joseph to provide educational support to children of the urban core of Kansas City. It serves a diverse population of students, some of whom are Catholic, but all come to receive their outstanding educational instruction offered as a part of the St. Francis Xavier curriculum. There is also a commitment to serving the whole child. More than half of the students at St. Francis qualify for free or reduced lunch. The school also participates in partnership with community organizations, including the Rockhurst University School of Education for teacher and parent training; Rockhurst High School in establishing a "Middle School Academy" to align curriculum, share resources, and setting up a mentoring program; and Young Audiences, to enrich the curriculum through the arts by having visual and performing artists work with teachers. St. Francis is part of the President's Service alliance and all students are required to perform community service. St. Francis students get real life experiences as part of their curriculum through partnerships the teachers establish with the community. The students also have a connection to students in the global society fostering the development of cultural awareness.

I have also visited St. Thomas More School for a presentation by 6th Graders on the Federal minimum wage. This was part of a class project titled "That is Not Fair," a program which emphasizes social justice issues. I was accompanied by Brigid Flanigan, principal; Leanna Kilgore, Cindy Rapp, Barbara Mingori, and Paula Pawlewicz, 6 grade teachers; Ann Harbin, facilitator of the "That's Not Fair program; and Michael Poulin, social justice program coordinator. After listening to the presentation and hearing the students' hopes and aspirations of the future I challenged the students to reach high and achieve their goals. With the first rate education provided by St. Thomas More and throughout the Kansas City Diocese, there is no question that they will be prepared to do just that.

Mr. Speaker, these are but a few of the Catholic schools in metropolitan Kansas City which play an important role in gifting students with the abilities to excel academically, socially, and civically. And I ask all of my colleagues to join me in celebrating the legacy and the bright future of the Catholic schools in the 5th District of Missouri and of the Nation.

Mr. FERGUSON. I rise today in support of our Nation's Catholic schools and the record of excellence they hold in our children's education.

I believe our most profound responsibility is to ensure that every child has a first-class education, that no child is left behind and that all students share in the pride and promise of educational opportunity—Catholic education provides that opportunity.

As a former student at the University of Notre Dame and a former teacher at Mount Saint Michael's Academy in the Bronx, NY, I know the benefits Catholic schools and universities provide to students in America.

Our children deserve the best schools in the world; they deserve schools that will help them meet the challenges of tomorrow. That is why I'm pleased with the bipartisan support H. Res. 26, "Honoring our Catholic Schools," is receiving from my colleagues in the House today.

America's student dropout rate is increasing at an alarming pace. But our Nation's Catholic schools have given a diverse group of students the inspiration, environment and counsel they need to stay in school. A tribute to the strength and quality of a Catholic school education is the 95 percent graduation rate among Catholic high school seniors.

America's Catholic schools are internationally acclaimed for providing small classrooms averaging 15 students, where each student can have the attention they need to achieve their future goals. America's Catholic schools also graduate a record 83 percent of students who go on to college.

I believe that while we call for higher standards in our Nation's schools, we must also recognize those schools that are providing the education America's students need to succeed. I am pleased to join with my colleagues in honoring the contributions of Catholic schools. After all, our children are our country's most precious resource.

Mr. MURPHY. Mr. Speaker, I rise today to honor and recognize the annual celebration of "Catholic Schools Week." Each year, the National Catholic Educational Association and the United States Catholic Conference sponsors a week-long celebration recognizing the outstanding educational contributions of America's Catholic schools. Catholic schools locally and nationally will mark this festive occasion by hosting many community, parish and school events.

In Pennsylvania alone, Catholic elementary and secondary schools educate approximately 240,000 students yearly. These schools operate with complete devotion to each and every student, providing them with solid values and academic skills needed in becoming responsible citizens of Pennsylvania and the Nation. Catholic institutions tout a 95 percent graduation rate, and 83 percent of Catholic school graduates pursue higher degrees—a very impressive statistic.

Not only do Catholic schools boast these high standards and excellent achievements, but fervently instill in their students the idea and necessity for commitment to family and the community. Most, if not all, Catholic students willingly provide countless hours of volunteer service to the local parish as well as the entire community. This only proves that Catholic school students are strongly dedicated to their faith, values, family and community.

Not long ago, President Bush signed into law a comprehensive education reform package emphasizing accountability, local control and flexibility, expanded options for parents, and funding for effective programs. Given Catholic schools' record of success and standard of excellence, it is only fitting that these private institutions continue to serve as a model for public education reform in America.

Mr. Speaker, it is with great pleasure that I congratulate and express great appreciation to the Nation's Catholic schools on the occasion of "Catholic Schools Week." I especially salute the many Catholic school teachers, principals, and school administrators in the 18th Congressional District of Pennsylvania for their hard work and dedication which has benefited so many young people. My best to all the students in their continuing academic careers and future endeavors.

Mr. ISRAEL. Mr. Speaker, I rise in support of this resolution to honor the contribution of Catholic schools.

Catholic schools play an important role in my district on Long Island and across the country in educating not only Catholics, but also many non-Catholic and minority students. Schools such as St. Anthony's Huntington, the Academy of St. Joseph in Brentwood, St. Dominic in Oyster Bay, St. John the Baptist in West Islip, and others throughout Long Island are models of educational excellence.

With limited budgets, but with unlimited devotion, the teachers and administrators provide a real public service—focusing on developing the heart, mind and spirit of their students. With a 95 percent graduation rate and 83 percent of students continuing on to higher education, their valuable service is more than evident.

I rise to support their role today and urge my colleagues to support this resolution commending the contribution of Catholic schools.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 26 honoring the contributions of Catholic schools. My 18th Congressional District in Houston has a number of outstanding Catholic schools that have contributed to the well being and education of thousands of students.

Catholic schools ensure a broad-based education for students in elementary grades. This education includes the emphasis on character, values, and moral development. More than 26 percent of school children enrolled in Catholic schools nationwide are minorities. In minority communities, Catholic schools serve a special purpose—they integrate students into a moral and spiritual doctrine that carries lifelong benefits.

This weekend, I attended a celebration in my district at the St. Philip Neri Catholic Church. The church has an exemplary school for students pre-kindergarten through the 5th grade. The school was founded more than 30 years ago.

I support the goals of Catholic Schools Week and congratulate the schools, students, parents, and teachers for their ongoing contributions to education. Catholic schools have played a key role in educating our students. Catholic schools have long been dedicated to teaching a diverse group of students, and I applaud their work. As we continue to seek methods to reform our nation's schools, Catholic schools serve as a model for discipline, for a broad-based education, and for values. Catholic schools are internationally acclaimed for their academic excellence. I strongly support H. Res. 26 and the accomplishments of Catholic schools everywhere.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, House Resolution 26, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING EFFORTS TO PROMOTE GREATER AWARENESS OF NEED FOR YOUTH MENTORS AND INCREASED INVOLVEMENT WITH YOUTH THROUGH MENTORING

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 25) supporting efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring.

The Clerk read as follows:

H. RES. 25

Whereas mentors serve as role models, advocates, friends, and advisors to young people in need;

Whereas numerous studies document that mentors help young people augment social skills, enhance emotional well-being, improve cognitive skills, and plan for the future;

Whereas, for some children, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life;

Whereas, 17.6 million young people, nearly half the youth population, want or need mentors to help them reach their full potential;

Whereas there exists a large "mentoring gap" of unmet needs, with only 2.5 million youth in formal mentoring relationships, leaving 15 million young people still in need of mentors;

Whereas the celebration of National Mentoring Month will institutionalize the Nation's commitment to mentoring and raise awareness of mentoring in its various forms;

Whereas a month-long focus on mentoring will tap into the vast pool of potential mentors and motivate adults to take action to help a young person;

Whereas National Mentoring Month will encourage organizations of all kinds, including businesses, faith communities, government agencies, schools, and more, to engage their constituents in mentoring;

Whereas the celebration of National Mentoring Month would above all encourage more people to volunteer as mentors, to the benefit of the Nation's children; and

Whereas on January 2, 2003, President George W. Bush signed a proclamation naming January 2003 as National Mentoring Month and called upon the people of the United States to recognize the importance of being role models for youth, to look for mentoring opportunities in their communities, and to celebrate this month with appropriate ceremonies, activities, and programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends those who give their time and talents to support mentoring programs; and

(2) supports efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 25.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. OSBORNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, not long ago I read the results of a study that was done on the Fullerton County Public Schools in 1940, and in this study the teachers in the Fullerton schools were asked what their main concerns were. The list read like this: Number one concern was talking in class; number two was chewing gum in school; number three was getting out of turn in line when you went from one class to another; and number four was not putting waste in the wastepaper baskets.

More recently someone went back to the Fullerton public schools and asked the same question; what was the main concern that the teachers had. The list had changed somewhat. The number one concern was drug and alcohol abuse; secondly was gangs; and then followed weapons, teenage pregnancy, teenage suicide, and violence.

I guess this study, as I saw it, Mr. Speaker, resonated with my own experience of 40 years working with young people, because when I first started working with young people in about 1960, the out-of-wedlock birth rate was roughly 5 percent; today it is 33 percent. We have 18 million fatherless young people in our country today. Most of them have not even seen their father or met them.

In 1960, a relatively small percent of our young people were living in homes without both biological parents. Today, almost half live in homes without both biological parents. Drug abuse and gangs remained relatively unheard of in 1960. Today, as everyone knows, they are a major problem in this country. We have become the most violent Nation in the world for teenage homicides and suicide.

So I guess the question begs itself, Mr. Speaker, as to where we are headed as a Nation. I think if we examine the data on a year-to-year basis, it is a little hard to tell where we are moving, but if we look at it in 40- to 50-year increments, 1940 versus 2003, we can see some alarming trends.

So the question is, Mr. Speaker, what do we do at this point? What can we do? We cannot legislate families staying together. We cannot legislate strong values. But one thing we can do, Mr. Speaker, is we can provide mentoring for young people. A mentoring relationship is a one-to-one relationship with a positive adult role model who, number one, cares unconditionally about a young person.

It is very powerful for a young person in a school when an adult, who is not a parent, not a grandparent, not a teacher, not a preacher, has no axe to grind, but simply cares enough about that young person to show up and spend time with that young person every week.

Secondly, a mentor is one who affirms. A tremendous number of our young people today are growing up without affirmation. Whether it be at home or at school with their peers, no one is saying, I really approve of you, I believe in you, I know you can do this, you can accomplish something. And essentially that is what a mentor does. They are someone who affirms and sees something in a young person that that young person may not even know they have within themselves.

Thirdly, I think a mentor is one who provides a vision. So many young people today simply have no role model in their lives. They dropped out of school early, are working at a minimum paying job and have no great aspirations. Many times a mentor can see something in a young person that points in a direction that certainly is much more productive than that.

□ 1630

Mr. Speaker, mentoring works. Research studies indicate that mentoring reduces drug and alcohol abuse by a great deal, sometimes as much as 50 percent. It reduces teenage pregnancy, teenage violence, and gang membership. It improves peer and family relationships, self-confidence, school attendance, grades and graduation rates. It is estimated that currently 17 million children need a mentor in our society today, and less than 1 million have that experience.

The mentoring initiative is critical to our Nation's well-being. I think most of the great nations of the world that have fallen apart have disassembled from within. I think we need to address the problem what is going on with our young people, and mentoring does this. I hope that this body supports mentoring programs as we recognize National Mentoring Month.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to join the gentleman from Nebraska (Mr. OSBORNE) in support of House Resolution 25, which recognizes the critical role of mentors in our children's lives.

On the day following our Nation's 37th Super Bowl, I can think of no better way to commemorate the very spirit of this bill than by sharing the inspirational story of Mr. Lincoln Kennedy, who plays right tackle for the Oakland Raiders. Lincoln grew up and attended Morris High School in my hometown of San Diego, California. And just as it is today, the student body at Morris was largely diverse and comprised of children from mostly working-class backgrounds. The school football field doubled as the team's practice field, and ongoing electrical problems allowed for day games only.

High school football coach John Schacklett spotted the 6 foot 6 inch freshman and immediately recognized his potential. He urged him to try out for the school's football team, and Lincoln agreed.

Although forced to play in tennis shoes because the school was unable to acquire the size 17½ cleats that he required, it did not take long for Lincoln to develop under the constant guidance and encouragement of a coach who not only believed in him, but took the time to invest in him. And what a difference it made.

Lincoln returned to his hometown on January 26, 2003, to play in Super Bowl XXXVII. Reflecting back on the achievements of his life, Lincoln wondered what he would have done had Coach Schacklett not approached him that fateful day, recognized that he possessed something special, and pushed him to recognize it, too.

"I wonder how I ever would have gotten to college and gotten a college education or what type of job I would be doing right now," he said. Fortunately, as a result of the mentoring of Coach John Schacklett, Lincoln will never need to worry about the answer to that question.

The significance of this story should not be underestimated. Lincoln Kennedy represents the millions of youth in this country who stand to benefit immensely from the support of a positive role model. And Coach Schacklett represents the millions of mentors who also benefit from the rewarding and enriching experience of investing in a young person's life and later watching that person grow and succeed.

This case illustrates what we have known for years, and what my colleague just spoke about, that mentoring makes a difference. It provides children and young adults with a stronger sense of self-esteem and optimism for the future. It fuels their ambitions and pushes them to realize their own potential. It helps them to visualize a future other than what they might have aspired to.

We know that this learning experience is a two-way street. Mentoring often brings together people of various ethnic, religious, or socioeconomic backgrounds. It is easy to turn to those with whom we share obvious similarities. The mentoring relationship, however, often forces us outside of our own comfort zone, allowing us to view the world from different perspectives and appreciate one another's experiences and life circumstances.

In today's world, particularly, this level of understanding has never been more important; and we must do all that we can to foster these relationships.

Mr. Speaker, President Bush's declaration of January 2003 as National Mentoring Month marked a significant stride in this direction. With the passage of this resolution, I hope to reinforce the positive impact that mentoring can have on so many of our children's lives.

Mr. Speaker, I reserve the balance of my time.

Mr. OSBORNE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, whose support for mentoring has been very much appreciated.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) for bringing this resolution to the floor today and his willingness to manage this bill, and thank the gentleman for his commitment to mentoring. As someone who has mentored countless numbers of young men during his coaching career, he certainly comes to this with great passion and has brought great passion to this issue to the committee, and especially last year during the consideration of No Child Left Behind when the gentleman from Nebraska (Mr. OSBORNE) took the lead and pushed for mentoring programs within the Secondary and Elementary Education Act.

The gentlewoman from California (Mrs. DAVIS), also a member of the Committee on Education and the Workforce and a staunch supporter of mentoring, played a role in ensuring that mentoring became an important part of No Child Left Behind.

We all know the importance of mentors to children, many of whom come from families where there may not be a father or there may not be a mother, and having these mentors to help mostly underprivileged children is a great advantage in terms of helping them understand that there is another world out there and their future may in fact be brighter.

As I have said before, I believe not only do children benefit from having mentors, but I think mentors may benefit even more than the children do by offering their services, making a commitment to their community, making a commitment to their local schools, and making a commitment to underserved children who need their help.

Mr. Speaker, because of all this, I believe that the resolution before us is certainly a good one and urge my colleagues to support it.

Mr. OSBORNE. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), who is chairman of the Subcommittee on Education Reform and also a strong supporter of mentoring.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) and the gentlewoman from California (Mrs. DAVIS) for offering this resolution today.

I do not know if there are many advocates for mentoring better than the gentleman from Nebraska (Mr. OSBORNE) and all he has done in his lifetime for this, and I think we are fortunate to have him in support of this issue on the floor on a number of occasions.

I, too, rise in support of the resolution that recognizes the benefits of mentoring for America's young people, the many contributions of mentors, and the need for more mentors to get involved in the lives of our youth.

Many children throughout the United States face difficult circumstances in their lives. For instance, too many of our youth become teenaged parents or do not complete high school. These are just two examples of youth who might benefit from the support and guidance of a caring and responsible adult.

In fact, the positive effects of mentoring include increased school attendance, improved rates of secondary school graduation and college attendance, decreased involvement with drugs and alcohol, and decreased violent behavior.

In early January, the President declared January 2003 as National Mentoring Month and in doing so, recognized the vital contributions of dedicated mentors and encouraged more Americans to make a difference in the hearts and souls of our communities by volunteering their time to meet the needs of America's youth. As President Bush said, mentors "provide friendship and support to young people who are facing challenging situations, serve as positive role models, and help to instill important values, goals and skills."

Mentoring programs come in all shapes and sizes, and often schools, churches and community groups come together to form mentoring partnerships. There are thousands of mentoring programs across the country, yet there is still a shortage of mentors. It is estimated that mentors are not available to a large percentage of young people who need or want them. Too many children in our Nation are growing up without support and guidance in their lives.

We cannot afford inaction. A small commitment of time, energy or financial support can change the life of a child. I am pleased to promote the greater awareness of the need for youth mentors, and I urge an "aye" vote on this resolution.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to close by sharing some of the lessons I learned while serving as the executive director of the Aaron Price Fellows Program in my own community.

The first is that simply giving of yourself, be it your time, your advice, and even your interest, makes a difference. For a young person, the security and the confidence that comes from knowing that someone, someone outside of his or her own family believes in them and cares about them is immeasurable.

The second is that there is just no telling how far a young person who receives the sort of personal attention and one-on-one mentoring will go. I am proud to have two individuals on my staff who I personally mentored many years ago, and I cannot tell Members how meaningful it is for me to see how successful they have become today.

Finally, it is impossible to predict how involved or enthusiastic a mentor will become in a child's life. In my experience with the Fellows program, I have seen countless individuals become so invested in a young person's development that they surpassed any and all expectations of the job. I had the opportunity to demonstrate this myself as a mentor; and I can personally attest to the fact that the greater one's commitment, the richer the reward.

One of San Diego's outstanding leaders, who overcame a lifetime of adversity and built a successful life for himself despite the odds, once told me that the single most influential factor in his life was a childhood mentor. I believe that his story, and so many others, prove that mentoring can and does make a pivotal difference in a young person's life.

Mr. Speaker, I am delighted to join with my colleagues and thank the gentleman from Nebraska (Mr. OSBORNE) for bringing this resolution forward, and urge passage of House Resolution 25.

Mr. Speaker, I yield back the balance of my time.

Mr. OSBORNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentlewoman's support of this resolution, and I might just mention there was a Mentoring for Success amendment that was added to H.R. 1, which provided for mentoring grants and programs around the Nation. It was interesting to note that we had over 1,300 applications for less than 300 grants. Obviously, there is great interest in mentoring around the country. We know that those monies will be put to good use, that thousands of young people will benefit; and above all, I believe it is important that we remember that this provides a national clearinghouse where we can evaluate all kinds of mentoring, what works and what does not work, and provide a central clearinghouse that we think will be very important.

Mr. KELLER. Mr. Speaker, I rise today to support he National Mentoring Month Resolution introduced by Congressman TOM OSBORNE. This resolution recognizes and supports the efforts of mentoring programs across our Nation. It embraces the notion that volunteer mentors can change the life of a troubled teen. This resolution celebrates the month of January as a month-long campaign focused on raising awareness of mentoring programs, their impact on our youth, and information on how to volunteer to become a mentor.

I am proud to be an original cosponsor to Congressman OSBORNE's resolution. Both Coach OSBORNE and I worked as mentors before coming to Congress and both felt a need to raise awareness of the cause once we were elected. Last year, we successfully passed the Mentoring for Success program, which provided money to start up new mentoring programs across the country. In addition, we founded the Congressional Mentoring Caucus, a bipartisan organization designed to disseminate information about the positive impact mentoring programs have on our Nation's children.

Mentoring programs offer many benefits to children, particularly as it relates to educating our children. These programs are proven to help prevent children from dropping out of high school. In the state of Florida, we had a big problem. Only 53 percent of our children were graduating from high school. So, in Central Florida, we decided to do something about it by creating the Orlando/Orange County Compact Program. The Compact Program is a mentoring program that matches up students at risk of dropping out of high school with mentors from the business community. The mentors meet with the students one hour a week to work on homework and projects.

The results from this mentoring program have been dramatic. Over a period of 10 years, 98 percent of the children in the Compact Program have graduated from high school—the number one graduation rate in the United States.

I would also like to discuss the crime prevention benefits of mentoring programs. In Florida, 70 percent of the inmates in our jails and prisons are high school dropouts. It costs taxpayers $25,000 a year for each federal prisoner, compared with only $5,000 a year to educate a student in our public schools. Clearly, making the investment in mentoring programs now will save us literally hundreds of millions of dollars down the road in terms of reduced jail costs and reduced welfare costs.

In summary, mentoring programs make a meaningful difference in the lives of our young people; they improve education, prevent crimes, and will save us money. I urge all of my colleagues to support National Mentoring Month by participating in local programs in their home districts—together we can make a difference in the lives of our children!

Mr. McCOLLUM. Mr. Speaker, as a co-chair of the Congressional Mentoring Caucus, I am pleased to join my colleagues today in supporting House Resolution 25. This important resolution commends those who contribute their time and talents to mentoring programs and supports efforts to promote greater awareness of the need for mentors. As we recognize National Mentoring Month, we should all celebrate the positive effects that mentors make in assuring brighter futures for young people.

Children who have mentors have a better chance of succeeding and are more likely to make positive choices. Young girls who have supportive mentors can grow up to be confident and powerful women by learning to make healthy decisions at an early age. The GirlVenture program in my home state of Minnesota has successfully connected more than 500 youth and 100 girls and their mothers with mentors who help them prepare for the workforce, become financially competent and make healthy life choices. GirlVenture also offers classes to help parents, educators and youth workers instill future-focused values in finances, relationships and leadership.

GirlVentrue is just one example of the countless mentoring programs that are making a difference in the lives of young people. Unfortunately, there are far too many at-risk children who are on waiting lists, hoping to soon be matched with a caring mentor. According to the Mentoring Partnership of Minnesota, there are an estimated 75,000 young people who want and need an adult mentor in Minneapolis and St. Paul alone.

I urge my colleagues to join me in supporting this resolution to honor mentors and encourage others to give their time and guidance to a child. And I wish to commend those mentors who are currently helping to shape the lives of young people through mentoring.

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of the resolution, this Member wishes to add his strong support for H. Res. 25, which supports efforts to encourage more individuals to become mentors. In addition to raising awareness, a key provision is to commend those who give their time and talents to support mentoring initiatives.

This Member would like to commend the distinguished gentleman from Ohio [Mr. BOEHNER], the Chairman of the House Committee on Education and the Workforce, and the distinguished gentleman from California [Mr. MILLER], the ranking member of the House Committee on Education and the Workforce for bringing this important resolution to the House Floor today; this issue is very timely as January 2003 is National Mentoring Month. This Member would also like to commend the distinguished gentleman from Nebraska [Mr. OSBORNE] for sponsoring H. Res. 25 and for his personal interest in establishing mentoring opportunities nationwide.

Many children throughout the United States face difficult situations—and when matched with a caring and responsible adult, positive results ensue. Research has shown that mentoring benefits young people in a positive manner by increasing school attendance, improving rates of secondary school graduation and college attendance, decreasing involvement with drugs and alcohol, and reducing violent behavior.

Mr. Speaker, in closing, this Member urges his colleagues to support H. Res. 25.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in a time when our children face increased dangers from crime and other social ills, it is imperative that we seize upon every opportunity to ensure that their lives take a course that will deliver them safely to adulthood, properly equipped with the tools needed to thrive, grow and take over the responsibilities of leadership in our society.

We know that children learn and emulate what they are taught and have seen in their environment. Their realities are whatever society at large has presented—either through direct contact, or through the potentially boundless influence of television and the internet. We understand, however, that the best way to ensure that our children are imbued with the values, education and culture that a strong nation requires is to make sure that we take individual responsibility for the upbringing of every single child in our society.

Mentoring is an excellent way to reach beyond just our immediate families to embrace our extended family of young Americans. It is true that it takes a village to raise a child, and if each of us American villagers assumes the shared responsibility of looking after our most precious resources by mentoring them, we will go a long way toward making our society a better place.

Mentoring can take form in many ways—from serving as a tutor to a young person who needs academic help, to coaching young people in Little League and other sports events designed to instill confidence and leadership. Simply being a good example to a young person in our lives can leave an indelible positive mark that they will be likely to pass along to another youngster when they become of age.

January is National Mentoring Month, and we should encourage all Americans to serve as role models and mentors now and throughout their lives. The minimal sacrifice that it takes to expose a young person to what is good and to help shape their values system in a positive way can be best looked upon as priceless investment in our future. This is an investment that all Americans can afford to make, and one that none of us can afford to ignore.

Mr. OSBORNE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 25.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OSBORNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 44 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 32 minutes p.m.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentlewoman from Oregon (Ms. HOOLEY) kindly come to the well of the House and take the oath of office at this time.

Ms. HOOLEY of Oregon appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Resolution 26, by the yeas and nays; and

House Resolution 25, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 26, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 26, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 42, as follows:

[Roll No. 13]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—42

Becerra
Blunt
Boswell
Brown, Corrine
Burton (IN)
Combest
Cubin
Davis (TN)
DeGette
Delahunt
Ehlers
Evans
Gallegly
Gephardt
Gilchrest
Graves
Gutierrez
Herger
Hulshof
Johnson, E. B.
Jones (NC)
Kennedy (RI)
Lewis (CA)
Lipinski
Meeks (NY)
Musgrave
Olver
Oxley
Pallone
Payne
Pombo
Ryun (KS)
Sensenbrenner
Shaw
Slaughter
Smith (WA)
Sweeney
Taylor (NC)
Velázquez
Waxman
Weldon (FL)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1851

Mr. SHADEGG changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Madam Speaker, on rollcall No. 13 I was not able to vote because my airplane flight was delayed one and one-half hours due to weather problems in the midwest. Had I been present, I would have voted "yea."

Mrs. MUSGRAVE. Madam Speaker, on rollcall No. 13 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SUPPORTING EFFORTS TO PROMOTE GREATER AWARENESS OF THE NEED FOR YOUTH MENTORS AND INCREASED INVOLVEMENT WITH YOUTH THROUGH MENTORING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 25.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 25, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 41, as follows:

[Roll No. 14]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)

Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—41

Becerra
Blunt
Boswell
Brown, Corrine
Burton (IN)
Carter
Combest
Cox
Cubin
DeGette
Delahunt
Dreier
Gallegly
Gephardt
Gilchrest
Graves
Gutierrez
Herger
Hulshof
Johnson, E. B.
Jones (NC)
Kennedy (RI)
Lewis (CA)
Lipinski
Meeks (NY)
Olver
Oxley
Pallone
Payne
Pombo
Ryun (KS)
Sensenbrenner
Shaw
Slaughter
Smith (WA)
Sweeney
Taylor (NC)
Velázquez
Waxman
Weldon (FL)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1859

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Madam Speaker, I was absent from the House floor during today's rollcall votes on H. Res. 25, saluting National Mentoring Month, and H. Res. 26, supporting the goals of Catholic Schools Week. Had I been present, I would have voted "yea" on both resolutions.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on January 27, 2003, I unfortunately missed two recorded votes on suspension bills, House Resolution 25, and House Resolution 26, due to a minor surgery.

Madam Speaker, on rollcall No. 13, honoring the contributions of Catholic schools (House Resolution 26), had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 14, supporting efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring (House Resolution 25), had I been present, I would have voted "yea."

HOUR OF MEETING ON WEDNESDAY, JANUARY 29, 2003

Mr. FOLEY. Madam Speaker, I ask unanimous consent that when the House adjourns on Tuesday, January 28, 2003, it adjourn to meet at noon on Wednesday, January 29, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE TAMPA BAY BUCCANEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, I was not always sure I would be here congratulating a Florida football team for taking the Super Bowl, but it is hands-down the best feeling in the world, and I know Tampa Bay's Congressman, the gentleman from Florida (Mr. DAVIS), who is here on the floor, will also be taking the floor to commend his hometown team, as well as Florida's Super Bowl champions.

As anyone who has every had a passing interest in the sport knows, the Tampa Bay Buccaneers won the Super Bowl yesterday against the Oakland Raiders. And I am only sorry that I will not be in Tampa when the celebration begins tomorrow, because if there is any town that deserves those celebrations, it is Tampa, Florida.

You see, the Tampa Bay Buccaneers joined the NFL in 1976 and began their history losing their first 26 games in a row. For that great feat they earned the nickname the Tampa Bay Yucs.

What they achieved last night more than made up for that slow, humble start. The Bucs trounced the Oakland Raiders to win the Super Bowl 48–21. Let me repeat that, 48–21. It was a wipe out. I do not even think there is any question we need a recount on that one.

Tampa's 39-year-old coach, John Gruden, has now become the youngest head coach in history to win a Super Bowl.

I want to congratulate the Tampa Bay players and their coaches on their victory. Congratulations also to the dedicated fans in the Tampa Bay area, who now have the bragging rights that no one will dispute.

From the outset last night, the omens were good for Tampa. Don Shula flipped the coin, and the Bucs won the toss. For those who play tennis, Shula was the coach of the last team from Florida to win the Super Bowl, the Miami Dolphins, and members of the undefeated Dolphins were recognized at the ceremony last night.

Maybe it is just coincidence, but the Tampa Bay area is home to one of our Nation's top defenses, the U.S. Special Operations Command, and "defense" was the word that took Tampa to the top last night. The Tampa Bay Bucs entered the Super Bowl with the number-one-ranked defense in the league, and it was this defense that clinched the game.

Football is a team sport, and the Tampa Bay Buccaneers demonstrated that beyond doubt, not just during the Super Bowl win, but throughout the whole season, where they went 12 and 4.

While I want to congratulate the entire organization for the fantastic job each and every one of them did to win the Super Bowl, I would also like to mention a few players for their contribution off the field that speaks volumes for the caliber of everyone on the team.

When Derrick Brooks is not playing linebacker and winning the NFL's Defensive Player of the Year award, he is involved in the Boys & Girls Club throughout his area with the Brooks' Bunch program.

The Brooks' Bunch is a group of Boys & Girls Club members whom Brooks began working with after signing with Tampa Bay in 1995. Drawing from some of Tampa's most underprivileged neighborhoods, these kids have become a fixture in Brooks' life.

Aside from 24 tickets he purchases for every Bucs home game, Brooks also mentors and tutors his Bunch, taking them on educational trips to places like Ft. Lauderdale, Atlanta, the American West and even South Africa. Brooks constantly stresses the importance of education, and the kids have responded to his message.

Last spring, they successfully nominated Brooks for the Educational Visionary award from the Hillsborough Education Foundation in recognition of his work with the Brooks' Bunch, a nice edition to his 2000 NFL Walter Payton Man of the Year award.

Then there is John Lynch, Tampa Bay's safety and its 2002 nominee for the NFL Man of the Year. A five-time Pro-Bowler, Lynch established the John Lynch Foundation in 2000 to provide encouragement and positive alternatives for young people.

The foundation believes that good, solid values can be learned through education, sports and community involvement. Through his foundation, Lynch provides financial assistance for high school students to attend the college of their choice.

Finally, there is Tampa wide receiver Kennan McCardell, alias Santa Claus. This past Christmas Eve, McCardell took 10 children from the Hillsborough Department of Child Services foster care program for an early morning shopping spree at a local toy store. McCardell told the kids they each had $500 to spend. McCardell's generosity rubbed off on the children, who spent some of their allowances on their family and friends.

Again, congratulations to the Tampa Bay Buccaneers on their championship; and thank you Derrick, John, and Kennan and members of the Tampa Bay organization for all your contributions to the Tampa Bay community. You have always been champions off the field, and now you have taken over the championship on the field too.

Be proud, because we are certainly proud of you, Tampa Bay Buccaneers.

FACING THE CHALLENGES OF A STALLED ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Madam Speaker, as the 108th Congress begins, all of us recognize that we face many serious issues, both on the domestic front and on the international front. On the domestic front, obviously health care will be a key issue that we must work with, as well as others. But in order to do that, we must, first, focus on strengthening the economy of our country. Nothing is more important than that at this time.

Recently, I had the opportunity to read a speech given by Mr. Fred Smith, the chairman and chief executive officer of Federal Express. I would remind everyone that he started a company, and, with his associates, from scratch built a Fortune 500 company, operating today in 211 countries. It employs over 200,000 people and produced revenues in excess of $21 billion last year.

In this speech, he sets out what he believes are necessary steps to be taken to jump-start a stalled economy. I just want to touch on a few of the things that he points out.

First of all, he refers on page 6 to how he agrees with the legendary economist of the early 19th century, Jean-Baptiste Say, who said essentially that supply creates demand. Simply put, the technological and process innovations by scores of inventors, engineers, scientists and entrepreneurs that have marked the history of the industrialized world lie at the heart of economic prosperity.

Then he goes on and talks about why that has not occurred in recent years, why we have not had that type of action, and he talks about how innovations and inventions do continue to pour out of the labs and the R&D centers, but he says that business is not investing because of increased risk. He says that the risk today is unprecedented in modern times. He goes through and he talks about the problems in our legal system, for example, and how on the asbestos claims alone it has cost industry over $54 billion.

Then he talks about the necessary steps that must be taken to shorten tax depreciation regimes, reduce capital gains, and to remove the double taxation of dividends.

I want to place this speech in the RECORD because I think it is an important speech that sets out very clearly and succinctly steps that must be taken if we are going to strengthen our economy, expand our economy and to create more jobs.

JUMPSTARTING A STALLED ECONOMY

U.S. Chamber of Commerce, Washington, DC,
November 13, 2002

Thanks very much for the kind introduction and for inviting me to speak to the Board of the Chamber of Commerce.

I am a big fan of the Chamber and the outstanding work being done by Tom Donohue. He and his team have made the Chamber once again a significant voice for business in the Washington political debates. We at FedEx very much appreciate Tom's leadership, energy, and commitment as well as the work of the Chamber on many issues of great importance to us.

I am concerned, as I'm sure most of you are, about the state of the U.S. economy. Following the dotcom and telcom meltdown, our economy has simply not gained enough traction to improve the American standard of living and to continue producing the capital stock necessary for the prosperity of future generations.

Sometimes I think I am the Forrest Gump of the American economic scene over the last 30 years. Like him, I've seen it all and many times have been in the middle of the fray, economically speaking.

I founded and ran a small company, and today am CEO of that same company, which has grown to be one of the world's largest—operating in 211 countries, employing over 200,000 people and producing $21 billion in total revenues last fiscal year. I've also had the pleasure of serving on five other New York Stock Exchange boards. And I participate in several organizations that serve the needs of large businesses such as the Business Roundtable, the Business Council, and various transport industry associations. It is important to recall that the last 1960's also saw the bursting of a technological bubble that had put at risk the fundamental principles of venture capital investing.

After FedEx went public in the late 1970s, the welcome profits we produced for our venture capital investors helped reinvigorate that important sector of the financial markets. In early 80s, given the significant success of FedEx as a start-up and its importance to the venture capital industry, I, alone with the National Venture Capital Association and the American Electronics Association, worked hard to lower the capital gains tax by testifying before Congress on several occasions. And, in fact, Congress did lower the capital gains tax rate in 1983 from 28% to 20%. That same year, capital gains tax revenues increased by 45%. More important, tax revenues continued to grow every year thereafter through 1986. Then, in 1987, the capital gains tax rate was taken back up to 28%. Capital gains tax revenues fell in that year and three of the following four years.

Now many of my views about the American economy have also been influenced by some 30 years' involvement with various administrations and Congress. In this regard, FedEx was a leader in efforts to deregulate transpiration in the United States (and more recently on a global basis), and we are constantly involved with various governmental issues.

Due to this experience, I believe I have a reasonable understanding of the political processes that now greatly influence virtually all economic activity today. Because of this, I know that any business tax proposal must meet the test of the "politically possible" regarding near-term tax receipts.

On the business front, I have watched with great interest the cyclical changes in the economy and the give-and-take between the so-called "symbol economy" of Wall Street and the financial markets, and the "real economy" of hard assets and industrial corporate operations. Clearly, in the late 1990's, the symbol economy was the great driver of economic activity as opposed to the real economy. As a result, the fantastic valuations given various companies by the financial markets led all to often to excesses and in some cases criminal activities. The bursting of the bubble was an inevitable consequence.

But perhaps the most important lesson I have learned watching the economic froth over the years is that the modern economy is extremely complex. Since the beginning of the Industrial Age, great economists have argued that "chicken-or-egg" question—Is it supply that drives economic growth or is it demand?

For decades, Keynesians have debated the disciples of the so-called Austrian school. Its progeny, "the Chicago boys," have had a remarkable influence over many economic decisions here and abroad. A recent cover of The Economist plotted business cycles since the beginning of the Industrial Revolution. Remarkably, it showed that the extremes of these historical highs and lows have steadily decreased over time. Clearly, the advent of the Federal Reserve System and its international counterparts, and the influence of the great monetarists like Milton Friedman have helped domesticate if not fully tame the economic beast. In addition, one would certainly have to mention the Kennedy tax cutters and the Reagan "supply-siders" in any pantheon of key economic architects of the late 20th century.

We have lived through "stagflation" in the 1970's, the "greed is good" LBO mania of the 1980's, and of course the incredible bubble of the late 1990's—an event perhaps matched only by the 1920s stock market crash brought on by that decade's "irrational exuberance" (to borrow a famous recent quote).

During this 30-year time period, there have been many societal and governmental changes that have helped improve economic performance. Of particular importance to FedEx was the series of deregulatory changes that freed up transportation and logistics industries. These began in 1977 with air cargo deregulation and concluded in 1994 with federal pre-emption of the last vestiges of state regulation.

As a direct result of these new laws, total logistics costs, meaning the interest expense of carrying inventory, warehousing costs, and transportation, have declined from a little over 16% of GDP in 1980 to about 10% today. This remarkable improvement in national productivity has made dramatic improvements in the national well-being.

Equally important, transport deregulation permitted significant business innovations such as the now legendary Wal-Mart just-in-time distribution system, the Dell made-to-order computer revolution, and FedEx itself.

Government has also helped economic growth by funding a significant amount of research and development that led to such innovations as the Internet, communications satellites, swept-wing jet aircraft, and many others. Private capital subsequently invested to exploit these government-funded innovations has spawned significant economic growth.

Finally, both Democratic and Republican administrations since World War II have been committed to opening global markets so that today over 25% of all U.S. economic activity is related to imports and exports. Increased trade has been an enormous overall boon to U.S. GDP, particularly since 1970, when trade was only 10% of the economy.

Having observed all these various economic phenomena over the years, and having studied the various macro-economic theories to the extent this poor brain can absorb them, I have come to agree with that legendary economist of the early 19th century, Jean-Baptiste Say. He said, essentially, that "supply creates demand."

Simply put, the technological and process innovations by scores of inventors, engineers, scientists and entrepreneurs that have marked the history of the industrialized world lie at the heart of economic prosperity.

I believe economic theorists and politicians greatly underestimate the importance of the "animal spirits" as John Maynard Keynes called entrepreneurial endeavor.

Moreover, I also believe economists are often too concerned about the investment rates in historical or mature businesses which, as all economic theories agree, move constantly towards commoditization, absent innovation and change.

A good example of Say's law is the RF key chain in my pocket. A decade ago I simply did not know that I needed this tiny device that allows me to lock and unlock my car from a distance. More recent versions allow me to remotely turn the lights on or off and even open the trunk.

This invention has been an incremental but important convenience for millions of people and has, on occasion, even saved lives. The idea sprang from the mind of an inventor, and some entrepreneur inside or outside of a corporation championed its production. The rest is history. This invention came from scientific innovation in fields seemingly unrelated to the traditional automobile—radio frequencies and miniature batteries. And the final product created its own demand, just as Say predicted some two centuries ago.

Naturally, all of us can think of scores of products or processes that have improved our well-being, enhanced productivity, and created economic activity and wealth. The Lipitor I take for my heart is a Godsend: Satellite weather imaging technology has improved all sorts of human activities; and The plethora of entertainment options today can satisfy virtually any taste in leisure activities.

Clearly, the fundamental driving forces of our economy are continued invention and innovation, exploited by capital investment. After all, the fundamental difference between well-paid FedEx drivers and pilots versus a third-world person moving commodities slowly over a dirt road is the investment in the airplane and the truck; in the ATC system and the highway; and in the education and training afforded our employees.

Today U.S. business is not investing at a level necessary to create adequate GDP growth, despite the fact that interest rates are lower than they have been in years. Innovations and inventions continue to pour out of the labs and R&D centers, as reflected by the increasing number of patent applications. What then is the problem? Why are we not investing more robustly? In my opinion, the issue can be summed up in two words—increased risk.

About 3,000 companies make 70% plus of all capital investments in our economy. The leaders of these companies today perceive a level of risk unprecedented in modern times. Our legal system has become a minefield for those who aspire to develop something new or unproven. All economic activity today is subject to after-the-fact scrutiny that may ascribe completely different motives and beliefs than were originally intended. The development of the class-action lawsuit, itself a process innovation, has clearly wobbled out of control. So has the ability of juries to assign appropriate damages and "punishments."

Now, I have good friends who are plaintiff attorneys. They tell me outrageous awards and abuses of the legal process are the exception rather than the rule. But unfortunately (perhaps because of profile media coverage of the extreme cases) that is not the perception in boardrooms across America. And I am not speaking about the new regulations required by Sarbanes-Oxley or the New York Stock Exchange. I am confident these new requirements are of little concern to the vast majority of honestly run businesses in this country. A bit more bureaucracy will be created and more money spent on various control activities. But if this makes our public business activities more transparent and improves the confidence level of the investing public, they are welcome changes.

The litigation landscape in the United States, however, has now become a significant drag on economic activity and particularly the all-important activity of invention, innovation and investment required to produce economic wealth. For example, asbestos-related suits alone have cost businesses more than $54 billion and now threaten companies representing 85% of the economy. (from 11–5–02 WSJ article by George Melloan) Our litigation system simply MUST be reformed if we are to regain appropriate levels of these core economic activities. And I applaud Tom Donohue, the Chamber of Commerce and the Bush administration for making the reform of the U.S. litigation system a top legislative priority.

In a related vein, the Congress must also solve the issue of terrorism insurance. The U.S. air transportation industry simply could not function today were it not for Congress having passed emergency legislation to provide terrorism insurance through the Department of Transportation. This temporary fix must be made permanent not just for transportation, but for all industries. We live in an age when shadowy enemies can strike innocent targets in a variety of devious ways. The commercial insurance marketplace simply cannot provide affordable and adequate coverage necessary to sustain an appropriate level of economic activity without Federal government's willingness to be the "insurer of last resort" or to cap private liabilities for acts of war.

In addition to the fear of litigation and the lack of adequate insurance against terrorist attacks, businesses today face an equally unprecedented array of new risks due to rapidly changing markets, international competition, and accelerated technological change.

Let me give an example from the aviation industry. Airlines that invested in domestic wide-body aircraft in the early 1970's found that the market fundamentally changed in the 80s. Why? Because passengers preferred smaller aircraft flying more frequent flights. Thus, the original book depreciation estimates of 20–25 years for the wide bodies were wildly out of step with reality. The same thing has happened in industry after industry, as rapidly changing markets, new technologies, or new competitors with revolutionary business models have appeared.

The concept of depreciation was developed as an accounting discipline to reflect the expected useful life of a capital asset. Yet, over the years, tax depreciation schedules and book depreciation schedules have diverged, and they have each become a less accurate reflection of reality. In fact, most of the time, companies that make capital investments simply cannot accurately predict the economic life of the asset being acquired. With FedEx having invested over $20 billion over the last 10 years, I am keenly aware of the role tax policies have on investment decisions.

In my opinion, the most important stimulus for increased capital investment would be simpler, shorter tax depreciation regimes applied to capital in this country. To this end, I suggest moving to a simple, three-category tax depreciation system as follows: First, a one-year depreciation schedule for all high-technology investments and low-value software purchases; Next, a three-year depreciation schedule (perhaps 40%, 30%, and 30%) for all equipment and major software purchases or developments; and Third, a five-year tax depreciation schedule, 20% per year, for buildings.

I would also recommend that the book life of any asset be restricted to no longer than five times the tax life. For instance, an aircraft with a tax life of three years would be limited to a book life of 15 years. All too often, I have seen managements reluctant to invest in new, improved equipment because of the impact to the reported P&L of a premature write-off of already obsolete equipment.

I believe the second change that's needed to re-ignite our economy is to reward patient equity investment through a graduated reduction of capital gains taxes over the years the investment is held. Lowering the capital gains tax, preferably to zero over several years, would allow the resumption of the all important start-up and mezzanine financing of new businesses. Such a tax schedule would unlock shares of stock long-held by a company founder, a circumstance that applies to me, by the way. I am confident that the release of such stock would be a net plus to the Treasury and the markets. A new capital gains tax schedule of the current 20% for securities held for one year, then dropping 5% a year to zero after a five-year holding period, would be a real stimulus to our equity markets for companies of all sizes. Such a capital gains regime would dampen the speculative churning of securities that was a big factor in the late 1990s bubble.

Lastly, the phase-out of the double taxation of dividends would restore the balance between the "symbol" economy and the "real" economy. Companies that need to make investments would have the option of doing so with equity capital versus debt. Dividends, like interest, would be fully deductible at the corporate level. The same impulses that drove the excesses of the 1980's LBO mania occur now on a smaller scale in American boardrooms everyday. The decision to invest or not is often made and financed based on the deductibility of interest and the punitive taxation of dividends. Having dividends and equity treated the same as interest and debt respectively would offer business managers an alternative model for economic growth. Investors claims on cash flows would be a powerful discipline to invest in only the most productive and wealth-creating projects for society.

If you objectively review the various fads and cycles of the last 30 years, you will see that the unintended consequences of our business tax structure in terms of depreciation schedules, capital gains taxes, and dividends taxation are at the heart of many of our economic cycles and disappointments. While there are many excellent ideas as to how to reform the business tax system, the vast majority are politically infeasible. Valued-added taxes, and so forth all founder on the revenue stream requirements of the U.S. Treasury or the vested interests of powerful political lobbies.

The advantage of the three changes I have suggested is that they will increase federal tax revenues in short order. In the case of depreciation acceleration, I am confident that tax receipts would grow almost immediately due to the rapid increase in transactions and additional economic growth. With respect to a graduated capital gains tax, as I mentioned earlier, figures show that tax revenues rose in the years of, and following the 1983 introduction of the 20% capital gins rate, and fell again when the rate was taken back up to 28% in 1987. A similar phenomenon occurred after the rate was again reduced to 20% in 1997. In fact, according to the CBO, the actual tax revenue increases for the years 1997 through 1999 exceeded initial projected revenues gains by 40 to 50%. We can expect the same kind of impact from a graduated capital gains tax rate. I believe this is true in the case of the deductibility of dividends as well, although there are conflicting studies as to the timing of the overall benefit. In any case, the reform of dividend taxation could be phased in over several years to lessen the immediate reduction in federal taxes. The new ability of members of Congress to request a dynamic scoring of the effects of tax policy proposals should be able to demonstrate the positive effects of these tax reforms or reforms similar to them.

Most people today are surprised to learn that in fiscal '01, business income taxes only produced about $170 billion or 8.5% of total federal revenues of slightly over $2 trillion that year. The vast majority of U.S. tax revenues come from personal income taxes and FICA taxes. This split in revenues reflects the transition over many years to a wealthy, consumer-driven economy, nourished by substantial private investment. The relatively low percentage of federal revenue coming from the current corporate tax system means that such fundamental business tax reform as I've suggested is, in fact, possible. In other words, such a stimulus package for business investment has great upside and manageable downside risks in terms of increasing the near-term deficit.

In conclusion, we must reinvigorate business investment. This engine of future prosperity must now be re-tuned if we are to achieve adequate levels of economic growth and improved productivity to meet the income aspirations and needs of our citizenry. To these ends, the five reforms I've outlined should be the centerpiece of an immediate economic stimulus initiative by the President and Congress.

I'm confident our political leaders have the best interests of the future generations in mind. Being an optimist, I think we can muster the will to get this done. The alternative is so grave that I cannot contemplate our not doing so.

Thank you so very much for your kind attention.

FACING THE PROBLEM OF SHABBY TREATMENT OF AMERICA'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, tomorrow evening the President of our country will enter this Chamber to deliver to the American people a message concerning the state of our Union. I am sure he will talk about the strength of our military, and he will praise the brave young men and women who even tonight stand ready to defend our country against all enemies.

One of the things I hope the President talks about tomorrow night, however, is the rather shabby treatment that this administration is directing toward our Nation's veterans, those who have fought the battles in years past, many of them now quite old and many quite sick.

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Why do I call the treatment of our veterans today shabby? Could it be because for a veteran to receive an appointment at one of our health care clinics, it is not uncommon for them to have to wait 6 months just to see a doctor?

In yesterday's Columbus Dispatch newspaper, Jonathan Riskind wrote a column about veterans' health care, and he started that column with this sentence: "Warning," he wrote. "Warning: The following tale should send chills through the hundreds of thousands of American soldiers poised to go to war, and it should outrage the rest of us."

What was he talking about? He was talking about the state of veterans' health care in America today.

I would just like to point out, Madam Speaker, that approximately 1 year ago the Veterans Administration sent out a memo to all of its health care providers across this country. That memo represents a major policy change. That memo represents a gag order, because in that memo all of the health care providers are directed that they can no longer market VA services to veterans. It is almost unbelievable that at a time when we are poised on the brink of war that this administration would say to those who provide health care to our veterans, you cannot talk about the services these veterans are legally entitled to receive. You cannot go to community health fairs. You cannot go to veterans' services organizations and sign up veterans for services. You cannot make public service announcements about the services that veterans are legally entitled to receive. You cannot send out newsletters informing veterans what the Congress has provided for them.

It is a shameful policy. It is a policy which I think is illegal. I think it is contrary to law. Under the law, before an agency of this government can make such a policy change, they must come to this Congress and give us an opportunity to evaluate that policy and to approve or disapprove. But this policy was instituted without any consultation with those of us in this Congress, and I think it ought to be reversed.

Then, just literally a couple of weeks ago, the VA administration decided to create a new priority group within the veterans' groups. Priority 8, they call it. And then they hasten to say, veterans who are in priority 8 cannot sign up for the VA health care system.

Now, these are men and women who have served our Nation honorably. They have paid the price, given the time, and we are saying to them, because you may make $26,000 or $30,000 a year, you make too much money, and so you can no longer participate in the VA health care system. It is a shameful decision, and it is one that I hope the President speaks to tomorrow night. I hope he tells us that he is reversing these shameful policies, that he will no longer put a gag rule on our VA health care providers, that he will no longer deny the ability to enroll in the VA health care service to Priority 8 veterans.

Madam Speaker, I have spent the last several days visiting VFW halls, American Legion posts and other posts. The veterans of this country are becoming aware of what is being done to them, and I urge this Congress to take action to reverse these policies.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 13, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–3) on the resolution (H. Res. 29) providing for consideration of the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMEMBERING WILLIE JAMES "BUDDY" CHISHOLM

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Madam Speaker, I rise today in sadness to share the passing of a good friend and a model parent, Mr. Willie James Chisholm. He was better known to me and his other friends and family as "Buddy."

His passing will be strongly felt by all of us because he was such a dedicated and caring person. One of the many things I admired about him was his joy in being a father. He made it a priority in his life to spend quality time with his two children, William and Cheryl.

The time spent with children is priceless and something that is hard to do for most parents, given how busy our lives have become. But Buddy knew how important it was and made sure to be a strong role model for his children, grandchildren, and other young people he knew in his community.

Indeed, Buddy exhibited traits that are fast becoming relics of the past: a dedicated and fulfilling faith, commitment to his 27-year career at McDonnell Douglas as a brick mason, and a love for the outdoors, sports, and traveling.

The world is a better place with people like Buddy Chisholm in it. His presence will certainly be missed. His memory will live on spiritually in the lives of those he touched, as well as physically in the many brick-laying projects he was involved with that beautified the Los Angeles area.

I send my heartfelt condolences to the Chisholm family. My thoughts and prayers are with them.

ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, the President has the wrong plan on the economy. We need to focus on job creation and not on elimination of the tax on dividends. The President's plan only helps the wealthy and not middle-class and low-income Americans.

Fifty-five percent of Americans believe that President Bush is not paying enough attention to the economy. The economy has lost 1.7 million jobs over the last two years and there are now 8.6 million Americans out of work. The plan unveiled by the President is simply more huge tax breaks for the few that will not stimulate growth and create jobs.

As millions of people are out of work and the economy continues in a weak and jobless recovery, we must have a strong and immediate economic program that gives workers and families money immediately.

The centerpiece of the President's plan—the complete elimination of all taxes on stock dividends—will primarily benefit the wealthy rather than putting money into the hands of working class families.

The Congressional Budget Office concluded last year that "tax cuts that are targeted toward lower-income households are likely to generate more stimulus dollar for dollar of revenue loss—that is, be more cost-effective and have more bang for the buck—than those concentrated among higher-income households."

Ending the dividends tax will not provide the economy with a short-term stimulus. The Bush plan calls for a 10-year, $600 billion tax cut package. The President's plan simply favors the wealthy. The Democrats have offered a $136 billion plan for families and businesses and tax cuts that would take effect this year.

Projections indicate that the President's plan would boost budget deficits even higher. A study by the Urban Institute and the Brookings Institution show that a typical taxpayer with taxable annual income of $30,000 to $40,000 would receive a tax cut of $42 in 2003. For a family, this does not amount to much. However, those with taxable incomes of more than $1 million would receive on average $27,097.

The Democratic plan provides $55 billion in tax relief for working families, including a one-time rebate of $300 for individuals and $600 for married couples. It also includes $32 billion in business tax cuts; small businesses could write off up to $50,000 in investments; and cash-strapped state governments would be provided with $31 billion which could be used for homeland security, roads and bridges, Medicaid and aid to the unemployed.

Unemployment is at its highest levels in a decade. Nearly 6 percent of Americans are unemployed and daily we hear about corporations laying off tens of thousands of employees. Our trade deficit stands at 14 percent.

The President's economic stimulus package and a war against Iraq would push the federal budget deficit into record levels—as high as $350 billion.

Tax cuts cost and we are already operating under deficits—and the President has not clearly outlined who will pay for these tax cuts to the wealthy.

IRAQ

I am pleased that the United States, in seeking United Nations support for a new Security Council Resolution regarding Iraq, chose the path of multilateralism in dealing with Iraq and the potential threat of any weapons of mass destruction that it may possess.

Through strong diplomacy, we have placed weapons inspectors back on the ground, armed with greater investigative power and new technology that enables them to be more effective at their difficult task.

To date, it appears that Iraqi officials are granting access to all sites visited including presidential palaces and other sensitive locations. Now that we have re-established a system that contains all of the components that we deemed necessary in the latest resolution, it is important that we give this program a change to succeed.

The policy of the government appears confused at this point—still determined to effect regime change even as we profess to be choosing the path of peace. This is troubling because the Congress still retains the obligation to declare war should it become necessary, and the UN Security Council has been vested with the authority to evaluate the level of Iraqi cooperation prior to authorizing the use of force.

All preparations seem to be for war, and not for peace. The military buildup in the region does not appear to be countered by an equally aggressive diplomatic agenda to solve the crisis.

When our military openly speaks of planning for a war to begin in mid to late February, our foreign policy appears to be directed solely by the weather conditions in Iraq instead of serious consideration of what war will do to the region as well as to the economic and military security of our own country.

This is tantamount to holding a finger up to the wind to decide which route to take. The lives of our brave members of the armed forces are far too precious to risk based on planning that makes the weather the primary consideration on whether or not to wage war.

And now in recent weeks there has been an increasingly tense war of words between the North Korean Defense Ministry and U.S. government officials.

By all accounts, North Korea poses a more immediate threat to its neighbors and the United States than does Iraq. North Korea undisputedly has a deadly nuclear arsenal and has unabashedly pledged to reactive its nuclear weapons program.

When confronted recently with the possibility of sanctions to force its compliance with its previous non-proliferation agreement, North Korea responded by stating that sanctions are war, and that in war it would be merciless.

Today's threats are not the same as they were only months ago. Today's new threats pose new challenges to our Nation—challenges that our Congress is duty-bound to meet.

Congress is obligated to examine the new challenges that face our country and the world and to make crucial decisions based upon all of the information available. Making a truly informed decision with respect to the threats we may face today demands that we reconsider the decision we made months ago when our world was a different place.

On January 7, 2003 I introduced legislation that would repeal the Use of Force Against Iraq Resolution that was signed into law last October. Public Law 107–243 was enacted into law on October 16, 2002 prior to the deployment of United Nations weapons inspectors in Iraq, and at a time when the current nuclear crisis in North Korea had not reached its present level of dangerous tension.

This legislation, H. Con. Res. 2, seeks to repeal Public Law 107–243 in order to ensure that Congress is afforded the opportunity to reexamine the threat posed by Iraq, which would include taking the time to review fully and accurately the findings of the international weapons inspectors prior to the engagement of military forces.

Passage of H. Con. Res. 2 would also provide Congress the time to consider any exit strategy that must be developed prior to deploying troops, as well as the serious domestic impact that possible war with Iraq would involve.

The domestic considerations include the impact on our already struggling economy and the high numbers of troops needed over an indefinite period of time. Such concerns raise the issue of our security at the most basic level when, for example, some municipalities are already losing nearly 10% of their police forces due to officers who have been activated with the reserves of the armed forces.

Iraq has allowed international weapons inspectors to re-enter the country in order to identify and destroy weapons of mass destruction and development capabilities. Weapons inspectors have also begun to interview Iraqi scientists who have been key to the development of the privy to the country's military.

Taking the time to deliberate more intelligently in no way diminishes the valor of our troops. To the contrary, because we love and support our young men and women who are willing to give their lives to defend their nation, they deserve our fullest efforts to keep them out of harm's way.

When President Bush addressed the UN last Fall, he warned that it risks irrelevancy if it did not stand up and take decisive action with regard to Iraq. Now that it has, we risk rendering it irrelevant when we appear ready to act on our own conclusions—conclusions that have yet to be supported by substantive evidence.

If the Administration has credible evidence of illegal weapons of mass destruction in Iraq, it should immediately share this information with the weapons inspectors so it can be substantiated once and for all. And here at home, the Administration should own up and tell the truth to the American people regarding the level of threat we are actually facing.

IRAQ HAS NOT DISARMED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Madam Speaker, 6,500 chemical bombs, which is roughly 1,000 tons of deadly chemical; 2,000 chemical rockets, 8,500 liters of biological agent or medium, and that is enough to produce some 5,000 liters of anthrax; these weapons are the weapons which Chief Weapons Inspector of the United Nations Hans Blix says the Iraqi Government has failed to produce for the inspecting teams. In other words, Iraq has not disarmed.

Now, we have heard in the last several months lots of statements from the administration, and we have heard statements from proponents of the President's policy and from opponents of the President's policy. But these are the statements from the United Nations weapons inspector whose job was to go to Iraq, confront the Iraqi Government with their own statements, their own declarations and documents, some of which we had captured, others which they had produced during the 1990s, list the items line by line saying, here are weapons that you listed; where are they? And, in fact, Iraq has now failed to produce those weapons, meaning Iraq has failed to disarm.

This is an exercise in disarmament. That is where the country which is being inspected is supposed to make a declaration as to what weapons they have, just like South Africa did with its nuclear program, and then offer up the locations of those stockpiled weapons and that machinery that produces the weapons for destruction by this international body. In fact, Iraq has done what we predicted it would do, and that is that it has hidden these weapons, which it heretofore had proclaimed it had. We know they have them, we know they have them buried somewhere, and they are failing to produce them. That is, they are failing to disarm, and those are the words of the Chief Weapons Inspector.

Madam Speaker, let me just go to a couple of particulars once more. I am quoting Chief Weapons Inspector Hans Blix. He says, "The document indicates," and he received the document from the Iraqi Air Force as to how many bombs they had had at one time, chemical bombs, because we know they use chemical bombs on their own people and on their neighbors, and he said, "The document indicated that some 13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1998, while Iraq has declared that 19,500 bombs were consumed during this period. Thus, there is a discrepancy of some 6,500 bombs. The amount of chemical agent in these bombs would be in the order of about 1,000 tons. In the absence of evidence to the contrary, we must assume that these quantities are now unaccounted for."

So, Madam Speaker, we know what they had, we know what they have. Incidentally, Chief Inspector Hans Blix goes through each one of these circumstances where they have failed to come forward and produce the weapons or show evidence that they were destroyed. And in these cases that I have cited, there is no evidence that they have destroyed any of this stuff. We know it is still there, and we know it is there in most cases not by evidence that we received through a third party, but by the statements of Iraq itself at a previous time.

In turning to biological weapons, Mr. Blix said, and I quote, "I mentioned the issue of anthrax to the Council on previous occasions, and I come back to it as an important one. Iraq has declared that it produced 8,500 liters of this biological warfare agent which it states it unilaterally destroyed in the summer of 1991." So Iraq claimed that they had gotten rid of this in secret, and he says, "I find no convincing evidence for its destruction."

He goes on. He says, "As I reported to the Council on the 19th of December last year, Iraq did not declare a significant quantity, some 650 kilos, of bacterial growth media which was acknowledged as reported in Iraq's submission to the panel in February 1999. As a part of its 7 December, 2002, declaration, Iraq resubmitted the Amorim Panel document, but the table showing this particular import of media," and this is the media from which you grow anthrax, extremely deadly anthrax, he said, "The table showing this report was not included. The absence of this table would appear to be deliberate, as the pages of the resubmitted document were renumbered." Meaning that Iraq pulled out this 650 kilos of anthrax media, simply tore that page out of the report, renumbered the report, and handed it to the weapons inspectors. That 650 kilos, incidentally, is enough growth media to produce about 5,000 liters of anthrax.

So we know now that Saddam Hussein has maintained and kept both biological weapons and chemical weapons, and he has failed to turn them over. He has failed to disarm.

Does he have a method to deliver these weapons? Yes, he does. They include the AS-2 and the AF-2 missiles, which are illegal missiles, because these missiles have been tested for ranges beyond 150 kilometers that Saddam Hussein is limited to.

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He has also refurbished his missile infrastructure, that means his capability to develop and build missiles to carry these chemical and biological weapons to their targets. He has also acquired, very recently, some 300 rocket engines.

So the point is, Mr. Speaker, that when the smoke all clears, at least with respect to the work that has been done so far, I think what has happened is pretty predictable, because we on the Committee on Armed Services in the House had in open session an Iraqi engineer who appeared before us who was part of Saddam Hussein's weapons development program. He said to us that even in the 1990s when we had inspectors on the ground and those inspectors were being shown the insides of big empty buildings, a few miles away Saddam Hussein's program was going at full steam and the inspectors did not know anything about it.

So take this country, which is twice the size of the State of Idaho, and take this small contingent, roughly the size of a police force in a small American city, and spread them out over a piece of land twice the size of Idaho. And having given the other guys literally years to hide their weapons, it is no surprise that no weapons are found. In fact, if some of our inspectors walked into the middle of one of these big empty buildings and actually found a large quantity of biological weapons sitting there in the front of one of those big empty buildings that the maid had somehow forgotten to clean up the night before, the Iraqi bureaucrat who was in charge of that particular deception process, and they have a whole agency devoted to deception, would be two things: he would be considered to be the dumbest bureaucrat in Iraq and, shortly thereafter, the deadest.

So the idea that somehow we are going to stumble upon a large number of weapons is not realistic. That is what we have been saying for a long time.

The message to us is very clear: Iraq has not disarmed. They have no intention of disarming. The documented proof of their weapons systems that they have maintained, when matched against what they have produced, shows that they still have enormous chemical and biological weapons on hand, along with the means to deliver them.

Mr. SAXTON. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am happy to yield to my friend, the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding. I would just say to the gentleman from California (Mr. HUNTER), I thank him for taking this time to bring this very important issue before the House and, indirectly, before the American people.

We just returned from a break. I had plenty of time, ample time, back home to talk with my constituents, and in fact traveled around the country a bit to talk with others from other people's districts. The report that the gentleman makes reference to that is the Hans Blix report I think speaks volumes to the questions that I was asked as I made my way around my district and around other people's districts.

The basic question was: How do we know, or how does the administration know and how will the Congress help to determine what our policy should be toward Iraq when the inspectors cannot find any weapons, any weapons of mass destruction? This report speaks volumes to this.

However, before this report even came out, there were very strong indications here in the Congress in the hearings that the Committee on Armed Services held, both closed hearings and open hearings, where members of the administration, representatives of the Department of Defense, and representatives from our intelligence apparatus or institutions would come before us and would say, here is what we know.

Without going into the specifics of what we heard in those closed sessions, this report that the gentleman from California (Chairman HUNTER) has gone to great lengths to describe, which we have heard about through the media all day, verifies much of the information that we learned during those sessions earlier this year, actually in the fall.

Also, I think it is very interesting to point out that yesterday the Secretary of State in a speech in Switzerland said something that I think is extremely important on this same question of how do we know if we cannot find the weapons. The Secretary of State said simply this: we have known for a long time that Saddam Hussein has weapons of mass destruction. After all, he used them in the war against Iran. After all, he used them against his own people, that is, chemical weapons, which the gentleman from California (Mr. HUNTER) referred to here just a short time ago.

Then the Secretary of State went on to say that the question is not and the job of the weapons inspectors is not to find the weapons: the job, as designated in Resolution 1441, is to seek the cooperation of the Iraqi Government in proving that they have destroyed their weapons. That is where the Iraqi Government has been lacking. The Iraqi Government has steadfastly denied having any weapons, but has failed to offer an iota of proof.

For example, if chemical weapons have been destroyed, why can we not talk to the people who destroyed them? If there are no biological weapons, if those biological substances have been destroyed, where were they destroyed? Show us. Let us talk to the people that destroyed them.

Mr. HUNTER. Mr. Speaker, I would tell the gentleman, we have documents that were produced by Iraq during the 1990s where they gave us the names of some 3,500 key people in the development of their chemical and biological weapons. Do Members know what has happened to those people? They have disappeared.

We asked them during this round, according to Hans Blix, to produce those people. They only produced 400 of them. Of course, they do not let any of them talk without an Iraqi keeper or bureaucrat standing next to them. Also, they do not even produce the other 3,000 people. Those 3,000 people in Iraq who are associated with their chemical and biological weapons program have apparently disappeared from the face of the Earth. They tell us we may get another 80 to talk to at some point, but the 3,000 have disappeared.

Mr. SAXTON. This seems to me to be just what Colin Powell, the Secretary of State, was talking about when he said that the question really is when, on the one hand, the Iraqi Government says there are no biological or chemical or nuclear weapons, why then on the other hand will they not show us evidence to prove that? And the answer seems to me, in light of the Blix report, quite simple: these weapons really exist, and therefore they cannot prove that they do not.

So I think that the answer to the question that my constituents and people that I talked to in other parts of the country over the break, the answer to the question is quite evident. The answer is that these weapons do exist, just as we have maintained for years, and in particular in the last month.

So both Secretary Powell and Hans Blix in different words came to the same conclusion. Hans Blix says on this subject, "In the absence of evidence to the contrary, we must assume that these weapons exist." We have assumed, based on evidence that was gathered by the Committee on Armed Services during the fall of this year, that they continue to exist.

Another question which I think is important, and I think this report bears on this question as well, my constituents and people around the country ask me: What do the French, the Germans, the Russians, and the Chinese know that we do not? They are part of the United Nations Security Council, as well. I say that the evidence that is pointed out in the Blix report should be taken very seriously and taken to heart by the French and the Germans and the Russians and Chinese, because they have as much at stake in this as we do.

This report, which speaks volumes, is an extremely important document. I think one of the statements in the report by Hans Blix, who has had an opportunity, obviously, to review the 12,000 pages which the Iraqi Government forwarded in terms of its supposed accuracy as an accurate report on the condition of their weapons of mass destruction program, Hans Blix says, we have seen this all before. It is essentially 12,000 pages copied from the transmissions that were given to previous teams of arms inspectors, so the Iraqis have offered us nothing new here. In fact, they have shown us once again that they are, as Hans Blix said publicly today, not prepared to endorse the concept of disarmament.

The Bush administration, the President himself, Secretary of Defense Rumsfeld, Vice President CHENEY, Secretary of State Powell, have all maintained in different ways for months that we have to do something to engage this problem. The Blix report from an independent United Nations-appointed inspection team has now verified the contentious situation that actually exists within the Iraqi Government today.

I am pleased and again I want to thank the gentleman from California for taking this time so that he and I together can share this information with our colleagues, and indirectly with the American people.

Mr. HUNTER. I thank my distinguished colleague, and I thank him for all the work that he has done and for the work that he is going to do as chairman of this new subcommittee on the Committee on Armed Services, which is going to oversee a great deal of this activity.

Let me just end by saying that we predicted that the tours that the U.N. weapons inspectors were given would not result in them walking into a big cavernous building and having a supply of chemical or biological weapons sitting there on the floor of that particular facility waiting for them to scoop it up.

We predicted that the Iraqi Government, which has devoted entire agencies to hiding this stuff as effectively as they could, will have done just that, that is, to hide it in such a way that we would be more likely to be able to ask all of the drug dealers in Washington, D.C. to amass all of their illicit cocaine and marijuana and pile it in one big area where the authorities could come down and seize it on a given day.

The burden was on Iraq to disarm. That is the key. It is not a game where we have certain rules and if they are able to beat us, if they are able to hide this stuff well enough, we do not find it. We know they have it because the 6,500 chemical bombs, the 2,000 chemical rockets, the precursors for 5,000 liters of anthrax, are weapons which exist according to Iraqi documentation, not our documentation but their documentation that they had produced earlier; also, those 3,000 people who are associated with the programs, those 3,000 technical people who now have disappeared off the face of the Earth.

So they have it. They have it just as surely as Nazi Germany had a weapons program of massive proportions in the mid-1930s, even though they were giving reports to the Allies that the air force that we appeared to see in the skies was actually flying clubs that were organized for recreation; but we knew that they were in fact producing weapons. In this case, we know for a fact that Iraq is still heavily weaponized, with the ability to kill lots of its neighbors and lots of Americans and their allies.

So this report is, I think, more dramatic in what it says they have not produced than what it says they have produced. I think it is becoming clearer and clearer that the inspections are not going to produce a situation in which the inspectors walk into a giant facility and, lo and behold, there are piles of weapons sitting there on the floor produced by the most ineffective Iraqi bureaucrat in history. They will not disarm.

Mr. SAXTON. Mr. Speaker, if the gentleman will continue to yield, I just would like to add that earlier today in a news report I saw or heard that the Secretary General of the United Nations, Kofi Annan, suggested that the inspectors need more time. Also, the Secretary of State today indicated that if there was going to be more time, it would not be much; but there is going to be more activity on the part of the inspectors.

I would say this: I suspect that the people who are listening to this are not in a position to answer these questions. But if Saddam Hussein or his foreign minister or somebody was listening, I would say to them that we know that they had thousands of artillery shells that were capable of carrying chemical substances that would kill people to their targets. They say they have destroyed them.

□ 1945

If you have destroyed them, show us where they were destroyed, show us where the remnants of them are, and let us talk to the people who did it. Let us talk to the people who destroyed them. If you do not have chemical weapons, show us how you destroyed them. Show us the people, let us talk to the people that destroyed your chemical weapons. That is how we verify. If you do not have biological weapons, show us the disposition of what you had and let us talk to the scientists, let us talk to the personnel that destroyed it, because we know you had it, and we believe you still have it today. And if you are serious about making statements that you do not have it, that these weapons do not exist, then show us how they were destroyed.

And with regard to their nuclear weapons program, we know that the Iraqis imported aluminum tubular material that is designed and built specifically for the production of nuclear material. If those no longer exist, show us how you destroyed them and let us talk to the scientists and let us talk to the personnel who destroyed them. We have not seen any of these things, and we have not talked to any of these people, or the inspectors have not, I should say.

I heard today another statement that this process is not about finding weapons, it is about developing trust. It is about developing trust between the Iraqi Government and the rest of the governments of the world. This is how we develop trust, by verifying your statements so that we can trust. And so I hope that this process will move forward.

The gentleman from California (Mr. HUNTER) and I are sometimes asked by people why we favor going to war. We do not favor going to war. We favor dismantling the weapons of mass destruction that the Iraqis have, and we have supported the process of inspections. We have supported the process of investigation. We have supported the process of questioning. We have supported the process of asking questions as to where these materials are, whether they have been destroyed. And it is only as a last resort that we would ever advocate using military force. The gentleman from California (Mr. HUNTER) has a son in the Marine Corps. The last thing in the world the gentleman wants to do is to see our country in another military conflict.

Just last Friday I went to Paris Island where I proudly watched my nephew Curt graduate from basic training in the Marine Corps. The last thing I want to see is Curtis in Iraq or anyplace else fighting a war that can be averted by cooperation between people and cooperation between countries and the development of trust.

So once again I give the floor to the gentleman from California (Mr.

HUNTER). I hope that the Iraqis will in the next very short period of time cooperate with the United Nations and the leadership of various countries around the world.

Mr. HUNTER. Mr. Speaker, I thank the gentleman, and I think it is clear one last time to point out that there are 6,500 chemical bombs that Iraq will not give up, it has not disarmed; a couple of thousand chemical rockets; and 8,500 liters of what is known as biological media for the production of anthrax that is capable of producing about 5,000 liters of anthrax. So they have not disarmed. And facts are stubborn things. Those are the facts.

Mr. Speaker, I would recognize the gentleman from Georgia (Mr. COLLINS), who has a major infantry base in his district, the great Fort Benning, where I have spent lot of time low crawling.

Mr. COLLINS. It is home for the infantry, chief of the infantry.

Mr. Speaker, I have listened with strong interest here with the comments of the gentlemen about the numbers that came through the report today, and the gentleman here with his comments, too, and I am glad both of you all are on the Committee on Armed Services. They have put forth very good points here and made very good points of what is going on.

This was a major conversation piece in my district. As I have pointed out, the President of the United States does not want to go to war. The purpose of all the deployment to the Middle East is to deal with this issue from strength, to send the message large, loud and clear to Saddam Hussein that the decision for war is his. The President has said that he will make the decision, Saddam will make the decision. The lack of coming forward with the information that they have previously given in verifying, as so well put by the gentleman from New Jersey (Mr. SAXTON), is evidence he is making a decision.

His clock is ticking. Time is running out. He has to make a decision as to own up to the disarmament, how it has been done, who did it and verify, or we, as the United States, have no choice but to follow his decision, Saddam Hussein's decision.

Mr. Speaker, I thank the gentleman for yielding. I thank the two gentlemen for their comments and their remarks in support of the United States and our freedom.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his very eloquent point. Saddam Hussein has not disarmed. We know what he has. He has not brought it forward, and we will continue to march down the next several weeks to see if he brings those weapons out for destruction.

SENIORS NEED MEDICARE NOT MAYBE CARE

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I rise tonight like so many Americans in anticipation of what the President may say to this Congress tomorrow. These are difficult times for this country. We face extraordinary challenges abroad in grappling with the war on terrorism and also with the proposed invasion of Iraq, and we face daunting challenges here at home. Our economy is not doing well. There is no question that the jobs have been declining. We have fewer jobs in this country than we had 2 years ago. In many parts of this country people are suffering. Many States across this country are finding that their budgets are completely out of whack. They are struggling both with rising expenses, particularly with Medicaid, as the economy suffers and declining revenues, declining revenues from the Federal Government and also declining revenues at home in their own State funds.

So in this context this is an appropriate time to talk about what the President may say tomorrow night and also to give a sense of what we believe as Democrats are some of the issues that lie ahead.

I am going to begin tonight by discussing the topic of health care. There have been a number of articles in the press anticipating what the President may say about Medicare. In particular, those articles suggest that tomorrow night the President will unveil a Medicare reform proposal and that that proposal will basically seek to privatize more of Medicare; that is, it will seek to put more of the people in this country who are now getting traditional fee-for-service Medicare into the hands of insurance companies, and those insurance companies would take over the provision of health insurance from Medicare.

Now, one of the things that is very clear is that when Medicare gets turned over to insurance companies, as it has in so many States with what is called Medicare+Choice, that the world changes; and some of those changes, a number of those changes, are not to the advantage of seniors. Let me give you a few examples from the program called Medicare+Choice, which we have had in this country now since the 1997 act.

What has happened in those cases where insurance, private insurance companies have taken over Medicare and provided insurance is that every year the benefits can change. That is, every year the insurance company can decide, for example, that though we were providing prescription drug coverage before this year, we are going to have a lower cap, or we will have a higher copay, and the other part of that is every year the premiums can change.

In many places in this country when Medicare+Choice first began, prescription drugs were free. There was no added cost for prescription drugs; but over the years that is changed.

Now, the other third component that changes is that if a company is not making enough money, if an insurance company is not making enough money on Medicare+Choice, on a managed care plan for seniors, then what happens is the company can simply pull up and leave the particular area. In fact, in most counties in this country there is no opportunity for private insurance to cover people on Medicare, to be the primary coverage. There always are Medigap policies that many seniors take advantage of, but those policies provide very few benefits for their costs, so most seniors do not sign up for them.

So now the President is saying what seniors need in this country is more of this private insurance under Medicare. Well, let us think about that. If you have private insurance under Medicare, taking over Medicare for many seniors across this country, here is what happens: Any given year the premiums for that policy can change. The benefits for that policy can change. In short, maybe you get coverage one year, and maybe you do not. Maybe some States get covered, and maybe they do not. Maybe the premiums, almost certainly the premiums change every year. The bottom line is maybe yes, maybe no. Maybe you get coverage, maybe you do not. Maybe in some States, maybe not in others. Maybe in some years, maybe not in others.

The President is trying to turn Medicare into "maybe care" and seniors need to say, "Maybe not." In fact, definitely not. Because if the President is able to turn Medicare into "maybe care," then our seniors are faced with a kind of uncertainty, instability, unpredictability that they have do not have when they sign up, when they get ordinary Medicare.

But the President will propose that this is reform, this is something that would be good for all Americans. I suggest we need to take a different look at what he proposes.

There is also one other topic I want to address before turning it over to my distinguished friend from Oregon (Mr. BLUMENAUER), and that is the proposal that you can read about in the papers today, some of them, that the President is likely to propose in the near future that small businesses be able to join national association health plans.

Now, a lot of small business organizations are saying, this is a good deal, this is what we need to do. And who can blame them, because I do not know a small business in my home State of Maine that is not desperate about the rapidly rising cost of health insurance. In fact, in my home State of Maine, health insurance costs tend to go up about 30 to 50 percent for small businesses in each of the last 3 years, and we have to do something about it.

But the President, from what we hear, is likely to roll out a plan for association health plans. These plans would bypass State regulation, so a lot of the protections that are built into your State laws to protect consumers against insurance companies that are always trying to skim off the healthy people and not take the people who are not as healthy, a lot of the State regulatory apparatus would be gone, and consumers would be left at risk.

But here is the important point: The important point is that there are now about 41 million people in this country who do not have health insurance, and the Congressional Budget Office has estimated under the President's proposed plan that maybe 4.6 million people would sign up for these association health plans, and as I said, who can blame them? But 4.3 million of those folks already have health insurance. In other words, here is another plan to be rolled out by the administration and by the Republicans in Congress, and it will cover about 300,000 of the 41 million Americans who do not have health insurance today, and they will call that progress, but it is not.

□ 2000

In short, we have to look at the health care proposals that we expect to be contained in the President's speech tomorrow night; and so far, from what we have heard, they are a bad deal for America's seniors and a bad deal for America's small businessmen.

I now yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my colleague helping shape the context for the important discussions that we will be having in the course of the week.

This is a very important time of the year. This is the time where the President of the United States has an opportunity to give his or her vision for our country. It is a unique opportunity. It is a time, particularly at the beginning of a new Congress, when we are coming together with fresh optimism and enthusiasm. People are just off the campaign trail. Hopefully, for a while, we can concentrate on the people's business.

There have been times when the President of the United States has come before this Chamber rallying the American people. I was one, Mr. Speaker, who was very impressed in the aftermath of September 11 with the challenge that was faced by our then new President, President Bush, how he came forward at a time of great tension and anxiety in this country, having been subjected to an unprecedented attack on our shore, and I thought that he rose to the occasion. I thought his message was direct, was forthright; and I noted in this Chamber that men and women in both parties came forward, making it clear that we were united in terms of dealing with our responsibility to the American people, working together.

I contrast what happened immediately in the aftermath of September 11 with what happened in last year's State of the Union and thinking about what has happened in the year since then.

We had an unfortunate notion dealing with the "axis of evil," where we had an unfortunate, some would say reckless, rhetorical flourish that has sort of lumped together three of the most vexing problems we have in the foreign policy arena with North Korea, Iraq and Iran; and unfortunately, in the course of the last year, we have seen increasing problems because of an inability on the part of the administration to distinguish and have a clear and thoughtful approach to all three of those problems.

We have had a situation dealing with the issue of international terror, which is and remains the greatest threat to American security; and frankly, I think all of us in our heart of hearts has to admit that, as a result of the last year, America is no safer as it relates to terrorism, and in fact, there are questions and ambiguity. We have this great amorphous security agency, and we really have not addressed vexing problems between a lack of coordination between the CIA and the FBI. Now we have got a third entity with more questions than answers.

There was not a call in the last State of the Union asking Americans to step forward. There was not a sense of shared sacrifice and urgency. In the course of the last year, we have been dealing, frankly, with sort of misdirected economic policies, and we will be talking about those this evening.

I see our colleague, the gentleman from Washington (Mr. MCDERMOTT), from the Committee on Ways and Means who I think has something to say about it. We have the gentleman from New York (Mr. OWENS), who has some significant information to share about the impact as it has to deal with poor people. The gentlewoman from California (Ms. WOOLSEY) can deal with impacts on children.

We will be dealing with the economy here in the course of our discussion this evening, but I think it important to note that we have got the economy, we have not addressed it; and in fact, the proposals that have been slowly leaked out and trial balloons that have been floated on some of the President's speeches do not give me any cause for comfort as I look at the problem of a State like Oregon, which has the highest unemployment rate in the country.

Nothing that has been proposed to this point is going to do anything to put these people back to work. It is not going to deal with investments in infrastructure and cleaning up the environment that could make a huge difference tomorrow, and there is not anything that speaks to the concerns and the problems of the vast majority of working Americans. We are going to be getting into that later this evening.

Last but not least, I hope to return to a brief conversation about the environment. Certainly, we have seen dramatic events around the world that present the problems we have to global climate change in terms of the economic devastation and that assault on human health in terms of what is happening to the environment; and sadly, sadly, this is an area that not only have we not had a series of positive initiatives that could make the world healthier, safer and more economically secure, but sadly, in the course of the last year, we have seen a series of below-the-radar assaults on the environment by this administration, which are going to have profound effects for years to come.

I appreciate the gentleman's courtesy in yielding to me, and I look forward to participating with him and our other colleagues in the course of the evening, painting the context for what the American public needs, deserves, anticipates, and contrasting that with what it appears the administration is going to do and certainly what it has done.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for his comments. In fact, in just a moment after a couple more comments on my part, I would like to ask the gentleman to come down in the well and take my place and control the remaining time, but I did want to add a couple of things.

It is astonishing, when we think back about what happened in the 1990s, to see the agenda that the President will roll out tomorrow. What we learned from the 1990s was if we maintain our fiscal discipline, if the Federal Government works to get rid of deficits, to come roughly into balance, that is our best bet for the future. We have lost that interest. The President and the Republicans in this Congress have lost any interest in maintaining a balanced budget and getting rid of the deficits. In fact, there is an exactly opposite trend here.

We learned in the 1990s, we maintain the balance and we invest in people. We make sure we are contributing to their health care, that we are investing in job training, we are making sure people have the skills for the 21st century, common phrase. We do not hear it anymore because what is happening now is we are not investing. We have stopped increasing support for education. It is being flat funded like other domestic priorities, and it does not matter what the area is. In almost every area, we are basically cutting back on investing in people.

At the same time, we are going back to an era of huge, huge deficits, and why? Well, partly because we have had to make an investment in defense and in homeland security, but primarily because, in fact, we are having tax cut after tax cut after tax cut directed to the wealthiest people in the country. That is not what investing in people means. That is not strengthening our workforce. That is not going to strengthen our economy in the long run.

Basically, tax cuts for the wealthy in the long run simply widen the gap between the very wealthy and everyone else, do not allow us to invest in the future of the way we did during the 1990s with the economic results that we saw in the 1990s and we can see what is happening.

The President will come here tomorrow night, and he will propose a $674 billion tax cut, again weighted mostly to the wealthy; and I predict almost I think to a certainty that he will also say we have to make the tax cuts that were passed last year permanent, and I guarantee that he will not tell this body and he will not tell the people of this country that that in itself, making those tax cuts permanent, will cost an additional $600 billion dollar loss of revenue.

We are going to be so deep in deficits for so long that our children and grandchildren will pay the price, and it is hard to understand the morality of borrowing from our kids, borrowing from our grandchildren, forcing them to pay interest on the national debt for decades and decades to come simply in order to satisfy a current desire for tax cuts.

I think it is wrong, and at this time I would like to yield to the gentleman from Oregon, and Mr. Speaker, ask leave that he control the remainder of the time.

THE ECONOMY

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's guidelines, the gentleman from Oregon (Mr. BLUMENAUER) may control the time.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy. I do think the gentleman from Maine (Mr. ALLEN) has sketched an interesting conundrum.

I mentioned the concern I have over what happened in the last year, but he raises an interesting dimension if we reflect back at what happened with previous administrations and previous Congresses 10 years ago.

Ten years ago, men and women in both parties, both the Republican and a Democratic administration, made hard choices to control spending, to not cut taxes even though it is fun, but the first President Bush worked with Congress, put forward a balanced program of some modest tax increase, some fiscal discipline in cutting. It was followed later by both Republicans and Democrats with the Clinton administration, so we got a balanced budget. We were able to turn things around. The economy was booming. Today we are turning our back on that story.

At the same time, the first President Bush, when he was involved in the Middle East with Iraq, painfully, arduously, worked and put together an international coalition of almost 40 countries of allies and some unlikely supporters dealing with that activity; and today, we are looking at a situation where the United States is not anywhere near that position and, instead, is relying on some rather aggressive rhetoric rather than the hard work in the trenches that characterized what happened with the first President Bush and the first Gulf War.

Let me, if I could, I would like to begin by recognizing some of my colleagues that are here. I know the gentlewoman from California (Ms. WOOLSEY) has had a special interest dealing with the effects on young people and education. We appreciate her leadership and would welcome comments that she would care to give at this point.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for including me in this, my friend from Oregon, and I would like to remind Americans that one way that we as Americans define ourselves as a Nation is through the Federal budget, and right now, we have to make decisions about our values and our priorities, and we have choices: on the one hand, an unjustified war with Iraq that could cost more than $200 billion, and I am sure it will, on top of an additional $670 billion tax cut that primarily benefits the wealthiest Americans, or an investment in our children, an investment in their future.

We have to make these decisions. We cannot do it all because there is not enough money to cover both agendas without plunging the United States and those very same children deep into debt.

As President Bush puts forward his plans in the State of the Union address tomorrow night, I urge him, I urge him to remember that our country's future depends on today's children. Of course, since September 11 we have had to reevaluate some of our spending priorities, but without investing in our children, we risk ills far worse than those from terrorists.

That is why the wisest investment we can make in our Nation's security is strengthening our children's lives and those of their families, and we can do this. We can do this by preventing war, first off. We must provide for real international security that has alternatives to war as its cornerstone, and we can invest in renewable energies. This will not only make for a cleaner environment. It will also help us achieve independence from fossil fuels, particularly from foreign oil.

Fossil fuels must become a source of the past. We must invest in sources of energy that will provide for the prosperity of our children, the protection of their environment and the security of their future. We must change our national energy policy by supporting conservation and renewable energy sources such as wind, solar, biomass and fuel cells.

We can invest in our future by increasing the child care option, and we must do that by ensuring that working families have access to quality child care.

☐ 2015

Children must not be the first to suffer when budgets tighten. If children were our number one priority in this country, then programs to provide for their welfare would be the last programs to be slashed. Instead, we would be clamoring to help working parents by expanding child care and afterschool programs. We would be creating a world-class public education system.

We can provide quality education. We can make sure that teachers are adequately compensated for their important role in our children's lives, because we have a responsibility to do that. And we have a responsibility to fully fund programs for disadvantaged children. We can invest in our future by making health care universally available. The United States is the only industrialized country in this world in which all citizens do not have access to medical coverage. Until we have universal coverage, more than 40 million Americans, nearly 15 percent of the population, will go without. If we choose to make health care a priority, we will provide children, their parents, and America's seniors with universal coverage, including affordable prescription drugs.

While putting a universal health care plan together, we can do something immediately, and that is to increase the number of children in the Medicaid and State Children's Insurance Program, to expand SCHIPs also to include parents of eligible children and low-income pregnant families. We must also seek to provide a prescription drug benefit under Medicare. But these priorities and others that help fulfill our commitment to our families, our seniors, our veterans will only happen when we demand that they take precedence.

Excessive military spending in the past has not made us more secure. American political leaders must acknowledge the truth, that peace and security cannot be achieved through violence. We must never lose sight that real security is an educated, healthy society where everyone benefits from our Nation's abundant resources. And that is what I will remind President Bush as he outlines his agenda Tuesday night. The future of our Nation belongs to our children.

Mr. Speaker, I thank the gentleman again for including me in this Special Order.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's tireless efforts on behalf of children in our society, and focusing our attention and making sure that people on this floor have this constantly brought to their attention. It is really deeply appreciated.

Ms. WOOLSEY. I thank the gentleman.

Mr. BLUMENAUER. Mr. Speaker, I would like to turn to my colleague, the gentleman from Oregon (Mr. DEFAZIO), a gentleman who has been involved with some tough budget times as a local official and has been involved with a series of schemes here in Congress, and who has never been shy about sharing his opinions about what the appropriate approach should be from his perspective.

I appreciate the gentleman being here this evening, and I am pleased to yield to him now.

Mr. DEFAZIO. Mr. Speaker, I thank my colleague from Oregon for leading us in this Special Order tonight to discuss the real problems confronting our Nation, which will get, we all fear, short shrift tomorrow night.

The State of the Union is not sound. Millions of Americans and their families are not secure in their homes, not because of some huge new crime wave, not because of the threat of Saddam Hussein or any external threat to our Nation, but because of the deep recession into which our country is falling.

My State has the highest unemployment rate in the Union. We have been dueling with Washington State to be number one or number two for more than a year. There is chronic unemployment, but it is not isolated to our States, it is all across the Nation. We have the highest unemployment rate in more than a decade. We have the most chronic unemployment we have seen in a quarter of a century in terms of the length of time people are out of work before they can find gainful employment.

Tens of thousands of Americans have already extended their so-called extended Federal benefits, and the President has refused to give an additional extension, although there is a huge surplus of taxes that have been paid by businesses and workers sitting in the Unemployment Trust Fund. The President wants to hold onto it to spend for other things, like tax breaks for the wealthy.

Most folks may not have noticed, but the United States Government's Pension Benefit Guaranty Fund is broke. It spent its entire reserves in the last year, and there is a whole huge new wave of corporate bankruptcy coming, with people's pensions at risk, and there is no more money in that fund. But what does the President have to say about this? Well, precious little. He is going to spend the entire Social Security surplus this year on tax breaks and other functions that do not relate to Social Security.

Our States are going bankrupt. They are cutting services; slashing services. Now, the President, I think, will give some nod tomorrow night with his purported economic stimulus plan, but if we look at the plan, the centerpiece is taking away that horrible burden of taxes on dividends on a select group of stocks that pay dividends with the idea of doing away with double taxation. Well, many of the corporations that pay dividends do not pay any Federal income taxes. They have found the loopholes; they are incorporated in Bermuda. All those things the President supports and will not do anything about. So there is no double taxation issue.

Who does the money go to? For the average Oregonian, at $32,000 a year, they will get $40. Thank you, Mr. President. Now, the average millionaire will get $45,000. Now, there are no credible economists who say that this has anything to do with an economic stimulus, but this is the most expensive part of and the centerpiece of the President's so-called economic stimulus plan to try to put people back to work. Even Alan Greenspan, who is perpetually apologizing for these types of policies, says he really does not think it will do anything to put people back to work or stimulate the economy, and it would be just as good to not do it at all.

When the President was a candidate and we had a booming economy and a surplus, his answer as a candidate was tax cuts. Then when we had a slowing economy and a surplus, his answer was tax cuts. Now we have a devastated economy falling deeper and deeper into recession, and his answer is tax cuts, for a select few.

There are better alternatives. Some of those will be discussed here on the floor tonight. I have discussed those at other times, and I do not have time to go into it now, but there are better alternatives to really invest in this country and its people and put people back to work.

Finally, to the war. Osama bin Laden, who was going to be brought back dead or alive, is alive and is plotting further attacks on the United States. Afghanistan, which was going to be made into a country that would recover and not be made a safe haven for terrorists, has now begun to set up terrorist training camps again. The Axis of Evil, Korea, is building more nuclear weapons, they already have them, and more long-range missiles that can hit the United States. Iran is close to having nuclear weapons. And yet the President and his staff are focused on Saddam Hussein and the horrible threat he poses.

Actually, Rumsfeld, Cheney, Wolfowitz, and all those people came into office with President Bush II wanting to refight the first war. This has nothing to do with 9–11 or any purported ties to terrorists. This is old business, an old agenda by old men, none of whom has ever fought in a war or ever worn a uniform and fought in anger.

So I would hope that the President's State of the Union will not fulfill all of these dire predictions that I have mentioned, but I fear it will. Tax cuts for the wealthy and a war are a nostrum for what fails our Nation and the problems that are confronting us.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's passion and insights.

Another colleague from the Pacific Northwest, the gentleman from Washington (Mr. MCDERMOTT), has served on the Committee on Ways and Means arm-wrestling with these proposals for a number of years and has particular expertise dealing with health care and the economic revitalization through tax policy.

If the gentleman would be interested in sharing a little of his insights with us in terms of what we can look forward to and what we should look forward to instead.

Mr. MCDERMOTT. Well, I want to thank the gentleman from Oregon for yielding to me.

I wish that tomorrow night we were going to have a speech like John Kennedy gave in 1961, when he came and said, we are going to go to the moon. He gave the American people a goal. He gave them hope. He gave them a vision of what they could be as a country. Unfortunately, I am sitting here preparing myself to come tomorrow and not hear any of that.

I wish that the President were going to say tomorrow, when he stands up here behind me, that in 10 years the United States is going to be off their oil addiction; that they are going to break the oil addiction that is killing us. They are going to do the things necessary to get off an addiction. The United States is just like somebody who is on heroin or cocaine in terms of oil. We use oil in tremendous amounts, although we have scarcely any of it left in our own country. The President wants to drill everywhere in sight, but we still are not going to get enough oil from the United States. So we are forced to get our oil from Venezuela and from Nigeria and from the Middle East, and it is not necessary for this addiction to continue.

If the President of the United States would set a goal tomorrow night for us to move to oil independence in the world and begin to push solar and wind and hydrogen cells as a way of solving our transportation problems and the energy needs of this society, we could do it. San Francisco has already started to move. They got burned by Enron, so San Francisco said, this is never going to happen again to us, and they passed a $100 million bond issue, and they are putting solar panels on every public building in San Francisco.

Now, if the President of the United States said that we are going to do it all over the country, we would absolutely change our relationship to the Middle East. This misbegotten proposal to go to war to get 20 percent of the world's oil reserves from Iraq would be irrelevant. They could do it in San Francisco, yet our President cannot say let us do it in the whole country.

California, every single day, has fallout of the sky seven times the energy they use in California. All they have to do is catch it and turn it into electrical energy, and they can do what needs to be done. Now, that is true in many parts of the United States. Even in my State of Washington there are areas where this makes good sense.

Now, let us talk about hydrogen cells. People say we are talking about something that is way, way, way out there somewhere. Most people do not realize Honda and Toyota delivered to the Los Angeles mayor hydrogen cell cars within the last 2 months and said, we want you to use these over here and see how they work and what the problems are. The Japanese are, once again, miles ahead of us. They did it with little cars, then they did it with hybrids, and now they are doing it with hydrogen cells. But our President says, no, we have to stick with that oil, and we have to put it in the gasoline engines, and we have to do the same old thing.

Now, as a psychiatrist, one of the things I learned was that people who do the same thing over and over again expecting a different result, that is really a sign of sickness. We have been doing this for 100 years. We have been putting gasoline in cars and sending up clouds of pollution, which is the second thing the President could be dealing with. If he gave us this goal of energy independence, he would stop the process of us polluting the air and destroying the ozone and global warming.

All you have to see is pictures of glaciers all over this country and north of this country that have been melted by the global warming. It is absolutely without question going on. Yet our President says, no, we cannot have anything to do with that Kyoto Accord, because that would mean we would have to stop using our oil. But I wish the President were coming tomorrow to say to us that we are going to get off that because we are going to do something about the energy and how we are killing the environment.

□ 2030

Mr. Speaker, I heard a story on NPR recently which disturbed me, having been a child psychiatrist for a number of years. Every child born in this century has a 100 percent chance of getting skin cancer if they are not protected because of the destruction of the ozone level; they are being subjected to rays of the sun that is going to make them develop skin cancer.

The President of the United States could do all of this if he could simply say we are not going to go to war to get 20 percent of the world's oil reserves; we are going to go in another direction. We are going to change the direction of this country. Unfortunately, the President of the United States is going to stand up on the podium and beat the war drum for an hour and tell us we must go after Saddam Hussein, and he has never made it clear what we are going for, but it is really about oil.

What makes me sad about what is going to happen tomorrow night is that the American people are going to listen to the speech and think that their only solution is to take Saddam Hussein out; and if we do that, we are going to be really safe. All of the security will be settled; we will be safe forever.

Mr. Speaker, does anybody really think that the American public is going to believe that? I do not. I wish the President would come tomorrow and talk about energy independence.

Mr. BLUMENAUER. Mr. Speaker, I think it is interesting to consider what would have happened if such a challenge had been made last year, energy independence, for instance, instead of spending up to $230 billion on national missile defense. We have already put an $8 billion downpayment this year. We are starting work in Alaska which, ironically, is something that is not going to make this country safe from terrorist attacks. If people in North Korea actually have a nuclear device, we are as vulnerable to somebody bringing a motor boat into the Puget Sound, into San Francisco Bay, into New York Harbor.

Instead of moving forward with a challenge like the gentleman from Washington (Mr. McDERMOTT) talked about, instead this last year has been characterized by a systematic assault on the environment.

There was a classic cartoon by Gary Trudeau in "Doonesbury" in the Sunday paper which appeared around the country. The text of it that builds the momentum is "For instance, Mr. President, we've produced new rules to speed up logging in national forests, rolled back protections of 58 million acres from roads and developments, eased pollution controls for power plants and factories, rejected new fuel-efficiency standards, sped up permit-granting for power companies, lifted a ban on snowmobiles in parks, proposed 51,000 new natural gas wells, removed limits on coal producers for dumping mountaintop fill in streams, reduced EPA fines of polluters by 64 percent, opened up Padre Island to drilling, halted funding for several Superfund sites, replaced scientists who don't support our views, rejected the Kyoto Global Warming treaty, and much, much more!" Gary is not making this up. This is all part of the environmental legacy of this administration in the course of the last year.

Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS), the only librarian in Congress and a member of the Committee on Education and the Workforce who has been dealing with questions of poverty, education, and how we get our communities rolling again.

Mr. OWENS. Mr. Speaker, I make an appeal to the President that he lead us in the most profound and comprehensive way and give us hope in his State of the Union address.

At the beginning of this 108th Congress, it is important that we take note of a very important report recently released by the Federal Reserve. The study focuses on consumer finances, and is issued once every 3 years. Among the definitive items in this comprehensive statement is a report that the median net worth for our white population rose by 20 percent to $120,900 while the median net worth for minorities fell over the last 3-year period by 4.5 percent to $17,000. Consider the contrast of $120,900 versus $17,000. It is a portrait of two economies. It is a portrait of two societies. In the midst of a period of great prosperity, at least 2 of those years we were in a period of great prosperity, just before the economic slow down, minorities were existing with a standard of living close to that of the third world.

In the year 2003 this is the state of the Union for a population that can be no less than one-half of the total. I have not been able to review the report closely and find out what their definition of minority is, but I will do that. But I am certain if minority means all of the groupings that I know as minority, we are talking about more than half the population. I intend to review the report in more detail and see what this category of minority means.

While we casually speak of the expenditure of as much as $200 billion for a possible war against Iraq, a large portion of our population is sinking deeper into poverty. A war against poverty should be our first priority because this economy, which is sinking into a recession, will cause more hardships if we do not address the war against poverty.

In the State of the Union we hope to hear that there is support for an increase in the minimum wage. We have been hearing about that for several years, and it is still locked into $5.15. Even if we go to work every day 40 hours a week, Americans will not get out of poverty on that kind of minimum wage.

I hope the State of the Union will talk about job training and employment for mothers being pushed off welfare. It is premature to claim that we have solved the welfare problem by giving people jobs with dignity instead of a handout. There are no jobs with dignity that also pay decent wages out there, otherwise we would not have a 4.5 percent decline among poor people in terms of net worth.

For workers who have never been on welfare, we want to provide jobs and job training, and we need revenue sharing for cities and States because large numbers of municipal and State workers who have decent jobs now are in danger of being laid off and losing their jobs, and that is a further decline into poverty. We need funding for necessary capital projects like school construction which provide real jobs, good jobs, and keep our population working.

We hope and we pray that the vital standard of living issues that we are talking about here will be addressed in the State of the Union address. It is not the war against Iraq that should have priority; it is the war against poverty and the war to maintain a decent standard of living for all of our population that ought to be given a priority in the State of the Union address.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's comments and focusing on what we could be doing, what we should be doing, as opposed to what it appears that the President is focusing on, an economic stimulus package that will create less than 200,000 jobs, which is only 10 percent of the jobs we have already lost in the last year, that will provide the top 1 percent of the taxpayers with 40 percent of the benefits, and will increase the deficit by more than $900 billion.

Mr. Speaker, I yield next to the gentleman from Ohio (Mr. RYAN), who is an experienced legislator with an impressive victory which brought him to this Chamber, and a Member who has impressed not only his constituents in Ohio, but also Members here in Washington with the way the gentleman has hit the ground running.

Mr. RYAN of Ohio. Mr. Speaker, I am honored to be here and honored to be here with such a fine group of gentlemen who have spoken so eloquently on the issues that need to be addressed in this country.

Let me touch base on what the gentleman from Washington stated about having a goal and a vision. That is what we all look for when we listen to the State of the Union, and I hope tomorrow we have an opportunity to hear the President share his vision for some energy independence in this country.

Mr. Speaker, tonight I rise to represent the people of the 17th Congressional District in Ohio, the good folks back at home, who I think want solutions, not just rhetoric. Whether it is talking about prescription drugs and seniors really having a need, where they are moving in with their children, their grandchildren, they are making the choice between food and drugs in the 17th District in Ohio, but even industries in the 17th District of Ohio want a meaningful prescription drug plan. We can do this, and I believe we should do this.

The gentleman from New York touched upon education and the Leave No Child Behind Act was supposed to be the answer to all of our problems; but now it seems that the only thing that has been left behind is the money to actually fund the program. I think when we are talking about economic development and salvaging our economy, the best investment we can make is into education.

American workers all over the country, but especially in the 17th Congressional District are also suffering, whether it is unemployment benefits or whatnot, and the President has an economic stimulus package that really is not going to stimulate the economy. That again has been touched upon here tonight. A stimulus package, money invested into a stimulus package, should first stimulate; and second, the money should be spent in the first year.

The President's proposal spends only 15 percent of the money in the first year. That is not a stimulus package; that is a tax reform package. And I think we need to begin to determine if we want to stimulate the economy, the best thing we can do is if we are going to give tax cuts, give them to low- and middle-income people who are actually going to go out and spend the money. The wealthy people will save their money. And with all of the talk of war, we can give them all of the money back they want, they are not going to invest it in an environment where we keep talking about war.

Another investment which I think would stimulate the economy, which economists have said time and time again, is investments in the infrastructure. For every billion dollars we invest in infrastructure, we create 42,000 jobs. That is a real economic stimulus, and I hope the President will talk a little bit about the Democrats' stimulus package that we have offered.

Finally, I would like to speak about homeland security and how it fits into a stimulus package. If we really want a secure homeland, we need to talk about providing police, providing fire protection, and hazardous material funding to those in the inner cities. Those people have a right as much as everyone else in this country to have a safe, secure homeland, and that is what some funding should be spent on.

Mr. Speaker, I hope that the President understands that our Nation really and truly can only be strong if the poorest and the most vulnerable and the workers of this country are strong. That is what we hope to hear tomorrow night.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman joining us and the gentleman's focus on the plight of prescription drug coverage for our senior citizens. It continues to be, I think, an outrage and a shame that poor American senior citizens pay the highest prescription drug prices in the world. It is in this context that we are moving forward dealing with the economy, with the weakest economic growth in 50 years, over 2 million private sector jobs eliminated since this administration started, 2 million more employees out of work, the median household income being down, and the inequality gaps growing, and States facing huge deficits and having to cut programs. Then we are given an economic program on the Federal level which will actually reduce State revenues for the majority of States and not meaningfully deal with the problems that our States are facing.

I am hopeful that this Congress at least will respond to the efforts of the Democratic minority here in the House to make sure that we fully fund our commitments to State and local governments, local governments being the first line of defense against terrorist acts here at home.

□ 2045

Promises to local governments have been left unfulfilled.

I am pleased to turn to the gentleman from California (Mr. HONDA), my colleague who has finished a distinguished career in the California State Assembly and who is now adding his voice here in our Nation's Capital dealing with the needs of the people of California and around the country.

Mr. HONDA. Mr. Speaker, I thank the gentleman very much for yielding, and I appreciate the introduction and the work that he is doing today and this evening.

Mr. Speaker, I rise today to discuss the state of our Union, and let us talk plainly on what is going on today. Today 8.6 million Americans are looking for work, but unable to find it. In my district of Santa Clara County alone, over 80,000 Americans are unemployed. Since President Bush took office, 1.7 million jobs have been lost.

Today too many of our Nation's schools are crumbling and are crowded. The average public school in America is 42 years old. In California alone, 87 percent of schools report a need to upgrade their buildings and other repairs that they need.

Today 40 million Americans do not have health insurance; 7.2 million of them are children. While these numbers dropped in 1999 and the year 2000, they rose by 1.4 million in 2001.

Today serious crime is up 2.1 percent, the first increase in 10 years.

Today 1.3 million more Americans are below the poverty line, the first increase since 1993. Requests for emergency shelter have increased by 19 percent, the largest annual increase in the demand for homeless shelter since 1990.

Mr. Speaker, it is thus no surprise that 67 percent of Americans are worried about the economy. While the war against terrorism remains a major priority, it cannot replace our commitment to meeting our Nation's other domestic priorities.

Unfortunately, the Bush administration's economic stimulus plan does little to stimulate the economy now. Instead, it does too much to weaken our economic future, producing deficits of over $1 trillion. The centerpiece of the President's plan, the elimination of taxes on dividend income, will do little to help working families and small business, which are the backbone of the American economy. In contrast, Democrats have put forward an effective, fast-acting stimulus plan that would create 1 million jobs this year.

Mr. Speaker, while the President continues to pitch his flawed economic plan and continues to downplay the state of our economy, Democrats will continue to focus on a swift economic recovery and fight to put education and health care ahead of unfair large, huge tax cuts.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman, and I appreciate his focusing on the program that has been advanced by the Democrats in the House of Representatives. It is an immediate economic stimulus plan that will create 1 million jobs this year. It would put money and purchasing power in the hands of consumers, provide relief to 3 million laid-off workers. The House Democratic plan proposes a $300 tax rebate now for every working taxpayer, tax breaks to help small businesses and encourage business investment, and a 26-week extension of unemployment insurance. It would provide money to the States to deal with their fiscal crises, dealing with homeland security, transportation, and health care costs. All told, this Democratic plan which would put more on the table this year would cost far less than that of the President. We look forward to being able to carry this debate forward in the aftermath of this important week here in Washington, D.C.

I appreciate the courtesy, Mr. Speaker, of being able to be here on the floor this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BOSWELL (at the request of Ms. PELOSI) for today on account of official business.

Mrs. WILSON of New Mexico (at the request of Mr. DELAY) for today and the balance of the week on account of family reasons.

Mr. SHAW (at the request of Mr. DELAY) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JOHN) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 121. An act to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes; to the Committee on the Budget in addition to the Committee on Small Business for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 1. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

H.R. 11. An act to extend the national flood insurance program.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on January 9, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 1. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on January 13, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 11. To extend the national flood insurance program.

ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 28, 2003, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

156. A communication from the President of the United States, transmitting a report pursuant to section 3204 (f) of Public Law 106-246; to the Committee on Armed Services.

157. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and classified annex for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

158. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Foreign Military Sales Customer Involvement [DFARS Case 2002-D005] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

159. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — International Banking Operations; International Lending Supervision [Regulation K; Docket No. R-1114] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

160. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Home Mortgage Disclosure [Regulation C; Docket No. R-1140] received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

161. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities Act Regulations: Large Position Rules (RIN: 1505-AA88) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

162. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Recordkeeping

and Confirmation Requirements for Securities Transactions; Fiduciary Powers of Savings Associations [No. 2002-57] (RIN: 1550-AB49) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

163. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Savings Associations — Transactions with Affiliates [No. 2002-64] (RIN: 1550-AB55) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

164. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Exemption for Standardized Options from Provisions of the Securities Act of 1933 and from the Registration Requirements of the Securities Exchange Act of 1934 [Release Nos. 33-8171; 34-47082; File No. S7-29-02] (RIN: 3235-AI55) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

165. A letter from the Secretary, Department of Education, transmitting Final Regulations —— Title I — Improving Achievement of the Disadvantaged, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

166. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Final Priority on Alternative Financing Program Technical Assistance (AFPTA) under Title III of the Assistive Technology Act of 1998 — received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

167. A letter from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting the Department's final rule — Amendment to Prohibited Transaction Exemption 97-11 (PTE 97-11) for the Receipt of Certain Investment Services by Individuals for Whose Benefit Individual Retirement Accounts or Retirement Plans for Self-Employed Individuals Have Been Established or Maintained [Application Number: D-10934] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

168. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. 00N-1596] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

169. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Classification for Medical Washer and Medical Washer-Disinfector [Docket No. 01N-0339] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

170. A letter from the Regulations Coordinator, CDC, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins (RIN: 0920-AA08) received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

171. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 02-14165; Notice 1] (RIN: 2127-AI85) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

172. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — Decommissioning Trust Provisions (RIN: 3150-AG52) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

173. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Sierra Leone and Liberia that was declared in Executive Order 13194, of January 18, 2001 and expanded in scope in Executive Order 13213, of May 22, 2001, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—21); to the Committee on International Relations and ordered to be printed.

174. A communication from the President of the United States, transmitting notification that the Sierra Leone and Liberia emergency is to continue in effect beyond January 18, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—22); to the Committee on International Relations and ordered to be printed.

175. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of September 30, 2002, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

176. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period October 1, 2002 through November 30, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

177. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule -- Federal Republic of Yugoslavia (Serbia & Montenegro) and Bosnian Serb-controlled areas of the Republic of Bosnia and Herzegovina Sanctions Regulations; Federal Republic of Yugoslavia (Serbia & Montenegro) Kosovo Sanctions Regulations — received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

178. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a "Report on Withdrawal of Russian Armed Forces and Military Equipment"; to the Committee on International Relations.

179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-11 pursuant to Section 1306 of the National Defense Authorization Act for FY 2003, pursuant to Public Law 107—314, section 1306; to the Committee on International Relations.

180. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

181. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

182. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

183. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

184. A letter from the Acting Director of Communications and LegislativeAffairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Privacy Act Regulations — received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

185. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

186. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

187. A letter from the Commissioner, Social Security Administration, transmitting the Fiscal Year 2002 Performance and Accountability Report; to the Committee on Government Reform.

188. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — FED Policy Statement: Interim Reporting Procedures [NOTICE 2002-24] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

189. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Approval of Tungsten-Iron-Nickel-Tin Shot as Nontoxic for Hunting Waterfowl and Coots, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

190. A letter from the Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Conveyances, Disclaimers and Correction Documents [WO-350-1864-24 1A] (RIN: 1004-AD50) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

191. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of Interior, transmitting the Department's final rule — Arrangement with States, Territories, or Other Agencies for Relief of Distress and Social Welfare of Indians (RIN: 1076-AD98) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

192. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and

Global Change Program, Program Announcement [Docket No. 000616180-2245-06] (RIN: 0648-ZA91) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

193. A letter from the Associate Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — General Grant Administration Terms and Conditions of the Coastal Ocean Program for FY2003 [Docket No. 000817236-2242-01, I.D. No. 082702F] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

194. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 021112272-2328-02; I.D. 110202D] (RIN: 0648-AP88) received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

195. A letter from the Deputy Assitant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 021017239-2322-02; I.D. 091902F] (RIN: 0648-AQ15) received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

196. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Directed Fishery for Loligo Squid [Docket No. 011005244-2011-02; I.D. 121902B] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

197. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Commercial Shark Management Measures [Docket No. 021219321-2321-01; I.D. 120902A] (RIN: 0648-AQ39) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

198. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Bycatch Rate Standards for the First Half of 2003 [I.D. 112902A] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

199. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; 2003 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 021017238-2314-02; I.D. 092602I] (RIN: 0648-AQ31) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

200. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS) Fishing Vessels Permits; Charter Boat Operations [Docket No. 020325070-2296-03; I.D. 071299C] (RIN: 0648-AM91) received January 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

201. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 112202D] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

202. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Quotas and Fishing Areas; Trade Monitoring [Docket No. 011029263-2255-02; I.D. 010201A] (RIN: 0648-AO93) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

203. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries [Docket No. 021021241-2294-02; I.D. 083002E] (RIN: 0648-AP86) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

204. A letter from the Acting Director, Office of SustainableFisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 011218304-1304-01; I.D. 112202B] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

205. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 2003 Harvest Specifications for Groundfish [Docket No. 021212307-2307-01; I.D. 110602C] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

206. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2002, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

207. A letter from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting the Department's final rule — Centralized Offset of Federal Payments to Collect Nontax Debts Owed to the United States (RIN: 1510-AA65) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

208. A letter from the Regulations Coordinator, OIA, Department of Health and Human Services, transmitting the Department's final rule — HHS Exchange Visitor Program; Request for Waiver of the Two-Year Foreign Residence Requirement (RIN: 0991-AB21) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

209. A letter from the Associate General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Inmate Discipline: Prohibited Acts: Change in Code Numbers for Agency Tracking Purposes Only [BOP-1083-I] (RIN: 1120-AA78) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

210. A letter from the Associate General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Incoming Publications: Softcover Materials [BOP-1009-F] (RIN: 1120-AA15) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

211. A letter from the Associate General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Incoming Publications: Nudity and Sexually Explicit Material or Information [BOP-1064-F] (RIN: 1120-AA59) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

212. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Requirements for Biometric Border Crossing Identification Cards (BCCs) and Elimination of Non-Biometric BCCs on Mexican and Canadian Borders [INS No. 1931-98] (RIN: 1115-AF24) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

213. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

214. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001; to the Committee on the Judiciary.

215. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Uncertified Foreign Health-Care Workers — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

216. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Immigrants — Visa Registration — received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

217. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Times for Fuel Tank System Safety [Docket No. FAA-1999-6411; Amendment Nos. 21-82, 91-272, 121-285, 125-140, 129-35, Special Federal Aviation Regulation No. 88-1] (RIN: 2120-AG62) received January 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

218. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Security Considerations for the Flightdeck on

Foreign Operated Transport Category Airplanes; Correction [Docket No. FAA -202-12504] received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

219. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes [Docket No. FAA-2000-7587 Amdt No. 21-81, 36-54 & 91-275] (RIN: 2120-AH03) received January 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

220. A letter from the Staff Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Incorporation by Reference [RSPA Docket No. 02-13658 (HM-215E)] (RIN: 2137 -AD41) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

221. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — 1-g Stall Speed as the Basis for Compliance With Part 25 of the Federal Aviation Regulations [Docket No. 28404; Amendment Nos. 1-49, 25-108, 97-1333] (RIN: 2120-AD40) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

222. A letter from the Under Secretary of Transportation for Security, TSA, Department of Transportation, transmitting a report containing a for complying with the requirements of section 44901(d) of title 49, U.S.C., as amended by section 425 of the Homeland Security Act of 2002, pursuant to Public Law 107—296, section 425; to the Committee on Transportation and Infrastructure.

223. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones: Drilling and Blasting Operations, HubLine Project, Captain of the Port Boston, Massachusetts [CGD01-02-131] (RIN: 2115-AA97) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

224. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Temporary Reduction of Registration Fees [Docket No. RSPA-00-8439 (HM-208D)] (RIN: 2137-AD53) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

225. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of San Diego, CA [COTP San Diego 02-026] (RIN: 2115-AA97) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

226. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes [Docket No. FAA-2002-12504; Amendment No. 129-36] (RIN: 2120-AH70) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

227. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "The Superfund Innovative Technology Evaluation Program, Annual Report to Congress FY 2000"; to the Committee on Science.

228. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Implementation of Executive Order 13202, as amended by E.O. 13208, in the NASA Grant and Cooperative Agreement Handbook [Billing Code 7510-01] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

229. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Health Care for Certain Children of Vietnam Veterans--Covered Birth Defects and Spina Bifida (RIN: 2900-AK88) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

230. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Extension of the Presumptive Period for Compensation for Gulf War Veteran's Undiagnosed Illnesses (RIN: 2900-AK98) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

231. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Training for Certain Children of Vietnam Veterans--Covered Birth Defects and Spina Bifida (RIN: 2900-AK90) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

232. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 84th annual National Convention of the American Legion, held in Charlotte, North Carolina from August 27, 28, and 29, 2002 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 108—19); to the Committee on Veterans' Affairs and ordered to be printed.

233. A letter from the President Of The United States, transmitting notification of his intention to add Afghanistan to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP), pursuant to Public Law 104—188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 108—20); to the Committee on Ways and Means and ordered to be printed.

234. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Capay Valley Viticultural Area (99R-449P) [T.D. ATF-486; Re: Notice No. 948] (RIN: 1512-AC71) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

235. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Trade or Business Expenses (Rev. Rul. 2002-90) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

236. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Trade or Business Expenses (Rev. Rul. 2002-89) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

237. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Amounts Paid to Section 170(c) Organizations Under Employer Leave-Based Donation Programs (Notice 2003-1) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

238. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Inclusion (Rev. Rul. 2003-3) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

239. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax on Insurance Companies other than Life Insurance Companies (Rev. Rul. 2002-91) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

240. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2002-75) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

241. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definitions Relating to Corporate Reorganizations (Rev. Rul. 2002-85) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

242. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement of Amendments to Regulations under Section 367 of the Internal Revenue Code (Notice 2002-77) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

243. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Robert L. Beck v. Commissioner [Docket No. 14577-98 and 14578-98] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Curell v. United States — received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

245. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reduction in Certain Deductions of Mutual Life Insurance Companies (Rev. Rul. 2003-4) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

246. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Prohibited Allocations of Securities in an S Corporation (Rev. Rul. 2003-6) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

247. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Taxpayer Clinics--Definition of Income Tax Return Preparer [TD 9026] (RIN: 1545-BA95) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

248. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-5) received December 20, 2002, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

249. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Intercompany Transactions: Conforming Amendments to Section 446 [TD 9025] (RIN: 1545-BA05) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

250. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: Mining — Receding Face Deduction (UIL: 612.03-03) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

251. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Third Party Contacts [TD 9028] (RIN: 1545-AX04) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

252. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Levy Restrictions During Installment Agreements [TD 9027] (RIN: 1545-AX89) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Inclusion (Rev. Rul. 2003-10) received January 08, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

254. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Fee Schedule for Payment of Ambulance Services-Update for CY 2003 [CMS-1220-N] (RIN: 0938-AL97) received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on January 2, 2003]

Mr. BOEHLERT. Committee on Science. Summary of Activities of the Committee on Science for the 107th Congress (Rept. 107–809). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 27, 2003]

Mr. LINDER. Committee on Rules. House Resolution 29. Resolution providing for consideration of the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. DEMINT, Mr. KNOLLENBERG, and Mr. ROGERS of Michigan):

H.R. 336. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 337. A bill to extend certain hydroelectric licenses in the State of Alaska; to the Committee on Energy and Commerce.

By Mr. CHABOT:

H.R. 338. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. KELLER (for himself, Mr. NEY, Mr. GRAVES, Mr. TIBERI, Mrs. BIGGERT, Mr. CRENSHAW, and Mr. PETERSON of Minnesota):

H.R. 339. A bill to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements; to the Committee on the Judiciary.

By Mr. ISSA (for himself and Mr. TOM DAVIS of Virginia):

H.R. 340. A bill to require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHN (for himself and Mr. ALEXANDER):

H.R. 341. A bill to provide economic disaster assistance to producers of the 2002 crop of rice in the State of Louisiana; to the Committee on Agriculture.

By Mr. JOHN (for himself, Mr. TAUZIN, Mr. DINGELL, Ms. MCCARTHY of Missouri, Mr. SHIMKUS, Ms. MCCOLLUM, Mr. PALLONE, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. WYNN, Mr. WEINER, Mr. KING of New York, Mr. STRICKLAND, Mr. ALEXANDER, Mr. PICKERING, Mr. DOYLE, Mr. FOSSELLA, Mr. BOOZMAN, Mr. RUSH, Mr. BAKER, Mr. KENNEDY of Minnesota, Mr. MCHUGH, Mr. TOWNS, Mr. STUPAK, and Mr. FOLEY):

H.R. 342. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN:

H.R. 343. A bill to amend title 11 of the United States Code to protect family farmers and family fishermen; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 344. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:

H.R. 345. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS:

H.R. 346. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. NORWOOD, Mr. SHIMKUS, Mr. MILLER of Florida, Mr. KANJORSKI, Mr. NADLER, and Ms. SOLIS):

H.R. 347. A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 348. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 349. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of the service not performed during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 350. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 351. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself, Mr. FOLEY, Mr. BAKER, Mr. DAVIS of Alabama, and Mr. JONES of North Carolina):

H.R. 352. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes of violence against children under age 13; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 353. A bill to direct the Secretary of the Interior to dispose of all public lands administered by the Bureau of Land Management that have been identified for disposal under the Federal land use planning process; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 354. A bill to amend the Internal Revenue Code of 1986 to allow drug manufacturers a credit against income tax if they certify that the price of a drug in the United States market is not greater than its price in the Canadian or Mexican market; to the Committee on Ways and Means.

By Mr. EVERETT (for himself, Mr. DAVIS of Alabama, and Mr. ROGERS of Alabama):

H.R. 355. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Alabama; to the Committee on Government Reform.

By Mr. EVERETT:

H.R. 356. A bill to nullify the effect of certain provisions of various Executive orders; to the Committee on International Relations.

By Mr. EVERETT:

H.R. 357. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; to the Committee on the Judiciary.

By Mr. EVERETT:

H.R. 358. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FOLEY:

H.R. 359. A bill to amend title XVIII to revise the payment methodology under the Medicare Program for extra-depth shoes with inserts or custom molded shoes with inserts for individuals with diabetes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself and Mr. Boucher):

H.R. 360. A bill to amend title 40, United States Code, to designate certain counties and a city as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. GORDON (for himself, Mr. Osborne, Mr. Dingell, Mr. Brown of Ohio, Mr. Lucas of Kentucky, Mr. Serrano, Ms. Norton, Mr. Simmons, Mr. Duncan, Mr. Hayes, Mr. Wamp, Mr. Towns, Mr. Wilson of South Carolina, Mr. Matheson, Mr. Engel, Mr. Ramstad, Mr. Rush, Ms. McCarthy of Missouri, Mr. Leach, Mr. Shimkus, Mr. Deutsch, Mr. Stearns, Mr. Doyle, Mr. Burr, Mrs. Capps, Mr. Pickering, and Mr. Upton):

H.R. 361. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Energy and Commerce.

By Mr. HEFLEY:

H.R. 362. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Ms. Dunn, and Ms. Lofgren):

H.R. 363. A bill to require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 364. A bill to amend title XIX of the Social Security Act to require criminal background checks on drivers providing Medicaid medical assistance transportation services; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon (for herself, Mr. Baca, Mr. Faleomavaega, Mr. Filner, Mr. Hastings of Florida, Mr. McDermott, Mr. Pallone, Mr. Pomeroy, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Frank of Massachusetts, Ms. McCollum, Mr. Towns, Mr. Kildee, Mr. Abercrombie, and Mr. Bereuter):

H.R. 365. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 366. A bill to authorize former Federal employees who receive voluntary separation incentive payments under the Department of Agriculture program to accept subsequent employment with the Federal Government, without loss of their payments, when such employment is directly related to fighting forest fires; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. Leach, Mr. Ackerman, Mr. Berman, Mr. Cox, Mr. Faleomavaega, Mr. Royce, Mr. Smith of New Jersey, Mr. Delahunt, and Mr. Kirk):

H.R. 367. A bill to allow North Koreans to apply for refugee status or asylum; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself and Mr. Ackerman):

H.R. 368. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the Medicare Program to Medicare+Choice organizations; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN:

H.R. 369. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War; to the Committee on Armed Services.

By Mr. LYNCH (for himself, Ms. Lee, Ms. Norton, Mr. Kildee, Mr. Frost, Ms. Millender-McDonald, Mr. Serrano, and Mrs. Capps):

H.R. 370. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities with respect to research on autoimmune diseases in women; to the Committee on Energy and Commerce.

By Mr. LYNCH (for himself, Mr. Quinn, Mr. Frost, Mr. Frank of Massachusetts, Mrs. Christensen, and Ms. Kaptur):

H.R. 371. A bill to establish the National Center on Liver Disease Research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LYNCH:

H.R. 372. A bill to provide for a pilot program to be conducted by the Department of Veterans Affairs to assess the benefits of providing for pharmacies of the Department of Veterans Affairs to fill prescriptions for drugs and medicines written by private physicians; to the Committee on Veterans' Affairs.

By Mrs. MALONEY (for herself, Ms. Millender-McDonald, Ms. Norton, Mr. Kildee, Mr. Lantos, Mr. Hinchey, Mr. Holden, Mr. McNulty, Ms. Lee, Mr. Cooper, and Mrs. Christensen):

H.R. 373. A bill to amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxin, synthetic fibers, and other additives in feminine hygiene products, and to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 374. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Forbes, Mr. McIntyre, Mr. Smith of New Jersey, Ms. Ros-Lehtinen, Mr. Andrews, Mr. Scott of Virginia, Mr. Cunningham, Mr. Simmons, Mr. Larsen of Washington, Mr. Kennedy of Rhode Island, Mr. Miller of Florida, Mr. Platts, Mr. Saxton, Mr. Wilson of South Carolina, Mr. Hastings of Florida, Mr. Goode, Mr. Hostettler, Mr. Langevin, and Mr. McGovern):

H.R. 375. A bill to declare, under the authority of Congress under Article I, section 8 of the Constitution to "provide and maintain a Navy", a national policy for the naval force structure required in order to "provide for the common defense" of the United States throughout the 21st century; to the Committee on Armed Services.

By Mrs. MUSGRAVE:

H.R. 376. A bill to provide emergency livestock assistance and emergency crop loss assistance to agricultural producers who suffered 2001 or 2002 crop year losses; to the Committee on Agriculture.

By Mrs. MUSGRAVE:

H.R. 377. A bill to amend the Internal Revenue Code of 1986 to extend the replacement period from 2 to 5 years for livestock sold on account of drought, flood, or other weather-related conditions; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 378. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. Nunes, and Mr. Dooley of California):

H.R. 379. A bill to facilitate a Forest Service land exchange that will eliminate a private in-holding in the Sierra National Forest in the State of California and provide for the permanent enjoyment by the Boy Scouts of America of a parcel of National Forest System land currently used under a special use permit, and for other purposes; to the Committee on Resources.

By Mr. RADANOVICH:

H.R. 380. A bill to provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. Bereuter, Mr. Duncan, Mr. Foley, Mr. Hobson, Mr. Sam Johnson of Texas, Mr. Kolbe, and Mr. Rohrabacher):

H.R. 381. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mrs. Miller of Michigan, Mr. Kildee, Mr. Camp, Mr. Ehlers, Mr. Hoekstra, Mr. Knollenberg, Mr. McCotter, Mr. Smith of Michigan, and Mr. Upton):

H.R. 382. A bill to authorize States to prohibit or impose certain limitations on the receipt of foreign municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H.R. 383. A bill to amend the Federal Credit Union Act with respect to the limitations on member business loans; to the Committee on Financial Services.

By Mr. SHADEGG:

H.R. 384. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 385. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 386. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 387. A bill to authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 388. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Mrs. Capps, Mr. Deutsch, Mr. Kirk, Mr. Rush, and Mr. Pickering):

H.R. 389. A bill to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. Payne, Mr. Lantos, Ms. Kaptur, Mr. Rangel, Mr. Frank of Massachusetts, Mr. Cummings, and Ms. Lee):

H.R. 390. A bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa; to the Committee on International Relations.

By Mr. WILSON of South Carolina (for himself, Mr. Goodlatte, Mr. Paul, Mrs. Musgrave, Mr. Doolittle, Mr. Cunningham, Mr. Ryun of Kansas, Mr. Istook, Mr. Tancredo, Mr. Toomey, Mrs. Bono, Mr. Goode, Mr. Ballenger, Mr. Norwood, Mr. Duncan, Mr. Linder, Mr. Sessions, Mr. DeMint, Mr. Hall, Mr. Kolbe, Mr. King of Iowa, Mr. Beauprez, Mr. Shadegg, Mr. Tiahrt, Mrs. Myrick, Mr. Schrock, Mr. Issa, Mr. Franks of Arizona, Mr. Wamp, Mr. Barton of Texas, Mr. Cox, Mr. Wicker, and Mr. Pence):

H.R. 391. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.J. Res. 13. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. HEFLEY:

H.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. GIBBONS:

H. Con. Res. 12. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state the Union; considered and agreed to.

By Mr. FORD:

H. Con. Res. 13. Concurrent resolution recognizing the importance of blues music, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RUSH:

H. Con. Res. 14. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Harold Washington, the 42d mayor of Chicago; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. Crowley, Mr. Davis of Florida, Mr. Weiner, Mr. Smith of Washington, Mr. McNulty, Mrs. Myrick, Mr. Toomey, Mr. Schiff, Mr. Pallone, Mr. Abercrombie, Mr. Kirk, Mr. Inslee, Mr. Hoeffel, Mr. Frost, Mr. Matheson, Mr. Royce, Mr. McDermott, Mr. Levin, Mr. Knollenberg, Ms. Loretta Sánchez of California, Mr. Brown of Ohio, Ms. Berkley, Mr. Holt, Ms. Norton, Mr. Berman, Mr. Rogers of Michigan, Mr. Rangel, Mr. LoBiondo, Ms. Lofgren, Mr. Wexler, Mr. Tom Davis of Virginia, and Ms. Schakowsky):

H. Con. Res. 15. Concurrent resolution commending India on its celebration of Republic Day; to the Committee on International Relations.

By Mr. LANTOS (for himself and Mr. Hyde):

H. Res. 28. A resolution expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova; to the Committee on International Relations.

By Mr. CUNNINGHAM:

H. Res. 30. A resolution concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico; to the Committee on Resources.

By Mr. DAVIS of Florida (for himself, Mr. Young of Florida, Mr. Bilirakis, Ms. Ginny Brown-Waite of Florida, Ms. Harris, and Mr. Putnam):

H. Res. 31. A resolution congratulating the Tampa Bay Buccaneers for winning Super Bowl XXXVII; to the Committee on Government Reform.

By Mr. DAVIS of Illinois (for himself, Mr. Reyes, Mr. Towns, Mr. Filner, Mr. Rush, Ms. Corrine Brown of Florida, Mr. Jackson of Illinois, Ms. Norton, Mr. Hastings of Florida, Mr. Rodriguez, Mr. Jefferson, Ms. Jackson-Lee of Texas, Mr. Meeks of New York, Ms. Lee, Mr. Grijalva, Mr. Frost, Ms. Eddie Bernice Johnson of Texas, Mr. Serrano, Mr. McDermott, Mr. Wexler, Mr. Payne, Mr. Brady of Pennsylvania, Ms. Carson of Indiana, Mr. Fattah, Ms. Watson, Mr. Price of North Carolina, Ms. Millender-McDonald, Mr. Meek of Florida, Mr. Wynn, Mr. Gephardt, Ms. Woolsey, Mr. Davis of Alabama, Mr. Rangel, Mrs. Christensen, Mr. Cummings, Mr. Abercrombie, Mr. Brown of Ohio, Mr. Bishop of New York, Mr. McGovern, Mr. Capuano, Mr. Lampson, Mrs. Lowey, Mr. Thompson of Mississippi, and Mr. Owens):

H. Res. 32. A resolution expressing the sense of the House of Representatives regarding the ongoing need to provide every qualified American with equal access to opportunity in education, business, and employment and the indispensability of Affirmative action programs in securing such equal access; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BACHUS:

H.R. 392. A bill for the relief of Natasha Oligovna Russo and Anya Oligovna; to the Committee on the Judiciary.

By Mr. PASTOR:

H.R. 393. A bill for the relief of Alejandra Arias Garcia; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. Boucher.

H.R. 36: Mr. Reyes and Mr. Filner.

H.R. 44: Mr. Lincoln Diaz-Balart of Florida; Mr. Pence, Mr. Weldon of Florida, Mr. Everett, Mr. Kolbe, Mr. Akin, Mr. Bartlett of Maryland, Mrs. Myrick, Ms. Ginny Brown-Waite of Florida, Mr. Cannon, and Mr. McCotter.

H.R. 47: Mr. Stark, Mr. Andrews, and Ms. Waters.

H.R. 67: Mr. Renzi and Mr. Paul.

H.R. 111: Mr. Brown of South Carolina, Mr. Taylor of North Carolina, Mr. Walsh, Mr. Radanovich, Ms. Hooley of Oregon, Mr. McIntyre, Ms. DeGette, Mr. Waxman, Mr. Souder, Mr. Cannon, Mr. Wolf, Mr. Rehberg, Mrs. Christensen, Ms. Lofgren, Mr. Tanner, Mr. Frelinghuysen, Mrs. Lowey, Mr. Crane, Mr. Costello, Mrs. Napolitano, Mr. Price of North Carolina, Mr. KLECZKA, Mrs. MCCARTHY of New York, Mr. CHABOT, Mr. BISHOP of New York, Mr. FILNER, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. STENHOLM, and Mr. HONDA.

H.R. 115: Mr. TANCREDO, Mr. MCINNIS, and Mr. WILSON of South Carolina.

H.R. 130: Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. KILDEE, Mr. LEACH, Mrs. NAPOLITANO, and Ms. NORTON.

H.R. 140: Mr. SPRATT.

H.R. 141: Mr. GOODE, Mr. ETHERIDGE, Mr. EVERETT, Mr. BOYD, and Mr. PRICE of North Carolina.

H.R. 152: Mr. SERRANO, Mr. RODRIGUEZ, and Mr. RANGEL.

H.R. 160: Mr. SKELTON, Mr. ETHERIDGE, Mrs. MUSGRAVE, and Mr. BISHOP of Georgia.

H.R. 167: Mr. COSTELLO.

H.R. 172: Mr. FOSSELLA, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. HOLDEN, Mr. MARKEY, Mr. MCHUGH, Mr. FRANK of Massachusetts, and Mr. OLVER.

H.R. 182: Ms. LEE, Mr. WAXMAN, Mr. CARDOZA, Mr. SMITH of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY.

H.R. 192: Mr. MCHUGH, Mr. ANDREWS, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. FILNER, Mr. MOORE, and Mr. LEVIN.

H.R. 193: Mr. LINDER.

H.R. 195: Mr. RENZI.

H.R. 196: Mr. TOWNS, Mr. PITTS, Mr. HOUGHTON, and Mr. KILDEE.

H.R. 203: Mr. REYNOLDS, Mr. QUINN, Ms. SLAUGHTER, Mr. MCNULTY, Mr. NADLER, and Mr. KING of New York.

H.R. 207: Mr. JANKLOW, Mr. MCNULTY, Mr. GORDON, and Mrs. CHRISTENSEN.

H.R. 217: Mr. FILNER, Mr. ANDREWS, Ms. BALDWIN, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARSON of Oklahoma, Mr. COSTELLO, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KILDEE, Mr. LOBIONDO, Ms. LOFGREN, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. OBERSTAR, Mr. PALLONE, Mr. PASTOR, Mr. PAUL, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. SANDERS, Mr. SOUDER, Mr. STENHOLM, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. WOLF, Mr. WYNN, Mr. MATHESON, Mr. TURNER of Texas, and Ms. WATSON.

H.R. 218: Mr. HOSTETTLER, Mr. MCINNIS, Mr. WALDEN of Oregon, Mr. OTTER, Mr. GREEN of Wisconsin, Mr. MILLER of Florida, Mr. FOSSELLA, Mr. KELLER, Mr. RENZI, Mr. COSTELLO, Mr. SESSIONS, Mr. SULLIVAN, Mr. UPTON, Mr. BARTON of Texas, Mr. LUCAS of Kentucky, Mr. MEEHAN, Mrs. JOHNSON of Connecticut, Mr. CANNON, Mr. BLUNT, Mr. WELDON of Florida, and Mr. STENHOLM.

H.R. 237: Mrs. JO ANN DAVIS of Virginia, Mr. JONES of North Carolina, and Mr. DAVIS of Illinois.

H.R. 240: Mrs. JONES of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAW, and Mr. CAPUANO.

H.R. 257: Mr. MARSHALL and Mr. NORWOOD.

H.R. 259: Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. VELÁZQUEZ, Mr. MEEKS of New York, and Ms. WOOLSEY.

H.R. 260: Mr. ANDREWS, Ms. WATERS, Mr. SERRANO, Ms. DELAURO, Ms. CARSON of Indiana, Mr. MCGOVERN, Mr. OWENS, Mrs. JONES of Ohio, Mr. LANTOS, and Mrs. LOWEY.

H.R. 280: Mr. RYAN of Ohio.

H.R. 284: Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, Mr. HOLDEN, Mr. SANDERS, Mr. NEY, Mr. MCINTYRE, Ms. WOOLSEY, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. MCNULTY, Mr. WAXMAN, Mrs. BONO, Mr. ETHERIDGE, Mr. DOYLE, and Mr. HOEFFEL.

H.R. 286: Ms. ESHOO.

H.R. 300: Mr. SMITH of Texas, Mr. HOSTETTLER, Mr. BAKER, Mr. PITTS, Mr. BLUNT, and Mr. WILSON of South Carolina.

H.R. 302: Mr. REYES, Ms. CORRINE BROWN of Florida, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mr. KILDEE, Mr. FILNER, Mr. GOODE, Mr. CRAMER, Ms. SOLIS, Mrs. JONES of Ohio, Mr. EVANS, Mr. HOLDEN, Mr. GEORGE MILLER of California, and Mr. WHITFIELD.

H.R. 303: Mr. MCNULTY, Mr. DELAHUNT, Mr. CRAMER, Mr. HOLDEN, Mr. STUPAK, Mr. POMBO, Mr. DOYLE, Mr. SERRANO, Mr. TURNER of Texas, Mr. CARSON of Oklahoma, Mr. GORDON, Ms. HARRIS, Mr. TANCREDO, Mr. SMITH of Washington, Mr. WEXLER, Mr. FROST, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. DEFAZIO, Mr. TAYLOR of Mississippi, Mr. RYAN of Wisconsin, Mr. STENHOLM, Mr. ANDREWS, Mr. MCGOVERN, Mr. SNYDER, Mr. ADERHOLT, Mr. UDALL of New Mexico, Mr. TANNER, Mr. ETHERIDGE, and Mr. BURR.

H.R. 310: Mr. HASTINGS of Washington, Mr. SKELTON, Mrs. MYRICK, and Mr. CHABOT.

H.R. 314: Mr. JONES of Ohio and Mr. NEY.

H.R. 318: Mr. LEACH and Mr. WHITFIELD.

H.R. 323: Mr. LIPINSKI, Mr. FROST, Mr. GRIJALVA, Mr. GREEN of Texas, Mr. RYAN of Ohio, Mr. LEVIN, Mr. CONYERS, Ms. LEE, Ms. KAPTUR, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. SANDERS, Mr. MATSUI, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, and Mr. GEORGE MILLER of California.

H.R. 330: Mr. SHIMKUS.

H.J. Res. 4: Mr. PLATTS, Mr. CROWLEY, Mr. HOLDEN, Mrs. CAPITO, Mr. SIMMONS, Mr. KNOLLENBERG, Mr. MCNULTY, Mr. MARSHALL, Mr. FRELINGHUYSEN, Mr. EDWARDS, and Mr. STENHOLM.

H. Con. Res. 4: Mr. TANCREDO.

H. Con. Res. 6: Mr. WAXMAN, Mr. PLATTS, Mr. KILDEE, and Mr. WAMP.

H. Res. 21: Ms. HOOLEY of Oregon, Mr. BERMAN, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. WAXMAN, Mr. GEORGE MILLER of California, and Mr. WEXLER.

H. Res. 25: Mr. UDALL of New Mexico, Mr. BOEHNER, Mr. MARKEY, Ms. BORDALLO, Mr. WILSON of South Carolina, Mr. HINOJOSA, Mr. RYAN of Ohio, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. LANTOS, Mr. LEVIN, Mr. STENHOLM, Mr. CRENSHAW, Mr. PLATTS, and Mrs. BIGGERT.

H. Res. 26: Mr. TAUZIN, Mr. POMEROY, Mr. FOLEY, Mr. HAYWORTH, Mr. BAKER, Mr. WILSON of South Carolina, Mr. ENGLISH, Mr. BACHUS, Mrs. CHRISTENSEN, Mr. KLECZKA, Mrs. NORTHUP, Mr. MURPHY, Mr. NUSSLE, Mr. SMITH of New Jersey, Mr. RENZI, Mr. KING of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. COX, Ms. KAPTUR, Mr. OTTER, Mr. HOEKSTRA, Mr. MCCOTTER, Ms. ESHOO, Mr. MARKEY, Mr. BACA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PASCRELL, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. KENNEDY of Minnesota, Mr. LANTOS, Mr. BARRETT of South Carolina, Mr. STUPAK, and Mr. GUTKNECHT.

EXTENSIONS OF REMARKS

HONORING COMMUNITY VETERANS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms.VELÁZQUEZ. Mr. Speaker, I rise today as the 3-year observance of the 50th anniversary of the Korean war comes to a close.

It is with great pride that I honor the men that served in the Armed Forces of the United of America during that time and are members of the St. Stanislaus Memorial Post No. 1771 American Legion, Brooklyn, NY.

Since their honorable discharge from the armed services, they have led productive lives and continued to serve their communities, State, and Nation.

Therefore, it is with much honor and appreciation that I salute these brave men: Feldele Aita, Joseph Angerome, John Astrab, Joseph Beneventin, Walter Bielski, Edward Bizinski, Charles Bond, John Borisuck, Nicholas Burduck, Kevin Cahill, James Campion, John Canderloro, Michael Cantelmi, Michael Chorney, Anthony Chorney, Michael Croccia, Edward Czartoryski, Edward Danielski, Joseph Darragh, Everett Deming, Edward Dempsey, Donald Denson, Justin Dudzinksi, Vincent Dzirko, Rudolph Fafalak, Louis Franklin, and Sol Friedman.

Michael Garvey, Ralph Gatti, Roman Giblewski, George Gibney, Dan Goodman, Eugene Graboski, John Graham, Richard Haines, Gerard Hammond, Lee Hedberg, George Heiberg, James Hesse, John Hoffmann, John Jablonski, William Janovesik, John Karcinsky, Robert Kelly, Thomas Knapp, Joseph Konzelman, Martin Kost, Walter Kryshak, Daniel Kujawa, Saverio La Rocca, Louis Lasecki, Edward Lentol, Carl Licht, Joseph Lukasiewicz, Bernard Maciejewski, Anthony Mangone, William Martin, Henry McQuillan, Frank Moley, Frank Paterno, Vincent Petitto, Robert Pieprzak, Peter Rago, William Revy, Roosevelt Rhodes, Henry Rusielewicz, Philip Ryzkiewicz, Louis Sieber, Walter Sito, George Skaats, Thomas Skubin, Charles Smith, Raymond Smith, Edward Spaeth, Fred Stith, Leonard Suligowski, Peter Sullivan, Jean Taylor, Nicholas Teta, Henry Tomaszewski, John Walsh, and Alfred Willett.

PERSONAL EXPLANATION

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. BALLANCE. Mr. Speaker, on rollcall No. 12, Congratulating the Ohio State University for winning the 2002 NCAA Division I football championship, I was regretably unable to cast my vote at the appropriate time. Had I been present, I would have voted "yea."

THREATS AND RESPONSES: TRACKING TERRORISM; 9/11 REPORT SAYS SAUDI ARABIA LINKS WENT UNEXAMINED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following for the RECORD.

(By David Johnston and James Risen)

A draft report by the joint Congressional committee looking into the Sept. 11 attacks has concluded that the F.B.I. and the C.I.A., in their investigations, did not aggressively pursue leads that might have linked the terrorists to Saudi Arabia, senior government officials said today.

The report charged among other things that the authorities had failed to investigate the possibility that two of the hijackers, Saudis named Khalid al-Midhar and Nawaq Alhazmi, received Saudi money from two Saudi men they met with in California in the year before the attacks. The committee's preliminary findings, which also accuse the Saudi government of a lack of cooperation with American investigators, have caused a bitter behind-the-scenes dispute between the panel's staff and officials at the F.B.I. and the C.I.A. At each agency, officials have disagreed with draft findings, saying investigators vigorously pursued all available information related to Saudi Arabia.

Fifteen of the 19 hijackers were Saudi citizens, but little is known about their backgrounds and how they were recruited for the attacks. Most of the Saudis were part of a group that investigators refer to as the "muscle." These were men recruited late in the planning for the operation, not as pilots, but as an unskilled security force for the hijacking operation. Their job was to keep passengers at bay as the planes were commandeered and flown to their intended targets.

In a rebuttal report sent to the committee in recent days, the F.B.I. has tried to disprove several specific allegations by the committee. One of them was about Mr. Midhar and Mr. Alhazmi, who lived in Sand Diego a year before the attacks.

While in California, the two met with Omar al-Bayoumi and Osama Bassnan, each of whom was receiving financial support from the Saudi government. The men were receiving stipends, although officials said it was not exactly clear what kind. The committee staff concluded in its draft findings that investigators should have followed up on the meetings of the four men to determine whether there might have been a Saudi link to the hijacking plot.

The F.B.I. is still investigating how much financial support, if any, was provided by Mr. Bayoumi and Mr. Bassnan to the two men who later turned out to be hijackers. The bureau is also looking into whether senior Saudi officials in the United States may have played some role in distributing funds to Mr. Bayoumi and Mr. Bassnan.

Today, the F.B.I. said in a statement that it had "aggressively pursued investigative leads regarding terrorist support and activity." It added that Mr. Bayoumi and Mr. Bassnan had both been charged with visa fraud after the attacks.

But by that time, Mr. Bayoumi was already in Britain, where he was temporarily detained and then released because visa fraud was not an extraditable offense. The F.B.I. statement did not say where the two men were now or clarify the status of the cases against them.

Although the disagreement has not been publicly disclosed until now, the debate over possible Saudi connections raises a very sensitive political issue for the Bush administration. Saudi Arabia is the largest oil producer in the world and one of the United States' closest and most important allies in the Persian Gulf at a time when the administration is preparing for a possible war with Iraq.

In its report to the committee, the F.B.I. said that it was no uncommon for Saudis in the United States to receive financial support from their government and that an inquiry into the two me after the attacks had failed to produce evidence that they had any link to the Sept. 11 plot. A C.I.A. spokesman declined to comment about the joint inquiry's investigation of the Saudi matter.

Counterterrorism officials have said Mr. Midhar and Mr. Alhazmi had paid for more of their expenses with cash, which has made the investigation more difficult. They have also denied finding any evidence that funds for the attacks were channeled through Saudi Arabia or that the Riyadh government had any connection to the hijackers.

It remains unclear whether the draft conclusions about Saudi Arabia will be included in the joint committee's final report, which is to be completed in December in classified form. An edited version is not expected to be made public until next year, officials said.

The Bush administration has sought to maintain close ties with Riyadh even as investigators examining the backgrounds of the hijackers have complained that they have received little cooperation from the Saudi government.

Investigators have yet to determine how the Saudi hijackers were selected for the plot, who chose them or whether they had help inside Saudi Arabia. Some American officials have theorized that Mr. Midhar and Mr. Alhazmi may have returned to Saudi Arabia from the United States to pick the Saudi hijackers, but investigators have no firm conclusions.

For their part, Saudi officials have said that they have assisted in important aspects of the investigation—for instance, providing confirmation of the identities of the Saudi hijackers. The officials have also said the hijackers' anti-American extremism did not represent mainstream thinking in the kingdom, even though some American officials have long regarded Islamic militancy as a serious problem that could destabilize the authoritarian government.

The tension between the joint inquiry staff and the F.B.I. and C.I.A. is the latest to evolve from the inquiry into lapses by intelligence and law enforcement agencies related

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to the Sept. 11 attacks. In a series of interim reports released during committee hearings in recent months, the joint panel had repeatedly criticized the performance of the two agencies.

Those sometimes scathing reports prompted officials at both the F.B.I. and the C.I.A., including the director of central intelligence, George J. Tenet, to criticize the joint panel's methods. Officials have complained that it reached conclusions based on scant evidence and that it took evidence out of context.

The joint committee has already held at least one closed hearing on the F.B.I.'s relationship with a San Diego informer, the landlord of Mr. Midhar and Mr. Alhazmi a year before the attacks. The informer's role has become important because his former tenants are the hijackers who have come under the most intense scrutiny in the joint inquiry.

Mr. Midhar and Mr. Alhazmi, who were aboard the American Airlines plane that crashed into the Pentagon, were identified as Qaeda operatives by the C.I.A. in January 2001. But the C.I.A. did not ask the State Department to place their names on a watch list intended to prevent entry into the United States until late August. By then, they were both in the country. The C.I.A. sent information about the two men to the F.B.I. in late August, but by then there was little time left for the bureau to track them down.

The committee investigating the hijackers was also told by a retired F.B.I. agent who was the bureau's contact with the San Diego informer that he might have uncovered a hint of the plot through his informer network if the C.I.A. had provided the F.B.I. with more information earlier about the two men. http://www.nytimes.com

HONORING THE OUTSTANDING MUSICAL WORK OF MR. ANDREW HORWAT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Mr. Andrew Horwat, upon his selection to perform with the Honor Band of America.

Andrew has made Robert E. Lee High School history by becoming the first student ever from his high school to be selected for this national Honor Band. Every year student musicians all across the country are nominated by their band directors to take part in this national performance. After the nomination, musicians are evaluated by a distinguished panel of university wind conductors, and selected to attend the Bands of America National Concert Band Festival and National Percussion Festival. This year, the 11th District of Virginia is proud to send one of our own to this selective event.

Andrew is currently a drum major in the Marching Lancers, Lee High School's band. In March, he will represent this group when he travels to Indianapolis to perform with all other high school students selected for the Honor Band of America. This experience will provide Andrew with the opportunity to participate in rehearsals, master classes, and special clinics and concerts in addition to rehearsing with the Honor Band.

This experience will not only recognize Andrew for the dedication he has already exhibited, but also motivate him to continue his hard work. Andrew's accolade is a perfect example to young students that hard work and dedication do pay off. I believe that Andrew will serve as an example to his peers and hope that through this experience, he will be able to share with them all that he has learned.

Mr. Speaker, in closing, it is with great pleasure that I extend this recognition to Mr. Andrew Horwat. His hard work and discipline are an example to all of us. The 11th District of Virginia is honored to have such a young talent in our community. I call upon my colleagues to join me in applauding him for all of his accomplishments.

RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF CONGRESSMAN WAYNE OWENS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. WAXMAN. Mr. Speaker, I rise to recognize the extraordinary life and accomplishments of my former colleague Wayne Owens, who passed away unexpectedly in Israel on December 18. His death is a great loss to his family, his many friends, and our nation. His death is also a great loss to the cause of peace in the Middle East, an end to which he devoted much of his professional life.

Wayne was fond of saying that President Carter had succeeded at Camp David by taking the leaders of Egypt and Israel each by the arm and refusing to let go until they had worked out their differences. His open admiration for the vision of these peace makers—and for their persistence—said much about his own values. Wayne believed that ordinary people with high ideals, integrity, and determination could work great changes for the good and resolve even the most intractable conflicts. He exemplified these virtues throughout his career with a deep religious faith and his characteristic exuberance, humility, and good humor.

Throughout his eight years of service as a member of the House of Representatives, Wayne followed his convictions, even when they came at a high political cost. In his first term in Congress, for example, Wayne voted his conscience and supported articles of impeachment against President Nixon as a member of the House Judiciary Committee. In his conservative home state of Utah, this was an unpopular decision that probably cost him a victory in his 1974 bid for the U.S. Senate. Nevertheless, Wayne viewed his vote as one of the most important acts of his public life.

When Wayne returned to the House in 1986, he continued to think and act with independence and vision. He fought to protect millions of acres of Utah wilderness. He stood firm to protect a woman's right to reproductive choice. He sought to put an end to nuclear testing, compensate the victims of radiation from past nuclear tests, and end the production and stockpiling of chemical weapons. He worked to reintroduce wolves to Yellowstone National Park. He struggled to liberate Syria's captive Jewish community. And above all, Wayne strived to advance the cause of peace in the Middle East.

During his service in Congress, where he served on the Foreign Affairs Committee, and later as co-founder and president of the Center for Middle East Peace and Economic Cooperation, Wayne worked to support the fragile and often flagging peace process in the Middle East. He traveled frequently and developed close personal relationships with business and political leaders throughout the region. At times when ministers and heads of state found it difficult to communicate with one another directly, Wayne often shuttled back and forth and served as a back channel for information. Leaders such as former Secretary of State James Baker, former Israeli Prime Minister Shimon Peres, Egyptian President Hosni Mubarak, and the late King Hussein of Jordan praised Wayne for his role in carrying such messages and noted that he had genuinely helped advance the interests of peace.

Wayne's vision was to bind Arabs and Israelis together through a web of personal and financial relationships, develop the economic potential of the Middle East, and create a shared stake in political and economic stability. In the months preceding his death, Wayne undoubtedly saw that his goal remained elusive and the path difficult to follow. But despite this, I believe Wayne was never daunted and never discouraged. He soldiered on until the very end of his life, and I don't believe he would have had it any other way.

We will miss Wayne and remember him for his vision, leadership, and commitment to peace.

PERSONAL EXPLANATION

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. BALLANCE. Mr. Speaker, on rollcall No. 11, on the motion to recommit with instructions, H.J. Resolution 1, making further appropriations for FY03. I was regrettably unable to cast my vote at the appropriate time. Had I been present, I would have voted "yea."

HONORING THE TEXAS LEGISLATIVE BLACK CAUCUS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the legacy of representation and positive activism that has been fostered by the Texas Legislative Black Caucus. On this its 30th anniversary, I would like to praise the Caucus members for their diligent continuation of a heritage of public service to the citizens of the great state of Texas. My gratitude and respect as well to the Honorable Senfronia Thompson, the Caucus's only active original members, for her dedicated and tireless service to the Caucus and the State. This group of state leaders has steadily fought to ensure that the policy priorities of Texas reflect the best interests of all of its citizens. The education, economic, civil and human rights initiatives have revolutionized state services and have helped ensure that all Texans are empowered to achieve the American dream.

The Caucus will be hosting its statewide conference from February 5th through 9th, 2003. This year's poignant agenda and focus is entitled, "Without Vision the People Perish." As Texas lawmakers prepare to continue their concentration on such issues as Education, Health Care, Insurance, Criminal Justice, Business & Industry, and Elections, the Texas Legislative Black Caucus will assert its energies to ensure that the masses of Texas are properly represented. No other organization is better suited or possesses a better track record of being accountable and holding other lawmakers accountable for the betterment of the lives of Texas citizens. I am certain that the conference will once again be a tremendous success.

Mr. Speaker, I ask that the United States Congress join me in paying honor and tribute to the 16 members of the Texas Legislative Black Caucus as they continue their critical fight for all Texas families.

UNIVERSITY OF MIAMI DEDICATES ROBERTO C. GOIZUETA PAVILION TO HOUSE CUBAN HERITAGE COLLECTION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, on Tuesday, January 29, 2003, the 150th anniversary of the birth of Cuban patriot José Marti, the University of Miami dedicates the Roberto C. Goizueta Pavilion to house the University of Miami Libraries' Cuban Heritage Collection. Under the accomplished direction and dynamic leadership of Professor Esperanza B. de Varona, the Cuban Heritage Collection is widely recognized as the premier collection of materials documenting the Cuban exile and Cuban American experience as well as the largest repository of historical and cultural Cuban materials outside of Cuba.

The history of the Cuban Heritage Collection is inextricably tied to that of the University of Miami. As early as 1926, faculty from the University of Havana came to teach at the University, and the collection of library materials related to Cuba grew to support course work and scholarship in Latin American and Caribbean studies. The arrival of thousands of Cuban exiles in the early 1960s accelerated the collection's expansion. In 1998, the Otto G. Richter Library's vast and growing holdings of Cuban, Cuban exile and Cuban-American monographs, and special materials were brought together under the Cuban Heritage Collection with Esperanza B. de Varona as its head. Mrs. de Varona is capably assisted by the Collection's bibliographer, Lesbia Orta Varona.

The Roberto C. Goizueta Pavilion, the new home of the Cuban Heritage Collection, is an elegant and spacious addition to the University of Miami's Otto G. Richter Library. It is named in honor of Roberto C. Goizueta, a Cuban refugee who lived, relished, and, indeed, embodied the American dream. Mr. Goizueta served as chairman of the Board of Directors and chief executive officer of The Coca-Cola Company from March 1, 1981 until his death on October 18, 1997. Born in Cuba in 1931, Mr. Goizueta began his career with The Coca-Cola Company in Havana in 1953. In 1960, after the Communist regime of Fidel Castro assumed power in Cuba and nationalized all private businesses, Mr. Goizueta, his wife Olga and their children left Cuba for Miami. Within 30 years of leaving Cuba, Mr. Goizueta was leading an American company that symbolizes freedom around the world—The Coca-Cola Company.

Roberto C. Goizueta was more than a business leader. He was the ideal citizen who believed that every person who enjoys freedom and opportunity has a duty to cherish, protect, and nurture it. He strived to make America stronger, not only through his inspirational and exceptional business leadership but also through his generous philanthropic contributions. Mr. Goizueta established The Goizueta Foundation in 1992 to provide financial assistance to educational and charitable institutions. In 1999, under the leadership of Olga C. de Goizueta, wife of the late entrepreneur, The Goizueta Foundation made a challenge grant of $2.5 million to the University of Miami in 1999 toward the building of a new home for the Cuban Heritage Collection. With additional support from the late Elena Díaz-Verson Amos and the Fanjul family, the Cuban Heritage Collection's Roberto C. Goizueta Pavilion was completed in the fall of 2002.

From its new location, the Cuban Heritage Collection is able to continue to carry out its mission of collecting, preserving, and making accessible materials related to Cuban, Cuban exile, and Cuban American history and culture. It is a privilege for the collection to be doing so in the name of a man whose life, mission, and presence so influenced this community, this nation, and our world: Roberto C. Goizueta.

PERSONAL EXPLANATION

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. BALLANCE. Mr. Speaker, on rollcall No. 10, making further continuing appropriations for FY '03, I was regrettably unable to cast my vote during the appropriate time.

Had I been present, I would have voted, "no."

HONORING THE OUTSTANDING CITIZENSHIP AND WORK OF MR. GREGG MODESITT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Mr. Gregg Modesitt on his selection as The Central Fairfax Chamber of Commerce Business Leader of the Year for 2002. Mr. Modesitt will be honored at the Central Fairfax Chamber of Commerce Luncheon on January 23, 2003.

Mr. Modesitt is a certified public accountant in Northern Virginia, but more importantly he provides considerable community leadership. Mr. Modesitt is involved with many local organizations and has been honored by many for his professional talents and philanthropic efforts. In the past, he has served as treasurer, vice president and president of the Central Fairfax Chamber of Commerce, in addition to serving as the Director and Vice President for Loans of the Virginia Asset Financing Corporation. He also has served on the faculty at Northern Virginia Community College, teaching adult education courses, been an active member and President of the Annandale Rotary, and served as a life member of Virginia Jaycees. These activities are simply a few of the many activities Mr. Modesitt has undertaken.

More important than his professional accomplishments are the immense personal and social impacts Mr. Modesitt has had on the Northern Virginia community. He is a strong supporter of mentoring programs in the community and is described by colleagues as one who willingly gives his time and knowledge to others who need guidance and encouragement. One notable way Mr. Modesitt has consistently given to the community is his service as Santa Claus each year for organizations that assist underprivileged children.

Mr. Speaker, in closing, it is with great pleasure that I extend a wholehearted thank you and congratulations to Mr. Modesitt. His contributions to Virginia and his community have been great. I call upon my colleagues to join me in applauding him for all that he has done.

UNEMPLOYED AMERICANS NEED REAL BENEFITS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, the House of Representatives passed an extension of unemployment insurance benefits for almost 3 million unemployed American workers. Although I was supportive of a much stronger unemployment compensation extension, one that would have provided benefits to an additional 1 million American workers whose benefits have expired, this legislation is albeit a small step in the right direction. I am pleased that we are finally able to provide some comfort for those touched by this recession.

Relief for America's working families is long-overdue. With 95,000 workers exhausting their unemployment benefits each week, this is the kind of immediate assistance that we should have passed long ago.

On December 28, 800,000 Americans lost their extended unemployment benefits. The Temporary Extended Unemployment Compensation (TEUC) program ended on December 28 because the President and House Republicans rejected Democratic pleas to extend the TEUC program with a compromise bill that the Senate had passed unanimously.

Initially, I was in full support of the House Democrats' comprehensive unemployment benefits bill introduced by Rep. CHARLIE RANGEL. This Democratic bill would have reestablished and expanded the Federal extended unemployment benefits program. Most importantly, it would have guaranteed all jobless workers at least 26 weeks of extended benefits.

Unfortunately, the House GOP leadership refused to allow a vote on this Democratic bill. Instead, they only allowed members to vote on their bill, which provides an extension of only 13 weeks of extended unemployment benefits, with no extension to workers whose benefits have already expired.

Unemployment is higher now than it was when Congress first passed extended unemployment benefits in March of last year. In my home state of Texas, the most recent statistics from the Texas Workforce Commission report that 646,939 or 6 percent of the workers in Texas are unemployed and in Dallas County, the figures are 98,780 workers unemployed, or 7.2 percent.

Unfortunately, some members of our society have suffered much worse than others. After September 11, the increase in unemployment rates for African Americans and Latinos was more than double that for whites. African Americans are losing their jobs at nearly twice the national average. Unemployment among African Americans soared to 11.2 percent last year and rose to 7.9 percent for Hispanics. Yet, the GOP allowed the Temporary Extended Unemployment Compensation program to expire!

Although we have passed this extension of unemployment benefits, our work is far from done. We will need to provide meaningful assistance to workers by passing health care relief for those who have lost their coverage along with their jobs. I also renew my call to provide immediate tax relief by exempting unemployment compensation from Federal taxes. These are the kinds of real benefits that we owe American families.

CONGRATULATING MICHAEL DINUNZIO ON RECEIVING THE NORTH PENN B'NAI BRITH HUMANITARIAN AWARD

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Michael DiNunzio, the Mayor of Lansdale in Montgomery County, Pennsylvania, on being the recipient of the North Penn B'nai Brith Humanitarian Award. I am pleased to recognize Mike for his dedicated career in service to his community and country.

Mayor DiNunzio has been the Mayor of Lansdale for over twenty years. He has a record of distinction in the community. In working to improve the lives of Lansdale residents, he served his community in many different capacities. Many organizations and programs have benefited from Mike's leadership.

Mayor DiNunzio is committed to public service. He was a member of the Lansdale Development Foundation for the revitalization of the Borough of Lansdale. He served as president of the Association of Mayors of the Boroughs of Pennsylvania where he was awarded their highest honor, the "Outstanding Mayor for 2000" award. Mike served as a member of the North Penn Visiting Nurses Association for 56 years and was president of that group for 25 years. He also served as the vice-president of the Lansdale Public Library for 15 years. For five years, Mike served on the executive committee of the Montgomery County Boy Scouts. He is an active member of the Lansdale Rotary Club. Mike is the past president and board member of the United Way and the North Penn Chamber of Commerce, which he worked with for 15 years.

Mike DiNunzio served in the Military with distinction. He was in the U.S. Air Force during World War II and remains a member of the American Legion and Veterans of Foreign Wars.

I have worked closely with Mayor DiNunzio over the years on behalf of Lansdale residents. He is an honorable and committed public servant. I congratulate him on receiving this award and wish him continued success.

CENTENNIAL OF THE SALT RIVER PROJECT

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. FLAKE. Mr. Speaker, I rise today to pay tribute to the Salt River Project, an institution that is celebrating its Centennial of Service to the people of Arizona, including a majority of constituents in my own Sixth Congressional District.

When the Salt River Project, or SRP, was formed on February 7, 1903 under the name of the Salt River Valley Water Users Association, it represented a new and courageous experiment in public-private partnership.

The Association's purpose was to provide a means of pooling the assets of central Arizona's pioneering farm communities as collateral for a federal loan to construct Roosevelt Dam on the Salt River east of Phoenix.

The dam, made possible by passage of the National Reclamation Act of 1902, was conceived as a way to bring a reliable supply of water to the region now encompassing the Phoenix metro area. Nobody could be sure that the experiment would work or that the government would be paid back for construction of the dam and canal systems that would bring water to central Arizona's desert valleys. But vision, courage and persistence paid off.

Completion of Roosevelt Dam in 1911 and subsequent construction of other dams on rivers east and north of Phoenix provided a water and early hydropower system that led to a flourishing economy.

Following World War II, local farms gave way to housing and industry as veterans flocked to Arizona to raise their families and launch business careers. The loan that had financed Roosevelt Dam was paid back in full to the federal treasury. And SRP, which had formed a power district during the Depression years, continued to expand its water-power services to meet the needs of central Arizona's booming economy.

Today, SRP stands as central Arizona's largest water supplier and as the nation's third largest public power utility with more than 780,000 customers. It has won a reputation as a solidly-run company with a strong commitment to the environment, human services, schools and the communities it serves.

Through a partnership between SRP, the federal government, and the state and local communities, central Arizona has grown into one of the most productive metropolitan regions in the nation with a population of more than 3 million and growing.

Mr. Speaker, as SRP embarks on its second century of service, it deserves special recognition for the historic and invaluable contributions it has made to the people of my native state.

HONORING SHANNON AND LEE CARTER AS THEY RECEIVE CINCINNATI UNITED WAY'S 2002 ALEXIS DE TOCQUEVILLE AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. PORTMAN. Mr. Speaker, I rise to honor two dear friends and constituents, Shannon and Lee Carter, recipients of Cincinnati United Way's 2002 Alexis de Tocqueville Society Award. The award, which honors Lee and Shannon's extraordinary philanthropic leadership, will be presented on January 30, 2003 at the Cincinnati Club.

Lee and Shannon Carter are a dynamic couple who make our community a better place. They have vision, creativity, energy, and a special commitment and exceptional dedication to helping at-risk children.

Shannon Carter's Leadership Cincinnati class originated the idea for Crayons to Computers, a free store for teachers, and she was the driving force behind it. Shannon worked with the FreeStore Food Bank, Cincinnati Youth Collaborative and Cincinnati's corporate community to get the program up and running. The store opened in February, 1997, and since then it has provided teachers with over $15 million in supplies to over 75,000 children. Before founding Crayons to Computers, Shannon was a successful businesswoman and donated her time and many talents to the Cincinnati community, including the Cincinnati Ballet; Children's Hospital Medical Center; the

Greater Cincinnati Foundation; and the Taft Museum. A Cincinnati native, Shannon has been honored by the Cincinnati Enquirer as a Woman of the Year, received the Junior League's first Columbia Cup, and Family Circle magazine's first annual Halo award. Shannon and Lee have been married 24 years and have two sons, Gunner and Cody. It is easy to see why Shannon's motto is "Be kind and other-oriented."

When Lee Carter retired as a very successful marketing executive, he did not retire from his active involvement in the community he loves. Lee has served as Chairman of the Board, Children's Hospital Medical Center; Executive Committee Member, Every Child Succeeds; Steering Committee Member, Success by Six; Founder and President, Art Links; and Board Member, Family Service Foundation. Lee credits his father's public service with inspiring his own commitment, and says his involvement brings him enjoyment by helping to create a better Cincinnati for all of us. Every Child Succeeds is an organization especially close to Lee's heart. Lee has called Every Child Succeeds absolutely vital to the future of our area, because we can make an enormous difference in the lives of children if we reach them early.

All of us in Greater Cincinnati congratulate Shannon and Lee on receiving this prestigious award, and thank them for their commitment to our community.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 5, on ordering the previous question, I would have voted "yea."

5-MONTH EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. CUMMINGS. Mr. Speaker, as many Members this morning have observed, when Congress failed to act on extending unemployment benefits last session, we failed those who needed us the most.

Now today the Republican leadership offers a package that will help some but not all—1 million people who so desperately need help during these times of record unemployment.

Mr. Speaker, in a word the Republican plan is a half loaf. How can any of us go back to our constituents with a straight face and tell them that during times of record unemployment we are not going to extend to 1 million workers—those whose benefits expired on December and whose shelves are empty—13 more weeks of unemployment insurance?

I know I am not looking forward to telling my constituents this news, especially in light of the all the news surrounding the President's $674 billion stimulus package. Our workers are unemployed but they are not uninformed. If we can even consider a bill to spend $674 billion this means that the money is available. If it is available to spend to stimulate the economy, it can be used to put money in 1 million Americans' pockets—food on their tables, shelter over their heads, and clothes on their backs. We're not talking a new car here—we're talking basic necessities for these families who are undoubtedly hurting.

Mr. Speaker, the Democrats offered an alternative plan which would have reestablished and expanded the Federal unemployment benefits bill. In fact it would guarantee all jobless workers at least 26 weeks of extended benefits and would expand access to unemployment benefits for workers who are low-wage earners or work part-time. I and many in this body support this plan. It is more generous and it is the right thing to do during these harsh economic times for the 1 million individuals caught in the December 28 time trap.

Mr. Speaker, as we work to provide dignity and security to our Nation's borders, and advance our military causes overseas in Iraq and North Korea, I think it is equally imperative that we provide dignity and security to our most valuable resources—our working men and women.

A TRIBUTE TO THE PASADENA-ALTADENA CHAPTER OF LINKS, INC.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Pasadena-Altadena Chapter of Links, Inc. On Saturday, March 8, 2003, the Pasadena-Altadena Links will celebrate its 40th anniversary of service to the community.

The contributions of the Pasadena-Altadena Chapter of Links, Inc. are numerous. For four decades, this remarkable organization of African-American women has been a positive influence and inspiration to not only the African-American community, but also the entire Pasadena-Altadena community.

Through their successful Saturday School program, officially named "Pasadena Links to Student Success," they are enriching our children's lives. The Saturday School, for elementary students and their parents in grades K–4 with low academic achievement in reading, is a year-long program. The program focuses on four areas: the Arts, National Trends and Services, International Trends and Services, and Services to Youth. Saturday School offers special programs such as career day, African story telling, cultural events, field trips, and parent education workshops. In addition, scholarship awards are given to selected area high school students.

The Pasadena-Altadena Chapter of Links, Inc. also serves the community in many other endeavors. In 2002, they sponsored a successful health fair and a series of breakfasts aimed at promoting nutrition. They also participated in the National Walkathon, an annual walk promoting health in which all Links chapters across the country participate.

For their contributions both locally and nationally, I ask all Members of Congress to join me in saluting the Pasadena-Altadena Chapter of Links, Inc.

HONORING DON TUTTLE, HUMBOLDT COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Don Tuttle, Deputy Public Works Director, County of Humboldt, on the occasion of his retirement after 31 years of public service.

Don Tuttle received his bachelor's degree in civil engineering from Purdue University and a master's degree from the University of California. In addition, he received a bachelor's degree in Natural Resources from Humboldt State University. After serving with the public works department in Walnut Creek, CA, he began his career in Humboldt County as Natural Resources Analyst for the Public Works Department, and later became Environmental Services Manager. In 1999 he was promoted to Deputy Public Works Director.

During his tenure, Mr. Tuttle was instrumental in protecting the environment, developing policy and guiding the permit process on in a broad array of county projects. He managed county parks, improved public access and protected fragile natural resources; he guided the effort to protect wetlands and enhance fish habitat; he detected the Western Snowy Plover, a federally threatened species, leading to the protection of its habitat; and was instrumental in getting more protections for fish affected by the diversion of the Upper Eel River. A singular accomplishment was his compilation of an environmental data bank comprised of 20,000 aerial photographs, both modem and historic, along with documents and maps pertaining to archaeological sites, geology, vegetation, wildlife, and roads. This material will guide land-use decisions in Humboldt County for many years to come. He has also been an active member of the Humboldt County Historical Society for over three decades.

Don Tuttle is a dedicated, exceptionally able public servant that has made outstanding contributions to Humboldt County and to the State of California.

Mr. Speaker, it is appropriate at this time that we recognize Don Tuttle for his extraordinary service to the people of California.

TRIBUTE TO GIL RECTOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that a longtime community leader in Lafayette County, MO, will be named to the Missouri State Hall of Fame at a ceremony in Springfield, MO. Mr. Gil Rector has demonstrated a strong commitment to Lexington, MO, high school sports and has helped to ensure a brighter future for the Lafayette County community.

Mr. Rector started his career in 1968 when he was named the head football coach at Lexington High School. During his 31-year tenure at the high school, he guided the Lexington High School football team to 10 Missouri River Valley Conference championships, 13 district titles, and five State football championships in 1976, 1980, 1984, 1988, and 1995.

As a result of his outstanding accomplishments as a Lexington Minuteman coach, Mr. Rector was inducted into the Missouri Football Coaches Hall of Fame in 1993 and was named Missouri State Football Coach of the Year in 1976, 1980, and 1984. Lexington honored him in 1997 by naming the Lexington High School football field Gil Rector Stadium.

Mr. Rector remains active with Lexington High School by serving as the school's activities director. In addition to his duties at the high school, he has served on the Lafayette County Commission for the Northern District since 2000.

Mr. Gil Rector has distinguished himself as a community leader and a wonderful coach. He has and continues to make his friends and family proud. I am certain that my colleagues will join me in wishing Gil Rector all the best.

TRIBUTE TO PASTOR HERBERT GUICE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. LEE. Mr. Speaker, I rise today to honor a great spiritual and civic leader, Pastor Herbert Guice for his lifetime of ministry. In addition, he has been a tireless champion of education, empowerment, and equality for more than 89 years.

Reared by his mother, Mrs. Eulee Guice, Reverend Doctor Herbert Guice was born in Rentisville, OK. The family later moved to Kansas City, MO, where he and his younger brother grew up and where he attended Lincoln High School and Baptist Seminary. In 1942, he moved to Oakland, CA, and in 1953, he organized Bethel Missionary Baptist Church, the first Black church founded in Alameda. Bethel Missionary was the first modern Black church built from the ground up.

Pastor Guice has provided broad civic and community leadership as: organizer and first president of the Alameda branch of the NAACP; executive board member, Alameda Red Cross; Chair of the Board of Directors of the Oakland Industrial Corporation; Advisory Committee member for the Oakland Unified School District. He has also served on the Adult Minority Employment Project and Oakland Economic Development Council, the Alameda County Welfare Advisory Committee, and was president of the Baptist Ministers Union.

In 1961, Reverend Doctor Guice established an educational and scholarship program which has awarded over $1 million dollars to over 3,000 students. He instituted the Bethel Baptist Church Job Placement Program in 1971, providing full-time and part-time job placements for 2,500 young people and adults. In 1983, Pastor Guice led the church's efforts to purchase a lot and construct the Dr. Herbert Guice Christian Academy for pre-school through sixth grade, which was completed in 1997. The sixth grade class of June 2002 was the first graduating class of the Academy.

Finally, as we honor Pastor Guice today, I want to thank him on behalf of the entire 9th Congressional District for being an exemplary role model, pastor, and preacher. Pastor Guice is known, acknowledged, and appreciated as, "an originator not an imitator." He has been a friend who has shared his wisdom and has given me tremendous support. Most of all, I thank Pastor Guice for his indomitable spirit and his prayers.

I take great pride in joining Reverend Doctor Guice's friends and colleagues to salute the extraordinary Herbert Guice.

TRIBUTE TO DR. ROBERT D. JENSEN

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. KOLBE. Mr. Speaker, on behalf of the community of Tucson, Arizona, I would like to express our gratitude to Dr. Robert D. Jensen, a pioneer in the community college movement who has led Pima County Community College District as Chancellor for the past eight years. As he retires, it is fitting that Tucson thanks him for the leadership and vision he displayed at local, state and national levels. He has left a legacy that will benefit our children and grandchildren for generations to come.

A Tucson Citizen editorial paid tribute to this "highly visible community leader, working for higher education funding and ensuring that Pima Community College is a key cog in the community. Jensen has concentrated on making the college a truly local institution, responsive to local educational and job-market needs. He will be badly missed."

While in Tucson, Bob Jensen brought Pima Community College to the workforce development and economic development tables through business, government and education partnerships. He served on the board of directors for the Tucson Airport Authority, the Greater Tucson Economic Council (GTEC), the United Way, the Arizona Town Hall Board and the Carondelet Foundation. He was appointed to the Governor's Task Force on Higher Education, and is on the national boards of the American Council on International Intercultural Education, Community Colleges for International Development, and the American Association of Community Colleges where he chaired its Executive Committee on Public Policy/Government Relations.

He is recognized by his colleagues for his leadership in advancing the level of professionalism in educational administration and for his passion and dedication to enabling students to achieve success. He has worked tirelessly to make a college education accessible to all and to expand community college resources within the city of Tucson. He has mentored several generations of people who are now in executive administrative positions throughout America's community colleges. He co-authored the Insider's Guide to Community College Administration, a primer on issues facing campus leaders. He faced tough issues head-on, tackling each with generosity, creativity, and wisdom.

Dr. Jensen has served as a chief executive officer in higher education for 25 years of his 41-year career. His leadership at four community colleges in California and Arizona includes a broad range of expertise and experience in administration/management, curriculum, instruction, planning, institutional research, professional development and community outreach.

Bob Jensen earned a bachelor's degree in business/administration/accounting and a master's in education/English/literature from Linfield College in Oregon. He began teaching in 1962, but returned to college on a National Graduate Fellowship to earn his doctorate in community college administration from Washington State University. Jensen served in numerous positions at Mt. Hood Community College in Gresham, Oregon; as Deputy Chancellor at Los Rios Community College District in Sacramento; President of the District's American River College; Chancellor of Rancho Santiago Community College District in Santa Ana; Chancellor of the Contra Costa Community College District in Martinez, California; and, finally, as Chancellor of Pima County Community College District in Tucson, Arizona.

A sampling of awards and honors accorded to Dr. Jensen include Pacific Regional Chief Executive Officer Award from the Association of Community College Trustees; National Pacesetter by the National Council for Marketing and Public Relations, CEO of the Year by the National Council for Research Planning. In addition he was honored by the national community college honor society, Phi Theta Kappa, with its Shirley B. Gordon Award of Distinction for executive leadership, and by the Tucson PTK chapter, Alpha Beta Chi, with its lifetime achievement award, renamed the Robert D. Jensen Award. Pima County Workforce Development recognized him for his achievement in the development of a well trained work force, he received several Community Services Award from the League of United Latin American Citizens and was honored for his work in advocating equal access and affirmative action by a conference of black educators (SAAMP). He also received the Distinguished Alumni Award from the Research and Planning Group for California Community Colleges; and received the Annual Leadership Award for serving the Mexican American Community from SER/Jobs for Progress.

None of this would have been possible without the loving support of his wife, Jan, and his four daughters—Marjorie, Becky, Shelly, and Megan, as well as the indomitable high spirit and energy he inherited from his mother, Dorothy. The light of his life, his first grandchild, Jake, will no doubt give him great joy in retirement.

Mr. Speaker, it is a pleasure to pay tribute to one of the great leaders in the community college movement in the United States.

TRIBUTE TO MR. JAMES BROWN

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27 2003

Mr. SWEENEY. Mr. Speaker, I rise today in order to recognize James Brown, a longtime resident of Gilboa, NY. Though, because of redistricting, Mr. Brown is no longer one of my constituents, it is with gratitude I stand before the distinguished Members of the House and salute his many years of tireless dedication to the Upstate New York community.

Since being elected to the House of Representatives, I have been privileged to work with Mr. Brown on my Service Academy Selection Committee. Mr. Brown labored diligently for ten years, charting the future for many of the 22nd Congressional District's most talented young men and women. As a veteran of the United States Air Force, Mr. Brown offered a soldier's perspective to this panel of notable citizens, proving himself a dedicated and insightful partner.

Mr. Brown's commitment to public service spanned beyond his tenure in the Armed forces and service on the Academy Selection Committee. Mr. Brown showed a great commitment to the betterment of his community, serving on the Schoharie Board of Supervisors since 1990 as Supervisor of the Town of Gilboa, holding the title of Board Chairman from 1994 until 2001. Mr. Brown has also answered the call of New York's Chief Executive, Governor George Pataki, by lending his keen insight and sense of community to the ongoing New York Watershed agreements.

Mr. Brown is a true public servant. He embodies those qualities that re-affirm my pride in being a New Yorker and has carved an important niche in the landscape of his community. I salute Mr. Brown for his continued service to the people of Schoharie and Gilboa and thank him for the many years during which he worked to uphold the traditions of America's service academies. His contributions will be missed and I wish him the very best in all future endeavors.

A TRIBUTE TO SAMUEL J. SIMMONS: A COMPASSIONATE ADVOCATE FOR LOW-INCOME AND MINORITY CITIZENS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our nation's unsung heroes, the late Mr. Samuel J. Simmons, President and Chief Executive Officer of the National Caucus and Center on Black Aged, Inc. (NCBA). His untimely demise on Sunday, January 12, 2003 leaves a gaping void in our nation's quest for quality service to our low income and minority senior citizens.

My district and the entire state of Florida will surely miss him for the longevity of his genuine commitment to the well being of our elder constituency under the aegis of the Center he so ably led. When I think of Mr. Simmons' consecration to our senior citizens, it is clear that it virtually parallels much of this nation's history as it struggled through the countless challenges of gender and racial equality.

I first came to know him when he served as President of the National Center for Housing Management (NCHM), which trains individuals to manage housing and services for the nation's low-income population. He also served as the Assistant Secretary for Equal Opportunity of the U.S. Department of Housing and Urban Development and Director of Field Operations for the U.S. Commission on Civil Rights. He also worked for 16 years from 1978 to 1994 as a Director of the Federal National Mortgage Association (FNMA) Corporate Board of Directors and the FNMA Foundation Board of Directors.

Prior to this tragedy that has befallen our Black and minority senior citizens, this dynamo of a public servant came in our midst to give hope and courage to the underserved and disenfranchised constituents from our nation's inner cities. He urged them to stay informed and become knowledgeable of the various legislations proffered by Congress, along with the impact these initiatives would have upon their lives. Time and time again, he managed to prod the key leadership in Congress, particularly the Congressional Black Caucus, as well as the top officials in the administration, by focusing their attention on the needs and concerns of the burgeoning population of our elderly population. He urged them to strengthen Social Security benefits under the Medicare and Medicaid programs, prescription drugs, housing initiatives and the like. He forged his vast institutional memory and experience into a veritable force that compelled the various agencies of our government to respond accordingly to the agenda of the NCBA in a manner that immensely benefited its constituency.

Mr. Simmons was a multi-dimensional public servant, a civic activist par excellence, and an indefatigable community-builder who is completely unselfish in all his endeavors. The authenticity of his stewardship on behalf of our nation's Black and minority senior citizens was buttressed by his utmost consecration to his vocation as God's faithful servant, bringing hope and optimism to thousands of ordinary folks whose lives he touched so deeply, never holding anyone at arm's length.

He was the Founder and Treasurer of the Summit Health Coalition, the national lobbying arm for African Americans on healthcare reform and was a Board Member of the International Federation on Aging, the national nongovernmental organization concerned with issues of the elderly throughout the world. He also served as a Board Member of the American Association of Homes and Services for the Aging (AAHSA), the major advocacy for housing and living arrangements for older people, and the Leadership Council on Aging Organizations (LCAO), a coalition of all major organizations concerned with issues affecting the elderly.

For all his efforts of advocacy for the elderly, he was feted with a number of citations, including the Arthur S. Fleming Award from the Joint Conference on Law and Aging, the Distinguished Service Award by AAHSA, and the Senior Advocate Award granted by the United States Health Cooperative.

This remarkable leader was a friend and confidante in his pioneering mission to help establish the Congressional Black Caucus Aging Braintrust under the aegis of Congresswoman Carrie P. Meek, my mother. Indeed, we are deeply saddened by his death. At the same time, however, he will forever be an indelible reminder of the noble commitment and awesome power of public service on behalf of the less fortunate. His faith was deep and genuine, and his love for our low-income population of senior citizens defined his dynamic friendship and understanding. No one who knew Sam Simmons—and having been struck by his sunny disposition and eternal optimism—went away not acknowledging the towering presence of a caring and compassionate leader.

His life was truly akin to that of a burning candle, the ritualistic symbolism of our Christian faith. Just as a candle's lifelong service is to shed its light to illuminate the darkness of pessimism and hopelessness until it is fully consumed, so too did Sam Simmons consecrate his life by serving his God through his outreach efforts to our nation's elders. This authentic trailblazer was a superlative example of the depth and nobility that inclusiveness brings to once-exclusive rights that only belonged to a privileged few. He will be remembered long after many others of his era are gone and forgotten. At a time when there is a rapid upswing in our unprecedented economic successes and technological advancements at the national, state and local levels, his persevering stance about the glaring gap between the haves and the have-nots in our nation still reverberates in our low-income communities and serves as a timely warning to those charged with advancing the common good of all Americans. It is truly his commitment in this arena that will most assuredly characterize his profile in courage. Though his voice is now stilled, let us not allow its echoes to disappear in our midst.

Last Monday, January 20, 2003, at the People's Congregational Church in Washington, D.C., I joined our nation's advocates for the low-income and minority senior citizens to memorialize this great leader whose vision is as relevant today as it was during his stewardship over the National Caucus and Center on Black Aged, Inc. Having a strong faith, Mr. Samuel Simmons would remind us that his death does not represent an irrevocable termination or a grim finality. He would rather have us firmly believe that he shall live on in the good deeds he amply left behind, and he will carry on through the wonderful thoughts and memories we all have of him.

Like the God whom he served faithfully during his earthly sojourn, he came and lived among us so that we may have life—and have hope more abundantly. This is the magnificent legacy Sam Simmons will leave behind. And this is the gift with which he will bless us. May Almighty God grant him eternal rest!

AGAINST A PREVENTIVE WAR IN IRAQ, ENDORSED BY MEMBERS AND FRIENDS OF THE UNITARIAN UNIVERSALIST SOCIETY OF WELLESLEY HILLS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. FRANK of Massachusetts. I submit the following for the RECORD:

As Unitarian Universalists, we are committed to: justice, equity, and compassion in human relations; use of the democratic process; the goal of world community with peace, liberty, and justice for all; and respect for the interdependent web of all existence of which we are a part.

The undersigned members and friends of the Unitarian Universalist Society of Wellesley Hills therefore stand in moral opposition to preventive US military action against Iraq, for a number of reasons: It will lead to loss of life, both American and Iraqi, both civilian and military, as well as great human suffering. It will divert resources away from pressing domestic needs, isolate the United States from many of our allies, and increase anger against this country from those who wish us harm. And it will set a dangerous precedent of first-strike response by nations that feel threatened.

In opposing a preventive war and promoting a just and peaceful world, the undersigned call upon the United States government to: refrain from adopting a foreign policy of preventive military strikes as a means of preventing war and terrorism; find an alternative to violence and threats of violence for resolving international problems and establish the United States as a model international peacemaker; fully involve the American people in democratic processes to create and implement foreign policy; fully respect the inherent worth, dignity, and civil liberties of all people; refrain from justifying the taking of any civilian lives; and refrain from jeopardizing the future of our planet by initiating violence in the name of peace.

TRIBUTE TO BOB BOWEN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mrs. CAPITO. Mr. Speaker, I rise today to express the appreciation of the citizens of West Virginia to Bob Bowen for the invaluable contribution he has made to our beloved state.

The Polymer Alliance Zone was developed in 1996 as private/public partnership designed to promote the polymer industry in West Virginia. It has been cited as one of West Virginia's most successful initiatives and has been emulated in the chemical and wood industries.

One man, Robert E. "Bob" Bowen has served with great distinction as the Chairman of the Board of Directors since its inception. During that time, his leadership has brought the organization to a level of success that far exceeded all expectations, creating and saving thousands of jobs and attracting millions of dollars in new investment.

Mr. Bowen has leveraged resources from education, labor, management and government to bring worldwide recognition to PAZ, and focus attention on the many opportunities available for companies and workers in West Virginia.

After six years of successful leadership Mr. Bowen is retiring as the Chairman of the Board of Directors. His vision and skill have secured the jobs of thousands of West Virginia families, and brought growth for the future of many communities.

On behalf of the people of West Virginia, I wish to express a very sincere "thank you" for a job well done.

IN TRIBUTE TO MARIE S. NOWAK

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. GEPHARDT. Mr. Speaker, I rise today to honor Marie S. Nowak, a woman who devoted her entire life to helping others through her civic and community activities. Marie passed away on January 15, 2003, and St. Louis will sorely miss her enormous energy and dedication to community service.

For almost 40 years, Marie was an educator and administrator in the St. Louis Public Schools, retiring in 1988. She was a past president of the St. Louis District of the Missouri State Teachers Association, and received their "Leader of the Year" award in 1985. Marie was a former delegate to the Governor's Conference on Education and a former member of the White House Conference on Education.

Marie's political and charitable interests were broad and deep. She was past president of the Metropolitan St. Louis Women's Political Caucus and an active member of the League of Women Voters. She served on the board of Grace Hill Settlement House and was vice-president of the board of Heritage House Corporation. She was also a determined advocate for women's rights.

At the time of her death, Marie's work on behalf of the elderly consumed much of her time. She has served as chairwoman of the American Association of Retired Persons' state legislative committee, was State Coordinator for VOTE, and received the AARP "Volunteer of the Year" award in 2000. In 2001, Governor Bob Holden appointed her to the Missouri Board of Senior Services. In addition, Marie was a member of my Senior Advisory Council, meeting regularly with me and speaking eloquently on behalf of our senior citizens.

All of us extend our sympathy to her family, and especially to her children, Pauline Richards and James Nowak. Marie Nowak's gracious demeanor and generosity of spirit, her dedication to others and her good common sense, have left a legacy that St. Louisans will long remember.

CONGRATULATING OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM

SPEECH OF

HON. TIMOTHY J. RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. RYAN of Ohio. Mr. Speaker, I am pleased to join my colleagues in sponsoring H. Res. 10 to congratulate the Ohio State Buckeyes and Coach Jim Tressel on their first National Championship since 1968. The hard work and dedication that they exhibited this year has allowed them to achieve their goal in historic fashion. Coach Tressel and his team have set a standard of excellence that is unmatched.

Ohio State has proven that hard work and dedication will always persevere over doubt, and that people should always pursue their dreams against all odds. In the championship game, and throughout the entire season, the Buckeyes were able to work together and triumph in the face of adversity.

I also want to offer congratulations to both teams on an outstanding effort and for playing a game in which they both can be proud. Both teams demonstrated extraordinary sportsmanship and displayed the professionalism that a sporting event of this magnitude deserves.

I know that Coach Tressel will continue to field quality teams that compete at the highest possible level. Thanks for a great season. Go Bucks!

TRIBUTE TO DOCTOR HISASHI KAJIKURI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. FARR. Mr. Speaker I rise today to honor Doctor Hisashi Kajikuri, an exceptional physician who has continued to serve the Monterey Peninsula for the past thirty-five years. Dr. Kajikuri has been recognized by a number of local medical associations and this year, at age 76 he is being honored with the Monterey County's Physician of the Year award.

Dr. Kajikuri is well known in the medical community as a committed and talented physician and a strong patient's advocate. A man of great integrity and generosity, Dr. Kajikuri has been dedicated to providing quality healthcare to everyone who enters his door, myself included, as well as those who are unable to pay.

Born and educated in Japan, Dr. Kajikuri began his career as an intern for a U.S. Military Hospital and was later awarded a Fulbright Fellowship in 1954 to research heart valve autographs at the University of Indiana. He became a United States citizen in 1967. Dr. Kajikuri later moved to Monterey, California, where he established a practice and was honored by the Community Hospital of the Monterey Peninsula as the first recipient of the Lifetime Physician Award. He is a member of the Monterey Medical Society Review

Board, California Thoracic Society, Japan Surgical Society, and a Trustee of the Community Hospital of the Monterey Peninsula.

The contributions that Dr. Kajikuri continues to make to the Monterey community are innumerable. The honor of Physician of the Year is awarded to a physician who has made a significant contribution in the health care field, is a strong motivator and educator, has a good rapport with patients, has demonstrated extraordinary professional competence, and is a strong role model for young physicians. I can personally attest to the care and competency shown by Dr. Kajikuri in his interactions with patients and affirm his reputation as a medical professional who stands out in his community as generous, talented, and worthy of such respect.

Mr. Speaker, on behalf of the United States Congress I would like to honor and congratulate Dr. Kajikuri for his remarkable achievements and the great honor of this award.

EXTENSION OF UNEMPLOYMENT BENEFITS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mrs. MALONEY. Mr. Speaker, I rise to express my disappointment in the Majority's failure to provide real relief to unemployed Americans.

During this economic downturn, millions of Americans have faced difficult times as they lost their jobs, and then dealt with the harsh reality that their unemployment benefits would run out before they could find employment. Recent estimates find that 35,000 workers in the New York City area lost their benefits on December 28, 2002. That is not acceptable.

The 107th Congress adjourned before passing an unemployment package. While this legislation will help some, it does not provide an extension to the nearly one million workers who have already exhausted their benefits.

I have heard from my constituents who have been looking for work for months and find that there just are not jobs out there right now. And they cannot believe that their elected officials, the representatives who are supposed to fight for their interests, turned their backs on them when they needed help the most. It's time that we stop putting the interests of the wealthy ahead of the needs of America's workers who shoulder the burden when the economy is bad.

I wholeheartedly support legislation introduced by Congressman RANGEL which would guarantee all jobless workers at least 26 weeks of extended unemployment benefits. We must provide this necessary relief to America's unemployed.

While I will vote for this legislation, it's time for the Majority to make unemployment relief a priority and to give us the opportunity to vote for meaningful legislation that will make a difference in the lives of workers.

A CENTENNIAL TRIBUTE TO THE SALT RIVER PROJECT

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. SHADEGG. Mr. Speaker, I rise today to salute the Salt River Project on the Centennial Anniversary of its founding. Throughout its 100 year history, the Salt River Project has contributed greatly to the growth and prosperity of the City of Phoenix and Central Arizona. Its history is very familiar to me, as my father Stephen Shadegg wrote several books on the Salt River Project, including its first narrative history in 1942, and subsequent works on the importance of the Project to Arizona's development. These books include: Arizona: An Adventure in Irrigation (1949), The Phoenix Story: An Adventure in Reclamation (1958), and Century One: One Hundred Years of Water Development (1969).

In 1868, Phoenix had a population of 100 people; it is now the sixth largest metropolitan area in the United States. All of this growth was made possible by the development of water storage and irrigation facilities and, since 1903, the Salt River Project has played a central role in this development.

In a desert state like Arizona, access to a reliable supply of water is literally a matter of life and death. The early settlers recognized this fact and constructed the first of many water supply canals in Phoenix in 1868. These early canals relied on diverting water from the rivers but did not include the construction of dams to create water storage reservoirs. This failure to store water proved to be a fatal flaw when drought hit in the 1890's. For three years, there was no rain and the rivers ceased to run. The population of Phoenix plummeted and conflicts, some of them deadly, erupted over the limited water available.

This devastating drought forced the citizens of Phoenix to band together and create an organization capable of financing, constructing, and operating a water storage and delivery system. It required the highest degree of personal commitment: each property owner in the Phoenix area pledged his or her property as collateral to finance the construction of the system. In 1903, this organization took shape as the Salt River Water Users' Association, now a part of the Salt River Project, and became the first water storage system organized under the Federal Reclamation Act.

Today, it is easy to take the necessities of life for granted, including the ability to get water by simply turning on a faucet. However, the laws of nature still apply and, in a desert, a reliable supply of water will always be a matter of life and death. Life in Arizona, Southern California, and other desert regions is only possible because a guaranteed, permanent supply of water is available.

While the laws of nature should be self-evident, there are some individuals and organizations who refuse to accept them and instead advocate the destruction of the water supply reservoirs which make life in the desert possible. We are currently locked in a struggle against the willful ignorance of these groups and individuals and, while we are supported by the facts, we must not underestimate the zealous dedication of the other side. We must not allow such destructive proposals as the draining of Lake Powell to lead to a repeat of the devastation inflicted on Phoenix by the drought of the 1890's.

As long as people live in the desert, there will be a need for organizations like the Salt River Project to supply them with the most basic substance needed for life. The Salt River Project fulfills this need by delivering water to more than 1.5 million people in ten cities in central Arizona. It also plays an important role as a power provider by supplying over 780,000 customers with electricity. Furthermore, it is a leader in the development of new techniques and technologies, from its underground storage of excess water for future use to the cutting edge low-impact hydroelectric facility which it will bring on-line in February. I commend the Salt River Project for its historic role in the development of Phoenix and its continued importance, and wish it a happy birthday.

TRIBUTE TO MR. WILLIAM E. SNELL, JR.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Mr. William E. Snell, Jr., of Chambersburg, Pennsylvania for being named Business Person of the Year by the Greater Chambersburg Chamber of Commerce. As the president and chief executive officer of F&M Trust in Chambersburg since 1995, he has demonstrated a willingness to support his local community through both financial giving as well as through giving of himself and his own time. Mr. Snell, in his role at the F&M Trust and as leader of several civic groups, has shown great vision and leadership in the area of community service. Through his service he has contributed greatly to the betterment of the community.

In addition to running the largest locally owned bank in Chambersburg, Mr. Snell also serves on a number of boards in his community. Capitol Theatre Center Foundation, Chambersburg Hospital, Summit Health, and Chambersburg Area Development Corporation are just a few examples of boards and organizations on which he serves in a leadership capacity. By giving so generously of his time, he has helped to positively shape the vision and direction of the Chambersburg community. During Mr. Snell's tenure as president and CEO of the bank, F&M Trust has generously given approximately $80,000 to help fund several educational and artistic initiatives in the community. Donations such as these benefit everyone in the community, not just those that directly receive the funds. Mr. Snell is a wonderful example of a business person who not only cares deeply about his business but also about the community in which it is located. His continuous efforts and community service are a true testament to his affection and commitment to the people and organizations located in Chambersburg.

I would like to congratulate Mr. Snell once again for this tremendous award he has received and thank him for all his contributions to the Chambersburg community. I wish him the very best of luck in all of his future endeavors.

INTRODUCTION OF THE SOLID WASTE INTERNATIONAL TRANSPORTATION ACT OF 2003

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. ROGERS of Michigan. Mr. Speaker, in 2001, more than 5.8 million cubic yards of foreign municipal waste was imported to the State of Michigan, with the citizens of the State having no say in the process. The citizens of Michigan have made it clear: they want the power to regulate incoming foreign waste. Through their elected officials, Michigan citizens have attempted to gain some control of the importation of municipal waste to Michigan. Each time though, these legislative actions have been deemed unconstitutional in court, as states have not been granted the necessary authority by Congress. The Solid Waste International Transportation Act of 2003 is designed to give every state the authority to prohibit or limit the influx of foreign municipal waste through state legislative action.

A Supreme Court decision in 1978, City of Philadelphia v. New Jersey, struck down a New Jersey statue which prohibited the importation of most out of state municipal waste, partially on the basis that the Federal Solid Waste Disposal Act, had no "clear and manifest purpose of Congress to preempt the entire field of interstate waste, either by express statutory command, or by implicit legislative design." The Solid Waste International Transportation Act of 2003 would amend the Solid Waste Disposal Act to provide that express statutory command.

Northeast Bancorp v. Board of Governors of the Federal Reserve System 472 U.S. 159, 174 (1985) said "When Congress so chooses, state actions which it plainly authorizes are invulnerable to constitutional attack under the Commerce Clause." The Solid Waste International Transportation Act of 2003 would be a plain authorization of the state's authority to prohibit or limit incoming foreign municipal waste.

Every State in this Nation should have the ability to regulate the influx of foreign municipal waste. If a State wants to prohibit the importation of foreign waste, they aught to have that power. If a State wants to import large amounts of foreign waste, they aught to have that power. Or if a State wants to restrict the importation of foreign municipal waste, they aught to have that power too. Through their elected representatives, let's give the citizens of their respective States a say in the importation of foreign municipal waste.

TRIBUTE TO MRS. CAROL LACY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the life of Mrs. Carol Lacy, a close friend, longtime colleague and an indefatigable advocate for improving the quality of life in North Monterey County. She was a civic leader devoted to good land use planning in a county that depends on its "good looks" and "productive dirt." Carol passed away after a battle with lung cancer on Friday, November 1, 2002, and is survived by her husband Richard Liebenberg, daughter Susan Lacy, son Tim Lacy, stepson Ken Liebenberg, her parents Tom and Winifred Carney, sister Janet Carney, brother Barry Carney, and numerous nieces and nephews.

Mrs. Lacy was a former Monterey County planning commissioner, businesswoman and health insurance agent who was known for her involvement with her community. She served for seven years on the Monterey County Planning Commission, nine years as a North Monterey County School Board trustee, and as a PTA president at Prunedale Elementary School. Carol had been a grand juror and was involved with the Monterey County Special Healthcare Authority. After seeing accidents and deaths year after year along Highway 101 through Prunedale, her hometown of 35 years, she was a founding member of the Highway 101 Bypass Committee. Work is now underway to improve safety along that corridor thanks to her pioneering efforts.

Many people knew and loved Carol, and I am thankful to be one of them. Her contributions to her community have left a legacy that will last for years to come. She will be sorely missed.

JOYCE GATES

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. BOEHNER. Mr. Speaker, I rise today to thank a very good friend of mine for her years of service to me and my staff both here in Washington and back at home in Ohio. Friday will be my chief of staff Joyce Gates' final day in that position, and my staff and I will sorely miss having her as part of our office team.

Joyce initially joined our team in 1995, as the coalitions director for the House Republican Conference. For four years, she served our caucus well by strengthening our relationships with a wide variety of groups here on Capitol Hill. Then, nearly two years ago, she returned to the fold to take the reins as my chief of staff. In that position, Joyce helped guide us through the very intense months during which we helped craft the No Child Left Behind education reform bill, and she was at the helm to assist our staff during the difficult months after September 11th and the anthrax attacks that followed.

In addition to the strong leadership she has provided to my staff, Joyce has been a terrific friend to all of us. She is always willing to listen, to share her professional and personal opinions, and to lift spirits during an especially long or difficult day.

Mr. Speaker, though Joyce has decided to retire from my office in an official capacity, she will continue to be a part of our team in the months and years to come. And despite giving up the title of "chief of staff," she will always be one of my very best friends. I wish Joyce, her husband Bruce, and her family nothing but the best in the future.

TRIBUTE TO DR. WILLIAM D. CRIST

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to Dr. William D. Crist, one of Sacramento's most outstanding citizen leaders. Dr. Crist has served his term as the President of the Board of Administration for the California Public Employees' Retirement System (CalPERS) with great distinction. As his friends and family gather to celebrate Dr. Crist's numerous achievements, I ask all of my colleagues to join with me in saluting one of Sacramento's most accomplished citizens.

Dr. Crist first joined the CalPERS Board in 1987 and became its President in 1992. During his fifteen years of service, CalPERS achieved tremendous growth in its pension fund. As a result of his considerable contributions, CalPERS became the standard in the health benefits arena and a leader in corporate governance and shareholder rights.

Under his leadership, CalPERS was able to secure a brighter future for 1.3 million California public employees, retirees and their families. CalPERS has been a powerful advocate for strong corporate governance requiring the attention and dedication of company officers, directors, and shareholders. Dr. Crist has long been a leader in calling for corporate governance activism. All in all, Dr. Crist has steadfastly promoted the interests of CalPERS and its enrollees with great success for the past fifteen years.

Long before his illustrious career with CalPERS, Dr. Crist enjoyed a distinguished career in academics. Dr. Crist, a Professor of Economics at California State University Stanislaus, rose to the rank of chair of the Department of Economics from 1986 to 1990. In addition, he also held a number of Academic Senate and faculty association positions during his academic career. Dr. Crist was the State President of the California Faculty Association from 1976 to 1985.

As a scholar, Dr. Crist made a number of significant professional and scholarly contributions to a variety of important subject matters. Dr. Crist authored scores of articles regarding collective bargaining in higher education, public retirement systems, and corporate governance. Dr. Crist's innovative ideas and sterling reputation earned him a number of prestigious distinctions: co-chair of the Council of Institutional Investors, CII Executive Committee member, a seat on the International Corporate Governance Network Board of Governors.

Dr. Crist's unparalleled success in the classroom and the boardroom truly makes him one of California's most accomplished and treasured citizens. Dr. Crist's outstanding service to Californians, which has spanned the course of four decades, will surely be missed. Yet, we can all take comfort in knowing that his commitment to help improve the lives of others will undoubtedly serve as a shining example to others who follow his leadership.

Mr. Speaker, as Dr. William Crist's friends and family gather for his retirement celebration, I am honored to pay tribute to one of Sacramento's most honorable residents. His successes are considerable, and it is great honor for me to have the opportunity to pay tribute to his contributions. I ask all my colleagues to join with me in wishing Dr. William Crist continued success in all his future endeavors.

TRIBUTE TO DR. WILLIAM F. SLAGLE

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. FORD. Mr. Speaker, I rise today to recognize the outstanding career of Dr. William F. Slagle of Memphis, TN, as he retires after 31 years of service with the University of Tennessee College of Dentistry.

Education has been the cornerstone of Dean Slagle's career, and he has fought tirelessly to improve the educational opportunities available to our future dentists. In so doing, he has also improved the standard of dental education and dental care available to all who become patients of those doctors he has helped to nurture and train.

Thanks to Dean Slagle's progressive vision, the University of Tennessee, College of Dentistry is recognized as one of the top ten in the nation, ranking number one in 1998 by the ADA for best scores on the National Board Examination. During his 23 year tenure as Dean, Dr. Slagle led the college through laborious accreditation processes, one in 1996 which resulted in zero recommendations for improvement and a total of 27 commendations, a feat never before accomplished. He built the most advanced interactive dental stimulation clinics in the country and inspired those around him to work toward the highest standards of excellence. Always interested in the development of faculty and students, Dean Slagle worked diligently to grow endowments in the College from zero in 1981 to over $6 million presently.

For his career of noteworthy service to the State of Tennessee and the field of dentistry nationally, I would ask that you and my colleagues in the U.S. House of Representatives join with me in saluting a distinguished Tennessean and American, Dr. William Slagle.

HONORING CURTIS R. PATTERSON OF CHINA SPRING, TX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. EDWARDS. Mr. Speaker, a citizen of China Spring, Texas, a Central Texas community in my 11th Congressional District was recently honored with the Carnegie Medal for risking his life to save the life of another.

On July 12, 2001, Curtis R. Patterson, a customer service technician with Southwestern Bell Telephone and a member of the Communications Workers of America, Local 6225 of Waco, was on his way home from work when he came upon an automobile accident. A car driven by Margaret Ratliff had left the road and struck a wooden utility pole. The collision brought down power lines at the front of her car and fire broke out around the car from the sparks.

When Mr. Patterson arrived at the scene, Ms. Ratliff was trapped in her car. Patterson donned protective gloves and went to the passenger side of Ms. Ratliff's car, even as flames were spreading underneath it.

Entering the car, he cut the seatbelt that was holding Ms. Ratliff in the car and pulled her across the console and passenger seat to safety. Within minutes, the flames engulfed Ms. Ratliff's car and completely consumed it.

Ms. Ratliff was treated for third degree burns on her left arm, but recovered. She owes her life to Curtis Patterson.

This last December, Patterson was 1 of 22 individuals from throughout the United States and Canada to be recognized by the Carnegie Hero Fund Commission.

Mr. Speaker, I ask the Members of the House of Representatives to join me in congratulating Curtis Patterson of China Spring on the receipt of the Carnegie Medal, and honoring him for his lifesaving act. He is an authentic Texas hero and we are indeed proud of him.

FOR THE FALLEN SOLDIERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following for the RECORD.

FOR THE FALLEN SOLDIERS

(By Amanda Escareno)

For the soldiers that fought the wars,
U.S. Army, Navy, Air force and the corps.
As you lie here deep beneath the ground,
there's not a single sound.
Now you lay here in a deep sleep,
While the others weep.
They know that when you died,
you were showered with pride.
You gave your happy life,
with your kids and your wife.
Now we stand here above your grave,
and cherished all that you saved.
the tears cried is for the blood shed,
and the life that you led.
Let a salute be gave and the flight of a dove,
for America the land that you love.

HONORING TIM HANNEMANN ON HIS RETIREMENT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. HARMAN. Mr. Speaker, I congratulate my friend Tim Hannemann on his retirement as vice president of Northrop Grumman and president of its Space Technology sector.

Prior to the recent Northrop Grumman merger, Tim was president and CEO of TRW Space and Electronics of El Segundo, having been named to that position in 1993—coincidentally when I was first elected to Congress.

Indeed, even before my first election, Tim and TRW helped educate me about the challenges facing the industry. Well-respected by his South Bay peers, Tim co-chaired my aerospace advisory committee and often hosted policy discussions with other local aerospace representatives as we worked to address tough economic times following sharp cuts in defense spending in the early 90's.

During the course of more than a decade, Tim and I worked on a strategy to diversify the local industrial base. TRW, for example, excelled in space science and became lead contractor on a number of important space-based satellites programs, including Mission-to-Planet-Earth, which helped map our globe, anticipate climatic changes, and identify weather patterns.

TRW was also a leader in developing commercial applications for technology it originally developed for the country's defense needs To that end, I was proud to join Tim at the launch last year of Velocium, which designs and fabricates high speed components for fiber optic and wireless telecommunication applications. The company's products make use of advanced semiconductor manufacturing processes developed at TRW.

Tim joined TRW in 1969. From the start, he distinguished himself as a leader of TRW's technical and management team and should be especially proud of the talented and diverse organization of engineers, scientists and technical staff he assembled during his tenure. His employees are committed to the community in which they work and live and many actively participate in local chambers of commerce, school districts and environmental projects.

Every recent visit or phone conversation includes glowing reports about his grandchildren. Justin, the oldest, turns six this weekend and Tim's retirement will be a big present for that special boy.

Thanks, Tim, for your gifts to a fabulous company, to our community, and to me personally.

MUSIC PRESERVATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to celebrate the preservation of

American creative culture. Librarian of Congress James H. Billington announced today the first annual selection of 50 recordings to the National Recording Registry. I am proud to congratulate my colleagues who supported the National Recording Preservation Act of 2000, legislation that made this historic moment possible. I worked diligently in shepherding this legislation through Congress with the help of then House Administration Ranking Member STENY HOYER, now Minority Whip.

Under the terms of the National Recording Preservation Act of 2000, the Librarian of Congress is charged with selecting recordings annually that are "culturally, historically, or aesthetically significant." And the list of offerings is just that: cultural, historical, and aesthetic jewels that tell the story of our beloved America. Congress created the registry to celebrate the richness and variety of our audio legacy and to underscore our responsibility to assure long term preservation of that legacy so that it may be appreciated and studied by generations to come. The creation of the registry, inspired by the National Academy of Recording Arts & Sciences (NARAS), is one part of the legislation that charges the Library of Congress with developing a comprehensive national recording preservation program, and first of its kind.

The National Sound Recording Preservation Act of 2000, Public Law 106–474, created an advisory National Recording Preservation Board appointed by the Librarian of Congress, and consists of experts from organizations representing composers, musicians, musicologists, librarians, archivists and the recording industry. The National Recording Preservation Board in turn makes the selections of works to be included in the National Recording Registry. The National Sound Recording Preservation Act of 2000 also created a fund raising foundation to restore and preserve the Library's music collection. All three components are conducted under the auspices of the Library of Congress, providing the necessary elements of a comprehensive program to ensure the survival, conservation, and increased public availability of America's sound recording heritage.

William Ivey was named Chairman of the Board of Directors of the National Recording Preservation Foundation and was instrumental in creating the National Recording Registry when he was President of the National Endowment for the Arts. The foundation is a charitable and nonprofit corporation created by the Preservation Act to promote and ensure public accessibility of the nation's sound recording heritage. The foundation will accept gifts and administer a grants program to support sound preservation in archives throughout the United States. Ivey is past chairman of the National Endowment for the Arts and presently the Branscomb Scholar at Vanderbilt University. His work in this tireless effort is appreciated.

Included in the 50 releases are masterful brushstrokes on the canvas that is American cultural history. The list includes such groundbreaking recordings as the Edison Exhibition Recordings (Group of three cylinders): "Around the world on the Phonograph;" "The Pattison Waltz;" "Fifth Regiment March." (1888–1889); "Stars and Stripes Forever" Military Band. Berliner Gramophone disc recording (1897); Lionel Mapleson cylinder recordings of the Metropolitan Opera (1900–1903); Scott Joplin ragtime compositions on piano rolls. (1900s); Booker T. Washington's 1895 Atlanta Exposition Speech (1906 recreation); "Vesti la giubba" from Pagliacci-Enrico Caruso (1907); "Casey at the Bat" DeWolf Hopper, reciting (1915); "Down-Hearted Blues" Bessie Smith (1923); President Franklin D. Roosevelt's radio "Fireside Chats" (1933–1944); Billie Holiday's "Strange Fruit" (1939); Bob Dylan's Freewheelin' (1963); and Precious Lord: New Recordings of the Great Gospel Songs of Thomas A. Dorsey-Thomas Dorsey, Marion Williams, and 38 others (1973).

Great American poet Walt Whitman noted that: "Perhaps the best of songs heard . . . is the résumé of them, or any of them, long afterwards, looking at the actualities away back past, with all their practical excitations gone. How the soul loves to float amid such reminiscences!" Mr. Speaker, with the release of these, the first 50 of the sound recordings preserved in the National Recording Registry, my soul is floating atop the marvel of what is to become of the National Recording Registry and the possibilities of cultural awakening for coming generations. Congratulations to all who are making this dream come true.

LOUISIANA RICE ECONOMIC RELIEF ACT

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. JOHN. Mr. Speaker, I would like to call the attention of my colleagues to the severe economic distress of the Louisiana agriculture industry. In particular, the Louisiana rice industry is facing disastrous economic conditions due to record low market prices coupled with storm damage from Hurricane Lili, Tropical Storm Isidore, and several additional severe storm systems. Without sustainable federal support for last year's losses, many rice producers, and much of the rural Louisiana economy, will not be able to withstand another year of hardship.

As we enter the final stages of negotiations for the FY 03 Omnibus Appropriations bill, I commend Senator COCHRAN and the supporters of agriculture disaster assistance in the U.S. Senate. However, unfortunately, it will take more than 42 percent of direct program payments to reverse the current economic disaster in South Louisiana. For this reason, I am reintroducing the Louisiana Rice Economic Relief Act, providing a $2.42 per hundredweight payment to rice producers across the state.

As Congress concludes discussion on an omnibus appropriations package, and we prepare to debate an economic stimulus package for our nation, I offer the Louisiana Rice Economic Relief Act as the cornerstone of economic stimulus for the rural agricultural economy of this region. We must keep in mind the distress of Louisiana's agricultural economy if we are serious about moving forward on a truly sustainable plan for our nation's entire agriculture industry, as well as the entire economy of the United States.

CONGRATULATING RUTH BASCOM ON THE DEDICATION OF THE RUTH BASCOM RIVERBANK TRAIL SYSTEM

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. DEFAZIO. Mr. Speaker, I rise today to recognize and to congratulate Ruth Bascom of Eugene, Oregon. On January 31, 2003, the Eugene City Council will name a bicycle and walking trail system after Ms. Bascom to honor her for her determined advocacy, intelligent leadership, and inspired vision. The Ruth Bascom Riverbank Trail System is a testament to her indomitable spirit and her remarkable civic career.

Ruth Bascom has an impressive record of public service, with over thirty years of active participation. She has been Mayor and City Councilor; served as a member of the Alton Baker Park Advisory Committee, the Mayor's Bicycle Committee, and the Governor's Bicycle Advisory Committee; was president of the Youth Symphony Board and the League of Women Voters; and worked on a variety of campaigns dedicated to enhancing our community.

Ruth Bascom gets things done—and done well. She has helped shape Eugene and is directly responsible for the award-winning bikeway system. In her many civic roles, she tirelessly fostered the riverbank trail system through design, funding, and construction phases. Her wholehearted and unwavering support for a city-wide bicycle-pedestrian trail system rallied community members, elected officials, and staff to her vision.

The opening of the East Bank Trail completes the Ruth Bascom Riverbank Trail System. The project survived ups and downs and detours because Ms. Bascom focused considerable energy, enthusiasm, and ingenuity on its success and delivered the necessary plans, funds, and allies.

Ruth Bascom is an exemplary citizen activist. I am pleased to offer her the hearty congratulations and warm thanks she so richly merits.

HONORING THE 175TH ANNIVERSARY OF McKENDREE COLLEGE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 175th Anniversary of McKendree College in Lebanon, Illinois.

McKendree College is the oldest college in Illinois. Founded by Methodist pioneers on February 20, 1828, McKendree College will mark her 175th anniversary on February 20, 2003.

In recent years, McKendree has experienced remarkable growth in both quality and quantity. In academics, The Carnegie Foundation for the Advancement of Teaching has selected a McKendree College professor as the Illinois Professor of the Year for 2002, Dr. Nancy Beck Young. The college has welcomed its first group of students from France as part of a new exchange program in the Business Division. In addition, the college faculty has grown 65 percent and includes professors well-published and recognized in their fields of expertise. McKendree has a nationally ranked Debate and Forensics Squad and boasts an outstanding teacher education program, one that has recently received re-certification, and the only one among six institutions, to receive the certification fully and without provisions.

McKendree's student body has also excelled in its 175 years of history. With approximately 1,300 students currently enrolled at the Lebanon campus, the student body has grown 67 percent in the past 10 years and the residential population has increased more than 300 percent. The current freshman class is the third largest in the history of the college, includes 22 valedictorians and has an impressive 3.7 GPA and 24 ACT. Currently, students from 15 different states and five countries are enrolled at McKendree College.

McKendree also has an athletic program that is gaining in national prominence. This year the men's basketball team has been ranked #1 nationally in the NAIA, the first time in the history of the college that an athletic team has earned a first place ranking. The college football team, now in its seventh season since its return in 1996 after a 45-year hiatus, played in the NAIA semi-finals, with an 11–2 record. McKendree's athletic director and men's basketball coach has been inducted into the NAIA Hall of Fame, earning recognition as Coach of the Year and this year broke the record to become the winningest coach in NAIA history. In Track and Field McKendree athletes have won several national team championships.

McKendree College is a four-year, private, liberal arts college and is ranked by U.S. News & World Report as a Top Tier Midwest Liberal Arts College. For the sixth consecutive year, McKendree has been recognized as one of America's 100 Best College Buys. McKendree College has been referred to as "the fastest growing business in Southwestern Illinois". Dr. James M. Dennis is the 32nd president of McKendree College, inaugurated in 1994.

McKendree College, founded in 1828, has the distinction of being one of the first colleges established in Illinois. Acknowledging pride of her Scottish heritage McKendree was also approved as the first institutional member of the Clan Henderson Society of the United States in 1997.

Each year, students from McKendree College contribute to businesses, schools, and non-profit organizations in the region as interns, teachers and employees. The college has participated significantly in regional programs to enhance diversity education and to help prepare students from lower income areas for college. The college provides a wealth of cultural events to the community, hosting distinguished speakers, exceptional performers, and nationally ranked competitive athletic contests. They partner with many community groups and assume a leadership role to promote and enhance the benefits of the region.

McKendree College provides a high quality academic program, at the heart of which is a values-centered liberal arts education. The mission of McKendree College is to include students in the joys and challenges of intellectual inquiry and its staff and faculty are devoted to nurturing this experience both inside and outside the classroom. The college has grown significantly in the past seven years and has brought esteem and recognition to our greater community. They enjoy the reputation of a high quality academic institution, with competitive athletic programs, and the diversity of social and co-curricular programs that meet and challenge a wide range of interests.

Mr. Speaker, I ask my colleagues to join me in honoring the 175th Anniversary of McKendree College in Lebanon, Illinois and to recognize its alumni both past, present and future for their contributions to the success of the University.

RECOGNIZING JEWISH SOCIAL SERVICES OF MADISON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Jewish Social Services of Madison, which was founded 25 years ago, on February 9, 1978, in Madison, Wisconsin.

Jewish Social Services of Madison serves more than 800 individuals and agencies each year, and for a quarter century has served the entire community with its programs for seniors and individuals in need.

More than 400 people volunteer each year for Jewish Social Services of Madison. These volunteers help the organization continue its excellent social work, which includes sponsoring the largest weekly nutrition site in the country, offering services with specific attention to cultural and language sensitivity, and providing assistance to refugees and other émigrés. The Jewish Social Services of Madison has also been a participating agency of United Way of Dane County for 25 years.

This organization has excelled as a professional social work agency since 1978, and has truly provided help where help is needed for a quarter century. Wisconsin is fortunate to be home to such a dedicated organization as Jewish Social Services of Madison.

I congratulate Jewish Social Services of Madison on 25 years of extraordinary achievements, and I wish them good luck in the years to come.

IN HONOR OF THE 30TH ANNIVERSARY OF ROE V. WADE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. HARMAN. Mr. Speaker, I rise today to commemorate the 30th anniversary of the Supreme Court's historic Roe v. Wade decision.

That decision marked a cornerstone of equality and freedom for which American women had fought for generations. The decision empowered women to make their own decisions about their reproductive health and protected them from unwarranted government intrusion into their personal, private decisions.

I know firsthand how hard it was to secure the right to choose for women, and I know how hard we will have to fight to maintain this right. I was active on this issue in 1973 when the case was decided, and I have continued to be so since coming to Congress in 1992. I fought to give military women the right to pay for abortions in military hospitals, and I have served on the board of Planned Parenthood of California, all in an attempt to keep secure the essential right of a woman to make her own choices about her reproductive health.

But, 30 years later, we still live in a time in which a woman's right to choose is in danger of being diminished or reversed. Anti-choice advocates now control the White House, the Senate and the House of Representatives and have indicated they intend to launch a legislative assault on Roe v. Wade. President Bush has made clear his intent to nominate anti-choice justices to all branches of the judiciary. And, the retirement of just one Supreme Court justice may tip the court from pro-choice to anti-choice; from protecting women's health to endangering it.

As such, it is now more important than ever for Americans to protect the rights that women gained as a result of Roe v. Wade. Freedom of choice is essential for women and their health, and as we work to make the number of abortions rarer through improved health education and family planning services, on this anniversary, it is important that we remember the struggles women faced before Roe v. Wade. Indeed, it is somewhat bittersweet that so many women today cannot recall the times in which abortions were not legal. Many do not know women who became ill or died from unsafe, illegal procedures. It is our duty to remind them of the danger of returning of that era.

I join my colleagues in urging Americans to fight to protect the right to choose, to uphold Roe v. Wade, and respect reproductive freedom for all women across the nation.

TO HONOR EL CHARRO RESTAURANT OF TUCSON, AZ ON ITS 80TH ANNIVERSARY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to one of Arizona's oldest family-owned and woman-run businesses, El Charro Restaurant. El Charro has become an institution in the City of Tucson and is celebrating its 80th anniversary.

The story and legacy of El Charro goes beyond decades of culinary excellence in serving fine Mexican cuisine. The restaurant has established deep roots within the community. Dedication and vision have enabled its two owners, Monica Flin and her grandniece Carlotta Flores, to maintain a unique atmosphere and style, which have embraced by the community and kept the enterprise strong through many difficult economic times.

Founder Monica Flin, a native Tucsonan of French descent, was smart and resourceful and used her cooking talents to establish El Charro in 1922. That first restaurant opened with three tables and a small simple menu of tamales, chili and tortillas. Through the years, the restaurant continued to grow in size and reputation. The Tucson Citizen characterized Monica's charisma and colorful persona in 1952 when it wrote that: "El Charro is not a restaurant so much as it is an extension of Monica Flin's personality." Through its difficult beginnings, enduring the Great Depression and expanding the business, Flin exemplified the classy, independent and strong business owner in an era in which businesswomen were rare.

More than thirty years after establishing El Charro, Ms. Flin passed the business to remaining family members. Carlotta and her husband Ray Flores, Sr. were living in California at the time and returned to Tucson to assist family members with the restaurant. With no experience in restaurant operations, the couple decided to step in and revive El Charro. Carlotta carried the legacy of Monica's determination and passion for service and unique cuisine as the restaurant not only expanded, but also ventured into new venues. She began El Charro's catering businesses as well as a restaurant at the Tucson International Airport. Carlotta's vision to expanded and improve business didn't end there, as she has established a second El Charro restaurant and acquired a food production/processing facility. Managing the family's restaurants and companies has truly become a family endeavor, as Carlotta's children are involved in the operations as well.

Eighty years ago, Monica Flin began a business in the small community of Tucson, Arizona. Its current guardians Carlotta Flores and her family have embraced her legacy. The restaurant and its operations have progressed and developed throughout the decades from the tiny restaurant on South 4th Avenue to a Tucson tradition renowned for its excellent Mexican food and warm environment. Therefore, Mr. Speaker I ask that you join me in honoring El Charro Restaurant, Monica Flin and the Flores family for their ongoing success and the examples they have set for businesswomen everywhere.

SENATE—*Tuesday, January 28, 2003*

The Senate met at 10:31 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of America, source of our strength, motive of our unity, and basis of our commitment to serve in Government, we praise You for the privilege of living in this land of freedom and opportunity. Grant us wisdom, grant us courage for the facing of this cruel, crucial hour of history. Inspire us with vision as we confront the enemies of despotism and terrorism in the world today.

On this day of the State of the Union Address by our President, we ask for Your special blessing on him. We renew our loyalty to him as our President, our attentiveness to listen to his vision, and our thoughtful reflection on his convictions on the awesome issues before our Nation and our terrorist-troubled world.

When the President stands before the Joint Session of Congress and the Nation, clear the prayer channels as we join with Americans everywhere in intercession for Your divine guidance for him. Be with the Senators as they live out their primary dedication to You, their patriotism for America, and their creative debate on the national and international soul-sized issues confronting our Nation. Bless our President and both Houses of Congress on this important day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LARRY E. CRAIG, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CORNYN). The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be conducting morning business to allow Senators to speak and to introduce legislation. Under the previous order, at 12:30 p.m., the Senate will recess until 2:15 p.m. for the weekly party lunches. As previously announced, there will be no rollcall votes today.

This evening, the President will deliver his State of the Union Address. I ask all Members to be in the Senate Chamber by 8:30 p.m. so we can proceed as a body to the House Chamber for the President's speech which will begin promptly at 9 p.m.

For the remainder of the week, the Senate will consider any legislative or executive matters that become available. There may be some additional nominations that are reported by the committees of jurisdiction, and it is my hope that the Senate will be able to act on those nominations in a timely way.

In addition, it will be necessary to act on a further continuing resolution this week. Therefore, rollcall votes are possible this week.

Mr. President, I ask unanimous consent that the morning business time ordered for today be divided as follows: The time from 10:30 a.m. to 11:30 a.m. be under Republican control; the time from 11:30 a.m. to 12:30 p.m. be under Democratic control. I further ask unanimous consent that upon reconvening from the party lunches recess, the time from 2:15 p.m. to 3:15 p.m. be under Democratic control; the time from 3:15 p.m. to 4:15 p.m. be under Republican control; finally, that the time from 4:15 p.m. to 5 p.m. be equally divided between the two parties.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, can we modify the request so that we lock in which Democrats expect to be here? Some of the times are more than 10 minutes, so we will need to ask unanimous consent to do that. I will go over that now with the consent of the Republican leader: From 11:30 a.m. to 11:45 a.m., Senator DURBIN; 11:45 a.m. to 12 noon, Senator BOXER; from 12 noon to 12:15 p.m., Senator STABENOW; from 12:15 p.m. to 12:30 p.m., Senator BIDEN; from 2:15 p.m. to 2:45 p.m., Senator KENNEDY will be in control of the time. There will be some other Senators who will speak, but Senator KENNEDY will allot the time. From 2:45 p.m. to 3:05 p.m., Senators BOXER and JEFFORDS; from 3:05 p.m. to 3:15 p.m., Senator SCHUMER.

This throws morning business off by 15 minutes. If the leader wants to take 15 minutes for the Republicans at 5 o'clock, that will be appropriate, but from 4:15 p.m. to 5 p.m., Senators DAYTON and DORGAN control that time.

Mr. FRIST. Mr. President, the reason there is some discussion is that we do need to be out of the Chamber by 5 o'clock to prepare for this evening; so if we can have some modification of the time——

Mr. REID. Mr. President, the note I was given had the wrong time. It will be from 4:45 p.m. to 5 p.m., Senator DAYTON.

The PRESIDING OFFICER. Does the majority leader so modify his request?

Mr. FRIST. I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, over the course of the week, as I mentioned, we will likely have votes. We will be dealing with the continuing resolution and, I am very hopeful, nominations as they come forward.

With respect to Friday, I expect there to be no rollcall votes, and we likely will not be in session on Friday out of consideration for the Democratic gathering and planned meeting. That will be similar to the following Friday as well. We will have further announcements on that schedule during the course of the week.

Mr. REID. Mr. President, if I may say before the leader leaves the floor, I believe we had a productive week last week. It was extremely difficult and contentious at times. When it ended, I think it was good. I hope the leader will use whatever influence he has, which is significant, to have the conference move forward. We need to get this bill done. I hope the leader will do whatever he can to have the House and the Senate begin meeting immediately, and, of course, the way it works is the administration is heavily involved in those conferences. This is so important. I hope we start that "yesterday."

Mr. FRIST. Mr. President, I, too, will encourage our colleagues in the Senate and in the House of Representatives and the administration with regard to having an expeditious process. We all did work very hard. We had a recess that had been initially planned, and with the goal of being able to accomplish what we all set out to accomplish—and that is completion of these appropriations bills—all of us came back from that recess, worked together hand in hand, and accomplished a lot. So over the course of today, we will be talking to our colleagues on both sides of the aisle, and bicamerally, so we can expeditiously bring this legislation to a conclusion.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with the time to be divided as previously ordered, and with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG, Mr. CRAPO, and Mr. LOTT pertaining to the introduction of S. 219 are printed in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

THE STATE OF THE UNION

Mr. CRAIG. Mr. President, tonight our President comes to Capitol Hill, as Presidents historically do, to deliver a State of the Union Message both to us here in Congress and to the country at large. I would have to say that this State of the Union probably, in his Presidency, is one of the most critical.

We have a very bold President who has not ducked from any of his responsibilities, and in so he has been a very dynamic, forceful leader for our country. Tonight I believe he comes to Capitol Hill to challenge us here in the Congress on a variety of fronts, to challenge us to do our work in a bipartisan way, not only for our country and for the citizens of our country but for the world at large. This is a President who tonight will speak on a variety of topics. Let me talk about four areas I think he will dwell on for much of his time.

First of all is growing our economy and creating jobs. There is no question that we are in, and have come through, a recession. We have men and women in our country who are out of work. The economy has slowed. The revenues to government have frustrated our States. Certainly we have to recognize and deal with that here, as revenues have declined. But most important, clearly it is an issue of men and women out of work. He will challenge us to grow our economy and to create new jobs, and he will do so by the dynamic approach of the stimulus package that will have tax reduction in it, to get money back into the economy and out to not only the job creator but middle-income Americans themselves, those who are the hard-working men and women of our country.

It will be argued from the other side, with oftentimes the gnashing of teeth and the wringing of hands, that somehow the President is going to take money away from Government. Somehow, it is Government, if you leave the money in Government, that will create all of these jobs and will provide the safety net and the security for the American people. Yet just last week we saw our colleagues on the other side offer amendment after amendment that would have driven up our deficit by nearly $450 billion to $500 billion over the next several years. They clearly demonstrated that their intent is to keep all the money they can get and spend it, instead of in any way trying to create a package that will not take money out of the pockets of the working men and women of our country but will also generate the incentives that will cause the economy of this country to reinvest and to create jobs.

Over the next several months—and I hope it will only be a couple of months—the Finance Committee here in the Senate, and hopefully the House Ways and Means Committee, will come forth with a budget and a budget proposal that will include within it, I trust, many of the incentives that our President is proposing in his economic stimulus package that he will talk about tonight. We can be a positive force in the economy by rewarding and recognizing both investment and hard work, instead of penalizing them by taking more and more, or by creating the kinds of hurdles or obstacles that the investment community has to take to reinvest in the economy. So I hope we listen closely to that proposal tonight, as our President visits with us about it.

He has obviously talked about—and I think will talk again tonight—strengthening and improving health care in this country. We worked at it a long while last year. We were at the threshold of dealing with Medicare reform and prescription drugs. Those probably are some of the most difficult areas with which to deal, but the most important. Prescription drugs have become a dynamic part of health care delivery in this country, yet we still deal with an old Medicare model that is not paying its way to the provider and the caregiver. As a result, many of our senior citizens are having difficulty finding a primary care provider, and are paying $300, $400, $500, $600 a month oftentimes, and more, for prescription drugs. We can deal with that this year and we can deal with it in a bipartisan way. The President has supported us in that.

But last year, struggle as we might, somehow some of my colleagues thought it was an issue better left unaddressed until after the election. Why? I suspect they thought they could take it to the people and somehow gain political favor by arguing that one side or the other had denied the senior citizens of this country access to a viable modern Medicare program with prescription drugs. I believe that argument fell hollow. What was heard by all of us who were out running for reelection last year was: Congress, do your work. Do it on a timely basis. Do it on a responsible basis. Yes, and do it in a bipartisan way. But don't drag your feet, don't argue, and, most important, don't in every way avoid getting your work done, failing to address the problem with the argument that somehow you will gain political favor by doing so; that will not work.

I think the President may also talk about something else that is reshaping American health care, and that is, of course, excessive lawsuits that are causing doctors literally to pack their bags and move to other States that have been bold enough to do tort reform over the last several years and where, as a result, the cost of insurance for care providers is not as great as it is in other areas of our country. This is something we have to deal with here. Yes, we have to look at a certain segment of our economy right in the eye and say fair is fair. A reward for malpractice suit should not make both the patient and his attorney multimillionaires in a single act. Clearly, a person injured by malpractice should be rewarded for that injury. None of us argue that. But the fact that in some instances predator lawyers can make a million dollars or more a case doesn't make a lot of sense to me, and I don't think it makes a lot of sense to the consumers, who now find they have to pick up the bill because of malpractice insurance that some doctors are now paying that is in the $200,000 to $300,000 to $400,000 a year range. That is, by any definition, excessive. I think our President will speak to that this evening, will talk about tort reform, and charge us, this Congress, in a bipartisan way to deal with that responsibly.

It is obvious to me, at least, that many Americans will be tuning in tonight to listen to the President on those issues. But obviously there is now another issue on which he will spend, I would guess, a good deal of time. That is the issue of defending peace and security at home and abroad. The President came to us last year in a post-9/11 environment with a very bold reform package. In the waning days of the last Congress, we produced a new agency of our Government entitled the Department of Homeland Security. That was a bold step on the part of our President. Anyone on the other side who says that we are less secure today as a country than we were before 9/11, or that we are not as secure as we ought to be, fails to recognize the significant amount of money and the major steps that have been and are now being taken to build greater security for the citizens of our country.

I was chuckling a little bit the other day when a Member of this Senate talked about not having accomplished anything. I thought, my goodness, that Senator must never travel on the airlines anymore, must never go through security checks that sometimes take 20, 30, and 40 minutes, that sometimes require all of your bags to be inspected, your shoes taken off, your coat and jacket to be taken off.

I have seen, and I am sure the Presiding Officer has seen, 4- and 5-year-old kids almost strip-searched and wanded at the airports. Arguably, that is security. Frustrating? Yes. But I think our airlines today are substantially more secure than they have been. They will become increasingly secure as we refine security, and the people at those checkpoints become all the more efficient in their jobs. That is part of what this Congress has accomplished.

Certainly border security has become increasingly tight. The ability to identify illegal aliens who may be here for a purpose of doing us harm is now an aggressive process, well underway. Our Department of Justice has moved very aggressively to find, apprehend, and prosecute those where cases can be effectively built that they are, in one form or another, here with a purpose other than finding work and providing beneficial service to this economy.

For anyone to say we are less secure today is a surprise to me. Does it say we are as secure as we ought to be? Certainly not. But it also suggests, in light of the threat of terrorism, that we, as a country, live differently today and must think differently in a post-9/11 environment, that we must be constantly vigilant and, yes, our agencies of government—whether it be Federal, State, or local—must improve their abilities. And they are being given the resources to do just that, to the tune of hundreds of millions of dollars. Certainly, that is a challenge. I think it is a challenge that the President will speak about this evening.

Lastly, and certainly as important, will be the issue of security abroad. Our Nation is a humane and civil nation. We are a peace-loving nation. We have always taken war as a very serious undertaking and one from which—while we do not enjoy it in any way when it comes to our own citizens' security and the security of freedom-loving citizens and allies around the world—we have not stepped back. Certainly, in a post-cold-war environment, we recognize, as the world's superpower, that awesome responsibility and force we have.

This President—and I have heard him, as have all of us—speaks very clearly to that, recognizing not only his responsibilities as our President and Commander in Chief, but it is a responsibility he does not take lightly nor does he take casually. He sees it as a huge responsibility and one that he and his Cabinet treat most seriously.

In doing so, he has operated both in a bold and cautious fashion. For anyone to suggest anything less than that did not hear our President's speech at the United Nations and his willingness to challenge them to do their job with the passage of the U.N. resolution that, in fact, finally put inspectors back into Iraq to do just that, to inspect and to find if Saddam Hussein had lived up to the original U.N. resolution, first and foremost, and, secondly, to see if, in fact, he was continuing to build weapons of mass destruction and if he had gained any kind of nuclear capability.

It has already been well established that he has both chemical and biological weapons. Those were found. Those were recorded. Yet somehow today the world is cautiously saying: Well, that doesn't seem to count anymore. It is what you find today or tomorrow that will cause this country and our allies to disarm Saddam Hussein.

I do not think the President or his people see it that way. And while they have been willing to give the United Nations ample time to respond, this President does have a responsibility, and that responsibility is, yes, to the world at large and the freedom-loving people around the world, but his responsibility is to us, here at home, to make sure the actions we take in foreign policy increasingly reflect on our security and our stability.

I think the President will talk about that this evening, as certainly he and his Cabinet have been involved in that over the last good number of weeks and months. It has been one of his primary missions, along with bringing this economy back to life and moving us forward as a country.

This is a critical speech for our country, both here and abroad, as this President speaks to us and to the American people about his vision of leadership and responsibility, to move our economy, to create jobs, to put people back to work and, at the same time, to strengthen and improve health care and the general well-being of the citizens.

He will, by his proposal of faith-based approaches, encourage us to deal with acts of compassion. The President wants to apply compassion to some of the deepest problems in America. That is a side of our President that has been badly underestimated by some. He will urge Congress to pass both his faith-based and citizen service initiatives. Why? Because it is in the best interest of this country to do so. For good people to be helping good people who are in need of help, with some assistance from our Government, at a tremendously lower cost and in a considerably more compassionate way, is exactly what this President will speak to in that initiative.

Lastly, of course, as I have mentioned, is defending the peace and the security at home and abroad. September 11, nearly 2 years ago now, was a time of awakening under an attack and a loss of our fellow citizens' lives that we didn't think could happen. While some experts had studied the issue over the years and had told us that someday it would happen, I don't believe there was ever a true belief that it could happen here. Now we know it can.

For us to think it will never happen again would be to dramatically underestimate not only the ability of the human mind to figure a new approach but the intent of terrorists to do our citizens and our country wrong.

We have made some great steps forward in reshaping Government and its agencies to be more sensitive, to be able to connect the dots of intelligence and information and, out of that, to make an assessment as to the security of our country.

Also, this President has gone much beyond that. He has reached out to the world at large and challenged people not to in any way encourage or ignore a risk of terrorism and to deal with terrorists as if they were enemies of the world and enemies of the state. Clearly, we have a role, as a very powerful country, in working with our allies to make sure terrorism and terrorists have no safe haven anywhere in the world. That is why our President insisted that U.N. resolutions be enforced and that we go back into Iraq, as the United Nations inspections team has over the last several months, to determine whether Saddam Hussein was living up to U.N. resolutions that largely were to disarm and neutralize him after the Desert Storm war over a decade ago.

That will be another important part of his speech this evening, as he assesses that for us and challenges us, both as a country and as a Congress, to work with him in the days to come.

Trade and jobs and the economy on one hand, security on another, these are issues that Congresses in the past have faced and this Congress will face. Our challenge is to be able to work together, not for one side to gain political advantage over the other but to see how we can best solve these problems. Many of them, if not most, will have to be dealt with in a bipartisan way so that our country truly does come together not only to make ourselves more secure, but in that security to be able to live in a good life, to be able to have the resources and the wherewithal to sustain life in both a livable and enjoyable fashion. That is the American dream. Most important, that is the American responsibility, be it here at home or to the world at large. That is our challenge.

I believe our President will once again challenge us this evening to greatness.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 15 minutes.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. DURBIN. Mr. President, this is one of those big days in Washington. It happens every year with the President's State of the Union Address. We look forward to it. It is an opportunity for the entire membership of the Senate and House to gather on the floor of the House of Representatives and bring in the Members of the Cabinet, Supreme Court Justices, the diplomatic corps, and Joint Chiefs of Staff. The President of the United States comes before us in a well-publicized event to speak from his heart about the State of the Union, our Nation.

For about an hour—some Presidents take a little longer than others—the President has center stage, as he should; he is our leader, our Commander in Chief. There is an air of anticipation during this lead-up time to the State of the Union Address because, until he speaks the words, we are never quite sure what he is going to say. The White House, whether it is under a Democrat or Republican, will tantalize us with hints and little notions, but I have found in the time I have served in Congress that sometimes they are misleading and they don't tell you the whole story. It is not until you go into the House Chamber and sit in the chair and listen to the President that you hear firsthand what is on his mind.

You are not certain, as well, about the people he will honor and pick out. It has become a standing tradition, I think since President Reagan, for the President to invite people to sit in the gallery, usually with the First Lady. They are pointed to with pride as great Americans who have done extraordinary deeds. There is a lot of speculation who will be up there. Will it be the family of a Reservist who has been activated for a potential war in Iraq, a firefighter, a policeman, or a member of the health professions who has distinguished himself or herself in our homeland security? You are never sure. It is this uncertainty which leads to the excitement about the State of the Union Address.

But we learned today in a story published in the Chicago Tribune that some people living here in Washington, some who work on Capitol Hill, have no uncertainty about what the President is going to say. This morning, in the Chicago Tribune, in an article written by Jeff Zeleny, it was disclosed that the White House has invited a select audience of Republican lobbyists and political executives down to the White House today to hear the State of the Union Address. I think that is unprecedented. I don't think there has been a time before when a President has invited in lobbyists, special interest groups, to hear the State of the Union Address in advance.

These top strategists and opinion leaders are going to attend a "closed-door State of the Union briefing inside the White House complex." Who will be included? We are not sure of all of them. There will be about 70 top strategists, pollsters, and conservative groups, such as American Cause, founded by Pat Buchanan; Americans For Tax Reform, whose leader is Grover Norquist, someone who is well known in political circles in Washington. Then, of course, the lobbyists for the biggest corporations are going to be there in advance for the sneak preview, including personnel from AT&T and Eli Lilly, which is a major pharmaceutical company. They get a chance, before the American people, to hear the State of the Union Address.

Why would the White House want to open the doors for these special interest groups to hear the State of the Union Address before the President speaks to the American people? Well, it is certainly a special privilege he has granted to them. But it also reflects on what he is going to say in that State of the Union Address. He is certainly not bringing in these Republican strategists and business leaders and special interest groups to hear something they are going to find unsettling. He is really assembling a chorus of praise for those who will say after the speech that it is the best ever.

When the President really speaks to America and its issues, I just wonder, will we witness the same level of moral outrage from the conservative cable commandos as we heard in years gone by when special interest groups were invited to the White House? For this President to make history by bringing in lobbyists to hear the address before the people of the Nation, I am anxious to hear all of the people you see on cable channels and the reaction they will have.

Frankly, I am disappointed. I think this is a special moment for all of America. It is really not a special treat for lobbyists. Traditionally, this has been a moment for all America, to hear the President speak from his heart. When I reflect on what the President might say this evening, I know for certain he will speak about security, terrorism, North Korea and Iraq. That goes without saying. Those will be the issues that certainly will draw together many in Congress, Democrats and Republicans, on a bipartisan basis to stand behind our fighting troops and behind America as a leader in the world.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. Yes, I am happy to yield to the Senator.

Mr. REID. I also read that article in the Senator's hometown newspaper, and I am wondering, if this is a closed hearing, is this a focus group? And I wonder if the lobbyists don't like certain lines of that speech, or certain paragraphs or phrases, do you think he will change the speech?

Mr. DURBIN. I don't know. Someone said this morning the White House said it is baked and he is not going to change a word of it. I cannot say if they are being called in as a focus group to see if there is anything they find objectionable. I think it is probably more likely that they already know in advance they are going to have a warm reception from the special interest groups for the State of the Union Address.

Mr. REID. I ask the Senator, also, based on what was reported in the Senator's home State newspaper, it appears to me, in answering my own question, that maybe they had a lot more to do with writing that speech than one would necessarily think. I think these people already know what is going to be in the speech, if you represent Eli Lilly. You can tell about that from what went on on the floor last week.

Mr. DURBIN. Eli Lilly is a special case. You will remember when we passed the homeland security bill to keep America safe from terrorism, someone stuck in a special provision that helped that drug company, which is based out of Indianapolis, IN. There was, I guess, embarrassment all around when it was discovered. Many times, these provisions are stuck in a bill in the hopes nobody will find them. Well, they were found and many people objected to that on the floor. If the Senator will remember, we had a vote on this issue. Several Republican Senators said they were embarrassed that a drug company would get a special break in the homeland security bill, which had nothing to do with homeland security, and it was going to come out soon. Despite that momentary embarrassment, the fact is that Eli Lilly is front and center in the White House when special interest groups are called in to have a preview of the President's State of the Union Address. That is troubling. I hope the press will ask those who made this decision whether they have not compromised the integrity of that institution as relates to the State of the Union Address. Why in the world is the President letting this happen?

I know what is going to be said tonight. The President is going to speak to us about Iraq. I think it bears repeating, as I said last week, America's future is about more than Baghdad. It is about the challenges that moms and dads across America worry about every single day. It is about more than Iraq. It is about the rock and the hard place which millions of Americans find themselves between when they deal with the Bush-burdened economy. How bad is this economy? How likely is it that this President will do something now at the end of 2 years to turn it around? The numbers are staggering. The numbers I give you are not cooked by Democratic strategists. These are numbers reported by President Bush's own agencies of Government.

We have had the first back-to-back years of job loss in America in 50 years; the worst job creation record of any

President in 58 years, with 2.3 million private sector jobs lost since the beginning of this administration; a 43 percent increase in unemployment rates since President Bush took office—43 percent; the loss of $4.9 trillion in the stock market. Did my colleagues notice what happened yesterday in the stock market? People who follow this, as they should, know the Dow Jones hit 8,000. It lost 141 points in 1 day. What does it mean? It means for people who have stocks that they own directly or through mutual funds for their savings or their retirement, as the people say on the late night talk shows, they have seen their 401(k)s turn into 201(k)s—and maybe 101(k)s, if we are not careful. It is hard to even smile at that suggestion because a lot of people who counted on the stock market for their future have seen it disappear over the last 2 years during the Bush administration.

We have seen the elimination of a surplus in our budget. When President Clinton left office—and these are indisputable facts—we were generating a surplus each year to pay off the debt of America. Well, we are back in debt again. We are back in deficit. The projection is that this next year, the deficit we will face in America will be the worst deficit in 20 years, worse than any deficit under President Ronald Reagan, President Bush's father, or the early years of the Clinton administration. We are back in the deficit world.

What will the President say about that tonight? Will he remind us that his response to the deficit is a $676 billion tax break primarily for the wealthiest people in America? Think about that for a moment. At a time when we are in recession, at a time when we are most certainly to be involved in war in the Middle East—I pray that does not happen, but most certainly we are going to see that, with added expense to the taxpayers—at a time when we should be funding the security of America, our homeland security, instead of meeting those obligations, the President has said give a tax break to the wealthiest people in America—a $90,000-a-year tax break to people who make $1 million a year in income.

Because of our deficits and because of the President's tax cuts, he is unable to fund things which are critically important to America. President Bush's plan is no stimulus to our economy. It is, in fact, a debt burden that we are passing on to our children and grandchildren. We have classrooms that assemble with us regularly in Washington to talk about what is going on in Washington. The sad news for those young students is that this administration, with the cooperation of this Republican Congress, is running up the balance on America's mortgage for our kids to pay. That mortgage, incidentally, is money taken directly out of the Social Security trust fund to fund the tax breaks for the wealthy people in America. That is not fair.

I think the President should address the real challenges facing America, real job creation, a stimulus plan that will put people back to work, not one that is going to help the folks who sit around the country club and try to figure out what to do with their portfolios but the people on Main Street who are trying to keep their small businesses open and the folks who are struggling to keep their jobs.

One million American workers who have run out of unemployment have been left behind by this administration. There will be more to follow unless the President changes his approach.

Secondly, this President should address the costs of health care in America. Health insurance expenses have become a crippling liability on businesses and families who cannot afford to buy protection. Instead, the President is going to talk about tort reform, an important issue but one that does not bear directly on the cost of health insurance and the run-up we have seen there. He is going to talk about privatizing Medicare. So we are going to say to senior citizens, for the first time they have a choice: They can pick their doctor or they can have their prescription bills paid, but they cannot have both. Boy, is that the future of health care in America?

We also need to give a helping hand to middle-income families. Would it not be great to have the President say tonight: We are going to provide a tax deduction for college education expenses for middle-income families? Think about families worried whether their kids can afford to graduate from college because of all the debts they are going to have. Would it not be great for the President to say, "I believe in education"; instead of this being a tax break for millionaires, this will be a tax break for working families. Unfortunately, we should not hold our breath.

The President should also promise to fund his program of No Child Left Behind. He has created a mandate on every State and school district in America to do certain things, but he has refused to fund it. It is an unfunded mandate when the States are deep in debt. That is not fair, and the President should rise to that challenge.

Senator BOXER of California will speak to protecting the environment, so I will not dwell on that, but this President in 2 years has a dismal record. When it comes to the polluter pays for Superfund sites, the President says, no, the taxpayers should pay, not the polluting industries. That is plain wrong.

The President should commit himself to protecting Social Security. We know the baby boom generation is coming along in big numbers and they will be needing Social Security and Medicare. This President ignores that and instead increases the deficit and the debt of America at the expense of Social Security.

Finally, as to homeland security, listen carefully to see if we hear the following words tonight in the State of the Union Address: Osama bin Laden. Let's see if the President even mentions the name of the person we believe was responsible for September 11 who has disappeared from the headlines, disappeared from the news stories, because our pursuit of him has, frankly, not ended as we wanted. Let's see if the President mentions that effort. Let's see if he mentions investing in police and firefighters and health care across America to provide real security to the people of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AN ANXIOUS NATION

Mrs. BOXER. Mr. President, I say to my friend from Illinois I always appreciate his remarks both on the floor and when he is out meeting with people via the media. He puts his finger on a lot of important issues. He mentioned that I was going to speak about the environment. This afternoon, I will take on that issue. I will mention it this morning, but my idea this morning, in the few hours before the State of the Union, is to basically address the President of the United States from this Chamber in a way to urge him to address the anxiety of the American people because I think the state of the Union, if it can be summed up in one word, is anxious.

I want to go through why I think that is the case. So as we get ready to take part in a wonderful ritual where the Members of the Senate will gather in this Chamber—and I know the Chair, as a new Member, will experience this amazing feeling of patriotism and excitement as we gather here to make that march across the Capitol to join our colleagues in the House—we think very seriously about the state of our Union and what we hope the President will say.

In the spirit of great respect, I want to tell the President, through this short talk of mine today, what I am hearing from my constituents about the state of our Nation.

When I say "Mr. President" in my talk, it is directed at President Bush.

Mr. President Bush, I must tell you that the state of the Union today is anxious—anxious about the twin threats of war and terrorism, about the health of our economy and our environment; anxious about our children's education and our family's health care; anxious about our basic civil rights, including our right to privacy and the right to make personal decisions without Government interference.

Mr. President, the people are anxious and they are worried that you are leading us prematurely down a lonely path to war while ignoring other serious threats to peace and that you have lost your focus on terrorism.

As Senator DURBIN said, the people have not heard a word about Osama bin Laden, whom you placed at the top of your terrorist list. We have not heard a word about him in months.

Many believe that you are heading down the wrong path on the economy; that you are leaving too many children behind; that you are sacrificing our environment at the altar of the special interests; and that you are failing to address the health care issue.

People worry that you are actively seeking to reverse the constitutionally protected right to privacy. Two examples of this are your attacks on the right to choose and your selection of Admiral Poindexter, who was convicted of lying to Congress, to lead the Total Information Awareness Program, collecting vast amounts of personal information and intelligence about ordinary American citizens.

I am very pleased there was an amendment which passed to essentially do away with that program, but we do not know what the House of Representatives will do in conference.

Mr. President, you have not stated at all that you are for getting rid of this agency which will know everything there is to know about any citizen they decide to follow around via their use of computers.

Here is the stark contrast to where we were a year ago, when the entire world stood with the President and with all the American people as we struggled to recover from the terrorist attacks and prevent their recurrence.

I saw Senator BIDEN on a talk show yesterday. He reminded us that a headline in a French newspaper said: We are all Americans. What a moment that was in history; the world was united behind us. Somehow we have lost that leadership. We need to get it back. Today America stands far too alone when it comes to foreign policy challenges.

Many thoughtful Californians of both political parties are saying U.N. inspectors must have more time to do their work. I hope the President will state that tonight. Three weeks ago, Colin Powell said the inspectors were gaining momentum. We also know we have yet to give the inspectors a lot of information we have about what has been going on in Iraq. Information is power. The inspectors need that information, first, to find out what happened to the weapons; second, so we can make a case that we do not have to deal with Saddam Hussein alone. I don't want to see us deal with Saddam Hussein alone. Could we beat him militarily? Absolutely. But what happens after when we are alone? What happens to sharing the costs of human life? We need our allies with us, and more than Great Britain.

Yes, Iraq must disarm. After all, Saddam Hussein said he would; he has to. He agreed to the resolutions. We have to keep in mind more arms were destroyed by the weapons inspectors in Iraq after the first Persian Gulf war than we destroyed by our bombs. That is a very important point reiterated by Madeleine Albright and by others. We have a great deal of information to give the inspectors. Let's give it to them. As long as Iraq is the focus of worldwide attention, as long as the inspectors are there, as long as we are having the no-fly zones patrolled by our planes and our allies in the north and the south, this man is boxed in. He cannot put a big toe outside of that country. He cannot do anything to harm us.

I believe, therefore, we have time to avoid the devastation of war and, once again, to build the case and keep the international community with us. I worry with this focus on Iraq that we have a foreign policy elsewhere in the world that is one of deliberate negligence. As a matter of fact, if I had to put a word or two to the Bush doctrine, it appears to be a policy of designed neglect, except for Iraq. We ignore the problems. We wait for the crisis to hit us. This modus operandi is causing serious trouble in North Korea because North Korea was ignored and now it has complicated a crisis that grew out of this neglect.

Closer to home in Latin America we see unrest. I ask, why do we see unrest? We have ignored the countries in our own hemisphere. We ignored Mexico. You promised there would be a new day. Yet we see the Foreign Minister of Mexico resigning out of frustration that he cannot even get a meeting with anyone in America who has any power. To have control over what goes on, that is foreign policy.

At home, people are anxious and worried. They are worried about terrorist attacks. I am introducing a bill that will enable us to have countermeasures placed on our commercial airlines so if someone held a shoulder-fired missile aimed at one of our commercial airlines, at a takeoff or landing period, when they are most vulnerable, there would be countermeasures on that plane. The President has been studying this issue. The President is spending tens of billions on missile defense for long-range intercontinental missiles. Perhaps it is up to $60 billion. A fraction of that would retrofit all of our planes.

And, by the way, when we take care of homeland security in such a manner, we create jobs, good-paying jobs, as well. Yet we will be prepared for what will come.

We have to fund homeland security. I know Senator SCHUMER is going to talk about that later today.

Let me finish by discussing the economy. We have watched this economy spiral downward for 2 years. We have seen this economy in a free fall. We have seen the stock market in a free fall. We have seen people in the country say: My God, I cannot retire. I was planning to retire. I will have to work 5 or 6 years because my retirement nest egg is essentially gone or so greatly reduced people cannot imagine.

The unemployment rate, which was 4.2 percent when President Bush took office, now stands at 6 percent nationwide. In my home State, it is at a 5-year high of 6.6 percent. This is bringing anxiety and angst to the people. More than 2.4 million private sector jobs have disappeared. Mortgage foreclosures have reached record levels. The stock market has lost trillions of dollars. We have gone from surpluses in our Federal budget to deficits as far as the eye can see. We are headed to a path of the worst economy in 50 long years.

In California last month alone the State lost 25,800 jobs. That is real people. What is your answer? Give tax breaks to the people who have jobs, who have earned millions of dollars, who are earning $1 million a year? You want to give them back $87,000, while my middle-class people are going to get back $87 a year. Where is that fair?

More than that, what kind of stimulus is that? Think about it. Someone who earns $1 million a year is going to take that $87,000-a-year tax cut. What are they going to do with it? They already have a new refrigerator in every home they own. They already have a new car or two parked at every home they own. They already have their vacations prepaid. What are they going to do? They are not going to do anything with that money that is going to stimulate the economy. The greatest secret of America is that our middle class is what makes the country great. It is our working families who will go out and spend that money in this economy, buying a new car. My friend from Michigan knows that is important. The millionaires have their cars. It is the middle-class working people, if they get a good deal on a car, who will go out, if they feel a little more economically secure, and purchase that car. More of the same of the trickle down to the rich, which never gets down to this country, will not get us out of the economic nightmare in which we find ourselves.

What the President wants to do to Medicare sends shivers up and down my spine. My friend from Michigan will talk about health care. I hope she talks about the fact that the so-called Medicare reform is the end of having a chance to pick your own doctor. They are blackmailing Medicare patients into thinking if they stay in that plan where they can choose their own doctor, they will not get any prescription drugs. This President wants them all in the HMOs. I say to my friend, and to the President of the United States, if the HMOs did a good job, that would be one thing. If we could pass a Patients' Bill of Rights giving people rights in an HMO, giving them the treatment they need, giving them the preventive care they need, giving them the quality doctors they deserve, it would be a different story. But pushing people into HMOs before we have solved the HMO abuse problem, and then saying, well, if you do not do that you do not get your medicine, I hope people in this country will rise up against that plan.

Mr. President, you have another 9 hours. I hope you take that plan out of your speech. I hope you will take that tax cut plan out of your speech and rewrite it and give the tax cuts to the middle class and give the tax cuts to the working poor. That will stimulate this economy and make it a 1-year stimulus that doesn't drain the revenues of Government in the outyears so that we are in deficits for as far as the eye can see. Give those tax breaks to the small business people. They are going to spend it on plant equipment.

Mr. President, go back to your speech and take a look at what you are doing on education. Fully fund the No Child Left Behind Act.

Mr. President, if you continue with your "leave no millionaire behind" plan, you will have no money for your Leave No Child Behind plan. You can't have it both ways. You can't go to war, promise people education, promise them this, promise them that, promise them homeland security, and then give away all the money to the millionaires and have nothing to fulfill your promises.

People are on to this. They see it. You are doing it over and over again—with homeland security, not spending the money we need. The burden is falling on the cities and the States and the localities. I met with the mayors. Do you know what they said? Senator, when something goes wrong and, God forbid, there is a terrorist attack, someone is going to call 911. They are not going to call the White House, with all due respect. And they are not going to call me either.

I used to be in local government. I respect those people. We are hanging out local government to dry—the local police, the local fire departments, and the rest. That is wrong. It is all in the name of giving tax breaks to millionaires who don't need it and won't spend it. It is unfair and it is hurtful.

I will close, because my friend, Senator STABENOW, is here, on one of the topics I will speak more about later, and that is the state of our environment. If you look back at the progress we have made in the last 50 years and more, you will see a wonderful story emerging on the environment. You will see Republican Presidents and Democratic Presidents who stood up and had great plans for this environment. Teddy Roosevelt, Dwight Eisenhower, Richard Nixon, Bill Clinton—they all made the environment stronger. Everywhere you turn, Mr. President, you are rolling back that progress.

So the state of the Union is anxious. They are anxious on all of these issues. Millions of Americans are waiting to feel less anxious. I hope, Mr. President, you will think about that before delivering your speech tonight.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order the Senator from Michigan is recognized.

HEALTH CARE

Ms. STABENOW. Mr. President, I first thank my friend from California for her usual eloquence. I agree totally with her sense of what our people are feeling in terms of the anxiousness about possible war, the anxiousness about education for our children, about health care, about jobs, about homeland security. I thank Senator BOXER for her comments this morning.

I will follow up talking about an area that is so important to each of our families and is a growing concern to businesses in the country and to workers in the country; that is the whole question of health care.

We know there is a growing sense of anxiousness. When I sit down with small businesses across Michigan, they tell me their fastest growing cost is their health care premiums. In some cases they are doubling. When I talk to the big three automakers and the other manufacturers in Michigan, I hear the same thing. When I hear from Chrysler that they are spending more on health care than on the raw materials for the vehicles—I am concerned. This shows me we have a serious, serious crisis, a health care crisis.

At the same time, we all have spoken about the seniors of our country who are choosing between their food and their medicine. This is real. People are asking us to act. Words are not enough. Rhetoric is not enough. We have to act in a way that provides opportunity for quality, affordable, accessible health care.

On the eve of the State of the Union Address, I rise to ask the President of the United States what he intends to do. Will he, in fact, change his record and work with us on issues of health care in a bipartisan way, to actually get something done? I worry, myself, because of the record I have seen in the last 2 years. We have a record of this administration on health care that, unfortunately, is bad medicine for the American people. We have attempted on several occasions to move forward policies and proposals that are in the best interests of the American people. This administration continues to oppose those.

I am talking about a Medicare benefit for all seniors for prescription drugs under Medicare that is affordable, that is dependable, that is available to all of our seniors—this President has consistently opposed that approach. Whether it is also making prescription drugs affordable for all Americans and lowering the prices for our businesses—the President has opposed efforts to open the doors to Canada to drop prices immediately, and he has opposed efforts to make sure we have more competition in the system by closing the generic drug law loopholes. Generic drugs are made by those companies that do not do research but take the formulas after the patents expire and are able to develop and put on the market lower cost prescription drugs, oftentimes exactly like the brand-name drugs. We know they can drop the prices up to 70 percent by just having the generic drug laws work.

We have business coalitions formed across the country urging us to pass laws to shut down the loopholes so competition can work to bring prices down. Unfortunately, even after we passed a bill in this body, in the Senate, the administration has opposed it.

We have innovative State solutions like what has been done in Maine where the State wants to come in and use its bulk purchasing power and leverage that to negotiate lower prices on behalf of the uninsured who pay the top prices in the world right now for their prescriptions. Our State governments understand that. Our Governors want the flexibility to be able to bulk purchase and lower prices. This administration has opposed it.

We need fair prices for Medicare providers. While we have seen some willingness, and I appreciate that, to focus on the cuts that have been put into place for our physicians--that certainly needs to be done—what about the home health agencies that are closing? What about our nursing homes? What about our hospitals, our teaching facilities? We have a crisis in health care, and the last thing we need to do is to be making more cuts to Medicare or Medicaid. Yet the administration has, to date, opposed fixing the Medicare problem.

The Patients' Bill of Rights, a real Patients' Bill of Rights so that those who are in HMOs have the opportunity to have the physician of their choice and to have the rights available to them they wish to have to protect their families, a strong Patients' Bill of Rights—this administration has consistently opposed that, as well.

And what about assistance to States for Medicaid? Right now 25 percent of Michigan's State budget is Medicaid. We have a $2 billion deficit in Michigan out of a $9 billion budget. Our new Governor is doing a wonderful job of trying to make the numbers add up, but without Federal support and help they will not add up and people will be hurt and doctors and health facilities will be hurt. Yet, consistently, when we have tried to put forward plans on this floor, even plans that have passed the Senate have not made it all the way because this administration will not support efforts to help our States and to help Medicaid.

Finally, there was a commitment made to double the National Institutes of Health funding by 2003. The administration supports funding cuts that will not meet that goal.

Unfortunately, the Bush record on health care to date has been bad medicine for the American people. I ask the President today, rather than moving forward with the proposals we are hearing about attempting, essentially, to privatize Medicare, this evening I urge him to reassess and to join us in bipartisan efforts to make sure our citizens have the health care they need and our businesses can afford.

Mr. DURBIN. Will the Senator yield for a question?

Ms. STABENOW. I will be happy to yield.

Mr. DURBIN. I would like to ask the Senator two brief questions, but first I salute her for her leadership. Since she has arrived in the Senate, she has been the most outspoken advocate for making health care affordable and accessible for Americans.

Let me make certain I understand. As you describe it, President Bush's proposed Medicare reform will say to seniors: If you want prescription drug coverage, you have to leave the Medicare Program and go into an HMO.

Because we have not passed the law giving people in an HMO the right to pick their own doctor, what he is saying to seniors is: If you want to have your choice of prescription drugs, then you have to give up your choice of a personal doctor.

Is that what the choice is?

Ms. STABENOW. That is absolutely correct. I thank my friend from Illinois, who is always in the Chamber fighting on behalf of the people of his State and the country.

There is no doubt about it, while the President is talking about increased choices, what he is really saying is, if you want to get help with your exploding prescription drug costs, if you want to stop having to pick between meals and your medicine, then you are going to have to go into a private insurance company, an HMO, where they will decide about your doctor. In fact, he is not willing to support a Patients' Bill of Rights to make sure they get what they need while they are in the HMO.

Mr. DURBIN. One last question. I know the Senator has more to add. Is there anything you heard about what the President is going to suggest that will lower the cost of health insurance for families and businesses across America, an exploding item in terms of their expenses which is pushing more and more people into the situation of being uninsured, underinsured, or putting more and more of their paycheck, every week, into the cost of their health insurance? Has the President suggested anything that will address that?

Ms. STABENOW. Unfortunately, no. We have seen a consistent effort to put forward plans that are supported by the brand name pharmaceutical industry itself or by the insurance companies, but not those things that will lower prices and make health care more affordable and more available.

Last summer, with a very rigorous debate on the Senate floor and a strong bipartisan vote, we passed a bill that would create more competition to lower prescription drug prices; it went to the House of Representatives where it did not see the light of day. Unfortunately, without the President's support and leadership, it will continue to be that way. We need the President to step up and say that the fact that prescription drug prices are going up three times the rate of inflation every year and that is too much.

It is too much. Our businesses cannot sustain that. They cannot sustain seeing their health care premiums double. At the same time, if you are an uninsured senior in this country, you are paying top dollar. Isn't it ironic that of all of those who pay for prescription drugs around the world, the people who pay literally the most for their medicine are uninsured people, most of whom are seniors, because they do not have anybody negotiating on their behalf. They do not have Medicare right now coming in and saying: We are going to negotiate a group price. So they pay the highest price.

Why wouldn't it make sense to have Medicare coverage? The brand name companies do not want Medicare negotiating on behalf of 40 million seniors and the disabled to lower prices. So what they have come up with is this scheme that would essentially not allow the clout of buying power because Medicare would not directly be providing the prescription drug coverage. But they want to act as if they would like to have prescription drug coverage for seniors, so they come up with this plan that would say: We will help you with your medicine if you go into a private-sector HMO.

By the way, in Michigan, now we have seen, since the inception of what is really Medicare+Choice—which is the plan that has already been out there for private sector Medicare HMO coverage—more than 51,000 seniors in Michigan have been disenrolled because plans have withdrawn from Michigan. In fact, we do not have any HMOs in the Upper Peninsula. We have very few plans in Michigan.

In fact, my own mother, who was in an HMO and enjoying the coverage under Medicare+Choice, was dropped because the plan withdrew from Michigan. So we only have four private sector HMO plans in Medicare left in Michigan, and they only serve 2 percent of the eligible Medicare beneficiaries in the State—2 percent—and the majority are in nine counties in southeastern Michigan, with the rest of the State not being covered. By the way, none of those plans are accepting new people or new enrollees.

So the President says: Let's take this plan that covers very few people, where it is not working, and let's say if you want Medicare prescription drug coverage, you have to go through this failed plan. I, for the life of me, cannot understand why this approach is being put forward except for the fact that certainly from the prescription drug industry's standpoint, it is better than going under Medicare.

So, Mr. President, I would ask this evening for you to please speak to the anxiety, the anxiousness that we all feel, that Americans feel for our families, for our businesses, that workers feel when they now find their pay being frozen so their employers can afford the explosion in the health care crisis. I would like you to speak to those issues in very real ways. Do not offer failed plans just to be able to speak about this issue. Join with us in bipartisan efforts that we know will work, efforts that have been supported by the private sector as well as the public sector, efforts that are supported by workers, by seniors, by all of those who have a stake in making sure that health care is affordable and available.

We had a plan. We had a bill, S. 812, that passed this Senate last summer. I commend all of my colleagues on both sides of the aisle who voted for that legislation. We can cut prices that lower premiums for our businesses. We can provide Medicare coverage. And we can do it in a real way.

I urge, tonight, that the President speak to us. And I invite him to join with us in a plan that will work.

The PRESIDING OFFICER. The Senator's time has expired.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

IRAQ

Mr. BIDEN. Mr. President, as President Bush prepares to address the Nation on the state of the Union, we stand, to state the obvious, at a precipice of a momentous decision: War, war with Iraq.

The American people, and the world, for that matter, are waiting to hear what the President's decision is and his rationale for it. They are waiting to hear a clear explanation of why war may be the only remaining alternative and what will be expected of them not only in winning the war but what will be expected of the American people for us to win the peace.

A generation ago, I and my entire generation learned a very important lesson. That lesson was: No matter how brilliant or how well thought out a foreign policy may be, it cannot be sustained without the informed consent of the American people.

To date, there has been no informed consent. That is not a criticism; it is just an objective observation. For the President, to date, has not had the requirement, in the hope of avoiding war, to inform the American people in detail of what the consequences of war will be and what will be expected of them.

To date, the American people only know that Saddam Hussein is a brutal dictator, who has used weapons of mass destruction against his own people, and that he is the man who invaded Kuwait, and we expelled him. They are not sure as to whether or not he is an imminent threat; that is, a threat to those security moms, not soccer moms, who are in their living rooms and are worried about the health of their children and the safety of their homes.

The American people are confused, I would respectfully suggest, by the President's talk and the administration's talk of a new doctrine of preemption, and whether or not this is the basis upon which we are arguing we should act, or that we are acting to enforce, essentially, a peace agreement, a peace agreement signed by Saddam Hussein at the end of the Kuwaiti war that said: In return for me being able to stay in power, I commit to do the following things.

They are under the impression—the American people—because of the signals being sent by the Secretary of Defense and his civilian subordinates, that this war will be short, essentially bloodless, and, just as in 1991, Johnny will come marching home again in several weeks, if not several months, after a decisive, bloodless military victory.

The American people are assuming we will lead a very broad coalition of other nations and have the world behind us in our effort. They further assume, contrary very much to the hard evidence, that the defeat of Saddam Hussein will be a major setback for Osama bin Laden and al-Qaida and other terrorist organizations.

In short, they are under the assumption that one of the reasons we are moving against Saddam is that we will literally make terrorists' actions much less probable in the United States of America than they are today. For why else would we use all this power we have assembled in the gulf to go after Iraq rather than using all this power to go after Osama bin Laden in Afghanistan and in northwestern Pakistan where he most probably is according to our intelligence community?

They put it together. Obviously, the President would not take 250,000 forces, invade, if we must, Iraq, if he didn't think that would materially affect what I, as an American man, or woman thinks is the greatest threat to me, another 9/11. They also assume, contrary to any hard evidence, that Saddam Hussein is months away from developing a nuclear weapon that could strike American soil, for which he has no capacity, nor in any reasonable prospect in the future would he have any capacity to send a nuclear weapon airborne from Iraq to the United States.

Lastly, they seem to think the financial cost of this war will be manageable and not cause any further economic disruption, for why else for the first time in American history is the President of the United States calling for war, the possibility of war involving 250,000 American troops, at the very same time he is going to call, tonight, for a $650 billion tax cut? That has never been done in the history of the United States of America. Obviously, they think the President wouldn't do that unless this was going to be pretty costless, this war.

In short, I don't think the American people have been told honestly what will be expected of them and what additionally may be asked of them if things don't go so well. I think they will go well. I am one who has not been happy in the way we have proceeded, who thinks this war will be prosecuted in a way that will absolutely, to use the expression younger people use, blow the mind of the world in terms of our military prowess. But it may not.

Why is it so critical to inform the American people? Why, beyond their democratic right to know, is it so vital? I will answer that by telling you a story.

On December 8, 2002, I was in Qatar being briefed by General Franks, witnessing the preparation for war, and the war games were being carried on. There were assembled in this secure room—a gigantic hangar with a movie screen literally larger than the size of the wall behind the Presiding Officer, probably somewhere around 30 feet high and 40 feet wide—200 generals. I have never seen so many stars in my life, other than when I was a little kid lying on my back looking up on a crystal clear night in the middle of the summer.

I was asked, after being briefed by these warriors, whether or not I would address the assembled crowd, all active military personnel planning this war. These men and women to a person were ready to go and were secure in their knowledge that they would successfully complete their mission if asked to by defeating Saddam Hussein, if ordered to do so. What they were unsure of was us, the politicians, and whether we were willing to tell the American people exactly what was likely to be asked of them and were the American people willing to continue to give them the support they were going to need over a long haul, not the short haul? And it will be a long haul, regardless of how quickly and successfully we wage this war.

For those fighting men and women in this room know it is going to be necessary to stay in Iraq for a long time, to have tens of thousands—I predict over 75,000 American forces remaining in Iraq a minimum of a year and a half and, I predict, 5 years after we secure victory. And they wanted to know whether or not the American people knew that, for they don't want to be over there a year from now when the debate comes up and it is between another $20 billion to stay in Iraq and $20 billion for education or for a tax cut. We have no right to put them in that squeeze again, as happened a generation ago.

They also wanted to know if Saddam, as some suggest—and I am revealing nothing: I am not speaking from classified reports—and his 120 to 150,000 Republican Guard, the only ones we are really worried about, their capacity, if they retreat to Baghdad, a city, a city of 5 million people, are the American people prepared to continue to support our military when they see the inevitable happen? Innocent women and children being killed. We know what will happen. We know if they retreat to Baghdad they will retreat to hospitals, apartment complexes, and our fighting women and men, if this happens—and it is not sure it will—would have to go door to door. They were worried that the response would be the same response that occurs seeing Israelis knocking down a building or seeing a child killed in the crossfire.

They are worried they will become the bad guys, particularly, as I said, if the Republican Guard falls back to a city of 5 million people. Imagine going house to house in Philadelphia or Houston, routing out 2, 5, 10, 20, 50, 70,000 fighters. I told them that I believed this generation and the American people would pay whatever price and pledge its support to them, but only if they had informed consent. But that has not been done yet, and it must be done.

For while it is reasonable to expect the best, it would be irresponsible not to prepare for the worst. Iraq could lash out against Israel, Saudi Arabia and/or Kuwait in an effort to start a wider war. It could use weapons of mass destruction against our troops or its neighbors. It could destroy its oil fields and those of its neighbors. It could start giving away its weapons of mass destruction to terrorists.

It could create a humanitarian nightmare among the Kurds in the north and the Shia in the south, denying them food or medicine, even using chemical weapons against them, as Saddam has done in the past, and as I saw for myself when I met the survivors a month ago in northern Iraq.

Maybe none of these unintended consequences will occur, but there is a decent chance that one or more will. We must put every chance on our side and prepare the American people for what is bad as well as what is good. Hopefully that will be done tonight or sometime soon by the President, but not after the fact. The world, our allies, also are waiting for a clearer explanation of why war.

I just returned from the World Economic Forum and found myself confronted with the most uniform and significant anti-American sentiment I have ever encountered in my career of 30 years dealing with foreign leaders abroad. Not a single American diplomat, elected official, American journalist, businessman or labor leader would disagree with the assessment I just gave you.

It raises several questions that need to be answered. Why do they feel this way? Why should it matter? And if it does matter, what should we do about it? Why? There are multiple reasons, and my pointing them out to a predominantly non-American audience of hundreds if not thousands of world leaders was not always appreciated the last 4 days, let alone agreed with. Let me give you some of the reasons why they feel the way they do, not all of which are legitimate, by any means.

There is a lack of strong leadership in the respective countries that has been unwilling to tell their people the truth about Saddam Hussein and the commitment their country and the world made to deal with him when he sued for peace over 10 years ago. There are selfish economic motives on the part of some of our allies with regard to their favored position with regard to oil or telecom and scores of other areas.

Another reason is the resentment of America's predominant position as the world's most powerful military and economic nation as well as our cultural dominance, from Coca-Cola to rap music to English on the Internet, all of which they resent in the same way we would all resent if tomorrow our States predominantly said, we are going to switch to a different language because a predominant number of people in our State speak that language. This is compounded by the belief that the President is being pushed by the right wing of his administration to further leverage this predominant position into an even more dominant position relative to the rest of the world. It is also compounded by an inability to contribute much in the way of a fight, either by augmenting our military strength or their own, as well as a seething resentment at our unwillingness to use the forces they offered us in Afghanistan after declaring that an article 5 breach had occurred under our NATO treaty.

With regard to Iraq specifically, many don't see Saddam as a credible threat to them. Their people don't believe our assertions. They say he no longer has the weapons of mass destruction that we know he has. They believe in the aftermath of victory, we will not stay until there is a stable Government in Iraq—as we have not stayed in Afghanistan sufficiently—and they believe the resulting power struggle within Iraq, in their region, will have disastrous consequences for their Governments because they have all heard this administration say it will not be engaged in nation building. And they all know, and everyone knows, we are going to have to be engaged in nation building after we win the war.

All of this is compounded by the obvious discussion within the administration: The announcement of a new doctrine of preemption that has yet to be explained to us, let alone them; the appearance of a great power being petulant when a President stands before the world and says "I am growing impatient, I am getting tired"; the apparent contradiction in the rest of the world's mind of the treatment of the threat from North Korea, which has weapons of mass destruction, including nuclear, has a record of proliferation, and has violated international agreements, and we are talking to them; whereas, Iraq, which has no nuclear weapons—we cannot find the weapons of mass destruction, and there is scant evidence of similar proliferation—they say we speak with two different voices—the feeling that the administration has acted, without serious consultation, unilaterally in unceremoniously withdrawing from further negotiations, from international structures, such as climate control, criminal courts, ABM, and others.

Isn't the only thing that matters whether we make it work in the long run, which is what they hear from some in this administration? Won't it all disappear when we succeed, as we hear some in this administration say, because everybody loves a winner, right? Wrong. It matters what other nations think because our most basic immediate interests cannot be fully secured without a longer term cooperation with these other nations because we must convince them and not coerce them.

Let me give a few examples of what our most immediate vital interests are. Crushing international terror: How can you do that without cooperation from the intelligence services from Jakarta to Berlin, from Paris to Beijing, from Moscow to Rio? Preventing North Korea from escalating its nuclear programs and proliferation of weapons of mass destruction, and doing so without a war: How can we succeed without the cooperation of Russia, China, Japan, and South Korea, other than through war? All of this leads to the perception that some within the administration argue that it is better to go it alone. They have a belief that is the President's position. I don't believe it is his position, but what do they hear? They hear the theories proffered by some in the civilian Defense Department saying, if we move in the face of world public opinion, the rest of the world knows we will mean business and the more we do it alone, the more we will impress upon the rogue nations that they better change or they are next. They also hear us saying that Europe is tired, indecisive, and ultimately unwilling to do what is necessary to keep the peace and commands too much of our resources and attention, particularly, as the Secretary of Defense said, "old Europe," France, and Germany. They keenly resent these characterizations.

I think this is an inaccurate description of where President Bush is, but I do believe, though, that his choice of words and failure to clearly explain his choices and basis for action when we do act has been dangerous to our standing in the world, which leads me to a second question.

Why should it matter what our standing is—what the rest of the world thinks of us? I believe it matters a lot. Preventing a nuclear war on the subcontinent between India and Pakistan matters. But as we announced a unilateral pronouncement of a "new" doctrine of preemption—whatever that means is yet to be explained—that leads to the conclusion in India and Pakistan that if we can act preemptively, why can they not act preemptively against one another? Conveying our values to the rest of the world so as to diminish the misunderstanding of our motives runs constantly into some of the assertions that come from some in this administration.

Let me get right to it, Mr. President. It matters what other nations think, and it matters that although we can force other nations to do things, it matters how we do it. Here is an example. There is a new Government in Turkey—newly elected represented by an Islamic Party. That Islamic Party recently won the election, and the Prime Minister is a guy named Gul. The real operator is a guy named Erdogan. They were leading this Islamic Party and they have decided they want to have Turkey remain a secular state and they want to be integrated into Europe with regard to the EU. It is very much in the interest of the United States of America—very much—that that happens. We do not want an Islamic state; we want a secular state looking west.

So what is the problem? We can offer $5 billion and essentially buy the support to allow us to launch from Turkey. But if we do that in the absence of a worldwide consensus that what we are doing is right, we may meet our immediate goal and lose a heck of a lot. Here is an example. Right now, in Turkey—which I recently visited and I know the Presiding Officer knows this—over 85 percent of the Turkish people are unalterably opposed to a war with Iraq and unalterably opposed to Turkey cooperating with us in being able to successfully prosecute that war. So what happens if we go to war and we launch from Turkey with the support of the new Islamic leadership without having changed the minds of the people in Turkey and/or the world, to suggest that this is not merely us, but that it is sanctioned by the world that we do this? Well, the roughly 35 to 40 percent of this Islamic Party that is radical Islamic will play to its populist instincts and cause incredible trouble for the existing administration in Turkey and, I believe, force them to move away from their commitment to a secular state.

So that old biblical proverb, what does it profit a man if he gains the world and loses his soul—paraphrasing it—what does it profit us to move prematurely on Iraq from Turkey if the end result is that we radicalize a government that is represented by the Islamic Party.

What have we gained?

I will answer the third question, and then conclude. So what should we do? I have argued that out of our self-interest it matters what other nations think. So what should we be doing? I begin by saying, given where we are now, coupled with Saddam Hussein being in material breach—that is a fancy phrase for saying not explaining what he has done with the weapons of mass destruction we know he has—those two things may force us to choose between the better of two not-so-pleasant options.

The option I would choose in this circumstance, if we do not get world support, is that Saddam is in material breach of the latest U.N. resolution. Yesterday's damning report by the U.N. inspectors makes clear again Saddam's contempt for the world and it has vindicated the President's decision last fall to go to the U.N.

The legitimacy of the Security Council is at stake, as well as the integrity of the U.N. So if Saddam does not give up those weapons of mass destruction and the Security Council does not call for the use of force, I think we have little option but to act with a larger group of willing nations, if possible, and alone if we must. Make no mistake about it, we will pay a price if that is the way we go. We will have no option, but we will pay a price, a price that could be significantly reduced if from this moment on we act, in my humble opinion, more wisely.

What should we be doing from this point on? I will be very brief now and expand on this later. One, we should lower the rhetoric. We should not appear to be the petulant nation, wondering why the rest of the recalcitrant world will not act with us, showing our impatience. It does not suit a great nation well. It would not suit my father well, were he alive. It does not suit someone of stature well—and we are a nation of stature.

Two, we should make the case not only privately to our partners by sharing more proof of Saddam's crimes and possessions, but also to our people and in turn to the whole world. Legally, he is in breach, but going to war based on that legal breach will cost us in ways we would not have to pay if we go to war with the rest of the world understanding that there is something there beyond the failure to account.

The third thing we should do is give inspectors more time, for their very presence in Iraq diminishes the possibility of sharing weapons of mass destruction with terrorists or continuing their quest for nuclear weapons. Inspectors are not a permanent solution. We know from our experience of the last decade that Iraq will try to make their mission impossible. We also know that sustaining a massive deployment of troops is expensive and hard on our men and women in uniform. But right now the inspectors are helping us build support for our policy, both at home and abroad, and we should let them keep working in the near term.

The fourth thing we should do is articulate clearly and repeatedly not only the legal basis for our action, if we must move, but our commitment to stay until we have a stable Iraq, and that means the following: The President should state clearly tonight, we are not acting on a doctrine of preemption, if we act. We are acting on enforcement of a U.N. resolution that is the equivalent of a peace treaty which is being violated by the signatory of that treaty, and we have a right to do that and it is the world's problem. It is not what we hear out of the civilian Defense Department, this cockamamie notion of a new doctrine of preemption which no one understands.

Two, our objective has to be clearly stated as eliminating weapons of mass destruction and not the destruction of Iraq, for that is the President's purpose.

Thirdly, we will in fact participate in nation building; we will seek U.N. support and we will tell the American people what we are asking of them and why, for they have no idea now what is expected of them. They do not know what the costs will be to remove Saddam and they should. They do not know how many troops will have to stay in Iraq to secure the country, and we have estimates, and what it will take to get a representative government that lives up to its international obligations.

Can we count on our friends and allies to share the burden? Can we afford to attack Iraq, fully fund homeland security, cut taxes for the wealthiest Americans, and finish the unfinished war on terrorism in Afghanistan and other places?

These questions should never be excuses for inaction, but they must be answered if we want the American people's support and we want to avoid the mistakes of the past.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—H.J. Res. 2

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order, notwithstanding the passage of H.J. Res. 2, in the engrossment of the joint resolution, Senate amendments Nos. 139, 166, 172, and 186 be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, as a brief explanation for the necessity for these modifications, in the case of amendment No. 139, the instruction line needed to be corrected. For amendment No. 166, in the version the Senate adopted, two pages were missing. With respect to amendment No. 172, there is a word change. And, finally, with respect to amendment No. 186, language which was supposed to be stricken was not in the version adopted by the Senate. These modifications are solely to correct these inadvertent errors.

The amendments, as further modified, are as follows:

AMENDMENT NO. 139, AS FURTHER MODIFIED

(Purpose: To direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida)

At the appropriate place insert the following:

SEC. 1 . MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), may immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

AMENDMENT NO. 166 AS FURTHER MODIFIED

(Purpose: To rename the United States-China Security Review Commission as the United States-China Economic and Security Review Commission, and for other purposes)

On page 713, strike line 23 and all that follows through page 714, line 3, and insert the following:

SEC. 209. UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) APPROPRIATIONS.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) NAME CHANGE.—

(1) IN GENERAL.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) In the section heading by inserting "**ECONOMIC AND**" before "**SECURITY**";

(B) in subsection (a)—

(i) in paragraph (1), by inserting "Economic and" before "Security"; and

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(C) in subsection (b)—

(i) in the subsection heading, by inserting "ECONOMIC AND" before "SECURITY";

(ii) in paragraph (1), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting "Economic and" before "Security"; and

(II) in subparagraph (II), by inserting "Economic and" before "Security"; and

(iv) in paragraph (4), by inserting "Economic and" before "Security" each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting "Economic and" before "Security";

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the first sentence, by inserting "Economic and" before "Security"; and

(II) in the second sentence, by inserting "Economic and" before "Security";

(iv) in paragraph (4), by inserting "Economic and" before "Security" and

(v) in paragraph (6), by inserting "Economic and" before "Security" each place it appears.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) MEMBERSHIP RESPONSIBILITIES, AND TERMS.—

(1) IN GENERAL.—Section 1238(b)(3) of the Floyd D. Spencer National Defense Authorization Act of 2001 (22 U.S:C. 7002) is amended—

(A) by striking subparagraph (F) and inserting the following:

"(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

"(i) appoint 3 members to the Commission;

"(ii) make the appointments on a staggered term basis, such that—

"(I) 1 appointment shall be for a term expiring on December 31, 2003;

"(II) 1 appointment shall be for a term expiring on December 31, 2001; and

"(III) 1 appointment shall be for a term expiring on December 31, 2005;

"(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

"(iv) make appointments not later than 30 days after the date on which each new Congress convenes;".

(2) RESPONSIBILITIES OF THE COMMISSION.—The U.S.-China Commission shall focus on the following nine areas when conducting its work during fiscal year 2003 and beyond:

(A) PROLIFERATION PRACTICES.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the U.S. might take, including economic sanctions, to encourage the Chinese to stop such practices.

(B) ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on U.S. economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

(C) ENERGY.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the U.S. can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

(D) UNITED STATES CAPITAL MARKETS.—The Commission shall evaluate the extent of Chinese access to, and use of, United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities.

(E) CORPORATE REPORTING.—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporation to relocate production and R&D to China.

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's "hollowing-out" of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate U.S. enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

AMENDMENT NO. 172 AS FURTHER MODIFIED

(Purpose: To provide for the protection of the rights of women in Afghanistan, and to improve the conditions for women in Afghanistan)

On page 397, line 12, delete all after "Fund"," through "opportunities" on line 17, and insert in lieu thereof: not less than $8,000,000 shall be made available for programs to support women's development in Afghanistan, including girl's and women's education, health, legal and social rights, economic opportunities, and political participation: Provided further, That of the funds provided in the previous proviso, $5,000,000 shall be made available to support activities directed by the Afghan Ministry of Women's Affairs including the establishment of women's resource centers in Afghanistan, and not less than $1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: Provided further, That one year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede women's development in Afghanistan.

AMENDMENT NO. 186

(Purpose: To prohibit the use of funds by the United States Fish and Wildlife Service to impose on the Corps of Engineers certain requirements relating to the Missouri River)

On page 486, between lines 8 and 9, insert the following:

SEC. 1 . MISSOURI RIVER.

It is the sense of the Congress that the member states and tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

S–CHIP PROGRAM

Mr. CHAFEE. I have been working for the last several months with a bipartisan group of Members from both the House and Senate to protect funding for the S–CHIP program, which provides critical health care to millions of our children. In my State, over 12,000 children participate in this program. There is strong, bipartisan support for a 2-year S–CHIP proposal developed last fall that would preserve $2.7 billion in Federal S–CHIP funds that either expired at the end of fiscal year 2002 or will expire at the end of the current fiscal year. Our proposal also establishes a redistribution formula for the Centers for Medicare and Medicaid Services to use to quickly redistribute unspent fiscal year 2000 funds to those States that have exhausted their allotments and need additional funds.

Under Federal law, CMS is required to redistribute all unspent 2000 funds this year, but there is no Federal requirement on what formula it is to use. CMS is currently holding off redistributing unspent 2000 funds because it is awaiting congressional action. However, a few States, including my own State of Rhode Island, need the redistribution of 2000 funds as soon as possible so they have sufficient funds for the rest of the year to maintain services to the children currently on S-CHIP.

This S-CHIP issue is very time sensitive. State are beginning to plan their upcoming budgets for fiscal year 2004, which starts July 1 in most States. We do not want to distort State S-CHIP spending decisions by making it impossible for States to plan, in determining how much in Federal S-CHIP funds they will have and for how long those funds will be available. Some States may unnecessarily scale back S-CHIP eligibility as a result because they will assume they will have far less in Federal funds available than previously expected.

It now appears that we cannot address this issue in the omnibus appropriations bill. I appreciate the willingness of the chairman of the Finance and Budget Committees, Senators GRASSLEY and NICKLES, to work with me and the other Senators involved to address this issue in both the fiscal year 2004 budget resolution and then to move this legislation quickly in the Finance Committee.

Having said this, I think it is imperative for us to work with CMS so that they can move forward to begin to distribute some of the unspent 2000 funds to States like mine that are facing a serious S-CHIP funding problem.

There is a way to move forward to address the immediate redistribution issue of the unexpended fiscal year 2000 funds. CMS can redistribute some of the unexpended fiscal year 2000 funds immediately to those States that face shortfalls in the coming months. This can be done administratively. We certainly want CMS to begin to redistribute at least some part of these funds to those States that are relying on this redistribution to maintain their child caseloads. For example, CMS could redistribute 100 percent of half of the unexpended funds now leaving the rest to be redistributed once Congress has acted on this legislation. As we in Congress move ahead to complete action on this full proposal, CMS should move forward on the immediate redistribution issue.

Mr. ROCKEFELLER. I am pleased to join my colleagues today in highlighting the need for timely congressional action to secure funding necessary to protect children on the S-CHIP health program. Nearly 21,000 children benefit from this program in my State of West Virginia. The S-CHIP program was created in 1997 with a bipartisan group of members to provide $40 billion over a 10-year period to extend health insurance to some uninsured children.

Senator CHAFEE and I, along with other Senators, worked last year to develop a proposal that would address the long-term funding shortfall confronting the S-CHIP program over the next several years. While this was not considered last year, in the end, we were able to develop this 2-year compromise with the authorizers in both the House and Senate as a first step towards a long-term solution for S-CHIP's funding issues. The compromise is a very reasonable one, providing assistance both to those States that have spent their allocations and need additional resources to serve their S-CHIP children as well as States that need a bit more time to utilize their S-CHIP allocations.

I share my colleagues' concerns that this issue is a very timely one, and demands fast action on our part. I recognize that the first step is to include the necessary funds for this bipartisan 2-year proposal in the fiscal year 04 budget resolution, and then to consider the specific legislation in the Finance Committee. I would hope that Chairman GRASSLEY and Senator BAUCUS would work to schedule a markup of this proposal as quickly as possible after the budget resolution is approved. We cannot wait to act on this until later this year when it is expected that we would consider broader health care measures. Contrary to what some have said, this is an emergency for our States and uninsured children. I look forward to working with my chairman on the Finance Committee, who deserves credit along with Senator BAUCUS for developing this 2-year approach, to move this proposal through the Congress as quickly as possible.

Ms. SNOWE. I would like to thank my colleagues for their willingness to work with me on restoring funding to the State Children's Health Insurance Program that is essential to ensuring continued health care coverage for America's children.

For the past week, I have worked with my colleagues to secure this agreement that will restore $2.7 billion in expired—or soon to expire—S-CHIP funding. This compromise that has been endorsed by our Nation's Governors would ensure that this funding remains in the program and continues to provide children with access to the care that is vital to their healthy development.

I appreciate the willingness of Majority Leader FRIST, Finance Committee Chairman GRASSLEY and Budget Committee Chairman NICKLES to work with us in developing this agreement. Because of their commitment to finding a solution, we are able to move forward with this important policy.

I believe this agreement is the most appropriate way to restore the S-CHIP funding. Because the budget resolution adopted by the House of Representatives does not include adequate budget authority to restore this funding, the floor amendment that I filed to the omnibus appropriations bill would be subject to a budget point of order in the House. Given that this point of order would lie against the provision, the likelihood that the House would strip this during conference is great. In light of these circumstances, I believe this agreement is the most appropriate way to ensure that this funding is restored.

The agreement that was struck would—in exchange for withdrawing the amendments that my colleagues and I filed to the omnibus appropriations bill to restore S-CHIP funding—provide the support of the majority leader and Chairmen GRASSLEY and NICKELS to make necessary changes that will remove the budget hurdles that have prevented this legislation from being enacted.

Specifically, Senator NICKLES has provided his commitment to reallocate through the fiscal year 04 budget process additional budget authority for S-CHIP in fiscal year 03 and fiscal year 04. Senator NICKLES, I am confident that under your leadership, the budget process will move smoothly and expeditiously and that we will be able to speed the adoption of this proposal in both the Senate and House of Representatives.

Further, Chairman GRASSLEY has agreed to move this policy through his committee as soon as the necessary changes are made to the budget allocations. Again, under his strong leadership I am confident that we will get this done.

Finally, Majority Leader FRIST has agreed to place the legislation on the Senate Calendar as soon as it is reported from the Finance Committee.

I might add that while I am aware that this agreement was forged in the Senate, the underlying policy proposal was developed through a bipartisan, bicameral process led by Senators GRASSLEY and BAUCUS last fall. I hope the House of Representatives will work with us to make the necessary changes to the fiscal year 03 and fiscal year 04 budget allocations and to see this vital policy enacted in a timely manner.

Since 1977, States have made historic progress in their effort to insure low-income children under S-CHIP. In fact, the National Center for Health Statistics just released data this month showing that the percentage of children 17 years of age and younger with health insurance has increased from 86.1 percent in 1997 to 91.2 percent during the first half of 2002. During this same period of time, statistics show the percentage of children insured by Government programs, such as S-CHIP, also increased to 27.2 percent.

While these statistics are encouraging, a great deal of work remains if we are to address the critical issues of affordability and accessibility of health insurance, especially as they relate to health care for our children.

These compelling statistics reinforce the necessity that Congress must act to restore the expiring S–CHIP funds. If we delay, we could jeopardize the substantial progress that has been made since 1997 in increasing the number of insured children in America. It is estimated that without restoration of this funding, almost 1 million children could lose health insurance coverage.

How it works is this—once passed, the policy would restore $2.7 billion in S–CHIP funding that has either reverted to the Treasury or is scheduled to revert to HHS for redistribution. On October 1, 2002, $1.2 billion reverted to the Treasury in unspent S–CHIP funding from 1998 and 1999. If we do not recapture this funding, it will be lost to the program. Our agreement allows the States to reclaim this unspent money and provides until the end of Fiscal Year 04 to spend it on health insurance provided by S–CHIP.

It also strikes a compromise between States that have spent all of their 2000 and 2001 allotments, and those that have not, by dividing the funding evenly between them. Those States that have not spent all of their allocations would be able to retain half of their funding, while the remaining States would receive additional allotments from the redistributed funding.

It also rewards those States that used Medicaid to expand access to health care for low-income children prior to the creation of S–CHIP, by allowing them to access some of their S–CHIP funding to serve this population. This compromise has the endorsement of the National Governors Association and children's health advocates from across the country.

In my home State of Maine this proposal would allow the State to keep $13.24 million in S–CHIP funding and would provide until the end of Fiscal Year 04 to spend it. I don't know about your State, but in Maine $13.24 million will help provide health care assistance to a lot of children—children who otherwise would not have access to immunizations, well-baby visits, and yearly checkups.

While my colleagues and I have agreed to forgo the appropriations process as the vehicle to move this package, we certainly have not abandoned our effort to restore the funding. In fact, we are more committed than ever to seeing the S–CHIP funding restored and have added the support of the majority leader and chairs of the Finance and Budget Committees. Adding their endorsement to this effort, which already has garnered strong bipartisan support, will help to speed its passage.

In closing, I would like to highlight a quote from Secretary Thompson when his agency released the positive new data I referenced earlier regarding the level of health insurance for children in our country. He said, "More and more children are getting the health care they need, thanks in large measure to our success in working with States to expand health coverage through the S–CHIP program. We are giving Governors the flexibility they need to continue to expand coverage to more children, and our strategy is paying off for children and parents alike."

This strong endorsement of S–CHIP should act as an impetus to getting this policy enacted and ensuring that we do so in a timely fashion. Again, I appreciate the support of my colleagues and look forward to working with you as we move forward to enact this policy.

Mr. GRASSLEY. I thank my colleagues for their attention to this important children's care policy. They are correct that something must be done to address the funds that have and will revert to the Treasury in the near future. They are also correct to the constraints within the omnibus bill. I strongly support the State Children's Health Insurance Program. It is a program that provides health care for over 16,000 low-income children in my State.

Senators CHAFEE, SNOWE, and ROCKEFELLER are looking to address a necessary maintenance issue within S–CHIP. As Senator SNOWE noted, I worked very closely with Senator BAUCUS, Senator CHAFEE, Senator ROCKEFELLER, Chairman TAUZIN, and Representative DINGELL on a bipartisan, bicameral proposal that would have addressed expired S–CHIP funds.

The proposal reflected a balanced approach to redistributing S–CHIP funding taking into account that some States are spending through their existing allotments and other States are ramping up their programs and will need additional funding in the years to come.

This proposal did not pass the Senate last year, but it is a fair approach to redistributing S–CHIP funds. Unfortunately, I cannot support including this policy at this time. The omnibus is a poor vehicle for this necessary maintenance.

I am sympathetic to the intent of this policy, although this is neither the time nor the place to address this issue. The Senate and the House have an agreement with the administration to keep the omnibus appropriations bill under $750 billion. The S–CHIP policy costs over $1.2 billion in budget authority in 2003. An amendment of this nature would break that agreement and that is simply not acceptable. I appreciate the willingness of Senators SNOWE, CHAFEE, and ROCKEFELLER to accept this reality.

I assure my colleagues that I will work with them in the near future to update the S–CHIP redistribution policy in the near future as chairman of the Finance Committee. It is my understanding that Senator NICKLES, the chairman of the Budget Committee, is also interested in a regular order approach and that he is interested in putting money aside in the budget to address the needs of S–CHIP.

With this in mind, I believe the most appropriate way to address this issue is to work with the chairman of the Budget Committee, Senator NICKLES, to secure sufficient funding for this bipartisan S–CHIP proposal and then to address it in the Finance Committee. I will also continue my work with Energy and Commerce Committee Chairman TAUZIN, so the Senate and the House can move forward in a coordinated fashion.

I assure my colleagues that I will work with them once the Budget Resolution for fiscal year 2004 has been adopted to move legislation quickly through the Finance Committee that reflects a bipartisan, bicameral 2-year agreement on S–CHIP.

Mr. NICKLES. I thank Chairman GRASSLEY for bringing this issue to the attention of Senators today. I appreciate the work of Senator SNOWE, Senator CHAFEE, and Senator ROCKEFELLER to resolve this, however I agree that the omnibus appropriations bill is not the appropriate vehicle to address the issue of the S–CHIP redistribution system. The legislation does affect spending for the next fiscal year and, as such must be addressed within the fiscal year 2004 budget resolution. I have spoken with Senator SNOWE and would be happy to work with her to address this issue. I will work closely with Senator GRASSLEY and others as we craft that resolution to secure the funds necessary for the Finance Committee to consider this S–CHIP proposal.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. MURKOWSKI).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

EDUCATION

Mr. KENNEDY. Madam President, I welcome the fact that the leadership has given this time to express our strong views on a very important issue, the whole issue, the quality of education for the children of this country.

It was just about a year ago, Members—I see Senator REED of Rhode Island, Senator DODD from our committee—remember clearly this Nation came together, Republican and Democrat, to sign the No Child Left Behind Act, the gateway of opportunity, of progress, for academic achievement and accomplishment.

We all looked forward to smaller classes, better trained teachers, after-school programs. We looked forward to this with great hope and great anticipation. We looked forward to parental involvement so parents could understand how their children were learning in local schools, with greater accountability for students, for schools, for teachers and parents, and also for the Congress of the United States.

As we come to the time of the President of the United States speaking, if we listen carefully to what is happening all across this country, we will hear we have failed in our understanding and commitment to education and the administration has failed in giving life to our promises in the form of resources to make sure those promises are kept.

Listen to what the Governor of Delaware, Ruth Ann Minner, said recently: Delaware has asked local school districts to return $10 million from current year budgets. The impact of those kinds of budget-cutting measures takes a tremendous toll in providing enough teachers to continue progress to reduce class size, which is so important to the quality of education. Federal programs, such as No Child Left Behind or IDEA, implemented without adequate Federal funding—no matter that we share the goal and the vision—represent an empty promise.

We have had debates here on whether we have provided the resources or not. Let's listen to what is happening across the country.

In a Washington Post article today, it says Oregon today is on the verge of cutting 15 days, potentially 24 days, from its school year. The United States ranks 18th among the industrial nations in school year length. How can we expect American schoolchildren to learn in 180 days as much as Korean children learn in 220? And now Oregon may cut back to 165 days of the school year.

The New York Times reported on the impact on the children. Linda Pattison, a fourth grade teacher here uses her fingers to check off the lessons that she usually teaches but will skip. Her pupils will not study the metric system, arithmetic, electricity and science, nor Oregon's history and social studies. "I can only compare this to my divorce," said the teacher.

More than 100 school districts in 8 States have moved to 4-day weeks to cut costs. Oklahoma City has cut bus service entirely for 1,000 students. In Barnstable, MA, they are charging an additional $200 for music education, $200 for busing, and $1,800 now for all-day kindergarten. In Centennial, MN, schools have upwards of 30 students per class. Class sizes have grown significantly in the last year. In Colton, OR, academic classes in the junior high have as many as 41 students per teacher. That's not education; that's crowd control.

I don't fault these communities. They are in a bind. Local schools cannot meet the high standards on a tin-cup budget.

I see my colleagues here. I think they would share with me the hope that tonight the President of the United States will make it clear that help is on its way to those families, to those teachers, to those parents; that we believe the investment in those children will make a real difference, in terms of our economy and in their ability to acquire skills. It will make a difference in terms of young people being able to make a difference for our society and for our democracy and for our leadership. This is something I hope, on the one hand, he will explain, why we have not been able to do it and, second, that he will have a change of mind and he will say—again, what I believe this President understands—what we have failed to follow through with, and that is that we are going to invest in our children and our children's education.

I thank our colleagues who are here. I see my friends from Rhode Island and Connecticut. I know they want to say a word on the subject.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to respond and echo the comments of Senator KENNEDY. A year ago, with much hope and great fanfare, we all looked at the signing of the No Child Left Behind Act as a positive step forward, a recognition that we could not simply sit back and let education in the United States continue on its then-current course.

We also hoped the great rhetoric would be matched with real resources. Sadly, those resources have not materialized. The President, only a few weeks after signing the bill, released his budget numbers for fiscal year 2003 which significantly reduced funding for the No Child Left Behind Act. In fact, the President's budget contained the smallest increase overall for education funding in years. A small increase, but nothing commensurate with the kind of expectations that were generated by the No Child Left Behind Act.

We fear—I fear—that that same reality will be visited upon us this evening in the State of the Union speech, and next week when the President releases this year's budget. There will be no significant increase overall in education spending.

The President may point to an increase in title I that he has advertised, a $1 billion increase. That would raise title I funding to $12.3 billion. But let me remind all who are listening, that $12.3 billion is about $6 billion less than the authorized figure in the No Child Left Behind Act.

I can remember the discussions, the debate when we were urging a level of title I funding that would be adequate to deal with the challenges we have placed on all the school districts in this country, to be accountable and to perform at a level that is equal to the challenges of this new and very demanding world we face. So the title I money is an increase, but it is insignificant compared to the target we established, agreed on, and fought for in the No Child Left Behind Act.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. KENNEDY. Seeing the Senator from Connecticut here, does my friend from Rhode Island remember that we had a specific vote? I believe it was a vote on a Dodd-Collins amendment, which ended up with 79 votes, Republicans and Democrats alike. Seventy-nine Senators voted for that full funding here on the floor of the Senate. Yet we were unable to get that kind of support from the administration. Republicans, Democrats alike here on the floor of the Senate said this is a priority for us. Does the Senator remember? This is not a partisan issue. We were joined, were we not, by Republican colleagues?

Mr. REED. Indeed, you are correct, I say to the Senator. We were joined by practically every Member of the Senate regardless of party and region. They believed, as we did, in the need for real resources, particularly for the title I program. What the President is proposing is more of a cosmetic increase in title I, rather than the kind of increase we need to do the job.

I was listening to Senator KENNEDY, my colleague from Massachusetts. He laid out the current dilemma of local school districts, where they are cutting class days, they are charging for transportation, they are charging for music education. That is in response to the current distressed economy. Don't forget, school districts are now required to do much more, by the Federal Government, by the No Child Left Behind Act. They are in a situation where they have to cut costs. At the same time, they have to respond to more challenges, more mandates from the Federal Government. It is getting worse.

Mr. KENNEDY. Will the Senator yield for another point?

Mr. REED. I am happy to yield.

Mr. KENNEDY. I see we are joined by another member of the committee, the Senator from New York.

Would the Senator not agree with me, and I hope my colleagues would comment, one of the very sad aspects of this is, not only are they having the cuts, but where there are percentage cuts—which have taken place and which were initially proposed in my own State of Massachusetts—in the wealthier communities, they are making up the difference.

I have several illustrations which show how communities that have greater affluence are making up the difference of what they are getting shortchanged, but the poorer districts are once again left high and dry. In well-off Manhattan Beach, CA, parents and the district raised $1.4 million in private funding to pay for music and art staff and teacher aides. The average home in this district is worth $900,000. Also, in a wealthy Kansas City suburb, the Belinder Elementary School brought in proceeds from parent donations earlier this year to help pay the salaries of a nurse, counselor, and foreign language teacher. The efforts raised $78,000 in two weeks to pay for positions that would have been cut as the district faced a $6 million shortfall. But in poor communities, parental philanthropy is not an option—and the children in those communities will be left behind. In Boston, Massachusetts, principals were told to brace for a $60 million cut—and there is no hope for making up that money from somewhere else. According to Boston's Chief Operating Officer, Michael Contompasis, this means, ". . . humongous layoffs. Everything is on the table." So, again, those children who come from particularly trying and difficult or disadvantaged circumstances are paying even a higher price.

Mr. REED. I think that is absolutely right. I think the Senator from Connecticut might have a comment also, and I yield to him for a comment.

Mr. DODD. Madam President, I thank our colleagues from Massachusetts, New York, and Rhode Island who are here to talk about this issue. In just a few short hours from now we are going to hear the President address the Nation on the State of the Union. If you were to ask the question, what is the state of the union, to the average person, if the question were to be asked, I suppose, of the average family, you may get this sort of analysis: How secure is my family economically? Personally? What does our future look like? That is not a bad question, when you ask how are you doing.

When it comes to the issue of education, I think the answer has to be: Worried about how I see the future for my family and our children. I am relying on the Federal Government to be a supporter of basic needs in education.

You have to be able to listen to the rhetoric. You will hear a speech tonight. I presume it will be a good one. Presidents normally give pretty good speeches on the State of the Union. But I also think, as my colleagues pointed out, matching up the rhetoric, the language, with the action is critically important. It is the same as we would ask of anyone else. It is nice to hear words about diversity of higher education, nice to hear about making college more affordable, and leaving no child behind. But then you quickly have to ask, Now, what have you done to increase the diversity of our populations in higher education? What have you done or what are you doing to make higher education more affordable? And what, in fact, are you doing to see to it that no child is left behind in our elementary and secondary public school education system?

If you look at those three issues alone—as our colleagues already pointed out here, but it deserves being repeated—in the area of diversity, of course, we find the President attacking the affirmative action programs in the country.

My friend from Rhode Island is maybe in a unique position to talk about the United States military, the United States military academies, and what a remarkable job they have done. He is a graduate of West Point and was a distinguished officer in the United States Army for many years, as a professor at West Point. Certainly our military academies have demonstrated how having affirmative action perhaps has contributed significantly to the strength and well-being and diversity of our officer corps in the United States.

In fact, I would argue that the affirmative action programs in our military academies are exactly the affirmative action programs the President has attacked at the University of Michigan and elsewhere.

Second, I ask my colleagues from Rhode Island, New York, or Massachusetts, what has happened to make college more affordable? We have asked that Pell grants be supported. Yet the administration has said already—maybe they will change their mind tonight; I hope they do. Nothing would please me more than to have the President announce in the State of the Union tonight that he is supporting the full funding of the Pell grant program. I hope this evening he will talk about that.

Third, of course, our colleagues have already spoken out about the Leave No Child Behind legislation, with special education, where we are abysmally short. The White House did not stand up last year in support of special education and still continues to oppose the $4.6 billion necessary to meet the goals.

But my colleague may want to comment on the diversity issue, since he is a graduate of the West Point Academy and knows how important those programs have been to strengthening the United States military. I ask him whether or not that is the case.

Mr. REED. Reclaiming my time, whatever is left, I believe in fact that it is a model for the kind of program that recognizes talent, effort and initiative, but also considers that we want not just a student body at West Point, but also an officer corps in the Army that represents every segment of society. I also serve currently as Chairman of the Board of Visitors at West Point. We have the opportunity to review the admissions process every year.

Frankly, it is a success. The admissions policy at West Point provides an opportunity to broaden, diversify, and make better the institution with some very talented individuals.

Let me put it in perspective. I graduated in 1971. We had two African-Americans in my class. Today, African-Americans make up 8 percent of the student body. Frankly, the military has a larger representation of minorities than that 8 percent, but it represents an officer corps that is both diverse and, let me emphasize, talented. There is no sacrificing standards. There is no sacrificing ability. There is no sacrificing patriotism or anything else. We get wonderful people.

To me, affirmative action is not about quotas. It is about looking beyond just the people who want to show up in the front ranks because they have gone to good high schools, they have parents helping them along, and all the other things that lead them to even apply to West Point. It is about looking beyond that. It has been very successful.

I also suggest that it has been represented by the success of those young men and women in our military forces who are now general officers. The Commandant of Cadets of West Point today is an African-American officer, a graduate of West Point. That would have been exceptional 30 years ago.

Mr. DODD. If my colleague will yield, I asked someone once to define or describe affirmative action. They said: Senator, affirmative action is when someone tells you they can't find somebody, try again. If they still can't, try again.

What my colleague from Rhode Island is saying, when we talk about the success and the wisdom of affirmative action, it has been because of places such as West Point Academy and other of our military academies, where they have tried again to identify and find qualified students and consider them as enrollees to these universities where, in fact, they may have looked into a lot of issues other than just the simple criteria that you might apply to everyone else. As a result of that, they have been able to bring people into our academies. It is not a determining factor, but a factor, in considering the admissions to these academies. Is that not true?

Mr. REED. That is exactly correct.

Frankly, the other argument that is made against affirmative action programs is that they stigmatize the beneficiaries. That could not be further from the truth when it comes to the wonderful officers who have graduated from West Point, Annapolis, and the Air Force Academy. They walk out well qualified, well prepared, well trained. There is no stigma. It is with pride that they serve their country.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we have several Members who want to speak. Our time runs out at a quarter of the hour. I am told, because of the extraordinary circumstances that took place on Sunday afternoon, we would yield from 18 minutes to 15 minutes of the hour to our friend from Florida to make some comments about the world champion team. But I ask unanimous consent that the remaining time be divided between the Senators from New York, Maryland, and Vermont.

Mr. SARBANES. May I have 30 seconds?

Mr. KENNEDY. Yes, 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Madam President, I just want to say to the distinguished Senator from Massachusetts, in this chart about the President breaking his promise to the Nation's children about No Child Left Behind, and the budget, which fails to fund the No Child Left Behind legislation, that is being done in order to have a tax cut that will assure that no millionaire is left behind. That is exactly what has happened.

The President's commitment, with respect to budget priorities, is to give this huge tax break on dividends so that no millionaire will be left behind. Meanwhile, we are leaving behind tens of thousands of schoolchildren all across America.

I thank the Senator.

Mr. KENNEDY. The Senator is quite correct.

Madam President, the time up to 18 minutes before the hour I ask be divided between the Senator from New York and the Senator from Vermont. I hope the Senator from New York will comment about the increase in tuition. At the New York state universities, I understand it has increased 41 percent. I yield to the Senator.

Mrs. CLINTON. Madam President, the Senator from Massachusetts is correct. As is his custom, he has done his homework. He knows we are facing dire circumstances in New York. I know many other places around the country are as well.

But I want to focus, for my limited time, on what is going to happen in my State. News reports tell me that when the Governor addresses the budget—probably tomorrow—he will be announcing drastic cuts in education, totaling as much as $1.2 billion.

This is the first time in a decade that the New York education system will face an absolute cut in its budget. This is not that we are decreasing the amount of the increase; this is an absolute cut.

New York City, which I am sure you know, has a million children in the school system—some of the best kids you will ever meet, and also some of the poorest kids from some of the toughest circumstances.

New York City, which receives 40 percent of the State education funds, stands to lose almost $500 million. How will that be dealt with? You know how it is going to be dealt with. We are going to be laying off teachers. We are going to be putting more children into already crowded classrooms. We are going to be limiting opportunities for advanced placement classes, for lab classes, for the extra kinds of credits in classes that particularly needy children need.

We are going to be looking at delays and actually the stopping of maintenance and other repairs, so that we are going to have not only overcrowded classrooms, overcrowded schools, with very few of the teachers who are needed, but we are going to be basically sending a message to our kids that: You remember that rhetoric. Remember that bill that was signed about Leave No Child Behind? Well, you are not in that group. We don't know how we define that group anymore because we sure are not talking about the million kids in the New York City school system or the hundreds of thousands of kids in Buffalo and Rochester, and Syracuse, and Albany, and Binghampton, and Elmira, and out on Long Island—kids who are going to get left behind.

What is the alternative to all these drastic cuts? It is to try to raise the local taxes to make up for both the Federal and State cuts. I have to tell you, first of all, many parts of New York already do a tremendous job in trying to provide the best quality education for the children in their schools. I live in a community that proudly pays very high property taxes because of what we then can provide to the children from this community. But many places will not be able to do that. At a certain point, the kind of disconnect between bold pronouncements about cutting Federal taxes—which have the impact of forcing States to make very difficult decisions, which have the further impact of forcing local communities either to do without essential services or to raise their taxes—somehow that old shell game is going to get exposed; and so it should.

We were promised, when we passed Leave No Child Behind, that the resources would be there. That promise is being broken. Yes, it is. It is being broken. By breaking it, we are leaving millions and millions of children behind. And as the Senator from Massachusetts so well knows, we are leaving many children in New York behind.

So I hope we will try to redress this extraordinary decision and, similarly, that we will look at what is going to happen in postsecondary education where the Pell grant has lost its purchasing power, where in a State such as ours we are slashing tuition assistance programs plus increasing tuition at the same time.

Something has to give. And what will give is that thousands of students will leave our institutions of higher learning because they will not be able to afford to stay. I think that is a bad bargain for New York and a bad bargain for America.

I appreciate the distinguished Senator from Massachusetts allowing me to express specifically the concerns I have about my State.

Mr. KENNEDY. As I understand, in about 2 minutes the Senator from Florida will be recognized, and after that the Senator from Vermont.

There are just two items I want to mention and repeat. One is that in Oregon we have now about 180 days of education. Some districts are thinking of going to 165 days. If all of the school districts in our country were to follow this example, that would put us as 23rd in the world in terms of the amount of time children are studying in school—where we talk about being No. 1. We talk about being No. 1? We are penalizing our children.

But a second point. And the Senator spoke very eloquently about the increase in tuition.

Does the Senator not agree with me that today the indebtedness of students who come primarily from working families, who have the ability, the academic desire to succeed and excel, are now indebting themselves three times what they were just 10 years ago because of the escalation in tuitions? And therefore, we are saying to a whole group of sons and daughters of working families, that in effect, the opportunity for education, even though you have the ability and the academic success, you will effectively be denied continuing education?

Mrs. CLINTON. The Senator is absolutely accurate. The problem is made even worse by a phenomenon that has occurred over the last several years where much of the aid that the colleges themselves have provided has gone away from need-based aid to so-called merit-based aid. So students who come from families such as mine are meritorious—and I am very proud of that—but then they are taking those dollars, those very scarce collegiate scholarship dollars, they are taking them, when they don't need them, and thereby depriving other students who do need them from that access. So it is both the Federal and State programs and even the colleges' own programs which, combined, are leaving hundreds of thousands of worthy, meritorious, needy students behind.

We are doing it on both ends of the education spectrum. As the Senator so well knows, we are setting ourselves up for a very unfortunate set of circumstances.

If you ask the question: How does this country become richer, safer, smarter, and stronger?—any list of answers that has any basis in evidence, fact, or logic will tell you, investing in education. We know investing in education increases the lifelong earnings of college graduates by $600,000. Every year of postsecondary education will provide between 5 to 15 percent more in annual earnings. Yet here we are closing the door to college education, basically telling a lot of kids who depend on loans, depend on grants, depend upon increasing student debt: I am sorry; you are not in our plans for the future.

That is a terrible mistake for this country to make.

Mr. DODD. Will my colleague yield on that point?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY. I think we had an agreement that the Senator from Florida was yielded my time so he can make an important statement about the Buccaneers.

Mr. DODD. Who are the Buccaneers?

Mr. NELSON of Florida. Mr. President, in the midst of these deadly serious subjects that we are talking about, I want to bring a little bit of levity and a bright spot from an extraordinary football game that has now caused the world champions to have the sun especially shining brightly in the State of Florida and, in particular, in the Tampa Bay region.

This resolution commends the Tampa Bay fans because they have been so faithful over the years. This is a miracle. It is a miracle that it has finally happened to the Tampa Bay Buccaneers and, oh, do they deserve it—the most valuable player of the game, the best NFL defensive player, the best defensive record in the whole league, the quarterback himself being from Florida.

I could go on and on. But just to cap off my statement of offering a little lightheartedness to an otherwise very serious day is to point out that I went to the junior Senator from California, as the junior Senator from Florida, to say: Is it worth it to you before the game to have a little friendly wager?

We had a crate of Florida oranges versus a 25-pound box of California almonds. I said: Why don't you throw in a little Napa Valley chardonnay as well.

I am going to be enjoying that. Our staff will be enjoying it, for the sake of all of our people in Florida who have a big smile on their face.

I yield the floor.

The PRESIDING OFFICER. The time controlled by the Senator from Massachusetts has expired. The next 20 minutes will be controlled by the Senator from Vermont and the Senator from California.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Connecticut.

EDUCATIONAL INVESTMENT

Mr. DODD. I want to address a question to our colleague from New York and also my colleague from Vermont. What I am about to say is also something he has talked about in the past. We are often told we are now in a period of international crisis and that resources cannot really be allocated as much as we would like for education given these other demands.

Certainly my colleagues are aware, historically, some of the most significant investments we have made as a nation in terms of education have occurred right in the midst of some of our most significant crises as a country.

In 1787, shortly after the American Revolution, at a time when there was great demand for resources, we insisted that land be set aside in new territories, specifically the Federal Government did, for institutions of higher learning. Right in the middle of the Civil War, there was the Morrill Act, authored by a Senator from Vermont, that created the land grant colleges. Here we were in the greatest crisis in the history of the United States, and yet the Congress and the President in the midst of all of that believed we ought to be doing everything we could to establish land grant colleges.

Then, of course, prior to the end of World War II, the GI bill is another example. Here is a nation at war and demand for resources are great; our Nation is in peril, although it was toward the end of the war. Yet the Congress and the President thought it was so critically important that we allocated resources for furthering the advancement of higher education.

I don't know if my colleagues would like to briefly respond to that point.

Mrs. CLINTON. I would respond in support of the observations that the Senator from Connecticut has made. It is deeply troubling to me that in the current atmosphere in which we find ourselves, the first victim seems to be the future.

We are shortchanging the future and, in particular, we are shortchanging our children. I don't believe any previous generation of Americans, as the Senator has illustrated, has ever done this before. We are about to become the first generation that deliberately, intentionally, will leave our children worse off than we were.

I find that absolutely mind-boggling. I cannot even grasp it. We talk about our parents, the greatest generation, who sacrificed, who planned for the future, who made big investments in education, in highways, in research and development, in infrastructure, in health care, and here we are about to dismantle the work they so carefully put into place, starting with education but by no means ending there.

It is a moment of real concern and should be talked about, not just in this Chamber but throughout our country. What is it exactly we intend to leave our children besides a more dangerous world and a pile of debt?

Mr. DODD. I thank my colleague for her answer. She is absolutely correct. It would be a unique and historic tragedy if we were the first generation to not fulfill its obligations to the coming generation.

I said the Homestead Act. It was the Northwest Ordinance of 1787 that was an example of a country in crisis that still found time to invest in its educational needs. I don't know if my colleague from Vermont wanted to comment on that as well. It was Senator Morrill from Vermont who created the land grant colleges. The University of Connecticut was one of the beneficiaries of that idea. Right in the middle of the Civil War, Abraham Lincoln and the Congress said: We ought to be investing in the educational needs of the Nation, and authored that legislation. I know my colleague from Vermont has spoken eloquently for and fought for higher education. I thought he might want to comment on those decisions.

Mr. JEFFORDS. Vermont is proud of the fact that it has provided leadership throughout the centuries, and the Morrill Act did more for expanding the ability of education for our young people to strengthen this Nation than any other action that has been taken since.

I thank the Senator for bringing up the history, especially relative to my own State.

STATE OF THE UNION

Mr. JEFFORDS. Mr. President, as the President prepares to address the Nation, I hope he will remember that homeland security starts here at home, and that he addresses the critical domestic priorities facing our Nation at this time. Today, very briefly, I want to discuss a few of those priorities.

In last year's State of the Union Address, the President highlighted his and Congress's bipartisan efforts on education. He discussed how education was integral to having a secure Nation with a well-educated and trained workforce that would grow and strengthen our economy.

President Bush said:

> Good jobs begin with good schools, and we've made a fine start.

But you cannot educate our children on the cheap, and I am afraid that is what the President is asking our Nation's educational system to do. Last year's Bush administration budget was the worst education budget in 7 years.

The Bush budget fell $7 billion short of the resources promised in the No Child Left Behind Act, and it cut funding for the legislation's initiatives by $90 million. It also proposed less than half of the Federal commitment to special education. This $11 billion shortfall negatively affects all of our public school students and shifts billions of dollars more to local property taxes.

At the same time, our communities are being forced to make decisions on defraying education budget shortfalls. Some schools are having to cut days off of their years and time off for the students. That is a crisis that should not happen. Some school districts are considering shortening the school year in order to be able to live within their budget. Some schools no longer have money to hire substitute teachers for the remainder of the school year.

We have a responsibility to ensure that every individual has the opportunity to receive a high-quality education, from prekindergarten to elementary and secondary, to special education, to technical and higher education and beyond. Unfortunately, any gains that have been made in education achievement are currently in jeopardy due to the lack of funds at the local, State, and Federal levels.

There is nothing more important to our Nation's future, to our homeland security, and to our economy than ensuring we have a top-notch educational system that is the envy of the world.

I call on the Bush administration to make education funding and our children's future a higher national priority.

THE ENVIRONMENT

Mr. President, I also want to briefly discuss the Bush administration's record on environmental issues.

As the ranking member of the Senate Environment and Public Works Committee, I am sorry to report that the Bush administration continues to move us backward instead of forward in our efforts to protect our environment.

Weekly, usually on Friday afternoons, when the press is all asleep, or whatever, the Bush administration stages the below-radar attacks on public health and the environment. The administration ignores the abundant proof of imminent and long-term threats from pollution that endanger our lives and our ecosystems.

Today and every day since the administration took office, approximately 82 people will have died prematurely due to sickness and lung disease caused by fine particulate matter from powerplant pollution, which could and should be prevented.

Today and every day since the administration took office, up to 160 acres of vital wetlands have been converted for development or paved over. Instead of trying to slow the rate of wetlands destruction, the administration is seeking to ease existing wetlands protection.

Today and every day since the administration took office, the Nation adds around 16 million tons of carbon dioxide to the atmosphere, each year contributing 25 percent of the world's total carbon. This raises the risk and threat of global warming.

Shortly after being sworn in, the President reversed his commitment to control greenhouse gases and has not looked back once. I am afraid the Bush administration's environmental policies have been more focused on protecting the special interests than protecting the air and water and land that we all share.

In closing, on the issues of education funding and the environment, I am afraid our Nation has taken two steps back rather than one step forward. I can only hope that for the good of this Nation we can come together and once again move this Nation in the right direction.

How much time do I have?

The PRESIDING OFFICER. The Senators have 10 minutes of their 20 minutes remaining.

Mr. JEFFORDS. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, Senator REID asked if I could extend this time until 3:30. I make that unanimous consent request.

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from Alaska, objects.

CONCERNS OF CALIFORNIANS

Mrs. BOXER. All right. Madam President, I was here earlier to discuss the State of the Union as I saw it in California, and I reported that my constituents—Democrats, Republicans, Independents, young, and old—are very anxious about where we are. They are anxious when they see that we had a surplus that, in 2 short years, has turned into a raging deficit. They are anxious that we are on the brink of war without a lot of our allies coming along. They are anxious about their pension plans. Many are having to work longer and harder because of what happened with the stock market losing trillions of dollars in value. They are anxious about seeing a Nation that has lost its way on foreign policy and domestic policy. They have asked me to address some of these issues in every way that I can.

This afternoon, I am here to address the issue of the environment. I am very proud that Senator JEFFORDS is here on the floor, because he is fighting very hard for clean air. He has introduced legislation—the Clean Power Act—to take on the challenges we face with 2 billion tons of carbon dioxide, which causes global warming; 45 million tons of mercury, which poisons fish and endangers the health of children and pregnant women; 6 million tons of nitrogen oxide, which creates smog and causes asthma; and 13 million tons of sulfur dioxide, which causes acid rain, premature death, and lung disease. He has authored a very good bill to cure this problem.

The administration is not supporting his bill. They have written their own bill called "Clear Skies." Many I know are calling it "dirty skies." If we would just leave the Clean Air Act intact, as it is, we would clean up the air far faster than this administration rollback. That is just one more example of a series of rollbacks that we are seeing done by this administration.

Frankly, the people of California, from both political parties, who cherish their environment, love to see the ocean, the forests, the lakes, and the rivers, and they cherish clean air. We have made so much progress and we want the Clean Water Act to stand intact. They are anxious, they are concerned, and they are puzzled as to why this administration is turning its back on Presidents—Republicans and Democrats, starting with Teddy Roosevelt who made the environment a nonpartisan issue, and President Eisenhower who said the Alaskan Wildlife Refuge should be left intact, and President Nixon who created the Environmental Protection Agency, and President Clinton who did so many far-reaching things on the environment, protecting acres of land of roadless, beautiful areas, and used his executive pen to make sure that beautiful areas of our country are off limits to special interests because we believe when we got this land from God that it is our responsibility to preserve it and leave it in better condition than we found it.

We take this very seriously in California. This is not a partisan issue. I have people who voted for President Bush coming up to me and tugging at my sleeve: What is the matter with this administration?

Every Friday, late at night, when the press operations have shut down, they are making yet another rollback. The people in my State want me to fight against it, and I intend to do so.

Let's talk about this attack in specifics. One in every four Americans lives within 4 miles of a Superfund site. This chart has little dots that represent Superfund sites. Seventy million Americans live within 4 miles of a Superfund site. Ten million of those are children who are at risk of cancer and other health problems.

My State happens to have the second highest number of sites after New Jersey, but as we can see, there are sites in almost every State in the Union. These Superfund sites are dangerous.

They include chemicals such as arsenic, benzene, DDT, and brain-damaging toxins like lead and mercury.

In 1980, Congress enacted the Superfund law. During the last 4 years of the Clinton administration, an average of 87 final cleanups occurred each year. Let's look at what is happening under George Bush. Half of those sites are being cleaned up. Worse than that, who is now paying? Under Bill Clinton and under Republican Presidents before him, including George Bush's father, we taxed the polluters. The polluters paid to clean up their mess.

When I was growing up, my mother always said: Clean up your mess. She did not want to hear me say: It is somebody else's responsibility, mom. It is not mine.

Wrong. If you make a mess, you clean it up. Simple. That goes for polluters. That is why we set up the Superfund. The polluter pays was the rule of the day.

Now what is happening? This President does not support the Superfund fee on the biggest polluters. We see where the taxpayers used to pay only 18 percent of the cleanup costs, in this year are going to pay 50 to 54 percent of the cleanup costs. After this year, there will be almost nothing left in the Superfund, and this will be 100-percent paid for by taxpayers at a time when this President is depleting the money we already have by giving tax cuts to the people who earn over a million dollars a year, who do not need it.

So what is wrong with this picture? This President refuses to stand behind a bipartisan effort to reinstate the Superfund fee. I have introduced the bill with Senator CHAFEE, a Republican. This President will not support that and instead supports using general taxpayer funds to clean up Superfund sites.

Polluter pays is a principle that has worked. It has been supported by people of both parties and Presidents of both parties. It seems to me our people are in danger, and this administration is walking away from the Superfund.

I want to talk a little bit about clean water because this is very important. The Bush administration is working to remove Federal protection from many waters, including many creeks, streams, small ponds, and wetlands. These bodies of water have long been protected by the Clean Water Act. There was a rule published late in the day, and the effect of the rule is that 20 to 30 percent of our bodies of water could be exempted from the Clean Water Act. Why on earth would anyone want to do that when we see the results of the Federal Government's now saying that 20 to 30 percent of our water bodies no longer are covered by the Clean Water Act will be more polluted waterways? We already know the Nation's waters are getting dirtier, and almost half of our lakes, streams, rivers, and coastal estuaries are not safe for fishing, for swimming, or for boating.

How many people have taken their children on a vacation only to go down to a lake, go down to an ocean and find the sign, "Polluted. You may not enter this body of water"?

We will kill off the remaining populations of 43 percent of endangered or threatened species that rely on wetlands for survival. We will deplete drinking water sources.

Mr. President, I ask about the time. My understanding from Senator HARRY REID was we had time until 3:15. He asked me if I could then extend that to 3:30. No one is on the floor from the other side. Because there is no one on the other side, I ask unanimous consent—and I think if I do not get that unanimous consent, it says to me that people on the other side of the aisle, the Republicans, are not interested in allowing free speech to move forward. There is no one in the Chamber. I am happy to cease and desist when the next speaker comes. I ask unanimous consent that until another speaker comes that I be able to complete my remarks on the war on the environment that is going on each and every day, that is hurting our air, hurting our water, hurting our country.

The PRESIDING OFFICER (Mr. CRAPO). I have been advised by the leadership of the majority that they do intend to use their time, and so in my capacity as a Senator from Idaho, I object to the request.

Mrs. BOXER. I once more ask unanimous consent that I be able to speak until the next speaker comes to the floor.

The PRESIDING OFFICER. Under the previous rules, the Senator from California's time has expired. However, her side has until 3:15. She may ask unanimous consent to use that time.

Mrs. BOXER. That is what I have been doing.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has until the hour of 3:15 or until a Senator from her side wants to claim that time.

Mrs. BOXER. I have been asked to take that time. That is what I was trying to convey to my friend. I ask for an additional 2 minutes because it took 2 minutes for the Chair to figure out that I actually could take HARRY REID's time. Would that be all right?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

Mr. President, I am very feisty today because I see an attack on our environment. I want to make the case, and I am going to try to do it in the remaining 7, 8, or 9 minutes I have.

If we move away from the Clean Water Act, what we will see is more polluted waters, more waterborne illness, higher drinking water filtration costs, more flooding, fish kills, and impaired sports fishing—that is why we have so many sports fishermen with us—fewer waterfowl and less recreational hunting. That is why we have so many recreational hunters with us as we try to resist this move to remove bodies of water from the Clean Water Act.

We will see reduced tourism, less spending on bird watching, ecotourism, and wildlife photography. I know my colleague understands the importance of tourism to our States. People come to see the beautiful wildlife, have a hunting or fishing trip, to take photographs, to show their children what wildlife really is. It is a hard time for those of us who believe so much that protecting the environment is a bipartisan issue.

I want to talk about something that is very near and dear to my heart because when I came to the House of Representatives in the 1980s, we learned that 100,000 dolphin were being killed every year because of destructive fishing practices, including Purse-Seining on dolphin. Many people now know what that is because Greenpeace called it to the world's attention. When tuna swim, they swim underneath the dolphin, and so unless one is really careful, they are going to throw their nets over the dolphin, and the dolphin are going to be killed or harmed. This practice was occurring in the 1980s. One hundred thousand dolphin were being killed each and every year because of dolphin deadly methods of fishing.

I have to say the young people of America turned the tide because kids would say to their parents: This is wrong to do to the dolphin, and if it means we are not going to take a tuna sandwich in our lunch, fine. We will boycott tuna until the tuna fishermen catch the tuna in a way that does not harm the dolphin.

Happily, the Congress passed the law I wrote. All the law said was we should create a label called a "dolphin safe" label, and if the tuna in that can was caught in a way that did not harm the dolphin, the manufacturer could, in fact, put that on the can.

What happened as a result of that legislation? By the way, it costs no money at all. It was just letting the consumer know the truth. The dolphin kill went down to 2,000 a year from 100,000 a year. That was because of the "dolphin safe" label of 1990.

The label was not that well respected. In about 1997, there were moves to weaken it. Basically, we held firm. Now the Commerce Department under George Bush has decided, forget all that, you can use the "dolphin safe" label even if you go back to purse seining on dolphin—as long as no one saw any dolphin die.

Scientific studies say that just does not work. When you harass the dolphin and you use the helicopters and you chase the dolphin and you torment the dolphin, we know what happens. They are not reproducing and they are not healthy. Yet this Bush administration wants to change the label. Now, fortunately, groups have gone to court and gotten the administration to guarantee that it will not change the meaning of "dolphin safe" until the court has examined this issue. For the moment, the "dolphin safe" label stands.

I put the administration on notice: If they persist in this, we will start another boycott. Americans do not agree with the administration putting free trade ahead of the dolphin. I can state that 75 percent of Americans want to make sure that label means something.

I have been in public life having first been elected in the 1970s, and I have always been a fighter for a clean and healthy environment. In all the years I have been in office, I have never seen such an attack on the environment. I have a list of every single attack on the environment this administration has made. It is published. We did it in chart form. We have four charts. Each shows repeals or rollbacks of an environmental law or regulation. It can be found on the NRDC Web site. If I were to have it on a piece of paper, it would roll out 32 feet.

Two hundred rules and regulations have been rolled back by this administration against the will of the American people, many of them on Friday afternoon. I am here to say on behalf of many on this side of the aisle—and some on the other—we believe protecting the environment is an American value.

It is not a Democratic value or a Republican value, it is an American value. We cherish our God-given environment. We cherish our forests, our streams, our lakes, our oceans. We believe it is important we keep the air clean, the water clean.

We will continue to come to the floor and make the case that this is the most anti-environmental administration in recent history. It is amazing when we compare contributions of a Republican President, Teddy Roosevelt, a Republican President, Richard Nixon, a Republican President, George Bush 1—who, by the way, said we should test poor children for lead in their blood. That is important to find out if they are sick or healthy. If they have lead in their blood, we should take action. This President tried to repeal that rule until we called him on it and pointed out it costs $13 a child and he stopped it. He tried to say we should not try to take arsenic out of water. We called him on it.

Mr. President, the state of the Union is anxious—anxious about the economy, it is anxious about jobs. It is anxious about a number of things: The possibility of war; it is anxious about a foreign policy that is in totally different directions where one country has inspections going on and we don't trust the leader of that country, we are ready to go against him, and another country has nuclear weapons and we are going to resolve that diplomatically. The country is anxious. They are anxious about the state of their environment. They do not want to have another Friday come and find out their rules for clean air, clean water, beautiful forests, are under attack.

I am here to say to the President: I know you are doing the last-minute rewriting of your speech. Think about what we are saying today. Democrats have come here in good faith to point out their differences. Reach out to us. Have a plan for the economy that is going to work. Say you will follow in the bipartisan traditions of environmental protection. Work with us on a foreign policy that is consistent and does not wait until a crisis hits but actually is proactive. Work with us on prescription drugs. Work with us so that people can get health insurance. We are ready, we are willing, and able to work with you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my understanding we now have 1 hour from this minute under our control.

The PRESIDING OFFICER. The Senator is correct.

THE PRESIDENTIAL BURDEN

Mrs. HUTCHISON. Mr. President, the President of the United States has an awesome responsibility. I don't think anyone in America would say that he does not realize what his responsibility is and that he is not working as hard as any person could to try to do the right thing for our country, in both our domestic agenda, our homeland security, and, of course, our national defense.

He has a heavy burden. He must do something that stimulates the economy, that puts people back to work, and at the same time he must spend everything that is necessary to secure the people in our country who live here and to make sure that our young men and women who are fighting the war on terrorism, who are fighting for our freedom and our country, wherever they may be in the world, have everything they need to do the job we are asking them to do.

I have been listening to a lot of the comments that have been made on the floor today. I would like to take each of the areas that have been mentioned and try to talk about what the President's agenda is and why he is trying so hard to beef up our economy, at the same time fighting a very long and, frankly, iconoclastic war on terrorism.

This is a new kind of enemy. It is not the kind of enemy that is one country or two countries. It is no particular country. It is not the kind of enemy we always have had one which wanted to kill or harm us but didn't want to hurt themselves. No, this is an enemy that is willing to blow itself up in order to harm Americans. It is even an enemy that would tell their children, teach their children, educate their children, that suicide, in order to harm Americans and freedom-loving people, is a good thing.

This is a difficult kind of war. Our President knows we are fighting on every front, that we are trying to find the enemy, no matter where they are. If they are in the caves in Afghanistan or if they are in Iraq or if they are in North Korea or if they are in our own country, the President is doing everything he can to execute this war and to tell the people of the United States we must stand together. We must stand together and keep the spirit of our country if we are going to have the patience and the resolve to beat this new kind of enemy.

That is what our President is trying to do. He doesn't want to make war. He doesn't want to make war on Iraq or anyone else. But he also knows that if we are going to keep another 9/11 from happening—God forbid a 9/11 with a nuclear weapon or biological or chemical weapon—if he is going to prevent that from happening in our country, he is going to have to have the full support of the American people. That is exactly what he is trying to get, by talking about the problems in Iraq, talking about what Saddam Hussein is doing.

The people who have seen Saddam Hussein, who have seen the treachery of this despot, know he is someone we must not have in control of a country and with the potential of having a weapon of mass destruction.

I know the President tonight is going to talk about the war on terrorism and all the things he is doing and all the young men and women who are on their way to the Middle East to make sure we are negotiating from a position of strength. But I know this President's very last resort is war. It is not the 1st resort, nor the 2nd resort, nor the 3rd resort, nor the 100th resort. But he knows that unless Saddam Hussein knows we mean business—we will do what we say we are going to do—we are going to lose this war on terrorism. That is the leadership the President of the United States is showing.

The President, in addition to the burden of having to prosecute a war, also has the burden of having to make sure our domestic economy stays strong, because it will be very difficult to prosecute a war if our domestic economy continues to erode.

We passed a tax cut 2 years ago under the leadership of President Bush and with strong support from Congress. That tax cut has helped a lot of people. I believe that tax cut kept us from going into a deeper recession. Now the

President is trying to stimulate the economy, and the President is looking at history, and what has happened when we have had tax cuts in history has been phenomenal.

In 1964, President Kennedy led the fight for tax cuts. In 1965—1 year later—the gross domestic product rose 8 percent. Over the next 5 years, it rose 48 percent. Unemployment fell from 5.2 percent in 1965 to 3.5 percent in 1969. Five years later, revenues had risen for the U.S. Government by 66 percent. There was a $5.9 billion deficit in 1965 but a $3.2 billion surplus in 1969. That was the effect of the tax cuts of 1964.

After the Reagan tax cut of 1981, the gross domestic product rose 4 percent the next year, 1982; 42 percent over the next 5 years; unemployment fell from 7.6 percent to 7 percent in 1986. Five years later, revenues had risen by 28 percent.

So it has been proven that tax cuts will give the economy the boost it needs.

We have seen a situation in America where corporations have been dissuaded, because of double taxation of dividends, from giving dividends. So people who are saving and investing in order to have retirement security have been getting fewer and fewer dividends because companies get nothing for paying the dividend. They have to pay taxes on the money first before they would issue a dividend. It is cheaper to go into debt. So we have seen debt financing rise, and dividends that go to shareholders that can help secure retirement have been going down.

Today in America, 50 percent of the people own stock and 50 percent of the people who get dividends are our senior citizens. These are people who have tried to provide for their retirement security, not looking to their Government but looking to themselves. That is what we want to encourage. That is why the President is trying to eliminate the dividends' taxes.

So we are trying very hard to stimulate the economy.

How are we doing it? We are doing it, of course, by trying to eliminate the double taxation of dividends, trying to encourage corporations to give dividends and help people who want to have that income to live on, who need that income. But we are also doing something else. We are trying to lessen the burden of the marriage penalty. Why would we have a marriage penalty in our country? We don't need to tax marriage, but that is what we do. And the President is trying to eliminate that. I have introduced the bill in the Senate to eliminate the marriage tax penalty.

We are also trying to bring down the tax rate for every bracket—yes, every bracket. Mr. President, 35 percent of the small businesses in our country will get relief if we lower the upper bracket. Everyone will get relief under the President's plan—everyone who pays taxes will get relief, and especially the small businesspeople in our country who desperately need this tax relief and are trying very hard to make ends meet in these tough times. We want to help them.

I think the President is doing a great job. I am very proud that he is trying to stimulate the economy. He is very concerned about people who have lost their jobs, people who are worried about their retirement security, and he is trying to do something about it. At the same time, he is taking on a massive war on terrorism, to make sure that freedom reigns in the world, to make sure that our way of life—democracy, freedom, free enterprise, self-reliance—lasts in the world—not a way of life that says that suicide is a good thing if you can kill other people at the same time, not a way of life that says people will never have a chance to have a role in their own government. There will be no self-government in a world of terrorism. We cannot allow that kind of power to take over the world. That is what the President is trying to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment our distinguished Senator from Texas for the excellent remarks she has made about really what is going on right now and what the President is trying to do.

I, for one, want to help the President. I want to help him to help this economy. So I rise today in support of President Bush's growth and jobs plan, and I would like to take a few minutes today to tell you why I believe this is the right prescription for America at this time.

I know from talking to people in my own home State of Utah, and across the country, that our current economy is not meeting its full potential. This is crystal clear. The nationwide unemployment rate stands at 6 percent. And while that is better than usual after a recession, it is still far too high. Thousands of people in Utah and millions of people across the country are out there looking for work. Yes, most of them are finding jobs eventually, but jobs are far too scarce still. As long as there are people who want to work but cannot get work, we have a problem in our country.

The President's plan starts off by speeding up the tax reductions this body has already passed by a significant margin. This is just plain common sense. A big part of the tax cut we passed in 2001 was designed to be phased in over the following 10 years, with rate cuts, marriage penalty relief, and child tax credits increasing every few years. But since our economy is below its potential right now, then right now is the time to make the full amount of these tax cuts effective. Doing so would put money in people's pockets immediately. The IRS would change their withholding tables immediately after the accelerated tax cuts become law, so more money would show up immediately in workers' paychecks.

The President's plan to speed up the tax cuts now, right when we need them, will have an immediate, visible impact on practically every American taxpayer.

A key part of the President's plan is to accelerate marriage penalty relief and speed up the $1,000-per-child tax credit. Phasing in these family-friendly tax provisions slowly might have made some political sense 2 years ago, but today, when young families are wondering whether Mom and Dad will have a job next week, cutting the tax man's share of the pie will be a big help.

Waiting 3 to 5 years for family tax relief makes no sense in the middle of a slow economic recovery. Let's do it now. Let's provide a tremendous boost to millions of American families.

As to some of the media reports that the President's plan unfairly benefits the wealthiest people in the country and does little or nothing for low- or middle-income taxpayers, let me set the record straight.

According to the Treasury Department, a married couple with two children and an annual income of $40,000 would see their taxes decline, under the President's plan, by $1,133—from $1,178 to $45—in 2003.

In other words, under today's taxes, they would pay $1,178. That would be reduced $1,133 to where they have a tax bill of $45. That is for people who make $40,000 a year. For this family, there is not much more tax relief that can be given.

Under the Bush plan, 92 million taxpayers would receive, on average, a tax cut of $1,083 in the year 2003 and thereafter. Forty-six million married couples would receive an average tax cut of $1,716. Thirty-four million families with children would benefit from an average tax benefit of $1,473. Six million single women with children would receive an average tax cut of $1,384. Twenty-three million small business owners would receive tax cuts averaging $2,042. Talk about helping the middle class.

In my home State of Utah, over 646,000 taxpayers would get tax relief from the President's package. That is important to me. That is important to almost 650,000 people in the State of Utah.

Under our ultra-progressive income tax, the top 50 percent of income earners—those who made $27,682 in the year 2000 or more—that upper 50 percent, from $27,000 and up, paid over 96 percent of all the income taxes paid in this Nation.

Therefore, those who are paying most of the income taxes are naturally going to get much of the benefit of a tax cut. In fact, it is almost impossible to cut any tax without making the people who pay that tax better off.

Projections prepared by the Treasury Department show that 40 percent of the President's proposed tax cut would go to people with income over $200,000 per year. But it is important to note that this same group is paying 44.8 percent—almost 45 percent—of the total income tax.

If we enact the President's plan, people making over $200,000 a year will end up paying even a larger fraction of the Nation's income tax bill, 45.4 percent. On the other hand, people making less than $50,000 would pay less of the total share than they do now.

Further, the President's plan contains an important provision to increase the incentive for small business investment. I might have made this provision even stronger than the President chose to make it. But even as it stands, the increase to $75,000 per year of business expensing will be a boon to companies struggling to grow. It will increase the demand for business equipment and software, sectors that have been hit especially hard in this downturn. This proposal can help to revive business spending and create new jobs in industries that make machines, computers, and software.

I would like to debunk one particular false notion that is making the rounds here on Capitol Hill and in the media; the idea that lower income people spend all of their tax cut but the middle and higher income people will just save them.

It turns out that how much you earn does not have a night-and-day impact on the people's decision to spend. A recent study by the nonpartisan National Bureau of Economic Research concluded—and I quote—

> Low-income households are not more likely to spend the rebate.

In fact, as this chart shows, it looks as though families with lower incomes actually tended to spend a smaller fraction of their rebate.

I will just point to this chart now. The modest income earners spent little of their rebates. Americans who earned up to $50,000 per year spent less than 20 percent of their 2001 tax rebate. But Americans who earned more than $50,000 a year spent over 25 percent of their rebate checks.

It would appear to me rebates are not the way to go if we want to stimulate the economy. Yet that is what our colleagues on the other side seem to think is the gold standard to help get the economy going.

I would now like to address the part of the President's package that has drawn the most attention, the plan to end the double taxation of dividends. Ending the double taxation of dividends will make stocks more valuable, it will make businesses more financially sound, and it will make it harder for a few wrongdoers to hide their corporate shenanigans.

Why do America's corporations load up on debt financing despite the fact that the higher debt levels increase the risk of bankruptcy? I will tell you why. Because our Nation's tax laws have always given them massive financial incentives to do just exactly that.

The reason is simple. When a corporation pays interest to bondholders, that payment is taxed only once. That is at the bondholder level. But, in contrast, when it pays dividends to stockholders, that payment is taxed twice—to both the corporation and the shareholder.

President Bush's economic growth plan contains a proposal to end this absurd incentive and, by doing so, his plan will strengthen the foundations of our economy and help ensure growth and new jobs for years to come.

This chart—"How the Double Taxation of Dividends Harms Our Nation"—shows that bankruptcies go up, corporate accountability goes down, and investment in capital formation also goes down. And that is where jobs are thrown to the wind.

Our Tax Code's harsh and unfair treatment of dividend payments harms the foundation of our economy in those three ways. It increases the number of bankruptcies, it weakens corporate accountability, and it slows the formation of capital.

By loading up on tax-deductible bonds and bank loans rather than issuing new shares of stock, corporations increase their chance of going bankrupt.

Our Tax Code should not encourage this behavior. When corporations load up on debt, they commit too much of their cash flow to making interest payments, and the danger of bankruptcy becomes all too real. Once we change this policy, businesses will find they have people lined up out the door to buy stocks that pay dividends. When companies hear of the clamor for dividend-paying stocks, they will have a much stronger incentive to pay for new projects and new factories by issuing new shares of stock rather than running to the bank or the bond market for a loan.

And then, if times get tough, businesses will not be as likely to declare bankruptcy and head to Federal court for a painful reorganization, as we are seeing today. Instead, many companies will be able to cut their dividend to shareholders, and continue business more or less as usual.

This is not speculation on my part. Just open up any textbook on corporate finance—books that are on the shelves of many an MBA—and you will see it yourself in black and white: Business managers are taught to weigh the benefits of tax-favored debt finance against the increased risk of bankruptcy. They even have a name for it. They call it the Trade-off Theory of Capital Structure. And it is caused by the double taxation of dividends.

Our Tax Code's inequitable treatment of equity also weakens corporate accountability. Dividend payments are cash-on-the-barrelhead evidence that a company is profitable.

While not a perfect measure by any means, it can be an important signal that a firm is solvent. As they say on Wall Street, "Profit is an opinion, but cash is a fact."

The Wall Street Journal reported recently that only about 30 percent of S&P 500 corporations pay any dividends at all. A crucial reason for this dividend drought is our Tax Code, which requires corporations to pay 35 cents in taxes for every dollar in profit and then, on top of that, requires taxpayers who get those profits in the form of dividends to pay personal income tax. The total government take, when state taxes are added, can exceed 70 percent. So what is the incentive to pay dividends—something we ought to be encouraging, rather than destroying.

Finally, our inequitable treatment of equity slows innovation and the formation of capital. The double taxation of dividend income cuts the flow of equity funding to all but the most promising investments. Good ideas go unexplored and promising investments go unfunded because they cannot guarantee enough after-tax profit to investors.

I believe it is important for Congress to eliminate the double taxation of dividends. It is important for our country and the stability of our business community. That is why I support President Bush's plan. By making shares a more attractive investment, his plan will boost demand for stocks and push up their value. By reducing the long-run risk of bankruptcy and encouraging companies to take on promising projects, it will be good for employees. And most importantly, ending the double taxation of dividends will make American corporations stronger, much more accountable, than they are today and more innovative in the years to come.

I am proud to be able to support the President's growth and jobs package, and I am looking forward to working with my colleagues on the Finance Committee, both Democrats and Republicans, to pass out a bill that give tax cuts to America's families, that gives small businesses an opportunity to grow, and that end the double taxation of dividends to strengthen both our stock market and the financial foundations of American business. This is an economic agenda that addresses the needs of today as well as the challenges of the future. The American people deserve no less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we are in morning business, I believe.

The PRESIDING OFFICER. The Senator is recognized for up to 32 minutes.

STATE OF THE UNION MESSAGE

Mr. THOMAS. Mr. President, I have listened to some of the conversation that has gone on. Obviously, much of it has been pointed toward this evening's speech that we all look forward to from the President, the State of the Union, at which time he will outline at least some of his plans for the direction this country will take.

I am looking forward to it. The President has committed himself to going in certain directions. All of us understand that. All of us are in favor of the things the President wants to do. I suppose we have different views of how that might be done. That is the way it ought to be.

I do hope we don't spend all of our time simply criticizing; that we not use this as a sort of political fulcrum, but we really talk about the issues. No one could disagree with the notion that we are looking for ways to grow the economy and create jobs. Who can argue with that? No one. How you do it, yes, I suppose there are different views.

To strengthen and improve health care, certainly that is one of the issues all of us are faced with, whether it be Medicare, Medicaid, the CHIP program, or just general health care. We are all very much interested in it.

In my State of Wyoming, a rural State, we have a little different problem, but interestingly enough, we have problems the same as they do in Chicago or New York City. The cost, for instance, of liability insurance is higher in our State than it is some others, which is kind of strange. Nevertheless, we would all agree with the fact that we need to do something about that.

Obviously, the defense of our country against terrorism, the defense of our country against challenges overseas and security at home, no one disagrees. Again, we have different ways of doing it.

I would like to deviate from the issue for a moment to talk a little bit about—I guess, philosophically or in a broader sense—the notion of dealing with these issues in terms of a longer term view. We have held in my State of Wyoming over the last couple years several meetings; in fact, about 26 meetings in 23 counties. We call them Vision 20/20. We met with the people in the community, all of whom would come—some invited for special reasons—to talk about what they wanted their community and their family and their business to be in 20 years or 10 years or 15 years, how they envisioned the way things should be. Of course, as you might imagine, we found out there are different views from different people, but pretty much some of the same consistency in terms of wanting better jobs, better security, having health care, having freedom.

We find ourselves in this body, as in many bodies, as a matter of fact, dealing almost exclusively with those issues that are right now upon us, fixing what is going to happen tomorrow.

Of course, that is necessary. But it seems to me we would help ourselves a great deal and help our country a great deal if we could look a little further out into the future and say: What do we want this Government to look like in 15 years, what kind of a system would we think would be best for health care in 15 or 20 years, and then begin to get some kind of a general conception of where we want to be and where we think it is best to be for our country and for the people who live here. And then as we move through the daily issues and as we move toward the issues that we have to resolve, we can measure those against where we want to be and see if in fact they are contributing to the attainment of the goals we have set.

One of them certainly is the role of Government. We haven't talked about this as much lately as we used to. What is the role of the Federal Government? How much Federal Government do we want in our lives over a period of time? This, after all, is the United States of America. This is a federation of States. Most of us would agree that the Government that rules best is the one closest to the people. Obviously, there are roles for the national organization, there are roles for the Federal Government. But there are also limits that ought to be there, if we don't want the Federal Government to be the end-all of governmental activity.

What do we see there? How do we want to do that? Most people would believe there are some constitutional limits to the role of the Federal Government. We seem to have dismissed those to a large extent and find Government involved in nearly every aspect of our life.

That becomes kind of a political thing that we talk about. We talked about that last week—what can we do this week for somebody? We ended up with the other side of the aisle, in that week we spent trying to catch up with the appropriations, having proposals of $500 billion worth of spending that would grow Government over 10 years, at the same time complaining about a deficit. So we didn't have a good concept of where we wanted to go and measure against balancing spending and balancing the budget. Of course, we want to deviate from that from time to time, and the circumstances now require that we do something unusual, I am sure, about defense and terrorism and about the economy.

So we are obviously going to spend more money now than we would normally spend because it is not a normal situation. We hear all the time "back in 1998 we didn't have a lot of the problems that we have now." We have to deal with them. Overall, what do we want? We want a balanced budget. I think we want to be able to hold down spending, not increase it, which is what we hear about, frankly, all the time.

We need to take a look at terminating activities that are out of date. It seems when we get something going in the Federal Government, it is there forever. In the private sector, when you have a company or an operation of your own and you find something is not contributing to that, you have to change it. Not so in the Government. But that ought to be one of the directions we want to take.

Certainly, we ought to be able to do health care. What do we want over time with health care? We have already indicated pretty clearly over the past number of years, when it was tried in the last administration to have a Government-run program, we didn't accept that and most of us do not now. Obviously, some work needs to be done to help people who need help. But where do we want to be? Do we want this health care to be primarily in the private sector? I think so. Most people do. So these are things we need to talk about and think about and have a good deal of attention paid to. What is the role of the Federal Government on these issues?

I noticed the other day a quotation from President Clinton that Government's responsibility is to create more opportunities, and the people's responsibility is to make the most of it. I agree with that. I don't think his policies were in line with that, but I agree with that statement. So what we are talking about here primarily tonight—and I am sure for several months—is about strengthening America's economy. The President's economic agenda has two main goals: To encourage consumer spending that will boost economic recovery, and promote investment by individuals and businesses that will lead to the economic growth and job creation. Those are two different points of view, and I respect that. Their point of view is to distribute money to everybody. Over here, it is to create incentive to create jobs so you have a long-term, positive impact. We need to do that.

So we will have great discussions, of course, on all of these issues. That is the way it ought to be and, indeed, that is the way it is.

I see my friend from New Mexico here. I hope we can address ourselves on these issues and do it in a way that we can disagree without making a total political issue of each of them—talk about them on their merits, on what they will do for the country, and not the impact they will have in 2004. Frankly, we have had an awful lot of that. We need to move beyond that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, parliamentary inquiry. I thought I was to have 10 minutes. Am I too late for that?

The PRESIDING OFFICER. There are 22 and a half minutes available on the Republican side at this point. The Senator can take that time if he chooses.

Mr. DOMENICI. I will use 10 at this time.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, it is rather amazing, in the United States we only have one country, we have one people, we have one President, and he gives one State of the Union Address. Today we began to see how difficult partisan politics has made the idea of having one President, because before our President—the one President we have—takes the one opportunity to address the American people as to what he would like to do and what he would like help from the Congress and the people on, we have an array of Democratic Senators come to the floor, all of whom have today set their own standard for what he ought to do, all of whom have criticisms of what he might say, all of whom suggest if he doesn't do this, it will not work.

Well, I submit the President will have a myriad of healthy ideas for the American economy, and I would like to discuss one major one for a few minutes with the Senate and the American people—that is, the concern we have in the United States about our economy not producing jobs as it should and, thus, creating worry among our people beyond the unemployed. Many Americans who are employed will not spend money, purchase, or build a new house because their fear causes restraint. The American economy is not producing jobs. The business investors don't want to invest because they are not sure what is going to happen, so they too are withholding. They are being investigated and have all kinds of pressures so they are holding back. Even with this combination, the American economy, when you add it all together, is moving ahead quite well. That piece of the economy or that element that we call the gross domestic product is increasing.

Normally, when it is increasing, you produce more jobs. The gross product is not going down, which is negative, meaning a recession; it is going up. In fact, sometimes in history, if it went up this amount, jobs would be increasing in large numbers. This time it is not happening. That is why we call it a "jobless" recovery.

Our President isn't laying blame on the Bill Clinton Presidency, when this recession started. I don't believe he has uttered a word about who caused it. I hope he does not tonight. As a matter of fact, on that score, we can all waste America's time talking about 3 years ago, what was going on—was the American economy on the downturn, and was President Clinton to blame or the Democrats?

The truth of the matter is a series of phenomena have occurred, including a huge terrorist strike that occurred in New York, and a huge drop in the stock market of the United States. You cannot blame that on this President.

All of those things, and others, have combined with a 10 or 11-year growth cycle that had to come down, bringing the American economy into a nongrowth era for a while. Now it is starting up, and we want our President to tell us how we can improve that situation for America. That is what it means to speak about the economy and jobs.

Our President says: You all may have a lot of good ways, but I believe we ought to cut taxes. Most economists suggest cutting taxes, if you cut them right, will stimulate economic growth. The more money that is put into the economy—that means into the pockets of people and the pockets of business so they can spend it—the more you do that, the more you have a chance of moving the American economy.

I understand the Democrats, with Senator DASCHLE as their leader, have a $141 billion package, a portion of which is giving money to the States because their treasuries are broke. If you want to do that, don't call it a stimulus package. We may do that in another event in the Senate, but our President, rightfully, is not including that in a stimulus package. That is not a stimulus, to help our States. At one time, we had a countercyclical problem. I don't know if DON NICKLES remembers, but Senator Muskie started it, and every time the economy would go down, you give the States money. Well, the President doesn't have that in this budget, in this proposal on taxes; but it may be considered separately if we have to help. What he does is look at accelerated expansion of the 10 percent bracket, accelerated reduction in income tax rates, accelerated elimination of the marriage penalty, with some refund of money, and an accelerated increase in the tax credits. It has the exclusion of dividends from individual taxable income and increases in small business expensing. That means if they can expense more, they keep more, which I just said you must do. Let them keep more so they can buy more equipment, spend more on jobs. The President has a hold harmless provision under the alternative minimum tax, a very necessary provision, and the cost of the plan is $98 billion in the first calendar year and $670 billion over 10 years.

The Democrat plan is so small I think we ought to nickname it. I think we ought to call it "the mouse."

The American economy is $10 trillion. If we are talking about 5 years, it is $50 trillion. That means the sum of the transactions going on, paychecks, car purchases, house purchases, financing, equals $10 trillion a year.

When my colleagues say let's accelerate it, that means let's put money into the economy that stirs that up enough and shakes up all those transactions where a little bit more fever is put in each one of them so some action is occurring which we would equate with growth and jobs.

Clearly, that cannot be done unless enough is put in to move the giant battleship called the American economy. So how can that be moved with a mouse? It cannot. If a mouse is put out there to do it, the mouse will die and nothing will happen.

If my colleagues don't want to throw away taxpayers' money, then produce a plan that purports to create jobs and is so small it does nothing. Otherwise, that money will have been thrown away and my colleagues would be back in 18 months or 2 years asking the American people to give them another shot at it because we did not do enough.

So I submit that the President's proposal, which he has already given us a glimpse of, which he will tell the American people about tonight in detail, is the right one for America. Am I alone? Of course I am not alone in thinking this. There are 110 economists. One would think from what some on the other side say that the President called on a few people and they gave him ideas and he picked this one and said: Oh, here is a new idea. Let's not tax dividends on the individuals who receive them.

That idea has been around. I have been in Congress 30 years. It was around when I arrived. This is what 110 economists, with three Nobel prize winners, said. I ask unanimous consent to have printed in the RECORD a summary of their approach.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

110 ECONOMISTS BACK BUSH TAX PLAN; 3 NOBEL LAUREATES JOIN GROUP URGING CONGRESS' SUPPORT

(By James G. Lakely)

The Washington Times—January 18, 2003.—A letter signed by 100 economists, including three Nobel Prize winners, urges Congress to support the main elements of President Bush's $647 billion tax-cut plan, make his 2001 tax cut permanent and restrain federal spending to spur the sluggish economy.

"As a rule, government cannot create wealth or expand the economy. Only the private sector can do that," said the letter this week to all members of Congress." Government can, however, hinder economic growth through excessive taxes, high marginal tax rates, over-regulation, or unnecessary spending." The economists, including Nobel laureates Milton Friedman, James Buchanan and 2002 winner Vernon Smith, said increased spending to combat terrorism is warranted but that "excessive federal spending has a dampening effect on the American economy."

To remedy that, Congress should "end programs that outlive their usefulness and roll back government's share of the Gross Domestic Product."

According to the Congressional Budget Office, government spending represented 19 percent of the GDP in 2002, a level that has remained roughly stable during the past 15 years but threatens to explode to 40 percent because of entitlement spending by 2075.

The "wobbly" financial markets can gain solid footing again, said the economists, if Mr. Bush's $1.35 trillion tax cut in 2001 is made permanent.

"Investors and individual taxpayers will be able to make better decisions on their finances if they have greater confidence about what tax laws they will be facing in coming years," the letter said. "It is imperative for Congress to make the entire 2001 tax cut permanent."

The economists also applauded Mr. Bush's proposal to eliminate the double-taxation on corporate dividends, a policy they said is "especially harmful to economic growth."

Support for Mr. Bush's tax plan largely follows party lines. House Democratic leaders have scheduled an event Tuesday on Capitol Hill to argue that the president's plan is neither fair nor fiscally responsible and would leave state governments starving for money.

The various Democratic tax-cut proposals are dramatically smaller, short-term, targeted more narrowly and feature payments of at least $300 to all families, including those who pay no federal income tax.

A spokesman for the Democrats on the House Appropriations Committee criticized the president's plan for being too skewed toward "the superwealthy."

"The White House needs to wake up and realize that giving their rich cronies another tax break is not going to halt the Bush recession," the Democratic aide said.

"We need to put money in the hands of people who are having trouble putting food on their table, not people who want to buy a second yacht."

But Sen. Evan Bayh, Indiana Democrat, said he is "keeping an open mind" on supporting a pro-growth tax bill that has many of the features of the president's package. "I'm not someone who has an allergic reaction to the dividend proposal as some do," Mr. Bayh said.

"I think you'll see a great many elements of the president's proposal [in the final bill]. I think, frankly, we'll improve it to make it even more growth-oriented for the economy today."

Mr. DOMENICI. They suggest that only the private sector can do what is required. Government cannot create wealth or expand the economy. Friedman, Buchanan, and Vernon Smith, all Nobel laureates, said increased spending to combat terrorism must be done, but to the extent that it is a lot of money, it will not help the American economy. They go on to say we need what the President is suggesting in his plan.

This summary I have before me, News World Communications, from the Washington Times quotes this series of communications.

I see Mr. NICKLES, the Senator from Oklahoma. I was going to speak about Iraq for a few minutes but I think I will not because I assume he will speak on the economy and taxes. I think it would be good today to have my speech and his back to back.

IRAQ

Mr. DOMENICI. I conclude with some comments on Iraq. I hope that tonight our President will tell our people the issue in Iraq is why has Saddam Hussein not destroyed the weapons of mass destruction that are in his country; not that we did not find them, not that we did not find a smoking gun.

The United Nations verified that he had thousands of weapons in his country, thousands of weapons of biological and chemical makeup that can kill millions of people.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. DOMENICI. Some 9 or 10 years ago, the United Nations said Saddam must get rid of them, and then we pulled out. The United Nations sat around, Iraq started selling oil again, and Saddam started being Saddam. Then we decided we will go in and see if he has gotten rid of them. Noncompliance by him means he has not shown what happened to the weapons.

The 12,000-page document, which was all over the press as if they had submitted 12,000 pages of real explanation, was presented some days ago as though it explained where these thousands of weapons went. The United States and its agents of absolute integrity have read every single page, every single line. The conclusion is that the 12,000-page document is a farce. It does not explain what happened to all of those weapons. It is a joke.

They put in those pages what they wanted, and they described what they wanted. The sum total is, where are they?

He continues to say: I am showing them everything. And we continue to say: It is your responsibility to show us what you did with them. After all, it is not like every country in the world would accept thousands of these chemical weapons. Some nation that is crazy enough to take them would have to be found. So we have to be told they are not here. But where are they? If they are dumped in the ocean, somebody would find out. They cannot easily be gotten rid of so he has not gotten rid of them. He hid them.

Now we are telling the world there is noncompliance. I hope the world sees it our way, but more importantly I hope Saddam sees it our way. I hope he understands there are a lot of us that understand what is going on and that it is like I just said: He better come clean or, in fact, something will happen. I hope he does it himself and I hope our friends realize they better join us in putting him on the spot or he will put the world on the spot, and he will do it very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

IRAQ, THE ECONOMY, AND THE BUDGET

Mr. NICKLES. Mr. President, I compliment my colleague, Senator DOMENICI, for his speech and also for many of the comments he made relating to the economy, the budget, and Iraq. I think the Senator from New Mexico is exactly right. The issue with Iraq is not whether the arms control inspectors can find a few weapons. It is whether or not Saddam Hussein is going to disarm and whether he is going to comply with the United Nations and whether the United Nations is going to enforce compliance.

We can pass 17 resolutions, all of which say the international community says he must disarm, but if we do not compel him to disarm, it makes the United Nations somewhat irrelevant to the whole proposal. Do those resolutions mean anything besides rhetoric or are we going to enforce them?

The previous administration did not enforce them. As a result, we did not even have arms control inspectors, much less enforcing the existing resolutions. Now we have a President who is going to lead the world, who says we should enforce these resolutions, and we should compel his disarmament.

When we think of the dangerousness of these weapons, I mentioned earlier today that two envelopes with anthrax that unfortunately were destined to the Senate killed a few people. They were not even opened in the post office. Yet they still killed people. They are very deadly materials. He happens to have tons of similar-type weapons, some even more dangerous such as VX.

I think the President is right in drawing a line in the sand and saying he must comply. The world community, the United Nations, agreed with the President last year. I hope they continue to support compelling Saddam Hussein to comply with existing U.N. resolutions.

I will submit for the RECORD a table which summarizes the Senate's action on H.J. Res. 2, the fiscal year 2003 omnibus appropriations resolution. This table was prepared by my staff based upon estimates of the Congressional Budget Office. I also wish to congratulate the chairman of the Appropriations Committee, Senator STEVENS, for working to limit the total fiscal year 2003 appropriations bills to amounts requested by the President.

As adopted by the Senate, H.J. Res. 2 contains $386.864 billion in discretionary spending when added to the amounts in the defense and military construction appropriations bills already enacted, which total $752.193 billion in fiscal year 2003 discretionary spending. These totals include a 1.6 percent across-the-board reduction amounting to $6.4 billion from all accounts funded in the other 11 appropriations bills, plus amounts for classified defense programs, $3.9 billion in fire and management, $825 million for which the President submitted separate requests.

Compared to fiscal year 2002, total discretionary spending under H.J. Res. 2 would grow by 2.4 percent, defense discretionary spending would grow by 6.9 percent, and domestic discretionary spending would decrease by 1.9 percent; compared to fiscal year 2002, less spending for one-time nonrecurring projects. Total discretionary spending under H.J. Res. 2 would grow by 4.7 percent, defense discretionary spending would grow by 7.3 percent, and domestic discretionary spending would grow by 2.1 percent. H.J. Res. 2 also includes several changes in mandatory programs not counted on the discretionary side of the budget.

The increased spending, which would total $4.221 billion in 2003, includes changes in agriculture payments for drought, payments to physicians in rural hospitals, and TANF payments to States.

I ask unanimous consent a table displaying the Budget Committee scoring of H.J. Res. 2 and enacted appropriations with comparison to 2002 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBO ESTIMATES OF THE SENATE PASSED APPROPRIATIONS BILLS FOR FY 2003 COMPARED TO FY 2002

[Budget authority, in billions of dollars]

Subcommittees	2002	Senate appropriations bills	Percent increase or decrease
Divisions A–K, and Defense and Military Construction Bills			
Agriculture	17.171	18.350	6.9
CJS	42.995	41.505	−3.5
Defense	0.560	0.574	2.5
Nondefense	42.435	40.931	−3.5
Defense	334.113	354.830	6.2
DC	0.607	0.512	−15.7
Energy and Water	25.334	26.164	3.3
Defense	15.164	15.899	4.8
Nondefense	10.170	10.265	0.9
Foreign Ops	16.433	16.429	−0.0
Interior	19.135	18.952	−1.0
Labor, HHS	127.659	136.519	6.9
Legislative	3.254	3.362	3.3
Mil Con	10.604	10.499	−1.0
Transportation	23.095	21.574	−6.6
Defense	0.440	0.340	−22.7
Nondefense	22.655	21.234	−6.3
Treasury, Postal	18.515	18.220	−1.6
VA, HUD	95.758	90.349	−5.6
Defense	0.153	0.144	−5.9
Nondefense	95.605	90.205	−5.6
Deficiencies	−0.350	0.000	
Defense	−0.196	0.000	
Nondefense	−0.154	0.000	
Total, Divisions A–K	734.323	757.265	3.1
Defense	360.838	382.286	5.9
Nondefense	373.485	374.979	0.4
Division M			
Classified Defense Programs	0.000	3.895	
Division N			
Election Reform—Title I	0.000	1.500	
Wildland Fire Management—Title III	0.000	0.825	
Fisheries Disasters—Title V	0.000	0.100	
2.85 percent across the board rescission on accounts (except Head Start) in 11 bills—Title VI	0.000	−11.392	
Subtotal	0.000	−8.967	
Total, Discretionary	734.323	752.193	2.4
Defense	360.838	385.680	6.9
Nondefense	373.485	366.513	−1.9
One-time, non-recurring projects	15.946	0.000	
Defense	1.338	0.000	
Nondefense	14.608	0.000	
Total, Discretionary less one-time	718.377	752.193	4.7
Defense	359.500	385.680	7.3
Nondefense	358.877	366.513	2.1
Total, without enacted Defense and Mil Con		386.864	
Defense		20.351	
Nondefense		366.513	
Memo			
Mandatory Items in Division N			
Title II—Agriculture Drought Relief, as amended		3.100	
Title IV—Medicare Physicians		0.630	
Title IV—Rural Hospitals		0.250	
Title IV—Welfare Payments to States		0.173	
Collins Amendment—Home Health		0.040	
Bingaman Amendment—QI–1 Program		0.028	
Total		4.221	
Total, with Mandatories		756.414	
Total, without enacted Defense and Mil Con		391.085	

Source: Congressional Budget Office; Senate Budget Committee Republican Staff.

Mr. NICKLES. Mr. President, this is more fiscally responsible than any appropriations bills we have passed in the last many years. I compliment the chairman of the Appropriations Committee, Chairman STEVENS, as well as Senator FRIST and all of our colleagues who worked aggressively to contain the growth of these bills. That was not easy. We had a lot of votes. We voted down over half a trillion in additional spending amendments. I compliment my colleagues for showing some fiscal discipline.

In order to show fiscal discipline in the future, we have to pass a budget. Last year we did not pass a budget and we did not pass 11 of 13 appropriations bills. I hope this year we will be able to pass a budget; that we will be able to pass it on time; and that it will also allow for us to pass a growth package in addition to a package that would improve and enhance Medicare. Passing a budget makes it possible to do all those things. Without passing a budget we may not do any. We may not get appropriations done; we may not do a growth package; we may not do a prescription drug proposal or a Medicare enhancement proposal.

I speak just for a moment now on the President's proposal for economic growth and job creation. I have heard some colleagues coming to the floor criticizing it. I am also bewildered by statements they are making. Many have criticized the President's effort to eliminate double taxation on dividends, saying it benefits one group or another. I have not heard anyone say this is really good tax policy. Let's tax dividends twice. Let's tax it on the corporate level and tax it on the individual level so the net effective rate of taxation is anywhere from 65 percent to 73 percent, maybe 73.6 percent.

Now, with tax rates as high as two thirds or more, we more than discourage dividends. Dividends are basically rewarding the owners of the company with the fruits or profits of the company. With the double taxation, we are telling companies not to do this. I used to run a company. It makes no sense to do it. For corporations, particularly privately held corporations—I used to run one—why pay dividends if the Government is going to take, at least in present law, 35 percent automatically; and then individuals who may be paying rates of 28 percent or 27 percent, or maybe they are paying rates of 32 percent or 35 percent or 38 percent. If you add 35 percent and 35 percent, that is 70 percent. If a corporation makes $1,000 in earnings and they want to distribute it to their employees, the government gets $700 and the stock owner gets 30 percent.

That is absurd. It makes no sense.

Corporations are greatly discouraged from distributing their earnings to their owners. That is bad tax policy. And the present Tax Code encourages corporations to go into debt. We encourage corporations to pile up the debt because they get to expense it, but we do not tell them if they go the equity route, to build financing, to obtain financing, they can expense dividends. I hope we would do it. I would think expensing dividends from a corporate side would be the better way to eliminate double taxation. There are two or three different ways it can be done. I mention that to my colleagues.

The President has good tax policy—one that will help grow the economy, one that will encourage investment, one that would eliminate some of the gross distortions we have in the present Tax Code.

I make a couple of other comments concerning the President's tax proposal. I have heard a few people allude to the fact that it only benefits the wealthy. They have not read the President's proposal. The President's proposal is that we would have a $1,000 tax credit per child. Part of that was passed in 2001 and earlier where he said we will increase it. Right now the Tax Code has a $600 tax credit per child. He wants to make it $1,000. I have four kids. They are grown now so they will not qualify unless we include grandkids and maybe we should do that, too. One thousand dollars per child is $4,000 for four kids. $1,600 more than present law. One does not have to be wealthy to get it. If you have four kids, you get $1,600 more, a tax credit, where you do not have to pay taxes. That will take a lot of taxpayers to a zero tax bracket.

The President says, let's eliminate the marriage penalties by doubling the 15 percent tax bracket for an individual or a couple. The net impact of that, if a couple has a combined income of $55,000, they get to save about $1,000 per couple. If you want to do something to help middle income taxpayers, married couples, families, the President has it. He has a child tax credit, and he also has elimination of the marriage penalties. That is in his proposal. He also says individuals should not pay taxes at rates higher than corporations. I agree. Let's accelerate the tax cuts now for 2004 and 2006. And when you finish with that, the maximum income tax bracket, personal income taxes, is 35 percent. It just so happens 70 or 80 percent of the people who are paying that highest tax bracket are sole proprietorships, entrepreneurs, self-employed. Why should they pay a tax rate higher than General Motors? Presently, they do. General Motors pays a tax rate of 35 percent right now. Those individuals pay a tax rate of 38.6 percent. I don't think they should have to pay a tax rate higher than General Motors. They have a smaller business. Let's have a little equity.

Some say this is not doing enough for low-income. We have helped individuals and families. We have reduced tax rates for taxpayers in income tax brackets. The President expands the 10 percent tax bracket which he created 2 years ago. There was 15 percent tax brackets and the President made it retroactive on lowest income people. He took a lot of individuals in the 15 percent tax bracket and made their rate 10 percent. That was a 33 percent reduction in their tax bracket. We made it retroactive. That was equal to a benefit of about $600 for a couple. Now the President says let's expand the 10 percent bracket further. I compliment him for that, as well.

There is a lot of benefit in here for all income groups. A lot of people are throwing rocks at this without looking at the substance of it. I hope maybe they would look a little closer and maybe we should work a little more together and have a little bipartisan cooperation and see if we cannot do something to help grow the economy. It is vitally important we grow the economy. The President has a good proposal, a good package, one that will be, I am sure, thoroughly scrutinized by the Ways and Means Committee, by the Finance Committee.

We have a tradition in the Finance Committee reporting out bipartisan packages, whether in taxes or whether it be in the health care. I hope we will do both this year. We can. The President has given us a good proposal to do so. I look forward to working with my colleagues, Democrats and Republicans, to pass a budget and to pass a growth package that will help grow the economy. It is important that Congress enact both this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I understand that under the previous order, at 4:15 we start going back and forth. I ask the Senator from New York, who is prepared under that order, if I might proceed for 5 to 7 minutes prior to his taking it? I do not wish to be discourteous to my colleague because I know he came over for the 4:15 slot.

Mr. SCHUMER. I have no objection. The Senator is always a gentleman, and it is a pleasure to let him speak for his time first.

Mr. BENNETT. I thank the Senator and appreciate the opportunity.

The PRESIDING OFFICER. The Senator from Utah.

WAR WITH IRAQ

Mr. BENNETT. Mr. President, as I go out among my constituents, the one question I always get asked in these present times is: Are we going to go to war with Iraq?

For a while my answer was, that is up to Saddam Hussein. It depends on how he acts and what he does, as to whether or not we are going to go to war with Iraq.

But what he does now is fairly clear. The position he has taken is fairly clear. He made the comment to an Egyptian journalist, that has been repeated now around the world:

> Time is working for us.

He has made it clear that he is not going to change. There will be no disarmament of Iraq from within. There will be no genuine cooperation with the inspectors. So I think my earlier answer probably is no longer correct. The decision now lies with President Bush: Will we go to war or won't we?

In that circumstance, the President is being bombarded on all sides with editorial comment and punditry, with firm, solid recommendations, yes and no, depending on the ideological status of the particular pundit. They can make those firm recommendations from the safe, secure position of knowing that they will not have to be acted upon and that they will not be held accountable if their recommendation is followed and the result is not successful.

The President faces what is clearly the most agonizing and difficult decision of his Presidency. I pray for him and urge other Americans to pray for him as he makes this decision.

I want to lay down what I see as the challenge here. I do not think it is an easy question. I do not think it is clear, one way or the other. The truly Presidential decisions never are. If the decisions were easy, they would be made before they got to the level of the President. If the action was clear, smart people at lower levels of Government would take it. It is only when the decision is agonizingly close and the options not clear on either side that it ends up ultimately on the President's desk in the Oval Office and becomes his decision and his decision alone.

This is what I see. Saddam Hussein is going through the motions of cooperating with the inspectors, and there are those who say: Let that process play out. We have him contained. As long as there are inspectors in the country, there will not be any effort to use weapons of mass destruction. Let's just let that play out.

Then there are those who say: He has violated the resolution of the United Nations. The legal position is absolutely clear. If the United Nations and the United States are going to be taken seriously around the world, we must now take military action and we cannot wait any longer.

I am sure those legal arguments with respect to Resolution 1441 in the United Nations are valid. I don't argue with them. But they don't change the practicality of the situation, that an attack on Iraq—even if it is justified under the legality of the United Nations resolution—might still prove to be a mistake. The solidity of the legal position with respect to Resolution 1441 is a legitimate question for Colin Powell to raise with his fellow diplomats, but it does not ease the agony of the necessity of making the final decision in the Oval Office.

I believe that Saddam Hussein is cooperating with the investigators for one reason and one reason only: that is that American troops are massing on the border. He knows American military power is sufficient, if unleashed, to bring his regime down and probably end his life. He is taking every step he can to try prevent that.

Those who say let this play out, leave the status quo and let it go forward, don't appreciate the difficulty of America keeping those troops on line, keeping those troops on the border, keeping those airplanes on alert so that he will continue to try to satisfy the inspectors. We cannot continue to do that for an extended period of time. It is not fair. It is not possible, given the lives and other challenges faced by these young people. At some point and at some point relatively soon, the President is going to have to make a decision to either move in or stand down. And the ultimate question here is not what is the legality of U.N. Resolution 1441 or what is the relevance of the United Nations in the world community. The ultimate question here is, What will be the result if he moves forward, and what will be the result if he stands down, he, in this case, of course, being President Bush.

We have heard a lot of talk. That is not the right term. That implies something less than seriousness. We have heard a lot of analysis about what could happen if he moves forward. Some of the scenarios are very encouraging; some are frightening. We don't know in advance which ones would come true. We have had less analysis placed on the question of what would happen if the President orders the troops to stand down and start to come home. We do have some historic precedent for this. I remember going to the room in the Capitol on the fourth floor and hearing Madeleine Albright describe the situation in Iraq, in terms eerily familiar to the terms we are currently hearing from Secretary Powell. I remember walking out of that briefing in room 407 and saying to myself: We will be at war with Iraq within 3 days.

Then President Clinton made the decision that we would stand down. American troops were not at the forward edge they are now, so that decision was not as difficult in terms of the logistics, as it would be for President Bush now. But at the same time, the progress being made then was not as good as it is now. President Clinton, for whatever reasons—good, bad, or indifferent—decided to stand down and the result has not been one with which the world is pleased.

Now, if we stand down, the result ultimately, in my opinion, would be more devastating for world peace, long term, than if we move forward.

I know how agonizing that decision must be for the President. I will look forward to listening to him discuss it with us tonight. I hope he will outline for us what would be the consequences if we stand down, in terms of American credibility—credibility that is not just saving face in some kind of psychological way, credibility that is essential to keeping the peace in the world. What would happen to those countries that are urging, hoping, praying for Saddam Hussein to be gone, if they said the Americans got this far, they came this close, and then they turned around and left? That means we cannot depend on the Americans ever again. We can't trust their word ever again. What would be the consequences of that? I think they would be serious.

I remember a couplet I learned as a child. I never quite understood what it meant until someone in my later years explained the historic context. It is just a child's rhyme, but it was based on a historic event. It said:

> The King of France went up the hill
> With twenty thousand men;
> The King of France came down the hill,
> And ne'er went up again.

There was even a tune that went to it. I will not duplicate Senator D'Amato and sing on the Senate floor. But that is where we are.

The King of France went up the hill
With twenty thousand men;
The King of France came down the hill,
And ne'er went up again.

The United States of America, acting on a 15-to-nothing resolution out of the Security Council of the United Nations, as well as an overwhelming vote in this Chamber and in the other body, has marched up the hill and told Saddam Hussein he must disarm. Now there are those who say because he has stopped producing these weapons, as long as these troops are at his border we can afford to turn around and march down again.

It is, as I said, an agonizing decision. It will be made by the President of the United States. He will not ask my advice, for I have no expertise in these matters. But my constituents do ask me about it because I represent them in this body.

I think having marched up the hill, having taken the United Nations Resolution 1441 at its face value, and having stood the troops there, that has produced the results we have had so far. We cannot now back down.

I wish the President well. As I said, he is in my prayers, and I hope that of all Americans, as he makes this most momentous decision. The consequence is: What happens if we do? And what happens if we do not?

I wish the President well as he makes that analysis. I have confidence in this President and his instincts that he will, in fact, ultimately make the correct decision.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 12, a resolution providing for a joint session of Congress, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 12) providing for a joint session of Congress to receive a message from the President on the state of the Union.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 12) was agreed to.

JOINT SESSION OF THE TWO HOUSES—THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Tuesday, January 28, 2003, at 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

PRAYERS FOR THE PRESIDENT AND THE MEN AND WOMEN IN THE ARMED FORCES

Mr. SCHUMER. Mr. President, first let me join my friend from Utah in sentiments that he expressed at the end of his speech in that we hope and pray for the wisest decision from the President. And we hope and pray for our young men and women who are amassing in the Middle East now.

War, of course, should be the last resort. We still hope that it can be avoided. But if it cannot, we wish them and their families the best and pray for their speedy success.

HOMELAND SECURITY

Mr. SCHUMER. Mr. President, my reason for coming to the Chamber today is similar to those of many of my colleagues on this side of the aisle. We are discussing what we hope the President will speak about tonight, what we want him to speak about, what we expect him to speak about.

Some of my colleagues have talked about areas such as the economy, the environment, education, and health care. I am going to address the issue of homeland security because, as much as we do overseas, we have to make sure our homeland is secure as well.

If, God willing, we were able to just eliminate all of al-Qaida and all of Saddam and his supporters, we would still face a danger from terrorism. Terrorists can strike almost at will in different ways, and our country is not yet secure against them, although I will say we have made some progress, particularly in the areas of air safety and in bioterrorism, since 9/11.

But we have so much more to do. What worries me is that the focus of this administration is almost exclusively on fighting the war on terrorism overseas. To beat the terrorists we need a one-two punch—one, fighting that war overseas, dealing with terrorism overseas; but, two, making our homeland more secure. And there seems to be a rather quaint and quirky notion among many of those in the administration that we can successfully fight the war here at home without spending a nickel. That is just wrong.

The bottom line is if someone were to say to the Commander in Chief of the

Armed Forces, go fight the war in Iraq without any new resources, without any new dollars, he would say: I can't. But that is basically what we are saying to Mr. Tom Ridge and those who work under him.

Time and time again, when Members on both sides of the aisle have done a lot of research and proposed measures that would increase our security here at home, we are told: Well, that's a good idea, but we can't spend any money on it.

That just cannot be. There are so many areas where we lie naked, possible prey, God forbid, to terrorists.

Take our ports. We are far, far behind where we should be in monitoring what comes in on our ships. As we all know, those ships could be filled with deadly devices.

Take our borders. On the northern border, my State has a long and peaceful border with Canada. But, right now, if we pass the budget that was passed in the Senate, there will be fewer Customs inspectors on that northern border than there were on 9/11.

As to the FBI, this new budget that we passed, unfortunately, cuts the number of FBI agents. While the counterterrorism parts of the FBI are increasing, all the other parts are decreasing. It makes no sense to say we are going to make our citizens more secure from a foreign threat and leave them prey to a domestic threat. Bank robberies in my community are going up. It seems logical to assume that one of the reasons for that is that the FBI is not able to do its function under the strained budget that we have given it—to do both functions: fighting terrorism and fighting crime here at home.

As to cyberterrorism, unfortunately, Richard Clark, a brilliant man—the administration's point man on cyber-security—is leaving. But I am sure, as he has told many of you, we are again doing virtually nothing to make ourselves more secure from a deadly virus that might invade one of the very important technological systems that secure our country. And the list goes on and on and on.

As to truck safety, trucks that carry hazardous material, Brazil is doing a far better job in dealing with terrorism there than we are, even though they have not been the focus of terrorist attacks.

As to the rails, in my City of New York, Penn Station has a 1½-mile tunnel that has no egress. God forbid if something terrible happened there. What we have to do is look at all of our weak pressure points in terms of where terrorists would strike and strengthen them.

But this administration, in part because they do not want to spend the dollars necessary—as eager as they are to spend the dollars overseas that are necessary—is not doing the job.

So today we are going to look, as the President speaks, as to what specifically he is going to do to bolster our case in terms of homeland security. We are going to see if the promise that was made—for instance, in the USA Patriot Act, that we triple the number of Border Patrol and Customs agents and immigration authorities at the northern border—will be fulfilled.

We are going to look and see if there are the dollars necessary to update the INS computers, which are notoriously bad, so terrorists cannot slip into the country, and the FBI computers that, again, were so bad that all the signals we had about a plot that was hatched for 9/11 were missed, mainly because the FBI computers were less sophisticated, frankly, than the one my eighth grade, 14-year-old daughter has at our home.

The list goes on and on. And no one expects this administration will clean up every single problem we have in 6 months. But in terms of effort, in terms of focus, in terms of allocation of resources, they are woefully behind.

My good colleague from West Virginia, who has done so much to lead this fight, made a very good point on the homeland security bill. That bill, as you all know, rearranged agencies but did not change what happens within them.

Rearranging agencies does not change things. Moving the Coast Guard over to this new agency is not going to help it patrol 200 miles off the coast as it must do in our post 9/11 world.

When our President tonight gives his speech, we are all going to be looking to see what specifically he will say and what resources he will devote to protect our domestic security. Up until now the administration's voice has been all too quiet and all too silent. We hope tonight's speech indicates a large change.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What is the status of the time?

The PRESIDING OFFICER. The time until 4:45 is under the control of the Senator from New Hampshire, 5 minutes.

Mr. GREGG. Five minutes.

The PRESIDING OFFICER. Correct.

Mr. GREGG. I was of the impression that the unanimous consent gave us 7 minutes.

The PRESIDING OFFICER. It is now 5 minutes.

FUNDING

Mr. GREGG. Mr. President, there have been a lot of representations made on the floor today by Members of the other side of the aisle relative to funding and lack of funding. It is interesting because, as we went through the last budget exercise in the Senate last week, when the appropriations bills were passed, we heard from the other side that they needed more and more money. And although the President tried to hold the line on fiscal discipline by setting a number of $750 billion of discretionary spending, which was the agreed-to amount signed off on by the Senator from West Virginia and members of the Democratic Party back when they controlled the Senate in the last Congress, suddenly we found that money was not enough.

There was over a half a trillion dollars of new spending proposed from the other side of the aisle that was not offset, not paid for, that would have been put on top of the spending which the President had committed to. That irresponsible explosion in proposals in spending is an example of the lack of discipline which we are seeing in the area of fiscal policy from the other side of the aisle.

It has to be put in the context not only of the fact that it is an explosive attempt to expand the Federal deficit through new spending, but also in the context of the fact that this President has made stronger commitments in the area of education and national defense than any President in recent times and certainly than the President who preceded him.

It is very hard for me to understand how with a straight face, Members from the other side of the aisle can come down here and attack this President for failing to fund education. When we look at what this President has done in the area of funding education, we need to look at some pretty simple and obvious charts. In his first year, President Bush increased funding for education over President Clinton's budget by $20 billion. That is $20 billion of new money this President put directly into education in his first year as President.

An example of that commitment was in the area of special education, where President Clinton basically zero funded, relative to increases, the issue of special education, while President Bush dramatically increased it, by $1 billion a year, year in and year out, since he has been President the first 3 years—$1 billion each year, so that he has radically increased funding for special education.

It is pretty hard for the other side to come down here and make the representation that this President has not significantly increased funding. In fact, if you look at the spending this President has committed to funding and done in the context of fiscal responsibility, not exploding the budget with spending as was proposed from the other side of the aisle when they proposed over half a trillion dollars of new spending last week without offsets, this President, in the area of education, has increased funding by $2.5 billion in the area of title I, for example, in his first 2 years in office. That is a greater increase, by 25 percent, than President Clinton gave in his 7 years in office. So the commitment for funding for education has been dramatic.

We heard earlier that the President hasn't funded up to the authorization levels. That is not unusual in this Congress or in this Government not to fund to the authorization levels. I will point out that if you are going to compare funding up to the authorization levels of this Presidency versus President Clinton, under President Clinton's Presidency, the gap between funding, the difference between funding to appropriation levels and authorization levels was about twice what this President's gap is in that area. President Bush has done even a better job in coming close to funding at authorization levels than President Clinton did.

It is really inconsistent and a touch hypocritical to come down here and attack President Bush for failing to fund education when, in fact, he has done more to fund education than any President in recent times and certainly dramatically more than his predecessor during a time when the Democratic Party controlled both the Senate and the Presidency.

There have been other representations that he has not funded adequately homeland security. That is an incredible representation. When I hear the Senator from New York come down here and say that homeland security has not been adequately funded, when you think of the billions, tens of billions of dollars the Congress has voted to assist the City of New York, very appropriately, under the leadership of this President, I find it difficult to understand how that argument can be made.

If you look at the funding in the area of the FBI, we have heard this representation: This number of agencies is going to have to be cut.

That is a total fabrication. FBI funding under this President has gone up every year. It is going up significantly this year. It went up significantly last year. And more agents are being added. The same is true of the INS, the same is true of the Marshals Service, of DEA. All of these accounts come under the jurisdiction of a committee which I had the good fortune to be ranking member of and now am chairman of, the Commerce, State, Justice Committee. The representation that we are actually reducing manpower or reducing the accounts in these areas is simply wrong. It is inaccurate, and it is a gross misstatement. It should not be made on the floor of the Senate because people should know the facts before they come down here and make these representations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

THE ECONOMY

Mr. DORGAN. Mr. President, this is a most interesting discussion we are having. I guess two and two equals five here in the Senate. We are told repeatedly that this Senate and Congress should increase defense spending, and it does; increase spending on homeland security, and it does. And then cut other domestic discretionary spending. But now we are told, we don't really cut other domestic discretionary spending.

The President apparently wants to increase defense spending, increase homeland security spending, increase other spending, and then have tax cuts, as if somehow that all adds up. I don't know where you get that kind of schooling. Does two and two equal five? I don't think so.

Either there are cuts in domestic discretionary spending or there are no cuts. We all know the truth. I will bring charts down here and talk about these areas of the Government where they will be spending less this year than they did last year. With respect to homeland security, I wonder if my colleagues really make the case that the President has not in any way ignored the needs of homeland security when in fact we appropriated $2.5 billion for homeland security that the President would not spend, in spite of the fact that, for example, with port security, that is the security of America's seaports, we have 5.7 million containers coming in every year to the seaports, and 100,000 of them are inspected and 5.6 million are not.

Everyone in this country understands, all law enforcement understands, that that is a very difficult problem. The homeland security issue with respect to seaports is a very serious issue. It is unaddressed.

It is interesting to come here and listen to this, but there are either cuts in spending or there are not. We will have some discussion about that in the future. Let me talk about a couple of other things, if I might.

We are going to hear the State of the Union speech tonight. The fact is, I want this President to succeed. I want this country to succeed. I wish no ill will towards anyone because of partisanship. We are of different parties, but we serve the same interest. We serve the common interest of this country. All of us want this President to succeed, want his administration to succeed, and we want this country to do well.

But I want to tell you, there are some days when I wonder about what is going on around here. Today is one of those days. I don't know when in all the years I have served in the House and Senate that I have been more disturbed than I was in reading this article I will describe. It appeared in yesterday's Washington Times. A similar story ran in the Los Angeles Times the day before yesterday.

Let me read the first paragraph:

> Top White House officials warned yesterday the Bush administration has not ruled out using nuclear weapons against Iraqi President Saddam Hussein if he deploys weapons of mass destruction against the United States.

Now, I don't understand this at all. We are told in the Los Angeles Times, and in this story, that they are talking about using designer bunker buster nuclear weapons, something that has been discussed previously in the administration. Do you know that India and Pakistan were shooting at each other yesterday over Kashmir? Both of them have nuclear weapons, and the leadership of this country must be exhorted to tell these countries you cannot use the nuclear option? We are the country that must exercise restraint.

We have people in this administration who, in my judgment, make the most reckless, dangerous statements I have heard in some 2 decades in this town when they talk about the potential of using nuclear weapons. That is not what this country ought to be talking about. There are some 30,000 nuclear weapons, give or take a couple thousand, that exist on this Earth. It ought to be our responsibility to try to make sure that never again is a nuclear weapon exploded in anger on the face of this Earth. If one, just one, is exploded, others will explode. This country ought not talk about the use of nuclear weapons. We ought not be reckless to talk about designing a new type of bunker buster nuclear weapon. This lowers the threshold of other countries who aspire to having nuclear weapons about when they might consider using them. It is reckless, dangerous, and irresponsible. I cannot believe I am reading this sort of thing. The nuclear option in Iraq—the L.A. Times says:

> The United States has lowered the bar for using the ultimate weapon. The United States is thinking about the unthinkable, preparing for the possible use of nuclear weapons against Iraq.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 27, 2003]

ADMINISTRATION WON'T BAR USE OF NUCLEAR WEAPONS

(By Ellen Sorokin)

Two top White House officials warned yesterday the Bush administration has not ruled out using nuclear weapons against Iraqi President Saddam Hussein if he deploys weapons of mass destruction against the United States or its allies.

White House Chief of Staff Andrew H. Card Jr. said on Sunday morning talk shows that the United States will use "whatever means necessary" to protect its citizens and the world from a "holocaust."

"I'm not going to put anything on the table or off the table," Mr. Card said on NBC's "Meet the Press." "But we have a responsibility to make sure Saddam Hussein and his generals do not use weapons of mass destruction."

Dan Bartlett, White House communications director, echoed Mr. Card's sentiments.

"What is clear—and the message that President Bush has sent unequivocally—is that if the Iraqi regime, if Saddam Hussein and his generals decide for one second to use weapons of mass destruction against allied forces of the United States of America and our allies, we will make sure it doesn't happen," Mr. Bartlett said on CNN's "Late Edition."

Their comments came two days after an article published in the Los Angeles Times claimed the United States was considering using nuclear weapons in a possible war against Iraq to destroy underground command posts and stop Iraqi forces from using weapons of mass destruction.

The story cited top U.S. private military expert William M. Arkin. According to the story, he said plans for using nuclear weapons against Iraq were being fleshed out at the U.S. Strategic Command in Omaha, Neb., at the Pentagon and at an "undisclosed location" in Pennsylvania where Vice President Richard B. Cheney spent time during terrorism alerts.

Defense Secretary Donald H. Rumsfeld signed in December 2001 a classified nuclear posture review that opened the possibility for nuclear weapons to be used against targets able to withstand most non-nuclear attacks. Countries such as Iraq, Iran, North Korea, Libya and Syria were added to the list of possible targets.

Defense Department spokesman Maj. Ted Wadsworth refused to confirm or deny the report, saying: "That's something that policy-makers have to talk about."

Yesterday, several lawmakers and policy analysts said they hoped the administration would not resort to using nuclear weapons to deal with the situation in Iraq.

Sen. RICHARD G. LUGAR, Indiana Republican and chairman of the Foreign Relations Committee, said he hasn't heard any discussion on using nuclear weapons on Iraq.

"Our policy is negotiation," Mr. LUGAR told "Late Edition." "[Secretary of State Colin L.] Powell at the United Nations, bringing together the U.N., trying to get Saddam to declare, hoping the inspectors against hope will find something. All we're saying . . . Saddam has to realize he will be disarmed. He doesn't understand that. I don't think he believes it. And that's the critical point."

Sen. BARBARA BOXER, California Democrat and a member of the Foreign Relations Committee, said the real test of the country's leadership is bringing the world together and resolving the issues in a way that results with the least loss of life.

"It's very chilling to talk about first use of nuclear weapons," Mrs. BOXER said on "Late Edition."

"And I wish we didn't go down the path. The whole world knows that we are the superpower, we are for sure the only superpower, we have an arsenal that could destroy every man, woman and child in the world 10 times over. We don't have to go around beating the drums of war," she said.

Pentagon adviser Richard Perle said on "Fox News Sunday" he couldn't think of a "target of interest" in a conflict with Iraq that couldn't be addressed with non-nuclear weapons.

"We have extraordinary military technology, weapons of great precision that have the enormous benefit of destroying the target almost all of the time without doing unintended damage to civilians," said Mr. Perle, a resident fellow at the conservative American Enterprise Institute for Public Policy Research in Washington.

"I can't see why we would wish to use a nuclear weapon," he said.

Several lawmakers said they would first want Mr. Bush to present evidence as to why military force against Iraq is needed.

Senate Minority Leader TOM DASCHLE, South Dakota Democrat, said Mr. Bush has yet to make a "compelling case" that military force against Iraq is necessary right now.

"He hasn't done that," Mr. DASCHLE said on CBS' "Face the Nation."

"The President needs to make a compelling case that Iraq poses a very imminent threat to the United States and, secondly, that he has worked through the international community and exhausted all other options. Only if those two criteria are met does he have the authority, the license to take military action."

Mr. DORGAN. Mr. President, I hope those who are in closed rooms thinking in this kind of a dangerous way are not part of the Government for long, or part of this administration for long. That is not what we ought to be doing in this country.

Let me describe one other piece of information about this issue of foreign policy. One year ago in the State of the Union Address, the President said—correctly, in my judgment—that the greatest threat to this country is the network of terrorists around the globe that wish this country harm. They are the ones who murdered thousands of innocent Americans. One year ago now, I was in Afghanistan. Flying into that country over the mountains, you looked down and you understood that deep inside caves in the mountains were Osama bin Laden and his key planners, planning the murder of innocent Americans. That network of terrorists and others around the world represent a serious threat to this country.

But we have not heard about Osama bin Laden for a long while. I read yesterday that the President himself mentioned Osama bin Laden six times in the last year. It appears that these days it is "Osama been forgotten," rather than Osama bin Laden.

Osama bin Laden is a very serious threat to this country. He is apparently alive, according to our intelligence services. His chief deputy has not been found. Key leadership of the al-Qaida has not been discovered. The head of the CIA says we are at as great a risk today for terrorism as we were the day before September 11. It is now Iraq, all Iraq, all the time.

But the President was right last year. This country, in my judgment, suffers grave danger from the acts of terrorists who are still there, still active, and still wish to harm this country and kill innocent Americans.

My hope is that we could have some balance in the concerns we express about what is going on around the world between North Korea, Iraq, al-Qaida, and more.

Mr. President, I assume President Bush will talk a great deal about foreign policy tonight, but I think he will also talk about economic policy.

Saddam Hussein is a bad, evil guy, no question about that. North Korea is a threat. Terrorists, especially, are a very serious continuing threat. All of that, to be sure, exists. It is also the case that here at home we have an economy that is not doing very well. A great many people are out of work. Some people say, well, let's brush all that aside, things are just fine. They are not fine. The administration, for some while, has said this is just fine. The economy has hit a little speed bump, I think they called it, but things will be fine.

In the last 2 months, the administration fired their economic team, brought in some new people, and now they are saying we need a stimulus program, despite what they have provided us is not a stimulus at all. It will provide no jump start to the economy. If that is what we want, this is like hooking a flashlight battery to a car and hoping to start it. It will not work.

The question for all of us is: What will really work to give this economy some boost? First and foremost, part of what is weighing down on the neck of this economy is every morning every American wakes up and tunes in the news and the top story every day, every month, is the potential of war. That means unpredictability, uncertainty, and great concern. When that exists, the American people don't have the confidence in the future that we need. Confidence is what this economy is about. Our economic foundation is confidence by the American people. When they are confident, they do things that manifest that confidence. They take a trip, buy a car, buy a home, make a purchase, and the country expands. That is the expansionary side of the business cycle. When they are not confident about the future, they do the exact opposite. They defer the trip, don't buy the car, don't make the purchase, and the economy then contracts.

First and foremost, people are concerned about this talk every day, every week, every month regarding the specter of war. We have to find a way to move through this period and give people confidence about the future. But the economy also needs a boost, a fiscal policy that gives it a boost, a jump start.

The principles are very simple. They have nothing at all to do with what the President suggested. The principles are that a jump start of the economy ought to be immediate, temporary, and effective. I regret to say that the President proposes none of that. I wish he would have proposed something that was consistent with those principles. I would say sign me up, I am for it. But that is not the case.

We have lost a great many jobs—2.4 million private sector jobs—since President Bush took over. Now, it is not the role of Government to create jobs. That is not what Government does. The private sector and businesses create jobs. But the Government creates conditions under which jobs are created, economic conditions in which the economy expands or contracts. When it contracts, people lay their employees off, entrepreneurs and businesses lay off employees because they don't see a better future. When the economy expands, people are hired and more people are put to work as employees.

The fact is that, at the moment, we have exploding deficits, high unemployment, a lack of confidence in the future, and we need, it seems to me—all of us—to be serious about what we do in putting the economy back on track. We are finally talking about "how" rather than "whether." Three months ago, the question was "whether." The President's economic team was saying that things are fine. We are all saying they are not fine, we have to fix what is wrong with the economy, and the sooner the better.

My hope is that this evening the President will recognize all of us want to work with him on national economic policy and on foreign policy. It is very important that we do the right thing. The President's plan, regrettably, is not near the right thing for what ails this economy.

Providing exemptions for dividend payments, the bulk of which are owned by upper income people, the wealthiest Americans, and borrowing money to do it so we can have tax cuts for 10 years into the future of $670 billion makes no sense at all.

If someone were to say let's have a debate on reforming the tax system, we could debate all of these things, but if we are talking about how to stimulate this economy, how to jump-start the American economy, the President has provided exactly the wrong set of recommendations. They are not immediate, temporary or effective. He will be stuck, we will be stuck, and the American people will be stuck with an economy that is sluggish and is not doing what it needs to do to expand and help businesses create jobs. That is not what I want. It is not what any of my colleagues want. We had an economy that works, one that gave hope and opportunity to the American people, and we want that back.

I am going to come to the Chamber in the next couple of days and show some charts. I was going to show them today. The Office of Management and Budget, which tells us how the economy is doing, is so wildly off the mark they might as well be throwing darts at some chart to find out what the surplus, deficit, and fiscal policy ought to be. They predict, and promise from time to time, that the fiscal condition of this country is going to be incredibly good with big surpluses. Then a few months later, they say it is going to be an economy in big trouble and big deficits. It seems to me one could probably get as close as they are getting by throwing darts at a board. We really need a plan that works, one that is predictable, one we can count on, one that restores economic health to this country and puts the economy back on track.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. Will the Senator explain what this chart means?

Mr. DORGAN. This chart shows the predictions of the Office of Management and Budget. In the year 2002, they predicted we would have a $283 billion surplus.

Mr. REID. How did that turn out?

Mr. DORGAN. It turned out we had a $159 billion deficit.

Mr. REID. How far were they off? It is $283 billion, plus $159 billion, that's how far they were off?

Mr. DORGAN. That is very good. They were off over $400 billion. For 2003 they said we were going to have a $41 billion surplus. Now we are going to have over a $300 billion surplus.

Mr. REID. That is easy: $341 billion.

Mr. DORGAN. That is right. The Senator took advanced math in Searchlight, NV, I can see.

Mr. REID. I also ask my friend, wouldn't this $300 billion surplus that is the revised estimate be one of the largest deficits in more than 2 decades?

Mr. DORGAN. Yes, absolutely.

Now we have some people saying deficits really are not so bad. Where did that start? It seems to me if children are saddled with the debt from our spending, or our tax cuts, the kids are being told, by the way, here is our policy and you pay for it.

Is that good or bad? Where I come from, that is not the kind of value system that one wants to express in fiscal policy.

I am going to have more to say on this, but this is not the time. I know we want to be out soon and the President is going to be giving his State of the Union Address this evening.

I want to make the point that both in foreign policy and fiscal policy, this country is significantly challenged. These are very tricky times. It requires a very steady hand and good policies.

Let me finish where I started. I am very concerned about people, on the eve of a State of the Union Address by a President of the United States, talking about the potential use of nuclear weapons by our country. I cannot believe that is what is happening. Just after India and Pakistan, who possess nuclear weapons and do not like each other much, have been shooting at each other, this country is saying, by the way, there might be circumstances in which we could use nuclear weapons. Whoever these two top White House officials are who said this, shame on them.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. The majority leader is not in the Chamber to close the Senate, and I have a couple of questions I would like to ask. Mitch Daniels, the head of the Office of Management and Budget, said on January 16 this year we ought not to hyperventilate about this new deficit estimate. Are you aware that the Senate majority leader said on January 5, 1996: "We have a moral obligation to balance the budget; I am very hopeful that we are going to see to that"? Are you aware he said that?

Mr. DORGAN. It is not surprising. I think the value system for most of us has been we ought to try to have fiscal responsibility and balance the budget.

I say to the head of the Office of Management and Budget, he ought to start hyperventilating. If he does not hyperventilate over this, I guess there is nothing that gets his heart rate or breathing up.

When we talk about the issue of projected surpluses and then huge, suffocating budget deficits as far out as the eye can see, one better hyperventilate a little bit about that.

Mr. REID. Is the Senator aware that on February 1, 1998, the senior Senator from New Hampshire said: "As long as we have a Republican Congress we are going to have a balanced budget, and if we can get a Republican President we can start paying down the debt on the Federal Government"?

That really has not proven to be true, has it?

Mr. DORGAN. It is not true that we have at this point a balanced budget. What is true is the budget is seriously out of balance and headed south. It is going to get worse and we need to fix it. Ignoring it is not going to solve the problem. We need to jump-start this economy with something that is effective and that is a stimulus plan of some type that gives something to the American people to work with, and gives them some confidence.

I happen to believe that Senator DASCHLE, myself, and others who have talked about rebates make a lot of sense. Incentivizing consumption in the short term and incentivizing business investment in the short term, in an immediate and temporary way, is what I think will give some boost to this American economy.

Mr. REID. Is the Senator aware that on November 15, 1995, the junior Senator from Pennsylvania, now a part of the Senate leadership in the majority, said: "The American people are sick and tired of excuses for inaction to balance the budget. The public wants us to stay the course toward a balanced budget, and we take that obligation quite seriously"?

That really is not the way it is. Is it not true that during the last 4 years of the Clinton administration we spent less money than we took in?

Mr. DORGAN. Oh, yes.

Mr. REID. Is it not true we had a surplus?

Mr. DORGAN. We had very significant and increasing surpluses in the Federal budget. As a result of those surpluses, we began to actually eliminate Federal indebtedness, which relieved some of that burden off the shoulders of our children and their children.

Mr. REID. Is it not true we were even warned the last year of the Clinton administration to be careful, the debt is being paid down too quickly, slow it down or it may have some short-term impact on the economy?

Mr. DORGAN. What is true is when we got to a new fiscal policy proposal by the administration, they said let's cut $1.7 trillion in taxes because we have surpluses as far as the eye can see. Some of us said—I certainly did—maybe we ought to be a little bit conservative. What if we do not have surpluses forever? What if we run into some tough times? What if the economy runs into trouble? Then guess what happened. Without my vote, Congress passed a very large, permanent tax cut. We quickly discovered we were in a recession. Then we had a terrorist attack on September 11. Then we had a war on terrorism. Then we had the largest corporate scandals in history. All of this happened, it seems to me, suggesting that perhaps some of us who urged caution were right, because what happened is those big budget surpluses are now very big budget deficits.

What does the President say we ought to do about that? Let's provide more 10-year tax cuts to the tune of $670 billion. When interest is added to it, it is going to be over $1 trillion. None of that adds up.

Mr. REID. Is the Senator aware that on February 6, 1997, the senior Senator from Nebraska said: "The real threat to Social Security is the national debt. If we do not act to balance the budget and stop adding to the debt, then we are truly placing the future of Social Security in jeopardy"? These huge deficits that have been accumulated during the last 2 years of this administration—the first 2 years, I should say, of this administration, the last 2 years—certainly that is not good for Social Security. Senator HAGEL is right, is that not true?

Mr. DORGAN. What these deficits do is they injure the Social Security system, and the long-term solvency of the Social Security system. There is no question about that. We have a lot riding on putting this economy back on track. The sooner the better. I think what the President and the Congress need to do is find a way to work together to do something that is effective right now.

Let me thank the Senator from Nevada for his questions.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 224

Mr. DASCHLE. Mr. President, I understand that S. 224, introduced earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 224) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. DASCHLE. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 225

Mr. DASCHLE. I understand S. 225, introduced earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 225) to provide for emergency unemployment compensation.

Mr. DASCHLE. I now ask for its second reading, and I object to my request.

The PRESIDING OFFICER. The objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. DASCHLE. Mr. President, we will have more to say about these matters tomorrow. As my colleagues know, this is an ongoing interest on the part of our caucus to move forward in providing benefits to those who are uninsured, especially those who are no longer eligible for current benefits. There are about a million of those people who are looking to us for help, and we will have more to say about that tomorrow.

CAMBODIA'S RULING PARTY

Mr. MCCONNELL. Mr. President, there are two recent developments in Cambodia deserving of the Senate's attention.

First, voter registration for parliamentary elections in July, which is ongoing throughout that country over the next month, is being undermined by the ruling Cambodian People's Party, CPP. In complete control of the national and local election machinery, the CPP is making it difficult for opposition activists and supporters to register to vote and is creating a climate of fear that only bolsters the status quo.

While I am pleased the opposition Sam Rainsy Party and the royalist FUNCINPEC party have publicly complained of CPP interference and manipulation, I am deeply troubled by the relative silence of the international community in condemning these pre-election abuses.

Unless the complacent donor community aggressively checks CPP's manipulation in the preparation of these polls, the outcome of the elections will be a foregone conclusion even before the first vote is cast.

Second, recent comments by CPP hardliner and Prime Minister Hun Sen should be of grave concern to all donor nations, and democracy activists throughout Cambodia. On January 14, 2003, Hun Sen said: "I would like to announce to all the political parties to be very careful. If you would like to break Hun Sen's party, or the CPP, you might miss the opportunity to work on your own internal affairs. And as usual, Hun Sen would beat up and destroy the head of the engine. Meaning, I never beat up unimportant person but completely destroy the main engine. If you would like to play this game, I would be more than happy to accompany you. And I will use my last resort if that is what it takes. . . ."

This public threat betrays Hun Sen's total commitment to harassment, intimidation, and violence as a means of maintaining his rule.

Hun Sen's dark character was further revealed when he continued: "I assure you that I have all the means to get the information from you [opposition political parties]. If you have the meeting in the morning, the information will come to me in the afternoon. Except if you kill all the people in your own party like Pol Pot, then the information will not reach Hun Sen. Everywhere there are Hun Sen's men. Don't forget that I am the head of an undercover agency. I would like my capabilities to be known to the world. The CIA

[Central Intelligence Agency] is American, but we are the Cambodian Intelligence Agency (CIA)."

Through his own words, and by his own admission, Hun Sen has shown himself to be nothing less than a paranoid evil dictator. His tough talk is unimpressive and only underscores his complicity in the numerous corrupt and violent episodes of Cambodia's more recent past, including illegal logging and the ongoing harassment of Global Witness, the killing of opposition activists, the banning of Voice of America rebroadcasts by the Beehive radio station, the March 1997 grenade attack against the Khmer Nation Party, and the July 1997 coup d'etat.

Let me be very clear to the State Department, the World Bank, and other international financial institutions: the failure to hold Prime Minister Hun Sen and the CPP accountable for their repressive actions and abuses, including in the ongoing harassment of Global Witness, will have funding ramifications in the fiscal year 2004 foreign operations bill.

I want to assure the people of Cambodia that many of us in the Congress will continue to follow political developments in Cambodia. We know that you want change, and the stability that comes from a nation rooted in the rule of law. And we know that the CPP cannot provide this.

EXTENSION OF THE RURAL ADD-ON PAYMENT FOR HOME HEALTH

Ms. COLLINS. Mr. President, on behalf of myself and Senator BOND, I want to thank the chairman of the Finance Committee and the chairman of the Appropriations Committee for agreeing to include a 6 month extension of the add-on payment for rural home health services in the omnibus appropriations bill. Extension of this add-on payment, which currently is scheduled to sunset on April 1 will help to ensure that Medicare patients in rural areas continue to have access to the home health services that they need.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled, and often technically complex, services that our Nation's home health agencies provide have enabled millions of our most frail and vulnerable older persons to avoid hospitals and nursing homes and stay just where they want to be, in the comfort and security of their own homes.

Surveys have shown that the delivery of home health services in rural areas can be as much as 12 to 15 percent more costly because of the extra travel time required to cover long distances between patients, higher transportation expenses, and other factors.

Rural agencies also experience higher costs relative to productivity. Because of the longer travel times and distances between patients, rural caregivers are unable to perform as many visits in a day as their urban counterparts. Saundra Scott-Adams, the executive director of the Visiting Nurses of Aroostook in Aroostook County, ME, where I am from, tells me her agency covers 6,600 square miles with a population of only 72,000. Her costs are understandably much higher and her staff productivity much lower than the average due to the long distances her staff must cover to see patients.

Moreover, agencies in rural areas are frequently smaller than their urban counterparts, which means their relative costs are higher due to smaller scale operations. Smaller agencies with fewer patients and fewer visits means that fixed costs, particularly those associated with meeting regulatory requirements, are spread over a smaller number of patients and visits, increasing overall per-patient and per-visit costs.

If the rural add-on payment is eliminated on April 1, it will only put more pressure on rural home health agencies that are already struggling and could force more of these agencies to close. Many agencies operating in rural areas are the only home health providers in a vast geographic area. If any of these agencies are forced to close, the Medicare patients in that region will lose complete access to home health care.

The Medicare Payment Advisory Commission, MedPAC, met earlier this week and voted unanimously to extend for 1 year the add-on payments for rural home health services at 5 percent. Our provision is consistent with the MedPAC's recommendation and will extend the expiring provision through September 30. This will give the Finance Committee time to consider whether this add-on payment should be extended further.

Once again, I thank my colleagues for their assistance, and I look forward to working with them on this and other issues of importance to the health of rural Americans.

ADDITIONAL STATEMENTS

HONORING MISS DAISY ROSE BECK

• Mr. BROWNBACK. Mr. President, I rise today to honor Miss Daisy Rose Beck who passed away on September 7, 2002, after losing a hard fought battle with leukemia. She retired from the U.S. Federal Service in 1995 after serving America for 54 consecutive years. She holds the record for length of employment as a female GS-level employee.

From the early 1960s through 1995, her duties included personal secretary for the four-star U.S. army generals who pulled tours of duty in the Republic of Korea, commanding the United Nations Command, ROK/U.S. Combined Forces Command, U.S. Forces Korea and the 8th U.S. Army. In addition, she was one of the workers at the German War Crimes Trial at Nuremberg.

Daisy Rose Beck was very quiet, friendly, efficient, respectful, and very much loved by all who met her. Daisy served for decades in places where most Americans only served a single year. She is a true American, hard working, efficient, intelligent, courteous, kind, and yet focused and dedicated to the success of a mission.

These days we face harsh enemies around the globe. We Americans have a proud tradition of doing what is right with fairness, kindness, and courage. Daisy Beck epitomizes these qualities. She is a wonderful, positive role model for all Americans in times of adversity.•

TRIBUTE TO SCARLOTTE DEUPREE

• Mr. SESSIONS. Mr. President, today I pay tribute to an outstanding citizen of the great State of Alabama, Miss Scarlotte Deupree.

Scarlotte may be a young woman, but her accomplishments are numerous and exceptional. Her most recent achievement was receiving the very distinguished honor of being First Runner Up to Miss America for 2003. This honor bears important functions, including representing and advocating good American values, which is a fundamental part of the Miss America Pageant. These young women choose platforms, or issues, important to our society and use their stature to help raise awareness and bring positive changes to these areas. Before entering the Miss America Pageant, Scarlotte knew that her platform would be adult literacy, an issue she has worked with for many years.

Scarlotte has devoted a great amount of her time to helping others and raising the public's awareness of adult literacy. Included in Scarlotte's work are her efforts in forming the Sylacauga Adult Literacy Council, her coordination of the first Women in Literacy Summit, as well as her work with the Literacy Council of Central Alabama, ALERT, Habitat for Humanity, and the Ronald McDonald House. In addition, Ms. Deupree helped spearhead the Literacy Awareness Week for the cities of Homewood and Athens, AL.

For her great work, Ms. Deupree has been honored by the Daily Points of Light Foundation with the Daily Point of Light No. 660 Award. She also received the Distinguished Partner Award by the Literacy Council of Central Alabama, the Miss Alabama Community Service Award, 1999 and 2002, Miss America State Community Service Award, 2002, the U.S. Presidential Service Gold Award, 1999 and 2002, and she was voted "Most Ambitious" by her student peers at Samford University.

Scarlotte also has a great record of accomplishment in other areas, including education. She completed high school at the top of her class at Sylacauga High School, where she was a member of the National Honor Society, student council, Mu Alpha Theta Math Honor Society, Political Awareness Club, and the B.B. Comer Library Teen Advisory Board. She went on to study English and journalism at Samford University, one of the Nation's best liberal arts colleges. There she was a member of the Sigma Tau Delta English Honor Fraternity, Samford University Honor's Program, Freshman Forum, Alpha Delta Pi Social Sorority, and volunteered as a Step Sing Consultant. In addition, she worked in my Senate office as an intern in the winter of 2000, a very busy time for our political system and country. She produced excellent work, received high marks from my staff, and contributed greatly to my office during her stay. I was very impressed with her.

She is an example of the great work our Nation's young people do. I am very proud of her and I know she will continue to give leadership to the critical area of adult literacy and that she will be a leader in whatever career she chooses. I applaud her tireless efforts on behalf of all Alabamians and would like to take this opportunity to thank her for all that she has contributed to her community, the State of Alabama and our Nation.

Mr. President, I ask my colleagues to join me today in recognizing Scarlotte Deupree for her outstanding achievements and wish her well as she continues to work to improve literacy.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Vice President Cheney, Members of Congress, distinguished guests, fellow citizens:

Every year, by law and by custom, we meet here to consider the state of the union. This year, we gather in this chamber deeply aware of decisive days that lie ahead.

You and I serve our country in a time of great consequence. During this session of Congress, we have the duty to reform domestic programs vital to our country . . . and we have the opportunity to save millions of lives abroad from a terrible disease. We will work for a prosperity that is broadly shared . . . and we will answer every danger and every enemy that threatens the American people.

In all these days of promise and days of reckoning, we can be confident. In a whirlwind of change, and hope, and peril, our faith is sure, our resolve is firm, and our union is strong.

This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, other Presidents, and other generations. We will confront them with focus, and clarity and courage.

During the last 2 years, we have seen what can be accomplished when we work together. To lift the standards of our public schools, we achieved historic education reform—which must now be carried out in every school, and every classroom, so that every child in America can read, and learn, and succeed in life. To protect our country, we reorganized our government and created the Department of Homeland Security—which is mobilizing against the threats of a new era. To bring our economy out of recession, we delivered the largest tax relief in a generation. To insist on integrity in American business, we passed tough reforms, and we are holding corporate criminals to account.

Some might call this a good record. I call it a good start. Tonight I ask the House and Senate to join me in the next bold steps to serve our fellow citizens.

Our first goal is clear: We must have an economy that grows fast enough to employ every man and woman who seeks a job.

After recession, terrorist attacks, corporate scandals, and stock market declines, our economy is recovering—yet it is not growing fast enough, or strongly enough. With unemployment rising, our Nation needs more small businesses to open, more companies to invest and expand, more employers to put up the sign that says, "Help Wanted."

Jobs are created when the economy grows; the economy grows when Americans have more money to spend and invest; and the best, fairest way to make sure Americans have that money is not to tax it away in the first place.

I am proposing that all the income tax reductions set for 2004 and 2006 be made permanent and effective this year. And under my plan, as soon as I have signed the bill, this extra money will start showing up in workers' paychecks. Instead of gradually reducing the marriage penalty, we should do it now. Instead of slowly raising the child credit to a thousand dollars, we should send the checks to American families now.

This tax relief is for everyone who pays income taxes—and it will help our economy immediately. Ninety-two million Americans will keep—this year—an average of almost $1,100 more of their own money. A family of four with an income of $40,000 would see their federal income taxes fall from $1,178 to $45 per year. And our plan will improve the bottom line for more than 23 million small businesses.

You, the Congress, have already passed all these reductions, and promised them for future years. If this tax relief is good for Americans three, or five, or seven years from now, it is even better for Americans today.

We also strengthen the economy by treating investors equally in our tax laws. It is fair to tax a company's profits. It is not fair to again tax the shareholders on the same profits. To boost investor confidence, and to help the nearly 10 million seniors who receive dividend income, I ask you to end the unfair double taxation of dividends.

Lower taxes and greater investment will help this economy expand. More jobs mean more taxpayers—and higher revenues to our government. The best way to address the deficit and move toward a balanced budget is to encourage economic growth—and to show some spending discipline in Washington, D.C. We must work together to fund only our most important priorities. I will send you a budget that increases discretionary spending by 4 percent next year—about as much as the average family's income is expected to grow. And that is a good benchmark for us: Federal spending should not rise any faster than the paychecks of American families.

A growing economy, and a focus on essential priorities, will also be crucial to the future of Social Security. As we continue to work together to keep social Security sound and reliable, we must offer younger workers a chance to invest in retirement accounts that they will control and they will own.

Our second goal is high-quality, affordable health care for all Americans.

The American system of medicine is a model of skill and innovation—with a pace of discovery that is adding good years to our lives. Yet for many people, medical care costs too much—and many have no coverage at all. These problems will not be solved with a nationalized health care system that dictates coverage and rations care. Instead, we must work toward a system in which all Americans have a good insurance policy . . . choose their own doctors . . . and seniors and low-income Americans receive the help they need. Instead of bureaucrats, and trial lawyers, and HMOs, we must put doctors, and nurses, and patients back in charge of American medicine.

Health care reform must begin with Medicare, because Medicare is the binding commitment of a caring society. We must renew that commitment by giving seniors access to the preventive medicine and new drugs that are transforming health care in America.

Seniors happy with the current Medicare system should be able to keep their coverage just the way it is. And just like you, the members of Congress, members of your staffs, and other federal employees, all seniors should have the choice of a health care plan that provides prescription drugs. My budget will commit an additional $400 billion over the next decade to reform and strengthen Medicare. Leaders of both political parties have talked for years about strengthening Medicare—I urge the members of this new Congress to act this year.

To improve our health care system, we must address one of the prime causes of higher costs—the constant threat that physicians and hospitals will be unfairly sued. Because of excessive litigation, everybody pays more for health care—and many parts of America are losing fine doctors. No one has every been healed by a frivolous lawsuit—and I urge the Congress to pass medical liability reform.

Our third goal is to promote energy independence for our country, while dramatically improving the environment.

I have sent you a comprehensive energy plan to promote energy efficiency and conservation, to develop cleaner technology, and to produce more energy at home. I have sent you Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years. I have sent you a Healthy Forests Initiative, to help prevent the catastrophic fires that devastate communities, kill wildlife, and burn away millions of acres of treasured forest.

I urge you to pass these measures, for the good of both our environment and our economy. Even more, I ask you to take a crucial step, and protect our environment in ways that generations before us could not have imagined. In this century, the greatest environmental progress will come about, not through endless lawsuits or command and control regulations, but through technology and innovation. Tonight I am proposing $1.2 billion in research funding so that American can lead the world in developing clean, hydrogen-powered automobiles.

A simple chemical reaction between hydrogen and oxygen generates energy, which can be used to power a car—producing only water, not exhaust fumes. With a new national commitment, our scientists and engineers will overcome obstacles to taking these cars from laboratory to showroom—so that the first car driven by a child born today could be powered by hydrogen, and pollution-free. Join me in this important innovation—to make our air significantly cleaner, and our country much less dependent on foreign sources of energy.

Our fourth goal is to apply the compassion of America to the deepest problems of America. For so many in our country—the homeless, the fatherless, the addicted—the need is great. Yet there is power—wonder-working power—in the goodness, and idealism, and faith of the American people.

Americans are doing the work of compassion every day—visiting prisoners, providing shelter to battered women, bringing companionship to lonely seniors. These good works deserve our praise . . . they deserve our personal support . . . and, when appropriate, they deserve the assistance of our government. I urge you to pass both my faith-based initiative and the Citizen Service Act—to encourage acts of compassion that can transform America, one heart and one soul at a time.

Last year, I called on my fellow citizens to participate in USA Freedom Corps, which is enlisting tens of thousands of new volunteers across America. Tonight I ask Congress and the American people to focus the spirit of service and the resources of government on the needs of some of our most vulnerable citizens—boys and girls trying to grow up without guidance and attention . . . and children who have to go through a prison gate to be hugged by their mom or dad. I propose a $450 million initiative to bring mentors to more than a million disadvantaged junior high students and children of prisoners. Government will support the training and recruiting of mentors, yet it is the men and women of America who will fill the need. One mentor, one person, can change a life forever—and I urge you to be that one person.

Another cause of hopelessness is addiction to drugs. Addiction crowds out friendship, ambition, moral conviction, and reduces all the richness of life to a single destructive desire. As a government, we are fighting illegal drugs by cutting off supplies, and reducing demand through anti-drug education programs. Yet for those already addicted, the fight against drugs is a fight for their own lives.

Too many Americans in search of treatment cannot get it. So tonight I propose a new $600 million program to help an additional 300,000 Americans receive treatment over the next 3 years.

Our Nation is blessed with recovery programs that do amazing work. One of them is found at the Healing Place Church in Baton Rouge, Louisiana. A man in the program said, "God does miracles in people's lives, and you never think it could be you." Tonight, let us bring to all Americans who struggle with drug addiction this message of hope: The miracle of recovery is possible, and it could be you.

By caring for children who need mentors, and for addicted men and women who need treatment, we are building a more welcoming society—a culture that values every life. And in this work we must not overlook the weakest among us. I ask you to protect infants at the very hour of birth, and end the practice of partial-birth abortion. And because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity and pass a law against all human cloning.

The qualities of courage and compassion that we strive for in America also determine our conduct abroad. The American flag stands for more than our power and our interests. Our Founders dedicated this country to cause of human dignity—the rights of every person and the possibilities of every life. This conviction leads us into the world to help the afflicted, and defend the peace, and confound the designs of evil men. In Afghanistan, we helped to liberate an oppressed people . . . and we will continue helping them secure their country, rebuild their society, and educate all their children—boys and girls. In the Middle East, we will continue to seek peace between a secure Israel and a democratic Palestine. Across the earth, America is feeding the hungry; more than 60 percent of international food aid comes as a gift from the people of the United States.

As our Nation moves troops and builds alliances to make our world safer, we must also remember our calling, as a blessed country, to make this world better. Today, on the continent of Africa, nearly 30 million people have the AIDS virus—including three million children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than four million require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims—only 50,000—are receiving the medicine they need.

Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, "We have no medicines . . . many hospitals tell [people], 'You've got AIDS. We can't help you. Go home and die.' "

In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Antiretrovial drugs can extend life for many years. And the cost of those drugs has dropped from $12,000 a year to under $300 a year—which places a tremendous possibility within our grasp.

Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many. We have confronted, and will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief—a work of mercy beyond all current international efforts to help the people of Africa. This comprehensive plan will prevent seven million new AIDS infections . . . treat at least two million people with life-extending drugs . . . and provide humane care for millions of people suffering from AIDS, and for children orphaned by AIDS. I ask the Congress to commit $15 billion over the next 5 years, including nearly $10 billion in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean.

This Nation can lead the world in sparing innocent people from a plague of nature. And this Nation is leading the world in confronting and defeating the man-made evil of international terrorism.

There are days when the American people do not hear news about the war on terror. There is never a day when I do not learn of another threat, or receive reports of operations in progress, or give an order in this global war against a scattered network of killers. The war goes on, and we are winning.

To date we have arrested, or otherwise dealt with, many key commanders of al-Qaida. They include a man who directed logistics and funding for the September 11th attacks . . . the chief of al-Qaida operations in the Persian Gulf who planned the bombings of our embassies in East Africa and the USS *Cole* . . . an al-Qaida operations chief from Southeast Asia . . . a former director of al-Qaida's training camps in Afghanistan . . . a key al-Qaida operative in Europe . . . and a major al-Qaida leader in Yemen. All told, more than 3,000 suspected terrorists have been arrested in many countries. And many others have met a different fate. They are no longer a problem for the United States and our friends and allies.

We are working closely with other nations to prevent further attacks. America and coalition countries have uncovered and stopped terrorist conspiracies targeting the American embassy in Yemen . . . the American embassy in Singapore . . . a Saudi military base . . . and ships in the straits of Hormuz, and the straits of Gibraltar. We have broken al-Qaida cells in Hamburg, and Milan, and Madrid, and London, and Paris—as well as Buffalo, New York.

We have the terrorists on the run, and we are keeping them on the run. One by one, the terrorists are learning the meaning of American justice.

As we fight this war, we will remember where it began—here, in our own country. This government is taking unprecedented measures to protect our people and defend our homeland. We have intensified security at the borders and ports of entry . . . posted more than 50,000 newly trained federal screeners in airports . . . begun inoculating troops and first responders against smallpox . . . and are deploying the Nation's first early warning network of sensors to detect biological attack. And this year, for the first time, we are beginning to field a defense to protect this Nation against ballistic missiles.

I thank the Congress for supporting these measures. I ask you tonight to add to our future security with a major research and production effort to guard our people against bio-terrorism, called Project Bioshield. The budget I send you will propose almost $6 billion to quickly make available effective vaccines and treatments against agents like anthrax, botulinum toxin, Ebola, and plague. We must assume that our enemies would use these diseases as weapons, and we must act before the dangers are upon us.

Since September 11th, our intelligence and law enforcement agencies have worked more closely than ever to track and disrupt the terrorists. The FBI is improving its ability to analyze intelligence, and transforming itself to meet new threats. And tonight, I am instructing the leaders of the FBI, Central Intelligence, Homeland Security, and the Department of Defense to develop a Terrorist Threat Integration Center, to merge and analyze all threat information in a single location. Our government must have the very best information possible, and we will use it to make sure the right people are in the right places to protect our citizens.

Our war against terror is a contest of will, in which perseverance is power. In the ruins of two towers, at the western wall of the Pentagon, on a field in Pennsylvania, this Nation made a pledge, and we renew that pledge tonight: Whatever the duration of this struggle, and whatever the difficulties, we will not permit the triumph of violence in the affairs of men—free people will set the course of history.

Today, the gravest danger in the war on terror . . . the gravest danger facing America and the world . . . is outlaw regimes that seek and possess nuclear, chemical, and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to their terrorist allies, who would use them without the least hesitation.

This threat is new; America's duty is familiar. Throughout the 20th century, small groups of men seized control of great nations . . . built armies and arsenals . . . and set out to dominate the weak and intimidate the world. In each case, their ambitions of cruelty and murder had no limit. In each case, the ambitions of Hitlerism, militarism, and communism were defeated by the will of free peoples, by the strength of great alliances, and by the might of the United States of America. Now, in this century, the ideology of power and domination has appeared again, and seeks to gain the ultimate weapons of terror. Once again, this Nation and our friends are all that stand between a world at peace, and a world of chaos and constant alarm. Once again, we are called to defend the safety of our people, and the hopes of all mankind. And we accept this responsibility.

America is making a broad and determined effort to confront these dangers. We have called on the United Nations to fulfill its charter, and stand by its demand that Iraq disarm. We are strongly supporting the International Atomic Energy Agency in its mission to track and control nuclear materials around the world. We are working with other governments to secure nuclear materials in the former Soviet Union, and to strengthen global treaties banning the production and shipment of missile technologies and weapons of mass destruction.

In all of these efforts, however, America's purpose is more than to follow a process—it is to achieve a result: the end of terrible threats to the civilized world. All free nations have a stake in preventing sudden and catastrophic attack. We are asking them to join us, and many are doing so. Yet the course of this Nation does not depend on the decisions of others. Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people.

Different threats require different strategies. In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty, human rights, and democracy. Iranians, like all people, have a right to choose their own government, and determine their own destiny—and the United States supports their aspirations to live in freedom.

On the Korean peninsula, an oppressive regime rules a people living in fear and starvation. Throughout the 1990s, the United States relied on a negotiated framework to keep North Korea from gaining nuclear weapons. We now know that the regime was deceiving the world, and developing those weapons all along. And today the North Korean regime is using its nuclear program to incite fear and seek concessions. America and the world will not be blackmailed. America is working with countries of the region—South

Korea, Japan, China, and Russia—to find a peaceful solution, and to show the North Korean government that nuclear weapons will bring only isolation, economic stagnation, and continued hardship. The North Korean regime will find respect in the world, and revival for its people, only when it turns away from its nuclear ambitions.

Our Nation and the world must learn the lessons of the Korean peninsula, and not allow an even greater threat to rise up in Iraq. A brutal dictator, with a history of reckless aggression . . . with ties to terrorism . . . with great potential wealth . . . will not be permitted to dominate a vital region and threaten the United States.

Twelve years ago, Saddam Hussein faced the prospect of being the last casualty in a war he had started and lost. To spare himself, he agreed to disarm of all weapons of mass destruction. For the next 12 years, he systematically violated that agreement. He pursued chemical, biological, and nuclear weapons even while inspectors were in his country. Nothing to date has restrained him from his pursuit of these weapons—not economic sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities. Almost 3 months ago, the United Nations Security Council gave Saddam Hussein his final chance to disarm. He has shown instead his utter contempt for the United Nations, and for the opinion of the world.

The 108 U.N. weapons inspectors were not sent to conduct a scavenger hunt for hidden materials across a country the size of California. The job of the inspectors is to verify that Iraq's regime is disarming. It is up to Iraq to show exactly where it is hiding its banned weapons . . . lay those weapons out for the world to see . . . and destroy them as directed. Nothing like this has happened.

The United Nations concluded in 1999 that Saddam Hussein had biological weapons materials sufficient to produce over 25,000 liters of anthrax—enough doses to kill several million people. He has not accounted for that material. He has given no evidence that he has destroyed it.

The United Nations concluded that Saddam Hussein had materials sufficient to produce more than 38,000 liters of botulinum toxin—enough to subject millions of people to death by respiratory failure. He has not accounted for that material. He has given no evidence that he has destroyed it.

Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tons of sarin, mustard, and VX nerve agent. In such quantities, these chemical agents also could kill untold thousands. He has not accounted for these materials. He has given no evidence that he has destroyed them.

U.S. intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them, despite Iraq's recent declaration denying their existence. Saddam Hussein has not accounted for the remaining 29,984 of these prohibited munitions. He has given no evidence that he has destroyed them.

From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs. These are designed to produce germ warfare agents, and can be moved from place to place to evade inspectors. Saddam Hussein has not disclosed these facilities. He has given no evidence that he has destroyed them.

The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program, had a design for a nuclear weapon, and was working on five different methods of enriching uranium for a bomb. The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high strength aluminum tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.

The dictator of Iraq is not disarming. To the contrary, he is deceiving. From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors—sanitizing inspection sites, and monitoring the inspectors themselves. Iraqi officials accompany the inspectors in order to intimidate witnesses. Iraq is blocking U-2 surveillance flights requested by the United Nations. Iraqi intelligence officers are posing as the scientists inspectors are supposed to interview. Real scientists have been coached by Iraqi officials on what to say. And intelligence sources indicate that Saddam Hussein has ordered that scientists who cooperate with U.N. inspectors in disarming Iraq will be killed, along with their families.

Year after year, Saddam Hussein has gone to elaborate lengths, spent enormous sums, taken great risks, to build and keep weapons of mass destruction—but why? The only possible explanation, the only possible use he could have for those weapons, is to dominate, intimidate, or attack. With nuclear arms or a full arsenal of chemical and biological weapons, Saddam Hussein could resume his ambitions of conquest in the Middle East, and create deadly havoc in the region. And this Congress and the American people must recognize another threat. Evidence from intelligence sources, secret communications, and statements by people now in custody, reveal that Saddam Hussein aids and protects terrorists, including members of al-Qaida. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own.

Before September 11, 2001, many in the world believed that Saddam Hussein could be contained. But chemical agents and lethal viruses and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons, and other plans—this time armed by Saddam Hussein. It would take just one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known. We will do everything in our power to make sure that day never comes.

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

This dictator, who is assembling the world's most dangerous weapons, has already used them on whole villages—leaving thousands of his own citizens dead, blind, or disfigured. Iraqi refugees tell us how forced confessions are obtained—by torturing children while their parents are made to watch. International human rights groups have catalogued other methods used in the torture chambers of Iraq: electric shock, burning with hot irons, dripping acid on the skin, mutilation with electric drills, cutting out tongues, and rape.

If this is not evil, then evil has no meaning. And tonight I have a message for the brave and oppressed people of Iraq: Your enemy is not surrounding your country—your enemy is ruling your country. And the day he and his regime are removed from power will be the day of your liberation.

The world has waited 12 years for Iraq to disarm. America will not accept a serious and mounting threat to our country, our friends, and our allies. The United States will ask the U.N. Security Council to convene on February 5th to consider the facts of Iraq's ongoing defiance of the world. Secretary of State Powell will present information and intelligence about Iraq's illegal weapons programs; its attempts to hide those weapons from inspectors; and its links to terrorist groups. We will consult, but let there be no misunderstanding: If Saddam Hussein does not fully disarm, for the safety of our people, and for the peace of the world, we will lead a coalition to disarm him.

Tonight I also have a message for the men and women who will keep the peace, members of the American Armed Forces: Many of you are assembling in and near the Middle East, and some crucial hours may lie ahead. In those hours, the success of our cause will depend on you. Your training has prepared you. Your honor will guide you. You believe in America, and America believes in you.

Sending Americans into battle is the most profound decision a president can make. The technologies of war have changed. The risks and suffering of war have not. For the brave Americans who bear the risk, no victory is free from sorrow. This Nation fights reluctantly, because we know the cost, and we dread the days of mourning that always come.

We seek peace. We strive for peace. And sometimes peace must be defended. A future lived at the mercy of terrible threats is no peace at all. If war is forced upon us, we will fight in a just cause and by just means—sparing, in every way we can, the innocent. And if war is forced upon us, we will fight with the full force and might of the United States military—and we will prevail. And as we and our coalition partners are doing in Afghanistan, we will bring to the Iraqi people food, and medicines, and supplies . . . and freedom.

Many challenges, abroad and at home, have arrived in a single season. In 2 years, America has gone from a sense of invulnerability to an awareness of peril . . . from bitter division in small matters to calm unity in great causes. And we go forward with confidence, because this call of history has come to the right country.

Americans are a resolute people, who have risen to every test of our time. Adversity has revealed the character of our country, to the world, and to ourselves.

America is a strong Nation, and honorable in the use of our strength. We exercise power without conquest, and sacrifice for the liberty of strangers.

Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world, it is God's gift to humanity.

We Americans have faith in ourselves—but not in ourselves alone. We do not claim to know all the ways of Providence, yet we can trust in them, placing our confidence in the loving God behind all of life, and all of history.

May He guide us now, and may God continue to bless the United States of America.

Thank you.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 28, 2003.*

MESSAGES FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 12. Concurrent resolution providing for a joint session of Congress to receive a message from the president on the state of the Union.

At 3:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H.J. Res. 13. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 224. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 225. A bill to provide for emergency unemployment compensation.

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–740. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to the completion of the restatement of title 46, United States Code (Shipping), as positive law; to the Committee on Commerce, Science, and Transportation.

EC–741. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Concerning Maritime Communications (PR Docket No. 92–257)" received on January 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–742. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Policies and Rules for the Direct Broadcast Satellite Service (IB Docket No. 98–21)(FCC No. 02–110)" received on January 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–743. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a final rule amending the NASA Grant and Cooperative Agreement Handbook to require that NASA grants and cooperative agreements follow the requirements of Executive Order 13202"; to the Committee on Commerce, Science, and Transportation.

EC–744. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a Vacancy in the position of Assistant Secretary for Governmental Affairs, received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–745. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Rule to Revise a Final Rule Implementing a Charter Vessel/Headboat Permit Moratorium Amending the Reef Fish Fishery Management Plan (Amendment 20) and Coastal Migratory Pelagics Fishery Management Plan (Amendment 14) (0648–AQ59)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–746. A communication from the Attorney/Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 (CC Doc. No. 96–128)(FCC02–292)" received on January 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–747. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances (FRL 7443–4)" received on January 23, 2003; to the Committee on Environment and Public Works.

EC–748. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Northern engraving environmental Gooperative Agreements (FRL 7411–5)" received on January 23, 2003; to the Committee on Environment and Public Works.

EC–749. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to Florida State Implementation Plan (FRL 7443–3)" received on January 23, 2003; to the Committee on Environment and Public Works.

EC–750. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clarification to Interim Standards and Practices for All Appropriate Inquiry Under CERCLA and Notice of Future Rulemaking Action (FRL 7442–2)" received on January 23, 2003; to the Committee on Environment and Public Works.

EC–751. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment as of November 15, 1999, and Reclassification of the Metropolitan Washington, D.C. Ozone Nonattainment Area; District of Columbia, Maryland, Virginia (FRL 7441–9)" received on January 23, 2003; to the Committee on Environment and Public Works.

EC–752. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ohio: Final Authorization of State Hazardous Waste Program Revesion (FRL

7442–8)" received on January 23, 2003; to the Committee on Environment and Public Works.

EC–753. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District and Yolo-Solano Air Quality Control District (FRL 7427–8)" received on January 23, 2003; to the Committee on Environment and Public Works.

EC–754. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to an objective appraisal of highway, bridge, and transit physical conditions, operational performance, finance, and future investment requirements, received on January 22, 2003; to the Committee on Environment and Public Works.

EC–755. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to FY 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–206) concerning payments to Jordan for logistical and military support, received on January 21, 2003; to the Committee on Appropriations.

EC–756. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report of an Antideficiency Act violation occurring in the Mutual Mortgage Insurance Program, received on January 21, 2003; to the Committee on Appropriations.

EC–757. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "4 - (Dichloracetyl) - 1 - Oxa - 4 - Azaspiro [4–5] Decane; Pesticide Tolerance (FRL 7199–4)" received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–758. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oxadiazon, Tolerance Revocations (FRL 7187–3)" received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–759. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate (Doc. No. 02–906–1)" received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–760. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Research and Promotion Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh cut and Fresh Cut Greens Promotion and Information Order, Termination (Doc. No. FV–02–710)" received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–761. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations other Seedless-Sulfured Raisins (Doc. No. FV02–996–1FIR)" received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–762. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Increased Assessment Rate (Doc. No. FV02–989–7)" received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–763. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Movement and Importation of Fruits and Vegetable (Doc. No. 00–059–1)" received on January 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–764. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cold Treatment for Fresh Fruits ; Port of Corpus Christi, TX (Doc. No. 00–068–3)" received on January 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–765. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Regulated Areas (Doc. No. 02–129–1)" received on January 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself, Mr. Baucus, Mr. Lott, Mr. Crapo, Mr. Sessions, Ms. Snowe, Ms. Collins, Mr. Cochran, Mrs. Lincoln, Mr. Burns, and Mr. Miller):

S. 219. A bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price; to the Committee on Finance.

By Mr. FITZGERALD:

S. 220. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. Miller):

S. 221. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mr. McCain):

S. 222. A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself, Mr. Grassley, Mr. Corzine, and Mr. Gregg):

S. 223. A bill to prevent identity theft, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. Kennedy, Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mrs. Murray, Mr. Edwards, Mrs. Clinton, Mr. Akaka, Mr. Bayh, Mr. Biden, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Corzine, Mr. Dayton, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Kerry, Mr. Kohl, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Reid, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Ms. Stabenow, Mr. Wyden, Mr. Lautenberg, Ms. Landrieu, Mrs. Boxer , and Mr. Pryor):

S. 224. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. DASCHLE (for himself, Mr. Kennedy, Mrs. Clinton, Mr. Reed, Mr. Durbin, Mrs. Boxer, Mr. Bayh, Ms. Cantwell, Mr. Sarbanes, Mr. Baucus, Mr. Harkin, Mr. Corzine, and Ms. Mikulski):

S. 225. A bill to provide for emergency unemployment compensation; read the first time.

By Mr. BIDEN (for himself, Mr. Grassley, Mr. Lieberman, and Mrs. Feinstein):

S. 226. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. Reid):

S. 227. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed teachers, to provide for grants that promote teacher certification and licensing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. Gregg, and Mr. Leahy):

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. Graham of Florida):

S. Res. 26. A resolution commending the Tampa Bay Buccaneers football team for winning Super Bowl XXXVII; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. Daschle, the names of the Senator from Maryland

(Ms. MIKULSKI) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 6, a bill to enhance homeland security and for other purposes.

S. 83

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 113

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 113, a bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

S. 160

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 160

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 160, supra.

S. 184

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 184, a bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 202

At the request of Mr. DEWINE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Michigan (Mr. LEVIN), the Senator from Virginia (Mr. ALLEN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 205

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 205, a bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from Kentucky (Mr. BUNNING), the Senator from Louisiana (Mr. BREAUX), the Senator from Idaho (Mr. CRAIG), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Mississippi (Mr. LOTT), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. MILLER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 1

At the request of Mr. SARBANES, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 1, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. LOTT, Mr. CRAPO, Mr. SESSIONS, Ms. SNOWE, Ms. COLLINS, Mr. COCHRAN, Mrs. LINCOLN, Mr. BURNS, and Mr. MILLER):

S. 219. A bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price; to the Committee on Finance.

Mr. CRAIG. Mr. President, I come to the Chamber this morning, with a number of my colleagues, to discuss what is a critical issue in timber country across the United States, where men and women go to work every day in our sawmills only to find the mill has been shut down and the lights have been turned out.

As a result, that has been a problem which has grown for some time because of the Canadians, their style of production at this moment, and the huge volume of timber they are pouring into this country. It is a market condition that will continue to shut down many of our mills, some that will never turn on their lights again, some that will never again employ men and women in the small towns where most of those mills are across the country.

Today, some of my colleagues and I are introducing legislation to work cooperatively with the administration in trying to resolve this through negotiation. This legislation is being offered on behalf of myself, Senator BAUCUS, Senator CRAPO, my colleague from Idaho, who is in the Chamber, Senator SESSIONS, Senator SNOWE, Senator COLLINS, Senator COCHRAN, Senator BURNS, and Senator LINCOLN.

In introducing this legislation today, we are amending the Tariff Act of 1930 to clarify what is an appropriate deduction from the price of merchandise. We believe the deduction of the countervailing duty should be included in the calculation in determining whether or not and to what extent there have been sales dumped at less than fair market value in the United States.

Some time ago, we established a countervailing duty against Canadian products coming into this market. This is in response to that and the way it is calculated.

While the Department of Commerce has worked diligently on the softwood lumber case, the Canadian industry and Government continue to effectively avoid the countervailing duty and antidumping orders. The most recent move by the Canadian Government to avoid the countervailing duty is to declare a significant region of interior British Columbia bug kill timber. This particular green lumber—or timber in this case—is being sold at salvage prices and has flooded the amount of available timber already in the market.

The price for this timber is now as low as a dollar per thousand board feet, while the competitive market value is over $100 per thousand board feet—in other words, on the stump at the time of the sale.

I remind my colleagues a majority of this determined bug kill has not yet been affected by bugs. It is simply a decision made by the Canadian Government in this instance. Yet they are selling it at prices that are as if it had been affected by disease.

Next, British Columbia has revised their forest practice code to reduce costs to the lumber manufacturers by decreasing forestry standards and placing logging corporations in charge of enforcement actions. That is like the U.S. Forest Service turning to the logging companies and saying the logging companies can enforce all of the environmental laws, as well as the laws under which we govern and manage our forests. We will turn that authority over to the logging companies.

What does this do to Canadian timber companies? It literally saves them millions of dollars in operating expenses.

These recent and blatant moves by the Canadians reveal their true desires to continue to flood the U.S. markets and their unwillingness to find a resolution that provides both security for U.S. and Canadian jobs.

Our proposal specifies that countervailing duties are to be treated as a cost of production, a clarification of the Trade Act that all duties should be considered a cost of production incurred on shipments to the United States. The deduction of countervailing duty would assist in determining whether or not and to what extent there have been sales dumped at less than fair market value in the United States.

Dumping is when a company sells a product into the United States for less than its cost of production. The Department of Commerce currently does not consider countervailing duties, which offset subsidies, as a cost of production when calculating the amount of dumping and requisite antidumping duties. The Department's policy of ignoring countervailing duties when calculating antidumping duties undervalues the actual amount of the dumping.

Fair value typically is the sales price of the merchandise in the country-of-origin market. The antidumping analysis compares fair value of a good from another country to the fair value of a good from the United States to determine if the good from another country was dumped at an unfair price in the U.S. market.

For example, in the U.S.-Canadian softwood lumber dispute, the Department of Commerce determined that the Canadian provinces subsidize their industry by providing lumber mills timber at prices that are 33 to 50 percent below market value. It also found that Canadian companies were selling lumber in the United States at below their subsidized cost of production, requiring an antidumping duty of 8.79 percent.

The antidumping duty currently undervalues the Canadian dumping practices by comparing a subsidized cost of production to the price of lumber rather than comparing the cost of production plus the countervailing duty to the price of lumber. It is all in the math, and in this kind of math it is quite obvious that Canadians are taking tremendous advantage of the marketplace. As I said earlier, the lights in the sawmills across America are going out.

Such a change in the Department's policy, we believe—those of us who have authored this legislation—is consistent with the practices of the European community and of Canada. It is time the Department of Commerce correct this accounting error, and it is time for the Canadian Government and their industry leaders to come to the table to negotiate a free and fair market price for both U.S. and Canadian lumber products.

I believe this Congress will not tolerate the kind of dumping activity that is going on in the market today, which appears to be at this moment not only blatant but an attempt to grab even a larger market share in this country.

For years, I have worked on this issue, and I clearly recognize the importance in the overall market of Canadian lumber in our market to meet our housing demands, but to do so and to expand that market base at a cost to U.S. jobs and U.S. producers is not fair, nor is it balanced. That is why we have introduced this legislation today.

Several other colleagues who are cosponsors in the legislation plan to come to the floor during this period of morning business to speak to this issue. I am extremely pleased to be joined by Senator BAUCUS, Senator LOTT, and Senator SNOWE. I mention those three specifically because they are on the Finance Committee. This is legislation that will be referred to the Finance Committee.

As my colleague from Idaho so clearly said, this is a simple correction in the law. It is a practice followed by other countries in Europe and Canada itself. Clearly, it would change the dynamics of how we deal with Canada, but it would also show the Canadians that we are not going to stand idly by and allow what is so blatant and so intentional in both the pricing of their stumpage and, therefore, the cost of entry into our market. Blatant dumping in the market for the purpose of gaining market share and putting some of our businesses out of business should not be tolerated.

We have all heard over the years the phrase "mill town." It is so true today, still, in those areas of our country that are adjacent to private and public forests, that it is the sawmill that often is the larger employer in the community, providing excellent jobs at high pay to the men and women who live within that community. When that mill goes down and those citizens are out of work, there is no alternative, there are no other jobs, or there are limited jobs in the community. That community oftentimes is anywhere from 20 to 100 to 150 miles from the next community.

So that wage earner oftentimes is faced with a very tough choice he or she may have to make. That is not just to go search for another job but oftentimes to pick up their family and move from that small community they had chosen to live in and to raise their families. Why? Because a singular employee in this instance was either shut down or put out of business. Why? Because of predatory practices on the part of our friends to the north. And I say "friends" because I believe that. But certainly in this segment of their economy, they are choosing to enter the most lucrative timber market in the world—ours—with a thriving, aggressive homebuilding industry and an economy in the homebuilding industry that is very strong today, to supply that product.

I recognize the sheer demand for dimensional lumber in this market is much greater than both United States producers from private and public lands can supply, and Canadians can and have had and will have a substantial portion of our market. But now, to do so intentionally so the big boys can get bigger in Canada, putting oftentimes out of business the smaller producer here in the United States, is something we should not stand idly by and tolerate.

Mr. President, I see I am being joined in the Chamber by my colleague from Mississippi. Senator LOTT is a cosponsor of the legislation we have just introduced dealing with the Tariff Act of 1930. Mississippi has a thriving timber industry that is a major contributor to their State's economy, and especially to rural Mississippi's workforce. So I will be happy to yield to Senator LOTT for him to discuss this issue, of course, or any other issue he might wish to discuss.

Mr. BAUCUS. Mr. President, I rise today to discuss a much-needed clarification of current trade law. Misinterpretation of the current law hurts hundreds of American companies and thousands of American workers.

It is a misinterpretation that results in the understatement both of the degree of foreign unfair trade and the amount of duties necessary to offset it.

The legislation Senator CRAIG and I are proposing would clarify that, in an antidumping proceeding, countervailing duties paid by a foreign seller should be deducted from the U.S. price.

This legislation would rectify the current understatement of unfair trade and ensure that the true expenses of selling in the United States are recognized in the calculation of duties.

Now, I am here today because this issue is of particular importance to Montana's softwood lumber industry. For more than 20 years, I have stood beside our lumber industry as they have fought massive illegal subsidies by the Canadian government.

All they are asking for is a level playing field.

Unfortunately for everyone, this process has been stuck in an endless cycle of litigation. I hope we can end that, and get to a place where there is real market-based competition. But until we do, we must ensure that our fair trade laws are as strong as possible.

We have countervailing duty laws that offset unfair foreign subsidies. We also have antidumping laws that help ensure that foreign products are sold for a "fair price" in the United States, a price that is comparable to the foreign price, and that reasonably reflects the cost of production.

But we can't make a fair comparison unless we factor in the cost of countervailing duties. It's that simple. We are letting unfair traders off the hook.

And we're doing so simply because of a misinterpretation of current law by the Department of Commerce. There is no sensible policy or legal rationale for this practice.

And I would note here that adopting this legislation would make our practice consistent with the practices of Canada and the European Union. For the life of me, I can't understand we wouldn't give our companies and workers trade laws that are as strong as those in the countries we compete against. That is just common sense.

I would also emphasize that Commerce itself could fix this problem if it were so inclined. Commerce could, for example, announce in an ongoing administrative review its intention to reconsider treatment of countervailing duties as a cost. The Department has often used such cases as a means to review policy.

The current policy makes no sense. It violates the statute. It fails to redress continued dumping. And it effectively discourages negotiations to end unfair trade.

Most importantly, correcting the current policy would force Canadian mills to make a clear choice, negotiate a long-term resolution or face higher duties.

In the absence of a voluntary change in policy by Commerce, I offer this legislation to clarify the statute.

This will ensure a fair comparison of prices and a more accurate measurement of the amount of dumping. It is just the right thing to do.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank Senator CRAIG for his leadership on this issue, and also Senator BAUCUS and Senator CRAPO, and a number of others whose States are being severely impacted by very unfair Canadian softwood lumber practices.

Forestry is the second largest crop in my State of Mississippi and represents $1.25 billion annually. But what we are dealing with is the dumping of this Canadian softwood into our region of the country.

"Dumping" is when a company sells a product for less than the cost of production. But the Department of Commerce currently does not consider countervailing duties, which offset subsidies, as a cost of production when evaluating and calculating the amount of dumping and the requisite antidumping duties. The Department's policy of ignoring these countervailing duties when calculating antidumping duties undervalues the amount of the dumping of the products.

Let me just say, I have been working on this issue actually for years now. I have worked with the previous administration and have been working with this administration. Our Customs officials have tried to be helpful. And certainly the current Secretary of Commerce has been paying close attention to this issue, and I really appreciate it. But there are limits to what they can do without additional legislation that will make it clear how we will deal with these countervailing duties. So that is why this legislation has been introduced.

I think we must have had 8 or 10 Senators who met with the Secretary of Commerce and other officials of Commerce and discussed this problem and its continuing impact on this major industry in my State and in our country, and talked about the need to take some further actions to make sure we are properly evaluating the product that is being dumped in the United States.

The United States-Canada softwood lumber dispute is one that has been going on a long time. And it is clear from information we have that the Canadian provinces are subsidizing their industry by providing lumber mills timber at prices that are 33 to 50 percent below market value. Our Commerce Department has found that Canadian companies have been selling lumber in the United States but below their subsidized cost of production, requiring an antidumping duty of 8.79 percent. The fair market value calculation currently undervalues the Canadian dumping practices by comparing a subsidized cost of production to the cost of United States lumber rather than comparing the subsidized cost of production plus the countervailing duty to the cost of United States lumber.

That is what this legislation would do. It would correct this by specifying that the CVD duties are to be treated as a cost of production, a clarification of U.S. statute section 19, U.S.C. 1677, which states that all duties should be considered a cost of production incurred on shipments to the United States. Such a change of Department policy is consistent with practices in the European Union and, as a matter of fact, of Canada.

The legislation, in my opinion, will have an immediate impact because with the correction of this problem, then, the Canadian mills will face the prospect of paying considerably higher antidumping rates if the lumber market remains at the current low level. So I think this is something we need to do.

I have met with Canadian officials, including the Prime Minister, the Ambassador, and Members of their Parliament. I had the impression that while they recognized this is an economic problem in the United States and unfair, they do not believe we are going to take the necessary action to really get a result. And they have been dragging it out now for years.

I am going to meet with some Canadian Government officials even tomorrow. I am sure this issue will come up. But once they realize we are serious—I believe this administration, this Commerce Department is serious—we are not going to allow them to sell this product at below production of cost, and that we are also going to include in that figure the cost figure, the countervailing duty orders, I think maybe they will understand that we have to deal with this problem.

Even today, bug kill timber is being sold at salvage prices in the interior of British Columbia, which has increased the amount of available timber already on the market. The price for this timber is as low as $1 per 1,000 board feet, when the competitive market value is over $100 per thousand board feet. That gives you some concept of the disadvantage with which our American softwood lumber producers are dealing. Our lumber industry is in a crisis. Make no mistake about it. We have been losing mills. The product value is down. Production is down. If the current market conditions continue, many of our remaining lumber manufacturers will not survive the next 6 months. This is a critical situation, and it is one that is going to get much worse if we don't get some action quickly.

The U.S. lumber industry supports the Department's changed circumstances process. Therefore, I think this is a solution we can all work on. As a member of the Finance Committee, along with Senator BAUCUS, who also serves on the Finance Committee, we will make sure this legislation receives the consideration it deserves.

We urge our colleagues in the country that is one of our two or three best friends in the world, Canada, to work with us on this. This is an unfair situation, one that has been going on too long, one that is destroying an important part of our economy. I hope our Government will vigorously pursue the litigation that is now being considered. The WTO has already found that Canada has an actionable subsidy, meaning these duties will be imposed until provinces allow the market to determine the price of timber. Our Government should continue to pursue it.

Our Canadian friends and allies should work with us because this is a very unfair situation, one we are trying to remedy by making sure all of the costs of production, including the countervailing duties, are included in their calculations.

I congratulate Senator CRAIG for his leadership in this area, and I look forward to working with him in the future as we come forward with a proper solution to this critical issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate Senator LOTT coming to the Chamber this morning to speak on the role the timber industry plays in the economy of Mississippi and how important it is. It is important to rural Mississippi, to rural Idaho, to rural America, where we struggle mightily to keep a viable productive job base.

Clearly over the last decade, the economy of this country flourished. And while all of that was going on, it was rural Idaho that felt much of the pain and shared not in that new growth economy, in part because of the very problem both Senator LOTT and I and Senator BAUCUS and others are addressing. My colleague Senator CRAPO spoke to the matter as well.

This is a relatively simple adjustment in trade law, but it could have a substantial impact on the Canadians and the current practices in which they are involved, practices we believe are not in the best interest of both governments and both countries.

To have a nearly "cut at will" policy, both in provincial and crown timber in Canada, is at best frustrating to some of us who believe not only is that bad policy but, from an environmental point of view, it is not an effectively balanced policy. Are the practices being adhered to that should be adhered to for the purposes of sustaining yields and ongoing production of timber? Or is it simply an effort to keep people at work, in this instance, and, more importantly now, because of the declaration of green timber unaffected by disease or bug, now being called bug kill timber, is it simply a policy to grab an increasingly larger portion of the market? When many of these medium- and small-size mills go down, oftentimes they don't come back. If they are down for a longer period of time, the workforce disperses in search of another job and, as a result of that, many of these mills that go down will stay down permanently.

That is exactly what larger producers in Canada are hoping for, as it will allow them an ever-increasing larger portion of the market here in the lower 48 States.

I hope the Finance Committee will hold hearings and move quickly on this issue. It is important for our economy and, more importantly, it is a small town, mill town issue that in many States, such as Idaho, Mississippi, Montana, and throughout the South where there are large timber reserves, becomes a critical way of sustaining the rural economy.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to join with my colleague from Idaho, Senator CRAIG, and with the other Senators he has listed who are cosponsoring this critical legislation.

Senator CRAIG has already laid out this circumstance. Some time ago, when we could not reach an agreement with Canada on this critical issue through trade negotiations, WTO and other trade sanctions were sought by American companies seeking to correct the problem that has been faced by subsidized timber flooding into the United States from Canada. As a result of that effort, the U.S. Department of Commerce found the Canadian provinces subsidize their industry by providing lumber mills timber at prices that are 33 to 50 percent below market value.

As Senator CRAIG has indicated, as a result of that, a countervailing duty was applied and the Canadian timber producers, who are trying to bring their timber into the United States, are now required to pay this countervailing duty as a cost for their subsidized timber.

The response of the Canadian Government to that has not been simply to comply and try to negotiate a new, workable softwood lumber agreement. Instead, the Canadian Government has continued to increase the available subsidies and to try to flood the United States markets with this timber. The outcome has been that from August 2000 to March 2001, the United States lumber manufacturers closed 27 mills permanently while only two Canadian mills were closed during that time. The reason, of course, was this continued support provided from the Canadian Government.

How was it provided? As has already been indicated, allegedly bug kill timber. But timber wood that has not faced the impact yet was provided for prices which were as low as $1 per 1,000 board feet when the market price for that timber would have been somewhere in the neighborhood of $100 per 1,000 board feet. This significantly subsidized timber has been brought into the United States, exacerbating the problem.

Second, as Senator CRAIG already indicated, the British Columbian government has already revised their forest practice code to reduce the cost of lumber manufacturers under their code, saving them millions of dollars annually. What we see is, in response to this anticompetitive situation of unfair trade practices that have been identified and which are now being dealt with in litigation, the Canadians have increased their subsidies and are continuing to flood timber into the United States markets.

A number of changes need to occur. But one of them needs to occur in U.S. law because as a part of the entire process, it is important to determine the amount of subsidy. The subsidy is determined by evaluating whether the price that is being charged to the Canadian producers is above or below their cost of production. One of the critical elements is determining that value.

Currently, we have found Canadian companies are selling their lumber into the United States at below their subsidized cost of production, requiring antidumping duty of 8.79 percent. The point I make is that their current subsidies are even below and make it so that they are able to provide their timber to U.S. markets below subsidized cost of production.

The legislation we are introducing today will require them to include the countervailing duty which they pay as a part of their cost of production in determining what their true subsidy is. As long as the United States does not require the Canadians to include their countervailing duties as a cost of their production, then the amount of the subsidy which we determine will be even less than it truly is. It will not be accurately reflected.

This is a simple change to clarify what is already on the books in the United States. This practice is pursued in Europe and in Canada already under their approach to these issues. It is only proper that the U.S. Government stand firmly behind this principle. Again, the principle is, when a nation is subsidizing its products and shipping them into U.S. markets to the detriment of our producers, that subsidy must be included as a cost of doing business when we calculate in our litigation with them the amount of subsidy and the resultant countervailing duties we can apply.

I don't believe there is a legitimate argument against this legislation. I realize nations across the world are trying to figure out how to continue to do the best they can for their producers to help them get their products into our markets. However, we have now very aggressive negotiations underway in bilateral trade arrangements as well as in multilateral trade arrangements such as the world trade negotiations seeking to bring down the level of subsidies across the world to a level of zero. That is our objective in our international trade negotiations. We cannot tolerate the continued defiance of these types of laws in our negotiations. That is the simple purpose behind this legislation.

The United States and the Department of Commerce and our United States trade negotiators in particular have been doing a tremendous job in helping deal with a very difficult situation resulting from the Canadian unfair trade practices in softwood lumber. They are to be commended for this. One of the things we need to provide to them as a tool in this ongoing process is a congressional and, indeed, American statutory declaration that countervailing duties must be included in the cost of production as we negotiate on these critical issues with our neighbors to the north.

I thank the Senate for this time. I thank my colleague Senator CRAIG for his leadership on this issue and the other Senators supporting this effort.

Ms. SNOWE. Mr. President, I am here today to cosponsor legislation that should help resolve the current crisis being faced by the U.S. softwood lumber industry, which continues to be devastated by the continuation of a "wall of subsidized wood" coming from four Canadian provinces that are effectively avoiding countervailing duty and antidumping orders of the U.S. Department of Commerce. This is causing a crisis in current market conditions not only in Maine but across the Nation.

The purpose of the U.S. countervailing duty, or CVD, law, is to offset unfair foreign subsidies which cause injury to our U.S. producers. In the Canadian softwood lumber case, Commerce has determined that some Canadian provinces subsidize their lumber mills at prices that are 33 to 55 percent below market value. Currently, Canadian prices for salvage timber, for instance, are as low as $1 per thousand board feet at the same time the competitive market value is over $100 thousand board feet.

Our antidumping law is supposed to ensure that foreign products are not sold for less than its cost of production. Currently, the Department of Commerce does not consider countervailing duties as a cost of production, thereby undervaluing the Canadian dumping practices by comparing a subsidized cost of production to the price of lumber rather than comparing the cost of production plus the countervailing duty to the price of lumber. Ignoring countervailing duties when then calculating antidumping duties undervalues the actual amount of dumping, and is devastating to our U.S. softwood lumber industry.

The Craig/Baucus legislation that I am supporting today amends the Tariff Act of 1930 to clarify that countervailing duties should be added into the cost of production as it reflects the true cost of production by offsetting subsidies. This provision will rectify the problem of undervalued dumping duties and make U.S. trade policies consistent with those of our trading partners, such as Canada and the European Union.

Adopting this clarification should have an immediate market impact. With the correction of the current problem, Canadian mills would face the prospect of paying considerably higher antidumping rates if the lumber market remains at the current low level. This legislation should demonstrate the resolve of the U.S. government to reach a fair and permanent solution to the softwood lumber trade case by increasing the risk to Canadian companies if a negotiated settlement is not reached. The Canadian lumber industry and its governments must realize that the U.S. will continue to impose the required duty offsets until the subsidies and dumping stop.

I commend the Department of Commerce for their diligent work on the softwood lumber case with Canada and cannot urge our U.S. trade negotiators strongly enough to reach a settlement with Canada just as soon as possible before we have yet another U.S. mill close its doors for good. The subsidized and dumped lumber from Canada has been devastating to my State of Maine, where sawmills continue to close their doors for good, affecting entire rural communities where these businesses are located, and where the mills are often the major source of good paying jobs in these areas.

Moreover, if a negotiated settlement is not reached, I believe that the U.S. should vigorously pursue the litigation with the World Trade Organization, WTO, especially since the WTO has already found that Canada has an actionable subsidy, meaning duties will be imposed until provinces allow the market to determine the price of timber rather than provincial governments.

Again, this legislation being offered today by Senators from all regions of the country provides a much needed clarification of U.S. trade law, in keeping with those of Canada and the European Union, that will greatly help the U.S. softwood lumber industry out of its current economic crisis that has been caused by subsidized, underpriced imports, and I urge the support of my colleagues.

Mr. COCHRAN. Mr. President, I support the efforts of the Department of Commerce and United States Trade Representative to negotiate a fair trade agreement with Canada. We have a very important trading relationship with Canada. They are America's strongest trading partner, and I hope we can continue strengthening that relationship. However, Canada subsidizes its lumber mills, and those mills are dumping lumber in our domestic market. This has a devastating effect on the lumber industry in America, particularly in Mississippi where mills are closing each month.

Currently, the Department of Commerce has imposed a countervailing duty to offset the injury to our market. Canadian mills must pay a 29 percent duty on top of the cost of producing their lumber. To arrive at that duty rate, the Department of Commerce calculates what it costs Canadian lumber producers to process their lumber. In fact, a U.S. statute, §19 U.S.C. 1677, states that duties should be considered a cost of production incurred on shipments to the United States.

Today, Senators CRAIG, BAUCUS, BURNS, MILLER, CRAPO, LOTT, SESSIONS, SNOWE, COLLINS, LINCOLN, and I introduced a bill to clarify the law so that there is no misunderstanding of the rules under which the Department of Commerce calculates the duties imposed on illegally subsidized Canadian lumber. This recalculation would raise the price it costs Canadians to produce their lumber and would allow the Department of Commerce to raise the current 29 percent duty. The practice of subsidizing and dumping must be taken seriously.

I am hopeful that the recent trips by the U.S. Government to Canada can result in honest and fruitful negotiations leading to a fair lumber trading agreement. It is in the best interest of both of our countries that we reach an agreement. In my State, lumber is one of our most valuable agricultural products.

For years the mills in my state have endured unfair trading practices. Now that the U.S. is finally imposing duties to offset the injury to these mills, the Canadians are simply incorporating the duties into their cost of doing business. On behalf of the few remaining lumber mills in Mississippi I urge the Department of Commerce to uphold existing trade laws by counting duties as a cost.

By Mr. FITZGERALD:

S. 220. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Natural Resources.

Mr. FITZGERALD. Mr. President, I rise today to introduce a bill to reinstate a license surrendered to the Federal Energy Regulatory Commission, FERC, that authorized the construction of a hydroelectric power plant in Carlyle, IL. In order to facilitate the construction of the hydroelectric power plant, the bill also contains a provision that extends the deadline for beginning construction of the plant.

Carlyle, IL, is a small community of 3,406 people in Southwestern Illinois, fifty miles east of St. Louis. Carlyle is situated on the Kaskaskia River at the southern tip of Carlyle Lake, which was formed in 1967 when the U.S. Army Corps of Engineers completed construction of a dam on the river. Carlyle Lake is 15 miles long and 3.5 miles wide, the largest man-made lake in Illinois.

When the Army Corps of Engineers constructed the dam, it failed to build a hydroelectric power plant to capitalize on the energy available from water flowing through the dam. A hydroelectric power facility in Carlyle would produce 4,000 kilowatts of power and provide a renewable energy source for surrounding communities. Furthermore, the environmental impact of adding a hydroelectric facility would be minimal, and such a facility, located at a site near the existing dam, would not produce harmful emissions.

In 1997, Southwestern Electric Cooperative obtained a license from the FERC to begin work on a hydroelectric project in Carlyle. In 2000, Southwestern Electric Cooperative surrendered their license because they were unable to begin the project in the required time period. The City of Carlyle is interested in constructing the hydroelectric power plant and is seeking to obtain Southwestern Electric Cooperative's license.

The bill I am introducing today is required for the construction of the facility. Legislation is necessary to authorize FERC to reinstate Southwestern Electric Cooperative's surrendered license. Because there is not enough time remaining on the license to conduct studies, produce a design for the facility, and begin construction of the project, the bill includes a provision that allows FERC to extend the applicable deadline.

The full Senate passed this bill, during the 107th Congress, on November 20, 2002 without opposition, but, the House of Representatives was unable to act on this legislation before the 107th Congress adjourned.

This legislation is an easy and environmentally safe approach to meeting the energy needs of Southwestern Illinois. Please join me in supporting this measure to provide a clean alternative energy source for this part of the Midwest.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11214, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section—

(1) reinstate the license for the construction of the project as of the effective date of the surrender of the license; and

(2) extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

By Mr. FEINGOLD (for himself and Mr. MILLER):

S. 221. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I rise today to re-introduce legislation that will promote competition in the radio and concert industries.

This legislation will begin to address many of the concerns that I have heard from my constituents regarding the concentration of ownership in the radio and concert industry and its effect on consumers, artists, local businesses, and ticket prices.

Last year, I introduced this same legislation, and with the help of a wide range of organizations and other Senators, we put this issue on the front and center in Congress. I am pleased that a number of Committees are looking at this issue and considering holding hearings in the coming weeks.

With these hearings coming up, I want once again to bring this proposal to my colleagues attention. And as the Committee process works itself forward, I expect that we will discover additional issues to address that will strengthen the provisions in my legislation.

But this legislation is where Congress should begin its efforts to promote competition, diversity, and localism in radio.

I love radio. But, over the last year, I have learned that concentration of ownership in the radio and concert industry has made it difficult for individuals, artists, and organizations to find outlets to express their creativity and promote diversity.

Music and local news carried over the radio can help society to consider some of the most serious issues affecting our Nation: issues like war and peace, issues like social justice.

If the already diminishing number of gatekeepers of radio content chooses not to air controversial music because it may turn off advertisers, one of the most universal mediums to engage in dialogue will be lost. Regardless of our point of view, we must retain the ability of radio to show the diverse range of voices that form our culture.

I have heard many stories about the effects of this concentration. But perhaps the most compelling was at the annual Congressional Black Caucus event last year, when two people who have been involved in radio for decades told me about the real life importance of diversity in radio.

They spoke about the importance of the locally-owned media that helped raise public awareness of the campaign of the late Harold Washington to become the first black mayor of Chicago. They said that the main avenue for many in the central city to hear about the campaign was through locally-owned radio stations.

If an out-of-State corporation controlled the programming of these radio stations, would this political pioneer have received the same coverage?

I have also heard a great deal from religious organizations about how consolidation harms their ability to reach out in their communities. They have said that we must get to the root of the problem by curbing anti-competitive practices that make it difficult for locally-owned, independent radio stations to prosper.

I also learned about the story of Everett Parker, who during the civil rights movement of the 1960s was a pioneering defender of public interest in broadcasting.

In Dr. Parker's most famous crusade, he and the United Church of Christ went to Jackson, MS, to challenge the license renewals of stations that were blocking coverage of the civil rights movement, even though African-Americans constituted almost half of the audience.

By failing to cover the civil rights movement, the station failed all of the citizens of Jackson by limiting access to information on issues of public importance.

So, joining with the local NAACP, the group went to the Federal Communications Commission and challenged the licenses of the Jackson stations. The case went all the way to the Court of Appeals for the District of Columbia Circuit, which took away the station's license.

What makes this case so significant is that it established the right of any American to petition the Commission, instead of limiting such petitions to commercial interests.

The radio airwaves continued to be owned by the public. Radio is a public medium. It must serve the public good.

We must promote localism and diversity on our airwaves and crack down on anti-competitive practices that are a result of concentration in the radio and concert industry.

We must address negative consequences of the 1996 Telecommunications Act, which opened the floodgates for consolidation and led to anti-consumer and anti-competitive practices.

Just consider how the rise in ticket prices coincided with the passage of the Telecommunications Act. Following the passage of the Act, and the resulting consolidation of the radio and concert industry, ticket prices went through the roof!

Before the passage of the 1996 Act, ticket prices were increasing at a rate slightly higher than the Consumer

Price Index. Following the Telecommunications Act of 1996, however, ticket prices have increased at a rate almost 50 percentage points higher than the Consumer Price Index. From 1996 to 2001, concert ticket prices rose by more than 61 percent, while the Consumer Price Index increased by just 13 percent.

During the debate of the 1996 Act, I joined a number of my colleagues in opposing the deregulation of radio ownership rules because of concerns about its effect on consumers, artists, independent radio stations, and local communities.

Passage of this Act was an unfortunate example of the influence of soft money in the political process. I have consistently said that this Act was bought and paid for by soft money, by unlimited contributions by corporations, unions and wealthy individuals to the political parties. Everyone was at the table, except for the consumers.

That's why I am pleased to re-introduce this legislation, the Competition in Radio and Concert Industries Act, which would reduce the levels of concentration and curb some of these anti-competitive practices.

My legislation prohibits those who own radio stations and concert promotion services or venues from leveraging their cross-ownership to hinder competition in the industry. For example, if an owner of a radio station and a promotion service hinders access to the airwaves of a rival promoter or artist, then the owner would be subject to penalties.

My legislation will also help to curb the concentration that leads to these anti-competitive practices.

It would strengthen the FCC merger review process by requiring the FCC to scrutinize the mergers of any radio station ownership group that reaches more than 60% of the nation.

My legislation would also curb consolidation on the local level by preventing any upward revision of the limitation on multiple ownership of radio stations in local markets.

The bill would also prohibit the current shakedown system, where the big radio corporations are said to leverage their market power to require payments from artists in exchange for playing their songs. And it would also close a loophole that allows large radio ownership companies to exceed the cap by "warehousing stations" through a third party. In these cases, they control the station through a third party, but the stations are not counted against their local ownership cap.

Songs and ideas should not be broadcast on the radio based on how much money has changed hands. Airplay should be based on good songs and good ideas—what the local audience wants to hear.

My legislation would slow the levels of concentration and address a number of concerns that I have heard from artists and others, although it does not address all the issues facing our communities.

Over the coming months, I hope that my colleagues will give this issue their attention, both on the floor and in committee.

I urge my colleagues to cosponsor this legislation so that we can work together to restore competition to the radio and concert industry by putting independent radio stations, local concert promoters, and artists on a level playing field.

People should have choices, listeners should have a diversity of options, and Americans should be able to hear new and different voices. Radio allows us to connect to our communities, to our culture, and to our democracy. It is one of the most vibrant mediums we have for the exchange of ideas, and for artistic expression. We must fight to preserve it, and together I believe we can do just that.

Radio is a public medium, and we must ensure that it serves the public good. That's a democratic vision of American radio well worth fighting for.

By Mr. KYL (for himself and Mr. McCAIN):

S. 222. A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, on behalf of Senator McCAIN and myself I am introducing legislation today that would codify the settlement of the Zuni Indian Tribe's water rights for its religious lands in northeastern Arizona. Congress first recognized the importance of these lands in 1984 when it created the Zuni Heaven Reservation, Pub. Law No. 98–498, as amended by Pub. Law No. 101–486, 1990. For nearly a century, the small communities upstream from this Reservation have fully-appropriated the water from Little Colorado River for use in their homes and on their fields. Yet the Zuni Tribe asserted that it would need water to restore and use its Reservation lands. The prospect of dividing the limited water of the Little Colorado River with still another user created great uncertainly. To resolve that uncertainty and to avoid expensive and protracted litigation, the Zuni Tribe, the United States on behalf of the Zuni Tribe, the State of Arizona, including the Arizona Game and Fish Commission, the Arizona State Land Department, and the Arizona State Parks Board, and the major water users in this area of Arizona negotiated for many years to produce a water settlement that is acceptable to all parties.

This bill would provide the Zuni Tribe with the resources and protections necessary to acquire water rights from willing sellers and to restore and protect the wetland environment that the Zuni Tribe previously used. In return, the Zuni Tribe would waive its claim in the Little Colorado River Adjudication. In addition, the Zuni Tribe would, among other things, grandfather existing water uses and waive claims against many future water uses in the Little Colorado River basin. In summary, with this bill, the Zuni Tribe can achieve its needs for the Zuni Heaven Reservation while avoiding a disruption to local water users and industry. Furthermore, the United States can avoid litigating water rights and damage claims and satisfy its trust responsibilities to the Tribe regarding water for the Reservation. The parties have worked many years to reach consensus and I believe this bill would produce a fair result to all.

This legislation unanimously passed the Senate in the 107th Congress. Unfortunately, the House of Representatives adjourned and was unable to take action on the bill. We hope for its swift passage in the 108th Congress.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. CORZINE, and Mr. GREGG):

S. 223. A bill to prevent identity theft, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise, along with Senator GRASSLEY, Senator CORZINE, and Senator GREGG to introduce the Identity Theft Prevention Act.

This bill addresses the growing tide of identity theft cases by requiring banks, credit bureaus, and other financial institutions to take some practical steps to protect sensitive personal information.

What is identity theft? Identity theft occurs when one person uses another person's Social Security number, birth date, driver's license number, or other identifying information to obtain credit cards, car loans, phone plans or other services in the victim's name.

The criminal literally assumes the identity of the victim for illicit gain.

Identity theft has become the number one white collar crime of the new millennium, and Congress needs to make a major effort to protect Americans' personal information.

Hundreds of thousands of Americans are victimized by identity theft each year.

The personal losses as a result of these crimes are major. The average financial loss from an identity theft case is $17,000 and it takes a typical victim 18 months to restore his or her good credit.

In some cases, victims are falsely saddled with criminal records or are denied loans and other valuable financial services.

Identity theft is frighteningly easy to commit. One of my constituents, Kim Bradbury of Castro Valley, knows this too well. Kim reported that an identity thief obtained a credit card in her name through the Internet in less than 60 seconds. The false application only had her Social Security number and birth date correct.

Kim only found out she was an identity theft victim when a representative of a telemarketing company called her at home while she was feeding her one-year child. The representative told her that someone with a different address had applied for a credit card in Kim's name.

In Kim's case, it appears that her Social Security number was stolen by a fellow employee who also had stolen the identities of several dozen company employees. The thief ultimately stole over $100,000 in merchandise, including 20 cell phone accounts, via identity fraud.

All indicators suggest that the crime continues to grow at an alarming rate.

Just two months ago, Federal prosecutors announced the largest single identity theft case in U.S. history. Three individuals allegedly sold the credit and personal information of 30,000 people.

At one national credit reporting agency, consumers requested 53 percent more fraud alerts in fiscal year 2001 than fiscal year 2000.

As of December 2001, the Federal Trade Commission, FTC, Identity Theft Clearinghouse averaged more than 3,000 call-ins per week, a sevenfold increase since the clearinghouse began operation in November 1999.

The Identity Theft Prevention Act offers a series of practical steps to cutoff criminal access to sensitive consumer data.

No. 1, Credit card number truncation on receipts: first, the Identity Theft Prevention Act would require all new credit-card machines to truncate any credit card number printed on a customer receipt.

Thus, when a store gives a customer a receipt from a credit card purchase, only the last five digits of the credit card number will show.

This prevents identity thieves from stealing credit card numbers by retrieving discarded receipts.

Existing machines would have to be reprogrammed to truncate credit card numbers on receipts within four years after enactment of the legislation.

No. 2, Fraud alerts: the bill would give the Federal Trade Commission the authority to impose a fine on credit issuers who issue new credit to identity thieves despite the presence of a fraud alert on the consumer's credit file.

Too many credit card issuers are granting new cards without adequately verifying the identity of the applicant. Putting some teeth into fraud alerts will curb irresponsible granting of credit.

No. 3, Free credit reports: third, the legislation would entitle each consumer to one free credit report per year. Currently six States, Colorado, Georgia, Maryland, Massachusetts, New Jersey, and Vermont, have laws entitling consumers to one free credit report per year from the national credit bureaus.

According to identity theft victim advocates, identity theft is detected much earlier if consumers actively monitor their credit files. The cost of credit reports is a major obstacle to their use by consumers.

No. 4, Change of address: finally, the bill requires a credit card company to notify consumers when an additional credit card is requested on an existing credit account within 30 days of an address change request.

This provision addresses a common method of identity fraud where a criminal steals an individual's credit card number, and then obtains a duplicate card by informing the issuer of a change of address.

The Identity Theft Prevention Act requires financial institutions to implement needed precautions to prevent identity fraud and protect a person's good name.

Verifying a credit applicant's address, complying with "fraud alerts", and truncating credit numbers on receipts are all measures that will make it harder for criminals to engage in identity fraud.

It is appropriate and necessary for financial institutions to take these steps. These companies have a responsibility to prevent fraudsters from using their services to harm the good name of other citizens.

Morever, in this complex, information-driven society, consumers simply can't protect their good name on their own.

I strongly believe this legislation will provide desperately needed tools to combat identity theft, and I look forward to working with my colleagues to secure its passage.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft Prevention Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the crime of identity theft has become one of the major law enforcement challenges of the new economy, as vast quantities of sensitive, personal information are now vulnerable to criminal interception and misuse;

(2) in November 2002, Americans were alerted to the dangers of identity theft when Federal prosecutors announced that 3 individuals had allegedly sold the credit and personal information of 30,000 people, the largest single identity theft case in United States history;

(3) hundreds of thousands of Americans are victims of identity theft each year, resulting in an annual cost to industry of more than $3,500,000,000.

(4) several indicators reveal that despite increased public awareness of the crime, the number of incidents of identity theft continues to rise;

(5) in December 2001, the Federal Trade Commission received an average of more than 3,000 identity theft calls per week, a 700 percent increase since the Identity Theft Data Clearinghouse began operation in November 1999;

(6) allegations of social security number fraud increased by 500 percent between 1998 and 2001, from 11,000 to 65,000;

(7) a national credit reporting agency reported that consumer requests for fraud alerts increased by 53 percent during fiscal year 2001;

(8) identity theft violates the privacy of American citizens and ruins their good names;

(9) victims of identity theft may suffer restricted access to credit and diminished employment opportunities, and may spend years repairing the damage to credit histories caused by identity theft;

(10) businesses and government agencies that handle sensitive personal information of consumers have a responsibility to protect this information from identity thieves; and

(11) the private sector can better protect consumers by implementing effective fraud alerts, affording greater consumer access to credit reports, truncating of credit card numbers, and establishing other prevention measures.

SEC. 3. IDENTITY THEFT PREVENTION.

(a) CHANGES OF ADDRESS.—

(1) DUTY OF ISSUERS OF CREDIT.—Section 132 of the Truth in Lending Act (15 U.S.C. 1642) is amended—

(A) by inserting "(a) IN GENERAL.—" before "No credit"; and

(B) by adding at the end the following:

"(b) CONFIRMATION OF CHANGES OF ADDRESS.—If a card issuer receives a request for an additional credit card with respect to an existing credit account not later than 30 days after receiving notification of a change of address for that account, the card issuer shall—

"(1) not later than 5 days after sending the additional card to the new address, notify the cardholder of the request at both the new address and the former address; and

"(2) provide to the cardholder a means of promptly reporting incorrect changes.".

(2) ENFORCEMENT.—

(A) FEDERAL TRADE COMMISSION.—Except as provided in subparagraph (B), compliance with section 132(b) of the Truth in Lending Act (as added by this subsection) shall be enforced by the Federal Trade Commission in the same manner and with the same power and authority as the Commission has under the Fair Debt Collection Practices Act to enforce compliance with that Act.

(B) OTHER AGENCIES IN CERTAIN CASES.—

(i) IN GENERAL.—Compliance with section 132(b) of the Truth in Lending Act shall be enforced under—

(I) section 8 of the Federal Deposit Insurance Act, in the case of a card issuer that is—

(aa) a national bank or a Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

(bb) a member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, or an organization operating under section 25 or 25A of the Federal Reserve Act, by the Board of Governors of the Federal Reserve System;

(cc) a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a national nonmember bank) or an insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation; and

(dd) a savings association, the deposits of which are insured by the Federal Deposit Insurance Corporation, by the Director of the Office of Thrift Supervision; and

(II) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration in the case of a card issuer that is a Federal credit union, as defined in that Act.

(C) VIOLATIONS TREATED AS VIOLATIONS OF OTHER LAWS.—

(i) IN GENERAL.—For the purpose of the exercise by any agency referred to in this paragraph of its powers under any Act referred to in this paragraph, a violation of section 132(b) of the Truth in Lending Act (as added by this subsection) shall be deemed to be a violation of a requirement imposed under that Act.

(ii) AGENCY AUTHORITY.—In addition to its powers under any provision of law specifically referred to in subparagraph (A) or (B), each of the agencies referred to in those subparagraphs may exercise, for the purpose of enforcing compliance with section 132(b) of the Truth in Lending Act, any other authority conferred on such agency by law.

(b) FRAUD ALERTS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following:

"(g) FRAUD ALERTS.—

"(1) DEFINED TERM.—In this subsection, the term 'fraud alert' means a statement in the file of a consumer that notifies all prospective users of a consumer report made with respect to that consumer that—

"(A) the consumer's identity may have been used, without the consumer's consent, to fraudulently obtain goods or services in the consumer's name; and

"(B) the consumer does not authorize the issuance or extension of credit in the name of the consumer unless the issuer of such credit—

"(i) obtains express preauthorization from the consumer at a telephone number designated by the consumer; or

"(ii) utilizes another reasonable means of communications to obtain the express preauthorization of the consumer.

"(2) INCLUSION OF FRAUD ALERT IN CONSUMER FILE.—Upon the request of a consumer and upon receiving proper identification, a consumer reporting agency shall include a fraud alert in the file of that consumer.

"(3) NOTICE SENT BY CONSUMER REPORTING AGENCIES.—A consumer reporting agency shall notify each person procuring consumer credit information with respect to a consumer of the existence of a fraud alert in the file of that consumer, regardless of whether a full credit report, credit score, or summary report is requested.

"(4) PROCEDURES TO RECEIVE FRAUD ALERTS.—Any person who uses a consumer credit report in connection with a credit transaction shall establish reasonable procedures to receive fraud alerts transmitted by consumer reporting agencies.

"(5) VIOLATIONS.—

"(A) CONSUMER REPORTING AGENCY.—Any consumer reporting agency that fails to notify any user of a consumer credit report of the existence of a fraud alert in that report shall be in violation of this section.

"(B) USER OF A CONSUMER REPORT.—Any user of a consumer report that fails to comply with preauthorization procedures contained in a fraud alert and issues or extends credit in the name of the consumer to a person other than the consumer shall be in violation of this section.

"(6) EXCEPTIONS.—

"(A) RESELLERS.—

"(i) IN GENERAL.—The provisions of this subsection do not apply to a consumer reporting agency that acts as a reseller of information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent database of the assembled or merged information from which new consumer reports are produced.

"(ii) LIMITATION.—A reseller of assembled or merged information shall preserve any fraud alert placed on a consumer report by another consumer reporting agency.

"(B) EXEMPT INSTITUTIONS.—The requirement under this subsection to place a fraud alert in a consumer file shall not apply to—

"(i) a check services company, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; or

"(ii) a demand deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a demand deposit account at the inquiring bank or financial institution.".

SEC. 4. TRUNCATION OF CREDIT CARD ACCOUNT NUMBERS.

(a) IN GENERAL.—Except as provided in this section, no person, firm, partnership, association, corporation, or limited liability company that accepts credit cards for the transaction of business shall print more than the last 5 digits of the credit card account number or the expiration date upon any receipt provided to the cardholder.

(b) LIMITATION.—This section—

(1) applies only to receipts that are electronically printed; and

(2) does not apply to transactions in which the sole means of recording the cardholder's credit card account number is by handwriting or by an imprint or copy of the credit card.

(c) EFFECTIVE DATE.—This section shall take effect—

(1) on the date that is 4 years after the date of enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card transactions that is in use prior to the date of enactment of this Act; and

(2) on the date that is 18 months after the date of enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card transactions that is first put into use on or after the date of enactment of this Act.

(d) EFFECT ON STATE LAW.—Nothing in this section prevents a State from imposing requirements that are the same or substantially similar to the requirements of this section at any time before the effective date of this section.

SEC. 5. FREE ANNUAL CREDIT REPORT.

Section 612(c) of the Fair Credit Reporting Act (15 U.S.C. 1681j(c)) is amended to read as follows:

"(c) FREE ANNUAL DISCLOSURE.—Upon the request of the consumer and without charge to the consumer, a consumer reporting agency shall make all the disclosures listed under section 609 once during any 12-month period.".

By Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 226. A bill to prohibit an individual from knowingly opening, maintaining, managing controlling, renting, leasing, making available for use, or profiting from anv place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today, along with my good friend, the senior Senator from Iowa, Senator GRASSLEY, to introduce the Illicit Drug Anti-Proliferation Act. This legislation arises out of a hearing Senator GRASSLEY and I held in the Senate Caucus on International Narcotics Control in December 2001 on the proliferation of Ecstasy and other club drugs generally, and the role of some promoters of all-night dance parties, known as "raves", in distributing Ecstasy to young people. Our bill provides Federal prosecutors the tools needed to combat the manufacture, distribution or use of any controlled substance at any venue whose purpose is to engage in illegal narcotics activity. Rather than create a new law, our bill merely amends a well-established statute to make clear that anyone who knowingly and intentionally uses their property, or allows another person to use their property, for the purpose of distributing or manufacturing or using illegal drugs can be held accountable, regardless of whether the drug use is ongoing or occurs at a single event.

While my legislation is aimed at the defendant's predatory behavior, regardless of the type of drug or the particular place in which it is being used or distributed, one problem that we are facing currently involves so-called "club drugs" and raves. According to a report which the Partnership for a Drug Free America will release in the near future, teens who report attending a rave are seven times more likely to have tried Ecstasy than teens who report not attending a rave. I find this statistic quite troubling.

Despite the conventional wisdom that Ecstasy and other club drugs are "no big deal," a view that even the New York Times Magazine espoused in a cover story, these drugs can have serious consequences, and can even be fatal. Just last month we got some encouraging news: after years of steady increase, Ecstasy use is finally beginning to decrease among teens. That said, the rate of use remains unacceptably high and we still have quite a bit of work to do to counter the widespread misconception that Ecstacy is harmless, fashionable and hip.

At the Drug Caucus hearing, witnesses testified that rogue rave organizers commonly go to great lengths to portray their events as safe so that parents will allow their kids to attend. They advertise their parties as alcohol-free events and some even hire off-duty police officers to patrol outside the venue. But the truth is that some of these raves are drug dens where use of Ecstasy and other "club drugs", such as the date rape drugs Rohypnol, GHB and Ketamine, is widespread.

But even as these promoters work to make parents think that their events are safe, they send a different message to kids. Their promotional flyers make clear that drugs are an integral part of the party by prominently featuring terms associated with drug use, such as the letters "E" or "X"—street terms for Ecstasy, or the term "rollin'", which refers to an Ecstasy high. They are, in effect, promoting Ecstasy along with the rave.

By doing so, unscrupulous promoters get rich as they exploit and endanger kids. Some supplement their profits from the $10 to $50 cover charge to enter the club by selling popular Ecstasy paraphernalia such as baby pacifiers, glow sticks, or mentholated inhalers. And predatory party organizers know that Ecstasy raises the core body temperature and makes the user extremely thirsty, so they sell bottles of water for $5 or $10 apiece. Some even shut off the water faucets so club goers will be forced to buy water or pay admission to enter an air-conditioned "cool down room."

After the death of a 17-year-old girl at a rave party in New Orleans in 1998, the Drug Enforcement Administration conducted an assessment of rave activity in that city which showed the close relationship between these parties and club drug overdoses. In a two year period, 52 raves were held at the New Orleans State Palace Theater, during which time approximately 400 teenagers overdosed and were treated at local emergency rooms. Following "Operation Rave Review" which resulted in the arrest of several rave promoters and closing the city's largest rave, overdoses and emergency room visits dropped by 90 percent and Ecstasy overdoses were eliminated.

State and local governments have begun to take important steps to crack down on rave promoters who allow their events to be used as havens for illicit drug activity. In Chicago, where Mayor Daley has shown great leadership on this issue, it is a criminal offense to knowingly maintain a place, such as a rave, where controlled substances are used or distributed. Not only the promoter, but also the building owner and building manager can be charged under Mayor Daley's law. The State of Florida has a similar statute making such activity a felony.

And in Modesto, California, police officers are offering "rave training classes" to parents to educate them about the dangers associated with some raves and the club drugs often associated with them.

At the Federal level, there have been four cases in which Federal prosecutors have used the so called "crack house statute" or other Federal charges to go after rogue rave promoters. These cases, in Little Rock, AR, Boise, ID, Panama City, FL, and New Orleans, LA, have had mixed results, culminating in two wins, a loss and a draw, suggesting that there may be a need to tailor this Federal statute more precisely to the problem at hand. As a result, last session I proposed legislation which would do just that. I am reintroducing it today and I am pleased to have Senator GRASSLEY once again as the lead cosponsor. I might note that the legislation is also included in the Democratic leadership crime bill.

After I introduced this legislation last year, a great deal of misinformation began circulating about it. I want to make the record clear. Simply stated, my bill provides technical corrections to an existing statute, one which has been on the books for 16 years and is well established.

Critics of my bill have asserted that if the legislation were to become law "there would be no way that someone could hold a concert and not be liable" and that the bill "holds the owners and the promoters responsible for the actions of the patrons." That is simply untrue. We know that there will always be certain people who will bring drugs into musical or other events and use them without the knowledge or permission of the promoter or club owner. This is not the type of activity that my bill would address. The purpose of my legislation is not to prosecute legitimate law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities and other venues because of incidental drug use at their events. In fact, when crafting this legislation, I took steps to ensure that it did not capture such cases. My bill would help in the prosecution of rogue promoters who not only know that there is drug use at their event but also hold the event for the purpose of illegal drug use or distribution. That is quite a high bar.

I ask unanimous consent that a letter from the Coalition of Licensed Beverage Associations, COLBA, be printed at the end of my statement. COLBA, who initially expressed concerns that my bill would make their members liable for the actions of their patrons, has endorsed my legislation because they realized that my bill was not aimed at responsible party promoters.

I am confident that the overwhelming majority of promoters are decent, law abiding people who are going to discourage drug use, or any other illegal activity, at their venues. But there are a few promoters out there who are taking steps to profit from drug activity at their events. Some of these folks actually distribute drugs themselves or have their staff distribute drugs, get kickbacks from drug sales at their events, have thinly veiled drug messages on their promotional flyers, tell their security to ignore drug use or sales, or send patients who need medical attention because of a drug overdose to a hospital across town so that people won't link emergency room visits with their club. What they are doing is illegal under current law. My bill would not change that fact. Let me be clear. Neither current law nor my bill seeks to punish a promoter for the behavior of their patrons. As I mentioned, the underlying crack house statute has been on the books since 1986, and I am unaware of this statute ever being used to prosecute a legitimate business.

The legislation simply amends the current "crack house statute" in two minor ways. First, it clarifies that Congress intended for the law to apply not just to ongoing drug distribution operations, but to "single-event" activities, such as a party where the promoter sponsors the event with the purpose of distributing Ecstasy or other illegal drugs. After all, a drug dealer can be arrested and prosecuted for selling one bag of drugs, and the government need not show that the dealer is selling day after day, or to multiple sellers. Likewise, the bill clarifies that a "one-time" event where the promoter knowingly distributes Ecstasy over the course of an evening, for example, violates the statute the same as a crack house which is in operation over a period of time. Second, the bill makes the law apply to outdoor as well as indoor venues, such as where a rogue rave promoter uses a field to hold a rave for the purpose of distributing a controlled substance. Those are the only changes the bill makes to the crack house statute. It does not give the Federal Government sweeping new powers as the detractors have asserted.

Critics of the bill have also claimed that it would provide a disincentive for promoters to take steps to protect the public health of their patrons including providing water or air conditioned rooms, making sure that there is an ambulance on the premises, etc. That is not my intention. And to underscore that fact, I plan to remove the findings, which is the only place in the bill where these items are mentioned, from the bill. Certainly there are legitimate reasons for selling water, having a room where people can cool down after dancing, or having an ambulance on hand. Clearly, the presence of any of these things is not enough to signify that an event is "for the purpose of" drug use.

The reason that I introduced this bill was not to ban dancing, kill the "rave scene" or silence electronic music, all things of which I have been accused. Although this legislation grew out of testimony I heard at a number of hearings about the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. If rave promoters and sponsors operate such events as they are so often advertised as places for people to come dance in a safe, drug-free environment then they have nothing to fear from this law. In no way is this bill aimed at stifling any type of music or expression it is only trying to deter illicit drug use and protect kids.

Last year people criticized the bill's title, the "RAVE Act", because they thought it was unfairly targeting raves. Although I do not believe that I was unfairly targeting anybody, I have changed the title to the "Illicit Drug Anti-Proliferation Act of 2003."

In addition to amending the crack house statute, the legislation also addresses the low penalties for trafficking gamma hydroxybutyric acid, GHB, by directing the United States Sentencing Commission to examine the current penalties and consider increasing them to reflect the seriousness of offenses involving GHB. Currently, GHB penalties are simply too low. In order to get five years for a GHB offense, you have to have more than 13 gallons of the drug, equivalent to 100,000 doses and a street value of about $1 million. According to the DEA, big-time GHB dealers distribute approximately one gallon quantities of the drug, the penalty for which is currently only between 15 and 21 months. These cases simply aren't being prosecuted at the Federal level because the penalties are so low. The Sentencing Commission needs to take a look at this problem and consider raising the penalties for this dangerous drug.

But the answer to the problem of drug use at raves is not simply to prosecute irresponsible rave promoters and those who distribute drugs. There is also a responsibility to raise awareness among parents, teachers, students, coaches, religious leaders, etc. about the dangers of the drugs used and sold at raves. The DEA is already doing some of this through its club drug awareness campaign, where DEA agents are holding conferences with local women legislators to get information out about the dangers of these substances. The legislation provides funds to the DEA to continue this important work. Further, the bill authorizes nearly $6 million for the DEA to hire a Demand Reduction Coordinator in each state who can work with communities following the arrest of a significant local trafficker to reduce the demand for drugs through prevention and treatment programs.

It is the unfortunate truth that some raves are havens for illicit drugs. Enacting the Illicit Drug Anti-Proliferation Act will help to prosecute the promoters who seek to profit from exploiting and endangering young lives and will take steps to educate youth, parents and other interested adults about the dangers of Ecstasy and other club drugs associated with raves.

I hope that my colleagues will join me and support this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION OF LICENSED BEVERAGE ASSOCIATION,
Alexandria, VA, October 15, 2002.

Senator JOE BIDEN,
Chairman, Senate Judiciary Committee, Hart Senate Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: The Coalition of Licensed Beverage Associations (COLBA) is a national association representing the interests of private-sector licensed beverage retailers who sell and serve alcohol beverages. COLBA represents both on-premise and off-premise alcohol beverage licensees. It is dedicated to preserving States' rights to ensure legal sales of alcohol to persons of legal-consumption age to maintaining high standards for the retail sale of alcohol.

Like you, Mr. Chairman, COLBA members have become increasingly concerned with the trafficking and use of the drug Ecstasy. As you know, much of the abuse of Ecstasy and other club drugs happens at all-night dance parties known as "raves." Rave organizers often go to great lengths to portray their events as safe, alcohol-free parties in order to persuade parents to allow their children to attend. Such events tend to reflect negatively on the legitimate licensed beverage industry and its many small businesses.

COLBA supports state and local government's efforts to crack down on rave promoters who allow their events to be used as havens for illicit drug activity. COLBA also supports your effort to strengthen the current statues to provide law enforcement and prosecutors with the tools necessary to bring a halt to this activity.

Initially COLBA had concerns about your legislation effort and felt that if it were to become law any concert or special event holder would be held liable for incidental drug use. There was a misconception in the industry that the bill would hold the owners and the promoters of non-rave events responsible for the actions of the patrons.

However, it is the understanding of COLBA that the purpose of the Rave Act legislation is not to prosecute legitimate law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities and other venues due to incidental drug use at their events. The purpose of the Rave Act is the prosecution of rogue promoters who not only know that there is illegal drug use at their event, but also hold the event for the purpose of illegal drug use or distribution.

In light of this clarification by your gracious and dedicate staff, the Coalition now understand the intent of your legislative effort and fully supports the passage of the Rave Act. Please feel free to contact me if you need any additional information or if I can be of any further assistance.

Respectfully,

DAVID S. GERMROTH.
Washington Representative.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator BIDEN today in introducing the Illicit Drug Anti-Proliferation Act. This is a continuation of an effort he and I spearheaded last year to update our laws so they can continue to be used effectively against drug dealers who are pushing drugs on our kids.

As drug dealers discover new drugs and new methods of pushing their poison, we must make sure our legal system is adequately structured to react appropriately. I believe this legislation does that.

Our proposal will modify the existing crack house statute so that its jurisdiction over temporary events, such as raves, would be more clear. And although this legislation grew out of the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. Illegal drug use in any location should not be tolerated, regardless of what cover activity is created to hide the transaction.

This said, I want to emphasize that our legislation should in no way hamper the activities of legitimate event promoters. I realize that drugs are not widely available at all raves or other events open to the public. And I know that my colleagues Senator BIDEN is just as aware as I am that drug use occurs at events without the knowledge or endorsement of the event promoters. This legislation should not affect the activities of legitimate event promoters. In no way is our bill aimed at stifling any type of music or public expression, it is only trying to deter illicit drug use and protect kids.

The sale of illicit narcotics, whether on a street corner here in Washington, D.C., or a warehouse in Des Moines, IA, must be confronted and halted wherever possible. One of the new, "trendy" illicit narcotics is Ecstasy—an especially popular club drug that is all too often being sold at all-night dance parties, or raves. Ecstasy is an illegal drug that has extremely dangerous side effects.

In general, Ecstasy raises the heart rate to dangerous levels, and in some cases the heart will stop. It also causes severe dehydration, a condition that is exacerbated by the high levels of physical exertion that happens at raves. Users must constantly drink water in an attempt to cool off—a fact that some unscrupulous event promoters take advantage of by charging exorbitant fees for bottles of water, after cutting off water to drinking fountains and rest room sinks.

Too often, Ecstasy users collapse and die because their bodies overheat. And even those who survive the short-term effects of Ecstasy use can look forward to long-term problems such as depression, paranoia, and confusion, as scientists have learned that Ecstasy causes irreversible changes to the brain.

Many young people perceive Ecstasy as harmless and it is wrongly termed a recreational or "kid-friendly" drug. This illegal substance does real damage to real lives. Although targeted at teenagers and young adults, its use has spread to the middle-aged population and rural areas, including my own State of Iowa. Ninety percent of all drug treatment and law enforcement experts say that Ecstasy is readily accessible in this country. We cannot continue to allow easy access to this drug or ignore the consequences of its use.

That is why I believe it is important that we update the laws that have been effectively used to shut down crack houses so they can go after temporary events used as a cover to sell drugs. It is important to remember that this legislation builds upon an existing statute, with existing case law, and therefore existing standards of how it is to be implemented. The existing statute has been used to go after landlords who "knowingly and intentionally" let their property be used for illegal narcotics activities. It has not, nor should it be used, to take action against every landlord of every property where drug activity takes place.

Similarly, the expansion of authorities created by this legislation is designed to target promoters who "knowingly and intentionally" allow drug use at their events. This is a high standard that should protect event promoters from casual application of this statute. Clearly, taking steps to reduce or eliminate drug use at an event, such as the posting of signs or through zero-tolerance instructions to security personnel, are not actions that would be taken by someone who would intentionally allow drug use to occur at an event.

I believe an event promoter does have some responsibility for what goes on at an event that they create. Particularly if they knowingly create an event for the purpose of buying, using, keeping, or selling drugs. While not common, there have been court cases which have been able to reach this high standard of proof. Using 21 U.S.C. 856, more popularly known as the "crack house" statute, law enforcement has arrested drug dealers who hosted raves and other dance events as a cover to push their product. Four cases have been brought to Federal court, with mixed results—mostly because the applicability of current law is unclear.

This legislation is an important step, but a careful one. Our future rests with the young people of this great nation and America is at risk. Ecstasy has shown itself to be a formidable threat and we must confront it on all fronts, not only through law enforcement but education and treatment as well. I hope my colleagues will join us in supporting this legislation, and help us work towards its quick passage.

By Mrs. FEINSTEIN (for herself and Mr. REID):

S. 227. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed teachers, to provide for grants that promote teacher certification and licensing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce this bill with Senator HARRY REID to increase the maximum loan cancellation amount available to credentialed teachers from $5,000 to $10,000.

Educational research is clear: the single most important contributor to raising student achievement is having well-trained, high-caliber teachers in the classroom. And yet, far too many of our Nations' students are being taught by teachers who are not fully credentialed.

This is especially true in low-income communities, where 22 percent of the teachers do not have credentials, more than 10 times the rate in wealthy communities.

Because good teachers can make such a positive difference in the classroom, the "No Child Left Behind Act," signed by President Bush last year, requires States to ensure that all teachers in our public schools are "highly qualified" by the 2005–2006 school year. This benchmark, which I believe was long overdue, is one that I applaud and was pleased to support last Congress.

And while we have taken a bold first step by committing that our children will receive quality education from a licensed teacher, our work is far from over.

We must now strengthen our commitment by helping States look for new ways to reach prospective teachers and build quality into their teacher preparation and development programs.

Nationwide, it is estimated that approximately 2 million new teachers will need to be hired by 2009.

This statistic, combined with the reality that roughly 200,000 veteran teachers will need to get their teaching certificate by the 2005 school year or lose their ability to teach, makes it clear that States have an ambitious requirement to fulfill in a short amount of time.

But many States and school districts argue that they lack the resources necessary to fulfill these mandates on their own.

The gravity of this problem is vividly depicted in California, where at least 300,000 new teachers will need to be hired and credentialed by 2008 to replace retirees and to accommodate the projected population growth at a time when the State is experiencing a drastic budget shortfall. All of this must happen during a time when the State is experiencing drastic budget shortfalls. The California State Board of Education projects that all of these changes will cost $6 billion.

The $6 billion price tag does not include the costs associated with credentialing 32,000 emergency credentialed teachers, which is 11 percent of California's entire workforce, by the 2005 school year. This task alone would cost California $365 million.

And none of these cost-estimates take into account the cost of credentialing teachers in other States with high percentages of the teaching work force not fully credentialed.

While I strongly believe that States need to be held accountable for ensuring that all teachers are fully credentialed. But I also recognize that in order for States to meet this Federal mandate on time, many may need guidance and support from the Federal Government.

This is not just a matter of holding those in the local school district or the local schoolhouse accountable; it is also a question of holding those in positions of public trust from the schoolhouse up to the statehouse, and to the U.S. Capitol, too, accountable for making sure that the job gets done.

I believe that this bill takes a good first step in doing just that by creating a balance between State and Federal accountability and addressing two obstacles confronting school districts as they prepare for the 2005 academic year: lack of incentives to lure teachers into teacher credentialing programs early and lack of resources available to teaching institutions to improve and build upon their credentialing curriculum.

I believe that the Federal Government should recognize the value of having a qualified teacher in a low income classroom by enhancing the loan cancellation benefits of credentialed teachers.

Current law allows teachers to receive up to $5,000 of their student loans to be forgiven in exchange for 5 years of teaching in a low-income school. Unfortunately, few teachers have taken advantage of this program because of the low loan cancellation amount available to them in comparison to the length of service required for eligibility.

To encourage recent graduates of teacher licensure programs to enter and remain in the teaching field, this bill doubles the maximum loan cancellation amount to $10,000 for credentialed teachers teaching for five years in a low income school.

And while uncredentialed teachers would continue to be eligible for loan forgiveness available to all teachers under the current law, the enhanced benefits for uncredentialed teachers will expire on December 31, 2005, just in time for the mandated deadline set for all teachers to be fully licensed.

The second element of my bill authorizes grants to institutions of higher education to create and expand credentialing programs. Funds would be made available to colleges and universities to develop and implement teacher preparation programs including curriculum development that focuses on credentialing teachers.

I strongly believe that teachers desiring to become credentialed should have every resource available to them to do so. These components are meant to complement State programs already available to credentialed teachers, which aim to improve teacher quality and tenure.

To California's credit, since the 1999–2000 school year, 5,000 emergency credentialed teachers have been successfully placed in State-backed teacher preparation programs. And the State is working to create and improve teacher preparation programs that include relevant course work, classroom training, and mentoring by a veteran teacher, with a goal of full credentialing.

But this is not happening in every school district nationwide and it must. States and local school districts should work together to prioritize available funds to set up programs to ensure that every teacher within their district is adequately trained.

States must continue to look for innovative ways to keep qualified teachers in the classroom, especially in low performing school districts, and funnel available Federal funds to local initiatives to get emergency certified teachers into credentialing programs.

We as a Nation must continue to make providing quality education to our children a top priority. Passing legislation is just the first step. With the expected population growth and the need to replace teachers approaching retirement, States must act swiftly and aggressively to ensure that neither children nor teachers are left behind.

I urge my colleagues to join me in cosponsoring this important piece of legislation that would give States and teachers the necessary resources to ensure that every teacher is a "highly qualified" teacher. Our Nation's students deserve nothing less.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, and Mr. LEAHY):

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes; read the first time.

Mrs. FEINSTEIN. Mr. President. I rise to reintroduce, along with Senator JUDD GREGG, the Social Security Number Misuse Prevention Act. This is critical legislation, especially in light of the increasing number of cases of identity theft.

In fact, the Federal Trade Commission, FTC, this week announced that identity theft is the Nation's top consumer fraud complaint for the third consecutive year.

Last year, this legislation was approved by the Senate Judiciary Committee, and the Finance Committee was set to vote on it as well, but it got entangled in an unrelated, amendment.

It is my hope that Congress will approve this legislation this year, so that we can begin to protect one of the most fundamental rights of all Americans.

I believe all Americans should have the right to: control how their personal identifying information is used. Keep their Social Security number out of the public domain. Limit disclosure by public agencies of personal information; and I also believe that Americans have the right to expect that businesses and government agencies will protect your personal information held within their databases.

Lately, however, these rights have been seriously compromised by thieves who are stealing American's identity's in record numbers.

Just in the last year, identity theft cases have doubled nationwide. American consumers filed approximately 163,000 identity theft complaints with the FTC in 2002. Fully 43 percent of all the complaints the FTC receives are about identity theft.

My own State, California, has more victims than any other State. The FTC recorded 30,738 identity theft cases last year from California consumers alone.

Senator GREGG and I are reintroducing our Social Security number protection bill because Social Security numbers are the keys thieves use to unlock and take over a person's identity.

Identity thieves use Social Security numbers to: fraudulently obtain credit cards, access existing financial accounts, commit bank fraud, falsely obtain employment and government benefits; and create additional false identification documents, such as drivers' licenses.

Sally Twentyman, for instance, had her identity stolen when a thief rifled through her mail and stole credit card renewal forms.

The thief used her name and Social Security number to make $13,000 in cash advances and to open two additional credit card accounts in her name.

Not surprisingly, reports of Social Security number misuse have risen lockstep with the growth in identity theft.

Allegations of Social Security number fraud have increased by 600 percent over the past several years from 11,000 in 1998 to 73,000 in 2003.

Social Security Number Prevention Act:

The goal of this legislation is straightforward; to get Social Security numbers out of the public domain so that identity thieves can't access the number.

First, this bill prohibits anyone from selling or displaying an individual's Social Security number to the general public without the individual's consent, but does permit legitimate business-to-business and business-to-government uses of the number.

This practice occurs today. A stranger or stalker can buy your Social Security number off the Internet for a few dollars.

In one troubling case, Christopher Jones, a twenty-five-year old employee at the University of North Carolina-Pembroke, stole approximately 3,000 Social Security numbers through his job handing out towels and other equipment at the university gym.

In order to get equipment from Mr. Jones, students had to give him their Social Security numbers. Jones mined these numbers over several months and advertised the Social Security numbers for sale on eBay with an opening bid of $1.00 per number for a block of 1,000 numbers.

One advertisement, for example, read "100 (one hundred Social Security # Numbers Obtain False Credit Cards Idenity Theft I Don't Care Bid Starts at a Dollar a Piece USPS Money Orders only all Different."

Second, this legislation gives consumers the right to refuse to give out their Social Security numbers to companies that don't really need it.

Companies, however, can still require Social Security numbers for purposes under the Fair Credit Reporting Act, for background checks, if required by law, or if the number is necessary to verify identity or prevent fraud.

Third, this legislation curbs the public display of Social Security numbers on government documents. Specifically, the bill removes Social Security numbers from government checks and driver's licenses.

In addition, the bill prohibits governments entities from displaying Social Security numbers on public records that are posted on the Internet or in electronic media after the effective date of the act.

I don't believe a complete stranger should not be able to get access to my Social Security number from my birth certificate or marriage license, especially just by logging onto the Internet!

Finally, this legislation creates new penalties targeting the misuse of Social Security numbers. Specifically, the bill gives the Social Security Administration the authority to issue civil penalties of up to $5,000 for people who misuse Social Security numbers.

The bill also creates a maximum five year prison sentence for anyone who obtains another person's Social Security number for purpose of locating or identifying that individual with the intent to physically harm that person.

This legislation is fundamental to protecting the identities of American citizens.

I look forward to working with Senator GREGG to secure its passage this year, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Number Misuse Prevention Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Prohibition of the display, sale, or purchase of social security numbers.
Sec. 4. Application of prohibition of the display, sale, or purchase of social security numbers to public records.
Sec. 5. Rulemaking authority of the Attorney General.
Sec. 6. Treatment of social security numbers on government documents.
Sec. 7. Limits on personal disclosure of a social security number for consumer transactions.
Sec. 8. Extension of civil monetary penalties for misuse of a social security number.
Sec. 9. Criminal penalties for the misuse of a social security number.
Sec. 10. Civil actions and civil penalties.
Sec. 11. Federal injunctive authority.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of social security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used social security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of social security numbers.

(4) The display, sale, or purchase of social security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this Act provides each individual that has been assigned a social security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 3. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028 the following:

"§ 1028A. Prohibition of the display, sale, or purchase of social security numbers

"(a) DEFINITIONS.—In this section:

"(1) DISPLAY.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

"(2) PERSON.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(3) PURCHASE.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a social security number.

"(4) SALE.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a social security number.

"(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

"(b) LIMITATION ON DISPLAY.—Except as provided in section 1028B, no person may display any individual's social security number to the general public without the affirmatively expressed consent of the individual.

"(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

"(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

"(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

"(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

"(e) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

"(1) required, authorized, or excepted under any Federal law;

"(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

"(3) for a national security purpose;

"(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

"(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

"(A) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

"(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

"(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

"(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

"(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

"(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

"(f) LIMITATION.—Nothing in this section shall prohibit or limit the display, sale, or purchase of social security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make social security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

"1028A. Prohibition of the display, sale, or purchase of social security numbers.".

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Attorney General shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 4. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028A the following:

"§ 1028B. Display, sale, or purchase of public records containing social security numbers

"(a) DEFINITION.—In this section, the term 'public record' means any governmental record that is made available to the general public.

"(b) IN GENERAL.—Except as provided in subsections (c), (d), and (e), section 1028A shall not apply to a public record.

"(c) PUBLIC RECORDS ON THE INTERNET OR IN AN ELECTRONIC MEDIUM.—

"(1) IN GENERAL.—Section 1028A shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except as limited by the Attorney General in accordance with paragraph (2).

"(2) EXCEPTION FOR GOVERNMENT ENTITIES ALREADY PLACING PUBLIC RECORDS ON THE INTERNET OR IN ELECTRONIC FORM.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028A to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

"(A) The cost and availability of technology available to a governmental entity to redact social security numbers from public records first provided in electronic form after the effective date of this section.

"(B) The cost or burden to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments of complying with section 1028A with respect to such records.

"(C) The benefit to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

"(d) HARVESTED SOCIAL SECURITY NUMBERS.—Section 1028A shall apply to any public record of a government entity which contains social security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

"(e) ATTORNEY GENERAL RULEMAKING ON PAPER RECORDS.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028A to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028A to such records.

"(2) LIST OF PAPER AND OTHER NONELECTRONIC RECORDS.—The records listed in this paragraph are as follows:

"(A) Professional or occupational licenses.

"(B) Marriage licenses.

"(C) Birth certificates.

"(D) Death certificates.

"(E) Other short public documents that display a social security number in a routine and consistent manner on the face of the document.

"(3) CRITERIA FOR ATTORNEY GENERAL REVIEW.—In determining whether section 1028A should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

"(A) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028A.

"(B) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 3(a)(2)), is amended by inserting after the item relating to section 1028A the following:

"1028B. Display, sale, or purchase of public records containing social security numbers.".

(b) STUDY AND REPORT ON SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study and prepare a report on social security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain social security numbers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of social security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain social security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain social security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing social security numbers from public records, including a review of current technologies and procedures for removing social security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of social security numbers on public records (with separate assessments for both paper records and electronic records).

(c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028B(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 5. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028A(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESS AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028A(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's social security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of social security numbers.

(C) The risk that a particular business practice will promote the use of a social security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards and procedures to prevent—

(i) misuse of social security numbers by employees within a business; and

(ii) misappropriation of social security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain social security numbers.

SEC. 6. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) Prohibition of Appearance of Social Security Account Numbers on Driver's Licenses or Motor Vehicle Registration.—

(1) In general.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(A) by inserting "(I)" after "(vi)"; and

(B) by adding at the end the following:

"(II)(aa) An agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display the social security account numbers issued by the Commissioner of Social Security, or any derivative of such numbers, on the face of any driver's license or motor vehicle registration or any other document issued by such State (or political subdivision thereof) to an individual for purposes of identification of such individual.

"(bb) Nothing in this subclause shall be construed as precluding an agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, from using a social security account number for an internal use or to link with the database of an agency of another State that is responsible for the administration of any driver's license or motor vehicle registration law.".

(2) Effective date.—The amendments made by this subsection shall apply with respect to licenses, registrations, and other documents issued or reissued after the date that is 1 year after the date of enactment of this Act.

(c) Prohibition of Inmate Access to Social Security Account Numbers.—

(1) In general.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 7. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

"(a) In General.—A commercial entity may not require an individual to provide the individual's social security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

"(1) for any purpose relating to—

"(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

"(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

"(C) law enforcement; or

"(D) a Federal, State, or local law requirement; or

"(2) if the social security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

"(b) Application of Civil Money Penalties.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

"(c) Application of Criminal Penalties.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

"(d) Limitation on Class Actions.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

"(e) State Attorney General Enforcement.—

"(1) In general.—

"(A) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

"(i) enjoin that practice;

"(ii) enforce compliance with such section;

"(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

"(iv) obtain such other relief as the court may consider appropriate.

"(B) Notice.—

"(i) In general.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

"(I) written notice of the action; and

"(II) a copy of the complaint for the action.

"(ii) Exemption.—

"(I) In general.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

"(II) Notification.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

"(2) Intervention.—

"(A) In general.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

"(B) Effect of intervention.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

"(3) Construction.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

"(A) conduct investigations;

"(B) administer oaths or affirmations; or

"(C) compel the attendance of witnesses or the production of documentary and other evidence.

"(4) Actions by the attorney general of the united states.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

"(5) Venue; service of process.—

"(A) Venue.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(B) Service of process.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) may be found.

"(f) Sunset.—This section shall not apply on or after the date that is 6 years after the effective date of this section.".

(b) Evaluation and Report.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) Effective Date.—The amendment made by subsection (a) shall apply to requests to provide a social security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 8. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) Treatment of Withholding of Material Facts.—

(1) Civil penalties.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" and inserting "who—";

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(B) makes such a statement or representation for such use with knowing disregard for the truth; or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to";

(C) by inserting "or each receipt of such benefits while withholding disclosure of such fact" after "each such statement or representation";

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation"; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation".

(2) Administrative procedure for imposing penalties.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(2) makes such a statement or representation for such use with knowing disregard for the truth; or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to".

(b) Application of Civil Money Penalties to Elements of Criminal Violations.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

"(3) Any person (including an organization, agency, or other entity) who—

"(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

"(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

"(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

"(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

"(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to display, sell, or purchase it;

"(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the social security account number of any person in violation of the laws of the United States;

"(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

"(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number; or

"(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C),

shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.".

(c) Clarification of Treatment of Recovered Amounts.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(d) Conforming Amendments.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) Violations by government agents in possession of social security numbers.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 3(c).

SEC. 9. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) Prohibition of Wrongful Use as Personal Identification Number.—No person may obtain any individual's social security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) Criminal Sanctions.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following:

"(9) except as provided in subsections (e) and (f) of section 1028A of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028A(a) of title 18, United States Code) any individual's social security account number without having met the prerequisites for consent under section 1028A(d) of title 18, United States Code; or

"(10) obtains any individual's social security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;".

SEC. 10. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) Civil Action in State Courts.—

(1) In general.—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) Statute of limitations.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) Nonexclusive remedy.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) Civil Penalties.—

(1) In general.—Any person who the Attorney General determines has violated any section of this Act or of any amendments made by this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than $5,000 for each such violation; and

(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) Determination of violations.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 11. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or the amendments made by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 26—COMMENDING THE TAMPA BAY BUCCANEERS FOOTBALL TEAM FOR WINNING SUPER BOWL XXXVII

Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was considered and agred to:

S. RES. 26

Whereas on January 26, 2003, the Tampa Bay Buccaneers defeated the Oakland Raiders 48–21 in San Diego, capturing their first Super Bowl title;

Whereas Buccaneers head coach Jon Gruden became the youngest coach in National Football League history to win the Super Bowl, and led Tampa Bay to the title in his first year with the team;

Whereas Buccaneers safety Dexter Jackson was named the Most Valuable Player of Super Bowl XXXVII, becoming the first player in Super Bowl history to intercept two passes in the first half of the game;

Whereas the Buccaneers defensive unit finished the 2002–2003 season as the NFL's number one ranked defense and recorded a Super Bowl-record, five interceptions against the NFL's Most Valuable Player, Oakland quarterback Rich Gannon, and the NFL's number one ranked offense;

Whereas Buccaneers linebacker Derrick Brooks, the NFL's Defensive Player of the Year, sealed the Super Bowl victory with a 44-yard interception return for a touchdown with 1:18 to play;

Whereas the Buccaneers offensive unit was led by Brad Johnson's 215 yards passing, Michael Pittman's season-high 124 yards rushing, Joe Jurevicius' team-high 78 receiving yards and Keenan McCardell's two touchdowns;

Whereas the Tampa Bay Buccaneers completed the 2002 National Football League regular season with a 12–4 record, capturing the NFC South Division Title;

Whereas the Buccaneers defeated the San Francisco 49ers, 31–6, and the Philadelphia Eagles, 27-10, to win the NFC Championship;

Whereas Buccaneer players Mike Alstott, Derrick Brooks, Brad Johnson, John Lynch, Simeon Rice and Warren Sapp have been selected to play in the 2003 NFL Pro Bowl;

Whereas each player, coach, trainer, manager, and administrator dedicated this season and their efforts to ensure the Tampa Bay Buccaneers reached the pinnacle of the sports world—a Super Bowl Championship; and

Whereas Buccaneer fans and the Tampa Bay community are to be commended for their long-standing support, perseverance and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the loyalty, perservance and pride of the Tampa Bay Buccaneers' fans;

(2) congratulates the World Champion Tampa Bay Buccaneers for their historic win in Super Bowl XXXVII; and

(3) recognizes the achievements of the players, coaches and support staff who were instrumental in helping the Tampa Bay Buccaneers win Super Bowl XXXVII.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Tampa Bay Buccaneers owner Malcolm Glazer and head coach Jon Gruden for appropriate display and transmit copies of this resolution to each player and coach of the Super Bowl XXXVII Championship team.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, January 29, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 108th Congress by electing the Chairman and Vice Chairman of the Committee and to adopt the rules of the Committee and any other organizational business the committee needs to attend to.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, January 28, 2003, at 2:30 p.m., in SR–253, to consider the State of the United States Olympic Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, January 28, 2003, at 10:00 a.m., to hear testimony on the Nomination of John W. Snow to be Secretary of the United States Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 28, 2003 at 2:30 p.m. to hold a Business Meeting.

Agenda

The Committee will consider and vote on the following agenda items—Committee Organizational Matters: (1) Committee Rules for the 108th Congress and (2) Subcommittee Jurisdiction and Membership for the 108th Congress.

PRIVILEGE OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Dan Hammer, a member of my California staff, be granted the privilege of the floor during my morning business speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

On January 23, 2003, the Senate amended and passed H.J. Res. 2, as follows:

Resolved, That the resolution from the House of Representatives (H.J. Res. 2) entitled "Joint resolution making further continuing appropriations for fiscal year 2003, and for other purposes." do pass with the following Amendment:

Strike out all after the resolving clause and insert:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $3,412,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $12,016,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant *to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $13,759,000.*

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,358,000.

Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $31,275,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $133,155,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

Office of the Chief Financial Officer

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $7,877,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

Office of the Assistant Secretary for Civil Rights

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $400,000.

Office of the Assistant Secretary for Administration

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $780,000.

Agriculture Buildings and Facilities and Rental Payments

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $197,662,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

Hazardous Materials Management

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,685,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

Departmental Administration

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $42,479,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

Office of the Assistant Secretary for Congressional Relations

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $4,157,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

Office of Communications

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,637,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $78,127,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $35,588,000.

Office of the Under Secretary for Research, Education and Economics

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $780,000.

Economic Research Service

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $65,123,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

National Agricultural Statistics Service

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $140,854,000, of which up to $41,274,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

Agricultural Research Service

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,053,597,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2003, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $100,955,000, to remain available until expended: Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $651,411,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $185,553,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,541,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $35,643,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $103,834,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,006,000; for competitive research grants (7 U.S.C. 450i(b)), $204,263,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,251,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,000,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,500,000, to remain available until expended; for research grants for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,500,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $5,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $15,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $11,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,700,000; and for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109, $26,310,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $452,767,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $281,218,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,500,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $5,250,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $15,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $5,000,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $32,117,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $3,000,000; and for necessary expenses of extension activities, $20,666,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $48,218,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the regional pest management centers program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $3,000,000; payments for the organic transition program, $1,750,000; and payments for agricultural technology, $2,600,000: Provided, That of the funds made available under this heading, $500,000 shall be for payments for the critical issues program under 7 U.S.C. 450i(c) and $1,513,000 shall be for payments for the regional rural development centers program under 7 U.S.C. 450i(c).

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $780,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $735,673,000, of which $4,103,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $62,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency *purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.*

In fiscal year 2003, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $13,189,000, to remain available until expended.

Agricultural Marketing Service

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $75,411,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES LEVEL

Not to exceed $61,619,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $14,910,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

Grain Inspection, Packers and Stockyards Administration

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $44,475,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Office of the Under Secretary for Food Safety

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $780,000.

Food Safety and Inspection Service

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $759,759,000, of which no less than $649,082,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Office of the Under Secretary for Farm and Foreign Agricultural Services

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $899,000.

Farm Service Agency

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $986,913,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(b)), $4,000,000.

DAIRY INDEMNITY PROGRAM

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,146,996,000, of which $1,000,000,000 shall be for guaranteed loans and $146,996,000 shall be for direct loans; operating loans, $2,816,729,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans, $505,531,000 shall be for subsidized guaranteed loans and $611,198,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $24,566,000, of which $7,500,000 shall be for guaranteed loans, and $17,066,000 shall be for direct loans; operating loans, $219,036,000, of which $53,890,000 shall be for unsubsidized guaranteed loans, $59,653,000 shall be for subsidized guaranteed loans, and $105,493,000 shall be for direct loans; and Indian tribe land acquisition loans, $179,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $287,176,000, of which $279,176,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

Risk Management Agency

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,708,000: Provided, That not to exceed $700 shall be available for official reception and *representation expenses, as authorized by 7 U.S.C. 1506(i).*

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2003, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2003, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $902,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $840,002,000, to remain available until expended, of which not less than $9,162,000 is for snow survey and water forecasting, and not less than $10,701,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: Provided further, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $10,960,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $105,000,000, to remain available until expended (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,000,000, to remain available until expended: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $898,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $867,176,000, to remain available until expended, of which $97,600,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $682,814,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $86,762,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $10,000,000 shall be available for a Rural Community Development Initiative: Provided further, That of the amount appropriated for the Rural Community Development Initiative, not less than $4,000,000 shall be available until expended to carry out a demonstration program on Replicating and Creating Rural Cooperative Home Based Health Care: Provided further, That of the $4,000,000 made available, not less than $1,500,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each, with the balance for low-interest revolving loans to be used for capital and other related expenses, and made available to nonprofit based community development organizations: Provided further, That such organizations should demonstrate experience in the administration of revolving loan programs and providing technical assistance to cooperatives: Provided further, That a minimum of one planning grant should be provided to a minority sponsored entity with three years experience in rural cooperative development: Provided further, That of funds appropriated for the Rural Community Development Initiative, $6,000,000 shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake *projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $30,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 1 percent available to administer the program and up to 1 percent available to improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed $19,200,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,775,000 shall be for Rural Community Assistance Programs; and not to exceed $12,100,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $30,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any funds in the "Rural Utilities Service, High Energy Cost Grants Account" and any remaining funds specifically appropriated in fiscal year 2002 for rural communities with extremely high energy costs under the Rural Community Advancement Program shall be merged and transferred into the Account: Provided further, That any funds in the Account shall be used to provide grants authorized under section 19 of that Act: Provided further, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.*

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $127,502,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $3,755,162,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,005,162,000 shall be for direct loans, and of which $2,750,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $120,000,000 for new construction, repair, rehabilitation, and preservation of section 515 rental housing; $5,000,000 for section 524 site loans; $12,000,000 for credit sales of acquired property, of which up to $2,000,000 may be for multi-family credit sales; and $5,011,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $214,500,000, of which $194,700,000 shall be for direct loans, and of which $19,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,857,000; section 515 rental housing, $55,956,000; section 524 site loans, $55,000; multi-family credit sales of acquired property, $934,000; and section 523 self-help housing land development loans, $221,000: Provided, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,630,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $730,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2003 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $47,498,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $34,615,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $40,000,000.

For the cost of direct loans, $19,304,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2003, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2003, for Mississippi Delta Region counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2003, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,290,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,967,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,197,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2003, as authorized by section 313 of the Rural Electrification Act of 1936, $3,197,000 shall not be obligated and $3,197,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $9,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,103,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000; Treasury rate direct electric loans, $1,150,000,000; 5 percent rural telecommunications loans, $75,029,000; cost of money rural telecommunications loans, $300,000,000; and loans made pursuant to section 306 of that Act, rural telecommunications loans, $120,000,000; and for guaranteed underwriting loans pursuant to section 313A, $1,000,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $11,025,000, and the cost of telecommunication loans, $1,433,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,035,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2003 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,410,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of broadband telecommunication loans, $79,535,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $51,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That $10,000,000 may be available for the continuation of a project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $774,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,580,169,000, to remain available through September 30, 2004, of which $5,834,506,000 is hereby appropriated and $4,745,663,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the funds made available under this heading, $3,300,000 shall be for a School Breakfast Program startup grant pilot program, of which no less than $1,000,000 is for the State of Wisconsin: Provided further, That $200,000 shall be for the Common Roots Program: Provided further, That $500,000 shall be for the Child Nutrition Archive Resource Center: Provided further, That up to $5,080,000 shall be for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,751,000,000, to remain available through September 30, 2004, of which $125,000,000 shall be placed in reserve, to remain available until expended, for use in only such amounts, and in such manner, as the Secretary determines necessary, not withstanding section 17(i) of the Child Nutrition Act, to provide funds to support participation, should costs or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate $25,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): Provided further, That $2,000,000 shall be available for the Food and Nutrition Service to conduct a study of WIC vendor practices: Provided further, That no other funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $26,289,692,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $167,000,000, to remain available through September 30, 2004: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That of the total amount available, the Secretary shall provide $5,000,000 for senior farmers' market activities: Provided further, That at the discretion of the States, any State may request that USDA use a portion of its storage and distribution funds for the Emergency Food Assistance Program to purchase additional commodities for distribution within that State.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 and special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, $1,081,000, to remain available through September 30, 2004.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $136,865,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $11,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1769), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $131,198,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $116,171,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,059,000, of which $1,033,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,026,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $25,159,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $1,185,000,000, to remain available until expended for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,058,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $834,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,621,530,000, of which not to exceed $222,900,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379h, including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended; and of which not to exceed $25,125,000 to be derived from device user fees authorized by 21 U.S.C. 379j shall be credited to this appropriation, to remain available until expended: Provided, That fees derived from applications received during fiscal year 2003 shall be subject to the fiscal year 2003 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $412,404,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $426,232,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $13,357,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $199,117,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $88,342,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $211,819,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $40,509,000 shall be for the National Center for Toxicological Research; (7) $36,914,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $108,269,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $107,924,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $93,985,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $38,404,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2003 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 374 passenger motor vehicles, of which 372 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, emerging plant pests, integrated *systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with collocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.*

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2003 shall remain available until expended to cover obligations made in fiscal year 2003 for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunications Loans program account, the Rural Housing Insurance Fund program, and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 722. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 723. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law *prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2004 appropriations Act.*

SEC. 724. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. In addition to amounts otherwise appropriated or made available by this Act, $2,496,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, as authorized by section 4404 of Public Law 107–71 (2 U.S.C. 1161).

SEC. 727. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 728. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 729. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri outside the city or county limits of St. Louis, Missouri.

SEC. 730. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

SEC. 731. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking "2002" and inserting "2003".

SEC. 732. Notwithstanding any other provision of law, the City of Dunkirk, New York, shall be eligible for grants and loans provided through the Rural Community Advancement Program.

SEC. 733. Notwithstanding any other provision of law, of funds appropriated under the Rural Housing Assistance Grant account, $4,000,000 shall be for demonstration housing grants for agriculture processing workers in the State of Wisconsin.

SEC. 734. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, from funds made available for Watershed and Flood Prevention Operations by Public Law 107–76.

SEC. 735. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the Upper Tygart Valley Watershed project, West Virginia: Provided, That the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for installation of the water supply component of this project.

SEC. 737. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 738. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 739. None of the funds appropriated or made available by this Act, or any other Act, may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 740. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 741. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 that exceed 77 percent of the payment that would otherwise be paid to eligible producers (7 U.S.C. 8108).

SEC. 742. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Kuhn Bayou (Point Remove) project in Arkansas.

SEC. 743. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Matanuska River erosion control project in Alaska.

SEC. 744. FOOD FOR PROGRESS. The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsections (c) and (g), by striking "may" each place it appears and inserting "shall"; and

(2) by adding at the end the following:

"(o) PRIVATE VOLUNTARY ORGANIZATIONS AND OTHER PRIVATE ENTITIES.—In entering into agreements described in subsection (c), the President (acting through the Secretary)—

"(1) shall enter into agreements with eligible entities described in subparagraphs (C) and (F) of subsection (b)(5); and

"(2) shall not discriminate against such eligible entities.".

SEC. 745. Of the unobligated balances of funds made available under the Cooperative State Research, Education, and Extension Service, Buildings and Facilities appropriation in Public Law 104–180, $795,400 are hereby rescinded.

SEC. 746. None of the funds made available in fiscal year 2003 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act [7 U.S.C. 1736f–1]: Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 747. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance to the Dry Creek/Neff's Grove project, Utah, and the Jefferson River Watershed, Montana.

SEC. 748. Section 307 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by adding a new subsection at the end thereof as follows:

"(d) SOLID WASTE.—The Secretary of Agriculture is authorized to make direct lump sum payments to the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.".

SEC. 749. The $5,000,000 of unobligated balances available at the beginning of fiscal year 2003 for the experimental Rural Clean Water Program authorized under the headings "Agricultural Stabilization and Conservation Service—Rural Clean Water Program" in Public Law 96–108 (93 Stat. 835) and Public Law 96–528 (95 Stat. 3111) are hereby rescinded.

SEC. 750. The Secretary of Agriculture is authorized to make loans and grants to expand the state of Alaska's dairy industry and related milk processing and packaging facilities. There is authorized to be appropriated $5,000,000 to carry out this section for each fiscal years 2003 through 2007.

SEC. 751. Up to $2,000,000 of the funds made available to the Food and Nutrition Service for studies and evaluations may be transferred to and merged with the appropriation for the Economic Research Service, to conduct studies and evaluations on behalf of the Food and Nutrition Service.

SEC. 752. The Secretary, if presented with a complete and fully compliant application, including an approved third party to hold the development easement, to protect the 33.8 acre farm formerly operated by American Airlines Captain John Ogonowski from development through the Farmland Protection Program, shall waive the matching fund requirements of the program, if necessary. Farmland Protection Program funds provided shall not exceed the appraised fair market value of the land, as determined consistent with program requirements. Any additional funding provided to carry out this project shall not come at the expense of an allocation to any other State.

SEC. 753. The Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

Sec. 754. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000.000 shall be available in fiscal year 2003.

Sec. 755. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

Sec. 756. Restoration of Fish, Wildlife, and Associated Habitats in Watersheds of Certain Lakes. (a) In General.—In carrying out section 2507 of Public Law 107–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use $1,000,000 for the creation of a fish hatchery at Walker Lake to benefit the Walker River Paiute Tribe; and

(3) use $2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River Settlement Act, Public Law 101–618.

(b) Administration.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107–171.

Sec. 757. In addition to amounts appropriated by this Act under the heading "Public Law 480 Title II Grants", there is appropriated, out of funds in the Treasury not otherwise appropriated, $500,000,000 for assistance for emergency relief activities: Provided, That the amount appropriated under this section shall remain available through September 30, 2004.

Sec. 758. Marketing Assistance Loans and Loan Deficiency Payments for Other Oilseeds, Dry Peas, Lentils, and Small Chickpeas. (a) Definition of Other Oilseed.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting "crambe, sesame seed," after "mustard seed,".

(b) Loan Rates for Nonrecourse Marketing Assistance Loans.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.

"(B) Rapeseed.

"(C) Canola.

"(D) Safflower.

"(E) Flaxseed.

"(F) Mustard seed.

"(G) Crambe.

"(H) Sesame seed.

"(I) Other oilseeds designated by the Secretary.";

(2) in subsection (b), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.

"(B) Rapeseed.

"(C) Canola.

"(D) Safflower.

"(E) Flaxseed.

"(F) Mustard seed.

"(G) Crambe.

"(H) Sesame seed.

"(I) Other oilseeds designated by the Secretary.";

(3) by adding at the end the following:

"(c) Single County Loan Rate for Other Oilseeds.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

"(d) Quality Grades for Dry Peas, Lentils, and Small Chickpeas.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

"(1) in the case of dry peas, United States feed peas;

"(2) in the case of lentils, United States number 3 lentils; and

"(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.".

(c) Repayment of Loans.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking "and extra long staple cotton" and inserting "extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)";

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

"(f) Repayment Rates for Confectionery and Other Kinds of Sunflower Seeds.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

"(2) the repayment rate established for oil sunflower seed.

"(g) Quality Grades for Dry Peas, Lentils, and Small Chickpeas.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).".

(d) Applicability.—This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

Sec. 759. Value-Added Projects for Agricultural Diversification. Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture may make a grant of $200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

Sec. 760. Price Support Adjustments. (a) Carry Forward Adjustment.—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(1) by striking ": Provided, That" and inserting ", except that (1)"; and

(2) by inserting before the period at the end the following: ", (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year".

(b) Special Requirements.—During the period beginning on the date of enactment of this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) Regulations.—

(1) In general.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) Procedure.—The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) Congressional review of agency rulemaking.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Sec. 761. Sense of the Senate Concerning Certain Funds for Technical Assistance for Mandatory Conservation Programs. (a) Findings.—The Senate finds that—

(1) conservation technical assistance provided through the Department of Agriculture is essential to help the farmers, ranchers, and landowners of the United States to implement and maintain critical conservation practices;

(2) Congress provided a historic increase in mandatory funding for voluntary conservation efforts in the Farm Security and Rural Investment Act of 2002 (Public Law 107–171);

(3) in that Act, Congress provided mandatory funding sufficient to cover all conservation technical assistance needed to carry out conservation programs;

(4) under that Act, conservation technical assistance is provided to carry out conservation programs;

(5) the General Accounting Office has determined that, under the Farm Security and Rural Investment Act of 2002, funding for conservation technical assistance—

(A) is provided directly for conservation programs; and

(B) is not subject to the limitation specified in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(6) the General Accounting Office has determined that funds in the Conservation Operations account cannot be used to fund conservation technical assistance for conservation programs under the Farm Security and Rural Investment Act of 2002.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the President should provide full funding for conservation technical assistance in order to implement conservation programs under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.); and

(2) the President should not use funds from the Conservation Operations account to provide conservation technical assistance for carrying out conservation programs directly funded by that title.

Sec. 762. Rural Housing Service. Title III of the Agriculture, Rural Development, Food and

Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading "RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)" under the heading "Rural Housing Service" (114 Stat. 1549, 1549A–19) by inserting before the period at the end the following: ": Provided further, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)".

Sec. 763. Corn. (a) In General.—Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the planting, prevented planting, and production of corn used to produce popcorn as the planting, prevented planting, and production of corn for the purposes of determining base acres and payment yields for direct and counter-cyclical payments under subtitle A of title I of Public Law 107–171.

(b) Effective Date.—This section takes effect on October 1, 2003.

Sec. 764. (a) The Senate finds that—

(1) there are immediate needs for additional food aid in sub-Saharan Africa where more than 38 million people are at risk of starvation;

(2) there are serious shortfalls of food aid in other parts of the world, including Afghanistan a key nation in the war on terror, that have put millions at risk of starvation;

(3) other potential emergencies in Iraq, North Korea, and other regions could place millions more at risk of starvation;

(4) prices have increased by 30 percent over the course of the past year for certain staple commodities;

(5) additional food aid helps build goodwill towards the United States, is consistent with the National Security Strategy of the United States, dated September 17, 2002, and reduces the conditions that can contribute to international terrorism.

(b) It is the sense of the Senate that:

(1) The Secretary of Agriculture should immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to ensure that United States contributions for international humanitarian food assistance for each fiscal year 2003 through 2007 shall be no less than the previous five year average beginning on the date of enactment of this Act.

(2) The President should immediately submit an emergency supplemental request to meet any additional shortfalls in fiscal year 2003 for food aid to vulnerable populations living in sub-Saharan Africa that are not met by actions undertaken in paragraph (1) or by any other provision in this Act.

Sec. 765. (a) Study on the Sale of Milk Into California.—Within 90 days, the Secretary shall report to Congress on the economic impacts to California dairy farmers from handlers or processors of Class I milk products in the Las Vegas-Nevada-Arizona region selling milk or milk products into the California State order.

(b) Exemption of Milk Handlers From Minimum Price Requirements.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

"(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, prior to January 1, 2005, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) or Pacific Northwest marketing area (Order No. 124) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area or the Pacific Northwest marketing area of any handler's own farm production exceeds the lesser of—

"(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131) or the Pacific Northwest marketing area (Order No. 124); or

"(ii) 5,000,000 pounds.".

(c) Exclusion of Clark County, Nevada From Federal Milk Marketing Orders.—

(1) In general.—Section 8c(11)(C) the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the last sentence and inserting the following: "In the case of milk and its products, Clark County, Nevada shall not be within a marketing area defined in any order issued under this section.".

(2) Informal rulemaking.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without regard to sections 556 and 557 of title 5, United States Code.

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003".

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $99,696,000, of which not to exceed $3,137,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,625,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2002: Provided further, That not to exceed 31 permanent positions, 33 full-time equivalent workyears and $3,225,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,848,000 shall be expended for the Office of Public Affairs: Provided further, That the Offices of Legislative and Public Affairs may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

ANTI-TERRORISM TASK FORCES

For expenses necessary for Anti-Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $63,700,000, notwithstanding any other provision of law.

JOINT TERRORISM TASK FORCES

For expenses necessary for Joint Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $158,547,000, notwithstanding any other provision of law.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, $62,000,000, notwithstanding any other provision of law.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,973,000, notwithstanding any other provision of law, to remain available until expended.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED AUTOMATED IDENTIFICATION SYSTEM INTEGRATION

For expenses necessary for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $9,000,000, to remain available until expended.

CHIMERA

For expenses necessary for the design, development, test, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service, as authorized, to be managed by Justice Management Division, $83,400,000, to remain available until expended.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings "Salaries and Expenses, General Legal Activities", and "General Administration, Salaries and Expenses", and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, $77,127,000, notwithstanding any other provision of law, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the expenses necessary to convert to narrowband communications, including for operation and maintenance of Land Mobile Radio legacy systems, $149,254,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $180,466,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration *and Naturalization Service, $1,385,966,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing detention personnel and the Justice Prisoner and Alien Transportation System and for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $54,825,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, $10,114,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $537,502,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended, and of which not less than $1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $133,133,000: Provided, That, notwithstanding any other provision of law, not to exceed $133,133,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,320,160,000; of which not to exceed $2,500,000 shall be available until September 30, 2004, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,571 positions and 9,776 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2003: Provided further, That of the total amount appropriated, $20,000,000 shall be for the Anti-terrorism Task Forces to coordinate Port Security pilot projects in Norfolk, Virginia, Charleston, South Carolina, New Orleans, Louisiana, and Long Beach, California, and for the costs of reimbursable details, overtime for State and local law enforcement personnel, equipment, facilities, and other associated operational costs.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $150,381,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $150,381,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, $1,136,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $661,085,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and of which not to exceed $4,000,000 shall remain available until expended for development, implementation, maintenance and support, and training for an automated prisoner information system.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, $12,061,000, to remain available until expended.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $17,378,000, notwithstanding any other provision of law, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

For necessary expenses to procure four modern, fuel efficient, wide body replacement aircraft and spares, $77,694,000, notwithstanding any other provision of law, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $156,145,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,474,000.

ASSETS FORFEITURE FUND

For authorized expenses, $22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $400,102,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,576 passenger motor vehicles, of which 1,085 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,927,587,000; of which not to exceed $65,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2004; of which $475,300,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Decision unit	Amount
Counterterrorism	$577,846,000
National Security	644,483,000
Cyber-investigations	155,189,000
Criminal Enterprises and Federal Crimes	1,412,309,000
Forensic and Technical Services	494,499,000
Field Support	224,876,000
Training and Education	111,831,000
Criminal Justice Services	306,554,000.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,250,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,374 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,477,470,000: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,654 positions and 7,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, $3,241,787,000: Provided, That of the amount appropriated under this heading $80,200,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: Provided further, That, of the amounts made available in the preceding proviso, $42,400,000 shall only be available for planning, program support, environmental analysis and mitigation, real estate acquisition, design and construction: Provided further, That $25,500,000 shall only be available for an entry-exit system pilot, including demonstration projects on the southern and northern border, and $12,300,000 shall only be available for system development: Provided further, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: Provided further, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77: Provided further, That none of the funds made available by this Act shall be available for any expenses relating to the National Security Entry-Exit Registration System (NSEERS), and that the Attorney General shall provide to the Committee on Appropriations all documents and materials: (1) used in the creation of the NSEERS program, including any predecessor programs; (2) assessing the effectiveness of the NSEERS program as a tool to enhance national security; (3) used to determine the scope of the NSEERS program, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the NSEERS program to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining of whether the Department of Justice consulted with other federal agencies in the development of the NSEERS programs, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of NSEERS, including the role of the FBI in conducting national security background checks of registrants; (7) explaining why certain INS District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies.".

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $267,138,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 713, of which 504 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,068,237,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2004: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities: Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Decision unit	Amount
Inmate Care and Programs ..	$1,462,490,000
Institution Security and Administration	1,879,256,000
Contract Confinement	571,077,000
Management and Administration	155,414,000.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $470,221,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures *which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.*

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $194,057,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, notwithstanding any other provision of law, $2,038,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $1,368,415,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one "State" for all purposes under H.R. 728, notwithstanding any provision of section 108(3) thereof: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(A) $90,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) $20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) $20,000,000 for the Cooperative Agreement Program;

(3) $48,000,000 for assistance to Indian tribes, of which:

(A) $35,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(4) $134,700,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $134,700,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(5) $12,000,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(6) $2,300,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(7) $1,000,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(8) $184,765,000 for Grants to Combat Violence Against Women, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(A) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study;

(B) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women;

(C) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(9) $65,000,000 for Grants to Encourage Arrest Policies, as authorized by section 1001(a)(19) of the 1968 Act;

(10) $40,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(11) $5,000,000 for training programs, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(12) $3,000,000 for grants to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(13) $10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(14) $40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(15) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(16) $15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386;

(17) $7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386;

(18) $70,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act;

(19) $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(20) $50,000,000 for Drug Courts, as authorized by title I, part EE of the 1968 Act;

(21) $1,500,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(22) $2,000,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(23) $249,450,000 for Juvenile Accountability Incentive Block Grants.

(24) $1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2003 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,120,228,000, to remain available until expended: Provided, That prior year balances available in this program shall be used for the direct hiring of law enforcement officers through the Universal Hiring Program: Provided further, That section 1703 (b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation: Provided further, That the officer redeployment demonstration described in section 1701(b)(1)(C) shall not apply to equipment, technology, support system or overtime grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $492,000,000 as follows: $330,000,000 for the hiring of law enforcement officers, including up to $180,000,000 for school resource officers; $10,000,000 for training school resource officers on issues related to terrorism; $21,000,000 for training and technical assistance; $26,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); $40,000,000 to improve tribal law enforcement including equipment and training; $50,000,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots" of which $10,000,000 will be provided for the continuance of methamphetamine reduction efforts; and $15,000,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act;

(2) for crime technology, $426,215,000 as follows: $158,815,000 for a law enforcement technology program; $100,000,000 for the COPS Interoperable Communications Technology Program; $35,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C.

14601); $40,000,000 for DNA analysis and backlog reduction of which $35,000,000 shall be used as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) and of which $5,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.); $40,000,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to forensic laboratory general forensic science capacity and capabilities; and $45,000,000 for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, $100,000,000 as follows: $50,000,000 for a national program to reduce gun violence, and $50,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $67,013,000 as follows: $15,000,000 for Project Sentry; $15,000,000 for an offender re-entry program; $20,013,000 for the Safe Schools Initiative; and $17,000,000 for a police integrity program; and

(5) not to exceed $35,000,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $315,425,000, to remain available until expended; as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $7,112,000 shall be available for expenses authorized by part A of title II of the Act, $88,800,000 shall be available for expenses authorized by part B of title II of the Act, and $75,513,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $16,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $15,000,000 shall be available for the Safe Schools Initiative including $5,000,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $11,000,000, to remain available until expended, as authorized by section 214B of the Act.

ELECTION REFORM GRANT PROGRAM

For an amount to establish the Election Reform Grant Program, to provide assistance to States and localities in improving election technology and the administration of Federal elections, $31,000,000.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: Provided further, That rewards made pursuant to section 501 of Public Law 107–56 shall not be subject to this section.

(b) Notwithstanding any other provision of law, payments made during fiscal year 2003 resulting from Doe v. United States [docket #98–896C], before the Court of Federal Claims, shall only be paid from appropriations made available under the headings "Salaries and Expenses, General Legal Activities" and "Salaries and Expenses, United States Attorneys" in title I of this Act.

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 104. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 105. The Immigration and Nationality Act of 1953 is amended—

(1) in section 344(c) (8 U.S.C. 1455(c)), by replacing "All" with "Except as provided by section 286(q)(2) or any other law, all"; and

(2) in section 286(q)(2) (8 U.S.C. 1356(q)(2)), by inserting ", including receipts for services performed in processing forms I–94, I–94W, and I-68, and other similar applications processed at land border ports of entry," after "subsection".

SEC. 106. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 107. Public Law 107–273 is amended—

(1) in section 12222(b), strike "on October 1, 2002" and insert in lieu thereof the following: "on the effective date provided in section 12102(b)";

(2) in section 12223(a), strike "on the date of the enactment of this Act" and insert in lieu thereof the following: "on the effective date provided in section 12102(b)";

(3) in section 12223(b), by replacing "Act" with "subtitle", and all the matter after "beginning" with "on or after the effective date provided in subsection (a).".

SEC. 108. The law enforcement training facility described in section 8150 of Public Law 107–248 is hereby established as a permanent training facility.

SEC. 109. Notwithstanding any other provision of law, in fiscal year 2003 and thereafter the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided, That the Attorney General shall notify the Committees on Appropriations of the Senate and House of Representatives of any transfers made under this section.

SEC. 110. In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: $10,000,000 to provide for grants as authorized by section 11027 of Public Law 107–273, to implement the Crime-free Rural States Program.

(b) The amount made available under the account for buildings and facilities of the Federal Prison System in this joint resolution is reduced by $10,000,000.

SEC. 111. None of the funds appropriated by this Act may be used to remove, deport, or detain an alien spouse or child of an individual *who died as a result of a September 11, 2001, terrorist attack, unless the alien spouse or child is—*

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)) (including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States); or

(2) a member of the family of a person described in paragraph (1).

This title may be cited as the "Department of Justice Appropriations Act, 2003".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $33,000,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $54,600,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $353,242,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $68,083,000 shall be for Trade Development, $28,197,000 shall be for Market Access and Compliance, $44,006,000 shall be for the Import Administration, $199,631,000 shall be for the United States and Foreign Commercial Service, and $13,325,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $100,198,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: Provided further, That all programs and activities under this heading related to industry development shall be transferred to and merged with relevant programs and activities under the heading "International Trade Administration, Operations and Administration".

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $257,886,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,765,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,906,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $72,158,000, to remain available until September 30, 2004.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $173,223,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $385,696,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,352,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,616,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,478,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,560,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That, notwithstanding any other *provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.*

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,038,800,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a fiscal year 2003 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2003, should the total amount of offsetting fee collections be less than $1,038,800,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed $166,771,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2003, to remain available until expended: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2003 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,886,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $363,433,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,623,000, to remain available until expended: Provided, That hereafter the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $185,353,000, to remain available until expended, of which $60,700,000 shall be expended for the award of new grants before October 1, 2003.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $65,460,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,349,301,000: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That the Secretary of Commerce will designate a National Marine Fisheries Service Regional Office for the Pacific Area within sixty days of enactment of this Act: Provided further, That the Regional Administrator of the regional office for the Pacific Area, who shall be hired within sixty days of enactment of this Act, shall be a current employee of the Pacific Island Area Office and shall be an employee at the grade of GS–14 promotable to the grade of GS–15: Provided further, That of the funding provided for the National Marine Fisheries Service, $3,000,000 may be made available to the oyster industry in the State of Louisiana for economic assistance to the oyster fishery affected by Hurricane Isidore, and Hurricane Lili: Provided further, That such funds may be used only for (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including oystermen, oyster processors, and related businesses serving the oyster industry; (C) domestic product marketing and seafood promotion; and (D) State seafood testing programs: Provided further, That, in addition, $55,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That in addition to the amounts provided, $3,000,000 shall be derived by transfer from the fund entitled, "Coastal Zone Management": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: Provided further, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than five percent or less than one percent of the additional funds: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

There shall be established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: Provided, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year: Provided further, That notwithstanding 31 U.S.C. 3302(b), the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: Provided further, That any inventories, equipment, systems, real property and other assets over $25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, shall be used to capitalize the Business Management Fund: Provided further, That the National Oceanic and Atmospheric Administration shall provide for centralized services at rates which return in full all expenses of operation and services, including the full cost of salaries and accruing benefits and the annual costs of plant and equipment associated with services to be provided, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent of the full costs necessary to maintain a reasonable operating reserve and fund new requirements as determined by the Administrator: Provided further, That the Business Management Fund shall become operational no later than thirty days after enactment of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $903,410,000, to remain available until September 30, 2005: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That the Secretary shall establish a Coastal and Estuarine Land Conservation Program, for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States *and Canada, $78,650,000, to remain available until September 30, 2004.*

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, $20,000,000, of which $10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $954,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional direct loans: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $41,494,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $20,635,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized; services as authorized; and uniforms or allowances therefore, as authorized.

SEC. 203. Hereafter none of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Hereafter the Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 206. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2003 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2003 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 207. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $14,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, $3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, $4,000,000 is appropriated for the Institute for Politics, and $1,260,000 is appropriated to the Franklin Pierce College.

SEC. 208. Of the amounts available from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", Saltonstall-Kennedy grants may be issued only in the priority funding areas of Fishing Capacity Reduction under the Magnuson-Stevens Act Sections 312(b)–(e), Conservation Engineering, Optimum Utilization of Harvested Resources under Federal or State Management, Marine Aquaculture, and Fisheries Socioeconomics: Provided, That no funds shall be provided under the Saltonstall-Kennedy Grant Program for any grant related to Atlantic salmon aquaculture development considering the endangered species status of Atlantic salmon.

SEC. 209. Of the amount available from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", $20,000,000 shall be provided to develop an Alaska seafood marketing program. Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter "Board") which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall submit an annual report to the Secretary detailing the expenditures of the board.

SEC. 210. (a) The Secretary of Commerce is authorized to award grants and make direct lump sum payments in support of an international advertising and promotional campaign developed in consultation with the private sector to encourage individuals to travel to the United States consisting of radio, television, and print advertising and marketing programs.

(b) The United States Travel and Tourism Promotion Advisory Board (hereinafter "Board") is established to recommend the appropriate coordinated activities to the Secretary for funding.

(c) The Secretary shall appoint the Board within 30 days of enactment and shall include tourism-related entities he deems appropriate.

(d) The Secretary shall consult with the Board and state and regional tourism officials on the disbursement of funds.

(e) There is authorized to be appropriated $50,000,000, to remain available until expended, and $50,000,000 is appropriated to implement this section.

SEC. 211. From funds made available from the "Operations and Training" account, not more than $50,000 shall be made available to the Maritime Administration for administrative expenses to oversee the implementation of this section for the purpose of recovering economic and national security benefits to the United States following the default under the construction contract described in section 8109 of the Department of Defense Appropriations Act for Fiscal Year 1998 (Public Law 105–56): Provided, That the owner of any ship documented under the authority of this section shall offset such appropriation through the payment of fees to the Maritime Administration not to exceed the appropriation and that such fees be deposited as an offsetting collection to this appropriation: Provided further, That notwithstanding any other provision of law, one or both ships originally contracted under section 8109 of Public Law 105–56 may be constructed to completion in a shipyard located outside of the United States and the owner thereof (or a related person with respect to that owner) may document one or both ships under U.S. flag with a coastwise endorsement, and notwithstanding any other provision of law, and not later than two years after entry into service of the first ship contracted for under section 8109 of Public Law 105–56, that owner (or a related person with respect to that owner) may re-document under U.S. flag with a coastwise endorsement one additional foreign-built cruise ship: Provided further, That: (1) the owner of any cruise ship documented under the authority of this section is a citizen of the United States *within the meaning of 46 U.S.C. 12102(a), (2) the foreign-built cruise ship re-documented under the authority of this section meets the eligibility requirements for a certificate of inspection under section 1137(a) of Public Law 104–324 and applicable international agreements and guidelines referred to in section 1137(a)(2) thereof and the 1992 Amendments to the Safety of Life at Sea Convention of 1974, and that with respect to the re-documented foreign-built cruise ship, any repair, maintenance, alteration, or other preparation necessary to meet such requirements be performed in a United States shipyard, (3) any non-warranty repair, maintenance, or alteration work performed on any ship documented under the authority of this section shall be performed in a United States shipyard unless the Administrator of the Maritime Administration finds that such services are not available in the United States or if an emergency dictates that the ship proceed to a foreign port for such work, (4) any ship documented under the authority of this section shall operate in regular service between or among the islands of Hawaii, (5) no person, nor any ship operating between or among the islands of Hawaii, shall be entitled to the preference contained in the second proviso of section 8109 of Public Law 105-56, and (6) no cruise ship operating in coastwise trade under the authority of this section or constructed under the authority of this section shall be eligible for a guarantee of financing under title XI of the Merchant Marine Act 1936: Provided further, That any cruise ship to be documented under the authority of this section shall be immediately eligible before documentation of the vessel for the approval contained in section 1136(b) of Public Law 104-324: Provided further, That for purposes of this section the term "cruise ship" means a vessel that is at least 60,000 gross tons and not more than 120,000 gross tons (as measured under chapter 143 of title 46, United States Code) and has berth or stateroom accommodations for at least 1,600 passengers, the term "one or both ships" means collectively the partially completed hull and related components, equipment, and parts of whatever kind acquired pursuant to the construction contract described in section 8109 of Public Law 105–56 and intended to be incorporated into the ships constructed thereto, the term "related person" means with respect to a person: a holding company, subsidiary, or affiliate of such person meeting the citizenship requirements of section 12102(a) of title 46, United States Code, and the term "regular service" means the primary service in which the ship is engaged on an annual basis.*

SEC. 212. WEST COAST GROUNDFISH FISHERY CAPACITY REDUCTION. (a) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of Public Law 107–206 and 16 U.S.C. 1861a (b)–(e); except that the program may apply to multiple fisheries; except that within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall he made and accepted under this section; except that section 144(d)(1)(K)(3) of title I, division B of Public Law 106–554 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section; except that no vessel harvesting and processing whiting in the catcher-processors sector (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness crab and Pink shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary: for each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp based on the 3 highest total annual revenues earned from such stocks that the bidder's reduction vessel landed during 1998, 1999, 2000, or 2001. For purposes of this paragraph, the term "total annual revenue" means the revenue earned in a single year from such stocks. The Secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California; except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains; except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph; except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if it were applicable to fee-share fisheries.

(j) The term "fee-share fishery" means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term "reduction fishery" means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2003".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, excluding care of the building and grounds; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, $41,399,000.

CARE OF THE BUILDING AND GROUNDS

For expenses necessary for the care of building and grounds, $53,304,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, $20,136,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, $13,529,000.

COURT OF APPEALS, DISTRICT, MAGISTRATE, AND BANKRUPTCY COURT JUDGES AND STAFF

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and their staff, $718,736,000.

COURT SUPPORT

SALARIES AND EXPENSES

For expenses necessary for the operation of the courts, including travel and hire of passenger motor vehicles, $1,048,877,000, of which not to exceed $45,000 is authorized for official reception and representation expenses.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,784,000, *to be appropriated from the Vaccine Injury Compensation Trust Fund.*

COURT SERVICES

SALARIES AND EXPENSES

For expenses necessary for court services, including the purchase of firearms and ammunition, supplies, and equipment and the payment of rent to the General Services Administration, $1,394,039,000, of which not to exceed $29,277,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

PROBATION AND PRETRIAL SERVICES

SALARIES AND EXPENSES

For expenses necessary for probation and pretrial services, $717,214,000.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964; the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized; and for necessary training and general administrative expenses, $531,792,000, to remain available until September 30, 2004.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized; compensation of jury commissioners as authorized; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure, $54,636,000, to remain available until September 30, 2004: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities, $276,342,000, of which not to exceed $10,000,000 shall remain available until expended for security systems or contract costs for court security officers: Provided, That, of the amounts made available under this heading, $1,000,000 shall be transferred to, and merged with, funds in the "Salaries and Expenses, United States Marshals Service" appropriations account, to be available only for a courthouse security survey to be conducted by Judicial Security Division/Judicial Security Systems personnel.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, $20,156,000; of which $1,800,000 shall remain available through September 30, 2004, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized, $27,700,000; to the Judicial Survivors' Annuities Fund, as authorized, $5,200,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized, $2,400,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $11,835,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, any salaries and expenses appropriation in this title, except probation and pretrial services, shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2003, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $7,972,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as the "Judiciary Appropriations Act, 2003".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,042,096,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading for Oceans and International Environmental and Scientific Affairs, $4,000,000 shall be for negotiations of a binding turtle bycatch reduction agreement for the Western and Central Pacific: Provided further, That, of the amount made available under this heading, $5,000,000 shall be made available only for the renovation of the United States Consulate facility in Istanbul for the purposes of housing an International Center on Muslim-Western Dialogue: Provided further, That, the Secretary of State shall develop a plan for the five-year graduated synchronization of the United States' and the United Nations' budget cycles: Provided further, That, of the amount made available under this heading, $1,500,000 shall be available for a grant to conduct an international forum on the rule of law: Provided further, That, of the amount made available under this heading, $500,000 shall be available for a grant to conduct an international conference on best practices on adoption: Provided further, That of the amount made available under this heading, $200,000 shall be available to conduct the Girls' International Forum: Provided further, That of the amount made available under this heading, $100,000 shall be available to conduct the Winter Cities Conference: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,343,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $579,086,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $210,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,844,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $237,881,000, to remain available until expended: Provided, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,400,000, to remain available until September 30, 2004.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S. Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $523,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $732,700,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $6,500,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $138,200,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $866,000,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $673,710,000, of which 15 percent shall remain available until September 30, 2004: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $25,155,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,488,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,023,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $20,480,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, $10,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2003, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2003, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $18,000,000, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $46,500,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors to carry out international communication activities, $431,456,000.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,996,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television *transmission and reception as authorized, $13,740,000, to remain available until expended.*

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2003 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 405. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2003 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 406. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 407. (a) Not later than February 15, 2003, the Secretary of the Navy shall transfer, without reimbursement, to the Secretary of State administrative jurisdiction over the parcels of real property, together with any improvements thereon, consisting in aggregate of approximately 10 acres at Naval Base, Charleston, South Carolina, described in subsection (b).

(b) The parcels of real property described in this subsection are as follows:

(1) A parcel bounded by Holland Street, Dyess Avenue, and Hobson Avenue to the entrance way immediately west of Building 202.

(2) A parcel bounded on the north by Dyess Avenue comprising Building 644.

(c) The transfer of jurisdiction of real property under subsection (a) shall not effect the validity or term of any lease with respect to such real property in effect as of the date of the transfer.

(d) The Secretary of State shall use the property transferred under subsection (a) for support of diplomatic and consular operations.

(e) The exact acreage and legal description of the property transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary.

(f) The Secretary of the Navy may require such additional terms and conditions in connection with the transfer of property under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2003".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until September 30, 2005.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities, $89,904,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, $32,852,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $4,144,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $659,000.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized, $3,000,000.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, $3,000,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, $1,550,000.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, $1,000,000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission, including services as authorized; hire of passenger motor vehicles as authorized; non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $320,436,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $275,400,000, of which not to exceed $300,000 shall remain available until September 30, 2004, for research and policy studies: Provided, That $275,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2003: Provided further, That any offsetting collections received in excess of $275,400,000 in fiscal year 2003 shall remain available until expended, but shall not be available for obligation until October 1, 2003.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized, including services; hire of passenger motor vehicles; and uniforms or allowances therefor, $16,795,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $175,148,000, to remain available until *expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed $166,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, and offsetting collections derived from fees sufficient to implement and enforce the do-not-call provisions of the Telemarketing Sales Rule, 16 C.F.R. Part 310, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), estimated at $16,000,000, shall be collected pursuant to this authority: Provided further, That all offsetting collections shall be credited to this appropriation, used for necessary expenses, and remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $9,148,000: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).*

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $348,397,000, of which $19,000,000 (referred to in this title as the "supplemental legal assistance amount") is to provide supplemental funding for basic field programs, and related administration, to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and of which $310,097,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,300,000 is for management and administration; and $3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2002 and 2003, respectively.

Section 504(a)(16) of Public Law 104–134 is hereafter amended by striking "if such relief does not involve" and all that follows through "representation".

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission, $2,050,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation, $2,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $656,700,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence. Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed $656,700,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2003 shall be reduced as such offsetting fees are received so as to result in a final total fiscal 2003 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized, including hire of passenger motor vehicles, and not to exceed $3,500 for official reception and representation expenses, $364,357,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $88,000,000 shall be available to fund grants for performance in fiscal year 2003 or fiscal year 2004 as authorized.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $11,600,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $3,726,000, to be available until expended; and for the cost of guaranteed loans, $85,360,000, as authorized, of which $45,000,000 shall remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2003 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $76,140,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $118,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, $3,100,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission *and the Antitrust Division of the Department of Justice on March 5, 2002.*

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 608. Hereafter, none of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 609. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2003.

(c) Notwithstanding any other provision of law, attorneys in positions funded with amounts made available under the headings "Salaries and Expenses, General Legal Activities" and "Salaries and Expenses, United States Attorneys" in title I of this Act shall be compensated on an hourly basis, weekly compensation to be determined by mechanical means, and shall have such fixed breaks each work day as are afforded other hourly workers employed by the Department of Justice.

SEC. 610. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 611. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $566,500,000 shall not be available for obligation until the following fiscal year, with the exception of emergency appropriations made available by Public Law 107–38 and transferred to the Fund.

SEC. 612. None of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 613. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 614. Hereafter, none of the funds appropriated by this Act or any other Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

SEC. 615. Of the amounts provided for "Small Business Administration, Salaries and Expenses", $31,625,000, of which $2,000,000 shall be available for a grant to the Innovation and Commercialization Center; $2,000,000 shall be available for the Mississippi State University MAF/TIGER database project; $1,000,000 shall be for the Black Hills Rural Tourism Marketing Program; $1,500,000 shall be for the Center for Tourism Research; $3,125,000 shall be for the National Inventor's Hall of Fame; $5,000,000 shall be for the Boston Museum of Science; $2,000,000 shall be for the Tuck School and Minority Business Development Agency Partnership; $2,000,000 shall be for the Oklahoma International Trade Processing Center; $300,000 shall be for the Center for Women and Enterprise; $500,000 shall be for the Ogontz Revitalization Corporation; $800,000 shall be for Kennesaw State University Family Business Initiative; $500,000 shall be for the Idaho Virtual Incubator, Phase III; $1,600,000 shall be for the Adelante grant; $300,000 shall be for the Immigration Services project in Iowa; $2,000,000 shall be for the Microdevice Fabrication Facility; $4,000,000 shall be for the Marine Mammal Commission; $600,000 shall be for the Carvers Bay Library; $1,000,000 shall be for technical upgrades for the Northwest Center for Engineering, Science, and Technology; $200,000 shall be for the Southern New Mexico High Technology Consortium; $1,000,000 shall be for the American Museum of Natural History; and $200,000 shall be for the Program for International Education and Training.

SEC. 616. Section 1605 of title 28, United States Code is amended by adding a new subsection (h) as follows:

"(h) CAUSE OF ACTION FOR IRANIAN HOSTAGES.—Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage in Iran after November 1, 1979, and their spouses and children at the time, shall have a claim for money damages against the government of Iran. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in 28 U.S.C. 1605 (a)(7)(A).

SEC. 617. Any amounts previously appropriated for the Port of Anchorage for an intermodal marine facility and access thereto shall be transferred to and administered by the Administrator for the Maritime Administration including non-federal contributions. Such amounts shall be subject only to conditions and requirements required by the Maritime Administration.

SEC. 618. USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS. The matter under the heading "BUSINESS LOANS PROGRAM ACCOUNT" in chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117) is amended by striking "For emergency expenses" and inserting the following: "For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses".

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $36,230,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $50,874,000 are rescinded.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $120,000,000 are rescinded.

This division may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003".

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than seven percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the President and to the Committees on Appropriations of the Senate and the House of Representatives, detailing any expenditure of these funds for public safety purposes: Provided further, That the Office of Management and Budget shall, in consultation with the United States Park Police, the National Park Service, the Secret Service, the Federal Bureau of Investigation, the United States Protective Service, the Department of State, and the General Services Administration, review the National Capital Planning Commission study on "Designing for Security in the Nation's Capital" and report to the Committees on Appropriations of the Senate and House of Representatives on the steps these agencies will take to improve the appearance of security measures in the District of Columbia in accordance with the National Capital Planning Commission recommendations, no later than February 5, 2003: Provided further, That the report shall include the recommendations of each agency.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

For a Federal payment to support bioterrorism hospital preparedness in the District of Columbia, $10,000,000, of which $5,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and $5,000,000 shall be for the Washington Hospital Center for construction of containment facilities.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $15,000,000, for education, security, economic development, and health initiatives in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $166,193,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,551,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $81,265,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $39,676,000, of which not to exceed $1,500 is for official reception and representation expenses; and $35,201,000 for capital improvements for District of Columbia courthouse facilities: Provided, That these funds are expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That $1,500,000, of the funds made available under this heading, shall be deposited into a dedicated account in the U.S. Treasury and shall remain available until expended, for a program to be administered by the District of Columbia Superior Court to provide guardians ad litem to abused and neglected children: Provided further, That such program shall develop the capacity to improve the quality, training and recruitment of guardians ad litem to abused and neglected children: Provided further, That such funds, including any interest accrued thereon, shall be used to contract with a non-profit organization to act as guardians ad litem, provide training, technical assistance, and other such services including infrastructure development as are necessary to improve the quality of guardian ad litem representation to abused and neglected children in the District of Columbia Family Court: Provided further, That the non-profit organization shall have expertise in the following areas: representing children, child welfare, adoption, guardianship, special education and domestic violence: Provided further, That the District of Columbia Superior Court shall establish a dedicated account in the U.S. Treasury for the Guardian ad Litem Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any necessary funds provided under the heading "Defender Services in the District of Columbia Courts", any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That funds made available for capital improvements may remain available until September 30, 2004: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That notwithstanding Section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Courts under the District of Columbia Appropriations Act, 1998, by the Courts during fiscal year 1998 shall not constitute a violation of such Act or such subchapter.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, or pursuant to a contract with a non-profit organization to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $34,000,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $35,201,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $35,201,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with *the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.*

ADMINISTRATIVE PROVISIONS

SEC. 1. PAYMENTS FOR REPRESENTATION OF INDIGENTS. (a) SERVICES OF COUNSEL.—Section 11–2604, District of Columbia Code, is amended in subsection (a), by striking "$65" and inserting "$75".

(b) EFFECTIVE DATE.—The amendment made by this provision shall apply with respect to cases and proceedings initiated on or after October 1, 2002.

(c) The hourly rate paid to attorneys representing indigent defendants in the District of Columbia, subject to Section 11–2604 and Section 16–2326.01(b) of the District of Columbia Code shall be $90 per hour, effective October 1, 2003.

SEC. 2. INCLUSION OF COURT EMPLOYEES IN LONG TERM CARE PROGRAM. (a) Section 9001(1) of Title 5, United States Code, is amended by adding before the period "(other than an employee of the District of Columbia Courts)".

(b) Section 11–1726, District of Columbia Code, is amended as follows:

(1) in subsection (b)(1), by adding at the end: "(F) Chapter 90 (relating to long-term care insurance).".

(2) in subsection (c)(1), by adding at the end: "(D) Chapter 90 (relating to long-term care insurance).".

SEC. 3. CRIME VICTIMS COMPENSATION FUND. All funds from the Crime Victims Compensation Fund, established by section 16 of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11–243; D.C. Official Code, sec. 4–514) ("Compensation Act"), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established by section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.

SEC. 4. TRANSFER OF FINES. Notwithstanding any other law, the District of Columbia Courts shall transfer to the D.C. Treasury all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel, for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 5. TRANSFER TO CHILD AND FAMILY SERVICES AGENCY. Of the amount appropriated as a Federal payment to the District of Columbia Courts in the Fiscal Year 2002 District of Columbia Appropriations Act (Public Law 107–96; 115 Stat. 927) that remain available through September 30, 2003, $560,000 are hereby transferred to the District of Columbia Child and Family Services Agency for child abuse services.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $154,707,000 of which not to exceed $2,000 is for official receptions related to offender and defendant support programs; of which $95,682,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $23,070,000 shall be transferred to the Public Defender Service; and $35,955,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107–96: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, $5,000,000 for capital and equipment improvements.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc., for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, $2,000,000.

FEDERAL PAYMENT TO THE DEPARTMENT OF TRANSPORTATION

For a Federal Payment to the Department of Transportation in the District of Columbia, $1,000,000: Provided, That such funds will be used to implement Transportation Systems Management initiatives and strategies recommended in the October 2001 report by the Interagency Task Force of the National Capital Planning Commission in coordination with the National Capital Planning Commission.

FEDERAL PAYMENT FOR ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for implementation of the Anacostia Waterfront Initiative, $55,000,000, to remain available until expended, of which $50,000,000 shall be for the District of Columbia Water and Sewer Authority for the Combined Sewer Overflow Long-Term Control Plan, to be used for system design and upgrades: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2003 Federal contribution of $50,000,000 to begin implementing the multi-year Long-Term Control Plan: Provided further, That $5,000,000 of the funds made available under this heading, shall be for environmental and infrastructure costs related to development of parks and recreation facilities on the Anacostia River.

FEDERAL PAYMENT FOR CAPITAL INFRASTRUCTURE DEVELOPMENT

For a Federal payment to the District of Columbia for improvement of city-wide capital infrastructure, $13,100,000, of which $10,000,000 shall be for construction of interoperable communications infrastructure in the Unified Communications Center; $100,000 shall be for capital improvements of Eastern Market; and $3,000,000 shall be to begin the design and construction of a state-of-the-art forensics laboratory.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR FAMILY LITERACY

For a Federal payment to the District of Columbia, $4,000,000, shall be for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHARTER SCHOOL FACILITIES

For a Federal Payment to the District of Columbia for development of Charter School facilities, $20,000,000, to remain available until expended, to be allocated as follows:

(1) ADMINISTRATION AND SUPPORT.—$1,000,000 for administration and contracting costs of the Office of Charter School Financing and Support to administer the Credit Enhancement Fund for Public Charter Schools, the Direct Loan Program, and other public charter school financing programs and support services as requested by the Mayor and Council of the District of Columbia.

(2) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—$5,000,000 to be deposited in, and administered through, the credit enhancement revolving fund established under section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293), as amended by the Fiscal Year 2002 District of Columbia Appropriations Act (Public Law 107–96; 115 Stat. 936) and this Act.

(3) DIRECT LOAN FUND FOR CHARTER SCHOOL IMPROVEMENT.—$10,000,000 for a Direct Loan Fund for Charter School Improvement, to be administered by the Office of Charter School Financing and Support: Provided, That loans distributed to charter schools from these funds shall not exceed $2,000,000 per charter school.

(4) PER PUPIL ALLOCATION.—$4,000,000 shall be used by the District of Columbia to supplement the per pupil facilities allocation to public charter schools in fiscal year 2003: Provided, That the per pupil facilities allocation to public charter schools shall not be less than $1,500.

ADMINISTRATIVE PROVISIONS

SEC. 6. CHARTER SCHOOL DEVELOPMENT. Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended by inserting the following new paragraphs—

"(3) OFFICE OF CHARTER SCHOOL FINANCING AND SUPPORT.—

"(A) ESTABLISHMENT.—There is established within the District of Columbia, under the authority of the Department of Banking and Financial Institutions, an Office of Public Charter School Financing and Support.

"(B) FUNCTIONS.—The office shall have the following three functions—

"(i) CREDIT ENHANCEMENT FUND.—To administer the Credit Enhancement Fund for Public Charter Schools.

"(ii) DIRECT LOAN PROGRAM.—To administer the Direct Loan Program.

"(iii) OTHER.—evelop, implement and provide oversight for other public charter school financing programs and support services as requested by the Mayor and the Council of the District of Columbia.

"(C) CONTRACT AUTHORITY.—The functions described in sections (1), (2) and (3) may be provided by the Office of Public Charter School Financing and Support or under contract with a qualified provider.

"(4) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—

"(A) ADMINISTRATION OF PROGRAM.—The Credit Enhancement Fund for Charter Schools shall be administered by the Office of Charter School Financing and Support.

"(B) DISTRIBUTION OF AMOUNTS.—Of the amounts in the credit enhancement fund established under paragraph (2)(B)—

"(i) 50 percent shall be used to make grants under subparagraph (B); and

"(ii) 50 percent shall be used to make grants under subparagraph (C).

"(5) DIRECT LOAN FUND FOR CHARTER SCHOOL IMPROVEMENT.—

"(A) ESTABLISHMENT.—There is established a Direct Loan Fund for Charter School Improvement.

"(B) ADMINISTRATION OF PROGRAM.—The Direct Loan Fund for Charter School Improvement shall be administered by the Office of Charter School Financing and Support.

"(C) USE OF FUNDS.—Funds distributed under this paragraph shall be for construction, purchase, renovation, and maintenance of charter school facilities.

"(D) AMOUNT OF LOANS.—Loans distributed under this paragraph shall not exceed $2,000,000 per charter school.

"(E) INTEREST AND TERMS.—The Office of Charter School Financing and Support shall determine what interest rates and terms apply to loans granted under this part. In determining the rates and terms of a loan granted to a charter school, the Office of Charter School Financing and Support should do its best to provide low interest options and flexible terms.

"(F) ELIGIBLE ENTITY.—To be eligible for a loan under this paragraph, an applicant shall be—

"(i) A public charter school approved pursuant to the School Reform Act by the Chartering Authority of the District of Columbia.

"(ii) Meeting or exceeding its performance goals as outlined in its originating charter.

"(G) USE OF PER PUPIL FACILITIES ALLOWANCE IN REPAYMENT OF LOANS.—In repaying a loan granted under this paragraph, a debtor may use facility maintenance funds granted to them by the District of Columbia Public Schools.".

SEC. 7. REPORT TO CONGRESS. No later than April 1, 2003, the Comptroller General shall prepare and submit to the Committees on Appropriations of the Senate and the House of Representatives, a detailed analysis of the national effort to establish adequate charter school facilities including a comparison to the efforts in the District of Columbia.

SEC. 8. SURPLUS BUILDINGS. The Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia, in consultation with the General Services Administration, shall conduct an assessment of all buildings currently held in surplus and those that might be made available within one year of the date of enactment of this Act: Provided, That such assessment include a survey of the space available, a listing of appropriate uses, a listing of potential occupants, and the renovations or construction necessary to accommodate proposed uses: Provided further, That within 180 days of enactment, the Mayor shall report to the Committees on Appropriations of the Senate and the House of Representatives the findings of such assessment along with a plan for occupying at least 50 percent of the space available at the time such report is submitted: Provided further, That assignments of space included in this plan shall be in compliance with preferences outlined in the D.C. School Reform Act.

SEC. 9. INCENTIVES TO PROMOTE THE ADOPTION OF CHILDREN. The Mayor of the District of Columbia, in administering funds provided under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–113 (113 Stat. 1501), approved November 29, 1999, as modified by Public Law 107–96 (115 Stat. 924), approved December 21, 2001, shall establish and fulfill the following performance measures within nine months of the date of enactment of this Act: (i) the Chief Financial Officer of the District of Columbia shall certify that not less than 50 percent of the funds provided for attorney fees and home studies have been expended; (ii) the Mayor shall establish an outreach program to inform adoptive families and children without parents about the scholarship fund established with these funds; (iii) the Mayor shall establish the location, necessary personnel and mission of the adoptive family resource center in the District of Columbia; (iv) the Mayor shall identify not less than 25 percent of the eligible children in the District of Columbia foster care system with special needs and obligate not less than 25 percent of the funds provided in Public Law 106–113 (113 Stat. 1501) for adoption incentives and support for children with special needs: Provided, That the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia shall provide quarterly reports beginning on the date of enactment of this Act to the Committees on Appropriations of the Senate and the House of Representatives, detailing the expenditure of funds provided for the promotion of adoption and performance in actually promoting adoption; and (v) the Mayor and Child and Family Services Agency of the District of Columbia shall increase the number of waiting children listed in the Child and Family Services Agency of the District of Columbia adoption photo-listing by 75 percent.

SEC. 10. SPECIAL EDUCATION ACCOUNTABILITY. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: Provided, That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: Provided further, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: Provided further, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 119 of this Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2003 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,433,359,000 (of which $3,783,948,000 shall be from local funds, $1,824,578,000 shall be from Federal funds, and $879,813,000 shall be from private and other funds) and $156,121,000 from intra-District funds: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2003, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $295,136,000 (including $225,234,000 from local funds, $51,554,000 from Federal funds, and $18,348,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes, and $2,500 for the Office of the Chief Financial Officer: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That of all funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980, effective March 5, 1981 (D.C. Law 3–169; D.C. Official Code § 28–4516), an amount not to exceed $500,000, of all funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Official Code § 2–308.20), an amount not to exceed $100,000, and of all funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 28–3911), an amount not to exceed $910,000, are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, *2004, in accordance with the statutes that established these funds: Provided further, That $15,000,000, from funds appropriated earlier in this Act as a Federal Payment to the Chief Financial Officer of the District of Columbia, shall be administered by the Chief Financial Officer for education, security, economic development, and health initiatives in the District of Columbia.*

Economic Development and Regulation

Economic development and regulation, $258,539,000 (including $64,553,000 from local funds, $97,796,000 from Federal funds, and $96,190,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That $725,400, of which no amount may be expended for administrative expenses, shall be available to Department of Employment Services when the Council Committee on Public Services approves a spending plan prepared and submitted, by the agency, to the Committee on Public Services for its approval.

Public Safety and Justice

Public safety and justice, $639,892,000 (including $620,039,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 from other funds): Provided, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That not less than $240,000 shall be for the Corrections Information Council, established by section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 736; D.C. Official Code, sec. 24–101(h)), to support its operations and perform its duties; not less than $169,000 shall be for the Criminal Justice Coordinating Council, established by the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code, sec. 22–4231 et seq.), to support its operations and perform its duties: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

(INCLUDING TRANSFER OF FUNDS)

Public education system, including the development of national defense education programs, $1,220,201,000 (including $980,206,000 from local funds, $208,870,000 from Federal funds, $31,525,000 from other funds), and an additional amount, not to exceed $27,000,000, which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609): to be allocated as follows:

(1) PUBLIC SCHOOLS FOR THE DISTRICT OF COLUMBIA.—$903,157,000 (including $743,715,000 from local funds, $147,800,000 from Federal funds, $11,642,000 from other funds, for the public schools of the District of Columbia), and an additional amount, not to exceed $27,000,000 in local funds, which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609): Provided, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2003 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2003, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2004: Provided further, That the District of Columbia Public Schools shall not spend less than $496,000,000 in the "Schools" responsibility centers, including 5100 (Elementary Schools), 6300 (Middle/Junior High Schools), 7100 (Senior High Schools), and 7700 (Charter and Private Schools): Provided further, That $16,800,000 shall be for negotiated teacher wage increases.

(2) THE STATE EDUCATION OFFICE.—$49,687,000 (including $22,594,000 from local funds, $26,917,000 from Federal funds, $176,000 from other funds), shall be available for the State Education Office: Provided, That of the amounts provided to the State Education Office, $500,000 from local funds shall remain available until June 30, 2004 for an audit of the student enrollment of each District of Columbia Public School and of each public charter school.

(3) THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—$132,865,000 from local funds shall be available for public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available in accordance with the School Reform Act of 1995 (Public Law 105–100, sec. 172; D.C. Official Code, sec. 38–1804.03(b)(2)): Provided further, That of the amounts made available to public charter schools, $25,000 shall be made available to the Office of the Chief Financial Officer as authorized by D.C. Official Code, sec. 38–1804.03(b)(6): Provided further, That $589,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2003, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2004.

(4) THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.—$83,990,000 (including $52,272,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 from other funds) shall be available for the University of the District of Columbia: Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2003, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2003, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2004: Provided further, That not to exceed $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) THE DISTRICT OF COLUMBIA PUBLIC LIBRARY.—$28,150,000 (including $27,003,000 from local funds, $610,000 from Federal funds and $537,000 other funds) shall be available for the Public Library: Provided, That not to exceed $2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) THE COMMISSION ON THE ARTS AND HUMANITIES.—$2,352,000 (including $1,757,000 from local funds, $475,000 from Federal funds and $120,000 from other funds) shall be available for the Commission on the Arts and Humanities.

(7) CHARTER SCHOOL FACILITIES.—$20,000,000, from funds appropriated earlier in this Act as a Federal Payment, to remain available until expended, for development of Charter School facilities in the District of Columbia.

Administrative Provision

SEC. 11. CHARTER SCHOOL FUND. The School Reform Act of 1995, approved November 19, 1997 (Public Law 105–100, sec. 172; 111 Stat. 2191; D.C. Official Code, sec. 38–1804.03(b)), is amended to read as follows:

"(b) PAYMENTS TO CHARTER SCHOOLS.—

"(1) ESTABLISHMENT OF FUND.—The fund previously established in the general fund of the District of Columbia known as the 'New Charter School Fund' shall now be known as the 'Charter School Fund'.

"(2) CONTENTS OF FUND.—The Charter School Fund shall consist of:

"(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for each fiscal year that reverted to the general fund of the District of Columbia: Provided, That the amount of funds deposited shall

not be an amount greater than is necessary to reach a balance of $10,000,000 from the fiscal year 2002 appropriation, and $5,000,000 from fiscal year 2003 and succeeding years appropriation; and

"(B) any interest earned on such amounts, to carry out the purposes described in paragraph (3) of this subsection.

"(3) Purposes of fund.—The Charter School Fund shall be used to carry out the activities to assist public charter schools in the District of Columbia in providing funding in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

"(4) Expenditures from fund.—

"(A) Expenditures from the fund for enrollment in excess of annual public charter school projections.—Funds shall be available from the Charter School Fund for any public charter school operating in that fiscal year, in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

"(B) Form of payment.—Payments under this subsection shall be made by electronic funds transfer from the Charter School Fund to a bank designated by a public charter school.

"(5) Authorization of appropriations.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out the purposes of this subsection for each fiscal year.".

Human Support Services

(including transfer of funds)

Human support services, $2,500,297,000 (including $1,069,630,000 from local funds, $1,377,680,000 from Federal funds, and $52,987,000 from other funds): Provided, That an additional amount of $23,867,000 from funds appropriated in this Act under the heading "Tobacco Settlement Trust Fund Transfer Payment", which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609), of which, not to exceed, $7,072,000 for Child and Family Services, $5,795,000 for the Department of Human Services, and $1,000,000 for the Department of Health: Provided further, That $49,867,000, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund for the purpose of ensuring there are adequate resources available to support Medicaid costs and revenue shortfalls: Provided further, That $27,959,000, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That $7,000,000, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004), and used exclusively for the purpose of the Drug Treatment Choice Program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): Provided further, That no less than $2,000,000 shall be available exclusively for the purpose of funding the pilot substance abuse program for youths 16 through 21 years of age established by section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): Provided further, That $7,309,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund to be used exclusively for the Interim Disability Assistance program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): Provided further, That no less than $500,000 shall be available exclusively for the Mobile Crisis Intervention Program for Kids: Provided further, That the paragraph under the heading "Human Support Services" in Public Law 107–96, approved December 21, 2001, is amended to add the following: ": Provided further, That $2,468,000 shall remain available until expended for Interim Disability Assistance": Provided further, That $4,000,000, from funds previously appropriated in this Act as a Federal Payment for Family Literacy, shall be used for the Family Literacy Program in the District of Columbia.

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $324,828,000 (including $309,834,000 from local funds, $4,669,000 from Federal funds, and $10,325,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Workforce Investments

For workforce investments, $54,186,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

Reserve

For replacement of funds expended, if any, during fiscal year 2002 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $70,000,000 from local funds.

Emergency and Contingency Reserve Funds

For the Emergency and Contingency Reserve Funds established under section 450A(b) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit from local funds the proceeds required to maintain balance requirements pursuant to section 159(a) of Public Law 106–522 and section 404(c) of Public Law 106–554.

Repayment of Loans and Interest

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $267,451,000 from local funds: Provided, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $1,000,000 from local funds.

Wilson Building

For expenses associated with the John A. Wilson Building, $4,194,000 from local funds.

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

Certificates of Participation

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square $7,950,000 from local funds.

Settlements and Judgments

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government $22,822,000: Provided, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

Tobacco Settlement Trust Fund Transfer Payment

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Amendment Act of 2000, effective October 20, 1999 (D.C. Law 13–38; D.C. Official Code sec. 7–1811.01 et. seq), there is transferred the amount available pursuant thereto, but not to exceed $50,867,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01) and the Tobacco Settlement Financing Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code, sec. 7–1831.03 et seq.): Provided, That no more than $27,000,000 is authorized to be transferred to the Public Education System: Provided further, That no more than $23,867,000 is authorized to be transferred to Human Support Services: Provided further, that $50,867,000 shall remain available until expended: Provided further, That such transfers are subject to local law.

Emergency Preparedness

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, from funds appropriated earlier in this Act as a Federal Payment, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the President and to the Committees on Appropriations of the Senate and the House of Representatives, detailing any expenditure of these funds for public safety purposes.

Pay-as-You-Go Capital

For Pay-As-You-Go Capital funds in lieu of capital financing, $16,750,000, to be transferred to the Capital Fund, subject to the "Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2002, approved by the Council of the District of Columbia on 1st reading, May 7, 2002 (Title 34 of Bill 14–609). Pursuant to that Act, *there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, as necessary to carry out the purposes of that Act.*

CAPITAL INFRASTRUCTURE DEVELOPMENT

For improvement of city-wide capital infrastructure in the District of Columbia, $13,100,000, from funds appropriated earlier in this Act as a Federal payment, of which $10,000,000 shall be for construction of interoperable communications infrastructure in the Unified Communications Center; $100,000 shall be for capital improvements of Eastern Market; $3,000,000 shall be to begin the design and construction of a state-of-the-art forensics laboratory.

ADMINISTRATIVE PROVISIONS

SEC. 12. CHARTER SCHOOL FUND TRANSFER. Notwithstanding any other provision of law, $5,000,000 from the New Charter School Fund (renamed by this Act, "Charter School Fund"), established pursuant to the School Reform Act of 1995 (Public Law 105–100, sec. 172; 111 Stat. 2191, 2192, 2193; D.C. Official Code, sec. 38–1804.03(b)), shall be deposited, not later than January 1, 2003, into the credit enhancement revolving fund, established pursuant to the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293, as amended by Public Law 107–96, Fiscal Year 2002 District of Columbia Appropriations Act).

SEC. 13. REPROGRAMMING DURING FISCAL YEAR THAT IS NOT A CONTROL YEAR. Section 47–363(a–1) of the District of Columbia Official Code is amended by adding new paragraphs (3), (4), and (5) to read as follows:

"(3)(A) After the adoption of the annual budget for a fiscal year that is not a control year, no reprogramming of amounts in the budget may occur unless:

"(i) The Mayor submits a request for such reprogramming to the Chief Financial Officer of the District of Columbia;

"(ii) The Chief Financial Officer transmits to the Council a statement certifying the availability of the funds for such reprogramming and containing an analysis of the effect of the proposed reprogramming on the financial plan and budget for the fiscal year; and

"(iii) The Council approves the request after receiving the statement described in sub-subparagraph (ii) of this subparagraph from the Chief Financial Officer.

"(B) If the Chief Financial Officer does not transmit to the Council the statement described in subparagraph (A)(ii) of this paragraph during the 15-day period, which begins on the date the Chief Financial Officer receives the request for reprogramming from the Mayor, the Chief Financial Officer shall be deemed to have transmitted the statement to the Council. With written notice to the Mayor and Council, the Chief Financial Officer may extend the time period to transmit the statement and analysis to the Council, not to exceed 10 additional days.

"(4) After the adoption of the annual budget for a fiscal year that is a non-control year, no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

"(5) For the purposes of this subsection, the term control year has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 152; D.C. Official Code, sec. 47–393(4)).".

SEC. 14. COLLECTIVE BARGAINING REPRESENTATION. From the funds appropriated under this act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $253,743,000 from other funds of which $18,093,000 shall be apportioned for repayment to the District's debt service fund for repayment of loans and interest incurred on capital improvement projects.

For construction projects, $342,458,000, in the following capital programs: $213,669,000 for the Blue Plains Wastewater Treatment Plant, $24,539,000 for the sewer program, $56,561,000 for the combined sewer program, of which $50,000,000 is from funds appropriated earlier in this Act as a Federal Payment for Anacostia Waterfront Initiative, $5,635,000 for the stormwater program, $34,054,000 for the water program, $8,000,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $57,847,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $232,881,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $20,510,000, of which $15,510,000 is from other funds and $5,000,000 is from funds appropriated earlier in this Act as a Federal Payment for Anacostia Waterfront Initiative.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $78,700,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $6,745,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,235,518,908 of which $253,991,128 shall be from a rescission from local funds appropriated under this heading in prior fiscal years, for a net amount of $981,527,780 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the District of Columbia Public Libraries shall allocate capital funds, from existing resources, in fiscal year 2003 for the planning and design of a new Francis Gregory Public Library.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the House and Senate Committees on Appropriations, the

House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 108. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 109. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed four percent of the local funds in the appropriation.

SEC. 110. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2003, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2003 revenue estimates as of the end of the first quarter of fiscal year 2003. These estimates shall be used in the budget request for the fiscal year ending September 30, 2004. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. (a) IN GENERAL.—(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2003 and any subsequent fiscal year if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(c) No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to this subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire

and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia).

(b) The Chief Financial Officer of the District of Columbia shall submit, by February 15, 2003, an inventory, as of September 30, 2002, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Office of the Chief Technology Officer, the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 121. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 122. (a) No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

(b)(1) In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 123. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2003 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 124. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 125. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 126. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the committees.

SEC. 127. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 128. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 129. (a) If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2003, claims received previously that remained unpaid at the end of fiscal year 2002, which would have qualified for interest payment under this section, and to claims in any subsequent fiscal year.

SEC. 130. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 131. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 132. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 133. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

SEC. 134. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

SEC. 135. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

This division may be cited as the "District of Columbia Appropriations Act, 2003".

DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

Making appropriations for energy and water development for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $148,304,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,636,602,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which $500,000 may be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois: Provided, That using $2,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army is directed to use $5,000,000 of the funds provided herein for Dam safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $11,400,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,500,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Dallas Floodway Extension, Texas, in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Seward Harbor, Alaska project, in accordance with the Report of the Chief of Engineers dated June 8, 1999 and the economic justification contained therein: Provided further, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Wrangell Harbor, Alaska project in accordance with the Chief of Engineer's report dated December 23, 1999: Provided further, That, of the funds provided herein, $3,000,000 shall be made available for the Galena Bank Stabilization Project in Galena, Alaska: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, at an estimated total cost of $100,000,000, which shall be cost-shared in accordance with section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the justification for the emergency outlet shall be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, that the project will not violate the Treaty Between the United States and Great Britain Relating to the Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $346,437,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, using $15,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. §621.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the protection, preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,956,182,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $144,252,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,298,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane response, and emergency shore protection, and related activities, $20,227,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $155,651,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an Office of Congressional Affairs within the Executive Office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 103. Section 595(h)(1) of Public Law 106–53 is amended by striking "$25,000,000" and inserting in lieu thereof "$100,000,000".

SEC. 104. The Secretary of the Army, acting through the Chief of Engineers is directed to increase the use of the private sector in performing planning, engineering and design work for Corps' projects to 40 percent of the planning, engineering and design work conducted by the Corps.

SEC. 105. ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA TECHNICAL CORRECTIONS. Section 101(b)(3) of Public Law 104–303 (the Water Resources Development Act of 1996), (110 Stat. 3667) is amended by—

(1) striking "$18,981,000" and inserting in lieu thereof "$52,300,000"; and

(2) striking "$12,239,000" and inserting in lieu thereof "$45,558,000".

SEC. 106. ABIQUIU DAM, NEW MEXICO. Section 1112 of Public Law 99–662 (the Water Resources Development Act of 1986), (100 Stat. 4232) is amended by striking "$2,700,000" and inserting in lieu thereof "$10,000,000".

SEC. 107. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102–580 [106 Stat. 4803] is modified to include as a part of the project channel crossings that are necessary for those existing and proposed highways and roads shown on the Clark County Comprehensive Plan Transportation Element, approved by the Clark County Board of County Commissioners on October 1, 1996. The performance of work required for construction of such channel crossings and the costs incurred in performing such work shall be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project. Costs incurred in performing such work may not exceed $16,000,000.

SEC. 108. The Secretary of the Army may expend funds under normal competitive procedures for necessary maintenance of the dredge McFARLAND. The Secretary shall not obligate any funds to place the dredge in ready reserve status.

SEC. 109. ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA. The project for replacement of the bridge at Great Bridge, Chesapeake, Virginia, authorized by Section 339(h) of Public Law 104–59 is modified to authorize the Secretary to construct the project at an estimated cost of $46,000,000.

SEC. 110. None of the funds appropriated herein or hereafter in this Act, or any other Act, shall be used to study or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the U.S. Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 111. The project for flood control for the American and Sacramento Rivers, California, authorized by Section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104–303) and Section 366 of the Water Resources Development Act of 1999, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $205,000,000, with an estimated Federal share of $153,840,000 and an estimated non-Federal share of $51,160,000. For purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project authorized by 101(a)(1) of the Water Resources Development Act of 1996.

SEC. 112. The project for flood control for Terminus Dam, Kaweah River, California, authorized by Section 101(b)(5) of the Water Resources Development Act of 1996, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $50,000,000, with an estimated Federal share of $28,600,000 and an estimated non-Federal share of $21,400,000.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,902,000, to remain available until expended, of which $11,259,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,326,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $816,147,000, to remain available until expended, of which $36,400,000 shall be available for transfer to the Upper Colorado River Basin Fund and $34,327,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $4,600,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; (of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250;) and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2002, and 2003" in lieu of "and 2002".

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $48,904,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out authorized activities that are in accord with the CALFED Bay-Delta Program, including activities that would improve fish and wildlife habitat, water supply reliability, and water quality, consistent with plans to be approved by the Secretary of the Interior, $0, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $54,870,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The natural desert terminal lakes program administered by the Bureau of Reclamation shall apply only to Walker and Pyramid Lakes in the State of Nevada.

SEC. 204. The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation's projects to 10 percent in fiscal year 2003, and in each subsequent year until the level of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation.

SEC. 205. NORTH CENTRAL MONTANA RURAL WATER SUPPLY. Using previously appropriated funds, the Bureau is directed to undertake activities related to the development of the North Central Montana Rural Water Supply system. Such sums shall remain available, without fiscal year limitation, until expended.

SEC. 206. Section 8 of Public Law 104–298 (the Water Desalination Act of 1996), (110 Stat. 3624) is amended further by—

(1) in paragraph (a) by striking "2002" and inserting in lieu thereof "2004"; and

(2) in paragraph (b) by striking "2002" and inserting in lieu thereof "2004".

SEC. 207. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 208. HERRING CREEK-TALL TIMBERS, MARYLAND. (a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, may provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

SEC. 209. (a) NORTH LAS VEGAS WATER REUSE PROJECT.—

(1) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the "Project") to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the city North Las Vegas and county of Clark, Nevada.

(2) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(3) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(4) FUNDING.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

(b) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $815,306,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $176,000,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $471,154,000, of which $334,523,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,329,456,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $56,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $235,000,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $137,524,000 in fiscal year 2003 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $97,476,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $37,671,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed one for replacement only), $6,108,959,000, to remain available until expended: Provided, That $16,000,000 is authorized to be appropriated for Project 03–D–103, LANL administration building, Los Alamos National Laboratory, Los Alamos, New Mexico: Provided further, That $123,000,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,115,630,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $706,790,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $335,929,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 24 passenger motor vehicles for replacement only, $5,370,532,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,125,314,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $158,399,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $537,664,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $280,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2003, no new direct loan obligations may be made.

For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: Provided, That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,534,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $14,463,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $27,378,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $16,455,000 in reimbursements, to remain available until expended: Provided, That up to $1,912,000 collected by the Southwestern Power

Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $168,858,000, to remain available until expended, of which $156,124,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,100,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $186,124,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, of the amounts appropriated, not less than $400,000 to be spent as described in House Report 107–258 under this heading shall be nonreimbursable: Provided further, That, of the amount appropriated for corridor review and environmental review required for the construction of a 230 kv transmission line between Belfield and Hettinger, not less than $200,000 shall be provided for corridor review and environmental review for the construction of a high voltage line in Western North Dakota that would facilitate the upgrade of the Miles City DC tie.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,734,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $192,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2003 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $22,965,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 307. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 309. Funds appropriated in Public Law 107–066 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

SEC. 310. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393. (a) Upon the request of the licensee for FERC Project No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

(b) Upon the request of the licensee for FERC Project No. 11393, but not later than 6 years after the date that the Federal Energy Regulatory Commission receives written notice that construction of the Swan-Tyee transmission line is completed, the Federal Energy Regulatory Commission shall issue an order lifting the stay and make the effective date of the license the date on which the stay is lifted.

(c) Upon request of the licensee for FERC Project No. 11393 and notwithstanding the time period specified in section 13 of the Federal Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which licensee is required to commence the construction of the project for not more than one 2-year time period.

SEC. 311. (a) None of the funds made available under the accounts "non-defense environmental management", "uranium facilities maintenance and remediation", "defense environmental restoration and waste management", or "defense facilities closure projects" may be obligated at a Department of Energy site or laboratory, or in association with a site or laboratory, if the effect of such would result in the Department of Energy exceeding for that site or laboratory the comparable current-year level of funding, or the amount of the fiscal year 2003 budget request, whichever is greater.

(b) The limitation of subsection (a) will not apply to a site or laboratory after such time that the Department has entered into a final revised clean-up agreement and a final performance management plan for that site or laboratory consistent with the intent of the Department's environmental management acceleration and reform initiative.

SEC. 312. GAO STUDY ON SUBTITLE D OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT. (a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study on the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) in assisting the Department of Energy (in this section referred to as the "DOE") contractor employees in obtaining compensation for occupational illness.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representative Energy and Commerce Committee on the results of the study conducted under subsection (a).

SEC. 313. GAO STUDY OF CLEANUP AT THE PADUCAH GASEOUS DIFFUSION PLANT IN PADUCAH, KENTUCKY. (a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky.

(b) REPORT TO CONGRESS.—Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representatives Energy and Commerce Committee on the results of the study conducted under subsection (a).

SEC. 314. None of the funds appropriated by this or any other Act may be used to defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande Fire Activities in Public Law 106–246 and Public Law 106–377.

SEC. 315. Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days.

SEC. 316. The Secretary of the Interior, and the heads of other participating Federal agencies, may participate in the CALFED Bay-Delta Authority established by the California Bay-Delta Act (2002 Cal. Stat. Chap. 812), to the extent not inconsistent with other law. The Secretary of the Interior, in carrying out CALFED activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Enlargement, In-Delta Storage, and Upper San Joaquin Storage projects. These storage studies should be pursued along with on-going environmental and other projects in a balanced manner.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $74,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $19,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding section 382N of said Act, $15,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $50,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $578,184,000, to remain available until expended: Provided, That of the amount appropriated herein, $24,900,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $520,087,000 in fiscal year 2003 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $58,097,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,800,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,392,000 in fiscal year 2003 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $408,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. Section 309 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by striking "2003" and inserting in lieu thereof "thereafter".

This division may be cited as the "Energy and Water Development Appropriations Act, 2003".

DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through September 30, 2003.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $541,400,000, to remain available until September 30, 2006: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2021 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2003, 2004, 2005, and 2006: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $68,300,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction *participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further,.That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2003.*

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $39,885,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2003 and 2004: Provided further, That such sums shall remain available through fiscal year 2011 for the disbursement of direct and guaranteed loans obligated in fiscal year 2003, and through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,696,000, to remain available until September 30, 2004.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2003, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,790,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $350,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $541,500,000 for HIV/AIDS including not less than $18,000,000 which shall be made available to support the development of microbicides as a means for combating HIV/AIDS; $185,000,000 for other infectious diseases, of which not less than $65,000,000 should be made available for the prevention, treatment, and control of, and research on, tuberculosis, and of which not less than $75,000,000 should be made available to combat malaria; $385,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species; and $120,000,000 for UNICEF: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, $200,000,000 shall be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, up to $60,000,000 should be made available for a United States contribution to The Vaccine Fund, up to $12,000,000 should be made available for the International AIDS Vaccine Initiative, and $100,000,000 should be made available for the International Mother and Child HIV Prevention Initiative: Provided further, That notwithstanding any other provision of this Act, funds appropriated under this heading that are available for child survival and health programs shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any comparable provision of law, may not be used to transfer or allocate any part of such funds to the Department of Health and Human Services including any office of that agency, except that the authority of those sections may be used to transfer or allocate up to $25,000,000 of such funds to the Centers for Disease Control and Prevention: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That restrictions with respect to assistance for HIV/AIDS, family planning, or child survival and health activities shall not be construed to restrict assistance in support of programs to expand the availability and use of condoms for HIV/AIDS prevention and of contraceptives from funds appropriated by this Act: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That the funds under this heading that are available for the treatment and prevention of HIV/AIDS should also include programs and activities that are designed to maintain and preserve the families of those persons afflicted with HIV/AIDS and to reduce the numbers of orphans created by HIV/AIDS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

ADDITIONAL AMOUNT FOR GLOBAL HIV/AIDS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, $180,000,000, to remain available until September 30, 2004: Provided, That of such amount, not less than $100,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (in addition to amounts made available for contribution to such Fund under any other provision of this Act): Provided, further, That, of the additional amount appropriated under this heading, up to $25,000,000 (not to be derived from the amount made available for contribution under the preceding proviso) may be transferred to (and upon transfer shall be merged with) amounts appropriated for the Department of Health and Human Services for the Centers for Disease Control and Prevention for disease control, research, and training under title II of division G of this Act, which shall be made available for child survival, maternal health, and other disease programs and development activities to prevent, treat, care for, and address the impact and consequences of HIV/AIDS: Provided, further, That not more than seven percent of the total amount appropriated under this heading may be made available for administrative costs of departments and agencies of the United States that carry out programs for which funds are appropriated under this heading, but funds made available for such costs may not to be derived from amounts made available for contribution and transfer under the preceding provisos.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,365,500,000, to remain available until September 30, 2004: Provided, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Alliance Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: Provided further, That $200,000,000 should be allocated for children's basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $35,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $1,000,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated by this Act, $450,000,000 should be made available for water-related assistance programs, of which $100,000,000 shall be made available for drinking water supply projects: Provided further, That funds made available under this heading should be made available for programs to provide alternative livelihoods for Vietnamese coffee growers.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $230,000,000, to remain available until expended.

In addition, for assistance for Afghanistan, $60,000,000 to remain available until expended: Provided, That these funds shall be used for humanitarian and reconstruction assistance for the Afghan people including health and education programs, housing, to improve the status of women, infrastructure, to further political reforms, and assistance for victims of war and displaced persons.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such funds when added to the funds transferred pursuant to the authority contained under this heading in Public Law 107–115, shall not exceed $24,500,000, which shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That of the funds made available pursuant to the previous proviso, not less than $4,000,000 shall be made available for urban programs: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,591,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $45,200,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $571,087,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, $65,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than $13,000,000 shall be available for the procurement and enhancement of information technology and related capital investments: Provided further, That of the funds appropriated under this heading, up to $10,000,000 shall be made available for costs related to the construction of temporary, secure facilities for United States Agency for International Development personnel in Afghanistan: Provided further, That the funds appropriated under this heading are in addition to funds otherwise available for such purposes.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $33,046,000, to remain available until September 30, 2004, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,260,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading, not less than $600,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than $615,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading and in addition to *funds previously allocated, not less than $5,000,000 should be made available for programs and activities which bring together Arabs and Israelis to promote understanding and shared solutions to common problems, including through the "Arava Institute for Environmental Studies", "Seeds of Peace", and "Jerusalem International YMCA": Provided further, That of the funds appropriated under this heading, $250,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $75,000,000 shall be made available for humanitarian, refugee, reconstruction, and development activities, including activities to promote democratic and economic reform, for the West Bank and Gaza: Provided further, That not less than $1,000,000 of the funds provided in the previous proviso may be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: Provided further, That not to exceed $200,000,000 of the funds appropriated under this heading in this Act may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That not to exceed $15,000,000 of the funds appropriated under this heading in Public Law 107–206, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, FY 2002, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Jordan: Provided further, That $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided further, That none of the funds appropriated under this heading may be made available for assistance for the Central Government of Lebanon: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: Provided further, That not less than $150,000,000 of the funds appropriated under this Act shall be made available for assistance for Indonesia, of which not less than $10,000,000 shall be made available for programs and activities in Aceh, and not less than $5,000,000 for reconstruction and recovery efforts in Bali: Provided further, That none of the funds made available for Aceh in this Act may be used to construct roads or other infrastructure that threatens the habitat of orangutans or other endangered species: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for countries to implement and enforce the Kimberly Process Certification Scheme: Provided further, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs and activities administered by the National Endowment for Democracy that promote human rights in North Korea: Provided further, That $3,000,000 shall be made available for the international youth exchange program for secondary students from countries with significant Muslim populations: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available during fiscal year 2003 for a contribution to the Special Court for Sierra Leone: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.*

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $530,000,000, to remain available until September 30, 2004, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2003 for assistance for Kosovo as of March 31, 2003: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading for assistance for Kosovo, $2,000,000 shall be made available for assistance to support training programs for Kosovar women: Provided further, That of the funds made available under this heading for assistance for Bulgaria, $5,000,000 shall be made available for full scope simulators to enhance safety at nuclear power plants: Provided further, That of the funds made available under this heading, $750,000 shall be made available for regional programs and activities to promote reconciliation among ethnic groups within the former Yugoslavia.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 528 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 528 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $765,000,000, to remain available until September 30, 2004: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading $17,500,000 shall be made available solely for assistance for the Russian Far East: Provided further, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to

the provisions of section 807 of the FREEDOM Support Act (Public Law 102–511) shall be subject to the ceiling on administrative expenses contained in section 807(a)(5) of the FREEDOM Support Act.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $30,000,000 shall be made available for nuclear reactor safety initiatives and not less than $3,000,000 shall be made available for coal mine safety programs, including mine ventilation and fire prevention and control.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia.

(d) Of the funds appropriated under this heading, $87,000,000 should be made available for assistance for Georgia.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing unimpeded access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $16,385,000, to remain available until September 30, 2004.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $17,689,000, to remain available until September 30, 2004: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $285,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2004.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $196,713,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2003, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, $20,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than $24,300,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $650,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional $35,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That of the amount appropriated under this heading, not less than $225,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That of the funds appropriated under this heading and under the heading "Foreign Military Financing Program", not less than $5,000,000 shall be made available to train and equip a Colombian Armed Forces unit dedicated to apprehending the leaders of paramilitary organizations: Provided further, That of the funds made available for assistance for Colombia under this heading, up to $3,000,000 shall be made available for commercially developed, web monitoring software, and training on the usage thereof, for the Colombian National Police: Provided further, That of the funds made available for assistance for Colombia under this heading, not less than $2,000,000 shall be made available for vehicles, equipment, and other assistance for the human rights unit of the Procurador General: Provided further, That funds appropriated by this Act that are used for the procurement of chemicals, equipment or services for aerial coca and poppy fumigation programs may be made available for such programs only if the Secretary of State and the Administrator of the Environmental Protection Agency (EPA) certify to the Committees on Appropriations that (1) an environmental impact statement (EIS) has been completed in a manner consistent with that required for comparable use of the herbicide mixture in the United States; (2) the herbicide mixture is being used in accordance with the EIS, EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with Colombian laws including the Environmental Management Plan for aerial fumigation; (3) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment; and (4) there is effective monitoring of compliance with the requirements of this proviso; and the Secretary of State certifies that effective procedures are being utilized to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca and poppy fumigation, and to provide fair compensation for meritorious claims; and such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development and the Government of Colombia, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 3204(b) through (h) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2003: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for the Colombian National Park Service for training, equipment, and other assistance to protect Colombia's national parks and reserves: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not more than $14,800,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $787,000,000, which shall remain available until expended: Provided, That not more than $16,565,000 may be available for administrative expenses: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds made available under this heading should be made available to inernational organizations for assistance for refugees from North Korea: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $32,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $306,400,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency: Provided, That of this amount, $17,300,000 shall be made available for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $57,000,000 should be made available for demining and related activities, of which not to exceed $675,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That the Secretary of State is authorized to support public-private partnerships for mine action by grant, cooperative agreement, or otherwise: Provided further, That of the funds appropriated under this heading, $54,400,000 should be made available for a voluntary contribution to the International Atomic Energy Agency: Provided further, That of the funds appropriated under this heading, $4,000,000 should be made available to support the Small Arms Destruction Initiative.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $10,500,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $80,000,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That none of the funds appropriated under this heading may be made available for travel or other purposes that do not directly expose the individual participants to government officials or institutions or to other individuals or organizations engaged in activities involving public policy: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training and funds made available for Algeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of Defense, in consultation with the Secretary of State, shall keep a record of each foreign military and civilian participant in activities provided under this heading, consistent with current Security Assistance Management Manual practices, updated annually for at least six years after the individual completes participation in such activities, and such records shall be included in the database required by section 548 of the Foreign Assistance Act of 1961.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,072,000,000: Provided, That of the funds appropriated under this heading, not less than $2,100,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $550,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $198,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $3,000,000 shall be made available for assistance for Armenia: Provided further, That except as provided in the following proviso, none of the funds appropriated by this paragraph shall be made available for helicopters and related support costs for Colombia: Provided further, That up to $88,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for helicopters, training and other assistance for the Colombian Armed Forces for security for the Cano Limon pipeline: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $38,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of *administering military assistance and sales: Provided further, That not more than $356,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2003 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2003 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act .*

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $120,250,000: Provided, That of the funds appropriated under this heading, not less than $7,000,000 should be made available for assistance for Afghanistan: Provided further, That of the funds appropriated under this heading, not less than $50,000,000 should be available for assistance for Africa Regional Peacekeeping Operations and the Africa Crisis Response Initiative: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $177,812,533, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $837,338,333, to remain available until expended: Provided, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,631,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $14,825,178.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $18,351,667, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $29,590,667, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $100,386,133, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,104,473, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,602,688.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $108,073,333, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,804,955 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,328,178.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,003,667, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $215,000,000: Provided, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization or the International Atomic Energy Agency: Provided further, That of the funds appropriated under this heading, not less than $35,000,000 shall be made available for the United Nations Population Fund: Provided further, That funds appropriated under this heading in this Act and in Public Law 107–115 that were available for the United Nations Population Fund (UNFPA) shall be made available for UNFPA if the President determines that UNFPA no longer supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available for the UNFPA may be used in the People's Republic of China: Provided further, That the conditions on availability of funds for the UNFPA as contained in section 576(c) of Public Law 107–115 shall apply to any assistance provided for the UNFPA in this Act: Provided further, That of the funds appropriated under this heading, $12,025,000 shall be made available for the United Nations Environment Program: Provided further, That of the funds appropriated under this heading, a total of $12,825,000 should be made available for International Conservation Programs and the International Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided further, That of the funds appropriated under this heading, not less than the following amounts should be made available for the following programs: $6,500,000 for Organization of American States Democracy Assistance Programs, $3,500,000 for the Organization of American States Fund for Strengthening Democracy, $6,000,000 for the World Food Program, $2,000,000 for International Contributions for Scientific, Educational, and Cultural Activities, and $1,000,000 for the United Nations Center for Human Settlements: Provided further, That of the funds appropriated under this heading not less than $500,000 should be made available for a United States contribution to the International Coffee Organization (ICO) if the United States becomes a member of the ICO prior to June 1, 2003.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: Provided further, That assistance or other financing under this Act may be provided for Iraq notwithstanding the provisions of this section or any other law, including comparable provisions contained in prior foreign operations, export financing, and related programs appropriations Acts, if the President determines that the provision of assistance or other financing for Iraq is important to the national security interests of the United States: Provided further, That such assistance or financing shall be subject to the regular notification procedures of the Committees on Appropriations.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this section may not be used in fiscal year 2003.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to an assistance program for which funds are appropriated under this Act unless the Secretary of State determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not *apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.*

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2004.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 518. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2003, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 519. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Serbia, Sudan, Zimbabwe, Nigeria, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 520. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 521. Up to $15,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or health programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That of the funds appropriated under title II of this Act, not less than $435,000,000 shall be made available for family planning/reproductive health.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 522. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 523. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 524. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $25,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet, of which not less than $15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for such *activities in the People's Republic of China: Provided, That not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibetan autonomous areas, including the area designated as the "Tibetan Autonomous Region": Provided further, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation and shall be obligated and disbursed within 90 days of enactment of this Act: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.*

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than $20,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That of this amount, not less than $10,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than $3,000,000 shall be made available for programs and activities that provide professional training for journalists: Provided further, That notwithstanding any other provision of law, funds made available pursuant to the authority of this subsection may be made available to support the advancement of democracy and human rights in Iran: Provided further, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Funds made available under this section that are made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, are in addition to the $12,000,000 requested by the President for the Fund for fiscal year 2003.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 525. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to the government of any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to the government of a country if the President determines that national security or humanitarian reasons justify such waiver. At least 15 days before the waiver takes effect, the President shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 526. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

DEBT-FOR-DEVELOPMENT

SEC. 527. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 528. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 529. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United

States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 530. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 531. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 532. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 533. (a) AFGHANISTAN, VICTIMS OF WAR, DISPLACED CHILDREN, VICTIMS OF HUMAN TRAFFICKING AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act and any similar provision of law, and funds appropriated in titles I and II of this Act that are made available for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; and the Bureau for Asia and the Near East: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2003, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) REPEAL.—Section 545(d) of Public Law 106–429, and comparable provisions contained in prior Acts making appropriations for foreign operations, export financing, and related programs, are hereby repealed.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 534. It is the sense of the Senate that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and,

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 535. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations *under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.*

(b) PUBLIC LAW 480.—During fiscal year 2003, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 542. (a) IN GENERAL.—Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2002 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 543. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 544. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 545. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 546. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 547. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PALESTINIAN STATEHOOD

SEC. 548. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity, that has not supported acts of terrorism, has been democratically elected through free and fair elections;

(2) the newly elected Palestinian governing entity—

(A) has demonstrated a firm commitment to peaceful coexistence with the State of Israel;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) has established a Palestinian security entity that is fully cooperating with appropriate Israeli security organizations; and,

(D) has taken appropriate measures to enact a constitution assuring the rule of law and other reforms assuring transparent and accountable governance.

(b) WAIVER.—The President may waive the requirements of subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(c) EXEMPTION.—The restriction of subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of sections 543 and 551 of this Act.

TIBET

SEC. 549. The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

HAITI COAST GUARD

SEC. 550. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 551. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 552. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

PROTECTION OF TROPICAL FORESTS AND BIODIVERSITY

SEC. 553. Of the funds appropriated under the heading "Development Assistance", not less than $150,000,000 shall be made available for programs and activities which directly protect tropical forests and biodiversity, including activities to deter illegal logging: Provided, That of the funds made available pursuant to this section, not less than $15,000,000 shall be made available for the Central African Regional Program for the Environment.

ENERGY CONSERVATION, ENERGY EFFICIENCY AND CLEAN ENERGY PROGRAMS

SEC. 554. (a) FUNDING.—Of the funds appropriated by this Act, not less than $185,000,000 shall be made available to support policies and programs in developing countries, countries in transition and other partner countries that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs: Provided, That of the funds made available under this heading, not less than $13,000,000 should be made available for the United States Agency for International Development's Office of Energy and Information Technology.

(b) GREENHOUSE GAS EMISSIONS REPORT.—Not later than 45 days after the date on which the President's fiscal year 2004 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2003, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2002 obligations and estimated expenditures, fiscal year 2003 estimated expenditures and estimated obligations, and fiscal year 2004 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (1) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (2) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (3) to promote carbon capture and sequestration measures; (4) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (5) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

AFGHANISTAN

SEC. 555. Of the funds appropriated by this Act under the headings "Child Survival and Health Programs Fund", "Development Assistance", "International Disaster Assistance", "Transition Initiatives", "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", "International Military Education and Training", and "Foreign Military Financing Program", not less than $213,000,000 should be made available for humanitarian, reconstruction, and other assistance for Afghanistan, including repairing homes of Afghan citizens that were damaged or destroyed as a result of military operations: Provided, That of the funds made available pursuant to this section that are appropriated under the heading "Economic Support Fund", not less than $8,000,000 shall be made available for programs to support women's development in Afghanistan, including girls' and women's education, health, legal and social rights, economic opportunities, and political participation: Provided further, That of the funds provided in the previous proviso, $5,000,000 shall be made available to support activities directed by the Afghan Ministry of Women's Affairs including the establishment of women's resource centers in Afghanistan, and not less than $1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: Provided further, That 1 year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede women's development in Afghanistan.

ZIMBABWE

SEC. 556. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

NIGERIA

SEC. 557. Funds appropriated under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for Nigeria only for expanded international military education and training and non-lethal defense articles, until the President certifies to the appropriate congressional committees that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice.

BURMA

SEC. 558. Of the funds appropriated under the heading "Economic Support Fund", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", $5,000,000 shall be made available, notwithstanding subsection (b), for assistance for democratic opposition political parties in Cambodia.

(d) Of the funds appropriated by this Act, $3,750,000 shall be made available, notwithstanding subsection (b), as a contribution for an endowment to sustain rehabilitation programs for Cambodians suffering from physical disabilities that are administered by an American nongovernmental organization that is directly supported by the United States Agency for International Development: Provided, That funds made available for such assistance shall be in addition to the level of assistance proposed by the President for Cambodia for fiscal year 2003: Provided further, That such funds may be made available only if an amount at least equal to one-half the United States contribution is provided for the endowment from sources other than the United States Government.

FOREIGN MILITARY TRAINING REPORT

Sec. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2003, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2002 and 2003, including those proposed for fiscal year 2003. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

Sec. 562. None of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance to the Korean Peninsula Energy Organization (KEDO): Provided, That the President may waive this restriction and provide up to $3,500,000 of funds appropriated under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for assistance to KEDO for administrative expenses only notwithstanding any other provision of law, if he determines that it is vital to the national security interests of the United States and provides a written policy justification to the appropriate congressional committees: Provided further, That funds may be obligated for assistance to KEDO subject to the regular notification procedures of the Committees on Appropriations.

COLOMBIA

Sec. 563. (a) Determination and Certification Required.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available for assistance to support the Colombian Government's unified campaign against narcotics trafficking and against paramilitary and guerrilla organizations designated as terrorist organizations in that country, as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is prosecuting and punishing those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(C) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations.

(D) The Colombian Armed Forces are apprehending the leaders of paramilitary organizations.

(3) The balance of such funds may be obligated after July 1, 2003, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) Consultative Process.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) Definitions.—In this section:

(1) Aided or abetted.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) Paramilitary groups.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

Sec. 564. (a) Denial of Visas to Supporters of Colombian Illegal Armed Groups.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) Waiver.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

Sec. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

Sec. 566. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for programs benefitting the Iraqi people and to support efforts to bring about a transition to democracy in Iraq: Provided, That not more than 15 percent of the funds, except for costs related to broadcasting activities, may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: Provided further, That none of the funds made available pursuant to the authorities provided in this section may be made available to any organization to reimburse or pay for costs incurred by such organization in prior fiscal years: Provided further, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

Sec. 567. For fiscal year 2003, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

INDONESIA

Sec. 568. (a) Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles to Indonesia, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting and punishing those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing access to witnesses, relevant military documents, and other requested information); and

(3) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces, including audits of receipts from private enterprises and foundations.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

Sec. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly *facilitated the safe passage of weapons or other equipment, or has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous six months to the Sierra Leone Revolutionary United Front, Liberian Security Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.*

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous six months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) Whenever the prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking "December 31, 2002" and inserting in lieu thereof "December 31, 2003".

CENTRAL ASIA

SEC. 571. (a) Funds appropriated by this Act may be made available for assistance for the Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America".

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding six month period.

(c) Not later than three months after the date of the enactment of this Act, and seven months thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the six-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 572. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) Not later than 45 days after enactment of this Act, the President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information, consistent with existing standards and procedures on classification, and shall provide a copy of such order to the Committees on Appropriations.

(c) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

(d) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including unimpeded access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 575. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 576. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2003, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2003, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating, on a continuing basis, with the International Criminal Tribunal for the former Yugoslavia including unimpeded access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including ending Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance, assistance to promote democracy in municipalities, or assistance to promote reconciliation

among ethnic groups within the former Yugoslavia.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 577. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica, Indonesia, and El Salvador through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—

(1) The Administrator of the United States Agency for International Development shall submit, at the time of submission of the agency's Congressional Budget Justification Document for fiscal year 2004, and annually thereafter, a report to the Committees on Appropriations describing the progress these programs are making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(2) The requirements of paragraph (1) are in lieu of the requirements contains in section 587(b) of Public Law 107–115.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 578. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2003 and 2004, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan: Provided, That section 105 of Public Law 104–164 is amended by striking "2002 and 2003" and inserting "2003 and 2004".

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 579. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds, or taking other measures that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 580. (a) Subject to subsection (b), of the funds appropriated under the heading "International Narcotics Control and Law Enforcement", $3,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the President certifies that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 581. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

TROPICAL FOREST CONSERVATION

SEC. 582. Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", $50,000,000 is available to carry out tropical forest conservation activities authorized by the Foreign Assistance Act of 1961, of which amount up to $40,000,000 may be available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, pursuant to the provisions of part V of such Act, the Tropical Forest Conservation Act of 1998.

REGIONAL DEMOCRACY PROGRAMS FOR EAST ASIA AND THE PACIFIC

SEC. 583. Funds appropriated by this Act under the heading "Economic Support Fund" that are available for "Regional Democracy" assistance for East Asia and the Pacific shall be made available only through the National Endowment for Democracy.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 584. (a) FINDINGS.—The Congress finds that—

(1) There is a lack of transparency in the revenues and expenditures of the national budgets of many developing countries that receive United States assistance.

(2) In such countries, official revenues—particularly from natural resource extraction—are often unreported, under-reported, or inaccurately recorded by foreign government agencies.

(3) Such inefficiencies—which in some instances mask outright theft—result in the failure of such governments to adequately provide their citizens with social, political, economic, and legal benefits and opportunities, and undermine the effectiveness of assistance provided to such countries by the United States and other international donors.

(4) Good governance and respect for the rule of law are critical to a nation's development.

(b) REPORT.—Not more than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, describing in detail—

(1) Those countries whose central governments receive foreign assistance from the United States;

(2) Relevant laws and regulations in such countries governing the public disclosure of revenues and expenditures in national budgets;

(3) The adequacy of those laws and regulations, and the extent to which they are implemented and enforced;

(4) Those countries receiving such assistance where no such laws or regulations exist, and the extent to which such revenues and expenditures are publicly disclosed; and

(5) Programs and activities sponsored by the United States Government to promote accurate disclosure of revenues and expenditures in the national budgets of such countries, and the results of those programs and activities.

SEC. 585. EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES. Section 503 of the Energy and Water Resources Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking "2002 and 2003" and inserting "2002 through 2005".

SEC. 586. SENSE OF THE SENATE WITH RESPECT TO NORTH KOREA. It is the sense of the Senate that—

(1) North Korea has violated the basic terms of the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994 (and the Confidential Minute to that agreement), and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by "nuclearizing" the Korean peninsula;

(2) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the International Atomic Energy Agency personnel monitoring the freeze;

(3) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483);

(4) the Agreed Framework is, as a result of North Korea's own actions over several years and recent declaration, null and void;

(5) North Korea's pursuit and development of nuclear weapons is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(6) North Korea must immediately come into compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other commitments to the international community;

(7) any diplomatic solution to the North Korean crisis must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability, including effective and comprehensive verification requirements, on-site monitoring, and free access for the investigation of all sites of concern;

(8) the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures to ensure the highest possible level of deterrence and military

readiness against the multiple threats that North Korea poses;

(9) since 1995, the United States has been the single largest food donor to North Korea, providing $620,000,000 in food aid assistance over that time;

(10) North Korea does not allow full verification of the use of food aid assistance, as shown by the failure of North Korea to permit the World Food Program to introduce a system of random access monitoring of such use in North Korea and the failure of North Korea to provide the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(11) the failures described in paragraph (10) fall short of humanitarian practice in emergency operations in other parts of the world; and

(12) North Korea should allow full verification of the use of food aid assistance by—

(A) providing the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(B) permitting the World Food Program to introduce a system of random access monitoring in North Korea; and

(C) providing access for the World Food Program in all counties in North Korea.

This division may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003".

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $816,062,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $816,062,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $654,254,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $210,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $30,150,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and *mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.*

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $902,697,000, to remain available until September 30, 2004, except as otherwise provided herein: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $9,077,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $42,882,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of the Kodiak National Wildlife Refuge visitor center may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $81,555,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For administrative expenses associated with a Landowner Incentive Program established in Public Law 107–63, $600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

STEWARDSHIP GRANTS

For administrative expenses associated with a Private Stewardship Program established in Public Law 107–63, $200,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $81,000,000, to be derived from the Cooperative Endangered Species Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,560,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $2,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,200,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

• *For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $45,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That of the amount provided herein, $3,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $3,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-*

Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That the United States Fish and Wildlife Service is authorized to grant $500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 107–63.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,571,065,000, of which $6,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which $88,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which not less than $9,000,000 is for reimbursement of the United States Geological Survey for conduct of National -Park Service natural resource challenge activities; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,978,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $10,000,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $67,000,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2004: Provided, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the President's Committee on the Arts and Humanities: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $322,826,000, to remain available until expended, of which $2,500,000 for the Virginia City Historic District, and $500,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $204,005,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $115,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: Provided, That of the amounts provided under this heading, $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: Provided, That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other *provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.*

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $914,617,000, of which $64,974,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $22,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which $166,927,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units; and of which $4,000,000 shall remain available until expended for interagency research, planning, monitoring, and assessment, for everglades restoration; and with the funds provided in this title, the Secretary shall release a plan for assisting States, Federal agencies and tribes in managing chronic wasting disease in wild and captive cervids within 90 days of enactment of this Act: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISION

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $164,322,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,092,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and

Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,855,635,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $85,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $442,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,686,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2005.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,252,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $57,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; and of which $28,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425 and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,464,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $75,217,000, of which: (1) $70,102,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance *improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).*

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,925,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $72,427,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47 773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,239,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $151,027,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

For implementation of a water rights and habitat acquisition program pursuant to section 10 of Public Law 106–263, $3,000,000, to remain available until expended and to be derived from the Land and Water Conservation Fund: Provided, That these funds may be available for transfer to the Bureau of Indian Affairs.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total *amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.*

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate-distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term "construction", with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from, other than federal funds receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 121. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in *and to the improvements and equipment of the White River Oil Shale Mine.*

SEC. 122. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 123. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 124. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

SEC. 125. Section 6(f) of Public Law 88–578 as amended shall not apply to LWCF program #02–00010.

SEC. 126. None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior may be expended or obligated to issue a Record of Decision or take any action to issue a right-of-way grant for a pipeline or associated facilities related to the Cadiz groundwater storage and dry-year supply program.

SEC. 127. Notwithstanding section 1(d) of Public Law 107–62, the National Park Service is authorized to obligate $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 128. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 129. Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), the Secretary shall provide interim compensation payments of up to $10,000 each within 30 days of the date of the enactment of this Act to all claimants who filed a claim for compensation under the Glacier Bay compensation plan and which has not been rejected or withdrawn and have not received a compensation payment. The amount of final compensation paid to any such claimant shall be reduced by the total dollar amount of any interim compensation payments received.

SEC. 130. Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. Section 3(f)(2)(B) of Public Law 99–548 (100 Stat. 3061; 113 Stat. 1501A–168) is amended by striking "(iv) Sec. 8." and inserting the following:

"(iv) Sec. 7.

"(v) Sec. 8.".

SEC. 133. Of the funds made available under the heading "United States Fish and Wildlife Service, Construction" in Public Law 107–63 for hangar roof replacement at Midway Atoll National Wildlife Refuge, not to exceed $650,000 may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at Midway Atoll National Wildlife Refuge.

SEC. 134. Public Law 107–331 is amended in Sections 301(b) and 301(d) by striking the word "Secretary" each place it appears and inserting in lieu thereof the word "Director", and by striking the text of Section 301(c)(3) and inserting in lieu thereof "DIRECTOR.—The term 'Director' means the Director of the Institute of Museum and Library Services.".

SEC. 135. Section 113 of Public Law 104–208 (31 U.S.C. 501 note.) is amended by deleting "That such fund shall be paid in advance" and inserting "That such fund may be paid in advance".

SEC. 136. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES. (a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "(1) Except" and inserting the following:

"(1) IN GENERAL.—Except";

(2) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(3) by striking "(2) The Secretary" and inserting the following:

"(2) WAIVER.—The Secretary";

(4) by striking "paragraph (1)" and inserting "paragraphs (1) and (3)"; and

(5) by adding at the end the following:

"(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "Pursuant to" and inserting the following:

"(1) IN GENERAL.—Under"; and

(2) by adding at the end the following:

"(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.".

SEC. 137. The document entitled "Final Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (FEIS)" dated November 2002, shall be deemed sufficient to meet the requirements of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) with respect to the determination contained in the Record of Decision dated January 8, 2003 relating to the renewal of the Federal right-of-way for the Trans-Alaska Pipeline and related facilities.

SEC. 138. MISSOURI RIVER. It is the sense of the Congress that the member States and tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

SEC. 139. TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST. (a) IN GENERAL.—Notwithstanding any other provision of law, any interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund. No transfers made pursuant to this section shall exceed $34,000,000.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

SEC. 140. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking "$2,000,000" and inserting "$5,000,000".

SEC. 141. Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by 5 years.

SEC. 142. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP. (a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled "Plum Tree Island Unit VA–59P, Long Creek Unit VA–60/VA–60P" and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA–59P and Long Creek Unit VA–60/VA–60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 143. SENSE OF THE SENATE REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES. (a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or

permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

SEC. 144. REPORT ON AVIAN MORTALITY AT COMMUNICATIONS TOWERS. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

SEC. 145. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS. (a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.";

(2) by inserting before section 273 (42 U.S.C. 6283) the following:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(3) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(4) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by amending the items relating to part D of title I to read as follows:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

(2) by amending the items relating to part C of title II to read as follows:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

"Sec. 273. Summer fill and fuel budgeting programs.";

and

(3) by striking the items relating to part D of title II.

(d) AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT.—Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by inserting "(considered as a heating season average)" after "mid-October through March".

(e) FULL CAPACITY.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(f) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

SEC. 146. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA. The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), may immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $247,804,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, treatment of pests, pathogens, and invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $297,472,000, to remain available until expended, as authorized by law: Provided, That notwithstanding any other provision of law, of the funds provided under this heading, $2,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,352,999,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2003, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties, and except that members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,351,791,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency *rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That funds for hazardous fuel treatment under this heading may be used for the County Partnership Restoration Program for forest restoration on the Apache-Sitgreaves National Forest in Arizona, the Lincoln National Forest in New Mexico, and the Grand Mesa, Uncompahgre and Gunnison National Forest in Colorado: Provided further, That of the funds provided, $228,109,000 is for hazardous fuel treatment, $6,124,000 is for rehabilitation and restoration, of which $2,500,000 may be for rehabilitation and restoration on the Apache-Sitgreaves National Forest, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,555,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $11,934,000 is for forest health activities on state, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized in this section, on and adjacent to Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—*

(1) local private, nonprofit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;

(3) small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $543,656,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $500,000 appropriated in Public Law 107–63 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: Provided further, That notwithstanding any provision of law, funds provided for construction of facilities at Purdue University in Indiana in this Act, in the amount of $3,100,000 shall be available to the University.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $145,763,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $70,000,000 shall not be available until October 1, 2003: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $625,665,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. §7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,831,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $884,293,000, to remain available until expended: Provided, That $270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $6,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,455,881,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $450,130,000 for contract medical care shall remain available for obligation until September 30, 2004: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 from the Department of Health and Human Services's Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service: Provided further, That the provisions of 10 U.S.C. 1116 shall not apply to the Indian Health Service: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program: Provided further, That no more than 5 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $365,390,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed *from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.*

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,130,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $450,760,000, of which not to exceed $43,884,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: Provided further, That from unobligated balances of prior year appropriations, $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $78,300,000, to remain available until expended, of which $16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $100,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, *and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project: Provided further, That the solicitation of the contract and the contract shall contain the clause "availability of funds" found at 48 C.F.R. 52.232–18.*

CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, $16,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $77,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $116,489,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,667,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or *project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.*

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 309. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 310. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 311. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 312. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 313. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 314. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 315. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 316. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 317. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 318. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 319. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western *redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.*

SEC. 320. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 321. REVISION OF FOREST PLANS. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277 is amended by striking "2004" and inserting "2005". The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1.

SEC. 324. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, beginning in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 325. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 326. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), Section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2003 under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 327. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 328. Section 401(e)(4)(B) of Public Law 105–83 is amended after "Not more than" by striking "5 percent" and inserting "15 percent".

SEC. 329. The Record of Decision for the 2002 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan shall not be reviewed under any Forest Service administrative appeal process, and its adequacy shall not be subject to judicial review by any court of the United States.

SEC. 330. Section 7(c) of Public Law 106–143 is amended by striking "2001" and inserting "2004".

SEC. 331. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) Section 1629b of title 43, United States Code, is amended—

(1) at subsection (d)(1) by striking "An" and inserting in its place "Except as otherwise set forth in subsection (d)(3) of this section, an";

(2) by creating the following new subsection:

"(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

"(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

"(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.";

(3) by creating the following new subsection:

"(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.".

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

"(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

"(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

"(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.".

TITLE IV—T'UF SHUR BIEN PRESERVATION TRUST AREA

SEC. 401. SHORT TITLE.

This title may be cited as the "T'uf Shur Bien Preservation Trust Area Act".

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M–36963; 96 I.D. 331) and January 19, 2001 (M–37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 403. DEFINITIONS.

In this title:

(1) AREA.—

(A) IN GENERAL.—The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term "Area" does not include—

(i) the subdivisions;

(ii) Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term "existing use" means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term "modified use" means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term "modified use" includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term "new use" means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term "new use" does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term "Piedra Lisa tract" means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term "Pueblo" means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term "special use permit" means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term "special use permit area" means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term "special use permit area" includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term "subdivision" means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term "traditional or cultural use" means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 404. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 405(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 405(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 406(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word "Trust" in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 409 or subsection (b) or (c) of section 413 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area

or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) Prohibited Uses.—

(1) In general.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 405(a)(3).

(2) Mining claims.—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the "Mining Law of 1872").

(f) No Modification of Boundaries.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 405. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) In General.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 406(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section 407, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 404, 405(c), 407, 408, and 409.

(b) Access.—Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) Compensable Interest.—

(1) In general.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 404(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 404(e) and 406(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) Effect.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 410.

SEC. 406. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) Limitations.—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 404(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) Exception.—No person who exercises traditional or cultural use rights as authorized by section 405(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 407. MANAGEMENT OF THE AREA.

(a) Process.—

(1) In general.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) New uses.—

(A) Request for consent after consultation.—

(i) Denial of consent.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) Granting of consent.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) Final request for consent.—

(i) Request.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) Denial of consent.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) Failure to respond.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) Public involvement.—

(A) In general.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) Court challenge.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) Emergencies and Emergency Closure Orders.—

(1) Authority.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) Notice.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) No consent.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) Disputes Involving Forest Service Management and Pueblo Traditional Uses.—

(1) In general.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) Dispute resolution process.—

(A) In general.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) Disputes requiring immediate resolution.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 408. JURISDICTION OVER THE AREA.

(a) Criminal Jurisdiction.—

(1) In general.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) Jurisdiction of the pueblo.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 405(a)(4).

(3) Jurisdiction of the united states.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) Jurisdiction of the state of new mexico.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) Overlapping jurisdiction.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 405(a)(4).

SEC. 409. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company: Provided, That use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 410. EXTINGUISHMENT OF CLAIMS.

(a) In General.—Except for the rights and interests in and to the Area specifically recognized in sections 404, 405, 407, 408, and 409, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) Subdivisions.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) Special Use and Crest Facilities Areas.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) Pueblo Agreement.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) Consideration.—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 409, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 411. CONSTRUCTION.

(a) Strict Construction.—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) Existing Rights.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 405(a)(3)(A).

(c) Not Precedent.—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) Fish and Wildlife.—Except as provided in section 408(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) Federal Land Policy and Management Act.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

SEC. 412. JUDICIAL REVIEW.

(a) Enforcement.—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) Waiver.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) Venue.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 413. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) Contributions.—

(1) In general.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) Deadline.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) Land Exchange.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) Acceptance of payment.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) Funds received.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) Treatment of land exchanged or conveyed.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) Failure to make offer.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) Land Acquisition and Other Compensation.—

(1) In general.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) Piedra Lisa tract.—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 409(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 409(b)(2).

(d) Reimbursement of Certain Costs.—

(1) In general.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94–2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) Treatment of reimbursement.—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) Payments.—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated as provided in advance in appropriations Acts.

(4) Applications.—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) Maximum reimbursement.—No party shall be reimbursed in excess of $750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed $3,000,000.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 413(c).

SEC. 415. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

TITLE V—OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX

SEC. 501. SHORT TITLE.

This title may be cited as the "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act".

SEC. 502. DEFINITIONS.

In this title:

(1) International refuge.—The term "International Refuge" means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife

Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term "Refuge Complex" means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled "The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex" and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term "western basin" means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term 'western basin' includes the Bass Island archipelago in the State of Ohio.

SEC. 503. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act" and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate—

(1) to facilitate the acquisition of property within the Refuge Complex; or

(2) to carry out this title.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) CONSENT.—No land, water, or interest in land or water described in paragraph (1) may be acquired by the Secretary without the consent of the owner of the land, water, or interest.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this title.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as "Port Authority Facility Number Three" and "Grassy Island", respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. 504. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 503(a)(1).

SEC. 505. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this title.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this title.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled "Great Lakes Strategy 2002—A Plan for the New Millennium", developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure, to the maximum extent practicable, that hunting, trapping, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this title, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

(e) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Ohio to use authority under the recreational trails program under section 206 of title 23, United States Code, to provide funding for acquisition and development of trails within the boundaries of the Refuge Complex.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section 503(c);

(2) to carry out the study under section 503(e); and

(3) to develop, operate, and maintain the Refuge Complex.

This division may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2003".

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $2,657,084,000 plus reimbursements, of which $1,583,069,000 is available for obligation for the period July 1, 2003 through June 30, 2004; of which $1,045,465,000 is available for obligation for the period April 1, 2003 through June 30, 2004, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act and $44,500,000 to carry out section 169 of such Act;

and of which $27,550,000 is available for the period July 1, 2003 through June 30, 2006 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act: Provided further, That, notwithstanding any other provision of law or related regulation, $80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including $74,965,000 for formula grants, $4,786,000 for migrant and seasonal housing, and $1,019,000 for other discretionary purposes: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2003 through June 30, 2004, and of which $100,000,000 is available for the period October 1, 2003 through June 30, 2006, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $972,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $143,452,000, together with not to exceed $3,475,451,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2003, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2005; of which $143,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2003 through June 30, 2004, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2003 is projected by the Department of Labor to exceed 4,526,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2004, $463,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2003, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $121,032,000, including $4,711,000 to administer welfare-to-work grants, together with not to exceed $56,610,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $117,044,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2003, for such Corporation: Provided, That not to exceed $13,050,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $383,428,000, together with $2,029,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81- of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2003: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $37,657,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated *data processing systems, including document imaging and conversion to a paperless office, $24,928,000; (2) for medical bill review and periodic roll management, $12,027,000; (3) for communications redesign, $702,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.*

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $104,867,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2003 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2003 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2003 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $31,987,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $22,952,000 for transfer to Departmental Management, "Salaries and Expenses"; $334,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $462,314,000, including not to exceed $92,531,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act, and including $18,000,000 for safety and health standards, of which notwithstanding any other provision of law, not less than $2,000,000 is available to provide for the reissuance of a rule relating to ergonomics by the Secretary of Labor, in accordance with section 6 of the Occupational Safety and Health Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2003, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2003 to September 30, 2004, provided that a grantee has demonstrated satisfactory performance.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $271,841,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $2,000,000 for mine rescue and recovery activities; and including $10,000,000 for digitizing mine maps and developing technologies to detect mine voids, through contracts, grants, or other arrangements, to remain available until expended; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $415,855,000, together with not to exceed $72,029,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2003 through September 30, 2003, for Occupational Employment Statistics, and $6,600,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

Office of Disability Employment Policy

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,015,000.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2004, and not less than $3,000,000 shall be for an Office of Pension Participant Advocacy, and $55,000,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $396,313,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport

News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $191,537,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2003. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $26,550,000, of which $7,550,000 shall be available for obligation for the period July 1, 2003 through June 30, 2004.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $56,659,000, together with not to exceed $5,597,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the U.S. Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. (a) Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois,".

(b) The amendment made by subsection (a) takes effect on January 1, 2003.

This title may be cited as the "Department of Labor Appropriations Act, 2003".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,115,654,000, of which $45,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $50,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $285,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $739,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of Title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That $40,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount: Provided further, That $20,027,000 shall be appropriated to carry out the community access program to increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,914,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,991,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,317,749,000, of which $270,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $183,763,000 for international HIV/AIDS shall remain available until September 30, 2004, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, $14,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Immunization Surveys: Provided further, That in addition to amounts provided herein, $28,600,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out information systems standards development and architecture and applications-based research used at local public health levels: Provided further, That in addition to amounts provided herein, $41,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: Provided further, That of the amounts provided herein for international HIV/AIDS, $40,000,000 shall be for the International Mother and Child HIV Prevention Initiative: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of

Section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $15,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at CDC's discretion, with property acquisition, including a long-term ground lease for construction on non-federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,642,394,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,820,011,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $374,067,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,637,347,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,466,005,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $3,727,473,000: Provided, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to $150,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,853,584,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,213,817,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $634,290,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $617,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,000,099,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $489,324,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $372,805,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $131,438,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $418,773,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $968,013,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,350,788,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $468,037,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $283,100,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,161,272,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $114,149,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $186,929,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $60,880,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $302,099,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2003, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $257,974,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $607,800,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,129,717,000: Provided, That, $955,000, to remain available until expended, shall be for protection, maintenance, and environmental remediation of the Federally owned facilities at St. Elizabeths Hospital: Provided further, That in addition to amounts provided herein,

$62,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Subpart II of Title XIX of the Public Health Service Act to fund section 1935(b) national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for Subpart II of Title XIX: Provided further, That in addition to amounts provided herein, $12,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out data collection activities supporting the annual National Household Survey.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $308,645,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $112,090,218,000, to remain available until expended.

For making, after May 31, 2003, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2003 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2004, $51,861,386,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,462,700,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,559,664,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That from amounts appropriated under this heading, $3,000,000 for the managed care system redesign shall remain available until expended: Provided further, That $51,000,000, to remain available until September 30, 2004, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 223,500,000 Part A claims and/or 370,000,000 Part B claims, an additional $46,800,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Fund: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2003 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2003, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,475,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2004, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $432,724,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2003 shall be available for the costs of assistance provided and other activities through September 30, 2005: Provided further, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,994,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A and 477(h)(2) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,648,884,000, of which $43,000,000, to remain available until September 30, 2004, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,667,533,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2003 and remain available through September 30, 2004; and of which $740,477,000 shall be for making payments under the Community Services Block Grant Act: Provided, That not less than $7,500,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section

241 of the Public Health Service Act to carry out the provisions of Section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $93,000,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $41,800,000 is for the transitional living program: Provided further, That $45,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $200,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,855,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2004, $1,745,600,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,369,290,000, of which $6,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $149,670,000 shall be available for carrying out section 311 of the Older Americans Act of 1965 consistent with the formula of such Act (as amended by section 217 of this Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $368,535,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $50,000,000 is for minority AIDS prevention and treatment activities; and $20,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,747,000: Provided, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,328,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,499,000: Provided, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided further, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $2,255,980,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,541,740,000 of which $300,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; Office of the Secretary, $152,240,000; Health Resources and Services Administration, $547,000,000; Substance Abuse and Mental Health Services Administration, $10,000,000; and the Agency for Healthcare Research and Quality, $5,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 percent, of any amounts appropriated for programs authorized under said Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, *the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.*

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997, 1998, 1999, 2000, 2001, 2002 and 2003"; and

(B) in subsection (e), by striking "October 1, 2002" each place it appears and inserting "October 1, 2003"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2002" and inserting "September 30, 2003".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2003 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2003 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2002, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2002 State expenditures and all fiscal year 2003 obligations for tobacco prevention and compliance activities by program activity by July 31, 2003.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2003.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended; and

(2) utilize the authorities contained in 22 U.S.C. 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding section 307 of the Public Health Service Act.

In exercising the authority set forth in paragraphs (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of title 22, United States Code.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b)—

(A) in the caption, by striking "of cash or commodities" and inserting "and payment"; and

(B) in paragraph (1)—

(i) by striking "The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency" and inserting "The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency"; and

(ii) by striking "to each grantee" and inserting "to or on behalf of each grantee"; and

(2) in subsection (d)—

(A) in the caption, to read as follows: "Option to obtain commodities from Secretary of Agriculture";

(B) in paragraph (1), to read as follows: "Each State agency and each grantee under title VI shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain from the Secretary of Agriculture commodities available through any Federal food commodity processing program, at the rates at which such commodities are valued for purposes of such program.";

(C) by redesignating paragraphs (2) and (4) as paragraphs (4) and (5), respectively;

(D) by striking paragraph (3);

(E) by adding after paragraph (1) the following new paragraphs:

"(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

"(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall first reimburse the Secretary of Agriculture for costs of commodities received by such State agency or grantee under this subsection, and shall then pay the balance (if any) to such State agency or grantee.";

(F) in paragraph (4), as redesignated, in the first sentence, to read as follows: "Each State agency shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts."; and

(G) in paragraph (5), as redesignated, by striking "donation" and inserting "provision".

SEC. 218. Notwithstanding section 409B(c) of the Public Health Service Act regarding a limitation on the number of such grants, funds appropriated in this Act may be expended by the Director of the National Institutes of Health to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's disease. Each center funded under such grants shall be designated as a Morris K. Udall Center for Research on Parkinson's Disease.

SEC. 219. The Supplemental Appropriations Act, 2001 (Public Law 107–020) is amended, in the matter under the heading "LOW INCOME HOME ENERGY ASSISTANCE" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", in chapter 7 of title II, by striking "amount for" and all that follows, and inserting the following: "amount for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000.".

SEC. 220. (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title VIII of the Public Health Service Act, there are appropriated an additional $20,000,000, to remain available until expended, to carry out programs and activities authorized under sections 831, 846, 846A, 851, 852, and 855 of such Act (as amended by the Nurse Reinvestment Act (Public Law 107–205)).

SEC. 221. GRANTS FOR PURCHASE OF ULTRASOUND EQUIPMENT. The Secretary of Health and Human Services may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed physician, free ultrasound examinations to pregnant woman needing medical services: Provided, That the Secretary shall give priority in awarding grants to those organizations that agree to adhere to professional guidelines for counseling pregnant women, whereby a pregnant woman is fully informed in a nonbiased manner about all options.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2003".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $13,178,400,000, of which $4,354,199,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004, and of which $8,627,301,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic *year 2003–2004: Provided, That $7,172,971,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2002, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $1,405,999,000 shall be available for targeted grants under section 1125: Provided further, That $1,405,999,000 shall be available for education finance incentive grants under section 1125A.*

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,176,500,000, of which $1,012,500,000 shall be for basic support payments under section 8003(b), $52,000,000 shall be for payments for children with disabilities under section 8003(d), $47,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2004, $57,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $7,788,329,000, of which $500,000,000 shall become available October 1, 2002, and shall remain available through September 30, 2004, of which $3,818,517,000 shall become available on July 1, 2003, and remain available through September 30, 2004, and of which $1,765,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That of the amount made available for subpart 3, part C, of title II of the ESEA, $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: Provided further, That of the funds made available for subpart 2 of part A of title IV of the ESEA, $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the Elementary and Secondary Education Act: Provided further, That $735,661,000 shall be available to carry out part D of title V of the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $122,368,000.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $690,000,000, of which $494,000,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $9,691,424,000, of which $3,335,233,000 shall become available for obligation on July 1, 2003, and shall remain available through September 30, 2004, and of which $6,072,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section in the Department of Education Appropriations Act, 2002, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,959,838,000, of which $1,000,000 available for section 303(b) of the Rehabilitation Act of 1973 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: Provided, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2002: Provided further, That each State shall be provided $100,000 and each outlying area $30,000 for activities under section 102 of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $15,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,600,000, of which $1,600,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $98,438,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,938,060,000, of which $1,140,060,000 shall become available on July 1, 2003 and shall remain available through September 30, 2004 and of which $791,000,000 shall become available on October 1, 2003 and shall remain available through September 30, 2004: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Applied Technology Education Act, $7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act: Provided further, That $10,000,000 shall be for carrying out section 118 of such Act: Provided further, That of the amounts made available for the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: Provided further, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: Provided further, That $25,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $13,151,500,000, which shall remain available through September 30, 2004.

The maximum Pell Grant for which a student shall be eligible during award year 2003–2004 shall be $4,100.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $2,047,640,000 of which $3,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: Provided, That $10,000,000, to remain available through September 30, 2004, shall be available to fund fellowships for academic year 2004–2005 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $1,000,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who *plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.*

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $239,974,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

INSTITUTE OF EDUCATION SCIENCE

For carrying out activities authorized by Public Law 107–279, $397,387,000: Provided, That of the amount appropriated, $89,500,000 shall be available for obligation through September 30, 2004.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $412,093,000, of which $12,795,000, to remain available until expended, shall be for building alterations and related expenses for the modernization of the Mary E. Switzer Building in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $86,276,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $41,000,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $105,388,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 1202 of the Elementary and Secondary Education Act of 1965 is amended by inserting the following subsection at the end thereof:

"(g) SUPPLEMENT, NOT SUPPLANT.—State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.".

SEC. 306. Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for each fiscal year, if the local educational agency serving New York City receives an allocation under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) in an amount that is greater than the amount received by the agency under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) for fiscal year 2002, then—

(1) the agency shall distribute any funds received under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) in excess of the amount of the fiscal year 2002 allocation consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2002.

SEC. 307. Section 7304 of the No Child Left Behind Act of 2001, Public Law 107–110 is amended—

(1) by striking "(a)(2)(P) Dropout prevention programs such as" and inserting "(a)(2)(P) Dropout prevention programs operated by"; and

(2) by striking "(a)(2)(S) Provision of operational support and purchasing equipment," and inserting "(a)(2)(S) Provision of operational support and construction funding, and purchasing of equipment,".

SEC. 308. Section 7205 of the No Child Left Behind Act of 2001, Public Law 107–110 is amended by adding the following new subsection after subsection (L):

"(M) construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body.".

SEC. 309. FUNDING FOR INNOVATIVE PROGRAMS. In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year .ending September 30, 2003, $5,000,000,000 for carrying out such part, to remain available through September 30, 2004: Provided, That notwithstanding any other provision of this Act, any amounts appropriated for programs or activities under title III of Division G that are in excess of $54,195,685,000 shall be distributed to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965 to be used by such States and local educational agencies to carry out any activity authorized under the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities in Education Act, or the Higher Education Act of 1965, to remain available through September 30, 2004: Provided further, That the percentage amount of any across-the-board rescission provided for under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $54,195,685,000 for title III of Division G.

SEC. 310. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT. Not withstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for support of part B of the Individuals with Disabilities Education Act other than section 619 of such part, the following sum is appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $1,500,000,000, which shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That notwithstanding any other provision of this Act, funds provided under this section shall not result in a further across-the-board rescission under section 601 of division N.

SEC. 311. FUNDING FOR AFTER-SCHOOL PROGRAMS. (a) FINDINGS.—Congress finds that:

(1) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3:00 p.m. and 8:00 p.m.—after school is out and before parents arrive home.

(3) Studies show that organized extracurricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that every effort should be made to—

(1) accommodate the waiting lists of children needing access to after-school programs; and

(2) fund after-school programs at the level authorized in the Leave No Child Behind Act.

SEC. 312. Notwithstanding any other provision of this Act, the $6,667,533,000 provided for the Head Start Act shall be exempt from the across-the-board rescission under section 601 of division N.

This title may be cited as the "Department of Education Appropriations Act, 2003".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the

Armed Forces Retirement Home Trust Fund, $67,340,000, of which $5,712,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $351,063,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed the restrictions outlined in Part B of title II of such Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2005, $395,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2003, in addition to the amounts provided above, $48,744,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $40,718,000, including $1,500,000, to remain available through September 30, 2004, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,127,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act, $203,000,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,250,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $238,223,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,203,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $9,577,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $132,000,000, which shall include amounts becoming available in fiscal year 2003 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $132,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2004, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,720,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: Provided, That notwithstanding any other provision of law, no monies made available under this head for administration of the Railroad Retirement or Railroad Unemployment Insurance Acts shall be available for payment of charges, in excess of actual rent costs, pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)).

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,300,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $300,177,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2004, $97,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,914,392,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2004, $11,080,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $7,825,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2003 not needed for fiscal year 2003 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $111,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2003 exceed $111,000,000, the amounts shall be available in fiscal year 2004 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $21,000,000, together with not to exceed $62,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $16,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. (a) Section 1708 of the United States Institute of Peace Act (22 U.S.C. 4607) is amended in subsection (g), by striking "on or before December 31, 1970".

(b) Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended in subsection (a)(1), by striking the numeral "4" preceding the phrase "succeeding fiscal years" and inserting the numeral "5".

SEC. 515. Of the budgetary resources available to the Departments of Labor, Health and Human Services, and Education in this Act for salaries and expenses during fiscal year 2003, $138,264,000, to be allocated by the Office of Management and Budget, are permanently canceled.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003".

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Paul David Wellstone, Jr., son of Paul David Wellstone, late a Senator from Minnesota, $50,000; Mark D. Wellstone, son of Paul David Wellstone, late a Senator from Minnesota, $50,000; and Michael Kerner, Guardian of the Estate of Joshua Kerner, for Joshua Kerner, minor, son of Marcia Wellstone Markuson, deceased, daughter of Paul David Wellstone, late a Senator from Minnesota, $50,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $20,000; Majority Leader of the Senate, $20,000; Minority Leader of the Senate, $20,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $7,500; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $127,500.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $117,041,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,949,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $518,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $150,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,094,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,042,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $11,266,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,305,000 for each such committee; in all, $2,610,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $648,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,362,000 for each such committee; in all, $2,724,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $315,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $17,079,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $43,161,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,410,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $30,075,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,581,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,176,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of Public Law 601, Seventy-ninth Congress section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $109,450,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $7,077,000, of which $5,000,000 shall remain available until September 30, 2007.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $114,423,000, of which $9,570,000 shall remain available until September 30, 2005, and of which $13,574,000 shall remain available until September 30, 2007.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,355,500, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) with a population of less than 250,000 and at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator: Provided further, That not later than October 31, 2003, the Sergeant at Arms and Doorkeeper of the Senate shall submit a report to the Committee on Rules and Administration and Committee on Appropriations of the Senate on the results of the program.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $294,545,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Section 111 of title 3, United States Code, is amended by striking "$10,000" and inserting "$20,000".

(b) The matter under the subheading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS" under the heading "LEGISLATIVE BRANCH" under chapter VI of title I of the Second Supplemental Appropriations Act, 1978 (Public Law 95–355; 92 Stat. 532) is amended—

(1) in the second sentence (2 U.S.C. 31a–1) (relating to the Majority and Minority Leaders of the Senate) by striking "$10,000" and inserting "$20,000"; and

(2) in the third sentence (2 U.S.C. 32b) (relating to the President pro tempore) by striking "$10,000" and inserting "$20,000".

(c) The matter under the subheading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY

WHIPS" under the heading "LEGISLATIVE BRANCH" under chapter IX of title I of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31a–1; Public Law 98–63; 97 Stat. 333) (relating to the Majority and Minority Whips) is amended by striking "not exceed $5,000" and inserting "not exceed $10,000".

(d) The matter under the subheading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, THE MAJORITY AND MINORITY WHIPS, AND THE CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES" under the heading "LEGISLATIVE BRANCH" under chapter IX of title I of the Supplemental Appropriations Act, 1985 (2 U.S.C. 31a–3; Public Law 99–88; 99 Stat. 348) (relating to the Chairmen of the Majority and Minority Conference Committees) is amended by striking "not exceed $3,000" and inserting "not exceed $5,000".

(e) Section 5 of title I of the Legislative Branch Appropriations Act, 2001, as enacted into law by section 1(a) of Public Law 106–554 (2 U.S.C. 31a–4; 114 Stat. 2763A–97) (relating to the Chairmen of the Majority and Minority Policy Committees) is amended by striking "$3,000" and inserting "$5,000".

(f) The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 2. (a) The matter under the subheading "STATIONERY (REVOLVING FUND)" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "LEGISLATIVE BRANCH" under chapter VII of title I of the Second Supplemental Appropriations Act, 1975 (2 U.S.C. 46a; Public Law 94–32; 89 Stat. 182) is amended by striking "$4,500" and inserting "$8,000".

(b) The amendment made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 3. Effective on and after October 1, 2002, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2002, increased by an additional $50,000 each.

SEC. 4. (a) The Majority Policy Committee, Minority Policy Committee, Conference of the Majority, and Conference of the Minority of the Senate are authorized, in the discretion of each committee or conference, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration of the Senate to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 5. PUBLIC SAFETY EXCEPTION TO INSCRIPTIONS REQUIREMENT ON MOBILE OFFICES. (a) IN GENERAL.—Section 3(f)(3) under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(f)(3)) is amended by adding at the end the following flush sentence:

"The Committee on Rules and Administration of the Senate may prescribe regulations to waive or modify the requirement under subparagraph (B) if such waiver or modification is necessary to provide for the public safety of a Senator and the Senator's staff and constituents.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 6. MULTI-YEAR CONTRACTING AUTHORITY. (a) Subject to regulations prescribed by the Committee on Rules and Administration of the Senate, the Secretary and the Sergeant at Arms and Doorkeeper of the Senate may—

(1) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent and under the same conditions as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as the head of an executive agency under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) This section shall take effect on October 1, 2002, and shall apply in fiscal year 2003 and successive fiscal years.

SEC. 7. CONSULTANTS. (a) IN GENERAL.—Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6) is amended—

(1) in subsection (a), in the first sentence by striking "six individual consultants" and inserting "eight individual consultants"; and

(2) by adding at the end the following:

"(C) Each appointing authority under subsection (a) may designate the title of the position of any individual appointed under that subsection.".

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 8. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. (a) ESTABLISHMENT.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) DESIGNATION.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate,

shall be the President pro tempore emeritus of the United States Senate.

(c) APPOINTMENT AND COMPENSATION OF EMPLOYEES.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) EXPENSE ALLOWANCE.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed $7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,658,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $7,323,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,414,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,000,000, of which $300,000 shall remain available until expended, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,035,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $175,675,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,100,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2003 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2003 for the Capitol Police may be transferred between the headings

"SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. CAPITOL POLICE CONTRACT AUTHORITY. (a) IN GENERAL.—The United States Capitol Police may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1003. DISPOSAL OF SURPLUS PROPERTY. (a) IN GENERAL.—Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) AMOUNTS RECEIVED.—Any amounts received by the Capitol Police from the disposition of property under subsection (a) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATEection shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1004. RECRUITMENT AND RELOCATION BONUSES. Section 909 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position" and inserting "the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts"; and

(B) by adding at the end the following:

"(6) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.";

(2) by striking subsections (e) and (f)(2); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 1005. RECRUITMENT OF INDIVIDUALS WITHOUT REGARD TO AGE. (a) IN GENERAL.—The Chief of the Capitol Police shall carry out any activities and programs to recruit individuals to serve as members of the Capitol Police without regard to the age of the individuals.

(b) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any provision of law of any rule or regulation providing for the mandatory separation of members of the Capitol Police on the basis of age, or any provision of law or any rule or regulation regarding the calculation of retirement or other benefits for members of the Capitol Police.

SEC. 1006. RETENTION ALLOWANCES. Section 909(b) of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by striking "if—" and inserting "if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts."; and

(2) in paragraph (3), by striking "the reduction or the elimination of a retention allowance may not be appealed" and inserting "any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner".

SEC. 1007. EDUCATIONAL ASSISTANCE PROGRAM. Section 908 of the Emergency Supplemental Act, 2002 (2 U.S.C. 1924; Public Law 107–117; 115 Stat. 2319) is amended to read as follows:

"EDUCATIONAL ASSISTANCE PROGRAM FOR EMPLOYEES

"SEC. 908. (a) ESTABLISHMENT.—In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

"(1) to repay (by direct payments on behalf of the participating employee) all or any portion of a student loan previously taken out by the employee;

"(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

"(b) SPECIAL RULES FOR STUDENT LOAN REPAYMENTS.—

"(1) APPLICATION OF REGULATIONS UNDER EXECUTIVE BRANCH PROGRAM.—In carrying out subsection (a)(1), the Capitol Police Board may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Board determines necessary to provide for such program.

"(2) RESTRICTIONS ON PRIOR REIMBURSEMENTS.—The Capitol Police may not reimburse any individual under subsection (a)(1) for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

"(3) USE OF RECOVERED AMOUNTS.—Any amount repaid by, or recovered from, an individual under subsection (a)(1) and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

"(c) LIMIT ON AMOUNT OF PAYMENTS.—The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed $40,000.

"(d) NO REVIEW OF DETERMINATIONS.—Any determination made under the program under this section shall not be reviewable or appealable in any manner.

"(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.".

SEC. 1008. APPLICABLE PAY RATE UPON APPOINTMENT. (a) IN GENERAL.—Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1009. OVERTIME COMPENSATION FOR OFFICERS AT RANK OF LIEUTENANT OR HIGHER. (a) IN GENERAL.—The Chief of the Capitol Police may provide for the compensation of overtime work of officers of the Capitol Police at the rank of lieutenant and higher. Nothing in this subsection may be construed to affect the compensation of overtime work of officers of the Capitol Police at any rank not described in the previous sentence.

(b) TERMS AND CONDITIONS.—In providing for the compensation of overtime work under this section, the Chief shall provide the compensation in the same manner and subject to the same terms and conditions which are applicable to the compensation of overtime work of officers and members of the United States Secret Service Uniformed Division and the United States Park Police who serve at the rank of lieutenant and higher, in accordance with section 1 of the Act entitled "An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes", approved August 15, 1950 (sec. 5–1304, D.C. Official Code).

SEC. 1010. TRAINING PROGRAMS FOR PERSONNEL. (a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding at the end the following new section:

"§4120. Training for employees of the Capitol Police

"(a) The Chief of the Capitol Police may, by regulation, make applicable such provisions of this chapter as the Chief determines necessary to provide for training of employees of the Capitol Police. The regulations shall provide for training which, in the determination of the Chief, is consistent with the training provided by agencies under the preceding sections of this chapter.

"(b) The Office of Personnel Management shall provide the Chief of the Capitol Police with such advice and assistance as the Chief may request in order to enable the Chief to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 41 of such title is amended by adding at the end the following:

"4120. Training for employees of the Capitol Police.".

SEC. 1011. ADDITIONAL COMPENSATION FOR EMPLOYEES WITH SPECIALTY ASSIGNMENTS AND PROFICIENCIES. (a) ESTABLISHMENT OF POSITIONS.—The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) ADDITIONAL COMPENSATION.—In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive a per annum amount determined by the Chief, except that—

(1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and

(2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) MANNER OF PAYMENT.—The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination under section (a) shall not be appealable or reviewable in any manner.

SEC. 1012. APPLICATION OF PREMIUM PAY LIMITS ON ANNUALIZED BASIS. (a) IN GENERAL.—Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

SEC. 1013. TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE. (a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

(A) each Library of Congress Police employee; and

(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

(2) EFFECT ON PERSONNEL.—

(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section and until completion of the transfer under paragraph (1), vacancies in Library of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable.

(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police as specified in the implementation plan under subsection (b)(1), but no later than 3 years after the date of enactment of this section.

(b) TRANSITION.—

(1) IMPLEMENTATION PLAN.—

(A) PLAN.—Not later than 180 days after the date of enactment of this section, the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, a plan—

(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police, with all such transfers completed not later than 3 years after the date of enactment of this section;

(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Library of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

(vi) addressing—

(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

(II) the overall training needs of the merged police force; and

(vii) providing an analysis of the cost implications of implementing the plan.

(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph (1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

(c) DEFINITIONS.—In this section—

(1) the term "Act of August 4, 1950" means the Act entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167 et seq.); and

(2) the term "Library of Congress Police employee"—

(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

(B) does not include any civilian employee performing police support functions.

(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section.

SEC. 1014. CLARIFICATION OF AUTHORITY OF CAPITOL POLICE TO POLICE BOTANIC GARDEN. (a) BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting "all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden)," after "Capitol Power Plant,".

(b) GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

"(c) NATIONAL GARDEN OF THE UNITED STATES BOTANIC GARDEN.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include—

"(A) the National Garden of the United States Botanic Garden;

"(B) all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

"(C) all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

"(2) MAINTENANCE AND IMPROVEMENTS.—Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

"(3) AUTHORITY NOT LIMITED.—Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c).".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(a) of the Act of July 31, 1946 (2 U.S.C. 1961(a)) is amended by striking "sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title," and inserting "this Act (and regulations promulgated under section 14 of this Act (2 U.S.C. 1969)), and chapter 51 of title 40, United States Code,".

(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1015. CAPITOL POLICE SPECIAL OFFICERS. (a) IN GENERAL.—In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, the Chief of the Capitol Police may appoint—

(1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police; and

(2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police.

(b) CONDITIONS OF APPOINTMENT.—An individual appointed as a special officer under this section shall—

(1) serve without pay for service performed as a special officer (other than pay received from the applicable employing agency or service);

(2) serve as a special officer no longer than a period specified at the time of appointment;

(3) not be a Federal employee by reason of service as a special officer, except as provided under paragraph (4); and

(4) shall be an employee of the Government for purposes of chapter 171 of title 28, United States Code, if that individual is acting within the scope of his office or employment in service as a special officer.

(c) QUALIFICATIONS.—Any individual appointed under subsection (a) shall be subject to—

(1) qualification requirements as the Chief of the Capitol Police determines necessary; and

(2) approval by the Capitol Police Board.

(d) AUTHORITIES AND DUTIES.—During any period of service as a special officer under this section, a special officer—

(1) may exercise all authorities and perform all duties of members of the Capitol Police in any appropriate capacity, in the policing, protection, and physical security responsibilities of the Capitol Police Board and Capitol Police; and

(2) shall wear an emblem provided by the Chief of the Capitol Police that designates the wearer as a special officer.

(e) REIMBURSEMENT AGREEMENTS.—Nothing in this section shall prohibit the Capitol Police from entering into an agreement for the reimbursement of services provided under this section with any Federal, State, or local agency.

(f) REGULATIONS.—The Capitol Police Board may prescribe regulations to carry out this section.

(g) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1016. TRANSFER OF DISBURSING FUNCTION. (a) IN GENERAL.—

(1) DISBURSING OFFICER.—The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before the date of enactment of this section to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) TRANSFER.—Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) CONTINUITY OF FUNCTION DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) TREASURY ACCOUNTS.—

(1) SALARIES.—

(A) IN GENERAL.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) TRANSFER AUTHORITY DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a), the Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3).

(2) GENERAL EXPENSES.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) TRANSFER OF FUNDS, ASSETS, ACCOUNTS, RECORDS, AND AUTHORITY.—

(1) IN GENERAL.—The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under subsection (b) and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) EXISTING TRANSFER AUTHORITY.—Any transfer authority existing before the date of enactment of this Act granted to the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) UNEXPENDED BALANCES.—Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) HIRING AUTHORITY; ELIGIBILITY FOR SAME BENEFITS AS HOUSE EMPLOYEES.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) REVIEW OR APPROVAL.—In carrying out the authority provided under this paragraph, the Chief of the Capitol Police shall be subject to the same statutory requirements for review or approval by committees of Congress that were applicable to the Capitol Police Board on the day before the date of enactment of this Act.

(2) BENEFITS.—Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of the date of enactment of this Act shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) WORKER'S COMPENSATION.—

(1) ACCOUNT.—There shall be established a separate account in the Capitol Police for purposes of making payments for employees of the Capitol Police under section 8147 of title 5, United States Code.

(2) PAYMENTS WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, payments may be made from the account established under paragraph (1) of this subsection without regard to the fiscal year for which the obligation to make such payments is incurred.

(g) EFFECT ON EXISTING LAW.—

(1) IN GENERAL.—The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before the date of enactment of this Act.

(2) SUPERSEDING PROVISIONS.—All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) CONFORMING AMENDMENTS.—(1) Section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking the third sentence.

(2) Section 1822 of the Revised Statutes of the United States (2 U.S.C. 1921) is repealed.

(3) Section 111 of title I of the Act entitled "Making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes", approved May 4, 1977 (2 U.S.C. 64–3), is amended—

(A) by striking "Secretary of the Senate" and inserting "Chief of the Capitol Police"; and

(B) by striking "United States Senate" and inserting "Capitol Police".

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1017. DEADLINE FOR REGULATIONS. Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall promulgate any regulations required by Sections 1004, 1006, 1007 and 1011 of this Act.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2004: Provided, That the Executive Director of the Office of Compliance may have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $32,101,000, of which not more than $100,000 is to remain available until September 30, 2006, for the acquisition and partial support for implementation of a Central Financial Management System: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of section 3396 of title 5, United States Code, as the Director determines necessary to establish a program providing opportunities for employees of the Office to engage in details or other temporary assignments in other agencies, study or uncompensated work experience which will contribute to the employees' development and effectiveness.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1102. (a) The Director of the Congressional Budget Office may enter into agreements or contracts without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $59,343,000, of which $450,000 shall remain available until September 30, 2007.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol,

$32,094,000, of which $19,065,000 shall remain available until September 30, 2007.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $8,356,000, of which $1,780,000 shall remain available until September 30, 2007.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $64,871,000, of which $21,600,000 shall remain available until September 30, 2007.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $102,286,000, of which $61,739,000 shall remain available until September 30, 2007: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2003.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $37,521,000, of which $18,014,000 shall remain available until September 30, 2007 and $5,500,000 shall remain available until expended.

CAPITOL POLICE BUILDINGS AND GROUNDS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $23,900,000, of which $23,500,000 shall remain available until September 30, 2007: Provided, That $22,000,000 of the amount provided is withheld from obligation subject to the notification of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for maintenance, care, and operation of buildings of the United States Capitol Police which remain unobligated as of the date of the enactment of this Act shall be transferred to the account under this heading.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,103,000, of which $120,000 shall remain available until September 30, 2007: Provided, That this appropriation shall not be available for any activities of the National Garden.

ADMINISTRATIVE PROVISIONS

SEC. 1201. SMALL PURCHASE CONTRACTING AUTHORITY. (a) IN GENERAL.—Notwithstanding any other provision of law—

(1) section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to "$25,000" in paragraph (1) of such section were a reference to "$100,000"; and

(2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1202. MULTI-YEAR CONTRACT AUTHORITY. (a) IN GENERAL.—The Architect of the Capitol may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1203. DEPUTY ARCHITECT OF THE CAPITOL/CHIEF OPERATING OFFICER. (a) ESTABLISHMENT OF DEPUTY ARCHITECT OF THE CAPITOL.—There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Architect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 90 days after the date of enactment of this Act. The appointment shall be made without regard to political affiliation or activity. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.

(b) QUALIFICATIONS.—The Deputy Architect of the Capitol shall have strong leadership skills and demonstrated ability in management, including in such areas as strategic planning, performance management, worker safety, customer satisfaction, and service quality.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Deputy Architect of the Capitol shall be responsible to the Architect of the Capitol for the overall direction, operation, and management of the Office of the Architect of the Capitol, including implementing the Office's goals and mission; providing overall organization management to improve the Office's performance; and assisting the Architect of the Capitol in promoting reform, and measuring results.

(2) RESPONSIBILITIES.—The Deputy Architect's responsibilities include—

(A) developing, implementing, annually updating, and maintaining a long-term strategic plan covering a period of not less than 5 years for the Office of the Architect of the Capitol, including the establishment of—

(i) a comprehensive mission statement covering the major functions and operations of the Office; and

(ii) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Office;

(B) developing and implementing an annual performance plan that includes annual performance goals covering each of the general goals and objectives in the strategic plan and including to the extent practicable quantifiable performance measures for the annual goals;

(C) proposing organizational changes and new positions needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals; and

(D) reviewing and directing the operational functions of the Office of the Architect of the Capitol, including—

(i) facilities and project management;

(ii) administration and modernization of systems employed by the Office;

(iii) productivity and cost-saving measures;

(iv) strategic human capital management, including performance management and training and development initiatives; and

(v) financial management, including the integration of operational functions and financial management to ensure that budgets, financial information, and systems support the strategic and annual plans developed under this subsection.

(d) ADDITIONAL RESPONSIBILITIES.—The Architect of the Capitol may delegate to the Deputy Architect such additional duties as the Architect determines are necessary or appropriate.

(e) ACTION PLAN.—

(1) IN GENERAL.—No later than 180 days after the appointment, the Deputy Architect shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate, an action plan describing the policies, procedures, and actions the Deputy Architect will implement and timeframes for carrying out the responsibilities under this section.

(2) ACTION PLAN.—The action plan shall be—

(A) approved and signed by both the Architect of the Capitol and the Deputy Architect; and

(B) developed concurrently and consistent with the development of a strategic plan.

(3) ADDITIONAL SENIOR POSITIONS.—Notwithstanding the provisions in section 129(c) of the Legislative Branch Appropriations Act, 2002, Public Law 107–68, the Architect of the Capitol may, upon submission of the action plan, fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved, in order to implement the action plan.

(f) EVALUATION.—Effective 180 days from the appointment of the Deputy Architect of the Capitol, the General Accounting Office shall evaluate at least annually the implementation of the action plan and provide the results of the evaluation to the Architect of the Capitol, the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate.

(g) REMOVAL.—The Deputy Architect of the Capitol may be removed by the Architect of the Capitol for misconduct or failure to meet performance goals set forth in the performance agreement in subsection (i). Upon the removal of the Deputy Architect of the Capitol, the Architect of the Capitol shall immediately notify in writing the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate, stating the specific reasons for the removal.

(h) COMPENSATION.—The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed $1,000 less than the annual rate of pay for the Architect of the Capitol.

(i) ANNUAL PERFORMANCE AGREEMENT.—The Architect of the Capitol and the Deputy Architect of the Capitol, shall enter into an annual performance agreement that sets forth measurable individual goals linked to the organizational goals in the Office of the Architect of the Capitol's annual performance plan for the Deputy Architect of the Capitol in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

(j) ANNUAL PERFORMANCE REPORT.—The Deputy Architect of the Capitol shall prepare and transmit to the Architect of the Capitol an annual performance report. This report shall contain an evaluation of the extent to which the Office of the Architect of the Capitol met the goals and objectives identified in the annual performance plan in subsection (c)(2) for the preceding year and an explanation of the results achieved during the preceding year relative to the established goals. This report shall also include the evaluation rating of the performance of the Deputy Architect of the Capitol under subsection (h), including the amounts of bonus compensation awarded to the Deputy Architect of the Capitol, and such additional information as may be prescribed by the Architect of the Capitol.

(k) TERMINATION OF ROLE.—As of October 1, 2004, the role of the Comptroller General and the General Accounting Office, as established by this section, will cease.

SEC. 1204. DEPUTY ARCHITECT TO ACT IN CASE OF ABSENCE, DISABILITY, OR VACANCY. The proviso under the subheading "SALARIES" under the heading "OFFICE OF THE ARCHITECT OF THE CAPITOL" under the heading "ARCHITECT OF THE CAPITOL" of the Legislative Branch Appropriations Act, 1971 (40 U.S.C. 164a) is amended by striking "Assistant Architect" and inserting "Deputy Architect".

SEC. 1205. DELEGATION OF AUTHORITY BY ARCHITECT OF THE CAPITOL. The matter under the subheading "OFFICE OF THE ARCHITECT OF THE CAPITOL" under the heading "ARCHITECT OF THE CAPITOL" of the Legislative Appropriation Act, 1956 (40 U.S.C. 163b) is amended by striking "Architect of the Capitol is authorized" through "proper" and inserting "Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003".

SEC. 1206. ASSISTANT ARCHITECT. Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol. Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section, the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002, as amended by this Act, to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

SEC. 1207. SENATE STAFF HEALTH AND FITNESS FACILITY. Section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f) is amended—

(1) in subsection (a), by inserting "Staff" after "Senate";

(2) in subsection (b)(1), by inserting "Staff" after "Senate";

(3) in subsection (c), by inserting "Staff" after "costs of the Senate";

(4) in subsection (d), by inserting "Staff" after "Senate"; and

(5) by striking subsection (e) and inserting the following:

"(e) The Committee on Rules and Administration of the Senate shall promulgate regulations pertaining to the operation and use of the Senate Staff Health and Fitness Facility.".

SEC. 1208. ALLOCATION OF RESPONSIBILITY FOR LIBRARY BUILDINGS AND GROUNDS. (a) IN GENERAL.—The first section of the Act of June 29, 1922 (2 U.S.C. 141) is amended to read as follows:

"SECTION 1. ALLOCATION OF RESPONSIBILITIES FOR LIBRARY BUILDINGS AND GROUNDS.

"(a) ARCHITECT OF THE CAPITOL.—

"(1) IN GENERAL.—The Architect of the Capitol shall have charge of all work at the Library of Congress buildings and grounds (as defined in section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress' approved August 4, 1950 (2 U.S.C. 167(j)) that affects—

"(A) the structural integrity of the buildings;

"(B) buildings systems, including mechanical, electrical, plumbing, and elevators;

"(C) the architectural features of the buildings;

"(D) compliance with building and fire codes, laws, and regulations with respect to the specific responsibilities set for under this paragraph;

"(E) the care and maintenance of Library grounds; and

"(F) purchase of all equipment necessary to fulfill the responsibilities set forth under this paragraph.

"(2) EMPLOYEES.—The employees required for the performance of the duties under paragraph (1) shall be appointed by the Architect of the Capitol.

"(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have charge of all work (other than work under subsection (a)) at the Library of Congress buildings and grounds.

"(c) TRANSFER OF FUNDS.—The Architect of the Capitol and the Librarian of Congress may enter into agreements with each other to perform work under this section, and, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate and the Joint Committee on the Library, may transfer between themselves appropriations or other available funds to pay the costs therefor.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $358,474,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2003, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2003 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $10,886,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $1,793,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $11,100,000 shall remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: Provided further, That of the amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $5,250,000 shall remain available until September 30, 2007 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, $789,000 shall remain available until September 30, 2004 for the Lewis and Clark Exhibition and an additional $200,000 shall remain available until expended, and shall be transferred to Southern Illinois University for the purpose of developing a permanent commemoration of the Lewis and Clark Expedition: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be equally divided and transferred to the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $39,226,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2003 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $6,191,000 shall be derived from collections during fiscal year 2003 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,512,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $86,952,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,963,000, of which $13,697,000 shall remain available until expended: Provided, That, of the total amount appropriated, $1,000,000 shall remain available until expended to reimburse the National Federation of the Blind for costs incurred in the operation of its "NEWSLINE" program.

ADMINISTRATIVE PROVISIONS

SEC. 1301. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. (a) For fiscal year 2003, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,929,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) During fiscal year 2003, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading "LIBRARY OF CONGRESS—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM.—The Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194), division A, chapter 9, under the heading "Library of Congress" "Salaries and Expenses" is amended by striking "March 31, 2003" and inserting "March 31, 2005".

SEC. 1304. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. The Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended—

(1) in section 6(b), by striking paragraph (2) and inserting the following:

"(2) STAFF.—Consistent with all other applicable Federal laws governing appointments and compensation, the staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates."; and

(2) in section 7(h)(3), by striking "subsection (b)(2)" and inserting "section 6(b)(2)".

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,143,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,661,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2001 and 2002 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,219 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $451,134,000: Provided, That not more than $2,210,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That not more than $790,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE FOREIGN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Foreign Leadership Development Center Trust Fund for financing activities of the Center for Foreign Development, $13,000,000.

Administrative Provision

SEC. 1401. Center for Foreign Leadership Development. (a) In General.—Section 313 of the Legislative Branch Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–120) is amended—

(1) in the section heading, by striking "Russian" and inserting "Foreign";

(2) in subsection (a)—

(A) in paragraph (1), by striking "Russian" and inserting "Foreign"; and

(B) in paragraph (2)(D), by striking "United States and Russian relations" and inserting "relations between the United States and eligible foreign states";

(3) in subsection (b)—

(A) in paragraph (1), by striking "Russia" and inserting "eligible foreign states";

(B) in paragraph (2), by striking "Russian nationals" and inserting "nationals of eligible foreign states";

(C) in paragraph (3)(B), by striking "3,000" and inserting "3,500"; and

(D) in paragraph (3)(C)(i), by striking "Russia" and inserting "an eligible foreign state";

(4) in subsection (c)(1), by striking "Russian" and inserting "Foreign"; and

(5) by adding at the end the following:

"(i) Eligible Foreign State Defined.—In this section, the term 'eligible foreign state' means—

"(1) any country specified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

"(2) Estonia, Latvia, and Lithuania.".

(b) Effective Date.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2003 unless expressly so provided in this Act.

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act to pay awards and settlements as authorized under such subsection.

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "2002" and inserting "2003".

SEC. 208. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 209. United States-China Economic and Security Review Commission. (a) Appropriations.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) Name Change.—

(1) In general.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) in the section heading by inserting "**ECONOMIC AND**" before "**SECURITY**";

(B) in subsection (a)—

(i) in paragraph (1), by inserting "Economic and" before "Security"; and

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(C) in subsection (b)—

(i) in the subsection heading, by inserting "Economic and" before "Security";

(ii) in paragraph (1), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting "Economic and" before "Security"; and

(II) in subparagraph (H), by inserting "Economic and" before "Security"; and

(iv) in paragraph (4), by inserting "Economic and" before "Security" each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting "Economic and" before "Security";

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the first sentence, by inserting "Economic and" before "Security"; and

(II) in the second sentence, by inserting "Economic and" before "Security";

(iv) in paragraph (4), by inserting "Economic and" before "Security"; and

(v) in paragraph (6), by inserting "Economic and" before "Security" each place it appears.

(2) References.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) Membership, Responsibilities, and Terms.—

(1) In general.—Section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended by striking subparagraph (F) and inserting the following:

"(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

"(i) appoint 3 members to the Commission;

"(ii) make the appointments on a staggered term basis, such that—

"(I) 1 appointment shall be for a term expiring on December 31, 2003;

"(II) 1 appointment shall be for a term expiring on December 31, 2004; and

"(III) 1 appointment shall be for a term expiring on December 31, 2005;

"(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

"(iv) make appointments not later than 30 days after the date on which each new Congress convenes;".

(2) Responsibilities of the Commission.—The United States-China Commission shall focus on the following nine areas when conducting its work during fiscal year 2003 and beyond:

(A) Proliferation practices.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the United States might take, including economic sanctions, to encourage the Chinese to stop such practices.

(B) Economic reforms and United States economic transfers.—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on United States economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

(C) Energy.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the United States can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

(D) United States capital markets.—The Commission shall evaluate the extent of Chinese access to, and use of United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities.

(E) Corporate reporting.—The Commission shall assess United States trade and investment relationship with China, including the need for *corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.*

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's "hollowing-out" of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

SEC. 210. JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $300,000, to remain available until expended, to the John C. Stennis Center for Public Service Training and Development.

SEC. 211. TITLE II OF THE CONGRESSIONAL AWARD ACT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $250,000, to remain available until expended, to carry out title II of the Congressional Award Act (2 U.S.C. 811 et seq.): Provided, That funds appropriated for this purpose do not exceed 100 percent of funds donated to the Board in cash or in kind under section 208(c) of the Congressional Award Act: Provided further, That such funds are used for staff salaries and overhead, postage, travel, equipment, and accounting costs.

This division may be cited as the "Legislative Branch Appropriations Act, 2003".

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $83,069,000, of which not to exceed $2,201,000 shall be available for the immediate Office of the Secretary; not to exceed $799,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,507,000 shall be available for the Office of the General Counsel; not to exceed $11,123,000 shall be for the Office of the Under Secretary for Transportation Policy; not to exceed $8,375,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,282,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,070,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,920,000 shall be available for the Office of Public Affairs; not to exceed $1,390,000 shall be available for the Office of the Executive Secretariat; not to exceed $611,000 shall be available for the Board of Contract Appeals; not to exceed $1,304,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $11,487,000 shall be available for the Office of the Chief Information Officer: Provided, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $21,000,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $131,779,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2004: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, to be derived from the Airport and Airway Trust Fund, $65,000,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $5,346,000,000 of which $55,000,000 shall be derived from a reimbursement from the heading, "Facilities and Equipment", Federal Aviation Administration for explosives detection systems in this fiscal year, to remain available until September 30, 2004: Provided, That, security service fees authorized under 49 U.S.C. 44940 shall be credited to this appropriation as offsetting collections and used for providing security services authorized by that section: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in 2004: Provided further, That, of such amounts provided herein $150,000,000 shall be available for the Secretary of Homeland Security pursuant to the terms and conditions of section 70107(i) of Public Law 107–295 to award grants to national laboratories, private non-profit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $4,318,456,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available to compensate in excess of 37 active duty flag officer billets: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $752,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of *which $25,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2007; $132,700,000 shall be available for other equipment, to remain available until September 30, 2005; $48,700,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2005; $65,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2003; and $480,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2006: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2004: Provided further, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract in fiscal year 2004 until the Secretary or Deputy Secretary of Transportation and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that funding for the IDS program for fiscal years 2004 through 2008, funding for the National Distress and Response System Modernization program to allow for full deployment of said system by 2006, and funding for other essential search and rescue procurements, are fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget's budgetary projections for the Coast Guard for those years: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.*

Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, $14,000,000, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $889,000,000.

Reserve Training

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $86,522,000.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,047,203,000, of which $3,799,278,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $5,662,037,000 shall be available for air traffic services program activities; not to exceed $839,467,000 shall be available for aviation regulation and certification program activities; not to exceed $207,600,000 shall be available for research and acquisition program activities; not to exceed $12,325,000 shall be available for commercial space transportation program activities; not to exceed $48,782,000 shall be available for financial services program activities; not to exceed $80,260,000 shall be available for human resources program activities; not to exceed $82,192,000 shall be available for regional coordination program activities; not to exceed $84,890,000 shall be available for staff offices; and not to exceed $29,650,000 shall be available for information services: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $6,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided' further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States.

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,981,022,000, of which $2,558,455,000 shall remain available until September 30, 2005, and of which $422,567,000 shall remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

Research, Engineering, and Development

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $124,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2005: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

Grants-in-Aid for Airports

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,100,000,000, to be derived from the Airport and Airway Trust

Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2003, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $81,049,000 of funds limited under this heading shall be obligated for administration and for technology research and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

Aviation Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on Administrative Expenses

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $317,732,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $7,500,000 shall be available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105–178, as amended; $47,000,000 shall be available for construction of state border safety inspection facilities at the United States/Mexico border, and shall remain available until expended; $59,967,000 shall be available for border enforcement activities required by section 350 of Public Law 107–87, and shall remain available until expended; $69,000,000 shall be available, in addition to funds made available by section 330 of this Act, to enable the Secretary to make grants for surface transportation projects, and shall remain available until expended; and $6,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

Federal-Aid Highways

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $31,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2003: Provided, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

Advance Traveler Info. System & Smart Card System, OH, $2,500,000;

Alaska Statewide: Smart Emergency Medical Access System, $3,000,000;

Boston Traffic Monitoring & Security System, MA, $2,000,000;

Bozeman Pass Wildlife Channelization Study, MT, $500,000;

Cargo Mate Logistics and Intermodal Management System, NY, $2,000,000;

Cary, Computerized Traffic Signal System, NC, $1,000,000;

CCTA Burlington Multimodal Transit Center, VT, $1,000,000;

Center for Injury Sciences at UAB, Crash Notification, AL, $2,000,000;

Central Florida Regional Trans. Authority, Orange/Seminole ITS, FL, $2,000,000;

Chattanooga (CARTA) ITS, TN, $1,500,000;

Sierra Madre Intermodal Trans. Center, Los Angeles, CA, $2,500,000;

CVISN, NM, $1,125,000;

Flint Mass Transportation Authority ITS program, MI, $1,000,000;

Intelligent Transportation Center, Atlanta, GA, $500,000;

GMU, ITS Research, VA, $2,000,000;

Great Lakes ITS program, MI, $3,000,000;

Harrison County Sheriff's Department, ITS, MS, $1,000,000;

Hoosier SAFE–T, IN, $2,000,000;

Huntsville, AL, $2,000,000;

I–80 Dynamic Message Signs, Southern WY, $4,000,000;

Idaho Statewide CVISN, $2,250,000;

Illinois Statewide, $4,500,000;

Iowa Statewide ITS, $1,400,000;

Kansas City Scout, Advanced Traffic Management System, KS, $1,500,000;

Kansas City SmartPort, $1,000,000;

Kent, Intracity Transit Project, WA, $1,500,000;

Lynnwood ITS, WA, $2,000,000;

Maine Statewide, Rural Advanced Traveler Info. System, ME, $2,000,000;

Maryland Statewide ITS, $2,000,000;

Missouri Statewide Rural ITS, MO, $2,000,000;

NDSU Advanced Traffic Analysis Center, ND, $1,000,000;

Nebraska statewide ITS, $5,000,000;

New Bedford ITS Port Information Center, MA, $1,000,000;

Oklahoma Statewide ITS, $7,000,000;

Pennsylvania Turnpike Commission, PA, $5,000,000;

Program of Projects, WA, $5,500,000;

Providence Transportation Information Center, ITS, RI, $2,000,000;

Sacramento Area Council of Governments, ITS, CA, $1,000,000;

Shreveport ITS Project, LA, $1,000,000;

SCDOT Statewide ITS, $5,000,000;

SR–68/Riverside Dr. ITS, Espanola, NM, $475,000;

Surface Transportation Institute, Univ. of North Dakota, ND, $1,500,000;

T–REX Southeast Corridor Multi-Modal Project, CO, $9,000,000;

Tucson ER–LINK ITS project, AZ, $1,250,000;

Univ. of Nebraska Lincoln, SMART Transportation, NE, $2,000,000;

University of Kentucky Transportation Center, KY, $2,000,000;

Utah Commuter Link, Davis and Utah Counties, UT, $1,000,000;

Vermont Statewide Rural Advanced Traveler System, VT, $1,500,000;

Vermont Variable Message Signs, VT, $1,000,000;

Washington, DC Metro ITS, $4,000,000;

Northern Virginia ITS, VA, $4,000,000; and

Wisconsin State Patrol Mobile Data Communications Network, $2,000,000.

Federal-Aid Highways

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $32,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

Appalachian Development Highway System

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $200,000,000, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $117,464,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

National Motor Carrier Safety Program

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for "Motor Carrier Safety Grants", and "Information Systems".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $141,000,000, of which $98,161,131 shall remain available until September 30, 2005: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

Operations and Research

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

National Driver Register

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title

49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $20,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, and $40,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $118,264,000, of which $6,636,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $29,325,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2003.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $30,000,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of operating costs and capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $1,200,000,000, to remain available until expended, of which $550,000,000 shall be for operating expenses, $369,000,000 shall be for capital expenses along the Northeast Corridor Mainline, and $281,000,000 shall be for capital expenses along the remainder of the Corporation's national rail network.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: Provided, That no more than $73,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That not to exceed $2,600,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: Provided, That no more than $3,839,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178 and 49 U.S.C. 5309(m)(3)(C), $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,200,000, to remain available until expended: Provided, That no more than $122,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,781,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $97,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $120,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,428,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $607,200,000, to remain available until expended: Provided, That no more than $3,036,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, together with $50,000,000 made available under 5309(m)(3)(C) of this title and $50,000,000 transferred from "Federal Transit Administration, Formula Grants"; and there shall be available for new fixed guideway systems $1,214,400,000, together with $25,000,000 transferred from the Job Access and Reverse Commute Grants Program account; to be available as follows:

Alaska-Hawaii Setaside, $10,296,000;

Allegheny Port Authority, Stage II Light Rail Transit, PA, $26,250,000;

Altamont Commuter Express San Jose to Stockton, CA, $1,000,000;

Anderson County, South Carolina Transit System, SC, $5,000,000;

Baltimore Central Light Rail Double Track Project, MD, $24,250,000;

BART, SFO Extension, CA, $100,000,000;

Birmingham Transit Corridor Study/PE, AL, $3,000,000;

Boston, North Shore Corridor Project, MA, $500,000;

Boston, MA, South Boston Piers Transitway, $681,000;

Bridgeport Intermodal Corridor Project, CT, $5,000,000;

Burlington-Middlebury Commuter Rail, VT, $2,000,000;

Canal Streetcar, New Orleans, LA, $30,000,000;

Charlotte South Corridor Light Rail Project, NC, $8,000,000;

Chicago, Douglas Blue Line Project, IL, $55,000,000;

Chicago, METRA, Expansion Project, IL, $52,000,000;

Chicago, Ravenswood Brown Line Expansion Project, IL, $2,000,000;

DART, Suburban Areas Extension, Dallas, TX, $60,000,000;

Dulles Link Project, VA, $18,000,000;

East Side Access Project, NY, $12,000,000;

Euclid Corridor Transportation Project, Cleveland, OH, $6,000,000;

Houston Advanced Metro Transit Plan, $20,000,000;

Hudson-Bergen, Hoboken to Tonnelle Ave., NJ (MOS2), $50,000,000;

Hudson-Bergen, Jersey City, Bayonne & Hoboken, NJ (MOS1), $19,200,000;

Interstate MAX Light Rail Transit Extension Project, Portland, OR, $70,000,000;

Johnson County Commuter Rail, KS, $400,000;

Little Rock River Rail, AR, $2,000,000;

Los Angeles, North Hollywood Extension, CA, $40,490,000;

Lowell, MA to Nashua, NH Commuter Rail Ext. Project, NH, $500,000;

MARC Expansion Project, MD, $12,000,000;

MARTA North Line Extension Project Completion, GA, $16,110,000;

MATA Medical Rail Extension, Memphis,TN, $15,610,000;

Medical Center Light Rail Extension, UT, $10,000,000;

Metro Link Commuter Rail, St. Clair Extension Project, IL, $3,370,000;

Metro North Rolling Stock, CT, $6,000,000;

Nashville Light Rail, TN, $3,500,000;

Newark-Elizabeth Rail Link, 15 Station Light Rail Line, NJ, $60,000,000;

North Shore Connector Project, Pittsburgh, PA, $7,025,000;

North/South TRAX Light Rail Transit Line, UT, $720,000;

Oceanside-Escondido Light Rail Project, CA, $12,200,000;

Ogden to Provo Commuter Rail Corridor, UT, $6,000,000;

Pawtucket Layover Facility, RI, $4,500,000;

Port McKenzie Ferry, AK, $5,000,000;

Raleigh, Triangle Transit Project, NC, $11,000,000;

Resort Corridor Project, Las Vegas, NV, $9,000,000;

Salt Lake City University TRAX Light Rail Transit Line, UT, $68,760,000;

San Diego Mission Valley East Line Project, CA, $65,000,000;

San Juan-Tren Urbano, $30,038,000;

Santa Fe/El Dorado Rail Link, NM, $1,000,000;

Scranton to New York City Passenger Rail Service, PA, $3,000,000;

SEPTA Schuylkill Valley Metro Project, PA, $15,000,000;

Sounder Commuter Rail, WA, $30,000,000;

Stamford Urban Transitway, Phase 2 Project, CT, $12,000,000;

T-REX Southeast Light Rail Corridor, CO, $70,000,000;

Tri-Rail, Double Track Improvement, FL, $18,500,000;

Twin Cities Hiawatha & Northstar Projects, MN, $48,000,000;

Vermont Transportation Authority Rolling Stock, VT, $1,000,000;

Virginia Railway Express VRE, Project, VA, $4,000,000;

Wilmington Train Station improvements, DE, $3,000,000;

Wilsonville to Beaverton Commuter Rail Project, OR, $4,500,000; and

WMATA Addison Rd, Largo Extension, MD, $60,000,000.

Job Access and Reverse Commute Grants

Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $30,000,000, to remain available until expended: Provided, That no more than $150,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program: Provided further, That $25,000,000 shall be transferred to and merged with funds for new fixed guideway systems under the Federal Transit Administration's Capital Investment Grants account.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Saint Lawrence Seaway Development Corporation

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

Operations and Maintenance

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,345,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and Special Programs

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $43,725,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,342,000 shall remain available until September 30, 2005: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Pipeline Safety

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $63,857,000, of which $7,472,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2005; of which $56,385,000 shall be derived from the Pipeline Safety Fund, of which $24,823,000 shall remain available until September 30, 2005.

Emergency Preparedness Grants

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2005: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2003 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

Salaries and Expenses

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $57,421,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

Salaries and Expenses

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,459,000: Provided, That notwithstanding any other provision of law, not to exceed $1,000,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, to result in a final appropriation from the general fund estimated at no more than $18,459,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Salaries and Expenses

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,194,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

Salaries and Expenses

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,500,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

Sec. 302. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

Sec. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Sec. 304. None of the funds in this Act shall be available for salaries and expenses of more than 105 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

Sec. 305. None of the funds in this Act shall be used for the planning or execution of any *program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.*

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 309. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 310. (a) For fiscal year 2003, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year: Provided, That the amount of obligation limitation distributed for each program does not exceed the amount authorized to be appropriated for such program; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2005, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October 1, 2002, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed .45 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section

104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 1.9 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 317. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 318. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, that notwithstanding the provisions 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 319. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 320. (a) Section 47107 of title 49, United States Code, is amended by inserting after section 47107(p) the following:

"(q) Notwithstanding any written assurances prescribed in subsections (a) through (p), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

"(1) No scheduled passenger air carrier has provided service at the airport within five years prior to January 1, 2002;

"(2) The airport is located within the Class B airspace of an airport that maintains an airport operating certificate pursuant to Section 44706 of title 49; and.

"(3) The certificated airport operating under Section 44706 of title 49 has sufficient capacity and does not contribute to significant delays as defined by DOT/FAA in the 'Airport Capacity Benchmark Report 2001'.

"(r) An airport that meets the conditions of subsections (q)(1) through (3) is not subject to Section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.".

(b) This section shall be effective upon enactment, notwithstanding any other section of title 49.

SEC. 321. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 322. (a) Funds provided in Public Law 106–69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106–346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

(b) Funds provided in Public Law 106–346 for Missoula Ravalli Transportation Management Administration buses shall be available for Missoula Ravalli Transportation Management Administration buses and bus facilities.

SEC. 323. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 324. Notwithstanding any other provision of law, Walnut Ridge Regional Airport shall transfer to the Federal Aviation Administration (FAA) their localizer instrument landing system, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 325. Notwithstanding any other provision of law, Williams Gateway Airport shall transfer to the Federal Aviation Administration (FAA) air traffic control tower equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2003.

SEC. 327. Section 218(a) of Title 23, United States Code, is amended by inserting "reauthorization of the" before "Transportation".

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $90,600,000, to remain available until expended.

SEC. 330. (a) Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code at the following location in Georgia: On the West Side of I–285 between Paces Ferry Road and the Chattahoochee River,

(b) Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers on the West side of GA 400 from the Glenridge Connector to Northland Drive.

SEC. 331. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award is made under section 1221 of Public Law 105–178 and before any grant award letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from any discretionary grant program within the Department: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 332. Of the funds provided in section 101(a)(2) of Public Law 107–42, $77,100,000 are rescinded.

SEC. 333. (a) The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which the Department of Energy, together with the Department of Transportation and the Nuclear Regulatory Commission, selects routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department of Energy facilities currently licensed to accept such spent nuclear fuel.

(b) In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department facilities currently licensed to accept such spent nuclear fuel;

(2) selects such a route for a specific shipment of such spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of such spent nuclear fuel along such a route.

(c) The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel from research nuclear reactors through densely populated areas.

(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert halls and theaters, and other venues) where large numbers of people gather.

(d) In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) The Secretary shall disperse to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

(f) Not later than six months after the date of the dispersal of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a), including the recommendations required by subsection (d).

(g) In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 334. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration and the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, aviation security or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities and the TSA for necessary security checkpoints.

SEC. 335. Using up to $300,000 of the amount appropriated for fiscal year 2002 for the Department of Transportation for the Coast Guard for acquisition, construction, and improvements by title I of Public Law 107–87 (115 Stat. 836), the Secretary of Transportation shall, by grant, reimburse the City of Escanaba, Michigan, for the costs incurred by the City for the repair of the North wall of the municipal dock, Escanaba, Michigan, a facility used by the Coast Guard.

SEC. 336. For the purpose of any applicable law, for fiscal year 2003, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 337. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the "Grants-in-Aid for Airports" program, for the FAA to hire additional staff or obtain the services of consultants: Provided, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 338. (a) IN GENERAL.—Notwithstanding any other provision of subchapter I of Chapter 471 of title 49, the Secretary of Transportation may provide grants under such subchapter I of chapter 471 to the airport sponsor of the Double Eagle II Airport in Albuquerque, New Mexico, for—

(1) the construction of an air traffic control tower; and

(2) the acquisition and installation of air traffic control equipment to be used in the air traffic control tower that will assist in sustaining or improving the safe and efficient movement of air traffic.

(b) ELIGIBILITY.—The sponsor shall be eligible for a grant under this section if—

(1) the sponsor would otherwise be eligible to participate in the pilot program established under section 47124(b)(3) of title 49 except for the lack of the air traffic control tower proposed to be constructed under this section; and

(2) the sponsor agrees to fund not less than 10 percent of the costs of construction of the air traffic control tower.

(c) PROJECT COSTS.—Grants under this act shall be paid only from amounts apportioned to the sponsor or for airports in the state under section 47114(d) of title 49, United States Code.

(d) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this section may not exceed $1,800,000.

SEC. 339. Notwithstanding any other provision of law, States may use funds provided in this Act under Section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any state that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated for innovative seat belt projects under Section 157 of title 23, United States Code, and $10,000,000 of funds allocated under Section 410 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving.

SEC. 340. For purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities designated by the Commandant may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities: Provided, That amounts received under this section may be credited to appropriate Coast Guard accounts.

SEC. 341. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 342. Insert the following new section at the end of chapter 53 of Title 49, United States Code:

"SEC. 5339. Effective for funds not yet expended on the effective date of this section, the federal share for funds under this chapter for a grantee named in section 603(14) of Public Law 97–468 shall be the same as the federal share under 23 U.S.C. section 120(b) for federal aid highway funds apportioned to the state in which it operates.".

SEC. 343. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-Aid Highways set forth in sections 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 344. None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 345. For fiscal year 2003, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 346. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard "Acquisition, construction, and improvements" shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits to the House and Senate Committees on Appropriations a quarterly report on the agency's mission hour emphasis and a quarterly report on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such acquisition reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such acquisition reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for *the acquisition, construction, and improvements account be fully funded: Provided further, That such acquisition reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such mission hour emphasis and acquisition reports shall be current as of the last day of the preceding quarter.*

SEC. 347. Of the funds made available in fiscal year 2003 in Section 1503 of Public Law 105–178, as amended, $115,000,000 shall instead be available for the programs authorized in Section 1101(a)(9) of such Act and $15,000,000 shall instead be made available for Section 1221 of such Act.

SEC. 348. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $56,638,000, which limits fiscal year 2003 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $75,141,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 349. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in Section 350 of Public Law 107–87.

SEC. 350. (a) Notwithstanding any other provision of law, and subject to the requirements of this section, the Secretary of Transportation is authorized to waive any of the terms, conditions, reservations, and restrictions contained in the deeds of conveyance and subsequent corrections to the deeds of conveyance under which the United States conveyed certain property to Gadsden, Alabama, for airport purposes.

(b) No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Any waiver granted by the Secretary of Transportation under subsection (a) shall be subject to the following conditions:

(1) Gadsden, Alabama, shall agree that in selling, leasing, or conveying any interest in, the property for which waivers are granted under subsection (a), the amount received by the city shall be used by the city for the development, improvement, operation, or maintenance of the Gadsden Municipal Airport.

(2) The city will dedicate to the airport fund that supports the Gadsden Municipal Airport an amount which is equal to the fair lease value or the fair market value, as the case may be, of the property for which waivers are granted under subsection (a) unless any of the airport property was the subject of a taking and condemnation by the federal government.

SEC. 351. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; Public Law 102–240) is amended—

(1) in the subsection heading, by inserting "OVER-THE-ROAD BUSES AND" before "PUBLIC"; and

(2) in paragraph (1), by striking "to any vehicle which" and inserting the following: "to—

"(A) any over-the-road bus (as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181)); or

"(B) any vehicle that".

SEC. 352. Notwithstanding any other provision of law, funds made available for construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana, under section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; 109 Stat. 607) and item 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) shall be made available for the project in Lake Charles, Louisiana, consisting of—

(1) construction of Nelson Access Road to the Port of Lake Charles as described in item 1596 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 315);

(2) reconstruction of Cove Lane; and

(3) planning, design, and construction of Port Access Road.

SEC. 353. Section 342 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking "Passenger only ferry to serve Kitsap and King Counties to Seattle" and inserting "Ferry/tunnel project in Bremerton, Washington".

SEC. 354. Section 343 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking "Passenger only ferry to serve Kitsap and King Counties to Seattle" and inserting "Ferry/tunnel project in Bremerton, Washington".

SEC. 355. In addition to amounts otherwise made available by this Act, there is hereby appropriated $3,500,000, to remain available until expended, to enable the Secretary to maintain operations of the Midway Island airfield for a period of not less than one year beyond the date at which the U.S. Fish and Wildlife Service ceases said operations.

SEC. 356. (a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

(b) DEADLINE.—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

SEC. 357. Section 145(c) of Public Law 107–71 is amended by striking the number (18) and inserting the number (36).

SEC. 358. SUSQUEHANNA GREENWAY, MARYLAND. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking "Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville" and inserting "Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County".

This division may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2003".

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $191,887,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $21,206,000 and 120 full time equivalent positions: Provided further, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts, $5,893,000 shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $68,828,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,424,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at *such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,962,000.*

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $6,041,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $30,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $20,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That use of such funds shall be subject to prior approval of the Committees on Appropriations in accordance with guidelines for reprogramming and transfer of funds.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $50,517,000, of which not to exceed $3,400,000 shall remain available until September 30, 2005; and of which $8,338,000 shall remain available until September 30, 2004: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $126,660,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $24,266,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005, and of which up to 20 percent of the $24,266,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,029,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $220,664,000, of which not to exceed $9,220,000 shall remain available until September 30, 2005, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $888,430,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; of which $13,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training; and of which $3,200,000 for a new headquarters shall remain available until September 30, 2004: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,500 motor vehicles of which 550 are for replacement only and of which 1,465 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,501,488,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not less than $100,000 shall be available to promote public awareness of the child pornography tipline; not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That of the total amount of funds made available for forced child labor activities in fiscal year 2003, not to exceed $5,000,000 shall remain available until expended for operations and support of such activities: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $177,829,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2003 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $435,332,000, to remain available until expended, of which not less than $312,900,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2003 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $34,900,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $195,473,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2003 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at $191,073,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,955,777,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,729,072,000, of which not to exceed $1,000,000 shall remain available until September 30, 2005, for research, and of which $60,000,000 shall be used to combat abusive tax shelters.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives, $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,632,444,000, which shall remain available until September 30, 2004.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $436,000,000, to remain available until September 30, 2005, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $1,010,817,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $3,749,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2004.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,519,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2003, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2003 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "4 years" and inserting "5 years".

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the advance notification of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 121. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 122. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 123. The Treasury Department Appropriations Act, 1997 (as contained in section 101(f) of Division A of Public Law 104–208), under the heading "Treasury Franchise Fund", as amended by section 120 of the Treasury Department Appropriations Act, 2001 (enacted pursuant to section 1(a)(3) of Public Law 106–554), is further amended by striking "until October 1, 2002".

SEC. 124. LICENSE PROCEDURES FOR OFFICE OF FOREIGN ASSETS CONTROL. Notwithstanding any other provision of law, none of the funds appropriated to "Departmental Offices, Salaries and Expenses" for use by the Office of Foreign Assets Control may be expended until the Office has in place with respect to the administration of licenses for travel the following procedures:

(1) All applications for licenses pertaining to travel-related transactions submitted to the Office of Foreign Assets Control shall be considered approved if not resolved within 90 calendar days after receipt of the completed license application.

(2) Whenever the Office decides to deny a license application pertaining to travel-related transactions, the Office shall notify the applicant in writing. The notification will include:

(A) The statutory and regulatory basis for the denial;

(B) To the extent consistent with the national security of the United States, the specific considerations that led to the decision to deny the license application and;

(C) The name, phone number, and e-mail address of the Office representative in a position to discuss the issues with the applicant.

(3) The above-outlined procedures shall be effective 120 days from the date of enactment.

SEC. 125. (a) The Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs) on either side of the United States-Canada border in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian customs officers can inspect vehicles entering Canada from the United States before they enter Canada.

(b) Using the authority granted under section 629(a) of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the CCRA, shall endeavor to—

(1) locate IBIAs in an area with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(2) ensure that United States Customs officers stationed in any IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law; and

(3) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian customs officers stationed in any IBIA on the United States side of the border to exercise the authority to enforce Canadian law as permitted by Canada.

(c) United States Customs officers stationed in an IBIA, on the Canadian side of the border, shall be afforded the same privileges and immunities for the performance of their duties as they would enjoy if they were stationed in the United States. Canadian customs officers stationed in an IBIA on the United States side of the border, shall be afforded the same privileges and immunities for the performance of their duties as they would enjoy if they were stationed in Canada.

SEC. 126. AMENDMENT TO JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT ACT.—For fiscal year 2003 and thereafter, section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) INVESTMENT OF FUND ASSETS.—

"(1) At the request of the Center, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

"(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Center to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary."; and

(2) by striking subsection (c) and inserting the following:

"(c) AUTHORITY TO SELL OBLIGATIONS.—At the request of the Center, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.".

SEC. 127. AMENDMENT TO JAMES MADISON MEMORIAL FELLOWSHIP ACT.—For fiscal year 2003 and thereafter, section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) INVESTMENT OF AMOUNTS APPROPRIATED.—

"(1) At the request of the Trust Fund, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

"(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Trust Fund to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary."; and

(2) by striking subsection (c) and inserting the following:

"(c) SALE OF OBLIGATIONS ACQUIRED BY FUND.—At the request of the Trust Fund, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.".

This title may be cited as the "Treasury Department Appropriations Act, 2003".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $60,014,000, of which $31,014,000 shall not be available for obligation until October 1, 2003: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2003.

This title may be cited as the "Postal Service Appropriations Act, 2003".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $59,735,000: Provided, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

OFFICE OF HOMELAND SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Homeland Security, pursuant to Executive Order 13288, $24,844,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,228,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,200,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that *section; and hire of passenger motor vehicles, $4,066,000.*

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $324,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,405,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,221,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $9,525,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $70,128,000, of which $16,775,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That the Executive Office of the President shall submit a report to the Committees on Appropriations that: (1) includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) presents an Information Technology (IT) Human Capital Plan, to include an inventory of current IT workforce knowledge and skills, a definition of needed IT knowledge and skills, a gap analysis of any shortfalls, and a plan for addressing any shortfalls; (3) presents a capital investment plan for implementing the Enterprise Architecture; (4) includes a description of the IT capital planning and investment control process; and (5) is reviewed and approved by the Office of Management and Budget, is reviewed by the General Accounting Office, and is approved by the Committees on Appropriations.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,752,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,456,000, of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $40,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $22,000,000 for the continued operation of the technology transfer program: Provided, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2004, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 budget request levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That no funds of an amount in excess of the fiscal year 2003 budget request shall be obligated prior to the approval of the Committee on Appropriations: Provided further, That none of the funds made available in this Act or any other Act may be expended or obligated for the continued or future operation of a regional office with authority over more than one of the California, Arizona, New Mexico, or Texas partnerships without the consent of each of the affected partnerships.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $172,700,000, to remain available until expended, of which the following amounts are available as follows: $100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $60,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $3,000,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $5,900,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 2003".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,629,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $45,244,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $28,677,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5

U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $363,299,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,926,833,000, of which: (1) $631,663,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Arkansas:

Little Rock, United States Courthouse Annex, $77,154,000

California:

San Diego, United States Courthouse Annex, $23,901,000

District of Columbia:

Washington, Southeast Federal Center Site Remediation, $8,972,000

Florida:

Fort Pierce, United States Courthouse, $2,744,000

Iowa:

Cedar Rapids, United States Courthouse, $5,167,000

Maine:

Jackman, Border Station, $9,194,000

Maryland:

Montgomery County, FDA consolidation, $25,500,000

Suitland, National Oceanic and Atmospheric Administration II, $9,461,000

Suitland, United States Census Bureau, $176,919,000

Mississippi:

Jackson, United States Courthouse, $7,276,000

Missouri:

Cape Girardeau, United States Courthouse, $49,300,000

Montana:

Raymond, Border Station, $7,753,000

New York:

Brooklyn, United States Courthouse Annex—GPO, $39,500,000

Massena, Border Station, $1,646,000

New York, United States Mission to the United Nations, $57,053,000

North Dakota:

Portal, Border Station, $2,201,000

Oregon:

Eugene, United States Courthouse, $77,374,000

Tennessee:

Nashville, United States Courthouse, $7,095,000

Texas:

Austin, United States Courthouse, $13,809,000

Utah:

Salt Lake City, United States Courthouse, $11,807,000

Washington:

Oroville, Border Station, $6,572,000

Nationwide:

Judgment Fund Repayment, $3,012,000

Nonprospectus Construction, $8,253,000: Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $997,839,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

California:

Los Angeles, Federal Building, 300 North Los Angeles Street, $93,166,000

San Francisco, Appraisers Building, $20,283,000

Tecate, Tecate United States Border Station, $5,709,000

Colorado:

Denver, Byron G. Rogers Federal Building and Courthouse, $9,000,000

Connecticut:

New Haven, Robert N. Gaimo Federal Building, $18,507,000

District of Columbia:

Federal Office Building 10A Garage, $5,454,000

Harry S Truman Building (State), $29,443,000

Illinois:

Chicago, United States Custom House, $9,000,000

Iowa:

Davenport, Federal Building and United States Courthouse, $12,586,000

Maryland:

Baltimore, Metro West, $6,162,000

Woodlawn, Operations Building, $96,905,000

Massachusetts:

Boston, John F. Kennedy Federal Building Plaza, $3,271,000

Missouri:

Kansas City, Bannister Federal Complex, Building 1, $16,130,000

Kansas City, Bannister Federal Complex, Building 2, $3,148,000

New Hampshire:

Manchester, Norris Cotton Federal Building, $17,668,000

Portsmouth, Thomas J. McIntyre Federal Building, $11,149,000

New York:

New York, Jacob K. Javits Federal Building, $7,568,000

Ohio:

Cleveland, Howard M. Metzenbaum United States Courthouse, $15,212,000

Pennsylvania:

Pittsburgh, United States Post Office and Courthouse, $2,810,000

Pittsburgh, William S. Moorhead Federal Building, $68,793,000

Texas:

Dallas, Earle Cabell Federal Building—Courthouse and Santa Fe Federal Building, $16,394,000

Fort Worth, Fritz Garland Lanham Federal Building, $15,249,000

Washington:

Seattle, Henry M. Jackson Federal Building, $26,832,000

Nationwide:

Chlorofluorocarbons Program, $8,000,000

Design Program, $52,527,000

Elevator Program, $21,533,000

Energy Program, $8,000,000

Glass Fragmentation Program, $20,000,000

Terrorism, $10,000,000

Basic Repairs and Alterations, $367,340,000: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $178,960,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,153,211,000 for rental of space which shall remain available until expended; and (5) $1,965,160,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to *provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2003, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,926,833,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.*

GENERAL ACTIVITIES

POLICY AND CITIZEN SERVICES

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; providing citizens with Internet access to Federal information and services; and services as authorized by 5 U.S.C. 3109, $65,995,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $94,640,000, of which $23,899,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $37,617,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,339,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2003 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2004 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2004 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $2,000,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. DESIGNATION OF THE JUDGE DAN M. RUSSELL, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, shall be known and designated as the "Judge Dan M. Russell, Jr. Federal Building and United States Courthouse".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Judge Dan M. Russell, Jr. Federal Building and United States Courthouse".

SEC. 409. DESIGNATION. (a) The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the "Alfonse M. D'Amato United States Courthouse".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Alfonse M. D'Amato United States Courthouse".

SEC. 410. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING. (a) The building known as the Colonnade Center, located at 1244 Speer Boulevard, Denver, Colorado, shall be known and designated as the "Cesar E. Chavez Memorial Building".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Cesar E. Chavez Memorial Building".

SEC. 411. For gross obligations for the principal amount of a direct loan as defined by Section 502 of the Congressional Budget Act of 1974, not to exceed $250,000, to be available from amounts transferred by Treasury to the "Disposal of surplus real and related personal property" account of the General Services Administration.

SEC. 412. DESIGNATION OF RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE. (a) The United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, and any addition to the courthouse that may hereafter be constructed, shall be known and designated as the "Richard Sheppard Arnold United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Richard Sheppard Arnold United States Courthouse".

SEC. 413. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, by purchase, condemnation, or otherwise, the properties known as 26 West Market Street, 30 West Market Street, 39 West Market Street, and 40 West Market Street in Salt Lake City, Utah. In so acquiring, the Administrator shall comply with applicable environmental and historical preservation statutes. This authority is in addition to the authority of the Administrator to acquire any sites necessary for construction of the new United States Courthouse in Salt Lake City, Utah.

(b) In addition, the Administrator is authorized to relocate the historical building currently located at 39 West Market Street, Salt Lake City, Utah, to the parcels known as 26, 30, and 40 West Market Street, Salt Lake City, Utah, and after the relocation the Administrator is authorized to sell by auction, or upon such other terms and conditions as the Administrator deems proper, the properties known as 26, 30, and 40 West Market Street. All proceeds from such sale shall be deposited into the fund established under section 592 of title 40, United States Code, and shall not be available for obligation until authorized by a future appropriations Act.

(c) Funds made available in previous appropriations Acts for site, design and construction of a new Courthouse in Salt Lake City, as well as funds that may be made available for such project in fiscal year 2003 appropriations Acts, may be used to carry out the purposes of subsections (a) and (b).

SEC. 414. DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the "Nathaniel R. Jones Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $31,788,000 together with not to exceed $2,594,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $249,731,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $14,208,000, to remain available until expended, of which $1,250,000 is for the Military Personnel Records Center preliminary design studies, $3,250,000 is for repairs to the Lyndon Baines Johnson Presidential Library Plaza, and $3,750,000 is for locating, purchasing, and other related site location expenses for the site of a new regional archives facility to be constructed in Anchorage, Alaska.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,486,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $128,736,000, of which $24,000,000 shall remain available until expended for the cost of the Government-wide human resources data network project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery; and in addition $120,791,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000, and in addition, not to exceed $10,766,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $12,434,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, as authorized by Public Law 106–579, $250,000.

This title may be cited as the "Independent Agencies Appropriations Act, 2003".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

Sec. 504. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

Sec. 505. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of the Buy American Act (41 U.S.C. 10a–10c).

Sec. 506. (a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Sec. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 508. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2003 from appropriations made available for salaries and expenses for fiscal year 2003 in this Act, shall remain available through September 30, 2004, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

Sec. 509. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

Sec. 510. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

Sec. 511. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

Sec. 512. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Sec. 513. None of the funds provided in this Act may be used to procure any products, articles, goods, or wares mined, manufactured, or produced wholly or in part by forced or indentured child labor as identified in the 1995 U.S. Department of Labor Report on Forced and Bonded Child Labor, the 2002 U.S. Department of Labor Findings on the Worst Forms of Child Labor, or the most recent U.S. Department of State Human Rights Country Reports.

Sec. 514. Endowment for Presidential Libraries. Section 2112(g) of title 44, United States Code, is amended by adding at the end the following:

"(5)(A) Notwithstanding paragraphs (3) and (4) (to the extent that such paragraphs are inconsistent with this paragraph), this subsection shall be administered in accordance with this paragraph with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Presidential records pertaining to any President who takes the oath of office as President for the first time on or after July 1, 2002.

"(B) For purposes of subparagraphs (A)(ii), (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage of 40 percent shall apply instead of 20 percent.

"(C)(i) In this subparagraph, the term 'base endowment amount' means the amount of the endowment required under paragraph (3).

"(ii)(I) The Archivist may give credits against the base endowment amount if the Archivist determines that the proposed Presidential archival depository will have construction features or equipment that are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

"(II) The features and equipment described under subclause (I) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

"(III) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the base endowment amount.

"(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

"(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

"(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4).".

TITLE VI—GENERAL PROVISIONS

Departments, Agencies, and Corporations

Sec. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Sec. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

Sec. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

Sec. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

Sec. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who *owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.*

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2002 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2002, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States

Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the "Policy and Citizen Services" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking "October 1, 2002" and inserting "October 1, 2003".

SEC. 634. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 637. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2003.

SEC. 638. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 639. DEFERRAL OF EXPIRATION DATE OF INFORMATION SECURITY REQUIREMENTS. Section 3536 of title 44, United States Code, is amended by striking "the date that is two years after the date on which this subchapter takes effect" and inserting "December 31, 2003".

SEC. 640. UNITED STATES POSTAL SERVICE. (a) The United States Postal Service (USPS) is required under title 5, chapter 83, United States Code, to fund Civil Service Retirement System benefits attributable to USPS employment since 1971.

(b) The Office of Personnel Management has reviewed the USPS financing of the Civil Service Retirement System and determined current law payments overfund USPS liability.

(c) Therefore, it is the Sense of the Senate that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

SEC. 641. SALARIES. No funds shall be used to pay any Federal employee or any employee, member or chairperson of any Federal commission, board, committee, or council an annual salary in excess of the annual salary of the President of the United States.

SEC. 642. SENSE OF CONGRESS ON PAY PARITY. It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar Federal employees paid under the Federal Wage System.

SEC. 643. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

SEC. 644. (a) The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b), if written offer therefore (accompanied by such proof of title, property descriptions and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of the enactment of this Act.

(b) The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon.

(c) The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

This division may be cited as the "Treasury and General Government Appropriations Act, 2003".

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $28,949,000,000, to remain available until expended: Provided, That not to exceed $17,138,000 of the amount appropriated under this heading *shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.*

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,264,808,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $27,530,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $168,207,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $70,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $55,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,626,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $289,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $558,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $23,889,304,000, plus reimbursements: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That of the funds made available under this heading, $500,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2003, and shall remain available until September 30, 2004: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2004: Provided further, That of the funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $15,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: Provided further, That from amounts appropriated under this heading, additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to "Medical care", to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2004, $400,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $69,716,000, of which $3,861,000 shall be available until September 30, 2004, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2003.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,256,418,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $65,800,000 shall be available for obligation until September 30, 2004: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: Provided further, That travel expenses for this account shall not exceed $17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including *uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $133,149,000, of which $6,912,000 shall be available until September 30, 2004.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $55,000,000, to remain available until September 30, 2004.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $144,790,000, to remain available until expended, of which $5,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2003, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2003; and (2) by the awarding of a construction contract by September 30, 2004: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $210,700,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2003 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2002.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2003 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2003, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2003 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2003 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2003: Provided, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2003.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2003 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 111. (a)(1) Section 1729B of title 38, United States Code, is repealed. Any balance as of the date of the enactment of this Act in the Department of Veterans Affairs Health Services Improvement Fund established under such section shall be transferred to the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code.

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1729B.

(b) Section 1729A(b) of such title is amended—

(1) by redesignating paragraph (8) as paragraph (10); and

(2) by inserting after paragraph (7) the following new paragraphs:

"(7) Section 8165(a) of this title.

"(8) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note).".

(c) Section 1722A of such title is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking "under subsection (a)" and inserting "under this section"; and

(B) by striking the second sentence; and

(2) by striking subsection (d).

(d)(1) Section 8165 of such title is amended by striking "Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title" and inserting "Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title".

(2) Section 113(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note) is amended by striking "Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38 United States Code, as added by section 202" and inserting "Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code".

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437 et seq.), not otherwise provided for, including for activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $16,928,697,228 and amounts recaptured in this account, and except as otherwise provided, to remain available until expended: Provided, That of the amount provided under this heading, $4,200,000,000 shall be available on October 1, 2003: Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: Provided further, That the Secretary is authorized and directed to enter into contracts for 2,077,336 vouchers under Sections 8(o) and 8(t) of the Act (42 U.S.C. 1437f(o) and (t)), including moderate rehabilitation units under Section 8(e) of the Act (42 U.S.C. 1437f(e)) that are renewed as vouchers, that currently are funded under contracts that are expiring or terminating: Provided further, That of the amount provided under this heading, $11,676,040,908 shall be for use only for renewal of contracts for vouchers expected to be used in the period covered by the annual contracts and for administrative fees earned for such vouchers: Provided further, That of the amount provided under this heading, $400,170,000 shall be in a central fund to be allocated by the Secretary for amendments to contracts for periods not exceeding 12 months in duration for expenditures for up to 2,077,336 vouchers under Sections 8(o) and 8(t) of the Act (42 U.S.C. 1437f(o) and (t)), including authorized vouchers that the Secretary reallocates from agencies that have chronically failed to use them to other agencies; and in addition to amounts provided above, such sums as shall be necessary within only this fiscal year, if any, to fulfill the purposes of the preceding proviso: Provided further, That the Secretary shall make all needed funds available under the preceding proviso to an agency within 14 days of the agency demonstrating an ability to enter into additional housing assistance payment contracts within an agency's authorized voucher level: Provided further, That amounts provided under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; Stat. 1321–269); (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the amount provided under this heading, no less than $3,000,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Public and Indian Housing": Provided further, That the amounts made available for incremental vouchers under this heading for any fiscal year (to the extent practicable) for non-elderly disabled families shall be provided to non-elderly disabled families upon turnover or renewal: Provided further, That the amounts made available for incremental vouchers under this heading for any fiscal year (to the extent practicable) for welfare-to-work families shall continue to be made available for welfare-to-work families upon turnover or renewal: Provided further, That up to $196,000,000 from amounts made available under this heading may be made available for contract administrators: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: Provided further, That within 60 days of enactment, the Secretary shall reduce the annual contributions contracts with public housing agencies that received a warning pursuant to the notice published on April 19, 2000 (65 FR 21088) of failure to use at least 90 percent of the vouchers allocated to the agency and to spend at least 90 percent of the budget authority allocated to the agency, and that by the date of enactment or within 16 months of initial receipt of such warning (regardless of any subsequent warning notice from the Secretary), whichever is later, failed in the most recent completed month to utilize at least 95 percent of allocated vouchers or contracted budget authority with respect to vouchers that were under annual contributions contract in the agency's prior fiscal year, and within 150 days of enactment the Secretary shall reallocate the number of vouchers from such chronically underutilizing agencies necessary to bring their current rate of voucher utilization to 95 percent and enter into annual contributions contracts with other public housing agencies for the budget authority to support the reallocated vouchers pursuant to the notice published on November 1, 2001 (66 FR 55524), provided that the Secretary shall give first priority, after agencies that need additional vouchers to address urgent needs arising from federally-declared disasters, to high-performing agencies that can serve applicants on the waiting list of the public housing agency from which vouchers are reallocated and to agencies that have nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618): Provided further, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,400,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2002 and prior years, to be effected by the Secretary no later than September 30, 2003: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated may be available for this rescission, except that this proviso does not apply to reallocation of vouchers required under this Act: Provided further, That the Secretary shall have until September 30, 2003, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,683,400,000, to remain available until September 30, 2006: Provided, That, hereafter, notwithstanding any other provision of law or any failure of the Secretary of Housing and Urban Development to issue regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), such section is deemed to have taken effect on October 1, 1998, and, except as otherwise provided in this heading, shall apply to all assistance made available under this same heading on or after such date: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2003, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, or 2003: Provided further, That notwithstanding the first proviso and paragraphs (3) and (5)(B) of such section 9(j), if at any time before the effectiveness of final regulations issued by the Secretary under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) providing for assessment of public housing agencies and designation of high-performing agencies, any amounts made available under the public housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, or 2003 remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies that, at the time of such reallocation, are not in violation of any requirement under paragraph (1) or (5)(A) of such section: Provided further, That for purposes of this heading, the term "obligate" means, with respect to amounts, that the amounts are subject to a *binding agreement that will result in outlays immediately or in the future: Provided further, That of the total amount provided under this heading, up to $54,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $13,000,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: Provided further, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $18,600,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2003: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That of the total amount provided under this heading, up to $100,000,000 shall be made available to public housing agencies for use in the substantial rehabilitation of distressed units, the development of off-site public housing units in mixed-income housing developments, or for loan loss reserves to support such activities.*

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,530,000,000, to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That up to $250,000,000 shall be made available for payments to public housing agencies that are eligible for additional funds in fiscal year 2002 for the operation and management of public housing: Provided further, That no funds may be made available under this heading in fiscal year 2004 and subsequent fiscal years for payments to public housing agencies for the operation and management of public housing in fiscal year 2003: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $574,000,000, to remain available until September 30, 2004, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the total amount provided under this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $600,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $16,658,000: Provided further, That the Secretary of Housing and Urban Development may provide technical and financial assistance to Indian tribes and their tribally-designated housing entities in accordance with the provisions of NAHASDA for emergency housing, housing assistance, and other assistance to address the problem of mold: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal; any part of which is to be guaranteed, not to exceed $39,712,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $292,000,000, to remain available until September 30, 2004: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2004, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $30,000,000, to remain available until expended, for "Urban Empowerment Zones", as authorized in section 1391(g) of the Internal

Revenue Code of 1986 (26 U.S.C. 1391(g)), including $2,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided, That no funds shall be available under this heading for expenditure in fiscal year 2004 and thereafter unless the Congress enacts tax legislation to fund eligible activities in fiscal year 2004 and thereafter.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,000,000,000, to remain available until September 30, 2005: Provided, That of the amount provided, $4,580,200,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That $72,500,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,600,000 shall be for a grant to the National American Indian Housing Council; $2,000,000 shall be for a grant to Girl Scouts of the USA for youth development initiatives in public housing; $2,000,000 shall be for a grant to Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing; and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, $3,000,000 shall be for tribal colleges and universities to build, expand, renovate and equip their facilities, $7,000,000 shall be for insular areas, $11,000,000 shall be for historically black colleges and universities, $3,000,000 shall be for community development work study, $10,000,000 shall be for the Department of Hawaiian Homeland to provide assistance as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (22 U.S.C. 4221 et seq.) (with no more than 5 percent of such funds being available for administrative costs), and of which $7,500,000 shall be for Hispanic serving institutions: Provided further, That no less than $3,400,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under "Community planning and development": Provided further, That $5,000,000 shall be made available for construction costs of the Paul and Sheila Wellstone Center for Community Building: Provided further, That $22,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program: Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for "Planning and Management Development" and "Administration", as defined in regulations promulgated by the Department.

Of the amount made available under this heading, $35,500,000 shall be for capacity building, of which $31,500,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,000,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, $40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives, of which $1,000,000 shall be for a grant to National Housing Trust/Enterprise Preservation Corporation to preserve 5,000 affordable apartments for low-income people and $5,000,000 shall be for a grant to the Housing Partnership Network for a revolving loan fund for single-family homeownership development and loans to nonprofit affordable housing organizations.

Of the amount made available under this heading, notwithstanding any other provision of law, $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 10 percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $130,500,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of the Committee on Appropriations submitted for the record accompanying this Act: Provided, That each grant specified in the report shall be reduced by 10 percent.

The referenced statement of the managers under the heading "Community development block grants" in title II of Public Law 105–277 is deemed to be amended by striking "$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland" and insert in lieu thereof "$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland ($514,000) and for recovery efforts that occurred on or after the April 28, 2002 tornado in Charles and Calvert Counties ($236,000)".

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, to remain available until September 30, 2004, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2004: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That notwithstanding section 108(q) of the Housing and Community Development Act of 1974, recipients of funding made available under this heading may, at the discretion of the Secretary, also apply for funding under section 108.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,950,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, up to $40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $1,100,000 shall be transferred to the Working Capital Fund for the development of and maintenance of, and modification to information technology systems which serve Programs or activities under "Community Planning and Development".

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,215,025,000, of which $193,000,000 shall be available to renew expiring shelter plus care grants, to remain available until September 30, 2005: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That

$17,600,000 of the funds appropriated under this heading shall be available for technical assistance and management information systems: Provided further, That no less than $1,500,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: for the development of and modifications to information technology systems which serve activities under "Community Planning and Development".

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,033,801,000, to remain available until September 30, 2005: Provided, That $783,286,000, plus recaptures or cancelled commitments, shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, which shall remain available for disbursement until September 30, 2015, and for supportive services associated with the housing, of which amount $44,000,000 plus up to $9,000,000 of amounts recaptured or commitments cancelled under this heading, shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $250,515,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, which shall remain available for disbursement until September 30, 2015, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That no less than $500,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Housing Programs" or "Federal Housing Administration,": Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate: Provided further, That all balances and recaptures, as of October 1, 2002, remaining in the "Congregate Housing Services" account as authorized by the Housing and Community Development Amendments of 1978, as amended, shall be transferred to and merged with the amounts for those purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2002, and any collections made during fiscal year 2003, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 2003 by not more than $100,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: Provided, That up to $100,000,000 of recaptured section 236 budget authority resulting from any actions described in section 236(s)(7)(A) of the National Housing Act (12 U.S.C. 1715z–1) shall be made available as provided under section 236(s) of the National Housing Act.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2003 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2003, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2003, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $347,829,000, of which not to exceed $343,807,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,022,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $85,720,000, of which no less than $21,360,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing Programs" or "Federal Housing Administration": Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2003, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $223,716,400, of which $204,395,400, shall be transferred to the appropriation for "Salaries and expenses"; and of which $19,321,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $93,780,000, of which no less than $14,240,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Housing Programs" or "Federal Housing Administration": Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2003, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2004.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,343,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,343,000, shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,000,000, to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $8,750,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2004, of which $20,250,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $201,000,000, to remain available until September 30, 2004, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the total amount made available under this heading, $75,000,000 shall be made available for an urban lead hazard reduction demonstration program in the form of grants to up to 25 major urban areas, as identified by the Secretary as having: (1) the highest number of pre-1940 units of rental housing; (2) significant deterioration of paint; and (3) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That of the amounts made available under this paragraph, grants will be allocated equally among major urban areas that meet the eligibility criteria for the abatement of lead-based paint hazards so long as a major urban area makes a contribution equal to 10 percent of the funds that are available to the grantee under this paragraph should all of the 25 eligible grantees receive awards: Provided further, That not less than 80 percent of the funds made available under this paragraph shall be used exclusively for abatement and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That of the total grant, up to 15 percent may be used for demolition and up to 20 percent of the funds may be available for other lead-based paint hazards activities including risk assessments, testing and education: Provided further, That each major urban area shall target those privately-owned units and multifamily buildings that serve a majority of low-income families that are defined as low-income families as provided under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That each major urban area shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary of Housing and Urban Development on the proposed use of these funds pursuant to a Notice of Funding Availability issued by the Secretary no later than February 15, 2003: Provided further, That for the purposes of environmental reviews for the urban lead hazard reduction demonstration, section 1011 of Title X of the 1992 Housing and Community Development Act shall apply: Provided further, That units treated, and the majority of units in multifamily buildings, remain available for low-income residents for at least 3 years following treatment: Provided further, That where a major urban area fails to meet the requirements of this demonstration program, the Secretary shall reallocate the funds for that urban area to each of the other eligible major urban areas: Provided further, That the Secretary shall submit an annual report to the Congress on the effectiveness of this demonstration program concurrently with the submission of the congressional justifications for the budget of the Department of Housing and Urban Development: Provided further, That should legislation authorizing the urban lead hazard reduction demonstration program not be enacted by June 30, 2003, amounts designated for this initiative shall become available for any such purpose authorized under Section 1011 of the Residential Lead-based Paint Hazard Reduction Act of 1992.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,070,229,000, of which $548,202,400 shall be provided from the various funds of the Federal Housing Administration, $10,343,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community development loan guarantees program" account, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: Provided, That no less than $10,500,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $97,684,000, of which $23,343,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office: Provided further, That no less than $300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

WORKING CAPITAL FUND

For additional capital for Working Capitol Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide Information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, $276,737,000 to remain available until September 30, 2004: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2002, $8,000,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $30,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2003 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2003 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2003 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section

854(c)(1)(A) in fiscal year 2003, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by striking "year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002", and inserting "years 2000, 2001, 2002, and 2003".

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2003 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2003, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Section 683(2) of the Housing and Community Development Act of 1992 is amended—

(1) in subparagraph (F), by striking "and";

(2) in subparagraph (G), by striking "section." and inserting "section; and"; and

(3) by adding the following new subparagraph at the end:

"(H) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.".

SEC. 208. Section 9 of the United States Housing Act of 1937 is amended by inserting at the end the following new subsection:

"(o) LOAN DEVELOPMENT FUNDING.—

"(1) In order to facilitate the financing of the rehabilitation and development needs of public housing, public housing agencies may enter into loans or other financial obligations with financial institutions for the purpose of financing the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), provided that the number of public housing units developed off-site replaces no less than an equal number of on-site public housing units in a project. Loans or other obligations entered into pursuant to this subsection shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

"(2) The Secretary may prohibit a public housing agency from obtaining a loan under this subsection only if the rehabilitation or replacement housing proposed by a public housing agency is inconsistent with its Public Housing Agency Plan, as submitted under section 5A, or the proposed terms of the guaranteed loan constitutes an unacceptable financial risk to the public housing agency or for repayment of the loan under this subsection.

"(3) Notwithstanding any other provision of this title, funding allocated to a public housing agency under subsections (d)(2) and (e)(2) of this section for capital and operating funds is authorized for use in the payment of the principal and interest due (including such servicing, underwriting or other costs as may be specified in the regulations of the secretary) on the loans or other obligations entered into pursuant to this subsection.

"(4) The amount of any loan or other obligation entered into under this subsection shall not exceed in total the pro-rata amount of funds that would be allocated over a period not to exceed 30 years under subsections (d)(2) and (e)(2) of this section on a per unit basis as a percentage of the number of units that are designated to be rehabilitated or replaced under this subsection by a public housing agency as compared to the total number of units in the public housing development, as determined on the basis of funds made available under such subsections (d)(2) and (e)(2) in the previous year. Any reduction in the total amount of funds provided to a public housing agency under this section in subsequent years shall not reduce the amount of funds to be paid under a loan entered into under this subsection but instead shall reduce the capital and operating funds which are available for the other housing units in the public housing development in that fiscal year. Any additional income, including the receipt of rental income from tenants, generated by the rehabilitated or replaced units may be used to establish a loan loss reserve for the public housing agency to assist in the repayment of loans or other obligations entered into under this subsection or to address any shortfall in the operating or capital needs of the public housing agency in any fiscal year.

"(5) Subject to appropriations, the Secretary may use funds from the Public Housing Capital Fund to (A) establish a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of loans made under this subsection, or (B) make grants to a public housing agency for capital investment needs or for the creation of a loan loss reserve account to be used in conjunction with a loan made under this subsection for the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced).

"(6) The Secretary may, to the extent approved in appropriations Acts, assist in the payment of all or a portion of the principal and interest amount due under the loan or other obligation entered into under this subsection, if the Secretary determines that the public housing agency is unable to pay the amount it owes because of circumstances of extreme hardship beyond the control of the public housing agency.

"(7) Any loan or other obligation (including any mortgage instrument) entered into under this subsection shall include use restrictions that ensure the units rehabilitated or developed under this subsection shall be reserved for occupancy by families eligible for public housing under section 3 of this Act, and such use restrictions shall continue to apply to these units upon any default or foreclosure.

"(8) The Secretary is authorized to provide mortgage insurance upon such terms and conditions as may be appropriate to underwrite any loan or other obligation (including any mortgage instrument) entered into under this subsection. The Secretary shall establish premiums to support the cost of this mortgage insurance which shall be paid by public housing agencies through funds made available under subsections (d)(2) and (e)(2) of this section. The Secretary shall maintain all units subject to a loan or other obligation insured under this section as public housing upon any default and foreclosure and shall establish upon such terms and conditions as may be appropriate to ensure repayment of any amounts that are owed upon default or foreclosure.".

SEC. 209. Notwithstanding any other provision of law, no funds in this Act or in any other Act in any fiscal year, including all future and prior fiscal years, may be used hereafter by the Secretary of Housing and Urban Development to provide any assistance or other funds for housing units defined in section 9(n) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this Act) as "covered locally developed public housing units". The States of New York and Massachusetts shall reimburse any funds already made available under any appropriations Act for these units to the Secretary of Housing and Urban Development for reallocation to public housing agencies: Provided, That, if either State fails to make such reimbursement within 12 months, the Secretary shall recapture such funds through reductions from the amounts allocated to each State under section 106 of the Housing and Community Development Act of 1974.

SEC. 210. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 211. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 212. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior *appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.*

SEC. 213. (a) Section 9(n)(1) of the United States Housing Act of 1937 is hereby repealed.

(b) Section 226 of the Departments of Veterans Affairs and Housing and Urban development, and Independent Agencies Appropriations Act, 1999, is hereby repealed.

(c) The amendment made by subsection (a) shall be deemed to have taken effect on October 1, 1998.

(d) The amendment made by subsection (b) shall be deemed to have taken effect on October 21, 1998.

SEC. 214. Notwithstanding any other provision of law, in fiscal year 2003 and each fiscal year thereafter, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 215. (a) Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

"(22) WELFARE-TO-WORK HOUSING VOUCHER PROGRAM.—

"(A) RENEWAL.—Upon renewal, incremental vouchers awarded under this paragraph shall continue to be administered under this paragraph

"(B) ELIGIBLE GRANTEES.—A public housing agency (including Indian tribes and tribally designated housing entities, as defined by the Secretary) is eligible to receive assistance under this paragraph if the public housing agency demonstrates, to the satisfaction of the Secretary—

"(i) that the agency—

"(I) is effectively administering a voucher program;

"(II) is capable of leasing the allotted number of welfare-to-work vouchers in the time allowed by the Secretary; and

"(III) has included in the annual plan of the agency a description of a program to provide welfare-to-work vouchers; and

"(ii) that the agency—

"(I) is carrying out an effective welfare-to-work housing program using Federal, State, or local funds (including vouchers funded under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), or other vouchers), and has a collaboration with the State, local, or tribal entities administering the programs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) that serve families in the jurisdiction; or

"(II) has entered into a memorandum of understanding with the State, local, or tribal entities that administer the programs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) that serve families in the jurisdiction, and such memoranda specify how the agencies will collaborate with the public housing agency in identifying eligible families, determining criteria for selection among eligible families in light of the circumstances in the jurisdiction, and providing payments and services to families (including outreach to owners and case management) so that families may obtain housing in an area of greater employment opportunity or in proximity to a current place of employment or transportation to employment and overcome other barriers to obtaining or retaining employment.

"(C) ADDITIONAL CRITERIA FOR GRANTEE SELECTION.—The Secretary—

"(i) may establish criteria in addition to that established in subparagraph (B) for the selection of public housing agencies that are eligible to receive assistance under this paragraph; and

"(ii) shall consult with the Secretary of Health and Human Services and the Secretary of Labor in determining additional criteria under this subparagraph.

"(D) ELIGIBLE FAMILIES.—Families selected to receive assistance under this paragraph shall be—

"(i) receiving, or shall have received in the 2 years preceding the date on which the family was selected to receive assistance under this paragraph, assistance or other payments (including benefits provided by payments to third parties) or services funded under the Temporary Assistance for Needy Families (TANF) program under part A of title IV of the Social Security Act or as part of a qualified State expenditure of a State under section 409(a)(7)(B)(i) of such Act; and

"(ii) in need of housing voucher assistance as determined by the public housing agency, the agency that administers the Temporary Assistance for Needy Families program, or the Workforce Investment Agency in order to obtain housing in an area of greater employment opportunity or in proximity to a current place of employment or transportation to employment; participate effectively in a program to overcome barriers to employment; or retain employment or increase hours of employment.

"(E) PREFERENCE.—The Secretary shall give preference in the award of assistance under this paragraph to public housing agencies within a State—

"(i) with jurisdiction that minimizes the need to use the procedures established under subsection (r) to allow families to reside in areas with job opportunities; or

"(ii) that demonstrate, to the satisfaction of the Secretary, that the procedures under subsection (r) do not pose a barrier to the choice of housing for families.".

SEC. 216. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 217. The Director of the Office of Management and Budget and the Secretary of Housing and Urban Development shall include as part of the fiscal year 2004 budget (and for each budget in each succeeding fiscal year) for the Department of Housing and Urban Development a separate line in each account for the cost of contract rental renewals, where applicable. The Budget Justifications for Department of Housing and Urban Development shall include a five-year run-out of the cost of all contract rental renewals.

SEC. 218. (a) Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking "$600,000,000" and all that follows through "2002" and inserting the following: "$574,000,000 for fiscal year 2003".

(b) Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking "September 30, 2002" and inserting "September 30, 2004".

SEC. 219. No funds in this Act or any other Act in any fiscal year may hereafter be used by the Secretary of Housing and Urban Development to waive any income eligibility restrictions on housing that has been assisted under Section 8 of the United States Housing Act of 1937 unless explicitly authorized by law.

SEC. 220. The Director of the Office of Budget in the Department of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, and excess funds in each program and activity within the jurisdiction of the Department of Housing and Urban Development and shall submit additional, updated information to these committees within 12 hours of any request.

SEC. 221. Section 204, as amended, of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Public Law 104–204 (12 U.S.C. 1715z–11a), is amended by inserting "or other sites as part of a revitalization plan that includes such a property" after the words "on the properties (which shall be eligible whether vacant or occupied)".

SEC. 222. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2003 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development. This data shall cover all units that are assisted by funds made available under the "Housing Certificate Fund". This report should be accurate within 30 days of submission.

SEC. 223. Notwithstanding the requirements regarding first-time homebuyers in section 104 of the National Affordable Housing Act of 1990 (42 U.S.C. 12704), the Enterprise Housing Corporation of Maryland may use the remaining balance of the grant award, H3–95MD0005–I–N, within the East Baltimore Community of the City of Baltimore, Maryland.

SEC. 224. The part of the HUD Community Development Block Grant to the State of Iowa which is administered by the Iowa Department of Economic Development (grant number B99DC190001) and which, in turn, was granted by the Iowa Department of Economic Development to Benton County, Iowa (Benton County contract number 01–WS–006–99), for the purpose of providing safe potable water to residences of southern Benton County through a distribution system constructed by Poweshiek Water Association, is exempt from the provisions of section 104(g)(2), (g)(3) and (g)(4) of title I of the Housing and Community Act of 1974, as amended.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the

United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $30,400,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,850,000, of which $7,350,000 is to remain available until September 30, 2003 and $500,000 is to remain available until September 30, 2004: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $73,000,000, to remain available until September 30, 2004, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lenders organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $10,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $56,767,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $405,842,000, to remain available until September 30, 2004: Provided, That the Corporation shall enroll no more than 50,000 members in the AmeriCorps programs: Provided further, That not more than $32,500,000 shall be available for administrative expenses authorized under section 501(a)(4): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $15,000,000, to remain available until expended, shall be transferred to the National Service Trust of which up to $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $29,850,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $10,000,000 shall be available for challenge grants to nonprofit organizations: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000, to remain available until September 30, 2004.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $14,612,000 of which $1,045,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $24,445,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $76,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $81,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2003, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $707,203,000, which shall remain available until September 30, 2004.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $19,000 for official reception and representation expenses, $2,136,569,000, which shall remain available until September 30, 2004, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $37,325,000, to remain available until September 30, 2004.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,272,888,000, to remain available until expended, consisting of $636,444,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $636,444,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $12,742,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2004, and $86,168,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2004.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,313,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,581,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,920,639,000, to remain available until expended, of which $1,425,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); $875,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $45,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $3,000,000 shall be for remediation of above ground leaking fuel tanks pursuant to Public Law 106–554; $126,000,000, in addition to $2,241,450 previously appropriated under this heading in Public Law 106–74, shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of the Committee on Appropriations submitted for the record accompanying this Act; $120,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and $1,123,835,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended: Provided, That for fiscal year 2003, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That for fiscal year 2003, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2003, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

The referenced statement of the managers under this heading in Public Law 106–74 is deemed to be amended by striking everything after "137." in reference to item number 137 and inserting, "$2,739,550 for the City of Welch, West Virginia, for water and sewer extensions to the Indian Ridge Industrial Park".

ADMINISTRATIVE PROVISIONS

For fiscal year 2003, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized *by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.*

None of the funds appropriated or otherwise made available by this Act may be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as published on June 9, 1999, in the Federal Register (64 Fed. Reg. pages 31040 through 31050). The Environmental Protection Agency shall promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees no later than September 30, 2003. Any final regulation promulgated to implement changes in the payment of pesticide tolerance processing fees shall not require the payment of retroactive fees.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2002.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking "$17,000,000 fiscal year 2002" and inserting "$23,200,000 for fiscal year 2003";

(2) in subsection (i)(5)(H) by striking "2002" and inserting "2003";

(3) in subsection (i)(6) by striking "2002" and inserting "2003"; and

(4) in subsection (k)(3)(A) by striking "2002" and inserting "2003".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,368,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,031,000: Provided, That, notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,848,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $842,843,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; and not to exceed $21,577,000 may be transferred to the Office of Inspector General for audits and investigations.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to 42 U.S.C. 5131 et seq., $25,000,000, to remain available until expended: Provided, That grants shall be awarded on a competitive basis subject to the criteria in 42 U.S.C. 5133(g): Provided further, That notwithstanding 42 U.S.C. 5133(f), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocations of funds.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $557,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $557,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $239,690,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $17,754,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall hereafter also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $1,615,214,000: Provided, That $900,000,000 shall be for programs as authorized be section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.): Provided further, That up to 5 percent of this amount shall be transferred to "Salaries and expenses" for program administration: Provided further, That of the amount provided under this heading: $114,000,000 shall be for grants for interoperable communications equipment; $114,000,000 shall be for grants for emergency operations centers; $75,000,000 shall be for Urban Search and Rescue Teams; $75,000,000 shall be for grants for state and local emergency planning; $15,000,000 shall be for Community Emergency Response Teams; $60,000,000 shall be for emergency responder training programs; $15,000,000 shall be for mutual aid agreements; and $1,100,000 for security clearances for State and local emergency management personnel.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2003, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2003, and remain available until expended.

CERRO GRANDE FIRE CLAIMS

For an additional amount for "Cerro Grande Fire Claims", up to $100,000,000 shall be made available for claims resulting from the Cerro Grande fires: Provided, That up to $5,000,000 may be made available for administrative purposes.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $100,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 ("Act") and the Flood Disaster Protection Act of 1973, as amended, not to exceed $32,393,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,666,000 for flood mitigation, to remain available until September 30, 2004, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2004, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: Provided, That beginning in fiscal year 2003 and thereafter, fees authorized in 42 U.S.C. 4014(a)(1)(B)(iii) shall be collected only if provided in advance in appropriations acts. In fiscal year 2003, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $529,380,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking "2002" and inserting "2007".

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking "December 31, 2002" and inserting "December 31, 2007".

Section 1336(a) of the Act, as amended (42 U.S.C. 4056), is amended by striking "December 31, 2002" and inserting "December 31, 2007".

Section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking "December 31, 2002" and inserting "December 31, 2007".

The above 4 amendments will be deemed effective on January 1, 2003.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2004, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $12,541,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2003 in excess of $18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,095,900,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, aeronautics and technology" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,003,000,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Human space flight" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $26,600,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2005.

Notwithstanding the limitation on the availability of funds appropriated for "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2003 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

None of the funds provided in fiscal year 2003 under the heading "Science, Aeronautics and Technology" may be used to purchase items proposed for acquisition in RFP5–55151–GCE.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2003, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2003 shall not exceed $309,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available: Provided, That $700,000, together with amounts of principal and interest on loans repaid, is available until expended for loans to community development credit unions and $300,000 is available until September 30, 2004 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,081,650,000, of which not to exceed $320,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2004: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $85,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $59,280,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $932,730,000, to remain available until September 30, 2004: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $182,160,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2003 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,500,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $9,660,000, to remain available until September 30, 2004.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $110,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended; and of which $5,000,000 shall be for a multi-family rental housing program.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $26,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 403. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General-Accounting Office or is specifically exempt by law from such audit.

SEC. 404. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 405. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided,.That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 406. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 407. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 408. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 409. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 410. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 411. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 412. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 413. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 414. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 415. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 416. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 417. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 418. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 419. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 420. Notwithstanding 42 U.S.C. 5196c, amounts provided in Public Law 107–117 and subsequent appropriations Acts for the construction of emergency operations centers (or similar facilities) shall only require a 25 percent match non-Federal share.

SEC. 421. Subsection (b) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by adding at the end the following new paragraph (12):

"(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.".

SEC. 422. The Director of the Department of Homeland Security is authorized to acquire fee title to up to 178.5 acres of undeveloped property on the North and West sides of Virginia Routes 601 and 605 in Clarke County and Loudoun County, Virginia, adjacent to a Federal Emergency Management Agency facility in Clarke County and Loudoun County, Virginia.

SEC. 423. From amounts previously appropriated under the heading "Emergency Response Fund" in Public Law 107–038, $90,000,000 shall be made available, until expended, for the Federal Emergency Management Agency to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less that $25,000,000 shall be made available for such services for current and retired firefighters.

SEC. 424. Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by—

(1) in subsection (a)(6), by striking "or" at the end;

(2) by renumbering paragraph (7) as paragraph (8) in subsection (a);

(3) by adding after paragraph (6) in subsection (a), the following new paragraph:

"(7) a qualified alien described in 8 U.S.C. 1641, or";

(4) in subsection (c)(1)(A), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)"; and

(5) in subsection (c)(2)(A), by inserting "(other than a qualified alien as described in 8 U.S.C. 1641(c))" after "any alien".

This division may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003".

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

SEC. 101. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in section 308, by striking subsections (a) through (c)(1) and inserting in lieu thereof the following:

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall carry out the responsibilities under section 302(4) through both extramural and intramural programs.

"(b) EXTRAMURAL PROGRAMS.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall operate extramural research, development, demonstration, testing, and evaluation programs so as to—

"(A) ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate;

"(B) ensure that the research funded is of high quality, as determined through merit review processes developed under section 302(14); and

"(C) distribute funds through grants, cooperative agreements, and contracts.

"(2) UNIVERSITY-BASED CENTERS FOR HOMELAND SECURITY.—

"(A) DESIGNATION.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate a university-based center or several university-based centers for homeland security. The purpose of the center or these centers shall be to establish a coordinated, university-based system to enhance the Nation's homeland security.

"(B) CRITERIA FOR DESIGNATION.—Criteria for the designation of colleges or universities as a center for homeland security, shall include, but are not limited to, demonstrated expertise in—

"(i) The training of first responders.

"(ii) Responding to incidents involving weapons of mass destruction and biological warfare.

"(iii) Emergency and diagnostic medical services.

"(iv) Chemical, biological, radiological, and nuclear countermeasures or detection.

"(v) Animal and plant health and diagnostics.

"(vi) Food safety.

"(vii) Water and wastewater operations.

"(viii) Port and waterway security.

"(ix) Multi-modal transportation.

"(x) Information security and information engineering.

"(xi) Engineering.

"(xii) Educational outreach and technical assistance.

"(xiii) Border transportation and security.

"(xiv) The public policy implications and public dissemination of homeland security related research and development.

"(C) DISCRETION OF SECRETARY.—To the extent that exercising such discretion is in the interest of Homeland Security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in section 308(b)(2)(B) and consider additional criteria beyond those specified in section 308(b)(2)(B). Upon designation of a university-based center for homeland security, the Secretary shall that day publish in the Federal Register the criteria that were excepted or added in the selection process and the justification for the set of criteria that were used for that designation.

"(D) REPORT TO CONGRESS.—The Secretary shall report annually, from the date of enactment, to Congress concerning the implementation of this section. That report shall indicate which center or centers have been designated and how the designation or designations enhance homeland security, as well as report any decisions to revoke or modify such designations.

"(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

"(c) INTRAMURAL PROGRAMS.—

"(1) CONSULTATION.—In carrying out the duties under section 302, the Secretary, acting through the Under Secretary for Science and Technology, may draw upon the expertise of any laboratory of the Federal Government, whether operated by a contractor or the Government."; and

(2) in subsection 835(d) by striking all after the word "security" and inserting in lieu thereof a period.

SEC. 102. NON-PREJUDICIAL REPEAL OF SECTIONS 1714 THROUGH 1717 OF THE HOMELAND SECURITY ACT OF 2002. (a) REPEAL.—In accordance with subsection (c), sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296) are repealed.

(b) APPLICATION OF THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) shall be applied and administered as if the sections repealed by subsection (a) had never been enacted.

(c) RULE OF CONSTRUCTION.—No inference shall be drawn from the enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296), or from this repeal, regarding the law prior to enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296). Further, no inference shall be drawn that subsection (a) or (b) effects any change in that prior law, or that Leroy v. Secretary of Health and Human Services, Office of Special Master, No. 02–392V (October 11, 2002), was incorrectly decided.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Nation's ability to produce and develop new and effective vaccines faces significant challenges, and important steps are needed to revitalize our immunization efforts in order to ensure an adequate supply of vaccines and to encourage the development of new vaccines;

(2) these steps include ensuring that patients who have suffered vaccine-related injuries have the opportunity to seek fair and timely redress, and that vaccine manufacturers, manufacturers of components or ingredients of vaccines, and physicians and other administrators of vaccines have adequate protections;

(3) prompt action is particularly critical given that vaccines are a front line of defense against common childhood and adult diseases, as well as against current and future biological threats; and

(4) not later than 6 months after the date of enactment of this Act, the Committee on Health, Education, Labor, and Pensions of the Senate should report a bill addressing the issues described in paragraphs (1) through (3).

SEC. 103. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in subsection 232(f), by striking the period at the end of the sentence and inserting: ": Provided, That any such transfer or provision of funding shall be carried out in accordance with section 605 of Public Law 107–77.";

(2) in subsection 234(b), by striking the period at the end of the sentence and inserting: ": Provided, That any such transfer shall be carried out in accordance with section 605 of Public Law 107–77.";

(3) in subsection 873(b)—

(A) by inserting "Except as authorized by section 2601 of title 10, United States Code, and by section 93 of title 14, United States Code," before the word "Gifts" in the second place it appears; and

(B) by striking the letter "G" and inserting in lieu thereof "g" in the word "Gifts" in the second place it appears;

(4) in subsection 1511(e)(2), after the word "development" and before the period, by inserting: ", and to any funds provided to the Coast Guard from the Aquatic Resources Trust Fund of the Highway Trust Fund for boating safety programs"; and

(5) at the end of the Act, by adding the following new section:

"SEC. 1714. Notwithstanding any other provision of this Act, any report, notification, or consultation addressing directly or indirectly the use of appropriated funds and stipulated by this Act to be submitted to, or held with, the Congress or any Congressional committee shall also be submitted to, or held with, the Committees on Appropriations of the Senate and the House of Representatives under the same conditions and with the same restrictions as stipulated by this Act.".

Sec. 104. Contracts With Corporate Expatriates. (a) Short Title.—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) Limitation on Waivers.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

"(d) Waivers.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.".

(c) Expanded Coverage of Entities.—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

Sec. 105. Savings Provision of Certain Transfers Made Under the Homeland Security Act of 2002. The transfer of functions under subtitle B of title XI of the Homeland Security Act of 2003 (Public Law 107–296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

Sec. 106. Restoration of Provision Regarding Fees to Cover the Full Costs of All Adjudication Services. The Homeland Security Act of 2002 is amended by striking section 457, including the amendment made by such section.

Sec. 107. Sense of the Senate. It is the sense of the Senate that the conferees on the part of the Senate on the disagreeing votes of the two Houses on this joint resolution should insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division L relating to Homeland Security Act of 2002 Amendments, as passed by the Senate (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296)).

DIVISION M—OTHER MATTERS

TITLE I—DEFENSE RELATED TECHNICAL CORRECTIONS

Sec. 101. Section 8126 of Public Law 107–248 is amended to read as follows: "Of the amounts appropriated in Public Law 107–206, under the heading 'Defense Emergency Response Fund', up to $4,500,000 may be made available to settle the disputed takings of property adjacent to the Army Tooele Depot, Utah: Provided, That none of these funds may be used to acquire fee title to the properties.".

Sec. 102. Of the amounts appropriated in Public Law 107–248, under the heading "Operation and Maintenance, Navy", $20,000,000 shall be available for use only in the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet. Further, the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than March 1, 2003, regarding the total number of obsolete vessels in the Maritime Administration National Defense Reserve Fleet designated for disposal, the comparative condition of the vessels, the method of disposal, and the projected costs for disposal of each vessel.

Sec. 103. Section 124 of Public Law 107–249 is amended as follows: "Not more than $2,000,000 of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs.".

Sec. 104. In Public Law 107–249, the total amount appropriated under the heading "Military Construction, Air Force" is reduced by $18,600,000, and the total amount appropriated under the heading "Military Construction, Air Force Reserve" is increased by $18,600,000.

Sec. 105. (a) Of the funds appropriated in Public Law 107–249 for "Military Construction, Air Force", $15,000,000 for land acquisition at Nellis Air Force Base, Nevada, may be transferred by the Secretary of the Air Force to the United States Fish and Wildlife Service to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Upon receipt by the Service of the funds transferred in this paragraph, the obligations of the Department of the Air Force shall be considered fulfilled.

(b) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Funds received by the Foundation under the previous paragraph shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)).

Sec. 106. Section 8040 of Public Law 107–248 is amended by striking "$100,000" and inserting "$250,000". .

Sec. 107. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

To:

Under the heading, "Procurement, Defense-Wide, 2003/2005", $74,000,000; and

"Procurement, Defense-Wide 2002/2004" $30,000,000;

From:

Under the heading, "Procurement of Weapons and Tracked Combat Vehicles, Army 2002/2004", $5,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army 2003/2005", $10,000,000;

"Procurement of Ammunition, Army, 2002/2004", $10,100,000;

"Research, Development, Test and Evaluation, Army, 2002/2003", $5,000,000;

"Research, Development, Test and Evaluation, Army, 2003/2004", $60,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2003/2004", $13,900,000.

Sec. 108. Notwithstanding any other provision of law, from funds made available to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide" in the Department of Defense Appropriations Act, 2003 (Public Law 107–248), the Secretary of Defense shall award a grant in the amount of $2,000,000 to the Commonwealth of Pennsylvania for Quecreek Mine disaster rescue and recovery efforts.

Sec. 109. In addition to amounts appropriated in Public Law 107–248 there are hereby appropriated the following amounts for the following accounts:

"Operation and Maintenance, Army", $133,947,000;

"Operation and Maintenance, Navy", $55,013,000;

"Operation and Maintenance, Air Force", $80,158,000;

"Operation and Maintenance, Defense-Wide", $418,297,000;

"Other Procurement, Air Force", $2,977,841,000;

"Procurement, Defense-Wide", $32,975,000;

"Research, Development, Test and Evaluation, Navy", $2,000,000;

"Research, Development, Test and Evaluation, Air Force", $26,980,000; and

"Research, Development, Test and Evaluation, Defense-Wide", $167,718,000.

Sec. 110. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

Sec. 111. (a) Limitation on Use of Funds for Research and Development on Total Information Awareness Program.—Notwithstanding any other provision of law, commencing 60 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 60 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 60 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) Report.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties; and

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program;

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) Limitation on Deployment of Total Information Awareness Program.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States persons.

(d) Sense of Congress.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) Definitions.—In this section:

(1) Total Information Awareness Program.—The term "Total Information Awareness program"—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) Non-United States Person.—The term "non-United States person" means any person other than a United States person.

(3) United States Person.—The term "United States person" has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

TITLE II

PRICE-ANDERSON ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Price-Anderson Amendments Act of 2002".

SEC. 202. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) Indemnification of Nuclear Regulatory Commission Licensees.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "August 1, 2002" each place it appears and inserting "August 1, 2017".

(b) Indemnification of Department of Energy Contractors.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "December 31, 2004" and inserting "August 1, 2017".

(c) Indemnification of Nonprofit Educational Institutions.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2017".

(d) Effective Date.—The indemnification authority extended by this section shall apply to nuclear incidents occurring on or after August 1, 2002.

SEC. 203. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking "$63,000,000" and inserting "$94,000,000"; and

(B) by striking "$10,000,000 in any 1 year" and inserting "$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)"; and

(2) in subsection t.(1)—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "July 1, 2002"; and

(C) by striking "such date of enactment" and inserting "July 1, 2002".

SEC. 204. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) Indemnification of Department of Energy Contractors.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) Contract Amendments.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) Liability Limit.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 205. INCIDENTS OUTSIDE THE UNITED STATES.

(a) Amount of Indemnification.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) Liability Limit.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 206. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2013".

SEC. 207. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 208. TREATMENT OF MODULAR REACTORS.

Section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 209. APPLICABILITY.

The amendments made by sections 203, 204, and 205 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

SEC. 210. CIVIL PENALTIES.

(a) Repeal of Automatic Remission.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) Limitation for Not-For-Profit Institutions.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.".

(c) Effective Date.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

DIVISION N—EMERGENCY RELIEF AND OFFSETS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—ELECTION REFORM

SEC. 101. (a) In addition to amounts otherwise made available in this Act, $1,500,000,000 is appropriated to establish an election reform grant program to provide assistance to States and localities in improving election technology and the administration of Federal elections.

TITLE II—AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Assistance Act of 2003".

SEC. 202. DEFINITIONS.

In this title:

(1) COVERED COMMODITY.—The term "covered commodity" has the meaning given the term in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901).

(2) DISASTER COUNTY.—The term "disaster county" means a county included in the geographic area covered by a qualifying natural disaster declaration, excluding a contiguous county.

(3) ELIGIBLE NONINSURABLE COMMODITY.—The term "eligible noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) produced in an area that is eligible for coverage under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term "qualifying natural disaster declaration" means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 203. SUPPLEMENTAL DIRECT PAYMENTS.

(a) IN GENERAL.—The Secretary shall make payments to producers on a farm if—

(1)(A) the farm is located in a disaster county declared during calendar year 2001 or 2002; or

(B) the producers on the farm have incurred qualifying crop losses with respect to the 2001 or 2002 crop of a covered commodity or peanuts due to damaging weather or related condition, as determined by the Secretary using the same loss thresholds for the quantity and quality losses as were used in administering section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–55); and

(2) the producers on the farm are eligible for direct payments for the 2002 crop of a covered commodity or peanuts under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(b) AMOUNT.—The amount of the payment made to the producers on a farm under this section shall be equal to 42 percent of the amount of the direct payment the producers on the farm are eligible to receive for the 2002 crop under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(c) CROP INSURANCE.—As a condition of the receipt of a payment under this section—

(1) in the case of an insurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to obtain at least catastrophic risk protection coverage for each insurable commodity produced on the farm for each of the next 2 crop years for which crop insurance is available under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of an eligible noninsurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for each eligible noninsurable commodity produced on the farm for each of the next 2 crop or calendar years (as applicable) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section.

(d) ADMINISTRATION.—The total amount of payments made to a person under this section for 1 or more covered commodities, and the total amount of payments made to a person under this section for peanuts, shall not exceed the dollar amounts that are specified in paragraphs (1) and (2), respectively, of section 1001(b) of the Food Security Act of 1985 (7 U.S.C. 1308(b)).

(e) TIME FOR PAYMENT.—The Secretary shall make payments under this section as soon as practicable after the date of enactment of this Act.

SEC. 204. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK ASSISTANCE PROGRAM.—Subject to subsection (c), in carrying out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), the Secretary shall—

(1) provide assistance to any applicant that—

(A) conducts a livestock operation that is physically located in a county that requested a declaration as a disaster county during the period beginning on January 1, 2001, and ending on the date of enactment of this Act; and

(B) meets all other eligibility requirements established by the Secretary for the Program;

(2) provide assistance to producers of an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)) that meet all other eligibility requirements established by the Secretary for the Program; and

(3) effective beginning on the date of enactment of this Act, carry out the Program using funds of the Commodity Credit Corporation.

(b) LIVESTOCK LOSS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), the Secretary shall use $250,000,000 of funds of the Commodity Credit Corporation to establish a program under which payments for livestock losses are made using the criteria established to carry out the 1999 Livestock Assistance Program to producers for losses in a disaster county declared during calendar year 2001 or 2002.

(2) CHOICE OF PAYMENTS.—If the farm of the producers is located in a disaster county declared during each of calendar years 2001 and 2002, the producers on the farm may elect to receive payments under this subsection for losses associated with the qualifying natural disaster declaration in either calendar year 2001 or calendar year 2002, but not both.

(c) RELATIONSHIP OF LIVESTOCK ASSISTANCE PROGRAMS.—

(1) DEFINITION OF LIVESTOCK ASSISTANCE PROGRAM.—In this subsection, the term "livestock assistance program" means—

(A) the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260);

(B) the 2002 Livestock Compensation Program, as announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070) and modified in accordance with subsection (a); and

(C) the livestock loss assistance program established under subsection (b).

(2) PAYMENTS.—The amount of assistance that the producers on a farm would otherwise receive for a loss under a livestock assistance program shall be reduced by the amount of the assistance that the producers on the farm receive under any other livestock assistance program.

SEC. 205. EMERGENCY SURPLUS REMOVAL.

The Secretary shall transfer $250,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out emergency surplus removal of agricultural commodities.

SEC. 206. SPECIALTY CROPS.

The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers directly or through grants to States, or take such other action as the Secretary determines is appropriate, to assist producers of fruits and vegetables (including nuts).

SEC. 207. TOBACCO PAYMENTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PERSON.—The term "eligible person" means a person that—

(A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2002 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2002 crop year, taking into account temporary transfers.

(2) ELIGIBLE TOBACCO.—The term "eligible tobacco" means each of the following kinds of tobacco:

(A) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(B) Fire-cured tobacco, comprising types 21, 22, and 23.

(C) Dark air-cured tobacco, comprising types 35 and 36.

(D) Virginia sun-cured tobacco, comprising type 37.

(E) Burley tobacco, comprising type 31.

(F) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(b) PAYMENTS.—Not later than June 1, 2003, the Secretary shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) POUNDAGE PAYMENT QUANTITIES.—

(1) IN GENERAL.—

(A) FLUE-CURED AND CIGAR TOBACCO.—In the case of Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the poundage payment quantity under this section shall equal the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(B) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of each other kind of eligible tobacco, the poundage payment quantity under this section shall equal—

(i) in the case of eligible persons that are owners described in subsection (a)(1)(A), the number

of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; and

(ii) in the case of eligible persons that are controllers described in subsection (a)(1)(B) or growers described in subsection (a)(1)(C), the number of pounds of effective poundage quota of the kind of tobacco, including temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(2) Conversion of Individual Allotments to Poundage Payment Quantities.—In the case of each kind of eligible tobacco other than Flue-cured tobacco (types 11, 12, 13, and 14) and Burley tobacco (type 31), individual allotments shall be converted to poundage payment quantities by multiplying—

(A) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; by

(B)(i) in the case of fire-cured tobacco (type 21), 1,746 pounds per acre;

(ii) in the case of fire-cured tobacco (types 22 and 23), 2,676 pounds per acre;

(iii) in the case of dark air-cured tobacco (types 35 and 36), 2,475 pounds per acre;

(iv) in the case of Virginia sun-cured tobacco (type 37), 1,502 pounds per acre; and

(v) in the case of cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), 2,230 pounds per acre.

(d) Available Payment Amounts.—The available payment amount for each kind of eligible tobacco under subsection (b) shall not exceed the amount obtained by multiplying—

(1) 5.55 cents per pound; and

(2) the national basic poundage quota for the applicable kind.

(e) Division of Payments Among Eligible Persons.—

(1) In General.—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this paragraph, as determined by the Secretary.

(2) Flue-cured and Cigar Tobacco.—In the case of payments made available in a State under subsection (b) for Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the Secretary shall distribute (as determined by the Secretary)—

(A) 50 percent of the payments to eligible persons that are owners described in subsection (a)(1)(A); and

(B) 50 percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(3) Other Kinds of Eligible Tobacco.—In the case of payments made available in a State under subsection (b) for each other kind of eligible tobacco not covered by paragraph (2), the Secretary shall distribute (as determined by the Secretary)—

(A) 33⅓ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);

(B) 33⅓ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and

(C) 33⅓ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(f) Special Rule for Georgia.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224).

(g) Judicial Review.—A determination by the Secretary under this section shall not be subject to judicial review.

SEC. 208. COTTONSEED.

The Secretary shall use $50,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 209. HURRICANE ASSISTANCE.

(a) In General.—In a State in a which a qualifying natural disaster declaration has been made during a calendar year, the Secretary shall make available to first processors that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) assistance in the form of payments, or commodities in the inventory of the Commodity Credit Corporation from carrying out that section, to partially compensate producers and first processors for crop and other losses that are related to the qualifying natural disaster declaration.

(b) Administration.—Assistance under this section shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers; and

(2) made available under such terms and conditions as the Secretary determines are necessary to carry out this section.

(c) Quantity.—To carry out this section, the Secretary shall—

(1) use 200,000 tons of commodities in the inventory of the Commodity Credit Corporation under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make payments in an aggregate amount equal to the market value of 200,000 tons of commodities described in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or payments with a total market value of 200,000 tons of commodities described in paragraph (1).

(d) Limitations.—The Secretary shall provide assistance under this section only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a qualifying natural disaster declaration was made during calendar year 2002.

SEC. 210. WEATHER-RELATED LOSSES.

The Secretary shall use not more than $80,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2002 crop year, as determined by the Secretary.

SEC. 211. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED ALONG RIO GRANDE FOR WATER LOSSES.

(a) In General.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219; TS 994).

(b) Amount.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of economic losses described in subsection (a) that were incurred by the producers.

SEC. 212. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED IN NEW MEXICO FOR TEBUTHIURON APPLICATION LOSSES.

(a) In General.—The Secretary shall use not more than $1,650,000 of funds of the Commodity Credit Corporation to reimburse agricultural producers on farms located in the vicinity of Malaga, New Mexico, for losses incurred during calendar years 2002 and 2003 as the result of the application by the Federal Government of tebuthiuron on land on or near the farms of the producers during August 2002, to remain available until expended.

(b) Amount.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of losses described in subsection (a) that were incurred by the producers.

SEC. 213. ADMINISTRATION.

Section 1232(a)(7)(A)(iii) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)(iii)) is amended by inserting before the semicolon the following: ", except that this clause shall not apply during the 2002 calendar year".

SEC. 214. SENSE OF SENATE ON ASSISTANCE FOR PORK PRODUCERS UNDER THE FEED ASSISTANCE PROGRAMS.

It is the sense of the Senate that—

(1) weather-related disasters have caused economic distress for United States pork producers in the form of higher feed costs;

(2) feed assistance programs administered by the Secretary (such as the Livestock Assistance Program established under part 1439 of title 7, Code of Federal Regulations, and the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260)), have been very effective in—

(A) assisting cow-calf producers that have been negatively affected by weather-related disasters; and

(B) reducing Commodity Credit Corporation-owned stocks of powdered nonfat dry milk; and

(3) the Secretary, using authorities of the Commodity Credit Corporation, should expand feed assistance programs administered by the Secretary to include United States pork producers that are negatively affected by weather-related disasters.

SEC. 215. FUNDING.

(a) In General.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

(b) Administration.—The Secretary, acting through the Farm Service Agency, may use not more than $70,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of this title and title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), to remain available until expended.

SEC. 216. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) Procedure.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE III—WILDLAND FIRE EMERGENCY

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount to repay prior year advances from other appropriations transferred for wildfire suppression and emergency rehabilitation by the Department of the Interior, $189,000,000, to remain available until expended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities, $636,000,000, to remain available until expended. Of the funds provided, $70,000,000 shall be transferred to the Knutson Vandenburg fund, $30,000,000 shall be transferred to the Salvage Sale fund, $143,000,000 shall be transferred to the Land Acquisition account, $132,000,000 shall be transferred to the Capital Improvement and Maintenance account, $30,000,000 shall be transferred to the Timber Purchaser Election account, $77,000,000 shall be transferred to the State and Private Forestry account, $23,000,000 shall be transferred to the Forest and Rangeland Research account, $62,000,000 shall be transferred to the National Forest System account, $20,000,000 shall be transferred to the Brush Disposal Account, $30,000,000 shall be transferred to the Working Capital Fund of the Forest Service, $4,000,000 shall be transferred to the Receipts for Road and Trail fund, $1,000,000 shall be transferred to the Operations and Maintenance of Quarters fund, and $14,000,000 shall be transferred to the Forest Service Recreation Fee Demonstration fund.

TITLE IV—TANF AND MEDICARE

SEC. 401. Section 114 of Public Law 107–229, as amended by section 3 of Public Law 107–240 and by section 2 of Public Law 107–294, is amended—

(1) by striking "the date specified in section 107(c) of this joint resolution" and inserting "September 30, 2003"; and

(2) by striking ": Provided further, That notwithstanding" and all that follows through the period and inserting a period.

SEC. 402. SPECIFICATION OF THE CONVERSION FACTOR FOR PAYMENTS UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE FOR 2003. (a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

"(5) CONVERSION FACTOR FOR 2003.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), the conversion factor established under this subsection for services furnished during the period beginning on March 1, 2003, and ending on September 30, 2003, shall be equal to the conversion factor established under this subsection for 2002.".

"(B) NO EFFECT FOR SUBSEQUENT PERIODS.—The conversion factor under paragraph (1) and the update adjustment factor under paragraph (4)(B) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for a year after 2003 shall be applied and computed as if subparagraph (A) had not been in effect.

"(C) CONFORMING PROVISIONS TO ENSURE NO EFFECT FOR SUBSEQUENT PERIODS.—In carrying out subparagraph (B):

"(i) NO EFFECT ON TARGET FOR ALLOWED EXPENDITURES.—The allowed expenditures under paragraph (4)(C)(iii) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for years after 2003 shall be applied and computed as if subparagraph (A) had not been in effect.

"(ii) REMOVAL OF ADDITIONAL EXPENDITURES FROM ACTUAL EXPENDITURES.—In applying paragraph (4)(B) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for years beginning with 2004, the actual expenditures for 2003 shall be—

"(I) the actual expenditures otherwise determined for 2003, reduced by

"(II) the portion of such expenditures in 2003 that are attributable to the increase in the conversion factor under subparagraph (A).

"(iii) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The enactment of this paragraph shall not be treated as a change in law for purposes of applying subsection (f)(2)(D).".

(b) CONFORMING AMENDMENTS.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (1)(A), by inserting "and subject to paragraph (5)" after "with 2001";

(2) in paragraph (4)(A), by inserting "(including paragraph (5))" after "Unless otherwise provided by law";

(3) in paragraph (4)(B), by inserting "and paragraphs (5)(B) and (5)(C)" after "subparagraph (D)" in the matter preceding clause (i); and

(4) in paragraph (4)(C)(iii), by striking "The allowed expenditures" and inserting "Subject to paragraph (5)(C)(i), the allowed expenditures".

SEC. 403. TEMPORARY EQUALIZATION OF URBAN AND RURAL STANDARDIZED PAYMENT AMOUNTS UNDER THE MEDICARE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM. (a) IN GENERAL.—Notwithstanding the determination of the applicable standardized amounts under paragraph (3)(A) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(3)(A)), for purposes of making payments under such section for discharges occurring during the period beginning on April 1, 2003, and ending on September 30, 2003, the standardized amount applicable under such paragraph for hospitals located other than in a large urban area for that period shall be increased to an amount equal to the standardized amount otherwise applicable under such paragraph for hospitals located in a large urban area for that period.

(b) NO EFFECT ON PERIODS BEYOND SEPTEMBER 30, 2003.—The increase in the standardized amount for hospitals located other than in a large urban area provided for under subsection (a) for the period beginning on April 1, 2003, and ending on September 30, 2003, shall not apply to discharges occurring after such period, and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such period.

SEC. 404. EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA. (a) IN GENERAL.—Section 508(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–533), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(1) by striking "24-MONTH INCREASE BEGINNING APRIL 1, 2001" and inserting "IN GENERAL";

(2) by striking "April 1, 2003" and inserting "October 1, 2003"; and

(3) by inserting before the period at the end the following: "(or 5 percent in the case of such services furnished on or after April 1, 2003, and before October 1, 2003)".

(b) CONFORMING AMENDMENT.—Section 547(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–553), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by striking "the period beginning on April 1, 2001, and ending on September 30, 2002," and inserting "a period under such section".

SEC. 405. Section 136 of Public Law 107–229, as added by section 5 of Public Law 107–240, is amended by striking "60 days after the date specified in section 107(c) of Public Law 107–229, as amended" and inserting "September 30, 2003".

TITLE V—FISHERIES DISASTERS

SEC. 501. FISHERIES DISASTERS.—In addition to amounts appropriated or otherwise made available, $100,000,000 is appropriated to the Department of Commerce for fisheries disaster assistance. Not more than 5 percent of such funds may be used for administrative expenses, and no funds may be used for lobbying activities or representational expenses.

(a) WESTERN PACIFIC AND NORTH PACIFIC.—$5,000,000 shall be made available as a direct lump sum payment to the State of Hawaii for economic assistance to fisheries affected by federal closures or fishing restrictions and $35,000,000 shall be made available as a direct lump sum payment to the State of Alaska no later than 30 days after the date of enactment of this Act to make payments to persons or entities which have experienced significant economic hardship. Funds in Alaska shall be used to provide (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel including subsistence activities, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) and assistance for local and borough governments adversely affected by reductions in fish landing fees and other fishing-related revenue; and (D) product development and marketing.

(b) NORTHEAST AND WEST COAST.—$10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the Northeast multispecies fishery and $10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the West Coast groundfish fishery. Such sums shall supplement the voluntary capacity reduction program authorized for the fishery in Sec. 211 of Public Law 107–206 and be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the requirements relating to the capacity program in section 211 of Public Law 107–206 that shall—

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations.

(c) GULF AND SOUTH ATLANTIC.—

(1) $17,500,000 shall be made available for assistance to the shrimp industries in the states of South Carolina, Georgia, North Carolina, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the South Atlantic shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida east coast fishery; and

(2) $17,500,000 shall be made available for assistance to the shrimp industries in the states of Mississippi, Texas, Alabama, Louisiana, and Florida in proportion to the percentage of the

shrimp catch landed by each state for economic assistance to the Gulf shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida gulf coast fishery. Provided further, That 2 percent of funds received by each state shall be retained by the state for distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations, and that the remainder of the funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; (D) state seafood testing programs; (E) development of limited entry programs for the fishery; (F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and (G) voluntary capacity reduction programs for shrimp fisheries under limited access.

(d) BLUE CRAB FISHERY.—$5,000,000 shall be made available for assistance to blue crab fisheries affected by reduced harvests and sales of blue crab in proportion to the amount of the catch landed by each state, Provided, That such funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; and (D) state seafood testing programs: Provided further, That the Secretary of Commerce, in consultation with the Commandant of the Coast Guard, shall provide coordinated, enhanced and routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft and communications assets, with particular emphasis on federal waters seaward of the coasts of South Carolina and Georgia, including the Charleston Bump closed area.

TITLE VI—OFFSETS

SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 1.6 percent of—

(1) the budget authority provided for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution; and

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

COMMENDING TAMPA BAY BUCCANEERS FOR WINNING SUPER BOWL XXXVII

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 26, submitted earlier today by Senators NELSON of Florida and GRAHAM of Florida.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 26) commending the Tampa Bay Buccaneers football team for winning Super Bowl XXXVII.

Mr. DASCHLE. Mr. President, I have consulted with the California Senators, and they do not object.

The PRESIDING OFFICER. The Senate will proceed.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 26) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 26

Whereas on January 26, 2003, the Tampa Bay Buccaneers defeated the Oakland Raiders 48–21 in San Diego, capturing their first Super Bowl title;

Whereas Buccaneers head coach Jon Gruden became the youngest coach in National Football League history to win the Super Bowl, and led Tampa Bay to the title in his first year with the team;

Whereas Buccaneers safety Dexter Jackson was named the Most Valuable Player of Super Bowl XXXVII, becoming the first player in Super Bowl history to intercept two passes in the first half of the game;

Whereas the Buccaneers defensive unit finished the 2002–2003 season as the NFL's number one ranked defense and recorded a Super Bowl-record, five interceptions against the NFL's Most Valuable Player, Oakland quarterback Rich Gannon, and the NFL's number one ranked offense;

Whereas Buccaneers linebacker Derrick Brooks, the NFL's Defensive Player of the Year, sealed the Super Bowl victory with a 44-yard interception return for a touchdown with 1:18 to play;

Whereas the Buccaneers offensive unit was led by Brad Johnson's 215 yards passing, Michael Pittman's season-high 124 yards rushing, Joe Jurevicius' team-high 78 receiving yards and Keenan McCardell's two touchdowns;

Whereas the Tampa Bay Buccaneers completed the 2002 National Football League regular season with a 12–4 record, capturing the NFC South Division Title;

Whereas the Buccaneers defeated the San Francisco 49ers, 31–6, and the Philadelphia Eagles, 27–10, to win the NFC Championship;

Whereas Buccaneer players Mike Alstott, Derrick Brooks, Brad Johnson, John Lynch, Simeon Rice and Warren Sapp have been selected to play in the 2003 NFL Pro Bowl;

Whereas each player, coach, trainer, manager, and administrator dedicated this season and their efforts to ensure the Tampa Bay Buccaneers reached the pinnacle of the sports world—a Super Bowl Championship; and

Whereas Buccaneer fans and the Tampa Bay community are to be commended for their long-standing support, perseverance and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the loyalty, perservance and pride of the Tampa Bay Buccaneers' fans;

(2) congratulates the World Champion Tampa Bay Buccaneers for their historic win in Super Bowl XXXVII; and

(3) recognizes the achievements of the players, coaches and support staff who were instrumental in helping the Tampa Bay Buccaneers win Super Bowl XXXVII.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Tampa Bay Buccaneers owner Malcolm Glazer and head coach Jon Gruden for appropriate display and transmit copies of this resolution to each player and coach of the Super Bowl XXXVII Championship team.

ORDERS FOR WEDNESDAY, JANUARY 29, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:30 p.m. this evening, to allow for the President's State of the Union address; further, I ask consent that immediately following the joint session, the Senate automatically stand in adjournment until 12 noon, Wednesday, January 29. I further ask consent that on Wednesday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 4 p.m. with the time equally divided between the two leaders or their designees, with Senators limited to 10 minutes each, and the first hour under the control of the Democratic leader or his designee, and the second hour under the control of the Republican leader or his designee.

PROGRAM

Mr. SANTORUM. For the information of all Senators, when the Senate convenes tomorrow, there is a period of morning business until 4 p.m. The Senate may consider any legislative or executive item that becomes available. In addition, the Senate will need to address a short-term continuing resolution this week, as well. Members, therefore, should expect the possibility of rollcall votes during tomorrow's session.

RECESS

Mr. SANTORUM. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order.

Mr. REID. Mr. President, reserving the right to object, if I can have the attention of my friend, tomorrow, under the Democrats' first hour, I ask unanimous consent that Senator DASCHLE be recognized for the first half hour and the Senator from Nevada, Senator REID, be recognized for the second half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. SANTORUM. If there is no further business, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:21 p.m., recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. TALENT).

The PRESIDING OFFICER. The Chair recognizes the majority leader.

MEASURE READ THE FIRST TIME—S. 228

Mr. FRIST. Mr. President, I understand that S. 228 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 228) to amend title 18 United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

Mr. FRIST. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk.

ORDER OF BUSINESS

Mr. FRIST. For the information of Senators, we will shortly proceed to the Hall of the House of Representatives for the President's State of the Union Address. Following the address, the Senate will adjourn over until 12 noon tomorrow. Votes are possible tomorrow as the Senate may consider any legislative or executive items that are available.

I yield the floor.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 1)

THE PRESIDING OFFICER. The Senate will come to order.

The Senate will now proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Therefore, the Senate, preceded by the Secretary of the Senate, Emily Reynolds; the Deputy Sergeant at Arms, Ann Harkins; and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the Joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT TO WEDNESDAY, JANUARY 29, 2003

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered into, at 10:09 p.m., the Senate adjourned until Wednesday, January 29, 2003 at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 28, 2003:

SECURITIES AND EXCHANGE COMMISSION

WILLIAM H. DONALDSON, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2007, VICE HARVEY PITT, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE WINTER D. HORTON, JR., TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

CLAY JOHNSON III, OF TEXAS, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE MARK W. EVERSON.

DEPARTMENT OF JUSTICE

LEONARDO M. RAPADAS, OF GUAM, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES ATTORNEY FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE K. WILLIAM O'CONNOR, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

LYLE J. SEBRANEK, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ALLAN P. MUSTARD, OF WASHINGTON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ASIF J. CHAUDHRY, OF WASHINGTON
PETER S. FERNANDEZ, OF THE DISTRICT OF COLUMBIA
BESA L. KOTATI, OF VIRGINIA
PHILIP A. SHULL, OF VIRGINIA
MARGARET K. TING, OF FLORIDA

IN THE COAST GUARD

THE FOLLOWING NAMED CADETS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be ensign

CHRISTINE K ALEXANDER, 3032
ANTONE S ALONGI, 0778
TODD M ANGEL, 5482
MATTHEW S AUSTIN, 6311
BERNARD C AUTH, 6240
SAMUEL H BABBITT, 0119
BRIAN D BACHTEL, 5708
BROOKE A BAGGE, 0659
NICHOLAS J BAGWELL, 0833
MICHAEL W BAIRD, 0569
SEAN M BARNHILL, 5939
ROGER B BARR, 0077
IAN T BARTONICEK, 3253
SOUMANGUE C BASSE, 0708
PATRICIA M BENNETT, 2865
ROBERT A BIXLER II, 6915
RONALD D BLEDSOE JR., 4419
BRIAN T BOLAND, 9691
BENJAMIN L BOVEE, 0886
JOSHUA D BRAND, 0860
ADAM C BRENNELL, 7021
MARY D BROOKS, 9022
ERIC J BROOKS, 8385
THERESA L BROOKS, 5926
IAN G BROSNAN, 2611
KATHERINE L BROWN, 8804
BRADLEY A BRUNAUGH, 7396
ADAM W BRYANT, 4796
KENNETH J BURGESS, 0099
ERIC S BURLEY, 0021
WILLIAM R CAHILL, 2979
MATTHEW E CALDWELL, 6065
AMANDA M CAPRARI, 0632
ESTEBAN J CARO, 5689
SARAH E CARTER, 6320
AARON J CASAVANT, 8052
ACE CASTLE V, 2360
NATHANIEL E CHAMPLIN, 0226
JEFFREY J CHONKO, 2948
GREGORY A CLAYTON, 0189
JAMES R COOLEY, 0665
RACHEL C COST, 0862
GEORGE H COTTRELL, 7937
JEREMY A COURTADE, 5259
MICHAEL T COURTNEY, 9255
JONATHAN W COX, 3555
BYRON A CREECH, 0649
MATTHEW A CUNNINGHAM, 4503
ALLISON M DAMERON, 8156
CANDICE J DAMERON, 6306
MICHAEL R DARRAH, 6917
JILLIAN M DAUPHINAIS, 0013
KYLE T DEEMS, 7683
ARTHUR M DEHNZ, 1963
JASON C DOHERTY, 0151
JULIA A DOWNS, 0372
MATTHEW A DOWTHIT, 0400
THOMAS A DUFFY, 0600
CHRISTOPHER P DUFRESNE, 4878
BRANDON C FISHER, 2999
JUSTIN D FLEET, 0563
LAUREN J FORD, 4183
MICHAEL FRIEND, 8738
VICTORIA C FUTCH, 4143
KEVIN E GARCIA, 0203
JOHN C GARLAND, 9308
ISAAC N GIBBONS, 7093
JAMES A GIBSON JR., 0934
MICHAEL R GILLHAM, 0667
GERROD C GLAUNER, 5832
TRAVIS E GRACEWSKI, 0382
IAN A HALL, 3175
ANDREW P HALVORSON, 6476
ANDERS J HAMMERSBORG, 1459
REYNA E HERNANDEZ, 3439
MARK H HEUSSNER, 9096
JENNIFER R HIGGINS, 7844
KATHRYN A HIGH, 5701
JAMES E HILTZ, 5063
AARON J HOLLER, 3766
KEVIN M HOLLER, 7977
DANIEL J HUELSMAN, 6344
IAN T HURST, 3233
TAGGART C IRWIN, 8083
CATHARINE L JOHANN, 2570
NATHANIEL K JOHNSON, 0388
LESLIE M KAGAMI, 2163
KEVIN T KAROW, 3187
MARGARET D KENNEDY, 5017
JAMES R KENSHALO, 4504
COREY M KERNS, 5385
KARA L KILL, 1631
MOLLY M KILLEN, 6123
CHRISTINE M KIMAK, 4891
ERIC M KLAUER, 8006
ALLISON B KLENK, 0027
MICHAEL A KOPS, 7041
SCOTT R KORLJAN, 0447
SCOTT C KRAMER, 5168
STACI A KRUEGER, 9337
RICHARD E KUZAK, 7008
CARRIE L LAM, 0572
RYAN B LAMB, 1756
PATRICIA M LARKIN, 8166
JERALL W LAWRENCE, 3590
JUSTIN M LIAN, 9652
ADRIEN L LIBBY, 0973
BRANDON M LINK, 0636
CARLA L LONGANECKER, 6081
DAVID M LOYA, 2525
BENJAMIN R MARECKI, 3167
LISA M MASTERSON, 4039
SCOTT J MCCANN, 5343
ALISON L MCCLAIN, 5410
CLAY D MCKINNEY, 6618
STEPHEN M MCKNIGHT, 0237
MEAGHAN H MERCER, 0374
BRADLEY W MIDDLETON, 4282
DAVID A MIDDLETON, 1187
JESSE M MILLARD, 5248
JULIE E MILLER, 5495
KARA M MOKY, 6714
AMY L MOUSAW, 6564
TESSA M MUELLER, 0677
GARY C MURPHY, 5934
STEVEN M MYERS, 6230
BRYAN A NARANJO, 0319
SAMUEL R NASSAR, 0065
BRANDON J NATTEAL, 8511
JOSHUA B NELSON, 7790
MICHAEL D NEWELL, 8294
BENJAMIN E NORCROSS, 0744
CARA M NORMAN, 9370
JOHN D NORTHROP, 8379
CHARLES S NOVAK, 5023

MICHAEL J O'BRIEN, 2880
NICHOLAS W PARKER, 0014
KASHYAP D PATEL, 0146
LUKE R PETERSEN, 2830
MARK A PIBER, 7954
WALTER S PIERCE, 5480
SEAN P PLANKEY, 0662
JASON T PLUMLEY, 9464
NICHOLAS R PORTA, 4337
CLAYTON S PREBLE, 0620
DANA L PROGAR, 0025
JARVIS D REEVES, 1321
EMILY P REUTER, 2043
JONATHAN P RICE, 0001
THOMAS C RODZEWICZ, 3340
LORALEIGH A ROLLER, 0687
KJELL C ROMMERDAHL, 5618
ELIZABETH M ROSCOE, 0048
ABBY R ROSE, 6583
BRIANA ROWAN, 0923
SARA E RUNYAN, 7045
DANA E RUPPRECHT, 8664
MEGHAN A RYAN, 1979
MATTHEW A SCHIBLER, 6254
DARBY A SCHLAHT, 5957
BRIAN C SCHMIDT, 4213
WILLIAM A SCHULZ, 0712
BRANDAN M SCULLY, 0726
SARA M SENSER, 7017
LUKE M SLIVINSKI, 2984
PABLO V SMITH, 8287
WILLIAM M SNYDER, 5555
CHRISTIAN E SOTO, 2426
BENJAMIN J SPECTOR, 9319
KEVIN J SULLIVAN, 0583
KEITH O THOMAS, 6879
CHAD R THOMPSON, 1192
STEVEN S TILLERY, 4068
JAROD S TOCZKO, 0768
COLLEEN K TOLLE, 0123
KELLY J TONGOL, 7034
BENJAMIN H TRASK, 0914
JOHN P VAN DUZEE, 3401
KRISTEN M VANHAVERBEKE, 2953
BRETT R WALTER, 7479
MATTHEW J WALTER, 0895
BRIAN I WARNER, 0189
THOMAS P WARREN, 6647
RYAN A WATERS, 6783
NEIL A WHITE, 0170
ROBERT S WHITESIDE, 8125
ERIC J WILSON, 1778
CHARLES K WILSON, 7059
DAVID C WOHLERS, 8404
JESSICA M YOO, 2609
EVIE L YOUNG, 1131
ADAM M ZIEGLER, 1056

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211, TITLE 14, U.S. CODE:

To be lieutenant commander

DIANE J. HAUSER, 6230

To be lieutenant

LISA H. DEGROOT, 2293

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS J. QUELLY, 3440

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 1552:

To be major

RICHARD M. * NORRIS, 2674

WITHDRAWAL

Executive message transmitted by the President to the Senate on January 28, 2003, withdrawing from further Senate consideration the following nomination:

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2006, VICE KENNETH Y. TOMLINSON, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.

HOUSE OF REPRESENTATIVES—*Tuesday, January 28, 2003*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 28, 2003.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATSON) for 5 minutes.

BUDGET AND HOMELAND SECURITY

Ms. WATSON. Mr. Speaker, President Bush has campaigned across the 50 States, has campaigned by issuing promises to strengthen our Nation. He has pledged to improve our schools, to create jobs, to protect our homeland, but soon after these promises were made, we see how empty they are.

President Bush fought against providing funds for his own education bill. It is still unfunded and leaves our children behind.

President Bush fought to prevent Congress from extending unemployment benefits for laid-off workers. We worked hard to at least to get a reference, and now President Bush is fighting to prevent the Federal Government from spending the funds necessary to protect our homeland.

When we say "homeland security," we are not talking about fancy technology or a building. We are talking about training and equipment for first responders, the men and women of our local police force and fire departments, the ones who will be putting their lives on the line in case of a terrorist attack.

Warren Rudman, the former Republican Senator, who helped lead the United States Commission on National Security in the 21st Century, said about the Bush budget, "The bottom line is that it appears to us we are going to be underfunded in several key areas." His comments were echoed by a current Republican Senator and decorated Vietnam veteran who said Bush's budget is "not even sufficient to provide for the first responder program in the States. It is not sufficient to provide for broader security."

We have known for some time that this President puts children second to tax cuts for the rich. We have known he puts jobs second to tax cuts, but to see our national security sacrificed in favor of a tax cut skewed to millionaires really takes the cake.

Now the President has an opportunity tonight to prove that he values national security more than tax cuts. I urge him to embrace that opportunity.

TAX CUTS FOR THE WEALTHY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the state of our Union is not sound. Millions of Americans and their families are not secure in their home, not because of some new wave of crime or because of some immediate and compelling threat from Iraq or other hostile foreign nations, but because so many have lost their jobs, or many fear the loss of their job or lay-off in the near future.

One point seven million jobs have been lost since January 2001. The number of people unemployed for more than 6 months has tripled in the last 2 years. One point three million more people have fallen into poverty in the last 2 years, the first increase in a decade.

Bankruptcies are up 23 percent in the last year. Forty-four million Americans have no health insurance. The government surplus has evaporated. We have a huge and growing deficit as far as the eye can see. Social Security lockbox has been broken open and pillaged, and the trust funds are being spent on day-to-day operations of the government. The Pension Benefit Guarantee Fund, which insures the pensions of Americans in case their company or plan should fail, is broke. It has spent its entire reserves in the last 2 years.

State budgets are the worst since the Great Depression. We are in a domestic economic crisis. That is pretty clear, but the question becomes what is the President going to propose? It appears that he is going to propose more of the same.

When the President was a candidate, we had a large surplus and a booming economy. He proposed tax cuts for the wealthy. When the President was newly elected, we had a faltering economy, and he said we still had a surplus, and he proposed tax cuts for the wealthy, and he got many of those proposals through. Now he is in his third year as President. We are in a recession. We have huge and growing deficits, and the President has proposed, surprise, tax cuts for the wealthy.

His plan is to exempt dividends supposedly because of double taxation, except most of the corporations who pay dividends do not pay Federal income taxes. They have taken advantage of loopholes through Bermuda and other places to not pay taxes. They are not double-taxed. That is not the issue, double taxation or fairness. It is to give a huge gift to the wealthy.

The average tax cut for an Oregonian, for my State, with an income of $32,000, people who could use a little help, it will be $40. Do not spend it all in one place. But the average millionaire tax cut, $45,000, those who have already done so well under his previous tax cuts, and it will compound the State's financial problems. It will cost the States $4 billion, this little dividend gift to wealthy investors, and it will cost my State $100 million, a State already in crisis.

There is no credible economist in the United States of America who pretends that this would in any way stimulate the economy, especially since the money will not be refunded to these wealthy folks until next year even if they choose to spend it in a way that might create jobs.

Then the other leg of his way to boost our economy is a war. I believe many are puzzling over what is this about. Is there this a tremendous threat? Well, he has not yet revealed either to me, the United States Congress in any of our classified briefings here on the floor of the House, or in unclassified briefings or in other materials the proof that there is a credible and immediate threat from Saddam Hussein.

We do know that in North Korea they have nuclear weapons. They are building more nuclear weapons. They have

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tested long-range missiles. We do know in Iran that they have a very advanced nuclear program. Apparently Saddam Hussein does not have one at all, and his missiles that he has, so-called, can reach only a couple of hundred miles.

So how is it that this is the most credible and immediate threat that we should spend hundreds of millions of dollars, potentially thousands of American lives, tens of thousands of lives of innocents in a war against Saddam Hussein while weapons inspectors are in there, when we have gotten what we proposed, which is let us go in there and find if he has weapons of mass destruction. Give the process time to work. There is no reason to rush to war with potentially catastrophic results and one that is certainly not going to help us with these pressing domestic problems at home.

In fact, it is going to rob from that, since the President is now talking about a long-term occupation and rebuilding of Iraq similar to Japan after World War II despite the fact that, of course, basically their culture is not as integrated as that of Japan. In fact, the people who live in Iraq do not get along very well. There is a number of divisive factions. They have no tradition in democracy, and a long-term occupation and democracy-building in that area is going to be very problematic.

So the President should focus on real steps to help real Americans with their real problems at home and real threats to our domestic integrity or our international security. Where is Osama bin Laden? Remember, dead or alive? Guess what. He is still alive. He is still planning attacks on the United States of America. The President needs to refocus his priorities.

REJECTING THE APOSTLES OF INACTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for 5 minutes.

Mr. DELAY. Mr. Speaker, in recent days we have heard a loud and relentless chorus of critics who are attempting to hamstring President Bush and restrict his ability to defend this country. These foreign and domestic apologists for inaction would subordinate U.S. national security decisions to an international litmus test.

They are subverting the real issue beneath the false allure of avoidance and a smokescreen of diplomatic double-dealings and evasions. Under their specious logic, the burden of proof shifts from Saddam Hussein's evil regime to the free and democratic nations insisting that he disarm.

It is a known fact that Saddam developed, deployed and destroyed thousands of lives with weapons of mass terror. It is not a question of whether or not he has terror weapons.

American soldiers found and destroyed chemical weapons depots 12 years ago. Saddam later confirmed our fears with the thousands of corpses that littered the Iraqi countryside.

Here is the real question: Where and when will he choose to use the countless terror weapons he still has? Will it be here in the United States? Will Saddam's agents launch the attack, or will Saddam quietly transfer his chemical or biological weapons to al Qaeda or any other terrorist organization? Will they be leveraged to blackmail freedom-loving nations into inaction in the face of future aggression?

The answer is that we cannot know what this dictator will do, and for that reason the only acceptable outcome to the United States is that either Saddam Hussein voluntarily destroys all the materials related to his nuclear, chemical and biological weapons development programs or a coalition of free nations will do the job, and this brings up a widespread misperception.

The purpose of the U.N. inspectors in Iraq, a purpose that is either misunderstood or it is being manipulated by the left, is simply to verify that Saddam is declaring and destroying his known but hidden weapons of mass destruction programs and weapons caches.

It is not the inspectors' mission to fruitlessly scour the Iraqi countryside in a feckless search for Saddam's terror weapons. In a country larger than the State of California, that would be an empty objective doomed to fail. Outside observers cannot hope to uncover the truth within an uncooperative and hostile regime. It is an impossible task to discover weapons of mass destruction within a ruthlessly wicked and oppressive dictatorship that refuses to cooperate. Iraq is not destroying its weapons.

Let us just be clear about it. Saddam is an evil tyrant. He illegitimately holds power by controlling the thoughts and the behavior of the Iraqi people with a climate of state-administered terror. His secret police coerce the Iraqi people into a terror-driven code of silence.

Time and time again over the 20th century the West learned that the scale of crimes committed by totalitarian regimes was far worse than we even knew. It was not until those brutal regimes fell and their victims documented the full extent of the monstrous abuse that we learned the truth. We saw it in Hitler's Germany. We saw it in the Soviet Union. We saw it in Cambodia, and eventually we will see it in Cuba, and once Saddam fails and falls, the Iraqi people will shock and disgust the world by revealing the full ghastly scope of Saddam's oppression.

This much is obvious today. We will never get to the truth about Saddam's weapons so long as his regime holds power. We need to recognize that it will be extremely difficult for Saddam's past and future victims to tell inspectors what they know.

□ 1045

When they, their friends and their families are subject to brutal and wicked reprisals, including rape, torture and murder at the hands of Saddam's secret police, U.N. inspectors cannot approach the truth in Iraq. And it is not their job to discover Saddam's weapons. No, the onus is squarely on Saddam Hussein to prove to the world that he has disarmed.

Unfortunately, many observers continue claiming that the United States has to round out the indictment of Saddam Hussein's regime with additional evidence. No such evidence is needed. No more facts need emerge before America can rightfully take action against this regime. We have all the evidence that we need. The pages of history. There has never been a threat confronting the United States that was overcome or improved through inaction or the counsels of contrived evasions and equivocations. The American people expect us to face our threats squarely and directly.

Many observers would have us pin the security of the United States to a fading fallacy, the discredited notion that a U.N. inspections team, operating within a hostile regime, can adequately secure our security. They cannot. There is great danger in so elevating the trappings of international consultation and the rituals of multilateralism that they become a surrogate for our true purpose: we have to protect ourselves and the world by disarming Saddam Hussein.

Some observers refuse to acknowledge the grave consequences of allowing Saddam Hussein to remain in power. In the hierarchy of aggressive and military regimes, Saddam's dictatorship is a clear and present danger to the United States. And by providing Saddam added time, added time to supply, train and support terrorist groups, these endless pleas for patience convert a virtue into a vice. Any nation which naively denies the clear threat from Saddam Hussein's regime is placing the free world at jeopardy by ignoring this dictator's infamous past and evil aspirations.

Regardless of what others may say, the final authority governing American action is not the United Nations. It is the Constitution of the United States and the decisions of our own elected government. If and when President Bush decides America must confront Saddam Hussein's regime, he will be exercising his authority as commander in chief and expressing the broad support already demonstrated by Congress through the Iraq Resolution passed months ago.

The Left is attempting to turn us from our purpose with another bit of sophistry. They claim our imperative to confront Saddam Hussein's dictatorship is a diversion from the war against terrorism. Well, far from a diversion, confronting Saddam Hussein is a central and defining measure of our commitment to win the war on terrorism.

If President Bush determines that America must act, he can be confident that the unified support of the American people will be with him until the danger is defeated. The President should know that we stand beside him and that the United States will not shrink from our obligation to defend freedom.

While we seek the broadest possible coalition of freedom-loving countries in this effort, we cannot let a hunt for international consensus divide us and deter us from our purpose. We will not be dissuaded from taking action to defend America.

GUAM REQUESTS ADDITIONAL FEDERAL ASSISTANCE

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentlewoman from Guam (Ms. BORDALLO) is recognized for 5 minutes.

Ms. BORDALLO. Mr. Speaker, the people of Guam eagerly anticipate the State of the Union report which President Bush will deliver tonight. While the President will speak in broad terms about the Nation, I take this opportunity to let the Nation know about the situation on my home island of Guam, which has been recently devastated by Super Typhoon Pongsona.

Super Typhoon Pongsona struck Guam on December 8, 2002, with sustained winds of 155 miles per hour and wind gusts exceeding 200 miles per hour. This severe typhoon battered Guam for 8 long hours; and in its aftermath, Guam's power, water, and wastewater systems were seriously damaged. In addition, Guam had just begun to fully recover from another storm, Typhoon Chata'an, which struck in July 2002, barely 6 months before Typhoon Pongsona.

Our island looked like a war zone. Hotels had their windows blown out and over 120 concrete power poles snapped due to the force of Pongsona. Aluminum typhoon shutters were ripped off the windows; and air conditioners were blown off roof tops and windows, creating holes for rain to destroy the interior of our homes.

Andersen Air Force Base, Naval Station, and Apra Harbor, were hit hard, as well as our own civilian airport, closing both airports and delaying relief flights. Four fuel storage tanks at the Port of Guam caught fire and burned for days, jeopardizing nearby storage tanks filled with aviation fuel, gasoline and diesel fuel. Two tanks were destroyed completely, while two others have been damaged.

Many people on Guam who have lived through other typhoons over the years have remarked that Pongsona was the worst typhoon they had ever experienced in their lives. I was there to witness this.

President Bush declared Guam a major disaster area following Super Typhoon Pongsona, and the FEMA emergency management agency, the American Red Cross, the Salvation Army, the Catholic Social Services, and many other volunteers mobilized for the relief and recovery effort. We on Guam are sincerely grateful for all these efforts and for the incredible response of the Guam National Guard, the Government of Guam employees, and the reserve and active duty military units on Guam. There is nothing more humbling to a community than to see the outpouring of assistance to us in our time of desperate need. There is nothing more heroic than to see Guardsmen, government employees, and volunteers leave their own ravaged homes behind and respond to the call of duty.

Seven weeks later, as I speak today, 20 percent of our island is still without power. Power outages plague our community every day. The water system is still not at full capacity, and the government is still coping with the enormous challenges ahead. Governor Felix Camacho and Lieutenant Governor Kaleo Moylan took office on January 6, 2003, facing the daunting task of completing the recovery. The 27th Guam legislature, under the leadership of Speaker Ben Pangelinan also assumed office with these great challenges awaiting them. Our people pray for our leaders to succeed, because not since the liberation of Guam from its World War II occupation of our island have we faced such difficult times.

We are facing 20 percent unemployment, a bottoming out of our tourist industry, and an expensive recovery that may last the rest of this year. We need the Federal Government to extend whatever help is available, not just to clean up after the typhoon but to help us restore our economy and rebuild our basic infrastructure. We need hazard mitigation assistance to make Guam less vulnerable to the next super typhoon, and we need the prayers and the support of the American people for their fellow American citizens who live on Guam.

We are a community that prides ourselves on our self-reliance and our resilience after any hardship. We have great optimism and great faith in our future. We need a hand right now, and we ask that President Bush and the Congress take just a minute as we reflect on the blessing and opportunities of our great country to remember that some Americans are facing great hardships tonight. Please remember Guam.

AGRICULTURE DISASTER IN NORTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to inform my colleagues of the sad state of agriculture in my home State of North Carolina. And, indeed, farmers across the Nation took a big hit in their wallets thanks to Mother Nature last year.

As Congress prepares to receive the President's State of the Union address, we must pay special attention to those folks who are hurting down on the farm. At one time last summer, according to the National Drought Mitigation Center, nearly one-third of the United States experienced moderate to extreme drought conditions. The prolonged period of dry weather severely aggravated North Carolina's long-term drought problems.

Consequently, my State experienced the worst drought we have seen in 100 years. This drought impacted every region of North Carolina and nearly every community where commodities are grown. Many farmers had to watch crops wither on the vine and die despite their best efforts. And when rain finally came, it came too late to save what was already lost and impaired their ability to harvest what little they had.

In North Carolina, farmers have experienced $400 million in crop losses. While crop insurance has paid out $90 million in indemnities, which helped, it comes at a cost of $63 million in premiums. So crop insurance has not been a viable solution to losses of this magnitude.

The Secretary of Agriculture designated nearly the entire State of North Carolina as a disaster area, making low-interest loans available to our farmers. USDA also provided for emergency haying and grazing on Conservation Reserve Program lands, something our livestock producers appreciated. While this assistance is welcome, it does not come even close to meeting the losses that our farmers have suffered.

In addition, many farmers cannot afford to increase their debt burden with new loans. Farmers need more help than just new credit and comforting words; they need direct disaster payments, and they need them now so they can start a new crop year.

For several months we have been pushing for more agriculture disaster relief, along with a bipartisan group of lawmakers representing States that were affected by the drought last summer. We were extremely hopeful last year when the United States Senate voted in favor of a disaster package as part of the 2003 interior appropriations bill. Their plan would provide almost $6 billion in assistance for our farmers.

In fact, I cosponsored a bill here in the House introduced by the gentlewoman from Wyoming (Mrs. CUBIN) which matched the Senate's disaster bill. Unfortunately, the administration opposed these agriculture disaster plans. Instead, the President demanded that any disaster assistance be paid for by cutting the farm bill that we passed last year.

Mr. Speaker, Congress has a proud bipartisan tradition of coming to the aid of States when they have been struck by natural calamities. When tragedy strikes, we do not let States fend for themselves; we instead respond as one Nation. Whether it is an earthquake in California, wildfires in the Rockies, floods in the Midwest, or hurricanes in Florida, Congress worries more about how best to help these people who have suffered and less about how we pay for it at the moment. The drought which affected my State and much of the West and East Coast deserves the same level of treatment by Congress as these other disasters.

In fact, historically, drought is one of the most costly natural disasters that have struck any region of this country. I call upon this House to show this administration that we understand what is really going on in the farm country and that we are prepared to come to their assistance in their time of need.

As my colleagues know, the Senate included in the 2003 omnibus appropriations bill $3.1 billion for disaster assistance. Consequently, at the administration's insistence, the Senate was forced to cut education, veterans benefits, and a number of FBI agents. Now, I do not understand this. The President is proposing deficit funding for his massive $674 billion tax plan, which will do nothing to help the economy and middle-class Americans. However, when we ask for his support for emergency spending for just 1 percent, $6 billion, to help farmers who suffered from an act of God and who could lose their entire livelihood, the President says no.

I urge the conference committee to reject these cuts, continue our bipartisan tradition and fully fund agriculture disaster relief as we have done in the past. The Nation's farmers are waiting and watching. Let us not disappoint them.

□ 1100

PRESIDENTIAL CREDIBILITY GAP

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, we all know that tonight the President will deliver his State of the Union Address, and that is often and is supposed to be an opportunity to reflect upon the state of the Nation, the economy, foreign policy, the potential war, and health care, which are just some of the issues that we expect the President to address this evening.

My concern, and I have shared this concern with many of my Democratic colleagues, is that the President constantly comes forward and talks about what he is going to do to address the Nation's problems, to deal with the economy, for example, to deal with health care, for example, but many times those promises are not kept in terms of what action he actually follows up with to meet the commitments that he makes.

I call it a credibility gap. Some of my colleagues on the Democratic side have taken notice of this credibility gap over the last 2 days; and I wanted to particularly mention that today because when I opened the New York Times this morning, I saw a column by Paul Krugman where he actually references a credibility problem with the President, and he talks about it in the context of not only tonight's State of the Union Address, but also in comparison to last year's State of the Union Address to basically draw out the conflict between what the President says he is going to do versus what he actually does.

I would like to quote some sections of Paul Krugman's column and talk about it because I think this is very important in the context of tonight's State of the Union Address.

The column says whether Mr. Bush is held accountable for the promises he made in his last State of the Union Address is a major issue. Krugman says that the President "assured those who worried about red ink last year that 'our budget will run a deficit that will be small and short-lived.' He offered comfort for those who remembered his father's 'jobless recovery,' which felt like a continuing recession: 'When America works, America prospers, so my economic security plan can be summed up in one word: Jobs.'

"Fast-forward a year. We now know that the 'small' budget deficit will rise above $300 billion, and stay there. Even the administration's own, ever-optimistic budget officials now concede that we face deficits as far as the eye can see. Meanwhile, payrolls continue to decline; since the working-age population keeps rising, it's becoming ever harder for ordinary Americans to get jobs, or keep them.

"And there's a good chance things will get a lot worse; with markets sliding, consumers wilting, businesses fearful about the effects of war and oil prices rising, the pieces are in place for a full-blown double-dip recession. And the second dip would take us much further down than the first."

I think this is of a major concern to me. The President identifies that we have an economic problem, that we have an economic downturn, and he says that he is going to do something about it, but what is he actually proposing? The heart of his economic proposal or package is eliminating the tax on corporate dividends, eliminating the tax on essentially the stock market dividends.

Americans know that is not going to accomplish anything. It is not going to do anything to stimulate the economy. It is not going to put money in people's pockets or create jobs. So again, there is a credibility gap. There is recognition on the part of the President that there is a problem with the economy, but the actions that he seeks to take, unfortunately, will not correct the problem.

The President talks about homeland security. He talks about the war on terrorism, both internationally and here at home, but as my colleague from California earlier this morning pointed out, money is not going back to the States and the localities for homeland security. Money is not going back for civil defense or to help the localities or the people that were affected in New Jersey, in my case, directly by the World Trade Center. Many of our towns are complaining that they are not getting the promised funding to deal with the homeland security problem.

The President last year talked about how the deficit was going to be small, but we know that his economic plan will cause huge deficits. We are told if we implement his economic stimulus package and we make the tax cuts permanent that he proposed last year, and we have to fight a war in Iraq, we may end up with a deficit that is over $2 trillion.

Think about what the President says about veterans. He promises to be a champion for our veterans, but he cuts funding for VA health clinics, forcing 164,000 veterans to be turned away.

He promises that he is going to expand Medicare to include a drug benefit, but instead of actually doing something now to make a difference for seniors, he blocks generic drug legislation that will lower costs for seniors and for those who want to have access to lower-priced drugs right now.

Mr. Speaker, on every one of these issues, look at what the President says tonight. In many cases it is misleading and false promises. It is a credibility gap that we are facing in terms of what he says he is going to do as opposed to what he actually does in these very troubled times.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 5 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As we anticipate the President's State of the Union Address to Congress and the Nation this evening, come let us approach the Lord with praise and thanksgiving. With all humility, let us approach the Lord.

Come, Members of the House and Senate, all who work on Capitol Hill, all Americans, come. Let us join together in honest prayer for our President, George W. Bush, our country, and the world, which watches us with great expectations.

If, in themselves, the awesome tasks of leadership in our times, the great responsibility of homeland defense and efforts to end terrorism around the world do not humble us before the Lord, let us approach the Lord on an even deeper level of faith says the Psalmist.

Trusting in the Lord's continued goodness and guidance, let us approach the Lord with praise and thanksgiving.

As Americans, let us humbly praise God for all His blessings throughout our history. Let us thank God for our three branches of accountable government, our brave military forces and the common sense of people who desire a more perfect Union, and so establish justice, insure domestic tranquility, and secure the blessings of liberty for ourselves and posterity.

Forever will we praise and thank You, O Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. RUPPERSBERGER) come forward and lead the House in the Pledge of Allegiance.

Mr. RUPPERSBERGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that the practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

DESIGNATING MAJORITY MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 33) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 33

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Combest; Mr. Boehner; Mr. Pombo; Mr. Smith of Michigan; Mr. Everett; Mr. Lucas of Oklahoma; Mr. Moran of Kansas; Mr. Jenkins; Mr. Gutknecht; Mr. Ose; Mr. Hayes; Mr. Pickering; Mr. Johnson of Illinois; Mr. Osborne; Mr. Pence; Mr. Rehberg; Mr. Graves; Mr. Putnam; Mr. Janklow; Mr. Burns; Mr. Bonner; Mr. Rogers of Alabama; Mr. King of Iowa; Mr. Chocola; Mrs. Musgrave and Mr. Nunes.

Committee on Appropriations: Mr. Regula; Mr. Lewis of California; Mr. Rogers of Kentucky; Mr. Wolf; Mr. Kolbe; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Kingston; Mr. Frelinghuysen; Mr. Wicker; Mr. Nethercutt; Mr. Cunningham; Mr. Tiahrt; Mr. Wamp; Mr. Latham; Mrs. Northup; Mr. Aderholt; Mrs. Emerson; Ms. Granger; Mr. Peterson of Pennsylvania; Mr. Goode; Mr. Doolittle; Mr. LaHood; Mr. Sweeney; Mr. Vitter; Mr. Sherwood; Mr. Weldon of Florida; Mr. Simpson; Mr. Culberson; Mr. Kirk and Mr. Crenshaw.

Committee on Armed Services: Mr. Weldon of Pennsylvania; Mr. Hefley; Mr. Saxton; Mr. McHugh; Mr. Everett; Mr. Bartlett; Mr. McKeon; Mr. Thornberry; Mr. Hostettler; Mr. Jones of North Carolina; Mr. Ryun of Kansas; Mr. Gibbons; Mr. Hayes; Mrs. Wilson of New Mexico; Mr. Calvert; Mr. Simmons; Mrs. Jo Ann Davis of Virginia; Mr. Schrock; Mr. Akin; Mr. Forbes; Mr. Miller of Florida; Mr. Wilson of South Carolina; Mr. LoBiondo; Mr. Cole; Mr. Bradley of New Hampshire; Mr. Bishop of Utah; Mr. Turner of Ohio; Mr. Kline; Mrs. Miller of Michigan; Mr. Gingrey; Mr. Rogers of Alabama and Mr. Franks of Arizona.

Committee on the Budget: Mr. Gutknecht; Mr. Thornberry; Mr. Ryun of Kansas; Mr. Toomey; Mr. Hastings of Washington; Mr. Schrock; Mr. Brown of South Carolina; Mr. Putnam; Mr. Tancredo; Mr. Bonner, Mr. Franks of Arizona; Mr. Garrett; Mr. Barrett of South Carolina; Mr. McCotter; Mr. Mario Diaz-Balart of Florida and Mr. Hensarling.

Committee on Education and the Workforce: Mr. Petri; Mr. Ballenger; Mr. Hoekstra; Mr. McKeon; Mr. Castle; Mr. Sam Johnson of Texas; Mr. Greenwood; Mr. Souder; Mr. Norwood; Mr. Upton; Mr. Ehlers; Mr. DeMint; Mr. Isakson; Mrs. Biggert; Mr. Platts; Mr. Tiberi; Mr. Keller; Mr. Osborne; Mr. Wilson of South Carolina; Mr. Cole; Mr. Porter; Mr. Kline; Mr. Carter; Mrs. Musgrave and Mrs. Blackburn.

Committee on Energy and Commerce: Mr. Bilirakis; Mr. Barton of Texas; Mr. Upton; Mr. Stearns; Mr. Gillmor; Mr. Greenwood; Mr. Cox; Mr. Deal of Georgia; Mr. Burr; Mr. Whitfield; Mr. Norwood; Mrs. Cubin; Mr. Shimkus; Mrs. Wilson of New Mexico; Mr. Shadegg; Mr. Pickering; Mr. Fossella; Mr. Blunt; Mr. Buyer; Mr. Radanovich; Mr. Bass; Mr. Pitts; Mrs. Bono; Mr. Walden of Oregon; Mr. Terry; Mr. Fletcher; Mr. Ferguson; Mr. Rogers of Michigan; Mr. Issa and Mr. Otter.

Committee on Financial Services: Mr. Leach; Mr. Bereuter; Mr. Baker; Mr. Bachus; Mr. Castle; Mr. King of New York; Mr. Royce; Mr. Lucas of Oklahoma; Mr. Ney, Mrs. Kelly; Mr. Paul; Mr. Gillmor; Mr. Ryun of Kansas; Mr. LaTourette; Mr. Manzullo; Mr. Jones of North Carolina; Mr. Ose; Mrs. Biggert; Mr. Green of Wisconsin; Mr. Toomey; Mr. Shays; Mr. Shadegg; Mr. Fossella; Mr. Gary Miller of California; Ms. Hart; Mrs. Capito; Mr. Tiberi; Mr. Kennedy of Minnesota; Mr. Feeney; Mr. Hensarling; Mr. Garrett; Mr. Murphy; Ms. Ginny Brown-Waite of Florida; Mr. Barrett of South Carolina; Ms. Harris and Mr. Renzi.

Committee on Government Reform: Mr. Burton; Mr. Shays; Ms. Ros-Lehtinen; Mr. McHugh; Mr. Mica; Mr. Souder; Mr. LaTourette; Mr. Ose; Mr. Lewis of Kentucky; Mrs. Jo Ann Davis of Virginia; Mr. Platts; Mr. Cannon; Mr. Putnam; Mr. Schrock; Mr. Duncan; Mr. Sullivan; Mr. Deal of Georgia; Mrs. Miller of Michigan; Mr. Murphy; Mr. Turner of Ohio; Mr. Carter; Mr. Janklow; and Mrs. Blackburn.

Committee on International Relations: Mr. Leach; Mr. Bereuter; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mr. Gallegly; Ms. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Royce; Mr. King of New York; Mr. Chabot; Mr. Houghton; Mr. McHugh; Mr. Tancredo; Mr. Paul; Mr. Smith of Michigan; Mr. Pitts; Mr. Flake; Mrs. Jo Ann Davis of Virginia; Mr. Green of Wisconsin; Mr. Weller; Mr. Pence; Mr. McCotter; Mr. Janklow and Ms. Harris.

Committee on the Judiciary: Mr. Hyde; Mr. Coble; Mr. Smith of Texas; Mr. Gallegly; Mr. Goodlatte; Mr. Chabot; Mr. Jenkins; Mr. Cannon; Mr. Bachus; Mr. Hostettler; Mr. Green of Wisconsin; Mr. Keller; Ms. Hart; Mr. Flake; Mr. Pence; Mr. Forbes; Mr. King of Iowa; Mr. Carter; Mr. Feeney and Mrs. Blackburn.

Committee on Resources: Mr. Young of Alaska; Mr. Tauzin; Mr. Saxton; Mr. Gallegly; Mr. Duncan; Mr. Hefley; Mr. Gilchrest; Mr. Calvert; Mr. McInnis; Mrs. Cubin; Mr. Radanovich; Mr. Jones of North Carolina; Mr. Cannon; Mr. Peterson of Pennsylvania; Mr. Gibbons; Mr. Souder; Mr. Walden of Oregon; Mr. Tancredo; Mr. Hayworth; Mr. Osborne; Mr. Flake; Mr. Rehberg; Mr. Renzi; Mr. Cole; Mr. Pearce; Mr. Bishop of Utah and Mr. Nunes.

Committee on Science: Mr. Smith of Texas; Mr. Shays; Mr. Weldon of Pennsylvania; Mr. Rohrabacher; Mr. Barton of Texas; Mr. Calvert; Mr. Smith of Michigan; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Gutknecht; Mr. Nethercutt; Mr. Lucas of Oklahoma; Mrs. Biggert; Mr. Akin; Mr. Johnson of Illinois; Ms. Hart; Mr. Sullivan; Mr. Forbes; Mr. Gingrey; Mr. Bishop of Utah; Mr. Burgess and Mr. Bonner.

Committee on Small Business: Mr. Combest; Mr. Bartlett of Maryland; Mrs. Kelly; Mr. Chabot; Mr. Toomey; Mr. DeMint; Mr. Graves; Mr. Schrock; Mr. Akin; Mrs. Capito; Mr. Shuster; Mrs. Musgrave; Mr. Franks of Arizona; Mr. Gerlach; Mr. Bradley of New Hampshire and Mr. Beauprez.

Committee on Transportation and Infrastructure: Mr. Petri; Mr. Boehlert; Mr. Coble; Mr. Duncan; Mr. Gilchrest; Mr. Mica; Mr. Hoekstra; Mr. Quinn; Mr. Ehlers; Mr. Bachus; Mr. LaTourette; Mrs. Kelly; Mr.

Baker; Mr. Ney; Mr. LoBiondo; Mr. Moran of Kansas; Mr. Gary Miller of California; Mr. DeMint; Mr. Bereuter; Mr. Isakson; Mr. Hayes; Mr. Simmons; Mrs. Capito; Mr. Brown of South Carolina; Mr. Johnson of Illinois; Mr. Rehberg; Mr. Platts; Mr. Graves; Mr. Kennedy of Minnesota; Mr. Shuster; Mr. Boozman; Mr. Sullivan; Mr. Chocola; Mr. Beauprez; Mr. Burgess; Mr. Burns; Mr. Pearce; Mr. Gerlach; Mr. Mario Diaz-Balart of Florida and Mr. Porter.

Committee on Veterans' Affairs: Mr. Bilirakis; Mr. Everett; Mr. Buyer; Mr. Quinn; Mr. Stearns; Mr. Moran of Kansas; Mr. Gibbons; Mr. Baker; Mr. Simmons; Mr. Brown of South Carolina; Mr. Miller of Florida; Mr. Boozman; Mr. Bradley of New Hampshire; Mr. Beauprez; Ms. Ginny Brown-Waite of Florida and Mr. Renzi.

Committee on Ways and Means: Mr. Crane; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Houghton; Mr. Herger; Mr. McCrery; Mr. Camp; Mr. Ramstad; Mr. Nussle; Mr. Sam Johnson of Texas; Ms. Dunn; Mr. Collins; Mr. Portman; Mr. English; Mr. Hayworth; Mr. Weller; Mr. Hulshof; Mr. McInnis; Mr. Lewis of Kentucky; Mr. Foley; Mr. Brady of Texas; Mr. Ryan of Wisconsin and Mr. Cantor.

Ms. PRYCE of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING CLEAR THE RESOLVE OF THE AMERICAN PEOPLE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it was written long ago that without a vision, the people perish. Tonight, the President of the United States from this very Chamber will offer a vision of moral clarity and purpose and resolve for the American people and the world.

It will be resolve to see our war on terror through to its just conclusion and protect our people; it will be resolve against any rogue state who, through its weapons or associations, threatens our peace and security; it will be resolve to renew our economy during struggling recessionary times and resolve to renew our cities through a faith-based initiative; and it will be resolve to keep our promises to seniors in reforming and expanding Medicare.

The President will describe our challenges at home and abroad as clear; but this President, Mr. Speaker, will make the resolve of the American people to overcome these challenges clearer still.

WEAKENING TITLE IX NOT AN OPTION

(Ms. LORETTA SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SÁNCHEZ of California. Mr. Speaker, I rise today to condemn any weakening of Title IX.

This week a national commission will vote on various proposals to reform Title IX for the Secretary of Education, Rod Paige. Since 1972, Title IX has made landmark strides to prohibit sex discrimination in education and to reverse discrimination against women in collegiate sports. However, under one proposal, women would be given only 43 percent of collegiate scholarships versus the 55 percent of enrollment in universities.

Critics of Title IX are saying that the law should be revised according to female interest. However, since its enactment, athletic participation by women in college has increased five times, despite the lack of resources devoted to make it an attractive thing to do.

Title IX has been a cornerstone for improvements for women not just in sports, but in key areas such as standardized testing, higher education and math and science employment. Until women are equal in all areas, weakening of Title IX should not be an option.

TRIBUTE TO MONIQUE BROWN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, just last week a beautiful young woman named Monique Brown died and went home to be with her Maker. Monique worked in my office as my legislative correspondent.

A month ago Monique was released from the hospital just in time to get married, giving her husband Christopher the opportunity to love her and care for her at home. He did so with amazing integrity and dedication. But then Monique returned to the hospital, where she fell into a coma and soon passed away.

Mr. Speaker, Monique was only 23 years old. She had a strong faith, and, though she wanted to live, the prospect of dying did not frighten her at all.

In Psalm 39 David wrote, "Show me, O Lord, my life's end and the number of my days; let me know how fleeting is my life.

"You have made my days a mere handbreadth; the span of my years is as nothing before You.

"But now, Lord, what do I look for? My hope is in You."

Monique's hope was always in the Lord, but she does not need to hope anymore. She is now with her Lord.

SADDAM HUSSEIN, A SERIOUS THREAT TO THE WORLD

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, when we think of terrorism, we often limit our thoughts to just Afghanistan, but we must not forget the despicable role Iraq has played in supporting, training and harboring international terrorist organizations.

There are many reasons why Iraq is no friend to the free world. There are many reasons why Saddam Hussein poses a detrimental threat to the United States and the entire world.

It has been said time and time again that Iraq possesses chemical and biological weapons and that Saddam is ready and willing to use his arsenal against innocent civilians, even his own people. Just imagine what would happen if Saddam gave these weapons, capable of killing entire populations, to terrorists like the al Qaeda.

We cannot bury our heads in the sand and say, "Oh, he wouldn't do that." Saddam Hussein has lied to the words for over a decade and continues to defy the United Nations. He not only provides a safe harbor for terrorists, but provides them with state-of-the-art training camps. He cannot be trusted. He poses a serious threat to the United States, and he must be disarmed to protect the freedom and lives of Americans.

COMMENDING ANOTHER YEAR OF PRESIDENT BUSH'S LEADERSHIP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, President Bush has shown courageous leadership on many fronts since his last State of the Union Address a year ago.

In November, the President moved forward in the war on terrorism by securing a unanimous vote by the United Nations Security Council to force Saddam Hussein to disarm. Day by day, these inspectors uncover more evidence of Iraq's noncompliance and continued threat to Americans and our allies. As a result, President Bush is building a coalition to secure a regime change in Iraq. On this issue, the President is not just leading America, he is leading the freedom-loving world.

The President continues to work with our allies to capture al Qaeda terrorists wherever they may be hiding, and he has pushed for the creation of a new Department of Homeland Security.

I applaud the President for his leadership and inspiration to the American people, and I know tonight's State of the Union Address will send a message to the world that America is strong, united, determined and prepared to take on the challenges of 2003.

RECOGNIZING THE MERCURY REDBONE CELEBRITY TOURNAMENT SERIES AND GARY AND SUSAN ELLIS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Mercury Red Bone Celebrity Tournament and their founders, Gary and Susan Ellis, members of my Congressional district, for their outstanding commitment to the fight against cystic fibrosis.

On March 15 of this year, Mercury Redbone and the Cystic Fibrosis Foundation will hold their fourth annual 10K Walk to Pigeon Key. The walk will benefit the Cystic Fibrosis Foundation, an organization dedicated to the fight and the cure of this disease. Cystic fibrosis is the number one genetic killer of children and young adults in our country, and thousands of people have it.

Please join me in thanking the Ellis family and Redbone for their commitment to this noble cause.

PROMOTING RURAL HEALTH CARE ACCESS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to urge my colleagues to join me in supporting efforts to adequately address one of the most vulnerable aspects of the health care system, rural America.

This very minute, over 60 million rural Americans live with the risk of being without critical health care services. We must make sure that we have meaningful health care reform, guaranteeing all Americans access.

In my home State of West Virginia, 50 of the 55 counties are designated as "medically underserved." In addition, physicians in our State, like many other States, are experiencing a medical liability crisis that threatens to deprive us of critical care specialists. This situation has the makings of a "perfect storm."

Whether you live in New York City or Moorefield, West Virginia, we should all have access to proper health care. From ambulance service to community health centers to hospitals to nursing homes, millions of Americans are counting on us to make sure that rural health care delivery systems will be there for us when we truly need them.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 13, MAKING FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 29 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 29

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon receipt of a message from the Senate transmitting House Joint Resolution 2 with a Senate amendment thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on Appropriations or his designee that the House disagree to the Senate amendment and request or agree to a conference with the Senate thereon.

□ 1215

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 29 is a closed rule providing for the consideration of a very straightforward 1-week continuing resolution. The continuing resolution itself, H.J. Res. 13, makes further continuing appropriations for the fiscal year 2003. The rule provides that H.J. Res. 13 will be debatable in the House for 1 hour, equally divided and controlled by the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY). The rule waives all points of order in consideration of H.J. Res. 13, and it provides 1 motion to recommit the underlying measure.

I want to note that section 2 of the resolution provides that upon receiving a message from the Senate transmitting H.J. Res. 2 with a Senate amendment, it shall be in order to consider in the House a motion by the Committee on Appropriations chairman or his designee that the House disagree to the Senate amendment and request or agree to a conference with the Senate. This provision in this section of the report is necessary to permit the Committee on Appropriations chairman the authority to offer a motion to go to conference on the omnibus appropriations bill.

Mr. Speaker, this is a clean continuing resolution that will ensure that the United States Government remains open through February 7 and that all Americans who are expecting any kind of Federal benefit, a Social Security check, Medicare payments, or veterans benefits will continue to do so without interruption.

While we can debate the substance of the continuing resolution in subsequent general debate, I will note that as negotiations continue on the overall appropriations package, this continuing resolution will make sure that ongoing programs are continued at current rates under the same terms and conditions as fiscal year 2002, except for the defense and military construction bills that have already been enacted into law. Current funding expires at midnight on Friday, without action on the continuing resolution that this rule permits. Therefore, I urge my colleagues to join me in supporting this rule so that we may proceed to consideration of the continuing resolution and ensure that the Federal Government remains open until February 7.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, two important things will happen today on the floor of this House. First, we will debate and pass yet another continuing resolution, the eighth temporary stopgap measure for a fiscal year that began almost 4 months ago. This continuing resolution represents an abdication of responsibility that has become almost run-of-the-mill under Republican control. Today's resolution, which extends the date of the current CR through February 7, means that Republicans will be 4 months late in addressing priorities like homeland security and the economy. America is struggling through dangerous, uncertain times; but the Republican Congress may as well still be on vacation.

Republican leaders are hoping this shameful failure will be obscured by today's second important event: the President's State of the Union address. The Republican majority is expecting to hide behind the glib rhetoric we have all come to expect from President Bush.

But political slogans only go so far, especially in the face of the wide and growing credibility gap facing a Republican Party that has spent the past 2 years saying one thing and doing another. And no matter how eloquent President Bush may be tonight, words alone cannot fix the primary problem this Republican government has created for the Nation at this difficult time.

Simply put, there are two states of the Union in America today. For the vast majority of Americans, these are difficult and anxious times; but for the Republican politicians and the privileged few they represent, like the corporate lobbyists invited to the White House today for a special sneak preview of the State of the Union, the good times just keep on coming.

It is a tragedy, Mr. Speaker; but it is the truth. Just take a look around the country. We will see hard-working Americans struggling to make it through the weakest economy in a generation. Since President Bush took office, 2.3 million private sector jobs have been lost, the worst jobs record for any President since the end of World War II. The unemployment rate is stuck at a 6-year high. We will see millions of Americans whose retirement plans have been crushed by the fall of the stock market. The Dow dropped below 8,000 again yesterday; and overall, the market has lost trillions of dollars in value since President Bush took office. We will see firefighters and police officers who still sit exposed on the front lines of homeland defense, desperate for help from this Congress. It has been nearly a year and a half since September 11, but Republicans have done shockingly little to increase America's defenses here at home.

Mr. Speaker, Democrats have fought for these priorities. We have proposed economic stimulus plans to create at least 1 million new jobs this year, put money and purchasing power in the hands of consumers, and provide relief to struggling small businesses; and we have tried time and again to make Americans safer at home by meeting critical homeland security needs.

Unfortunately for the American people, Mr. Speaker, Republicans have the power in Washington, and just take a look at the government they control. We will see an out-of-touch Republican Congress that arrogantly refuses to do the job they have been elected to do: address critical needs like homeland security and education. Republicans will not help firefighters or increase port security, but they have relaxed their own ethics rules in the House of Representatives. Mr. Speaker, we will see a Republican Party that has but one answer for every problem: budget-busting tax breaks for millionaires that will do nothing to stimulate the economy this year. Soldiers and firefighters are putting their lives on the line to keep Americans safe at home, and President Bush is pushing $90,000 tax breaks for everyone making $1 million or more a year. Middle-class Americans are struggling through the worst economy in a generation, but the Bush plan would provide half of all taxpayers with less than $100.

Unfortunately, Mr. Speaker, it appears that Republicans just do not understand the real state of the Union for the vast majority of America, because if they did, they would not insist on sacrificing the security interests of all Americans to pay for tax breaks for the most privileged few. That is just wrong. It is time that Republicans stopped stiffing homeland security to pay for tax breaks for millionaires, and it is time they stopped using their political power to divide this great Nation.

Mr. Speaker, last week I attended a mobilization ceremony for a reservist in Grand Prairie Texas who had been called to active duty. These brave men and women are making a great sacrifice for their country, leaving their families and jobs to support our troops overseas. I was struck by their courage and by their willingness to put aside their own personal concerns to serve their country. That spirit of unity and sacrifice has made America great for the past 2 centuries. I hope it is the spirit President Bush remembers tonight during his State of the Union and that the Republican Congress puts into practice so that we can finally address our economic and homeland security challenges.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, after 9–11, it became obvious to all of us, I think on both sides of the aisle, that we needed to equip the people at the local level who will respond to terrorist attacks with the best equipment that we could possibly find to make certain their equipment was compatible and safe enough to do the job. For reasons that I find difficult to fathom, the White House has resisted efforts to do that on four separate occasions.

The first example is what happened on the supplemental a year ago. After 9–11, the committee, on both sides of the aisle, agreed that we ought to add more money for first responders, and we tried to do that. The White House strenuously resisted. In fact, at one point the President personally told us that he would veto one dime more than the White House had appropriated for homeland security items. Despite that fact, on a bipartisan basis, the House and the Senate approved $400 million in funding for first responders in that supplemental.

Then, last year, in their second supplemental which the administration sent up, they still provided no request for first responders. Again, the House and the Senate, acting on a bipartisan basis in both Houses provided, after much White House resistance, $551 million for first responders for firemen, for policemen, and the other folks at the local level who are our first line of defense against terrorist attacks in our communities. The President vetoed $350 million of that $500 million.

Finally, the administration did request $3.5 billion for first responders in the regular 2003 appropriations bill, but it then proceeded to back the political strategy in the House that prevented the veterans under the VA-HUD bill from coming to the floor; and it prevented the State, Justice, Commerce appropriations bill from coming to the floor. As a result, neither of those bills which were supposed to contain funding for first responders, neither of those bills passed. And then, when the continuing resolution finally passed, which was supposed to contain $650 million for first responders, the White House saw to it that the agency would not apportion that money among the States and localities.

So after we have that track record, the White House resistance to bipartisan congressional support for adding money for first responders, the White House chief of staff went on national television last Sunday, Mr. Card did, and told Mr. Russert, the moderator, and the entire country that the only reason first responders were not getting their money is because the Congress had not done its job.

Baloney. In capital letters, BALONEY.

The fact is that both political parties, on a bipartisan basis in both the House and the Senate, on four separate occasions tried to meet our responsibilities in providing the funding that was needed for first responders and, the White House, in each of those instances, either flatly rejected the money or saw to it that they would use their power in order to squeeze down the amount of money that we wanted to provide for those initiatives.

So now, what I am going to urge Members to do when we get to the resolution today is to vote for a motion which we will offer which restores that needed money for first responders.

It is time for two things to happen: it is time for the White House to stop peddling fiction about why the first responders at the local level do not have badly needed money to deal with terrorism problems at the local level; and, secondly, it is time for us to actually get the money out to them so that we do not have to sit, the next time we have a terrorist attack saying, gee whiz, I wish we had done something.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1230

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 13, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 13 is as follows:

H.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "February 7, 2003."

The SPEAKER pro tempore. Pursuant to House Resolution 29, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us, H.J. Resolution 13, is a continuing resolution to continue to allow the government to operate through February 7th of this year. This is merely a date extension. It does not change anything else. We have not added any anomalies to those that were previously agreed to.

We need to pass this CR today for one very simple reason. If I can just go back quickly and remember, the last CR we passed, we actually passed two CRs, one that was sent to the President to allow the government to continue to function, and the other that was sent to the other body to be used as a vehicle for the final appropriations bill for fiscal year 2003.

The other body has now worked its will on that CR. They have added to it, the remaining 11 appropriation bills that had not been concluded prior to the adjournment of the 107th Congress. We are still awaiting the paperwork from the other body so that we can appoint conferees and go to conference on that package.

I would say to my friends that there are many differences between the Senate version of this appropriations bill and the House version, so there will have to be a conference.

If we can receive those papers expeditiously, like today or tomorrow, we will move to go to conference immediately. Some of the pre-conference work has already been done, but there is still a lot more to be done, so we are anxious to receive the papers. But since we are not to that point yet in the process, we do need this CR to keep the government up and running until February 7th.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I would like to spend just a moment or two discussing how we got to this place, and then repeat for emphasis what I just said on the rule, so people understand what it is we are going to be trying to do here today.

We are really in the situation where, well into the fiscal year, we have yet to pass 11 of the 13 appropriation bills, primarily because the budget resolution that was brought to this House floor in the first instance unrealistically stated what the needs of the country would be, or the congressional estimate of what those needs would be. So to try to keep the session moving anyway, the majority party brought out two appropriation bills. Then the system just sort of fell apart because of the unreality of the budget resolution, and we have been stuck with no other appropriation bills becoming law, so we have been operating on continuing resolutions.

I would ask the gentleman, is this continuing resolution number 13? Something like that. I have lost track, we have had so many of them.

Now we are supposed to pass yet another continuing resolution so that the House and Senate have more time in order to put together an omnibus appropriation bill which will at long last produce funding for all of the domestic agencies in the Federal Government. So this proposal is here to give us another week to get that work done.

Mr. Speaker, we have two questions left. Number 1 is, what is the appropriate funding for those appropriation bills; and number 2, when are we going to get it done? As far as I know, we still do not have paper on this side of the Capitol, so we still do not know what the Senate has done in detail.

This proposal before us now simply keeps the government open. The question is, what level of funding should we have in this short-term CR? We believe that, in addition to the funding that is being provided under the resolution being brought to the floor by the gentleman from Florida, we ought to add another $3.5 billion to fund the first responders, so that our policemen and our firemen and our public health people can get about the business of protecting us at the local level. We cannot expect State governments to provide this money, because they are in massive deficits all around the country. If we do not provide it, it is not going to get provided.

The second thing we want to do is to provide $90 million to Centers for Disease Control for baseline health screening, so we can do a long-term assessment of the health exposure experienced by first providers at the Pentagon and in New York on 9–11 when they ran into the combat zone, so to speak, and experienced an assault by many chemicals, some of which were suspected of being highly toxic.

So that is what we want to do. As I said, I think it is especially important to do this in light of the misstatement by the White House Chief of Staff on national television last week. Last week, as I said in my earlier remarks, Mr. Card, the White House Chief of Staff, told Tim Russert, the moderator of Meet the Press, that the reason that the first responders did not have the money that they needed was because Congress had not acted on the money and had tied it up.

I found that especially quaint given the fact that the President vetoed the lion's share of the money that we provided for first responders in the supplemental last year, money which would have gone through to the local communities if the administration had not vetoed bipartisan congressional efforts. So what we see is that on four occasions, as I said earlier, the White House has either blocked or resisted bipartisan efforts in both Houses to provide additional money for first responders.

I will ask the House at the proper time today to approve this motion to recommit so that we can add this funding. I want to point out that it will still keep us within the Republican budget resolution. We will still have over $1 billion head room in the Republican budget resolution if we add this amendment, because the continuing resolution is operating at a funding level significantly below that Republican funding resolution.

So I do not want to hear any claptrap on the floor today about how we are busting the budget with this motion. We are not; we are staying within the confines of the Republican budget resolution. But within that, we are saying it is time, it is time to deliver the money that the first responders thought they were going to get a long time ago, so we can get about the business, for a change, of dealing with substantive problems, rather than ping-ponging political arguments while we send no money to the people who are going to be on the front lines if we have any further terrorist attacks.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, on the issue of first-line responders, I was a former Baltimore County Executive. Baltimore County is a county of over 750,000 people. The Second District that I represent has BWI Airport and the Port of Baltimore. We are very much concerned about the issue of the monies being put into the budget as it relates to first responders.

One of the most important issues that we have if there is another terrorist attack, which we understand there will be, is that we need to be prepared. Our police officers and our firefighters are the first responders. Not only do they need to be protected themselves, but if they are not protected, they will not be able to protect our citizens.

So we urge the President and urge Congress to move forward with the monies that are necessary to make sure that we secure our homeland.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to walk through once more what the record is with respect to dealing with this problem.

Right after 9–11, the gentleman from Florida (Mr. YOUNG) and I went down to the White House. He and I and our staff chiefs, when we were locked out of our offices because of the anthrax scare, he and I went downtown to the White House after we had spent a week talking to every security agency in town, virtually, trying to find out what they thought the needs were on the homeland security front.

We went down to the White House, expecting to have a give-and-take discussion about what additional funding we ought to provide. We ran smack into the President of the United States, who walked into the room, shook hands, sat down, and then said, and I am paraphrasing, but this is pretty close, he said, well, I understand some of you want to provide more money for homeland security; but I want you to know that my good friend, Mitch Daniels, tells me that we have more than enough money in the budget for our request. I want you to know if Congress spends one dime more on homeland security than we have asked for in our budget, I will veto the bill. Now I have time for four or five comments, and then I have to get out of here. That is what he said.

So when my turn came, I expressed my lack of enthusiasm to that kind of rigid response, and I proceeded to ask the President a number of questions about security threats to a number of Federal installations, threats which were serious and classified. We urged the President to reconsider.

In the end, over White House opposition, this Congress on a bipartisan basis provided $4 billion additional money for homeland security, including, I believe, about $400 million for first responders. Then last year in the spring supplemental, as I indicated earlier, the White House asked for no additional money for first responders; so no money for our policemen, no money for our firemen, no money for our public health people.

The House and Senate worked again on a bipartisan basis, and we provided $551 million in that supplemental. The President vetoed $350 million of that amount. Then finally the administration slowly awoke, and it provided $3.5 billion in their budget request for 2003; but then they cooperated in a procedure that prevented that money from ever becoming law, because they agreed with the procedure that kept the VA–HUD bill and the State-Justice-Commerce bill from ever coming to the floor.

So now we are operating under a continuing resolution which provides $650 million, far less than we need for first responders. We need several billion more. Yet, even after the administration had that authority to spend the money, they refused to allocate the money to the States. They have been fiddling around about proposed formula changes, rather than getting the stuff out there so we can accelerate our preparedness at the local level.

If Members think we are ready for another attack, I invite them to read the report of the Rudman-Hart Commission, which spells out that we are still mortally unprepared to deal with local attacks.

□ 1245

So now we are faced with this situation, and despite the fact that the track record clearly shows that the administration has been resistent to congressional efforts to provide assistance to first responders, the White House Chief of Staff has told the country that it is the Congress that has not provided the money, when in fact the Congress on three occasions did provide the money or tried to and on each of those occasions the White House resisted.

So what we will be asking the House to do is to provide this additional funding: the $3.5 billion to first responders and the $90 million for the epidemiological studies of the health impacts on the firemen and police personnel who had to respond at the Pentagon and in New York after 9–11. And we would remind our friends on both sides of the aisle that this does not bust the budget. If you vote for our amendment, it will still keep us within the Republican budget resolution which seems to be so important on that side of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I do so to explain to the Members that first responders are extremely important to dealing with any kind of a terrorist attack that might occur anywhere in the United States of America. And we will be addressing the issue of first responders when we do the final appropriations bill, which I have talked about in my opening remarks. But I want to compliment the gentleman from Wisconsin (Mr. OBEY) because he has been very personally involved in identifying not only the needs of first responders but the needs of existing security agencies, and police agencies. And as he pointed out, he and I both did a very thorough survey of all of the needs of those agencies, especially the FBI, for example. Those will be the things that we will be addressing very shortly in the final appropriations bill for fiscal year 2003. I appreciate his interests and I know they are genuine, but we are going to deal with them in the regular order.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), a member of the committee.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I thank the chairman and the distinguished ranking member for raising the point about the first responders. And I want to say as a member of the committee I certainly want to do everything I can to support addressing this issue with the first responders. It is very important. And yet at the same time, I think we need to go ahead and pass this resolution today because, Mr. Speaker, it is unfinished business, unfinished from last Congress. There were a lot of dynamics that kept us from passing it. Frankly, it kind of got away from the Committee on Appropriations, otherwise, I think we would not be standing here today.

But the reality is, Mr. Speaker, we need to get this off the table so that we can move on to other things, addressing the economy, addressing Iraq, addressing Medicare and a prescription drug benefit, some of the things that I hope the President will talk about tonight when he addresses this Chamber.

One of the things I want to mention is in terms of the situation in the Middle East, and I guess people are reading what Mr. Blix and the weapons inspectors' report is, and they are spinning it their own way for their own convenience and their own purposes; but it is very clear that it is a very difficult question that Saddam Hussein has had weapons of mass destruction, terrorist and biological weapons. And the question is not so much, well, he won the scavenger hunt, but did he prove that he has disarmed. And I think most people will agree that that has not been proven.

I make these remarks, Mr. Speaker, because in my district a week ago I stood dock side at Savanna, Georgia, and then boarded a ship called the U.S.S. *Mendonca*, which was named after Private Leroy Mendonca, who was killed in the Korean conflict on July 4, 1951, who was a member of the Third Infantry Division. That ship is a special cargo roll-on, roll-off ship that was loading along with its sister ship about 450,000 square feet of tanks, Humvees, personnel movers and helicopters, on their way to destinations not clearly known.

A few days later I stood at the dais at Hunter Air Field and watched some of

America's youngest, finest and most experienced and some of the older soldiers boarding airplanes going off to Kuwait. As I shook those soldiers' hands, and I went out there a couple of times, and I want to say parenthetically, great work is being done by a group called Southern Smiles, the U.S.O., and the Red Cross in terms of giving these soldiers some very needed personal items, but as I stood there and said good-bye to these soldiers I thought, they are going off to do their job, and now it is our turn and my turn as a Member of Congress to go off and do my job in Washington, D.C. and that is to protect the country as we see it from our standpoint, often through legislation and usually through appropriations. And, therefore, Mr. Speaker, it is so important that we get this bill finished up so that we can start the appropriations process once more for the coming term with a special eye to the troops overseas, and not just in the Middle East, but all over the globe.

We have a very troubled universe as we know it, but we have got to get our modernization continued. We have to have our troops ready for any contingency, and we have to have the quality of life of soldiers in mind at all times.

Mr. Speaker, I urge Members of this House to support this resolution and let us get on with next year's business.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply say to the gentleman from Florida (Mr. YOUNG) that as far as I am concerned he has done everything humanly possible to try to see to it that we could provide the needed money to first responders. He tried that a year ago on the supplemental when he was pushed into backing away by the White House and by his own leadership, but we still got $4 billion additional homeland security money in that bill despite the resistance of the White House. And he also worked with us cooperatively to see to it that we had more money in the supplemental this previous summer for homeland security and for first responders. Again, the White House vetoed those efforts, so I congratulate the gentleman for his efforts. I just wish that the White House had been responsive to them. If they had, we would not be sitting here now worrying about the fact that they still do not have dime one that they need at the local level.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I want to commend the chairman of the committee and the ranking member for their diligent efforts in trying to adequately fund our homeland security needs. And I think what this motion to recommit is all about on this floor today is to try to ensure that we do that promptly.

I think we all know that September 11 was a declaration of war by terrorists against the United States. It was an unprecedented cruelty perpetrated against the American people that foreshadowed a new age in our country, a new kind of war, a new challenge. And this motion to recommit seeks to make good our response to that challenge.

We clearly confront an enemy that lurks in the shadows, runs from battle; and we must be willing to make the necessary changes in our budgeting and the necessary sacrifices as a people to ensure that this new kind of war is won and won decisively by the United States.

Today the frontline of the war on terror is found in places like the airports in Boston, the hospitals in Houston, the ports of Los Angeles. Those who fight this war for America are the police officers, the firefighters, the health care workers. They are the first on to respond to any kind of attack on our homeland, and they will be there to respond to those attacks.

Mr. Speaker, in this new kind of war, the struggle to end an effort by a cruel and merciless foe, we know that victory will not come out without a dedication on our part to seeing this battle through. The keys to victory are vigilance, preparedness and perseverance; and that is why it is also important today to recommit this bill to ensure that we put the necessary money in the bill now to fund these very, very legitimate needs.

I heard a State senator from my home State yesterday who said, Is homeland security going to be another unfunded mandate to the States? The answer to that should be clearly no. It is a national responsibility to protect this homeland; and the only way to do it is to put the money in the bill now to take care of these homeland security needs that I think the chairman and the ranking member of this committee both believe should be in it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I just want to correct something that our colleague from Texas just said. He said that the only way to do this is to deal with it in this bill. This bill is simply a continuing resolution to keep the government functioning for another week. There will be plenty of time for this kind of debate. I think they will find plenty of support on this side of the aisle for the first responders. I do not think there is anybody over here who does not appreciate what the first responders do. But the fact of the matter is that the bill that is before us today is a continuing resolution to keep the government open. I think we all agree that that ought to happen. Nobody here, not on that side, not on this side, wants the government to shut down. So the idea that it has to be done on this bill or it will not get done is simply not true.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I was assured that the gentleman said there will be debate on these appropriations. My only question is, in which fiscal year will the debate on the current appropriations occur, this one or next one? We are starting to run out of fiscal year.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, obviously there will be debate when the matter comes before the House on the bill coming back from the Senate. I suspect there will be additional debate when we take up the budget resolution and the appropriation bills for the next fiscal year. There will be adequate time both in that year and in this year to have that debate, but that is not the debate for this afternoon.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank him. I am reassured because he just said something very important and precedent setting. He said when we debate the appropriations bills for the next fiscal year. We did not debate the appropriation bills for this fiscal year. So at least I will take comfort from an assurance from the majority that in the next fiscal year, unlike the current one, the House may actually debate the appropriations bills.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, well, the good news is this year the House and the Senate are under the same management. We do expect thorough debates on all of the appropriation bills this year; and more importantly, we expect for the first time in a year and a half they will actually have a budget resolution in the Senate that we can work with and that will make life easier for both of us.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we have been hearing we will do it next time around for a year and a half. Meanwhile, you have gotten zip to the local people who need it the most. We were told a year ago, oh, we will do it down the line. We were told in the supplemental, oh, we will do it down the line. Now you are saying here, we will do it down the line. Do it now.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are prepared to do it now. What we want to do now is get the continuing resolution off the desk and get it down to the other body and to the President. Then we will do it now on the final wrap up bill for the fiscal year 2003. And if that is not adequate to satisfy the needs of the first responders, then we will have a supplemental appropriations bill which will be before the House very shortly. And if that does not take care of everything, then we have the fiscal year 2004 appropriations bill; but I think we will get this job done pretty quickly.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the gentleman mentioned supplemental. I would suggest he call the White House and tell the President to reconsider his veto of the last supplemental that we sent to him where he denied us the ability to get $300 million to those first responders.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, the gentleman just touched a sore spot, there is no doubt about that. The Congress and the President had a little different opinion on that particular bill.

But I wanted to comment on the remarks the distinguished gentleman from Texas (Mr. TURNER) who just spoke. He said that this is a national responsibility. Mr. Speaker, protecting the homeland, being able to respond to a terrorist attack or whatever the threat might be threatens everybody, not just the national government, not just the State governments, not just the local governments. But the response to a terrorist attack has to be a partnership.

□ 1300

The local governments have a responsibility to do things that they do far better and far more effectively than the Federal Government. We need the ability that is provided by local governments and local organizations and local first responders.

In addition, we need the partnership with the States because the States do certain things that we cannot do nearly as well, and then, of course, the Federal Government has a major responsibility. So this is not just a national obligation or responsibility. This is a partnership.

We all have to be in position to play our respective roles in responding to a terrorist attack or preventing a terrorist attack. We all have to work together. It is not just the Federal Government. And so, again, I go back to this, Mr. Speaker, let us get this continuing resolution through the House, down to the other body and to the President, and then hopefully, during that same time period, we will be able to conference the final appropriations bill for fiscal year 2003, and then we will clear the decks for a supplemental and for the 2004 appropriations business.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

It does require a partnership between the local and Federal Government. The problem is the Federal Government will not come out on the dance floor and dance. They are leaving the locals out there alone. They have yet to provide one dime in new money.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it amazes me how glibly we talk about the fact that this is just another continuing resolution, we are going to do something later. When immediately after September 11, 2001, we sprang into action here, passing legislation giving the world and certainly the people of the United States that the Congress was not afraid to meet its obligations, but certainly one of the most important obligations we have is to fund the Federal Government.

Instead, we have dithered and dillied and dallied around discussing continuing resolutions. The Senate passes an omnibus bill. We will go to conference with them. We may do another CR. We just do not know. Are we going to do two budgets simultaneously? I really think it is outrageous that so little attention has been paid in the country to what has been going on here. Frankly, it distresses me that while all this is going on, we are back home in our districts when I think we should be here working.

We made promises after September 11, couple of days later, we are going to fortify our Army at home. The President and most Members of Congress went to New York to Ground Zero promising enormous amounts of help and to do something about the borders of the United States.

Mr. Speaker, the borders of the United States are in disarray. I represent part of the northern border area. We are concerned all the time with the people who come across the border into Vermont and to Maine. INS told me shortly after September 11 that there were 11 million persons in the United States illegally. They did not know who they were, where they were or what they were up to.

We have a mammoth task before us, and certainly getting the Federal budget straightened out and money back to the first responders is critical.

Mr. YOUNG of Florida. Mr. Speaker, I would advise my colleagues that I have no further requests for speakers, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 18 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman for not only yielding time, but offering this most important motion that I believe that all of us who say we want to defend the homeland should be on this floor supporting when the time comes.

Tonight the President of the United States will come before the Congress and the Nation. He will talk about the state of the Union. He will say that our economy is headed in the right direction. We believe it is headed in the wrong direction, but more importantly, in some respect, he will talk about the challenges we face abroad.

But we have two wars, Mr. President. One is the one that you seek to have us engaged in Iraq. There you are sending the greatest talent that America has to offer. You are sending an incredible amount of equipment. You are sending billions of dollars.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.. The Chair requests that the gentleman address his remarks to the Chair.

Mr. MENENDEZ. Mr. Speaker, the other war is here at home, and in that war, America has been left virtually defenseless, virtually defenseless. Instead of putting the best resources, the greatest opportunity to those people who I witnessed from my congressional district which sits on the west bank of the Hudson for which the World Trade Center was, in fact, a part of the normal landscape, those who responded on that fateful day of September 11 was not the Federal Government, was not the Defense Department, was not the Federal emergency management.

No, it was police officers and firefighters and emergency management and hospitals and public health systems, and to them, we have taken many pictures, but we have done absolutely nothing about providing one red cent so that they can be prepared, God forbid, for the next attack.

Who did the CIA say was America's greatest threat? It was al Qaeda and bin Laden, the greatest threat to terrorism on domestic soil, and yet all of our focus is elsewhere, and yet the President takes picture with individuals, with our police officers, with our firefighters, and no wonder, when they have not received one red cent, they say, Mr. President, you have merely been using firefighters and their families for one big photo opportunity. The Virginia Professional Firefighters Association and others, the president of the International Association of Firefighters says, Mr. President, you are either with us or against us. You cannot have it both ways. Do not lionize our fallen brothers in one breath and then eliminate funding for our members to fight terrorism and stay safe.

There is a war here at home, and we have not prepared nor have we funded for it. I know that as I have traveled the country when I chaired the task force for House Democrats on homeland security, I can tell my colleagues that what I heard from first responders is that the plans we have on the shelf have nothing to do with chemical or biological weaponry, has nothing to do with the potential nuclear activity. We are not planning for it. We have not prepared for it, and we do not even have the equipment to deal with it.

It is time for us not to listen to the counsel of patience and delay and wait for the next attack to be prepared. It is time for us to act now. Vote for the gentleman's motion to recommit so that we can give the first responders in this country the possibility of responding to the Nation's security and the next possible attack. God forbid, we do not do this now. We have waited already too long.

Mr. OBEY. Mr. Speaker, could I inquire again how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 8 minutes remaining. The gentleman from Florida (Mr. YOUNG) has 18 minutes remaining and previously advised the Chair he does not have any further speakers.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, the rescue workers were there for us when we needed them. The question before this body today is will we, the Federal Government, be there for them when they need us? I rise strongly in support of the gentleman from Wisconsin's (Mr. OBEY) motion to recommit that provides the necessary funding to help protect this country, but I particularly want to speak about one program that was instituted and planned to help the first responders in New York City, and that is the $90 million proposed monitoring of health care at Mt. Sinai Hospital in New York.

The 12 million that was originally allocated will run out in July, and only a small portion of the roughly 40,000 workers, and I mean laborer, fire, construction worker, those that were exposed to these deadly, deadly toxins, have been screened.

Earlier, in a bipartisan way, we passed a supplemental, but that was vetoed, and these heroes need to be helped, and what I see is sort of the selective amnesia. When it is time to have a photo op or time to talk about heroes, everybody is there for the photo op, but when it comes to the time to allocate the money to the men and women who need the health care and need the continued services, it has not been there.

Underscoring this is an important Mt. Sinai study that came out yesterday showing the illnesses and persistent illnesses caused by 9–11, and I include it for the RECORD.

I rise in support of Representative OBEY's motion to recommit, which provides crucial funding to help protect the country.

In particular, I support the $90 million to continue the health monitoring at Mount Sinai hospital for the men and women who were on the front lines of defense on September 11th and the days that followed.

Sixteen months after that fateful day, we must make sure that those brave men and women who entered a battle zone of a new kind of war, and are really the first victims of the war, receive the medical care they deserve.

Underscoring the need for this money was a report released yesterday by Mount Sinai hospital showing that a majority of ground zero workers and volunteers screened for health problems have serious persistent illnesses from the disaster.

The initial screening program which ends this July will screen only about 9,000 of the approximately 40,000 rescue workers in need of medical attention.

Dr. Stephen Levin and Dr. Robin Burton said the findings showed "disturbing levels of long term health problems" and that it was "alarming." The analysis reveals that over 50 percent of the sample study have pulmonary illnesses, ear, nose, and throat ailments, or persistent mental health problems.

They believe the same statistics will hold for the roughly 3,500 responders they have seen to date: 78 percent of the participants reported at least one World Trade Center-related pulmonary symptom that first developed or worsened as a result of their rescue efforts; 52 percent reported mental health symptoms requiring further evaluation; and only about one-third of the sample participants had received any prior medical care for any of their symptoms and conditions.

In other words, for about one-third of these participants, their trip to Mount Sinai had been their only source of medical care; emphasizing the critical need to fully fund this program now, not later, not months down the road. Medical monitoring delayed is proper health care denied.

Last week Senator CLINTON, in a bipartisan effort, again successfully directed $90 million dollars from FEMA for this purpose. But again we face the challenge of securing the House support and the Administration's support and leadership to make this happen.

These firefighters are just here to pick up their check not only for themselves, but for the ironworkers, the construction workers, laborers, rescue workers, volunteers, and their families who care deeply about their health.

Medical monitoring delayed is proper health care denied.

The rescue workers and volunteers were there for us when we needed them, now the question is will the federal government be there for them.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for offering this recommit motion and implore my colleagues all to support it.

Members of the New York State delegation, both Republican and Democratic, met with retired Marine Corps General and now director of antiterrorism for the New York City Police Department Frank LiButti this morning to discuss New York City's homeland security needs.

Our needs are real, they are deep, and they are not being reflected in this budget. The President has talked a good game of protecting our first responders, but then why did he veto the medical monitoring funding of $90 million added on a bipartisan basis by the New York delegation in the summer supplemental? Mr. Bush said it was not an emergency.

Many of my friends are firefighters. Many of those friends are conservative Republicans. They know and the entire New York City Fire Department know the people who first rushed into the World Trade Center, the people who lost over 300 of their brothers and sisters that day know that this is an emergency. Why does not our President and why does not President Bush recognize the emergency to protect my city and all of our major metropolitan areas from terrorism?

Do we rationally think that if we go to war with Iraq that al Qaeda and other terrorist groups will not strike again? The question is not if, but when. The sound bites from the White House are great, and the President, he will talk tough tonight, and the Republican leadership here will say that they are working on it, but the time for backslapping is over. It is now time to deliver for New York City.

We have missed Osama bin Laden. We have ignored our firefighters at Ground Zero. Let us not ignore them anymore. Let us recommit and pass the Obey supplemental bill.

Mr. OBEY. Mr. Speaker, I yield the remaining 5 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank him for his leadership in bringing this very important motion to the floor.

I stand here beside this photograph of the first responder with the President of the United States with great pride. We can all associate ourselves with that moment. As the President embraces the firefighter, so did the entire Nation.

On September 11, the whole world watched in horror when we saw the tragedy unfolding in New York and elsewhere and resolved that we must do everything in our power to make sure that such a tragedy never happens again. We also watched in awe to see the courageous action of the first responder, the police and firemen. That is why it is so hard to understand why we even have to go through this today.

Does not the entire country agree that these firefighters and policemen, the first responders, are owed a debt of gratitude by our Nation? Do we want people to take risks to save the lives of others when we will not even fund a study to take a measure of what impact their courage may have had on their personal physical health?

In the President's State of the Union Address last year, he promised to help local communities train and equip their first responders and provide for other homeland security needs. I listened with interest as the distinguished chairman of the Committee on Appropriations said that this is not just a national responsibility, it is also a State and local.

□ 1315

It is indeed that. But as elected officials at the national level, our first responsibility is to protect the American people, to make this country safe. Certainly we do that jointly with the local and State governments, but they have incurred tremendous costs, $2.6 billion as far as the municipalities are concerned; practically $75 billion in terms of the States in order to help take up some of our national responsibility that we have not funded.

And why have we not funded it? Because the administration and the Republicans have said that, for example, the $5 billion that was proposed in the other body as an amendment for first responders was well-intentioned but unaffordable. Well-intentioned but unaffordable. And the $1.5 billion that Congress passed and the President refuses to spend cannot be spent because we are on a war-time budget.

How do we explain this to the American people? How do we explain it to this brave firefighter and his family, that we can afford a $674 billion tax cut, largely benefiting the wealthiest people in our country, but we cannot afford $1.5 billion already passed by Congress for our law enforcement, for homeland security, and we cannot afford the well-intentioned, but unaffordable, $5 billion for homeland security? And this amendment includes a $90 million study.

Nothing could be clearer in terms of the need. Nothing could be more specific in terms of the remedy. Nothing challenges our conscience more that we would turn away from the first responders when they are suffering effects from the courage that we all identified with, worshipped at the shrine of, embraced, yet now we cannot do it. We are too busy giving $674 billion largely to the wealthiest people in our country. Where are our priorities?

So tonight when the President comes to the floor to give the State of the Union address, I, like every other person in America, will welcome him with great anticipation and great respect. We all want our President to succeed. We all want to be in as much agreement with him as possible. But we cannot listen to rhetoric about first responders. We cannot look at photo ops and see the sincerity that we know is there, because our President is a sincere person, if this Congress refuses to match the compassion with the $90 million that is necessary for this study.

I commend our colleagues from New York for bringing this to our attention and just say that this all takes place in the context of rejecting the $5 billion; rejecting the $90 million, rejecting the $1.5 million, the pocket veto of the $150 million in emergency responder grants in August of last year, and the Justice Department temporarily suspending award grants to the first responders that I already referenced, and, according to calculations, the slashing in the budget is roughly $200 million out of the $3.5 billion for first responders.

It just goes on and on and on. There is a consistent pattern of saying we cannot afford this. Well, if we cannot afford to come to their rescue, how can we expect them to come to ours? If we cannot afford to come to their rescue, how on Earth can we afford a $674 billion tax cut for the wealthiest people in America?

I know that is not the sentiment of this body. I know that is not the sentiment of our distinguished chairman. So let us all follow the lead of the gentleman from Wisconsin (Mr. OBEY) and get this over with quickly before more people find out what is going on on this floor today; that this House may reject this $90 million study.

Mr. Speaker, with that I urge my colleagues to support the Obey motion.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wanted to thank the gentlewoman from California (Ms. PELOSI) and congratulate her. This is the first chance I have had to congratulate her publicly for her ascension in a historic way to the high position of leadership of her party. However, what it means is that she has removed herself from the committee that I have the privilege of chairing. And I would say that while we did not always agree, it was always a very distinct pleasure to work with her as a member of the Committee on Appropriations. So I would say to the gentlewoman from California (Ms. PELOSI) that we will miss her, but I am sure we are going to see her a lot during the 108th Congress.

I listened to her statement, and I appreciate the fact that she used the picture, as well as the previous speaker's use of the picture, of President Bush standing alongside a firefighter at Ground Zero in New York City. President Bush responded quickly and effectively to September 11th. No one can even challenge that. I think maybe what is happening here today, while we are talking about a continuing resolution, is a lot of debate that has to do with the regular appropriations bill. Maybe we are trying to make an argument where no argument exists.

As I listened to the gentleman from New Jersey talking about the first responders at the local level, he is absolutely right. He made the point far more effectively than I did when I mentioned the importance of first responders. The people on the scene, the people in the cities, the people in the counties, are going to respond first to any event that is of a terrorist nature or a weapons-of-mass-destruction nature. They are going to respond. And they do need the support and the help of the Federal Government and of the State governments. The States have some responsibilities as well.

So we are arguing about something that doesn't really need arguing about. The problem is the motion to instruct by the gentleman from Wisconsin (Mr. OBEY) will be dealing with an appropriations issue and this bill is a continuing resolution, that just continues funding at last year's level. It does not create any new programs. It does not appropriate any new money. The final bill for fiscal year 2003 that we will be dealing with is available to deal with first responders.

But I want to get back to September 11th and this picture. Again, I say I appreciate the fact that the minority used the picture of President Bush, because he did respond. He responded in a local way, in a State way, in a national way, and in an international way.

Please, do not take the picture away. It encourages me when I look at it.

The President did a really good job, but he did it in partnership with the Congress. Right after September 11th occurred, the gentleman from Wisconsin (Mr. OBEY) and I sat down with our counterparts in the other body, and we came up with an appropriations bill, an emergency appropriations bill, of $40 billion.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply say the gentleman is correct, we did; and I was immensely proud of the House on both sides of the aisle for cooperating in producing that bill, and I was flabbergasted that that cooperation on the part of the White House did not extend to our next request to provide for additional money, including the first responders.

I thank the gentleman for yielding.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, and I was happy to yield to my friend from Wisconsin, but I would point out the gentleman from Wisconsin (Mr. OBEY) and I sat down with our counterparts in the Senate and we produced a bill of $40 billion that was, I think, passed unanimously in the House and I believe in the Senate as well, to make money immediately available to the first responders, to FEMA, to police, to firemen, to whoever needed the money after September 11th.

As a matter of fact, we did something very unusual, Mr. Speaker. Of the $40 billion, we allowed the executive branch to use immediately $10 billion with no strings attached to respond to September 11th, to respond to terrorism, and to do what had to be done immediately. Then we gave them an additional $10 billion that they could basically do whatever they wanted to with, but there were a few congressional strings. We just required that they report to us on what they were doing with that $10 billion.

So the Congress responded rapidly. The Administration moved quickly. Then the other $20 billion, the second half of the $40 billion, we allocated through the appropriations process; but we asked the executive branch to suggest to the Congress how that money should be used. We did have some differences, but we worked out a plan that I think worked fairly well.

Now, there is a lot more that needs to be done. September 11 was something that many people in this country had never seen before. I think the only thing that really compares to September 11 was December 7, 1941, when Pearl Harbor was attacked and we went to war in World War II.

But, Mr. Speaker, this President responded well. This Congress responded well. The agencies of the government responded well. FEMA responded well. The folks in New York responded well, the Pentagon in Northern Virginia responded well, and Pennsylvania responded well when Flight 93 went into the ground. The Nation mobilized and responded very well. So we are creating an argument here where there is no argument. But maybe that is part of the process. You have to have an argument no matter what you do.

I want to get this CR passed from here today, and I want to get it off the deck; and then I want to be able to proceed to the conference on the final bill for fiscal year 2003 where we will again address first responder-type issues as well as practically everything else in the government, except for defense and military construction, which have already passed and have already become law.

So let us pass this CR today. Let us defeat the motion that would slow down the process, that would make this an appropriations bill as opposed to a continuing resolution. Let us do that and then get on with our business.

Ms. JACKSON-LEE of Texas. Mr. Speaker, tonight the President will give his State of the Union address and next week the President will release his fiscal year 2004 budget, and we in the Congress have yet to pass 11 appropriations bills for fiscal year 2003 funding. We are now on our seventh continuing resolution. I am concerned that Congress is abdicating its Constitutional responsibilities. Before the adjournment of the 107th Congress, we had ample time to pass the physicians, hospitals, nursing homes, home health services and other health care providers. Our nation's seniors deserve better.

A cornerstone of a stable and dependable Medicare program is a system of adequate and appropriate reimbursements for health care providers. If payments are too high, or too low, the system will collapse and access to critical care for our seniors will be denied. Health care providers are being penalized for past federal accounting and legislative mistakes. Short-term fixes are necessary to ensure continuing access to quality care, while a comprehensive and thoughtful system of determining clinician reimbursements is developed. Medicare payments to physicians have already been cut by $139.4 million. Under the current law, payments will be cut an additional $695 million over the next three years.

I have been in close contact with physicians and other health care providers in the Houston area, many of whom appropriations bills. Again, we are faced with uncertainty in the budget process, which we cannot afford with the condition of the economy.

The latest unemployment figures indicate that nearly 6 percent of Americans are unemployed; 17 percent of African Americans are unemployed. Our nation is in an economic crisis that calls for leadership and a bold economic plan.

The nation's health care system is in need of reform. Millions of seniors rely on Medicare for their health care needs. Any Omnibus Appropriations Bill and the President's fiscal year 2004 budget must stabilize the Medicare program. Many Medicare beneficiaries, including seniors in my 18th Congressional District, are losing access to critical health care services because of the inadequacy of the current Medicare payment rates.

As a result of physician reductions in reimbursements, many Medicare beneficiaries risk losing access to their work in small- and medium-sized businesses. They have made good faith efforts to ensure the continuity of comprehensive care for their Medicare patients, but they tell me that they cannot afford to do this forever. I am a cosponsor of the Medicare Physicians Protection Act, which would impose a one-year freeze on the physician's fee schedule to protect our health care providers, and the patients who depend upon them.

Last week, the Senate passed a $390 billion Omnibus Appropriations bill. The bill was passed with little debate and loaded with last-minute amendments. The large number of spending bills included in the Omnibus Appropriations package—11 in all—makes this year's budget debacle especially appalling. For instance, a provision in the bill may have major implications for how immigration applications are processed and how much they will cost. In the Senate Omnibus Appropriations bill, a provision to re-establish old requirements that immigrants applying for visas, citizenship or adjustment of family status pay a surcharge to subsidize the processing of applications by asylum seekers and refugees was included. However, the Homeland Security Department bill passed in November removed the surcharge on applicants, which can add as much as $80.00 to a citizenship application. This is one issue that must be worked out in the conference committee on the Omnibus Appropriations Bill. This would adversely affect many of my constituents applying for visas, citizenship or adjusting their status in my 18th Congressional District.

In addition to immigration concerns, the Omnibus Appropriations bill must contain adequate funding levels to implement the Leave No Child Behind Act. We have become a government run by continuing resolution. I do not believe our Founding Fathers in their wisdom with grantings Congress the authority to raise revenue would have conceived a Congress not disciplined to follow our Constitutional mandate. This process is bad for the country and a poor reflection on the House and Senate.

On the issue of the economy, the President has the wrong plan. It will not stimulate the economy and create jobs. The cornerstone of the plan is the elimination of tax dividends, a proposal, which only helps the wealthy in this country and does not provide a stimulus to the economy.

Continuing resolutions, because they historically have been viewed as "must-pass" measures in view of the constitutional and statutory imperatives, became a major battleground for the resolution of budgetary and other conflicts. Consequently, the nature, scope, and duration of continuing resolutions began to change. I recognize the urgency in passing continuing resolutions; however, Congress must pass a serious comprehensive appropriations bill that adequately funds domestic programs for our nation citizens from education to health care.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 29, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. Without the pending recommit motion, certainly.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H.J. Res. 13, to the Committee on Appropriations with instructions to report the same back forthwith with an amendment:

Section 101 of Public Law 107–229 in further amending by adding at the end:

"*Provided further*, $3,500,000,000 is available for Federal Emergency Management Agency, Emergency Management and Planning Assistance, for state and local first responders homeland security grants to equip first responders, and $90,000,000 is available for the Centers for Disease Control for baseline health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center site."

POINT OF ORDER

Mr. PUTNAM. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PUTNAM. Mr. Speaker, I make a point of order against the motion to recommit because it violates section 302(c) of the Congressional Budget Act. Section 302(c) prohibits the consideration of any amendment that provides new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

This motion to recommit increases the amount of budget authorities provided by the measure. The suballocations published by the Committee on Appropriations on October 10, 2002, lapsed upon the adjournment of the 107th Congress and no new 302(b) suballocations have been made for the 108th Congress. Hence, I make a point of order that this motion to recommit violates section 302(c) of the Congressional Budget Act.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. I certainly do, Mr. Speaker.

The gentleman contends the motion is not in order because the majority has failed to file its 302(b) allocations. If this amendment were to be ruled out of order, what that would mean is that the majority has put the fix in in the Committee on Rules so that they can bring what they want to bring to the floor but the minority cannot.

In other words, the minority would be penalized procedurally for a failure to act on the part of the majority. I would find that to be a quaint interpretation indeed. It is patently unfair to allow the majority to bring up a bill without filing its suballocations and then punish the minority for something the majority has not done.

□ 1330

The SPEAKER pro tempore (Mr. THORNBERRY). If no further Members wish to be heard on the point of order, the Chair is prepared to rule.

As the Chair ruled on January 8, 2003, supported by the House on appeal, section 302(c) of the Congressional Budget Act of 1974 precludes consideration of an appropriations measure, including an amendment, providing new budget authority after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year until the committee makes the suballocations required under section 302(b).

The Committee on Appropriations has not made the required section 302(b) suballocations, and the motion to recommit provides new budget authority in violation of section 302(c) of the Budget Act. The point of order is sustained.

Mr. OBEY. Mr. Speaker, if the majority is going to abuse the rules in such a way that the minority is precluded from meeting its responsibilities, I have no alternative but to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 16, as follows:

[Roll No. 15]

YEAS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa

Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sànchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velàzquez
Visclosky
Waters
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Brown, Corrine
Burton (IN)
Combest
Cubin
DeLauro
Doggett
Gutierrez
Herger
Johnson, E. B.
Lewis (CA)
Olver
Shaw
Smith (WA)
Watson
Waxman
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members have 2 minutes to record their votes.

☐ 1351

Messrs. McDERMOTT, RUSH, RUPPERSBERGER, EVANS, SCOTT of Georgia, LYNCH, and Mrs. JONES of Ohio changed their vote from "yea" to "nay."

Messrs. RYUN of Kansas, ROGERS of Michigan, and HALL changed their vote from "nay" to "yea."

So the motion to table was agreed to.

So the decision of the Chair stands as the judgment of the House.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on January 27, 2003 and I would like the record to show that had I been present in this chamber, I would have voted "yea" on rollcall vote 13 and "yea" on rollcall 14. Also, I was briefly absent from this chamber on January 28, 2003 and missed voting on rollcall vote 15. I want the record to show that had I been present in this chamber, I would have voted "no" on rollcall vote 15.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I have another motion to recommit at the desk.

The SPEAKER pro tempore. The Chair assumes the gentleman is still opposed to the resolution.

Mr. OBEY. Safe assumption, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H.J. Res. 13, to the Committee on Appropriations with instructions to report the same back promptly with an amendment further amending Section 101 of Public Law 107–229:

1. to provide $3,500,000,000 in homeland security grants to equip first responders, and

2. to provide $90 million for the Centers for Disease Control for baseline health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center site.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes on his motion.

Mr. OBEY. Mr. Speaker, I will not take the 5 minutes, but let me simply say that this motion simply does two things. It would provide that we will approve $3.5 billion in homeland security grants to first responders, and it will provide the additional $90 million that is needed to continue the study of long-term medical effects caused by the disaster of 9–11 when our firemen and our policemen and other emergency workers immediately responded to the hits on the Pentagon and the World Trade Center.

When those firemen and policemen and other emergency workers responded to the Nation's needs at the Pentagon and at the World Trade Center and in Pennsylvania, for that matter as well, on 9–11, they did not stop to ask does this fit in our fiscal year? Are we going to exceed our budgets? They simply responded, did their duty, and did what had to be done. Today I want to make clear this motion will not bust the Republican budget. Even if this money is still provided, we will still be within the overall ceilings of the Republican budget resolution. So no one can claim if they vote against this motion that they did so in order to preserve the sanctity of the budget, resolution because we do not breach it.

I would simply urge the House to adopt the motion.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, we do not have a real argument here because we are not opposed to providing this funding, and the only difference we have is that it does not belong on a CR. It belongs in the 2003 final bill, or it belongs in the supplemental which will be coming very quickly. So what I would suggest is that we defeat this motion, we pass the CR, and then we get prepared to finish up the fiscal 2003 appropriations business.

Again, as I pointed out in my earlier comments, I think what is happening here is that we are trying to create an argument where no argument really exists. We believe in homeland security and first responders as strongly as anybody else. We have already proven that. We have taken the lead in that. President Bush has taken the lead in that. We have done a good job as the majority party in leading this Congress to deal with the preemption of, and the need to respond to, weapons of mass destruction, and terrorist attacks or whatever else we may have to face. And we still recognize the need to do more.

☐ 1400

Now, there is a lot of work that needs to be done. But the funding that is called for in this motion is going to be addressed but it does not belong on a CR.

Let us kill the motion, let us pass the CR, and then get along with the rest of our business.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of Mr. OBEY's motion to recommit this CR.

By now, we've all read or heard about the Hart-Rudman Independent Task Force report stating that the United States remains "dangerously unprepared" for another terrorist attack.

The Task Force determined that first responders are not prepared for a chemical or biological attack, their radios cannot communicate with one another, and they lack the training and protective gear to protect themselves and the public in an emergency. As the Task Force report stated simply and chillingly—"The consequence could be the unnecessary loss of thousands of American lives."

I am outraged that this President, who declared war against terrorism, is itching for a war with Iraq, and started sowing the seeds of conflict with North Korea with his "axis of evil" speech, is now telling the American people that we can't afford to invest in homeland security. It stands to reason that the closer our nation gets to war, the greater the threat of another domestic terrorism attack becomes.

When your national security policy stumbles from a vague declaration of war against an ideology, to crying foul before the first IAEA inspector enters Iraq, to antagonizing national leaders with name-calling, you can't afford not to pay for homeland security.

Federal funds are desperately needed to equip firefighters, protect our ports and borders, enhance airport security, defend against agricultural terrorism, and protect our critical infrastructure.

I'd like to quote, if I may, a letter I received from the Mayor of the City of Oakland Park, Florida. "I am writing to express my deep concern that funding for first responders, promised nearly a year ago, has still not been provided to America's cities, towns and villages." I have received similar letters from community leaders throughout my District, and when they write expressing concerns about homeland security, they have my undivided attention. I would venture to guess that most of my colleagues on both sides of the aisle have received similar letters as well.

I urge you to support Mr. OBEY's motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9, rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 201, noes 222, not voting 11, as follows:

[Roll No. 16]

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Brown, Corrine
Burton (IN)
Combest
Cubin
Herger
Johnson, E. B.
Lewis (CA)
Olver
Shaw
Waxman
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

☐ 1416

Mr. GILLMOR changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 15, Table the Appeal of the Ruling of the Chair (House Joint Resolution 13), had I been present, I would have voted "no."

Mr. Speaker, on rollcall No. 16, On Motion to Recommit with Instructions (House Joint Resolution 13), had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

ELECTION OF MAJORITY MEMBERSHIP TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. CALVERT. Mr. Speaker, by direction of the Republican Conference, I call up a privileged resolution (H. Res. 34) election of majority membership on the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 34

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives: Committee on House Administration: Mr. Ehlers; Mr. Mica; Mr. Linder; Mr. Doolittle and Mr. Reynolds.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 111

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York (Mrs. McCARTHY) be removed as a cosponsor of H.R. 111.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privileges of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now recognize Members for Special Orders until 5 p.m., at which time the Chair will declare the House in recess.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 200__ AND 200__

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker. I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2003 and for the five-year period of fiscal years 2003 through 2007. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional budget Act and section 301 of House Concurrent Resolution 353, which is currently in effect as a concurrent resolution on the budget in the House. This status report is current through January 27, 2003.

The "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 353. The comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2003 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 353 for fiscal year 2003 and fiscal year 2003 through 2007. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 231(d) of the budget resolution, is shown for fiscal year 2003 and fiscal years 2003 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table gives the current level for 2004 of accounts identified for advance appropriations under section 301 of H. Con. Res. 353 printed in the CONGRESSIONAL RECORD. This list is needed to enforce section 301 of the budget resolution,which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET -

STATUS OF THE FISCAL YEAR 2003 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 353

Reflecting Action Completed as of January 27, 2003 (On-budget amounts, in million of dollars)

	Fiscal year 2003	Fiscal years 2003–2007
Appropriate Level:		
Budget Authority	1,784,073	n.a.
Outlays	1,765,225	n.a.
Revenues	1,531,893	8,671,656
Current Level:		
Budget Authority	1,769,984	n.a.
Outlays	1,756,173	n.a.
Revenues	1,535,583	8,696,643
Current Level over (+)/ under (−) Appropriate Level:		
Budget Authority	−14,089	n.a.
Outlays	−9,052	n.a.
Revenues	3,690	24,987

n.a. = Not applicable because annual appropriations Acts for fiscal years 2004 through 2007 will not be considered until future sessions of Congress.

Budget Authority—Enactment of measures providing new budget authority for FY 2003 in excess of $14,089,000,000 (if not already included in the current level estimate) would cause FY 2003 budget authority to exceed the appropriate level set by H. Con. Res. 353.

Outlays—Enactment of measures providing new outlays for FY 2003 in excess of $9,052,000,000 (if not already included in the current level estimate) would cause FY 2003 outlays to exceed the appropriate level set by H. Con. Res. 353.

Revenues—Enactment of measures that would result in revenue reduction for FY 2003 in excess of $3,690,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 353.

Enactment of measures resulting in revenue reduction for the period FY 2003 through 2007 in excess of $24,987,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 353.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION

Reflecting Action Completed as of January 27, 2003 (Fiscal years, in millions of dollars)

House committee	2003		2003–2007 total		2003–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture						
Allocation	7,825	7,271	37,017	34,479	n.a.	n.a.
Current Level[1]	8,532	8,406	49,206	47,592	n.a.	n.a.
Difference	707	1,135	12,189	13,113	n.a.	n.a.
Armed Services						
Allocation	516	516	5,804	5,804	n.a.	n.a.
Current Level	111	111	2,170	2,170	n.a.	n.a.
Difference	−405	−405	−3,634	−3,634	n.a.	n.a.
Education and the Workforce						
Allocation	0	0	0	0	n.a.	n.a.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION—Continued

Reflecting Action Completed as of January 27, 2003 (Fiscal years, in millions of dollars)

House committee	2003		2003–2007 total		2003–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Energy and Commerce						
Allocation	95	59	2,709	2,649	n.a.	n.a
Current Level	776	776	405	289	n.a.	n.a.
Difference	681	717	−2,304	−2,360	n.a.	n.a.
Financial Services						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	640	650	6,233	6,238	n.a.	n.a.
Difference	640	650	6,233	6,238	n.a.	n.a.
Government Reform						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	7	7	n.a.	n.a.
Difference	0	0	7	7	n.a.	n.a.
House Administration						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
International Relations						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	13	265	75	327	n.a.	n.a.
Difference	13	265	75	327	n.a.	n.a.
Judiciary						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	7	7	11	11	n.a.	n.a.
Difference	7	7	11	11	n.a.	n.a.
Resources						
Allocation	0	0	700	700	n.a.	n.a.
Current Level	0	−3	2	−1	n.a.	n.a.
Difference	0	−3	−698	−701	n.a.	n.a.
Science						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Small Business						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Transportation and Infrastructure						
Allocation	0	0	17,476	0	n.a.	n.a.
Current Level	3	6	15	24	n.a.	n.a.
Difference	3	6	−17,461	24	n.a.	n.a.
Veterans' Affairs						
Allocation	0	0	0	0	n.a.	n.a
Current Level	1	1	2	2	n.a.	n.a.
Difference	1	1	2	2	n.a.	n.a.
Ways and Means						
Allocation	2,203	174	7,855	5,861	n.a.	n.a.
Current Level	7,913	7,808	10,575	10,448	n.a.	n.a.
Difference	5,710	7,634	2,720	4,587	n.a.	n.a.
Medicare						
Allocation	4,650	4,575	n.a.	n.a.	347,270	347,270
Current Level	0	0	n.a.	n.a.	0	0
Difference	−4,650	−4,575	n.a.	n.a.	−347,270	−347,270

[1] HR2646, the Farm Security and Rural Investment Act of 2002, was enacted May 13, 2002, prior to the adoption of the FY2003 House Budget Resolution on May 22, 2002.

Note: HR5005, an act to establish the Department of Homeland Security, and for other purposes, was enacted November 25, 2002. That legislation, which increased direct spending, is not reflected in the table above because the temporary committee that reported the legislation was not contemplated at the time that H. Con. Res. 353 was passed by the House.

STATEMENT OF FY2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353

Reflecting Action Completed as of January 27, 2003

(IN MILLIONS OF DOLLARS)

	Budget Authority
Appropriate Level	23,178
Current Level:	
Labor, Health and Human Services, Education Subcommittee	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Transportation Subcommittee	
Transportation (highways; transit; Farley Building)	0
Treasury, General Government Subcommittee	
Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee	
Section 8 Renewals	0
Total	0
Current Level over (+)/under (−) Appropriate Level	−23,178

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 28, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the fiscal year 2003 budget and is current through January 27, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 353, the Concurrent Resolution on the Budget for Fiscal Year 2003. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements. Those revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated October 16, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2003:

The Defense Appropriations Act (Public Law 107–248);

The Military Construction Appropriations Act (Public Law 107–249);

The 21st Century Department of Justice Authorization Act (Public Law 107–273);

An act to amend section 527 of the Internal Revenue Code (Public Law 107–276);

The Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107–282);

The Maritime Transportation Security Act of 2002 (Public Law 107–295);

The Homeland Security Act of 2002 (Public Law 107–296);

The Terrorism Risk Protection Act (Public Law 107–297);

The Great Lakes and Lake Champlain Act of 2002 (Public Law 107–303);

An act amending title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan (Public Law 107–304);

The Bob Stump National Defense Authorization Act, 2003 (Public Law 107–314);

The Veterans Benefits Act of 2002 (Public Law 107–330);

An act amending title 10, United States Code, to make mineral leasing receipts available for environmental restoration (Public Law 107–345);

An act to extend the periods of authorization for the Secretary of the Interior to implement certain construction projects (Public Law 107–375);

An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 108–1); and

Three acts making continuing appropriations for fiscal year 2003 (Public Law 107–244, Public Law 107–294 and Public Law 108–2).

The effects of these new laws are identified in the enclosed table.

Sincerely,

BARRY B. ANDERSON,
Acting Director.

Attachment.

FISCAL YEAR 2003 HOUSE CURRENT LEVEL REPORT AS OF JANUARY 27, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted before the 2nd session of the 107th Congress:			
Revenues	0	0	1,536,324
Permanents and other spending legislation	1,086,964	1,035,176	0
Appropriation legislation	0	313,591	0
Offsetting receipts	−346,866	−346,866	0
Total, previously enacted	740,098	1,001,901	1,536,324
Enacted in 2nd session of the 107th Congress:			
Job Creation and Worker Assistance Act of 2002 (P.L. 107–147)	3,524	3,587	0
Farm Security and Rural Investment Act of 2002 (P.L. 107–171)	8,532	8,406	0
Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (P.L. 107–188)	1	1	0
Auction Reform Act of 2002 (P.L. 107–195)	775	775	0
Sarbanes-Oxley Act of 2002 (P.L. 107–204)	40	36	43
2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Acts on the United States (P.L. 107–206)	0	8,342	−60
Trade Act of 2002 (P.L. 107–210)	388	312	−669
Foreign Relations Authorization Act, 2003 (P.L. 107–228)	13	265	1
An act making continuing appropriations, 2003 (P.L. 107–229)	146	94	0
An act making further continuing appropriations, 2003 (P.L. 107–240)	1,110	260	0
Defense Appropriations Act, 2002 (P.L. 107–248)	355,108	239,334	0
Military Construction Appropriations Act, 2003 (P.L. 107–249)	10,499	2,722	0
21st Century Department of Justice Authorization Act (P.L. 107–273)	−1,105	−255	0
An act to amend section 527, Internal Revenue Code, to eliminate notification return requirements for state and local party committees (P.L. 107–276)	0	0	−2
Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107–282)	0	−1	0
An act making further continuing appropriations, 2003 (P.L. 107–294)	118	141	0
Maritime Transportation Security Act of 2002 (P.L. 107–295)	3	3	0
Homeland Security Act of 2002 (P.L. 107–296)	418	418	0
Terrorism Risk Protection Act (P.L. 107–297)	600	614	0
Great Lakes and Lake Champlain Act of 2002 (P.L. 107–303)	0	3	0
An act amending title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan (P.L. 107–304)	0	0	−29
Bob Stump National Defense Authorization Act, 2003 (P.L. 107–314)	111	111	0
Veterans Benefits Act of 2002 (P.L. 107–330)	1	1	0
An act amending title 10, United States Code, to make mineral leasing receipts available for environment restoration (P.L. 107–345)	2	0	0
An act to extend the periods of authorization for the Secretary of the Interior to implement certain construction projects (P.L. 107–375)	−2	−2	0
An act for the relief of Barbara Makuch (Pvt. L. 107–3)	1	1	0
An act for the relief of Eugene Makuch (Pvt. L. 107–4)	1	1	0
Total, enacted in the second session of the 107th Congress	380,284	265,169	−716
Enacted in the first session of the 108th Congress:			
An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 (P.L. 108–1)	7,250	7,250	0
Continuing Resolution:			
An act making further continuing appropriations, 2003 (P.L. 108–2)	355,245	195,163	−25
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	288,455	286,690	0
Total Current Level[1,2,3]	1,769,984	1,756,173	1,535,583
Total Budget Resolution	1,784,073	1,765,225	1,531,893
Current Level Over Budget Resolution	0	0	3,690
Current Level Under Budget Resolution	−14,089	−9,052	0
Memorandum:			
Revenues, 2003–2007:			
House Current Level	0	0	8,696,643
House Budget Resolution	0	0	8,671,656
Current Level Over Budget Resolution	0	0	24,987

[1] Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements. To date, the Budget Committee has increased the outlay allocation in the budget resolution by $8,793 million for this purpose. Of this amount, $400 million is not included in the current level because the funding has not yet been enacted.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items.

[3] For comparability purposes, current level budget authority excludes $1,348 million for mass transit that is included in the continuing resolution total. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act, is not included in H. Con. Res. 353. Total budget authority including mass transit is $1,771,332 million.

Source: Congressional Budget Office.

Notes: P.L. = Public Law.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The Speaker pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, section 3(a)(4) of House Resolution 5 provides that House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eight Congress has adopted a concurrent resolution on the budget. That paragraph also directs me to submit for printing in the Congressional Record: (1) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 under a concurrent resolution on the budget; (2) accounts identified for advance appropriations, referred to in section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress; and (3) an estimated unified surplus, referred to in section 211 of such concurrent resolution.

The attached tables, which I submit for printing in the CONGRESSIONAL RECORD as directed, provide the required information.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES [1]—APPROPRIATIONS COMMITTEE

[In millions of dollars]

	2003
General Purpose*:	
BA	747,174
OT	748,528

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES [1]—APPROPRIATIONS COMMITTEE—Continued

[In millions of dollars]

	2003
Highways*:	
BA	
OT	28,761
Mass Transit*:	
BA	
OT	6,030
Conservation*:	
BA	1,922
OT	1,872
Total Discretionary Action:	
BA	749,096
OT	785,191
Current Law Mandatory:	
BA	350,116
OT	353,319

[1] Reflecting allocation adjustments through the end of the 107th Congress.

*Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY OF HOUSE COMMITTEES [1]: COMMITTEES OTHER THAN APPROPRIATIONS

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total	
						2003–2007	2003–2012
Agriculture Committee:							
Current Law Base:							
BA	36,573	35,545	34,841	34,241	34,889	176,089	n.a.
OT	33,247	33,726	32,788	32,283	32,885	164,929	n.a.
Discretionary Action:							
BA	7,825	7,604	7,198	7,249	7,141	37,017	n.a.
OT	7,271	7,019	6,688	6,727	6,774	34,479	n.a.
Total:							
BA	44,398	43,149	42,039	41,490	42,030	213,106	n.a.
OT	40,518	40,745	39,476	39,010	39,659	199,408	n.a.
Armed Services Committee:							
Current Law Base:							
BA	76,090	78,358	80,609	83,134	85,779	403,970	n.a.
OT	75,258	77,722	80,228	82,780	85,466	401,454	n.a.
Discretionary Action:							
BA	516	652	1,025	1,605	2,006	5,804	n.a.
OT	516	652	1,025	1,605	2,006	5,804	n.a.
Total:							
BA	76,606	79,010	81,634	84,739	87,785	409,774	n.a.
OT	75,774	78,374	81,253	84,385	87,472	407,258	n.a.
Committee on Education and the Workforce—Current Law Base:							
BA	4,633	4,325	4,709	4,885	5,066	23,618	n.a.
OT	3,264	3,172	3,475	3,604	3,744	17,259	n.a.
Energy and Commerce Committee:							
Current Law Base:							
BA	10,248	10,017	11,164	11,498	12,503	55,430	n.a.
OT	11,401	11,496	11,562	11,871	11,881	58,211	n.a.
Discretionary Action:							
BA	95	285	606	801	922	2,709	n.a.
OT	59	272	598	798	922	2,649	n.a.
Total:							
BA	10,343	10,302	11,770	12,299	13,425	58,139	n.a.
OT	11,460	11,768	12,160	12,669	12,803	60,860	n.a.
Financial Services Committee—Current Law Base:							
BA	7,985	8,428	8,249	8,053	8,574	41,289	n.a.
OT	2,696	1,578	541	−165	−344	4,306	n.a.
Government Reform Committee—Current Law Base:							
BA	66,536	69,943	73,568	76,706	79,236	365,989	n.a.
OT	65,527	68,371	72,573	75,714	78,253	361,038	n.a.
Committee on House Administration—Current Law Base:							
BA	82	85	85	82	81	415	n.a.
OT	37	161	18	14	14	244	n.a.
International Relations Committee—Current Law Base:							
BA	10,069	10,390	10,705	10,952	11,287	53,403	n.a.
OT	10,075	10,127	10,364	10,591	10,864	52,021	n.a.
Judiciary Committee—Current Law Base:							
BA	6,404	5,133	5,116	5,092	5,112	26,857	n.a.
OT	5,763	5,613	5,281	5,148	5,180	26,985	n.a.
Resources Committee:							
Current Law Base:							
BA	2,537	2,430	2,371	2,394	2,392	12,124	n.a.
OT	2,471	2,313	2,052	2,297	2,154	11,287	n.a.
Discretionary Action:							
BA	0	113	498	89	0	700	n.a.
OT	0	113	498	89	0	700	n.a.
Total:							
BA	2,537	2,543	2,869	2,483	2,392	12,824	n.a.
OT	2,471	2,426	2,550	2,386	2,154	11,987	n.a.
Science Committee—Current Law Base:							
BA	143	20	17	17	18	215	n.a.
OT	147	102	56	29	24	358	n.a.
Small Business Committee—Current Law Base:							
BA	3	2	1	1	1	8	n.a.
OT	−238	−88	−32	−30	−28	−416	n.a.
Transportation and Infrastructure Committee:							
Current Law Base:							
BA	54,029	51,640	50,234	50,657	50,932	257,492	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Discretionary Action:							
BA	0	4,369	4,369	4,369	4,369	17,476	n.a.
OT	0	0	0	0	0	0	n.a.
Total:							
BA	54,029	56,009	54,603	55,026	55,301	274,968	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Veterans' Affairs Committee—Current Law Base:							
BA	1,629	2,055	2,543	3,082	3,633	12,942	n.a.
OT	1,570	1,999	2,590	3,065	3,431	12,655	n.a.
Ways and Means Committee:							
Current Law Base:							
BA	643,804	661,849	684,591	701,838	727,703	3,419,785	n.a.
OT	645,017	661,964	684,461	701,118	727,005	3,419,565	n.a.
Discretionary Action:							
BA	2,203	858	1,280	1,639	1,875	7,855	n.a.
OT	174	853	1,231	1,660	1,943	5,861	n.a.
Total:							
BA	646,007	662,707	685,871	703,477	729,578	3,427,640	n.a.
OT	645,191	662,817	685,692	702,778	728,948	3,425,426	n.a.
Current Law Base, Medicare:							
BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
Discretionary Action:							
BA	4,650	n.a.	n.a.	n.a.	n.a.	n.a.	347,270
OT	4,575	n.a.	n.a.	n.a.	n.a.	n.a.	347,270
Total:							
BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
MEMORANDUM: Estimated Unified Surplus Under Section 211	51,414	n.a.	n.a.	n.a.	n.a	764,402	n.a.

[1] Reflecting allocation adjustments through the end of the 107th Congress.

n.a. = not applicable.

STATEMENT OF FY 2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353 OF THE ONE HUNDRED SEVENTH CONGRESS

Interior Subcommittee: Elk Hills (89 5428 02 271).

Labor, Health and Human Services, Education Subcommittee: Employment and Training Administration (16 0900 01 501); Education for the Disadvantaged (91 0900 01 501); School Improvement (91 1000 01 501); Children and Family Services [head start] (75 1536 01 506); Special Education (91 0300 01 501); Vocational and Adult Education (91 0400 01 501).

Transportation Subcommittee: Transportation (highways; transit; Farley Bldg.).

Treasury, General Government Subcommittee: Payment to Postal Service (18 1001 01 372).

Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals (86 0319 01 604).

TRIBUTE TO GILDA K. "JILL" BEATTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute and to express profound appreciation to Gilda K. Beatty, my office manager of more than 33 years who took her retirement at the end of December last year. Gilda, best known to everyone who met her as "Jill," began her service in my office when I was administrative assistant to my predecessor, John Blatnik, in December 1969, where she started as a classical secretary: gifted, talented, skilled, energetic, hard-working. But the day before she started her service in the office, our first daughter was born. From that day forward, until after I was elected to this House in 1974, and especially following the death of my wife, Jo, Jill has been a surrogate mother to our four children, a partner in all that I undertook as administrative assistant and as Member of Congress, counselor, advisor, keeper of my time, managing my schedule in Washington and with my district staff, my travels in the district and travels elsewhere throughout the country. Jill's good humor, good spirit, and her can-do attitude, made our office a joy to work in.

I have always said of Jill Beatty that she had that exceptional ability to say no to people who could then leave saying "thank you," a person of whom in another context it should be said she could sell ice boxes to Eskimos. She was able to bring people together in our office, visitors from our district to Washington, and though herself a Pennsylvanian, coming from the coal and steel country of Pennsylvania, she related to the iron ore mining area of the eighth district of Minnesota in a very special, unique way, so that folks always thought she was a Minnesotan, a northeastern Minnesotan, an iron ranger.

□ 1430

She is, in spirit, certainly that. What was more important to me than the friendship, the professional association, the work, the undying work ethic that she portrayed throughout those 33 years, was her ability to grow in her work and to move from skill to skill; to understand the broader needs of our office, and of the relationship of this office to the committees on which I served, and now the committee, the single Committee on Transportation and Infrastructure; and to relate our Washington responsibilities to the Eighth District of Minnesota responsibilities so as to balance the time, the interest, the need, and put them all in appropriate proportion. That is an extraordinary balancing act and a challenge at which few succeed, but Jill succeeded in a very special way.

Perhaps her ability to understand the complexities of running a congressional office in the computer age, in the era of instant communications, compared to the time when she began, when first we did not even have fax machines; but when the first one came in, there was that old onion skin fax, and no multiple letter production capability; to transition from that era to the present takes a very special person of adaptability, the willingness and ability to adapt to change, to changing circumstances.

To embrace change and to move ahead of change, that is Jill's greatest skill and ability, and it gave me the greatest pleasure to see her grow through the stages of evolution of technology that are so important for us in the Congress to maintain communication with the people in our districts who we represent here in this House.

Personally, it is her ever-ready good humor; her ability to laugh, to laugh at herself, to laugh with others, and to make people feel so welcome. Every person who walked in our office, who met with or worked with Jill on whatever purpose it was felt as though he or she were the only person in the world, the only person in Washington, at that particular moment.

That is a rare and special gift for which I will always be grateful, because she made our office in Washington the home in Washington for the people from the Eighth District of Minnesota who came here to visit.

We all miss her terribly. We miss her good humor, her creativity, her willingness to move to the next horizon. I particularly have appreciated her sort of gentle tap on the wrist saying, you are doing too much. It is time to back off. You need a little more time. You can't do all these things at the same time. I know you would like to do all that, but it is not possible, and I am not going to let you do it. She was sort of an auntie who takes care of those who need supervision.

Jill, we are grateful to you for all that you have contributed and done, and I particularly, and I know the entire staff joins in, wish you all the very best of good health, happiness, and long life after Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 107

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 107.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES, 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. Speaker, in accordance with clause 2 of rule XI of the Rules of the House, I am submitting the rules of the Committee on Rules for printing in the CONGRESSIONAL RECORD. On January 7, 2003, the Committee on Rules adopted by non-record vote, a quorum being present, the following committee rules.

RULES OF THE COMMITTEE ON RULES

U.S. HOUSE OF REPRESENTATIVES

108TH CONGRESS

(Adopted January 7, 2003)

RULE 1—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

REGULAR MEETINGS

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for a meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

Notice for Regular Meetings

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting.

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of

(A) the bill or resolution,

(B) any committee reports thereon, and

(C) any letter requesting a rule for the bill or resolution; and

(2) For each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee on the Committee.

Emergency Meetings

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure of matter which the Chair determines to be of an emergency nature; provide, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materiels which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

Special Meetings

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3—MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair, or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted by consideration of a bill or resolution a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rules is to be considered or as soon thereafter as the proposed language becomes available.

Quorum

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measures of matter, of authorizing a subpoena of closing a meeting or hearing pursuant to clause 2(g) or rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)), or of taking any other action.

Voting

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each record vote on any matter before the Committee all be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or report, shall be included in the report of the Committees showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing Procedures

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable: (A) each witness who is to appear before the Committee shall file with the committee at lest 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to brief summary thereof; and (B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclose of the amount and source (by agency and program) or any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two proceeding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) or rule XI of the Rules of the House shall apply to any hearing conducted by the committee.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of the rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair, may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) the Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT AND RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 5—SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Technology and the House, which shall have general responsibility for measures or matters related to the impact of technology on the process and procedures of the House, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters or original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

Effect of a Vacancy

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

In General

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

Associate Staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee of House Administration under clause 9 of rule X of the Rules of the House.

Subcommittee Staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of Staff

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

Certification of Staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the Rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7—BUDGET, TRAVEL, PAY OF WITNESSES

Budget

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

Pay of Witnesses

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of rule XI of the Rules of the House.

RULE 8—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceeding, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on The Internet

(c) To the maximum extent feasible, the Committee shall makes its publications available in electronic form.

Calendars

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which

has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

OTHER PROCEDURES

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

SERIOUS QUESTIONS FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say to my colleagues that we have some very serious questions to answer on behalf of the American people. I want to pay special tribute to the hard work of the gentlewoman from California (Ms. PELOSI) and the Democratic leadership on trying to answer these questions for a broad and diverse range of Americans.

Earlier today I called out the specific jobs of beauticians, waitresses, bus drivers, teachers, mechanics, sort of the people in this Nation that do the heavy lifting. There are many other professions, jobs, that really turn the engine of this Nation.

As we are on the very day of the State of the Union, I think it is extremely important as the President speaks tonight that he not speak to the Members of the United States Congress, but he speak to these Americans who create the engine of our economy. So I hope my words are taken in the manner in which they are offered, because in all of our districts we are finding deep and continuing pain, hurting families, individuals who have lost their jobs with no opportunities for further employment.

Right now we know nearly 6 percent of Americans are unemployed. In the African American community in particular, 17 percent are unemployed. I call that, Mr. Speaker, a crisis.

The Nation's health care system is in need of great reform. Just this last Saturday night I spoke to a group of physicians, private physicians and those who work in our public hospitals. Might I note to one of my colleagues, the gentleman from New Jersey (Mr. PALLONE), I would thank him for generating 270 names, bipartisan names, on the question of addressing the Medicare crisis and ensuring that physicians and nurses and others who deal with our health care are provided the amount of payments that will allow them to keep their doors open.

The continuing resolution that we just passed, but more appropriately, the appropriations that we need to pass, has to address the fact that more than malpractice issues, our physicians are closing their doors. They are deenrolling and not enrolling individuals because their payments are not there.

I hope that the very first item that we will deal with as we come back to deal with the 108th Congress will be the idea of freezing or increasing the Medicare payments that are necessary to keep the doors of physicians open. My commitment to our local physicians in Houston, Harris County, is that I will continue to fight for those dollars for physicians, nurses, hospitals, nursing homes, home health services, and other health care providers. That is a key.

One of the other things we need to fight for is full funding of Medicaid, and also the changing of the formula so Texas is not disadvantaged. Right now, our State legislature and the Governor are dealing with a $10 billion deficit. I hope the President will announce that he has discovered that the dividend discount tax cut helps no one; that he would much rather help the State of Texas, the State of Illinois, Ohio, New York; that he would much rather agree with the Democratic plan to provide block grants of monies to States that will help them in Medicaid funding, that will help them in education funding, and that will help them with special projects, education funding, that will put people to work.

I believe we can always reform. I believe the President can reform his message to address the working people of America.

Let me also say that there has been great concern. I have just filed House Concurrent Resolution 2, which repeals or asks the Congress for a sense of Congress resolution to repeal the October resolution on the Iraqi war.

Mr. Speaker, that vote was a vote of conscience. I challenge no Member in this House as to how they voted. But what I will say is that the Constitution is near and dear to me and many Members of Congress; in fact, all of us. Clearly, we have the right to declare war.

When we debated that resolution, Mr. Speaker, we viewed the words of the President as suggesting that we were under imminent attack, and that there was a nexus between Saddam Hussein, Iraq, and terrorism. Whatever might have occurred, we have more facts now, Mr. Speaker. We do understand, as I close, that there are more indications that we should look for a political resolution. The U.N. inspectors want more time. They need more time to look for nuclear weapons. North Korea is on our very horizon.

Mr. Speaker, people are hurting, and I believe the United States can do better than what we have done. I believe the President can cause us to reach to our higher angels by providing for the working people of America; and saying to the world that we stand on the side of peace; and saying to this Congress, come with me, rise to a new debate, discern and design a better policy about Iraq and North Korea, and then we can spend our dollars on building this Nation again, building jobs, and building peace.

THE PRESIDENT'S CREDIBILITY GAP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I took to the floor this morning during our morning hour debate to express my concern over what I call the President's credibility problem. I talked about a credibility problem in the context of not only what we expect to be in tonight's State of the Union Address, but also by reference to the State of the Union Address that the President made last year.

What I am talking about essentially when I mention a credibility problem is the fact that the President essentially makes promises about what he is going to do to solve the Nation's problems, particularly the economic downturn; but when we look at what he proposes, the action that he proposes to solve the problem, it does not really solve the problem.

So the promise is made essentially by the President that we are going to turn around the economic downturn, but when we look at the proposals that he announces to accomplish that goal, there is no way that they could accomplish that goal, because they are not designed to accomplish that goal.

The credibility problem exists in so many areas. It is not only with regard to his economic plan, his so-called stimulus plan, it is also relative to the deficit. The President indicated last year that the deficit would be small, that it would be taken under control. Now we know that the deficit is likely to be at least $300 billion, and I would venture to say that if the President were able to get his economic stimulus package, his promise to make his tax cuts from last year permanent, to follow through and pay for a potential war in Iraq, that we would probably end up with a deficit that could be upwards of $2 trillion.

That credibility problem also exists with regard to a number of other issues; for example, health care. The President says that we are going to reform Medicare and we are going to provide a prescription drug benefit for seniors in the context of Medicare. What we find out, and we will hear about tonight, supposedly, is a privatization plan for Medicare that does not guarantee a prescription drug benefit unless you leave traditional Medicare and you join an HMO or some other type of private insurance.

The list goes on. We are told that we are going to do things for veterans, and then we see cuts in money for veterans' health clinics. We are told that we are going to implement a situation where no child is going to be left behind in terms of public education. That is the President's theme. But then we find that there is a huge credibility gap, a huge difference between the rhetoric and the reality, because, in fact, money for education is being cut.

□ 1445

Affirmative action is another example. The President says he wants diversity, and he appears to give the impression that he is favorable to affirmative action. But then he asks the Justice Department to file a suit against the University of Michigan because of their affirmative action program. And I am not trying to imply the President is purposefully trying to deceive anyone, but I think the reality is that his ideas of what are going to accomplish the goals that he sets out to accomplish are very different from reality. And whether it is an economic plan, whether it is his idea of affirmative action, whether it is his idea of the deficit or his idea on health care, most of these ideas do not actually translate into any action that will accomplish the goals that the President commits himself to.

I guess the worst example in this respect right now and the one that I think is the most injurious is with regard to the economy. We know that the economy has taken a significant downturn. We know that some action needs to be taken here in Congress so it does not get worse. And yet if you look at what the President has proposed, it does not accomplish the goal. He calls it an economic stimulus package that is going to boost the economy. Well, let me go through some of the things that he claims he is going to do with regard to the economy and then talk about the reality of what would really happen with his proposal.

He claims that his plan will have an immediate boost to the economy. That is why he calls it a stimulus package. But the Bush plan fails on the most basic level by not delivering the immediate stimulus needed to help boost the economy in the short term. By the White House's own projection, less than 10 percent of the package's total spending comes this year in 2003 when the economy is weak and people are out of work; and as a consequence, even by his own estimates, the Bush plan will create only 190,000 jobs this year, only 11 percent of the jobs lost since President Bush took office.

Let me give you another claim. The President claims that his plan is fair and is going to provide 92 million taxpayers with an average tax cut of $1,083. Unfortunately, as with the last tax cut that we had from the President in 2001, this one overwhelmingly benefits the wealthy. Once it is fully phased in, the Bush plan provides more than 40 percent of the tax breaks to the richest 1 percent, with less than 17 percent going to the vast majority of Americans.

I could go on and on. I see one of my colleagues is here, and I would like to yield time. I just want to mention the one thing, though, that is perhaps the most important in terms of what I call the "credibility gap" with regard to the President.

He talks about the fairness of his economic plan because it stops the double taxation of stock dividends. Well, first, double taxation of stock dividends is not a huge problem because much of corporate income is not taxed at all now. Corporations often make aggressive use of tax shelters to avoid paying any tax on profits. Take, for example, the CSX Corporation. Over the 4 years, 1998 to 2001, CSX had a cumulative net profit of $934 million but received a net Federal income tax refund of $164 million. And it paid dividends in every quarter.

I think if there is anything that is in his economic plan that has received the most attention in terms of its inability to accomplish the goal of giving the economy a boost is his effort to eliminate the taxation on dividends. Because, really, no economist that I know has suggested that somehow that is going to accomplish the goal. And it has gotten so bad that even a significant amount of Republicans oppose his dividend tax cut. In fact, today, most significantly the House Committee on Ways and Means chairman, the gentleman from California (Mr. THOMAS), Republican, had said that he had serious questions about the dividend tax cuts. It is an article that is in today's Washington Post. And we will develop this a little more. But I just want to stress over and over again how important it is to look at the President's actions and what he proposes, not his rhetoric about what he is going to accomplish.

Mr. Speaker, I recognize the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman, and I thank him for his leadership on this issue.

Tonight the President will deliver his State of the Union address setting out the challenges facing America in the war on terrorism and his plans for economic recovery. From my seat in this Chamber, I will be listening for one word in particular, "sacrifice."

The word sacrifice should be a natural for a State of the Union address given at a time when the Nation is at war, when we are confronted with the need to defend against new and varied threats to our security, everything from small pox to shoulder-launched missiles that can shoot down commercial aircraft.

Our men and women in uniform are certainly sacrificing. Tens of thousands have been called up, leaving their jobs, their families, often on very short notice and at great financial and personal costs. But what about the average American who is not on active duty or in the reserves? How will we be called upon to make our own contribution to the security and prosperity to the United States?

The centerpiece of the administration's new agenda, and likely his speech tonight, is a $674 billion tax cut weighted heavily towards America's wealthiest families. Can this be the sacrifice that we will be called upon to make with our most prosperous families being asked to make the largest sacrifice by suffering their taxes to be cut the most? In every conflict since the Civil War, the Commander in Chief has called for an increase in revenues to meet the national defense. Can we have more butter, more guns and no sacrifice? Apparently not.

Senate appropriators just cut $8 billion for increased security at our ports, cut $362 million for border security, cut $500 million for police and fire departments who will be first on the scene of any terrorist disaster, cut $534 from job training, cut $1 billion from our schools, underfunding the President's own education initiative. The President's proposal also does nothing to alleviate the States' own budget crises and their correspondingly massive cuts in health care, education and welfare.

Ending the taxation, the double taxation of dividends might be good policy in a vacuum, taking some of the vast fluctuations out of the market. Coupled with reforms that end the no-taxation of other corporate earnings, the provision could be made revenue-neutral; but the administration's proposal is not coupled with other reforms and at a cost of $364 billion is far from revenue-neutral. Because the plan would have little effect on current spending and is permanent, it would also do little to boost our sagging economy, while doing a lot to increase our long-term national debt.

But most importantly, the President's proposal is not made in a vacuum. We have so much work to be done to protect the homeland, and we still suffer the lingering effects of a recession. We have lost almost 2 million jobs in the last 2 years and cannot afford tax cuts that would neither stimulate the economy nor help those most in need. Many of us that supported tax cuts when we were at peace and enjoying historic surpluses must vigorously oppose them now that we are at war and in debt.

As the President's own economic advisors will be the first to admit, small business is the driving force for economic growth and the government's ability to positively impact the economy through fiscal policy is limited.

Probably the most significant contribution the Federal Government made to the prosperity of the 1990s was the difficult decision to balance the budget and keep interest rates low. But now we are back to the days of deficits as far as the eye can see. White House budget director Mitch Daniels can only say that the new red ink is nothing to hyperventilate about, which raises the question, where have the fiscal conservatives gone?

Americans are a proud and generous people who are more than willing to sacrifice in a worthy cause. If, instead, we are to give ourselves a gift no other war generation has given itself, we will denude our ability to defend the homeland or, at best, shift to our children responsibility to pay for our economic health and safety.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from California (Mr. SCHIFF), and I want to, in particular, mention two things that he stressed which I think fit into this concern that I have about what I call the credibility gap: the fact that the President makes certain commitments about how he is going to deal or solve the problems we have, but then he does not follow through with his actions.

One thing the gentleman made a very good point about was the homeland security. What is really in many people's minds, the most important issue right now, is homeland security, worried about another attack by terrorists. The President made much of the fact that he was creating a new homeland security department and that this was going to be a priority. And, yet, as the gentleman said, when we go back to our districts, literally, a week does not go by when one town or someone who is from a civil defense program or a fire department or a mayor or a State legislator complains to me about how the funds have not come back to the counties or to the municipalities to deal with homeland security issues. These are basic things. You need money for certain purposes if you are going to make us more secure.

In my case in New Jersey in the counties I represent, we had over 200 people die at the World Trade Center. I remember during that whole incident one of the things that a lot of the local defense people talked about is the need to upgrade communication systems, and they were looking for Federal funds for that.

The President makes a big to-do about homeland security, and I am sure he will mention it tonight in his State of the Union address, but does not follow through with the funding so that we can improve communication, for example, in New Jersey for homeland security purposes. Then again he is not making good on his commitment.

The gentleman also mentioned the issue with regard to State aid which I think is so crucial. The Democrats have said that as part of an economic stimulus package we will give a significant amount of money back to the States. I think it is $30 to $40 billion, or something like that, because we know that they face a huge fiscal crisis. But not only is he not providing for any money to go back to the States for any kind of significant purpose, but as I understand it with this tax dividend, elimination of the tax dividend, it actually makes the States' fiscal crises even worse.

The way it does this is, first, the Bush plan to eliminate Federal taxes on corporate dividends will lead to a drop in State revenues; since State income tax laws are tied to the Federal law, the States will also generally stop taxing dividends. And his proposal to end taxation of dividends will cost State governments $4 billion this year and $45 billion to $50 billion over the next decade according to Harley Duncan, executive director of the Federation of Tax Administrators.

So he will make the situation of the State even worse, and I am glad that the gentleman pointed that out among the other things he did.

Mr. Speaker, I see our new colleague from Maine is here. I just wanted to say, I know this is not necessarily on point, although I think it is related to what we are talking about, I just wanted the gentleman to know I admire him greatly for his role with the prescription drug plan in Maine, and what he and the gentleman from Maine (Mr. ALLEN) and others have tried to do as Democrats to improve the situation with regard to the costs of prescription drugs.

Once again tonight we understand that the President is going to talk about Medicare reform, but again his promise of Medicare reform falls flat because he is talking about a prescription drug benefit that you would only get if you go outside of Medicare and buy a private plan. I remember the gentleman from Maine (Mr. ALLEN) talking about the problem. I do not know if this gentleman has any HMOs that take Medicare in Maine anymore, but these gentlemen are doing a good job trying to deal with that issue, and I think the President is just coming up with smoke and mirrors.

Mr. MICHAUD. Mr. Speaker, I rise on the day when President Bush will deliver his State of the Union address to America. I can tell you that in Maine we are proud of America and hopeful about the future. But we are also concerned about where we are today. We are concerned because Maine's rate of unemployment keeps rising, in some counties as high as 9 percent, and in some labor-market areas as high as 32 percent unemployment. We are concerned because we have lost over 23,000 manufacturing jobs in the last 8 years. And we are concerned because just 3 weeks ago we received devastating news that Great Northern Paper Company, where I worked for 29 years and one of the largest employers in my district, has filed Chapter 11, and both mills have been shut down since December 26.

I know that across the country people are hurting and they need our help. Unfortunately, I do not believe that the plan the President will discuss tonight will bring that help.

□ 1500

The so-called economic stimulus package is based on tax cuts that go primarily to the wealthiest Americans. It does nothing to create jobs or fuel the economic activity that would help folks back home at Great Northern Paper Company.

Mr. Speaker, there is another way. Today I ask the President along with my colleagues here on both sides of the aisle to at least consider the Democratic stimulus plan. This plan means targeted tax relief for working families, 1 million new jobs, money in the pockets of average Americans, a boost for consumer demand and business investment.

The Democratic plan does all this, and it does it living within our means. It is fiscally sound. It does not borrow from our children or our grandchildren, burying them with debt and taxing them with interest on that debt.

Mr. Speaker, we all have to work together on this because today Americans' number one worry is the economy. Americans are worried about whether their jobs will be there tomorrow. Americans are worried about earning a decent wage, and Americans are worried about being able to afford the same medicines as everyone else. That is why making prescription drugs affordable for all Americans should be a central part of our economic plan.

In Maine we created a law that allows the State to negotiate with drug companies that uses the free market to get a better deal for consumers. We called it the Maine Rx program. In the coming weeks I will introduce legislation in this House to bring that historic innovation to the rest of the Nation. It is called America's Rx because all Americans deserve to have their government work on their behalf and using the free market system to get them affordable medicines.

This means a lot to real people. A friend of mine, a man who worked next to me at the paper mill for almost three decades, has cancer. He cannot retire. He would have no health benefits if he does, and he cannot afford his medicine on his own. He has to keep working while he is sick, but now, with the company in bankruptcy, he does not know what he is going to do.

These are the kind of people we need to help. This is why the cost of prescription drugs is so important, and this is why keeping people working in their jobs is so important, and this is why the health of our economy is so very important.

I look forward to working with my colleagues here in Congress to create a real economic stimulus package, and to create real job security, and to create real health policies that works for all the people.

Mr. PALLONE. Mr. Speaker, again, I want to thank my colleague from Maine for his comments, and let me say, first of all, that when he introduces his America's Rx bill, I would be glad to be one of the cosponsors because I looked at it, I read about it, and I think it is a very good and needed legislation. He points out very effectively again why it is important for us to speak out on the Medicare issue and on the prescription drug issue.

And again, I sound like I am just being critical of the President, but I think on this one, it is just a perfect example of where he is going to be giving the impression tonight that somehow he is going to reform Medicare, he is going to provide a prescription drug program, but then when we look at the data, it is just not there.

It is essentially a privatization of Medicare. It essentially says if a person is willing to join an HMO or if they are willing to take Federal dollars and get into some other kind of private program, we will provide them with a prescription drugs benefit, but for the vast majority of the Americans who either will not want to get out of traditional Medicare or will not even have the option, because in a lot of States, particularly more rural States, they do not even have the option of an HMO, it is not going to be meaningful.

We have worked for a couple of years now, and we know that there are very simple ways of addressing this problem. One of the ways to deal with the costs is our colleague from Maine's proposal, we call it the Allen bill, that would basically limit how much prescription drugs can be charged for, and I have been a cosponsor of that, but we also have a Democratic plan for a benefit package that would simply expand Medicare, create a new Part C or D, which is very much like what we do now for Part B with the doctor bills. A person pays $25 a month, they get 80 percent of the cost of their prescription drugs paid for by the Federal Government. They have a $100 deductible, and it is guaranteed to everybody. Everybody who wants it under Medicare gets it. They do not have to join an HMO. They do not have to go outside of traditional Medicare to get it, and that is the only way or the most effective way that we are going to accomplish the goal of guaranteeing a prescription drug benefit.

The President not only does not do that, but he is looking to basically revamp Medicare itself and privatize it because he says there is not enough money, and I just hope that the public understands that we need to keep the drumbeat going so they understand what he is really doing, that he is really not credible on this issue. And I appreciate the fact that my colleague is here, and I will make sure that I cosponsor that bill when he is about to introduce it.

I yield to the gentlewoman from Texas, who was already here this evening talking about the problems with the Bush economic stimulus plan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as the gentleman from New Jersey (Mr. PALLONE) knows, I was here earlier, and I just wanted to add two or three points to the discussion that I think are very important.

One of the points that I did not get a chance to make is to report some of the numbers that we are entertaining as relates to this whole idea of war. We made it very, very clear that as it relates to fighting terrorism, there is clearly no divide, and for some reason or another, there seems to be a media block, a mental block or some translation block that in this Congress no one disagrees on the fight against terrorism. In fact, right now we are spending $1 billion a month in Afghanistan, where most of us joined in the vote to give the President the authority to do so and, of course, the expenditures to do so.

The real issue is making choices. Right now we can make a choice as relates, of course, to the Iraqi war. That is looking to cost at least $100 billion or maybe upwards to a trillion dollars. So when we talk about these choices, my colleague's legislation from Maine that I hope to join as well, we are talking about making the political solution or looking to the political solution as relates to Iraq so that we can put the dollars in to fight terrorism, to build up the Homeland Security Department, to do what the motion to recommit just offered to do, which is to pay more dollars for the first responders.

I am particularly concerned of getting dollars to the city. The U.S. Congress and mayors just met recently talking about the devastation they are facing. I just mentioned that the State of Texas has billions of dollars in debt, and I would like to see us get block grants to the State, but, more specifically, dollars to the city, so that money for first responders, paramedics, firefighters, police, that can really address the question of terrorism in all segments of cities.

Cities have inner cities. They have housing developments. They have high stock housing. They have low stock housing. They have neighborhoods that are better off than others, but all of those people will have to be protected if we are under attack in terms of a terrorist attack, and clearly those cities who need resources to rebuild, to fight off a bioterrorist attack, to do the various immunizations that may be necessary, and we do not have the necessary funds.

Secretary Ridge will need the dollars to, in fact, put his Department together, even though many people say 170,000, they will just be moving over. There is a lot of logistical dollars that have to be utilized in order to make it work. So I wanted to lay the choice on the table that we have to make, and if we made the choice to completely fund a guaranteed Medicare prescription drug benefit, we would not have to worry about an HMO plan. We would not have to worry about what happened to me in my community just about 2 years ago where six HMOs abruptly left HMO-Medicare, left the community, which left seniors with no HMO to provide them coverage.

So I have seen what happens when HMOs leave a market and say the reason why we are leaving it is because we cannot make any money. It is far better to address specifically the Medicare prescription drug benefit, but let me also say it is far better to address the whole concept of health care in America to the extent that we have so many uninsured, and we need to respond to that as quickly as we can.

I believe that we can use the moneys that are now being used for war for expanded unemployment benefits to 52 weeks; to increase the minimum wage, which we have not talked about for a long period of time; full funding of Head Start; and then, of course, the full funding of Medicaid for public hospitals; and, of course, the Medicare fix that I think we need that our letter suggests should go forward, and that is to make sure physicians' money are either frozen or increased. I wanted to just overemphasize that.

And let me close by saying, I have always offered these words. These are frightening words because for some reason or another we have taken to believing a country that was built on immigrants now at the fault, that we have a problem that we have because of immigration. I think not. I think that we can be secure in homeland security by strong funding, but I think that as well we need to look at some of the issues that require enhanced funding of the INS so they can do their job of enforcement, but also do their job of allowing people to access legalization, like a bill that many of us supported, Republicans and Democrats, the restatement or the reinstatement of 245(i) to allow families to be reunited. That takes dollars in order to work.

We need to pass the legislation, but in order to implement it, these are the kinds of values and legislative initiatives that I would hope that we would hear about. But more importantly, I would hope that we would energize the Congress by passing this kind of approach to governing America's business, a stimulus that is long term, Medicare guaranteed drug benefit that answers the cries of seniors for about 6 years, and other legislative initiatives that I have just mentioned that truly help to rebuild the country and ease the pain of so many Americans now that are suffering under this economic crisis that we are in.

I thank the gentleman very much and for his leadership on some of these issues. I hope we will get to work in the 108th Congress.

Mr. PALLONE. Mr. Speaker, absolutely, and again, particular statements the gentlewoman made about homeland security and the potential war, it goes back to what I was talking about, this whole idea of, I call it the State of the Union credibility gap. In other words, the President promises to accomplish a goal, but no action is taken that would achieve that goal, and I think it is very true with the homeland security issue.

In other words, we get up and talk about how we are going to protect the homeland, but then when the money comes for the first responders back at home in our towns or counties, money has not been there; and even the war in terms of a potential war in Iraq, the budget does not include, the President's budget does not include the cost of fighting the war. So when we talk about this deficit, which we estimate to be about $300 billion at this point, it does not include the cost of the war, which could be 2-, 300-, maybe as much, and put us in deficit to $600 billion, and I think that is the problem.

We are getting a lot of rhetoric from the President, but we are not getting the action that goes along with it, and I know I have my colleague here from Ohio who is going to talk about that also in the sense of the veterans' benefits. I had said earlier, and I know he is going to get into this in more detail, but the President gets up here and talks about how he is a champion of the veterans, but then the White House cuts funding for VA health clinics, forcing 164,000 veterans to be turned away, and I am hearing this all the time in my district about how the money is not there.

I appreciate the gentleman coming down here, and I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, I thank my colleague for yielding to me.

In just literally a few hours the President is going to walk into this Chamber. It is going to be filled with all of the Representatives and Senators and President's Cabinet, members of the Supreme Court, some members of the diplomatic corps. The press is going in the balcony. It is going to be one of those great occasions, and the President is going to stand and deliver the State of the Union Address, and he is going to talk about priorities, and he is going to use a lot of words.

And I have been here long enough to know that talk is easy, action is sometimes difficult, and I want to speak specifically about the priorities that this administration is pursuing.

At a time when we are on the brink of war, hundreds of thousands of our young men and women sent across the sea, possibly to engage in a conflict that could cost them their lives, what message are we sending to those who have already fought the battle, who have fought in past wars, who have paid with their health, sometimes their limbs? What message are we sending when we start nickel and diming the veterans of this country?

I have an older gentleman who is coming into this chamber tonight as my guest from Woodsfield, Ohio, a little town along the Ohio River. His name is Herman Zerger.

□ 1515

Herman is a World War II veteran. He voted for the very first time crouched in a foxhole in France. And he said a runner brought a ballot by and he was able to mark his ballot for Franklin Delano Roosevelt. Herman has not missed voting in an election since that very first time that he voted.

I asked him to come here tonight because he is a World War II veteran. He is a treasure. He is a treasure to me and to my district. He is the kind of person that this country ought to be honoring and showing respect for and gratitude toward. But what is this administration doing to the Herman Zergers across this country? Let me tell my colleagues what they are doing.

About a year ago, the VA made a decision to increase the copayment for the cost of a prescription drug that our veterans must pay from $2 a prescription to $7 a prescription. Many veterans that I represent get 10 or more prescriptions a month. That is $70 a month. And then they get a 3-month supply at a time through the VA, which is $210 for a veteran who may be on a fixed income. Think about it. At a time when we are contemplating giving over $600 billion in a tax cut to the richest 5 percent of the people who live in this country, we are increasing the cost of medicine for our veterans.

Let me talk about another decision the Veterans Administration has made. Last August, they sent out a memo to all of their health care providers; and they said to their health care providers, too many veterans, and I am paraphrasing obviously, but this is what they said, too many veterans are coming in for services. We do not have enough money to provide those services, and so this is how we are going to deal with it. As a health care provider, you are no longer able to participate in a community health fair to tell veterans what services they are entitled to. You cannot send out newsletters telling veterans what services they are entitled to. You cannot make public service announcements telling veterans what services they are entitled to.

It is a gag rule on the VA health providers, an absolute gag rule. I call it the "If they do not ask, we will not tell policy." We are saying to the veterans, if you do not ask what you are entitled to, we will not tell you what you are legally entitled to receive. It is a shameful policy.

And then the VA made a more recent decision, which my colleague referred to briefly. There are seven priority groupings within the veterans system. The VA system took group seven, priority group seven, and divided it and made a new priority group, priority group eight they call it. And then they told these priority group eight veterans, and these are people who have served our country honorably, they told them they can no longer participate in the VA health care system. Now, if they are already in there, they will not kick them out. But if they need to enroll, they cannot.

How much money does a veteran have to make to be in a priority eight group? Well, it depends on where they live in the country, but somewhere between $26,000 and $30,000 a year. So if a veteran makes more than that, the VA says, no, no, you cannot enroll in our health care system. You may have high prescription drug costs, you may have serious health conditions, but we cannot afford to provide you care.

Now, think about it. We are raising the prescription drug costs for our veterans, we are placing a gag order on our VA health care providers, telling them they cannot tell veterans about the services that they are entitled to, and then we take an entire group of veterans and we just say, you make too much money.

I want to tell my colleague what a veteran said to me a couple of days ago. He said, "Congressman Strickland, when they drafted me into the Armed Services and asked me to go fight for my country, they never asked me how much money I made then. But now they are saying, well, if you make $30,000, that is too much money; we cannot afford to provide you with VA health care."

Let me mention just one more thing in closing. I visited a group of veterans in Steubenville, Ohio, about 4 days ago, and they told me about a health fair that they conduct in this little county, Jefferson County, Ohio. They do it every year at the local high school. They do it on a Saturday, using all volunteers. The nurses and the doctors that participate in this health fair give of their own time on a Saturday. They average annually about 500 veterans coming to that health fair. Last summer, they were able to detect four cases of mouth cancer. Four cases. And those people are now getting treatment.

Under this rule that the VA has imposed, this gag order, that group of veterans can no longer conduct this annual health fair. Think about that. Think about that. What have we become if in our country, as rich as we are, we are willing to take over $600 billion and give it to the wealthiest among us and yet we are cutting back on the services that we are providing to those who have served this country in the military? It is a shameful set of circumstances.

I hope the President talks about veterans tonight. And when he talks about veterans, I hope he remembers what this administration is doing and that he reverses course. I would love for the President to announce tonight that he is removing the gag order on the veterans health care providers. I would like for the President to say we are reversing the decision to increase the cost of prescription drugs for veterans. I would like for the President to say priority eight veterans are welcome into the VA health care system because they served our country and we owe them.

So I thank the gentleman for giving me a chance to talk about this issue. It is one that really troubles me because I think it says something about the values that our country is embracing at this point in our historical time period. I believe we need to change course, to reverse course and start treating our veterans with the respect and the honor due them.

So I thank the gentleman for giving me a chance to speak to that issue, and I look forward to hearing from others of our colleagues as we talk about the economic circumstances facing this country.

Mr. PALLONE. I want to thank my colleague, Mr. Speaker. I know that he has always been a champion for veterans. And that gag rule, I read about it in the paper; and it upset me a great deal.

In fact, in the last 2 weeks something similar happened with Medicare providers. They sent out to the contractors who run the Medicare program a memo essentially saying the same thing, that we do not want you to go out and do any kind of outreach to tell people about what services are available under Medicare. The sad thing about it is that we are often dealing with frail people. We are dealing with a lot of elderly people with Medicare and also with these veterans benefits. As the gentleman mentioned, in some small towns they may not have the normal means of finding out about what is available.

So it is really unfortunate, and again it goes back to this credibility gap I keep talking about. The President gives the impression, I am sure he will do it again tonight, about how he wants to provide Medicare coverage and expand for prescription drugs and all these great things in the health care sphere, but in reality we find these memos telling the departments not to tell anybody what is even available now, let alone expand the program. It is totally inconsistent.

Mr. STRICKLAND. If my colleague will yield, I believe the VA has broken the law when they imposed this gag order. I have asked the General Accounting Office to make a determination regarding whether or not the law was broken.

It is my understanding that before such a policy change can be made, that any agency of the Federal Government must bring that policy change back to this Congress for approval or disapproval. The VA has failed to do that. So I am looking forward to getting a determination, perhaps within the next few days; and I believe I am correct in my assumption that the law has not been followed and that the VA is in violation of a law that was passed by this House and by the Senate requiring them to inform the Congress whenever such a policy change occurs. They did not do that in this case.

Mr. PALLONE. Well, I appreciate what the gentleman has said; and I thank him for coming down here, as he often does.

Mr. Speaker, I would like to yield now to my colleague from Wisconsin.

Mr. KIND. Mr. Speaker, I thank the gentleman from New Jersey for organizing this very important Special Order talking about the State of health care in our country. And before the gentleman from Ohio leaves the well, I want to commend him too for all the work that he has done in regards to veterans issue and also for highlighting for a few minutes this afternoon before the State of the Union address the current state of affairs in regards to health care funding for our veterans in this country generally.

Another very important topic that the gentleman did not address this afternoon is the whole concurrent pay issue, and it is something we have all supported, dealing with veterans benefits and disability payments which are currently offset, and that we are trying to correct; but the administration has refused to fund that.

Now, in a few hours, as my colleagues have indicated, the President will be here in the well addressing the Nation, and really the world, in giving us his speech on the State of the Union. We will hear a lot of discussion in regards to Iraq this evening, in regards to probably some of the other international crises which are currently confronting the world and this Nation. Not just Iraq, but the situation in North Korea, the conflict in the Middle East, the situation down in Venezuela, all are very serious. But we have an obligation in this Congress to do all that we possibly can to ensure the safety and the security of our citizens, and we will move forward as a Nation in addressing those concerns.

One of the things I continuously hear from folks back home in my Third Congressional District in western Wisconsin is they also expect us to walk and chew gum at the same time; to not just deal with the national security threats that exist against us, but also deal with the domestic challenges that now confront us.

As I travel around my congressional district, and I am sure it is true for my friend from New Jersey as well, one of the paramount issues that people want to talk about, because they are so concerned about it, is the State of our health care system and the deficiency that they are currently seeing; the fact we have so many people on the uninsured rolls in this country, close to 44 million this year alone; the fact there is a lot of cost shifting going on by our providers because of the inadequacy of reimbursements rates and the impact that has on double-digit premium increases on insurance policies that large and small employers are offering their employees.

This is killing the backbone of our economy, and small business owners in particular. We need to think of bold and creative solutions to the health care crisis that we are facing, not to mention the inadequacy of the current Medicare program and the lack of a prescription drug program, which is long overdue. That is as key and important a part of modern health care today, prescription drugs and access and the affordability of prescription drugs, as hospital beds were back in the mid-1960s when the Medicare program was first created.

One of my chief concerns as we move forward in this 108th Congress is really the economic plan being pursued by the administration. It is one being pursued with fiscal reckless abandon. They are currently projecting close to a $300 billion deficit this year, which would set a record, an all-time record, in budget deficits for our country. If the economic plan that is currently being pursued with large new spending increases and large new tax cuts continue to be pursued, we will be looking at massive budget deficits throughout the remainder of this decade and perhaps beyond.

This is all occurring at exactly the wrong moment, when we have an aging population, close to 80 million baby boomers all marching in lockstep to their retirement, which is going to start in a few short years. We are not making the type of decisions that we need to make today in order to prepare our country for that inevitability, which is just around the corner.

It is kind of the 800-pound gorilla in this Chamber. Everyone knows about it, but nobody really wants to talk about it or address it. I would hope tonight that during the President's State of the Union address he will touch upon the concerns that the health care industry has, that our providers have in regards to the inadequacy of reimbursements rates, but also what plan he has to turn the budget around so we can get back to balance; so we can exercise some fiscal discipline again in our budgetary decisions; so we can prepare the next generation of Americans, our children and grandchildren, to deal with the challenges that they will face in their lifetime.

One of my greatest fears, as the father of two little boys who are only 4 and 6, is that we are setting them up for failure.

□ 1530

Mr. Speaker, I am referring to the future generation of Americans who we are going to leave a legacy of massive debt to, and at the same time ask them to afford the programs for this massive baby boom retirement which is going to start in a few short years.

Those are some of the issues that hopefully the President will also delve into given the limited amount of time that he will have in the State of the Union Address. I think these are crucial issues to the people back in my district who are wondering how are we going to deal with the massive budget deficits which jeopardize the long-term economic security of our Nation, while also being able to make the crucial investments that need to be made in the health care system, in our education systems so our kids can stay competitive, and also in preserving and conserving our natural resources in this country.

We need to walk and chew gum at the same time. We need to do this together. Hopefully we will have an atmosphere of bipartisanship as we move forward on these important issues in the weeks and months ahead.

Mr. PALLONE. Mr. Speaker, I am glad the gentleman brought up this issue of the debt. I would like to end this Special Order with that issue because I think it is so important.

I remember when I was first elected, which was about 15 years ago now, and a Member used to come down every afternoon or evening during this time of Special Orders with a huge sort of digital clock that ran the length of this podium here that had the amount of the debt and how it was increasing every minute or 15 minutes, and the Republican Party were in the minority then, and they made that a basic premise. We had to get rid of this Federal deficit.

Finally when we did under President Clinton, the last couple of years we had a surplus, that is when the economy was in the boom times. We all know if we create a surplus, it helps the economy. The Federal Government is not taking away money that private industry uses to create new jobs and new production.

Even in the President's State of the Union Address last year, the President said that he wanted to control the debt. If there was any debt, it would be short-term, it would not continue to grow. Now all of a sudden silence as if it does not matter anymore.

I have one statistic. It was in the New York Times January 16 when the OMB Director Daniels suggested that the budget is not likely to be in surplus in the next 10 years. I do not want to say that Republicans do not care, but they seem to be really downplaying this as if it does not matter. The gentleman from Wisconsin is right, this is essentially an inheritance tax on our children. They are going to have to pay it back.

I wish we would hear something from the President about how he is going to deal with this deficit because from what I can understand, if we were able to implement his economic stimulus package, if we then made the tax cuts that were passed last year permanent, and then add the cost of the war in Iraq, which might be 2- to $300 billion, if that happens, we could be talking about a couple-trillion-dollar deficit. I do not understand how, and again it goes back to the credibility gap. He makes commitments how we are going to keep the deficit under control, and then we find out it is very much the opposite.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Speaker, I believe now is as good a time as any for the baby boom generation, this massive demographic bubble that is working its way through our society and aging ever so gracefully, to step into this political debate. I think the message is being delivered to them that they can have it all, that they can have massive tax cuts today and retirement security tomorrow, when it is really their generation and the challenge that their generation poses that we need to come to grips with.

I have to believe that the President is a good son, loyal and dutiful and listens to his mom and dad. I think it would be wise if the President were to listen to what his father said when it was proposed, this type of economic plan was proposed to him back in the early 1980s, where they would have huge increases in spending, coupled with large tax cuts, which would lead to large budget deficits, which did occur during the decade of the 1980s and the early 1990s. The first President Bush called it voodoo economics because he knew what would transpire.

It is like deja vu all over again, the economic policies coming out of this White House: Huge increases in spending, although they want to claim to be the party of fiscal constraint. We had a 10 percent growth in government spending last fiscal year alone. On the current track, we are going to be pretty close to that this fiscal year. Double that with the large tax cuts which have been enacted, with the increased spending and the reduction in revenue, we are going to have massive budget deficits forming. That is why the Office of Management and Budget, their own economic analysts are saying $300 billion in projected deficits this year alone without even counting a military obligation in Iraq, which could blow the lid off everything else.

I feel there is time to recover. We have not slid too far down that road yet where, without further budgetary discipline, we could not turn this ship of state around in the nick of time. Unlike the decade of the 1980s and the early 1990s when these huge deficits accumulated, we do not have the luxury of a decade of the 1990s to reduce the deficit and start running some surpluses again in time for this massive retirement that is about to begin with the baby boom generation.

We have a lot of work cut out for us this year, and hopefully some people are starting to pay attention to the looming economic crisis that budget deficits most assuredly will bring, and we will act accordingly.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. The whole goal of this Special Order is to say do not mislead us. If we have a State of the Union Address tonight, be honest where we are going, what we are going to accomplish and what it is going to cost. We are not going to be able to do it all, and the President basically has to confront that issue, and I hope he does.

AMERICAN FOREIGN POLICY

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight on the eve of the historic State of the Union the President is going to provide to the American people to discuss the role that Congress has played in a very constructive way, in a very bipartisan way in assisting this President in some of the most difficult foreign policy decisions that have ever confronted this Nation.

We have heard a lot of rhetoric about the partisan politics of this President not doing what he said he would do and this President wanting to go into war and jump ahead of events and threaten the lives of the American people, and we all know that is just rhetoric. This President, to his core, does not want war. This Congress does not want war. This Congress and this President do not want conflict. So when Members on either side get up and spew out rhetoric that makes it appear that this President is bent on creating conflict with Iraq or North Korea, it is untrue.

I want to analyze some of the events that occurred over the recent recess, the role of Congress in a constructive way to assist this President on foreign policy. I want to lay the groundwork for what I think will be the President's comments tonight about some of the most difficult crises that we face today.

Much of the President's speech tonight will focus on domestic issues, and I look forward to that because we have to have a blueprint to restart this economy. He will talk about education, about health care and prescription drugs, and those are issues that we have to continue to address, and this President has a plan for those issues. He has a national energy strategy that we passed in the House that got hung up in the Senate last year. We passed a prescription drug bill which could not get through the Senate. The President tonight will challenge us to complete the work domestically that he has outlined for us in the past, and he will outline a new vision in terms of jump-starting the economy.

But the real focus has to do with our national security, because as we all know, Article I, section 8 of our Constitution, which defines the role of the Congress, does not mention health care as a key priority. It does not mention the environment as a key priority. In fact, it does not mention education. But Article I, section 8 mentions the responsibility of the Congress. In five specific instances it mentions this: To provide for the common defense of the American people. That is our ultimate responsibility, because without a strong defense, we cannot have an education system, quality health care, or a decent environment. A national security provides that underpinning.

It is amazing to me when I hear the candidates who have announced they are running for the President 2 years down the road get up and spew out this rhetoric about how this President has caused all of these hostile relations with Saddam Hussein and other leaders around the world.

I would remind Members, it was over the past 10 years that when we as a Nation did not enforce the arms control agreements already on the books that technologies were transferred out of Russia and China 38 times. In fact, I had the Congressional Research Service document those 38 instances. Thirty-eight times during the 1990s we had solid evidence of technology being leaked, illegally sold and transferred out of Russia and China to five countries. Those five countries were Iran, Iraq, Syria, Libya and North Korea. What were those technologies? They were chemical and biological precursors that would allow Saddam Hussein to build chemical and biological weapons. They were missile components to allow Iraq and Iran to build their medium-range missile systems that they now have today. They were nuclear components to allow these countries to develop nuclear weapons capabilities.

Mr. Speaker, all that occurred during the 1990s, and the documentation showed it occurred 38 times. Of those 38 instances, we imposed the required sanctions of the treaties less than 10 times. The other 28 times we pretended we did not see it, partly because our policy towards Russia during the 1990s was to keep Yeltsin in power; and, therefore, we did not want to raise any concerns that might embarrass Yeltsin back to Moscow. So even though we knew this technology was flowing, we pretended we did not see it.

I remember very vividly a meeting in Moscow in May 1997 in the office of General Alexander Lebed. He was a retired two-star general, and had just left Yeltsin's side as his defense adviser.

My bipartisan delegation said, "General, tell us about your military."

He said, "Congressman, our military is in total disarray. Our best warfighters, our best Soviet generals and admirals have left the service of the country because of a lack of pay, because of indecent housing, and because of morale problems beyond their control."

He went on to say that they feel betrayed by the motherland, and they are selling off the technology that we built to use against the United States during the Cold War, and they are selling it to your enemies. General Lebed went on to say to our bipartisan delegation, "Our problem today is your problem tomorrow." How right General Lebed was.

Mr. Speaker, that was in May 1997 at the height of the time when many of us in the Congress in both parties were screaming for enforcement of arms control regimes, because if we had taken steps back then, Saddam Hussein and bin Laden and the rest of these terrorist cells would not have this technology that we are now having to allocate billions of dollars to defend against because Iraq and Iran could not themselves build chemical and biological agents. They got that technology from Russia, a destabilized Russia. North Korea did not have the technology for long-range missiles. They got that technology from China and also from Russia.

So when I hear our colleagues, primarily on the other side of the aisle, taking shots at the President, saying he created all of this, it makes me sad because the facts do not support that conclusion.

Mr. Speaker, we are paying the price today for the inaction of all of us during the 1990s. Since I was a Member of this body at that time, I include myself. We could have and we should have done more to reinforce the transparency and the control mechanisms that were in place to prevent these kinds of technologies from being leaked into the hands of unstable players.

Mr. Speaker, unfortunately we are where we are today, and the fact is that Iraq has chemical and biological and nuclear weapons. As a senior member of the Committee on Armed Services, I have sat through hundreds of briefings. I have gone to classified intelligence sessions. While I cannot talk about what I have seen publicly, there is no doubt in my mind, there is no doubt in the mind of anyone who follows these issues, that Saddam Hussein has the worst weapons imaginable.

Mr. Speaker, in Ken Pollack's recent book, talking about the ultimate activity that we are now in against Saddam Hussein, he quotes some U.N. special documents that compare the atrocities of Saddam Hussein's regime to those of Adolph Hitler before World War II. What is amazing to me is those candidates running for the Presidency on the Democratic side who have criticized President Bush, I did not hear their rhetoric spewing out when President Clinton went to invade Yugoslavia. And as bad as Slobodan Milosevic was and is, and thank goodness he is being tried for war crimes today, even the actions of Slobodan Milosevic do not compare to what Saddam Hussein has committed on his own people.

□ 1545

We know that he has used chemical weapons on his own people. In fact, we had one instance where 15,000 people were killed by the actions of Saddam Hussein.

We know Saddam has a biological weapons program. In fact, in 1992 when Saddam Hussein was driven out of Kuwait, he signed a document pledging to the world community, not just the U.S., pledging to the world community that he would disarm, he would destroy all of his weapons of mass destruction. So the inspectors from the U.N. went into his country. We knew at the time he had chemical, biological weapons. We knew they were there. We saw them. We knew they could be accounted for, and we knew he was developing a nuclear capability.

And yet in the mid-1990's, Saddam kicked out those U.N. inspectors, and we did nothing about it. In 1998 everything was gone out of Iraq while Saddam continued to do exactly what the world community told him not to do and which he agreed not to do in 1992. When President Bush came in in 2000, he said in his very simple analysis we cannot allow this to continue. We are allowing a man who will use weapons of mass destruction against us to build additional capability, and that is why the actions that we are leading up to today through the U.N. and with the President are so essential to be supported by all of us.

In fact, Mr. Speaker, I met with some of my Russian friends recently and they said, You know, the problem, Curt, in your country is you get out front and you have all these people taking shots at your President and Saddam Hussein reads that as weakness, he reads that as an inconsistent policy towards him and if he just holds out long enough, the antagonism in America will go away. So in effect those people in some cases crying most loudly for peace are the very ones that might lead us to war. If we as a Nation would get behind this President and show solid bipartisan support that Saddam Hussein has weapons of mass destruction that the world has acknowledged, that need to be destroyed, then Saddam Hussein would get the message that it does not matter how long he can prolong this effort and deny the U.N. inspectors; he must open up and let us see these weapons that we know he has.

Colin Powell yesterday said it best, Mr. Speaker. He asked some very fundamental questions: Where are the chemical weapons? Where are the mobile vans? Where are the biological agents that we know we had in the past that all of a sudden have disappeared? And my colleagues would do well in challenging this President to repeat the fact that all we want is Saddam to publicly acknowledge and then allow the destruction of those weapons to take place. Who can be against that, Mr. Speaker? No one. And if he does not do that, then we have to face the possibility of using force to accomplish the security that our Nation deserves.

And some would say the polls do not support the President. Mr. Speaker, no decent President in American history has governed by polls. We do not elect a President to put his finger in the air to read the way the winds are blowing. We elect a President to exert leadership, to be out front where others think perhaps he is going wrong. And this President has showed that leadership time and again. Mr. Speaker, it was this President who moved us out of the ABM treaty.

I would remind my colleagues on both sides, remember what we heard from the liberal left in this city. The world was going to end, a nuclear race would start, Russia and China would go off the deep end. We pulled out of the ABM treaty because of the President's desire to protect our own people, and there was a giant yawn around the world. Ironically today we are looking to do more missile defense cooperation with Russia than ever before. In fact, in a recent visit with the chairman of one of Russia's largest space institutes, Kurchatov, they showed me a document and asked me to support it; but I could not talk about it until the ABM treaty had expired because it would violate the terms of the treaty, allowing Russia and America to work together for the common defense of our people.

George Bush showed leadership. In spite of what the polls said, in spite of what our colleagues said in this body and the other body, George Bush stood up for what was right for America, and history has proven that he made the right decision.

The same thing is applicable now, Mr. Speaker. We have some extremely tough challenges. We have never had a more complicated foreign policy situation than we have today. Thank goodness we have a President who understands people who can lead. Thank goodness we have a President who put Colin Powell in the position of power, who has integrity, who has respect around the world perhaps unlike any other Secretary of State in the history of this Nation. Thank goodness we have a President who put Condoleezza Rice as the head of the National Security Council, his top advisor on security, someone who is not a politician but someone who understands geopolitical issues and is there at the side of the President advising him on policy direction and on procedures to deal with other nations. And thank goodness we have Don Rumsfeld as the Secretary of Defense, someone who to his core will make sure that our military is the best prepared and the best equipped not to fight a war but to deter aggression. The reason we have a strong military is to deter aggression from those enemies and those adversaries who would want to take us down or who would want to harm our allies and our friends. And Don Rumsfeld plays that role extremely well.

So, Mr. Speaker, I am proud of this administration; and I am proud of this President, and I am also proud of my colleagues on both sides of the aisle who have worked together for bipartisan support of some very difficult issues.

Mr. Speaker, in December I led a delegation that started out in the former Soviet Republic of Georgia. We went to Georgia for several reasons. First of all, to meet with President Shevardnadze to assure him that we are a key ally that he could count on to help Georgia in rebuilding their Nation, their economy, and this new democracy. We went up and got the briefings on the Pankisi Gorge when we went to Moscow, we could reassure the Russians that the Georgians were doing everything possible along with American assistance to drive out the terrorist cells that had been in the Pankisi Gorge in the past that posed such a threat to the people of Russia.

But perhaps the most important reason we went to Georgia, Mr. Speaker, was our concern that last winter the gas supplies for the Georgian people to heat their homes was cut off. In the middle of the winter they had no heat, and so I invited to meet us in Georgia the president of the primary gas supplier for that Nation. President Igor Makarov of the Itera Corporation met us in Georgia at my request, and I asked him to make a public statement, which he did; and that public statement at our suggestion was to guarantee the people of Georgia that no gas supplies would be shut off this winter so they in fact could not be dangled by anyone using energy, using heat as a source of manipulation. The Congress played an extremely constructive role in that visit, and I thank my colleagues for their support in that effort.

We then moved on to Belarus. Belarus has not been a friend to the United States in recent years. President Lukashenko has drifted aside. He has unfortunately manipulated the Parliament and has caused problems in our relationship. In fact, just before we arrived in Minsk, the capital of that country, he kicked out the OSCE inspectors that were there to monitor human rights, free and fair elections, and the oversight of the OSCE responsibilities that all 55 member nations agree upon.

When I arrived in Minsk, our ambassador, who is a very capable man, said, "Congressman, President Lukashenko is not going to meet with you. He meets with no one from the West nor from America." I said, "Ambassador, I would not be here if I had not received a personal invitation from President Lukashenko." At five o'clock on the afternoon of the evening we arrived, the foreign ministry from Belarus contacted us at the hotel and said that we were in fact invited to President Lukashenko's home for a private dinner meeting, which I attended along with my colleague from the Senate, Senator CONRAD BURNS, and our colleague from the House, the gentleman from Maryland (Mr. BARTLETT).

We spent 5 hours, 5 hours in the home of President Lukashenko, with the President and two other individuals, one of whom was a good friend of mine. We sat around a table and for the first hour we talked about ice hockey because that is a passion of the President, and Belarus was the Cinderella team in the Olympics in America just a few years ago. And then we turned to more serious issues, and I conveyed to President Lukashenko that we wish his people no ill will, that President Bush does not want to have sour relations with Belarus, but there were certain parameters that Belarus had to get back to so that we in the Congress could support an agenda to assist the people of Belarus in dealing with their economic problems, their health care problems. And those issues deal with free and fair elections, a legitimate Parliament. Those issues deal with the concerns that we have over proliferation coming out of Belarus, and those issues deal with restoring the OSCE representatives back into Minsk.

After 5 hours of discussion, President Lukashenko agreed with our assessment. We shook hands and we thought we had reached an agreement that would last and change a direction of our relationship with this nation that some have called one of the most untrustworthy in all of Europe. Unfortunately, the next day the foreign ministry of Belarus misinterpreted what we had said, and we had to come back publicly and make some very strong statements against the President of Belarus.

A week later, I was contacted by my friend who is a personal friend of Lukashenko, and he said, "Congressman WELDON, President Lukashenko understands that perhaps things were not conducted the way they should have been, the way it was discussed with you and your colleagues." The bottom line is, Mr. Speaker, that 1 month later President Lukashenko in Vienna announced that all six OSCE reps would be restored to their positions in Minsk. Congress again played a constructive role in supporting our President in moving toward a stable relationship with this nation.

We moved on to Moscow, Mr. Speaker, and there we signed a historic document. Members of the United States House, the United States Senate, the Russian Duma, and the Russian Federation Council met together in one room to agree to a document that we all signed, supported by almost 100 members of our Congress, House and Senate, and the Russian Parliament, Duma and Federation Council. These identical pieces of legislation that we drafted back in the fall call for a new energy strategy that the U.S. should rely on Russian energy sources and move away from the troubled resources of the Middle East. The documents that we signed, which I will present to Speaker HASTERT and President Bush this week, signify a new time in our relationship where the four parliaments understand a new strategic opportunity to move together, to help America move away from Middle Eastern crude, to help Russia realize the financial resources they need to help their economy by selling America her energy capabilities. While in Moscow we also met with the senior leaders of the Russian Government and the Duma and the Federation Council. We talked about arms control and proliferation, and we talked about our strategy for a new relationship, a document that one third of this Congress signed on to a year and a half ago before the first summit.

Mr. Speaker, I am so proud of our colleagues in this body because prior to the first presidential summits, a group of our colleagues who have traveled to Russia, Democrats and Republicans together united, working with those think tanks to focus on Russian-American relations, we produced a 40-some page document with 108 recommendations in 11 key areas to say to our two Presidents that it was time that America and Russia moved together as they had announced publicly in speeches they had given. These 11 areas included agriculture, health care, education, science and technology, energy, the environment, local government, judicial systems, and defense and security. These 108 recommendations, Mr. Speaker, were endorsed by one third of this body and in the other body by our colleagues, Senator JOE BIDEN, Senator CARL LEVIN, and Senator DICK LUGAR, so that when President Bush and President Putin were hand delivered these documents, they both knew that Congress was ready to move our relationship into a new direction.

□ 1600

That was a year and a half ago, Mr. Speaker. In May of last year, when I led a delegation of 13 colleagues to Moscow on the last day of the Moscow summit, we had a luncheon in the Presidential Hotel in downtown Moscow with Members of our Senate, our House, the Russian Duma and Federation Council. One of the former candidates for the Presidency of Russia, Gregor Lavinsky, stood up to give a speech. Mr. Speaker, he held up this document and he said this was the basis of the Russian approach to both summits.

Again, Mr. Speaker, when the Congress unites and takes away the partisan rhetoric, we can accomplish great things, and we can do it together, with our President, to move us in a new direction, as we have done with Russia.

Mr. Speaker, on our trip to Moscow in early December, I was overwhelmed with what occurred when we went to the Russian Academy of Sciences. In the former Soviet States their Academy of Sciences are the ultimate, the elite, those who really are the most respected people in those Soviet societies.

In Russia, its Academy of Sciences is the ultimate body. It is even a part of the government. Irregardless of who the President is, the Academy is part of the government as advisors.

I had been asked to speak to the Academy of Sciences, so we scheduled a visit. I walked in the room, and there before me were 300 academicians from all over the country. At the head table up front was former Presidential candidate and Communist Party leader Zyuganov, the former Foreign Minister and a whole host of former Russian leaders from all factions.

The Chairman of the Russian Academy of Sciences, Mr. Osipov, was seated at the center of the head table. He brought me to the front and sat me down and said, Congressman, we are asking you to speak about this document for this new relationship which your Congress produced. I said, I will be happy to. He said, following your speech, we will open it up for questions.

I spoke for 25 minutes with our colleagues in the audience before 300 academicians. When I finished, Chairman Osipov asked them to ask us questions, which they did. Some were tough; most were positive.

But, Mr. Speaker, something then very strange happened. Chairman Osipov asked me to stand up and brought out a black cap and black gown, and they asked me to put it on. And then probably the most rewarding event that I have had in all of my years in public office, the Russian Academy of Sciences, the social science network, made me the first American member of their Academy. What an honor was bestowed upon me and all of my colleagues, because it was a process that involved members of both parties.

Following that ceremony, something extremely unusual happened that I wish I could share with every colleague in this body and the other Chamber. The Russian Academy of Sciences voted unanimously to make this document their document; to make our document, A New Time, A New Beginning, the official document of the Russian Academy of Social Sciences and to distribute it to every member of the Russian Duma and Federation Council.

Mr. Speaker, when members of both parties come together on foreign policy, we can achieve unbelievable results. We can shape the system, we can open new doors, and our colleagues from both parties deserve the praise that should be lavished on everyone for this new relationship that we have achieved with Russia.

Mr. Speaker, following our trip to Moscow in December, I went back to Moscow a second time in January for another very special purpose. Igor Kurchatov is the founder of the Soviet nuclear bomb. Much like those in America that were nuclear scientists who did not want their careers to focus on killing people, but rather wanted peaceful use of atomic energy, Igor Kurchatov was told by Stalin to build a nuclear bomb to respond to the American program for nuclear weapons following World War II. Igor Kurchatov built the Soviet nuclear weapons program. During the Cold War, it was Kurchatov's work and the work being done at our labs that allowed the two nations to build all of these nuclear weapons.

January 8, 2003, was the 100th anniversary of Igor Kurchatov's birth, the celebration at the institute named after him that day. It is the largest nuclear institute in Russia, with thousands of scientists.

Mr. Speaker, I was given the honor of speaking as a keynote speaker, along with the Japanese Prime Minister and the former Foreign Minister of Russia, to talk about this new relationship and about this laboratory that was built and designed for production of nuclear weapons, but now was being transformed for peaceful purposes.

The director of that lab, Dr. Evgeny Velikhov, is one of my best friends. He is a real scholar and a real leader for all of humanity. He has taken an agency in Russia that was designed to develop nuclear weapons and has transformed it into peaceful projects with our nuclear agencies and labs in America.

I would include at the end of the speech, Mr. Speaker, my speech at Kurchatov entitled A New Millennium. That speech outlines a new relationship between the U.S. and Russia to take apart our nuclear weapons, to dismantle our chemical and biological weapons, to follow through on the recommendations in our document to allow the U.S. and Russia to work together.

That speech, Mr. Speaker, was extremely well received on the Russian side, and I challenged them to build a new network of interaction between our labs and the Russian labs.

Following that speech we cut the ribbon on a brand new training facility that is retraining 600 Russian nuclear physicists who used to work on bombs to do software engineering for Russian IT companies working with American IT companies.

Mr. Speaker, we have come a long way. The new relationship with Russia just did not happen. It happened because the Congress, Democrats and Republicans, worked together, following the leadership of Presidents Bush and Putin, who set the vision for our nations, who talked about a new time and a new era of cooperation and support. Amazing things can happen, Mr. Speaker, when this Congress comes together and realizes that foreign policy challenges require us to act as a common body.

Yes, we can disagree in the process, but not to the point where we undermine our strategic leadership needs as best put forth by Colin Powell and President George Bush.

Mr. Speaker, we want to expand those programs, those nuclear nonproliferation programs, those cooperative threat reduction programs. But let me issue a word of caution to some of my colleagues in both bodies, because some have put out some misinformation that perhaps we in the House do not want these programs to move forward.

Nothing could be further from the truth. To those who have said publicly that the House is trying to handicap cooperation with Russia and dismantling chemical and biological and nuclear weapons, I say hogwash. What we did do last year, Mr. Speaker, as the stewards of the American taxpayer dollars, is to say that every dollar we spend in Russia, we must hold them accountable for how those dollars are ultimately given out.

Why is transparency and integrity and fiscal responsibility so critical here, Mr. Speaker? Well, for one reason, last year there was an audit done by the Department of Defense inspector general, who found $95 million misused by some unscrupulous people inside of Russia. Mr. Speaker, that is unacceptable. As much as I want to take apart chemical and biological weapons and reduce Russia's nuclear stockpile, I do not want $95 million siphoned off for some other purpose, and neither does any other taxpayer in this Nation.

For my colleagues in both bodies to stand up and to say in op-eds and public speeches that somehow this body wants to stop those programs is absolutely false and is an outrageous misstatement. All we want in expanding these programs is transparency. All we want are some basic conditions that show the Russian side and the American contractors doing this work in Russia that we want accountability for every dollar spent. We should seek no less for the taxpayers, because it is their money that we are spending.

As the chairman of the subcommittee that oversees much of our defense procurement, I can imagine the outrage if one of our defense contractors could not account for $95 million of taxpayer money. It would be a national scandal. But there are those in this body and the other body who want to pretend that is not a problem.

This year we in the House will continue to support expansion of programs for nuclear nonproliferation, for cooperative threat reduction. In fact, I am preparing a new package of legislation at this very moment. But in the end we will also guarantee that every dime of money that we spend is accounted for and is not being abused by anyone.

Mr. Speaker, following our trip to Moscow, we went on to Belgrade. We met with the Prime Minister of Serbia, the leadership of the Parliament there, and we got an update on the progress that Yugoslavia is making following the war of just a few short years ago.

Mr. Speaker, I have to tell you, I was disappointed. We bombed Belgrade, we bombed Yugoslavia, and we promised after the bombing as a Nation and as a group of nations that we would help them rebuild if they followed certain conditions. Mr. Speaker, they have followed those conditions. Our embassy in Belgrade certified to us that they are making progress, yet we, Mr. Speaker, and our allies have not taken the steps to properly support the rebuilding of Yugoslavia, and that is an outrage.

So I come back tonight and I plead to our colleagues in both bodies to work to live up to the promises that we made to the people of Yugoslavia, that they, in fact, can rebuild their country which we bombed just a few short years ago to rid them of the scourge of Milosevic.

Our last stop on that trip, Mr. Speaker, was in Vienna. The trip to Vienna had two purposes, to receive at the IAEA the most recent briefing on nuclear weapons in both North Korea and Iraq. For 2 hours we sat at their headquarters, and they walked us through this Agency's assessment of the nuclear capability and potential of Iraq and the nuclear capability and potential of North Korea.

I would tell my colleagues, Mr. Speaker, it was not a pretty briefing. In fact, I invited the IAEA to come to Washington, which they accepted, where they will allow for every Member of Congress to receive the same briefing, the briefing as to the capabilities of both North Korea and Iraq with nuclear weapons and nuclear facilities such as the reactors that are being built in North Korea, the reactor being built in Iraq, and the potential for that material to be used illegally by either or both nations.

Mr. Speaker, we also in Vienna visited the OSCE, hosted by our very capable Ambassador Steve Minikes. At the OSCE headquarters I had the privilege to speak to 10 of the major nations' ambassadors, including Russia, about America and our policies relative to the OSCE. Ambassador Minikes and the OSCE team is doing a fantastic job. Again, it is because of the bipartisan support of people like the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. SMITH) and those people who involve themselves in the interparliamentary dialogue that is a part of the OSCE process.

So, Mr. Speaker, I come full circle, and I come full circle because tonight in a few short hours the President will stand behind us and give a speech, and a major part of his speech will focus on foreign policy. I say to my colleagues, Mr. Speaker, we have proven time and again that we can take on any challenge the Nation has and win if we stick together, if we take apart the partisan rhetoric and get down to the substance of what America needs to do.

□ 1615

None of us want war. None of us want conflict. None of us want to see Americans go overseas and shed any blood. Now is the time for us to stand together, at the most difficult point in the recent history of this Nation. We face the scourge of terrorism. We face uncertainty in the Middle East. We face China and Taiwan, North and South Korea, India and Pakistan, all of which require us as a Nation to act together; to disagree on the way we approach these solutions, but to do it in a civil way, to show these countries that, in the end, we are united. I would just caution our colleagues in both bodies in both parties to understand the importance of that approach to these very difficult foreign policy challenges.

Mr. Speaker, one final word. Over the recess, as it was for the past year, we have tried to take a bipartisan delegation into North Korea, to DPRK. In May of last year, 13 of our colleagues were together. We went to Moscow, we went to Beijing and Seoul, being promised all along we would get visas to go into North Korea to open some dialogue with Kim Jong-il and the North Korean Supreme People's Congress. We were denied that ability; even though we had been promised, we were not given the ability to travel in there to open doors.

In August we received an e-mail from the North Korean Government to try again. I went back up to the U.N. two more times and met with the DPRK ambassador, Ambassador Han, and pleaded with him to allow us to bring a delegation in. In January of this year, with his support, I reissued a letter asking for support for our delegation to visit, equal Members of Democrat and Republican from this body. With the support of President Jiang Zemin in China, which we received in May of last year personally, and with the support of Kofi Annan who called me at home a week ago and said Congressman, we are behind your effort; with the support of his chief interlocutor who has been working the DPRK issue for the U.N., Maurice Strand; with the support, quietly, of our own government, aware of what we were doing and not telling us to oppose it, the North Korean Government again has consistently opposed an effort, an honest effort by Democrats and Republicans, to open a new dialogue.

So, Mr. Speaker, I thank our colleagues in both parties who have stood together and said, we will go back to Pyongyang, we will take a delegation in, we will have a discussion, we will tell Kim Jong-il and the North Korean people that we wish them no ill will, we do not want a war with them, we want to encourage the south in its effort to establish a peaceful relationship, but there are certain things that the DPRK must do, as outlined by our President and Secretary of State. They must return to their commitment to a safe policy of relationships with our neighbors. They must end their program of developing highly enriched uranium which will lead to nuclear weapons; and if they take those steps, then we can peacefully cooperate with them. We can become a trading partner, and we in this body can open new doors and new opportunities as we have done with Russia, as we have done with other nations around the world.

So in closing, Mr. Speaker, I encourage our colleagues tonight who have done so much, so much good with so much foreign policy challenge existing around the world, Democrats and Republicans have consistently united; and I encourage my colleagues to look for that opportunity again, so that following the State of the Union tonight we can come out with one voice, with one Nation and say that we all want to avoid war. But we must continue to exert the pressure that was required by the U.N. resolutions in 1992, that was required by the arms control agreements that North Korea has now opted out of, and if they come back to the normalcy that they were once a part of, that, in fact, we can have peaceful coexistence without conflict.

Mr. Speaker, I thank my colleagues for their cooperation. I will insert the speech, "A New Millennium," that I presented to the institute as a part of the Congressional Record at this time.

A New Millenium

To stand before you today—as an American, as a member of the United States House of Representatives—and deliver the keynote address in celebration of the 100th birthday of Igor Kurchatov, is an astonishing privilege. An invitation to attend this important occasion would have been honor enough. That I stand here as a principal speaker is so much more than I could have ever imagined. It is truly a humbling experience.

How far we—the United States and Russia—have come! From adversaries to friends, from competitors to partners—we have moved huge distances from the world of our youth. The cold war is over, finished forever. Today, Russians and Americans are called to be the instruments of a new and, hopefully, more peaceful, prosperous, and democratic world in which each and every human being on this globe will live in peace and dignity.

I have had a lifelong interest in Russia. I have studied Russian language, history and culture. Over time, I have been blessed with many opportunities to travel to this great country. I have learned that the Russians are a proud people, historically aware, and mindful of Russia's unique global role.

I also have a passion for science and the good things it can accomplish. My home city of Philadelphia was the home of a famous American, Benjamin Franklin. As a child I was told of the wonderful discoveries and practical application of science by Mr. Franklin, who is one of the founders of our nation. I have since been interested in what science can do for mankind. Russia and science make such a wonderful combination, a combination that could springboard to a wonderful and prosperous future.

One hundred years ago—on January 8, 1903—Igor Kurchatov, son of a nobleman who was himself the grandson of a serf, was born to a life of great destiny. Igor Kurchatov was one of those central persons of 20th century Russia, who helped to define Russia's role in the modern world. He was a remarkable man who left his mark and legacy on Russia forever.

We gather here today more than 40 years after his death to pay tribute not only to him, but the institute that bears is name. Indeed, the occasion of Igor Kurchatov's 100th birthday provides us with an opportunity to salute the entire Russian scientific community, especially the nuclear science community. For it is my firm belief that the emerging future of a prosperous, democratic Russia will rely on the hard work and talent of Russia's scientific and engineering community—a community that Igor Kurchatov was instrumental in establishing.

As I briefly trace some of Igor Kurchatov's accomplishments, I want to begin at the end of his life—in 1958, more than 40 years ago. In his last public address, Kurchatov said, "I'm glad that I have dedicated my life to Soviet nuclear science. I believe that our people and government will use science only for the good of mankind."

Today, on the 100th anniversary of his birth, I believe Kurchatov's final wish is coming true. From my position in the United States, I have had the opportunity over the past decade of seeing the Russian scientific community emerge from the shadows of the cold war and turn their formidable talents toward peaceful contributions to Russia and to the world. Even as I speak here today, the men and women in the institute that bears his name are hard at work, beating their swords into plowshares. And they are not alone in this great task—as scientists and engineers at other Russian institutes also turn to science to serve—rather than destroy—humanity.

Igor Kurchatov was both a world-class scientist and a loyal citizen of the Soviet Union. He was the father of the Soviet Union's atomic bomb. His country depended on him to create and provide its nuclear deterrent during the cold war. He succeeded in this demanding task under very difficult circumstances, despite the tyranny of his bosses: Joseph Stalin and Lavrenti Beria. He succeeded very well. The Soviet nuclear arsenal became and remained a serious worry of the United States throughout the cold war.

In retrospect, I can say that the nuclear deterrence of the United States and the Soviet Union provided the basis for stability during dangerous times of enmity and opposition. These weapons kept us from ever firing a shot in war or anger against one another. However we might think about that 50-year era and whether nuclear weapons and the threat of mutual assured destruction through their use was moral or wise, deterrence worked. Both countries—indeed the entire world—escaped the devastation of nuclear weapons because both countries had them and both recognized the consequences of their use.

The scientific infrastructure that Igor Kurchatov created to bring this about is, and will remain his enduring legacy, long after the days of the nuclear deterrence created by the capability of mutually assured destruction fades from our collective memory. What Kurchatov created goes well beyond nuclear weapons and encompasses the entire range of peaceful uses of the atom. No one can dispute the world-class capabilities of Russia's present nuclear science network. It is your inheritance from him.

The later part of Kurchatov's career was spent increasingly on peaceful uses of nuclear strategy. He oversaw the construction of particle accelerators and research in fusion. This new focus occupied him as his health gradually deteriorated. Like his fellow scientist Sakharov, he called for an end to nuclear testing.

Kurchatov died in February 1960 of a blood clot in the brain. His last public appearance was to attend a performance of Mozart's Requiem. The haunting refrain of dona eis requiem (grant them peace) must have rung in his ears as he returned home from the concert hall moments before he died. I repeat that refrain now: dona eis requiem, grant the world peace, grant him—Igor Kurchatov—the peace that belongs to a man of peace.

You—the scientists and citizens of Russia—carry his torch into tomorrow. You are carrying it into an uncertain future. The future is always uncertain, no matter how hard we try to prepare for it. Your work will delineate the tomorrows for your children and grandchildren. It will define the future and improve it for Russia and the world. You—the scientists and engineers of Russia—have already begun the next phase of scientific endeavors for your country, and you have done it in the most difficult and troubling of times, and in the face of grave uncertainty.

I stand here today and tell you that you are not alone in this quest. The United States of America will stand with you as you build a new prosperous and democratic Russia. I am proud that the United States has been a partner with Russia and its scientists in so many ways since the end of the Soviet Union. I, as a member of the U.S. House of Representatives, have supported all of the efforts of our U.S.-Russian partnership—whether through the International Science and Technology Center, the Initiatives for Proliferation Prevention, or the Nuclear Cities Initiative. I have supported the joint U.S.-Russian work on nuclear materials—the conversion of Weapons-grade highly-enriched uranium (HEU) into Low-enriched uranium (LEU) for use in peaceful power reactors, the transformation of Weapons Plutonium into MOX fuel, also for peaceful use in reactors, and the safeguarding of nuclear material through the joint Materials Protection Control and Accounting (MPC&A) program.

The list of our partner projects goes on and on. I expect that we shall walk hand-in-hand in the scientific community's efforts against terrorism. These programs are also a key to Russia's and the United States' joint efforts to prevent the proliferation of weapons of mass destruction.

I am particularly interested in how you, the scientists and engineers of Russia, can transform your nation through the commercialization of Russian science, often in cooperation with U.S. companies. I see such commercialization as a key to future Russian prosperity.

Last month, I attended and addressed the annual meeting of the United States Industry Coalition, a group of more than 140 companies working with Russia and other former Soviet republics in cooperative scientific commercial ventures. These private companies have put aside all vestiges of cold war thinking. They are committed to and see the importance of creating jobs and viable business in Russia as their contribution to peace. I believe that such cooperation with the U.S. will help create, if not become, the locomotive of a new and prosperous Russian economy that takes full advantage of your greatest strengths—the thousands of excellent scientists, engineers, and technicians.

The institute that bears Igor Kurchatov's name plays a major role in all of these efforts. Its leaders, Academicians Evgeny Velikhov and Nicholai Nicholoaivotich Ponomarev-Stepnoi, have shown an aggressiveness and entrepreneurial spirit that should be emulated by all the science institutes of Russia. They see the future of Russia in high tech industries. One of the most foresighted efforts in this area is their participation with the United States Industry Coalition to create a sister organization, the National Industry Coalition here in Moscow, to encourage Russian companies to take advantage of Russia's technical expertise in new business ventures.

The Kurchatov Institute is not just standing still, waiting for tomorrow, but is creating the future. I urge all the scientific institutions of Russia to emulate the endeavors of those who are creating a new high tech commercial community in Russia. This need not just be an effort on behalf of weapons scientists.

We have the opportunity to accomplish so many things in our new U.S.-Russian partnership. We are already doing so against the horrors of terrorism and will do much more in that critical area. In fact, there are few areas where the United States and Russia cannot work together.

Last year I put together a blueprint for a U.S.-Russian partnership. This document was endorsed by one-third of the United States Congress. I called it A New Time, A New Beginning. In this document I present a new vision for U.S.-Russian relations. I wrote in because I believed then, and even more so today, that now is the time, with Vladimir Putin and George Bush as presidents of our two countries, to improve our relationship for the long-term. It is time to stop the roller coaster ride of the past decade and settle down into a steady forward path. Our route must continue to take full account of defense and security issues, even when they collide. However, it is now time to move beyond these issues as we step into the new millennium. It is time to take a holistic approach to cooperation—one that takes into account Russia's myriad concerns and needs as well as those of the United States.

I would like to describe the series of initiatives that I have proposed. These initiatives take a comprehensive view of what might be accomplished if we—the United States of America and the Russian Federation—set our minds and hearts on them. They deal with initiatives in environment, energy, economic development, and health care—as well as defense and security. Let me describe what I believe can be accomplished if we have the will and perseverance to stay the course.

It is time for greater cooperation on agricultural development. This means not only improving production, but expanding private-sector investment.

We must facilitate Russia's accession to the World Trade Organization (WTO) and its acceptance of all WTO agreements. In addition, we should increase funding for OPIC and the U.S. Export-Import Bank projects here in Russia. Also essential for economic development is improvement of intellectual property rights so that companies will invest here.

Energy and natural resources are one of the great strengths of Russia. We should cooperate in oil and gas exploration, for example in Timan Pechora. Success in joint cooperation on energy will hinge on eliminating bureaucratic obstacles on both sides of the oceans. Our collaboration should investigate the energy security implications in this new environment of sub-national terrorism and the efforts of both our nations to snuff out such terrorism.

Of course, I consider cooperation in science and technology to be a linchpin of our future relationship. Our future economies will rest most assuredly on the ability to capitalize on new science and technology and create new businesses that meets the world's needs.

This cooperation includes cooperation in the area of nuclear fuel cycles. We must put to rest public concern about the safety, environmental, and proliferation concerns associated with nuclear power. Over the long-term fusion may be the key to the world's energy needs. Therefore, we must cooperate more on fusion research.

We should also cooperate in the embryonic nanotechnology industry.

We have the opportunity to perform joint cutting-edge research in medical technology and treatments. The Department of Energy and Institutes such as MINATOM can collaborate on breakthrough technologies such as radiopharmaceuticals and advanced medical diagnostic and treatment equipment. We can also encourage research on devastating chronic illnesses such as cardiovascular disease and diabetes between the U.S. National Institutes of Health and appropriate Russian Research institutes. Our cooperation would include a more extensive exchange of physicians and scientists.

Scientists would also cooperate in Space and Aeronautics on projects like space solar power, propulsion technology and weather satellites. They would also expand cooperation on marine science research and on developing Russian technologies for environmental protection and remediation.

I would like to see creation of a fund from Russian foreign debt transferal that would be the economic engine for many of these initiatives. For example, commercial success in technology could lead to repayment of loans or grants from the fund. Such repayments could then be the basis for new investments in these programs.

Of course there are many other ways in which we should become partners. I propose to also include cultural and educational development, improvement of the Russian judicial and legal systems in order to firmly establish the "rule of law," as well as assistance to local Russian governments so that they can provide necessary services to the public and also encourage democracy at the grass roots level.

This is a very ambitious agenda that I propose. I put it forward because I happen to believe that there is no limit to what we can achieve in our partnership. After all, it is a new time. And new times call for new beginnings.

Much has happened in the one hundred years since the birth of Igor Kurchatov. The vast scientific and technical complex that is his legacy has done much to advance knowledge and technology. It will do much more if we set our minds to it.

Before leaving Washington to travel to Russia and Kurchatov, I sought the personal feelings and thoughts of another great leader in the world of nuclear physics—a man who met Igor Kurchatov and professionally respected the work of this great man. Born in the same decade as Igor Kurchatov, Edward Teller was a key architect of the early nuclear work of the United States. Now in his 90's, living in California, Edward Teller wanted me to relay his personal feeling on this great occasion.

He said, "like Igor Kurchatov, I long for peace far more than I oppose war." He went on to say that "cooperation between scientists is the most important aspect of the United States and Russia working together—it is a splendid foundation for future progress when former adversaries work together."

One hundred years after the birth of two men who devoted their lives to nuclear research and whose lives and thoughts were focused on peace while their countries used their work for security—it is appropriate that we look to move to a new level of cooperation in nuclear science that forges a 21st century U.S./Russian alliance that builds on and rededicates our two great nations to the peaceful use of nuclear energy for the improvement of the quality of life for all human beings on the face of the Earth.

I propose that we create the Kurchatov-Teller Alliance for Peace that brings together in a formal way Kurchatov Institute and the labs of the Ministry of Atomic Energy with Lawrence Livermore Laboratory (Teller's base of operation today) with Oak Ridge, Argonne, Los Alamos and the labs of our Department of Energy for the specific purpose of enhancing the use of nuclear power worldwide while controlling proliferation. Projects like Thorium Power (that offer so much promise in stopping weapons production and eliminating environmental problems) and cutting edge research by scientists in both nations can be brought together within one new bi-lateral entity that truly moves us into a "New Time and New Beginning."

We are still at the beginning of the 21st Century. Much as Kurchatov set out to do in the last century, we have the opportunity to solve the problems and challenges of the next 100 years. The scientists and engineers of our countries—together with the businessmen and entrepreneurs in both countries—could solve nagging problems of safe, environmentally friendly, and plentiful energy sources. They can solve difficult and complicated medical issues and use science to increase agricultural production. We have an almost limitless horizon before us.

Our task ahead is daunting—some might say impossible. But I am the eternal optimist—perhaps born out of being the youngest of nine children in a poor family. My parents never completed high school, yet they were the smartest people that I have ever met—they had common sense and moral decency.

My father, who only went to the 8th grade, gave me some advice as a youngster that is just as fitting to our challenge. He said in life you can accomplish almost anything that you can dream. He used to say "Your only limitations in life will be those that you self-impose." And that applies to us today.

Together, following in the footsteps of the great scientific leaders of our past, like Igor Kurchatov, our two great nations can solve any problem, overcome any challenge and rise to any occasion for the good of mankind—if we work together as one.

And so, I shall end where I began, by expressing my profound gratitude for the honor you have bestowed on me by inviting me to make this address. I am your friend and I will continue to work for our joint U.S.-Russian interests. Let us work together. Let us clear out the underbrush, let us do away with petty bureaucratic obstacles on both sides of the Atlantic. Both governments have to commit themselves to making cooperation easier, and not filled with time-consuming procedures. You can be assured that this U.S. Congressman will work tirelessly toward this goal.

Again, I thank you for inviting me. I wish you all well. God bless the United States and Russia.

ELECTION OF MINORITY MEMBERS, DELEGATES, AND RESIDENT COMMISSIONERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 35) electing Members, Delegates, and Resident Commissioners to standing committees of the House of Representatives, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 35

Resolved, That the following named Members, Delegates, and Resident Commissioners be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Peterson of Minnesota, Mr. Dooley of California, Mr. Holden, Mr. Thompson of Mississippi, Mr. McIntyre, Mr. Etheridge, Mr. Boswell, Mr. Lucas of Kentucky, Mr. Hill, Mr. Baca, Mr. Larsen of Washington, Mr. Ross, Mr. Acevedo-Vilá.

(2) COMMITTEE ON APPROPRIATIONS: Mr. Murtha, Mr. Dicks, Mr. Sabo, Mr. Hoyer, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran of Virginia, Mr. Olver, Mr. Pastor, Mr. Price of North Carolina, Mr. Edwards, Mr. Cramer, Mr. Kennedy of Rhode Island, Mr. Clyburn, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Ms. Kilpatrick, Mr. Boyd, Mr. Fattah, Mr. Rothman, Mr. Bishop of Georgia, Mr. Berry.

(3) COMMITTEE ON ARMED SERVICES: Mr. Spratt, Mr. Ortiz, Mr. Evans, Mr. Taylor of Mississippi, Mr. Abercrombie, Mr. Meehan, Mr. Reyes, Mr. Snyder, Mr. Turner of Texas, Mr. Smith of Washington, Ms. Loretta Sánchez, Mr. McIntyre, Mr. Rodriguez, Mrs. Tauscher, Mr. Brady of Pennsylvania, Mr. Andrews, Mr. Hill, Mr. Larson of Connecticut, Mrs. Davis of California, Mr. Langevin.

(4) COMMITTEE ON THE BUDGET: Mr. Moran of Virginia, Ms. Hooley of Oregon, Ms. Baldwin, Mr. Moore, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Ms. DeLauro, Mr. Edwards, Mr. Scott of Virginia, Mr. Ford, Mrs. Capps, Mr. Thompson of California, Mr. Baird, Mr. Cooper, Mr. Meek of Florida, Mr. Emanuel, Mr. Davis of Alabama.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Kildee, Mr. Owens, Mr. Payne, Mr. Andrews, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kind, Ms. Loretta Sánchez, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Ms. McCollum.

(6) COMMITTEE ON ENERGY AND COMMERCE: Mr. Waxman, Mr. Markey, Mr. Hall, Mr. Boucher, Mr. Towns, Mr. Pallone, Mr. Brown of Ohio, Mr. Gordon, Mr. Deutsch, Mr. Rush, Ms. Eshoo, Mr. Stupak, Mr. Engel, Mr. Wynn, Mr. Green of Texas, Ms. McCarthy of Missouri, Mr. Strickland, Ms. DeGette, Mrs. Capps, Mr. Doyle, Mr. John, Mr. Allen, Mr. Davis of Florida, Ms. Schakowsky, Ms. Solis.

(7) COMMITTEE ON FINANCIAL SERVICES: Mr. Kanjorski, Ms. Waters, Mrs. Maloney, Mr. Gutierrez, Ms. Velázquez, Mr. Watt, Mr. Ackerman, Ms. Hooley of Oregon, Ms. Carson of Indiana, Mr. Sherman, Mr. Meeks of New York, Ms. Lee, Mr. Inslee, Mr. Moore, Mr. Gonzalez, Mr. Capuano, Mr. Ford, Mr. Hinojosa, Mr. Lucas of Kentucky, Mr. Crowley, Mr. Clay, Mr. Israel, Mr. Ross, Mrs. McCarthy of New York, Mr. Baca, Mr. Matheson, Mr. Lynch, Mr. Davis of Tennessee, Mr. Emanuel, Mr. Miller of North Carolina, Mr. Scott of Georgia.

(8) COMMITTEE ON GOVERNMENT REFORM: Mr. Lantos, Mr. Owens, Mr. Towns, Mr. Kanjorski, Mrs. Maloney, Ms. Norton, Mr. Cummings, Mr. Kucinich, Mr. Davis of Illinois, Mr. Tierney, Mr. Turner of Texas, Mr. Clay, Ms. Watson, Mr. Lynch.

(9) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Berman, Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Menendez, Mr. Brown of Ohio, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks of New York, Ms. Lee, Mr. Crowley, Mr. Hoeffel, Mr. Blumenauer, Ms. Berkley, Mrs. Napolitano, Mr. Schiff, Ms. Watson.

(10) COMMITTEE ON THE JUDICIARY: Mr. Berman, Mr. Boucher, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Lofgren, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Ms. Baldwin, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sánchez.

(11) COMMITTEE ON RESOURCES: Mr. George Miller of California, Mr. Markey, Mr. Kildee, Mr. DeFazio, Mr. Faleomavaega, Mr. Abercrombie, Mr. Ortiz, Mr. Pallone, Mr. Dooley of California, Mr. Smith of Washington, Mrs. Christensen, Mr. Kind, Mr. Inslee, Mrs. Napolitano, Mr. Udall of New Mexico, Mr. Udall of Colorado, Mr. Acevedo-Vilá, Mr. Carson of Oklahoma.

(12) COMMITTEE ON SCIENCE: Mr. Gordon, Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Ms. Lofgren, Ms. Jackson-Lee of Texas, Mr. Etheridge, Mr. Lampson, Mr. Larson of Connecticut, Mr. Udall of Colorado, Mr. Wu, Mr. Baird, Mr. Israel, Mr. Honda.

(13) COMMITTEE ON SMALL BUSINESS: Ms. Millender-McDonald, Mr. Davis of Illinois, Mr. Pascrell, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Udall of New Mexico, Mr. Gonzalez, Mr. Langevin.

(14) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Rahall, Mr. Lipinski, Mr. DeFazio, Mr. Costello, Ms. Norton, Mr. Nadler, Mr. Menendez, Ms. Corrine Brown of Florida, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Mr. Taylor of Mississippi, Ms. Millender-McDonald, Mr. Cummings, Mr. Blumenauer, Mrs. Tauscher, Mr. Pascrell, Mr. Boswell, Mr. Holden, Mr. Lampson, Mr. Baird, Ms. Berkley, Mr. Carson of Oklahoma, Mr. Matheson, Mr. Honda, Mr. Larsen of Washington, Mr. Capuano, Mr. Weiner, Ms. Carson of Indiana, Mr. Hoeffel, Mr. Thompson of California, Mr. Bishop of New York, Mr. Michaud, Mr. Davis of Tennessee.

(15) COMMITTEE ON VETERANS' AFFAIRS: Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Snyder, Mr. Rodriguez.

(16) COMMITTEE ON WAYS AND MEANS: Mr. Stark, Mr. Matsui, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Tanner, Mr. Becerra, Mr. Doggett, Mr. Pomeroy, Mr. Sandlin, Mrs. Jones of Ohio.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. PLATTS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 36) electing a named Member to standing committees of the House of Representatives, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 36

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES: Mr. Sanders.

(2) COMMITTEE ON GOVERNMENT REFORM: Mr. Sanders.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 21 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2044

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 44 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 28, 2003 at 5:49 p.m.

That the Senate passed with an amendment H.J. Res. 2, requests a conference.

That the Senate passed without amendment H. Con. Res. 12.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 12 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from California (Mr. COX);

The gentleman from Georgia (Mr. KINGSTON);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ); and

The gentleman from South Carolina (Mr. CLYBURN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. ALLEN);

The Senator from Virginia (Mr. WARNER);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI); and

The Senator from Louisiana (Mr. BREAUX).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from Djibouti.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Associate Justice of the Supreme Court.

The Associate Justice of the Supreme Court entered the Hall of the House of Representatives and took the seat reserved for him in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 3 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Vice-President CHENEY, Members of Congress, distinguished guests and fellow citizens:

Every year, by law and by custom, we meet here to consider the state of the Union. This year, we gather in this Chamber deeply aware of decisive days that lie ahead.

You and I serve our country in a time of great consequence. During this session of Congress, we have the duty to reform domestic programs vital to our country, we have the opportunity to save millions of lives abroad from a terrible disease, we will work for a prosperity that is broadly shared, and we will answer every danger and every enemy that threatens the American people.

In all these days of promise and days of reckoning, we can be confident. In a whirlwind of change, and hope, and peril, our faith is sure, our resolve is firm, and our Union is strong.

This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents and other generations. We will confront them with focus, and clarity, and courage.

During the last 2 years, we have seen what can be accomplished when we work together. To lift the standards of our public schools, we achieved historic education reform, which must now be carried out in every school, and in every classroom, so that every child in America can read and learn and succeed in life.

To protect our country, we reorganized our government and created the Department of Homeland Security, which is mobilizing against the threats of a new era. To bring our economy out of recession, we delivered the largest tax relief in a generation. To insist on integrity in American business, we passed tough reforms, and we are holding corporate criminals to account.

Some might call this a good record. I call it a good start. Tonight I ask the House and the Senate to join me in the next bold steps to serve our fellow citizens.

Our first goal is clear: We must have an economy that grows fast enough to employ every man and woman who seeks a job.

After recession, terrorist attacks, corporate scandals and stock market declines, our economy is recovering; yet it is not growing fast enough or strongly enough. With unemployment rising, our Nation needs more small businesses to open, more companies to invest and expand, more employers to put up the sign that says, "Help wanted."

Jobs are created when the economy grows; the economy grows when Americans have more money to spend and invest; and the best and fairest way to make sure Americans have that money is not to tax it away in the first place.

I am proposing that all the income tax reductions set for 2004 and 2006 be made permanent and effective this year. And under my plan, as soon as I sign the bill, this extra money will start showing up in workers' paychecks. Instead of gradually reducing the marriage penalty, we should do it now. Instead of slowly raising the child credit to $1,000, we should send the checks to American families now.

This tax relief is for everyone who pays income taxes, and it will help our economy immediately. Ninety-two million Americans will keep, this year, an average of almost $1,100 more of their own money. A family of four with an income of $40,000 would see their Federal income taxes fall from $1,178 to $45 per year. Our plan will improve the bottom line for more than 23 million small businesses.

You, the Congress, have already passed all these reductions, and promised them for future years. If this tax relief is good for Americans 3 or 5 or 7 years from now, it is even better for Americans today.

We should also strengthen the economy by treating investors equally in our tax laws. It is fair to tax a company's profits. It is not fair to again tax the shareholder on the same profits. To boost investor confidence, and to help the nearly 10 million seniors who receive a dividend income, I ask you to end the unfair double taxation of dividends.

Lower taxes and greater investment will help this economy expand. More jobs mean more taxpayers, and higher revenues to our government. The best way to address the deficit and move toward a balanced budget is to encourage economic growth, and to show some spending discipline in Washington, DC. We must work together to fund only our most important priorities. I will send you a budget that increases discretionary spending by 4 percent next year, about as much as the average family's income is expected to grow, and that is a good benchmark for us. Federal spending should not rise any faster than the paychecks of American families.

A growing economy and a focus on essential priorities will be crucial to the future of Social Security. As we continue to work together to keep Social Security sound and reliable, we must offer younger workers a chance to invest in retirement accounts that they will control and they will own.

Our second goal is high-quality, affordable health care for all Americans.

The American system of medicine is a model of skill and innovation, with a pace of discovery that is adding good years to our lives. Yet for many people, medical care costs too much, and many have no health coverage at all. These problems will not be solved with a nationalized health care system that dictates coverage and rations care. Instead, we must work toward a system in which all Americans have a good insurance policy, choose their own doctors, and seniors and low-income Americans receive the help they need. Instead of bureaucrats and trial lawyers and HMOs, we must put doctors and nurses and patients back in charge of American medicine.

Health care reform must begin with Medicare, because Medicare is the binding commitment of a caring society. We must renew that commitment by giving seniors access to preventive medicine and new drugs that are transforming health care in America.

Seniors happy with the current Medicare system should be able to keep their coverage just the way it is. And just like you, the Members of Congress, members of your staffs, and other Federal employees, all seniors should have the choice of a health care plan that provides prescription drugs. My budget will commit an additional $400 billion over the next decade to reform and strengthen Medicare. Leaders of both political parties have talked for years about strengthening Medicare. I urge the Members of this new Congress to act this year.

To improve our health care system, we must address one of the prime causes of higher costs: the constant threat that physicians and hospitals will be unfairly sued. Because of excessive litigation, everybody pays more for health care, and many parts of America are losing fine doctors. No one has ever been healed by a frivolous lawsuit, and I urge the Congress to pass medical liability reform.

Our third goal is to promote energy independence for our country, while dramatically improving the environment.

I have sent you a comprehensive energy plan to promote energy efficiency and conservation, to develop cleaner technology, and to produce more energy at home. I have sent you Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years. I have sent you a Healthy Forests initiative, to help prevent the catastrophic fires that devastate communities, kill wildlife, and burn away millions of acres of treasured forests.

I urge you to pass these measures for the good of both our environment and our economy. Even more, I ask you to take a crucial step and protect our environment in ways that generations before us could not have imagined. In this century, the greatest environmental progress will come about not through endless lawsuits or command and control regulations, but through technology and innovation. Tonight I am proposing $1.2 billion in research funding so that America can lead the world in developing clean hydrogen-powered automobiles.

A simple chemical reaction between hydrogen and oxygen generates energy, which can be used to power a car, producing only water, not exhaust fumes. With a new national commitment, our scientists and engineers will overcome obstacles to take these cars from the laboratory into the showroom so that the first car driven by a child born today could be powered by hydrogen, and pollution-free. Join me in this important innovation, to make our air significantly cleaner and our country much less dependent on foreign sources of energy.

Our fourth goal is to apply the compassion of America to the deepest problems of America. For so many in our country, the homeless and the fatherless, the addicted, the need is great. Yet, there is power, wonder-working power, in the goodness and idealism and faith of the American people.

Americans are doing the work of compassion every day, visiting prisoners, providing shelter to battered women, bringing companionship to lonely seniors. These good works deserve our praise, they deserve our personal support, and when appropriate, they deserve the assistance of the Federal Government. I urge you to pass both my faith-based initiative and the Citizen Service Act, to encourage acts of compassion that can transform America, one heart and one soul at a time.

Last year, I called on my fellow citizens to participate in the USA Freedom Corps, which is enlisting tens of thousands of new volunteers across America. Tonight I ask Congress and the American people to focus the spirit of service and the resources of government on the needs of some of our most vulnerable citizens, boys and girls trying to grow up without guidance and attention, and children who have to go through a prison gate to be hugged by their mom or dad. I propose a $450 million initiative to bring mentors to more than 1 million disadvantaged junior high students and children of prisoners. Government will support the training and recruiting of mentors; yet it is the men and women of America who will fill the need. One mentor, one person, can change a life forever, and I urge you to be that one person.

Another cause of hopelessness is addiction to drugs. Addiction crowds out friendship, ambition, moral conviction, and reduces all the richness of life to a single destructive desire. As a government, we are fighting illegal drugs by cutting off supplies and reducing demand through antidrug education programs. Yet for those already addicted, the fight against drugs is a fight for their own lives.

Too many Americans in search of treatment cannot get it. So tonight I propose a new $600 million program to help an additional 300,000 Americans receive treatment over the next 3 years.

Our Nation is blessed with recovery programs that do amazing work. One of them is found at the Healing Place Church in Baton Rouge, Louisiana. A man in the program said, "God does miracles in people's lives, and you never think it could be you." Tonight, let us bring to all Americans who struggle with drug addiction this message of hope: the miracle of recovery is possible, and it could be you.

By caring for children who need mentors, and for addicted men and women who need treatment, we are building a more welcoming society, a culture that values every life. And in this work we must not overlook the weakest among us. I ask you to protect infants at the very hour of their birth, and end the practice of partial-birth abortion. And because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity and pass a law against all human cloning.

The qualities of courage and compassion that we strive for in America also determine our conduct abroad. The American flag stands for more than our power and our interests. Our Founders dedicated this country to the cause of human dignity, the rights of every person and the possibilities of every life. This conviction leads us into the world to help the afflicted, and defend the peace, and confound the designs of evil men. In Afghanistan, we helped to liberate an oppressed people, and we will continue helping them secure their country, rebuild their society, and educate all their children, boys and girls. In the Middle East, we will continue to seek peace between a secure Israel and a democratic Palestine. Across the Earth, America is feeding the hungry; more than 60 percent of international food aid comes as a gift from the people of the United States.

As our Nation moves troops and builds alliances to make our world safer, we must also remember our calling, as a blessed country, to make this world better. Today, on the continent of Africa, nearly 30 million people have the AIDS virus, including 3 million children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than 4 million require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims, only 50,000, are receiving the medicine they need.

Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, we have no medicines. Many hospitals tell people, you've got AIDS. We can't help you. Go home and die.

In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Antiretroviral drugs can extend life for many years. And the cost of those drugs has dropped from $12,000 a year to under $300 a year, which places a tremendous possibility within our grasp.

Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many. We have confronted, and will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief, a work of mercy beyond all current international efforts to help the people of Africa. This comprehensive plan will prevent 7 million new AIDS infections, treat at least 2 million people with life-extending drugs, and provide humane care for millions of people suffering from AIDS and for children orphaned by AIDS. I ask the Congress to commit $15 billion over the next 5 years, including nearly $10 billion in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean.

This Nation can lead the world in sparing innocent people from a plague of nature. And this Nation is leading the world in confronting and defeating the man-made evil of international terrorism.

There are days when our fellow citizens do not hear news about the war on terror. There is never a day when I do not learn of another threat, or receive reports of operations in progress, or give an order in this global war against a scattered network of killers. The war goes on, and we are winning.

To date we have arrested or otherwise dealt with many key commanders of al Qaeda. They include a man who directed logistics and funding for the September 11 attacks, the chief of al Qaeda operations in the Persian Gulf who planned the bombings of our embassies in East Africa and the USS *Cole*, an al Qaeda operations chief from Southeast Asia, a former director of al Qaeda's training camps in Afghanistan, a key al Qaeda operative in Europe, and a major al Qaeda leader in Yemen. All told, more than 3,000 suspected terrorists have been arrested in many countries, and many others have met a different fate. Let's put it this way: They are no longer a problem to the United States and our friends and allies.

We are working closely with other nations to prevent further attacks. America and coalition countries have uncovered and stopped terrorist conspiracies targeting the American Embassy in Yemen, the American Embassy in Singapore, a Saudi military base, ships in the Straits of Hormuz and the Straits of Gibraltar. We have broken al Qaeda cells in Hamburg, Milan, Madrid, London, and Paris, as well as Buffalo, New York. We have the terrorists on the run, and we are keeping them on the run. One by one, the terrorists are learning the meaning of American justice.

As we fight this war, we will remember where it began, here, in our own country. This government is taking unprecedented measures to protect our people and defend our homeland. We have intensified security at the borders and ports of entry, posted more than 50,000 newly trained Federal screeners in airports, begun inoculating troops and first responders against smallpox, and are deploying the Nation's first early warning network of sensors to detect biological attack. And this year, for the first time, we are beginning to field a defense to protect this very Nation against ballistic missiles.

I thank the Congress for supporting these measures. I ask you tonight to add to our future security with a major research and production effort to guard our people against bioterrorism called Project Bioshield. The budget I send you will propose almost $6 billion to quickly make available effective vaccines and treatments against agents like anthrax, botulinum toxin, Ebola, and plague. We must assume that our enemies would use these diseases as weapons, and we must act before the dangers are upon us.

Since September 11th, our intelligence and law enforcement agencies have worked more closely than ever to track and dislodge the terrorists. The FBI is improving its ability to analyze intelligence, and is transforming itself to meet new threats. And tonight I am instructing the leaders of the FBI, the CIA, Homeland Security, and the Department of Defense to develop a Terrorist Threat Integration Center to merge and analyze all threat information in a single location. Our government must have the very best information possible, and we will use it to make sure the right people are in the right places to protect all our citizens.

Our war against terror is a contest of will in which perseverance is power. In the ruins of two towers, at the western wall of the Pentagon, on a field in Pennsylvania, this Nation made a pledge, and we renew that pledge tonight: Whatever the duration of this struggle, and whatever the difficulties, we will not permit the triumph of violence in the affairs of men. Free people will set the course of history.

Today, the gravest danger in the war on terror, the gravest danger facing America and the world, is outlaw regimes that seek and possess nuclear, chemical, and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to their terrorist allies, who would use them without the least hesitation.

This threat is new; America's duty is familiar. Throughout the 20th century, small groups of men seized control of great nations, built armies and arsenals, and set out to dominate the weak and intimidate the world. In each case, their ambitions of cruelty and murder had no limit. In each case, the ambitions of Hitlerism, militarism, and communism were defeated by the will of free peoples, by the strength of great alliances, and by the might of the United States of America. Now, in this century, the ideology of power and domination has appeared again and seeks to gain the ultimate weapons of terror. Once again, this Nation and all our friends are all that stand between a world at peace and a world of chaos and constant alarm. Once again, we are called to defend the safety of our people and the hopes of all mankind. And we accept this responsibility.

America is making a broad and determined effort to confront these dangers. We have called on the United Nations to fulfill its charter and stand by its demand that Iraq disarm. We are strongly supporting the International Atomic Energy Agency in its mission to track and control nuclear materials around the world. We are working with other governments to secure nuclear materials in the former Soviet Union and to strengthen global treaties banning the production and shipment of missile technologies and weapons of mass destruction.

In all of these efforts, however, America's purpose is more than to follow a process, it is to achieve a result: the end of terrible threats to the civilized world. All free nations have a stake in preventing sudden and catastrophic attacks. We are asking them to join us, and many are doing so. Yet the course of this Nation does not depend on the decisions of others. Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people.

Different threats require different strategies. In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty, human rights and democracy. Iranians, like all people, have a right to choose their own government and determine their own destiny; and the United States supports their aspirations to live in freedom.

On the Korean peninsula, an oppressive regime rules a people living in fear and starvation. Throughout the 1990s, the United States relied on a negotiated framework to keep North Korea from gaining nuclear weapons. We now know that the regime was deceiving the world and developing those weapons all along. And today the North Korean regime is using its nuclear program to incite fear and seek concessions. America and the world will not be blackmailed. America is working with the countries of the region, South Korea, Japan, China and Russia, to find a peaceful solution and to show the North Korean Government that nuclear weapons will only bring isolation, economic stagnation, and continued hardship. The North Korean regime will find respect in the world and revival for its people only when it turns away from its nuclear ambitions.

Our Nation and the world must learn the lessons of the Korean peninsula and not allow an even greater threat to rise up in Iraq. A brutal dictator, with a history of reckless aggression, with ties to terrorism, with great potential wealth will not be permitted to dominate a vital region and threaten the United States.

Twelve years ago Saddam Hussein faced the prospect of being the last casualty in a war he had started and lost. To spare himself, he agreed to disarm of all weapons of mass destruction. For the next 12 years, he systematically violated that agreement. He pursued chemical, biological, and nuclear weapons even while inspectors were in his country. Nothing to date has restrained him from his pursuit of these weapons, not economic sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities.

Almost 3 months ago, the United Nations's Security Council gave Saddam Hussein his final chance to disarm. He has shown instead his utter contempt for the United Nations and for the opinion of the world.

The 108 U.N. weapons inspectors were not sent to conduct a scavenger hunt for hidden materials across a country the size of California. The job of the inspectors is to verify that Iraq's regime is disarming. It is up to Iraq to show exactly where it is hiding its banned weapons, lay those weapons out for the world to see, and destroy them as directed. Nothing like this has happened.

The United Nations concluded in 1999 that Saddam Hussein had biological weapons materials sufficient to produce over 25,000 liters of anthrax, enough doses to kill several million people. He has not accounted for that material. He has given no evidence that he has destroyed it. The United Nations concluded that Saddam Hussein had material sufficient to produce more than 38,000 liters of botulinum toxin, enough to subject millions of people to death by respiratory failure. He has not accounted for that material. He has given no evidence that he has destroyed it. Our intelligence officials estimate that Saddam Hussein has the materials to produce as much as 500 tons of sarin, mustard, and VX nerve agent. In such quantities, these chemical agents could also kill untold thousands. He has not accounted for these materials. He has given no evidence that he has destroyed them.

U.S. intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them, despite Iraq's recent declaration denying their existence. Saddam Hussein has not accounted for the remaining 29,984 of these prohibited munitions. He has given no evidence that he has destroyed them.

From three Iraqi defectors we know that Iraq in the late 1990s had several mobile biological weapons labs. These are designed to produce germ warfare agents and can be moved from place to place to evade inspectors. Saddam Hussein has not disclosed these facilities. He has given no evidence that he has destroyed them.

The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program, had a design for a nuclear weapon, and was working on five different methods of enriching uranium for a bomb. The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.

The dictator of Iraq is not disarming. To the contrary, he is deceiving. From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspection sites, and monitoring the inspectors themselves. Iraqi officials accompany the inspectors in order to intimidate witnesses. Iraq is blocking U–2 surveillance flights requested by the United Nations. Iraqi intelligence officers are posing as the scientists inspectors are supposed to interview. Real scientists have been coached by Iraqi officials on what to say. Intelligence sources indicate that Saddam Hussein has ordered that scientists who cooperate with U.N. inspectors in disarming Iraq will be killed, along with their families.

Year after year, Saddam Hussein has gone to elaborate lengths, spent enormous sums, taken great risks to build and keep weapons of mass destruction. But why? The only possibly explanation, the only possible use he could have for those weapons is to dominate, intimidate or attack. With nuclear arms or full arsenal of chemical and biological weapons, Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in that region. And this Congress and the American people must recognize another threat. Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly and without fingerprints he could provide one of his hidden weapons to terrorists or help them develop their own.

Before September 11, 2001, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses, and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons and other plans, this time armed by Saddam Hussein. It would take just one vile, one canister, one crate slipped into this country to bring a day of horror like none we have ever known. We will do everything in our power to make sure that that day never comes.

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

This dictator who is assembling the world's most dangerous weapons has already used them on whole villages, leaving thousands of his own citizens dead, blind, or disfigured. Iraqi refugees tell us how forced confessions are obtained, by torturing children while their parents are made to watch. International human rights groups have catalogued other methods used in the torture chambers of Iraq: electric shock, burning with hot irons, dripping acid on the skin, mutilation with electric drills, cutting out tongues and rape.

If this is not evil, then evil has no meaning. And tonight I have a message for the brave and oppressed people of Iraq: your enemy is not surrounding your country. Your enemy is ruling your country. And the day he and his regime are removed from power will be the day of your liberation.

The world has waited 12 years for Iraq to disarm. America will not accept a serious and mounting threat to our country, our friends, and our allies. The United States will ask the U.N. Security Council to convene on February 5 to consider the facts of Iraq's ongoing defiance to the world. Secretary of State Powell will present information and intelligence about Iraq's illegal weapons programs, its attempts to hide those weapons from the inspectors and its links to terrorist groups. We will consult, but let there be no misunderstanding. If Saddam Hussein does not fully disarm for the safety of our people and for the peace of the world, we will lead a coalition to disarm him.

Tonight I have a message for the men and women who will keep the peace, members of the American Armed Forces. Many of you are assembling in or near the Middle East, and some crucial hours may lie ahead. In those hours, the success of our cause will depend on you. Your training has prepared you. Your honor will guide you. You believe in America, and America believes in you.

Sending Americans into battle is the most profound decision a President can make. The technologies of war have changed. The risks and suffering of war have not. For brave Americans who bear the risk, no victory is free from sorrow. This Nation fights reluctantly, because we know the cost, and we dread the days of mourning that always come.

We seek peace. We strive for peace, and sometimes peace must be defended. A future lived at the mercy of terrible threats is no peace at all. If war is forced upon us, we will fight in a just cause and by just means, sparing in every way we can the innocent, and if war is forced upon us, we will fight with the full force and might of the United States military, and we will prevail. And as we and our coalition partners are doing in Afghanistan, we will bring to the Iraqi people food and medicines and supplies and freedom.

Many challenges abroad and at home have arrived in a single season. In 2 years America has gone from a sense of invulnerability to an awareness of peril, from bitter division in small matters to calm unity in great causes. And we go forward with confidence, because this call of history has come to the right country.

Americans are a resolute people, who have risen to every test of our time. Adversity has revealed the character of our country to the world and to ourselves.

America is a strong Nation and honorable in the use of our strength. We exercise power without conquest, and we sacrifice for the liberty of strangers.

Americans are a free people who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world. It is God's gift to humanity.

We Americans have faith in ourselves, but not in ourselves alone. We do not claim to know all the ways of Providence, yet we can trust in them, placing our confidence in the loving God behind all of life and all of history.

May He guide us now, and may God continue to bless the United States of America.

Thank you.

(Applause, the Members rising.)

At 10 o'clock and 7 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justice of the Supreme Court.

The Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 9 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. MILLER of Florida. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. OBERSTAR, for 5 minutes, today.

Mr. TANNER, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BELL, for 5 minutes, today.

Mr. MARSHALL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. BARRETT of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mr. MILLER of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 29, 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

255. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Reengineering and Reinvention of the Direct Section 502 and 504 Single Family Housing (SFH) Programs (RIN: 0575-AB99) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

256. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Pakistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

257. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Exemption for Certain Investment Advisers Operating Through the Internet [Release No. IA-2091; File No. S7-10-02] (RIN: 3235-AI15) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

258. A letter from the Deputy Secretary, Security Exchange Commission, transmitting the Commission's final rule — Repeal of the Trade-Through Disclosure Rules for Options [Release No. 34-47013; File No. S7-18-02] (RIN: 3235-AI52) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

259. A letter from the Acting Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Title I-Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA91) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

260. A communication from the President of the United States, transmitting a six month periodic report on the national emergency, declared in Executive Order 12947 of January 23, 1995, with respect to terrorists who threaten to disrupt the Middle East peace process, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—24); to the Committee on International Relations and ordered to be printed.

261. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—25); to the Committee on International Relations and ordered to be printed.

262. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective November 3, 2002 a 25% danger pay allowance has been designated for Indonesia, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

263. A communication from the President of the United States, transmitting a report on matters relevant to the Authorization for Use of Military Force Against Iraq Resolution of 2002, Public Law 107-243; (H. Doc. No. 108—23); to the Committee on International Relations and ordered to be printed.

264. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 108—26); to the Committee on International Relations and ordered to be printed.

265. A letter from the Chairman, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the Board; to the Committee on International Relations.

266. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

267. A letter from the Inspector General, Federal Maritime Commission, transmitting semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

268. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-10; Introduction — received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

269. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

270. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2002, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

271. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

272. A letter from the Special Counsel, Office of Special Counsel, transmitting the Office's final rule — Technical Amendment to 5 CFR Part 1800 — received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

273. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

274. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2002 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

275. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Education Tax Credit [TD 9034] (RIN: 1545-AW65) received January 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

276. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-2) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Intermediary Transaction Tax Shelters (UIL 9300.16-00) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

278. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting for Qualified Tuition and Related Expenses; Magnetic Media Filing Requirements for Information Returns [TD 9029] (RIN: 1545-BA43) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

279. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Application of Inherent Reasonableness to all Medicare Part B Services (Other than Physician Services) (RIN: 0938-AJ97) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mrs. MALONEY, Ms. BALDWIN, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. BRADY of

Pennsylvania, Mr. Brown of Ohio, Mr. Cardin, Ms. Carson of Indiana, Mr. Case, Mrs. Christensen, Mr. Cooper, Mr. Crowley, Mr. Cummings, Mr. Davis of Illinois, Ms. DeLauro, Mr. Dicks, Mr. Dooley of California, Mr. Engel, Mr. Etheridge, Mr. Farr, Mr. Filner, Mr. Green of Texas, Mr. Grijalva, Mr. Gutierrez, Ms. Harman, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holt, Mr. Honda, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kildee, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mrs. Lowey, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Mr. McNulty, Mr. Menendez, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Moore, Mrs. Napolitano, Ms. Norton, Mr. Owens, Mr. Pallone, Mr. Rangel, Mr. Ryan of Ohio, Ms. Linda T. Sánchez of California, Mr. Sanders, Ms. Schakowsky, Mr. Serrano, Ms. Slaughter, Mr. Smith of Washington, Mr. Thompson of California, Mr. Tierney, Mr. Towns, Ms. Watson, Mr. Waxman, Ms. Woolsey, Mr. Wu, Mr. Wynn, and Mr. Udall of New Mexico):

H.R. 394. A bill to restore the Federal civil remedy for crimes of violence motivated by gender; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself and Mr. Dingell):

H.R. 395. A bill to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a "do-not-call" registry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DeFAZIO:

H.R. 396. A bill to provide assistance to the unemployed, tax relief for average Americans, fiscal assistance to state and local governments, and jobs and security through infrastructure investment, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Education and the Workforce, Energy and Commerce, Agriculture, Financial Services, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS:

H.R. 397. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Commerce.

By Mr. FERGUSON (for himself, Mr. Dingell, Mr. Brown of Ohio, and Mr. Stupak):

H.R. 398. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. Brown of Ohio, Mr. Tauzin, Mr. Dingell, Mr. Upton, Mr. Waxman, Mr. Burr, Mr. Deutsch, Mr. Wynn, and Mr. Pallone):

H.R. 399. A bill to amend the Public Health Service Act to promote organ donation; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 400. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to require automobile manufacturers to provide automatic door locks and interior-opening trunk locks on new passenger cars manufactured after 2005; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself, Ms. Ros-Lehtinen, Mr. Waxman, Mr. Souder, Mr. Schrock, Mr. Saxton, and Mr. Wilson of South Carolina):

H.R. 401. A bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 402. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the environmental cleanup of certain contaminated industrial sites designated as brownfields; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 403. A bill to amend the Social Security Act to require that anticipated child support be held in trust on the sale or refinancing of certain real property of an obligated parent; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 404. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 405. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product that is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLANCE (for himself, Mr. Jones of North Carolina, Mr. McIntyre, and Mr. Etheridge):

H.R. 406. A bill to authorize the Secretary of Agriculture to use unobligated funds from a housing demonstration program in the State of North Carolina to make grants under section 504 of the Housing Act of 1949 in such State; to the Committee on Financial Services.

By Mr. BONNER:

H.R. 407. A bill to repeal the sunset of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Mr. CAMP (for himself and Mr. Stupak):

H.R. 408. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Resources.

By Mr. CARSON of Oklahoma:

H.R. 409. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Mr. CARSON of Oklahoma:

H.R. 410. A bill to provide for the issuance of bonds to construct and modernize Indian schools and to provide a credit against Federal income tax for holders of such bonds; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. Levin, Mr. Stupak, Mr. Kildee, and Mr. Rogers of Michigan):

H.R. 411. A bill to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FROST (for himself, Ms. Dunn, Mr. Lampson, Mr. Pombo, Mr. Conyers, Ms. Granger, Mr. Schiff, Mr. Holt, Mr. Bell, Mr. Meehan, Mr. Matheson, Mr. Hastings of Florida, Mr. Kildee, Mr. Serrano, Mr. Menendez, Mr. Wexler, Mr. Edwards, Mrs. Bono, Mr. McIntyre, Mr. Gutierrez, Mr. Bishop of New York, Mr. Pallone, Mr. Moore, Ms. McCarthy of Missouri, Mrs. Tauscher, Mr. Holden, Ms. Kaptur, Mrs. Maloney, Mr. Brown of Ohio, Mr. Lucas of Kentucky, Mr. Royce, Ms. Woolsey, Mr. Honda, Ms. Norton, Ms. Baldwin, Mr. Hill, Mrs. Johnson of Connecticut, Mr. Reyes, Mr. Ross, Mr. Rodriguez, Ms. Lofgren, Ms. Hooley of Oregon, Mr. Brady of Texas, Mr. Udall of New Mexico, Mr. Larson of Connecticut, Mr. Pomeroy, Mr. Cannon, Mr. Strickland, Mr. Green of Texas, Mr. Pascrell, Mr. Farr, Mr. Langevin, Mr. Frelinghuysen, Mr. Kleczka, Mr. Baker, Mr. Wilson of South Carolina, Mr. Wu, Mr. Renzi, Mr. Cardoza, Mr. Larsen of Washington, Mr. Nethercutt, Mr. Lewis of California, Mr. Terry, Mr. Acevedo-Vilá, Mr. Ramstad, Mr. Davis of Alabama, Mr. Engel, Mr. Spratt, Mr. Barton of Texas, Mr. Stenholm, Mr. Markey, Mr. Tanner, Mr. Wynn, Mrs. Davis of California, Mr. Calvert, Ms. Eddie Bernice Johnson of Texas, Mr. Bachus, Mr. Smith of New Jersey, Ms. Berkley, Mr. Inslee, Mr. Emanuel, Ms. DeLauro, Ms. McCollum, Ms. Schakowsky, Mrs. Jones of Ohio, Mr. Scott of Virginia, Mr. Baca, Ms. Corrine Brown of Florida, Mr. Stupak, Mr. Burgess, Mrs. Biggert, Mr. Hensarling, Mr. Michaud, Mr. Hefley, Mr. Tierney, Mr. Cooper, Mr. Kind, Mr. Wolf, and Mr. McHugh):

H.R. 412. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 413. A bill to require the Surface Transportation Board to consider certain issues when deciding whether to authorize the construction of a railroad line; to the

Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas:

H.R. 414. A bill to deem the nondisclosure of employer-owned life insurance coverage of employees an unfair trade practice under the Federal Trade Commission Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 415. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 416. A bill to require the Secretary of Education to provide assistance to the immediate family of a teacher or other school employee killed in an act of violence while performing school duties; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 417. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Resources.

By Mr. KANJORSKI:

H.R. 418. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KANJORSKI (for himself, Mr. NEY, Mrs. CUBIN, Mr. HOLDEN, Mr. SHERWOOD, Mr. MURTHA, Mr. GREENWOOD, Mrs. CAPITO, Ms. KAPTUR, and Mr. UDALL of Colorado):

H.R. 419. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation of abandoned mine land areas; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 420. A bill to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself, Mr. PASTOR, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. GEORGE MILLER of California, and Mr. GRIJALVA):

H.R. 421. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE:

H.R. 422. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. DUNCAN, and Mrs. MUSGRAVE):

H.R. 423. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. DUNCAN, and Mrs. MUSGRAVE):

H.R. 424. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 425. A bill to enable the residents of the Bayshore Manor assisted living facility in Key West, Florida, to continue to receive supplemental security income benefits under title XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. MILLER of Florida, Mr. PAUL, Mr. COX, and Mr. FRANK of Massachusetts):

H.R. 426. A bill to prohibit the Federal Communications Commission from requiring digital television tuners in television receivers; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 427. A bill to amend the Clean Air Act to permit the sale in certain States of gasoline from other regions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 428. A bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 429. A bill to amend the Internal Revenue Code of 1986 to provide that the graduated income tax rates that apply to principal campaign committees of candidates for Congress shall apply to all comparable committees of candidates for State and local offices; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 430. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses that may offset ordinary income; to the Committee on Ways and Means.

By Mr. SULLIVAN (for himself, Mr. COLE, Mr. LUCAS of Oklahoma, and Mr. STUPAK):

H.R. 431. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. SERRANO, Mr. OWENS, and Ms. BERKLEY):

H.R. 432. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. MATSUI, Mr. CRANE, Mr. MCINNIS, and Mr. TOM DAVIS of Virginia):

H.R. 433. A bill to amend the Internal Revenue Code of 1986 to allow a minimum credit against the alternative minimum tax where stock acquired pursuant to an incentive stock option is sold or exchanged at a loss; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. AKIN, Mr. BURR, Mr. DEMINT, Mr. KNOLLENBERG, Mr. MICA, Mr. NEY, Mr. SMITH of New Jersey, Mr. TOOMEY, and Mr. WILSON of South Carolina):

H.R. 434. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. ANDREWS:

H. Con. Res. 16. Concurrent resolution calling for the immediate release of all political prisoners in Cuba, including Dr. Oscar Elias Biscet, and for other purposes; to the Committee on International Relations.

By Mr. EVERETT (for himself, Mr. ROGERS of Alabama, Mr. DAVIS of Alabama, Mr. CRAMER, Mr. BACHUS, Mr. BONNER, and Mr. ADERHOLT):

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress regarding the establishment by the Hyundai Motor Company of its first automotive manufacturing facility in the United States; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Con. Res. 18. Concurrent resolution calling on the Democratic People's Republic of Korea and the United States to return to an interim level of compliance with the Agreed Framework of 1994 while a more comprehensive and mutually acceptable agreement can be negotiated by those two nations; to the Committee on International Relations.

By Mr. HOYER (for himself, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. WYNN, Ms. NORTON, Mr. WOLF, Mr. VAN HOLLEN, Mr. ABERCROMBIE, Mr. SANDLIN, Mr. LEVIN, and Mr. ALLEN):

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services; to the Committee on Government Reform.

By Mr. PASCRELL:

H. Con. Res. 20. Concurrent resolution expressing the sense of the Congress that the earned income tax credit is a program of critical importance designed to assist the working poor; to the Committee on Ways and Means.

By Mr. VITTER (for himself, Mr. ALEXANDER, Mr. BAKER, Mr. JEFFERSON, Mr. JOHN, Mr. MCCRERY, and Mr. TAUZIN):

H. Con. Res. 21. Concurrent resolution commemorating the Bicentennial of the Louisiana Purchase; to the Committee on Resources.

By Ms. PRYCE of Ohio:

H. Res. 33. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. CALVERT:

H. Res. 34. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 35. A resolution electing Members, Delegates, and Resident Commissioners to standing committees of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 36. A resolution electing a named Member to standing committees of the House of Representatives; considered and agreed to.

By Mr. ANDREWS:

H. Res. 37. A resolution congratulating the Republic of Cyprus on its recent completion of the accession process into the European Union; to the Committee on International Relations.

By Mr. ANDREWS:

H. Res. 38. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Mr. Pallone):

H. Res. 39. A resolution congratulating Armenia on its recent accession to the World Trade Organization; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H. Res. 40. A resolution condemning the current political unrest and political leadership in Venezuela, calling for new elections in accordance with the constitution of that country, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 435) for the relief of Robert and Verda Shatusky; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Platts, Mr. Andrews, Mr. Ross, Mr. Gordon, and Mr. Sam Johnson of Texas.

H.R. 20: Mr. McIntyre, Mrs. Christensen, Mr. Rahall, Mr. Shimkus, Mr. Shays, and Mr. Boehlert.

H.R. 21: Mr. Green of Wisconsin and Mr. Lipinski.

H.R. 31: Mr. Green of Wisconsin, Mr. Flake, Mr. Ryan of Wisconsin, Mr. Matheson, Mr. Shimkus, Ms. Carson of Indiana, Mr. Kind, Mr. Coble, Ms. Ginny Brown-Waite of Florida, Mr. Simmons, and Mr. Barrett of South Carolina.

H.R. 33: Mr. Moran of Kansas, Mrs. Jo Ann Davis of Virginia, Mr. Jenkins, Mr. Paul, Mr. Norwood, and Mrs. Christensen.

H.R. 49: Mr. Norwood, Mr. Kolbe, Mr. Schrock, Mr. Burton of Indiana, Mr. Bartlett of Maryland, Mr. Cramer, Mr. Bishop of Georgia, Mr. Keller, Mr. Hastings of Washington, Mr. Smith of Texas, Ms. Kilpatrick, Mr. Thompson of California, Mr. Crenshaw, Mr. Greenwood, Ms. Harris, Mr. Hostettler, Mr. Wolf, Mrs. Miller of Michigan, Mr. Goss, Mr. Shimkus, Mr. Pitts, Mr. Kline, and Mr. Souder.

H.R. 50: Mr. Manzullo, Mr. Kirk, Mr. Franks of Arizona, Mr. Shimkus, Mr. King of Iowa, Mr. Tancredo, Mr. Akin, Mr. Beauprez, Mr. Bartlett of Maryland, Mr. Vitter, and Mr. Pitts.

H.R. 57: Mr. Simmons, Mr. Graves, Mr. Pence, Mr. Johnson of Illinois, Mr. Sessions, Mr. Goss, Mr. McHugh, Mr. Tancredo, Mr. Cannon, Mr. Coble, Mr. Bonilla, Mr. Whitfield, Mr. Saxton, Mr. Burton of Indiana, Mr. Duncan, Mr. Schrock, Mr. Otter, Mr. Doolittle, Mr. Paul, Mr. Rohrabacher, Mr. Jenkins, Mr. Lucas of Kentucky, Ms. Granger, Mr. Hayes, Mr. Everett, Mr. Ferguson, Mr. Lewis of Kentucky, Mr. Bartlett of Maryland, Mr. Sweeney, Mr. Keller, Mr. Shadegg, Mr. Barrett of South Carolina, Mr. Walden of Oregon, Mr. Walsh, Mr. Mario Diaz-Balart of Florida, Ms. Pryce of Ohio, Mr. Istook, Mr. Issa, Ms. Berkley, Ms. Ros-Lehtinen, Mr. Sensenbrenner, Mrs. Cubin, Mr. Miller of Florida, Mr. Latham, Mrs. Capito, Mr. Radanovich, and Mr. Gary G. Miller of California.

H.R. 100: Mr. Reyes and Mr. Filner.

H.R. 115: Mr. McHugh.

H.R. 138: Mr. McIntyre.

H.R. 163: Ms. Velázquez, Mr. Cummmings, Mr. Moran of Virginia, Mr. Hastings of Florida, Mr. Clay, Ms. Jackson-Lee of Texas, Ms. Corrine Brown of Florida, and Ms. Norton.

H.R. 196: Mr. Carson of Oklahoma.

H.R. 200: Ms. Woolsey, Mr. Owens, Ms. Lee, Mr. McGovern, and Mr. Pastor.

H.R. 218: Mr. Johnson of Illinois.

H.R. 219: Mr. Ney and Mr. Wamp.

H.R. 220: Mr. Sensenbrenner.

H.R. 235: Mr. Miller of Florida, Mr. Burr, Mr. Hefley, Mr. King of Iowa, Mr. Pickering, Mr. Wolf, Mr. Whitfield, Mr. Norwood, Mr. Sullivan, Mr. Lewis of Kentucky, Mr. Goode, and Mr. Hostettler.

H.R. 241: Mr. Reyes and Mr. Filner.

H.R. 242: Mr. Goode.

H.R. 243: Mr. Cunningham and Mr. Ehlers.

H.R. 250: Mr. McNulty, Mr. Bluemenauer Mr. Leach, Ms. Millender-McDonald, Ms. Norton, Ms. Eshoo, Ms. Lee, Ms. Bordallo, Ms. Eddie Bernice Johnson of Texas, and Ms. Carson of Indiana.

H.R. 265: Mr. McDermott.

H.R. 270: Mr. Ferguson, Mrs. Lowey, Mr. Weiner, Mr. Fossella, and Mr. Bass.

H.R. 290: Mr. Jackson of Illinois.

H.R. 302: Mr. Ney.

H.R. 303: Mr. Sensenbrenner.

H.R. 308: Mr. English, Mr. LaTourette, Mr. Owens, and Mr. Towns.

H.R. 309: Mr. Radanovich.

H.R. 311: Mr. Cannon, Mr. Miller of Florida, and Mr. Hayworth.

H.R. 315: Mr. Burr.

H.R. 318: Mr. Michaud and Mr. Weller.

H.R. 323: Mr. Hinchey, Mr. Pascrell, Mr. Jackson of Illinois, and Mr. Boyd.

H.R. 339: Mr. Mica, Mr. Mario Diaz-Balart of Florida, Mr. Feeney, Mr. Pence, Mr. Chocola, Mr. Miller of Florida, and Mr. Issa.

H.R. 352: Mr. Smith of New Jersey and Mr. Miller of Florida.

H.R. 389: Ms. Schakowsky and Mr. Frost.

H.J. Res. 3: Mr. Nethercutt, Mr. Jenkins, Mr. LaTourette, Mr. Cunningham, Mr. Forbes, Mr. Ney, Mr. Wolf, Mr. Hall, Mr. Hayes, Mr. Miller of Florida, Mr. Petri, Mr. Schrock, Mr. Menendez, Mr. Walsh, Mr. Otter, Mr. Bradley of New Hampshire, Mr. Putnam, Mr. Frost, Mr. Larsen of Washington, Mr. Burns, Ms. Eshoo, Mrs. Christensen, Mr. Goode, Mr. Hyde, Mr. Goodlatte, Mr. Edwards, Mr. Matheson, Mr. Wamp, Mr. Hulshof, Mr. Bonilla, Mr. Kildee, Mrs. Biggert, Mrs. Blackburn, Mr. Moran of Virginia, Ms. Ginny Brown-Waite of Florida, Mr. Gingrey, Mr. Udall of Colorado, and Mr. Bachus.

H. Res. 31: Mr. Foley.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 107: Mr. Kennedy of Rhode Island.

H.R. 111: Mrs. McCarthy of New York.

EXTENSIONS OF REMARKS

TRIBUTE TO NORTH SAN MATEO COUNTY BOYS AND GIRLS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I rise today and urge my colleagues in the United States House of Representatives to join me in congratulating the Boys and Girls Club of North San Mateo County on the occasion of their 50th Anniversary.

This extraordinary organization traces its roots back to April 16, 1953, when the State of California granted the South San Francisco Boys Club non-profit status. Nine years after being recognized by the state, the Boys Club of America elected the South San Francisco Boys Club to full membership. During the following decades, the South San Francisco club continued to expand, and in the early 1970's began granting memberships to young girls. A merger with the Pacifica Boys and Girls Club augmented the continued growth of the club, and the collective organization changed its name in 1991 to the Boys and Girls Club of North San Mateo County.

While its name may have changed, the club continues to inspire and assists all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens. Providing a safe place to learn and grow, the Boys and Girls Club of North San Mateo County remains focused on its founding mission through five core areas of development. These areas, leadership skills, education, career development, health and life skills and the arts are key elements to providing a secure foundation from which the kids of today can develop into the leaders of tomorrow.

Mr. Speaker, as you are aware, the Boys and Girls Club serves more than 3.3 million boys and girls at 3,103 locations across the nation and around the world. The illustrious roster of alumni include Bill Cosby, Alex Rodriguez, Brad Pitt, Michael Jordan, President Clinton, Jackie Joyner-Kersee, Martin Sheen, Derek Jeter, Neil Diamond, and Denzel Washington. Since its inception in 1931 the Boys and Girls Club of America has made a difference in the lives of countless American children. However, it is with great pride that I am proud to say of all the locations the Club of Northern San Mateo County is the best around, and I ask my colleagues to join me in congratulating the Club on its 50th Anniversary.

GARY BRADLEY—ONE MILLION ACCIDENT FREE MILES

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to honor the hard work and professionalism of Mr. Gary Bradley, a constituent of mine from Asheville, North Carolina.

Mr. Bradley, who drives a tractor-trailer truck for the Roadways Express terminal in Asheville, North Carolina, was recently recognized for an outstanding achievement; driving one million accident free miles. Mr. Bradley is the head of the Roadways Express terminal's Injury Prevention Information program, which focuses on teaching defensive driving skills, which can prevent often fatal accidents. Gary's recent milestone proves that he certainly practices what he preaches.

Bradley has earned the plaudits of several of his colleagues. Asheville terminal manager Joel Pressley said "It's very rare when one of our drivers hit that mark. And the fact that he is an inner-city driver and why he drove a million miles is why we think it is so significant. I would consider him one of our best drivers."

Mr. Speaker, on behalf of the 11th Congressional District of North Carolina, I want to thank Gary Bradley for his commitment to safety. He makes our highways safer and getting to our final destination a lot easier.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AND THE UNITED STATES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce and discuss a Concurrent Resolution concerning North Korea. It calls on North Korea and the United States, in a demonstration of good faith, to return to an interim level of compliance with the Agreed Framework.

Once both nations have agreed that this is an acceptable starting point, diplomatic negotiations can begin, and we can work together to develop a more comprehensive and mutually acceptable agreement or treaty.

Last year, when North Korea admitted that it has been operating a covert nuclear weapons program, I immediately introduced a Resolution condemning those actions and calling on North Korea and the United States to honor their commitments in the Agreed Framework.

The existence of a North Korean nuclear weapons program constitutes a real and imminent threat to the populations of South Korea, and Japan, and certainly to the U.S. forces stationed in those countries.

I was certain then, as I am now, that our wisest course of action was to meet our obligations under the Agreed Framework and continue monthly heavy fuel oil shipments to North Korea. I was also certain that if we did not honor our commitments, tensions between our two nations would rise at an alarming rate.

Regrettably, my Resolution was neither considered nor adopted in the 107th Congress. And indeed, the situation with North Korea has gone from bad to worse.

I have watched incredulously as this Administration has stumbled again and again, making a bad situation worse, because it has failed to develop even the rudimentary beginnings of a policy to deal with North Korea.

Enough is enough. Between our poorly defined declaration of war against terrorism and our imminent war with Iraq, we have all the conflict we can handle.

The crisis in North Korea is a serious one, and I don't for a moment believe that resuming an interim level of compliance with the Agreed Framework will be the end of it.

However, I do believe that we must do something to resolve this impasse and we must also do something to garner support for those nations most effected by North Korea's nuclear weapons capabilities—South Korea, Japan, and China.

If, in a show of good faith, we resume our obligations, we will be much more likely to have the support of those nations if sanctions are necessary in the future.

The responsibility for complying with treaty obligations rests with the two nations that signed the Agreed Framework—the United States and North Korea.

The responsibility for certifying that North Korea is in compliance with its portion of the Agreed Framework rests with the IAEA.

The responsibility for determining appropriate sanctions if North Korea fails to comply with its portions of the Agreed Framework rests with the United Nations.

It's that simple.

I urge my colleagues to support this resolution. I believe it will establish our nation as a leader in seeking diplomatic solutions to complicated problems and will be the first step in a developing a policy with North Korea that is achievable, attainable, and supportable by other nations as well.

TRIBUTE TO THE BALDWINSVILLE HIGH SCHOOL GIRLS' SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WALSH. Mr. Speaker, I rise today to recognize the victorious Baldwinsville High

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

School Girls' Soccer team for winning the 2002 State Class A state soccer championship. This stellar team was the first Section III, Class A team to ever win a state soccer title.

This great triumph is a direct result of years of hard work, discipline, dedication, and devotion to the sport. The players, coaching staff, and parents brought the game of soccer to new levels, and the entire team should be congratulated for a season that will no doubt go down both in school and district history.

I would like to recognize Coach Lisa Deil for guiding this team to victory, and for being recently named state coach of the year.

On behalf of the people of the entire 25th District of New York, I would like to congratulate the following champions for reaching such an exciting goal: Kate Ferrara, Jessilyn Fritz, Brenna Sexton, Lindsey Belle, Madison Gates, Ashley Gray, McKenzie Gray, Megan Jenkins, Vanessa Kenyon, Shaylyn Lawrence, Tessa Schraven, Carly Schurman, Mallory Wilder, Jessica Bill, Emily Mahar, Kim Ross, Dana Sheftic, Julianne Hasbrouck, Stacey Schurman, Danielle Wilder, Head Coach Lisa Deil, and Assistant Coach Jake Czyz.

HONORING DR. PETE MEHAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Pete Mehas, Superintendent of Fresno County Schools. He will be honored by the United Cerebral Palsy of Central California on January 25, 2003. During his tenure as Superintendent, Dr. Mehas has initiated and enhanced school programs throughout Fresno County for persons with disabilities.

A Fresno native, Dr. Mehas attended Fresno City College, and went on to receive his bachelor's degree from Fresno State in 1962, his master's degree from UCLA in 1967, and his Doctorate in Education from the University of Southern California in 1979.

He began his professional career as an instructor at Roosevelt High School, then taught at Edison High School, and then signed on with the Clovis Unified School District and worked his way up to Associate Superintendent. Dr. Mehas served as a legislative advocate for schools, which eventually led to a series of statewide educational and legislative appointments by then Governor of California, George Deukmejian. In 1987, he was appointed by the Governor to the State Board of Education. Among his many accomplishments, Dr. Mehas has participated in a series of Presidential summits on education and the future of American youth. In 1991, Dr. Mehas was appointed by President George bush to a seventeen member advisory commission to implement the President's Executive Order on Latino education.

Dr. Mehas holds a lifetime California Standard Secondary Teaching Credential and a General Elementary Credential, as well as, a lifetime School Service Credential in General Administration.

Mr. Speaker, I rise today to honor Dr. Peter Mehas for his many years of service to the community. I urge my colleagues to join me in wishing Dr. Mehas many years of continued success.

IN SUPPORT OF THE LIFE INSURANCE EMPLOYEE NOTIFICATION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to reintroduce the Life Insurance Employee Notification Act of the LIEN Act for short. As a strong supporter of the American worker, I am here on the floor reintroducing legislation to stop American companies from profiting in the deaths of their employees. Last year, over 50 of my colleagues joined me as cosponsors on this important consumer protection legislation. Excellent investigative reporting by the Houston Chronicle brought this unsavory insurance practice to my attention. Businesses operating in Texas are purchasing secret life insurance policies on their employees without their knowledge or consent. These policies are known as Corporate-owned Life Insurance or COLI.

Unfortunately, they also have another name "dead peasant policies." They are called dead peasant policies because these Corporate-owned Life Insurance policies are usually purchased for the rank-and-file employees and not the CEO, CFO, or the Board of Directors. Executive Insurance or "Key Man Insurance" is the norm in corporate America and I have no problem with that because it is disclosed to investors and the individual. Dead peasant policies, on the other hand, are not disclosed to the low-level employee because he or she is not eligible to collect the death benefit. This failure to notify the ownership of the death benefit is the crux of the problem.

American companies are purchasing secret life insurance on the chance that one of their employees dies and they can collect the six figure death benefit. These companies have created a death derivative. In a large company with thousands of employees, economic modeling can be done to predict how many policies will be collected on in a given year. This blood money can be used for whatever the company wants, but most importantly it is rarely used to compensate the families of the dead employee. While I find the use of life insurance in this manner offensive, I understand it is not illegal and is in fact condoned in many states; Texas is not one of them.

The LIEN Act is a sunshine bill that forces companies to disclose to the employee that a dead peasant policy has been purchased in their name. In addition, it requires the company to provide the name of the insurer, the benefit amount, and under whose name the policy is in.

I do not want to ban this practice, but simply provide workers with more information about what the employer is doing on their behalf. As we saw with Enron, corporations often do not provide pertinent financial information to their employees. I am frankly disgusted with this whole practice and am amazed that this all began as a simple tax dodge worth billions of dollars. In the mid 1990s, the Internal Revenue Service (IRS) disallowed the classification of these policies as a legitimate business expense for the purpose of reducing their federal tax obligation.

I urge my colleagues to again cosponsor this important legislation protecting all hard working Americans from dead peasant insurance.

ONE YEAR ANNIVERSARY OF NO CHILD LEFT BEHIND ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CUMMINGS. Mr. Speaker, Dr. Martin Luther King, Jr. once said that all of us have a responsibility to prepare our children for the future. I believe that education is the key to preparing our children for the future.

A year ago today, President Bush signed into law the No Child Left Behind Act (Act). This federal law requires annual testing and raises accountability standards for students and teachers. However, many states and school districts have complained that the funding has been inadequate and they lack guidance from the federal government to implement monumental reforms in the new education legislation. Furthermore, states are under a severe time crunch to make changes because the Department of Education did not issue final regulations on accountability and school improvement until late November 2002. In fact, accountability plans are due at the end of this month.

Earlier this month, the Center on Education Policy (Center) issued a report entitled, From the Capital to the Classroom, that reiterates a concern among educators—the Act's goals could be undercut by a lack of state and federal money as states face a budget shortfall. The federal government needs to provide more money to meet the requirements of the Act.

In my state of Maryland, like many other states in the country, improvements and progress have been made, but more planning is needed to implement the new federal law. It is unfair for the federal government to require new standards but then not provide the funds to carry out these standards. Mandates without resources provide an empty opportunity for our children.

I now urge Congress and the President to follow through on the promise made to students across America a year ago. More money must be given for states to fully implement the Act or this new law will be just another unfunded mandate for the states. The Bush Administration must give states more flexibility in implementing the Act to ensure that no child is truly left behind. Our children deserve no less. Our children deserve the education to prepare them for the future.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BECERRA. Mr. Speaker, on Monday, January 27, 2003, I was unable to cast my floor vote on rollcall numbers 13 and 14. The votes I missed include rollcall vote 13 on Suspending the Rules and Agreeing to H. Res. 26, as Amended, Honoring the Contributions of Catholic Schools; rollcall vote 14 on Suspending the Rules and Agreeing to H. Res. 25, Supporting Awareness of Need for Youth Mentors. Had I been present for the votes, I would have voted "aye" on rollcall votes 13 and 14.

REDUCE TAXES ON SENIOR CITIZENS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. PAUL. Mr. Speaker, today I am pleased to introduce two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the federal government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens' Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of double taxation. Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a shell game which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending the practice of using trust fund moneys for other programs. In order to accomplish this goal I introduced the Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security trust fund is spent solely on Social Security. At a time when Congress' inability to control spending is once again threatening the Social Security trust fund, the need for this legislation has never been greater. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senior Citizens' Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

JOEL KAMINER—MARINE, BUSINESSMAN, COMMUNITY VOLUNTEER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to recognize the life and achievements of one Western North Carolina's finest people, Mr. Joel Kaminer.

Born in New York City on February 22, 1937, the son of the late Abraham and Betty Kaminer, Joel David Kaminer graduated from New York University in 1958 with a degree in Business. He worked as a salesman in New York City for several years and then entered the United States Marine Corps. He received his honorable discharge in 1964, having served as a member of the elite Presidential Honor Guard. A member of the Marine Corps traveling football squad, Joel played games in Okinawa and Tokyo in front of large crowds of servicemen.

After leaving the Marine Corps, he briefly lived in Dallas, Texas and then moved to Miami, Florida where he entered the securities and investment industry. He lived in Miami for the next twenty-five years. Joel became an active member of his community in Miami, serving on the executive board of the Leukemia Society of South Florida and coaching youth league football.

An avid golfer, Joel and his wife Margaret moved to live permanently in Cashiers, North Carolina in 1991 where he was an active supporter of the community, supporting community improvement plans and local charities. He became a member of Cedar Creek Racquet Club and the Country Club of Sapphire Valley. His move to the mountains rekindled an old interest in politics, which began when he was involved in the 1972 presidential campaign of George McGovern. He became actively involved in the Republican Party of Western North Carolina. He loved talking about politics and the future of America. He also enjoyed attending live sporting events and spending quiet moments at home with his family.

His wife, Margaret Hart Kempner and son, Michael Kaminer reside in Fort Lauderdale, Florida. His daughter and son-in-law Tracy and Bill Kruckenberger live in Cashiers, North Carolina. He leaves three nieces, two nephews, two grand-nieces, and five grand-nephews, all of Florida.

Joel David Kaminer of Cashiers, North Carolina died Sunday, April 21, 2002. He is sorely missed by his family, his friends and his community.

A RESOLUTION TO CONDEMN THE CURRENT POLITICAL UNREST AND POLITICAL LEADERSHIP IN VENEZUELA AND CALLING ON THE GOVERNMENT TO HOLD NEW NATIONAL ELECTIONS IN ACCORDANCE WITH THE VENEZUELAN CONSTITUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution condemning the current political unrest in Venezuela. I wish to express my strong concern about the direction of the government and its alienation of a large part of the citizenry.

Mr. Speaker, I rise to call also for new national elections in that country. Venezuela is an important member of the community of nations in this hemisphere. Venezuela is the world's fifth largest commercial supplier of oil and the only Latin American member of the OPEC. Venezuela is the fourth largest supplier of oil to the United States.

The continued strike by workers in the petroleum industry in Venezuela has contributed to the rise in the price of crude oil on the world market, thereby affecting a major source of energy for the United States.

If the current political unrest and economic instability in Venezuela is not corrected, it could have further negative impact on the price of oil on the world markets.

This country, and indeed this region, which seemed to hold so much promise as a nation on the cusp of a new era, and was at long last emerging from a long dark period as a "military controlled ghetto," seems to be slipping once again into an era of "strong man" rule, and a state that embraces socialist dogma.

America must be more than an island of hope and beacon of opportunity in a region where there is low expectations, and so much unfulfilled potential. We must continue to show leadership in the region.

The Administration must follow through with vigorous support of the Summit of the Americas agenda and get on about the business of assisting all the countries in the region to develop their economies and strengthen their political institutions.

The House of Representatives must support our neighbors in this hemisphere and support them in the continuing struggle to become full democracies with strong economies.

I urge my colleagues to support this resolution and call on the leadership to act swiftly in bringing this to the floor for consideration.

TRIBUTE TO PENFIELD BOY'S SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Penfield boy's Soccer team for ending their 19–2–2 season as New York State Section V Class A Champions.

Last year the team won the school's first state championship, but had to share the title when the game ended in a tie. This year, the patriots rose to the top again, and won their first official title, the first Class A state title in 15 years.

This team truly deserves to end the season with such a rewarding finish. Years of hard work and dedication resulted in a season that will go down in school history, and will be remembered always. The players, coaching staff, and parents should be proud of this exciting accomplishment.

On behalf of the people of the 25th District of New York I would like to congratulate the following players, coaches, and bench personnel for this achievement: Mike Annechino, Steve DeMaria, Brian Annechino, Mike Evans, Jason Maher, Feliks Kogan, Felix Liverman, Tom Doran, John Koestner, Adam Agresti, Guilherme Fonseca, Greg Herbert, Brian Usinger, Matt Malone, Dave Carr, Jamarr Miller, Eric Schomske, Tom Gordon, C.J. Pruner, Adam Benson, Dan Bergan, Ari Silbermann, Jaden Rocco, Mike Lentine, Matt Bader, Ryan Kota, Jon Farber, Matt Kavanaugh, Ryan Michaels, Kyle Zinter, Ed Silco, Varsity Coach Jon Butterworth, Assistant Coach Dave Heise, Program Coach Tim Graves, Assistant Alissa Vanmulem, JV Coach John Cotsonas, Frosh Coach Al Pisano, and Trainer Jen Stantz.

HONORING PATTY MANDRELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Patty Mandrell, the outgoing President of the Chowchilla District Chamber of Commerce. The Chowchilla District Chamber of Commerce honored her at an Installation and Awards Banquet on January 18, 2003 in Chowchilla, California.

Born in Madera, California, Patty grew up in Dos Palos before becoming a resident of Chowchilla. Patty is very enthusiastic about writing, reading, and people, which makes her a key component in the community. Her interest in journalism led her to a part-time position at the Chowchilla News newspaper, where she later become Editor and is currently the Managing Editor.

Patty has been highly active in her community. She has served on the Central California Women's Facility/Valley State Prison for Women Citizen's Advisory and Drug Advisory Committees. Patty also sat as a Charter Board member for the Police Activities League. The honors that she has received vary from the Golden Apple Award in 1999, the Outstanding Citizen Award from the Fresno and Madera Counties Police Chiefs Association in 2000, and the Rotary Distinguished Public Service Award in 2002.

Patty and her husband of 34 years, Lyndon Mandrell, have two daughters Tricia and Stacy. To quote Patty, "God is my best friend; my Mom has always been my role model and I've never been ashamed of being my Daddy's girl."

Mr. Speaker, I rise to honor Patty Mandrell as the outgoing President of the Chowchilla District Chamber of Commerce and a true support of the Chowchilla community. I urge my colleagues to join me in wishing Patty Mandrell many years of continued success.

INTRODUCTION OF THE NEIGHBORHOOD RAIL ACCOUNTABILITY ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. GREEN of Texas. Mr. Speaker, today I am introducing a simple piece of legislation making 3 new changes to the way that the Surface Transportation Board (STB) reviews rail construction projects, particularly when in residential areas.

I am introducing this legislation following the frustration I have experienced dealing with the STB on a matter of great importance to thousands of my constituents' quality of life—the potential San Jacinto rail line in Southeast Harris County, Texas. The level of concern in the community, on many issues, and the outpouring of public opposition produced during the STB's formal process has been tremendous.

Residents are concerned with increasing traffic delays and accidents in an area already experiencing too many problems with train traffic. Citizens are concerned about the safety of their children going to school, the potential for dangerous spills and accidents, localized noise and air pollution, and several other concerns. Amazingly, in their Draft Environmental Impact Statement, the STB concluded that the project will have a negligible impact on the surrounding community. I have spoken with hundreds of people about this project, and I can say that the STB is flat our wrong.

I do not believe that they ignore the public interest at the STB on purpose, but I believe that the agency and its decision-making process are biased against the concerns of residents who are facing rail construction in their neighborhoods. I am introducing this legislation to change the decision-making process so that it is more balanced in three ways.

First, if there is a high level of public opposition, the legislation requires that the concerns of residents and local officials be taken into greater consideration than in the past, especially when the rail construction proposal is in a residential area.

Secondly, the legislation requires that, before a final determination, the STB determine whether a proposal would have a disproportionate impact on either minority areas or economically disadvantaged areas. If so, the STB would be required to report to the public what alternatives to the disproportionate impact proposal were considered and why they were not chosen.

Finally, the legislation would require the STB to investigate the providing of false, potentially material information about the project. During the investigation, the entire decision process is put on hold, and if the STB found that the false information was intentionally provided the application is automatically denied.

I am not introducing a rifle shot bill directed at a project in my area, but instead this legislation is broad based and applicable across the country. I have learned from my experience that the STB's balance needs to be shifted back towards the affected community.

DEDICATION CEREMONY OF THURGOOD MARSHALL COMMEMORATIVE STAMP

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CUMMINGS. Mr. Speaker, January 7 marks the first day of the 108th Congress. I am pleased and honored to be a Member of Congress and the Chair of the Congressional Black Caucus. I am also pleased and honored that earlier today the Thurgood Marshall Commemorative Stamp was dedicated.

The dedication and issuance of this stamp in honor of Justice Thurgood Marshall, serves to recognize this great man for his civil rights achievements as a lawyer and for reaching the pinnacle of the U.S. Justice system as the first African-American Supreme Court Justice. President Lyndon B. Johnson nominated Justice Marshall to the Supreme Court where he served 23 years on the Supreme Court, retiring on June 27, 1991, at the age of 82.

Through his knowledge, advocacy and devotion to the cause of civil rights, Justice Marshall made a significant contribution to the battle fought in the United States courts to eradicate the legacy of slavery. I believe, however, that he should be revered most for his courage and independent judicial temperament—for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices, especially on issues involving voting rights, housing and education. It is an honor to recognize a man whose career is a monument to the judiciary system and who has inspired so many to continue his quiet crusade.

Marshall was born and raised in the Congressional District I represent—Baltimore, Maryland—and actually lived in a home which is about eight blocks from where I now reside. We both attended Howard University and, more significantly, he was once turned away from the law school I attended and graduated—The University of Maryland School of Law. As such, I am especially proud to honor Thurgood Marshall, as I share a common path with this historic figure.

I believe Justice Marshall has had a significant impact on the events of the 20th Century. His efforts on behalf of African-Americans built a structure of individual rights that has become the cornerstone of protections for all Americans.

Prior to joining the Supreme Court, in 1954 Justice Marshall argued the case of Brown v. Board of Education of Topeka, Kansas before the Supreme Court, where racial segregation in public schools was declared unconstitutional. In fact he won 29 of the 32 cases he argued before the Supreme Court, including, cases in which the Court declared unconstitutional: a Southern state's exclusion of African-American voters from primary elections (Smith

v. Allwright, 1944); state judicial enforcement of racial "restrictive covenants" in housing (Shelley v. Kraemer, 1948); and "separate but equal" facilities for African-American professionals and graduate students in state universities (Sweatt v. Painter and McLaurin v. Oklahoma State Regents, both 1950).

After his death, an article in the Washington Afro-American stated, "[w]e make movies about Malcolm X, we get a holiday to honor Dr. Martin Luther King, but every day we live the legacy of Justice Thurgood Marshall."

Justice Marshall opened doors for all Americans and had a significant impact on the events of the 20th Century. Marshall was instrumental in supporting the rights of minorities and immigrants; limiting government intrusion in cases involving illegal search and seizure, double jeopardy, and the right to privacy; and in creating new protections under the law for women, children, prisoners, and the homeless.

His legacy has inspired Americans to name educational institutions, federal buildings, legal societies, libraries, and numerous academic achievement awards in his honor. And now a commemorative stamp in his honor. I know I join many in the Congress to say I am honored and privileged to be a part of history—the dedication of the Justice Thurgood Marshall Commemorative stamp.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BECERRA. Mr. Speaker, on Wednesday, January 8, 2003, I was unavoidably detained, and therefore unable to cast my floor vote on rollcall No. 10, a procedural vote to Table the Appeal of the Ruling of the Chair.

Had I been present for the vote, I would have voted "nay" on rollcall vote 10.

LIBERTY AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Liberty Amendment, which repeals the 16th Amendment, thus paving the way for real change in the way government collects and spends the people's hard-earned money. The Liberty Amendment also explicitly forbids the federal government from performing any action not explicitly authorized by the United States Constitution.

The 16th Amendment gives the federal government a direct claim on the lives of American citizens by enabling Congress to levy a direct income tax on individuals. Until the passage of the 16th amendment, the Supreme Court had consistently held that Congress had no power to impose an income tax.

Income taxes are responsible for the transformation of the federal government from one of limited powers into a vast leviathan whose tentacles reach into almost every aspect of American life. Thanks to the income tax, today the federal government routinely invades our privacy, and penalizes our every endeavor.

The Founding Fathers realized that "the power to tax is the power to destroy," which is why they did not give the federal government the power to impose an income tax. Needless to say, the Founders would be horrified to know that Americans today give more than a third of their income to the federal government.

Income taxes not only diminish liberty, they retard economic growth by discouraging work and production. Our current tax system also forces Americans to waste valuable time and money on complacence with an ever-more complex tax code. The increased interest in flat-tax and national sales tax proposals, as well as the increasing number of small businesses that questioning the Internal Revenue Service's (IRS) "withholding" system provides further proof that America is tired of the labyrinthine tax code. Americans are also increasingly fed up with an IRS that continues to ride roughshod over their civil liberties, despite recent "pro-taxpayer" reforms.

Mr. Speaker, America survived and prospered for 140 years without an income tax, and with a federal government that generally adhered to strictly constitutional functions, operating with modest excise revenues. The income tax opened the door to the era (and errors) of Big Government. I hope my colleagues will help close that door by cosponsoring the Liberty Amendment.

NORTH CAROLINA REPRESENTATIVE LARRY JUSTUS

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor the public service of North Carolina State Representative Larry Justus.

After graduating from Dana High School, Larry T. Justus entered the University of North Carolina at Chapel Hill where he pursued and received a degree in Radio and Television Writing and Production.

Larry Justus married Carolyn who is a native of Transylvania County, North Carolina. They have four sons: Scott, Ron, Christ and Seth. He is remembered as a loving father and kind husband.

Larry served his country bravely and retired from the United States Air Force as a Lt. Colonel after serving in the Korean and Vietnam Wars. He served as a Squadron Commander, Executive officer, disaster preparedness officer, information and public relations officer and a protocol officer.

Larry continued his role in our armed forces by being involved in the American Legion, the Veterans of Foreign Wars and the Western North Carolina Retiree Officers Association.

Larry was committed to the principles of the Republican Party and worked diligently on behalf of the party, He served as a National Delegate to the 1980 Republican National Convention, a former member of the State Republican Central Committee, a member of the State Republican Executive Committee and was named "Outstanding North Carolina Republican" in 1974. He also served as the Henderson County Republican Chairman.

Larry will best be remembered for his unfailing service to North Carolina. Justus served Henderson County in the North Carolina House of Representatives from 1985 until his death in October of 2002 at the age of 70. He was known as an open, friendly, and accessible legislator and was the model for integrity in public service.

Mr. Speaker, I am sure that my colleagues will join me in praising the life and work of Representative Larry Justus.

INTRODUCING THE TEACHER VICTIMS' FAMILY ASSISTANCE ACT OF 2002

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, a study conducted by the National School Safety Center on School Associated Violent Deaths notes that between 1992 and 2001, 33 teachers, school administrators, school employees, or volunteers, were fatal victims of school violence. This means that during that nine-year period, a teacher, school administrator or some other school employee in America was killed while performing the duties of his or her job every fourteen weeks.

A similar study done by the U.S. Department of Justice last year stated that teachers, school administrators and other school employees accounted for nearly 10 percent of all fatalities from school violence on campuses nationwide. Even more disturbing is that the majority of faculty fatalities occurred when a school employee attempted to stop a fight or some type of disagreement between students or other faculty members. In trying to stop school violence, these school employees became victims of school violence themselves.

On May 26, 2000, my district was struck with horror when a thirteen year old student walked into Lake Worth Middle School and shot and killed his teacher, Mr. Barry Grunow. While this tragic event once again raised the important issues of school safety, gun control, and the minimum age at which a child can be tried as an adult, to the Grunow family, the tragic death of Barry Grunow has meant much more.

In addition to the painful loss of a father and husband, Barry Grunow's death had a long-term affect on the entire Grunow family. Barry's death meant that, within six months, the entire Grunow family would find themselves without health care coverage; Barry's death meant that the Grunow family would incur added and unexpected expenses; and, ultimately, Barry's death means one less income that can be used to support Pam Grunow and her two children in the years to come.

In Spring 2001, the Florida State Legislature passed and the Governor signed the Barry Grunow Act, a measure that provided death benefits to the spouses and children of victims of school violence. Today, I come to the floor of the House of Representatives to say that it is time for Congress to follow Florida's lead and pass a similar measure.

I rise today to reintroduce the Teacher Victims' Assistance Act of 2002. The 108th Congress is the second consecutive Congress that I have introduced this legislation. Similar to Florida's Barry Grunow Act, the Teacher Victims' Assistance Act places teachers, school administrators, school employees and school volunteers in the same high-risk category in which we currently place many of country's most important role models.

My bill provides the spouses and children of educators who are killed as a result of school violence with the following death benefits: a one-time death benefit of $75,000, $1,500 to be used to assist with any funeral expenses, $900 per month in living assistance to the victims' surviving spouse, $225 per month in living assistance to each dependent of the victim until the age of 17, $7,500 per year, for up to five years, for each dependent to be used to pay for college or other forms of higher education before the age of 25, opportunity to enroll in the Medicare health benefits program, and exempts the family members from having to pay any accumulated income tax by the victim as a result of school employment.

Mr. Speaker, never before has Congress made the historic statement that we need to compensate the families of educators who are victims of school violence. Many of us understand that violence in our schools is virtually impossible to eliminate completely. However, it is possible for Congress to ensure every educator in the country that if another school shooting such as those which occurred at Lake Worth High School, the future of educators' families shall never be in jeopardy.

The Teacher Victims' Family Assistance Act of 2003 makes such a commitment, and I urge my colleagues to pass it immediately.

TRIBUTE TO THE ONONDAGA SENIOR HIGH SCHOOL BOY'S FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Onondaga Senior High School Boy's football team for winning the New York State Class C championship title and in the process continuing a 26 game winning streak. The Tigers roared in the Carrier Dome, and once again brought home a State title.

This team, with a solid coaching staff and a strong network of fans, strove for perfection, and as a result, won their second consecutive championship title. The OCS Tigers were Class D championships last year, and came out Class C victors this year. They are the only team in 10 years to win consecutive titles in different classes.

This team should be truly proud of such a well-deserved victory. The strength and dedication they have displayed over the course of their football careers and throughout this electrifying season has made their school and entire community extremely proud.

On behalf of the entire 25th District of New York, I would like to congratulate the following champions: Hodges Sneed, Andrew Abbott, Ryan Hotaling, Justin Graham, Richard Bova, Adam Legg, Don Cummings, Matt Popov, Carl Runge, John Manley, Chad Amidon, Ryan Clifford, Dakota McCann, Mike Hart, Kyle Martin, Robbie Cormier, Dan Germain, Zach Carrington, Zach MacCollister, Brian Beacham, Todd Amidon, Marty Brunner, Jacob Cummings, Cory Dill, Richard Beak, Todd Gardner, James Sanford, Matthew Majewski, Thomas Brownell, Caleb Golembiewski, Dan Willis, Scott Campbell, Pat Neuman, Kurt Wasilewski, Aaron Johnson, Steven Tiss, Felipe Diaz, Brad Glaister, Adam Goodman, and Jesse Schneider; Coaches Bill Spicer, Paul Taylor, Jeff Pierce, Victor Zampetti, and Rick Bailey; Volunteer Coaches Dave Pierce and Steve Louis; Managers Jim Barry, Nick Gilbert and Luke Joyce.

CONGRATULATING BILL JONES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Bill Jones for 20 years of outstanding leadership and service to the State of California. A tribute was held in his honor on January 12, 2003, in Fresno, CA. Proceeds from the tribute will fund the Bill Jones Leadership Development Program in the College of Agricultural Sciences and Technology at California State University, Fresno.

In 1971, Bill Jones graduated from California State University, Fresno with a degree in agriculture business. Bill, who grew up on a farm on Mendota, CA, began his elected career by serving in the State Assembly for 12 years. While there, he coauthored the "Three Strikes and You're Out" anticrime law. He was elected Secretary of State in 1994 and reelected in 1998. As the State's chief elections officer, Mr. Jones set a goal of 100-percent voter participation with zero tolerance for fraud. His voter outreach programs targeted California's minorities and young people. Bill Jones is a nationally recognized leader of agriculture, trade, and water issues as well.

The Bill Jones Leadership Development Program will provide an educational opportunity for individuals to develop their leadership skills. The program will focus on undergraduate students while providing them service opportunities. Upon completion of this course, students will be able to identify key elements of their personal leadership style, have a working knowledge of relational leadership theory, and understand the role leadership plays in organizations and communities. This program honors Bill Jones, who himself played an important leadership role while at California State University, Fresno.

Bill and his wife, Maurine, have two daughters Wendy and Andrea. Mr. Jones is a native California rancher who continues to work his family-owned farm in Fresno, and is the first resident from the Central San Joaquin Valley to serve in a statewide office.

Mr. Speaker, I rise today to congratulate and thank Bill Jones for his dedication to and hard work on behalf of the people of California. I urge my colleagues to join me in wishing Mr. Jones many years of continued success.

DAN WADDELL—COMMUNITY LEADER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor a gentleman who was devoted to his community and to civic service, Dan Waddell of Hendersonville, North Carolina.

Dan Waddell was born in Commerce, Georgia, on June 3, 1921. He was the son of John Daniel Waddell Sr. and Lillian Marie Vollrath. They moved their family to Hendersonville, North Carolina in 1930.

Dan attended Hendersonville city schools, graduating from Hendersonville High School in 1938. He attended Brevard Junior College and became a member of the football team. John transferred to East Carolina University and in 1941 quarterbacked the team, leading it to an undefeated season. When Dan died, on October 19, 2001, he was headed to the team's Special 60th Reunion Ceremony for the 1941 team.

Following graduation from East Carolina University, he entered the U.S. Army, becoming a B–17 pilot in the Army Air Corps. He flew 31 missions and was shot down over Belgium. For his service to America and in defense of freedom in World War II, he received the Distinguished Flying Cross and the Purple Heart.

After the war, he returned to Hendersonville and started a grading business, which he operated for more than 40 years. In 1960, he became president of Rasben Oil Company and he founded the Triangle Stop Food Stores in 1974. Also, he was the former president of Southern Burglar Alarm Company, which he purchased in 1977. He became president of the North Carolina Petroleum Marketers Association in 1981 and in 1989 received the Will Parker award, the most prestigious award in the petroleum industry in North Carolina.

Active in community affairs in Hendersonville, Dan became a member of the First United Methodist Church, where he attended the Roy Johnson Bible Class. Dan also served his church as chairman of the board of trustees and finance committee member. He was also a member of the board of directors of Pardee Hospital. Dan held many other offices including the following: Exalted Ruler of the Elks Club, president and board member of the Hendersonville Country Club, chairman of the Tree Board, member of the Hendersonville County Environmental Advisory Committee, member and board member of the Greater Hendersonville Chamber of Commerce, member of the Merchants Association, president of the Partners for Economic Progress, member of the Kiwanis Club, and cofounder and member of the Hendersonville High School Alumni

Association. Dan ran for City Council in 1999, and fought diligently and fairly for many customers and as an advocate for local business interests.

Dan was married to the former Claire Reaben of Hendersonville, who passed away in 1995. The former Jan Rouse of Hendersonville, North Carolina became John's second wife. His son, Hall and his wife Sonja live in Hendersonville, North Carolina. John's daughter, Sharon Johnson and her husband, Steve live in Hendersonville, North Carolina. John has four grandchildren, Christa Waddell, Beau Waddell, and Emily Johnson, all of Hendersonville, North Carolina, and Erin Johnson of Atlanta, Georgia. Dr. William J. Waddell, his brother, lives in Prospect, Kentucky. His sister Cynthia Armstrong of Waxhaw along with three stepsons, Chuck, Turner, and Randy Rouse and their families live in Hendersonville, North Carolina. In addition to his several nieces, nephews, and cousins.

Dan Waddell served his family, his community and his Nation. Dan Waddell—truly a member of the "Greatest Generation."

INTRODUCING THE CONGRESS 2006 COMMISSION ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Congress 2006 Commission Act. My bill establishes a congressional commission to examine the current size of the U.S. House of Representatives and recommend to this body, if applicable, a size increase. Additionally, the Commission is directed to examine and consider alternatives to the current method by which Representatives are elected. Methods such as cumulative voting and proportional representation would, without doubt, result in a more diverse House of Representatives, as well as greater participation in the legislative process by Americans of all shapes, colors, and backgrounds.

Under the Constitution, the size of the House of Representatives can be as small as 50 Representatives and as large as one Representative per 30,000 people, or the equivalent to 9,380 Members, based on the 2000 Census. In fact, every decade from 1790 to 1910, following the release of the census, the House of Representatives passed apportionment acts, increasing the size of the House to reflect population increases as well as the introduction of new States to the Union. The current House size of 435 was established in 1911. Congress passed a law in 1929, setting the size limit at 435. The House's size was temporarily increased to 436 in 1959, and 437 in 1960, when Alaska and Hawaii were admitted to the Union, respectively. But in 1961, the size of the House was reapportioned back to 435.

In the past 90 years, U.S. population has more than tripled, but the size of the House of Representatives has remained the same. In the past 90 years, four States have joined the Union, but the size of the House of Representatives has remained the same. In the past 90 years, the United States has become the second most underrepresented democracy in the entire world, but the size of the House of Representatives has remained the same. In fact in the past 90 years, Congress has addressed permanently increasing the size of the House of Representatives only once.

When I was first elected in 1992, I represented roughly 589,000 South Floridians. Today, each of us now represents nearly 663,000 or 12.5 percent more people than 10 years ago. In 1982, each Member of the House represented about 534,000 and in 1972, the number was a mere 482,000 or 38 percent fewer people than today. This means that we represent well over 100,000 more people today than did our predecessors—and some Members still serving today—20 years ago. Frankly, at some point Members in this body are going to have to accept reality and begin asking, "As Representatives, are we as effective today as the Representatives of the 1970s when they had fewer people to represent?"

Mr. Speaker, the 108th Congress is the third Congress that I have introduced this legislation, and in light of the 2000 biennial census, it is clear that, to better serve our constituents, we should represent fewer. Indeed, the effect that an increase in the size of the House of Representatives will have on the American political system is obvious. Increasing the size of the House will result in a reduced amount of campaign spending, smaller congressional districts, more personal interaction between Members of Congress and their constituents, and most importantly, better representation for the American people.

I ask my colleagues for their support and cosponsorship of this bill, and I urge the leadership to bring it to the floor for an immediate vote.

IN MEMORY OF WILLIAM EDWARD DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Mr. William Edward "Ed" Day of Lebanon, MO.

Mr. Day was born in Windyville, MO, on October 30, 1926, son of Henry G. and Gertie M. Sweaney Day. He graduated from Windyville High School in 1944 and went on to answer his call to duty. Ed served his country in World War II with the U.S. Army and was stationed in Japan shortly after the end of the war. He came home and attended Draughn Business College in Springfield, MO. Not long after this, he was united in marriage to Barbara Jean McCain on May 29, 1948. They were blessed with four wonderful children, two daughters and two sons.

Mr. Day began his career in the oil business with Ozark Petroleum Company, which later became Skelly Oil. Skelly Oil took he and his family to Springfield, Joplin, and Kansas City. Mr. Day and a longtime friend of his, Will Bradley, decided to quit the oil business in 1969 and start their own business. Their new business was called B & D Truck Port and Restaurant in Lebanon, MO, and had been serving customers for the last 33 years.

Along with his successful business, Mr. Day was very active in his local church, First Christian Church. He served as chairman of the board, Elder Emertitus and he and his wife were members of the Pairs and Spares Sunday School Class. He was also closely involved in the Lebanon community. Ed was a Lebanon ambassador, a member of the Lebanon Chamber of Commerce, served on the board of directors of the Lebanon Country Club and the Lebanon Park Board. He was a past president and co-chairman of the Government Affairs Committee of the National Association of Truck Stop Operators in Washington, DC, with his friend Mr. Bradley, for many years.

Mr. Speaker, Ed Day was a valuable leader in his church and community. He was a genuine human being who would give you the shirt off of his back. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Barbara; his two daughters, Barbara and Mary Catherine; his two sons, Mike and Patrick; and all of his grandchildren.

IN REMEMBRANCE OF CONGRESSMAN FRANK CREMEANS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to remember Congressman Frank Cremeans, former Representative of Ohio's 6th Congressional District, a District neighboring mine. Frank, a friend to many of us in the Chamber, passed away at his home on January 2, 2003.

Frank was born in Cheshire, Gallia County, Ohio on April 5, 1945. He graduated from Kyger Creek Local in Gallipolis; received his Bachelor of Arts from the University of Rio Grande; and Master of Arts from Ohio University. He was an entrepreneur, a teacher, a school administrator, and a public servant.

Frank ran for Congress in 1994 and was elected to the 104th Congress, where he served the citizens of the 6th Congressional District with principle and vigor. He sought to restore the bonds of trust between the people and their elected Representatives by signing the Contract with America. Frank was a fiscal conservative, and cared deeply about constituent service.

Mr. Speaker, throughout the strenuous campaign and term in Congress, Frank Cremeans had the strong support of his loving wife, Carol, and children, John, Cari, and Leigh Ane. Family was always of great importance to him. Frank leaves a legacy of achievement in the arenas of business, education, and government. Through his successes, he touched many lives. We remember him today and offer our sincere condolences to his family.

TRIBUTE TO RICHARD (DICK) NUGENT UPON HIS RETIREMENT AS REFUGE MANAGER FOR THE JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a privilege to take this opportunity to pay tribute to Richard (Dick) Nugent, upon his retirement as Refuge Manager for the John Heinz National Wildlife Refuge at Tinicum, Pennsylvania. Dick has served the United States Government for more than 35 years, including the last 25 years at Tinicum. I was pleased to work with Dick Nugent to make the dreams of this unique National Wildlife Refuge a reality, promoting conservation and a cleaner, healthier environment for both wildlife and the citizens of the greater Philadelphia region.

The history of Tinicum Marsh, the largest remaining freshwater tidal wetland in Pennsylvania, goes back to the first settlements in the region in 1634. Swedes, Dutch, and English diked and drained parts of the marsh for grazing. At that time, the tidal marshes measured over 5,700 acres. The rapid urbanization since World War I reduced tidal marshes to approximately 200 acres. The remnant of this once vast tidal marsh is protected by the Refuge. Throughout his government career, Dick Nugent has been an environmental champion and a respected public servant. His selfless contributions are most deserving of our recognition and I am honored to bring forth his particular accomplishments at the Tinicum Refuge before this body and our nation today. The following list represents just some of what Dick has done:

Involved with the Refuge's master planning process and land acquisition efforts during the 1970s and 1980s.

Assisted in the planning, designing, and construction of the Refuge's maintenance complex and Cusano Environmental Education Center.

Instrumental in the increasing of the Refuge staff from 4 personnel to 14 full-time positions, several internships, a Refuge Friends' Group consisting of over 200 members, and a large cadre of volunteers.

Worked with the Environmental Protection Agency and other service staffers for the past two decades in assessing the contamination status of the Folcroft landfill, prior to it becoming a component of the lower Darby Creek Area Superfund Site.

Involved with the cleanup and natural resource damage assessment of Sunoco's 192,000-gallon oil spill on the Eastern portion of the Refuge that occurred on February 5, 2000.

Involved in the management and monitoring of various wildlife-related diseases and threats including: Lyme disease, West Nile Virus, rabies, tularemia, and botulism.

Responded to many Refuge-based fires and law enforcement incidents.

Served as the Fish and Wildlife Service's Field Response Coordinator for oil spills in the Delaware River/Bay Tri-State area.

Responded to dozens of spills to assess the impact to natural resources and to retrieve impacted waterfowl for rehabilitation at the Tri-State Bird Rescue and Research Center in Newark, Delaware.

During his long tenure in public service, Dick Nugent has demonstrated unfailing dedication, a high degree of loyalty, and a large measure of hard work. Dick will carry his strong spirit of public service, his respect for the natural world, and his concept of our duty to the environment into his retirement.

On the occasion of his retirement from government service, I commend Dick Nugent for his outstanding service. He is among Pennsylvania's finest, and I wish him well in the years ahead. Thank you, Dick, you'll be missed.

THE 60TH ANNIVERSARY OF THE SAN DIEGO STATE UNIVERSITY INSTITUTE ON WORLD AFFAIRS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to salute the San Diego State University Institute of World Affairs on occasion of their 60th anniversary and in recognition of their continuing exemplary work. Rather than speak at great length about this fine organization, I'd like to submit for the RECORD the text of a resolution that I had the honor of presenting.

Whereas the San Diego State Institute on World Affairs is celebrating its 60th Anniversary; and

Whereas the Institute has gained the respect of the international community through its educational achievements and has greatly impacted its campus and community through its outstanding presentation and analysis of important world issues; and

Whereas the Institute has promoted international involvement and has been an active and prominent advocate of international awareness by bringing to California numerous highly respected ambassadors, Nobel Laureates, United Nations delegates, military and government officials, academics, journalists, scientists, business executives, and other noted experts on international issues; and

Whereas international issues have become increasingly important, and the knowledge of world affairs is vital to the success and security of our nation and of the international community; and

Whereas the successful efforts of the San Diego State University Institute on World Affairs have significantly and positively increased the growth of education, awareness, and information about international issues and world affairs; now therefore be it

Resolved, That Congresswoman Susan A. Davis of the 49th District of California congratulates the San Diego University Institute on World Affairs for sixty years of successfully educating the students, faculty, campus and community of San Diego State University about international issues, world affairs, and their importance to our nation and for its diplomatic achievements as it continues to present highly respected individuals to the university.

TRIBUTE TO GENERAL MONTGOMERY C. MEIGS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. General Montgomery C. Meigs' 36 years of service to the Nation has been marked by meritorious service in increasingly demanding command and staff positions, culminating as Commanding General, United States Army Europe and Seventh Army, Germany and Commmander, Stabilization Force, Bosnia—Herzegovina. Throughout, General Meigs demonstrated strong and inspiring leadership, unsurpassed executive ability, and an untiring dedication to the spirit and mission of the United States Army.

General Meigs was commissioned from the United States Military Academy in 1967. He is a graduate of the University of Wisconsin, holding a Masters Degree and a Ph.D. in History. He is also a graduate of the Armor Officer Basic and Advanced Courses School, the United States Army Command and General Staff College, and the National War College.

General Meigs has served in command and staff positions over the last thirty-six years. He is a combat veteran of Vietnam, serving from July 1969 to June 1970 where he served as Commander, A Troop, 3d Squadron, 5th Calvary, 1st Infantry Brigade, 5th Infantry Division and Squadron Maintenance Officer, Headquarters Troop, 3d Squadron, 5th Cavalry, 1st Infantry Brigade, 5th Infantry Division. He is also a combat veteran of Operations Desert Shield/Desert Storm from September 1990 to May 1991 where he served as Commander, 2d Brigade, 1st Armored Division.

His service includes staff assignments as Assistant Professor, History Department, United States Military Academy, West Point, New York; Chief, Strategic Applications Branch, Office of the Director for Strategic Plans and Policy, J–5, The Joint Staff, Washington, DC; Deputy Chief of Staff for Operations, United States Army Europe and Seventh Army, Germany; along with many other distinguished positions.

General Meigs' awards and decorations include the Defense Distinguished Service Medal, Distinguished Service Medal (with Oak Leaf Cluster), Defense Superior Service Medal, Legion of Merit (with Oak Leaf Cluster), Bronze Star Medal with "V" device, Bronze Star Medal (with Oak Leaf Cluster), Purple Heart, Meritorious Service Medal, Air Medals, Army Commendation Medal (with 2 Oak Leaf Clusters), Ranger Tab, and Joint Chiefs of Staff Identification Badge.

Throughout his career, General Montgomery C. Meigs has made significant contributions at every level assigned. In his final assignment, he brought to bear the accumulated experience and dedication of a career spent serving the nation and our soldiers. He has provided continuity for the Profession of Arms—integrity, loyalty, dedication, mentorship, vision, and the willingness to take and stand behind the risks associated with implementing change in the Army. General Meigs' distinguished performance of duty will have far-reaching impacts on the future of the Army. I am certain that my colleagues will join me in wishing General Meigs and his wife, Mary Ann, all the best.

WOMEN'S HEART WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HOLT. Mr. Speaker, I rise today in recognition of Women's Heart Week, February 1 through 7.

We have heard for years about the devastating impact that heart disease has on men's health. It is a lesser-known fact, however, that heart disease is the leading cause of death among women 35 and older, and while the mortality rate for men with cardiovascular disease has dropped, the rate for women is rising. In fact, in every year since 1984, heart disease has killed more women than men.

Unfortunately, far too many people are unaware of these grim statistics. So much focus has been placed on heart disease in men, it has received little attention in women. Too little emphasis has been placed on conducting research into cardiovascular disease specifically in women—despite the fact that there are physiological differences between men's and women's hearts. Many of the diagnostic tools used to detect cardiovascular disease were developed for men and are thus less effective in women. For example, one study showed that treadmill stress tests, used so frequently to diagnose heart disease, product up to 35 percent misleading results in women. Furthermore, women get poorer treatment for cardiovascular problems—they are twice as likely to die after a heart attack, twice as likely to have a second heart attack within two weeks of the first, and more than twice as likely to die after coronary bypass surgery.

It is important not only that medical researchers focus more on gender disparities in heart health and treatment delivery, but also that more women become aware of the preventative steps they can take to prevent heart disease. Smoking cessation is crucial—27 percent of American women smoke, and smoking is the most controllable risk for heart disease. Equally disconcerting, 70 percent of American women do not exercise regularly, another major risk factor for cardiovascular illnesses.

That is why I am so proud to see that the Women's Heart Foundation is bringing attention to these issues with Women's Heart Week. On February 1, WHF, along with Robert Wood Johnson University Hospital in New Brunswick, NJ, will offer a free public program including blood pressure and cholesterol screenings, cooking demonstrations, and discussion panels. Throughout the rest of the week, further events will teach heart-healthy shopping and medication safety.

Mr. Speaker, I would like to ask that all of my colleagues here in the House encourage their constituents to participate in Women's Heart Week. Together, we can help raise awareness of the silent killer that continues to take so many of our wives, sisters, mothers, and daughters.

DAVID B. HARRITY

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BASS. Mr. Speaker, in 1965, David B. Harrity began his career with the Department of Housing and Urban Development (HUD) in Philadelphia, providing assistance to HUD's customers throughout Pennsylvania and southern New Jersey. In 1971, he became the first Low Rent Housing Specialist in New England, working in the Boston Regional Office with all six of the states' Housing Authorities. When HUD created the Executive Identification and Development Program in 1974, David was one of twenty-one individuals selected from a nationwide competition of more than 700 to participate in the Leadership Training. Following completion and receipt of a certificate from the Urban Executive Program of the Sloan Management School at the Massachusetts Institute of Technology, David was appointed Special Assistant to the Regional Administrator in 1975.

In 1978, David continued to serve the Department as the Director of Housing Development and Management of the Hartford, Connecticut, HUD Field Office. In this capacity, he led a team of staff professionals who worked closely with HUD customers, providing mortgage insurance, housing subsidies, and management oversight of housing. Responding to local need in 1988, David joined the Connecticut Department of Housing, where he administered HUD's Section 8 Existing Certificate and the Small Cities Community Development Block Grant Programs.

In October of 1992, HUD Secretary Jack Kemp appointed David as Manager of the Manchester office, where David brought his customer-oriented "can-do" attitude to assist customers and clients in New Hampshire, Maine, and Vermont. Despite the numerous reorganizations of the Department, his approach has always been to support and work with local officials to maximize HUD's program benefits for the 234 cities and towns in New Hampshire. Although the representative of a federal agency, David instilled in staff a willingness to accommodate local officials and administer HUD's programs in a manner best meeting local needs. An affirmation of his leadership skills is the recent Quality Management Review. Conducted by peers from HUD offices nationwide, the Review resulted in one of the highest overall ratings of any HUD office.

David's philosophy of giving to the community is reflected in his other activities. He is President of the Board of Directors of "The CareGivers, Inc.," a nonprofit organization whose mission if "helping the frail, elderly and disabled to maintain their independence and dignity." In addition, David is the past President of the NH Federal Executive Association as well as an "Ambassador" of the Greater Manchester Chamber of Commerce. Furthermore, he is a Class of 2000 graduate of "Leadership Manchester" a program administered by the Chamber to increase understanding, coordination, and cooperation amongst community leaders. Finally, David serves as a "Granite State Ambassador," greeting visitors at the NH Information Kiosks in both the airport and Downtown Manchester, and as a Board of Director of the Manchester Rotary Club.

ANTONE SOUZA: MAN OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, people who continue to believe that there is a conflict between historic preservation and economic development have obviously never been to New Bedford, Massachusetts. A few days ago I had both the honor and the pleasure of participating in the sixth annual public reading of Moby Dick, one of the great works in American literature, the opening pages of which are set in New Bedford. Our reading takes place at the Whaling Museum, which is one of the important features of the national Park which we established as a tribute to America's whaling history. Integrating respect for the cultural and aesthetic heritage of the 19th century with the economic demands of the 21st is a difficult job, but done right, is an extremely rewarding one for the people not just of New Bedford but of the entire region, and indeed of the state. No one has been more effective in working at this task than Antone Souza, which explains why the New Bedford Standard Times made him its Man of the Year for 2002.

I have myself benefited enormously from Tony Souza's tutelage in trying to help these efforts, and I invite all of my colleagues who do not understand how preservation of a city's heritage is not only not an obstacle to economic development but, properly understood, a strong engine for it, to visit us in New Bedford.

And an important part of any such visit should be time spent with Tony Souza, whose experience and expertise in this area so potentially valuable for so many parts of America is always available, because of his passion for what he does, and his generosity in sharing his experience.

Mr. Speaker, I want to join in congratulating Tony Souza on being made Man of the Year, and even more important, in thanking him for the enormous contributions he has made to New Bedford, and to our national heritage. And in accord with our rules about being clear as to any conflicts of interest that might potentially arise, I am proud to note that he is the husband of my Deputy District Director, Elsie Souza. Together they form an extraordinarily effective partnership in so many ways.

Mr. Speaker, so that Members can fully understand the important public policy implications of the thoughtful approach to preservation which we take in New Bedford, I ask that the New Bedford Standard Times article on Antone Souza be printed here.

SOUZA SYNONYMOUS WITH REVITALIZATION

(By Jack Spillane)

If Tony Souza's ideas were like footprints, those footprints could be seen throughout the city of New Bedford, and even into the surrounding towns.

From the restoration of the Zelterion Theatre to the renovation of the Grinnell Mansion on County Street, Mr. Souza has, for more than a quarter century, fought the battle to preserve the architectural gems of New Bedford's past.

The executive director of the Waterfront Historic Area League since 1996, Mr. Souza is the latest in a long line of city preservationists who have, over time, reinvented a downtown that was once considered the worst section of the city.

For his body of work, Mr. Souza is The Standard-Times New Bedford Man of the Year for 2002. Nominations came from the community and the newspaper staff, with a newsroom committee making the final selection,.

It has been a rewarding labor for Mr. Souza.

"The first time I went in (the Zeiterion) after it was restored and I saw all the kids enjoying the live theater that none of us had the opportunity to view when we were growing up, I literally cried," he said.

Mr. Souza sees himself as far more than a preservationist; he says he's also an educator for the city's working-class children, regularly going into the schools to talk about architectural history.

Mr. Souza also sees historic preservation as a spark plug for the community's business growth.

He gives the example of the Star Store's restoration and conversion into a UMass-Dartmouth campus spurring shop and restaurant growth downtown.

"Historic preservation is economic development," he said.

The past year has been a particularly successful one for Mr. Souza and WHALE.

The nonprofit group, after struggling for many years, raised some $600,000 and has stabilized the structure of the Corson Building, a key textile-era commercial structure in the middle of the National Park.

The most ambitious project in the past year was a private-public partnership with developer Hall-Keen LLC to save five abandoned downtown office buildings.

Urban planners believe one of the keys to reviving downtown is to restore residential housing. When professional residents live downtown, they says, the shops and restaurants follow.

WHALE won three prestigious awards this year, one of them from the National Trust for Historic Preservation for the best managed preservation organization in America.

"WHALE has always looked at projects that no one else can handle and assumes those projects for itself," said former Mayor John K. Bullard.

"This takes guts, intelligence and lots of support. That effort would not be happening, without Tony Souza's leadership.

TRIBUTE TO CAPTAIN MAUREEN A. ALLEN

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. EVERETT. Mr. Speaker, it is with great pride that I rise to pay tribute today to a very special American and citizen of my congressional district in Alabama. Captain Maureen A. Allen of the United States Air Force Reserve.

Captain Allen is an Air Reserve Technician Evaluator Flight Nurse assigned to the 908th Aeromedical Evacuation Squadron located at Maxwell Air Force Base in Montgomery, Alabama.

When President Bush called our nation to join the battle against terrorism in response to the terrible attacks of September 11, 2001, Captain Allen responded. As part of her 908th Aeromedical Evacuation Squadron, she volunteered for a 120-day overseas deployment in support of Operation Enduring Freedom.

As the senior medical member of her three-person crew, Captain Allen served in the position of Medical Crew Director, transporting combat and non-combat casualties resulting from operations conducted in the Afghanistan battle theater. She performed her duty of diagnosing and supervising the treating of military patients with the highest level of professionalism and skill, often in challenging environments both in the air and on the ground.

Captain Allen's patients included U.S. combat troops, Special Operations Forces, coalition and friendly forces, as well as civilian casualties and enemy prisoners of war. To be sure, it was not easy work as she and her crew lived in tented facilities and were often called upon to relocate in response to hostile threat or medical necessity.

Captain Allen, whose uncommon service to her nation has resulted in her receiving both the Air Force and Army Commendation medals, the Air Reserve Forces Meritorious Service Medal, the National Defense Service Medal, the Air Force Longevity Service Award Ribbon, the Armed Forces Reserve Medal, and the Air Force Training Ribbon, has not escaped the notice of our President.

President Bush requested that Captain Allen sit with the First Lady during tonight's State of the Union Address here in this Chamber. Personally, I believe the President made a fine choice in honoring Captain Allen for her patriotism. I joined the rest of Alabama in expressing pride in her service beyond the call of duty to America.

CIBOLA NATIONAL WILDLIFE REFUGE CORRECTION ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HUNTER. Mr. Speaker, today I am introducing legislation on behalf of my friend, Mr. Frank Dokter, to right a past error by the Department of Interior in designating the Cibola National Wildlife Refuge. In the last Congress, similar legislation that would have adjusted the Refuge boundaries to allow a family business to continue, was passed by the House, but unfortunately did not see similar outcome in the Senate.

Mr. Dokter and his family operate Walter's Camp, a Bureau of Land Management (BLM) concession on land near the lower Colorado River in Imperial County, California, near and within the Cibola Refuge. The facility provides visitors with a family-friendly outdoors experience, which includes camping, hiking, canoeing, fishing, birdwatching and rock-hounding. In an increasingly crowded Southern California, Mr. Dokter and his family have provided a welcome diversion from city life to many of the region's outdoors enthusiasts.

Walter's Camp was first authorized in 1962, and in August 1964, Public Land Order 3442 withdrew 16,627 acres along the Colorado River to create the Refuge. The withdrawal erroneously included the 140.32 acre Walter's Camp, but neither the BLM nor the Fish and Wildlife Service immediately recognized the mistake. The BLM continued to renew the original permit, allowing the recreational concession use to continue unbroken until the present time. However, given the discovery of the past mistake, the BLM does not have the authority to continue issuing the concession contracts to Walter's Camp.

The Fish and Wildlife Service and the BLM agree that the land has "insignificant, if any, existing . . . or potential . . . wildlife habitat value," as stated in a Department of Interior memo. Therefore, I have introduced this legislation to correct this mistake and allow the BLM to continue to issue contracts to Walter's Camp.

Again, Mr. Speaker, I offer my sincere recommendation that this land be taken out of the Cibola National Wildlife Refuge, and that Mr. Dokter's family be allowed to continue their valuable and productive service to our region.

VIOLENCE AGAINST WOMEN CIVIL RIGHTS RESTORATION ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CONYERS. Mr. Speaker, I am proud and honored today to be joined by Ms. BALDWIN, Mrs. MALONEY and 80 other co-sponsors to introduce the "Violence Against Women Civil Rights Restoration Act of 2003." The Violence Against Women Act of 1994 ("VAWA") was historic legislation that contained a broad array of laws and programs to address domestic violence and sexual assault in our country.

In addition to funding numerous programs such as law enforcement and prosecution grants to combat violence against women, a National Domestic Violence Hotline, and battered women's shelters and services, VAWA created both civil and criminal causes of action to target domestic violence and sexual assault.

In 2000, the Supreme Court struck down a provision of VAWA, which allowed victims of gender-motivated violence to sue their attackers in Federal court. Importantly, that case, United States v. Morrison, 529 U.S. 598 (2000) did not affect the validity of the rest of VAWA, which is clearly constitutional. But, Morrison is just the latest in a series of cases in which the Supreme Court has, in my view, improperly narrowed Congress' authority to legislate under the Commerce Clause.

The Court's 5–4 majority disregarded the mountain of evidence that Congress had amassed through four years of hearings, documenting the effects of violence against women on interstate commerce. The Court's majority substituted its own judgment for that of Congress—and this from supposedly "conservative" Justices who purport to defer to Congressional findings.

In response to the Morrison decision, I am introducing the "Violence Against Women Civil Rights Restoration Act of 2003." This legislation will restore the ability of victims of gender-motivated violence to seek justice in Federal court, where there is a connection to interstate commerce.

For example, a rape victim could bring a civil suit against her attacker in Federal court where the attacker crosses a state line; if he uses a facility or instrumentality of interstate commerce—such as the roads, the telephone, or the Internet; or if he uses a gun, weapon, or drug that has traveled in interstate commerce. In addition, she could bring a case where the intent of the offense is to interfere with her participation in commercial or economic activity.

The bill also authorizes the Attorney General to prevent discrimination in the investigation and prosecution of gender-based crimes. This bill will ensure that all victims have fair and equal access to the courts.

I want to thank the domestic violence and sexual assault communities for their support of this legislation, especially NOW Legal Defense and Education fund, who defended Christy Brzonkala before the Supreme Court, and who has been instrumental in drafting this bill.

I look forward to working with the Majority, the Senate, and the White House to help pass this bill into law and restore the civil remedy for victims of gender-based violence.

A SPECIAL TRIBUTE TO CAROLINE GRETICK, 2003 RECIPIENT OF THE ATHENA AWARD

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding woman from the Fifth Congressional District in Ohio. Caroline Gretick, of Bryan, Ohio, is a Consumer Advocate at the Four County Alcohol, Drug Addiction, and Mental Health Services Board (ADAMHs). She is being awarded the Bryan Chamber of Commerce and Stan Pepple Motors ATHENA Award. This is the twelfth presentation of the award presented annually by local Chambers of Commerce throughout the United States as well as several other countries. The award is given to individuals who exemplify excellence in their business or profession, who serve the community in a meaningful way and who assist women in developing their leadership potential.

Mr. Speaker, Caroline was the Co-Founder of the Bryan Montessori Pre-School, 1967–69. She was the Co-Director and a Teacher for the Williams County Head Start Program, 1966–71.

From 1981–91 she served at the Bryan Community Hospital. There she conducted interviews and developed statistical information for Certificates of Need for CAT-scan procedures. During her time there, Bryan Community was the smallest hospital to receive such approval. In addition to this duty, Ms. Gretick vetted applicants seeking hospital privileges. She was also the First Administrative Assistant at the Bryan Area Health Education Center.

Since 1993 Caroline has been a Consumer Advocate at the Four-County ADAMHs. There she has formalized existing depression support groups. She has also established and developed an extensive lending/research library at the ADAMHs Board offices. The library includes materials relating to brain disorders, to include depression, bi-polar disorder, anxiety disorders and schizophrenia.

Ms. Gretick has attended and reported on annual conferences of the Depression, Bi-Polar Support Alliance (DBSA) and the National Alliance for the Mentally Ill (NAMI). She has served as a liaison with national and state mental health organizations such as NAMI and DBSA and also the Ohio Depression Awareness, Recognition and Treatment (DART) organization. She has been instrumental in providing regular educational programming on depression at the Correction Center of Northwest Ohio (CCNO) and the Juvenile Detention and Rehabilitation Center.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Caroline Gretick. Our communities are served well by having such honorable and giving citizens, like Caroline, who care about their well being and stability. We wish Caroline and her family all the best as we proudly pay tribute to her accomplishments.

LEGISLATION TO PROVIDE FUNDS FOR THE REPAIR OF HOMES DAMAGED BY HURRICANES

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BALLANCE. Mr. Speaker, today I am joined by my colleagues Representatives WALTER JONES, MIKE MCINTYRE, and BOB ETHERIDGE, in introducing legislation to provide elderly residents of North Carolina affected by floods with resources to repair their homes. Despite the fact that several years have passed, the effects of the catastrophic flooding from a succession of hurricanes in the late 1990s continue to be felt in North Carolina even today.

Thousands of North Carolinians suffered major damage to their homes and have yet to make the necessary repairs. As is often the case in situations like this, it is those who are already vulnerable who are affected most. In this case, the elderly have suffered disproportionately. Because many of the elderly are on fixed incomes, their ability to pay for home repairs is often limited.

The late 1990s were an incredibly challenging time for Eastern North Carolina. For several years in a row, hurricanes struck our communities with torrential winds and tremendous rains. Hurricane Floyd alone was responsible for 51 storm-related deaths in North Carolina, the destruction of over 7,000 homes, and made 17,000 additional homes uninhabitable. Overall damage to the state of North Carolina was estimated at over $6 billion dollars, making it the most costly natural disaster in the history of North Carolina. The hurricane flooded a combined area of 18,000 square miles, an area roughly twice the size of Vermont.

This legislation gives to the North Carolina Commissioner of Agriculture the authority to provide funds to low-income seniors in Eastern North Carolina for the purpose of home repair. The need is considerable. In fact, rural development officials in Raleigh tell me that they have over $1 million in pending applications from the elderly seeking to repair their homes but zero resources with which to address this matter. This legislation gives to the state of North Carolina the ability to respond to this need.

Though Hurricane Floyd may be just a memory to many, the residents of Eastern North Carolina continue to confront the challenge of rebuilding our communities on a daily basis. This legislation is a modest but important step that will enable our senior citizens to remain in their homes and to make the improvements necessary to render them habitable once again.

I am happy to say that this bipartisan legislation is founded on the shared recognition of both Republicans and Democrats that much work remains to be done to recover from the flooding that devastated our communities and I thank my colleagues for joining me in this effort. Our junior Senator, Mr. EDWARDS, is also a part of this effort and was recently successful in including language that is identical to this bill in an appropriations bill that is expected to be completed within several weeks. The bipartisan support for this bill is proof that the Edwards language should remain in the bill that the President will eventually sign.

TRIBUTE TO ANN S. MILLER AND TED MALIARIS

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to recognize Ted Maliaris and his mother, Ann S. Miller, for their patriotic effort in promoting their "A Tribute to America Tour."

Following the events of September 11, mother and son team Ann Miller and Ted Maliaris wrote and produced the song "A Tribute to America—A 21st Century Anthem" in hopes of lifting the spirits of the American public and members of our armed forces. These lyrics stand as a monument to the pride of the American people:

Our tears may fall and our hearts may be shattered, but deep down in our souls we are
Strong, we are proud, we are bold.
We have freedom in our land, we will fight for our rights, we will stand up for the brotherhood of man.
America America America

America you're Grand
We have the strength, we have the power, no terrorist could ever withstand.
We will not hide, we will not cower, we will stand up for the rights of our land.
We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America red, white and blue
America, this song we sing for you
In times of need, compassion fills our hearts, in times of dismay we are strong. We're a land of freedom, a land of peace, and no one can take this away.
We're America, America, America
America you're Grand
No one can destroy us through thick or thin we're a nation that was built to survive
No terrorist plight can destroy our sight or the strength of this motherland.
We're America, America, America
America you're Grand
God extended his hand and has given us faith, for we will stand tall and proud.
We're a land of freedom, a land of peace, a land like no other land.
We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America, America you're Grand America,
America you're Grand

Mr. Speaker, I respectfully urge the House to join me in paying tribute to these two fine Americans: Ann S. Miller and Ted Maliaris.

TRIBUTE TO CULVER-STOCKTON COLLEGE

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HULSHOF. Mr. Speaker, I rise today to honor the 150th anniversary of Culver-Stockton College, which is located in Canton, Missouri.

Culver-Stockton College was founded as Christian University by early leaders of the Christian Church (Disciples of Christ). Canton, Missouri was chosen as the school's location based on the close proximity to the Mississippi River and the enthusiasm for higher education shared by the Lewis County Disciples. The State of Missouri issued the college's charter on January 28, 1853. In 1917, Christian University was renamed Culver-Stockton College to honor benefactors Mary Culver and Robert Stockton.

Culver-Stockton's visionary founders were clearly ahead of their time. The school was the first college chartered west of the Mississippi River to educate both men and women. As both Christian University and Culver-Stockton College, the school has compiled a proud record of accomplishment and has made a meaningful contribution to the community throughout its history.

The forward-thinking ideas that are the foundation for Culver-Stockton College still influence the school today. Culver-Stockton is a 4-year residential, coeducational college that asks its students to realize their full potential. The college's alumni are living proof of the professional, personal and social service development that is cultivated on Culver-Stockton's campus. The college's administration, faculty and staff are committed to educational excellence, character development, and the integration of liberal arts.

In recent years, Culver-Stockton has achieved distinctions that include being named one of America's Best Christian Colleges, inclusion in the Templeton Foundation's "Colleges that Encourage Character Development" and membership in the Lilly Fellows Program in Humanities and the Arts.

With its Sesquicentennial Gala Week, Culver-Stockton College launches a year-long celebration of its 150-year history. This provides the opportunity to not only reflect on the school's past contributions, but to appreciate the important role the college continues to play in educating our future leaders. I congratulate both Culver-Stockton's administration and student body on achieving this milestone in education history.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RYUN of Kansas. Mr. Speaker, regrettably, yesterday my flight was delayed and I was unable to return to the House in time to vote on H. Res. 25, and H. Res. 26. 1 ask unanimous consent that the RECORD reflect that had I been present for the votes, I would have voted "yea" on rollcall No. 13, H. Res, 26, and "yea" on rollcall No. 14, H. Res. 25.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 26, a resolution honoring the contributions of Catholic schools. I am pleased to have voted for this bipartisan resolution when it was passed unanimously by the House of Representatives last night.

The tremendous success of Catholic schools is evident around the country and particularly in the Fifth Congressional District of Illinois where outstanding scholastic progress has been achieved in schools like St. Ferdinand Catholic Elementary, St. Patrick High School, and Notre Dame High School for Girls. These schools provide strong academic curriculums and engender significant parental involvement. They not only teach students the importance of academic achievement, but also provide a balanced perspective on life that promotes responsibility, justice and social service.

Catholic schools also promote ethnic and racial diversity. Increasing numbers of children in Catholic schools in my district come from our minority communities. We must also recognize that students in Catholic schools are achieving exceptionally high graduation rates with increasing numbers advancing to higher education and giving back to the community through volunteer service.

It is also important to recognize that the Catholic school experience fosters more than just scholastic excellence. It provides spiritual guidance to students by encouraging fundamental ideals and an appreciation for family values, community service, and faith in their own lives. This, in turn, shapes Catholic school students into leaders of tomorrow.

Mr. Speaker, I support this important resolution and encourage Catholic schools in my district and across the United States to continue contributing to the development of strong moral, intellectual and social values in America's young people.

EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, on January 27, 2003, I was in my Congressional District in Rhode Island and consequently I missed two votes.

Had I been here I would of voted: "yes" on H. Res. 25 and "yes" on H. Res. 26.

PRE-BUTTAL TO PRESIDENT BUSH'S STATE OF THE UNION ADDRESS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to submit for inclusion into the RECORD a copy of a letter sent to President Bush on Monday, January 27, 2003. In the letter, I express my views as a "pre-buttal" to President Bush's State of the Union Address on Tuesday, January 28, 2003.

JANUARY 27, 2003.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: For the past few weeks, I have been away from my Washington office recovering from a surgical procedure. This time away has allowed me to live as a normal American outside of Capitol Hill. I have been an ear and a shoulder for my constituents and many normal/working, people who are concerned and worried about the economy, civil rights, education, war and other legitimate fears. These conversations have compelled me to share the thoughts and sentiments of numerous citizens who have telephoned, faxed and e-mailed me about the dismal state of our Union.

Mr. President, have you not noticed that there are others, actually the majority, in this country that do not subscribe to your very Republican morals, issues, and policies? On Tuesday when you speak to the nation, please tell us the real state of our Union and what you plan to do about it! The current situation under your leadership can be better labeled as a state of DISUNION . . . especially as it refers to your party's policies and positions on war, civil rights and the overall domestic agenda.

In these times of domestic disarray and homeland alarm, you are acting as a playground bully picking fights on a global scale when there are more pressings issues in your own front yard. There is little doubt that world issues are very serious and unsettling today. But, the United States of America can not serve as world police, especially now when we are faced with a continuing battle for basic civil rights, the education of our children and the safety of our families right here at home. President Bush, you are taking a hard position and standing your ground on the wrong issues . . . and you're standing nearly alone. Major United Nations member countries have expressed their displeasure with your insistence upon a personal vendetta against Saddam Hussein. It is estimated that a new Bush war with Iraq will cost this country $6 billion to $9 billion per month! Wouldn't that money be better spent securing prescription drug coverage for our seniors, keeping hospitals open and operational or funding programs like No Child Left Behind and the Vote America Act that have cleared the legislative process but stand stagnant due to frozen resources.

Wouldn't this country's most important resource, our young people, be better utilized as productive, college-educated members of society rather than soldiers in a war that nobody wants? Your insensitive, detached administration recently demonstrated its misguided position on civil rights in higher education for minorities and women. President Bush, your own educational career was aided by preferential treatment. The only difference between the University of Michigan's admissions policy and your educational career is that the Bush special treatment was based on affirmative influence rather than affirmative action. The Michigan policy is not far removed for other points systems that award advantages to the children of board members, graduates of the institution and major donors to the university. Your hypocritical stance on the Michigan guidelines totally ignored the fact that policies of this sort are more than necessary and only start to alleviate the social and economic shortfalls of the citizens they are designed to assist. Millions of people are concerned that with the recent attack on affirmative action will come an overall evaporation of all civil rights for minorities and women. Mr. President, would you please tell the American people how you plan to promote the attainment of diverse student bodies at institutions of higher education? We must equal the educational opportunities for less fortunate citizens so that those without the affirmative influence of a U.S. President and a grandfather who sits on the board of trustees at Yale can earn a quality/marketable education as well.

Armed with such an education and life training, less affluent citizens will go on to have better paying jobs that will allow them to spend more on the necessities and spoils of life. What better way to stimulate the economy than to put more money in the hands of the largest section of the population of this country . . . the middle class American? Your new proposed tax plan would do nothing for the working American. Tax cuts will only put money in the pockets of those who already have it. Didn't you learn anything from your 2001 tax cuts which reversed the positive progression of the economy that was cultivated by the last administration and managed to bankrupt the country in record time? The Federal budget under your management has gone from a $236 billion surplus to a $159 billion deficit in merely 2 years . . . a $395 billion swing of our economic prosperity. Have you learned nothing from the $10 billion shortfall facing the state of Texas caused by your tax cuts as its governor? If we always do the same things we've always done, we will always get the same results we've always gotten! Mr. President, please tell us, the American people what you plan to do to regain the confirmed economic success of the Clinton administration that promoted the lowest unemployment numbers in decades, garnered higher wages and home purchases for the middle class, and saw industry and the stock markets flourish. Please address the fact that millions of Americans have lost their jobs, with their children being forced to leave college to come home to foreclosed homes and bankrupt parents.

What "is" the true state of the Union? Mr. President, knowing your heart and compassion as I know it, would you please address the very real issues I've put forth for and with the American people. We all would like to hear a plan that will benefit the masses and put us back on the path to financial stability, civil and social equality, and PEACE at home and abroad.

Sincerely,

EDDIE BERNICE JOHNSON,
Member of Congress.

AN EXCELLENT ARTICLE OUTLINING THE GREATER SIGNIFICANCE OF A SOLUTION TO THE CYPRUS QUESTION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ANDREWS. Mr. Speaker, I rise before you today to bring to the attention of my colleagues an article that appeared in the National Review Online on January 14, 2003. This article, written by Nikolas K. Gvosdev, artfully details the greater significance of a solution to the division of Cyprus. I ask that my colleagues please review this article, and keep it in mind as we continue our efforts in the 108th Congress.

[From the National Review Online, Jan. 14, 2003]

CYPRUS, IRAQ, AND THE WAR ON TERRORISM

(By Nikolas K. Gvosdev)

At first glance, Cyprus would appear to have little connection to either the forthcoming clash with Iraq or the ongoing war against international terrorism. Yet, the fate of this divided Mediterranean isle is closely linked with both. British Defense Minister Geoff Hoon, visiting Turkey in an effort to enlist Ankara's full participation in any potential military action against Iraq, said on January 8th that it was critical to demonstrate to Baghdad that the international community was "not simply going to pass resolutions and not see them enforced" and that "we restore Iraq to the international community as a peaceful neighbor of Turkey, that we work together to ensure a peaceful outcome to the present difficulties." Both outcomes are far more likely if a U.N.-drafted peace plan for Cyprus is accepted as the basis for a final agreement that would end a longstanding source of instability and tension in the Eastern Mediterranean.

Much attention has been rightfully focused on the February 28th deadline for a settlement. If an agreement cannot be reached, only the portion of the island controlled by the internationally recognized Republic of Cyprus will be admitted, leaving the unrecognized "Turkish Republic of North Cyprus" outside of the common European home, and further impeding the eventual accession of the Turkish mainland into the EU.

But there are more immediate consequences. Carl Bildt, former U.N. Special Envoy for the Balkans, observed that a settlement for Cyprus "concerns not only a divided island in the eastern Mediterranean, or the relationship between two important countries straddling the divide between Europe and the Middle East. It is of key importance in the quest for peace and stability in the entire post-Ottoman area that stretches from Bihac in Bosnia in the north-west to Basra at the Persian Gulf in the south-east."

The peace plan put forward by Kofi Annan envisions a bi-zonal, bi-communal federation for the island. Admittedly, it is not a perfect solution, for it tries to balance between the competing and clashing claims to self-determination of Cyprus's Greek majority and Turkish minority. What it attempts to do is to provide a workable mechanism for two communities to live and co-exist in shared geographic space within the framework of the internationally recognized Cypriot state and under the rubric of a common Cypriot nationality that does not require ethnic homogenization. At the same time, it hopes to prevent the opening of a Pandora's box that could plague the entire Eastern Mediterranean: revising state boundaries; a plague that many fervently hoped the 1975 Helsinki Final Act had banished from Europe once and for all.

Iraq faces many of the same issues that bedevil Cyprus. Its current solution has been to subordinate all regional and ethnic groups to the personal, dictatorial tyranny of Saddam Hussein. When his regime falls, however, something must take its place. Simply dividing Iraq into three "cantons" (a Shiite province in the south, a Sunni center, and a Kurdish statelet in the north) is a recipe for disaster. Not only does such a "solution" fail to consider that populations are not neatly segmented (Baghdad, after all, has a largely Shiite population) and ignore other ethnic minorities dispersed throughout the country, it would preclude any central "Iraqi" identity from developing. This, in turn, would increase the risk of regional strife that would draw in neighboring states. (I commend readers to Dan Byman's excellent essay on this subject.)

On the other hand, a functioning Cypriot bi-zonal, bi-communal federation could serve as a model for reconstructing postwar Iraq in a fashion that respects local autonomy yet permits freedom of movement and investment across Iraq, allows for the creation of a durable Iraqi "identity" and maintains a viable Iraqi state within its current boundaries.

Another reason for making a settlement on Cyprus an urgent priority is that it can produce momentum toward solving other lingering conflicts in the Balkans and the Caucasus that have produced "brown zones" (whether unrecognized statelets like Abkhazia or ill-defined international protectorates like Kosovo) where definitive state authority is lacking. Such "holes" in the international system help to facilitate the activities of terrorists, organized crime factions and drug smugglers. If a workable bicommunal, bi-zonal federation can be created for Cyprus, it could then serve as a model upon which solutions for ethno-separatist conflicts such as Nagorno-Karabakh or TransDniestria could be crafted. It might also help to redefine and strengthen currently weak states such as Bosnia, which endures largely because of the ongoing infusion of outside capital and troops to sustain the Dayton Accords. Crafting more viable states throughout the arc of Eurasia serves long-term American interests as well. After all, the best means for weakening international terrorist networks are effective governments that can police their borders and exercise supervision over their territories.

Cyprus is not simply a "European" problem. It requires continued American effort as well. It is not a "distraction" from the larger problems that beset the United States. Rather, Cyprus may provide a way to deal with larger headaches in the years ahead.

IN HONOR OF THE OPENING OF AN EXHIBIT HONORING MARY BAKER EDDY AT PACE UNIVERSITY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. NADLER. Mr. Speaker, I rise today to commemorate the opening of an exhibit honoring Mary Baker Eddy at Pace University in downtown New York City. Today, Pace University will host a reception honoring "This is Woman's Hour . . .," a nationally acclaimed exhibit that has traveled around the country educating Americans about the extraordinary life of Mary Baker Eddy, one of the 19th century's greatest women pioneers.

I am pleased to welcome this exhibit to my Congressional district. Mary Baker Eddy may not be as widely known as Susan B. Anthony and Elizabeth Cady Stanton, but she was well known to them. As an author, religious leader, and health reformer, Mary Baker Eddy was one of the first American women to live the life envisioned by the leaders who gathered at Seneca Falls in 1848 for the First Woman's Rights Convention. Commenting on Eddy's success as a spiritual leader, Susan B. Anthony said, "for nineteen hundred years . . . man has been much occupied establishing faiths and formulating creeds for woman to follow . . . . When woman does write her creed, it will be one of right actions, not of theological theories." Eddy's major work, published in 1875, was honored over a hundred years later by the Women's National Book Association as "one of 75 books by women whose words have changed the world." In 1908, at the age of 87, Eddy founded The Christian Science Monitor, which is known today around the world for its commitment to excellence and journalistic integrity.

Mary Baker Eddy has been honored by the National Women's Hall of Fame and the National Foundation for Women Legislators, and the exhibit now open at Pace University has received the praise of leaders in every city and state it has visited. It is now my pleasure to welcome this exhibit to Manhattan. It is fitting that this exhibit opens just a few blocks away from where the World Trade Center once stood; as we come together to envision the kind of future we hope to create, in our city, our country, and around the world, it is wise to remember Mary Baker Eddy's words: "The right of woman to fill the highest measure of enlightened understanding and the highest places in government is inalienable . . . This is woman's hour."

RECOGNIZING THE ACCOMPLISHMENTS OF EVE W. PAUL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Eve W. Paul, vice president and general counsel of Planned Parenthood Federation of America. Ms. Paul is retiring after 25 years of distinguished service to that indispensable and life-enhancing organization.

In her long career as an attorney, Ms. Paul has devoted herself to women's rights. She was on the board of the Stamford (Connecticut) League of Women Voters, and she was director and general counsel of the Connecticut Women's Bank.

Before coming to Planned Parenthood Federation, Ms. Paul served as a staff attorney with the Legal Aid Society, in its Family Court Branch, a post that reflected her life-long commitment to the welfare of women and children.

While serving Planned Parenthood, Ms. Paul headed the Legal Analysis Project. In that capacity she prepared a study of U.S. laws on family planning. She also has written extensively on reproductive health care issues, including abortion, contraception, and minors' rights.

Throughout her career Ms. Paul has been an advocate for reproductive freedom, and has worked on a number of landmark cases that secured for women the fundamental human and civil right to make their own childbearing choices.

I am honored to congratulate Eve W. Paul on her retirement. Her work in the service of human rights has left the world a better place. We wish her well.

HONORING THE INDO-AMERICAN COMMUNITY FEDERATION AND ITS FOUNDING PRESIDENT, JEEVAN ZUTSHI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the Indo-American Federation and its Founding President, Jeevan, Zutshi on the occasion of the Federation's second annual Unity Dinner. Until 1995, Mr. Zutshi served as senior Vice President of the Federation of Indo-American Associations (F.I.A) focused on assisting new immigrants and educating youth.

The Indo-American Community Federation, founded in 1994, is an organization committed to promoting Indian socio-cultural heritage and the assimilation of Indo-Americans in mainstream America through participation and involvement.

In the aftermath of the September 11th terrorism attack, Mr. Zutshi convened Unity Dinner 2002 to bring the community together. Elected officials and community leaders were among the over 400 individuals representing California's diversity who attended Unity Dinner 2002. This year's Unity Dinner will be held on January 24, 2003 and will build on the success of the Federation's efforts to maintain positive intercultural ties.

Jeevan Zutshi fully exemplifies the goals of the Indo-American Federation. He has been an energetic voice for community acceptance of different cultures since he emigrated to the U.S. from Kashmir, India in 1972. In addition to the Indo-American Kashmir Forum, Mr. Zutshi is a founding member of the Indian American Friendship Council, the Federation of Indo-American Association of Northern California, and the Kashmiri Overseas Association.

I commend the Indo-American Community Federation and its founder Jeevan Zutshi for their important contributions to our community.

100TH ANNIVERSARY OF KOREAN IMMIGRATION TO THE UNITED STATES

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. FERGUSON. Mr. Speaker, I rise today to recognize the 100th anniversary of Korean immigration to the United States and the many contributions that Korean Americans have made to our great country.

The history of Korean Americans is rich in hard work, perseverance and the overwhelming desire to succeed. When the first Korean immigrants left their homeland in 1903, for a new world and an unknown future, they were unsure of what to expect. Numbering only 56 men, 21 women and 25 children, their journey brought with them the same hopes and dreams of all people seeking the promise of a better life in America.

For the past 100 years, thousands of Koreans have followed the lead of those first pioneers. Over the past century, Korean Americans have made numerous contributions to American society, American culture and our economy.

Today, Korean Americans are a thriving part of the American fabric and are poised to begin a new century of success in the United States. I believe their dedication to this country deserves the highest honor and praise.

I congratulate all Korean Americans on the 100th anniversary of Korean immigration to the United States. I offer my blessings for a safe and prosperous future.

TRIBUTE TO JONATHAN BYRD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a native South Carolinian and extraordinary young athlete, Mr. Jonathan Byrd. With his monumental victory at the Buick Challenge last year, Mr. Byrd became the first person to win on the PGA TOUR in his rookie year since Jose Coceres. Jonathan began the season ranked 404th by the Official World Golf Ranking and, by season's end, climbed to an amazing 72nd. Those achievements earned him the well-deserved title of PGA Rookie of the Year.

Jonathan's path to athletic excellence began when he was still a toddler in his hometown of Elgin, S.C. His father, Jim Byrd and good friend and occasional golfing buddy of mine introduced Jonathan to the game of golf at the young age of three. Jonathan first began developing his skills using a 5-iron that was cut down until the grip nearly reached the hosel. He played his first nine holes when in the second grade finishing at 62, and he has only improved since.

Mr. Byrd continued to hone his talent throughout adolescence and into early adulthood. He later won the Northeast Amateur and the Carolinas Amateur, was an All-American selection for three out of his four college years at Clemson University. He was a member of the 1999 Walker Cup Team.

I have followed Jonathan's career and have had the pleasure of golfing with him in South Carolina. I can personally attest to his extraordinary talent and strength of character. His success is a reflection of the overwhelming support he has received from his family, his community, and supporters. Their investment and faith in him have been justly rewarded.

Mr. Speaker, I ask you and my colleagues to join me in applauding Mr. Byrd for his outstanding athletic achievements. His integrity and dedication to physical excellence, and mental toughness are inspiration to all. Mr. Byrd's talent will serve him, his friends and family for many years to come. I extend my most heartfelt congratulations to Jonathan Byrd for his accomplishments, and wish him good luck and Godspeed in all his future endeavors.

MEDICAL MONITORING FOR RESCUE WORKERS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ISRAEL. Mr. Speaker, today I rise to urge the President to spend the funds that this Congress authorized for medical monitoring of firefighters, police officers and others who so bravely responded to Ground Zero on September 11th, 2001.

I worked closely with my colleague, Mr. CROWLEY of New York and the other members of our state's delegation to designate $90 million to screen and evaluate emergency responders for hazardous exposure in the wake of the attacks.

Sadly, the Administration has only spent a fraction of the full amount—enough to fund only 9,000 of 40,000 medical screening examinations. Based on an initial sample of 250 WTC workers, one-half of WTC workers are experiencing ongoing pulmonary problems, ENT symptoms and mental health issues.

I am disappointed that the administration is not spending the additional funds to cover the entire population of heroes who were there when we needed them.

This is a glaring example of the most outrageous priorities. The administration supported spending $187 billion in a farm bill to subsidize America's farmers not to grow crops, but won't spend $90 million to subsidize the health care of America's firefighters.

Mr. Speaker, when farmers need our help, we're there for them with subsidies. When big oil wants a hand-out, we're there for them with lavish tax-breaks. But when a New York City firefighter who was on the job on September 11th needs to be screened for a breathing problem, we tell him we can't afford to help.

I was with President Bush in the immediate aftermath of the attack at Ground Zero. I admired his leadership on that day, when he stood with our firefighters in the rubble. Now, we need his leadership in standing with our firefighters in his budget.

RECOGNITION OF VISTA, CALIFORNIA'S 40TH BIRTHDAY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ISSA. Mr. Speaker, I rise today to celebrate the occasion of the city of Vista, California's 40th Birthday. I am a long-time resident and also have the distinct honor of representing the citizens of Vista in Congress.

Forty years ago Vista was a small agricultural community located in northern San Diego County. The residents felt that the community was being neglected due to its isolation from downtown San Diego. In order for the community to grow and expand, the residents of Vista knew that they would have to unite and incorporate as a city. On January 28, 1963, the citizens of Vista voted to incorporate. The Vistans made the right decision and since its incorporation, Vista has experienced an enormous amount of growth and change. Today, Vista is a community of nearly 90,000 residents.

The people of Vista have always had a strong sense of tradition, family-values, and a value for diversity. For these reasons I chose Vista as the place to raise my family and the ideal place to grow my business. Vista is a community that has successfully linked culture, education, and commerce. Vista hosts a variety of community events year-round and enjoys an award winning public school system. Vista's business-friendly reputation and centralized location between Southern California's trade centers makes it attractive to businesses.

Mr. Speaker, on the occasion of the city of Vista's 40th year of incorporation, I would like to personally thank all the citizens and community leaders that have molded Vista into the community it is today. I wish the citizens of Vista good fortune and continued success in the future.

THE VACCINE INJURY COMPENSATION PROGRAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. NEY. Mr. Speaker, in 1986, Congress established the Vaccine Injury Compensation Program, a no-fault compensation system that provided for quick and fair recovery for those who experience injuries related to a vaccination. It assured that victims would not have to go through long and expensive litigation with uncertain recovery.

Unfortunately, plaintiffs' attorneys recently began to seek ways around the administrative compensation program created by the act. They are trying to somehow distinguish injuries related to ingredients in vaccines from the vaccines themselves. The courts have uniformly rejected these attempts to circumvent the statue. It is the claimants, however, that suffer. Rather than receive the expedient compensation to which they are entitled under the vaccine program, they are drawn through a lengthy court proceeding—ultimately just to find themselves required by the court to file a claim under the no-fault system. Claimants do not lose any rights in this system because as a bipartisan coalition of the Congress set it up, claimants who are not satisfied with the compensation award through the program can then opt to proceed to traditional litigation.

The vaccine ingredient provisions in the Homeland Security Act sought to clarify current law and ensure that claims for all vaccine related injuries go through the vaccine program. Unfortunately, that purpose has been misconstrued in the media due to the manner in which the provisions came to be in the Homeland Security Act. I support the repeal of the vaccine injury provisions to allow for further discussion and explanation of these measures. These measures did not change existing law and their repeal should not be seen as an attempt to change existing law.

TRIBUTE TO TOM CONNELL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of Florida's most cherished and dedicated civil servants, Tom Connell. Tom will be leaving our office at the end of the month to begin his much-deserved retirement and I would like to express my sincere gratitude for all he has given and wish him well in his future endeavors. For the past 5 years Tom has worked as the Veterans' and Military

Affairs caseworker for Florida's First Congressional District. He is the ultimate professional, the greatest of friends, and one of the most valuable members of our organization.

Over 100,000 veterans and 18,000 active duty military personnel reside in the district I represent, giving Mr. Connell the heaviest case-load of all our caseworkers. He continuously brings unique and valuable insight into the primary issues faced in the office, drawing from over 30 years of active duty in the U.S. Navy. Entering the service in 1965, he sailed beneath the open seas as a submariner, serving as Chief of the Boat on three different submarines. For the last 5½ years of his duty, Mr. Connell was appointed Fleet Master Chief of CNET, all the while learning and developing the tools he would need to truly become the district's expert on veteran's affairs and military issues.

Kindly referred to as "Father Tom" around the office, he has infinite patience when dealing with the more challenging casework. Regardless, he listens and genuinely tries to resolve their issues as best he can. The phone on his desk never seems to stop ringing and walk-ins have become a part of his daily routine. A gifted public speaker, Mr. Connell has been an outstanding representative at various veterans rallies and numerous events.

Mr. Connell joined the office with considerable experience as a caseworker and was instrumental in getting the office up and running in very short order. A talented and strong leader, Mr. Connell continuously takes the time to train and advise other members of the staff in an effort to make our office the best it can be in representing the people of Northwest Florida.

Mr. Speaker, at the end of the month I will lose a great member of my team. Not a day goes by where Tom's tremendous sense of humor does not make us laugh and we will miss his unique capability of never letting us forget that we work for the greatest government in the world. Respected and admired by us all, I wish Tom nothing but the best as he embarks on his well-earned retirement with his beautiful wife Billie. He will be truly missed. Tom Connell, you are and always will be a reason for our success.

RECOGNITION OF RANCHO BUENA VISTA HIGH SCHOOL BAND AND PAGEANTRY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ISSA. Mr. Speaker, I rise today to recognize the Rancho Buena Vista High School band and pageantry, an award winning group that was selected from a pool of hundreds of high school bands throughout the United States and abroad to participate in the 114th Tournament of Roses Parade in Pasadena, California.

Rancho Buena Vista High School located in Vista, California, has developed an instrumental music program that is one of the best in Southern California. The marching band, The Rhythm of the Ranch, and pageantry received top awards in the 2001 competitive season by winning the distinction of Grand Champion at the Etiwanda Field Tournament, Lester Oaks Field Tournament and the Savanna High School Field Tournament. The Rancho Buena Vista Drum Line also won the top award and was named Grand Champion in the spring 2001 Drums Across California Competition.

The Rancho Buena Vista High School band and pageantry was one of only 24 bands chosen to participate in this world famous parade. The Tournament of Roses Parade is seen each New Year's Day by approximately one million spectators, a domestic television audience of 80 million viewers, and an international audience of over 350 million people. The Rhythm of the Ranch band members raised the money to participate in the Rose Bowl Parade through extensive fundraising efforts. One of the marching band and pageantry's proudest accomplishments was being featured in an educational video produced by Warner Brothers Publications that was released and premiered at the school in January 2002. The video, Here Comes the Marching Band, was shown in conjunction with a fundraising dinner and the money raised was used to fund the parade trip and cover the costs of new uniforms and equipment.

Mr. Speaker, on the occasion of the Rancho Buena Vista High School band and pageantry's participation in the Tournament of Roses Parade, I would like to congratulate them for their demonstration of excellence in music and performance. I wish them continued success in the future.

HOUSE OF REPRESENTATIVES—*Wednesday, January 29, 2003*

The House met at noon and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 29, 2003.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Tracy A. Carroll, Senior Minister, Community Christian Church, Camdenton, Missouri, offered the following prayer:

God of all nations and the United States of America, bless the House of Representatives as together they converse, contemplate and carve paths of peace, purpose and prosperity for all people. Remind each statesman and stateswoman of sacred trust.

Grant assurance of the goodness of people across this great land as we face various concerns in this generation. In gratitude for institutions of democracy, grant courage to stand and to build consensus.

Guard from partisanship and political pressure. Help each to listen to You and the voices of all people, until unity and harmony are discovered anew for the least and the greatest, immigrant and long-time citizen, orphan and secure child, widow and married, poor and rich, farmer and developer, mentally ill and capable teacher, investor and consumer, employed and unemployed, physically challenged and strong athlete, soldier and protestor, young and the aged, sorrowing ones and ones who rejoice.

Bless the personal lives of our leaders, O God, granting them moments of renewal in the midst of demanding days. Bless the people of the United States and all people in Your world.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. RENZI) come forward and lead the House in the Pledge of Allegiance.

Mr. RENZI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute. The remaining 1 minutes today will begin at the end of the proceedings of today's session.

INTRODUCING GUEST CHAPLAIN, REVEREND TRACY A. CARROLL, COMMUNITY CHRISTIAN CHURCH, CAMDENTON, MISSOURI

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, it is my privilege today to introduce to my House colleagues our guest chaplain, Reverend Tracy A. Carroll, minister of the Community Christian Church in Camdenton, Missouri.

Reverend Carroll was born in St. Joseph, Missouri, and still has many relatives in northern Missouri. After graduating from high school in Des Moines, Iowa, he attended Northwest Christian College in Eugene, Oregon, and later earned a Master's of Divinity from Texas Christian University.

Reverend Carroll is joined today by his wife, Colleen, who is also an ordained minister, working alongside her husband as an associate minister at the Community Christian Church. They have two children, Nathaniel, who is a senior at Camdenton High School, and Tabitha, who is in the 7th grade at Camdenton Junior High School.

Reverend Carroll has devoted his life to the ministry for over 20 years and has served the Community Christian Church in Camdenton since 1992. In the time that they have lived in Camdenton, the Carrolls have become beloved members of the Lake of the Ozarks community. Both church members and members of the community at large talk about Reverend Carroll's compassion and his caring for others.

Reverend Carroll has been very active in community affairs, playing a major role in the Lake Area Ministerial Alliance and with the LAMB House, which provides food and clothing to those in need. He has been on the board of the Citizens Against Domestic Violence, worked with Habitat for Humanity, the Salvation Army, and many other community and youth organizations.

I would like to thank Chaplain Coughlin for his kind invitation to Reverend Carroll to offer the opening prayer, and I would like to thank both Reverend Carrolls for traveling to our Nation's capital to be with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

CONGRATULATING THE TAMPA BAY BUCCANEERS FOR WINNING SUPER BOWL XXXVII

Mr. PUTNAM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 31) congratulating the Tampa Bay Buccaneers for winning Super Bowl XXXVII.

The Clerk read as follows:

H. RES. 31

Whereas, on Sunday, January 26, 2003, the Tampa Bay Buccaneers dominated Super Bowl XXXVII, defeating the Oakland Raiders by a score of 48–21;

Whereas the 27-year-old Buccaneers franchise won the National Football League's World Championship in their first-ever Super Bowl appearance;

Whereas coach Jon Gruden, in his first year as head coach of the Buccaneers, led the team to the pinnacle of success;

Whereas the Buccaneers overcame adversity and defeated the Oakland Raiders, a team credited with possessing the number-one ranked offense in the National Football League;

Whereas throughout the season the Buccaneers were led by a number of players, most notably veterans Warren Sapp, Derrick Brooks and John Lynch, who banded together to form the number-one ranked defense in the National Football League;

Whereas owner Malcolm Glazer's unwavering dedication to bringing together the most talented coaches and players has resulted in the achievement of the most sought-after honor in professional football: the Vince Lombardi trophy;

Whereas the Buccaneers are an integral part of the Tampa Bay community;

Whereas the entire Tampa Bay community is proud of the Buccaneers and their extraordinary season and tremendous accomplishment;

Whereas this championship is especially satisfying to the dedicated Buccaneers fans who have loyally supported the team since their inception in 1976; a very long journey that has culminated in a Super Bowl victory and the recognition that the Buccaneers are the best football team in the world: Now, therefore, be it

Resolved, That the House of Representatives congratulates the World Champion Tampa Bay Buccaneers for their victory in Super Bowl XXXVII.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. PUTNAM).

GENERAL LEAVE

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a great day in the State of Florida. The jubilation, the celebration is still going on in the streets of Tampa and in large cities and small towns all over the Sunshine State as we rejoice in the victory of the Tampa Bay Buccaneers in the Super Bowl XXXVII, a decisive win, the second highest number of points scored in any Super Bowl.

The Buccaneers brought forth a talented offense and a legendary defense with undoubtedly several future Hall of Famers.

Mr. Speaker, I would be remiss if we did not begin by recognizing the man who brought us to the top of that mountain, the youngest coach to ever coach a winning team in the Super Bowl, Jon Gruden, who built on the foundation laid by Tony Dungy and brought spirit, hope and promise to that team by repeating the same mantra: pound the rock, pound the rock, keep pounding away at the opportunities, keep pounding away at the other team's offense, seize the moments and capitalize on the other team's mistakes and weaknesses.

Those outstanding players who were there to back him up, under the visionary leadership of the owners, the Glazer family, were able to capitalize on an opportunity to bring the Tampa Bay area their first Super Bowl championship.

Mr. Speaker, the community spirit that was there, the fans who have suffered through a number of seasons of poor performances, of missed opportunities, they were well rewarded last Sunday afternoon in San Diego. Those fans who have scrimped and saved to purchase season tickets, they have endured a series of coaches, a series of top-notch draft opportunities. They have endured heart-breaking losses in the final seconds, and frankly, embarrassing losses at the beginning of the game for seasons on end. Their determination, their patience paid off; and so this victory, while it is incredibly sweet for the team, it is very altogether fitting and proper for the owners, the real victory is for the fans who have done so much and given so much to keep that team spirit alive, and the Tampa Bay area is, therefore, rewarded with this Super Bowl championship.

Mr. Speaker, I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join with the gentleman from Florida in consideration of this resolution, Mr. Speaker. Since the first professional football game in the United States took place in 1895 in the town of Latrobe, Pennsylvania, football has become one of America's favorite pastimes. As a matter of fact, it is so popular and so etched in the minds and hearts of Americans, until many people stop whatever they are doing when it comes time for the Super Bowl.

The Buccaneers' magical season began at the Magic Kingdom, as the bucks held training camp at the Disney Wide World of Sports Complex. It ended on Sunday with the Bucs defeating the Oakland Raiders in Super Bowl XXXVII for the franchise's first world championship.

Buccaneers head coach Jon Gruden's, masterful coaching throughout the 2002 playoffs paid off in the Super Bowl as the Bucs always seemed to make the right call at the right time.

Facing the league's most potent offense in the first-ever Super Bowl match-up of the league's top-rated offense and defense, the Bucs surrendered just 269 yards, only 78 by the time Tampa Bay had built a 34-3 lead. The Bucs controlled the clock for over 37 of the 60 game minutes.

Joining the 1985 Bears as the only team in National Football League history to lead the National Football League in yards allowed, points allowed and interceptions in the same season, the Bucs racked up five interceptions and five sacks in stifling the Raiders' quarterback Rich Gannon.

The Buccaneers more than deserved the warm welcome when they returned home to a packed Raymond James Stadium on Monday night and victory parade through the town on Tuesday.

During the parade, thousands of fans lined the street and screamed their approval as the players drove by in convertibles and pickup trucks.

The Bucs were equally grateful. Manager Rich McKay said, "We have heard a lot about the Eagles fans and we have heard a lot about the Raiders fans. We have heard a lot about all these fans, but I think we all know who the best fans in the United States of America are, and they are the Buccaneers fans."

The Bucs and their fans were simply happy that the Bucs have become the world champs by a margin of 48 to 21, no less for the first time in the franchise's 27-year history.

I urge my colleagues to support this resolution introduced by the gentleman from Florida (Mr. DAVIS) honoring the Tampa Bay Buccaneers.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations and senior member of the Florida delegation.

Mr. YOUNG of Florida. Mr. Speaker, we are rightfully proud in the Tampa Bay area of our team, the Tampa Bay Buccaneers; and I want to thank the gentleman from Florida (Mr. DAVIS), my colleague from Tampa and my neighbor, for introducing this resolution calling attention to the tremendous success of the team.

Also, Mr. Speaker, I think it is important to compliment both teams. I know we had the Raiders, their team and their coach, and we had the Buccaneers, our team and our coach. They gave America, and especially America's sports fans, a tremendous Sunday afternoon. It was exciting. It was an exciting time and the challenge was real, and the Buccaneers really came through; and as my friend, the gentleman from Florida (Mr. PUTNAM), said, we had a dry season for quite a while, but we finally made it.

In the few seconds that I have left, I wanted to make this comment, that since I have been in the Congress, many people have told me to quit talking so much about national defense because I have been here preaching about a strong national defense ever since I came here many years ago; but I think Jon Gruden and the Tampa Bay Buccaneers proved there ain't nothing like a good defense.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House of Representatives and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Florida (Mr. DAVIS), my colleague and classmate, who is the originator of this resolution.

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

I think, what is a relatively somber time in Washington as we debate issues about national defense and having a strong and smart defense, that it is appropriate that we take time to honor another collection of heroes whom I am terribly proud to speak on behalf of today.

□ 1215

As a lifelong resident of Tampa, and now a representative of the Tampa Bay area, as all of us will be that speak today, along with some other Floridians, I take tremendous pride in offering this resolution, with others, not to celebrate just a victory, because that is not exactly what happened on Sunday. The Bucs did not just win, I think they won with class and they won with style. It is not just about winning, it is about how you win, and the Bucs won the right way.

As a resident of the community, I am so terribly proud of each of these individuals, the attention that has come to them and will continue to come to them, about the personal sacrifices they have made to play their hearts out on the field, the terrific contributions they are making to our community as leaders, particularly with young people, and all kinds of scholarships and charities that I do not have time to talk about today. It just makes me very proud and really speaks to why these people are leaders on the field and off the field.

The other important thing that has happened in my community, that my colleague, the gentleman from Florida (Mr. PUTNAM), alluded to, is the tremendous solidarity this team has brought. It has brought together people of all walks of life, an important lesson for Congress to learn, about how you can get people to overlook differences of all kinds that we can imagine to focus simply on the goal, and celebrating victory that has been many, many years in the coming.

I would like to share a few facts about the history of the team for those people that are just beginning to pay attention to this truly amazing story about the Bucs' victory. Since 1976, when the Bucs started as an expansion team, the Tampa Bay area has embraced this team and cherished and supported the team through some very tough times. In the first season, the Bucs went 0 and 26. The former coach, John McKay, was asked after one game what he thought of the team's execution, and his response was, he was all for execution.

There were bright spots in those earlier years as well. Hall of Fame defensive lineman and current University of South Florida athletic director Lee Roy Selmon and the 1980 NFC championship team were a stellar performance for the Bucs, although the Bucs lost that game barely.

When Rich McKay, a former high school classmate of mine, took over the general manager position, and Tony Dungy, who is just a wonderful person and terrific coach, hit the field, things began to turn around. The owner of the team, Malchom Glazer, began to invest the money in the team that needed to be invested from the beginning. As a result, in the 6 years after that, the Bucs made the playoffs 5 times. They reached the NFC championship game in 2000 and became league leaders in Pro Bowl appearances over that time and began to build this incredible, strong and smart defense.

Jon Gruden, who has been mentioned, is a story that speaks for himself. He is a wonderful coach. He showed true genius on the field. The defensive coordinator, Monte Kiffen, showed how to play defensive football in ways that will be a model for years to come.

The game is over now. No matter what happens next, the Bucs will always be remembered as the winners of Super Bowl XXXVII. Nothing can ever take that away from them. I want to congratulate not just the team and the coaches, but all the players and coaches that came before them and laid the foundation that we are celebrating today, as well as all the players and fans that have really sacrificed to support this team.

I want to finally close by urging my colleagues to support the resolution, and I want to especially urge the Members of Congress in the Oakland area to support this resolution. I know it was tough to lose to the Bucs, but, clearly, the Bucs demonstrated they were entitled to this.

A lot of people talk about the west coast and the Bay area as a very important part of the country. That has been true for a long time. The San Francisco, Oakland, Silicon Valley area is what we all think of nationally when we think of the Bay area in the west coast. But, guess what? The Bucs have helped us remember that part of the future of this country is another west coast, another bay area, and it is the Tampa Bay area. It is the west coast of Florida, as these terrific Members of Congress will speak to here today, all of whom are really overshadowed and humbled to be in the company of a wonderful group of players and competitors and citizens of Florida.

So, Mr. Speaker, I again would urge adoption of the resolution.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Palm Beach, Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank my colleague for yielding me this time, and of course I thank my colleague, the gentleman from Florida (Mr. DAVIS).

Congratulations to the Tampa Bay Bucs and all who live in Tampa Bay, St. Petersburg, and all the environs. As a fan of the Dolphins, and coming from southeast Florida, many of us obviously wished the Dolphins great success, the last team in Florida to win a Super Bowl until this outstanding victory of our west coast compatriots.

Governor Gray Davis will have to pay up the debt to our own Governor, Jeb Bush, so we are excited that we had two victories over this past weekend. But the thrill of competition and the teamwork that took place was evidenced in that outstanding, incredible, incredible victory.

I want to commend both gentlemen that serve us in Congress representing the west coast of Florida for their leadership on this resolution and for their taking time to honor the skills of the athlete. I think the gentleman from Tampa, Florida (Mr. DAVIS), spoke eloquently about the members of the team who give back to their community outside of their professional sports endeavors; that actually mentor the kids; that work in the educational environment; help in inner-city schools, and do things that display the kind of character we hope all professional athletes will emulate.

Oftentimes role models for young kids who are struggling to find a role model to look up to are those that make a lot of money and drive fancy cars. Many on the team take time out of their own lives and professional endeavors to help those children. So this is not only a victory for a team on the field, it is a victory for the kids off the field.

So as Tampa Bay will continue to celebrate this outstanding achievement of a phenomenal team, we in southeast Florida are all proud Tampa Bay Buccaneers, too. Mr. Glazer is a resident of Palm Beach, so we kind of share the opportunity to have the owner of the team in our county, but we also have a chance now as all Floridians to articulate the kind of excitement we felt that night when the time ran out on the clock and we, in fact, had another Super Bowl championship to put in the case of history.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am sure that people throughout all America join with our colleagues from Florida in paying tribute to the Tampa Bay Buccaneers. I join with them in their enthusiasm, and urge swift passage of this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I was never a football fan until I moved to the Tampa Bay area. I think it was the contagious enthusiasm both from my husband and my grandchildren that converted me to become a Tampa Bay Bucs fan.

I rise today to congratulate the Tampa Bay Buccaneers for their outstanding performance and subsequent victory in Sunday's Super Bowl. The Super Bowl was the most watched Super Bowl ever in history. I do not know whether it is just because every television set in Florida was tuned in or not, but it was the most viewed Super Bowl in history.

The Buccaneers' victory of 48 to 21 over the Oakland Raiders came at long last to very, very patient Tampa Bay Bucs fans such as myself and my family, who endured many, many years of sticking with the Bucs even when they weren't winning. We knew it was just a matter of time, and that time came this past Sunday. The Buccaneer defense scored three touchdowns from five interceptions, and that was a Super Bowl record.

Aside from congratulating the team, I would also like to congratulate Jon Gruden, the NFL's youngest coach. In his very first year, he took the Tampa Bay Bucs on to victory. We would be remiss if we did not also thank Tony Dungy, the former coach, because he was able to develop that team and develop the team to the point where their defense was so strong.

I would certainly congratulate all of the members of the Buccaneer team and as well to the Oakland Raiders. It was a hard-fought battle. Somebody had to win, and I am just darn glad that it was the Tampa Bay Bucs.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a seasoned ticket holder of the Tampa Bay Bucs since the beginning of their creation, I can only tell my colleagues that we are so thrilled over their victory, and I rise to congratulate the world champion Tampa Bay Buccaneers for their extraordinary victory in Super Bowl XXXVII.

This season the Bucs epitomized what Americans admire most in a champion. They won because of an incredible defense and an effective offense, which they built with outstanding talent and refined through extraordinary coaching.

This championship did not emerge overnight. It followed many years of grit and perseverance, during which the Glazer family, general manager Rich McKay, and former head coach Tony Dungy built a winner brick by brick.

Head coach Jon Gruden brought this sleeping giant to life. Like the leadership of this great body, he united a team of diverse talents and personalities behind his vision, flawlessly executing his championship blueprint through his team's discipline, dedication, and character.

On behalf of the citizens of southwest Florida, I congratulate Coach Gruden and the entire Bucs organization for a job very well done. They have made our Tampa Bay region very proud.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

As you can see, Mr. Speaker, there is a tremendous amount of pride from the Florida delegation in the Tampa Bay Buccaneers. We certainly are grateful to Tampa's hometown Congressman, the gentleman from downtown Tampa, Florida (Mr. DAVIS), for introducing this resolution. He serves with a great deal of class, just as the Buccaneers were victorious with class, and the fans have celebrated with class.

This team gives back to the community, and the community is rightfully joyful in this celebration today. All of us are so proud of the work the Glazer family and Coach Gruden has done, and so I urge adoption of this resolution.

Mr. BILIRAKIS. Mr. Speaker, I rise today to offer my strong support for this resolution and salute the Tampa Bay Buccaneers for winning Super Bowl 37.

The Buccaneers have proven themselves through the years. From their humbling 0–26 start in 1976 and winless first season and a half, the Bucs have evolved into a force with which to be reckoned—the Champions of Super Bowl 37.

As a Bucs season ticket-holder and longtime resident of the Tampa Bay area, I am proud to have witnessed the years of change and hard work that culminated in Sunday's triumph over the Oakland Raiders.

Former Coach Tony Dungy deserves much of the credit for this victory. He changed the character of the team by instilling in them a focus on community, character, and leadership. His hard work, and that of many other coaches, players and team staff, created the solid foundation upon which today's Super Bowl Champion Buccaneers stand.

The youngest coach ever to win a Super Bowl, Jon Gruden has built upon that foundation and continued the legacy of hard work and responsibility. I commend him for leading the Bucs to their first-ever Super Bowl appearance and victory. The Buccaneers paid a hefty price for Coach Gruden, but it was a price well worth paying, because football's ultimate treasure, the Lombardi Trophy, is where it belongs—in Tampa Bay.

Certainly, no congratulatory speech would be complete without honoring the players themselves. Coming into the game as the underdogs, the Buccaneers stayed the course and fought hard to secure their championship. An outstanding defensive effort prevented the Raiders from gaining momentum. Tampa's defense returned three of a Super Bowl record five interceptions for touchdowns, dashing any hopes Oakland may have had in winning the title of World Football Champions.

Mr. Speaker, I am proud to represent part of the Tampa Bay area and to be here today to offer my congratulations to Coach Gruden and the players. I urge my colleagues to support this resolution honoring the Buccaneers for their hard work and their well-deserved Super Bowl title.

Mr. PUTNAM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and agree to the resolution, House Resolution 31.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to go to conference on House Joint Resolution 2, making further continuing appropriations for fiscal year 2003, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.J. RES. 2, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 2) making further continuing appropriations for fiscal year 2003, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the joint resolution, H.J. Res. 2, be instructed to agree to the highest level of funding within the scope of conference (1) for the programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, including advance appropriations in the Senate amendment, and (2) for veterans' medical care and to insist that, within the scope of conference, no item requested by the President for homeland security (as identified in the OMB submission titled "Homeland Security Funding") be funded below the level of the President's request.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, Article I of the Constitution states that no money can be drawn from the Treasury except by act of Congress.

□ 1230

That is the essence of the separation and balance of power in this government. It is the core function of this body. It is what makes this a legislative body, not a Soviet-style rubber stamp.

So let me ask what some Members might find to be a somewhat embarrassing question: How did the House of Representatives get through an entire session of Congress last year without ever even calling up for debate Senate appropriation bills that fund more than three-quarters of the government outside of the Department of Defense? Now I am not asking why we failed to pass the bills. There can be numerous answers to that question. I am not asking why we did not complete the conference report. That could easily be blamed on the intransigence or inaction of the other body.

What I am asking is how could be we fail to even call up for debate on this floor, on this floor, the basic pieces of legislation to fund the government when that is our fundamental responsibility as an institution.

Mr. Speaker, this is the 108th Congress. This is the 215th year in which this body has gathered to perform our duties under the Constitution. As a result, it is quite difficult to do something in Congress that has never been done before, but I think this body in the last Congress actually succeeded in that respect. The House Republican leadership never even let these bills out of committee, never debated on the House floor whether the amounts requested or the sums recommended by the committee were too much or too little, never allowed the elected representatives of the American people to vote on any of these matters.

The result, the party that is oh, so noisy in talking about accountability for teachers and schools is oh, so silent when it comes to the accountability of Members of Congress. You cannot be held accountable for the choices you never make, and that is the game that has gone on here for almost a year.

Mr. Speaker, how can there be a more fundamental breakdown of the institution? What a disgrace. What was it that we did all year that was so important we could not at least call these bills up?

I want to make it quite clear, there is one person in this institution who I am not referring to, and that is the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, who has gone to the mat time and time again to try to get this House to meet its responsibilities. He has spoken on the subject often and eloquently, and it is in spite of his very considerable efforts that we find ourselves where we are today.

In my mind there is one issue at the bottom of this: the majority party leadership in this House abandoned its central responsibility under the Constitution and to the American people in order to get political cover on one issue. They love to talk the talk on education, but they are not willing to walk the walk. They are not willing to put their money where their mouths are. Oh, yes, they like to visit schools. They like to read to children when the cameras are around; and oh, they love to make TV ads about how important education is and how much they care about it. They like to vote for big, expensive authorization programs creating new major responsibilities for local boards to meet, and they like to promise huge sums of Federal money to pay for them. They love to do all of those things.

There is only one thing that they apparently cannot and will not do, and that is pay the bill afterwards. Now most people have seen a con artist in action, at least in the movies. They have the capacity to seem in almost every respect to be someone quite different from whom they really are. That is what the majority party has done over the last several years with respect to education. Of course, the only time they get caught at the game is when the appropriations bills are on the floor. That is the one point in time when all of the pretty images fall apart, all of photo ops, press releases and slick TV ads, that is the time when they do not run true; and that is why this day has been delayed for almost 8 months, well after the election, well after the opportunity of the American people to measure whether the rhetoric coming out of the Congress and this administration has anything whatsoever to do with the reality as far as education is concerned.

Unfortunately, even now we do not have an appropriate bill in front of us. We do not have specific funding levels proposed for specific programs. We have the most confusing hodgepodge of numbers it would be possible to concoct, and a motion to go to conference on those numbers. That is an open invitation to have a small group of people bring back an all-or-nothing omnibus package so big and so complex and so late in the year that we can claim that we just had to vote for it, even though it is on a program-by-program basis 180 degrees at variance with what a large majority of this body claims to support.

Today I want to give this House an opportunity to send a different message to the conference. I want to give Members on the other side of the aisle who truly believe what they say about resources in the classroom, better teachers, small classes, stronger curriculum a chance to stand up and say to Mitch Daniels and their leadership here in the House that they are for real, that they insist on a bottom line that is much higher for education than the numbers that my friend, the gentleman from Ohio (Mr. REGULA), has been given to work with.

Our motion to instruct simply says that the allocation to the bill that contains education funding shall not be smaller when the bill comes back to the House than the sums contained in the Senate bill. If we take all of the increases the Senate says it would like to make in that bill, we find ourselves $9.55 billion over the level the House has allocated to the Regula bill. Even after we subtract the remarkable across-the-board cuts contained in the Senate package, this bill is about $5.7 billion above House levels. CBO has not scored it yet, and so we do not have precise numbers; but that is about where we believe the Senate ends up.

We are asking that the House direct its conferees to begin this conference by agreeing with the Senate on that overall funding level. It is not at the level of increase in our schools that we have provided in any of the last 6 years. It would mean that the result of all of the time and debate we spent in enacting No Child Left Behind would be to scale back the funds that we are sending to schools. It is not the level that we can and should provide, but under the rules we are working under it is the best we can do; and it is without any question the least we should do. I would simply note, by the way, that the bludgeoning-nature of the across-the-board cuts provided by the Senate has resulted in unacceptable damage to a number of other crucial activities in areas such as health and science.

There are two other parts to this motion. One is that the level of funds for homeland security activities in this package shall not fall below the levels requested by the President so far as it is possible within the scope of the conference. Yesterday, I catalogued just how inadequate the President's budget is for homeland security, for port protection, for first responders. But the Senate's across-the-board cuts have taken more than a billion dollars from homeland security activities. Our intent is to restore those funds. It, at the very least, will make clear that the education funds will not be coming from homeland security.

Finally, we have a crisis in veterans' medical care. The across-the-board cuts in the Senate bill significantly exacerbates that crisis. We direct in this motion the conferees to go to the highest possible level for veterans' medical care that is within the scope of the conference.

I will be very blunt about this instruction. If anyone votes for it, they are setting parameters on the conference that do not permit the conference to come back within the allocation that Mitch Daniels and the gentleman from Iowa (Mr. NUSSLE) have established. This motion says to them that the line that they have drawn in the sand for education and other domestic needs is unrealistic. We need to move on and resolve these differences, and we need to support local schools. This is not the end of the process; this is step one.

If a majority of this body votes to agree with the Senate that we need this $5.7 billion increase for education, and the Congress then agrees to a conference report that rejects the position taken by both Houses, the American people will then know exactly what is going on around here. They are going to know at that point exactly how phony all of these press releases and TV ads on education have been.

Mr. Speaker, no one should vote for this motion if they intend to vote for a later conference report that scales back funding for the very education programs we are trying to protect by this motion. That would be an act of hypocrisy that would be startling even by the standards of this town.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the effort that the gentleman from Wisconsin (Mr. OBEY) is making here, and I would say that these are some of the items that we will definitely be dealing with as we go to conference.

But for those Members who have followed the budget and the appropriations process for fiscal year 2003, they will recognize that we really have accomplished somewhat of a miracle to be where we are today, ready to appoint conferees so we can go to conference with the Senate.

If we agreed with the bill that the other body has sent to us as an amendment to our continuing resolution, we could just agree to their amendment today and our business for fiscal year 2003 would be concluded, and I would tell Members that I do not think the gentleman from Wisconsin (Mr. OBEY) and I could be happier if that were the case. But the fact is, as we study that bill, it is not a bill that we can agree with; so it is essential that we go to conference.

The Senate had to reduce the bills that they had reported from their committee by $9 billion just to get to the top number that a majority of Members have agreed to. In addition to that, they are going to have to make some additional changes because even though they are at the top number, there are many things in the bills that our committee reported that are not in their bill, and they have included things in their bill that were not in our bill, so we have a lot of work to do.

So as we go to conference, we need flexibility. We need to be able to negotiate, to move, to make decisions, and to bring back to this House a responsible omnibus appropriations bill, for fiscal year 2003 and conclude the business for fiscal year 2003 because fiscal year 2004 is approaching us like a runaway train, and thus we will be beginning fiscal year 2004 activities almost immediately.

The gentleman from Wisconsin (Mr. OBEY) does not need to have this motion to instruct conferees. He and I will lead a very strong conference team to meet with our counterparts in the other body. I will be speaking for the majority side, and the gentleman from Wisconsin (Mr. OBEY) will be speaking for the minority side. He and I are partners. We will go into this conference knowing where we want to end up and knowing what we have to do to end up there.

We actually do not need a motion to instruct conferees. If for some reason the conference committee got bogged down, maybe we would need a motion to instruct, but I do not think that is going to happen. I have worked very closely with the chairman of the Senate Committee on Appropriations, and we believe that we have the ability to reach agreements on very difficult decisions. Because of that, I think today is not a good time to instruct conferees. I would say at a later date if that becomes necessary that maybe I would agree to it. Today I ask Members to reject this motion to instruct.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, after listening to the gentleman from Florida (Mr. YOUNG), it sounded like the gentleman was saying that the conferees would be himself and the gentleman from Wisconsin. I want to say if that is the deal, if there are going to be two conferees, the chairman and the ranking minority member of the Committee on Appropriations, I would urge the gentleman from Wisconsin (Mr. OBEY) to withdraw the motion to instruct because if those are the two Members, as the gentleman said, I would have complete confidence in them. Pending that, if the gentleman would just confirm that he said the conferees will be himself and the gentleman from Wisconsin (Mr. OBEY), I am ready to go home.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his comments. At one point I actually suggested that we keep our side of the conference very, very small, meaning the gentleman from Wisconsin (Mr. OBEY) and myself, and maybe one other be conferees, but that did not work.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would continue to yield, the "maybe one other" just ruined it.

□ 1245

Mr. YOUNG of Florida. Mr. Speaker, I think I said all that needs to be said, and I would like to advise the gentleman from Wisconsin (Mr. OBEY), my friend, I really do not have any other speakers on the subject; so I am going to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the hollow promises must end. Last night President Bush said, and I quote, "Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people." That was correct that he said that. Last year he said, "Whatever it costs to defend our country, we will pay." I think he was right to say that. The late fees, however, on those promises are piling up.

My friends on the other side of the aisle, not, by the way, members of the Committee on Appropriations, and not under the leadership of the gentleman from Florida (Mr. YOUNG), who does an extraordinary job in our committee, but some of my friends on the other side of the aisle are licking their chops at the smorgasbord of tax cuts that would fatten the wealthy and leave scraps for most Americans and force our children to pay the bill. But they do not want to spend resources now that are needed for Federal agencies to respond to terrorist threats. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) tried to bring that to their attention. Nor will they honor the bipartisan pledge to improve our educational system.

Within the limits of parliamentary procedures, we are limited in what can be offered in this motion. However, its purpose is critical. It is time to leave the hot air behind and the rhetoric behind and to live up to our commitment and the expectations of those who sent us here. It is time to live up to our commitment to indeed leave no child behind.

We made a promise to help schools implement reforms to meet higher standards. We have asked States and local school districts to do the work, and we must show that we were serious, that we meant what we said, that we will put the Nation's money where the Nation's heart is. The House bill is $5.7 billion less than the other body's funding for the No Child Left Behind Act. If we pursue that number, we will leave millions of children behind.

This is simply inadequate, inadequate to help local school districts meet the new mandates we insisted upon just last year. Title I is intended to help disadvantaged students meet high academic standards, a critical objective. Ten million children are eligible for Title I services. Again, the House only meets two-thirds of the $16 billion we need. I say to my friends, that is saying to over 3 million children in America there is no room in this rich inn. The other body provides an additional $500 million, and we ought to give them at least that level so that we leave no child behind.

The other body also provides $2 billion more in IDEA grants, children with disabilities who seek an education. We promised the States we would participate; $2 billion light are we. The House level provides less than half of the Federal contribution toward the added cost of special education that is authorized under IDEA. Again, we as the representatives of the American people need to ensure the fact that America lives up to its promises.

We must not forget our veterans either. Over 310,000 veterans are on waiting lists for medical care, and many veterans are waiting as long as 6 months for an appointment to see a doctor. To a person last night we stood and cheered and clapped with respect and appreciation for those who serve us in uniform both here and abroad. Should we do any less for them when they are through their active service but need the health care we have promised? It is an outrage to not do so. Freedom's defenders deserve better. We must fully fund VA medical care. We do not do it.

Finally, with regard to homeland security, the Council on Foreign Relations reported last October that we are "dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil." The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) pleaded with the President of the United States to respond to this vulnerability. The cost of addressing our vulnerabilities is a mere fraction of the President's $674 billion tax cut.

I was elected to State Senate in 1966. Ted Agnew, who was then the county executive of Baltimore County, elected Governor that same year, and in the inaugural address he said this: That the price of progress far exceeds the cost of failure. The billions of dollars that were suggested by the gentleman from Florida (Mr. YOUNG) and by the gentleman from Wisconsin (Mr. OBEY) could save us tens of billions of dollars, as the President said, in preventing just one catastrophic event.

I hope my colleagues will support this motion. I hope my colleagues will stand and say we promise and we talk, but this motion says we are also prepared to take the walk. I believe Americans are prepared to take that walk as well.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts, the new ranking member of the Committee on Financial Services.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time. I have to say with respect to the gentleman from Florida (Mr. YOUNG) even if the conference was not just himself and the gentleman from Wisconsin, if it was just himself, many on our side would not be so nervous, but he is for all dedication not autonomous, less autonomous, less nearly autonomous than he used to be under the current regime, and we fear that the instructions he will be getting from the other side of Pennsylvania Avenue will outweigh commitments that we think ought to be made to the people we are here to serve.

I wish we were not dealing with all of these issues in one instruction motion, but it must be repeated again. The way in which this House leadership has chosen to deal with the appropriations process this year has been one of the most thorough degradations of the democratic process I have ever seen. And people have said, well, but the Senate did not pass a budget. What does that have to do with the constitutional right of this body to pass appropriations bills?

We, in fact, passed two appropriations bills for defense. There was no obstacle there, and there was no obstacle with the other appropriations bills except the political reality that by the time you get through financing two wars with three tax cuts, you do not have enough money left to meet fundamental social obligations.

And what the gentleman from Wisconsin is trying to do and he says, in a burst of reasonableness, within the scope of conference, indeed I think that might be the part of it to which the other side objects the most, because staying within the scope of the conference has rarely been their practice in recent years, but the gentleman from Wisconsin has correctly in parliamentary terms framed his motion, and he says we would have liked even more in some of these areas. At least let us go to the level that the Republican-controlled United States Senate voted for.

What happens if we do not do that? Veterans get a good deal of rhetoric from this institution. I wish they got 25 percent as much help as they get rhetoric. In the New England region Category 8 veterans have been shut off altogether because we cannot afford it because we have got to do a big tax cut, because we have other priorities. The gentleman from Wisconsin's motion is giving a chance to say do that.

I will say this: If people do not vote for the gentleman's motion, and if, as he stressed, even more importantly they do not vote for a conference report that reaches that level, if they vote for a conference report that has less than that, then any of them who then talk about how sorry they are that veterans' medical care is being cut are indeed guilty of the grossest form of hypocrisy, as the gentleman from Wisconsin said.

There are other areas we cannot touch here because of the unwillingness of the majority to let the normal process go forward. The Securities and Exchange Commission even at the Senate level will be substantially below what the President said they should get when he signed the corporate responsibility bill. The last time we debated this, the gentleman from Virginia, who is a subcommittee chairman, said to me, "I am introducing a bill to give them the money." He introduced the bill. It remains introduced. It has not been voted on. It has not been acted on.

Housing is also significantly underfunded, and there will be terrible problems in public housing, in Section 8.

But in the areas of the gentleman's motion, health care for veterans, research at NIH, and education, a failure not simply to vote for this instruction motion, because I am not sure that we may not be able to rope-a-dope here, in which people will vote for an instruction motion and then act contrary to it, and try and get coverage because they voted for the instruction motion, if we do not have an appropriation that at least reaches these levels for the National Institutes for Health, for education, for veterans care, then we will have really thoroughly failed in our obligation to the American people.

We passed an education bill, and we cheered for it, and now we have imposed on the localities without giving them the money. We have done this time and time again. The gentleman from Wisconsin's motion and its being taken seriously by the conference committee is the minimum that decency requires, and I wish I was not skeptical that we will achieve it.

I thank the gentleman for yielding me this time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of the Obey motion because it keeps a promise with the American public. It keeps a promise with America's schoolchildren, and it keeps a promise with the parents of those children and the teachers that teach them. And that promise was made by the President of the United States, that promise was made by the Congress of the United States, that in the process of enacting the most far-reaching reforms in the Federal role in education in this country, that we would fully fund the means by which the States and localities and school districts could carry out those reforms. But almost before the ink was dry, the President submitted a budget that, in fact, made cuts in that education promise.

Last night the President talked about the accomplishments that he had had. He talked about setting standards and having young children achieve those standards. That is the promise, but it is not happening. It is not happening in this country, and now it is even under greater threat because of the cuts that are taking place in education because of the economic distress in our country and the budgetary distress in our States.

The question for us is whether or not we will help these school districts carry out these reforms so that these children can have a higher level of achievement, a higher level of accomplishment, and a better chance of participating in the American dream. That is what the Obey amendment is about. That is what this vote is about. It is about whether or not this Congress will redeem that promise on behalf of America's schoolchildren.

We cannot have a freeze on those, as the House appropriations bill did. We cannot have the measly increase that the Senate has suggested. What, in fact, we need is to add this additional $5.7 billion so that the promise of no child left behind is, in fact, a reality. And it is important because States are required under this law to do many things differently, many things better than they have done in the past, and we believe, and most educators believe, that the result will be that America's schoolchildren will have a higher level of accomplishment, will have a higher level of performance. By the same token, those very same independent observers of the American education system understand that if the resources are not there, this promise will be hollow.

☐ 1300

The President made the promise, the President should keep the promise, and the Congress of the United States should help him to keep that promise by passing the Obey motion to instruct.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, yesterday this House refused to provide the financial assistance necessary to our local firemen and policemen and other first responders whose responsibility it is to be our first line of defense against terrorist attacks in communities throughout this country.

Today I would hope that the House would not take action to deny the health care resources that American veterans need and deserve. I would hope we would not deny them the funds that those veterans need in order to avoid the kind of service cutoffs that we have seen the VA announce over recent weeks.

I know the name of the game on the part of the White House and the majority party leadership is to preserve every possible dollar on the table for tax cuts, a huge percentage of which are aimed at the most well-off 1 percent of the folks in our society who make more than $300,000. I understand that that is the name of the game. But in my view, while I certainly wish those folks well and while I think they ought to share in the same tax cuts provided other people, I think that veterans need VA health care more than someone who is earning $500,000 a year needs to have an extra jumbo-sized tax cut.

So I would simply ask Members of this House, do not, please, pose for political "holy pictures" by having photo ops at local schools, if the only thing you are willing to send those local schools is a new set of mandates without the money to help pay for them. Do not do that. School districts are in too big a squeeze and State governments with their financial problems are in too big a squeeze already.

All we are asking you to do is, within the possibilities presented by this conference report, we are asking you to vote for the maximum amount possible in order to come closer than we will otherwise come to meeting the promises so far unfulfilled of the No Child Left Behind Act.

I urge a "yes" vote on the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to make the case very strongly that a "no" vote on this motion to instruct does not deny any of the things that have been discussed today. It does not approve them; it does not deny them. A "no" vote allows us to have total flexibility as the gentleman from Wisconsin (Mr. OBEY) and I lead this conference committee into a final solution for fiscal year 2003.

I listened to the debate, and I have a hard time disagreeing with things that I have heard. But as I said, a "no" vote does not deny any of that.

So, Mr. Speaker, I would ask my colleagues to reject this motion to instruct. Let us go to conference, and let us bring the best bill that we possibly can back here for consideration by the House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 209, not voting 25, as follows:

[Roll No. 17]

YEAS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—209

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Becerra
Burton (IN)
Camp
Combest
Conyers
Cubin
Ehlers
Gallegly
Gephardt
Hastings (FL)
Herger
Hoekstra
Johnson, E.B.
Kaptur
Lewis (CA)
Olver
Ros-Lehtinen
Shaw
Smith (MI)
Smith (TX)
Tiahrt
Towns
Weldon (PA)
Wilson (NM)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would advise Members that there are 2 minutes remaining on this vote.

□ 1324

Messrs. KINGSTON, TAUZIN, BARTON of Texas, SAXTON, KING of New York, and Mrs. BONO and Mrs. NORTHUP changed their vote from “yea” to “nay.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I was unable to vote on rollcall No. 17, motion to go to conference on House Joint Resolution 2, because I am still recovering from surgery. Had I been present, I would have voted “yea” on rollcall No. 17.

Mr. BECERRA. Mr. Speaker, on Wednesday, January 29, 2003, I was unavoidably detained, and therefore unable to cast my floor vote on rollcall No. 17, the Motion to Instruct Conferees on H.J. Res. 2.

Had I been present for the vote, I would have voted “yea” on rollcall vote 17.

Stated against:

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall No. 17 I was unavoidably detained as my pager did not work.

Had I been present, I would have voted “nay.”

Mr. TIAHRT. Mr. Speaker, on rollcall No. 17 I was unavoidably detained and missed the vote.

Had I been here I would have voted “nay.”

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. YOUNG of Florida, REGULA, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, ISTOOK, BONILLA, KNOLLENBERG, KINGSTON, OBEY, MURTHA, DICKS, SABO, MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Mrs. LOWEY, Mr. SERRANO and Mr. MORAN of Virginia.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, in light of the fact that both of us are brand new in this job and this is the first time we are doing this, I want the gentleman from Texas (Mr. DELAY) to know that I am pleased to yield to him today and will be pleased to yield to him in days to come. I want him to stay leader; I would just like to change the designation, the adjective, but I yield to the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding to me, and I appreciate his interest in changing my title, but that will not happen for another 2 years, at least.

Before I discuss next week's schedule, I would like to note for the gentleman and other Members of the House a very significant historical event that took place in the House of Representatives during this week back in 1815. Mr. Speaker, the Library of Congress was established back in 1800, and the Library was housed here in the Capitol, as many of us know, until 1814 when the British troops set fire to the building and destroyed most of the books in our collection. Retired President Thomas Jefferson graciously offered his personal library from Monticello as a replacement, and Congress purchased the library 188 years ago today for the sum of $23,950.

Now, after the job he did in the Louisiana Purchase, one would have thought Mr. Jefferson would have negotiated a little higher price from us, but, in any case, it was a great deal for America and a gracious gesture for our great champion of ideas.

Mr. Speaker, if the gentleman would continue to yield, the House will convene on Tuesday in pro forma session. On Wednesday we hope to consider the conference report on H. Res. 2, which will finish up the 2003 appropriations process. However, if the conference report is not ready for floor consideration, the House will need to consider another continuing resolution on Wednesday.

In addition, we may consider some measure under suspension of the rules. A list will be provided to all offices by Monday evening. There will be no votes in the House before 6:30 p.m. on Wednesday, and on Thursday we expect to consider H.R. 395, the Do Not Call Implementation Act, to restrain rampant telemarketers, and finish with legislative business for the week by 1 p.m.

□ 1330

Mr. Speaker, I am happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information he has given to us. I understand we are coming back at 6:30 p.m. on Wednesday and leaving no later than 1 p.m. on Thursday. I know the gentleman's party has its retreat. Ours is this week, as the gentleman knows.

I would ask the leader, Mr. Speaker, he indicates that the conference committee report may come back on Wednesday. If that is the case, does the gentleman have any information as to when the conference might meet?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, parties, both in the minority and the majority in both Houses, are speaking and talking to each other as we meet. Obviously, the chairman of the Committee on Appropriations in the House and the chairman in the Senate will do their own scheduling when the formal conference would be held.

We are hoping that, working with the minority and the ranking Members of both Houses, and working hard through the weekend, as hard as they can, that they will come to some sort of resolution next week. That is the schedule that the House would like to see happen; but we know, as all these things happen, it could leak and we would have to do another continuing resolution for another week. Hopefully, by then all the work would be done.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

Assuming that the conference report would be offered on Wednesday, assuming that work gets done, can the leader give us any information on the kind of rule under which that conference report would be considered? And I say that, Mr. Speaker, to the leader in the context that most members of the Committee on Appropriations, not to mention most Members of the House, have not had the opportunity to see exactly what is in the bill. I think we just got the papers yesterday, so there has not been much consideration.

As the chairman, I am sure, knows, there will be a desire on, I am sure, both sides of the aisle, perhaps, to offer some legislative proposals to the conference committee report if they are made in order. Can the gentleman enlighten us as to what kind of rule the conference committee report might be considered under?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, the gentleman, as well as this gentleman, having served on the Committee on Appropriations, understands that this is a very unusual process that we are going through. In fact, I do not think we have gone through this process anytime that I have served on the Committee on Appropriations, so we are sort of feeling our way trying to get the appropriations done.

I remind the gentleman that the Committee on Appropriations in the House passed out every one of the 13 bills out of committee, so we do have something to look at as to what at least the committee had done in the House; and they are trying to reconcile that with what the Senate did or what the other body did.

As far as bringing it back, it is the tradition of this House and has been the tradition of this House to bring back a conference report on an appropriations bill under a closed rule. To be honest, I do not know that we would want to change that.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman. Let me make a couple of comments.

First of all, the gentleman is almost right; we did 11 of the 13 bills. But the second largest bill, of course, as the gentleman knows, on discretionary spending, not only did we not do it, but it was not considered in subcommittee, much less in full committee, the Labor-Health bill, which is, of course, itself over $125 billion in discretionary spending, and somewhere approximately $300 billion, when we include the mandatory spending within that bill, as the gentleman recalls.

But as the gentleman makes the point, this is the most unusual procedure for the appropriations process that I have seen in my 20 years on the committee. It is the least involvement, I think, that members of the Committee on Appropriations in the House have had on the product that now is being sent to us by the Senate.

I know that the gentleman from Ohio (Mr. REGULA) on the Labor-Health bill introduced 2 days ago a Labor-Health alternative, which presumably will be used as a basis for that title of the bill to be conferenced. However, Mr. Speaker, I would say to the gentleman, I would very much hope that in light of the extraordinarily unusual circumstances under which this appropriation bill is being considered, essentially emanating from the Senate, which obviously from the House position is not what we want to see as normal practice, that the majority would very seriously consider, in the interests of democracy in this House, with a small "d," and in the interest of full debate on the priorities we are going to set forth in this bill that deals with over $360 billion of discretionary spending, to have a rule that is not traditional, because we are not dealing with a traditional process.

I would hope that the leader, in discussions with the Speaker, with the majority whip, and with the gentleman from Florida (Mr. YOUNG), as well as the gentleman from California (Mr. DREIER), would consider a process which would allow Members to have a greater opportunity to express their views on this particular bill.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman for yielding again. The gentleman is correct in correcting me, that we only did 11 bills out of the committee. I do remind the gentleman that the chairman introduced a Labor-HHS bill, and it is my information that that is what they are working from.

Secondly, I would say that the conference committee as named has 12 Republicans and 10 Democrats on it, so the minority is very well represented on the conference committee, and will be, obviously, consulted and worked with in as open a manner as possible.

I would also point out the fact that conference reports are privileged resolutions, and it would be highly unusual for us to change the precedent and the rules governing privileged resolutions. So we are trying the best we can to accommodate any Member that is interested in what is going on in that conference, whether they be Democrat or Republican, by opening up the process as much as possible and having a process that Members can plug into so that their voices can be heard in the consideration of the conference.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I understand what the gentleman has said; but I am sure the gentleman also understands our consternation, because we are going on a retreat for 2 days. We are leaving here tomorrow morning. I ask the gentleman when the conference is going to occur. We really do not know when the conference is going to occur.

As the gentleman knows, like himself, I am a ranking member on the Committee on Appropriations. I have received no notice of a scheduled conference on this particular piece of legislation. I am one of the higher-ranking Members in the House. Therefore, I would think the gentleman and I would have access; but the more junior members of the Committee on Appropriations and those who do not serve on the Committee on Appropriations, while theoretically having some access to a conference, if the conference is never held, if there is no scheduled meeting, if they have no opportunity to participate in those deliberations, it is very difficult for them, short of acting on the floor, to consider this legislation.

So I would simply ask of the leader, Mr. Speaker, again in light of the extraordinarily unusual process that has been pursued over the last 12 months in dealing with the appropriation bills, and the fact that we did not bring the Labor-Health, one of the largest bills that our committee considers, to the floor or to full committee or to subcommittee for consideration, and yes, the chairman introduced a bill, but it was introduced by the chairman alone; it was not cosponsored by anybody else. That did not give us much input.

I will not belabor this point further, but I would hope and ask my colleagues, in light of the fact that this is the first substantive piece of legislation that we are going to consider, that it be considered with an opportunity for those of us who represent somewhere in the neighborhood of 49 percent of the people of the United States to have their voice heard meaningfully in the deliberations.

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, the gentleman makes a very good point. We want to be fair to all concerned. We want to have this as open a process as we possibly can make it.

I just want the Members of this body to know that we just received the paper from the other body last night, so it is going to take probably the entire time of the gentleman's retreat for the staff to go through that paper and get it ready for Members' consideration. Obviously, the Members that are interested in having an impact on this conference will probably have an opportunity, or I know they will have an opportunity, starting Sunday or Monday, to have input into that process. I offer to the gentleman that if anybody feels that they have been shut out of the process, our office is open and we are more than willing to work with them.

Mr. HOYER. I thank the gentleman for his comments.

ADJOURNMENT TO FRIDAY, JANUARY 31, 2003; AND ADJOURNMENT FROM FRIDAY, JANUARY 31, 2003, TO TUESDAY, FEBRUARY 4, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, January 31, 2003; and further, that when the House adjourns on Friday, January 31, 2003, it adjourn to meet at 4 p.m. on Tuesday, February 4, 2003.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

INTRODUCTION OF INSTRUCTIONAL MATERIALS ACCESSIBILITY ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, today my colleague, the gentleman from California (Mr. GEORGE MILLER), and I are introducing the Instructional Materials Accessibility Act, which makes sure that blind students will be able to enjoy an equal opportunity to a quality education.

It often takes months for a blind student to have the same materials as his or her sighted peers because of the cumbersome process needed to translate a textbook into Braille or other specialized format. This legislation will eliminate these delays by putting in place standards to assist States and school districts in delivering instructional materials to blind students.

I would urge my colleagues to support this important bill.

U.N. ABSURDITIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, for 12 years we have amassed a mountain of proof that Saddam Hussein has both weapons of mass destruction and the missiles he needs to launch them.

Right now, Saddam Hussein is violating a long string of binding U.N. resolutions. He continues to repeatedly violate the terms of the 1991 ceasefire, which amounts to a resumption of war.

As we heard last evening, our President is determined to stop Saddam Hussein before it is too late by disarming him of weapons of mass destruction. But over and over we hear the President's critics say that he should not act without the United Nations.

Now, President Bush agrees that the U.N. can be very helpful, but sometimes the U.N. does the wrong thing. Last year, the U.N. placed some of the world's worst human rights abusers on its Commission on Human Rights. Now, of all countries, Libya is going to chair that body.

If that is not bad enough, Iraq, Iraq is in line to take over the U.N. Conference on Disarmament. Could anything be more ludicrous?

President Bush should do the right thing with or without the United Nations.

COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to join with Indian Americans across the Nation in recognition of India's Republic Day, which was celebrated this last Sunday. Fifty-three years ago India's constitution, greatly influenced by America's Founding Fathers, was adopted to solidify its parliamentary democracy.

Today, India is the world's largest democracy, of over 1 billion people; and the shared values of American and Indian people have never been more apparent. Our countries share a love of freedom; and both uphold the ideal of equality of all people, regardless of faith, gender, or ethnicity.

As the co-chair of the House India Caucus, along with the co-chairman, the gentleman from New York (Mr. CROWLEY), I commend both President George W. Bush and Prime Minister Atal Bihari Vajpayee, elected leaders of the world's two largest democracies, for continuing to actively cultivate strong ties between the United States and India.

URGING CONGRESS TO PASS THE PRESIDENT'S LEGISLATIVE PRIORITIES, AND LEGISLATION HOLDING CRIMINALS RESPONSIBLE FOR HARMING UNBORN CHILDREN

(Ms. HART asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HART. Mr. Speaker, last night the President of the United States challenged this Congress to tackle many problems facing our country, such as health care reform and economic growth. The President also urged Congress to pass legislation banning partial birth abortions and human cloning. All of these are extremely important goals.

In addition, Mr. Speaker, I am confident that we will again pass a bill that will hold criminals responsible for harming unborn children. Last session we did pass such legislation, but under current Federal law an individual could attack a pregnant woman, injuring that woman and killing the child. While the assailant could be tried for the assault against the mother, no legal action is available under Federal law to address the murder of the child.

This is not the case in many States in this Nation. In fact, 24 States, including my home State of Pennsylvania, have passed unborn victims' laws.

☐ 1345

These are effective laws that have been upheld by the courts on a number of occasions when they have been challenged. In fact, all legal challenges to such unborn victims laws have failed. And a number of Federal courts have turned away challenges to State unborn victims laws.

An expectant mother who loses a child as a result of an attack by a violent criminal before she gets to hold her child deserves recourse. Well, this recourse would never be a substitute for her terrible loss. I do not think it is too much to ask to have a similar unborn victims laws on the books. Last year we passed this act. I am confident we will pass this bill again.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING FORMER CONGRESSMAN LUCIEN BLACKWELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Mr. Speaker, I stand here today with a very heavy heart as the passing of a dear, dear friend of mine and a dear friend of a lot of people, former Congressman Lucien Blackwell.

Lucien Blackwell was a Korean decorated war hero. He was a Member of this body. He was a member of the Pennsylvania State Legislature, a member of city council, and he was a very famous labor leader. Lucien Blackwell was a champion for the little people.

Two things come to mind when you talk about Lucien Blackwell: He was a warrior, and he had passion. He was a warrior and a fighter for the people who could not fight for themselves, and he spoke for people who could not speak for themselves.

Mr. Speaker, in my 18 years as a party chairman for the city of Philadelphia, he was my vice chair. He stood beside me for 18 years, and for 18 years there was never a motion on the floor that he did not make or he did not second. He was without question a man of integrity and a man who will be missed.

I was with him the day before he passed. We did our normal politicking and our famous back-room scheming, always to try to help somebody else.

I would not be here today if it was not for Lucien Blackwell. When this seat became vacant, the first congressional seat of Pennsylvania, he was going to fill it. He was going to come back and resume his career as a Congressman. And then 2 days prior to submitting the name, he said to me that he met with his family, was having breakfast with his granddaughters and grandsons, and they said to him, Pop-Pop, if you went back to Congress we could not be doing this with you. So he thought better of it. He thought better to stay with his family and not to come back to this body, and that is why I am here. He nominated me, and I took that congressional seat.

I feel a little responsible for allowing his family to have him for 5 more years, which is a very short time.

Mr. Speaker, the Nation, this body lost a good man. The State of Pennsylvania lost a good man. The city of Philadelphia and the labor movement lost a good man. His family, they lost a loving husband; his loving wife, city council lady Janey Blackwell. His family lost a father, a brother, a grandfather, a great grandfather. And, Mr. Speaker, I lost a good friend. He will never be forgotten, and for sure he can never be replaced.

HONORING FORMER CONGRESSMAN LUCIEN BLACKWELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FATTAH) is recognized for 5 minutes.

Mr. FATTAH. Mr. Speaker, I, too, rise to comment on the life and legacy of our former colleague Lucien E. Blackwell, who served as a Congressman for the Second District, and prior to that served for two decades as a member of the city council of Philadelphia, where he served as a chairman of the finance committee and moved through the council all of the critical and major pieces of legislation that impacted the growth and development of the city of Philadelphia as we know it today. And even before that service, he served as an elected official in the State legislature in Pennsylvania.

I remember almost three decades now ago when he led an effort with the late State representative David P. Richardson of Pennsylvania to clean up the conditions at our youth detention facility headquartered in our side of the State of the Youth Study Center on the parkway. He fought in the city council and passed the first major minority set-aside legislation once he found out that African American and women-owned businesses were getting less than 2 percent of the city procurement business, and created a program that opened a door for disadvantaged businesses to have an opportunity at the procurement in Philadelphia.

As my colleague, the gentleman from Pennsylvania (Mr. BRADY), has indicated, he started his public career, however, as a labor leader where he leveled the Longshoreman's Union in Philadelphia. And immediately prior to that he served our Nation in the Korean War conflict. He was a veteran of that conflict, and he won medals for his commitment and his service fighting with the Korean War veterans, and was a part of the effort to create an appropriate memorial for Korean veterans.

So Lucien E. Blackwell, who died suddenly at the age of 71, as it is reported, leaves now his wife, who is a city councilwoman in Philadelphia and a major leader in our city, and a host of children and grandchildren, who are going to in their own way make a mark and live up to the legacy of Lucien Blackwell.

And Philadelphians, Pennsylvanians, and all across this country people remember the passion of Lucien Blackwell, particularly his effort to be concerned about those who were considered in some quarters to be little people or outside of the mainstream of power. He fought with Maleek for ex-offenders. He fought to feed the homeless in Philadelphia, sometimes to the chagrin of the establishment. He fought to include labor fully in the discussions of economic development in our city, major building projects and every other respect.

Lucien Blackwell should be remembered by this House as not just a former Member, but someone whose life of service honored the House by him being a Member here, and for all of his service to our country we should be grateful. And I would just like to say that for a lot of those people, the Linda Brickhouses, the Kentues at the grassroots political network, and all of the people he worked with, John Macklin on the disadvantaged business efforts, the minority business efforts, and the gentleman from Pennsylvania (Mr. BRADY), who he worked with shoulder to shoulder developing the political machinery in our city, at least in terms of the Democratic Party, but he also reached across the aisle and worked quite well with our Republican colleagues to make our city what it is today.

We are indebted. And I join my colleague from the First Congressional District in honoring his memory, his legacy, and I know that this House will find appropriate ways as we go forward to more formally recognize his service.

I thank the Speaker for allowing us this time.

CRISIS IN RURAL HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MARSHALL) is recognized for 5 minutes.

Mr. MARSHALL. Mr. Speaker, this is the first time I have had an opportunity to speak to the Speaker, and it is an honor to do so. I speak on behalf of rural America, Mr. Speaker. It is an issue that is bipartisan. It is an issue that is of great concern to an awful lot of Americans.

Last night in his State of the Union Address the President said all seniors should have the choice of a health care plan that provides prescription drugs. I hope that the President's plan when it comes out takes the opportunity to address some of the weak points in Medicare and to truly provide access to prescription drugs for seniors throughout the United States, including in rural areas.

At the moment, Mr. Speaker, the formula for deciding how to reimburse medical providers discriminates against providers that are in rural areas. In my district we have had two rural hospitals close in the last 2 or 3 years. One closed, then reopened, and went through two or three different sets of management. We have had a number of rural hospitals that have struggled just to make ends meet.

This is caused in part by our funding formula under Medicare, and I hope the President in crafting his plan for prescription drugs and for Medicare reform will take into account the need to protect rural areas, to protect the citizens that are in rural areas, and to protect the economies of rural areas.

At the moment the funding formula for Medicare reimbursement discriminates against rural providers and benefits urban providers. That formula needs to be adjusted. I believe this matter has been addressed before in the House. I hope that the Rural Health Care Caucus will be presenting to the House a bill that will address this matter, and I also hope that the President and the House will support that bill. If the President could incorporate the concepts behind that bill, which during the last session was called the Rural Community Hospital Assistance Act, then I think the Medicare reform that is offered by the President could well address the crisis in health care that we see today in rural areas.

REPUBLIC VERSUS DEMOCRACY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, at the close of the Constitutional Convention in 1787, Benjamin Franklin told an inquisitive citizen that the delegates to the Constitutional Convention gave the people a Republic, if you can keep it. We should now apologize to Mr. Franklin. It is obvious that the Republic is gone, and we are wallowing in a pure democracy against which the Founders had strongly warned.

Madison, the Father of the Constitution, could not have been more explicit in his fear and concern for democracies. "Democracies have ever been spectacles of turbulence and contentions, have ever been found incompatible with personal security or the rights of property, and have in general been as short in their lives as they have been violent in their deaths."

If Madison's assessment was correct, it behooves those of us in Congress to take note and decide, indeed, whether the public has vantaged when it occurred and what to expect in the ways of turbulence, contention and violence, and above all else what can we and what will we do about it.

The turbulence seems self-evident. Domestic welfare programs are not sustainable and do not accomplish their stated goals. State and Federal spending and deficits are out of control. Terrorism and uncontrollable fear undermines our sense of well-being. Hysterical reactions to dangers not yet seen prompt the people at the prodding of the politicians to readily sacrifice their liberties in vain hope that someone else will take care of them and guarantee their security.

With these obvious signs of a failed system all around us, there seems to be more determination than ever to antagonize the people of the world by pursuing a world empire. Nation-building, foreign intervention, preemptive war and global government drive our foreign policy.

There seems to be complete aversion to defending the Republic and the Constitution that established it. The Founders clearly understood the dangers of a democracy. Edmond Randolph of Virginia described the effort to deal with the issue at the Constitutional Convention: "The general object was to produce a cure for evils under which the United States labored; that in tracing these evils to their origins, every man had found it in the turbulence and follies of democracy."

□ 1400

These strongly held views regarding the evils of democracies and the benefit of a constitutional republic were shared by all the Founders. For them, a democracy meant centralized power, controlled by majority opinion, which was up for grabs and, therefore, completely arbitrary.

In contrast, a republic was decentralized and representative in nature, with the government's purpose strictly limited by the Constitution to the protection of liberty and private property ownership. They believe the majority should never be able to undermine its principle and that the government must be tightly held in check by constitutional restraints.

The difference between a democracy and a republic was simple. Would we live under the age old concept of the rule of man or the enlightened rule of law?

A constitution in and by itself does not guarantee liberty in a republican form of government. Even a perfect constitution, with this goal in mind, is no better than the moral standards and desires of the people.

Although the United States Constitution was by far the best ever written for the protection of liberty, with safeguards against the dangers of a democracy, it, too, was flawed from the beginning. Instead of guaranteeing liberty equally for all people, the authors themselves yielded to the democratic majority's demands that they compromise on the issue of slavery. This mistake, plus others along the way, culminated in a civil war that surely could have been prevented with clearer understanding and a more principled approach to the establishment of a constitutional republic.

Subsequently, the same urge to accommodate majority opinion while ignoring the principles of individual liberty led to some other serious errors. Even amending the Constitution in a proper fashion to impose alcohol prohibition turned out to be a disaster. Fortunately, this was rectified after a short time with its repeal.

But today, the American people accept drug prohibition, a policy equally damaging to liberty as was alcohol prohibition. A majority vote in Congress has been enough to impose this very expensive and failed program on the American people even without bothering to amend the Constitution. It has been met with only minimal but, fortunately, growing dissent. For the first 150 years of our history, when we were much closer to being a true Republic, there were no Federal laws dealing with the serious medical problem of addiction.

The ideas of democracy, not the principles of liberty, were responsible for the passage of the 16th amendment. It imposed the income tax on the American people and helped us usher in the modern age of the welfare warfare State. Unfortunately, the 16th amendment has not been repealed as was the 18th. As long as the 16th amendment is in place, the odds are slim that we can restore a constitutional republic dedicated to liberty. The personal income tax is more than symbolic of a democracy; it is a predictable consequence.

The transition from republic to democracy was gradual and insidious. Its seeds were sown early in our history. In many ways, the Civil War and its aftermath laid the foundation for the acute erosion that took place over the entire 20th century.

Chronic concern about war and economic downturns events caused by an intrusive government's failure to follow the binding restraints of the Constitution allowed majority demands to supercede the rights of the minority. By the end of the 20th century, majority opinion had become the determining factor in all that government does. The rule of law was cast aside, leaving the Constitution a shell of what it once was, a Constitution with rules that guaranteed a Republic with limit and regional government and protection of personal liberty.

The marketplace, driven by voluntary cooperation, private property ownership, and sound money was severely undermined with the acceptance of the principles of true democracy. Unfortunately, too many people confused the democratic elections of leaders in a Republic for democracy by accepting the rule of majority opinion in all affairs. For majorities to pick leaders is one thing. It is something quite different for majorities to decide what rights are, to redistribute property, to tell people how to manage their personal lives, and to promote undeclared, unconstitutional wars.

The majority is assumed to be in charge today and can do whatever it pleases. If the majority has not yet sanctioned some desired breach of action demanded by special interest, the propaganda machine goes into operation and the pollsters relay the information back to politicians who are seeking legitimacy in their endeavors. The rule of law and the Constitution have become irrelevant, and we live by constant polls.

This trend toward authoritarian democracy was tolerated because, unlike a military dictatorship, it was done in the name of benevolence, fairness, and equity. The pretence of love and compassion by those who desire to remold society and undermine the Constitution convinced the recipients and even the victims of its necessity.

Since it was never a precipitous departure from the Republic, the gradual erosion of liberty went unnoticed, but it is encouraging that more and more citizens are realizing just how much has been lost by complacency.

The resolution to the problems we face as a result of this profound transition to pure democracy will be neither quick nor painless. This transition has occurred even though the word "democracy" does not appear in the Constitution and the Declaration of Independence. The Founders explicitly denounced it.

Over the last hundred years the goal of securing individual liberties within the framework of a constitutional republic has been replaced with incessant talk of democracy and fairness. Rallying support for our ill-advised participation in World War I, Wilson spoke glowingly of making the world safe for democracy and never mentioned national security. This theme has to this day persisted in all our foreign affairs. Neoconservatives now brag of their current victories in promoting what they call "hard Wilsonism."

A true defense of self-determination for all people, the necessary ingredient of a free society is ignored. Self-determination implies separation of smaller governments from the larger entities that we witnessed in the breakup of the Soviet Union. This notion contradicts the goal of pure democracy and world government. A single world government is the ultimate goal of all social egalitarians who are unconcerned with liberty.

Today, the concepts of rights and property ownership are completely arbitrary. Congress, the courts, Presidents and bureaucrats arbitrarily legislate on a daily basis, seeking only the endorsement of the majority. Although the Republic was designed to protect the minority against the dictates of the majority, today we find the reverse. The Republic is no longer recognizable.

Supporters of democracy are always quick to point out one of the perceived benefits of this system is the redistribution of wealth by government to the poor. Although this may be true in a limited fashion, the champions of this system never concern themselves with the victims from whom the wealth is stolen. The so-called benefits are short lived because democracy consumes wealth with little concern for those who produce it. Eventually, the programs cannot be funded, and the dependency that has developed precipitates angry outcries for even more fairness.

Since reversing the tide against liberty is so difficult, this unworkable system inevitably leads to various forms of tyranny. As our Republic crumbles, voices of protest grow louder. The central government becomes more authoritarian with each crisis. As the equality of education plummets, the role of the Federal Government is expanded. As the quality of medical care collapses, the role of the Federal Government in medicine is greatly increased.

Foreign policy failures precipitate cries for more intervention abroad and an even greater empire. Cries for security grow louder and concern for liberty languishes.

A tax on our homeland form a massive increase in the bureaucracy to protect us from all dangers seen and imagined.

The prime goal of the concern of the Founders, the protection of liberty, is ignored. Those expressing any serious concern for personal liberty are condemned for their self-centeredness and their lack of patriotism. Even if we could defeat the al Qaeda, which is surely a worthwhile goal, it would do little to preserve our liberties, while ignoring the real purpose of our government. Another enemy would surely replace it, just as the various groups of so-called barbarians never left the Roman Empire alone once its internal republican structure collapsed.

Once it becomes acceptable to change the rules by majority vote, there are no longer any limits on the power of the government. When the Constitution can be subverted by mere legislative votes, executive orders or judicial degrees, constitutional restraints on the government are eliminated. This process was rare in the early years of our history, but now it is routine.

Democracy is promoted in the name of fairness in an effort to help some special interest group receive a benefit that it claims it needs or is entitled to. If only one small group were involved, nothing would come of the demands, but coalitions develop and the various groups ban together to form a majority, to vote themselves all those things that they expect others to provide for them.

Although the motivating factor is frequently the desire for the poor to better themselves through the willingness of others to sacrifice for what they see as a good cause, the process is doomed to failure. Governments are inefficient and the desired goals are rarely achieved. Administrators who benefit perpetuate the programs. Wealthy elites learn to benefit from the system in a superior fashion over the poor because they know how to skim the cream off the top of all the programs designed for the disadvantaged. They join the various groups in producing the majority vote needed to fund their own special interest.

Public financing of housing, for instance, benefits builders, bureaucrats, insurance companies and financial institutions while the poor end up in drug-invested, crime-ridden housing projects. For the same reason, not only do business leaders not object to this system but they also become strong supporters of welfare programs and foreign aid.

Big business strongly supports programs like the Export Import Bank, the IMF, the World Bank, foreign subsidies and military adventurism. Tax Code revisions and government contracts mean big profits for those who are well-connected. Concern for individual liberty is pushed to the bottom of the priority list for both the poor and the rich welfare recipients.

Prohibitions placed in the Constitution against programs that serve special interests are the greatest threat to the current system of democracy under which we operate. In order for the benefits to continue, politicians must reject the rule of law and concern themselves only with the control of majority opinion. Sadly, that is the job of almost all politicians. It is clearly the motivation behind the millions spent on constant lobbying, as well as the billions spent on promoting the right candidate in each election.

Those who champion liberty are rarely heard from. The media, banking, insurance, airlines, transportation, financial institutions, government employees, the military industrial complex, the education system and the medical community are all dependent on government appropriations resulting in a high-stakes system of government.

Democracy encourages the mother of all political corruption, the use of political money to buy influence. If the dollars spent in this effort represent the degree to which democracy has won out over the rule of law and the Constitution, it looks like the American Republic is left wanting. Billions are spent on the endeavor. Money and politics is the key to implementing policy and swaying democratic majorities. It is seen by most Americans, and rightly so, as a negative and danger. Yet the response, unfortunately, is only more of the same.

More laws tinkering with freedom of expression are enacted in hopes that regulating sums of private money thrown into the political system will curtail the abuse; but failing to understand the cause of the problem, lack of respect for the Constitution and obsession with legislative relativity dictated by the majority serve only to further undermine the rule of law.

We were adequately warned about this problem. Democracies lead to chaos, violence and bankruptcy. The demands of the majority are always greater than taxation alone can provide. Therefore, control of the monetary and banking system is required for democracies to operate.

It was no accident in 1913 when the dramatic shift toward democracy became pronounced that the Federal Reserve was established. A personal income tax was imposed as well. At the same time, popular election of Senators was instituted, and our foreign policy became aggressively interventionist. Even with an income tax, the planners for war and welfare knew that it would become necessary to eliminate restraints on the printing of money. Private counterfeiting was a heinous crime, but government counterfeiting and fractional reserve banking were required to seductively pay for the majority's demands.

□ 1415

It is for this reason that democracies always bring about currency debasement through inflation of the money supply.

Some of the planners of today clearly understand the process. And others, out of ignorance, view central bank money creation as a convenience with little danger. That is where they are wrong. Even though the wealthy and the bankers support paper money, believing they know how to protect against its ill effects, many of them are eventually dragged down in the economic downturns that always develop. It is not a new era that they have created for us today, but more of the same endured throughout history by so many other nations.

The belief that democratic demands can be financed by deficits, credit creation, and taxation is based on false hope and failure to see how it contributes to the turbulence as the democracy collapses. Once a nation becomes a democracy, the whole purpose of government changes. Instead of the government's goal being that of guaranteeing liberty, equal justice, private property and voluntary exchange, the government embarks on the impossible task of achieving economic equality and micromanaging the economy and protecting citizens from themselves in all their activities.

The destruction of the wealth-building process, which is inherent in a free society, is never anticipated. Once it is realized it has been undermined, it is too late to easily reverse the attacks against limited government and personal liberty. Democracy, by necessity, endorses special interest interventionism, inflationism and corporatism. In order to carry out the duties now expected of the government, power must be transferred from the citizens to the politicians. The only thing left is to decide which group or groups have the greatest influence over the government officials.

As the wealth of the nation dwindles, competition between the special interest groups grows more intense and becomes the dominant goal of all political action. Restoration of liberty, the market, and personal responsibilities are of little interest and are eventually seen as impractical. Power and public opinion become crucial factors in determining the direction of all government expenditures.

Although both major parties now accept the principles of rule of majority and reject the rule of law, the beneficiaries for each party are generally different, although they frequently overlap. Propaganda, demagoguery, and control of the educational system and the media are essential to directing the distribution of the loot the government steals from those who are still honestly working for a living.

The greater problem is that nearly everyone receives some government benefit and, at the same time, contributes to the Treasury. Most hope they will get back more than they pay in and, therefore, go along with the firmly entrenched system. Others, who understand and would choose to opt out and assume responsibility for themselves, are not allowed to and are forced to participate. The end only comes with the collapse of the system, since a gradual and logical reversal of the inexorable march toward democratic socialism is unachievable. Soviet-style communism dramatically collapsed once it was recognized that it could no longer function, and a better system replaced it. It became no longer practical to pursue token reforms like those that took place over its 70-year history.

The turmoil and dangers of pure democracy are known. We should get prepared. But it will be the clarity with which we plan its replacement that determines the amount of pain and suffering endured during the transition to another system. Hopefully, the United States Congress and other government leaders will come to realize the seriousness of our current situation and replace the business-as-usual attitude, regardless of political demands and growing needs of a boisterous majority.

Simply stated, our wealth is running out, and the affordability of democracy is coming to an end. History reveals that once majorities can vote themselves largesse, the system is destined to collapse from within. But in order to maintain the special interest system for as long as possible, more and more power must be given to an ever-expanding central government, which of course only makes matters worse. The economic shortcomings of such a system are easily understood. What is too often ignored is that the flip side of delivering power to government is the loss of liberty to the individual. This loss of liberty causes exactly what the government does not want: Less productive citizens who can't pay taxes.

Even before 9–11 these trends were in place, and proposals were abundant for restraining liberty. Since 9–11 the growth of centralized government and the loss of privacy and personal freedoms have significantly accelerated. It is in dealing with homeland defense and potential terrorist attacks that the domestic social programs and the policy of foreign intervention are coming together and precipitating a rapid expansion of the state and an erosion of personal liberty.

Like our social welfarism at home, our foreign meddling and empire-building abroad are a consequence of our becoming a pure democracy. The dramatic shift away from the Republic that occurred in 1913, as expected, led to a bold change of purpose in foreign affairs. The goal of making the world safe for democracy was forcefully put forth by Wilson. Protecting national security had become too narrow a goal and selfish in purpose. An obligation for spreading democracy became a noble obligation backed by a moral commitment every bit as utopian as striving for economic equality in an egalitarian society here at home.

With the growing affection for democracy, it was no giant leap to assume that majority opinion should mold personal behavior. It was no mere coincidence that the 18th amendment, alcohol prohibition, was passed in 1919.

Ever since 1913, all our Presidents have endorsed meddling in the internal affairs of other nations and have given generous support to the notion that a world government would facilitate the goals of democratic welfare or socialism. On a daily basis we hear that we must be prepared to send our money and use our young people to police the world in order to spread democracy. Whether it is Venezuela or Colombia, Afghanistan or Pakistan, Iran, Iraq, Korea or Vietnam, our intervention is always justified with the tone of moral arrogance that it is for their own good. Our policymakers promote democracy as a cure-all for the various complex problems of the world. Unfortunately, the propaganda machine is able to hide the real reasons for our empire-building.

Promoting democracy overseas merely becomes a slogan for doing things that the powerful and influential strive to do for their own benefit. To get authority for these overseas pursuits, all that is required of the government is that the majority be satisfied with the stated goals no matter how self-serving they may be. The rule of law, that is constitutional restraint, is ignored. But as successful as the policy may be on the short run, and as noble as it may be portrayed, it is a major contributing factor to the violence and chaos that eventually come from pure democracy.

There is abundant evidence that the pretense of spreading democracy contradicts the very policies we are pursuing. We preach about democratic elections, but we are only too willing to accept some for-the-moment friendly dictator who actually overthrew a democratically elected leader or to interfere in some foreign election. This is the case with Pakistan's Musharraf. For a temporary alliance, he reaped hundreds of millions of dollars, even though strong evidence exists that the Pakistanis have harbored and trained al Qaeda terrorists, that they have traded weapons with North Korea, and that they possess weapons of mass destruction.

No one should be surprised that the Arabs are confused by our overtures of friendship. We have just recently promised billions of dollars to Turkey to buy their support for the new Persian Gulf War. Our support of Saudi Arabia, in spite of its ties to the al Qaeda, is financing and training. It is totally ignored by those obsessed with going to war against Iraq. Saudi Arabia is the furthest thing from a democracy. As a matter of fact, if democratic elections were permitted, the Saudi Government would be overthrown by a bin Laden ally.

Those who constantly preach global government and democracy ought to consider the outcome of their philosophy in a hypothetical Mideast regional government. If these people were asked which country in this region possessed weapons of mass destruction, had a policy of oppressive occupation, and constantly defies U.N. council resolutions, the vast majority would overwhelmingly name Israel. Is this ludicrous? No. This is what democracy is all about and what can come from a one man, one vote philosophy.

U.S. policy supports the overthrow of the democratically elected Chavez government in Venezuela because we do not like the economic policy it pursues. We support a military takeover as long as the new dictator will do as we tell him.

There is no credibility in our contention that we really want to impose democracy on other nations, yet promoting democracy is the public justification for our foreign intervention. It sounds so much nicer than saying we are going to risk the lives of young people and massively tax our citizens to secure the giant oil reserves of Iraq. After we take over Iraq, how long would one expect it to take until there are authentic nationwide elections in that country? The odds of that happening in even 100 years are remote. It is virtually impossible to imagine a time when democratic elections would ever occur for the election of leaders in a constitutional republic dedicated to the protection of liberty anyplace in the region.

The tragedy of 9–11 and its aftermath dramatizes so clearly how a flawed foreign policy has served to encourage the majoritarians determined to run everyone's life. Due to its natural inefficiencies and tremendous cost, a failing welfare state requires an ever-expanding authoritarian approach to enforce mandates, collect the necessary revenues, and keep afloat an unworkable system. Once the people grow to depend on government subsistence, they demand its continuation.

Excessive meddling in the internal affairs of other nations, and involving ourselves in every conflict around the globe has not endeared the United States to the oppressed of the world. The Japanese are tired of us, the South Koreans are tired of us, the Europeans are tired of us, the Central Americans are tired of us, the Filipinos are tired of us, and, above all, the Arab Muslims are tired of us. Angry and frustrated by our persistent bullying, and disgusted with having their own government bought and controlled by the United States, joining a radical Islamic movement was a natural and predictable consequence for Muslims.

We believe bin Laden when he takes credit for an attack on the West, and we believe him when he warns us of an impending attack, but we refuse to listen to his explanation of why he and his allies are at war with us. Bin Laden claims are straightforward. The U.S. defiles Islam with bases on the Holy Land and Saudi Arabia, its initiation of war against Iraq, with 12 years of persistent bombing, and its dollars and weapons being used against the Palestinians, as the Palestinian territory shrinks and Israel's occupation expands.

There will be no peace in the world for the next 50 years or longer if we refuse to believe why those who are attacking us do it. To dismiss terrorism as a result of Muslims hating us because we are rich and free is one of the greatest foreign policy frauds ever perpetuated on the American people. Because the propaganda machine, the media, and the government have restated this so many times, the majority now accept it as face value, and the administration gets the political cover its needs to pursue a holy war for democracy against the infidels who hate us for our goodness.

Polling on the matter is followed closely and, unfortunately, is far more important than the rule of law. Do we hear the pundits talk of constitutional restraints on Congress and the administration? No. All we ever hear are the reassurances that the majority support the President; therefore, it must be all right.

The terrorist attacks are related to our severely flawed foreign policy of intervention. They also reflect the shortcomings of a bureaucracy that is already big enough to know everything it needs to know about impending attacks, but too cumbersome to do anything about it. Bureaucratic weaknesses within a fragile welfare state provide a prime opportunity for those whom we antagonize by our domination over world affairs and global wealth to take advantage of our vulnerability.

What has been our answer to the shortcomings of policies driven by manipulated majority opinion by the powerful elite? We have responded by massively increasing the Federal Government's policing activity to hold American citizens in check and make sure we are well behaved and pose no threat, while massively expanding our aggressive presence around the world. There is no possible way these moves can make us more secure against terrorism, yet they will accelerate our march toward national bankruptcy with a currency collapse.

Relying on authoritarian democracy and domestic and international meddling only moves us sharply away from a constitutional republic and the rule of law and toward the turbulence of a decaying democracy about which Madison and others had warned. Once the goal of liberty is replaced by a preconceived notion of the benefits and the moral justification of a democracy, a trend toward internationalism and world government follows. We certainly witnessed this throughout the 20th century. Since World War II, we have failed to follow the Constitution in taking this country to war, but instead have deferred to the collective democratic wisdom of the United Nations.

□ 1430

Once it is recognized that ultimate authority comes from an international body, whether it is the United Nations, NATO, the WTO, the World Bank or the IMF, the contest becomes a matter of who holds the reins of power and is able to dictate what is perceived as the will of the people in the world.

In the name of democracy, just as it is done in Washington, powerful nations with the most money will control the United Nations policy. Bribery, threats and intimidation are common practices used to achieve a democratic consensus, no matter how controversial and short-lived the benefits.

Can one imagine what it might be like if true worldwide democracy existed and the United Nations were controlled by a world-wide, one man/one vote philosophy? The masses of China and India could vote themselves whatever they needed from the more prosperous Western countries. How long would a world system last based on this absurdity? Yet this is the principle that we are working so hard to impose on ourselves and others around the world.

In spite of the great strides made toward one-world government based on egalitarianism, I am optimistic that this utopian nightmare will never come to fruition. I have already made the case that here at home powerful special interests take over controlling majority opinion, making sure fairness in distribution is never achieved. This fact causes resentment and becomes so expensive that the entire system becomes unstable and eventually collapses.

The same will occur internationally, even if it miraculously did not cause conflict among the groups demanding the loot confiscated from the producing individuals or countries. Democratic socialism is so destructive to production of wealth that it must fail, just as socialism failed under communism. We have a long way to go before old-fashioned nationalism is dead and buried. In the meantime, the determination of those promoting democratic socialism will cause great harm to many people before its chaotic end and we rediscover the basic principle responsible for all of human progress.

With the additional spending to wage war against terrorism at home, while propping up an ever-expensive and failing welfare state, and the added funds needed to police the world, all in the midst of a recession, we are destined to see an unbelievably huge explosion of deficit spending. Raising taxes will not help. Borrowing the needed funds for the budgetary deficit, plus the daily borrowing from foreigners required to finance our ever-growing account deficit, will put tremendous pressure on the dollar.

The time will come when the Fed will no longer be able to dictate low interest rates. Reluctance of foreigners to lend, the exorbitant size of our borrowing needs, and the risk premium will eventually send interest rates upward. Price inflation will accelerate and the cost of living for all Americans will increase. Under these conditions, most Americans will face a decline in their standard of living.

Facing this problem of paying for past and present excess spending, the borrowing and inflating of the money supply has already begun in earnest. Many retirees, depending on their 401(k) funds and other retirement programs, are suffering the ill effects of the stock market crash, a phenomenon that still has a long way to go. Depreciating the dollar by printing excessive money, like the Fed is doing, will eventually devastate the purchasing power of those retirees who are dependent on Social Security. Government cost-of-living increases will never be able to keep up with the loss. The elderly are already unable to afford the inflated cost of medical care, especially the cost of pharmaceuticals.

The reality is that we will not be able to inflate, tax, spend or borrow our way out of this mess that the Congress has delivered to the American people.

The demands that come with pure democracy always lead to an unaffordable system that ends with economic turmoil and political upheaval. Tragically, the worse the problems get, the louder is the demand for more of the same government programs that caused the problems in the first place, both domestic and international. Weaning off of government programs and getting away from foreign meddling because of political pressure are virtually impossible. The end comes only after economic forces make it clear we can no longer afford to pay for the extravagance that comes from the democratic dictates.

Democracy is the most excessive form of government. There is no "king" with an interest in preserving the nation's capital. Everyone desires something, and the special-interest groups, banding together, dictate to the politicians exactly what they want and need. Politicians are handsomely rewarded for being "effective," that is, getting the benefits for the groups that support them. Effectiveness is never measured by efforts and achievements in securing liberty, even though it is the most important element in a prosperous and progressive world.

Spending is predictable in a democracy, especially one that endorses foreign interventionism. It always goes up, both in nominal terms and in percentage of the nation's wealth.

Paying for it can be quite complicated. The exact method is less consequential than the percent of the nation's wealth the government commands. Borrowing and central bank credit creation are generally used and are less noticeable, but more deceitful, than direct taxation to pay as we go.

If direct taxation were accomplished through monthly checks written by each taxpayer, the cost of government would immediately be revealed, and the democratic con game would end much more quickly.

The withholding principle was devised to make paying for the programs the majority demanded seem less painful. Passing on debt to the next generation through borrowing is also a popular way to pay for welfare and warfare. The effect of inflating a currency to pay the bills is difficult to understand and the victims are hard to identify. Inflation is the most sinister method of payment for a welfare state. It, too, grows in popularity as the demands increase for services that are not affordable.

Although this appears to be a convenient and cheap way to pay the bills, the economic consequences of lost employment, inflated prices and economic dislocation make the long-term consequences much more severe than paying as we go. Not only is this costly in terms of national wealth, it significantly contributes to the political chaos and loss of liberty that accompany the death throes of a doomed democracy.

This does not mean that direct taxes will not be continuously raised to pay for out-of-control spending. In a democracy, all earned wealth is assumed to belong to the government. Therefore, not raising taxes, cutting taxes, or granting tax credits are considered "costs" of government. Once this notion is established, tax credits or cuts are given only under condition that the beneficiaries conform to the democratic consensus. Freedom of choice is removed, even if a group is merely getting back control of that which was rightfully theirs in the first place.

Tax-exempt status for various groups is not universal but is conditioned on whether their beliefs and practices are compatible with politically correct opinions endorsed by the democratic majority. This concept is incompatible with the principles of private-property ownership and individual liberty. In contrast, in a free society, all economic and social decision-making is controlled by private property owners without government intrusion, as long as no one is harmed in the process.

The vast majority of the American people have come to accept democracy as a favorable system and are pleased with our efforts to pursue Wilson's dream of making the world safe for democracy. But the goals of pure democracy and that of a constitutional republic are incompatible. A clear understanding of the difference is paramount, if we are to remain a free and prosperous Nation.

There are certain wonderful benefits in recognizing the guidance that majority opinion offers. It takes a consensus or prevailing attitude to endorse the principles of liberty and a constitution to protect them. This is a requirement for the rule of law to succeed. Without a consensus, the rule of law fails. This does not mean that the majority or public opinion, measured by polls, court rulings or legislative bodies should be able to alter the constitutional restraints on the government's abuse of life, liberty and property. But in a democracy that happens, and we know today that is happening in this country on a routine basis.

In a free society with totally free markets, the votes by consumers through their purchases or refusal to purchase determine which businesses survive and which fail. This is free-choice democracy, and it is a powerful force in producing and bringing about economic efficiency. In today's democracy by decree, government laws dictate who receives the benefit and who gets shortchanged. Conditions of employment and sales are taxed and regulated at varying rates, and success or failure is too often dependent on government action than by consumers' voting in the marketplace by their spending habits. Individual consumers by their decisions should be in charge, not governments armed with mandates from the majority.

Even a system of free market money, a redeemable gold coin standard, functions through the principle of consumers always voting or withholding support for that currency. A gold standard can only work when freely converted into gold coins, giving every citizen a right to vote on a daily basis for or against the government's money.

It is too late to avoid the turbulence and violence that Madison warned us about. It has already started. But it is important to minimize the damage and prepare a way for the restoration of the Republic. The odds are not favorable, but not impossible. No one can know the future with certainty. The Soviet system came to an abrupt end with less violence than could ever have been imagined at the height of the Cold War. It was a pleasant surprise.

Interestingly enough, what is needed is a majority opinion, especially by those who find themselves in leadership roles, whether political, educational or in the media, that rejects democracy and supports the rule of law within the Republic. This majority support is essential for the preservation of the freedom and prosperity with which America is identified.

This will not occur until we as a Nation once again understand how freedom serves the interests of everyone. Henry Grady Weaver, in his 1947 classic, "The Mainspring of Human Progress," explains how it works. His thesis is simple. Liberty permits progress, while government intervention tends always to tyranny. Liberty releases creative energy; government intervention suppresses it. This release of energy was never greater than in the time following the American Revolution and the writing of the U.S. Constitution.

Instead of individual activity being controlled by the government or superstitious beliefs about natural and mystical events, the activity is controlled by the individual. This understanding recognizes the immense value in voluntary cooperation and enlightened self-interests. Freedom requires self-control and moral responsibility. No one owes anyone else anything and everyone is responsible for his or her own acts. The principle of never harming one's neighbor, or never sending the government to do the dirty work, is key to making the system tend to peaceful pursuits and away from the tyranny and majority-induced violence. Nothing short of a reaffirmation of this principle can restore the freedoms once guaranteed under the Constitution. Without this, prosperity for the masses is impossible; and as a Nation we become more vulnerable to outside threats.

In a Republic, the people are in charge. The Constitution provides strict restraints on the politicians, bureaucrats and the military. Everything the government is allowed to do is only done with explicit permission from the people or the Constitution.

Today, it is the opposite. The American people must get permission from the government for their every move, whether it is the use of their own property or spending their own money. Even the most serious decisions, such as going to war, are done while ignoring the Constitution and without a vote of the people's representatives in the Congress. Members of the global government have more to say about when American troops are put in harm's way than the U.S. Congress. The Constitution no longer restrains the government. The government restrains the people in all they do. This destroys individual creative energy, and the "mainspring of human progress" is lost. The consequences are less progress, less prosperity, and less personal fulfillment.

A system that rejects voluntary contracts, enlightened self-interests and individual responsibilities permits the government to assume these responsibilities. And the government officials become morally obligated to protect us from ourselves, attempting to make us better people and setting standards for our personal behavior. That effort is already in full swing. But if this attitude prevails, liberty is gone.

When government assumes the responsibility for individuals to achieve excellence and virtue, it does so at the expense of liberty and must resort to force and intimidation. Standards become completely arbitrary, depending on the attitude of those in power and the perceived opinion of the majority. Freedom of choice is gone.

This leads to inevitable conflicts with the government dictating what one can eat, drink, smoke, or whatever. One group may promote abstinence, the other tax-supported condom distribution. Arguments over literature, prayer, pornography and sexual behavior are endless. It is now not even permissible to mention the word "God" on public property. A people who allows its government to set personal moral standards for all nonviolent behavior will naturally allow it to be involved in the more important aspects of spiritual life. For instance, there are tax deductions for churches that are politically correct, but not for those whose benefits are considered out of the mainstream.

□ 1445

Groups that do not meet the official politically correct standards are more likely to be put on the terrorist list.

This arbitrary and destructive approach to solving difficult problems must be rejected if we ever hope to live again in a society where the role of government is limited to that of protecting freedom.

The question I am most often asked when talking about this subject is why do our elected leaders so easily relinquish liberty and have so little respect for the Constitution? The people of whom I speak are convinced that liberty is good and big government is dangerous. They also are quite certain that we have drifted a long way from the principles that made America great, and their bewilderment continuously elicits a big "why?"

There is no easy answer to this and no single explanation. It involves temptation, envy, greed and ignorance, but worst of all humanitarian zeal. Unfortunately, the greater the humanitarian outreach, the greater the violence required to achieve it. The greater the desire to perform humanitarian deeds through legislation, the greater is the violence required to achieve it.

Few understand this. There are literally no limits to the good deeds that some believe need to be done. Rarely does anyone question how each humanitarian act by government undermines the essential element of all human progress: individual liberty.

Failure of government programs prompts more determined efforts, while the loss of liberty is ignored or rationalized away. Whether it is the war against poverty, drugs, terrorism, or the current Hitler of the day, an appeal to patriotism is used to convince the people that a little sacrifice, here and there, of liberty is a small price to pay.

The results, though, are frightening and will soon even become more so. Poverty has been made worse. The drug war is a bigger threat than drug use. Terrorism remains a threat, and foreign wars have become routine and decided upon without congressional approval.

Most of the damage to liberty and the Constitution is done by men and women of goodwill who are convinced they know what is best for the economy, others, and foreign powers. They inevitably fail to recognize their own arrogance in assuming they know what is the best personal behavior for others. Their failure to recognize the likelihood of mistakes by central planners allows them to ignore the magnitude of a flawed central government directive compared to an individual or a smaller unit of government mistake.

C.S. Lewis had an opinion on this subject: "Of all tyrannies, a tyranny sincerely exercised for the good of its victim may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some times be satiated, but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience."

A system that is based on majority vote rather than the strict rule of law encourages the few who thrive on power and exerting authority over other people's lives, unlike the many driven by sincere humanitarian concerns. Our current system rewards those who respond to age-old human instincts of envy and greed as they gang up on those who produce. Those individuals who are tempted by the offer of power are quick to accommodate those who are the most demanding of government-giveaway programs and government contracts. These special interest groups notoriously come from both the poor and the rich, while the middle class is required to pay.

It is not a coincidence that in the times of rapid monetary debasement, the middle class suffers the most from the inflation and the job losses that monetary inflation brings. When inflation is severe, which it will become, the middle class can be completely wiped out. The stock market crash gives us a hint as to what is likely to come as this country is forced to pay for the excesses sustained over the past 30 years while operating under a fiat monetary system.

Eric Hoffer, the longshoreman philosopher, commented on this subject as well. "Absolute power corrupts even when exercised for humane purposes. The benevolent despot who sees himself as a shepherd of the people still demands from others the submissiveness of sheep."

Good men driven by a desire for benevolence encourage the centralization of power. The corruptive temptation of power is made worse when domestic and international interventions go wrong and feed into the hate and envy that invade men's souls when the love of liberty is absent.

Those of goodwill who work to help the downtrodden do so not knowing they are building a class of rulers who will become drunk with their own arrogance and a lust for power. Generally only a few in a society yield to the urge to dictate to others and seek power for the sake of power and then abuse it. Most members of society are complacent and respond to propaganda, but they unite in the democratic effort to rearrange the world in hopes of gaining benefits through coercive means and convince themselves they are helping their fellow man as well. A promise of security is a powerful temptation for many.

A free society, on the other hand, requires these same desires be redirected. The desire for power and authority must be over one's self alone. The desire for security and prosperity should be directed inwardly rather than toward controlling others. We cannot accept the notion that the gang solution endorsed by the majority is the only option. Self-reliance and personal responsibility are crucial.

But there is also a problem with economic understanding. Economic ignorance about the shortcomings of central economic planning, excessive taxation and regulations, central bank manipulation of money, and credit and interest rates is pervasive in our Nation's Capital. A large number of conservatives now forcefully argue that deficits do not matter. Spending programs never shrink no matter whether conservatives or liberals are in charge. Rhetoric favoring free trade is cancelled out by special interest protectionist measures. Support of international government agencies that manage trade such as the IMF, the World Bank, the WTO, and NAFTA politicizes international trade and eliminates any hope that free-trade capitalism will soon emerge.

The Federal Government will not improve on its policies until the people coming to Washington are educated by a different breed of economists than those who dominate our government-run universities. Economic advisors and most officeholders merely reflect the economics taught to them. A major failure of our entire system will most likely occur before serious thought is given once again to the guidelines laid out in the Constitution.

The current economic system of fiat money and interventionism, both domestic and international, serve to accommodate the unreasonable demands for government to take care of the people, and this, in turn, contributes to the worst of human instincts: authoritarian control by the few over the many.

We as a Nation have lost our understanding of how the free market provides the greatest prosperity for the greatest number. Not only have most of us forgotten about the invisible hand of Adam Smith, few have ever heard of Mises and Hayek and Rothbart, the individuals who understood exactly why all economic ups and downs in the 20th century occurred, as well as the cause of the collapse of the Soviet Union.

But worst of all we have lost our faith in freedom. Materialistic concerns and desire for security drive our national politics. This trend has been sharply accelerated since 9–11.

Understanding the connection between liberty, prosperity and security has been lost. The priorities are backwards. Prosperity and security come from liberty. Peace and the absence of war come from a consequence of liberty and free trade. The elimination of ignorance and restraints on do-goodism and authoritarianism in a civilized society can only be achieved through a contractual arrangement between the people and the government, in our case the U.S. Constitution. This document was the best ever devised for releasing the creative energy of a free people while strictly holding in check the destructive powers of government. Only the rule of law can constrain those who by human instinct look for a free ride while delivering power to those few, found in every society, whose only goal in life is a devilish desire to rule over others.

The rule of law in a republic protects free-market activity and private property ownership and provides for equal justice under the law. It is this respect for law and rights over government power that protects the mainspring of human progress from the enemies of liberty. Communists and other Socialists have routinely argued that the law is merely a tool of the powerful capitalists.

But they have it backwards. Under democracy and fascism, the pseudo-capitalists write the laws that undermine the Constitution and jeopardize the rights and property of all citizens. They fail to realize that the real law, the Constitution, itself guarantees the rights and equal justice and permits capitalism, thus guaranteeing progress.

Arbitrary, ever-changing laws are the friends of dictators. Authoritarians argue constantly that the Constitution is a living document and that rigid obedience to ideological purity is the enemy that we should be most concerned about. They would have us believe that those who cherish strict obedience to the rule of law in the defense of liberty are wrong merely because they demand ideological purity. They fail to demand that their love of relative rights and pure democracy is driven by a rigid obedience to an ideology as well. The issue is never rigid beliefs versus reasonable friendly compromise. In politics it is always competition between two strongly held ideologies. The only challenge for men and women of goodwill is to decide the wisdom and truth of the ideologies offered.

Nothing short of restoring a republican form of government with strict adherence to the rule of law, and curtailing illegal government programs, will solve our current and evolving problems.

Eventually the solution will come with the passage of the liberty amendment. Once there is serious debate on this amendment, we will know that the American people are considering the restoration of the constitutional republic and a protection of individual liberty.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. PUTNAM) laid before the House the following communication from NANCY PELOSI, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Speaker's Room, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 50 U.S.C. 401, section 1002(b) of the Intelligence Authorization Act, I hereby appoint to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Representatives Zoe Lofgren (D–CA) and Maurice Sonnenberg.

Best,

NANCY PELOSI,
Democratic Leader.

MEDICARE PRIVATIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last night the President said that seniors deserve enhanced preventative benefits and prescription drug coverage.

Seniors do deserve these benefits. What they do not deserve is being patronized, manipulated, and short-changed, particularly when the quality of their health care and their future financial security are at stake.

When the President said that seniors happy with the current Medicare system should be able to keep their coverage just the way it is, we all applauded. What he obviously means is this: If they are unwilling to leave Medicare and join an HMO, then they actually do not deserve preventative benefits and drug coverage, and they will not get any.

The President has every right to push his privatization agenda, Medicare privatization, Social Security privatization, but not by co-opting an issue as emotional and as important as prescription drug coverage. The President cannot go unchallenged when he mischaracterizes Medicare as a failed program.

My friends on the other side of the aisle continue to lambast, continue to criticize, continue to ridicule the Medicare program as a failed program so that then they can justify their goal of privatizing it.

The President in his budget, in his orders from the White House at HHS, recently dropped provisions to serve the general public, the Medicare public, in seminars asking questions, learning more about Medicare so that when seniors were overcharged, they would have some recourse. The President and his people at HHS are doing all they can to cut those Medicare services to make Medicare function more poorly so that Medicare does not serve the public as well, justifying their privatization of Medicare.

The retirement safety net was not put in place by Democrats because we wanted to make the Federal Government bigger, and it should not be dismantled by conservatives just because they want to make Federal Government smaller. The safety net was put in place because the private sector could not make a profit offering health insurance to seniors; so they did not offer it. That is why when Medicare was begun in 1965 by a Democratic President, Democratic House, Democratic Senate, with only 11 Republicans supporting the vote on Medicare. That is why it was created, because 35 years ago 50 percent of seniors in this country had no health insurance. Today almost every senior has health insurance because of one of the greatest programs in American history: Medicare.

But what the President of the United States basically said last night as he sat in this Chamber looking in this direction, looking out at Members of Congress, looking at the Ambassadors, looking at his Cabinet, the Supreme Court, looking at people in the gallery, the President said basically if they want prescription drug benefits, they have got to join an HMO to get it. And that is the story of the President's Medicare privatization. If they want prescription drug coverage, if they want preventative care, then they have got to join an HMO, and that is the President's efforts to privatize Medicare.

So I ask my friends on the other side of the aisle, I ask people listening today in this Chamber to understand that the President's plan to privatize Medicare, that the President is using the prescription drug benefit to try to get his plans to privatize Medicare into place.

☐ 1500

Again, Mr. Speaker, this whole debate is about the President saying if you want a prescription drug benefit, then you have to drop out of regular Medicare and join one of those HMOs. In some parts of the country there are no HMOs available. In many parts there are. It means you have to give up your choice of physician.

The President talks about choice, but when you are talking about real choice, it is all about fee-for-service traditional Medicare. You can choose your doctor, you can choose your hospital, you can choose your provider.

Under the President's plan, you have a choice. Your choice is stay in Medicare and not have a prescription drug benefit, or you can take a prescription drug benefit and join an HMO.

The Democrats'. prescription drug plan is to include a prescription drug benefit inside traditional Medicare. Medicare works very well for the public. It works even better if there is a decent voluntary prescription drug plan as part of Medicare.

Mr. Speaker, I ask this House to reject these privatization plans and instead put a prescription drug benefit inside Medicare, and continue to serve the Medicare population as well as Medicare has in the past.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EHLERS (at the request of Mr. DELAY) for today on account of accompanying the President on his trip to Grand Rapids, Michigan.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. BRADY of Pennsylvania) to revise and extend their remarks and include extraneous material:

Mr. BRADY of Pennsylvania, for 5 minutes, today.

Mr. FATTAH, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MARSHALL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. JONES of North Carolina, for 5 minutes, February 5.

ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Friday, January 31, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

280. A letter from the Administrator, Poultry Programs, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading [Docket No. PY-02-002] (RIN: 0581-AC10) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

281. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Martin J. Mayer, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

282. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Joseph W. Ralston, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

283. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Total Development Cost [Docket No. FR-4489-F-02] (RIN: 2577-AC05) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

284. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

285. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7797] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

286. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Required by Sections 404, 406 and 407 of the Sarbanes-Oxley Act of 2002 [Release Nos. 33-8138; 34-46701; IC-25775; File No. S7-40-02] (RIN: 3235-AI66) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

287. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Strengthening the Commission's Requirements Regarding Auditor Independence [Release No. 33-8154; 34-46934; 35-27610; IC-25838; IA-2088, FR-64, File No. S7-49-02](RIN: 3235-AI73) received January 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

288. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's

final rule — Medicaid Program; External Quality Review of Medicaid Managed Care Organizations [CMS-2015-F] (RIN: 0938-AJ06) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

289. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 [AD-FRL-6995-3] (RIN: 2060-AJ46) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

290. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects [AD-FRL-7414-5] (RIN: 2060-AE11) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

291. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects [AD-FRL-7414-5] (RIN: 2060-AE11) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

292. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies [MM Docket No. 98-204] received January 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

293. A letter from the Acting Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Jt. Board on Universal Service [Doc No. 96-45]; 1998 Biennial Regulatory Review-Streamlined Contributor Reporting Requirements Associated with Admin. of Telecom. Relay Service, N. Amer. Numbering Plan, Local No. Portability, & Universal Service Support Mechanisms [Doc No. 98-171]; Telecom Services for Individuals with Hearing & Speech Disabilities, & the A.D.A. Act of 1990 [Doc No. 90-571]; Admin. of the N. Amer. Numbering Plan & N. Amer. Numbering Plan Cost Recovery Contribution Factor & Fund Size [Doc No. 92-237, NSD File No. L-00-72]; Number Resource Optimization [Doc No. 99-200]; Telephone No. Portability to the Committee on Energy and Commerce.

294. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

295. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1 Addition (RIN: 3150-AG74) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

296. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

297. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

298. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

299. A letter from the Secretary, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

300. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

301. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

302. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

303. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

304. A letter from the Secretary, Department of Education, transmitting the twenty-seventh Semiannual Report to Congress on Audit Follow-Up covering the period from April 1, 2002 to September 30, 2002, pursuant to 5 app.; to the Committee on Government Reform.

305. A letter from the Inspector General, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

306. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

307. A letter from the Administrator, General Services Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

308. A letter from the General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

309. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

310. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

311. A letter from the Inspector General Liaison, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

312. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

313. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

314. A letter from the President, United States Institute of Peace, transmitting a report in compliance with the Inspector General Act of 1978 as amended and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

315. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule—Increased Contribution and Coordinated Party Expenditure Limits for Candidates Opposing Self-financed Candidates [Notice 2003–3] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

316. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Revision of the Charter Vessel and Headboat Permit Moratorium in the Gulf of Mexico [Docket No. 021209298-2298-01; I.D. 120402C] (RIN: 0648-AQ59) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

317. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the

Agency's final rule—National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations (CAFO's) [FRL-6921-4] (RIN: 2040-AD19) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

318. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2003-7] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

319. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003-5) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

320. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003-6) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

321. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Services's final rule—Rulings and determination letters [Rev. Proc. 2003-4] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

322. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exclusion of Gain from Sale or Exchange of a Principal Residence [TD 9030] (RIN: 1545-AX28) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

323. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence [TD 9031] (RIN: 1545-BB02) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

324. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003-13) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

325. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income defined (Rev. Rul. 2003-12) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

326. A letter from the Chief. Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election to Treat Trust as Part of an Estate [TD 9032] (RIN: 1545-AW24) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

327. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Duration of COBRA continuation coverage (Rev. Rul. 2002-88) received January 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

328. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—LIFO Recapture [Notice 2003-4] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

329. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of separate limitations to dividends from noncontrolled section 902 corporations [Notice 2003-5] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

330. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Income, war profits or excess profits tax paid or accrued (Rev. Rul. 2003-8) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 436. A bill to suspend the phasein of additional tax reductions under the Economic Growth and Tax Relief Reconciliation Act of 2001 while the United States is in a state of war or on high military alert; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Ms. DeLauro, and Mr. Shays):

H.R. 437. A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; to the Committee on Resources.

By Mr. WILSON of South Carolina (for himself, Mr. Cole, Mr. Boehner, Mr. McKeon, Mr. Isakson, Mr. Greenwood, Mr. Souder, Mr. Platts, Mr. Tiberi, Mr. Baker, Mrs. Wilson of New Mexico, and Mr. Graves):

H.R. 438. A bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 439. A bill to create a system of background checks for certain workers who enter people's homes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ (for himself, Mrs. Napolitano, Mr. Pastor, Mr. Serrano, Ms. Solis, Mr. Grijalva, and Mr. Acevedo-Vilá):

H.R. 440. A bill to amend the Immigration and Nationality Act to adjust the status of certain aliens with longstanding ties to the United States to that of an alien lawfully admitted to permanent residence, to promote family unity, to improve national security, to modify provisions of such Act affecting removal of aliens from the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. Chabot, Mr. Cox, Mr. Davis of Florida, Mr. Hoeffel, Mr. Rohrabacher, Mr. Sherman, and Mr. Wexler):

H.R. 441. A bill to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2003 in Geneva, Switzerland, and for other purposes: to the Committee on International Relations.

By Mr. CAMP (for himself, Mr. McGovern, Mr. Foley, Mr. Matsui, Mr. Ramstad, Mr. Neal of Massachusetts, Mr. English, Mrs. Jones of Ohio, Mr. Houghton, Mr. Hinchey, Mr. Rogers of Michigan, Mr. Evans, Mr. Petri, Mr. Tierney, Mr. Hoekstra, Mr. Stupak, Mrs. Miller of Michigan, Mr. Frank of Massachusetts, Mr. McInnis, Mr. Waxman, and Mr. Weller):

H.R. 442. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 443. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. Boehner, Mr. McKeon, Ms. Pryce of Ohio, Mr. Ballenger, Mr. Greenwood, Mr. Souder, Mr. Norwood, Mr. DeMint, Mr. Isakson, Mr. Platts, Mr. Tiberi, Mr. Keller, Mr. Wilson of South Carolina, Mr. Kline, Mr. Beauprez, Mr. Cunningham, Mr. Green of Wisconsin, Mr. Hayes, Mr. McHugh, Mr. Nethercutt, Mr. Oxley, Mr. Simmons, Mr. Smith of New Jersey, Mr. Tiahrt, and Mr. Wolf):

H.R. 444. A bill to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself. Mr. Berman, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Mr. Davis of Florida, Ms. DeLauro, Mr. Farr, Mr. Frank of Massachusetts, Mr. Honda, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island. Mr. Lantos, Ms. Lofgren, Mr. Lynch, Ms. McCollum, Mr. McDermott, Mrs. Maloney, Ms. Millender-McDonald, Ms. Norton, Mr. Olver, Mr. Owens, Mr. Rangel, Mr. Rodriguez. Mr. Sabo, Mr. Sanders, Ms. Schakowsky, Mr. Stark, Mr. Tierney, Mr. Weiner, and Ms. Woolsey):

H.R. 445. A bill to authorize the Secretary of Housing and Urban Development to make grants to States to supplement State assistance for the preservation of affordable housing for low-income families; to the Committee on Financial Services.

By Mr. DeFAZIO:

H.R. 446. A bill to establish an Emergency Malpractice Liability Insurance Commission; to the Committee on Energy and Commerce.

By Mr. DeFAZIO:

H.R. 447. A bill to establish an Office of Health Care Competition within the Department of Health and Human Services to administer the National Practitioner Data Base and to collect and make available to the public more information on medical malpractice insurance under that Data Base; to the Committee on Energy and Commerce.

By Mr. DeFAZIO (for himself and Ms. Norton):

H.R. 448. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mrs. Wilson of New Mexico, Mr. Nethercutt, Mr. Dicks, Mr. Hastings of Washington, Mr. Baird, Mr. McDermott, and Mr. Inslee):

H.R. 449. A bill to amend title XXI of the Social Security Act to permit the use of unexpended allotments under the State children's health care program for an additional fiscal year, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DUNN (for herself and Mr. NEAL of Massachusetts):

H.R. 450. A bill to amend the Internal Revenue Code of 1986 to provide incentives to small businesses to provide health insurance to their employees; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 451. A bill to amend the Internal Revenue Code of 1986 to modify the at-risk rules for publicly traded nonrecourse debt; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. HOLT, Mr. SAXTON, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. PASCRELL, Mr. LoBIONDO, Mr. PALLONE, Mr. ANDREWS, Mr. PAYNE, Mr. MENENDEZ, Mr. ROTHMAN, and Mr. GARRETT of New Jersey):

H.R. 452. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue System; to the Committee on Transportation and Infrastructure.

By Mr. GILLMOR (for himself, Mr. NEY, Mr. BEREUTER, and Mrs. JONES of Ohio):

H.R. 453. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 454. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself and Mr. RYAN of Wisconsin):

H.R. 455. A bill to require the Secretary of Agriculture to use the Department of Agriculture's preferred Option 1B as the price structure for Class I fluid milk under Federal milk marketing orders, to provide emergency market loss payments to dairy producers for any calendar year quarter in which the national average price for Class III milk under Federal milk marketing orders is less than a target price of $11.50 per hundredweight, and for other purposes; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 456. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Mr. KENNEDY of Minnesota, Mr. NETHERCUTT, Mr. BAKER, Mr. McHUGH, and Mr. POMEROY):

H.R. 457. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale of a family farming business to a family member; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself and Mr. GRIJALVA):

H.R. 458. A bill to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. CRANE, Mr. CANNON, Mr. CARTER, Mr. ISSA, Mr. WAMP, Mr. WILSON of South Carolina, Mr. PITTS, Mr. SENSENBRENNER, Mr. SOUDER, Mr. GOODE, Mr. MILLER of Florida, and Mr. SHAYS):

H.R. 459. A bill to amend the Internal Revenue Code of 1986 to provide economic stimulus; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. UDALL of Colorado, Mr. McINNIS, Mr. RENZI, Mr. UDALL of New Mexico, Mrs. WILSON of New Mexico, Mr. KOLBE, and Mr. TANCREDO):

H.R. 460. A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mrs. NORTHUP, and Mr. SOUDER):

H.R. 461. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Resources.

By Mr. ISAKSON:

H.R. 462. A bill to amend the Internal Revenue Code of 1986 to temporarily exclude long-term capital gain from the gross income of individuals; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MATSUI, Mr. CAMP, and Mr. CARDIN):

H.R. 463. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. BOEHNER, and Mr. CASTLE):

H.R. 464. A bill to provide relief to teachers, administrators, and related services providers from an excessive paperwork burden, and to reduce time spent by teachers on noninstructional activities, as required under the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

By Mr. KING of Iowa (for himself, Mr. POMEROY, Mr. SHIMKUS, Mr. SIMPSON, Mr. REHBERG, Mr. WELLER, Mr. LaHOOD, Mr. KENNEDY of Minnesota, Mr. LATHAM, Mr. MORAN of Kansas, Mr. BEREUTER, Mr. GRAVES, Mrs. EMERSON, Mr. BLUNT, and Mr. JOHNSON of Illinois):

H.R. 465. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. QUINN, Mr. WALSH, Mrs. KELLY, Mr. CUNNINGHAM, Mr. ALLEN, Mr. KENNEDY of Rhode Island, Mr. PASTOR, Mr. LaTOURETTE, Mr. MEEHAN, Mr. McHUGH, Mr. PALLONE, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. WEINER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ACKERMAN, Mr. WOLF, Mr. ISRAEL, Mr. CLAY, Mrs. MALONEY, Mr. LYNCH, Mr. SANDLIN, Mr. ENGEL, Mrs. BIGGERT, Mr. ANDREWS, Mr. DEAL of Georgia, Mrs. CAPITO, Mr. INSLEE, Mr. PAYNE, and Mr. HOLT):

H.R. 466. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Ms. LEE, and Ms. DELAURO):

H.R. 467. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing spices, flavoring, or coloring derived from meat, poultry, other animal products (including insects), or known allergens bear labeling stating that fact and their names; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. BROWN of Ohio, Mr. CROWLEY, Ms. DELAURO, Mr. KILDEE, and Mr. McDERMOTT):

H.R. 468. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. ENGEL, and Mrs. KELLY):

H.R. 469. A bill to provide an enhanced penalty for threatening to kill, injure, or intimidate an individual, or to cause property damage, by means of fire or an explosive on school property; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 470. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 471. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 472. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. CONYERS, Mr. CROWLEY, Ms. DELAURO, Mr. FILNER, Mr. FROST, Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. McDERMOTT, Ms. NORTON, Mr. OBERSTAR, Mr. PAYNE, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Ms. WOOLSEY, Ms. BERKLEY, Ms. MILLENDER-McDONALD, and Mr. FARR):

H.R. 473. A bill to amend title II of the Social Security Act to credit prospectively individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 474. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. Abercrombie, Mr. Crowley, Mr. Ferguson, Mr. Frelinghuysen, Mr. Frost, Mr. Hinchey, Mr. Holt, Ms. Kaptur, Mr. Lantos, Mr. Nadler, Mr. Pallone, Ms. Schakowsky, Mr. Serrano, Mr. Shays, Mr. Sherman, Mr. Smith of Washington, Mr. Rothman, Mr. Stark, and Mr. Weiner):

H.R. 475. A bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. Andrews, Mr. Brown of Ohio, Mrs. Capito, Mr. Capuano, Mr. Engel, Mr. Filner, Mr. Foley, Mr. Fossella, Mr. Gillmor, Mr. Hinchey, Mr. Holden, Ms. Kaptur, Mr. Kildee, Ms. Lofgren, Mr. Markey, Mr. McGovern, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Olver, Mr. Paul, Mr. Rothman, Mr. Rush, and Mr. Strickland):

H.R. 476. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT:

H.R. 477. A bill to extend Federal recognition to the Duwamish Tribe, and for other purposes; to the Committee on Resources.

By Mr. McINNIS (for himself, Mr. Pomeroy, Mr. Hayworth, Mr. Hulshof, Mr. Herger, Mrs. Cubin, Mr. Hefley, Mr. Beauprez, Mrs. Musgrave, Ms. DeGette, Mr. Tancredo, and Mr. Peterson of Pennsylvania):

H.R. 478. A bill to amend the Internal Revenue Code of 1986 to expand the rules for involuntary conversions of livestock sold on account of weather-related conditions; to the Committee on Ways and Means.

By Mr. McNULTY:

H.R. 479. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

By Mr. McNULTY:

H.R. 480. A bill to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex"; to the Committee on Government Reform.

By Mr. McNULTY:

H.R. 481. A bill to amend title 49, United States Code, to grant the State of New York authority to allow tandem trailers to use Interstate Route 787 between the New York State Thruway and Church Street in Albany, New York; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida:

H.R. 482. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture.

By Mr. MORAN of Kansas (for himself, Mrs. Cubin, Mr. Osborne, Mr. Rehberg, and Mrs. Musgrave):

H.R. 483. A bill to amend the Internal Revenue Code of 1986 to provide involuntary conversion tax relief for producers forced to sell livestock due to weather-related conditions or Federal land management agency policy or action, and for other purposes; to the Committee on Ways and Means.

By Mr. OSE (for himself, Mr. Houghton, Mr. Castle, and Mr. Leach):

H.R. 484. A bill to make certain amendments to the Homeland Security Act of 2002; to the Committee on Homeland Security (Select), and in addition to the Committees on Energy and Commerce, Science, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 485. A bill to provide for a Federal program to stabilize medical malpractice insurance premiums; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 486. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself, Mr. DeFazio, and Mr. Frank of Massachusetts):

H.R. 487. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. PAUL (for himself, Mr. Goode, Mrs. Musgrave, and Mr. Duncan):

H.R. 488. A bill to limit the issuance of student and diversity immigrant visas to aliens who are nationals of Saudi Arabia, countries that support terrorism, or countries not cooperating fully with United States antiterrorism efforts; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 489. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively that wages earned, and self-employment income derived, by individuals who are not citizens or nationals of the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title, and to provide the President with authority to enter into agreements with other nations taking into account such limitation on crediting of wages and self-employment income; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. George Miller of California, Mr. Otter, Mr. Doyle, Mr. Dicks, Mr. Andrews, Mr. McDermott, Mr. Frank of Massachusetts, Mr. Smith of Washington, Mr. Wilson of South Carolina, Mrs. Maloney, Mr. Greenwood, Mr. Walsh, Mr. LaTourette, Mr. Boswell, Mr. Honda, Mr. Green of Texas, Mr. Tierney, Mr. Baca, Mr. Inslee, Mrs. Davis of California, Mr. Pallone, Ms. Bordallo, Mr. Waxman, and Ms. Norton):

H.R. 490. A bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. Ross, Mr. Goode, Mr. Everett, Mr. Turner of Texas, Mr. Wicker, Mr. Cramer, and Mr. Alexandfr):

H.R. 491. A bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 492. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 493. A bill to repeal the sunset on the increased assistance pursuant to the dependent care tax credit provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 and to make the credit refundable; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 494. A bill to amend the Internal Revenue Code of 1986 to allow a full deduction for meals and lodging in connection with medical care; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. Hayworth, Mr. Pastor, Mr. Grijalva, and Mr. Kolbe):

H.R. 495. A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. Abercrombie, Mr. Akin, Mr. Andrews, Mrs. Cubin, Ms. Dunn, Mr. English, Mr. Ferguson, Mr. Fossella, Mrs. Johnson of Connecticut, Mr. Kolbe, Mr. Lucas of Kentucky, Mr. Paul, Mr. Rohrabacher, Mr. Shays, and Mr. Wilson of South Carolina):

H.R. 496. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. Smith of Michigan):

H.R. 497. A bill to amend the Internal Revenue Code of 1986 to suspend all motor fuel taxes for six months, and to permanently repeal the 4.3-cent per gallon increases in motor fuel taxes enacted in 1993; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 498. A bill to amend the Internal Revenue Code of 1986 to allow employees of county and local governments and of schools to maintain medical savings accounts; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 499. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for tuition expenses incurred for each qualifying child of the taxpayer in attending public or private elementary or secondary school; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 500. A bill to amend title XVIII of the Social Security Act to provide for a permanent increase in payment amounts under the Medicare Program for home health services furnished in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself and Ms. Loretta Sánchez of California):

H.R. 501. A bill to establish a student loan forgiveness program for nurses; to the Committee on Education and the Workforce.

By Mr. TANCREDO (for himself, Mr. Deal of Georgia, Mr. Duncan, Mr. Norwood, Mr. Schrock, Mr. Bartlett of Maryland, Mr. Smith of Texas, Mr. Weldon of Florida, Mr. Rohrabacher, Mr. Akin, Mr. Goode, Mr. King of Iowa, and Mr. Miller of Florida):

H.R. 502. A bill to require identification that may be used in obtaining Federal public benefits to meet restrictions ensuring that it is secure and verifiable; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself, Mr. Stenholm, Mr. Bonilla, Mr. Turner of Texas, Mr. Combest, Mr. Sullivan, Mr. Smith of Texas, and Mrs. Cubin):

H.R. 503. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the production of oil and gas from domestic marginal wells and to extend the credit for alternative fuels; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 504. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 505. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 506. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 507. A bill to declare that the United States holds certain public domain lands in trust for the Pueblos of San Ildefonso and Santa Clara; to the Committee on Resources.

By Mr. WICKER:

H.R. 508. A bill to provide that, in establishing wage schedules for certain prevailing rate employees with respect to whom the Government is currently experiencing recruitment and retention problems, rates of pay for comparable positions in the nearest, most similar wage area shall be taken into account; to the Committee on Government Reform.

By Mr. PLATTS:

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. Bereuter, Mr. Berman, and Mr. Lantos):

H. Con. Res. 22. Concurrent resolution honoring Czech Republic President Vaclav Havel; to the Committee on International Relations.

By Mr. KNOLLENBERG (for himself, Mr. Manzullo, Mr. Dooley of California, Mr. Jefferson, Mr. Blunt, Mrs. Biggert, Mr. Boehner, Mr. Brady of Texas, Mr. Burr, Mr. Burton of Indiana, Mr. Camp, Mr. Crane, Mr. Davis of Florida, Mr. DeMint, Mr. Dreier, Ms. Dunn, Mr. Ehlers, Mr. Flake, Mr. Frelinghuysen, Mr. Gillmor, Mr. Herger, Mr. Hoekstra, Mr. Isakson, Mr. Issa, Mrs. Johnson of Connecticut, Mr. Kennedy of Minnesota, Mr. Kind, Mr. Kirk, Mr. Kolbe, Mr. LaTourette, Mr. Leach, Mr. Lewis of Kentucky, Mr. Lucas of Kentucky, Mr. McCotter, Mr. Paul, Mr. Pence, Mr. Platts, Ms. Pryce of Ohio, Mr. Ramstad, Mr. Rogers of Michigan, Mr. Wicker, Mr. Shays, Mr. Smith of Michigan, Mr. Tiberi, Mr. Towns, Mr. Upton, Mr. Hobson, Mr. Houghton, Mr. Boswell, Mr. Petri, Mr. Bass, and Mr. Gary G. Miller of California):

H. Con. Res. 23. Concurrent resolution urging the President to request the United States International Trade Commission to take certain actions with respect to the temporary safeguards on imports of certain steel products, and for other purposes; to the Committee on Ways and Means.

By Mr. BURR:

H. Con. Res. 24. Concurrent resolution expressing the sense of the Congress with respect to the election of Libya to the chairmanship of 59th session of the United Nations Commission on Human Rights in Geneva, Switzerland; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that Social Security reform measures should not force State and local government employees into Social Security coverage; to the Committee on Ways and Means.

By Ms. McCOLLUM (for herself, Mr. Abercrombie, Mr. Allen, Ms. Berkley, Mr. Brown of Ohio, Mr. Capuano, Ms. Carson of Indiana, Mr. Crowley, Mr. DeFazio, Ms. DeLauro, Mr. Dicks, Mr. Doggett, Mr. Etheridge, Mr. Evans, Mr. Gilchrest, Ms. Norton, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. King of New York, Mr. Lantos, Ms. Lee, Mr. Markey, Mr. McDermott, Mr. McNulty, Mr. Meehan, Mr. Moran of Virginia, Mr. Oberstar, Mr. Olver, Mr. Pallone, Mr. Rahall, Ms. Roybal-Allard, Ms. Loretta Sánchez of California, Mr. Smith of New Jersey, Mr. Tierney, Mrs. Jones of Ohio, Ms. Watson, Mr. Waxman, and Mr. Weiner):

H. Con. Res. 26. Concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes; to the Committee on International Relations.

By Mr. BLUMENAUER (for himself, Mr. Wu, Mr. Walden of Oregon, Mr. DeFazio, and Ms. Hooley of Oregon):

H. Res. 41. A resolution congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin (for himself, Ms. Hooley of Oregon, and Mr. Kleczka):

H. Res. 42. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honoring American farm women; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin (for himself, Mr. Meehan, Mr. Shays, Mr. Doggett, Mr. Capuano, Mr. Petri, Mr. Frank of Massachusetts, and Mr. Berman):

H. Res. 43. A resolution directing the Clerk of the House of Representatives to post on the official public Internet site of the House of Representatives all lobbying registrations and reports filed with the Clerk under the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. HAYES:

H. Res. 44. A resolution honoring the service and sacrifice of the United States Armed Forces military working dog teams for the part they have played in the Nation's military history; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself, Mr. Baker, Mr. Bartlett of Maryland, Mr. Burr, Ms. Watson, Mr. Evans, Mrs. Jones of Ohio, Mr. Taylor of Mississippi, Ms. Corrine Brown of Florida, Mr. Kline, Mr. Murtha, Mr. Simmons, Mr. Israel, Mr. Andrews, Mr. Turner of Texas, Mr. Whitfield, Mr. Deutsch, Mrs. Miller of Michigan, Mr. Peterson of Pennsylvania, Mr. Menendez, Mr. Beauprez, Mr. Wexler, Mr. Issa, Mr. Owens, Mr. Wolf, Mr. Engel, and Mr. McNulty):

H. Res. 45. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in remembrance of the victims of the peacekeeping mission in Beirut, Lebanon, from 1982 to 1984; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. Weiner, Mrs. Maloney, Mr. Serrano, Mr. Filner, Ms. Lofgren, Ms. Norton, Ms. Slaughter, Mr. Towns, Mr. Leach, Mr. Lantos, Mr. Oberstar, Mr. Crowley, Mr. Owens, and Mr. Hinchey):

H. Res. 46. A resolution honoring the life of Al Hirschfeld and his legacy; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COLE:

H.R. 509. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

By Mr. PLATTS:

H.R. 510. A bill for the relief of certain aliens who were aboard the Golden Venture; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Platts, Mr. DeMint, Mr. Holt, Mr. McHugh, Mr. Langevin, Mr. Matsui, Mrs. Maloney, Mr. Frank of Massachusetts, Mr. Snyder, Mr. Serrano, Mr. Clyburn, Mr. Upton, Mr. Becerra, Mr. Owens, Mr. Petri, Mr. Bereuter, Mr. Doyle, Mr. Gordon, Mr. Quinn, Mr. Engel, Ms. Slaughter, Mr. LaTourette, Mr. Ackerman, Mr.

Grijalva, Mr. Udall of Colorado, Mr. Berman, Mr. McIntyre, and Mr. Bell.

H.R. 14: Mr. Upton, Mr. McIntyre, Mrs. Miller of Michigan, Mr. Platts, and Mr. Sensenbrenner.

H.R. 24: Ms. Carson of Indiana, Mr. Conyers, Mr. Grijalva, and Ms. Corrine Brown of Florida.

H.R. 107: Mr. Barton of Texas and Mr. Andrews.

H.R. 108: Mr. Radanovich and Mrs. Cubin.

H.R. 110: Mr. Ryan of Wisconsin.

H.R. 111: Mr. LaHood, Mr. Bishop of Utah, Mr. Weldon of Pennsylvania, Mr. Berry, Mr. Michaud, Mr. Burr and Ms. McCarthy of Missouri.

H.R. 115: Mr. Baker.

H.R. 120: Mr. Tancredo, Mr. Paul, Mr. King of Iowa, Mrs. Myrick, Mr. Sensenbrenner, and Ms. Hart.

H.R. 133: Mrs. Kelly.

H.R. 156: Mr. Holden, Mr. Taylor of Mississippi, Mr. Brown of South Carolina, Mr. Platts, and Mr. Walsh.

H.R. 157: Mr. Lipinski.

H.R. 161: Mr. Ryan of Ohio, Mr. LaTourette, Mrs. Jones of Ohio, Mr. Ney, Mr. Brown of Ohio, Mr. Tiberi, Mr. Kucinich, Mr. Hobson, Mr. Turner of Ohio, Ms. Kaptur, Mr. Chabot, Mr. Oxley, Mr. Regula, Mr. Strickland, Mr. Boehner, Ms. Pryce of Ohio, and Mr. Gillmor.

H.R. 167: Mr. Terry.

H.R. 172: Mr. Payne, Mr. Murphy, Mr. Rangel, Mr. Delahunt, Mr. Platts, and Mr. Ackerman.

H.R. 193: Mr. Goode and Mr. Weldon of Florida.

H.R. 203: Mr. Walsh.

H.R. 207: Ms. Norton.

H.R. 208: Mr. Towns, Mr. Ackerman, Mr. Grijalva, Mr. Baird, Ms. Ginny Brown-Waite of Florida, and Mr. Lantos.

H.R. 235: Mr. Doolittle, Mr. Wicker, Mrs. Myrick, Mr. Calvert, Mr. Gary G. Miller of California, Mr. Istook, Mr. Tiberi, and Mr. Duncan.

H.R. 254: Mr. Kolbe.

H.R. 282: Mr. DeMint, Mr. Upton, Mr. Pitts, Mrs. Myrick, Mr. Sensenbrenner, Mr. Norwood, Mr. Paul, Mr. King of Iowa, Ms. Hart, Mr. Whitfield, Mr. Smith of Michigan, and Mr. Beauprez.

H.R. 284: Mr. Kanjorski, Mr. Duncan, Mr. Murtha, Mr. Pitts, and Mr. Simpson.

H.R. 290: Mr. Andrews.

H.R. 295: Mr. Holden.

H.R. 296: Mr. Holden.

H.R. 302: Mr. Lipinski.

H.R. 307: Mr. Costello, Mr. Nethercutt, Mr. Etheridge, and Mr. Bishop of Georgia.

H.R. 312: Mr. Janklow.

H.R. 342: Mr. Green of Texas, Mr. Souder, Mrs. Maloney, Mr. Lipinski, and Mr. Bereuter.

H.R. 361: Mr. Terry, Mr. Bereuter, Mr. Wolf, Mr. Boucher, Mr. DeMint, Mr. Boswell, Ms. Carson of Indiana, Mr. Etheridge, Mr. Hefley, Mr. Miller of Florida, Mr. Baird, and Mr. Souder.

H.R. 368: Mrs. McCarthy of New York and Mr. Bishop of New York.

H.R. 373: Mr. Frost and Ms. Carson of Indiana.

H.R. 383: Mr. Kanjorski, Mr. Lewis of California, Mr. Doolittle, Mr. LaTourette, Mr. English, Mr. Shays, Mr. Bartlett of Maryland, Mr. Holden, Ms. Baldwin, Mr. Sherman, Mrs. Jones of Ohio, Mr. Dreier, and Mr. Issa.

H.R. 412: Mr. Ose, Mr. Green of Wisconsin, Mr. McNulty, and Mr. Waxman.

SENATE—*Wednesday, January 29, 2003*

The Senate met at 12:02 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. We will be led in prayer today by the guest Chaplain, the Very Reverend Nathan D. Baxter, Dean of the Washington National Cathedral.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Blessed Lord, I commend to Your grace and wisdom this day the Members of this Senate and all who support their labors. I ask that You deepen their passion for the fragile treasure of democracy. As they engage the difficult work of legislating, grant them always to be guided by a love for our great Nation and a respect for its diverse people. Finally, we ask that You grant that the fruits of their labors in this and every session, begun and ended in You, may assist the people of this great land to build lives of mutual respect, well-being and service, so that poverty of body and mind and spirit may be made extinct among us, even in our time. We offer these prayers in the Name of God from whom all blessings flow. Amen.

The PRESIDENT pro tempore. May I ask that the distinguished minority leader lead us in reciting the pledge to our flag.

PLEDGE OF ALLEGIANCE

The Honorable TOM DASCHLE, a Senator from the State of South Dakota, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today there will be a period of morning business until 4 p.m. At this time, I ask unanimous consent that the time be divided as follows:

The time until 1 o'clock under the control of the Democratic leader or his designee; the time from 1 to 1:30 under the control of the Republican leader or his designee; 1:30 to 2 o'clock under the control of the Democratic leader or his designee; 2 o'clock to 3 o'clock under Republican control.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. During today's session, the Senate is expected to complete the short-term continuing resolution which was received from the House. I am not aware of any requests for a rollcall vote on that resolution, and therefore we would hope to pass the 1-week extension by unanimous consent. In addition, there are a couple of nominations that are expected to receive committee action shortly. I would expect the full Senate to act on those nominations expeditiously following the committee's reporting of those nominations. This afternoon, we will alert all Members as to the expected schedule for any rollcall votes.

MORNING BUSINESS

MEASURES PLACED ON THE CALENDAR—S. 224, S. 225, AND S. 228

Mr. FRIST. Mr. President, there are three bills at the desk that are due for their second readings. I ask unanimous consent that the three bills now be read for the second time, and I ask unanimous consent that there be an objection, en bloc, to any further action on these bills following the readings.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

The clerk will now read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

> A bill (S. 224) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the minimum wage.
>
> A bill (S. 225) to provide for emergency unemployment compensation.
>
> A bill (S. 228) to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

The PRESIDING OFFICER. Objection to further proceedings being heard, the bills will now be placed on the calendar.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

The distinguished minority leader.

STATE OF THE UNION ADDRESS

Mr. DASCHLE. Mr. President, I wanted to come to the floor this morning to talk a little bit more about the State of the Union Message we heard last night from the President of the United States. We all had occasion to respond to members of the media last night, but I do think it is important, as we contemplate his message and as we react to it, that, at least to a certain extent, we do so in an official capacity here on the Senate floor.

The President came to Congress to deliver his annual State of the Union Message in fulfilling his constitutional obligation to report to Congress and the American people on where our Nation is and the direction in which we are headed.

The reason our Founders included that obligation is they recognized that democracy requires discussion. So I want to take a moment today to add my thoughts to that discussion.

In many instances, the President's words were powerful, and there are many areas where I see room for enthusiastic agreement.

For example, his call, last night, for a renewed commitment to address the international pandemic on AIDS was welcome. I can say, without equivocation, that our caucus, and I believe Democrats in the Congress in its entirety, will be supportive of the efforts made by the President and this administration to address the international AIDS crisis more effectively.

Let me also say I was pleased that the President made the announcement he did with regard to the Federal commitment to alternative fuels.

I wish he had gone further, frankly, but a recognition of the importance of continuing the development through research of hydrogen fuels is a welcome bit of news. As we have progressed over the course of the last couple of years, the alternative fuels market, the need for the continued development of alternative fuels, is important to the Presiding Officer, to myself, and to many others who recognize that we will never rid ourselves of dependency upon foreign sources until we make a more complete commitment to the development of alternative fuels.

So the President's willingness to do that, his prioritization of that question, is one that was received in a very enthusiastic way, I am sure, on both sides of the aisle.

There are other areas, however, where the President's words seemed out of step with his actions and, frankly, out of touch with his proposals.

Today, and in the days ahead, the real test of the President's words is not whether they sound good but whether they lead to action and whether that action leads to progress.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Today, the triple threat of war, terrorism, and recession is combining to make Americans unsure about their future and unclear about the course our Nation is taking.

On the economy, it is almost impossible to believe, but just 2 years after the longest economic expansion in history, today we have more than 2 million jobs lost in 2 years; the worst job creation record of any administration in 60 years; the first back-to-back years of job loss in 50 years; middle-class income is down for the first time in 10 years; the highest unemployment rate in 8 years; the highest poverty rate in 8 years; and a Federal budget more than half a trillion dollars in debt.

In fact, as the budget is about to be produced for the coming fiscal year, we are told we will see the biggest indebtedness that we have seen now in more than 10 years. We started out 2 years ago with the projection of $5.5 trillion in surplus. We are now told because of the President's tax cuts and, in part, because of the recession and the potential for war, our projected deficit over the course of the next 10 years will be $1.7 trillion, $1.7 trillion deficit from a $5.5 trillion surplus just 2 years ago. That represents nearly a $7 trillion swing in a mere 24 months—$7 trillion from surplus to deficit in 24 months.

The economic plan the administration passed in 2001 has, unfortunately, been an abject failure. Yet, last night, the President seemed to be asking for more of the same. Before this ditch gets dug any deeper, the President must explain why he thinks this time the results will be any different than the last time.

Mr. President, I have expressed on the floor in past speeches my concern for his plan and how serious a concern we have for the ramifications of that plan. The President started by calling his plan "stimulus." I have noticed in recent months or weeks that he has chosen not to use that word, and I think for good reason. There is very little stimulus in the President's proposal. In fact, by their own recognition and acknowledgement, only 5 percent of the budget in the proposal made by the President in his $674 billion tax reduction plan is stimulative this year. Ninety-five percent of what the President is proposing takes place next year and the year after—5 percent. That 5 percent is expected to raise 190,000 jobs. Ironically, 190,000 jobs is exactly the number of jobs lost in November and December of last year. So while we have lost 2.3 million jobs, the President is proposing that we enact an economic plan that produces 190,000 jobs this year. So we ought to be clear about that.

There is very little stimulative value in what the President has proposed. Let me say I could understand that if there were some merit to the proposals themselves. But the problem we have with the proposals themselves is they are not broad based. Last night, the President noted there would be some who would benefit by up to $1,200 and, certainly, in some cases, because of his advocacy of the child tax credit, that would be the case. But there are thousands and thousands of people who are not able, because they don't have children, to benefit from the tax plan as the President proposed. In fact, in his plan, $20 billion in the first year goes to 226,000 people whose income exceeds $1 million; $15 billion goes to the 92 million Americans whose incomes are no greater than $50,000. So there is an extraordinary disparity between those who would benefit at the very top and those who benefit in a much more marginal way with incomes of $50,000 or less.

What troubles me the most about the fairness question is not the income disparity, but the notion that we could be sending people to war, that we could actually be asking people to give their lives in pursuit of a war with Iraq at the very time we turn around and tell those with incomes of more than $1 million they are going to get an $89,000 tax break. It would be hard—in fact, impossible—for me to accept 10 or 15 or 20 years from now, as the question is asked: So what did you do? What was your sacrifice in the war on Iraq?—the only answer being, in the case of those making more than a million dollars: I got an $89,000 tax break. So the fairness question has economic, as well as very real and personal implications that are troubling to many of us.

Perhaps the third and final of all of the many concerns we have with regard to this particular plan is the recklessness. As I said, we are going from a $5.5 trillion surplus to a $2 trillion deficit in 2 years. But that doesn't tell the whole story. States are now experiencing deficits that, in total, exceed $100 billion. Economists have now proposed analyses that would suggest, in addition to the $100 billion, the tax plan proposed by the President would exacerbate that debt by at least $4 billion to $6 billion more. So, ironically, at the very time we are cutting taxes at the Federal level, the President is turning around and requiring Governors to increase taxes at the local and State levels. It just doesn't make sense.

It is reckless as well in the recognition that we are going to be borrowing every dollar in resources that we turn around and give out in the form of tax cuts. Every dollar in those tax cuts comes directly from the Social Security and Medicare trust funds. We have no other resources to send out.

Finally, I simply say, as we consider this recklessness, as we consider our priorities, there is no possible way that we can fight a war in Iraq, that we can dedicate ourselves to the priorities the President articulated in his address last night—which I will turn to in a moment—there is no way we can help the States with the tremendous fiscal crisis they are now facing—a crisis, we are told, that is the worst in 50 years—and turn around and provide a $1.7 trillion additional tax cut this year.

There is growing concern, as we consider the ramifications of what the President is proposing, that we can cause even more serious damage to the economy were we to take the proposals of the President and enact them as they have been sent to us. It is essential that we go back to the drawing board, essential that we live up to the economic principles that mainstream economists tell us are essential if we are going to do this right. They tell us whatever stimulus we pass ought to be immediate, ought to be time limited, and, indeed, that is what Democrats have proposed—a limited, immediate stimulus that will take effect this year, not in the outyears; that it be fiscally responsible; that we not exacerbate overall indebtedness by $1.7 trillion; that if anything we limit what exposure there is budgetarily to no more than $100 billion to $150 billion—1.5 percent GDP. Our Democratic plan will do that.

A third point they tell us is we ought to be broad based in our approach, provide assistance to where it can do the most good, spur consumption. We do that with the $300 rebate, $1,200 for families with children; the business tax cuts we advocate for accelerated appreciation, for expensing of equipment, and for reducing the cost of health care for employees, in addition to providing the unemployment compensation to the millions of Americans who have not been provided those benefits in recent weeks.

We have done some analysis of families who were in the gallery last night with the First Lady, people who were invited to come because, according to the President, they benefited from the plans the President articulated.

As we calculate those specific benefits, we find, ironically, that they actually do better under the Democratic plan than under the President's plan. The Becks, for example, the senior citizens he cited, get a 43 percent larger benefit under the Democratic plan than they do under the President's plan.

I start with that. I wish the President would have devoted more time to the economy, more time to the concerns that many of us have raised about his proposal, more time to how we are going to address the deficit and how we are going to deal with spurring the economy to bring down that deficit than he did last night. But I stand ready to work with him.

I think it is critical we work together. I am hopeful we can find meaningful bipartisan consensus, and I hope we do it sooner rather than later.

There are reports that some of our colleagues would prefer to wait until April or May before we take up economic stimulus. I think that would be a lost opportunity and a real mistake if, indeed, we want to get this economy back on track at the earliest possible date.

Last night, the President also indicated in his comments that education remained important, but what surprised me about his assertion that it is important is that last night, in a 1-hour speech, education got just one line. The President said we had passed "historic education reform, which now must be carried out in every school and every classroom so that every child in America can read and learn and succeed in life."

Speaking of education reform and other measures passed over the last 2 years, he said:

> Some might call this a good record. I call it a good start.

The President is right, it is a good start but only a start. Right now, unfortunately, it appears to be a false start because the President has refused to adequately fund his own education reforms. The Bush administration has proposed the smallest education budget in 7 years despite continued record enrollments in America's public schools, despite new testing requirements and other mandates in new law, despite the worst State budget crises in 50 years—crises that are forcing many States to cut education budgets—despite a looming teacher shortage crisis, despite growing problems with overcrowded and obsolete school buildings, despite the fact that higher education is slipping farther and farther out of reach for more families, despite the critical importance of education to the social and economic health of America's future—despite all the rhetoric, the Bush administration is proposing an education budget that underfunds his own education reforms by more than $7 billion.

This, again, begs the question: How in the world, if the President can propose $1.7 trillion, can he explain underfunding his own education reforms by $7 billion?

Last night, the President spoke eloquently about the environment. He asked us to pass an initiative he calls "Healthy Forests." Healthy forests is a euphemism for logging without limits to many. It opens more than 20 million acres of national forests to logging and thinning. It allows those projects to avoid environmental laws, public comment, or judicial review. Democrats want a balanced approach to forest management.

The President also talked about a proposal he calls "Clear Skies," another euphemism. Clear Skies is actually weaker than the current Clean Air Act. It delays reductions in air pollution and makes it harder for States to limit pollution.

Again, the President is using all the right rhetoric but clinging to all the wrong policies. When he calls something "Healthy Forests" and it is not, when he calls something "Clear Skies" and it will not, the credibility gap widens.

The President last night also promised a prescription drug benefit under Medicare. What he proposed last night is a prescription drug plan that comes at the expense of Medicare. It is not, as the President said last night, the same as the health care choices that Members of Congress get. Members of Congress get a prescription drug program and benefit regardless of the plan they choose.

Under the President's Medicare privatization plan, seniors can only get drug coverage if they drop out of traditional Medicare and join an HMO. The President omitted this crucial detail last night.

Of all the decisions facing this President, none has more profound consequences than the launching of a war against any country. We all know, in the case of Iraq, that Saddam Hussein is not a man to be trusted. We all know that North Korea has nuclear weapons and is the world's biggest proliferator, and we face three very serious threats. We face the threat that Iraq could acquire and deploy weapons of mass destruction. We face the threat of North Korea, a country that already has nuclear weapons and is threatening to develop more. And we face the threat of additional terrorist attacks, including the horrific prospect of an attack with weapons of mass destruction. We have to prioritize how we confront these threats, and the President needs to explain why he is approaching each one in the way he is.

My concern is the President has not adequately laid out to the American people or to the international community why our top priority, in light of the other ones, ought to be war with Iraq, and how we can ensure that if we go to a war with Iraq, we will not jeopardize our other priorities, including defending ourselves against terrorist attacks at home.

The President needs to lay out as clearly and as compellingly as he is able what imminent threat Iraq poses for the United States and what we will do as a nation to ensure international cooperation and international support if war becomes an inevitability.

I look forward to hearing more from Secretary Powell next Wednesday, February 5, but if the President has information about what he will share with the United Nations and others on February 5, I ask that he share it with us now. If there is information that has been withheld from Congress, if he has not provided the same information to us that he intends to share with them, I ask that he do so immediately. Certainly, we have every right to know. For us to know now would help us clarify the confusion and the lack of certainty about the threat posed by Iraq which the President addressed last night.

There were also a number of things the President did not mention, which I think needed to be mentioned: Racial reconciliation, hate crimes, diversity in education, equal opportunity. Amazing. There was not one word about these issues, in spite of the fact that a hate crime occurs every 3½ minutes in this country; in spite of the fact that the Supreme Court may be dealing with the issue of diversity in education and equal opportunity in the very near future and the administration has chosen to oppose it; in spite of the fact that we are troubled by our inability to deal with these issues in a meaningful way legislatively in the weeks and months ahead without the direct involvement and leadership on the part of the administration.

The President did not address veterans and health care, and veterans' health in particular. There are 164,000 veterans who may be forced off the rolls because of new criteria involving their eligibility. That, too, could have been addressed and should have been addressed if indeed it was the priority the President maintains.

One million workers were left out of unemployment insurance and the President did not mention that as well. The President did not mention agriculture, did not mention the rural crisis we face, and the tremendous attrition we find in small communities across this country. He did not talk about the issues involving agriculture and the extraordinary challenges farmers and ranchers are facing as we recognize the extraordinary effect that the drought and other natural disasters have had in recent years.

The President was right when he said this country has many challenges. He was right to say we cannot ignore them and that we should not pass them on to future generations. To prevent that from happening, we need to work together. We need to make sure what is promised is done. Only then will we be able to reduce America's anxiety and truly strengthen our Union.

I yield the floor.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, I certainly publicly acknowledge the statement made by our leader. I approve of the statement, as does our Democratic Caucus, and would simply say we look forward to working on a bipartisan basis with the President. There are a lot of things we need to do, but this is a democracy and we have to act accordingly. So I look forward to working with the President on all of these issues about which the Democratic leader spoke.

TITLE IX

Mr. REID. The time is now mine, and I want to talk about something that is real important to me, important to the State of Nevada, and the country. I do not think it would be a stretch to say this administration does not have a good record on protecting civil rights. Republicans say they are for diversity, but they are fighting against policies that promote diversity. Embarrassed and on the defensive following recent events that focused attention on the Republican Party's position on civil rights, the President and other prominent Republicans professed a new willingness to support efforts to expand opportunities for all Americans.

Unfortunately, they have not taken any action to suggest that they have a sincere change of heart. In fact, to the contrary, the President has recently opposed affirmative action policies that open the doors of higher education to a generation of talented and motivated minority students, and he does not oppose affirmative action that gets people in some of our best schools because they are children of alumni, that some students get into because of their athletic ability, and a lot of other issues that were not brought up in the brief the President filed with the Court.

The President has to fully fund education programs, including those targeting minority and low income students. The President has nominated and continues to nominate judicial candidates who have expressed and demonstrated hostilities to civil rights enforcement and has placed opponents of civil rights in positions of power.

Now comes the disturbing news that this administration is on the brink of attacking title IX, programs that have made America better, stronger, and fairer by enabling millions of young women the same educational opportunities as young men. We cannot—I personally will not—let the administration do that. We cannot let this administration even think about dismantling title IX, taking away opportunities from American women, and undoing the progress we have made over the last 30 years.

Title IX of the education amendments of 1972 was the landmark legislation that prohibits sex discrimination in federally funded educational athletic programs.

In my career, as in the career of the Presiding Officer, I have had the opportunity to meet some very outstanding people. One of the people I met was a woman by the name of Molly Yard. Molly Yard was five foot two, from Pennsylvania, a graduate of Swarthmore, born in China to missionary parents. She came back to the United States when she was age 13. Having participated in athletics in China, when she came back to the United States there were no programs for girls. She always felt less of a person than she could have been for not having the ability to participate in athletics. For this woman, who later in life became the president of the National Organization of Women and was heavily involved in all kinds of activities, the one issue of utmost importance to her was title IX and having young women involved in athletics.

I met Molly Yard. I met her when she was an older woman. She was still very dynamic. Even though, after I met her, she had a stroke and was physically infirm, she was still very enthusiastic about having worked for title IX and young women, girls, participating in athletics.

EVAN BAYH, who is presently the Senator from Indiana, should be proud of his father for many achievements. All of us who know Birch Bayh, a former Senator from the State of Indiana, know what a fine man he is and what a great legislative record he accumulated while in Congress, but EVAN should be most impressed with his father for being the sponsor of title IX. In 1972, it was Birch Bayh who wrote and introduced these amendments that made title IX what it is today.

I will focus my remarks primarily on equal opportunity in athletics, not the whole statute.

As a sports fan, I love athletics. As a young boy, my dream was to be a professional baseball player, but I was not good enough. So I am a Senator instead. As an avid sports fan, I wake up in the morning and the first thing I do is read the sports page. I do it because there is always good news on the sports page. People may not always be happy with the outcome of athletic events, but there is always something good happening on the sports page: somebody won this or won that.

I enjoy very much going out to our university campuses in Nevada. I live in the southern part of the State and go to UNLV most of the time to watch girls athletics. I love to watch softball. I don't know how many people watch college level or high school level girls softball, but it is so exciting. I hope I don't offend JIM BUNNING, but it is more exciting than baseball. It is quick and fast.

I have had the opportunity to watch some great athletes play softball. Lori Harrigan pitched and won games in two successive Olympics. I recently had a thrilling experience with a young lady named Nicole Truax, an intern from the University of Nevada at Las Vegas, a pitcher on one of their softball teams. I love to talk to Nicole. When she was 12 years old, her father could no longer catch her ball. She threw the ball so hard that her dad could not catch it.

That is what girls athletics is all about. I went to a UNLV girls basketball game recently and I went into the locker room afterwards and talked to them about title IX, about the reason they can participate in athletics, because of a law we passed in Congress.

On the high school level, I recently visited Gorman High School and watched Gorman High School play. The main reason I went was one of my friend's two girls play. They are both athletes, Danielle and Jackie Bates. They run track and play basketball.

I recently visited with and helped present some awards to the Green Valley High School golf team. This golf team set a national record for consecutive victories. On October 1 of last year they broke the record of 128 straight duel match wins by completing another unbeaten season, extending the streak to 133 over 11 years. Girls playing golf; they won the State championship last year by 70 streaks. That is what girls do in athletics.

Before title IX, it was rare to see girls and young women playing sports. Even if they wanted to play and were tall, they could not play in organized competitions because high schools and universities did not have women's teams. When I was in high school, my wife, who I am sure was more athletic than I, could only be a cheerleader. She could not play basketball. Of course, she is only 5 feet tall. There are a lot of 5-foot tall basketball players in women's sports. In those days, a young lady could only become a cheerleader; there were no other athletic competitions for her.

My oldest child is a daughter. Title IX was just coming into being. Programs were very sparse when she was in school and she did not participate in athletics. All my four boys participated. There were programs all over for them.

Thanks to title IX, women today have a much broader range of athletic and educational opportunities at all schools in Nevada and all over America. It has helped to dramatically increase participation in sports among female students. Since the implementation of title IX, there has been an already tenfold participation in high school sports for girls. Now, there are 3 million girls participating in athletics. At the college level, the number is 150,000 athletes. This shows if you build it, they will come. Girls and young women have a high level of interest in sports and have embraced the opportunity to participate.

This dramatic increase in women participating in athletics has taken place even though women athletes still do not get equal treatment or equal funding that boys and men get. At schools in cities and towns and communities across the country, the boys who play sports are worshipped as heroes and get fancy uniforms, sometimes two or three seats for each player, new training facilities, and the best practice fields and games and an expensive travel budget.

I am sure women, before title IX, would have welcomed a chance to play on any school team, even if it meant wearing an old worn-out uniform, playing at less convenient times. But for girls it is not enough just to play. They deserve equal treatment. That is the law. Despite the inequality and unfairness, girls and young women participate in record numbers.

Remarkably, some critics of title IX trot out old stereotypes, claiming that women are not interested in sports. That is simply not true. The statistics show otherwise. The participation rate of girls in high school athletic programs since 1992 has increased 800 percent. There are five times as many women in college athletics.

We all know young men are actively pursuing opportunities to play sports. They see Michael Jordan and they want to be just like Michael, to jump to new heights. Girls also admire women who are successful in athletics, such as a Mia Hamm or a Julie Foudy, who played on our World Cup championship team, or Sheila Leslie, who plays basketball, or Gail Devers, who can run faster than most men in the world. That is whom they admire. And even though there are the Greg Madduxes and Steve Youngs men admire and respect, there are women athletes whom young women aspire to be like, such as Tasha Schwikert from Las Vegas, still in high school, a gymnast who is ranked No. 1 in the country and fifth in the world. It inspires other young ladies. They see Serena and Venus Williams shining on the court and ask, Why not me?

Last summer, the Secretary of Education announced the appointment of a panel to study title IX. It would have been great if he called for a review of how better to enforce the law, but he did not. Although no one in the administration dares to criticize title IX, and Secretary Paige praised it, they are poised to gut it. American girls and young women must be thinking that with friends like these, who claim to follow the law and like the law but are acting to undermine it, who needs enemies.

This week, the President's Commission on Opportunity in Athletics is holding its final meeting and will soon make recommendations that threaten the achievements American society has made because of title IX. It would be better entitled the President's Commission to Prevent Opportunity in Athletics.

I am deeply concerned about the stealth attack on women. If the President agrees with recommendations of this Commission—which, by the way, is heavily weighed by very large schools with great big football programs—he can make revolutionary changes. Even though Congress and the courts and the American people and women and men have consistently supported title IX, he could do this, but it would be wrong.

Yesterday, new data released by the Women's Sports Foundation found that the proposed changes being made by the President's Commission could result in a loss of as many as 931,000 opportunities for girls to participate in high school sports each year. Is this bad or wrong? Of course.

What are some of the facts about title IX? What is it and what is it not? No. 1, opponents of title IX claim they are in favor of title IX but not as policies. They certainly do not want to jeopardize men's athletics. No. 2, in reality, nothing in the law or policy requires schools to set aside a certain mandatory number of slots for athletics. In fact, every court that heard this argument has said title IX does not require quotas.

No. 3, then, means title IX is not a quota system. Although one way a school can comply with the law is by ensuring the percentage of male and female students is about equal—the race of men and women in the student body is not the only way you can do it—there are many other ways.

For example, schools can comply with title IX simply by showing it is trying to expand opportunities for female athletes or that it has accommodated interests of female students at the school; whatever the number of opportunities it provides. One proposal apparently being reviewed allows colleges and universities to limit the number of scholarships awarded to female athletes. Regardless of how many women are enrolled, a school would be allowed to limit women to just 43 percent of college scholarships. Why? On average, women comprise 53 percent of the student body's division 1 colleges at the top level of competition, but they are only 41 percent of the athletes.

For most Americans title IX is synonymous with our efforts to provide girls and women an equal opportunity to participate in sports, but title IX addresses a whole range of important programs and issues related to education. In fact, only a small fraction of the title IX complaints received by the Department of Education's Office for Civil Rights are related to athletics. Maybe that is too bad, but it is a fact.

Title IX also has helped to provide women with equal access to higher education. Years ago, many universities excluded or severely restricted women from admission to certain programs. Now, however, the percentages of women enrolled in American law schools and medical schools are approximately the same as for men.

Unfortunately, according to reports recently issued both by the National Women's Law Center and the National Coalition for Women and Girls in Education young women continue to be subject to persistent gender segregation and discriminatory counseling in high school vocational and technical education programs at American high schools. They are often steered toward programs like cosmetology, health aide preparation, and child care training all of which lead to lower paying jobs while male students congregate in programs leading to higher paying careers in technology and the trades. This has significant negative implications for women's employment prospects and earning power.

We need to vigorously defend and enforce title IX in all of the areas it covers, so that we can sustain and expand upon the progress we have made. We need not to weaken the programs but to strengthen them.

We need to recognize the importance of title IX in opening educational opportunities for women in math, science, engineering and technology and examine the underrepresentation of female students at both the secondary and post-secondary levels in traditionally male areas of study such as physical science, engineering and technology programs, and the barriers that women continue to face in these programs.

I am concerned that it the President takes steps to deny girls and young women equal opportunity in athletics some will see that as a message that it is also okay to chip away at other laws and programs that protect women and promote fairness.

We need effective title IX enforcement—not weakening—to ensure women have the same opportunities as men to participate in science and technology programs and classes.

While we should be happy with all the progress we have made providing girls and women with opportunities previously denied them, we must continue our efforts to promote gender equality because the job is not complete.

Programs that have proven so effective in helping girls and women are under assault from critics who would like to turn the clock back.

We cannot allow these challenges to succeed—and we will not.

The girls and women playing sports now, their "soccer Moms" and "basketball Dads" will not tolerate a reversal of title IX—and neither will those of us in Congress who advocate equal opportunity for women.

We must continue to encourage participation in sports and provide girls and women the same opportunities that boys and men have traditionally had. Athletic training and competition have the same benefits for females as for males: teaching them not only how to score goals but also how to set goals—and work hard to achieve them, promoting cooperation and teamwork, developing leadership skills, and instilling self-confidence.

Mr. President, I have had the opportunity to serve in the Senate with two great athletes, two Hall of Fame athletes. One is Bill Bradley, who until recently was a Senator from New Jersey.

What a fine man he is. A lot of his greatness was as a result of his athletic abilities.

Senator JIM BUNNING from Kentucky, with whom I have had the pleasure to serve and get to know, is a member of the Baseball Hall of Fame, as Senator Bradley is of the Basketball Hall of Fame. JIM BUNNING is here for a lot of different reasons, however most notably, this man, as he went through his baseball career, developed this tremendous confidence. Anyone who knows JIM BUNNING knows of his tremendous self-confidence. That came as a result of his athletic prowess, ability, and hard work. That is what athletics is all about, and it works for women as it does for men.

At a time when far too many American youth lead sedentary lifestyles and are obese, we must support programs that lead to improved fitness and health. Adolescent female athletes are more likely than non-athletes to develop a positive body image and less likely to become pregnant. They also are at less risk for diseases and health problems that afflict women like osteoporosis or breast cancer.

In addition, sports provide a safe and healthy alternative to drugs, alcohol, and tobacco, and to anti-social behavior. Students who participate in these programs feel a greater connection to school, have an additional incentive to attend classes and keep their grades up so they can maintain their eligibility.

I am disappointed, if not surprised, that some critics would like to halt this progress. They are making misleading and unfair criticisms of title IX. We are watching what this commission does this week in Washington.

So while we remain vigilant against attacks on title IX, we must also push for its continued implementation and enforcement, and the only changes we will allow will be changes for the better.

Often, we hear that girls and women are the beneficiaries of title IX. I'm sure they are. But I think it is more accurate to say that we all benefit from this important civil rights legislation. Certainly, American society as a whole is better when women—who after all make up more than half of our population—are provided a fair and equal opportunity to develop their full potential.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that the time between 1:30 and 2 be under the control of Senator HOLLINGS; the time between 2 and 3 be under the control of the majority leader or his designee; the time from 3 to 3:15 be under the control of Senator HARKIN; the time between 3:15 and 3:30 be under the control of Senator CORZINE; the time between 3:30 and 4 to be under the control of the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I understand we have the next 30 minutes on our side in morning business.

The PRESIDING OFFICER. The majority leader is correct.

REFLECTING ON THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. FRIST. Mr. President, I rise to very briefly comment on the President's message last night and to initiate my own reflection, which I hope to have the opportunity to continue over the next several days and weeks as we respond to the vision that he painted for us in a very eloquent, very direct, and very focused way last night.

Last night, the President said we will not deny or ignore or pass along today's problems to future leaders and future generations. He said we will confront them head on, we will confront them directly, we will do it with clarity, and we will do it with courage.

He is right. We have much to do. And our success in this body very much depends on our own focus and our own clarity and our own courage.

Let me begin with health care—specifically, this whole issue of Medicare, strengthening and improving Medicare and prescription drugs.

Last night, the President made it clear that if seniors and individuals with disabilities are satisfied, if they like and are pleased with the Medicare coverage they have today—the way the Medicare system works for them today—that they will, in this vision that he paints, have the option of not changing anything, for keeping it just the way it is. Remember, about two out of three of our seniors and individuals with disabilities today do have some prescription drug coverage. Many of those individuals may say: I don't want to change anything.

He also made it clear—and this is what is exciting to me as a physician and as one who has taken care of thousands of Medicare patients—that seniors and individuals with disabilities should have another option, another alternative. That is best understood by saying they will have an opportunity to choose from among a menu of options, much like BILL FRIST does as a Senator or Senator KIT BOND from Missouri does or Senator HAGEL or others.

We hear from the other side of forcing people into HMOs. Let's make it very clear that the option the President began to spell out last night—that I believe in heartily—is that we should give seniors the same options we have to choose from among a variety of plans, not just HMOs, as the other side of the aisle comes back to because they know HMOs are demonized today, but an option of coordinated plans which include prescription drugs.

Nine million Federal employees have this option for a type of care that we all consider very good, that does allow us to choose our own doctors, if you choose such a plan. And those are the sort of options that will be made for seniors. It works for us. It works for 9 million employees. It works for our staffs. So don't seniors deserve the same opportunities?

It is going to take real courage for anyone to tell Americans they should not have the same options that we have, which is the President's proposal: to give those same opportunities to seniors and individuals with disabilities.

Opponents of choice in health care for seniors are saying the President's plan forces individuals to give up their doctors, their family doctors, or forces them to use a particular physician. Indeed, if a senior so chooses to go that route, maybe for larger benefits, higher prescription drug coverage, that may be one route to going in, but that is not what we necessarily have to do. We have that broader choice. To say that people are going to be forced into plans where they have to give up their physicians, that is not what happens to 9 million Federal employees unless that is what they choose to do. I am in the same program, and I choose my own doctor.

What we are hearing is a lot of the same old, tired rhetoric. And it really comes down to scare tactics. When we last talked about Medicare, improving Medicare, in the Senate, this word, "Mediscare," became popularized because that is what people saw, that is what the rhetoric resulted in.

Indeed, some people are using these "Mediscare" tactics to frighten seniors and to create anxiety and insecurity. It is time for us to pull together, in a bipartisan way, to elevate the discussion well above that.

The pursuit of these scare tactics results in nothing but fear and anxiety. Our seniors simply deserve better.

The President talked about the Federal employees' health care program as one model. Under that model, there is a strong public-private partnership where you get the very best out of the private models combined with the very best oversight and, yes, regulation in terms of the Government model, and you marry the two of those together in a way that you can best—in a coordinated way—take care of prevention, diagnosis, and treatment of seniors and individuals with disabilities.

Many of those plans, as I implied earlier, have an unlimited choice of physicians. In my particular plan, that I chose in the Federal Employees Health Benefits Program, I can go to any physician I would like. So to say it takes away choice is, to me, not being entirely honest with what is being proposed.

To do the right thing for our seniors and individuals with disabilities is going to take a lot of the focus and the clarity that the President spoke about last night in his address. It is going to take a lot of courage in this body to focus on the policy itself—on the policy itself—and not on the politics and the "Mediscare" tactics, to really get down to the substance of the issue itself. Politics and policy each have their time and their place, but when we are talking about the health care for 40 million Americans now and in the future—in essence, all Americans—we really do need to put politics aside. Politics has no place when we are talking about the health of Americans.

My first priority—from medical school, internship, residency, fellowship, and in the practice of medicine—has been to improve access to the best, most affordable health care. As majority leader, in working with the Republican caucus and the Democratic caucus, I want to continue that lifelong commitment to improved access.

It is clear the current Medicare system, the 2003 system, has not kept up with the advances that have been made in preventive health care—in terms of prescription drugs, in terms of chronic care management—because the system has become too rigid.

We are essentially operating with a system designed in 1965, which has been slow to change because the system worked well through the late 1960s, 1970s, and even into the early 1980s. However, we have now gotten to a point where the current Medicare system is limiting choice, where our seniors don't even have a choice of prescription drugs. Prescription drugs has become equally powerful to the operating rooms, where I spent my career using the surgeon's knife.

A survey this month by the AMA tells us that nearly half, 50 percent, of all physicians today are considering either reducing their Medicare patients—the number of patients they will see—or they are leaving the Medicare Program. Why? Because of reduced Medicare reimbursement year after year—a 5-percent reduction last year and another 5 percent this year, they see continued reimbursement below their cost, and they simply cannot stay in business.

The President mentioned medical liability insurance last night. I think it is important to address it head on because we are reaching a threshold where we are about to see catastrophe. It comes down to frivolous lawsuits. Can we tolerate the lawsuits when the escalation and number of lawsuits, and the money entailed, takes money away from health care and drives people from the practice of medicine to the point that we are having trauma centers close down—most notably in Nevada last year. And 6 weeks ago, we saw the doctors in West Virginia—it hurts me to even think about going on strike in terms of what physicians are doing. When you cannot stay in business, physicians really have no choice. We saw what happened in West Virginia.

The President said frivolous lawsuits have not cured one patient. He is exactly right. I can tell you what will cure patients, and that is changing our medical liability system so doctors can afford to heal, so they can be allowed to heal.

Again, as a doctor, I will fight for the right of any patient to sue and receive fair and just compensation if they have been a legitimate victim of a medical malpractice incident or an error. That is critical and that is right. What is not right, and what I will continue to fight against, is the reduction of access to good health care because doctors and hospitals can no longer afford to continue doing what they do best—diagnose, treat, and heal, provide care—because of these skyrocketing costs that are associated with frivolous, illegitimate lawsuits.

It comes down to the fact that family doctors are having a hard time staying in business and keeping the doors open; trauma units are shutting down; pregnant women in rural America are having a hard time finding an obstetrician because they are having to leave that particular area because of the exorbitant rates they are forced to pay, not because they are bad doctors but because of these skyrocketing lawsuits. It is going to take laser-like focus to fix this, and I agree with the President that we have no option but to fix it now.

The President introduced many positive policies last night. I want to comment on one that means a great deal to me that I think we will be able to address in this body early in the session, and that is the international pandemic of the HIV/AIDS virus. What the President said last night was truly historic, truly unprecedented in the history of the world, addressing head on a problem that has killed 23 million people in the last 20 years—a virus nobody knew anything about in 1981 and that, in the best of all worlds, will kill, for every one person in the last 20, two in the next 20, or almost 45 million people. I cannot begin to say how important this is and how impressed I am that the President is taking bold action, demonstrating bold leadership, by making the United States of America a courier of medical care, of education, and thereby making the United States of America a courier for international hope, in the sense that it is addressing what is destroying a nation, a continent, and now spreading throughout the world.

I also commend the President for his commitment to the protection of all Americans from this whole threat of bioterrorism. The threat is real and these biological agents are in the hands of our enemy. These agents are deadly. When you talk about anthrax and Ebola, which the President mentioned last night, and you talk about plague, you are talking about agents that are more powerful than nuclear weapons. These weapons of mass destruction—now in the hands of terrorists—are more powerful than nuclear weapons. A biological agent is a tiny microorganism that can be transported in a little vial in your pocket, unlike most nuclear weapons. They are cheap, they are easily transportable, and they are more deadly than nuclear weapons.

My closing point is on this particular facet of weapons of mass destruction. We know our enemies—I speak now of Saddam Hussein and his henchmen—have in their possession quantities that serve no purpose but that of weapons of mass murder. Saddam Hussein, we know, is a serial killer. He has used chemical weapons—they are not biological weapons. There are chemical, biological, and nuclear weapons. Chemical weapons are similar to biological but a little bit different. Saddam Hussein has used chemical weapons and, in 1 day, killed 5,000 of his own people, and 10,000 people in addition to those who were injured, and tens of thousands between 1983 and 1988 were killed by these chemical weapons. We know he has these weapons; we know he harbors terrorists. Why in the world would a rational person believe he would hesitate to help others terrorize the United States or Europe or Asia or Israel, wherever anyone has an agenda of hate?

Some question the wisdom of a preemptive attack against Saddam. It is akin to being against preventive health care, against these deadly microorganisms which are used as weapons of mass destruction, for which there is no cure. We have no cure or vaccine. The Ebola virus kills, and we have no vaccine right now. We have no treatment for the Ebola virus today. It was overlooked, but the President introduced a $6 billion program last night to best protect us from these biological agents, which we know other countries have developed in the past as offensive weapons of mass destruction.

I look forward to Secretary Powell's presentation at the United Nations next week, as this President continues to use every diplomatic means to force Saddam Hussein to fulfill his responsibilities to the world community. I am proud this Congress voted overwhelmingly to endorse the ability of our

President to do whatever is necessary to protect America, including force, if it is necessary, and we pray that it doesn't come to that.

Our President has shown courage. He has shown clarity. He has shown focus in his efforts to rid the world of terrorists and others who are threats to freedom. I hope all of us in this body show the same courage, clarity, and focus. The health of our Nation depends on it.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate the thoughtful discussion our majority leader has given on health issues, on combating AIDS, and on the need to prepare vaccines and protection against the biological weapons that terrorists may use. It was a very important part of the President's speech last night, and certainly there is no one more qualified in this body, or elsewhere, than the distinguished majority leader, the Senator from Tennessee, to speak about these matters.

Following on the State of the Union Message, some commentators were saying today they wish the President had spoken more about the economy. He did speak about the economy. He made it clear that his goal is to see that every American who wants a job and needs a job can find one, and he proposed tax relief to make sure that the money is there for small businesses to expand and grow and hire more people.

Money for working families, for child care and health deductions on their tax returns, and putting a thousand dollars in the pocket of every American family is going to make the economy move.

IRAQ

Mr. BOND. Mr. President, the news has been focusing, and much of the discussion in this Chamber has been on, the threat that Iraq poses. I have listened to some of my colleagues today on the question of what to do about Iraq. Over and over, there is this clarion call for more time: more time for inspectors to do their work; more time to enlist more allies; more time for Saddam Hussein to comply.

With all due respect, I ask them: How much is enough? We have already been at this for 12 years, 12 years since the end of the Persian Gulf war. Do we need 12 more years? One more year?

I would like to flip the question on my colleagues and ask: How much time do we have? Every minute we wait, Saddam Hussein's efforts to acquire weapons of mass destruction and to share them continue. Every minute we wait, the surviving al-Qaida terrorists plot their next attack. We fear it may be a weapon of mass destruction, particularly chemical and biological attack.

Sooner or later, either here or somewhere else in the world, we will run out of time. We ran out of time in New York, Pennsylvania, and the Pentagon on September 11. Brave sailors on the USS *Cole* ran out of time. Our two embassies in Africa ran out of time in 1998. Over 200 innocent victims, mostly Australians, ran out of time in a Bali, Indonesia, nightclub.

How many more attacks must we absorb before we realize that time is not on our side? Where will the next attack be? Will it be against a soft target? Certainly the soft targets are the ones the terrorists say they want to attack. Will it be St. Louis, Kansas City, San Francisco, New York, or someplace in New Hampshire or someplace in South Carolina?

What will it be the next time? More airplanes flown into buildings? Probably not. Truck bombs against sports stadiums? Suicide bombers in crowds? More likely a toxin released in a subway or a skyscraper or at a large public event.

Right now there are people who are sworn enemies of this Nation plotting the next attack. We know their intentions and, unfortunately, we know their capabilities. What we do not know is their next method of attack, although they have a track record of intentional unpredictability.

Will they get their next weapon from Iraq? After 12 years of cat and mouse or rope-a-dope—whatever one wants to call it—we want to call Saddam Hussein's strategy of delay and deception unacceptable.

We cannot wait much longer. We already know too well the true nature of the Saddam Hussein regime in Iraq. He has failed to live up to his obligations under the 1991 cease-fire after the gulf war. Still, some friends on the other side of the aisle plead for more time. I cannot understand why anyone would plead for more time for Saddam Hussein, a man who has been in clear breach of U.N. obligations since 1992.

Specifically, Iraq has been in material breach of U.N. Resolution 687 which was passed in the spring of 1991. That resolution called upon Iraq to "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "chemical and biological weapons and all stocks of agents and all related subsystems and components of all research, development, support and manufacturing facilities."

Some may be unable to understand that Iraq has been in material breach of the U.N. obligation since 1991. Sadly, this is nothing new. This latest round under U.N. Resolution 1441 was Saddam's last chance to get back into compliance.

Dr. Hans Blix reported to the U.N. Security Council on Monday that in large part, Saddam Hussein has failed to get back into compliance. Even the Washington Post editorialized that it is an "indisputable truth" that "Iraq is in material breach" of 1441. If Iraq is not complying, then it must be lying.

Iraq has not only failed to disarm, it has worked to obstruct and evade international supervision. There are reports Saddam Hussein has tried to infiltrate the U.N. teams; that Iraq has threatened its scientists with death if they cooperate with U.N. inspectors; that Iraqi security agents have posed as scientists to thwart the inspectors' work. Clearly, Iraq is in violation of 1441 for having failed to comprehensively account for missing weapons of mass destruction.

Secretary Colin Powell had it right when he said it makes no sense for the inspectors to stumble around in the dark looking for evidence of noncompliance. It is instead Saddam Hussein's legal obligation to turn the lights on and turn over the goods.

In addition, Saddam Hussein continues to violate U.N. resolutions by firing at coalition aircraft. He refused U.N. inspectors' request for aerial surveillance, and yet some still plead for more time.

We have drawn so many lines in the sand that we are running out of desert, we are running out of sand in which to draw lines.

The American people will not forgive us if another attack comes when we dither with procedures and process in the corridors of the United Nations. What do we say to the victims then? What words of comfort could we possibly give to widows or children who have lost their parents? Can we say: I am sorry, but we had to enlist the support of the French before we could act? What solace would that provide a family mourning a loved one lost forever?

What about our military troops ordered into harm's way? Every moment of delay allows Saddam Hussein to ready himself for battle, and the more ready he is will quickly translate into higher casualties among U.S. and allied forces.

Time, regrettably, is not on our side. We know what we have to know to act. Indeed, I believe we would be failing our sworn obligation to defend this Nation if we fail to act in light of all we know about the threats we face in Iraq.

For all of my colleagues who are still asking for more time, I plead with them to read the key findings about Iraqi weapons of mass destruction efforts taken directly from the CIA's unclassified Web site. It was reported there last fall.

We know from U.S. and British intelligence reports that have been made public that since 1991, Iraq has repeatedly been caught redhanded lying about the extent of its missile and weapons of mass destruction programs.

With the defection of Saddam's son-in-law, Hussein al-Kamel, in 1991, as head of the Iraq WMD program, he revealed the extent of the continued illegal operations in the face of sanctions and prohibitions. Baghdad illegally retained proscribed al-Hussein missiles and launchers. It constructed a new test engine for the development of missiles capable of threatening much of the region. And it pursued illegal programs to procure materials for illegal development of longer-range missiles. We know that if Iraq acquires sufficient weapons grade material, it could make a nuclear weapon within a year and, as the President said last night, from the British Government we know that Baghdad has sought significant quantities of uranium from Africa, despite having no active civil program that could require it.

Iraq has recalled specialists to work on its nuclear programs. All key aspects of Iraq's biological warfare program are still active, and most elements are larger and more advanced than before the gulf war. Iraq has begun renewed production of chemical warfare. Iraq has mobile laboratories for military use, corroborating reports about the mobile production of biological weapons. Dr. Blix has corroborated much of U.S. and British intelligence citing unresolved disarmament issues and complaining Iraq's cooperation is not active and should not be a game of catch-as-catch-can.

Mr. President, clearly, Iraq is in material breach of its international obligations, and that should serve as a sufficient trigger for forced disarmament by the international community led by the U.S. and its willing allies at the appropriate time.

After 12 years of consistent evasion, I cannot foresee any circumstance in which the Iraqi regime would now change its stripes. Deception is a reflex of Saddam Hussein's government, and it will persist until the regime is gone.

Iraq has had 12 years worth of opportunity to avoid war. And at every turn, it has chosen a course of action that is delivering us again toward hostilities.

I believe that at this point, the only way truly to disarm Iraq is by force.

If France does not want to go along, obviously, that is no excuse for inaction. Multilateralism should not stall us. We took oaths as Members of this body to defend this Nation against all enemies, foreign and domestic, not on the condition that the United Nations and France agree.

President Bush is well within his duty and obligation to defend this Nation by the use of force against Iraq at any time now. The Risks before this Nation and the world demand that he be ready and willing to use military force, with or without universal international support.

This is a moment of truth for our longtime allies of France and Germany. By their action or inaction, will they strengthen or weaken the international laws that protect all our nations and citizens?

Obviously, it is better to have international support than to not have it. But as Colin Powell said, multilateralism should never be an excuse for inaction.

When I took the oath as a U.S. Senator, I did not swear to defend this Nation against all enemies foreign and domestic—only if the United Nations voted its approval.

I note the remarks of the senior Senator from Delaware yesterday who lamented that never in his career had he heard such disapproval from so many of our allies.

I too am saddened by this situation. I genuinely wish it were not so.

But I disagree with my colleague in assuming that the root cause of our disagreement lies in a faulty U.S. position.

Why is it that so many of my colleagues prefer the judgment of our European allies to that of our own best experts and analysts?

I think there is very little in the historical track record of many of our old European allies that inspires confidence in their ability to identify and deal with threats.

In particular, I find little in France's history to envy with regard to identifying and standing up to threats.

Frankly, I would be worried about our course of action if the French were on board in full. They have a great interest in oil. Thirty percent of the oil out of Iraq goes to a French oil company. That is not grounds to trust them.

It reminds me of when one of my hometown newspapers, the St. Louis Post-Dispatch, editorialized in favor of something I had done. I immediately told my staff that I must have taken an incorrect position on the issue.

I have often found during my career that the right thing is often in direct opposition to the professional stone-throwers and nay-sayers.

But in all seriousness, in contrast to many of my colleagues on the other side of the aisle, I believe the root cause of the disagreement between some of our old European allies and the United States lies within more within the realm of political and naked economic interests than with matters of national security.

The irony of the current situation is that American unilateralism may be the last best hope of old Europe, the Middle East and the United Nations—as it has been so many times over the last few decades.

Our President is on the right course. It is not the easy path. But it is the right one. And he deserves the support of this body and the American people.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

THE DEFICIT

Mr. HOLLINGS. Mr. President, last evening, the distinguished President said we were not going to pass on our problems to the next generation. There has to be a time of sobriety. We have to get off of this deficit binge and get to reality. The best way I know to really bring it to the attention of my colleagues is to go right back to President Bush coming into office. Everyone agrees and says, oh, the Clinton era started the recession, and so it did. But in February of 2001, right after the President had taken office, at the end of that month he acted like instead of a recession it was an economic boom. He talked of $5.6 trillion in surplus, and he outlined a budget of some $2.6 trillion for Social Security. He was going to protect Social Security. He had another $2 trillion for tax cuts, domestic and defense spending, and in the year before last, he went on to say we should prepare for the unexpected. His budget set aside $1 trillion over 10 years for additional needs. That is one trillion additional reasons everyone can feel comfortable supporting the budget.

I ask unanimous consent that a pertinent portion of the President's address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> My budget has funded a responsible increase in our ongoing operations. It has funded our nation's important priorities. It has protected Social Security and Medicare. And our surpluses are big enough that there is still money left over.
>
> Many of you have talked about the need to pay down our national debt. I listened, and I agree. (Applause.) We owe it to our children and grandchildren to act now, and I hope you will join me to pay down $2 trillion in debt during the next 10 years. (Applause.) At the end of those 10 years, we will have paid down all the debt that is available to retire. (Applause.) That is more debt, repaid more quickly than has ever been repaid by any nation at any time in history. (Applause.)
>
> We should also prepare for the unexpected, for the uncertainties of the future. We should approach our Nation's budget as any prudent family would, with a contingency fund for emergencies or additional spending needs. For example, after a strategic review, we may need to increase defense spending. We may need to increase spending for our farmers or additional money to reform Medicare. And so, my budget sets aside almost a trillion dollars over 10 years for additional needs. That is one trillion reasons you can feel comfortable supporting this budget. (Applause.)

Mr. HOLLINGS. On September 6, 2001—I will never forget it—Mitch Daniels, the director of the Office of Management and Budget, said we were going to have a surplus at that time because we had passed the tax cut and we had actually passed the stimulus.

This is the Senator who forced the vote to have the stimulus in March of that year, because we were thinking of a $100 billion stimulus, 1 percent of the GDP. What happened instead? They cut it back. They did not give it to the wage earners, to the payroll taxpayers, but they gave it to all the rich and they cut it back some 40-some-billion dollars and it did not work. It was passed in June, along with the tax cut.

By September 6, just before September 11, Mitch Daniels came in and he projected at that particular time a surplus of $158 billion. Three weeks later we ended up with a deficit of $143 billion, a swing of some $300 billion.

They go into the litany now of the recession, which they never wanted to recognize except in debate, and corruption and, of course, the war. They never want to pay for the war. The President says when we have war, we are going to run deficits.

Getting right to the point, I asked the Congressional Budget Office to estimate the cost of September 11th at that particular fiscal year 2001 and they said $34 billion, not the $300 billion swing from a $158 billion surplus to a $143 billion deficit.

The President had set up his contingency of $1 trillion and talked about his tax cuts in the same breath. So we had voodoo II. I will never forget under President Reagan, Vice President Bush, the President's father, had called that voodoo.

I went to a budget meeting last evening with the new Budget Committee, and I heard our distinguished chairman, the Senator from Oklahoma, mention growth, growth. So they got into the buzz word "growth." Let me say what it grows. It grows deficits. It grows debt. In 200 years of history, the cost of all the wars from the Revolution right on up to World War I, World War II, Korea, and Vietnam, we never reached a trillion dollar debt. With only the cost of the gulf war, with the Saudis paying for most of it, we hardly paid the cost of the war. Yet with this growth that we are going to hear about, we are talking about $6.3 trillion in deficits. We grew into horrendous debt and horrendous interest costs as a result of voodoo, and now we have voodoo II.

Mr. President, I ask unanimous consent to have this chart printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAXES TO PAY FOR WAR

War	Individual increases	Corporate increases
Civil War	0–10%	Dividends.
World War I	13–77%	1–12%.
World War II	79–94%	20–40%.
Korean War	82–91%	38–52%.
Vietnam	70–77%	48–52.5%.
Afghan, Iraq and Terrorism Wars	Tax cut	Tax cut.

Mr. HOLLINGS. Early last year, the President said the deficit was going to be small and short-lived. Those were his exact words. I ask unanimous consent to have those remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Once we have funded our national security and our homeland security, the final great priority of my budget is economic security for the American people. (Applause.) To achieve these great national objectives—to win the war, protect the homeland, and revitalize our economy—our budget will run a deficit that will be small and short-term, so long as Congress restrains spending and acts in a fiscally responsible manner. (Applause.) We have clear priorities and we must act at home with the same purpose and resolve we have shown overseas: We'll prevail in the war, and we will defeat this recession. (Applause.)
>
> Americans who have lost their jobs need our help and I support extending unemployment benefits and direct assistance for health care coverage. (Applause.) Yet, American workers want more than unemployment checks—they want a steady paycheck. (Applause.) When America works, America prospers, so my economic security plan can be summed up in one work: jobs. (Applause.)

Mr. HOLLINGS. We have been going up, up and away. These are small and short-lived. They can understand the chart better upside down, but here is the actual fact. I ask unanimous consent that a copy of this particular chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

Pres. and year	U.S. Budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (in billions)	Actual deficit without trust funds (in billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1947	34.5	−9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
Eisenhower:						
1953	76.1	0.4	−6.5	−6.9	266.0	
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
Kennedy:						
1961	97.7	−1.2	−3.3	−2.1	292.6	
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
Johnson:						
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
Nixon:						
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	504.0	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.9	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.5	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,004.1	75.7	−149.8	−225.5	2,346.1	195.3

HOLLINGS' BUDGET REALITIES—Continued

Pres. and year	U.S. Budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (in billions)	Actual deficit without trust funds (in billions)	National debt (billions)	Annual increases in spending for interest (billions)
1988	1,064.5	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.7	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,253.2	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,324.4	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,381.7	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,409.5	94.2	−255.1	−349.3	4,351.4	292.5
1994	1,461.9	89.0	−203.3	−292.3	4,643.7	296.3
1995	1,515.8	113.3	−164.0	−277.3	4,921.0	332.4
1996	1,560.6	153.4	−107.5	−260.9	5,181.9	344.0
1997	1,601.3	165.8	−22.0	−187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	−109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	−127.4	5,606.1	353.5
2000	1,789.0	258.9	236.2	−22.7	5,628.8	362.0
Bush:						
2001	1,863.9	270.5	127.1	−143.4	5,772.2	359.5
2002	2,011.8	270.1	−158.5	−428.6	6,200.8	332.5

Note.—Historical Tables, Budget of the US Government FY 1998; Beginning in 1962, CBO's The Budget and Economic Outlook: Fiscal Years 2003–2012, January 23, 2002.

Mr. HOLLINGS. Mr. President, we have run down all of these so-called deficits and interest costs from President Truman on through President Bush. You can find that the deficits now of Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, for 6 presidents and almost—in almost 30 years, the cost of World War II, the cost of Korea, and the cost of Vietnam, cumulative, add them all up, those deficits are $358 billion. Guess what we added up—we ended up with this past September? The end of the fiscal year, September 30, little less than 4 months ago, we ended up with a deficit of $426 billion. They had estimated at that particular time it was going to be $173 billion. That was a swing of some $283 billion.

So when they say they are not going to pass on the costs, and let's not get bogged down in all of these figures around here, we are telling the American GI we are going to war and we hope you do not get killed. But if you are lucky enough not to get killed, come on home because we are going to give you the bill for the war. Have my colleagues ever heard of such a thing?

I want to remind everybody of last year, we tried our best to be fiscally responsible, and I commend our leader for withholding the budget. They said we could not pass one. Why didn't we pass one? Because we passed out the budget resolution, but if we had called up that budget, they would have put on tax cuts. The distinguished Chair knows it because he was a member of the Budget Committee over on the House side—we would have put on reconciliation and they, with the majority vote, could have passed those tax cuts. That is what we were holding up for. We did not want tax cuts on last year and that is why we held up the budget. Listen to what the former Director of the budget, Mr. David Stockman, said when he saw the disaster, the so-called growth, how are we going to grow out of it; all you do is just cut all your revenues.

Call up one of the Governors now with deficits—and they are trying to make it up—and say: Cut the taxes. They would be run out of the State capital. I cannot understand it. I cannot run at home unless I promise to pay the bill; I cannot run for the Senate unless I promise not to pay the bill. It is the darndest nonsense I have ever engaged in. We were trying to cancel the tax cuts. But what did David Stockman say about the Reagan tax cuts?

On page 342 in "The Triumph of Politics":

> The President had no choice but to repeal or substantially dilute the tax cut. That would have gone far toward restoring the stability of the strongest capitalist economy in the world. Ronald Reagan chose to be not a leader but a politician. His obstinacy was destined to keep America's economy hostage to the errors of his advisers for a long, long time.

Voodoo 1, long, long time. We had to get President Clinton in to raise taxes, get the best 8 years of an economy, and now we are going to have not only Voodoo 2 in 2001, but now for 2003 we are going to pass, for next year, another tax cut. It is a foregone conclusion, now that the Republicans have a majority of the Senate as well as a majority of the House.

I commend everyone to read "The Triumph of Politics" and see what the Director of the Budget thought about that particular tax cut.

I ask unanimous consent to have printed in the RECORD the article in this morning's Washington Post: 2004 Budget Likely to Show Record Deficits; OMB Chief Projects Annual Shortfalls of More Than $300 Billion for 2003–2004.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2004 BUDGET LIKELY TO SHOW RECORD DEFICITS

OMB CHIEF PROJECTS ANNUAL SHORTFALLS OF MORE THAN $300 BILLION FOR 2003, 2004

(By Jonathan Weisman and Mike Allen)

The White House is likely to project record budget deficits next week when President Bush releases a 2004 budget that will include large tax cuts as well as big boosts in spending on homeland defense, Medicare and the military.

In a series of telephone interviews yesterday, White House Office of Management and Budget Director Mitchell E. Daniels, Jr. said the deficits for 2003 and 2004 would approach 3 percent of the economy, or more than $300 billion a year. That would surpass the 1992 record deficit of $290 billion, even before the cost of a possible war with Iraq is factored in. It would also be nearly triple the $109 billion deficit for 2003 that was forecast by the White House six months ago.

"We're about to disappear into the deepest of red ink," said Sen. John D. Rockefeller IV (D–W.VA.).

Still, expressed as a percentage of the gross domestic product, Daniels said, a $300 billion deficit is manageable and could be reversed easily if Congress and the president make it a priority. "If what the nation should care about most is getting back to balance, it's no great trick to do it," Daniels said. "We can do it in a year or two. All we'd have to do is limit spending growth to inflation and undertake no new initiatives."

That contention was echoed by Treasury secretary nominee John W. Snow at his confirmation hearing yesterday, when he said: "There is some level of deficits that is troublesome, that begins to tilt the financial markets. We're not there yet. We're a long way from there."

Nevertheless, the numbers appeared to put to rest any prospect of a return to surpluses this decade. Two years ago, the White House and the Congressional Budget Office forecast a surplus of $5.6 trillion this decade. In July, the OMB projected a deficit of $109 billion in 2003, declining to $48 billion in 2004 before surpluses return. Now, Daniels said he expects the 2004 deficit to be close to his 2003 estimate.

Daniels said the White House will no longer issue 10-year budget projections. "Those numbers would be, in my view, worse than a wasted effort," he said.

The CBO in August projected deficits of $145 billion in 2003 and $111 billion in 2004. The CBO will update those projections today with a relatively optimistic 2003 deficit of between $165 billion and $175 billion, according to Senate Republican aides. The CBO will likely project a 2004 deficit of about $130 billion.

But unlike the White House projections, those figures do not include a new round of tax cuts or the increases in spending for defense, homeland security and Medicare that Bush will be seeking in his new budget.

> Daniels said the 2004 budget would propose more than $40 billion more for homeland security, between a 7 percent and 8 percent increase over last year. Military spending would jump between 4 percent and 5 percent under the plan. Spending on the rest of the government would rise between 3 percent and 4 percent, Daniels said.
>
> A senior administration official said Bush will also seek about $400 billion over 10 years to overhaul Medicare and add a prescription drug benefit for some seniors.

(Mrs. DOLE assumed the Chair.)

Mr. HOLLINGS. What we are headed for is deficits of $500 billion—if you have got just $426 billion and you are already $167 billion. Let me include the debt to the penny. I want everyone to understand. Do not give me all of this off budget, on budget, unified budget. Just find out how much you spend and how much you pay, and we can find out the shortfall or the deficit.

We are already in a shortfall this year, a little less than 4 months, the public debt to the penny as of the 27th, the most recent. I looked for one this morning, $167 billion. I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEBT TO THE PENNY

	Amount
Current: 1/27/2003	$6,395,237,394,489.82
Current Month:	
1-24-2003	6,392,119,196,353.47
1-23-2003	6,389,561,622,961.91
1-22-2003	6,389,894,461,722.18
1-21-2003	6,387,841,175,651.97
1-17-2003	6,388,587,973,011.41
1-16-2003	6,384,824,540,523.90
1-15-2003	6,386,957,326,682.31
1-14-2003	6,383,462,572,294.58
1-13-2003	6,380,582,269,971.85
1-10-2003	6,382,620,048,983.48
1-9-2003	6,381,926,712,367.35
1-8-2003	6,383,281,068,493.19
1-7-2003	6,387,381,983,103.35
1-6-2003	6,383,514,236,076.15
1-3-2003	6,382,650,489,675.40
1-2-2003	6,389,356,141,156.55
Prior Months:	
12-31-2002	6,405,707,456,847.53
11-29-2002	6,343,460,146,781.79
10-31-2002	6,282,527,974,378.50
Prior Fiscal Years:	
9-30-2002	6,228,235,965,597.16
9-28-2001	5,807,463,412,200.06
9-29-2000	5,674,178,209,886.86
9-30-1999	5,656,270,901,615.43
9-30-1998	5,526,193,008,897.62
9-30-1997	5,413,146,011,397.34
9-30-1996	5,224,810,939,135.73
9-29-1995	4,973,982,900,709.39
9-30-1994	4,692,749,910,013.32
9-30-1993	4,411,488,883,139.38
9-30-1992	4,064,620,655,521.66
9-30-1991	3,665,303,351,697.03
9-28-1990	3,233,313,451,777.25
9-29-1989	2,857,430,960,187.32
9-30-1988	2,602,337,712,041.16
9-30-1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. There you are. We are in a heck of a fix and somewhat similar, if you please, to the situation we had with President Clinton.

I will never forget because I was active member and a former chairman of the Budget Committee. We had a $403.6 billion deficit in 1992. That is the big reason our distinguished President lost reelection and lost to that little Governor down there in Arkansas. The President was running $403.6 billion deficits. And they said: Yes, you did wonderfully well in the gulf war. But heavens above, you have to get someone to get ahold of it.

We brought the Governor up who balanced budgets. And what did the Governor do? Right after his nomination, in Little Rock, he invited a group of the best financial minds down to Little Rock, sat them all down, including Alan Greenspan, the head of the Federal Reserve, and said: I have won now, but what is for the good of the country, what are we going to do?

Greenspan told him: Mr. President, you not only are going to have to cut spending, you are going to have to increase taxes.

President Clinton went around the room and asked: Do you all agree with that, we have to increase taxes? They said, to a man: That is what we need to do. We need to cut down these deficits, cut down this debt, and keep up the long-term interest rates because we are not investing in the stock market with these horrendous interest costs, almost $1 billion a day—and it is still almost $1 billion a day.

The first thing the Government does at 8 o'clock in the morning is go down to the bank and borrow $1 billion and add it to the debt—every Saturday morning, every Sunday morning, and every Christmas morning. We have got the debt going up, up, and away. But the President says: Don't worry about debt. It is a time of war.

I cannot agree with him on that. What happens, in time of war, is we believe in sacrifice, not just for those who are facing battle. I went back to the Civil War. I remember they chastised my friend Senator LOTT, and they all hail the party of Lincoln. I have heard that now, that chat on the weekend shows—the party of Lincoln. Where is Abraham when we need him now? President Lincoln taxed dividends to pay for the war. Go back and look at the record. He taxed dividends.

President Bush, instead of inviting Alan Greenspan, invited Charles Schwab. He said: Eliminate the tax on dividends. And we call it a stimulus. Come on, who is kidding whom around here? When are we going to sober up and understand the American people? If you are in the war, we want to sacrifice and we want to at least pay for the war.

In World War I, we went up to 77 percent of personal income tax for the highest tax bracket; World War II, up to 94 percent; the Korean war, 91 percent; Vietnam, 77 percent. We are at 38.6 percent right now.

Instead, in the Afghan, Iraq, and terrorism wars we say: Let's cut taxes. We are not going to pay for it.

When we are running a $6.3 trillion debt and, according to the morning paper—you can interpret what Mitch Daniels says—we will be running a $500 billion deficit this year, who wants to bet? Tell them HOLLINGS is here. September 30 will come around, and we will add it up, and I will bet your boots if we get all these things for homeland security, for AIDS, for health care, prescription drugs, and everything else of that kind, and put in this tax cut, we will have a $500 billion deficit. And they say: Don't worry about it.

Worse, they try to sell the dividend tax cut. It is wrong. You tax the income of the corporation, and you tax the individual when he gets his dividends.

I remember my distinguished friend from Texas, Phil Gramm. He stood over there when we were increasing taxes under President Clinton in 1993 and could not get a single Republican vote. And Senator Gramm looked at me and said: You are increasing taxes on Social Security; they will be hunting you Democrats down like dogs in the street.

You ought to look at the record. Now we pay taxes in order to get the Social Security trust fund, and then when I receive the Social Security benefit, I pay taxes—double tax on Social Security. Nobody mentions the Social Security tax. They all mention dividends and all the other things for the rich. And they are trying to say the economy is recovering when the economy is declining. You can't go along with this kind of tax cut here. We tried our best to stop it, and we will do our best here when we show that you have taxed like this before.

I have introduced a value-added tax of 1 percent. I would like to have 2 percent, but I didn't want to argue about the amount. I want to start a value-added tax to pay for the war. It takes the IRS one year to really administer and set it into collection. During that year's time, it could have no effect whatsoever on the economy. They say by the next year we will have recovered. That is what they are telling us. So they can't give me that argument that the value added tax will weaken economy this year if it is passed.

But I have a 1-percent VAT for the payment for the war—not for increased spending, not for tax cuts or anything else, but a tax to pay for the war.

They say their economic initiative is going to be stimulative. Let me get right to the point. You are not going to stimulate anything with the Democratic or the Republican initiative. President Bush wants a $674 billion tax cut, plus the interest costs of $300 billion, plus extending and making permanent the tax cut they passed in 2001. All of this adds up to $4 trillion. I am looking at it the way my market friends look at it. They say: Heavens above, this fellow is going to take $5 trillion out of the economy in the next several years; I am not going to invest. And we are going to war, and we are not paying for the war. We are looking at $500 billion deficits, or more.

I don't know any better way to stultify this economy and make sure it doesn't recover. I never heard of such things. This is the worst I have ever seen.

Why do I say it is not going to be a stimulus? If you just run $426 billion, that is $35 billion a month. That is the deficit for just last year. And then October, November, December, January—you are already up to $167 billion in deficits. That is $40 billion a month. We are spending $40 billion a month, and the President's stimulus plan of $110 billion is, let's say, $10 billion a month. The Democrats', Senator DASCHLE's stimulus plan, is $143 billion, or $12 billion a month. I don't think $10 billion or $12 billion a month more is going to stimulate this economy. You know that, and I know that. But it is buying the vote and making the mistakes—the Democrats are—even calling either one a stimulus.

There is not going to be any stimulus. It is just throwing away fiscal responsibility, running up the debt, and running up the interest costs. I have many quotes right here with respect to where we are as a result of it.

Let me show just exactly where we are now. For a stimulus, we are going to have one, whether we like it or not. If you listen to the President and you listen to us Democrats, we will agree with him on homeland security, we will agree with him on defense, we will agree with him on health care. It is just a matter of whatever it is. If you pay for defense, $20 billion; if you pay for health care, another $40 billion; if you pay for the first responders, if you pay for port security, if you pay for rail security, if you pay for homeland security, you add another $20 billion or $30 billion. If we pay the States money—and we should—that is another $20 billion or $30 billion.

That is another $120 or $130 billion stimulus we are going to be putting into the pipeline. We are going to be putting that out this year as a stimulus without a tax cut. With the Democrats or the Republicans, we are still going to be paying out $40 billion or $50 billion a month that we cannot account for—we cannot pay for.

That is stimulus enough. That would send a message, we are not going to run $500 billion deficits, because for that amount we could pay for the blooming homeland security and the war and prescription drugs and AIDS in Africa and all of those things we heard about last night. Fine business. Let's go to it. But let's not fool the American people and say this is going to stimulate or kick-start things. Everybody has the buzz words that pollsters and consultants give them: Kick-start, and growth, and stimulate. They just throw out the words, and we have thrown the economy into a decline.

Let me show just how bad off we are. It came to my attention that the Maastricht Treaty says: In order to be a member of the European Union, the budget deficits have to be held to 3 percent of the GDP, and the gross federal debt to GDP ratio has to be held to 60 percent, in order to assure avoidance of excessive borrowing of members. That is exactly the point. They can see what fiscal responsibility is. They are not going to invest.

You have that fellow who runs around saying deficits don't matter because the Europeans will come over here and supplant the market and they will buy. No, no, they are not going to buy. When the Europeans see this, that you have 3 percent of the GDP and you have to reduce the gross federal debt to the GDP ratio to 60 percent—we have computed it here. Turn to page 17. We can't put the entire record in here. This is the Budget and Economic Outlook for Fiscal Year 2004 to 2013, just issued this morning by the Congressional Budget Office. You will find on page 17 that the debt, the gross Federal debt, is $6,620 trillion for 2003. And the gross domestic product is $10.756 trillion. So the debt as a percent of the GDP is 61.5 percent, and that exceeds the 60 percent requirement.

We can't even join. These smart rascals around here are criticizing the Europeans. We can't even get into the European Union, fiscally, as this article says.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1–4.—CBO'S PROJECTIONS OF FEDERAL DEBT UNDER ITS ADJUSTED BASELINE

[In billions of dollars]

	Actual 2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Debt held by the public at the beginning of the year	3,320	3,540	3.766	3,927	4,013	4,045	4,034	3.983	3,894	3.766	3,501	3.062
Changes to debt held by the public:												
Surplus (−) or deficit	158	199	145	73	16	−26	−65	−103	−140	−277	−451	−508
Other means of financing	63	27	16	13	16	15	14	14	13	12	12	11
Total	220	226	161	86	32	−11	−51	−90	−127	−265	−440	−497
Debt held by the public at the end of the year	3,540	3,766	3,927	4,013	4,045	4,034	3,983	3,894	3,766	3,501	3,062	2,565
Debt held by government accounts:												
Social Security	1,329	1,489	1,664	1,858	2,070	2,302	2,552	2,820	3,106	3,409	3,727	4,057
Other government accounts [1]	1,329	1,364	1,447	1,546	1,660	1,780	1,907	2,038	2,174	2,315	2,463	2,615
Total	2.658	2,854	3,112	3,404	3,730	4,082	4,459	4,858	5,280	5,724	6.190	6,671
Gross federal debt	6,198	6,620	7,039	7,417	7,776	8,116	8,442	8,752	9,046	9,225	9,251	9,236
Debt subject to limit [2]	6,161	6,598	7,017	7,395	7,753	8,094	8,419	8,729	9,023	9,201	9,227	9,212
Memorandum: Debt held by the public at the end of the year as a percentage of GDP	34.3	35.0	34.7	33.6	32.2	30.4	28.5	26.5	24.3	21.5	18.0	14.4

[1] Mainly the Civil Service Retirement, Military Retirement, Medicare, Unemployment Insurance, and Airport and Airway Trust Funds.

[2] Differs from gross federal debt primarily because it excludes most debt issued by agencies other than the Treasury. The current debt limit is $6,400 billion.

Note.—These projections incorporate the assumption that discretionary budget authority totals $751 billion for 2003 and grows with inflation thereafter.

Source: Congressional Budget Office.

Mr. HOLLINGS. We would be subject to a $20 billion to $50 billion fine right quickly.

We need to rebuild the economy. They will invest. We will get jobs.

I ask unanimous consent to have printed in the RECORD an article in this week's Business Week, on page 50.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Business Week, Feb. 3, 2003]

THE NEW GLOBAL JOB SHIFT

(By Pete Engardio, Aaron Bernstein, and Manjeet Kripalani)

The sense of resignation inside Bank of America (BAC) is clear from the e-mail dispatch. "The handwriting is on the wall," writes a veteran information-technology specialist who says he has been warned not to talk to the press. Three years ago, the Charlotte (N.C.)-based bank needed IT talent so badly it had to outbid rivals. But last fall, his entire 15-engineer team was told their jobs "wouldn't last through September." In the past year, BofA has slashed 3,700 of its 25,000 tech and back-office jobs. An additional 1,000 will go by March.

Corporate downsizings, of course, are part of the ebb and flow of business. These layoffs, though, aren't just happening because demand has dried up. Ex-BofA managers and contractors say one-third of those jobs are headed to India, where work that costs $100 an hour in the U.S. gets done for $20. Many former BofA workers are returning to college to learn new software skills. Some are getting real estate licenses. BofA acknowledges it will outsource up to 1,100 jobs to Indian companies this year, but it insists not all India-bound jobs are leading to layoffs.

Cut to India. In dazzling new technology parks rising on the dusty outskirts of the major cities, no one's talking about job losses. Inside Infosys Technologies Ltd.'s (INFY) impeccably landscaped 22-hectare campus in Bangalore, 250 engineers develop IT applications for BofA. Elsewhere, Infosys staffers process home loans for Greenpoint Mortgage of Novato, Calif. Near Bangalore's airport, at the offices of Wipro Ltd. (WIT), five radiologists interpret 30 CT scans a day for Massachusetts General Hospital. Not far away, 26-year-old engineer Dharin Shah talks excitedly about his $10,000-a-year job designing third-generation mobile-phone chips, as sun pours through a skylight at the Texas Instrument Inc., (TXN) research center. Five years ago, an engineer like Shah would have made a beeline for Silicon Valley. Now, he says, "the sky is the limit here."

About 1,600 km north, on an old flour mill site outside New Delhi, all four floors of Wipro Spectramind Ltd.'s sandstone-and-glass building are buzzing at midnight with 2,500 young college-educated men and women. They are processing claims for a major U.S. insurance company and providing help-desk support for a big U.S. Internet service provider—all at a cost up to 60 percent lower than in the U.S. Seven Wipro Spectramind staff with PhDs in molecular biology sift through scientific research for Western pharmaceutical companies. Behind glass-framed doors, Wipro voice coaches drill staff on how to speak American English. U.S. customers like a familiar accent on the other end of the line.

Cut again to Manila, Shanghai, Budapest, or San José, Costa Rica. These cities—and dozens more across the developing world—have become the new back offices for Corporate America, Japan Inc., and Europe GmbH. Never heard of Balazs Zimay? He's a Budapest architect—and just might help design your future dream house. The name SGV & Co., probably means nothing to you. But this Manila firm's accountants may crunch the numbers the next time Ernst & Young International audits your company. Even Bulgaria, Romania, and South Africa, which have a lot of educated people but remain economic backwaters, are tapping the global market for services.

It's globalization's next wave—and one of the biggest trends reshaping the global economy. The first wave started two decades ago with the exodus of jobs making shoes, cheap electronics, and toys to developing countries. After that, simple service work, like processing credit-card receipts, and mind-numbing digital toil, like writing software code, began fleeing high-cost countries.

Now, all kinds of knowledge work can be done almost anywhere. "You will see an explosion of work going overseas," says Forrester Research Inc., analyst John C. McCarthy. He goes so far as to predict at least 3.3 million white-collars jobs and $136 billion in wages will shift from the U.S. to low-cost countries by 2015. Europe is joining the trend, too. British banks like HSBC Securities Inc. (HBC) have huge back offices in China and India; French companies are using call centers in Mauritius; and German multinationals from Siemens (SI) to roller-bearings maker INA-Schaeffler are hiring in Russia, the Baltics, and Eastern Europe.

The driving forces are digitization, the internet, and high-sped data networks that girdle the globe. These days, tasks such as drawing up detailed architectural blueprints, slicing and dicing a company's financial disclosures, or designing a revolutionary microprocessor can easily be performed overseas. That's why Intel Inc. (INTC) and Texas Instruments Inc. are furiously hiring Indian and Chinese engineers, many with graduate degrees, to design chip circuits. Dutch consumer-electronics giant Philips (PHG) has shifted research and development on most televisions, cell phones, and audio products to Shanghai. In a recent PowerPoint presentation, Microsoft Corp. (MSFT) Senior vice-President Brian Valentine—the No. 2 exec in the company's Windows unit—urged managers to "pick something to move offshore today." In India, said the briefing, you can get "quality work at 50% to 60% of the cost. That's two heads for the price of one."

Even Wall Street jobs paying $80,000 and up are getting easier to transfer. Brokerages like Lehman Brothers Inc. (LEH) and Bear, Sterns & Co. (BSC), for example, are starting to sue Indian financial analysis for number-crunching work. "A basic business tenet is that things go to the areas where there is the best cost of production," says Ann Livermore, head of services at Hewlett-Packard Co. (HPQ), which has 3,300 software engineers in India. "Now you're going to see the same trends in services that happened in manufacturing.

The rise of globally integrated knowledge economy is a blessing for developing nations. What is means for the U.S. skilled labor force is less clear. At the least, many whitcollar workers may be headed for a tough readjustment. The unprecedented hiring binge in Asia, Eastern Europe, and Latin America comes at a time when companies from Wall Street to Silicon Valley are downsizing at home. In Silicon Valley, employment in the IT sector is down by 30% since early 2001, according to the nonprofit group Joint Venture Silicon Valley.

Should the West panic? It's too early to tell. Obviously, the bursting of the tech bubble and Wall Street's woes are chiefly behind the layoffs. Also, any impact of offshore hiring is hard to measure, since so far a tiny portion of U.S. white-collar work has jumped overseas. For security and practical reasons, corporations are likely to keep crucial R&D and the bulk of back-office operations close to home. Many jobs can't go anywhere because they require fact-to-face contact with customers. Americans will continue to deliver medical care, negotiate deals, audit local companies, and wage legal battles. Talented, innovative people will adjust as they always have.

Indeed, a case can be made that the U.S. will see a net gain from this shift—as with previous globalization waves. In the 1990s, Corporate America had to import hundreds of thousands of immigrants to ease engineering shortages. Now, by sending routine service and engineering tasks to nations with a surplus of educated workers, the U.S. labor force and capital can be redeployed to higher-value industries and cutting-edge R&D. "Silicon Valley doesn't need to have all the tech development in the world," says Doug Henton, president of Collaborative Economics in Mountview, Calif. "We need very good-paying jobs. Any R&D that is routine can probably go." Silicon Valley types already talk about the next wave of U.S. innovation coming from the fusion of software, nanotech, and life sciences.

Globalization should also keep services prices in check, just as it did with clothes, appliances, and home tools when manufacturing went offshore. Companies will be able to keep shaving overhead costs and improving efficiency. "Our comparative advantage may shift to other fields," says City University of New York economist Robert E. Lipsey, a trade specialist. "And if productivity is high, then the U.S. will maintain a high standard of living." By spurring economic development in nations such as India, meanwhile, U.S. companies will have bigger foreign markets for their goods and services.

For companies adept at managing a global workforce, the benefits can be huge. Sure, entrusting administration and R&D to far-flung foreigners sounds risky, but Corporate America already has become comfortable hiring outside companies to handle everything from product design and tech support to employee benefits. Letting such work cross national boundaries isn't a radical leap. Now, American Express (AXP), Dell Computer (DELL), Eastman Kodak (EK), and other companies can offer round-the-clock customer care while keeping costs in check. What's more, immigrant Asian engineers in the U.S. labs of TI, IBM (IBM), and Intel for decades have played a big, hidden role in American tech breakthroughs. The difference now is that Indian and Chinese engineers are managing R&D teams in their home countries, General Electric Co. (GE), for example, employs some 6,000 scientists and engineers in 10 foreign countries. GE Medical Services integrates magnet, flat-panel, and diagnostic imaging technologies from labs in China, Israel, Hungary, France, and India in everything from its new X-ray devices to $1 million CT scanners. "The real advantage is that we can tap the world's best talent," says GE medical Global Supply Chain Vice-President Dee Miller.

That's the good side of the coming realignment. There are hazards as well. During previous go-global drives, many companies ended up repatriating manufacturing and design work because they felt they were losing control of core businesses or found them too hard to coordinate. In a recent Gartner Inc. survey of 900 big U.S. companies that outsource IT work offshore, a majority complained of difficulty communicating and meeting deadlines. As a result, predicts Gartner Inc. Research Director Frances Karamouzis, many newcomers will stumble in the first few years as they begin using offshore service workers.

A thornier question: What happens if all those displaced white-collar workers can't find greener pastures? Sure, tech specialists, payroll administrators, and Wall Street analysts will land new jobs. But will they be able to make the same money as before? It's possible that lower salaries for skilled work will outweight the gains in corporate efficiency. "If foreign countries specialize in high-skilled areas where we have an advantage, we could be worse off," says Harvard University economist Robert Z. Lawrence, a prominent free-trade advocate. "I still have faith that globalization will make us better off, but it's no more than faith."

If the worries prove valid, that could reshape the globalization debate. Until now, the adverse impact of free trade has been confined largely to blue-collar workers. But if more politically powerful middle-class Americans take a hit as white-collar jobs move offshore, opposition to free trade could broaden.

When it comes to developing nations, however, it's hard to see a downside. Especially for those countries loaded with college grads who speak Western languages, outsourced white-collar work will likely contribute to economic development even more than new factories making sneakers or mobile phones.

By 2008 in India, IT work and other service exports will generate $57 billion in revenues, employ 4 million people, and account for 7 percent of gross domestic product, predicts a joint study by McKinsey & Co. and Nasscom, an Indian software association.

What makes this trend so viable is the explosion of college graduates in low-wage nations. In the Philippines, a country of 75 million that churns out 380,000 college grads each year, there's an oversupply of accountants trained in U.S. accounting standards. India already has a staggering 520,000 IT engineers, with starting salaries of around $5,000. U.S. schools produce only 35,000 mechanical engineers a year; China graduates twice as many. "There is a tremendous pool of well-trained people in China," says Johan A. van Splunter, Philips' Asia chief executive.

William H. Gates III, for one, is dipping into that pool. Although Microsoft started later than many rivals, it is moving quickly to catch up. In November, Chairman Gates announced his company will invest $400 million in India over the next three years. That's on top of the $750 million it's spending over three years on R&D and outsourcing in China. At the company's Beijing research lab, one-third of the 180 programmers have PhDs from U.S. universities. The group helped develop the "digital ink" that makes handwriting show up on Microsoft's new tablet PCs and submitted four scientific papers on computer graphics at last year's prestigious Siggraph conference in San Antonio. Hyderabad, India, meanwhile, is key to Microsoft's push into business software.

This is no sweatshop work. Just two years out of college, Gaurav Daga, 22, is India project manager for software that lets programs running on Unix-based computers interact smoothly with Windows applications. Daga's $11,000 salary is a princely sum in a nation with a per capita annual income of $500, where a two-bedroom flat goes for $125 a month. Microsoft is adding 10 Indians a month to its 150-engineer center and indirectly employs hundreds more at IT contractors. "It's definitely a cultural change to use foreign workers," says Sivaramakichenane Somasegar, Microsoft's vice-president for Windows engineering. "But if I can save a dollar, hallelujah."

Corporations are letting foreign operations handle internal finances as well. Procter & Gamble Co.'s (PG) 650 Manila employees, most of whom have business and finance degrees, help prepare P&G's tax returns around the world. "All the processing can be done here, with just final submission done to local tax authorities" in the U.S. and other countries, says Arun Khanna, P&G's Manila-based Asia accounting director.

Virtually every sector of the financial industry is undergoing a similar revolution. Processing insurance claims, selling stocks, and analyzing companies can all be done in Asia for one-third to half of the cost in the U.S. or Europe. Wall Street investment banks and brokerages, under mounting pressure to offer independent research to investors, are buying equity analysis, industry reports, and summaries of financial disclosures from outfits such as Smart Analyst Inc. and OfficeTiger that employ financial analysts in India. By mining databases over the Web, offshore staff can scrutinize an individual's credit history, access corporate public financial disclosures, and troll oceans of economic statistics. "Everybody these days is drawing on the same electronic reservoir of data," says Ravi Aron, who teaches management at the Wharton School at the University of Pennsylvania.

Architectural work is going global, too. Fluor Corp. (FLR) of Aliso Viejo, Calif., employs 1,200 engineers and draftsmen in the Philippines, Poland, and India to turn layouts of giant industrial facilities into detailed specs and blueprints. For a multibillion-dollar petrochemical plant Fluor is designing in Saudi Arabia, a job requiring 50,000 separate construction plans, 200 young Filipino engineers earning less than $3,000 a year collaborate in real time with elite U.S. and British engineers making up to $90,000 via Web portals. The principal Filipino engineer on plumbing design, 35-year-old Art Aycardo, pulls down $1,100 a month—enough to buy a Mitsubishi Lancer, send his three children to private school, and take his wife on a recent U.S. trip. Fluor CEO Alan Boeckmann makes no apologies. At a recent meeting in Houston, employees asked point-blank why he is sending high-paying jobs to Manila. His response: The Manila operation knocks up to 15 percent off Fluor's project prices. "We have developed this into a core competitive advantage," Boeckmann says.

It's not just a game for big players: San Francisco architect David N. Marlatt farms our work on Southern California homes selling for $300,000 to $1 million. He fires off two-dimensional layouts to architect Zimay's PC in Budapest. Two days later, Marlatt gets back blueprints and 3-D computer models that he delivers to the contractor. Zimay charges $18 an hour, vs. the up to $65 Marlatt would pay in America. "In the U.S., it is hard to find people to do this modeling," Zimay says. "But in Hungary, there are too many architects."

So far, white-collar globalization probably hasn't made a measurable dent in U.S. salaries. Still, it would be a mistake to dismiss the trend. Consider America's 10 million-strong IT workforce. In 2000, senior software engineers were offered up to $130,000 a year, says Matt Milano, New York sales manager for placement firm Atlantic Partners. The same job now pays up to $100,000. Entry-level computer help-desk staffers would fetch about $55,000 then. Now they get as little as $35,000. "Several times a day, clients tell me they are sending this work off shore," says Milano. Companies that used to pay such IT service providers as IBM, Accenture (ACN), and Electronic Data Service (EDS) $200 a hour now pay as little as $70, says Vinnie Mirchandani, CEO of IT outsourcing consultant Jetstream Group. One reason, besides the tech crash itself, is that Indian providers like Wipro, Inforsys, and Tata charge as little as $20. That's why Accenture and EDS, which had few staff in India three years ago, will have a few thousand each by next year.

Outsourcing experts say the big job migration has just begun. "This trend is just starting to crystallize now because every chief information officer's top agenda item is to cut budget," says Gartners Karamouzis. Globalization trailblazers, such as GE, AmEx, and Citibank (C), has spent a decade going through the learning curve and now are ramping up fast. More cautious companies—insurers, utilities, and the like—are entering the fray. Karamouzis expects 40 percent of America's top 1,000 companies will at least have no overseas pilot project under way within two years. The really big offshore push won't be until 2010 or so, she predicts, when global white-collar sourcing practices are standardized.

If big layoffs result at home, corporations and Washington may have to brace for a backlash. Already, New Jersey legislators are pushing a bill that would block the state from outsourcing public jobs overseas. At Boeing Co. (BA), an anxious union is trying to ward off more job shifts to the aircraft maker's new 350-person R&D center in Moscow (page 42).

The truth is, the rise of the global knowledge industry is so recent that most economists haven't begun to fathom the implications. For developing nations, the big beneficiaries will be those offering the speediest and cheapest telecom links, investor-friendly policies, and ample college grads. In the West, it's far less clear who will be the big winners and losers. But we'll soon find out.

Mr. HOLLINGS. "Is your job next?" I have been at this 36 going on 37 years now. We said we were going to create so many jobs when we had NAFTA. We have lost exactly 57,100 jobs in textiles alone in the State of South Carolina since NAFTA—57,100.

We have lost 2 million jobs since President Bush took office. He said: My economic plan last year is encapsulated in one word—jobs. So he got fast track. Everybody, as this article shows, headed to China. Not just the smokestack jobs, but the service jobs. Not just the service jobs, but the high-tech jobs.

What we need to do, like President Nixon, is take those States where we have a deficit in the balance of trade and put in a 10-percent import surcharge. I was here when we did it. We went around with Senator Mansfield to explain it to all the heads of state—nine countries in Europe—that is what we ought to do: We ought to hold up on this Eximbank financing the building of your plants. Because if you did get the economy going, it is not going in America, instead it is creating jobs in downtown Shanghai.

Right to the point, we ought to enforce 301. We ought to do away with that Bermuda thing. I am talking fast because my time has reached the endpoint here. But right to the point here, we have to start rebuilding a competitive trade policy, on the one hand, and get ahold of ourselves like the Governors and the mayors, and start paying the bill and cut out this nonsense about tax cuts stimulating.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

NATIONAL SECURITY AND OUR ECONOMY

Mr. McCONNELL. Mr. President, the President of the United States stated that America faces decisive days for our economic and national security needs. He has called for strong steps and unity to make America stronger and prosperous.

From this call, will America get the leadership from its elected officials or will it, instead, get just partisan rancor? We all hope for the former but begin to suspect the latter.

No one can imagine the awesome responsibility and burden of protecting the lives of millions of Americans and defending the free world. With such a daunting challenge as protecting American lives, I have deferred to the judgment of the President, whether a Democrat or a Republican.

On September 11, 2001, that challenge became immeasurably greater. An unimaginable act of evil changed the world of today, tomorrow, and for decades ahead. Yet only the President seems to have taken to heart that the matrix of terror has multiplied.

The options and choices and avenues for a terrorist to strike at America are almost beyond human comprehension. The President must not only comprehend these new terrorist risks to America, but he also must defend against them. Of all terrorist threats to America and the world, is any greater than the terrorists of al-Qaida employing the modern, destructive weapons of Saddam Hussein?

If outlaw regimes and suicide terrorists conspire, entire cities—entire cities—not just buildings are at risk and millions, rather than thousands, of lives could be lost.

The time when America could sleep and let outlaw regimes fester is over. But before the President can prevent this murderous alliance, many in this Chamber say they need proof. They do not demand proof that a ruthless terrorist-supporting despot has disarmed, as required by the U.N. over a decade ago. Instead, they demand proof from our President that Iraq is still armed.

The proof is in, and the President has provided more. U.N. and U.S. intelligence report that for a dozen years Iraq has had materials to produce 26,000 liters of anthrax, 38,000 liters of botulism, 500 tons of sarin, mustard and VX nerve gas, and 30,000 munitions capable of delivering chemical agents.

He has used these weapons of mass destruction against his own people. And the U.N. says there is no proof that Iraq has rid itself of these chemical and biological weapons. Yet we are told the President must show proof.

Iraqi defectors tell of mobile biological labs, but we need more proof, they say. U-2 surveillance planes over Iraq are blocked, but the critics say more proof is needed.

Iraqi security officers intimidate and threaten the lives and families of cooperative scientists, but the critics say more proof is needed.

In the past, such demands for more proof, in the face of overwhelming evidence, have been fully answered with such notable events as the invasion of Poland in 1939 and the attack on Pearl Harbor in 1941. The price of that proof was measured in millions of lives.

What price of proof will America pay before we act? The President says the price will be a day of horror like none we have ever known.

As the President does everything to prevent that day, too many see the U.N. inspections as a game of hide and seek rather than life and death, which is the issue that it is. So that is really what is before us with regard to Iraq.

With regard to economic growth, economic security for working Americans and hope for those unemployed will not come from growing the Government but only from growing the economy. To get the economy growing—to create a job for every man and woman seeking employment—the President has proposed broad tax relief for 92 million taxpayers at an average of $1,100 each.

The President's plan will increase the reward Americans receive for working, producing, saving, and investing—everything that is part of a growing economy. Small businesses, married couples, families with children, and retirees will all be the individual beneficiaries. But the biggest winner will be the U.S. economy. For 40 years, every tax relief proposal saw its opponents try to divide and conquer taxpayers with claims of "tax breaks for the rich." And again this year is no different.

What specific part of the President's plan do they object to? Do they want to penalize marriage for a few more years? Do they think parents with kids should wait longer for the $1,000-per-child tax credit? Should the tax rate reductions be delayed along with the incentives to grow the economy? Some of our colleagues across the aisle supported these changes last year, but it seems there is always some reason now is the wrong time for tax relief. In fact, I cannot remember when there was a right time for tax relief, listening to our colleagues on the other side of the aisle. So it is always the wrong time. It is always no, maybe later, or it is, yes, but not now for you, or you, or you.

We hear a lot of talk about the stock market. But it sounds as if we are talking about the weather. Everybody talks about it and complains but no one wants to do anything about it. The President does something about it by ending double taxation of dividends. His plan will get the stock market growing again, but we have no Democratic plan for the stock market, other than to complain. If the President's opponents would show the same determination to grow the economy as they do in growing the Government—as we saw here on the floor of the Senate just over the last couple of weeks with amendments offered and, thankfully, defeated, that would have added in excess of $300 billion to the deficit—America would be in fine shape. Over the last 2 weeks, as I just indicated, our friends on the other side of the aisle forced votes on new spending that would have paid for almost half of the President's tax cut. Other spending add-ons that were offered, but not voted on, probably doubled that amount. The President's opponents have called for a $300 tax rebate for individuals and up to two children. So much for no child left behind.

Now, if we had a budget surplus and the economy was humming along, fine, I would support a broad rebate. But today we need to get the economy going again; we need to prime the pump, not splash limited resources around in a manner that does nothing to grow the economy.

When it comes to our national and economic security, the world changed on 9/11 and, more than anyone else, the President has realized this. His determination to stamp out the outlaw regime of Saddam Hussein is the President's realization that the threat to national security today is far greater than it was prior to 9/11. For national security, we need to do more than we have done before. His determination to enact an economic growth package is based on the President's understanding that the impact to our economy from the 9/11 attack was far greater than anyone imagined.

For economic security, we need to do more than we have done before. He knows we need to do more, and the American people know it, too. The only question is when will this Congress figure out that the world has changed and catch up?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE OF THE UNION ADDRESS

Mr. WARNER. Mr. President, I was privileged to be present last night at the President's State of the Union Address. Earlier today, I said the State of the Union Address was delivered magnificently, in a way that I think touched the hearts and souls of millions of Americans. Certainly this heart and soul was deeply touched. I was very proud for the manner in which the President delivered that message—with sincerity, calmness, and confidence. It happened to be my 25th State of the Union Message. For a quarter of a century I have been privileged to represent the great State of Virginia and be a part of this institution. I have never been more proud of any President at any time than I was of George Bush last night.

I want to address those very clear remarks with regard to the state of the world and, most specifically, the leadership that our Nation has given in the worldwide fight against terrorism. We are committed, and committed until the end, and the end is nowhere in sight. We made great progress. The President detailed that progress. We have much more progress to make. I am very pleased over the creation of the Department of Homeland Security. I have been a strong supporter of that from the beginning. I remember, before the White House staff decided we should move in that direction, I was among those, with many others in the Chamber, who advocated that we move in the direction to create a separate Department. We have done that. We have selected a fine Secretary and two of his first deputies to take up the heavy responsibilities. It is my hope that we will give it strong support in this Chamber, that we will give it strong financial support in terms of appropriations.

We must guard against a competitive battle between the Department of Homeland Security and the Department of Defense, because homeland security begins on the far-flung battlefields of the world. Today, it is Afghanistan and Indonesia; it is all across the world. And to the extent that we can defeat the efforts of any one, two, three, or four groups of individuals who, through the mechanism of terrorism wish to bring harm against the United States, let us hope we can do that in the far-flung lands of the world. That is homeland defense. That is the principal responsibility of the Department of Defense, with our troops in forward projection. They are to deter, first and foremost, to stop, discourage before it starts, any attack against the United States; but should that attack occur, then engage.

We have seen the heroism of the men and women of our Armed Forces, together with the Armed Forces of other nations in Afghanistan. While that operation is by no means complete—and certainly in the last few days we witnessed another outbreak of hostilities—we are making steady progress.

As we approach our budgetary responsibilities of the Department of Defense, and now the new Department of Homeland Security, we don't want to see a competition and a push-pull. Each is deserving of our full and strongest measure of attention and, eventually, authorizations and appropriations. I hope to take a strong lead in that effort.

Returning to the remarks of our great President last night, he outlined the steps we have taken thus far with regard to the enormity of the threats posed by Iraq, most particularly under the leadership of Saddam Hussein, and recited what we have done. The President did not have to come to the Congress of the United States, but he did come to the Congress, and he received an overwhelming vote of approval—77 colleagues, I among them as one of the coauthors of the resolution—77 strong votes.

He has now indicated further steps he is taking, working with the community of nations in the world—the United Nations and other nations such as Great Britain, Great Britain having taken a strong leadership role. He will be meeting with the Prime Minister of Great Britain in the coming days, talking regularly with heads of state in government worldwide in an effort to strengthen the already strong coalition of those nations willing, if force is necessary, to use force, to join us in support.

The President has always said war is the last option. He reiterated that last night. Quite clearly, the steps he is taking, this weekend with heads of state in government, by sending our distinguished Secretary of State Colin Powell to the United Nations to, once again, undertake the persuasion, which he has brilliantly displayed to date, are required among various nations in the course that is right and the course that is just and the course that will preserve the integrity of the United Nations as an organization.

Saddam Hussein has thumbed his nose at that organization for 12 years, defied all the resolutions, even kicked the inspectors out, inspectors who were there pursuant to resolutions of the Security Council. That is a sad and distressing record, and we would not be where we are today with the world focusing on this situation, with the United Nations Security Council meeting, acting, and passing Resolution 1441, which is good and tough, had it not been for the leadership of our President working with Prime Minister Tony Blair and other heads of state in government.

We owe our leaders a great debt because there may be a legitimate discussion about certain aspects of the policy on Iraq—and I welcome that debate; I think it strengthens our resolve—but there can be no dispute that Saddam Hussein possesses these weapons of mass destruction, has used them in the past, and today he is in absolute defiance of Resolution 1441.

An impartial observer, Hans Blix, charged with the mission of conducting the inspections under the resolution has now reported to the United Nations and reported to the whole world about the continuous noncompliance, lack of cooperation by Saddam Hussein.

Let me read a part of the Blix report. In Mr. Blix's words:

> Iraq appears not to have come to a genuine acceptance, not even today, of the disarmament that was demanded of it and which it needs to carry out to win the confidence of the world and live in peace.

Saddam Hussein has the power this afternoon, tomorrow, as he had for the 2 months of the inspections, to comply with Resolution 1441 and avoid even the threat, much less the actuality, of the use of force. But he has been defiant day after day, night after night, and I commend Mr. Blix and his organization for doing their best and for putting forward to the United Nations and the Security Council and, indeed, the whole world a very frank and candid report.

Again, our President continues to work within the framework of nations seeking a course referred to as diplomacy to try to avoid the use of force, to try to have compliance with the security resolution.

For 12 years, he has defied the United Nations, and subsequent to Resolution 1441 we have had these 2 months or so of inspections. Again, I commend you, Mr. President, for the calmness, for the confidence, and for the wisdom to continue on the course that you established, on the course that 77 of the colleagues in this Chamber strongly backed, but at the same time, Mr. President, reminding Saddam Hussein and reminding the world that diplomacy can be no stronger than the resolve of the nations to enforce it, and that resolve is there.

In the words of the President, let there be no doubt, he will not let the security interests of this Nation or those of our principal allies and friends be put in peril by Saddam Hussein and his inventory of weapons of mass destruction if diplomacy fails.

No timetable was established. Again, step by step he is proceeding through a process that is very important.

I draw a contrast to what happened in 1991. Again, I was privileged to be the coauthor of that resolution. At the time, I was, with Senator DOLE, one of the floor managers on this side of that historic debate. Mind you, we had some 500,000 men and women of the United States in position in the gulf region. We had a coalition of at least 12 nations with combatant troops that were going to join. This Chamber had its historic debate and, by a mere margin of five votes, was the resolution approved. Action was taken, and, very quickly and properly, the Members of this Chamber rallied behind the President and rallied behind the troops.

We have troops today and will have troops tomorrow, as they did yesterday and the day before, leaving their families, leaving their homes, leaving their military assignments in the United States, individually and as units, and being forward deployed. Those forward deployments are essential because they back up the resolve of those trying to settle this matter diplomatically through a group of nations. Were it not for those deployments and the announcement by Great Britain and, indeed, some others to contribute forces, a lot of the rhetoric, a lot of the effort would simply not send a message to Saddam Hussein.

I wish to commend our President. I notice there has recently been a statement to the effect that some of our colleagues might believe we should at this time, which surprises me—we want to stand solidly behind our President at this time as he continues his work with the heads of state in government; as our Secretary of State once again goes to the United Nations, we want to stand solidly behind him. But yet our colleague, Mr. KENNEDY, issued a release yesterday which said:

> Much has changed in the many months since Congress debated war with Iraq.

I think the inspectors have diligently worked hard. Some could say progress is being made. But stop to think of the progress that would have been made had Saddam Hussein just complied with Resolution 1441 and shown the inspectors where his arsenal was located, such that it could be verified, such that it could be audited and eventually destroyed. If we are to undertake debate, whether it is today or tomorrow, as indicated by my distinguished friend and colleague who serves on the Armed Services Committee, the first question I put is: Is the debate timely in terms of the steps our President committed to take, and has taken, this week and next week? Is the time of such a debate helpful to our President?

Second, he says much has changed. Is there any indication Saddam Hussein has done one thing to comply with the most recent Resolution 1441, much less the resolutions of the 12 previous years? As an individual Senator, I have worked and attended almost all the briefings on this subject. I have participated in most of the debates. I have not seen a Senator bring to the forefront clear and convincing evidence that Saddam Hussein has done anything to comply with the terms of Resolution 1441. If anything, he has taken steps to thwart the efforts of the inspectors, to impede them.

This type of inspection regime is not new. It was implemented in South Africa successfully. It was implemented in the Ukraine successfully. So there is a track record with the United Nations that is well known in the field of diplomacy and among the nations of the world, but that does not have any parallel to what Saddam Hussein has steadfastly refused to do. He has not budged an inch to comply with the current Security Council resolutions.

That would be the second question I pose to Mr. KENNEDY or other colleagues were they to come to the Chamber. Is it timely? Show me what Saddam Hussein has done to merit this further consideration, either by debate or otherwise in this Chamber.

Time is not on our side. I am not suggesting I can set a timetable. Under the Constitution, that is the prerogative of the President of the United States, in accordance with those provisions which say that the executive branch shall negotiate. The executive branch sets the foreign policy of this country. We have the right to disagree, but they set the foreign policy. And the President did that last night.

It is clear to me that every day that goes by, Saddam Hussein has the ability to take these weapons of mass destruction, which nobody disagrees he has—Hans Blix pointed it out clearly—and proliferate them around the world, and not necessarily by truckloads. A very small vial, one, two, or three dozen, can be distributed into the hands of a terrorist network. Those vials can make their way back and do untold harm to free citizens in the world. He has ability to disperse tons of anthrax. Two envelopes directed at this very Senate Chamber, which were never opened, resulted in tragic loss of life by postal workers and others. That was just two little envelopes, not vials, not tons, which he possesses.

These are the threats that concern me. Time is not on our side. It is on Saddam Hussein's side. So I welcome the debate, if it is to come, and I hope those questions which I have posed today can be answered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TAX CUTS ARE NOT THE PROBLEM

Mr. BENNETT. Mr. President, throughout the day today there has been a lot of discussion of the President's State of the Union Message. I was interested in the comment that was in the press this morning that said the President gave two speeches.

The first one has been virtually forgotten. The first one was on our domestic issues, on our economy, on what we need to do to deal with some of our problems at home. I think the Senator from Virginia has appropriately and properly addressed the question of the second speech which had to do with Iraq, but since much of the rhetoric we have heard today has had to do with the deficit and attacks on the President's first speech, I will take a few minutes to go back to that first speech, that forgotten speech, the first half of the President's statement on the state of the Union, and talk about some economic impact of what would happen if we were to do what the President wanted us to do.

From the rhetoric we have heard today, all of our problems stem from one thing and one thing only, and that is the tax cut that passed very strongly in this Chamber and in the other body when the Presidency of George W. Bush began. If we had only not passed that tax cut, we would not have a deficit. If we had only not passed that tax cut, we would have enough money to fund everything. If we had only not passed that tax cut, somehow Medicare would be taken care of as far as the eye can see and Social Security would be secure forever. Everything stems from that terrible tax cut.

I remind us once again of a few fairly basic, fundamental truths.

We can choose, at least for a time, what level of expenditures we will have in the Federal Government. We can get carried away with our ability to make pledges for expenditures, and we can set the level wherever we want. We cannot choose, by legislative fiat, the level of revenue that will come to pay for that level of expenditure, because the level of revenue goes up and down as the economy prospers or falters.

I have seen examples of countries in Africa that laid out a budget of expenditures that was absolutely marvelous in all of the benefits that would come from their government spending on this and that and the other thing. Anything that anybody wanted, the government promised to take care of them. But they discovered the fundamental truth I have just stated: They could set the level of expenditures pretty much where they wanted, but with their economy not producing any money their level of taxation came nowhere near the level of expenditure. We must ask ourselves, what is going to happen to the economy if the proposal that the President's tax cut be repealed should pass? That question was put to Alan Greenspan, the chairman of the Federal Reserve Board, and he answered in a way that requires a little careful attention, because some people picked up on his answer and said: Aha, Greenspan has said there will be no economic impact if the tax cuts are repealed.

This is what he actually said—I do not have his exact words to quote, but in effect he said the markets have already assumed the tax cut will stay and indeed will be made permanent. Therefore, there is no further stimulus to come out of these tax cuts.

So everybody says the tax cuts were not stimulative. However, he went on to say—and this paragraph they do not quote—if they were now repealed, the markets would react negatively. Having made the assumption that they will be permanent, the market would react negatively and the economy would be hurt.

I raise that bit of history because I ask this rhetorical question: If the market has already assumed the tax cuts and acted favorably and positively to that assumption, what would happen if those tax cuts were not repealed, as some people in this Chamber charge, but were produced more rapidly, accelerated, rather than repealed? I think the market would respond positively. Say our first assumption that says they are going to remain permanent is not only proven valid by this but we will have the permanence come more rapidly than we thought.

If the markets as a whole respond positively, if the economy as a whole responds positively, what does that do to tax revenue? It increases tax revenue so we can begin to have enough dollars to deal with the challenges of the expenditure side.

I am a member of the Appropriations Committee. I remember attending the conference on the final appropriations bill—not this year because this year we did not get one until the new Congress convened; we did not have a final conference at the end of the last Congress. It was the final conference the year before where Senator STEVENS came in and said this is the number that we have all agreed on for total appropriations and expenditures. It was substantially higher than the number where we began. He laid it on the table and said: This is the number. Even though it is significantly higher than we thought we would have and expenditures more than we thought, this is where we will be. Mr. OBEY, the ranking member on the House side, said that number is not high enough.

The number was a very significant increase over the previous year, substantially more than the growth in the population, substantially more than any inflation, but that became the number. We finally passed it this way in order to get out, and then we started the next year.

At that period, Democrats were in charge of this Chamber and the spending went up significantly from that number. That is the new baseline. We have seen in this Congress attempts made to take that baseline even higher.

The most significant thing the President had to say about our long-term economic health in last night's speech had nothing to do with the tax proposals. The most significant thing he had to say is: My budget will hold the spending increase to 4 percent. If we can hold the spending increase to 4 percent after years of 7 percent and 9 percent, one on top of the other, to establish a very high baseline for further increases, it will be something of a miracle. But it will be far more important than all of the other rhetoric we have heard on the tax side. If we can't get the spending under control, we cannot under any circumstances raise the taxes to cover it. That is a fundamental truth that we should remember over and over again.

In concluding, I repeat something I have said here many times, but I have discovered in the Senate there is no such thing as reputation. Everything is said as if it is brand new. But it is a fundamental truth we should understand over and over again. Money does not come from the budget. Money does not come from legislation. Money comes into the Government from the productivity of the American economy. If we can make the economy strong, if we can make the economy grow, we will have the tax dollars that we need to pay for our expenditures. If we ignore the health of the economy and then get carried away with our desire to increase our expenditures, we will end up in fulfillment of the dire predictions we are hearing. That is not what the President is proposing, but what some of his opponents are proposing. I think the President was responsible in his first speech last night on the domestic economy. We ought to pay attention and act accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

TERRORISM

Mr. GREGG. Mr. President, I rise to continue the discussion which was obviously laid forth last night in definitively strong terms by the President of the United States on the issue of our national defense and how we address the terrorism and the linkage between terrorism and the Iraqi situation. The response to the President has been interesting. From some of my colleagues on the other side of the aisle, and others, it has been said that the President is too bellicose. In fact, I understand today that Senator KENNEDY will bring forth a resolution which will essentially say that. Certainly we have heard from Members of the self-proclaimed peace movement, that is the case.

However, the President made a strong statement of facts that we as a nation are at risk. It is ironic that the Members who may subscribe to this self-proclaimed peace movement which might better be defined as an appeasement movement, that they appear to ignore the fact we are already at war. Approximately 3,000 people died in New York; hundreds died here in Washington; over 100 died on a plane in Pennsylvania; men were killed on a ship, the USS *Cole*, a U.S. military ship, in Yemen; Americans were killed at two embassies in Africa. We are at war.

The representation that we should not fight that war with all our resources and all our capabilities is, I believe, inappropriate.

How do you link Iraq into this war? If this were a period of the 19th century or even large portions of the 20th century, you would not worry about Iraq. You probably would not even worry about al-Qaida. They would be, in the case of Iraq, a government of a petty despot; in the case of al-Qaida, a group of Iraqi murderers. The difference today is that this petty despot and these petty murderers have in their possession or may gain the possession of weapons which can kill not hundreds but can kill tens of thousands of people, weapons which would be used, undoubtedly, against Americans. They intend America harm.

They have shown that in their attacks to date where Americans have died. The President, as our Commander in Chief and the leader of our Nation and the leader of the free world, is unquestionably correct in pursuing the individuals who possess those weapons and who might use them or the individuals who might seek those weapons and use them across the globe.

There is absolutely no question but that Iraq possesses weapons of mass destruction, biological and chemical, and that it has an intention to obtain nuclear weapons. There is also virtually no question, at least among anyone willing to look at the facts, that Iraq is in communication with our enemies in al-Qaida.

The idea we should subjugate our national security to others is also one that I find inherently difficult to defend. Paris was not attacked. Berlin was not attacked. New York City was attacked. It is our national security, America's national security, that is at risk.

The President has made it abundantly clear that his purpose is to defend the homeland. He has every right—in fact, he has every obligation—to do that and to accomplish it. I believe he has laid out a case that, year in and year out, the Iraqi Government, led by a despot of inordinate inhumanity, who has killed thousands, who has used weapons of mass destruction, who has used gas on his own people, who has tortured, raped, and murdered his opposition—that that Government represents an imminent threat to us as a nation and to our allies. Until that Government disarms, it remains such a threat.

We have sought to disarm Iraq for 12 years through a process of inspections guided by the United Nations resolutions. At every turn, Iraq has essentially gamed the process and has retained its capacity to kill while denying that it has such capacity.

At every turn, it has obfuscated and attempted to subvert the efforts of the inspectors, denying them access, just in the most recent weeks, to legitimate needs that they have as inspectors, of overflights, of access to the scientists who produce the weapons of mass destruction, of accurate accounting of where the weapons are that we know are in existence, where the anthrax is, where the VX gas is, where the delivery systems are for those weapons.

There was another period in history when we confronted a time such as this, and that was in the late 1930s to the run-up to World War II. During that period, once again people of good intention said: Give Adolf Hitler a chance. Give him the benefit of the doubt. Appease him. Try to work with him. Neville Chamberlain, in his famous flight to Munich, attempted to accomplish that.

But with people such as Adolf Hitler, with people such as Saddam Hussein, you do not reason in a Western, rational way; you do not reach accommodations, because their purpose is not to accommodate; their purpose is to use their power aggressively and in a manner which will harm the people we consider our allies, and which may harm ourselves, our Nation.

So it is naive of us to presume we are going to succeed here if we follow such a course. We should look to history to confirm that naivete. The President has outlined a definitive purpose for our Nation and for the world. It is that we protect the rights of free nations to defend themselves from despots who have weapons of mass destruction and terrorists who would use such weapons to kill thousands of innocent people. We have that right. His words that "the liberty we prize is not America's gift to the world but is God's gift to humanity" ring with incredible accuracy and truth. We, as a nation have an obligation to protect that liberty.

Hopefully, working with the United Nations, we will be able to develop the coalitions necessary to accomplish that. It would still be appropriate to do it in a peaceful way. But that is not our call. We do not have the offense on that issue. Saddam Hussein's government has the offense on that issue. If they wish to proceed in a peaceful way to disarm, that course is sitting there for them. But they have shown no inclination to do that. In fact, just the opposite has been the course they have decided to pursue—one of obfuscation, one of deceit, one of continued commitment to possess and potentially use these weapons which kill thousands of people, innocent people, weapons which they have used in the past.

When the President calls our Nation together and asks us as a society to join to protect ourselves and to protect the liberty which God has gifted to humanity, I believe we have an obligation to follow and to respect that call. This Congress has voted twice, once under President Clinton and once under President Bush, to empower the President to use the necessary force, to take the necessary action to protect our Nation and to protect the liberty of the world. This President has stepped up to that charge. If he had failed to step up to that charge, he would not be doing his job as Commander in Chief and as President. I believe this Congress has an equal obligation to step up to that charge.

I hope as we move down this road, we will move united and recognize that this is a time when it falls on all of us to support the defense of freedom and liberty as defined by the President in his extraordinary speech last night.

Madam President, I reserve the remainder of our time, yield the floor, and make a point of order that a quorum is not present.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORZINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STATE OF THE UNION SPEECH

Mr. CORZINE. Madam President, I will speak a little bit on part of the main topic the President talked about last night, where we heard President Bush eloquently address America's challenging agenda—an agenda of war and peace, of health care, and the American economy.

In fact, as it relates to the economy, he said our first goal is clear, that we must have an economy that grows fast enough to employ every man and woman who seeks a job. He suggested that we work to have a prosperity that is broadly shared. I am certain his rhetoric resonated well with the American people. It sounds good.

Today, I want to talk not about the rhetoric of the President's address but of the reality of the policies that have both been implemented and the purposes and possibilities of the policies he has laid on the table, which he suggests would turn our economy around and meet those lofty objectives.

Let me be clear in my own view. There is a huge gap between the rhetoric and the reality of the President's economic stewardship and certainly with respect to the policies and proposals laid on the table. Let me begin by saying I am glad the President seems to finally recognize that our economy has problems. You will recall that the Vice President, only 2 weeks ago, was arguing at the National Press Club and at the Chamber of Commerce that the President's economic policies were succeeding.

In this particular case, we will take the President's analysis because I think there is a need to get job growth and economic momentum back into our economy. I am afraid he really doesn't appreciate the depth of the problems we have in our overall economy and the compelling need to take effective and strong action now.

Since March 2001, 2.4 million Americans have lost their private sector jobs. That is a lot of folks. The unemployment rate stands at 6 percent, which is the highest it has been in 8 years. Mortgage foreclosures are at record highs. The stock market has declined dramatically in the past 2 years, losing about $5 trillion in value—a significant amount of value. Consumer confidence has been seriously undermined. In fact, yesterday we had an announcement that the consumer confidence level is at its lowest in 9 years. By the way, that is lower than in the 2 months that followed September 11. Demand has declined to such an extent in American business that businesses are operating at about 75 percent of operating capacity—well below the mid-1980s, which is on average. We have had 2 years of declining business investment. Our current account deficit is exploding—it is at record highs—and our Federal deficit is growing, with little improvement in sight for years.

I think all of us know that as recently as 2 years ago, we were talking about projections of a $5.5 trillion surplus for America. Today, projections over the next decade have us anywhere from $2.5 trillion to $3 trillion in deficits. I think we have some serious issues today. CBO announced they project a $200 billion deficit for this current fiscal year, and that is before tax cuts and any changes; and those estimates are based on our activities in the Middle East and a war on Iraq.

I could go on. But, in short, we have serious economic problems and we need a serious and effective economic stimulus program, something that will really deal with the soaring rhetoric the President talked about to make sure every man and woman who seeks a job can have one and make sure prosperity is broadly shared in the American economy.

I don't think the prescriptions on the table do the job, frankly. I will try to talk about it in specifics. In many ways, I think some of the President's suggestions are actually antigrowth. The President's rhetoric would lead one to think his plan would provide a stimulus. But the reality is very different. Look at some of the facts. Only $36 billion of the plan's $675 billion in total tax cuts would kick in this year. By the way, that $675 billion—if you add the interest, it would be $950 billion in the decade, and if you take the acceleration of the tax cuts that the President also has proposed, the cost to the Federal Treasury would be about $1.5 trillion—a relatively serious amount of money.

The $36 billion the President is targeting for fiscal year 2003 is a mere drop in the bucket. It is not even half of 1 percent of GDP. I do not read anywhere or hear in broad discussions from the Congress that this is going to do much of anything with regard to stimulating growth today and creating jobs today. The right and the left—it is almost universal—talk about growth packages as opposed to stimulus packages because it is such an insignificant amount of input into the current economy.

In fact, the President's plan, in my view, actually could do real harm in the short run. Its proposed dividend exclusion will encourage corporations to do something that is negative with regard to growing the economy. It will shift cash off the corporate balance sheet, away from investments, away from employment into dividend payments. It may be nice for the people who receive it, the very narrow segment of folks who actually will receive dividend payments, but it reduces the capacity of business to do anything.

Taking cash off the balance sheet is the opposite of what we want to be doing if we are trying to stimulate the economy. Accelerated depreciation puts cash on the balance sheets. It lets business retain value of cash. It is hard for me to understand why anyone thinks that is a stimulus program. In fact, as I suggest, it may actually be antigrowth.

We cannot spend a dollar twice, so for each dollar distributed as dividends, companies will have one less dollar to invest in plant and equipment, one less dollar to plow into research and development, one less dollar to hire or retain personnel. The end result will be lower investment and fewer jobs in the short run.

By the way, it takes a long time for those dividends to work their way back into the job growth and economic expansion that all of us would like to see.

Another point I believe is very important within the context of the view that this proposal is antigrowth, the President's plan does absolutely nothing to help our State and local governments which are suffering severe fiscal crises throughout our country. The estimates are that it is a cumulative $90 billion deficit for States. That is before the local governments. That is much larger than that $36 billion we are going to put into the economy.

Back home, our State governments are raising taxes and cutting services $90 billion while we are putting $36 billion into the economy. I do not see how that relates to stimulating growth, and it fits pretty clearly into a commonsensical analysis to say we are not on the right track to get this economy moving again.

New York City, New Jersey's neighbor, is having to raise property taxes 18 percent. In my State, property taxes have been raised 7 percent. Everywhere I go across the country, State and local governments are raising property taxes to offset those very actions we are trying to take to stimulate the economy in Washington.

I do not understand why we are not thinking about this in a more holistic and comprehensive approach. These cuts in services and rises in taxes are going to create more economic problems and lead to almost an antigrowth policy if we implement it as it now stands. The Federal Government needs to be a partner in this process.

By the way, in the long run, there are even more serious problems if there is no help to the States. Dividend exclusion is actually going to create an investment instrument that will compete with how State and local governments borrow in the tax-exempt market. It is going to increase the borrowing costs, that is at the same time we are laying down new mandates with regard to homeland security and education—Leave No Child Behind—where we are underfunding the mandates we promised we would bring to bear, and I think we are putting our State and local communities in a financial vise that is actually going to offset a lot of what we are trying to accomplish in Washington, regardless of how one feels about specific elements of the program.

All these reasons—the very small amount of stimulus for 2003, its incentives to take cash off the balance sheets, which is incomprehensible, in my view, and its failure to help States—make this plan one that is failed on arrival, even if it is not dead on arrival, and I certainly believe it is misguided. Again, the President's rhetoric sounds good. We are all for making sure every man and woman has a job, but I think the reality of the program is substantially different and should be evaluated accordingly.

Let's take a look at another part of the rhetoric of the speech last night: The claim that somehow this plan would benefit ordinary middle-class families and create a broad-based prosperity. I feel strongly that it is not particularly an effective macroeconomic stimulus program, but I think there is a big gap in rhetoric and reality with regard to where the money goes.

We talk about averages as opposed to means. There is a general agreement among economists that people with low or moderate incomes are more likely to spend: they have a higher propensity of consumption for tax cuts than people with higher incomes. This is a matter of general economic policy.

Any stimulus plan ought to focus—if you are really trying to stimulate the economy—largely on tax cuts for middle- and lower-income families. The Bush plan does exactly the opposite. Over the next 10 years, those with annual incomes of more than $1 million will get a tax break worth almost $90,000 a year. That is $900,000 over 10 years. Yet some middle-class families with incomes—by the way, middle class in New Jersey might very well fall into this category—$75,000 to $100,000 would get only about 2 percent of that tax break, about $1,800 annually or $18,000 over the 10 years. Consider people making between $30,000 and $40,000, which is closer to the $27,000 median income for the U.S. as a whole, and that would be $350 from the Bush plan.

We are looking at different segments of income earners and seeing what this actually means, and that is about four-tenths of 1 percent of the benefits going to $1 million earners. It certainly does not jibe with trying to put the stimulus into the pockets of people who will turn around and spend it to stimulate the economy.

This is a hard sell. Consider the 25 million taxpayers who reported adjusted gross income of less than $10,000. These are people worrying how they are going to put food on the table. They are 20 percent of all taxpayers, if you consider payroll taxes. What will they get? They will get a grand total of $5 a year. Let's review: $90,000 a year for people over $1 million, $1,800 for those with incomes of between $75,000 and $100,000, $350 for those with incomes between $30,000 and $40,000, and $5 a year for 20 percent of taxpayers below $10,000 adjusted gross income. I don't know, it does not sound to me we are going to put money in the hands of people who will spend it.

This is not class warfare, it is how we are going to get an effective, efficient stimulus program; how do we get this turned around so the economy is growing. Businesses are taking inventories off the shelf and restarting their businesses to restimulate those inventory growths. We need to go back to the principle of the President, which is we want to promote prosperity for all Americans, and to do that, we ought to make sure that a program works.

I am not against people doing well in our economy. As a matter of fact, we made more millionaires in the 1990s with an entirely different proposal with regard to taxes and structure with regard to taxes than at any time in the history of America. Rising tides do lift all boats, and I think it is important that when we are thinking about our tax policy, we talk about how do we grow the total economy.

I think this program is focused in an upside down way completely ignoring payroll taxes, State, local, sales and property taxes, and the distribution of all of those taxes together on all these individuals, and we are getting too much of it going in one particular area.

The next type of Presidential rhetoric I want to address is in the administration's claim that the President's plan benefits seniors. The reality is very different. There are 37 million seniors. I think most people would agree with that number. Yet only about one-fourth of them, less than 10 million, receive dividends, according to the President. So 75 percent, or 27 million, of America's seniors will get absolutely nothing from the President's dividend exclusion.

Moreover, only a small fraction of the wealthiest seniors would enjoy most of the benefits. Nearly 40 percent of the dividend tax cut for seniors would flow to those filers with incomes exceeding $200,000. That may be a high concentration of seniors in a lot of States, but I do not know too many seniors in New Jersey, 65 years and older, who have $200,000 incomes.

That is a mere 2.5 percent of the tax returns filed by senior citizens. They get 40 percent of that so-called 10 million seniors benefiting from the dividend exclusion. It is less than 500,000 of the 37 million seniors that we are talking about. It can be cut and sliced in other ways, but we are talking about a very narrow segment of seniors in America getting the benefit from the dividend exclusion.

It is great rhetoric to claim that seniors will benefit, but the reality is it is a very small number relative to those who are doing well and have a great deal of wealth.

More fundamentally, the truth is this plan will dramatically increase Federal deficits in the long term, and the problem with that is, how are we going to continue to sustain our Social Security programs and our Medicare programs if we are running serious deficits and they are going to explode as the baby boomers retire in the outyears. So if one wants to put all of these programs together, as we talk about seniors, I think we have a real gap between the rhetoric and the reality of who is going to benefit and how this is going to benefit our economy.

I have some other examples with regard to small business. With most of the numbers we hear talked about, the rhetoric does not match the reality. I think there are a whole series of flaws with regard to that. I would love to see us go back on a bipartisan basis and talk about an immediate, temporary and substantial stimulus program more fairly distributed across the breadth of America, as suggested in the President's opening remarks last night as he talked about the economy. I think we could all benefit.

If there is growth in the economy, our deficits will be reduced. We will have greater resources to take care of the needs in this Nation. It is hard to understand, at a time when we are talking about going to war, when we are trying to ask people to sacrifice, that we have such an economic program so focused on those already doing well and doing so little to stimulate the economy. If one reviews almost all of the economic literature and commentary, a lot of it from business, they will find many of the views are that this program has grave weaknesses as far as the stimulus program and needs to be rethought. I hope we can stand back, work together, make a serious effort to come together to produce an effective, efficient, bang-for-your-buck stimulus program, and get on with meeting those high-minded objectives that were part of the rhetoric.

The quality of life for millions of Americans depends on our success and being able to come up with that integrated, cooperative, and bipartisan approach. There are a number of great ideas on the table. I hope we can sit down and work together to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, it is my understanding I have until 4 o'clock to speak. Therefore, if I need a unanimous consent request for that I will propound it at this time. If I do not, I will simply proceed.

The PRESIDING OFFICER. The Senator has the right until 4 o'clock.

THE STATE OF THE UNION

Mr. KYL. Madam President, I will speak about the President's proposals articulated last night in his State of the Union speech to ensure job creation and economic growth for the United States for the benefit of all American families, and for our future.

I note with interest some of the comments my colleagues have uttered. I will respond to some of those before I get into what the President said last night.

I noted that the Senator from New Jersey and other colleagues have been very quick to criticize the President, but I have heard absolutely no proposals emanating from that side of the aisle that offer an alternative to what the President has proposed. There is an old phrase that you cannot beat something with nothing, and I think that is true here. If they have a better plan, then I would like to see it. If they understand better than President Bush and his economic advisers how to ensure and sustain long-term growth in this economy, how to provide more jobs for American families, how to better protect the investments of our senior citizens and the like, then let us see those proposals.

It is easy to stand on the sidelines and criticize, but it is not as easy to present good, solid information and be willing to defend it. I am ready to defend what the President has proposed, and I would like to see those who have been critical come up with some ideas of their own rather than rhetoric.

Most of the people who have been critical of the President, especially if they are Members of the Senate, begin that criticism by noting the President's proposal, in their view, will increase the deficit and they regard this as a most serious sin. Virtually every one of these critics voted last week for $502 billion more in new spending for the fiscal year 2003 by virtue of supporting amendments that were offered to the fiscal year 2003 omnibus appropriations bill. They cannot have it both ways. They cannot argue on the one hand they are very concerned about deficits, about not having a balanced budget, and on the other hand vote over and over again last week to increase spending above what the President has proposed, above what the Appropriations Committee has proposed on the floor, by over a half of a trillion dollars in 1 year. Compound that spending over time and, of course, the growth is exponential.

The bottom line is the critics of the President's plan, A, need to come up with a plan of their own if they are going to be credible and, B, if they are going to be credible about concern over the deficit then they should recant the votes they cast last week over and over again for over half of a trillion dollars in new spending above what the appropriations bill called for and that we all supported.

Let's look at the specific criticisms they make. I note that almost all of them say the President needed to pay more attention to the needs of States. This is a curious argument. It is true that almost all States are suffering from lack of finances to serve the needs of the people of the States. That is true in my State as it is in other States.

There are a lot of reasons for that. First of all, the Federal Government imposes some unfunded mandates. That is not fair or right. The Federal Government should make up for those, but that does not explain the whole problem. The problem of State and local governments is essentially the same problem the U.S. Government faces: Namely, the economy is not as robust as it should be, as we would like it to be, as we hoped it would be. Therefore, it is producing less in the way of tax revenues.

In the case of the United States Government, we can relatively easily go into debt. States cannot do that. As the distinguished Presiding Officer knows from her experience in State government, you have to pay as you go in State government. So they are hurting because the economy is not as strong. People are not making as much money, and the States are not collecting as much in tax revenues as they had projected. So they are in a deficit situation.

What do we do about that? What is the Federal Government expected to do about it? Should the Federal Government tax American citizens even more, bring the money back to Washington and then write 50 checks to the States and send it back? How would that help the people who have just had the Federal Government take their tax dollars, then write a check back to the States? I do not see the logic of that.

States can raise their own taxes. If raising taxes is the answer, they all have the capability of raising taxes much more quickly than the Federal Government does, and of collecting that tax revenue because they can do it in sales taxes so that the effect is immediate. They do not need to wait for a whole year for income tax collections, which is the Federal Government's means of financing to catch up with revenue needs.

I found it interesting that the Senator from New Jersey said the President's plan ignored sales taxes and property taxes. Rightly so. Those are taxes traditionally left to the States to fund needs of State governments—not the Federal Government. Woe be to the Senate and the House of Representatives if we begin collecting sales taxes and property taxes as a means of financing the Federal Government. Woe be to us. That is not right.

States and local governments can raise those taxes if they want. The reality is most of them are not going to do it. They understand, as most of us understand, that taxing people more does not make them better off. It does not help to collect taxes at the State and local level and provide benefits to the very same people who paid the taxes.

What does make sense? What has always made sense in the past? If the economy grows, it will create jobs, it will produce more wealth for American families and, at the same time, more tax collections to the governmental entities that collect taxes.

The Federal Government's problems are primarily a result of a sluggish economy. It was pointed out yesterday in the confirmation of the President's nominee for Treasury Secretary that just a 1-percent difference in growth in our economy from 3 percent to 4 percent means—I hope this figure is correct—$8 trillion over a 10-year period. That is a lot of money. It illustrates the fact that very small measures of growth differential can mean a great deal in tax collections for both the Federal Government and the State government.

If we can encourage economic growth on a sustained, long-term basis, we will not have to worry about balancing budgets or about deficits or the financial straits our States are in. A healthy economy not only helps families but it also helps the State and local governments and the Federal Government collect the necessary tax revenues to provide services.

Therefore, when critics—such as Governors—say the President ignored the States, I guess I put the challenge back to them: Do you think the Federal Government should raise taxes from your citizens so you can give it back to them? If so, why don't you raise the taxes?

Tax increases are not the answer. Almost all would agree that a robust economy is the answer. How do we get to a robust economy? The Senator from New Jersey is correct that there is not that much economic stimulus in this current fiscal year in the President's proposal. He identified about $34 billion worth. I cannot contest that figure. It may well be correct; I don't know. In any event, it was $34 billion more than the Democrats proposed because they did not pass a budget for fiscal year 2003, provided no tax relief for fiscal year 2003, provided no way to stimulate the economy, provide economic growth or job creation.

It was the Democratic Party that was in control of this body last year. I guess it could be fair to say that $34 billion is not enough, but it certainly beats what the Democratic leadership was able to produce last year, which was exactly nothing.

Is the answer a stimulus? It is hubris in the first degree to suggest that the Congress—in fact, the Government—can really affect a multitrillion-dollar economy very much in a rapid way by the policies we institute here. We can do far more to help the economy, as Alan Greenspan has said, by curbing our appetite to spend taxpayer money than almost anything else we do. Yet my Democratic friends last week were willing to spend over half a trillion more than the appropriations bill provided and that the President had requested. I don't think they are in a very good position to argue about the proper prescription here for economic growth.

The reality is the best way to promote economic growth is to reduce the tax burden of American businesses, small businesses, and American families. That is what President Bush has attempted to do in the proposal he has made. Does he pretend that in 1 year we can turn everything around? No. As he said last night, if the tax relief we passed a year and a half ago, which was phased in over time, is good in 5 years, 6 years, 7 years, why is it not even better to make it effective now? If my friends on the other side of the aisle are so concerned about doing something now to stimulate the economy, then I challenge them, let's make the tax reductions we passed a year and a half ago, that were phased in over a 10-year period of time, effective now. That would do a lot of good. It goes up and down the entire spectrum of American taxpayers, from those who are the wealthiest all the way down to those who are the least wealthy.

Interestingly enough, those small businesses that create most of the jobs in this country—and we are very interested in job creation—would benefit significantly because they are organized under our laws to pay taxes at individual tax rates. For the most part, their tax rate is higher than the corporate tax rate. So the small businesses we are trying to encourage are paying a higher rate of taxes than the big corporations. I ask, is that fair? Is it a way to stimulate job creation, given they provide more of the jobs in the country than the large corporations?

Let's look at the President's program in more detail. Some on the other side of the aisle have been very critical of the dividend section of the President's proposal, the part that says it is fair to tax dividends once when the corporation makes the profit but it is not fair to turn around and tax the dividends a second time when they are paid to the shareholder. It is a matter of basic equity and fairness and makes common sense.

But there are some who say, for some reason or other, that is not a good idea. One of the arguments is that eliminating the double taxation of dividends gives money to shareholders. As my friend from New Jersey said a moment ago, that may be nice for the folks who receive it—meaning the deduction for dividends paid by corporations—but does it do much to help the economy?

Let's break that into two parts. It is nice for the people who receive those dividends. Now, over half of the adults in America are investors in equities. Half of Americans are stockholders. A large number of those will receive a benefit by not having their dividends taxed when the corporations pay the dividends to them.

The President's object is not to provide for consumer spending. It is not to increase consumer spending. That is not the problem with our economy now, but to increase capital formation, which is the problem. For confirmation of that, the White House has provided some information comparing personal consumption expenditures with private investment. The top line, which is personal expenditures, is going up from $6 trillion to $7 trillion in just over a 3-year period. Consumer spending is not the problem. The problem is this squiggly line down here, capital formation, gross private investment. Gross private investment has actually decreased from just after the year 2000, from $1.8 trillion to currently $1.6 trillion. The problem is the need to enhance investment, not to deal with personal spending.

The dividends being taxed today are not going into reinvestment, into business. But the President's proposal is to encourage this reinvestment by eliminating the double taxation of dividends. This attracts billions of dollars of new investment to the economy since increasing the aftertax returns to capital will make new investments sufficiently profitable to be undertaken. Reducing the tax on dividends should raise share prices by many times the amount of additional annual dividend payments. The more real earnings a company has, the more willing the managers are to pay dividends and the more the share prices increase—prosperity for everyone.

Moreover, what is lost on some critics: To eliminate double taxation, this harmonizes tax treatment of debt and equity. We have been too favorable to debt creation in the corporations, so some major corporations have gone into bankruptcy because they created so much debt. As soon as we had a downturn in the economy, they could not handle the repayment of all that debt. We ought to promote less debt capitalization of businesses and more equity capital.

Harmonizing the tax treatment of debt and equity removes the current tax preference for financing business expansions with debt. Debt is more risky because, while dividends can be reduced or eliminated during difficult economic times, companies that finance with debt must continue to pay the interest regardless of the economy. That is what leads to the bankruptcies.

In addition, eliminating this double taxation of dividends will encourage better corporate behavior. We certainly understand the need for that, given some of the shenanigans that occurred during the last few years. Companies that pay dividends must have real cash earnings rather than possibly doctored paper earnings—which was the case with some corporations over the last few years.

It will help create new jobs. The main beneficiaries of the increased investment activity will be the workers who are employed to use the additional capital and the consumers who get to enjoy the cheaper products and services that it makes possible.

I mentioned that it is simply unfair to tax the same income twice. We sometimes forget that basic argument when we are talking about all the good reasons to eliminate the double taxation of dividends, but in practice I think we all appreciate that double taxation of dividends means that even an investor of modest means is paying a higher tax rate on dividends that wealthy taxpayers pay on their income.

What about this distribution of benefits? Roughly 35 million American households receive dividend income that is taxable, and will directly benefit under the President's plan. So this is not something that just benefits a few—35 million American households receive dividend income that is taxable and will directly benefit as a result of the President's plan.

Almost half of all savings from the dividend exclusion under the President's plan would go to taxpayers 65 years and older. The average tax savings for the 9.8 million seniors receiving dividends would be $936. To the argument that this dividend savings only goes to a very few, the point here is that the average will be almost $1,000 per senior receiving the tax break on the dividends.

It seems to me it is very difficult to argue that eliminating this double taxation of dividends is bad for seniors, bad for shareholders, or bad for the economy.

Let's talk about the other aspect of the plan, though, the major piece of the plan that the President spoke to last night and that is the benefit of accelerating the marginal rate reductions.

What do we mean here? We are talking about the income taxes that we pay. Depending upon which bracket you are in, you pay a higher percentage of your income in taxes. We decided a year and a half ago to reduce those rates but we couldn't get the votes to reduce them all immediately, so we phased them in over time. We phased those reductions in over a 10-year period of time.

Last night the President said, look, if it was a good idea to reduce the tax rate 6, 7, 8 years from now, why isn't it an even better idea to do it right now?

I ask that question of my colleagues who oppose this. Why is it not a better idea to do it right now?

Some of them might say that will cost the Federal Treasury money. My response to that is, Why did you vote for an additional $502 billion in spending? That also takes money out of the Federal Treasury.

Let's just talk about this marginal rate reduction in terms of economic growth potential. This is where the economic growth really occurs, because reducing marginal tax rates provides an ongoing incentive for all taxpayers to work harder and longer, which is what creates the increased economic activity that we seek. It also creates additional income which can be taxed, so Government ends up making more money in the long run. Most importantly, it allows taxpayers to keep more of their own money, which they can use to invest or spend or save as they choose.

When we talk about savings, we are really talking about investing. So regardless of how this money is used, it will benefit economic growth. If you save it, you put it in a bank and the bank immediately turns that money around, loaning it to others, and that will put the money to use creating more jobs. If you spend it, it is going to eventually find its way back into the capital market and help create jobs. Of course if you invest it, that is the most efficient way of all to provide capitalization to companies to hire new people and produce new things.

I spoke before about small businesses and the benefit of the President's tax plan for small businesses. Reducing the top rate primarily helps these small businesses. The current top individual rate is 38.6 percent. That is the rate at which most small businesses are charged. The top corporate rate is 35 percent. So the small businesses are paying over 3.5 percent more in their income tax rate than the big corporation. Accelerating these rate reductions to the year 2003 will harmonize the small business income tax rate with the corporate rate. That is fair. It is equitable. It is the right thing to do, and it will stimulate economic investment and job creation because, as I said before, it is small businesses that create most of the jobs.

The small businesses would receive about 79 percent, which represents over $10 billion, of the $13.3 billion in tax relief that comes from accelerating the reduction of the top bracket to 35 percent in the year 2003, as opposed to the year 2006. That is why the President said let's bring that reduction forward 3 years and provide this benefit immediately.

There is another benefit for small business that has not been talked about much. The President's proposal would increase from $25,000 to $75,000 the amount that small businesses may expense each year, that is to say that they can write off in their income taxes. There is broad bipartisan agreement that allowing small businesses to expense a larger amount of their investment in equipment will provide a strong incentive for small business to expand. As I said, these are the businesses that provide most of the new jobs in our country.

Let me conclude by talking about this class warfare. The previous speaker said he didn't want to talk about class warfare but immediately got into the same argument about who benefits. He also acknowledged something that is very true. John Kennedy is famous for saying, back in 1963 when he was proposing a capital gains tax reduction and people pointed out that there were not very many people who had capital gains, President Kennedy said:

> But a rising tide lifts all boats.

If some taxpayers benefit, in the long run all taxpayers benefit. That is an acknowledged principle of economics.

One ought not be asking why do you get a $3,000 benefit from President Bush's tax proposal and I only get a $1,500 benefit? But rather, they should say, I am glad I got the $1,500 benefit and I am glad you got the $3,000 benefit, because for all of it is going to make the economy healthier and in the long run it will make us all wealthier. That is the attitude, fortunately, most Americans have.

According to the IRS data from 2000, the top 5 percent of tax filers paid more than 50 percent of all income taxes, and the top half of all tax filers were responsible for nearly all of our taxes, 96 percent.

Who ends up paying a higher percentage or lower percentage after all of the Bush tax plan is put into effect? It turns out that the wealthier people end up paying an even higher percentage of taxes and the people in the lower brackets pay an even smaller percentage of taxes. So it does not help the wealthy at the expense of the poor. In fact, if you want to just measure it by that measure, the wealthy pay even more of the taxes than they do today.

If your income is over $200,000, you are going to be paying 45.4 percent of all of the Federal income taxes. Currently, they pay 44.8 percent. So that is an increase in the amount of taxes that are going to be paid by people who make $200,000 or more. If you are making above $100,000 and less than $200,000, you are going to be paying 27.9 percent of all Federal income taxes. Currently, you pay 27.6 percent—an increase.

Under the Bush plan, families with incomes of over $100,000 would end up paying 73 percent of all Federal income taxes.

By the way, it takes 3.8 million low-income taxpayers off the tax rolls completely, the Bush plan does. So it is not even an effective rebuttal to say it benefits the rich at the expense of the poor.

I have gone through all the different arguments. We talked about where is the alternative. We talked about the benefits to the States. We talked about the benefits to families. I haven't even talked here about the child tax credit or the marriage penalty elimination. All of these features of the Bush plan are designed in one way or another to help different parts of our economy, different types of families in America, so at the end of the day everybody benefits.

It is possible to pick out one little segment of the tax cuts proposed by the President and say that does not benefit everybody. Of course. If you don't have any children, the child tax credit isn't going to help you. But for those families with children, it is going to help a lot. Same thing if you are two single people; ending the marriage penalty might not help you. If you are a married couple, you might get the benefit of that. But you put it all together and end up with a mosaic that provides not only help to all Americans but an economic long-term growth package that can sustain the kind of living we want in this country, while providing the kind of revenues to State and local governments as well as the Federal Government.

That is the philosophy of the Bush tax plan. It is a good philosophy, and I look forward to a robust debate with my colleagues who may disagree with portions of that plan. It is a very defensible plan, and I am proud to support what the President has proposed here.

I hope we will have plenty of opportunity to debate this in the near future so we can enact all of the President's proposal as soon as we possibly can for the benefit of the American economy but, more importantly, all American families.

EXTENSION OF MORNING BUSINESS

Mr. KYL. Madam President, I ask unanimous consent that morning business be extended until 6 p.m., with the time equally divided between the two leaders or their designees.

Mr. REID. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I understand the leader wants to go out at around 6 o'clock tonight. As far as the Democratic time is concerned, I would like 25 minutes allotted to Senator BYRD, who wishes to speak now, but during the remainder of the time, without any specific designation as to when it starts, I would ask unanimous consent that 20 minutes of our time be given to Senator KENNEDY, 7½ minutes to Senator SCHUMER, and 7½ minutes to Senator FEINSTEIN.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. KYL. I revise my unanimous consent request to incorporate what Senator REID has just requested.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. KYL. I thank the Chair.

Mr. REID. I appreciate the courtesy of my friend from Arizona.

Mr. BYRD. Madam President, has the able Senator from Arizona relinquished the floor?

Mr. KYL. I have indeed.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from West Virginia.

IRAQ

Mr. BYRD. Mr. President, President Bush last night warned the American people to brace for war with Iraq. In his State of the Union Address, he vowed that if Saddam Hussein does not disarm, the United States will "lead a coalition" to disarm him.

Although the President stopped short of a declaration of war, his message was clear: In his view, Saddam Hussein constitutes an imminent danger to peace and security in the world, and the United States is prepared to wage war, with or without the support of the United Nations, to remove him from power. The chain of events that President Bush set into motion last year when he inducted Iraq into what he called the "axis of evil" appears on the verge of spilling over into battle and bloodshed.

The President's remarks come amid a firestorm of protest from some of our closest allies in Europe and the Middle East over the apparent willingness of the United States to ride roughshod over the United Nations and dictate to the rest of the world the terms of Iraq's disarmament. The President in his State of the Union speech once again made clear that Iraq will be dealt with on his timetable, at his hands, according to his agenda.

Mr. President, I am fully cognizant of the danger presented by the possibility of chemical, biological, or nuclear weapons in the hands of a ruthless dictator like Saddam Hussein. I am fully cognizant of, and frustrated by, the fact that Iraq has consistently flouted the United Nations mandates to disarm, and has apparently shown only token cooperation with the current inspection regime. Iraq has much to answer for, and the President is correct in demanding that Iraq respond to the United Nations.

What concerns me greatly, however, is that this President appears to place himself above the international mandates of the United Nations. He has turned a deaf ear to the concerns of other nations and has vowed that the United States will lead an assault on Iraq regardless of the judgment of the United Nations. President Bush has made the overthrow of Saddam Hussein a personal crusade, and in his zeal to pursue his goal, he has failed to make the case to the American people out there and to our allies abroad that the United Nations is dragging its feet, that war is the only option left, and that war cannot wait.

The President in his address alluded to tantalizing evidence that Saddam Hussein is in collusion with al-Qaida and that Iraq possesses weapons of mass destruction which it is hiding from the United Nations weapons inspectors. But the President has yet to present that evidence to the public or to demonstrate why it constitutes an immediate cause for war. If the evidence is as compelling as the President indicates it will be, surely the member states of the United Nations will close ranks behind the United States and demand the forcible disarmament of Iraq.

The President also set what appears to be a new deadline for the United Nations. On February 5, he said, the United States will ask the U.N. Security Council to convene to hear evidence of Iraq's illegal weapons programs and its links to terrorist groups. I look forward to learning the details of that meeting. I wonder why the President is holding back for another week if he has such information today, and perhaps has had it for some time. I am confident that the U.N. weapons inspectors would welcome such evidence, not next week but today, so that they could do their jobs more effectively. I wonder why the Senate has not been given this evidence. I wonder why the American people, who are being asked to send their sons and daughters, mothers and fathers, brothers and sisters into the battle zone, have not been made privy to this important evidence.

Perhaps the answer lies in the followup comment by the President, when he said: "We will consult, but let there by no misunderstanding. If Saddam Hussein does not fully disarm for the safety of our people, and for the peace of the world, we will lead a coalition to disarm him." Despite all his comments to the contrary, it appears that the President has predetermined that war with Iraq is the only recourse left.

If war is the answer, the support of the international community is essential. I believe that it would be a grave mistake for the United States to preempt the work of the United Nations weapons inspectors and initiate an invasion of Iraq without first seeking the express support of the Security Council. The United States is already seen by many as an aggressor in the Middle East. Speculation is rife in Europe that the United States is pressing to invade Iraq to give the U.S. control of the Iraqi oil fields. America's reputation in the court of world opinion is in tatters.

Unfortunately, the President's State of the Union speech did little to allay the worries of the American people or the international community. The President signaled to the world that America is ready for war with Iraq, but he did not explain why Iraq suddenly presents such "a serious and mounting threat" to our country, our friends, and our allies that war is the only option. How is it that the threat from Iraq is more serious than the threat from North Korea? How is it that the threat from Iraq appears to have eclipsed the threat from al-Qaida to our own country and the threat from other terrorist organizations?

Nor did the President attempt to prepare the American people for the possible consequences of war with Iraq—the terrible toll on the lives on innocent Iraqis, the potential for hundreds or thousands of battlefield casualties of American service men and women, the sharply increased threat of terrorist attacks on America and its allies. The President promised that the overthrow of Saddam Hussein would liberate the people of Iraq, but he made no mention of what the American people could expect from a postwar Iraq. The President made no mention of the burden the United States would have to bear to ensure that a postwar Iraq did not devolve into chaos.

In his State of the Union Address last year, the President declared a global war on terror, and he called on all nations of the world to come together to combat the curse of terrorism. In his speech last night, the global war on terror got remarkably short shrift. "We are working closely with other nations," the President said. "We have the terrorists on the run."

Unfortunately, having terrorists on the run means that terrorists have escaped our dragnet and, according to intelligence assessments, are actively plotting new attacks on the United States and its allies. We still do not know the fate of Osama bin Laden. We may have him on the run, but we also fear that he continues to pose a real and imminent threat to the United States. And unlike Saddam Hussein, Osama bin Laden has demonstrated his willingness to attack American citizens at home and American interests abroad.

But instead of rallying the international community to the continued need to cooperate in fighting global terrorism, the President's policies and the President's rhetoric are polarizing the world.

Mr. President, I believe the Senate has a duty to speak to the issue of war with Iraq, and I believe that the United States has a duty under international law to work within the structure of the United Nations charter. If we indict Saddam Hussein on the grounds that he has failed to disarm in accordance with the United Nations resolutions, how then can we turn around and act against him without United Nations support? What signal does the United States send to the world regarding respect for international law? The United Nations is acting responsibly. Iraq, if not fully cooperating, is at least straitjacketed. America's allies are calling on us to give the inspectors time to do their work. This is not the time for precipitous action on the part of the United States.

For these reasons, I am today introducing a resolution urging that the U.N. weapons inspectors be given sufficient time to complete their work and calling for the President to seek a United Nations resolution specifically authorizing the use of force before initiating any offensive military operation against Iraq.

Now, it may come to be that war is the only way to subdue the malevolence of Saddam Hussein. But that is not a decision for the United States to make unilaterally. President Bush, in November, galvanized the United Nations to act on the issue of Iraq. For that, the President is to be commended. Now he must follow through on his pledge to work with the United Nations. The United Nations has demonstrated in the past 2 months that it is willing to act responsibly and vigorously in addressing the issue of Iraq's disarmament. No one could accuse chief weapons inspector Hans Blix of sugar-coating his interim report to the U.N. Security Council on January 27. He made clear that Iraq is not adequately cooperating on matters of substance. He made clear his frustration with Iraq. But he did not slam the door on the possibility of disarming Iraq without resorting to war.

As long as that door remains open even a crack, as long as Iraq is not actively threatening its neighbors or the United States, as long as the United Nations can maintain a stranglehold on Saddam Hussein's ambitions, I believe that we have a duty to the American people to strive to find an alternative to war. If war it must be, then it should be a coordinated undertaking authorized by Congress and sanctioned by the member states of the United Nations—not a preemptive strike initiated by the President of the United States.

Mr. President, the consequences of war are incalculable. Before we take such a momentous step, before we place the lives of American military personnel and innocent civilians in harm's way, we should stop to reflect on the possible consequences, and we should redouble our efforts to find a peaceful solution to the disarmament of Iraq. If war is the only recourse, it must be a war endorsed and fully supported by the United Nations.

Mr. President, if it must be war, we may be lucky. I hope we will be. But we may not be lucky. I think of the words of Croesus, when he said to Cyrus the Great of Persia:

> There is a wheel on which the affairs of men revolve and its movement forbids the same man to be always fortunate.

Mr. President, I shall have more to say as the days come and go on this matter that is so vital to the American people and to their futures and to the futures of our children and grandchildren and their children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have time.

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. KENNEDY. I thank the Chair.

Mr. President, I thank my friend from West Virginia for his eloquence once again this afternoon. When the history of our time is written, there will be many important chapters on the contributions the Senator from West Virginia has made, certainly for his State, but I also think there will be an important chapter that will be written about his contributions to our Constitution as the principal guardian of the Constitution in the Senate. He has done this on so many occasions. I have admired him so much for that effort and the extraordinary insight he has brought to all of us as a student of history.

All of us will remember very clearly the debates which were led by the Senator from West Virginia some 3 months ago on the issues of war and peace, and now once again, as we are coming to the most significant time, and that is the decision-making that will be made at the United Nations about whether we will continue with a course of inspections and whether we will try and galvanize the world community behind a common purpose, or whether we will go it alone. The Senator reminds us of the dangers of going it alone, of the unforeseen challenges we will be facing, and draws attention to the importance that this is a matter that is debated and discussed in the Senate; that the people in West Virginia, like the people in my own State, are eager to have more knowledge, more awareness, more understanding as to exactly where we are going and the circumstances of that commitment.

I thank the Senator from West Virginia so much for the thoughtful resolution which I am proud to cosponsor and for the comment he has made, which is that we will be back here again to talk about this issue of war and peace.

As he has said on many occasions, there is no vote that is more important than a Senator's vote on war and peace. There is no issue more important that we address in the Senate. The Senator reminds us of that very solemn obligation and responsibility we have on that issue and has, in his resolution, found ways of giving expression to the concerns of many of our fellow citizens.

I again thank him for all of the work he has done. I urge him to continue to lead this body to a better understanding of exactly what policy we are undertaking, what the risks are, and the challenges we face with the real prospects of a war which may be initiated by the United States, in which the United States may be effectively going it alone with perhaps one or two of our allies. I thank him so much for his attention and focus on this issue.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. KENNEDY. I will be glad to yield.

Mr. BYRD. Mr. President, I thank the very able Senator for his thoughtful and gracious remarks. I thank him also for his cosponsorship of the sense-of-the-Senate resolution which I have just submitted. I thank him for his contributions to that resolution.

It is my understanding he will be submitting a resolution. We have discussed that as well, and I hope he will add my name to his resolution. He can be sure that, the Lord willing, I will be speaking on this matter from time to time, and I know that he will join me, as I hope others in this Senate will join us. I think it is time for the American people to hear more from the Senate. I do not think they have heard enough from the Senate on this matter that is so vital to them, to their loved ones, to their fortunes, and to their futures.

As far as the Lord enables me to do so, I intend to have more to say on this subject. I thank the Senator. I know he will have more to say. Again, I thank him for his remarks and for his cosponsorship of the resolution.

Mr. KENNEDY. Mr. President, may I be reminded when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so inform the Senator.

Mr. KENNEDY. Mr. President, last October 16, President Bush signed Public Law 107-243 which authorized the President to use military force, if necessary, to defend our country.

I voted against that resolution and war with Iraq because I was not persuaded that Iraq posed an imminent threat to our national security and because of my belief that war with Iraq, especially without broad international support, would undermine our ability to meet the gravest threat to our national security—terrorism against the United States by al-Qaida and other terrorist groups.

Circumstances have changed significantly since Congress approved that resolution last October. In the months that have passed, events have only strengthened my belief that this is the wrong war at the wrong time.

In those 3 months, al-Qaida has escalated its campaign of terror. North Korea has revived its nuclear weapons program. And United Nations inspectors are now on the ground in Iraq.

There is no doubt that Saddam Hussein is a brutal dictator. He invaded Kuwait. He oppresses the Iraqi people. He murders his opponents. He has gassed his own people. He has defied the world community.

So I commend President Bush for going to the United Nations and for working with our allies to put inspectors on the ground again in Iraq. The inspectors are making progress. Rather than commit American troops to war with Iraq at this time, we should give the inspectors our full support and assistance, including our best intelligence information, to strengthen their disarmament efforts.

There are many other questions that must be answered before we go to war:

Will war increase the chances of injury and harm to American citizens if Saddam Hussein, with his back pressed against the wall, decides to use chemical or biological weapons? What will a postwar Iraq look like? Who will govern? How long will our troops need to stay? How many will need to stay?

What will be the impact on the war against terrorism? Will we be increasing support for al-Qaida?

What will be the impact of our allies in the region? Will stability be undermined?

How will our Nation be able to manage three foreign policy crises at the same time—the war against terrorism, the crisis with North Korea, and now war with Iraq?

When Congress voted on this issue in October, the President had not yet decided to go to war. The President said war was the last resort. He said we would work with the international community to obtain Iraq's disarmament. Clearly, we have not reached that last resort. Inspectors are on the ground in Iraq, and the international community wants the inspections to continue; yet, the President is poised to pull the trigger of war.

I am delighted to work with Senator BYRD on this issue, and I am a cosponsor of his resolution. We share the goal of ensuring that war will be the last resort; that if we do have to go to war in Iraq, it will be with the support of Congress, the American people, and the international community.

In light of the changed circumstances since the previous votes by Congress, I am submitting another resolution supporting the inspection process and requiring the President to obtain approval from the Congress before committing American troops to war.

This decision may well be one of the most important that any of us will make.

So much has happened since Congress voted to authorize force last October. On November 8, the United Nations Security Council unanimously approved a resolution that demanded unprecedented access to suspected weapons sites in Iraq. The passage of this resolution demonstrated the resolve of the international community to disarm Saddam, and was soon followed by the arrival of several hundred weapons inspectors in Iraq.

On January 27, the inspectors submitted a report to the Security Council about Iraq's cooperation with weapons inspections. Chief weapons inspector Hans Blix stated that Iraq has so far cooperated "rather well" but that additional cooperation is necessary. The director general of the International Atomic Energy Agency said inspectors "have found no evidence that Iraq has revived its nuclear weapons program since the elimination of the program in the 1990s" and that inspectors "should be able within the next few months to provide credible assurances that Iraq has no nuclear weapons program."

The U.N. report demonstrated that the inspection process is working. The inspectors are building their case, and Saddam Hussein is feeling the pressure of the international community. Nothing in the report suggests that war now is the only option to disarm Saddam. Clearly, the inspections should continue.

It is wrong for the administration to beat the drums of war. There is time for thoughtful deliberation about whether war now is the right priority for our Nation and we in Congress have a responsibility to the Constitution and the American people to act again on this all-important issue of war or peace.

The administration has totally failed to make the case that Saddam Hussein is an imminent threat to our security. No evidence, no proof, no "smoking gun," no intelligence has ever been released to suggest we must launch a preemptive strike in order to defend America from an unprovoked attack. Instead of making its case, the administration simply says, "Trust us. We know more than you do."

Many experts believe that Iraq—especially without provocation—does not represent an imminent threat to our security. In fact, it may well be just the opposite. On October 7, CIA Director George Tenet released an unclassified assessment in a letter to the Senate Select Committee on Intelligence that suggested Iraq would only be a threat if the United States attacked it first.

The letter said, "the probability of [Saddam Hussein] initiating an attack [on the United States] would be low." It also said, "should Saddam Hussein conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve . . . [chemical and biological weapons]."

In spite of U.S. assertions that we have secret evidence of Iraq's WMD program, we have been transferring this information at a painfully slow pace. It is only this month, that we finally began to hand over "significant intelligence." The administration promises the release of new information and all of us hope that it will be more convincing than what has been made available so far.

Secretary Powell will go to the Security Council to share intelligence on Iraq's weapons of mass destruction program on February 5. But if the United States has significant intelligence, we should share it with the U.N. inspectors today. We should not wait a further week. If our goal is disarmament, we should do everything possible to assist the inspectors.

The disarmament of Saddam Hussein is essential. But the administration has not made a persuasive case that the threat from Iraq is so immediate that it justifies resort to war now when the inspections process is obviously making progress. Clearly, we have not reached the last resort.

Our Nation faces another threat that is much more immediate: the possibility of new al-Qaida terrorist attacks. A unilateral invasion of Iraq would not advance our war against terrorism—it would undermine it. Our highest national priority is to wage the unfinished war against al-Qaida and wage it effectively.

In the last 4 months there have been deadly new al-Qaida attacks worldwide, which have slaughtered hundreds. A French tanker was attacked in Yemen, a nightclub bombed in Indonesia, a hotel destroyed in Kenya, missionaries murdered in Yemen. The frequency and ferocity of these attacks is increasing. It is only a matter of time before they strike America again.

The administration would like us to believe that Saddam Hussein is public enemy No. 1, ignoring the fact that Osama bin Laden is still at large. Chilling new evidence has arisen suggests that he is planning new attacks.

At home, we still remain vulnerable. Last October, a Council of Foreign Relations task force chaired by former Senators Gary Hart and Warren Rudman warned that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil."

Another Task Force representative told a Senate Judiciary Subcommittee that "a war with Iraq . . . elevates the risk in the near term of an attack on the United States . . . [and] will likely consume virtually all the nation's attention and command the bulk of the available resources, leaving little left over to address our many domestic vulnerabilities."

For some time, the administration engaged in a complicated spin job to convince the American people that Saddam Hussein and Osama bin Laden are co-conspirators. According to this view, waging war on Iraq is part of the war against terrorism. Last September, our Secretary of Defense went so far as to claim publicly that he had "bulletproof confirmation" of links between Iraq and al-Qaida.

But the administration has never presented any of this "bulletproof" evidence. Most regional experts believe it is highly unlikely that fundamentalist al-Qaida leaders would ever find much common cause with the secular dictator Saddam Hussein. Last October, CIA Director George Tenet even conceded that the administration's understanding of the al-Qaida Iraq link was "evolving" and based on "sources of varying reliability." The administration claimed again this week that they have new evidence of those ties, but so far we have only seen a rehash of old allegations and unreliable anecdotes.

As the administration emphasizes the threat from Iraq, it gives less attention to other countries that pose an even more immediate threat to our security.

The greatest proliferation threat comes not from Iraq, but North Korea. North Korea is much more likely and capable to develop, use and sell these weapons. But unlike Iraq, North Korea probably already has nuclear weapons. Unlike Iraq, North Korea has no nuclear inspectors on the ground to verify disarmament.

North Korea has a long and well-documented history of selling its military technology, especially ballistic missiles, to whoever will pay the highest price. Desperate and strapped for cash, it is the country most likely to sell or transfer weapons of mass destruction to terrorists or nations that support terrorism.

In its single-minded focus on Iraq, administration officials at first refused to acknowledge that a nuclear crisis even existed. Only very recently has the Administration begun to devote the attention this crisis deserves.

Nevertheless, the administration continues to focus on Iraq. They are now suggesting an easy war, with few casualties. But our military leaders, especially those with significant combat experience are skeptical. On December 18, a press report said that the commandant of the Marine Corps is concerned that civilian leaders in the Pentagon are underestimating the risks of war, and that military chiefs have challenged the optimistic view that Saddam Hussein's government will collapse soon after a military campaign begins.

In December, we heard dire new forecasts about what war with Iraq would actually be like. U.S. intelligence officials warned that Saddam Hussein may pursue a "scorched earth" policy if the war goes badly. They said that Hussein may try to destroy Iraq's oil fields, power plants and food facilities.

In the Armed Services Committee, we heard testimony from General Hoar and others about the dangers to our troops of urban guerilla warfare.

War will be a disaster not just for the soldiers who suffer and die, but for the vast numbers of innocent civilians who will be affected. In December, the media reprinted a confidential U.N. planning document predicting a humanitarian crisis in the wake of war with Iraq. U.N. officials also predicted a halt to Iraqi oil production, serious degradation of Iraqi transportation, sanitation and power facilities, and the "outbreak of diseases in epidemic if not pandemic proportions." The document also predicted a flow of up to 900,000 refugees.

War will not be as easy as the administration would like us to believe. It may well turn into the first great humanitarian catastrophe of the 21st century.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. The debate giving the President authority to use force against Iraq occurred over 3 months ago. Since then, circumstances have changed so significantly that Congress must consider the issue of war and peace again.

The administration is also not adequately considering the massive political commitment that will be required to Iraq's long-term reconstruction. If we wage this war without allies, the United States will assume a massive and lonely responsibility to rebuild Iraq, preserve its territorial integrity and prevent chaos. Going to war alone will impose massive new responsibilities that could extend for years, if not decades.

The Senate debated giving the President authority to use force against Iraq over three months ago. Since then, circumstances have changed so significantly that Congress must consider the issue of war and peace again.

Since our debate last fall, we have finally implemented, with our allies, an active process to verify Iraq's disarmament. That process is working and should be allowed to continue. We must help this process along and give persuasive intelligence information to U.N. weapons inspectors.

It is possible that the inspections process will fail or that new evidence will be uncovered about the threat from Saddam Hussein. But under the current conditions, I continue to believe that this is the wrong war at the wrong time.

If we rush to pull the trigger against Iraq, we will invite catastrophe and condemnation. America, which has long been a beacon of freedom for people around the world, will turn into a symbol of brute force and aggression. The world may come to see us as a dangerous rogue state, needing to be contained and deterred. This is not the America that Abraham Lincoln called "the last, best hope of mankind." War now would be alien to our values, contrary to our interests, and must not be waged.

Mr. McCAIN. I ask that I be recognized for up to 20 minutes.

Mrs. FEINSTEIN. I ask for a point of clarification. I was waiting in the queue. I have no objection to the Senator from Arizona going first. I ask unanimous consent that directly following Senator McCAIN, I be granted a privilege of the floor for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, over 3 months ago, I worked with Senators LIEBERMAN, WARNER, and BAYH to manage the resolution authorizing the use of military force against Iraq on the floor of the Senate. Over the course of 8 days, we held a thorough, comprehensive, and honorable debate that allowed all sides to express their views quite thoroughly. Seventy-seven Senators then voted to authorize the President to use our Armed Forces to "defend the national security of the United States against the continuing threat posed by Iraq" and "enforce all relevant United Nations Security Council resolutions regarding Iraq."

The resolution, which now has the force of law, was entitled the "Authorization for Use of Military Force Against Iraq Resolution of 2002." One provision stated, "Consistent with . . . the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution." Congress has spoken, and its message could not be clearer.

The Senator from Massachusetts spoke repeatedly and at length over the course of the Congressional debate on Iraq. He spoke eloquently and passionately, in the great tradition of the Senate. At the end of the day, his views did not prevail, but he made an important contribution to the debate.

That debate is over. After a months-long period in which the Bush administration went to the Security Council—as the Senator called for last fall, secured a new Council resolution demanding Iraqi compliance with it s disarmament obligations—as the Senator called for last fall, and pursued patient diplomacy while educating the American public about the threat Iraq poses to our interests—as the Senator called for last fall, I agree with him that "much has changed in the many months since Congress last debated war with Iraq."

What has changed is that the administration has pursued the careful diplomacy the Senator had urged on it and has refrained from using force unilaterally against Iraq. The President has worked to make the case for Iraqi disarmament to America and the world. The administration was able to unite the Security Council behind our demand that Iraq disarm or be disarmed. And the administration has worked diligently to assemble a coalition that will stand with us in the event military action is necessary.

Iraq has provided more evidence of its intentions, and its defiance, by its failure to provide anything resembling an honest declaration of its arsenal of banned weaponry, and its failure to cooperate substantively with the U.N. inspectors, as Hans Blix has stated. By its own actions, Iraq has placed itself before the world in material breach of the Security Council resolution the Senator from Massachusetts demanded the administration seek. and honor, in the congressional debate last fall. I agree with the Senator, much has changed.

As the President said last night, "The dictator of Iraq is not disarming. To the contrary, he is deceiving." The price of his deception, if allowed to continue unchecked, could have catastrophic consequences for the United States which none of us, no matter how we voted on the Iraq resolution, could ever countenance.

The Senator from Massachusetts apparently believes we should revoke the President's authority as Commander in Chief to order our Armed Forces to defend American national security against the threat posed by Iraq, as enshrined in the Constitution and authorized in law by Congress, unless and until there is clear evidence of an imminent Iraqi threat of attack on the United States. But in the world we live in, there is no such thing as knowledge of imminence of attack. Had we known what was to happen to our country you September 11, 2001, there is no American leader who would not have acted to prevent it.

Every one of us in this body had contemplated what could have happened had the September 11 terrorists employed weapons of mass destruction. We cannot abide a world in which outlaw regimes deeply hostile to American are free to develop weapons which, in the hands of dictators and terrorists, would be used against us. As long as those dictators reign, and as long as terrorists plot to strike us, the threat can be understood to be imminent, because we don't know when the next attack will happen—and as long as we don't act we can say with certainty that there will be another attack.

Speaking of the nexus between rogue states with deadly arsenals and the terrorists with whom they conspire, the President said, "If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option."

While I respect my colleague's differences with the administration and with a substantial majority of the Congress on the matter of Iraq, I believe the case for action to disarm Saddam Hussein has only become more compelling since Congress debated the authorization to use force against Iraq last fall.

When I heard earlier today—as the word gets out around here—that the Senator from Massachusetts might come to the floor and propose another resolution to be debated, I must say I was of two minds. I thought this would be another marvelous opportunity to debate this amendment, this entire situation, because in the intervening months, as I have stated, Saddam Hussein has proven he is not in compliance not only with the Security Council resolutions but going all the way back to 1991 when he was required, according to Security Council Resolution 687, to comply within 15 days and has not. He has violated some 12 or 13 Security Council resolutions. I thought this would be a great opportunity because there is no doubt in my mind we would prevail again if a vote were held.

I also, on the other side of the coin, believe if we start a debate all over again that lasts for another week or 2 weeks, or whatever it is, surely we would be plowing the same ground. But also, would we be sending a signal that the American people are not united? Would the outcome of the vote be basically the same? Would Senator LIEBERMAN or Senator BAYH decide to vote against the resolution that they so fervently and eloquently supported on the floor of the Senate? I don't think so.

Another thing about this terrible and difficult decision the President may have to make—which is the most difficult that any President of the United States is faced with, the dispatch of young Americans into harm's way—the President knows full well that even though we will win an overwhelming victory, young Americans will lose their lives.

I believe that conflict will be short. I believe that in 1991 when I debated this same situation where we contemplated previously the subject of military action against Iraq, colleagues on the other side of the aisle, including Senators who will speak and have spoken in opposition, said: It will be another Vietnam; the body bags will be coming back; we should not do this; this is terrible; let's delay; let's give peace a chance.

The conflict was short. We freed the nation of Kuwait, and for a period of time we had peace in the Middle East without significant threats to the United States national security. Now we have to finish the job, perhaps.

I say two things. One, I regret and grieve the loss of any American lives that might occur as a result of this military action. But our interests are threatened, as the President said last night.

I also want to say a word about post-Saddam Iraq, since that has been referred to continuously by those who oppose any military action under any circumstances.

The people of Iraq are subjected to one of the most brutal, repressive, God-awful regimes in the world today. Last week's New York Times told stories of warehouses where people were hung from hooks, of rape, of torture, of murder. Claire Shipman did an interview with one of Saddam Hussein's previous mistresses. He derived some kind of pleasure watching films of people being tortured.

These are bad people, a bad regime that has killed and oppressed its own people; a complete and total police state. Where are the advocates for human rights?

I promise you there are many of us, at the time of the fall of Saddam Hussein, who will devote American effort and treasure to the construction of a democratic, freely elected, free society in Iraq, and give those people a chance to enjoy the human rights that it is our fundamental belief is the endowment of all men and women.

As far as the expense is concerned, I am sure any new Iraqi Government could cover those expenses. But shouldn't we give those people an opportunity to enjoy their God-given rights rather than continue under the dictatorship of this brutal, mad dictator? He is the only one I know of who has used weapons of mass destruction on his own citizens.

Yes, I will admit, if he wasn't constructing these weapons of mass destruction, and his relentless pursuit of them, we probably wouldn't do anything about it. But this is an interesting nexus of our national interests and our national values. Our values are that all men and women are created with certain inalienable rights. Our interests are threatened by the certain knowledge that, sooner or later, Saddam Hussein would acquire these weapons and use them. There has been no evidence that would indicate the contrary.

I sort of regret we are coming to the floor to begin a debate that may last for some days, whether the Senator from Massachusetts withdraws his resolution or not. I hope not. I hope the Senator from Massachusetts will recognize that time was over 3 months ago, and the process moved on, a process of constant consultation with the American people, and with the United Nations Security Council, and a speech that I think was remarkably eloquent last night to the American people by the President of the United States.

But I want to say I believe some time from now we will be pleased as Americans that we placed this responsibility in the hands of the President of the United States; that he acted with maturity; that he acted with great and sound judgment, and the world some time from now will be a far better place—not only for Americans but also for Iraqi citizens.

I yield the remainder of my time and I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS) The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the distinguished Senator from Arizona for his comments. He certainly is one who does know about war, and I believe he also believes that war should be a last resort.

I also thank the distinguished Senators from West Virginia and from Massachusetts for introducing this legislation which I have decided to be a cosponsor. Because of my support for the resolution which gave the President authorization for use of force, I felt I probably should come to the floor and explain my rationale for supporting the resolution offered by the Senator from West Virginia.

Essentially, Hans Blix's report Monday to the Security Council made it clear that, although there has been progress, Iraq is not fully living up to its obligations, nor is it fully cooperating. Then the President, in last night's State of the Union Message, made clear, I think, some outstanding questions.

The first question is: What has Iraq done with 500 tons of Sarin, mustard gas precursor chemicals, and VX nerve agents? That tonnage is missing. It has not been declared. It has not been revealed or has not been found.

The second question is: What has really happened to the 8,500 liters of anthrax which Iraq has stated it unilaterally destroyed in the summer of 1991? But it cannot document that.

And third, what of the 650 kilograms of bacterial growth media? Those are critical items.

These are key and serious issues the answers to which clearly provide the evidence as to whether Iraq possesses chemical and biological weapons.

The fourth item is the U–2 plane. The United Nations, as we all know, has access to a U–2 plane to gather intelligence. However, Iraq has refused to provide it safe overflight. This remains another issue of major non-cooperation.

So the administration is correct in saying that Iraq needs to be immediately forthcoming and immediately cooperative with the inspectors. These issues need to be resolved. These are mega issues from anyone's point of view.

As long as the inspectors believe there is sufficient access and as long as Iraq has said, specifically Tariq Aziz, that Iraq will even offer greater cooperation, I would say there ought to be a period of time where Iraq provides to the world and to the inspectors, the answers to these questions. I think it is vital.

If Iraq is found to pose an imminent threat to the United States, then clearly we have to take action—with others I hope, if we can. But right now that is not the case. If, indeed, after consultations with the Security Council, the administration has clear evidence that Iraq is continuing an illegal program to produce chemical and biological weapons, or nuclear weapons, or possesses these weapons, the time has really come to make it public.

What the President did, in my view, was present very clearly, not only to the Congress of the United States but to the entire world, significant questions that need to be immediately addressed. Iraq must, in fact, step up to the plate.

The reason I believe this resolution—which essentially asks for time for inspections to continue, essentially urges a second vote at the Security Council—is right is because I believe this situation must stand on its own. The degree of threat and the degree of violation must be separately evaluated. But it is also part of a much bigger scenario and I want to spend time discussing that scenario here today.

I believe America's national security policy stands at a crossroads. I believe in the wake of 9/11, last year was fundamental in terms of the administration's articulation of what constitutes, to my mind, a brand new approach to foreign policy by the United States. Within about 8 months last year, the administration put out three separate documents. One of them was the National Security Strategy. The second was the Nuclear Posture Review. The third was the Doctrine of Preemption as represented in the President's speech at West Point.

Although individually each may appear innocuous, taken together these documents are revolutionary. They posit a world in which the exercise of U.S. military power is the central organizing principle for international affairs in this new century. These documents, in fact, put forward a litany of ways in which the United States will make military activism and adventurism the basic tool for pursuing national security.

First, the National Security Strategy quite pointedly moves the United States away from the concept of deterrence and, to a great extent, substitutes preemption in its place.

Secondly, the administration's Nuclear Posture Review is extraordinarily provocative and dangerous. It blurs the line between the use of conventional and nuclear weapons. It suggests that certain events might compel the United States to use nuclear weapons first, even against non-nuclear states. And it calls for the development of a new generation of United States nuclear warheads, including "mini-nukes."

As was well documented in the press last year, the Review also discusses contingencies in which nuclear weapons might be used, including—and I quote—"a North Korean attack on South Korea or a military confrontation over the status of Taiwan" in which our adversaries do not necessarily use nuclear weapons first.

The Review also addresses contingencies in which the United States might use nuclear weapons not in retaliation to a nuclear strike on the United States but to destroy enemy stocks of chemical or biological arms.

Karl Rove was specifically asked that question on television on Sunday, and he did not answer the question.

This Review also states that in setting requirements for nuclear strike capabilities, distinctions can be made among immediate, potential or unexpected contingencies, and that North Korea, Iraq, Iran, Syria and Libya are among the countries that could be involved in these immediate, potential or unexpected contingencies.

That is what makes what is being suggested here in Iraq—if you look at it, in its total expression—so troubling.

The fact of the matter is that several of the nations cited in the Nuclear Posture Review's contingencies lack nuclear weapons. Using nuclear weapons against them would be constitute first use. Under the Nuclear Nonproliferation Treaty, the United States has agreed not to use nuclear weapons against a non-nuclear state unless that country attacks the United States "in alliance with a nuclear weapons state."

And finally, the doctrine of Preemption—which we may be seeing for the time with Iraq—asserts a unilateral right for the United States to preempt a threat against our Nation's security.

The doctrine says:

> [T]he United States can no longer solely rely on a reactive posture as we have in the past. . . . We cannot let our enemies strike first.

Further on:

> The greater the threat, the greater the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves.

Taken at face value, this means the United States holds for itself the right to strike against another sovereign nation—wage war, if you will—even in the absence of a clear and present danger, an immediate threat or provocative action, but based solely on the perception of a sufficient threat.

I deeply believe the administration's course in these areas stands in contrast to the successful bipartisan tradition of supporting a world ordered by law, with capable international institutions and reciprocal restraints on action.

But the administration's emphasis on unilateral action, its dismissal of international law, treaties, and institutions, and its apparent focus on the military, especially as documented in the National Security Strategy, the doctrine of Preemption and the Nuclear Posture Review, have created widespread resentment in the international community.

I believe that these documents are the clearest statements in writing of the administration's long-term intentions, and I find them questionable and seriously disturbing.

I must also tell you that Secretary Powell essentially said to me: Well, the Nuclear Posture Review really isn't operative. But, nonetheless, that is a doctrine that was released. It is serious in its ramifications. And the way this relates to Iraq is Iraq may be the first test case. If there are chemical and biological weapons—and there very well might be—does this then justify the use of a nuclear weapon to destroy them? The Nuclear Posture Review puts this on the table as an option. I think we need to know.

So I ask these questions because I think they must be asked. And this is as good a time as any.

If we are going to depend on the might of the sword to right wrongs, and in so doing risk committing our own wrongs, how are we better off?

Coalitions, alliances, treaties, peacekeepers, inspection regimes—all can and have been successful instruments in deterring adversaries, safeguarding American lives and U.S. security interests, and in resolving disputes, conflicts, and crises.

So, Madam President, I remind this body that since World War II, there has been strong bipartisan support of a United States which has embraced international cooperation, not out of vulnerability or weakness but from a position of strength.

House Joint Resolution 114, which I supported, and which authorizes the use of force against Iraq, specifically calls for a Presidential determination, that—and I quote—"reliance by the United States on further diplomatic or other peaceful means alone either will not adequately protect the national security of the United States against the continuing threat posed by Iraq or is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq."

That finding, that determination, required by our resolution—for which 77 of us voted—has not yet been made. The evidence has not yet been laid out. The conclusions have not yet been drawn.

What happened to the missing anthrax, the missing botulinum toxin, the missing VX nerve agent, the missing precursor chemicals, has not yet been determined. So that is why I come to the floor to say that it is critical that Iraq fully cooperate. It is critical that the inspectors be allowed to continue.

If Iraq does not come clean, if Iraq does not submit the documentation as to the disposition of these chemicals and biological agents, then a legitimate conclusion can be drawn. But the reason I believe arms inspections must be given a chance to succeed and must continue is that I believe Iraq is just one small part of a larger sea-change in U.S. national security policy. It is a small part of the doctrine of Preemption, in which we move against a perceived or real threat. It is a small part of the Nuclear Posture Review, which says the United States would countenance the use of nuclear weapons against hard and deeply buried targets or biological or chemical weapons.

So I believe that restraint is the proper course. It means that diplomacy is a prudent course, and it means that if international law—if international bodies are to have any relevance in this new millennium—then the Security Council itself must respond.

It is my deep belief that in the long run a foreign policy oriented toward cooperation and consultation will prove to be a more effective guarantor of U.S. national security than one of unilateral impulse and confrontation.

Let us remember that we are currently engaged in a war on terror. It is a war that, if we are to win it, will require the cooperation of our friends and allies.

There is no doubt in my mind that if the United States acts precipitously against Iraq, Taliban and al-Qaida fighters in the hinterland of Afghanistan are gathering today and are prepared to strike against our forces there and against the government of Hamid Karzai.

And let us recall that beyond Iraq, there are a host of other challenges—the situation in the Middle East, the nuclear crisis on the Korean peninsula—that require international cooperation and action. So I am deeply concerned that if we are not careful in our approach to Iraq, if we do not present a just case, if we do not build an international coalition, we may well precipitate the very events we are trying to prevent. For example, a preemptive unilateral attack against a Muslim nation may well create a divide between the United States and the Muslim world so deep and so wide that it will bring with it negative consequences for decades, and unforeseen ones.

I deeply believe that if Iraq is in possession of weapons of mass destruction, it poses a real threat to the entire international community; and there is no doubt, as the President pointed out, that Saddam Hussein is an evil dictator.

But at this point I believe it would be a tremendous mistake for the United

States to unilaterally attack Iraq, and I urge the administration to go slow, let the inspectors do their work, and build that international coalition. War should be a last resort, not a foregone conclusion.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

A FORMER PRESIDENT'S SPEECH ON IRAQ

Mr. STEVENS. Madam President, I wish to read from a speech of a President of the United States. In order that there be no question about its source, I ask unanimous consent that at the end of my remarks the speech in full be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Madam President, I intend to read excerpts of the speech. It is too long to read completely in the time allotted to me. I hope my friends on both sides of the aisle will listen to it because when I heard of this speech in the first instance, I was very impressed by it. I think the Senate should be reminded of it. I will start off with this paragraph, and it is not the first, but I will call attention to it. The President said:

> I have just received a very fine briefing from our military leadership on the status of our forces in the Persian Gulf. Before I left the Pentagon, I wanted to talk to you and all those whom you represent, the men and women of our military.

The President was speaking to the force of generals of the United States.

> You, your friends, and your colleagues are on the frontlines of this crisis in Iraq. I want you and I want the American people to hear directly from me what is at stake for America in the Persian Gulf; what we are doing to protect the peace, the security, the freedom we cherish; why we have taken the position we have taken.

I will now move down in the speech.

> This is a time of tremendous promise for America. The superpower confrontation has ended on every continent; democracy is securing for more and more people the basic freedoms we Americans have come to take for granted. Bit by bit, the information age is chipping away at the barriers, economic, political, and social, that once kept people locked in and freedom and prosperity locked out.
>
> But for all our promise, all our opportunity, people in this room know very well that this is not a time free from peril, especially as a result of reckless acts of outlaw nations and an unholy axis of terrorists, drug traffickers, and organized international criminals. We have to defend our future from these predators of the 21st century. They feed on the free flow of information and technology. They actually take advantage of the freer movement of people, information, and ideas. And they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow that to happen.
>
> There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region, and the security of all the rest of us.
>
> I want the American people to understand, first, the past: How did this crisis come about? And I want them to understand what we must do to protect the national interests and, indeed, the interest of all freedom-loving people in the world.
>
> Remember, as a condition of the cease-fire after the Gulf war, the United Nations demanded—not the United States, the United Nations—and Saddam Hussein agreed to declare within 15 days—this is way back in 1991—within 15 days his nuclear, chemical, and biological weapons and the missiles to deliver them, to make a total declaration. That's what he promised to do.
>
> The United Nations set up a special commission of highly trained international experts, called UNSCOM, to make sure that Iraq made good on that commitment. We had every good reason to insist that Iraq disarm. Saddam had built up a terrible arsenal, and he used it, not once but many times. In a decade-long war with Iran, he used chemical weapons against combatants, against civilians, against a foreign adversary, and even against his own people. During the Gulf war, Saddam launched Scuds against Saudi Arabia, Israel, and Bahrain.
>
> Now, instead of playing by the very rules he agreed to at the end of the Gulf war, Saddam has spent the better part of the past decade trying to cheat on this solemn commitment. Consider just some of the facts. Iraq repeatedly made false declarations about weapons that it had left in its possession after the Gulf war. When UNSCOM would then uncover evidence that gave lie to those declarations, Iraq would simply amend the records. For example, Iraq revised its nuclear declarations 4 times within just 14 months, and it has submitted 6 different biological warfare declarations, each of which has been rejected by UNSCOM.
>
> In 1995, Hussein Kamel, Saddam's son-in-law and the chief organizer of Iraq's weapons of mass destruction program, defected to Jordan. He revealed that Iraq was continuing to conceal weapons and missiles and the capacity to build many more. Then and only then did Iraq admit to developing numbers of weapons in significant quantities and weapons stocks. Previously, it had vehemently denied the very thing it just simply admitted once Saddam Hussein's son-in-law defected to Jordan and told the truth.
>
> Now, listen to this. What did it admit? It admitted, among other things, an offensive biological warfare capability, notably 5,000 gallons of botulinum, which causes botulism; 2,000 gallons of anthrax; 25 biological-filled Scud warheads; and 157 aerial bombs. And I might say, UNSCOM inspectors believe that Iraq had actually greatly understated its production. As if we needed further confirmation, you all know what happened to his son-in-law when he made the untimely decision to go back to Iraq.

He was killed, Madam President.

> Next, throughout this entire process, Iraqi agents have undermined and undercut UNSCOM. They've harassed the inspectors, lied to them, disabled monitoring cameras, literally spirited evidence out of the back doors of suspect facilities as inspectors walked through the front door, and our people were there observing it and have the pictures to prove it.
>
> Despite Iraq's deceptions, UNSCOM has, nevertheless, done a remarkable job. Its inspectors, the eyes and ears of the civilized world, have uncovered and destroyed more weapons of mass destruction capacity than was destroyed during the Gulf war. This includes nearly 40,000 chemical weapons, more than 100,000 gallons of chemical weapons agents, 48 operational missiles, 30 warheads specifically fitted for chemical and biological weapons, and a massive biological weapons facility at Al Hakam equipped to produce anthrax and other deadly agents. . . .
>
> That is all we want. And if we can find a diplomatic way to do what has to be done, to do what he promised to do at the end of the Gulf war, to do what should have been done within 15 days—within 15 days of the agreement at the end of the Gulf war—if we can find a diplomatic way to do that, that is by far our preference. But to be a genuine solution and not simply one that glosses over the remaining problem, a diplomatic solution must include or meet a clear, immutable, reasonable, simple standard: Iraq must agree, and soon, to free, full, unfettered access to these sites, anywhere in the country. There can be no dilution or diminishment of the integrity of the inspection system that UNSCOM has put in place.
>
> Now, those terms are nothing more or less than the essence of what he agreed to at the end of the Gulf war. The Security Council many times since has reiterated this standard. If he accepts them, force will not be necessary. If he refuses or continues to evade his obligation through more tactics of delay and deception, he, and he alone, will be to blame for the consequences.
>
> I ask all of you to remember the record here: what he promised to do within 15 days at the end of the Gulf war, what he repeatedly refused to do, what we found out in '95, what the inspectors have done against all odds.
>
> We have no business agreeing to any resolution of this that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business. That should be our standard. That's what UNSCOM has done, and that's why I have been fighting for it so hard. That's why the United States should insist upon it.
>
> Now, let's imagine the future. What if he fails to comply and we fail to act, or we take some ambiguous third route which gives him more opportunities to develop this program of weapons of mass destruction and continue to press for the release of sanctions and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal. And I think every one of you who has really worked on this for any length of time believes that, too. . . .
>
> If Saddam rejects peace and we have to use force, our purpose is clear: We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program. We want to seriously reduce his capacity to threaten his neighbors. I am quite confident from the briefing I have just received from our military leaders that we can achieve the objectives and secure our vital strategic interests.
>
> Let me be clear: A military operation cannot destroy all the weapons of mass destruction capacity. But it can and will leave him significantly worse off than he is now in terms of the ability to threaten the world

> with these weapons or to attack his neighbors. And he will know that the international community continues to have the will to act if and when he threatens again.
>
> Following any strike, we will carefully monitor Iraq's activities with all the means at our disposal. If he seeks to rebuild his weapons of mass destruction, we will be prepared to strike him again. The economic sanctions will remain in place until Saddam complies fully with all U.N. resolutions. . . .
>
> Now, let me say to all of you here, as all of you know, the weightiest decision any President ever has to make is to send our troops into harm's way. And force can never be the first answer. But sometimes it's the only answer.
>
> You are the best prepared, best equipped, best trained fighting force in the world. And should it prove necessary for me to exercise the option of force, your commanders will do everything they can to protect the safety of all the men and women under their command. No military action, however, is risk-free. I know that the people we may call upon in uniform are ready. The American people have to be ready as well.
>
> Dealing with Saddam Hussein requires constant vigilance. We have seen that constant vigilance pays off, but it requires constant vigilance. Since the Gulf war we have pushed back every time Saddam has posed a threat. When Baghdad plotted to assassinate former President Bush, we struck hard at Iraq's intelligence headquarters. When Saddam threatened another invasion by massing his troops in Kuwait, along the Kuwaiti border in 1994, we immediately deployed our troops, our ships, our planes, and Saddam backed down. When Saddam forcefully occupied Irbil in northern Iraq, we broadened our control over Iraq's skies by extending the no-fly zone.
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> Let there be no doubt, we are prepared to act. But Saddam Hussein could end this crisis tomorrow, simply by letting the weapons inspectors complete their mission. He made a solemn commitment to the international community to do that and to give up his weapons of mass destruction a long time ago, now. One way or the other, we are determined to see that he makes good on his own promise. . . .
>
> That is the future I ask you all to imagine. That is the future I ask our allies to imagine. If we look at the past and imagine that future, we will act as one together. And we still have, God willing, a chance to find a diplomatic resolution to this and, if not, God willing, a chance to do the right thing for our children and grandchildren.
>
> Thank you very much.

That speech was made by President Clinton on February 17, 1998. I find it very strange that my friends on the other side of the aisle—and they are my friends—are attacking President Bush for having made statements weaker than these statements.

If one reads this statement in full, the President of the United States, then speaking to the generals who command all our forces, told them to be ready. He had just had the briefing. He had the briefing that convinced him in 1998 that he might have to act as President to take military action against Saddam Hussein.

Five years later, another President is saying the same thing, and he is attacked. We never attacked President Clinton. We never doubted his sincerity. But now my friends—and they are my friends—are saying that this President does not know what he is doing. I believe the President knows what he is doing, and I think he made a masterful statement last night of the position in which the United States finds itself. It is not different from the position President Clinton was in in 1998. Should he be in this position now? Should we have done something in the interim? The answer is simply yes. We should have done something years ago—gone to the U.N. and said: If you are going to have any meaning in the world at all, you must insist that Saddam Hussein obey the mandates you have issued.

I come from a State that has a great many of our military planes, and I talk to our military pilots wherever I travel in the world. One thing is clear: Our pilots, our Air Force pilots have been enforcing the no-fly zones since 1991. They have been flying every day in harm's way. They have been shot at nearly every week. We retaliated, retaliated, retaliated, but young men and women are up there tonight flying planes over portions of Iraq, at the insistence of the United Nations that we prevent Saddam Hussein from having any aircraft in those zones in the north and south. We are following their request. We are carrying out that operation at our expense and with our pilots, with our planes, and we have been doing it now since 1991.

How long will this continue? How long do we have to fly to prevent Saddam Hussein from having weapons in the air that are really minuscule compared to what is on the ground—weapons of mass destruction, that President Clinton described adequately and succinctly and honorably in 1998.

Madam President, I think it is high time we came together. I am sincerely disappointed that we do not have a uniform force here, that we do not have a uniform force right here on the floor of the Senate saying: Mr. President, we understand that you—as did President Clinton—have in front of you a horrendous decision to make. When do we have to go in and destroy these weapons?

How many weapons has he created since 1998? How much more difficult will it be to find those weapons than it would have been in 1998? I say in all sincerity, as one who has watched over the Defense Department's appropriations now since 1981, either I or my friend from Hawaii, the two of us jointly have done that job. We have been to this part of the world of the Persian Gulf many times.

This is an awesome problem that faces the President of the United States. We should help him, not challenge his decision and what he is doing. He is asking the world to come together to demand that Saddam Hussein do what he agreed to do in 1991, as President Clinton repeatedly said in his statement, and as our President, President Bush, has said before the U.N. in a masterful statement he made when he went before the U.N.

The time is now for us to come together and realize we are approaching decision time. I served in combat in World War II, and many of us know the awesome days we went through then. They were nothing compared to what this world will be if Saddam Hussein ever uses those weapons of mass destruction. I think we have changed our way of life. We have changed our lifestyles. We have already been affected by his collusion with the al-Qaida force, and those people who are part of that terrible force.

President Clinton called it the unholy axis. President Bush called it the evil axis and has been criticized for saying so. President Clinton said we have to defend our future from these predators of the 21st century, and I say things are worse today than they were in 1998.

I am one of those who gets these intelligence briefings. I have told my wife when I come home after those briefings I find it hard to think about the work I have to do other than just think about these terrible intelligence reports. This is not a simple world we live in, but it is a world in which I believe the freedom-loving people look to us for leadership. I say, thank God we have a leader who means what he says, and I am willing to follow him when he says it is necessary to use force if that day ever comes.

I yield the floor.

EXHIBIT 1

Thank you very much, Mr. Vice President, for your remarks and your leadership. Thank you, Secretary Cohen, for the superb job you have done here at the Pentagon and on this most recent, very difficult problem. Thank you, General Shelton, for being the right person at the right time. Thank you, General Ralston, and the members of the Joint Chiefs, General Zinni, Secretary Albright, Secretary Slater, DCI Tenet, Mr. Bowles, Mr. Berger. Senator Robb, thank you for being here, and Congressman Skelton, thank you very much, and for your years of service to America and your passionate patriotism, both of you, and to the members of our Armed Forces and others who work here to protect our national security.

I have just received a very fine briefing from our military leadership on the status of our forces in the Persian Gulf. Before I left the Pentagon I wanted to talk to you and all those whom you represent, the men and women of our military. You, your friends, and your colleagues are on the frontlines of this crisis in Iraq. I want you and I want the American people to hear directly from me what is at stake for America in the Persian Gulf; what we are doing to protect the peace, the security, the freedom we cherish; why we have taken the position we have taken.

I was thinking, as I sat up here on the platform, of the slogan that the First Lady gave me for her project on the millennium, which was: Remembering the past and imagining the future. Now, for that project, that means preserving the Star-Spangled Banner and the Declaration of Independence and the Constitution and the Bill of Rights, and it means making an unprecedented commitment to medical research and to get the best of the new technology. But that's not a bad slogan for us when we deal with more sober, more difficult, more dangerous matters.

Those who have questioned the United States in this moment, I would argue, are living only in the moment. They have neither remembered the past nor imagined the future. So, first, let's just take a step back and consider why meeting the threat posed by Saddam Hussein is important to our security in the new era we are entering.

This is a time of tremendous promise for America. The superpower confrontation has ended on every continent; democracy is securing for more and more people the basic freedoms we Americans have come to take for granted. Bit by bit, the information age is chipping away at the barriers, economic, political, and social, that once kept people locked in and freedom and prosperity locked out.

But for all our promise, all our opportunity, people in this room know very well that this is not a time free from peril, especially as a result of reckless acts of outlaw nations and an unholy axis of terrorists, drug traffickers, and organized international criminals. We have to defend our future from these predators of the 21st century. They feed on the free flow of information and technology. They actually take advantage of the freer movement of people, information, and ideas. And they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow that to happen.

There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region, and the security of all the rest of us.

I want the American people to understand, first, the past: How did this crisis come about? And I want them to understand what we must do to protect the national interest and, indeed, the interest of all freedom-loving people in the world.

Remember, as a condition of the cease-fire after the Gulf war, the United Nations demanded—not the United States, the United Nations demanded—and Saddam Hussein agreed to declare within 15 days—this is way back in 1991—within 15 days his nuclear, chemical, and biological weapons and the missiles to deliver them, to make a total declaration. That's what he promised to do.

The United Nations set up a special commission of highly trained international experts, called UNSCOM, to make sure that Iraq made good on that commitment. We had every good reason to insist that Iraq disarm. Saddam had built up a terrible arsenal, and he had used it, not once but many times. In a decade-long war with Iran, he used chemical weapons against combatants, against civilians, against a foreign adversary, and even against his own people. And during the Gulf war, Saddam launched Scuds against Saudi Arabia, Israel, and Bahrain.

Now, instead of playing by the very rules he agreed to at the end of the Gulf war, Saddam has spent the better part of the past decade trying to cheat on this solemn commitment. Consider just some of the facts. Iraq repeatedly made false declarations about the weapons that it had left in its possession after the Gulf war. When UNSCOM would then uncover evidence that gave lie to those declarations, Iraq would simply amend the reports. For example, Iraq revised its nuclear declarations 4 times with just 14 months, and it has submitted six different biological warfare declarations, each of which has been rejected by UNSCOM.

In 1995, Hussein Kamel, Saddam's son-in-law and the chief organizer of Iraq's weapons of mass destruction program, defected to Jordan. He revealed that Iraq was continuing to conceal weapons and missiles and the capacity to build many more. Then and only then did Iraq admit to developing numbers of weapons in significant quantities and weapons stocks. Previously it had vehemently denied the very thing it just simply admitted once Saddam Hussein's son-in-law defected to Jordan and told the truth.

Now, listen to this. What did it admit? It admitted, among other things, an offensive biological warfare capability, notably 5,000 gallons of botulinum, which causes botulism; 2,000 gallons of anthrax; 25 biological-filled Scud warheads; and 157 aerial bombs. And I might say, UNSCOM inspectors believe that Iraq has actually greatly understated its production. As if we needed further confirmation, you all know what happened to his son-in-law when he made the untimely decision to go back to Iraq.

Next, throughout this entire process, Iraqi agents have undermined and undercut UNSCOM. They've harassed the inspectors, lied to them, disabled monitoring cameras, literally spirited evidence out of the back doors of suspect facilities as inspectors walked through the front door, and our people were there observing it and have the pictures to prove it.

Despite Iraq's deceptions UNSCOM has, nevertheless, done a remarkable job. Its inspectors, the eyes and ears of the civilized world, have uncovered and destroyed more weapons of mass destruction capacity than was destroyed during the Gulf war. This includes nearly 40,000 chemical weapons, more than 100,000 gallons of chemical weapons agents, 48 operational missiles, 30 warheads specifically fitted for chemical biological weapons, and a massive biological weapons facility at Al Hakam equipped to produce anthrax and other deadly agents.

Over the past few months, as they have come closer and closer to rooting out Iraq's remaining nuclear capacity, Saddam has undertaken yet another gambit to thwart their ambition by imposing debilitating conditions on the inspectors and declaring key sites which have still not been inspected off limits, including, I might add, one palace in Baghdad more than 2,600 acres large. By comparison—when you hear all this business about "Presidential sites reflect our sovereignty; why do you want to come into a residence?"—the White House complex is 18 acres, so you'll have some feel for this. One of these Presidential sites is about the size of Washington, DC. That's about—how many acres did you tell me it was—40,000 acres. We're not talking about a few rooms here with delicate personal matters involved.

It is obvious that there is an attempt here, based on the whole history of this operation since 1991, to protect whatever remains of his capacity to produce weapons of mass destruction, the missiles to deliver them, and the feedstocks necessary to produce them. The UNSCOM inspectors believe that Iraq still has stockpiles of chemical and biological munitions, a small force of Scud-type missiles, and the capacity to restart quickly its production program and build many, many more weapons.

Now, against that background let us remember the past, here. It is against that background that we have repeatedly and unambiguously made clear our preference for a diplomatic solution. The inspection system works. The inspection system has worked in the face of lies, stonewalling, obstacle after obstacle after obstacle. The people who have done that work deserve the thanks of civilized people throughout the world. It has worked.

That is all we want. And if we can find a diplomatic way to do what has to be done, to do what he promised to do at the end of the Gulf War, to do what should have been done within 15 days—within 15 days of the agreement at the end of the Gulf war—if we can find a diplomatic way to do that, that is by far our preference. But to be a genuine solution and not simply one that glosses over the remaining problem, a diplomatic solution must include or meet a clear, immutable, reasonable, simple standard: Iraq must agree, and soon, to free, full, unfettered access to these sites, anywhere in the country. There can be no dilution or diminishment of the integrity of the inspection system that UNSCOM has put in place.

Now, those terms are nothing more or less than the essence of what he agreed to at the end of the Gulf war. The Security Council many times since has reiterated this standard. If he accepts them, force will not be necessary. If he refuses or continues to evade his obligation through more tactics of delay and deception, he, and he alone, will be to blame for the consequences.

I ask all of you to remember the record here: what he promised to do within 15 days of the end of the Gulf war, what he repeatedly refused to do, what we found out in '95, what the inspectors have done against all odds.

We have no business agreeing to any resolution of this that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business. That should be our standard. That's what UNSCOM has done, and that's why I have been fighting for it so hard. That's why the United States should insist upon it.

Now let's imagine the future. What if he fails to comply and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop this program of weapons of mass destruction and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal. And I think every one of you who has really worked on this for any length of time believes that, too.

Now, we have spent several weeks building up our forces in the Gulf and building a coalition of like-minded nations. Our force posture would not be possible without the support of Saudi Arabia, of Kuwait, Bahrain, the GCC States, and Turkey. Other friends and allies have agreed to provide forces, bases, or logistical support, including the United Kingdom, Germany, Spain and Portugal, Denmark and The Netherlands, Hungary and Poland and the Czech Republic, Argentina, Iceland, Australia, New Zealand, and our friends and neighbors in Canada. That list is growing, not because anyone wants military action but because there are people in this world who believe the United Nations resolution should mean something, because they understand what UNSCOM has achieved, because they remember the past, and because they can imagine what the future will be, depending on what we do now.

If Saddam rejects peace and we have to use force, our purpose is clear: We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program. We want to seriously reduce his capacity to threaten his neighbors. I am quite confident from the briefing I have just received from our military leaders that we can achieve the objectives and secure our vital strategic interests.

Let me be clear: A military operation cannot destroy all the weapons of mass destruction capacity. But it can and will leave him significantly worse off than he is now in terms of the ability to threaten the world with these weapons or to attack his neighbors. And he will know that the international community continues to have will to act if and when he threatens again.

Following any strike, we will carefully monitor Iraq's activities with all the means at our disposal. If he seeks to rebuild his weapons of mass destruction we will be prepared to strike him again. The economic sanctions will remain in place until Saddam complies fully with all U.N. resolution.

Consider this: Already these sanctions have denied him $110 billion. Imagine how much stronger his armed forces would be today, how many more weapons of mass destruction operations he would have hidden around the country if he had been able to spend even a small fraction of that amount for a military rebuilding.

We will continue to enforce a no-fly zone from the southern suburbs of Baghdad to the Kuwait border and in northern Iraq, making it more difficult for Iraq to walk over Kuwait again and threaten the Kurds in the north.

Now, let me say to all of you here, as all of you know, the weightiest decision any President ever has to make is to send our troops into harm's way. And force can never be the first answer. But sometimes it's the only answer.

You are the best prepared, best equipped, best trained fighting force in the world. And should it prove necessary for me to exercise the option of force, you commanders will do everything they can to protect the safety of all the men and women under their command. No military action, however, is risk-free. I know that the people we may call upon in uniform are ready. The American people have to be ready as well.

Dealing with Saddam Hussein requires constant vigilance. We have seen that constant vigilance pays off, but it requires constant vigilance. Since the Gulf war we have pushed back every time Saddam has posed a threat. When Baghdad plotted to assassinate former President Bush, we struck hard at Iraq's intelligence headquarters. When Saddam threatened another invasion by massing his troops in Kuwait, along the Kuwaiti border in 1994, we immediately deployed our troops, our ships, our planes, and Saddam backed down. When Saddam forcefully occupied Irbil in northern Iraq, we broadened our control over Iraq's skies by extending the no-fly zone.

But there is no better example, again I say, than the U.N. weapons inspections system itself. Yes, he has tried to thwart it in every conceivable way. But the discipline, determination, the year-in, year-out effort of these weapons inspectors is doing the job. And we seek to finish the job.

Let there be no doubt, we are prepared to act. But Saddam Hussein could end this crisis tomorrow, simply by letting the weapons inspectors complete their mission. He made a solemn commitment to the international community to do that and to give up his weapons of mass destruction a long time ago, now. One way or the other, we are determined to see that he makes good on his own promise.

Saddam Hussein's Iraq reminds us of what we learned in the 20th century and warns us of what we must know about the 21st. In this century we learned through harsh experience that the only answer to aggression and illegal behavior is firmness, determination, and, when necessary, action. In the next century, the community of nations may see more and more the very kind of threat Iraq poses now: a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals, who travel the world among us unnoticed.

If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program. But if we act as one, we can safeguard our interests and send a clear message to every would-be tyrant and terrorist that the international community does have the wisdom and the will and the way to protect peace and security in a new era.

That is the future I ask you all to imagine. That is the future I ask our allies to imagine. If we look at the past and imagine that future, we will act as one together. And we still have, God willing, a chance to find a diplomatic resolution to this and, if not, God willing, a chance to do the right thing for our children and grandchildren.

Thank you very much.

Note: The President spoke at 12:37 p.m. in the auditorium. In his remarks, he referred to President Saddam Hussein of Iraq.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I commend our distinguished senior colleague from Alaska. He speaks with a corporate memory dating back to when at age 17 he went into World War II and, as he said, flew those combat missions.

I am proud of what the President has shown by way of leadership, and I said the other night, yes, I feel I know most of the facts but he may know a few more, and I repose trust in his judgment and his team to make the right decision. I wish to associate myself with the remarks of my distinguished colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, Senator STEVENS is the senior Republican in terms of time—I am sure many people do not know it, but I am second—and I want to say I am very proud that he has said what he said.

Many people speak all the time. The Senator from Alaska speaks when it is important. He does not come to the Chamber and engage himself in rhetoric. He is too busy doing tough work. He understands this issue.

Truly, many of the Democrats ought to be ashamed of themselves. We try to support Presidents. We would have supported President Bill Clinton if he had done what he was talking about in that statement the Senator read. I do not think there is any doubt about it. We would not have questioned whether he had the right security briefing and whether he knew what he was doing.

Our President has been warning us, he has been going back to the table, letting the inspectors go in again, coming to the American people, going to the U.N., and nothing happens. As a matter of fact, I believe it is correct, when the Senator cites the date that President Clinton gave that speech, I do not believe anything of a positive nature has happened in Iraq at the hands of Saddam Hussein since that time. It has gotten worse, if anything. He has not ameliorated or made anything better, to my knowledge, and look what it was like on the date the Senator read in his statement.

I commend the Senator, and I do believe the resolution introduced today ought not deter anyone from what we are doing. It ought not change minds in this Senate which voted overwhelmingly in support of our President. I thank the Senator for what he has said.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I am delighted to join my colleagues in talking about the situation in Iraq and what the President has said and what some of our colleagues on the other side of the aisle are saying, that we need to wait, and wait longer.

I will make a few simple points. I have served on the Middle East subcommittee since I have been in the Senate. I have chaired it for a good portion of the time. I have worked on the issue of Iraq since 1996. I have worked with the Iraqi opposition. I have held hearings on this topic. We have had meetings with the then UNSCOM inspectors. We have really worked the full gamut of what is taking place in Iraq. My colleagues on the other side want to wait longer. We have waited 12 years. How much longer do we need to wait?

They want to allow the weapons inspectors to work longer. We had them in there for a number of years and then Saddam Hussein threw them out. They have only been back for a short period of time. I remind my colleagues that we were not finding anything when the weapons inspectors were there prior to 1998. We did not find anything until we had some high level defections on the part of the Iraqis. That is when we started finding things.

Iraq is a country the size of California. It has a dedicated leader who is seeking to thwart the will of the international community to disarm. He is trying to hide items that may be the size of a 5-gallon bucket. He is manufacturing biological weapons and moving them on mobile units the size of a van. He is trying to hide them in a place the size of California, and there are only 120 inspectors in Iraq, as the President suggested last night, in some sort of scavenger hunt. The idea was not that we would go into Iraq and have to find these items. It was that Iraq would step forward and disarm and say we agree, we are going to disarm. That was what they were supposed to do, come forward and disarm. Instead, we have this hide-and-seek that Saddam continues. It is what he did when we had weapons inspectors in Iraq previously. It is what he continues to do now.

What happens if we wait? Let's say we agree we are going to wait. Maybe we will find something, maybe not. What if we do find something else? Is that going to be enough for us to move forward and say we need to completely disarm Saddam Hussein? I think we are left with a similar set of circumstances-plus, if we do not do anything.

Let's say we do not do anything, we let this go on for another couple of years because there is not an impetus now to really move. Saddam has biological and chemical weapons. He has terrorists on his soil. At any time, he can easily start distributing the chemical and biological weapons to terrorists, who know no bounds. I could easily see us in 2 years with a special committee of the Senate, holding hearings as to how did these biological weapons come in from Iraq, that were distributed to terrorists, to be used against U.S. citizens. I think it is a clear possibility that it would occur.

Nobody wants to go to war. None of us want to do that. That is an absolute last option. We have been working for 12 years with economic sanctions. We have been working for 12 years with no-fly zones. We have been working with the Iraqi opposition. We have been doing everything we can, and yet now we are at this point in time where he has terrorists and weapons of mass destruction together on his soil, and more people are saying, wait.

Wait for what? So they can distribute them further? So that he can attack us?

I realize we all have difficulty with moving forward to a war situation. We do not want to do that. We want to respond if somebody comes at us. The problem with this new war on terrorism is that the terrorists, when they attack, attack civilian targets. They want to try and kill as many people as possible. By our waiting, we actually invite them to come forward.

Some might suggest if we act, we are going to further foment difficulty in the region of the United States. I point out that even prior to September 11, we had 10 years where there were attacks on the United States, on our people, in foreign places by these terrorist groups. We had two embassies in Africa that were attacked by terrorist groups. We had the USS *Cole* attacked by terrorist groups. We had Khobar Towers. They have attacked us for a period of 10 years.

People are saying, show restraint or else they will act more. We have seen it for 10 years, showing restraint. Then we had September 11, and we responded aggressively in Afghanistan. That was a fully appropriate way to respond. If we wait for the terrorists, they will continue to come at us. If we sit and wait, it does not mean they will stop. They will not stop. They have not stopped in the past. They are going to continue to come at the United States because they do not believe in what we believe. They are attacking our sets of values by attacking our civilians, our civilian population.

No one wants to go to war. That is the last thing anyone wants. In this situation, not to move forward is to invite more catastrophic events to happen to our citizenry and to citizens around the world.

Remember, terrorists go at soft targets. They go at the twin towers. They do not go at military targets. They did go at the Pentagon, but they went at Bali most recently. They will continue to go at civilian targets. They will go at the soft targets. If they have biological and chemical weapons, they will kill that many more people if we fail to act.

I was raised in Kansas. On Saturday night, we would watch "Gunsmoke." That was a great show and a favorite of mine. At the end of every "Gunsmoke" episode, Matt Dillon walks out on Main Street and the bad guy walks out on Main Street. They face off. The bad guy pulls the gun, Matt shoots, and the other guy goes down. That is the way every show ended: Nice, clean, good versus evil. Evil at the last minute is allowed to walk away. He could walk away or he is going down. He never does. He pulls his gun, and Matt Dillon always shoots him down.

There is a sense of honor that we always let the other side, the bad side, go first. You get to pull the trigger because you always have a chance to walk away. What if we do that with terrorists? We have a sense of honor that we should let the other side go first. If you let terrorists go first, they do not walk out on Main Street of Dodge City and face Matt Dillon. They go around the back alleys. They are looking for people who are sleeping. They are looking for families. They are not looking for someone who is armed. They are looking for soft targets to hit, kill, and destroy. That is what they will continue to do.

Now, taking the other side of the argument, what if we do move? What if Saddam Hussein is moved out of power, as has been the stated policy of the United States since 1998 with the Iraq Liberation Act which President Bill Clinton signed into law? What if Saddam Hussein is removed from power by a coalition of the willing—it will be an international coalition—what takes place then?

We have a group of people, Iraqi opposition and others, who have been working on a democratic Iraq with opportunities for all people, for human rights, for people to be able to vote and to express their desires for that country. We have a country that sits on 10 percent of the world oil supplies and an ability to rebuild itself, an educated population that is willing to change. They want to change now. Iraqi opposition is united. We are hearing from people inside of Iraq who want to see a change. People inside the Iraq Government, inside the Iraq military, want to get out and into a different situation.

Look at the seeds of change sown within Iraq and that region, if you have coming forward a democracy, with human rights, with religious freedom, with freedom for women, with people able to vote and participate and a marketplace that allows people to participate. Look at the future for the people there in that region, in that country, if that is what takes place. There is a substantial positive benefit.

It all is with risk. It all has risk. Whether you choose to act or whether you choose not to act, they both have risk. After looking at this matter for some period of time, the option of not acting has far more risk—little, if any, upside potential—than the choice of acting. And the choice of acting has a downside potential. But it has substantial upside potential. and it does not have the downside that not acting has.

Clearly, the President and his Cabinet and the people have thought this through. It is an extraordinarily difficult choice. Saddam Hussein still has the choice. He can still choose today to disarm and to engage in the international communities and comply with the 12 U.N. resolutions that have followed in the 12 years since he invaded Kuwait.

I point out, we need to remember: Saddam Hussein has attacked two adjacent countries. He has used chemical weapons against his own people and against the Iranians. He has used these weapons in the past. He has threatened to attack, and has attacked, his neighbors in the past. This is not a good man. He is not good for the world. He is certainly not good for the region. He does not get better with time, nor does the situation get better with time. The obligations only get worse.

For all these reasons, I applaud what the President has done. I applaud that he came to the Congress in the first place asking for a resolution. He got it.

He got broad bipartisan support. I applaud that he went to the United Nations and got a resolution with broad international support. He has done the things we have asked. And now he is coming forward and saying: Look, Saddam Hussein, the time is running out. Either act now or actions will be taken.

The President has done most of the things we have asked him to do. He has tried to engage the world and get an international coalition. A number of other countries will join. We should back the administration at this point and not try to do more second-guessing or buying of time for Saddam Hussein to develop more weaponry, to develop more terrorist networks to supply and provide the things the terrorist networks want to be able to threaten and to kill our people.

For all these reasons, I hope we will not back a resolution calling for allowing of more time and, instead, support the administration's efforts as they move forward, trying to find a peaceful solution but, if not, forcing Saddam Hussein to choose whether he is going to hold on to his weapons of mass destruction or whether he is going to hold on to power. It is a difficult choice the President has to make and we have to make. We have looked at this pretty thoroughly.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF SECRETARY GORDON ENGLAND

Ms. COLLINS. Mr. President, I rise tonight in strong support for the nomination of Secretary Gordon England to be the first Deputy Secretary of Homeland Security. I thank the majority leader, in cooperation with the Democratic leader, for promptly scheduling the Senate's consideration of this very important nomination.

President Bush nominated Secretary England on January 7. The Governmental Affairs Committee, which I am privileged to chair, held a hearing on his nomination last Friday, and today, I am pleased to report, the committee unanimously voted to discharge the nominee from consideration. The committee thoroughly considered the nomination at a hearing on Friday. In addition, Secretary England responded to extensive prehearing questions about a wide variety of issues.

I have no doubt, based on my review of the record, and my conducting of the hearing, that Secretary England is extraordinarily well qualified for this position. In fact, it is difficult for me to think of two more qualified Americans than Tom Ridge and Gordon England to head up this vital new Department.

Secretary England currently serves as Secretary of the Navy. As a member of the Senate Armed Services Committee, I have gotten to know him well in that capacity. I have enormous regard for his ability. He has held that position since May of 2001.

Prior to becoming our Secretary of the Navy, Gordon England had an impressive portfolio of management experience. He served as executive vice president of General Dynamics Corporation, and he previously served in various executive positions at a number of General Dynamics divisions. His experience in both the public and the private sectors will provide him with exactly the experience and expertise needed to oversee the merger of some 22 agencies and 170,000 Federal employees that will be transferred into this new Department.

As preparation for being Deputy Secretary of Homeland Security, it would be difficult to beat a tour as Secretary of the Navy. The Department of the Navy has a budget of over $100 billion. It consists of 372,000 active duty and 90,000 Reserve sailors, 172,000 active duty and 40,000 Reserve marines.

In addition, as Secretary of the Navy, Gordon England has overseen a civilian workforce of nearly 190,000 employees. That number, I note, exceeds the number in the workforce of the new Department. We often talk about what a management challenge it is going to be to the leaders of this new Department to oversee 170,000 civilian employees. As Secretary of the Navy, Gordon England has overseen a civilian workforce that exceeds that number, not to mention the sailors and marines under his jurisdiction.

Secretary England's extensive experience in managing large, complex operations in both the public and private sectors will serve him well in his new position. I have been very fortunate to have had the pleasure of working with him when he was Secretary of the Navy, and I look forward to continuing our partnership in his new capacity.

I urge my colleagues to support confirmation of this important nomination. The new Department of Homeland Security opened its doors officially last Friday, and it is critical that we get the top management positions filled as quickly as possible.

Mr. President, I do hope this nominee will be approved unanimously.

I yield the floor.

Mr. FRIST. Mr. President, I rise today to draw attention to an alarming issue—the growing number of premature births. According to data released by the National Center for Health Statistics, the percentage of babies born prematurely—birth at less than 37 completed weeks of gestation—has risen to nearly 12 percent, the highest level ever reported in the United States. In 2001 alone, more than 476,000 babies were born prematurely in the U.S. Unfortunately, in my own State of Tennessee, 14 percent of births are preterm. There cannot be a clearer wake-up call for us.

Today, the March of Dimes is launching a national, five-year prematurity awareness, education, and research effort aimed at preventing prematurity, the leading cause of infant death in the first month of life. I cannot imagine a better organization to take on this serious problem. Over its 63-year history, the March of Dimes has conducted two highly successful national campaigns—the first focused on preventing polio and the second involved educating the public and health providers on the role of folic acid in preventing neural tube defects. My friend, former Health and Human Services Secretary, Dr. Louis Sullivan, is the honorary chair of this campaign, and I salute him for his continued commitment to the public's health.

I'm pleased to be able to salute and encourage this new campaign which holds the promise of significantly reducing the incidence of premature birth throughout the country. Babies born prematurely are more likely to face serious multiple health problems following delivery: a tragedy for families but one which may be preventable.

Since coming to the Senate, I have focused on disparities in healthcare quality and access. Prematurity is one of the clearest indices of this problem. Rates of preterm birth vary significantly by race and ethnicity. In 2001, rates for black women were highest among all racial and ethnic subgroups—17.5 percent for black as compared to 11 percent for white Americans. We simply do not know why these numbers vary so dramatically. But without further research, our public policy options are limited.

Our great health research institutions also have an important role. I have fought for the five-year doubling of NIH's budget. With this significant increase in funding, the National Institute for Child Health and Human Development and the National Center on Minority Health and Health Disparities cab expand research in this area.

I ask all of my colleagues to join me today in congratulating the March of Dimes on its launch of this new national campaign to target the rising rate of premature births.

ERRONEOUS TIME MAGAZINE REPORT

Mr. REID. Mr. President, last week in recognition of Dr. Martin Luther King's birthday, I spoke about the importance of continuing his legacy and working to ensure that the civil rights of all Americans are protected. I discussed my concerns that some of the current administration's policies jeopardize the gains our Nation has made.

In prefacing my remarks last week, I criticized President Bush, based on a disturbing report that recently appeared in Time magazine declaring that this administration had reinstated the tradition of delivering a floral wreath to the Confederate Memorial at Arlington National Cemetery.

The information I referenced in my speech was inaccurate, as Time magazine has subsequently issued a correction clarifying that the wreath practice was not initiated by President Bush, but in fact had been done by previous administrations. I, therefore, apologize to President Bush, as my remarks regarding the floral arrangement were inaccurate.

I do think this exercise should be discontinued by President Bush, regardless of the past history of the practice.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 4, 2001 in Hendersonville, N.C. A man shot into the home of a Hispanic family. The assailant, Gene Autry Williams, 60, was heard to yell racial slurs at the family before shooting at them in their home. Williams was charged with assault for pointing and discharging a firearm, and for ethnic intimidation.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CORPORATE WHISTLEBLOWER PROTECTIONS IN THE SARBANES-OXLEY ACT

Mr. LEAHY. Mr. President, I rise to note an important victory in the fight to protect whistleblowers and to praise my good friend Senator CHUCK GRASSLEY for his leadership in this fight.

The Washington Post reported yesterday that the Department of Labor has reversed its view on how it will interpret an important provision of the Sarbanes-Oxley Act on corporate misconduct. The provision we enacted provides a Federal law protecting corporate whistleblowers from retaliation for the first time. The law was designed to protect people like Sherron Watkins from Enron, who was recently named one of Time magazine's "People of the Year," from retaliation when they report fraud to Federal investigators, regulators, or to any Member of Congress. The law was intentionally written to sweep broadly, protecting any employee of a publicly traded company who took such reasonable action to try to protect investors and the market.

The reason that Senator GRASSLEY and I know so much about the legislative intent behind this provision is that we crafted it together last year in the Judiciary Committee and worked to make it part of the Sarbanes-Oxley Act on the Senate floor. We had both seen enough cases where corporate employees who possessed the courage to stand up and 'do the right thing' found out the hard way that there is a severe penalty for breaking the 'corporate code of silence.' Indeed, in the Enron case itself we discovered an e-mail from outside counsel that noted that the Texas Supreme Court had twice refused to find a legal protection for corporate whistleblowers and that implicitly gave Enron the go ahead to fire Ms. Watkins for reporting accounting irregularities.

Senator GRASSLEY has always been a leader in protecting the rights of whistleblowers, and I was proud to work with him in the area of corporate reform to craft such a groundbreaking law.

Unfortunately, from the very day that President Bush signed the Sarbanes-Oxley Act into law, Senator GRASSLEY and I had to fight the administration to make sure that the law would not be gutted. On the same night that the law was signed, the White House issued an interpretation that incorrectly and narrowly interpreted our provision. Specifically, the White House stated that corporate whistleblower's disclosure to Congress would not be protected unless the whistleblower made the report to a congressional committee already conducting an authorized investigation. This interpretation was at odds with the legislative intent and the clear statutory language of the Act, which protected reasonable reports of fraud to "any Member of Congress."

Senator GRASSLEY and I had good reason to write the law with such broad coverage. Most corporate whistleblowers do not know the ins and outs of the jurisdiction of Congress's various committees, nor should they be expected to. Simply picking up the phone and calling your local Senator or Representative to report a case of securities fraud should be protected. In addition, by definition most "whistleblowers" are reporting fraud that is not widely known. They are blowing the whistle. Thus, their revelations do not come as part of already commenced investigations. They may lead to such investigations as well as contribute to them. The White House interpretation would have excluded among the most important revelations of corporate fraud made to Congress.

The administration's interpretation was reinforced the next day when the White House spokesman repeated that there were limits on the types of disclosures to Congress that would be protected. Finally, in addition to these White House interpretations, former Solicitor of Labor Eugene Scalia filed a troubling brief that adopted this narrow interpretation not only in the context of the Sarbanes-Oxley Act, but regarding the environmental whistleblower provisions, as well.

That is where Senator GRASSLEY stepped in. As he has done so many times before, under both Republican and Democratic administrations, he went to bat for the rights of the lone whistleblower against the huge bureaucracy. Once again, through his perseverance, he has proven that you can fight not only city hall but the executive branch of the Federal Government.

Working together, we wrote a series of letters to the administration protesting their narrow interpretations and making the legal case that they were at odds with the legislative intent and clear language of the provision that we wrote. Each and every time that the administration responded by stonewalling or giving half answers, Senator GRASSLEY was there to protect the law we had worked so hard to write.

Finally, on January 24, 2003, almost a half year after our first letter, the administration gave in. In a letter from the new Acting Solicitor of Labor to Senator GRASSLEY and to me he stated, "It is the Department's view that under Sarbanes-Oxley, complaints to individual Members of Congress are protected, even if such Member is not conducting an ongoing Committee investigation within the jurisdiction of a particular Congressional committee. . . ." The letter promised that new rules and regulations effectuating this policy change would follow.

I am quite sure that when those regulations come out that Senator GRASSLEY will once again be paying close attention, as will I. Where the integrity of our financial markets and our Government are concerned, we can do no less. I look forward to working with Senator GRASSLEY to protect the rights of whistleblowers in the 108th Congress, as we did in the 107th Congress. It is an honor and a privilege to work with Senator GRASSLEY on these important matters.

I ask unanimous consent that the letters I have referenced above and the Washington Post story, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 31, 2002.
Hon. GEORGE W. BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As coauthors of the recent corporate whistleblower provision in the Corporate and Criminal Fraud Accountability Act, section 806 of the Sarbanes-Oxley Act, we are writing to express our shared concern about interpretive statements made by the White House staff only hours after you signed the Act into law.

According to media reports, the White House views this bipartisan provision, which was approved unanimously both by the Judiciary Committee and the full Senate, as protecting employees only if they report fraud to Congress "in the course of an investigation." This narrow interpretation is at odds with the plain language of the statute and risks chilling corporate whistleblowers who wish to report securities fraud to Members of Congress.

The provision in question, codified at 18 U.S.C. §1514A, states that it applies to disclosures of fraud whenever "*the information or assistance is provided to* or the investigation is conducted by . . . any Member of Congress or any committee of Congress." (emphasis added). By its plain terms, there is no limitation either to ongoing investigations of Congress or to matters within the jurisdiction of any Congressional Committee.

The reason for this is obvious. Few whistleblowers know, nor should they be expected to know, the jurisdiction of the various Committees of Congress or the matters currently under investigation. The most common situation, and one that the recent Administration's statement excludes from protection, is a citizen reporting misconduct to his or her own Representative or Senator, regardless of their committee assignments. Such disclosures are clearly covered by the terms of the statute.

We request that you review and reconsider the Administration's interpretation of section 806 of the Sarbanes-Oxley Act. It embodies a flawed interpretation of the clearly worded statute and threatens to create unnecessary confusion and to discourage whistleblowers such as Sherron Watkins and Coleen Rowley from reporting corporate fraud to Congress.

Sincerely,

PATRICK LEAHY,
Chairman.
CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 1, 2002.
Hon. ALBERTO R. GONZALES,
Counsel to the President, The White House,
Washington, DC.

DEAR MR. GONZALES: We appreciate your letter received today seeking to clarify the President's statement regarding the corporate whistleblower provisions in the Corporate and Criminal Fraud Accountability Act, section 806 of the Sarbanes—Oxley Act.

While the President's earlier statement was: "Given that the legislative purpose of Section 1514A of title 18 of the U.S. Code, enacted by section 806 of the Act, is to protect against company retaliation for lawful cooperation with investigations and not to define the scope of investigative authority or to grant new investigative authority, the executive branch shall construe section 1514(a)(1)(B) as referring to investigations authorized by the rules of the Senate or the House of Representatives and conducted for a proper legislative purpose."

Your letter now clarifies that contrary to the sweeping language above, "the President's statement provides guidance to the executive branch in construing the provision only on a single, very narrow point. . . ." (Emphasis added). That narrow point being what is defined as an "investigation" for purpose of the Act, and not all of section 1514(a)(1)(B), which you agree applies to more than merely investigations.

To ensure there is no confusion on this matter, and in light of seemingly broader interpretations provided by Whitehouse spokespersons, please respond to the following scenario.

An employee who works at a publicly traded company provides information to a Member of Congress (and assume for this question the Member is not a chairman or ranking member of a Committee and is not a member of a Committee with jurisdiction) regarding a violation as enumerated under Section 1514A(a)(1) of the Act. Finally, assume that there is no investigation being conducted by the Member at the time the information is provided. Do you believe that employee is or is not afforded the protections of Section 1514A?

There is no question in our minds that the Congressional intent (and the clear language of the statute) is that the answer to the above scenario is yes—the employee is protected, whether there is an investigation pending or not. Our desire is to protect the well-intentioned employee who contacts his elected representatives (or any representative for that matter) and not require that employee to consult the Congressional Directory and Congressional Record prior to making his call to determine whether he/she will be afforded the whistleblower protections of the Act.

The statute reflects this intent, protecting the actions of an employee of a publicly traded company: "(1) to provide information, cause information to be provided, *or* otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders, when the information or assistance is provided to *or* the investigation is conducted by—. . . (B) any Member of Congress or *any* committee of Congress; . . ."

Section 1514A(a)(1). Emphasis added.

Thank you for your time and assistance. We look forward to your response.

Cordially yours,

PATRICK J. LEAHY,
Chairman.
CHARLES E. GRASSLEY,
Ranking Member, Subcommittee on Crime and Drugs.

U.S. SENATE,
Washington, DC, January 15, 2003.
Hon. GEORGE W. BUSH,
President of the United States of America,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: I am writing in response to a letter of December 20, 2002, that the White House sent in response to Senator Grassley's and my joint letters of August 1 and October 31 expressing concerns regarding the Administration's enforcement of the corporate whistleblower provisions that we included in the Sarbanes-Oxley Act. I am dismayed at the Administration's overly narrow interpretation of these important whistleblower protection provisions in the corporate accountability legislation.

While I appreciate your response, it does little to clear the ambiguity created by the prior statements by the Administration, as set forth in our letters. It leaves potential whistleblowers like Sherron Watkins of Enron (who recently shared the honor of being selected Time Magazine's "Person of the Year" with two other whistleblowers) to guess at whether or not they can be fired for reporting an allegation of corporate fraud to their Representatives or Senators in Congress.

The unwillingness to clarify this matter is puzzling to me. After having confused the matter with a series of misleading and contradictory statements, the White House cannot simply state the scope of 18 U.S.C. §1514A "will ultimately be addressed by the courts." The ambiguity caused by the Administration's own statements has now been allowed to persist for almost half a year, and it threatens effective enforcement of these important corporate reforms. In fact, White House spokesperson Ari Fleisher further fueled this ambiguity on July 31, 2002 by stating:

"What the action taken last night [the interpretive statement] does is say that it's up to Congress to determine, through its own rules and procedures, whether to grant individual members of Congress investigative powers that would trigger the statute.

"Nothing in the statute or the signing statement prevents Congress from granting that authority to whoever it chooses. This is a congressional issue, and a congressional decision.

"If Congress wants to allow individual members of the Congress, individual senators, individual House members, whether in the majority or the minority, no matter who they are, to conduct investigations, then that individual, if somebody was a whistleblower to that individual, the whistleblower would have all protections. If Congress decides that the only way to have an investigation is through the committee-authorized process, then the whistleblower will go through that committee. So this is a congressional matter and a congressional determination."

Thus, Mr. Fleisher's public statements on behalf of the White House leave the impression that the White House would require some type of additional Congressional rulemaking before affording the statute its full affect. Aside from being legally incorrect (an act of Congress passed nearly unanimously and signed into law by the President of the United States requires no further action to be fully enforced), such statements create a real risk. Corporate whistleblowers will be chilled form making reports of fraud unless they are assured that the law protects them from retaliation. It is incumbent upon the Administration to clear up the ambiguity which it has helped to create from an unambiguous statute.

Nor am I persuaded that, as you write, it would not be "appropriate" for the White House to provide a legal interpretation to a Member of Congress regarding a statute that the Administration is entrusted to enforce. The Executive Branch, unlike the courts, provides such interpretive guidance on a frequent basis both to Congress and to its own employees. In fact, when questions are not posed as policy-based hypotheticals, as Senator Grassley and I took pains to do in our letters, the Adminsitration often refuses to answer because the questions do relate to a real, pending case. If the Executive Branch will not discuss policy on a theoretical basis, and refuses to discuss its actions on specific cases, then what remains?

Indeed, it would be nearly impossible to conduct effective oversight or to craft legislation designed to cure problems in the current law without a constructive dialogue between the Executive Branch and the Congress on precisely such issues. Understanding the Executive Branch's current interpretation of the law is particularly important in matters involving corporate reform. Our financial markets depend upon the confidence of the American people that our markets will be effectively policed, and creating uncertainty about the scope of important corporate reforms can destabilize such markets.

For these reasons, I urge you to answer all the questions posed in Senator Grassley's and my previous letters. Specifically, I request that you state definitively whether or not you believe that 18 U.S.C. §1514A protects a report of fraud or securities law violations by an employee of a publicly traded company to "any" member of Congress and whether the Department of Labor and the Department of Justice have been instructed not to take any contrary position in future litigation.

Thank you for your prompt response in this matter.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

DEPARTMENT OF LABOR,
OFFICE OF THE SOLICITOR,
Washington, DC, January 24, 2003.

Hon. CHARLES E. GRASSLEY,
Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS GRASSLEY AND LEAHY: It was a pleasure meeting with your staff on January 7, 2003, to discuss issues relating to the implementation of the whistleblower provisions of the Sarbanes-Oxley Act of 2002. The President and Secretary Chao, who has responsibility to investigate and adjudicate allegations of retaliation under this law, share your view that these provisions are crucial to the federal government's efforts to combat corporate corruption.

In connection with the Department of Labor's implementation of the whistleblower protections of the Sarbanes-Oxley Act, I have reviewed a series of letters you exchanged with the Counsel to the President concerning the President's signing statement. In his December 20, 2002 letter, the Counsel to the President explained that "the President's statement took no position on whether there is whistleblower protection for employees who lawfully report wrongdoing to individual Members of Congress, nor did it address whether whistleblower protection would be limited to those instances where there was an ongoing investigation or the disclosure related to a matter within the jurisdiction of a particular Congressional committee." The letter also indicated that representatives of the Department would be discussing the issues with your staff.

It is the Department's view that under Sarbanes-Oxley, complaints to individual Members of Congress are protected, even if such Member is not conducting an ongoing Committee investigation within the jurisdiction of a particular Congressional committee, provided that the complaint relates to conduct that the employee reasonably believes to be a violation of one of the enumerated laws or regulations. The Department currently is finalizing the draft of an Interim Final Rule and accompanying Preamble implementing the whistleblower provisions of the Sarbanes-Oxley Act. Although it would be inappropriate for me to provide you our draft text at this time, the Department's current intention is to clarify in the published document our view that complaints to "any Member of Congress or any committee of Congress" are covered by the whistleblower provisions of the Sarbanes-Oxley Act.

Thank you for your interest in this important matter.

Sincerely,

HOWARD M. RADZELY,
Acting Solicitor.

[From the Washington Post, Jan. 28, 2003]

LABOR DEPT. SHIFTS WHISTLE-BLOWER VIEW

(By Christopher Lee)

The Labor Department has changed its interpretation of a new corporate whistleblower law, a move that will afford workers who report wrongdoing to Congress greater protection against retaliation, two senators said yesterday.

In a letter Friday to Sens. Charles E. Grassley (R-Iowa) and Patrick J. Leahy (D-Vt.), Acting Solicitor Howard M. Radzely reversed the department's contention that only whistle-blower contacts with a "duly authorized" investigative committee of Congress were protected, not those with just any lawmaker. That initial department reading of the Sarbanes-Oxley Act, a corporate accountability law enacted last summer, conflicted with what the two senators said they intended when they wrote the whistle-blower protections into the bill.

"It is the department's view that . . . complaints to individual members of Congress are protected, even if such member is not conducting an ongoing committee investigation," Radzely wrote.

Grassley said the reversal would "make it easier for corporate whistle-blowers to be protected when they speak out on wrongdoing in the boardroom."

"It's a big victory," said Blythe McCormack, a spokeswoman for Leahy.

Grassley and Leahy have sent several letters to White House officials seeking assurances that the Bush administration understood the intent of the law. In September, than-Labor Department solicitor Eugene Scalia filed a friend-of-the-court brief with an administrative review board seeking to overturn a $200,000 punitive damages award won by Assistant U.S. Attorney Gregory C. Sasse of Ohio in a whistle-blower case against the Justice Department.

Scalia, who resigned his post this month to return to private practice, had argued that Sasse did not enjoy whistle-blower protection in his contacts with Rep. Dennis J. Kucinich (D-Ohio), who was looking into reports of toxic materials on federally owned land near the Cleveland airport. Only contacts with investigative panel members are protected, Scalia wrote.

Scalia also urged that a federal prosecutor could not sue the Justice Department over workplace disagreements involving priorities in government litigation.

Sasse, who still has his job, said his supervisors downgraded his performance reviews, did not grant him training opportunities and removed him from some cases in retaliation for his contacts with Kucinich. An administrative law judge ruled that the Justice Department had retaliated against Sasse and found that his contacts with Kucinich were protected.

The Justice Department appealed to the administrative review board, which has not yet ruled on the case.

Whistle-blower advocates said Scalia was attempting to use the case, which concerns whistle-blower provisions in environmental protection laws, to establish a precedent that would undermine whistle-blowers in cases against corporations.

Jeff Ruch, executive director of Public Employees for Environmental Responsibility, a group that defends federal workers on environmental issues, said a central question of the Sasse case—whether federal prosecutors can be whistle-blowers—remains unresolved.

A Labor Department spokeswoman declined to comment on the case because it is in litigation.

Steven Bell, Sasse's attorney, said the department's reversal helps his client. "The Labor Department is acknowledging that the substance of the brief it filed is legally inaccurate," he said.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Mr. INHOFE. Mr. President, in accordance with the rule XXVI (2) of the Senate, I ask unanimous consent that the rules of the Committee on Environment and Public Works, adopted by the committee today, January 29, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Rule 1. Committee meetings in general

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

Rule 2. Quorums

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) Subcommittee Meetings: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) Continuing Quorum: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) Reporting: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) Hearings: One member constitutes a quorum for conducting a hearing.

Rule 3. Hearings

(a) Announcements: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) Statements of Witnesses:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

Rule 4. Business meetings: Notice and filing requirements

(a) Notice: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) Amendments: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) Modifications: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

Rule 5. Business meetings: Voting

(a) Proxy Voting:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) Public Announcement:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

Rule 6. Subcommittees

(a) Regularly Established Subcommittees: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) Membership: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

Rule 7. Statutory responsibilities and other matters

(a) Environmental Impact Statements: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) Project Approvals:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) Building Prospectuses:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) Naming Public Facilities: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 8. Amending the Rules

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

SOUTH KOREA AND THE DEMILITARIZED ZONE

Mrs. FEINSTEIN. Mr. President, last December I traveled to South Korea in my capacity as chairman of the Appropriations Subcommittee on Military Construction, as well as a member of the Senate Select Committee on Intelligence. I was able to visit and talk with U.S. troops and inspect facilities. I also toured the DMZ, a chilling legacy of a war many Americans have already forgotten.

My visit could not have been more timely. The combination of saber-rattling in the North and anti-American protests in the South has made Korea front page news once again, as it faces its most complicated, and potentially explosive, crisis since the Korean war, 1950–53.

The Korean peninsula is a land of stunning beauty and startling contrasts. Divided at the end of World War II, following a long occupation by Japan, Korea continues to be one of the few reminders of what the world was like during the cold war.

North Korea is a quasi-Stalinist state which, since its formal creation in 1948, has been run by two men, Kim Il Sung, who died in 1994, and his son, Kim Jong Il. Still almost entirely closed to the Western World, North Korea is a stark and isolated country marked by repression and poverty.

Then, on the other side of the demilitarized zone, DMZ, perhaps the most tense border on Earth, is South Korea, a prosperous, Westernized democratic state. South Korea has been a staunch U.S. ally, and 37,000 U.S. troops have been stationed there for the past 40 years.

Waged from 1950 to 1953, the Korean war ended in a virtual stalemate, with the peninsula still divided. Mr. President, 54,246 American men and women died during that war, and although there are no precise figures for Korean casualties, conservative estimates put the figure at approximately 4 million, the majority of these being civilians.

On my trip to South Korea on the eve of the Presidential elections, I was surprised at the widespread anti-Americanism. Indeed, it was this issue, a growing sense that the United States was an imperial power indifferent to the needs and desires of the Korean people, that led Roh Moo Hyun to victory.

It is difficult to appreciate the situation on the Korean peninsula without a visit to the demilitarized zone. I was taken there in a helicopter by Gen. Leon LaPorte, our four-star general in command, who pointed out North Korean troop concentrations. It is an alarming sight, and in many ways a step back in time.

I then paid a visit to Panmunjum, a small village frozen in time, unchanged for half a century, which straddles the line separating North and South Korea. It was here that the Armistice ending the war was signed.

Seventy percent of the 1.2 million man North Korean army is deployed along the DMZ, with enough heavy artillery to substantially damage Seoul and inflict casualties by the millions. And there are reports that nerve agents may also be deployed along the DMZ.

Since my visit, the 800,000 forward-deployed North Korean troops have been placed on high alert and are prepared to move instantly.

I believe the blame for precipitating this crisis lies squarely with North Korea, which clearly violated the Agreed Framework by beginning the surreptitious development of nuclear capacity.

North Korea has also expelled all international inspectors and equipment; withdrawn from the Nuclear Non-Proliferation Treaty; restarted its plutonium processing plants; moved thousands of plutonium rods out of locked safe storage back into the nuclear production line; and is enriching uranium for nuclear weapon purposes.

The government of Kim Jong Il has clearly placed its focus, not on feeding its people, but in developing its military, its missiles and its nuclear capability, all in defiance of treaties it has signed.

Yet it also appears that our own handling of events on the Korean peninsula over the past 2 years, as well as our broader foreign policy rhetoric and statements have served, ironically, to fuel North Korea's paranoia and made the situation much more difficult to manage.

Part of the problem has been our reluctance to endorse outgoing President Kim Dae Jung's "Sunshine Policy," a diplomatic and economic effort by the South Korean government to ease tensions with the North. President Kim was awarded the Nobel Peace Prize in 2000 for precisely these initiatives.

This move was perceived as a major humiliation in South Korea, helped set the stage for the rising tide of anti-Americanism, and was seen as a sign by the North that the administration was intent on a policy of isolation and confrontation.

The North Korean situation offers no easy solution. We should keep the door open to the possibility of high level discussion.

This ongoing crisis has also led many to rethink America's military presence on the Korean peninsula. Such periodic reviews are a good idea, but at the same time, I strongly believe that we should not do anything hastily.

And although overshadowed by the crisis, much of my trip to South Korea focused on determining how to best finance the reconfiguration of U.S. military installations in South Korea.

In the past 2 years alone, Congress has appropriated more than $500 million for military construction in South Korea. Much of this money has gone to improve barracks and to begin to implement a program known as the Korean Land Partnership Plan.

This joint U.S.-Republic of Korea plan is designed to reduce the U.S. military "footprint" in Korea, while at the same time upgrade facilities for U.S. soldiers. This latter effort is particularly important, seeing that the living and working conditions are among the poorest in the entire U.S. military.

Currently, the 37,000 U.S. troops stationed in South Korea are scattered among 41 troop installations and 54 small camps and support sites. Under the Land Partnership Plan, the number of troop installations would be reduced to 23, a move that I support.

When near the DMZ, I also visited Camp Casey, which is north of UijongBu and occupied by some 6300 military and 2500 civilians. More than any other site I saw, Camp Casey clearly demonstrated the need for improved living conditions at the soldier barracks. This is an issue that deserves immediate attention in the 108th Congress.

As I mentioned earlier, I believe that the present crisis can be resolved. The United States should be more sensitive to our longstanding ally, South Korea, just as we should ensure that North Korea not be allowed to bully or intimidate its neighbors.

Finally, I believe that my trip could not have been more timely. It has given me a fresh and immediate perspective on a land and a people for which I have great admiration. Since returning to Washington, I have met with both the South Korean National Security Adviser and their Ambassador to the United States.

These talks, as well as those with my Senate colleagues and members of the Bush administration, give me confidence that we will be able to work well with President Roh, and that our bilateral relationship is strong enough to weather any short-term setbacks.

Lastly, I would once again like to thank Ambassador Thomas Hubbard and Gen. Leon LaPorte for all their assistance while I was in South Korea.

CHARLES KRAUTHAMMER'S "AMERICAN UNILATERALISM"

Mr. KYL. Mr. President, In a December 2002 speech delivered by the commentator, Charles Krauthammer, at the Hillsdale College Churchill dinner entitled "American Unilateralism," Mr. Krauthammer superbly articulates the necessity of American action to confront today's challenges in the international arena, most notably Iraq.

He makes a compelling case against the two kinds of multilateralist thinking that are common today: that of the liberal internationalists and that of the pragmatic realists.

Liberal internationalists, Krauthammer shows, cling to multilateralism as a shield for their real preference—in this case, inaction. He aptly points out that those most strenuously opposed to U.S. military action in Iraq are also the strongest supporters of requiring U.N. backing. The reason, Krauthammer concludes, is that "they see the U.N. as a way to stop America in its tracks." The liberal internationalist fails to take into account that there is no logical, or moral, basis for depending upon the member of the U.N. Security Council to confer legitimacy on U.S. actions.

Pragmatic realists, Krauthammer explains, understand the absurdity of the liberal internationalist's arguments, but believe that, nonetheless, the U.S. needs from a practical standpoint, international support to act. They believe that shared decisionmaking will result in good will, improved relations, and greater burdensharing. But, as Krauthammer demonstrates, our experiences in the gulf war prove otherwise.

It is important to note that Krauthammer does not see unilateralism as a first choice. Rather, he advocates taking actions that are in the best interest of the United States, bringing others along if possible. What he wisely cautions against is allowing ourselves "to be held hostage" by the objections of countries that don't have America's interests at heart. He describes unilateralism as "the high road to multilateralism." This may sound paradoxical, but it makes sense. It is American leadership, asserting a firm position and committing to take whatever actions are necessary to see if through, that enables a solid coalition to be built.

Charles Krauthammer's remarks are both timely and insightful as the United States discusses Iraqi noncompliance with members of the U.N. Security Council and contemplates military action in Iraq. I highly recommend them to my colleagues in the Senate.

I ask unanimous consent that Mr. Krauthammer's December 2002 speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN UNILATERALISM

(By Charles Krauthammer)

American unilateralism has to do with the motives and the methods of American behavior in the world, but any discussion of it has to begin with a discussion of the structure of the international system. The reason that we talk about unilateralism today is that we live in a totally new world. We live in a unipolar world of a sort that has not existed in at least 1500 years.

At the end of the Cold War, the conventional wisdom was that with the demise of the Soviet Empire, the bipolarity of the second half of the 20th century would yield to a multi-polar world. You might recall the school of thought led by historian Paul Kennedy, who said that America was already in decline, suffering from imperial overstretch. There was also the Asian enthusiasm, popularized by James Fallows and others, whose thinking was best captured by the late-1980s witticism: "The United States and Russia decided to hold a Cold War: Who won? Japan."

Well they were wrong, and ironically no one has put it better than Paul Kennedy himself, in a classic recantation emphasizing America's power: "Nothing has ever existed like this disparity of power, nothing. Charlemagne's empire was merely Western European in its reach. The Roman Empire stretched farther afield, but there was another great empire in Persia and a larger one in China. There is, therefore, no comparison."

We tend not to see or understand the historical uniqueness of this situation. Even at its height, Britain could always be seriously challenged by the next greatest powers. It had a smaller army than the land powers of Europe, and its navy was equaled by the next two navies combined. Today, the American military exceeds in spending the next twenty countries combined. Its Navy, Air Force and space power are unrivaled. Its dominance extends as well to every other aspect of international life—, not only military, but economic, technological, diplomatic, cultural, even linguistic, with a myriad of countries trying to fend off the inexorable march of MTV English.

Ironically, September 11 accentuated and accelerated this unipolarity. It did so in three ways. The first and most obvious was the demonstration it brought forth of American power. In Kosovo, we had seen the first war ever fought and won exclusively from the air, which gave the world a hint of the recent quantum leap in American military power. But it took September 11 for the U.S. to unleash, with concentrated fury, a fuller display of its power in Afghanistan. Being a relatively pacific commercial republic, the U.S. does not go around looking for demonstration wars. This one being thrust upon it, it demonstrated that at a range of 7,000 miles, with but a handful of losses and a sum total of 426 men on the ground, it could destroy, within weeks, a hardened fanatical regime favored by geography and climate in a land-locked country that was already well known as the graveyard of empires. Without September 11, the giant would surely have slept longer. The world would have been aware of America's size and potential, but not its ferocity and full capacities.

Secondly, September 11 demonstrated a new kind of American strength. The center of our economy was struck, aviation was shut down, the government was sent underground and the country was rendered paralyzed and fearful. Yet within days, the markets reopened, the economy began its recovery, the president mobilized the nation and a unified Congress immediately underwrote a huge worldwide war on terror. The Pentagon, with its demolished western façade still smoldering, began planning the war. The illusion of America's invulnerability was shattered, but with the demonstration of its recuperative powers, that sense of invulnerability assumed a new character. It was transmuted from impermeability to resilience—the product of unrivaled human, technological and political reserves.

The third effect of September 11 was the realignment it caused among the great powers. In 1990, our principal ally was NATO. A decade later, the alliance had expanded to include some of the former Warsaw Pact countries. But several major powers remained uncommitted: Russia and China flirted with the idea of an anti-hegemonic alliance, as they called it. Some Russian leaders made ostentatious visits to little outposts of the ex-Soviet Empire like North Korea and Cuba. India and Pakistan sat on the sidelines.

Then came September 11, and the bystanders lined up. Pakistan immediately made a strategic decision to join the American camp. India enlisted with equal alacrity. Russia's Putin, seeing a coincidence of interests with the U.S. in the war on terror and an opportunity to develop a close relation with the one remaining superpower, fell into line. Even China, while remaining more distant, saw a coincidence of interest with the U.S. in fighting Islamic radicalism, and so has cooperated in the war on terror and has not pressed competition with the U.S. in the Pacific.

This realignment accentuated a remarkable historical anomaly. All of our historical experience with hegemony suggests that it creates a countervailing coalition of weaker powers. Think of Napoleonic France, or of Germany in the 20th century. Nature abhors a vacuum and history abhors hegemony. But in the first decade of post-Cold War unipolarity, not a single great power, arose to challenge America. On the contrary, they all aligned with the U.S. after September 11.

So we bestride the world like a colossus. The question is, how do we act in this new world? What do we do with our position?

Secretary of Defense Rumsfeld gave the classic formulation of unilateralism when he said, regarding Afghanistan—but it applies equally to the war on terror and to other conflicts—that "the mission determines the coalition." This means that we take our friends where we find them, but only in order to help us accomplish our mission. The mission comes first and we define the mission.

This is in contrast with what I believe is a classic case study in multilateralism: the American decision eleven years ago to conclude the Gulf War. As the Iraqi Army was fleeing the first Bush administration had to decide whether its goal in the war was the liberation of Kuwait or the liberation of Iraq. National Security Advisor Brent Scowcroft, who was instrumental in making the decision to stop with Kuwait, has explained that going further would have fractured the coalition, gone against our promises to our allies, and violated the U.N. resolutions under which we had gone to war. "Had we added occupation of Iraq and removal of Saddam Hussein to those objectives," he wrote, "our Arab allies, refusing to countenance an invasion of an Arab colleague, would have deserted us." Therefore we did not act. The coalition defined the mission.

LIBERAL INTERNATIONALISM

There are two schools of committed multilateralists, and it is important to distinguish between them. There are the liberal internationalists who act from principle, and there are the realists who act from pragmatism. The first was seen in the run-up to the congressional debate on the war on Iraq. The main argument from opposition Democrats was that we should wait and hear what the U.N. was saying. Senator Kennedy, in a speech before the vote in Congress, said, "I'm waiting for the final recommendation of the Security Council before I'm going to say how I'm going to vote." Senator Levin, who at the time was the Chairman of the

Senate Armed Services Committee, actually suggested giving authority to the President to act in Iraq only upon the approval of the U.N. Security Council.

The liberal internationalist position is a principled position, but it makes no internal sense. It is based on a moral vision of the world, but it is impossible to understand the moral logic by which the approval of the Security Council confers moral legitimacy on this or any other enterprise. How does the blessing of the butchers of Tiananmen Square, who hold the Chinese seat on the Council, lend moral authority to anything, let alone the invasion of another country? On what basis is moral legitimacy lent by the support of the Kremlin, whose central interest in Iraq, as all of us knows, is oil and the $8 billion that Iraq owes Russia in debt? Or of the French, who did everything that they could to weaken the resolution, then came on board at the last minute because they saw that an Anglo-American train was possibly leaving for Baghdad, and they didn't want to be left at the station?

My point is not to blame the French or the Russians or the Chinese for acting in their own national interest. That's what nations do. My point is to express wonder at Americans who find it unseemly to act in the name of our own national interest, and who cannot see the logical absurdity of granting moral legitimacy to American action only if it earns the prior approval of others which is granted or withheld on the most cynical grounds of self-interest.

PRACTICAL MULTILATERALISM

So much for the moral argument that underlies multilateralism. What are the practical arguments? There is a school of realists who agree that liberal internationalism is nonsense, but who argue plausibly that we need international or allied support, regardless. One of their arguments is that if a power consistency shares rule making with others, it is more likely to get aid and assistance from them.

I have my doubts. The US. made an extraordinary effort during the Gulf War to get U.N. support, share decision-making and assemble a coalition. As I have pointed out, it even denied itself the fruits of victory in order to honor coalition goals. Did this diminish anti-Americanism in the region? Did it garner support for subsequent Iraq policy—policy dictated by the original acquiescence to that coalition? The attacks of September 11 were planned during the Clinton administration, an administration that made a fetish of consultation and did its utmost to subordinate American hegemony. Yet resentments were hardly assuaged, because extremist rage against the U.S. is engendered by the very structure of the international system, not by our management of it.

Pragmatic realists value multilateralism in the interest of sharing burdens, on the theory that if you share decision-making, you enlist others in your own hegemonic enterprise. As proponents of this school and argued recently in Foreign Affairs, "Straining relationships now will lead only to a more challenging policy environment later on." This is a pure cost-benefit analysis of multilateralism versus unilateralism.

If the concern about unilateralism is that American assertiveness be judiciously rationed and that one needs to think long-term hardly anybody will disagree. One does not go it alone or dictate terms on every issue. There's no need to. On some issues, such as membership in the World Trade Organization, where the long-term benefit both to the U.S. and to the global interest is demonstrable, one willingly constricts sovereignty. Trade agreements are easy calls, however, free trade being perhaps the only mathematicaly provable political good. Other agreements require great skepticism. The Kyoto Protocol on climate change, for example, would have had a disastrous effect on the American economy, while doing nothing for the global environment. Increased emissions from China, India and other third-world countries which are exempt from its provisions clearly would have overwhelmed and made up for what-ever American cuts would have occurred. Kyoto was therefore rightly rejected by the Bush administration. It failed on its merits, but it was pushed very hard nonetheless, because the rest of the world supported it.

The same case was made during the Clinton administration for chemical and biological weapons treaties, which they negotiated assiduously under the logic of, "Sure, they're useless of worse, but why not give in, in order to build good will for future needs?" The problem is that appeasing multilateralism does not assuage it; appeasement only legitimizes it. Repeated acquiescence on provisions that America deems injurious reinforces the notion that legitimacy derives from international consensus. This is not only a moral absurdity. It is injurious to the U.S., because it undermines any future ability of the U.S. to act unilaterally, if necessary.

The key point I want to make about the new unilateralism is that we have to be guided by our own independent judgment, both about our own interests and about global interests. This is true especially on questions of national security, war making, and freedom of action in the deployment of power. America should neither defer nor contract out such decision-making, particularly when the concessions involve permanent structural constrictions, such as those imposed by the International Criminal Court. Should we exercise prudence? Yes. There is no need to act the superpower in East Timor or Bosnia, as there is in Afghanistan or in Iraq. There is no need to act the superpower on steel tariffs, as there is on missile defense

The prudent exercise of power calls for occasional concessions on non-vital issues, if only to maintain some psychological goodwill. There's no need for gratuitous highhandedness or arrogance. We shouldn't, however, delude ourselves as to what psychological goodwill can buy. Countries will cooperate with us first our of their own self-interest, and second out of the need and desire to cultivate good relations with the world's unipolar power. Warm feelings are a distant third.

After the attack on the USS *Cole*, Yemen did everything it could to stymie the American investigation. It lifted not a finger to suppress terrorism at home, and this was under an American administration that was obsessively multilateralist and accommodating. Yet today, under the most unilateralist American administration in memory, Yemen has decided to assist in the war on terrorism. This was not the result of a sudden attack of Yemeni goodwill, or of a quick re-reading of the Federalist Papers. It was a result of the war in Afghanistan, which concentrated the mind of recalcitrant states on the price of non-cooperation.

Coalitions are not made by superpowers going begging hat in hand; they are made by asserting a position and inviting others to join. What even pragmatic realists fail to understand is that unilateralism is the high road to multilateralism. It was when the first President Bush said that the Iraqi invasion of Kuwait would not stand, and made it clear that he was prepared to act alone if necessary, that he created the Gulf War coalition.

AMERICA'S SPECIAL ROLE

Of course, unilateralism does not mean seeking to act alone. One acts in concert with others when possible. It simply means that one will not allow oneself to be held hostage to others. No one would reject Security Council support for war on Iraq or for any other action. The question is what to do if, at the end of the day, the Security Council or the international community refuses to back us? Do we allow ourselves to be dictated to on issues of vital national interest? The answer has to be "no," not just because we are being willful, but because we have a special role, a special place in the world today, and therefore a special responsibility.

Let me give you an interesting example of specialness that attaches to another nation. During the 1997 negotiations in Oslo over the land mine treaty, when just about the entire Western world was campaigning for a land mine ban, one of the holdouts was Finland. The Finnish prime minister found himself scolded by his Scandinavian neighbors for stubbornly refusing to sign on the ban. Finally, having had enough, he noted tartly that being foursquare in favor of banning land mines was a "very convenient" pose for those neighbors who "want Finland to be their land mine."

In many parts of the world, a thin line of American GIs is the land mine. The main reason that the U.S. opposed the land mine treaty is that we need them in places like the DMZ in Korea. Sweden and Canada and France do not have to worry about an invasion from North Korea killing thousands of their soldiers. We do. Therefore, as the unipolar power and as the guarantor of peace in places where Swedes do not tread, we need weapons that others do not. Being uniquely situated in the world, we cannot afford the empty platitudes of allies not quite candid enough to admit that they live under the protection of American power. In the end, we have no alternative but to be unilateralist. Multilateralism becomes either an exercise in futility or a cover for inaction.

The futility of it is important to understand. The entire beginning of the unipolar age was a time when this country, led by the Clinton administration, eschewed unilateralism and pursued multilateralism with a vengeance. Indeed, the principal diplomatic activity of the U.S. for eight years was the pursuit of a dizzying array of universal treaties: the comprehensive test ban treaty, the chemical weapons convention, the biological weapons convention, Kyoto and, of course, land mines.

In 1997, the Senate passed a chemical weapons convention that even its proponents admitted was useless and unenforceable. The argument for it was that everyone else had signed it and that failure to ratify would leave us isolated. To which we ought to say: So what? Isolation in the name of a principle, in the name of our own security, in the name of rationality is an honorable position.

Multilateralism is at root a cover for inaction. Ask yourself why those who are so strenuously opposed to taking action against Iraq are also so strenuously in favor of requiring U.N. support. The reason is that they see the U.N. as a way to stop America in its tracks. They know that for ten years the Security Council did nothing about Iraq; indeed, it worked assiduously to weaken sanctions and inspections. It was only when

President Bush threatened unilateral action that the U.N. took any action and stirred itself to pass a resolution. The virtue of unilateralism is not just that it allows action. It forces action.

I return to the point I made earlier. The way to build a coalition is to be prepared to act alone. The reason that President Bush has been able and will continue to be able to assemble a coalition on Iraq is that the Turks, the Kuwaitis and others in the region will understand that we are prepared to act alone if necessary. In the end, the real division between unilateralists and multilateralists is not really about partnerships or about means or about methods. It is about ends.

We have never faced a greater threat than we do today, living in a world of weapons of mass destruction of unimaginable power. The divide before us, between unilateralism and multilateralism, is at the end of the day a divide between action and inaction. Now is the time for action, unilaterally if necessary.

HONORING CINDY DWYER ON HER RETIREMENT

Mr. JOHNSON. Mr. President, I rise today to call to attention of all Senators, the retirement of a dedicated public servant and an individual who has given much to the operation of four Senate offices. Cindy Dwyer, a member of my staff for the past 2½ years, will be ending her career as a staff person in the Senate. As the scheduler in my Washington, DC, Senate office, Cindy has been a model for other dedicated and talented staff members to emulate, and an invaluable asset to everyone who had the honor of working with her. It is with deep regret I announce she will be leaving my office and the Senate in February.

Before coming to Washington, Cindy worked as a kindergarten teacher in Wakonda, SD. In 1975, she began her congressional career in the office of former South Dakota Senator James Abourezk. She worked as a staff assistant in Senator Abourezk's office, and also a part-time employee of the Senate's post office.

After Senator Abourezk's retirement in 1978, Cindy joined the staff of then-Congressman TOM DASCHLE, in his first term as a Member of the House of Representatives serving South Dakota. It was during that time that Cindy began her long and distinguished career as a scheduler for Members of Congress.

Cindy worked as a consultant for several years before rejoining Congressman DASCHLE's staff in 1985. She went on to become Senator DASCHLE's first Senate press secretary when he was elected to the Senate in 1987. She worked for our South Dakota colleague for another 1½ years, before leaving to work for another of our colleagues, Senator J. Robert Kerrey of Nebraska. For 12 years, from 1988–2000, she worked for Senator Kerrey, first on his campaign, and later as a senior member of his staff and a very integral member of the Kerrey team. I have been told that little occurred in Bob Kerrey's office that Cindy wasn't involved with. As one of Senator Kerrey's closest and trusted advisers, she was responsible for helping to execute the very strong record of service that Senator Kerrey delivered for his Nebraska constituents.

While I regretted Senator Kerrey's retirement from the Senate in 2000, his departure turned out to be my good fortune, because it was at that point in time that I had the fortune of working with Cindy. I needed to hire an experienced scheduler, and Cindy Dwyer was that answer. To show Cindy's dedication to the Senate and the Senators with whom she has served, she undertook a herculean effort by working in both offices. For a period of time in 2000, she continued to work with Senator Kerrey, helping to wind down his final few months of Senate service, and began working in my office as my scheduler. Very few staff members could have undertaken the responsibilities that Cindy did, working well beyond a normal workweek, even by Senate standards, to provide service to two Senators.

During her 2½ years of service, Cindy helped to organize the day to day activities of my office and my schedule. The efficiency and organization of my office is a direct result of her hard work and preparation. She is not only a valuable member of my staff, but a great friend. Her friendly demeanor and willingness to go above and beyond the call of duty have made her a popular figure in my office and throughout the Senate.

Some have suggested that Cindy gets her political roots from her family. Her father, Gene Dwyer, still works as a staff assistant in Senator DASCHLE's Sioux Falls office. Her sister and brother-in-law, Peter and Barbara Stavrianos, have distinguished careers working for Senators McGovern, Abourezk, and DASCHLE.

Cindy will be greatly missed, and Barbara and I wish her the very best on all her future endeavors. It is an honor for me to share Cindy's accomplishments with my colleagues and to publicly commend her outstanding service to my office and the people of South Dakota.

ROWAN ANTON CRAIG

Mr. CRAIG. Mr. President, I rise to let my fellow Senators know of a very happy addition to my family.

On December 22, at 3:05 in the afternoon, my daughter-in-law, Stephanie Craig, with the help of her husband, our son Michael, and our grandson Aidan, gave birth to our newest grandchild, a beautiful baby boy named Rowan Anton Craig. He came in bigger than his older brother at 8 pounds, 9 ounces and 21 inches long.

At 3:15 that same afternoon, my wife Suzanne and I watched our new grandbaby being weighed and measured and swaddled, and we got to hold this bundle of life. What a thrill to be there in the first few minutes of his life.

His middle name, Anton, comes from his great-grandfather on his mother's side of the family. Anton was the patron saint of animals, so we expect to share with him our love of animals, along with many other experiences.

Let me thank my colleagues for your indulgence in letting me share with all of you one of the most unique experiences in my life, a wonderful Christmas present: a new grandchild in our family.

ADDITIONAL STATEMENTS

COL. EDWIN D. STRICKFADEN

• Mr. CRAPO. Mr. President, I rise today to ask the Senate to join me in honoring the retirement of Col. Edwin D. Strickfaden, director of the Idaho State Police. Colonel Strickfaden retired on December 31, 2002, after faithfully serving the citizens of Idaho for 35 years. I join with many Idahoans in recognizing Colonel Strickfaden's career as a sterling example of dedication to public safety and service to others.

Enormous is the debt owed by us to the men and women who work in law enforcement, who, every day put their lives on the line to defend the rights and liberties we enjoy. Colonel Strickfaden exemplifies the sacrifices made by these exceptional people. He is deserving of our respect and honor as he concludes his distinguished career.

Edwin D. Strickfaden's career with the Idaho State Police began in 1967 at the conclusion of 4 years of service to his country in the U.S. Air Force. He started with the Idaho State Police serving at the King Hill Port-of-Entry facility in King Hill, ID. He was made officer-in-charge of the facility in 1969. A year later, he was again promoted and assigned to the District Two office in Lewiston. In all, Colonel Strickfaden served in six offices of the Idaho State Police throughout Idaho, in three of them as commander. The year's many changes and transfers afforded him vast experience in all aspects of Idaho law enforcement and many opportunities to serve the people of Idaho.

One of many salient moments that defined Mr. Strickfaden's distinguished career is a time when he dove into the icy December waters of the Clearwater River to rescue a woman from a submerged vehicle, an action given special recognition by then-Governor Cecil Andrus. This action typified the courage and dedication he was known for throughout his 35-year career.

The invaluable knowledge and experience that Colonel Strickfaden gained through many years of service became critical in 1998 when he was asked to serve as director of the Department of Law Enforcement. Under Colonel Strickfaden's leadership, the former Department of Law Enforcement and State Police were combined into a single agency. The new Idaho State Police has become an effective organization with numerous successes in the war on drugs and other enforcement issues in Idaho. True to this mission, Idaho has experienced a decline in illegal drug use since Colonel Strickfaden served as director of the Idaho State Police. Without the effective work of the Idaho State Police, our ability to live in a safe and secure environment would be compromised. Colonel Strickfaden's tireless efforts have helped reach the goal of making Idaho a safe and secure environment for all of its residents.

As he enters a new phase of his life, I know my Senate colleagues will join me in thanking Colonel Strickfaden on his distinguished career as an Idaho State Police Officer and wish him every success in his future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS THAT WAS DECLARED IN EXECUTIVE ORDER 13219—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2003.*

REPORT ON ARMENIA, AZERBAIJAN, KAZAKHSTAN, MOLDOVA, THE RUSSIAN FEDERATION, TAJIKISTAN, TURKMENISTAN, UKRAINE, AND UZBEKISTAN INDICATING THE CONTINUED COMPLIANCE OF THESE COUNTRIES WITH INTERNATIONAL STANDARDS CONCERNING FREEDOM OF EMIGRATION—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

On September 21, 1994, then-President Clinton determined and reported to the Congress that the Russian Federation was not in violation of paragraphs (1), (2), or (3) of subsection 402(a) of the Trade Act of 1974, or paragraphs (1), (2), or (3), of subsection 409(a) of the Act. On June 3, 1997, he also determined and reported to the Congress that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine were not in violation of the same provisions, and made an identical determination on December 5, 1997, with respect to Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. These actions allowed for the continuation of normal trade relations for these countries and certain other activities without the requirement of an annual waiver.

On June 29, 2000, pursuant to section 302(b) of Public Law 106-200, then-President Clinton determined that title IV of the Trade Act of 1974 should no longer apply to Kyrgyzstan, and on December 29, 2000, pursuant to section 3002 of Public Law 106-476, he determined that title IV of the Trade Act of 1974 should no longer apply to Georgia.

As required by law, I am submitting an updated report to the Congress that was prepared by my Administration concerning the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The report indicates continued compliance of these countries with international standards concerning freedom of emigration.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2003.*

MESSAGE FROM THE HOUSE

At 3:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

Mr. Young of Florida, Mr. Regula, Mr. Rogers of Kentucky, Mr. Wolf, Mr. Kolbe, Mr. Walsh, Mr. Taylor of North Carolina, Mr. Hobson, Mr. Istook, Mr. Bonilla, Mr. Knollenberg, Mr. Kingston, Mr. Obey, Mr. Murtha, Mr. Dicks, Mr. Sabo, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, and Mr. Moran of Virginia.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 224. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 225. A bill to provide for emergency unemployment compensation.

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 241. A bill to amend the Coastal Zone Management Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-766. A communication from Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Final Specifications for 2003 (0648-AQ15)" January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-767. A communication from Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim 2003 total allowable catch (TAC) amounts for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-768. A communication from the Acting Director, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-769. A communication from the Director, Office of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna (BFT) Quota Transfer and Reopening of the BFT General Category (I.D. 112202D)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–770. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fishing Vessels Permits; Charter Boat Operations (RIN0648–AM91)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–771. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna (BFT) General Category Closure (I.D. 121202A)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–772. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Commercial Shark Management Measures Emergency rule; request for comments; fishing season notification (RIN0648–AQ39)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–773. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; New York Marine Inspection Zone and Captain of the Port Zone (CGD01–02–132) (2115–AA97)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–774. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 regulations) [CGD08–02–043] [CGD08–03–001] (2115–AE47) (2003–0003)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–775. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA (COTP New Orleans 02–022) (2115–AA97)(2003–0005)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 2001–NM–290 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes; Docket No. 2002–NM–44 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 and 300 Series Airplanes; Docket No. 2002–NM77 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller Inc., Model () HC–()2Y ()–() Propellers; Docket No. 2002–NE–25 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas DC 9, 10, 20, 30, 40, and 50 Series Airplanes; Docket no. 2001–NM78 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 Series Airplanes; Docket no. 2000–NM402 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket no. 2000–NM–85 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 10, DC 9 20, DC 9 30, DC 9 40 and DC 9 50 Series Airplanes; and Model DC 9 81, DC 9 82, DC 9 83, DC 9 87 and MD 88 Airplanes; Docket no. 2002–NM–53 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Univair Corp Models Alon A 2, A2 A, ERCO 415C, 415CD, 415E, and 415G, Forney F1 and F1A and Mooney M10 Airplanes; docket no. 2001–CE–45 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 36, A36, A36TC, 58, and 58A Airplanes Doc. no. 2002–CE–07 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SAAB Model 2000, SAAB SF340A, and SAAB 340B Series Airplanes; docket no. 2002–NM104 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace and Modification of Existing Class E5 Airspace; Ainsworth, NE; Docket no. 02–ACE–8 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions of Class E Airspace; Point Hope, AK ; Docket no. 02–AAL–6 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace, Crisfield, MD; Docket no. 02–AEA–18 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Picture Identification Requirements; Docket no. FAA–2002–11666 (2120–AH76)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Robinson R–22/R–44 Special Training and Experience Requirements, EXTENSION OF EXPIRATION DATE; Docket no. FAA–2002–13744; SFAR 73–1 (2120–AH94)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88); Request for comments; Docket no. FAA–1999–6411 (2120–AH85)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes; Request for Comments; Docket no. FAA–2000–7587 (2120–AH03)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Textron Lycoming Division, AVCO Corporation Fuel Injected Reciprocating Engines; Doc. no. 2000–CE–60 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Doc. No. 2002–NM–84 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 Series Airplanes; Docket No. 2001–NM–396 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 11, 12, 13, 14, 15, and 15F Airplanes; Model DC9 21 Airplanes; Model DC 9 31, 32, 32 (VC–9C), 32F, 33F, 34, and 34 F Airplanes; Model DC 9 41, Airplanes; Model DC 9 51 Airplanes: Model DC 9 81, DC 9 82, DC 9 83, and DC 9 87 & Model MD 88 Airplanes; Docket no. 99NM–90 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney PW4164, 4168, and 4168A Series Turbofan Engines; Docket no. 97–ANE–44 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2002–NM–67 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Durhamville, NY; Docket No. 02–AEA–10 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wasilla, AK; Docket. No. 02–AAL–07 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E5 Airspace; Tampa, FL: Docket No. 02–ASO–25 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes: Miscellaneous Amendments; Docket No.30345 (2120–AA63)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pennsylvania, New Jersey, Delaware; Docket No. 02–AEA–14 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace: Wrightstown, NJ; Docket no. 02–AEA–15 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Caruthersville, MO; Docket No. 02–ACE–13 (2120–AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, INC Model AT 250, 300, 301, 302, 400, 400A, 401, 401A, 402, 402A, 501, 502, and 502A, Airplanes ; Docket No. 2000–CE–60 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Titeflex Corporation, CORRECTION; Docket no. 2000–NE–57 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes; Docket No. 2002–NM–114 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited BN–2A and BN2A MK III Series Airplanes; docket no. 2002–CE–33" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerostar Aircraft Corp Models PA 60–601, 6–IP, 602P, and 700P Airplanes; docket no. 99–CE–86 (2120–AA54)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332C, –L, –L1, SA330F, SA3300G, and SA330J Helicopters; docket no. 2001–SW–35 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Limited Model 206L, L1, L3, and L4 Helicopters; Docket No. 99–SW–80 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF 645, 50, 80A, 80C, and 80E1 Turbofan Engines; Docket no. 2001–NE–26 (2120–AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service Difficultly Reports; DELAY OF EFFECTIVE DATE; Docket no. FAA–2000–7952 (2120–AH91)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Considerations for the flightdeck on Foreign Operated Transport Category Airplanes; CORRECTION; docket no. FAA–2002–12504 (2120–AH70)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Extension of Compliance Times for Fuel Tank System Safety; Docket no. FAA–1999–6411 (2120–AG62)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aging Airplane Safety: Interim Final Rule; Request for Comments; docket No. FAA–1999–5401 (2120–AE42)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designation; Incorporation by Reference; Docket no. 29334 (2120–ZZ40)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspeed Indicating System Requirements for Transport Category Airplanes; docket no. FAA–2001–9636 (2120–

AH26)'' received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; CORRECTION; (DOCID: fr10ja03–110 AND fr 10ja03–111—Docket no. FAA–2000–7587) (2120–AH03)'' received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–822. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting for Securities Futures Contracts (Notice 2003–8)'' received on January 10, 2003; to the Committee on Finance.

EC–823. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—February 2003 (Rev. Rul. 2003–16)'' received on January 23, 2003; to the Committee on Finance.

EC–824. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2003–20—Valuation of Remanufactured Motor Vehicle Parts 'Cores' (Rev. Proc. 2003–20)'' received on January 23, 2003; to the Committee on Finance.

EC–825. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosures of return information reflected on returns to officers and employees of the Department of Commerce for certain statistical purposes and related activities (RIN1545–AY52)'' received on January 23, 2003; to the Committee on Finance.

EC–826. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2003–12—Nonaccrual Experience Method of Accounting (Notice 2002–12)'' received on January 23, 2003; to the Committee on Finance.

EC–827. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2003–14, SWCA'' received on January 23, 2003; to the Committee on Finance.

EC–828. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2003–15, AMA'' received on January 23, 2003; to the Committee on Finance.

EC–829. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Financial Transactions Involving Future Delivery of Stock (Rev. Rul. 2005–7, 2003–5)'' received on January 23, 2003; to the Committee on Finance.

EC–830. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 846 discount factors for 2002 (Revenue Procedure 2003–17)'' received on January 23, 2003; to the Committee on Finance.

EC–831. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 832 discount factors for 2002 (Rev. Proc. 2003–18)'' received on January 23, 2003; to the Committee on Finance.

EC–832. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from Filing form 990 by Certain U.S. Possession Exempt Organizations (Rev. Proc. 2003–21)'' received on January 23, 2003; to the Committee on Finance.

EC–833. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of the Effectively Connected Income of Foreign Life Insurance Companies (Rev. Rul. 2003–17)'' received on January 23, 2003; to the Committee on Finance.

EC–834. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Statutory Mergers and Consolidations (1545–BA06 Temporary/NPRM) (1545–BB46 FINAL)'' received on January 23, 2003; to the Committee on Finance.

EC–835. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; External Quality Review of Medicaid Managed Care Organizations (0938–AJ06)'' received on January 23, 2003; to the Committee on Finance.

EC–836. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare, Medicaid, and CLIA programs; Laboratory Requirements Relating to Quality Systems and Certain Personnel Qualifications (CMS–2226–F)'' received on January 23, 2003; to the Committee on Finance.

EC–837. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Hospital Conditions of Participation: Quality Assessment and Performance Improvement (HCFA–3050–F)(0938–AK40)'' received on January 23, 2003; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, without amendment:

S. Res. 27. An original resolution authorizing expenditures by the Select Committee on Intelligence.

The following nominations were discharged and confirmed from the Committee on Health, Education, Labor and Pensions pursuant to the order of January 29, 2003:

NOMINATION DISCHARGED

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

Elizabeth J. Pruet, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Edwin Joseph Rigaud, of Ohio, to be a Member of the National Museum Services Board for a term expiring December 6, 2007.

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. HAGEL, Mr. REED, Mr. ENZI, Ms. STABENOW, and Mr. ALLARD):

S. 229. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 230. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 231. A bill to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 232. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 233. A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 234. A bill to provide that members of the Armed Forces performing services on the Island of Diego Garcia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 235. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of dependent care assistance programs sponsored by the Department of Defense for members of the Armed Forces of the United States; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. ENZI):

S. 236. A bill to require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM of South Carolina:

S. 237. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain construction engineering and design professionals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. Kennedy, Mr. Cochran, Mr. Jeffords, Mr. Daschle, Ms. Collins, Mr. Dodd, Mrs. Clinton, Mr. Sarbanes, Mr. Levin, Mr. Leahy, Mr. Harkin, Mr. Smith, Ms. Snowe, Mr. Corzine, Ms. Landrieu, and Mr. Baucus):

S. 238. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. Kennedy, Mr. Enzi, Mrs. Murray, Mr. Roberts, and Mr. Graham of South Carolina):

S. 239. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD (for himself, Mr. Johnson, Mr. Hagel, and Mr. Harkin):

S. 240. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. Kerry, Mr. McCain, and Mr. Hollings):

S. 241. A bill to amend the Coastal Zone Management Act; read the first time.

By Mr. DOMENICI (for himself and Mr. Bennett):

S. 242. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. Johnson, and Mr. Chafee):

S. 243. A bill concerning participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

By Mr. ALLEN (for himself and Mr. Warner):

S. 244. A bill to require the Secretary of the Treasury to redesign $1 Federal Reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse of such notes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Ms. Landrieu, Mr. Voinovich, Mr. Shelby, Mr. Sessions, Mr. Santorum, Mr. Nickles, Mr. Kyl, Mr. Inhofe, Mr. Hagel, Mr. Grassley, Mr. Enzi, Mr. Graham of South Carolina, Mr. Fitzgerald, Mr. Ensign, Mr. DeWine, Mr. Craig, Mr. Cornyn, Mr. Bunning, Mr. Bennett, Mr. Allard, Mr. Thomas, and Mr. Bond):

S. 245. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 246. A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. Breaux):

S. 247. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 27. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. BYRD (for himself, Mr. Kennedy, Mr. Bingaman, Mrs. Feinstein, Mr. Inouye, Mr. Sarbanes, and Mrs. Boxer):

S. Res. 28. A resolution expressing the sense of the Senate that the United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002) and that the United States should seek a United Nations Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq; to the Committee on Foreign Relations.

By Mr. CAMPBELL:

S. Res. 29. A resolution demanding the return of the USS Pueblo to the United States Navy; to the Committee on Foreign Relations.

By Mr. GRAHAM of South Carolina:

S. Res. 30. A resolution expressing the sense of the Senate that the President should designate the week beginning September 14, 2003, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

By Mr. ROBERTS:

S. Res. 31. A resolution designating the week of September 11 through September 17, 2003, as "National Civic Participation Week"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. Byrd):

S. Res. 32. A resolution expressing the sense of the Senate with respect to the actions the President should take before any use of military force against Iraq without the broad support of the international community; to the Committee on Foreign Relations.

By Mr. STEVENS (for himself, Mr. Byrd, Mr. Frist, Mr. Daschle, Mr. Lugar, Mr. Kennedy, Mr. Warner, Mr. Inouye, Mr. Gregg, Mr. Biden, Mr. Kyl, Mr. Leahy, Mr. Brownback, Mr. Sarbanes, Mr. Allen, Mr. Dodd, Mr. Kerry, Mrs. Feinstein, Mr. Feingold, Mr. Nelson of Florida, Mr. Corzine, and Mr. Hagel):

S. Res. 33. A resolution expressing the gratitude of the United States Senate for the service of Arthur J. Rynearson, Deputy Legislative Counsel of the United States Senate; considered and agreed to.

By Mrs. CLINTON:

S. Res. 34. A resolution expressing support for the emergency first responders and communities which are the front lines of the Nation's homeland defense; to the Committee on Environment and Public Works.

By Mr. MILLER:

S. Con. Res. 3. A concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. Daschle, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 52

At the request of Mr. Wyden, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 52, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 83

At the request of Mr. Durbin, the names of the Senator from South Carolina (Mr. Hollings) and the Senator from West Virginia (Mr. Rockefeller) were added as cosponsors of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 85

At the request of Mr. Lugar, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 98

At the request of Mr. Allard, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 138

At the request of Mr. Rockefeller, the names of the Senator from Washington (Mrs. Murray), the Senator from New Mexico (Mr. Bingaman), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 185

At the request of Mr. Leahy, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 185, a bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa.

S. 225

At the request of Mr. DASCHLE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 225, a bill to provide for emergency unemployment compensation.

S.J. RES. 4

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 25

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 25, a resolution designating January 2003 as "National Mentoring Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 230. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator LAUTENBERG, I am introducing legislation, the Crossroads of the American Revolution National Heritage Area Act, to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey. I am proud to be joining my New Jersey colleagues, Representatives RODNEY FRELINGHUYSEN and RUSH HOLT, who are introducing this legislation in the House of Representatives, with the support of the entire New Jersey delegation.

This legislation recognizes the critical role that New Jersey played during the American Revolution. In fact, New Jersey was the site of nearly 300 military engagements that helped determine the course of our history as a Nation. Many of these locations, like the site where George Washington made his historic crossing of the Delaware River, are well known and preserved. Others, such as the Monmouth Battlefield State Park in Manalapan and Freehold, and New Bridge Landing in River Edge, are less well known and are threatened by development or in critical need of funding for rehabilitation.

To help preserve New Jersey's Revolutionary War sites, this legislation would establish a Crossroads of the American Revolution National Heritage Area, linking about 250 sites in 15 counties. This designation would authorize $10 million to assist preservation, recreational and educational efforts by the State, county and local governments as well as private cultural and tourism groups. The program would be managed by the non-profit Crossroads of the American Revolution Association.

Simply put, we are the Nation that we are today because of the critical events that occurred in New Jersey during the American Revolution and the many who died fighting there. By enacting the Crossroads of the American Revolution National Heritage Area Act of 2002, we will pay tribute to the patriots who fought and died in New Jersey so that we might become a Nation free from tyranny.

In the 107th Congress, I was proud to see the Senate approve this legislation as part of a bipartisan package of heritage area bills. Unfortunately, the bill was not approved in the House of Representatives. I will work even harder in the 108th Congress to see that this important legislation passes both houses and goes to the President's desk for his signature. I hope my colleagues will support this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crossroads of the American Revolution National Heritage Area Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the State of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as "the times that try men's souls";

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this Act are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 3. DEFINITIONS.

In this Act:

(1) Association.—The term "Association" means the Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State.

(2) Heritage area.—The term "Heritage Area" means the Crossroads of the American Revolution National Heritage Area established by section 4(a).

(3) Management entity.—The term "management entity" means the management entity for the Heritage Area designated by section 4(d).

(4) Management plan.—The term "management plan" means the management plan for the Heritage Area developed under section 5.

(5) Map.—The term "map" means the map entitled "Crossroads of the American Revolution National Heritage Area", numbered CRRE\80,000, and dated April 2002.

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

(7) State.—The term "State" means the State of New Jersey.

SEC. 4. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) Establishment.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) Boundaries.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) Management Entity.—The Association shall be the management entity for the Heritage Area.

SEC. 5. MANAGEMENT PLAN.

(a) In General.—Not later than 3 years after the date on which funds are first made available to carry out this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) Requirements.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the management entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this Act; and

(E) an interpretive plan for the Heritage Area.

(c) Approval or Disapproval of Management Plan.—

(1) In general.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) Criteria.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the management entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the management entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) Action following disapproval.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(d) Amendments.—

(1) In general.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) Use of funds.—Funds made available under this Act shall not be expended by the management entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) Implementation.—On completion of the 3-year period described in subsection (a), any funding made available under this Act shall be made available to the management entity only for implementation of the approved management plan.

SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE MANAGEMENT ENTITY.

(a) Authorities.—For purposes of preparing and implementing the management plan, the management entity may use funds made available under this Act to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) Duties.—In addition to developing the management plan, the management entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semiannually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this Act—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the management entity at Morristown National Historical Park and in Mercer County.

(c) Prohibition on the Acquisition of Real Property.—

(1) Federal funds.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(2) Other funds.—Notwithstanding paragraph (1), the management entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) Technical and Financial Assistance.—

(1) In general.—On the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) Priority for assistance.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) Operational assistance.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the management entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) Preservation of historic properties.—To carry out the purposes of this Act, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) Cooperative agreements.—The Secretary may enter into cooperative agreements with the management entity and other public or private entities to carry out this subsection.

(b) Other Federal Agencies.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the management entity regarding the activity;

(2)(A) cooperate with the Secretary and the management entity in carrying out the of the Federal agency under this Act; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1.000,000 may be authorized to be appropriated for any fiscal year.

(b) Cost-Sharing Requirement.—The Federal share of the cost of any activity assisted under this Act shall be not more than 50 percent.

SEC. 9. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Ms. LANDRIEU:

S. 234. A bill to provide that members of the Armed Forces performing services on the Island of Diego Garcia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone; and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 235. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of dependent care assistance programs sponsored by the Department of Defense for members of the Armed Forces of the United States; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I rise today to reintroduce two bills that I originally sponsored in the 107th Congress. As our Nation prepares to go to war with Iraq and continues the war against terrorism, my bills will give additional tax relief to military families. One will give tax relief to a small group of men and women in our armed services stationed on the island of Diego Garcia in the Indian Ocean, supporting the war on terrorism in Afghanistan. The second bill will exclude from gross income child care benefits paid to members of our armed forces. These are small measures, but both will be of great benefit to the men and women serving our country.

Diego Garcia is a British Territory lying seven degrees South Latitude off the coast of India, in the middle of the Indian Ocean. The island is 40 miles around and encompasses an area of 6,720 acres, most of it dominated by a large lagoon. The land mass is actually very small. It is home to a joint British—United States Naval Support Facility, and while there are only a small handful of British Royal Navy personnel on the island, there is a larger, tight-knit team of American Air Force, Navy, Marine Corps and Army personnel there. These men and women serving on Diego Garcia have been supporting B-52 bombing missions and other operations over Afghanistan. They will be called into service in the event of war with Iraq, they served this purpose in the previous Gulf War.

As a Nation, we provide members of our armed forces with a variety of benefits, all of them deserved. They receive hardship duty pay of $150 per month for serving in austere regions of the World. They get imminent danger pay of $150 per month as compensation for being in physical danger. One of the most generous benefits for those serving in the war on terrorism is the combat zone tax exclusion. Enlisted members of the armed services do not pay Federal taxes on their compensation for any month of service inside a combat zone. Officers pay tax on any amount of income over the highest salary for enlisted personnel. Both officers and enlisted personnel have to serve one day in the combat zone to get this benefit for the entire month. The exclusion only applies to personnel who receive imminent danger pay.

On Diego Garcia, the pilots and flight crews who fly the missions over Afghanistan are eligible for the combat zone income tax exclusion because they receive imminent danger pay. Many of them are from the 2nd Bomb Wing and the 917th Wing. Both units call Barksdale Air Force Base in Louisiana their home. But the men and women who load the bombers, fuel them, and maintain them are not eligible because they do not enter the combat zone. Barksdale is also their home base. My office was contacted by some of the Barksdale officers who fly the bombing missions about this discrepancy. They asked me to help out their support crews, a gesture of selflessness that I seek to honor today.

I recognize that the support crews may not receive imminent danger pay, but their situation is not too different from Naval personnel performing the same tasks on ships in the Arabian Sea. Naval support crews receive imminent danger pay and are eligible for the tax exclusion, but they do not enter Afghanistan.

Diego Garcia is a beautiful place, but is a long way from home. The least we could do is treat everyone who has served on the island the same. That is what my bill will do.

My second bill will correct an omission in the Tax Reform Act of 1986. That Act contained a provision consolidating the laws regarding the tax treatment of certain military benefits. The Conference Report to that Act contains a long list of benefits to be excluded from gross income of military personnel. According to the report, this list was to be exhaustive. The problem is that child care benefits are not on that list.

I do not know if this omission was intentional. Perhaps at that time, child care benefits were relatively unknown in the military. The Conference Report gives the Treasury Secretary the authority to expand the list of eligible benefits, but so far no Secretary has chosen to provide any guidance to the Department of Defense as to how these benefits should be treated for tax purposes. While military families are not currently being taxed for child care benefits, the Department of Defense has indicated that it would like Congress to clarify that child care benefits are not subject to tax. My bill will give our military families and the Department of Defense a greater degree of certainty.

I am pleased that my dependent care provision has been included in S. 19, the Veterans and Military Personnel Fairness Act of 2003. The same provision had been included in a similar package in the last Congress. I urge the Finance Committee to consider this package very soon and to include my Diego Garcia bill in the final package.

Throughout our history, in time of war we have worked to make sure that our armed forces have everything they need and we have spared no expense in meeting that need. But the men and women on the ground often have families back at home. We should make sure that we support them as well. I urge my colleagues to support this legislation.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. ENZI):

S. 236. A bill to require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise to re-introduce legislation that would close a serious loophole in the current law regulating background checks of alien flight school applicants. This legislation was passed by the Senate last session but was not taken up by the House.

It is crucial that we close this loophole in the Aviation and Transportation Security Act that allows foreign flight school applicants to train on small planes without being subjected to a background check.

As we all know, in the wake of the September 11 terrorist attacks, it was discovered that many of the hijackers received flight training in the United States. In addition, Zacarias Moussaoui, the alleged "20th hijacker," was apprehended by investigators in Minnesota after accounts that he was only interested in learning to fly, not land, an airplane.

Section 113 of the Aviation and Transportation Security Act, which was enacted in the 107th Congress, requires background checks of all foreign flight school applicants seeking training to operate aircraft weighing 12,500 pounds or more. While this provision should help ensure that events like the September 11 attacks are not performed by U.S.-trained pilots using hijacked jets in the future, it does nothing to prevent different types of potential attacks against our domestic security.

Last year, the FBI issued a terrorism warning indicating that small planes might be used to carry out suicide attacks. Small aircraft can be used by terrorists to attack nuclear facilities, carry explosives, or deliver biological or chemical agents. For example, if a crop duster filled with a combination of fertilizers and explosives were crashed into a filled sporting event stadium thousands of people could be seriously injured or killed. We cannot allow this to happen. We need to ensure that we are not training terrorists to perform these activities. We cannot allow critical warnings to go unheeded.

My legislation would close the loophole and answer the critical warnings issued by the FBI. At the same time, this amendment would provide an exception to the background check requirement for foreign pilots who already hold a pilot's license or foreign equivalent allowing them to fly large aircraft in and out of the United States. Foreign pilots who have already been approved to land large jets at U.S. airports need not be required to undergo additional background checks.

I am once again joined in this effort to close this dangerous loophole in the Aviation and Transportation Security Act by Senators CORZINE, ENZI, FEINSTEIN, and THOMAS, and I look forward to the Senate's prompt consideration of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF REQUIREMENTS REGARDING TRAINING TO OPERATE AIRCRAFT.

(a) ALIENS COVERED BY WAITING PERIOD.—Subsection (a) of section 44939(a) of title 49, United States Code, is amended—

(1) by striking "A person subject" and inserting:

"(1) IN GENERAL.—A person subject";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking "any aircraft having a maximum certificated takeoff weight of 12,500 pounds or more" and inserting "an aircraft" in paragraph (1) as redesignated;

(4) by striking "paragraph (1)" in paragraph (1)(B), as redesignated, and inserting "subparagraph (A)"; and

(5) by adding at the end the following:

"(2) EXCEPTION.—The requirements of paragraph (1) shall not apply to an alien who—

"(A) has earned a Federal Aviation Administration type rating in an aircraft; or

"(B) holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation.".

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement section 44939 of title 49, United States Code.

(2) USE OF OVERSEAS FACILITIES.—In order to implement the amendments made to section 44939 of title 49, United States Code, by this section, United States Embassies and Consulates that have fingerprinting capability shall provide fingerprinting services to aliens covered by that section if the Attorney General requires their fingerprinting in the administration of that section, and transmit the fingerprints to the Department of Justice and any other appropriate agency. The Attorney General shall cooperate with the Secretary of State to carry out this paragraph.

(c) EFFECTIVE DATE.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement the amendments made by this section. The Attorney General may not interrupt or prevent the training of any person described in section 44939(a)(1) of title 49, United States Code, who commenced training on aircraft with a maximum certificated takeoff weight of 12,500 pounds or less before, or within 120 days after, the date of enactment of this Act unless the Attorney General determines that the person represents a risk to aviation or national security.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Attorney General shall jointly submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation and national security.

By Mr. REED (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. DASCHLE, Ms. COLLINS, Mr. DODD, Mrs. CLINTON, Mr. SARBANES, Mr. LEVIN, Mr. LEAHY, Mr. HARKIN, Mr. SMITH, Ms. SNOWE, Mr. CORZINE, Ms. LANDRIEU, and Mr. BAUCUS):

S. 238. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I rise to introduce that Museum and Library Services Act of 2003. I am pleased to be joined by Senators KENNEDY, COCHRAN, COLLINS, SNOWE, SMITH, DASCHLE, JEFFORDS, DODD, HARKIN, CLINTON, SARBANES, LEVIN, LEAHY, CORZINE, LANDRIEU, and BAUCUS in introducing this legislature to strengthen museum and library services.

The Federal Government has a long history of supporting our Nation's libraries and museums, providing direct aid to public libraries since the adoption of the Library Services and Construction Act, LSCA, in 1956 and funding to museums since the enactment of the Museum Services Act in 1976. As a result of this support, our lives and culture have been enriched.

My predecessor, Senator Claiborne Pell, was instrumental in the creation of the Museum Services Act, as well as the development and enactment of the Museum and Library Services Act in

1996. This law reauthorized Federal library and museum programs under a newly created independent Federal agency called the Institute for Museum and Library Services, IMLS.

I am proud to continue Senator Pell's tradition of supporting libraries and museums by introducing this legislation today to extend the authorization of museum and library services through fiscal year 2009 and to make several important modifications to current law.

The bill ensures that library activities are coordinated with the school library program I authored, which is now part of the No Child Left Behind Act of 2001. It establishes a Museum and Library Services Board to advise the Director of IMLS, and it authorizes IMLS to issue a National Award for Library Service as well as a National Award for Museum Service. The bill also ensures that a portion of administrative funds is used to analyze annually the impact of museum and library services to identify needs and trends of services provided under museum and library programs. Our bill also establishes a reservation of 1.75 percent of funds for museum services for Native Americans, a similar reservation is currently provided for library services under the Library Services and Technology subtitle. Lastly, the bill updates the uses of funds for library and museum programs and increases the authorization under the Library Services and Technology Act, LSTA, from $150 million to $350 million and the Museum Services Act from $28.7 million to $65 million.

I want to specifically highlight one other provision in the legislation. The Museum and Library Services Act of 2003 doubles the minimum State allotment under the LSTA to $680,000.

The minimum State allotment has remained flat at $340,000 since 1971, hampering the literacy and cultural efforts of our Nation's smaller States. An analysis prepared by the staff of the Joint Economic Committee shows that it would take approximately $1.5 million for our small States to keep pace with inflation. The library community has instead suggested a modest, but essential doubling of the minimum state allotment to $680,000. This will enable every State to benefit and implement the valuable services and programs that larger states have been able to put in place. We heard about the importance of this change from David Macksam, Director of the Cranston Public Library, during a Health, Education, Labor, and Pensions Committee hearing that I chaired last April.

Last year, efforts to move this legislation were stymied over concerns about certain IMLS grants and how much funding should be authorized for library and museum programs. The President's forthcoming fiscal year 2004 budget will contain a modest, although record, increase in funding for these programs, which I hope will alleviate these concerns. As such, I hope we can move forward early in this session of Congress on a bipartisan basis on a swift reauthorization of the Museum and Library Services Act.

I urge my colleagues to cosponsor this important legislation and work for its passage.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.
Sec. 102. Institute of Museum and Library Services.
Sec. 103. Director of the Institute.
Sec. 104. National Museum and Library Services Board.
Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservations and allotments.
Sec. 205. State plans.
Sec. 206. Grants to States.
Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 300. Short title.
Sec. 301. Purpose.
Sec. 302. Definitions.
Sec. 303. Museum services activities.
Sec. 304. Repeals.
Sec. 305. Authorization of appropriations.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.
Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.
Sec. 502. National Children's Museum.
Sec. 503. Technical corrections.
Sec. 504. Conforming amendment.
Sec. 505. Repeals.
Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraphs (1) and (4);

(2) by redesignating paragraph (2) as paragraph (1);

(3) by inserting after paragraph (1), as redesignated by paragraph (2) of this section, the following:

"(2) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."; and

(4) by adding at the end the following:

"(4) MUSEUM AND LIBRARY SERVICES BOARD.—The term 'Museum and Library Services Board' means the National Museum and Library Services Board established under section 207.".

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.".

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: "Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383)."; and

(2) by adding at the end the following:

"(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.".

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

"SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a board to be known as the 'National Museum and Library Services Board'.

"(b) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

"(A) The Director.

"(B) The Deputy Director for the Office of Library Services.

"(C) The Deputy Director for the Office of Museum Services.

"(D) The Chairman of the National Commission on Libraries and Information Science.

"(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of library services by virtue of their education, training, or experience.

"(F) 11 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of museum services by virtue of their education, training, or experience.

"(2) SPECIAL QUALIFICATIONS.—

“(A) Library members.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

“(i) 5 shall be professional librarians or information specialists, of whom—

“(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

“(II) not less than 1 shall be knowledgeable about the library and information service needs of underserved communities; and

“(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

“(B) Museum members.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

“(i) 5 shall be museum professionals who are or have been affiliated with—

“(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

“(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

“(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

“(3) Geographic and other representation.—Members of the Museum and Library Services Board shall be appointed to reflect individuals from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

“(4) Voting.—The Director, the Deputy Director of the Office of Library Services, and the Deputy Director of the Office of Museum Services shall be nonvoting members of the Museum and Library Services Board.

“(c) Terms.—

“(1) In general.—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

“(2) Initial board appointments.—

“(A) Treatment of members serving on effective date.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the day before the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

“(B) First appointments.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the members of the Museum and Library Services Board shall be appointed in accordance with subsection (b).

“(C) Authority to adjust terms.—The terms of the first members appointed to the Museum and Library Services Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

“(3) Vacancies.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

“(4) Reappointment.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

“(5) Service until successor takes office.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

“(d) Duties and Powers.—

“(1) In general.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

“(2) National awards.—The Museum and Library Services Board shall assist the Director in making awards under section 209.

“(e) Chairperson.—The Director shall serve as Chairperson of the Museum and Library Services Board.

“(f) Meetings.—

“(1) In general.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

“(2) Vote.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

“(g) Quorum.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

“(h) Compensation and Travel Expenses.—

“(1) Compensation.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Board.

“(2) Travel expenses.—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(i) Coordination.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.”.

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

“SEC. 209. AWARDS.

“The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

“SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

“From amounts appropriated under sections 214(c) and 274(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

“(1) shall be conducted in ongoing consultation with—

“(A) State library administrative agencies;

“(B) State, regional, and national library and museum organizations; and

“(C) other relevant agencies and organizations;

“(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

“(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

“(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).”.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

“(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

“(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

“(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.”.

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by amending subsection (a) to read as follows:

“(a) In General.—There are authorized to be appropriated to carry out this subtitle $350,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”; and

(2) in subsection (c), by striking “3 percent” and inserting “3.5 percent”.

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

“(3) Minimum allotments.—

“(A) In general.—For purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(B) Ratable reductions.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

“(C) Exception.—

“(i) In general.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

“(I) the minimum allotment for each State otherwise receiving a minimum allotment of $340,000 under subparagraph (A) shall be increased to $680,000; and

“(II) the minimum allotment for each State otherwise receiving a minimum allotment of $40,000 under subparagraph (A) shall be increased to $60,000.

“(ii) Insufficient funds to award alternative minimum.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $40,000.

“(D) Special rule.—

“(i) In general.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

“(ii) Award basis.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

“(iii) Administrative costs.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.”.

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking “not later than April 1, 1997.” and inserting “once every 5 years, as determined by the Director.”; and

(2) in subsection (f)—

(A) by striking “this Act” each place such term appears and inserting “this subtitle”;

(B) in paragraph (1)—

(i) by striking “1934,” and all that follows through “Act, may” and inserting “1934 (47 U.S.C. 254(h)(6)) may”; and

(ii) by striking “section 213(2)(A) or (B)” and inserting “section 213(1)(A) or (B)”; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking “section:” and inserting “subsection:”; and

(ii) in subparagraph (D), by striking “given” and inserting “applicable to”.

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

“(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

“(3) providing electronic and other linkages among and between all types of libraries;

“(4) developing public and private partnerships with other agencies and community-based organizations;

“(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

“(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.”; and

(2) in subsection (b), by striking “between the two purposes described in paragraphs (1) and (2) of such subsection,” and inserting “among such purposes,”.

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking “education and training” and inserting “education, recruitment, and training”.

TITLE III—MUSEUM SERVICES

SEC. 300. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended by inserting before section 271 the following:

“SEC. 270. SHORT TITLE.

“This subtitle may be cited as the ‘Museum Services Act’.”.

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

“SEC. 271. PURPOSE.

“It is the purpose of this subtitle—

“(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

“(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

“(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

“(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

“(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

“(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.”.

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: “Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.”.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

“SEC. 273. MUSEUM SERVICES ACTIVITIES.

“(a) In General.—The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance to museums and other entities as the Director considers appropriate, to pay for the Federal share of the cost—

“(1) to support museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

“(2) to support museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

“(3) to support museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

“(4) to stimulate greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

“(5) to encourage the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

"(6) to support museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

"(7) to support museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

"(8) to support professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

"(9) to support museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

"(10) to encourage, support, and disseminate model programs of museum and library collaboration.

"(b) Federal Share.—

"(1) 50 percent.—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

"(2) Greater than 50 percent.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

"(3) Operational expenses.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

"(c) Review and Evaluation.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle. Procedures for reviewing such arrangements shall not be subject to any review outside of the Institute.

"(d) Services for Native Americans.—From amounts appropriated under section 274, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)) to enable such tribes and organizations to carry out the activities described in subsection (a).".

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176)—

(1) is redesignated as section 274 of such Act; and

(2) is amended, in subsection (a), by striking "$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002." and inserting "$65,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.".

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking "accept, hold, administer, and utilize gifts, bequests, and devises of property," and inserting "solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,".

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(2) by amending the fourth sentence to read as follows: "A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission"; and

(3) in the fifth sentence, by striking "five years, except that" and all that follows through the period and inserting "five years, except that—

"(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

"(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT.

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking "$5,000,000,000" and inserting "$8,000,000,000";

(2) in subsection (c), by striking "$500,000,000" and inserting "$750,000,000"; and

(3) in subsection (d)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by striking paragraph (7) and inserting the following:

"(7) not less than $400,000,000 but less than $500,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered; or

"(8) $500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $500,000 of loss or damage to items covered.".

SEC. 502. NATIONAL CHILDREN'S MUSEUM.

(a) Designation.—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the "National Children's Museum".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the National Children's Museum.

SEC. 503. TECHNICAL CORRECTIONS.

(a) Title Heading.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES".

(b) Subtitle A Heading.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"Subtitle A—General Provisions".

(c) Subtitle B Heading.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

"Subtitle B—Library Services and Technology".

(d) Subtitle C Heading.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

"Subtitle C—Museum Services".

(e) Contributions.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking "property of services" and inserting "property or services".

(f) State Plan Contents.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking "and" at the end.

(g) National Leadership Grants, Contracts, or Cooperative Agreements.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking "cooperative agreements, with," and inserting "cooperative agreements with,".

SEC. 504. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking "section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)" and inserting "section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))".

SEC. 505. REPEALS.

(a) National Commission on Libraries and Information Science Act.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) Museum and Library Services Act of 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 506. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2003.

By Mr. FRIST (for himself, Mr. Kennedy, Mr. Enzi, Mrs. Murray, Mr. Roberts, and Mr. Graham of South Carolina):

S. 239. A bill to amend the Public Health Services Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, each year, nearly one of every four Americans are injured and require medical attention.

Among Americans younger than age 44, trauma is the leading killer. While injury prevention programs have greatly reduced death and disability, severe injuries will continue. Given the events of September 11, 2001 and our Nation's renewed focus on enhancing disaster preparedness, it is critical that the Federal Government increase its commitment to strengthening programs governing trauma care system planning and development.

The direct and indirect cost of injury is estimated to be about $260 billion a year. The death rate from unintentional injury is more than 50 percent higher in rural areas than in urban areas. It is essential that all Americans have access to a trauma system that provides definitive care as quickly as possible.

In recent years, Congress has sought to address this issue through the Trauma Care Systems Planning and Development Act, which provides grants for the purpose of planning, implementing, and developing statewide trauma care systems. However, this important program expired last year before Congress could reauthorize it. Therefore, I am introducing bipartisan legislation today, along with Senators KENNEDY, ENZI, MURRAY, ROBERTS and GRAHAM of South Carolina to reauthorize this important program.

Despite our past investments, one-half of the states in the country are still without a statewide trauma care system. Clearly we can do better. We must respond to the goals put forth by the Institute of Medicine in 1999 that Congress "support a greater national commitment to, and support of, trauma care systems at the federal, state, and local levels."

Today's bill, the "Trauma Care Systems Planning and Development Act of 2003", reauthorizes this program with several improvements: First, it improves the collection and analysis of trauma patient data with the goal of improving the overall system of care for these patients; second, at this time of increasing pressure on state budgets, the bill reduces the amount of matching funds that states will have to provide to participate in the program so that we can extend quality trauma care systems across the nation; third, the legislation provides a self-evaluation mechanism to assist states in assessing and improving their trauma care systems; fourth, it authorizes an Institute of Medicine study on the state of trauma care and trauma research; and; finally, it doubles the funding available for this program to allow additional states to participate.

I appreciate the assistance of Senators KENNEDY, ENZI, MURRAY, ROBERTS and GRAHAM of South Carolina on this important legislation, and look forward to working with them, and with Senator GREGG, the Chairman of the Senate Health, Education, Labor and Pensions Committee, to see this bill passed this year.

Mr. KENNEDY. Mr. President, it is an honor to join Senator FRIST in introducing the Trauma Care Systems Planning and Development Act. Our goal in this bipartisan legislation is to enable all States to develop more effective trauma care systems.

Trauma is the No. 1 killer of Americans under age 44. Traumatic injuries robs, devastate families and cost the Nation an estimated $60 billion every year. In 1995 alone, injuries were responsible for 148,000 deaths, 2.6 million hospitalizations, and over 36 million emergency room visits.

Despite this toll, we have done little in recent years to prevent trauma or improve the chance of recovery from traumatic injury. Part of the problem is the widespread view that trauma is an accident, an unfortunate and often unavoidable injury. But this is often not the case.

Proven preventive measures could save up to 25,000 lives every year. Better treatment systems can give victims a better chance of recovery, by delivering quality care as quickly as possible.

A trauma system is a coordinated effort to provide the full range of care to all injured patients. Treatment begins at the site of injury, and continues from prehospital to hospital to rehabilitative services. Resources, supporting equipment, and personnel are ready and trained to go into action.

The skills and knowledge of health care experts are not enough. Optimal care is the result of advance planning, preparation, and coordination to produce smooth transitions and the proper sequence of interventions. Effective trauma systems accomplish all this, saves lives, and reduces costs.

Much of the progress in developing trauma systems has occurred as a result of Federal funding and involvement. In 1973, Congress passed the Emergency Medical Services Act, providing $300 million to States and communities over an 8-year period. Without that funding, patients in hundreds of regions in the Nation might not have had prompt access to emergency care. Even today, there are parts of the Nation without 911 access and immediate emergency transportation.

In 1990, Congress passed the Trauma Care Systems Planning and Development Act, authorizing Federal grants to States to develop statewide trauma care systems. Funding for this program has been inadequate. From 1995 to 2000, States received no funding at all. Last year, only $3.5 million was appropriated for the entire country. As a result, only half of all States today have fully functional statewide trauma systems. Clearly, we must do better in providing needed trauma care.

Our legislation reauthorizes and strengthens the trauma care program to establish effective trauma systems in all States. It asks the Institutes of Medicine to investigate the quality of trauma care and identify areas for improvement. Surprisingly, given the burden of trauma on society, less than 1 percent of resources at the NIH are devoted to trauma research.

Our legislation is supported by the Coalition for American Trauma Care, the American College of Surgeons, and the American Trauma Society. Its enactment is important to public safety, and I urge the Senate to approve it.

By Mr. FITZGERALD (for himself, Mr. JOHNSON, Mr. HAGEL, and Mr. HARKIN):

S. 240. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation that would extend the 10-cents-per-gallon small ethanol producers' tax credit to small farmer-owned cooperatives. The measure, if approved by Congress, could help boost ethanol production at a time when domestic energy prices are on the rise and the United States is seeking to reduce its dependence on foreign oil.

Under current law, small ethanol producers, those who make less than 30 million gallons of ethanol per year, are eligible for an additional 10-cents-per-gallon-tax credit for up to 15 million gallons of ethanol each year. While the tax credit is intended to help maximize U.S. ethanol production by aiding small producers that otherwise may not be able to compete with larger companies, an unintended glitch in the law bars small farm cooperatives from passing this credit on to their farmers. Unfortunately, this glitch stifles production and penalizes farmers who join cooperatives.

Farm cooperatives can be an efficient way for farmers to trim costs and maximize income. We must ensure that our tax code does not penalize farmers for pooling their resources in cooperatives. With rising energy prices and a potentiality vast new market for ethanol in the Nation's clean air program, we should encourage, not discourage, greater production by ethanol cooperatives.

This legislation would revise existing tax law to permit farmer-owned cooperatives to pass the small producers' ethanol tax credit on to their members through dividends and allow these producers to treat this income as if they had generated it directly.

The bill would also expand the number of producers eligible for the tax credit by doubling the production limit from 30 million gallons of ethanol a year 60 million gallons. Like most businesses, ethanol production facilities must achieve economies of scale to be viable in a competitive marketplace. Doubling the limit to 60 million gallons simply modernizes the tax credit to reflect current economic realities.

I believe we must approach the new millennium with a renewed commitment to keep our environment clean and safe, and I also believes this objective is consistent with building and maintaining a strong economy. Renewable energy is central to our long-term goal of energy self-sufficiency. By expanding eligibility for the small producers' ethanol tax credit, this bill could stimulate ethanol production and ultimately help lessen our dependence on foreign sources of oil.

Realizing this important benefit, the Senate included this legislation in the comprehensive energy legislation, H.R. 4, which unfortunately, failed to emerge from conference committee prior to the end of the 107th Congress. Additionally, this small ethanol producer tax credit legislation was incorporated into Senator GRASSLEY's "Tax Empowerment and Relief for Farmers and Fishermen, TERFF, Act," which we also did not approve prior to adjournment of the last Congress. I look forward to working with our new Finance Committee Chairman and my cosponsor, Senators JOHNSON, HAGEL, and HARKIN, to get this legislation signed into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMALL ETHANOL PRODUCER CREDIT.

(a) ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.—Subsection (g) of section 40 of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

"(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

"(A) ELECTION TO ALLOCATE.—

"(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

"(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

"(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.—

(1) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g) of such Code (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking "30,000,000" each place it appears and inserting "60,000,000".

(2) SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of such Code is amended by striking "subpart D" and inserting "subpart D, other than section 40(a)(3),".

(3) ALLOWING CREDIT AGAINST ENTIRE REGULAR TAX AND MINIMUM TAX.—

(A) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULES FOR SMALL ETHANOL PRODUCER CREDIT.—

"(A) IN GENERAL.—In the case of the small ethanol producer credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) the amounts in subparagraphs (A) and (B) thereof shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

"(B) SMALL ETHANOL PRODUCER CREDIT.—For purposes of this subsection, the term 'small ethanol producer credit' means the credit allowable under subsection (a) by reason of section 40(a)(3).".

(B) CONFORMING AMENDMENTS.—Subclause (II) of section 38(c)(2)(A)(ii) and subclause (II) of section 38(c)(3)(A)(ii) are each amended by inserting "or the small ethanol producer credit" after "employee credit".

(4) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of such Code (relating to income inclusion of alcohol fuel credit) is amended to read as follows:

"SEC. 87. ALCOHOL FUEL CREDIT.

"Gross income includes an amount equal to the sum of—

"(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

"(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).".

(c) CONFORMING AMENDMENT.—Section 1388 of such Code (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

"(k) CROSS REFERENCE.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, and Mr. HOLLINGS):

S. 241. A bill to amend the Coastal Zone Management Act; read the first time.

Ms. SNOWE. Mr. President, I rise today to support the Coastal Zone Enhancement Reauthorization Act of 2003. I am pleased to have bipartisan support for this bill and to be joined by the chair and ranking Democrats of the Commerce Committee and the Subcommittee on Oceans and Fisheries. Senators MCCAIN, HOLLINGS, and KERRY have been instrumental in developing the wide range of support for this bill, and I appreciate their interest in improving the way we manage our Nation's valuable coastal and marine resources.

In 1972, Congress responded to concerns over the increasing demands being placed on our nation's coastal regions and resources by enacting of the Coastal Zone Management Act. These pressures have greatly increased since the act was originally authorized.

Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, nearly 53 percent of all Americans live in these coastal regions, and more than 3,600 people are relocating there annually. This small portion of our country supports approximately 361 sea-ports, contains most of our largest cities, and serves as critical habitat for a variety of plants and animals.

This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this act, coastal States can choose to participate in the voluntary Federal Coastal Zone Management Program. States then design individual coastal zone management programs, taking their specific needs and problems into account, and then receive federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, to protecting habitat, to coordinating permits for coastal development.

As voluntary program, the framework of the CZMA provides guidelines for State plans to address multiple environmental, societal, cultural, and economic objectives.

The health of our coastal zone is vitally important not only to the multitude of plants and animals that inhabit this area, but also to the people and communities that are dependent on it for their livelihood. For example, coastal areas provide habitat for more than 75 percent of the U.S. commercial fisheries and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, along with value-added services included, contributes $40 billion to the U.S. economy each year. Recreational fishing adds another $25 billion to the economy.

The Coastal Zone Management Program can be used to help balance the conservation of fish stocks with the demands that we place on coastal areas. In my State of Maine, a $150,000 study of the State's cargo needs led to a $27 million bond issue for cargo port improvements. As a result, Bath Iron Works built a new $45 million facility, creating 1,000 new jobs. Similar work needs to be done with our fishing ports so that when fisheries stock rebound, the fishermen will be able to realize the returns.

Unfortunately our precious coastal resources are being threatened by environmental problems, including nonpoint source pollution. Although the States are currently taking action to address this problem under existing authority, the Coastal Zone Enhancement Reauthorization Act of 2003 encourages, but does not require, them to take additional steps to combat these problems through the Coastal Community Program.

This initiative provides States with the funding and flexibility needed to deal with their specific nonpoint source pollution problems. The States will have the ability to implement local solutions to a broad array of local problems. Many States are actively engaged in nonpoint source pollution programs and all can benefit from this new tool I am proud to say that Maine has risen to the challenge and already spends close to 30 percent of its funding on such activities. This has led to the reopening of hundreds of acres of shellfish beds and the restoration of fish nursery areas. Even with these successes, Maine is looking forward to this new opportunity to do more.

The Coastal Community Program in this bill also aides States in developing and implementing creative initiatives to deal with problems other than nonpoint source pollution. It increases Federal and State support of Local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical.

The Coastal Zone Enhancement Reauthorization Act of 2003 significantly increases the authorization levels for the Coastal Zone Management Program, allowing States to better address their coastal management plan goals. The bill authorizes $135.5 million for fiscal year 2004, $141 million for fiscal year 2005 and increases the authorization levels by $5.5 million each year through fiscal year 2008. This increase in funding is necessary to allow the coastal programs to reach their full potential.

Additionally, the Coastal Zone Enhancement Reauthorization Act of 2003 increases authorization for the National Estaurine Research Reserve System, NERRS, to $13 million in fiscal year 2004 with an additional $1 million increase each year through fiscal year 2008. NERRS is a network of reserves across the country that are operated as a cooperative Federal-State partnership.

Currently, there are 25 reserves in 22 States. They provide an important opportunity for long-term research and education in these ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I wish to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant Program, section 306, serves as the base funding mechanism for the States' coastal zone management programs. The amount of funding each State receives is determined by a formula that takes into account both the length of the coastline and the population of each State.

However, since 1992, the Appropriations Committee has imposed a $2 million dollar cap per State on administrative grants. This was an attempt to ensure equitable allocation to all the participating States. Over the past 8 years, appropriations for administrative grants have increased by $19 million, yet the $2 million cap has remained. The result has been an inequitable distribution of these new funds. By fiscal year 2000, 13 States had reached this arbitrary $2 million cap. These 13 States account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 States with the largest coastlines and populations stuck at a $2 million dollar cap, despite major overall funding increases. While smaller States have enjoyed additional programmatic success due to an influx of funding, some of the larger States have stagnated.

In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure equitable increases or decreases between funding years for each State. It further requires that States should not experience a decrease in base program funds in any year when the overall appropriations increase.

I thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the states are treated fairly.

The Coastal Zone Management Program enjoys wide support among all of the coastal States due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program over the past several years.

I thank Senator KERRY, the ranking Democrat of the Oceans and Fisheries Subcommittee, for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking Democrat of the Committee, for their support of this measure and for their willingness to discharge this bill out of the committee so that we may begin working with our colleagues in the House of Representatives to enact this critical piece of legislation.

This is a solid, reasonable, and a realistic bill that enjoys bipartisan support on the Commerce Committee. It is time that we now turn to legislation reauthorizing a program with a long track record of preserving our coastal environment while allowing sensible development.

I am pleased to support this legislation that will provide the States with the necessary funding and framework to meet the challenges facing our coastal communities in the 21st Century. I urge my colleagues to support.

By Mr. DOMENICI (for himself and Mr. BENNETT):

S. 242. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce again legislation to eliminate one of the great inconsistencies in the Internal Revenue Code.

The bill I am introducing today with Senator BENNETT is designed to restore some internal consistency to the tax code as it applies to art and artists. No one has ever said that the tax code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

The bill I am introducing today would address two areas where similarly situated taxpayers are not treated the same.

Internal inconsistency #1 deals with the long-term capital gains tax treatment of investments in art and collectibles. If a person invests in stocks or bonds, holds the asset for the requisite period of time, and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 20 percent, 18 percent, if the asset is held for five or more years. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent. Art for art's sake should not incur an additional 40 percent tax bill simply for revenue's sake. That is a big impact on the pocketbook of the beholder.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and gallery owners. We have fabulous Native American rug weavers, potters, and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E.L. Blumenshein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject. John Nieto, Wilson Hurley, Clark Hulings, Veryl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, Dan Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques, and collectibles are a $12 to $20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between $500 million and $1 billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Keynes was a passionate devotee of painting.

Even the artistically inclined economists found it difficult to define art within the context of economic theory. When asked to define jazz, Louis Armstrong replied: "If you gotta ask, you ain't never going to know."

A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus. Original art objects are, as a commodity group, characterized by a set of attributes: every unit of output is differentiated from every other unit of output; art works can be copied but not reproduced; the cultural capital of the Nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth, or as a source of speculative capital gain. A study by Keishiro Matsumoto, Samuel Andoh and James P. Hoban, Jr. assessed the risk-adjusted rates of return on art sold at Sotheby's during the 14-year period ending September 30, 1989. They concluded that art was a good investment in terms of average real rates of return. Several studies found that rates of return from the price appreciation on paintings, comic books, collectibles and modern prints usually made them very attractive long-term investments.

William Goetzmann when he was at the Columbia Business School constructed an art index and concluded that painting price movements and stock market fluctuations are correlated.

I conclude that with art, as well as stocks, past performance is no guarantee of future returns but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: "Is there an 'efficient' art market?" A well-known art dealer answered "Definitely not. That's one of the things that makes the market so interesting." For everyone who has been watching world financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles? Art and collectibles are something you can appreciate even if the investment doesn't appreciate. Art is less volatile. If buoyant and not so buoyant bond prices drive you berserk and spiraling stock prices scare you, art may be the appropriate investment. Because art and collectibles are investments, the long-term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like the New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoyty toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The internet makes collecting big business.

The flea market fanatics are also avid collectors. In fact, people collect the darndest things. Books, duck decoys, chia pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, and guns.

For most of these collections, capital gains isn't really an issue, but you never know. You may find that your collecting passion has created a tax predicament, to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 20 percent, 18 percent if the asset has been held for five or more years.

Internal inconsistency #2 deals with the charitable deduction for artists donating their work to a museum or other charitable cause. When someone is asked to make a charitable contribution to a museum or to a fund raising auction it shouldn't matter whether you are an artist or not. Under current law, however, it makes a big difference. As the law stands now, an artist/creator can only take a deduction equal to the cost of the art supplies. The bill I am introducing will allow a fair market deduction for the artist.

It's important to note that this bill includes certain safeguards to keep the artist from "painting himself a tax deduction." This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation. As with other charitable contributions, it is limited to 50 percent of adjusted gross income, AGI. If it is also a capital gain, there is a 30 percent of AGI limit. I believe these safeguards bring fairness back into the code and protect the Treasury against my potential abuse.

When I introduced this legislation in the last Congress, the Committee on Joint Tax estimated that revenue for the capital gains provision was $2.3 billion over ten years and for the charitable deduction was approximately $48 million over ten years.

I hope my colleagues will help me put the internally consistent into the Internal Revenue Code for art's sake.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Art and Collectibles Capital Gains Tax Treatment Parity Act".

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (5) and (6) and inserting the following new paragraph:

"(5) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

"(A) section 1202 gain, over

"(B) the sum of—

"(i) the net short-term capital loss, and

"(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1(h)(9) of the Internal Revenue Code of 1986 is amended by striking "collectibles gain, gain described in paragraph (7)(A)(i)," and inserting "gain described in paragraph (7)(A)(i)".

(2) Section 1(h) of such Code is amended by redesignating paragraph (12) as paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) In General.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) Special rule for certain contributions of literary, musical, artistic, or scholarly compositions.—

"(A) In general.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) Qualified artistic charitable contribution.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) Maximum dollar limitation; no carryover of increased deduction.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) Artistic adjusted gross income.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) Paragraph not to apply to certain contributions.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) Copyright treated as separate property for partial interest rule.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 246. A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I am pleased to be joined by Senator Bingaman in introducing legislation that declares the United States holds certain public domain lands in trust for the Pueblos of San Ildefonso and Santa Clara in New Mexico. This body, in the 107th Congress, passed this legislation by unanimous consent. The House did not act on it's companion and so we are here today to reintroduce the legislation.

In 1988 the Bureau of Land Management, BLM, pursuant to the Federal Lands Policy and Management Act, declared approximately 4,484 acres located in the eastern foothills of the Jemez Mountains in north central New Mexico, including portions of Garcia and Chupadero Canyons, to be "disposal property." The Garcia Canyon surplus lands qualify for disposal partially because the track is an isolated tract of land almost inaccessible to the general public. It is bordered on three sides by the reservations of Santa Clara Pueblo and the Pueblo of San Ildefonso, and by U.S. Forest Service land on the remaining side. The only road access consists of unimproved roads through the two Pueblo's reservations. These factors have resulted in minimal or no public usage of the Garcia Canyon surplus lands in recent decades.

I understand that currently there are no resource permits, leases, patents or claims affecting these lands; nor is it likely that any significant minerals exist with the Garcia Canyon transfer lands. The Garcia Canyon transfer lands contain a limited amount of lesser quality forage for livestock and have not been actively grazed for over a decade. However, the Garcia Canyon surplus lands constitute an important part of the ancestral homelands of the Pueblos of Santa Clara and San Ildefonso.

Santa Clara and San Ildefonso are two of the Tewa-speaking federally-recognized Indian Pueblos of New Mexico. Both Pueblos have occupied and controlled the areas where they are presently located many centuries before the arrival of the first Europeans in the area in the late 16th century. Their homelands are defined by geographical landmarks, cultural sites, and other distinct places whose traditional Tewa names and locations have been known and passed down in each Pueblo through the generations. Based upon these boundaries, about 2,000 acres of the Garcia Canyon surplus lands is within the aboriginal domain of the Pueblo of San Ildefonso. The remaining approximately 2,484 acres are in Santa Clara's aboriginal lands.

The Bureau of Land Management currently seeks to dispose of the Garcia Canyon surplus lands and the Pueblos of Santa Clara and San Ildefonso seek to obtain these lands. In addition, the BLM and Interior Department for years have supported the transfer of the land to the two Pueblos, provided the Pueblos agree upon a division of the Garcia Canyon surplus lands. In response, the two Pueblos signed a formal agreement affirming the boundary between the respective parcels on December 20, 2000.

The Pueblos of Santa Clara and San Ildefonso have worked diligently in arriving at this agreement. They have also worked collaboratively in seeking community support and garnering supporting resolutions from Los Alamos, Rio Arriba and Santa Fe Counties, the National Congress of American Indians and supporting letters from the National Audubon Society's New Mexico State Office, the Quivira Coalition and the Santa Fe Group of the Sierra Club.

This unique situation presents a win-win opportunity to support more efficient management of public resources while restoring to tribal control isolated tracts of federal disposal property. Upon transfer, the Pueblos of Santa Clara and San Ildefonso intend to maintain these lands in their natural state and use them for sustainable traditional purposes including cultural resource gathering, hunting and possible livestock grazing. Where appropriate, both tribes are interested in performing work to restore and improve ecosystem health, particularly to support habitat for culturally significant animal and plant species. Both Pueblos have experience Natural Resource Management and Environmental Protection programs and are capable of managing these lands for both ecologic health and community benefits.

We want to secure Congressional authorization to transfer control of these lands to the two Pueblos, with legal title being held in trust by the Secretary of the Interior for each of the Pueblos for their respective portions of the property. I urge my colleagues to support this legislation as they did last term. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement entitled "Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract", entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term "boundary line" means the boundary line established under section 4(a).

(3) GOVERNORS.—The term "Governors" means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term "Pueblos" means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRUST LAND.—The term "trust land" means the land held by the United States in trust under section 2(a) or 3(a).

SEC. 2. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., Sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., Sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., Sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., Sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., Sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 3. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., Sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., Sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 4. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 2(b) and 3(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 2(b) and 3(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 5. ADMINISTRATION OF TRUST LAND.

(a) IN GENERAL.—Beginning on the date of enactment of this Act—

(1) the land held in trust under section 2(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 3(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the "Pueblo Lands Act") (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—

(1) IN GENERAL.—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 6. EFFECT.

Nothing in this Act—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

By Ms. SNOWE (for herself and Mr. BREAUX):

S. 247. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Bloom and Hypoxia Amendments Act of 2003. This bill continues and builds upon the research efforts established in 1998 by the Harmful Algal Bloom and Hypoxia Research and Control Act.

I am very pleased to continue working with my friend and co-sponsor Senator BREAUX on this important issue. He and I represent coastal States that are directly affected by harmful algal bloom outbreaks and hypoxia, and we see the ecological and economic damage, as well as the risks to human health, that are caused by these events.

In Maine, for example, harmful algal blooms lead to paralytic shellfish poisoning, a potentially fatal neurological disorder. When humans eat shellfish that have fed on algae in the genus Alexandrium, they are exposed to the toxins that have accumulated in the fish as a result of the algae. Along with human, fish and marine mammals suffer and die from this exposure. This phenomenon, which occurs along thousands of miles of U.S. coastline, has increased dramatically in the Gulf of Maine in the last 20 years.

Although we have learned a great deal about harmful algal blooms and hypoxia in recent years, we still have a long way to go in understanding, predicting, and mitigating these events. Massive fish kills still occur along our coastlines on almost a regular basis, leading to extensive impacts on fish and shellfish populations and fishing industries. Beach-goers and anglers are still being warned of "no swimming" and "no fishing" alerts when conditions pose a threat to human health. The Woods Hole Oceanographic Institution, in a 2000 study, estimated the annual economic impact from harmful algae to be $49 million, in lost tourism, fishing, and health costs. According to the National Oceanic and Atmospheric Administration, in the U.S. approximately $1 billion could be lost in the next decade due to harmful algae.

Harmful algal blooms and hypoxia present enormous challenges to marine resource managers. For example, consider what happens in the Gulf of Mexico. Thirty-one States drain into the Mississippi River, and the runoff from this massive watershed is carried into the gulf. When the waters heat up in the summer, the heavy loads of nutrients in this runoff likely contribute to massive algal blooms. When these algae die and decompose they are consumed by bacteria, which depletes oxygen from the water. If the algal blooms are extensive enough, they will essentially remove all oxygen from the water. No sea life can live under these conditions, which creates a massive area in the water column known as the "dead zone." At that point, all we can really do is wait it out. Clearly, we need to equip our coastal and ocean managers with better tools for predicting, minimizing, and mitigating these outbreaks.

Harmful algal blooms and hypoxia are just as much of a problem now as they were in 1998, when we passed the original bill. It is clear that these problems have not gone away. Algal blooms are still prevalent around the country, the dead zone still occurs each summer in the Gulf of Mexico, and the management and mitigation measures we set the framework for in our 1998 bill still need to be realized.

Our 1998 bill authorized a cross-section of research and monitoring activities on harmful algal blooms and hypoxia. These activities were to encompass basic and applied sciences, looking at the distribution and frequency of outbreaks, as well as how they may be better mitigated and managed. This research, however, was never fully funded at the authorized amounts for research and monitoring, so many of these research activities still need to occur, and many on-going projects need to continue. These amendments would authorize the funding that will reignite these scientific activities.

Our 1998 bill also codified an Interagency Task Force, chaired by the Department of Commerce. Through this group, experts from the Environmental Protection Agency, the Department of Agriculture, the Department of the Interior, the Department of Health and Human Services, and numerous other appropriate Federal agencies were able to start the long process of collectively understanding and seeking solutions to many aspects of harmful algal blooms and hypoxia. This Task Force spearheaded a technical assessment of the causes and consequences of the northern Gulf of Mexico dead zone, an action plan to eliminate this dead zone, a national assessment of harmful algal blooms, and a national assessment of hypoxia. I would like to express my appreciation for the hard work and accomplishments of this group, yet I realize—as do they—that much more needs to be done.

The 1998 bill allowed the President to disestablish the Task Force after submission of their reports. Considering the great challenges that lay before us and this Task Force, we need to keep this group intact so that they can follow through on their previous recommendations and continue much of their ongoing collaborative efforts. This bill would repeal the Task Force disestablishment clause in the 1998 bill.

This reauthorization continues to seek the valuable contributions of Task Force members on a response and prediction action plan to protect environmental and public health from impacts of harmful algal blooms. This plan would review prediction techniques, develop innovative response measures, and include incentive-based partnership approaches. The Task Force would contribute to this plan, as would coastal zone management experts from State and local governments, Indian tribes, industries, universities, and non-governmental organizations. In developing this process, we mirrored the process used for the dead zone action plan, one of the products of the Task Force from the 1998 bill, to ensure widespread public participation and involvement of the coastal governors.

The dead zone action plan recommended a national framework for reducing nutrients entering the Mississippi River as well as regional plans to implement any needed measures. While a national framework is essential for facilitating the widespread changes that are needed, it is at the local and regional level that solutions must be developed and implemented. The regional plans will help avoid a one-size-fits-all approach, since local and regional variations in the types of land use, landscape geology, and community input should be taken into account when carrying out nutrient reduction and outbreak mitigation measures of this magnitude. By tailoring mitigation and management measures to each location, the overall approach can be more effective.

Local and regional assessments are a key component of this reauthorization as well. Coastal states, Indian tribes, and local governments would be able to request these local and regional assessments of hypoxia and harmful algal blooms, so they can better understand the causes, impacts, and mitigation alternatives for these outbreaks. By having the Commerce Department and the Task Force provide and assist in these assessments, local and regional communities can be more empowered to take action on reducing the magnitude and impacts of these outbreaks.

This bill would authorize $26 million in FY04, and $26.5 million in FY05, and $27 million in FY06. These funding levels reflect modest increases in some of the research and monitoring programs authorized in the 1998 bill and provide funding for the new assessments and implementation of their recommendations.

This reauthorization enables collaborative, science-based research efforts that can help us to better understand how to predict and mitigate harmful algal blooms and hypoxia events. It facilitates action at the local and regional levels, which is a key element for effectively addressing and minimizing the adverse ecological, economic, and health impacts of these outbreaks. I wish to thank Senator BREAUX for his continued vigilance and important contributions on this matter, and I encourage my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harmful Algal Bloom and Hypoxia Amendments Act of 2003".

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).

SEC. 3. PREDICTION AND RESPONSE PLAN.

Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

"(e) PREDICTION AND RESPONSE PLAN.—

"(1) DEVELOPMENT OF PLAN.—Not later then 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in conjunction with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management.

"(2) PLAN REQUIREMENTS.—The plan shall—

"(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

"(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

"(C) include incentive-based partnership approaches where practicable.

"(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

"(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.".

SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

"(f) LOCAL AND REGIONAL ASSESSMENTS.—

"(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

"(2) PURPOSE.—Local and regional assessments may examine—

"(A) the causes of hypoxia or harmful algal blooms in that area;

"(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

"(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

"(D) the social and economic benefits of such alternatives.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting "$26,000,000 for fiscal year 2004, $26,500,000 for fiscal year 2005, and $27,000,000 for fiscal year 2007" after "2001," in the first sentence;

(3) by inserting "and $2,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (1);

(4) by inserting "and $5,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (2);

(5) by striking "2001" in paragraph (3) and inserting "2001, $2,000,000 for fiscal year 2004, $3,000,000 for fiscal year 2005, and $3,000,000 for fiscal year 2006";

(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to implement section 603(e);"

(7) by striking "2001" in paragraph (4) and inserting "2001, and $6,000,000 for each of fiscal years 2004, 2005, and 2006,";

(8) by striking "and" after the semicolon in paragraph (4);

(9) by striking "2001" in paragraph (5) and inserting "2001, $5,000,000 for fiscal year 2004, $5,500,000 for fiscal year 2005, and $6,600,000 for fiscal year 2006";

(10) by striking "Administration." in paragraph (5) and inserting "Administration; and"; and

(11) by adding at the end the following:

"(6) $3,000,000 for each of fiscal years 2004, 2005, and 2006 to carry out section 603(f).".

Mr. BREAUX. Mr. President, I am pleased to rise today to join Senator SNOWE as an original cosponsor of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003.

The Gulf of Mexico has a serious hypoxia condition. The water flowing out of the Mississippi River Delta is loaded with nutrients, nutrients that help things grow. In the gulf, the nutrients fuel accelerated growth of algae and other plankton-like organisms. As the organisms die and descent through the water, they decompose and rob the water of dissolved oxygen. This lack of oxygen, below a level which can sustain marine life, is hypoxia and creates what we call "the Dead Zone." In 1998, the "Dead Zone" exceeded 7,000 square miles, equivalent to the combined areas of the States of Rhode Island and Connecticut.

As a Senator from the State that is on the receiving end of this unprecedented problem and as a member of the Senate Commerce Committee, Subcommittee on Oceans and Fisheries, I was very pleased to have worked with Senator SNOWE on legislation that first drew national attention to hypoxia and harmful algal blooms, the Harmful Algal Bloom and Hypoxia Control Act of 1998.

Among important issues, the enacted legislation required an interagency task force to develop an assessment of hypoxia in the northern Gulf of Mexico. It also required the task force to submit to Congress a plan based on the assessment for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico.

The Mississippi River/Gulf of Mexico Watershed Nutrient Task Force was given a large job, to come up with a national strategy to reduce the size and growth of the "Dead Zone" in the Gulf of Mexico off of the coast of Louisiana. They were charged by the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to put this strategy in the form of an action plan that could be undertaken by the States and partner agencies at the Federal and State level that make up the task force. They succeeded on both fronts, not only delivering an action plan, but doing so by reaching consensus after a process of strenuous debate and discussion involving many stakeholders and interests. That plan was delivered to Congress in January of 2001 but has yet to be fully funded. Even so, it has been providing some significant benefits to the Mississippi River Basin and the country.

As the action plan states "the work of the Task Force has provided a basin-wide context for the continued pursuit of both incentive-based, voluntary efforts for non-point sources and existing regulatory controls for point sources."

The task force made it clear in the action plan that efforts to reduce hypoxia in the Gulf involve cleaning up waters upstream and throughout the Mississippi River Basin, and that the benefits, economic, as well as environmental, can be achieved across the entire basin as well. Their work is providing us with a way to unify the Mississippi River Basin in terms of our common interests and resources, primary of which is the Mississippi River, probably the most important piece of infrastructure in the country.

In Louisiana, we value all of the resources of that vast system, not only our productive coastal fisheries which are endangered by hypoxia, but the corn, grain, and other food sources that are shipped out through our port system.

Solving the problem of the "Dead Zone" will require an unprecedented degree of cooperation among many States, agencies, and stakeholders. The task force is continuing to provide us with a forum and a means for expanding that cooperation.

One of the prime research facilities on the hypoxia problem is taking place at the Louisiana University Marine Consortium, LUMON, in Cocodrie, LA. LUMCON has been studying the hypoxia problem in the Gulf of Mexico since 1985 under grants from the National Oceanic and Atmospheric Administration's Coastal Ocean Program.

The combined efforts of the task force has become even more apparent over the past year, as the "Dead Zone" reached a new record size in the summer of 2002, exceeding 8,000 square miles and extending from the mouth of the Mississippi River well into the coastal waters of Texas.

I believe that the Harmful Algal Bloom and Hypoxia Amendments Act of 2003 that Senator SNOWE and I are introducing today will provide much needed funding and direction to continue the effort to mitigate and eventually eliminate the hypoxic problem in the Gulf of Mexico and harmful algal blooms in our Nation's waters.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 27—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Select Committee on Intelligence is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004 through February 28, 2005 in its discretion (1) to make expenditures from the contingent fund of the Senate (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2.(a) The expenses of the committee for the period March 1, 2003 through September 30, 2003 under this resolution shall not exceed $2,117,309, of which amount not to exceed $37,917 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period October 1, 2003 through September 30, 2004, expenses of the committee under this resolution shall not exceed $3,726,412, of which amount not to exceed $65,000 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period October 1, 2004 through February 28, 2005, expenses of the committee under this resolution shall not exceed $1,588,401, of which amount not to exceed $27,083 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 2003 through September 30, 2003; October 1, 2003 through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 28—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS WEAPONS INSPECTORS SHOULD BE GIVEN SUFFICIENT TIME FOR A THOROUGH ASSESSMENT OF THE LEVEL OF COMPLIANCE BY THE GOVERNMENT OF IRAQ WITH UNITED NATIONS SECURITY COUNCIL RESOLUTION 1441 (2002) AND THAT THE UNITED STATES SHOULD SEEK A UNITED NATIONS SECURITY COUNCIL RESOLUTION SPECIFICALLY AUTHORIZING THE USE OF FORCE BEFORE INITIATING ANY OFFENSIVE MILITARY OPERATIONS AGAINST IRAQ

Mr. BYRD (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. INOUYE, Mr. SARBANES, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 28

Whereas on November 8, 2002, the United Nations Security Council adopted Resolution 1441, stating that Iraq is in "material breach" of its obligations under previous United Nations resolutions, and giving Iraq "a final opportunity to comply with its disarmament obligations" and to accept "an enhanced inspection regime";

Whereas Iraq formally accepted the return of weapons inspectors under the terms of United Nations Security Council Resolution 1441 on November 13, 2002, and according to a joint statement issued January 20, 2003, by the International Atomic Energy Agency (IAEA), the United Nations Monitoring and Verification Commission (UNMOVIC), and Iraq, the Government of Iraq has provided the weapons inspectors with access to all sites;

Whereas on December 7, 2002, Iraq provided a 12,000-page declaration of past chemical, biological, and nuclear programs to the Security Council, which declaration, after preliminary review, was described by Mohamed ElBaradei, the Director General of the IAEA, as incomplete and inconclusive, but which produced no "smoking gun";

Whereas, according to the joint statement made by UNMOVIC, IAEA, and Iraq on January 20, 2003, Iraq pledged to offer United Nations inspectors more help in their search for evidence of weapons of mass destruction and expressed a readiness to respond to questions raised in connection with the December 7, 2002 declaration;

Whereas Hans Blix, Executive Chairman of UNMOVIC, reported to the United Nations Security Council on January 27, 2003, that Iraq has been cooperating with the weapons inspectors on process but has failed to demonstrate active cooperation on matters of substance;

Whereas Dr. Blix earlier characterized the January 27, 2003, report to the Security Council as an interim update intended to mark "the beginning of the inspection and monitoring process, not the end of it";

Whereas IAEA Director General ElBaradei reported to the Security Council on January 27, 2003, that his agency has found no evidence that Iraq has revived its nuclear weapons program;

Whereas Dr. ElBaradei urged the Security Council on January 27, 2003, to allow the inspection process to "run its natural course" over the next few months;

Whereas the United Nations weapons inspectors have failed to obtain evidence that would prove that Iraq is in material breach of the terms of the United Nations Security Council Resolution 1441 (2002);

Whereas European and Arab officials are reportedly trying to persuade Saddam Hussein to leave Iraq voluntarily, and senior officials in the executive branch of the United States Government have said that they would welcome exile for Hussein;

Whereas the emergence of a nuclear crisis in North Korea, and the contradictory responses by the United States to the situations in North Korea and Iraq, have cast doubts on the consistency and propriety of the United States doctrine of preemption, especially in the international community;

Whereas war with Iraq to enforce United Nations Security Council Resolution 1441 (2002) should not be a unilateral decision as it is likely to have international ramifications on the worldwide supply of oil, including the possibility of widespread economic destabilization if Middle East oil supplies are interrupted;

Whereas key members of the United Nations Security Council, including Great Britain, Germany, the Russian Federation, France, and China, have expressed their belief that the weapons inspectors need more time to continue their work and have urged the United States not to rush to a decision to invade Iraq without seeking the support of the Security Council;

Whereas United Nations Security Resolution 1441 (2002) does not authorize the use of force but instead stipulates that the Security Council will convene immediately to consider any failure on the part of Iraq to comply with the Resolution;

Whereas the President, in his September 12, 2002, address to the United Nations regarding Iraq's failure to comply with previous United Nations Security Council resolutions, pledged to work with the Security Council for the "necessary resolutions" and has stated repeatedly since that time that he has made no decision on whether to invade Iraq;

Whereas no evidence has been presented to the Senate or the American people to link Iraq with the September 11, 2001, terrorist attacks on the United States;

Whereas there is growing concern that war with Iraq would greatly heighten the threat of terrorist attacks on United States citizens at home, including the possibility of chemical, biological, or nuclear weapon attacks;

Whereas the terrible cost of war—in lives lost in Iraq and potentially the United States, Israel, and other nations in the Middle East and elsewhere, and in the massive drain on America's treasure—is a cost that the United States and its allies should strive to avoid if at all possible; and

Whereas a United States-initiated war with Iraq is likely to inflame passions in the Middle East and could precipitate further conflict between the Israelis and Palestinians as well as a surge in regional terrorism: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United Nations weapons inspectors should be given sufficient time to carry out the inspections, and collect the data, that are necessary for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002);

(2) the United States and other member nations of the United Nations Security Council should work together to exhaust all peaceful and diplomatic means for disarming Iraq before launching an invasion of Iraq;

(3) international emissaries, including European and Arab leaders, should be given adequate time to pursue strategies to persuade Saddam Hussein to leave Iraq voluntarily and avert war;

(4) before initiating any offensive military operation in Iraq to enforce United Nations Security Council Resolution 1441 (2002), the United States should seek a specific authorization for the use of force from the United Nations Security Council;

(5) the United States should re-engage in the Middle East peace process in an effort to end the violence between the State of Israel and the Palestinians; and

(6) the United States should redouble its efforts to secure the United States homeland in light of the growing number of intelligence assessments highlighting the vulverability of the United States for further terrorist attacks.

SENATE RESOLUTION 29—DEMANDING THE RETURN OF THE USS "PUEBLO" TO THE UNITED STATES NAVY

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas the USS Pueblo, which was attacked and captured by the North Korean Navy on January 23, 1968, was the first United States Navy ship to be hijacked on the high seas by a foreign military force in over 150 years;

Whereas 1 member of the USS Pueblo crew, Duane Hodges, was killed in the assault while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate North Korean territorial waters;

Whereas the capture of the USS Pueblo resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS Pueblo, though still the property of the United States Navy, has been retained by North Korea for more than 30 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved,That the Senate—

(1) demands the return of the USS Pueblo to the United States Navy; and

(2) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

Mr. CAMPBELL. Mr. President, I am pleased to submit a Senate Resolution calling on North Korea to return the USS *Pueblo* to the United States Navy. The legislation I am reintroducing today is based on a resolution I introduced last year during the 107th Congress, Senate Resolution 246.

On January 23, 1968, the USS *Pueblo* was unjustly attacked and captured by the North Korean Navy, becoming the first United States Navy ship to be hijacked on the high seas by a foreign military force in over 150 years. At the time of its capture, the USS *Pueblo* was operating as an intelligence collection auxiliary vessel, and did not pose a threat.

This act of aggression resulted in the USS *Pueblo*'s 82 crew members being held in captivity for eleven months, often in inhumane conditions. Another brave crew member, Duane Hodges, was killed. during the initial attack and several more crew members were wounded. On December 23, 1968, after nearly a year of being unjustly detained the surviving USS *Pueblo* crew members were finally released and allowed to return home.

It is interesting to note that the USS *Pueblo* I am calling on the North Koreans to return today is in fact the third ship of the fleet to be named in honor of the city and county of Pueblo, located in my home State of Colorado. The first ship of the fleet to be named in honor of Pueblo was an armored cruiser which had previously been named the Colorado. In 1916, the USS *Colorado* was renamed as the USS *Pueblo* when a new battleship named USS *Colorado* was authorized. The first USS *Pueblo* served until 1927. The second USS *Pueblo* was a city class frigate which served from 1944 to 1946. She was later sold to the Dominican Republic where she serves today.

The third USS *Pueblo* is the ship now wrongly held by the North Koreans. Built by the Kewaunee Shipbuilding and Engineering Corporation, Kewaunee, WI, the ship originally served as a general purpose supply vessel FP-344 for service in the U.S. Army Transportation Corps when she was launched on April 16, 1944. During 1966 and 1967 the ship was converted, redesignated as the USS *Pueblo* and commissioned as an environmental research vessel, AGER-2.

It is important to note that even to this day the capture of the USS *Pueblo* has resulted in no reprisal against North Korea, demonstrating remarkable restraint by the United States. Even though the USS *Pueblo* still clearly remains the legal property of the United States Navy, the North Korean Government has kept it on display as a sort of traveling propaganda museum.

Recent events have made it clear that many unresolved issues remain regarding our Nation's relationship with North Korea. For example, North Korea's recent high-profile resumption of nuclear saber-rattling presents a serious resurgent challenge that we, our allies in Northeast Asia and the rest of the world community must take seriously.

While I certainly agree that successfully resolving this situation is first and foremost, I also believe that there are other positive restorative steps that the North Koreans should take in order to help improve our bilateral relationship. One such action would be to return the USS *Pueblo* to its rightful owners, the United States Navy and the American people they serve and protect.

While returning the USS *Pueblo* may not necessarily remove the 35-year-old scars inflicted by the attack of January 23, 1968, and especially those suffered by the crew of the USS *Pueblo* and by their families and loved ones, it would serve as a good will gesture, a salve if you will, signaling hope for a brighter future between our two nation's peoples.

I stand with my colleagues back home in the Colorado State General Assembly in demanding the return of the USS *Pueblo* to the United States Navy.

I urge my colleagues here in the U.S. Senate to join me in supporting passage of this important resolution.

SENATE RESOLUTION 30—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING SEPTEMBER 14, 2003, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM of South Carolina submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 30

Whereas there are 105 historically black colleges and universities in the United States;

Whereas historically black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas historically black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas historically black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning September 14, 2003, as "National Historically Black Colleges and Universities Week".

(b) Proclamation.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning September 14, 2003, as "National Historically Black Colleges and Universities Week"; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

SENATE RESOLUTION 31—DESIGNATING THE WEEK OF SEPTEMBER 11 THROUGH SEPTEMBER 17, 2003, AS "NATIONAL CIVIC PARTICIPATION WEEK"

Mr. ROBERTS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 31

Whereas the United States embarks on this new millennium as the world's model of democratic ideals, economic enterprise, and technological innovation and discovery;

Whereas our Nation's preeminence is a tribute to our great 2-century-old experiment in representative government that nurtures those ideals, fosters economic vitality, and encourages innovation and discovery;

Whereas representative government is dependent on the exercise of the privileges and responsibilities of its citizens, and that has been in decline in recent years in both civic and political participation;

Whereas Alexis de Tocqueville, the 19th century French chronicler of our Nation's political behavior, observed that the people of the United States had successfully resisted democratic apathy and mild despotism by using what he called "schools of freedom"—local institutions and associations where citizens learn to listen and trust each other;

Whereas civic and political participation remains the school in which citizens engage in the free, diverse, and positive political dialogue that guides our Nation toward common interests, consensus, and good governance;

Whereas it is in the public interest for our Nation's leaders to foster civic discourse, education, and participation in Federal, State, and local affairs;

Whereas the advent of revolutionary Internet technology offers new mechanisms for empowering our citizens and fostering greater civic engagement than at any time in our peacetime history; and

Whereas the use of new technologies can bring people together in civic forums, educate citizens on their roles and responsibilities, and promote citizen participation in the political process through volunteerism, voting, and the elevation of voices in public discourse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CIVIC PARTICIPATION WEEK.

The Senate—

(1) designates the week of September 11 through September 17, 2003, as "National Civic Participation Week";

(2) proclaims National Civic Participation Week as a week of inauguration of programs and activities that will lead to greater participation in elections and the political process; and

(3) requests that the President issue a proclamation calling upon interested organizations and the people of the United States to promote programs and activities that take full advantage of the technological resources available in fostering civic participation through the dissemination of information.

SENATE RESOLUTION 32—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE ACTIONS THE PRESIDENT SHOULD TAKE BEFORE ANY USE OF MILITARY FORCE AGAINST IRAQ WITHOUT THE BROAD SUPPORT OF THE INTERNATIONAL COMMUNITY

Mr. KENNEDY (for himself and Mr. Byrd) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 32

Whereas more than three months have passed, and circumstances have significantly changed, since Congress acted in October 2002 to authorize the use of military force against Iraq;

Whereas the United Nations Security Council unanimously approved Security Council Resolution 1441 (2002) requiring Iraq to cooperate with strict weapons inspections and give United Nations weapons inspectors "immediate, unimpeded, unconditional, and unrestricted access" to all suspected sites involving such weapons;

Whereas United Nations weapons inspectors arrived in Iraq on November 18, 2002, submitted their 60-day report to the Security Council about Iraq's cooperation with weapons inspections on January 27, 2003, and will report again on their activities on February 14, 2003;

Whereas the President has not yet made a compelling case to Congress, the American people, or the international community that the use of armed force is the only alternative to disarm Iraq; and

Whereas Congress and the American people are increasingly concerned that the President is prepared to use armed force against Iraq without broad support by the international community, and without making a compelling case that Iraq presents such an imminent threat to the national security of the United States that unilateral action is justified: Now, therefore, be it

Resolved, That it is the sense of the Senate that, before the President uses military force against Iraq without the broad support of the international community, the President should—

(1) provide full support to the United Nations weapons inspectors to facilitate their ongoing disarmament work; and

(2) obtain approval by Congress of new legislation authorizing the President to use all necessary means, including the use of military force, to disarm Iraq.

SENATE RESOLUTION 33—EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF ARTHUR J. RYNEARSON, DEPUTY LEGISLATIVE COUNSEL OF THE UNITED STATES SENATE

Mr. STEVENS (for himself, Mr. Byrd, Mr. Frist, Mr. Daschle, Mr. Lugar, Mr. Kennedy, Mr. Warner, Mr. Inouye, Mr. Gregg, Mr. Biden, Mr. Kyl, Mr. Leahy, Mr. Brownback, Mr. Sarbanes, Mr. Allen, Mr. Dodd, Mr. Kerry, Mrs. Feinstein, Mr. Feingold, Mr. Nelson of Florida, Mr. Corzine, and Mr. Hagel,) submitted the following resolution; which was considered and agreed to:

S. Res. 33

Whereas Arthur J. "Art" Rynearson, the Deputy Legislative Counsel of the Senate, became an employee of the Senate on August 25, 1976, and since that date has ably and faithfully upheld the high traditions and standards of the Office of the Legislative Counsel of the United States Senate for more than 26 years;

Whereas Art Rynearson has served as Deputy Legislative Counsel since October 20, 1999, and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position;

Whereas Art Rynearson for more than 26 years was the primary drafter in the Senate of virtually all legislation relating to international relations, international security, immigration, and the State Department, and all matters relating to Senate consideration of international treaties;

Whereas Art Rynearson will retire on January 31, 2003, after more than 28 years of service with the Congress, including more than 2 years with the Congressional Research Service of the Library of Congress; and

Whereas Art Rynearson has met the legislative drafting needs of the United States with unfailing professionalism, skill, and dedication: Now, therefore, be it

Resolved, That the United States Senate commends Arthur J. Rynearson for his more than 26 years of faithful and exemplary service to the United States Senate and the Nation, including 4 years as the Deputy Legislative Counsel of the Senate, and expresses its deep appreciation and gratitude for his long, faithful, and outstanding service.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Arthur J. Rynearson.

SENATE RESOLUTION 34—EXPRESSING SUPPORT FOR THE EMERGENCY FIRST RESPONDERS AND COMMUNITIES WHICH ARE THE FRONT LINES OF THE NATION'S HOMELAND DEFENSE

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. Res. 34

Whereas since the September 11, 2001 terrorist attacks on our country, first responders—the men and women who serve as police officers, firefighters, and emergency services personnel—and communities all across the United States have found themselves on the front lines of homeland defense in the war against terrorism on United States soil;

Whereas we recognize that the first responders and communities have been forced to bear almost all of the financial burden that accompanies this responsibility;

Whereas it is inappropriate for the first responders and communities to bear that responsibility alone;

Whereas State and local fiscal crises have led to layoffs of first responders and the closing of police and fire stations all across America at a time when the homeland security demands on our first responders and local communities are greater than ever;

Whereas Congress has provided strong support for homeland security through the appropriation of funds to help our first responders and local communities improve homeland defense, but the Senate recognizes that not all of these resources have yet reached our first responders and local communities;

Whereas in addition to the homeland security funding that Congress has already appropriated, additional homeland security resources are needed by our first responders and local communities;

Whereas the strength of this Nation's homeland defense depends upon the appropriation of homeland security resources in addition to the full funding of traditional first responder federal programs, such as the COPS program and the grant program commonly known as the FIRE Act program, which have greatly benefited the American people by helping first responders reduce crime and prevent and respond to fires and other emergencies; and

Whereas we recognize that homeland defense will only be as strong as the weakest link at the State and local levels and that the home front will be better prepared and the United States will be stronger if the first responders and our communities have the resources and tools that they need to bolster emergency preparedness and response efforts: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should fully fund all traditional first responder programs and appropriate substantial additional resources to assist local communities and first responders in making the homeland defense of the United States as strong as possible.

SENATE CONCURRENT RESOLUTION 3—RECOGNIZING, APPLAUDING, AND SUPPORTING THE EFFORTS OF THE ARMY AVIATION HERITAGE FOUNDATION, A NONPROFIT ORGANIZATION INCORPORATED IN THE STATE OF GEORGIA, TO UTILIZE VETERAN AVIATIORS OF THE ARMED FORCES AND FORMER ARMY AVIATION AIRCRAFT TO INSPIRE AMERICANS AND TO ENSURE THAT OUR NATION'S MILITARY LEGACY AND HERITAGE OF SERVICE ARE NEVER FORGOTTEN

Mr. MILLER submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. Con. Res. 3

Whereas the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia in 1997, is an all volunteer organization composed of veterans, their families, and civilian supporters acting in concert to connect the American soldier to the American public through the use of the story of Army Aviation;

Whereas the Army Aviation Heritage Foundation is not a part of the United States Army and receives no Federal funding;

Whereas funds for the activities of the Army Aviation Heritage Foundation come entirely from donations made by private individuals and corporations;

Whereas Army Aviation Heritage Foundation volunteers devote a significant amount of their personal time and resources to present the story of our Nation's Armed Forces and the legacy of its veterans to the American people through extensive and elaborate living history programs presented at major public venues, such as air show events, and at numerous other smaller community outreach initiatives;

Whereas these living history programs are designed and presented to honor the Armed Forces and its veterans while inspiring the public that ultimately supports the Armed Forces and giving the public a glimpse of military life, service, and devotion;

Whereas the Army Aviation Heritage Foundation has devoted over 150,000 volunteer hours and over $5,300,000 in donated funds, aircraft, and equipment in organizing, developing, and conducting 35 public presentations that have helped to foster patriotism and present our Nation's military stories to an audience of more than 5,500,000 people; and

Whereas the Army Aviation Heritage Foundation is acting to provide America's veterans a voice with which to tell their story and the tools with which to share with the American public their legacy of service and devotion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes, applauds, and supports the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to pursue the following four primary purposes:

(1) To educate the American public regarding the military heritage of the United States through the story of United States Army Aviation's soldiers and machines.

(2) To connect the American serviceman and servicewoman to the American public as an active and admired member of the American family.

(3) To inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our Nation's larger military legacy.

(4) To preserve authentic examples of Army aviation aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America's military legacy may always remain in our skies for future generations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, January 29, 2003 at 9:30 a.m. to conduct a business meeting regarding Committee Rules.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, January 29, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 108th Congress by electing the Chairman and Vice Chairman of the committee and to adopt the rules of the committee and any other organizational business the committee needs to attend to.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a Judicial Nominations hearing on Wednesday, January 29, 2003 in Dirksen Room 226 at 9:30 am.

Tentative Agenda

Panel I: The Honorable Dianne Feinstein, U.S. Senator (D–CA); the Honorable Mike DeWine, U.S. Senator (R–OH); the Honorable John Cornyn, U.S. Senator (R–TX); the Honorable John Warner, U.S. Senator (R–VA); the Honorable Kay Bailey Hutchison, U.S. Senator (R–TX); the Honorable George Voinovich, U.S. Senator (R–OH).

Panel II: Deborah Cook to be U.S. Court of Appeals Judge for the Sixth Circuit; John Roberts to be U.S. Court of Appeals Judge for the D.C. Circuit; and Jeffrey Sutton to be U.S. Court of Appeals Judge for the Sixth Circuit.

Panel III: John Adams to be U.S. District Court Judge for the Northern District of Ohio; Robert Junell to be U.S. District Court Judge for the Western District of Texas; S. James Otero to be U.S. District Court Judge for the Central District of California.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Natural Resources be authorized to meet during the session of the Senate, on Wednesday, January 29 at 9:30 a.m. to consider pending calendar business.

BUSINESS MEETING AGENDA

Agenda item	Date put on agenda	Page
1. The Committee's Budget Resolution for a two-year period, March 1, 2003 through February 28, 2005	1/27/03	1
2. The Committee Questionnaire for Presidential Nominees	1/27/03	2

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 29, 2003 at 2:30 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science and Transportation be authorized to meet on Wednesday, January 29, 2003, at 2:30 p.m. on the science and ethics of human cloning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session, the following nominations then be discharged from the HELP Committee, and the Senate proceed en bloc to their consideration:

PN-66, Edwin Rigaud to be member of National Museum Services Board; PN-64, Elizabeth Pruet to be member of National Museum Services Board; PN-63, Harry Robinson to be member of National Museum Services Board; PN-84, Dana Gioia to be Chairperson of the National Endowment For the Arts.

I further ask unanimous consent that all of the mentioned nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, that any statements relating to the nominations appear at this point in the RECORD, and the Senate then resume legislative session, with all of the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

NATIONAL MUSEUM SERVICES BOARD

Edwin Joseph Rigaud, of Ohio, to be Member of the National Museum Services Board for a term expiring December 6, 2007.

Elizabeth J. Pruet, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

NATIONAL ENDOWMENT FOR THE ARTS

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that on Thursday, at a time determined by the majority leader, with the concurrence of the Democratic leader, the Senate proceed to executive session and that the nomination of Gordon England, to be Deputy Secretary of Homeland Security, be discharged from the Governmental Affairs Committee; further, that the Senate then proceed to its consideration; that there be 20 minutes of debate equally divided between the chairman and ranking member; provided further, that following the use or yielding back of time, the Senate proceed to a vote on the nomination, with no intervening action or debate; that following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 13, which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 13) was read the third time and passed.

NATIONAL MENTORING MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 25, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 25) designating January 2003 as "National Mentoring Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 25) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 25

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas numerous studies and research document that mentors help youth augment social skills and emotional well-being, improve cognitive skills, and plan for the future;

Whereas, for some youth, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life;

Whereas 17,600,000 youth, nearly half the youth population, want or need mentors to help them reach their full potential;

Whereas there exists a large "mentoring gap" of unmet needs, as evidenced by the fact that just 2,500,000 youth are in formal mentoring relationships, leaving 15,000,000 youth still in need of mentors;

Whereas the celebration of National Mentoring Month will institutionalize the Nation's commitment to mentoring and raise awareness of mentoring in various forms;

Whereas a month-long focus on mentoring will tap into the vast pool of potential mentors and motivate adults to take action to help a youth;

Whereas National Mentoring Month will encourage organizations of all kinds—businesses, faith communities, government agencies, schools, and other organizations—to engage their constituents in mentoring; and

Whereas the celebration of that month would above all encourage more people to volunteer as mentors, to the benefit of the Nation's youth: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2003 as "National Mentoring Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring.

EXPRESSING GRATITUDE FOR THE SERVICE OF ARTHUR J. RYNEARSON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 33, which was submitted earlier today by Senators STEVENS and BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 33) expressing the gratitude of the United States Senate for the service of Arthur J. Rynearson, Deputy Legislative Counsel of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President. I rise to commend Mr. Art Rynearson, the Deputy Legislative Counsel of the Senate, who retires on January 31, 2003, after serving in the Senate for more than 26 years, including more than 3 years as Deputy Legislative Counsel.

As President pro tempore of the Senate, it is my pleasure to oversee the work of the Office of the Legislative Counsel. I appreciate the great dedication and professionalism Art

Rynearson has displayed in his role as an attorney in the Office and in his service as Deputy Legislative Counsel.

The Office of Legislative Counsel plays a very important role in the legislative process. We all rely upon the attorneys in the office to provide legislative drafts to effectively carry out our legislative policy. Mr. Rynearson, in his role as Deputy Legislative Counsel, has helped to see that we are all served well by a professional, career, and nonpartisan staff.

In addition to his service as Deputy Legislative Counsel, Art Rynearson served for more than 26 years as the principal drafter in the Senate on virtually all matters relating to international relations, international security, immigration and the State Department, and all matters relating to Senate consideration of international treaties. He served the Senate well in that regard, with a commanding knowledge of international law and the dedication to put in long hours in service of the Committee on Foreign Relations.

Mr. President, I am proud to sponsor this resolution, and I am proud to have known and worked with Art Rynearson. He has served his Nation well for over 28 years, including 2 years with the Library of Congress. I wish Art and his wife, Mary Linda, the very best for the future, especially time spent enjoying their retirement.

Mr. BYRD. Mr. President, I am proud to cosponsor with Senator STEVENS a resolution commending Mr. Art Rynearson who is retiring as Deputy Legislative Counsel of the Senate on January 31, 2003. I have had the pleasure of working with Art on many laws relating to foreign policy matters.

I wish to join with Senator STEVENS, and with all Senators, in expressing our deepest gratitude to Art Rynearson for his long years of service to the United States Senate. He has been part of the Office of Legislative Counsel for more than 26 years, including the last 4 as Deputy Legislative Counsel; and during that time he has provided valuable assistance to me and to my staff.

While overseeing the Office of Legislative Counsel as President pro tempore, I appreciated the great dedication and professionalism Art Rynearson displayed in carrying out his duties and responsibilities. I know that his departure will leave a void that is difficult to fill as he is truly a part of the institutional memory of the Senate. In passing this resolution, the Senate recognizes his years of commitment to the Senate.

Mr. President, I wish Art Rynearson and his wife, Mary Linda, well in his retirement.

Mr. KENNEDY. Mr. President, on behalf of Senator BROWNBACK and myself, we welcome this opportunity to honor the outstanding career and contributions of a truly dedicated and gifted member of our Senate family, the Deputy Legislative Counsel of the Senate, Art Rynearson.

Many of us have been very grateful to Mr. Rynearson over the years for his superb assistance in preparing legislation on foreign affairs. His many accomplishments in this area include drafting, editing, and organizing the 2003 Foreign Relations Authorization Act, the Iran-Libya Act, the Comprehensive Anti-Apartheid Act of 1986; the Senate conditions to the Protocols for the Expansion of NATO, the Chemical Weapons Convention, the START Treaty, and the Panama Canal Treaties.

Senator BROWNBACK and I, and all the members of the Immigration Subcommittee, are especially grateful to Mr. Rynearson for his skillful work in legislation on immigration, naturalization, and refugee affairs. Mr. Rynearson's thoughtful insight, and his mastery of these issues have resulted in articulate, well-drafted, and far-reaching laws that have helped countless immigrants and refugees.

Art Rynearson's many contributions are well-known and greatly appreciated by all of us who know him and admire him, and millions of men and women and children who may never know his name have benefited from his dedication and commitment. As he retires after 26 years of heart-felt service and high ability, he has the gratitude and respect of all of us in the Senate, and we wish him well in his retirement.

Mr. BIDEN. Mr. President, today the Senate expresses its appreciation and best wishes to one of the great unsung heroes who make this institution work.

Art Rynearson, the Senate's Deputy Legislative Counsel, is retiring after over 26 years of exemplary service to this body. Art has been a backstage participant in many historic foreign policy decisions of the Senate, assisting the Foreign Relations Committee to draft both legislation and resolutions of advice and consent to ratification of treaties. His actions were rarely recognized or noticed by the public, but his contributions were essential. Art's job was to ensure that our legislation clearly expressed the intent of the committee and that it meshed properly with existing law. He accomplished that through marvelous attention to detail and a complete absence of partisanship.

During the past 6 years, during which I have served as either the chairman or ranking member of the committee, Art has borne a heavy burden—working on such matters as the Chemical Weapons Convention, NATO enlargement, and major legislation to restructure America's foreign policy agencies. The committee owes him a great debt.

It is not overstatement to say that the Senate could not function without people like Art Rynearson. Every day—and many a night—he was there, unfailingly courteous and professional, ready to assist the committee's members and staff to draft and refine legislation for consideration by the committee and the Senate. His knowledge of foreign relations and immigration law, gained through his many years of service, will not be easily replaced.

I know that I speak for all of my colleagues on the Foreign Relations Committee in saying thank you to Art Rynearson. We wish him and his wife, Mary, every happiness as he begins his next stage in life.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 33) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 33

Whereas Arthur J. "Art" Rynearson, the Deputy Legislative Counsel of the Senate, became an employee of the Senate on August 25, 1976, and since that date has ably and faithfully upheld the high traditions and standards of the Office of the Legislative Counsel of the United States Senate for more than 26 years;

Whereas Art Rynearson has served as Deputy Legislative Counsel since October 20, 1999, and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position;

Whereas Art Rynearson for more than 26 years was the primary drafter in the Senate of virtually all legislation relating to international relations, international security, immigration, and the State Department, and all matters relating to Senate consideration of international treaties;

Whereas Art Rynearson will retire on January 31, 2003, after more than 28 years of service with the Congress, including more than 2 years with the Congressional Research Service of the Library of Congress; and

Whereas Art Rynearson has met the legislative drafting needs of the United States with unfailing professionalism, skill, and dedication: Now, therefore, be it

Resolved, That the United States Senate commends Arthur J. Rynearson for his more than 26 years of faithful and exemplary service to the United States Senate and the Nation, including 4 years as the Deputy Legislative Counsel of the Senate, and expresses its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Arthur J. Rynearson.

MEASURE READ THE FIRST TIME—S. 241

Mr. FRIST. Mr. President, I understand that S. 241, which was introduced earlier today by Senators SNOWE and KERRY, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 241) to amend the Coastal Zone Management Act.

Mr. FRIST. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, JANUARY 30, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m., Thursday, January 30. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 1 p.m., with the time equally divided and Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of Senators, we do expect a couple of nominations to be available for the Senate's consideration during Thursday's session. We now have a consent agreement for the consideration of the nomination of Gordon England, to be Deputy Secretary of Homeland Security. Votes are, therefore, possible during tomorrow's session. We will alert all Members as the voting times become more certain.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:23 p.m., adjourned until Thursday, January 30, 2003, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 2003:

THE JUDICIARY

LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE JAMES C. FOX, RETIRED.

RICHARD D. BENNETT, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE FREDERIC N. SMALKIN, RETIRED.

THERESA LAZAR SPRINGMANN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE JAMES T. MOODY, RETIRED.

JAMES V. SELNA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE J. SPENCER LETTS, RETIRED.

J. LEON HOLMES, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE STEPHEN M. REASONER, RETIRED.

PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE WILLIAM C. LEE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552.

To be colonel

JOSEPH P. DIBENEDITTO, 7641

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552.

To be major

JOHN C. LANDRENEAU, 8242

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHARLES R. BAILEY, 9440
LAWRENCE M. BARRY, 3674
GLEN L. BLOOMSTROM JR., 5620
KENNETH N. BROWN, 1738
ROGER D. HEATH, 5389
FREDERICK E. HOADLEY, 0270
STEVEN E. MOON, 6981
TED W. NICHOLS, 5980
ARTHUR C. PACE, 3121
RICHARD L. PACE, 7156
CHARLES D. REESE, 6788
KENNETH L. SAMPSON, 6931
DAVID W. SMARTT, 4994

CONFIRMATIONS

Executive nominations confirmed by the Senate January 29, 2003:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003.

ELIZABETH J. PRUET, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004.

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007.

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE MARCH OF DIMES PREMATURITY CAMPAIGN

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. HASTERT. Mr. Speaker, I rise today to congratulate the March of Dimes on the launch of a national campaign to address the rising rate of premature births.

Today in America, more than 1,300 babies will be born too soon. Premature birthrates have risen to the highest level ever reported in the United States. In fact, a staggering one in eight babies are born preterm. And in my home State of Illinois, some 20,000 babies were born premature last year alone.

On January 30th, the March of Dimes will launch a 5-year, national research, education and awareness campaign that seeks to prevent premature birth. This campaign holds the promise of considerably reducing the rate of prematurity throughout our nation. And the reasons for doing so are clear—babies born prematurely bear an elevated risk of serious long-term health problems. Moreover, premature birth represents the leading cause of infant death in the first month of life.

I commend the March of Dimes for their efforts on behalf of the health and wellbeing of our nation's unborn children and their families. I am hopeful that this campaign will successfully and dramatically reduce the rate of preterm births in America.

HONORING VARDA WENDROFF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Varda Wendroff, who was recognized on Saturday, January 18, 2002, by the Richard A. Rutkowski Association at a gala dinner-dance at the Hi-Hat Caterers.

An innovative and passionate teacher for over twenty years, Varda Wendroff is currently the director of World Languages, ESL, and Bilingual Education for the Bayonne public school system.

Varda Wendroff has given her heart and soul to the community of Bayonne. The loss of her daughter, Lauren, and her family's first-hand experience in the Holocaust influenced and greatly impacted her life, making her an admired healer, educator, and role model for the community. She has truly given back to Bayonne, by investing in the families and the young people of our community.

A two-year president of the Jewish Community Center and member of the Bayonne United Jewish Federation, Varda Wendroff teaches Holocaust studies for the United Jewish Appeal, and assists with the Lauren Wendroff Early Enrichment Program and the organization's camp. As a member, and current co-leader of the Compassionate Friends, a national and international organization helping parents to cope with the loss of a child, she has been helped and continues to help parents cope with their grief.

Some of Mrs. Wendroff's honors include finalist for Teacher of the Year; recipient of the Governor's Teachers of Excellence award; and, listed in the "Who's Who Among America's Teachers," awarded by her students for her selfless dedication to teaching and her lasting influence on their lives.

Varda Wendroff earned her B.A. degree from Montclair State University, and M.A. from New Jersey City University.

Varda Wendroff and her husband, Arnie, have a son, Jason, and daughter-in-law, Tracy.

Today, I ask my colleagues to join me in honoring Varda Wendroff for being a guiding light in the lives of our youth and an inspiration to all of us.

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE DOUG BOVIN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. STUPAK. Mr. Speaker, would like to pay tribute today to Doug Bovin, a former representative to the Michigan House of Representatives from the 108th District, which is comprised of three counties in my congressional district.

First elected to the House in 1998, Doug Bovin has just concluded his service in that body after seeking election to the Michigan State Senate. Doug has represented both the community where I grew up and the community where I and my family now live.

Born August 24, 1944, Doug earned bachelor and master degrees in business administration from Northern Michigan University. He and his wife, Bonnie, have two children. Doug has been a business owner and a high school instructor and coach in addition to his lengthy career in public service.

Prior to being elected to the Michigan House of Representatives, Doug served as chair of the Delta County Board of Commissioners for 16 years and 9 years on the Gladstone city council, including 4 years as mayor.

With Doug's longtime service in county government came leadership positions in various organizations, including terms as president of the Michigan Association of Counties and the National Association of Counties. As president of the Michigan Association of Counties, Doug had the opportunity to introduce President Bill Clinton, when Mr. Clinton spoke to members of the association.

Doug represented the same district that I represented in the Michigan House of Representatives. Having made the lengthy drive back and forth from Lansing to the central Upper Peninsula on a weekly basis while a State representative, I know the long solitary hours of driving Doug put in to represent the 108th District. To emphasize what a long drive it really is, you feel like you are close to home when you get across the Mackinac Bridge on your way back to the district, even though there are still over 100 miles to go.

Doug diligently represented the men and women of Delta, Menominee, and Dickinson Counties in Lansing.

In addition to working as an elected official, a business owner and an educator, Doug served as Executive Director of Operation Action U.P. Given his experience and dedication, I am certain that Doug will find a way to continue to serve the residents of the Upper Peninsula.

Mr. Speaker, Doug's last day as a State representative was January 2, 2003. Doug is too young a man for retirement and I am certain that he will find a way to continue to serve the residents of northern Michigan.

Mr. Speaker, I ask you and my House colleagues to join me in saluting Doug Bovin, a public servant who has spent much of his life in service to others.

INTRODUCING LEGISLATION TO REPEAL SELECTIVE SERVICE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. PAUL. Mr. Speaker, I am today introducing legislation to repeal the Selective Service Act and related parts of the United States Code. The Department of Defense, in response to recent calls to reinstate the draft, has confirmed that conscription serves no military need. This is only the most recent confirmation that the draft, and thus the Selective Service system, serves no military purpose. In 1999, then-Secretary of the Army Louis Caldera, in a speech before the National Press Club, admitted that "Today, with our smaller, post-cold-war Armed Forces, our stronger volunteer tradition and our need for longer terms of service to get a good return on the high, up-front training costs, it would be even harder to fashion a fair draft."

Obviously, if there is no military need for the draft, then there is no need for Selective Service registration. Furthermore, Mr. Speaker, Selective Service registration is an outdated and outmoded system, which has been made obsolete by technological advances.

In fact, in 1993, the Department of Defense issued a report stating that registration could be stopped "with no effect on military mobilization and no measurable effect on the time it would take to mobilize, and no measurable effect on military recruitment." Yet the American taxpayer has been forced to spend over $500 million dollars on an outdated system "with no measurable effect on military mobilization!"

Shutting down Selective Service will give taxpayers a break without adversely affecting military efforts. Shutting down Selective Service will also end a program that violates the very principals of individual liberty our nation was founded upon. The moral case against the draft was eloquently expressed by former President Ronald Reagan in the publication Human Events in 1979: ". . . it [conscription] rests on the assumption that your kids belong to the state. If we buy that assumption then it is for the state—not for parents, the community, the religious institutions or teachers—to decide who shall have what values and who shall do what work, when, where and how in our society. That assumption isn't a new one. The Nazis thought it was a great idea."

I hope all my colleagues join me in working to shut down this un-American relic of a bygone era and help realize the financial savings and the gains to individual liberties that can be achieved by ending Selective Service registration.

HONORING JESSICA HUGHES

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. COMBEST. Mr. Speaker, I rise today to recognize the outstanding achievements of Jessica Hughes, an individual who has overcome her physical disabilities and has become an inspiration to all with whom she comes in contact.

Jessica Hughes, a determined 16-year-old from Idalou, Texas, was born with cerebral palsy, is visually impaired, and is confined to a wheelchair, but does not let her disabilities slow her down. She actively participates in State and local stock shows, in which she proudly shows lambs. She has been showing lambs since she was in the third grade and has won several ribbons at fairs in Lubbock.

At her home, she trains and exercises the lambs every day, sometimes with the assistance of her father. Although she lacks the physical strength to lift the lambs, as many of the children showing them do, she has overcome that barrier with a modification to her motorized wheelchair. All who witness her compete in these shows cannot help but be encouraged by her indomitable spirit.

I would like to call the attention of my colleagues in the U.S. House of Representatives to the achievements of this remarkable young lady. Jessica Hughes is indeed an inspiration to all and a fine role model for young people.

HELP SENIORS LOSING HMO COVERAGE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. ISRAEL. Mr. Speaker, in the last Congress, the House passed the landmark Israel-Johnson Medicare+Choice Improvement and Stabilization Act that I cowrote with Republican Representative NANCY JOHNSON. Unfortunately, despite a bipartisan consensus that something must be done and the best efforts of Senator SCHUMER, the Senate did not pass the needed legislation.

Now, at the beginning of the 108th Congress, and working closely with the administration, leadership of both parties and the Senate, the first piece of legislation I have introduced in the 108th Congress is a bill that will help stabilize the Medicare+Choice program.

Since 1999 more than 2.4 million beneficiaries, including more than 85,000 Long Island seniors, have had their service interrupted by a severe funding crisis. Millions of other beneficiaries have experienced a reduction in benefits or an increase in out-of-pocket costs. These problems are a direct result of the fact that funding for the Medicare+Choice program has not kept up with rising health costs.

From the moment I came to Congress, seniors have been asking me when relief will arrive. They wonder what is taking so long and why Congress can't pass this and the President sign it. The fact is that while Congress blames HMOs for leaving Long Island, HMOs blame the administration, and Republicans and Democrats blame each other, seniors are suffering.

As we begin a new session of Congress, it is essential that we put partisan politics aside and give seniors the help they so desperately need. Playing the blame game won't help seniors pay their medicine bills. The time has come to act.

Over the past three years, there has been a growing consensus in Congress that the Balanced Budget Act (BBA) of 1997 has had the unintended effect of constricting the Medicare market as a whole, and Medicare+Choice health plans in particular. According to a November 2002 report by the Commonwealth Fund, the BBA is limiting M+C payment rates, while health care costs are increasing. As a result, beneficiaries looking to Medicare HMOs as an affordable supplemental insurance option are being asked to pay more for fewer benefits.

And that is only part of the problem. The ultimate result of this flawed system created by the BBA is that HMOs in the program have been deserting seniors on Long Island. Just 4 years ago 12 HMOs offered seniors health plans in Suffolk County; now only two remain. More than 85,000 Long Island seniors have been dropped by their HMOs. This is unacceptable.

It is for this reason that the Medicare+Choice Equity and Access Act is so essential. It will stabilize the program and provide critical funding. The situation is unconscionable. Our seniors are depending on us. I urge my colleagues to quickly pass this bill and correct the funding inadequacies in Medicare+Choice.

SOUTHEAST DISTRICT BAR ASSOCIATION AND LAWYER REFERRAL SERVICE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Ms. SOLIS. Mr. Speaker, I rise today to honor the Southeast District Bar Association (SEDBA), the most prominent and largest legal association in the Southeast District of the Greater Los Angeles Area.

SEDBA is an innovative nonprofit community organization established in 1934, by a visionary group of attorneys who recognized the community's need for affordable and credible legal assistance. Through a diverse membership of over 200 lawyers, judges, and business people, SEDBA has been continually providing legal assistance to over 7000 members of the community each year. SEDBA's extensive network of prescreened attorneys, who specialize in a myriad of fields, continues to be a source of expert service to all sectors of the community. In connection with local schools, SEDBA has organized "Law Day" to give students a better understanding of the judicial system. In addition, SEDBA works with local law enforcement agencies to collect holiday gifts for the less fortunate.

This year, I am also proud to recognize Ms. Rose Marie Gallegos, SEBDA's first Latina President and third woman to head the organization.

For SEDBA's dedication to service and commitment to the community, I urge my colleagues to join me in recognizing this remarkable organization.

TRIBUTE TO THE HONORABLE MITCH GEISLER, MAYOR OF MARSHALL, MO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that a remarkable public servant, the Honorable Mitch Geisler, Mayor of Marshall, MO, will not seek reelection in 2003, after 12 years of valuable service to the citizens of Marshall.

After high school, Mayor Geisler served his country through his tenure with the United States Army during World War II. He returned to Marshall, MO, and attended classes at Missouri Valley College while working with the Marshall Police Department. At the age of 23, Mayor Geisler was selected to serve as the Marshall Chief of Police. He was then selected to serve Garden City, KS, in the same position. Mayor Geisler again returned to his home town of Marshall and dedicated 27 years of service to the Wood & Huston Bank of Marshall. He retired as the bank's Senior Vice President.

In addition to these accomplishments, Mayor Geisler has served his state and community in many different capacities. He was elected twice to serve as the President of the Western Missouri National Academy Associates. He also was a four year chairman of the State Land Reclamation Commission. Mayor Geisler also served as the President of the Marshall Chamber of Commerce and was the President of the Missouri Chief's of Police Association. He was the District Chairman of the Santa Fe Council, Boy Scouts of America, and served on the Lake Ozark Council's Board of Directors. He also is a 50 year member of the Aircraft Owners and Pilots Association. In this capacity, he flew with the Blue Angels Navy Acrobatic and demonstration team and also had the chance to fly off the USS *Theodore Roosevelt.* He was also invited by J. Edgar Hoover to attend the FBI Law Enforcement Institution.

In addition to this service, Mayor Geisler also made many commitments to the service of his church. He was a fifteen year member of his Church Board and also served as the first president of the Mercy Academy School Board, where he also coached football for 5 years. Mayor Geisler and his wife, Dorothy, both had the privilege of meeting the Pope twice, invited the first time to meet the Pope at the White House and then again in St. Louis, MO.

Mr. Speaker, Mayor Geisler is a valuable leader of his community and a role model for young Americans. I know that the Members of the House will join me in paying tribute to Mayor Geisler for his outstanding commitment to public service.

RECOGNIZING THE CITY OF DRIGGS, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. SIMPSON. Mr. Speaker, I rise to honor one of Idaho's finest. With a zip code of 83422, Driggs, Idaho was recently featured in National Geographic Magazine ZIPUSA section entitled, "Billionaires, Mormon potato farmers and skateboarders share an uncommon home in 83422." The town was featured in the publication because of its pristine location, nestled at the foot of one of the most photographed mountains in the world—the Grand Tetons.

Driggs, Idaho is also one of the fastest growing towns per capita in the U.S. It's easy to see why. With friendly folks and beautiful scenery, Driggs is becoming a destination town. From Internet start up companies to third generation farmers, people flock and stay in Driggs. My wife Kathy and I are among them. We enjoy spending our weekends and holidays at our home with an incredible view of the Grand Tetons.

Driggs is reminiscent of small-town, USA. The town's idea of a traffic jam is waiting for a tractor to go by. It's well known that in Driggs, the drivers you pass will wave at you, with one hand still on the steering wheel. It's like feeling you're home, even if you've never been there. There are no strangers in Driggs, Idaho.

Main Street resembles the ideals of the past. You'll see the neighborhood malt shop, locally owned grocery store and the town bookstore, "Dark Horse Books." The town is surrounded by fields of seed potatoes and gently sloping hills that roll to the foot of the mammoth Grand Teton Mountains. Perhaps Driggs' most famous attraction, other than the Grand Tetons, is the Spud Drive-in Theater. Locals like the old-time atmosphere of a drive in movie theater and the businesses' mascot, a giant cement potato in the back of a flat bed truck.

I'm proud to represent and live in Driggs, Idaho. It's a place worthy of National Geographic praise and attention.

TROOPER THOMAS KOBESKI CHOSEN FOR JOE SAPORITO LIFETIME OF SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the honoring of the late Pennsylvania State Trooper Thomas "Kubby" Kobeski with the Joe Saporito Lifetime of Service Award by the Sunday Dispatch of Pittston, Pennsylvania. A reception will be held in his honor on February 2nd.

Trooper Kobeski passed away last May and is survived by his wife, Jackie, and their three children, Thomas, Matthew and Zachary.

As the Sunday Dispatch states in an article outlining why Trooper Kobeski was chosen for this award, "he was only 39, but he did an astonishing amount of good works in that short time. In an age of declining volunteerism, he was the super volunteer."

Trooper Kobeski exhibited this spirit when he was still in high school. James Redington, principal at Seton Catholic High School, told the Dispatch, "He was the most dynamic boy. He was a catalyst to get everybody moving and shaking."

In addition to Seton Catholic, the many organizations to which Trooper Kobeski donated his time included the Stoners Youth Soccer League, St. John the Baptist School, and the Pittston Little League.

At the Pittston Little League, Secretary Nora Shandra, told the newspaper, "It's going to take 15 people to do what he did. He was equipment man, groundskeeper, coach, treasurer of the league and the auxiliary."

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the well-deserved honoring of Trooper Kobeski with the Joe Saporito Lifetime of Service Award, and I wish his family and friends all the best.

PHYSICIANS PHARMACEUTICALS PROVIDES FUNDING FOR THE NORTH CAROLINA AMBER ALERT SYSTEM

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. BURR. Mr. Speaker, in the past year Americans have become acutely aware of the horrible crime of juvenile abduction. We have also become aware that time is a crucial factor when attempting to recover an abducted child. The Amber Alert system, which uses the media to inform the public when a child has been taken, has been an effective tool aiding in their rescue.

The State of North Carolina is in a very tight budget year, and could not fully fund the North Carolina Child Alert Notification, or NC CAN. When the budget was passed, NC CAN funding came up $150,000 short. The program could not expand from the current 15 counties to all 100 counties in North Carolina without the additional funds.

When good people see a problem, Mr. Speaker, they step in to help. That is exactly what the Tabor family of Kernersville did for their fellow Tar Heels. Physicians Pharmaceuticals, their family business, offered to fill the gap in NC CAN's budget by donating the $150,000 that the program needed. Physicians Pharmaceuticals makes Revival soy protein products, and it was a natural outgrowth of the company's Christian philosophy that led them to help the children of North Carolina.

I commend Physicians Pharmaceuticals for making this donation. It is very possible that children's lives may be saved due to the company's sacrifice. In a time of great discord in the world, this selfless act is an example of what good works are done in God's name by the faithful. Now all North Carolinians can feel better about the safety of their children because of Physicians Pharmaceuticals.

PROTEST OF SCOTS GUARDS CONCERT AT SOVEREIGN BANK ARENA IN NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. PALLONE. Mr. Speaker, for too long, Great Britain has used its military and police forces to oppress our friends, family and loved ones in Northern Ireland. It is now time that Prime Minister Tony Blair and the British Parliament take immediate steps to right centuries of murders, anti-catholic bias and oppression.

As all of you know far too well, the case of Peter McBride is appalling and reprehensible. I find it unconscionable that the two men who were tried convicted and sentenced for the murder of Peter, were not only released from prison but were allowed to rejoin the Scots Guard. This is absurd.

I am proud to lend my voice in calling on Great Britain to immediately remove these two guardsmen.

I also stand with you today in calling on Great Britain to immediately reinstate the power sharing government that was created by the Good Friday Accords. As many of you know, last October, Prime Minister Blair suspended the Belfast Assembly. The Good Friday Accords and more specifically the participation of all parties in the power sharing government are the only real solution to lasting peace in Northern Ireland.

However, the only way for the agreements and power-sharing institutions to succeed is for Unionists to immediately accept equality amongst all citizens and parties in the North. The Protestant ruling parties must cease their stall tactics and work within the confines of the agreement to create a government that will be representative of all residents of Northern Ireland.

Northern Ireland must also immediately implement all of the Patten Commission's recommendations. The North must provide its citizens with a full, fair and just reform of their police service. The PSNI (Police Service of Northern Ireland) must be representative of all ethnic, religious and political groups in Northern Ireland. Prime Minister Blair should immediately demand a full implementation of the Patten police recommendations and ensure that Northern Ireland has a police service that is representative of all parties involved.

Once the Northern Ireland Assembly is reinstated, the first item on their agenda should be to provide the citizens of Northern Ireland with a Constitutional Bill of Rights. Northern Ireland should draw from the experiences of the U.S. and South Africa, and create a binding document that specifically lays out the liberties and rights of all the residents of the North. Citizens of Northern Ireland should be guaranteed the right against unreasonable search and seizures, the right against being detained without charges filed and the right to openly practice one's religion.

It is my hope that Prime Minister Blair will take immediate action on reinstatement of the Belfast Assembly and come to his senses and terminate these two Scots Guards. I hope that we will honor Peter McBride's memory by continuing our fight for equality and self-rule in Northern Ireland. Again, while we should never forget Peter's murder, we should use this atrocity as a basis for human rights and police reform in the North.

I look forward to continuing to work for the right of all citizens of Northern Ireland.

HONORING TONY BARBERI

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the many accomplishments of Tony Barberi, who was recognized Friday, January, 24th, at Ireland's 32 annual dinner dance held at the Hi-Hat Club in Bayonne, New Jersey.

In 1973, Tony Barberi immigrated to America, making Bayonne, New Jersey, his new home. After working for a year in construction for a local contractor in Bayonne, Tony, along with his father and brothers, founded the Barberi Brothers Construction Company and Graziella Tile Imports. What was once a family dream rapidly became a great and wonderful reality. His family-run construction business grew, and over the years has continuously provided top quality community development to Bayonne and its residents. The Bayonne Housing Authority received national acclaim for the outstanding Roverson Homes project completed by none other than the exceptional Barberi Brothers Construction Company. Tony is currently the President of Barnac Builders and Developers.

A soccer enthusiast, Tony, for the past 12 years, has been a coach and sponsor of the Bayonne Youth Soccer Association. He is a state-licensed soccer coach, and since 1996, has been the head varsity soccer coach at Holy Family Academy.

Tony is a member of the following organizations: the New Jersey State Contractors Association; the Sicilian Citizens Club; the Nick Capodice Association; National Soccer Coaches Association of America; and New Jersey Girl's Soccer Coaches Association.

Tony dedicates his time to the Spinal Bifida Foundation, the Simpson Barber Foundation for the Autistic, and Holy Family, St. Andrew's, and Our Lady of Assumption Parishes.

The son of Pietro and the late Grazia Barberi, Tony has two brothers, Nunzio and Mario. He is married to Fina, and has three children, Pietro, Graziella, and Rosalia.

Today, I ask my colleagues to join me in honoring Tony Barberi for living the American dream: nurturing a family; establishing a business; investing in the community; and selflessly giving his time to making Bayonne a better place for all.

TRIBUTE TO THE NEGAUNEE HIGH SCHOOL FOOTBALL TEAM IN RECOGNITION OF WINNING A STATE CHAMPIONSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to the coaches, players, and managers of the 2002 Negaunee High School Miners football team, in recognition of winning the Michigan Division 6 state football championship on November 29, 2002 at the Silverdome in Pontiac. The 2002 title was the Miners' first ever state football championship!

Every high school football team in Michigan begins practices with "two a days" under the sweltering August sun with hopes of making it to the Silverdome and winning a state championship. Only one of these schools in every division will actually realize their title hopes.

The valuable traits of teamwork, perseverance, and sportsmanship are learned through participation in athletics. In addition to instilling these traits, the hard work and dedication of the coaches, players, and managers paid off with a state championship this season for the Negaunee Miners.

Hard work and dedication are hallmarks of the men and women of Michigan's Upper Peninsula. The residents of the City of Negaunee, Marquette County, and the entire Upper Peninsula are proud of the accomplishments of the Negaunee High School Miners state football championship team.

Defeating Hopkins High School 28–20 in an exciting overtime thriller, capped a 13 and 1 season for the Miners. The Miners also captured a 2002 Mid-Peninsula conference championship.

The Miners began their march to the state championship with a hard fought 14--12 victory over rival Ishpeming High School. A 20–6 win over Suttons Bay High School gave the Miners a Division 6 Region 1 District 2 crown. The Miners went on to defeat Iron Mountain 28–17, for the Division 6 Region I championship and a berth in the Division 6 state semi-finals. A close 32–28 win over Whittemore-Prescott High School sent the Miners downstate for the championship game against Hopkins High School.

Mr. Speaker, I want to take a moment to recognize every person involved in the Negaunee High School Miners' Division 6 state football championship.

Head Coach, Paul Jacobson, and assistant coaches: Kevin Jacobson, Mark Marana, and Dick Koski, provided the leadership and discipline.

Team members include: Donald Barr, John Bauman, Zack Brintlinger, Doug Byykkonen, David Cain, Dan Champion, Luke Cody, Cory Cronkright, Adam Croschere, David Echelbarger, Eric Faulkner, Eric Faust, Chris Giletto, Ben Grossman, Ken Heikklla, Andy Hill, Bryan Hill, Randy Howe, Cory Jandron, Eric Jarvi, Jack Jarvi, Jesse Jezek, Bob Jurasin, Jeremy King, Josh LaBelle, Steve LaJoie, Kyle Lander, Eric Larson, Ryan Leaf, Brian Mattice, John O'Neill, Shaun Pynnonen, Josh Rich, Eric Roberts, Jake Skewis, Eric Smock, David Speaker, Randy Sundell, Nick Thompson, Dillan Thome, and Josh Wernholm.

Team managers were Jacob Jandron and Mario Marana.

Mr. Speaker, I would also like to recognize the efforts of the Negaunee High School cheerleading team and its coaches who provided invaluable support to the Miners football team throughout the championship season.

Cheer Coach, Karen Saari, assistant coach Kathy DelAngelo and volunteer coaches Diane Faust and Amy Pringle.

Cheerleaders: Colleen Argall, Andraya Mattila, Brittany Hewitt, Ashley Nault, Tashina Kallionen, Kayla Pizzala, Ashley Kangas, Brittany Rice, Stacy Kemper, and Amber Wetton.

Mr. Speaker, I ask you and my House colleagues to join me in saluting the coaches, players, managers and supporters of the 2002 Negaunee High School Miners-Division 6 Michigan state football championship team.

INTRODUCING THE "TERROR IMMIGRATION ELIMINATION ACT OF 2003"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. PAUL. Mr. Speaker, today I am introducing the "Terror Immigration Elimination Act of 2003."

The United States remains vulnerable to terrorist attacks more than a year after the tragedy of 9/11. Our borders remain porous—a virtual revolving door and welcome mat for those who would seek to harm us. This was never more evident than when news broke some time ago that the Immigration and Naturalization Service had actually renewed the visas for several of the 9/11 hijackers after the attack had taken place. We cannot prevent terrorism if we cannot keep terrorists out of our country.

That is why I am introducing the "Terror Immigration Elimination Act of 2003." This bill will deny student and "diversity" visas to anyone coming from a country currently on the State Department's list of terrorism-sponsoring countries.

It may seem shocking that citizens from these countries can even still receive these visas, but it is true. We must put a lock on this revolving door if we are going to protect Americans from the continuing threat of terrorism on our soil.

Further, Mr. Speaker, it is time we face reality regarding Saudi Arabia. We must remember that most of the 9/11 hijackers were Saudi nationals. Also, when al-Qaeda supporters were rounded up from Afghanistan and held at Camp X-Ray, reports showed that of the 158 prisoners more than one hundred were Saudi nationals. With such an evident level of involvement from Saudi nationals in these activities, it is quite obvious that the Saudi government is not doing all it can, or all it should, in resolving this urgent problem. Therefore, Saudi citizens will also be denied student and "diversity" visas to the United States under this bill.

Mr. Speaker, we need to take concrete and substantive steps to protect the United States and its citizens against further terrorist attacks. One such step is passage of this bill. I urge my colleagues to support this legislation and I look forward to its passage.

HONORING THE FRENSHIP JUNIOR HIGH CHEERLEADERS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. COMBEST. Mr. Speaker, I rise today to recognize and honor the Cheerleaders of Frenship Junior High. Through their hard work and dedication, these young women won the National Cheerleading Association National Championship.

Since September, the girls of Frenship Junior High have practiced their routines at least two hours a week. The competition began on December 28th, where the girls qualified for the finals competition the next day. They overcame nerves and last minute alterations in their routine to take the championship on December 29, 2002 with a score of 9.05 on a scale of 10. After so many months of practice and determination, the squad pulled through with a spectacular victory.

It is with great pleasure, Mr. Speaker, that I honor these dedicated young women for their commitment to their sport. The Frenship Junior High School cheerleaders stand out as very dedicated and motivated individuals. I wish to congratulate these girls on their success in such a competitive sport.

HONORING BARRY A. KASTNER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. ISRAEL. Mr. Speaker, I rise to acknowledge the works of Barry A. Kastner. This outstanding individual from Long Island was honored last night at the B'nai B'rith Banking and Finance Distinguished Achievement Award Dinner.

Mr. Kastner's leadership in the commercial finance industry has been an example to many, and I am most grateful for his service to Congress Financial Corporation and to Long Island.

DR. FRANCINE RATNER KAUFMAN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to Dr. Francine Ratner Kaufman who is receiving the 2003 American Diabetes Association's Women of Valor Award for her dedication to the field of diabetes.

Dr. Kaufman has devoted her clinical and research career to improving the lives of children affected by diabetes. Dr. Kaufman heads the Division of Endocrinology and Metabolism at Childrens Hospital Los Angeles and is Professor of Pediatrics at the Keck School of Medicine at USC. She has published extensively and lectured nationally and internationally on her research in childhood diabetes.

In addition to Dr. Kaufman's busy clinical practice at Childrens Hospital Los Angeles and its satellite centers, Dr. Kaufman has been the medical director at a summer camp for children with diabetes in the San Bernardino Mountains of Southern California for two decades. She has helped establish standards of care for the American Diabetes Association where she currently serves as 2002–2003 National President. She has led many advocacy efforts at the local and national levels to increase insurance benefits and to reduce discrimination against people with diabetes.

I had the pleasure of working with Dr. Kaufman while I was in the California State Senate. Dr. Kaufman worked with me on legislation that would enhance diabetes treatment and management.

I urge my colleagues to join me in honoring Dr. Francine Ratner Kaufman for her pioneering clinical studies, research and devotion to the field of diabetes.

TRIBUTE TO JUDGE BYRON KINDER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in public service has come to a close. The Honorable Judge Byron Kinder retired from his position as Cole County's circuit court judge on January 1, 2003.

A graduate of the University of Missouri and Georgetown Law School, Judge Kinder has been a highly respected judge in Cole County for thirty years.

Judge Kinder is well known for his sense of humor, his directness, and his ability to quickly get at the heart of the problem. Through his time in office, he has treated all before him with the same sense of justice and respect.

In 1962, he entered private practice in Cole County and served as an assistant prosecutor. In 1965, Judge Kinder was appointed prosecutor by Governor Warren Hearnes, serving until 1972, when he was elected circuit court judge.

Mr. Speaker, I wish Judge Kinder all the best as he moves on to the next step in his life. I know the members of the House will join me in wishing him well.

RECOGNIZING PARTNERSHIP OF IDAHO STATE UNIVERSITY ENGLISH AND PROFESSIONAL DEVELOPMENT PROGRAM AND TAIWAN MINISTRY OF FOREIGN AFFAIRS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. SIMPSON. Mr. Speaker, I rise today to highlight the success of the Idaho State University English and Professional Development Program in partnership with the Taiwan Ministry of Foreign Affairs. This unique program, the only program of its kind in the United States, provides a language and cultural education program for junior diplomatic officers in the Ministry of Foreign Affairs. Over 40 students have completed the program since its inception in the early 1990's, and many of these graduates now serve their country in diplomatic postings throughout the world.

The program enables these junior officials to increase their knowledge of the American political system, enhance their language skills, and gain a greater understanding of U.S. culture. Instead of just learning about America in textbooks they have the unique opportunity to experience and participate in the American system by way of local internships and interactions with elected officials. Additionally, they can experience Idaho's natural beauty and participate in numerous outdoor activities. Not only does this program benefit these officials, but it also benefits the students of Idaho State University who are exposed to a different culture and perspective, broadening their world view and understanding.

Recently, I had the opportunity to meet the current group of junior diplomats studying at Idaho State University. They are an intelligent, energetic group who are eager to serve their country. We had a healthy exchange of ideas and a good discussion regarding the American political system and current events in Taiwan. They are very interested in gaining as much knowledge and insight as possible during their stay in America and look forward to using what they have learned as they progress in their diplomatic careers.

I congratulate the 2002–2003 participants of this very worthwhile program. Chen Sy-yun, Fu Yu-min, Huang Chien-tsai, Chin Tsung-kai, and Hsiao Kuang-wei are very able representatives of their country and I am sure that like their predecessors they will serve their country with honor and distinction. I wish them success in all their future endeavors.

This exchange of ideas serves both countries well and reinforces the democratic bond between the United States and Taiwan. Positive associations such as this strengthen the tie between our two countries and further reinforce the importance of Taiwan as a trusted ally.

I am honored to have this program in my congressional district and look forward to a continued successful relationship with Taiwan.

I would like to thank the Honorable C.J. Chen, Taiwan's chief representative in the United States, for his contribution to the close and friendly relationship between our two countries. I would also like to thank Mr. Anthony Chung Yi Ho, Senior Assistant to the Honorable C.J. Chen, for his expertise and leadership in working with my staff, and Michelle Lewis, Director of the Idaho State University English and Professional Development Program, for her dedication and commitment to this unique program.

FRANK BARTOLI NAMED GREATER PITTSTON PERSON OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the designation of Frank Bartoli as Greater Pittston Person of the Year by the Sunday Dispatch. He will be honored with a reception on February 2nd, 2003.

Frank is a native of Pittston who came back to the area to tackle the challenge of turning around the Greater Pittston YMCA, of which he is executive director. As the Dispatch stated recently, "in just over a year he has more than succeeded in helping make the Y a viable Main Street entity again."

Frank, the son of Robert and Leota Bartoli, grew up in Inkerman and is a graduate of Pittston Area High School and Lock Haven University. He and his wife, the former Eileen Burns, have two children, Brian and Ellie.

When Frank returned to Pittston in August, 2001, the YMCA needed much improvement. It was saddled with debt that was delaying the receipt of grants and other improvements, and building maintenance had become a low priority. With the help of the board of directors, $240,000 in debt has been eliminated.

New treadmills and other equipment improvements have been made, but Frank is most proud of the YMCA's focus on children and families, including expanded day care and preschool, a night of entertainment for preteens and the conversion of an old laundry room into a children's room full of toys. Athletics for adults have also been expanded.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the well-deserved designation of Frank Bartoli as Greater Pittston Person of the Year, and I commend him for his hard work and dedication.

A TRIBUTE TO HARLAN EDWARD BOYLES

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. BURR. Mr. Speaker, I rise today a proud North Carolinian, to pay tribute to Harlan E. Boyles, long-time State Treasurer of North Carolina and beacon of fiscal integrity.

Born May 6, 1929, in Lincoln County, North Carolina to a farming family, Boyles learned from the Great Depression the importance of financial responsibility and the value of a dollar. Along with economic hardships, he also fought and finally overcame polio that plagued him from the age of fifteen. His perseverance was unshakable. He went on to graduate from the University of North Carolina at Chapel Hill in 1951 with a degree in accounting. Wasting no time he made his way to the Department of Revenue and, as a junior level auditor, began his lifelong career in public service.

Harlan served North Carolina for sixteen years as the Deputy State Treasurer under his mentor, Edwin Gill. Gill assigned Boyles the challenge of upgrading the State's bond rating, a daunting task with the economy stuck in a post-Depression state. He succeeded: in 1960 his work propelled North Carolina to a triple-A credit rating.

Mr. Boyles succeeded Gill as Treasurer in 1977 and served honorably until his retirement in 2001. In the forty years that he served as Deputy and State Treasurer, he maintained the Triple-A credit rating, resulting in millions of dollars in savings for North Carolinians, one of the Treasurer's proudest accomplishments.

He was a respected man, sought for his soft-spoken knowledge and economic genius. His approval was considered vital to pass bond-related issues that came before the Legislature. He began warning in the 1980's that North Carolina had a fiscal disaster looming on the horizon. He used the past as guide and his uncommon intuition to foreshadow the economic future of the State. Boyles argued that the government was growing faster than the State could afford, maintaining that North Carolina needed "better government, not bigger government."

Boyles was an expert at making an organization perform at its peak, in part because he was constantly seeking new ideas. The level of efficiency that he maintained at the Department of Revenue was ahead of its time with the cutting-edge technology that he instituted. Computers were used everywhere possible to increase productivity. He did the job with one of the smallest staffs in North Carolina government.

Arguably one of the most effective State Treasurers in American history, Harlan made profound strides in his efforts to prepare the State for the twenty-first century. During his tenure, the value of State employee pension funds rose from $7 billion to $67 billion and the total North Carolina workforce increased from 158,000 to 218,000. Without his leadership as Treasurer the security of our State employee retirement fund would not be the guarantee that it is today for so many Tar Heels. The measures that he took to ensure the economic security of the State have yet to be surpassed.

Harlan's passing is not only a loss to North Carolina, but is indeed a loss to America. His legacy of service stands to direct the next generation as they embark on their journey into the new century. North Carolinians mourn his loss, and we keep in our prayers his loving wife Frankie and his children, Lynn, Phyllis and Edward. The history of North Carolina is marked by the work of great men and their ideas; Harlan Boyles is such a man and his legacy will live on to guide the future of sound economics and responsible leadership.

INDIA'S REPUBLIC DAY, JANUARY 26, 2003

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. PALLONE. Mr. Speaker, I would like to pay tribute to one of the most important dates on the calendar for the people of India, as well as for the people of Indian descent who have settled in the United States and around the world. January 26th is Republic Day, an occasion that inspires pride and patriotism for the people of India.

On January 26, 1950, India became a Republic, devoted to the principals of democracy and secularism. At that time, Dr. Rajendra Prasad was elected as the nation's first president. Since then, despite the challenges of sustaining economic development and promoting tolerance and cooperation amongst its many ethnic, religious and linguistic communities, India has stuck to the path of free and fair elections, a multi-party political system and the orderly transfer of power from one government to its successor.

On that special day in 1950, India adopted its Constitution. It should be noted that India derived key aspects of her Constitution, particularly its statement of Fundamental Rights, from our own Bill Of Rights. On the eve of Republic Day several years ago, India's President K.R. Narayanan stated in his address to the nation: "Let us remember, it is under the flexible and spacious provisions of our Constitution, that democracy has flourished during the last fifty years and that India has achieved an unprecedented unity and cohesion as a nation and made remarkable progress in the social and economic fields."

India and the United States both proclaimed their independence from British colonial rule. The Indian independence movement under the leadership of Mahatma Gandhi had strong moral support from American intellectuals, political leaders and journalists. Just this week, we paid tribute to one of our greatest American leaders, the Rev. Martin Luther King, Jr. Dr. King derived many of his ideas of non-violent resistance to injustice from the teachings and the actions of Mahatma Gandhi.

As the world's two largest democracies, the United States and India have a natural relationship, based on their shared values of diversity, democracy and prosperity. These two countries have steadily grown closer for the past ten years, and most recently, the United States' campaign to fight global terrorism has brought the two countries even closer.

Following the tragic events of September 11, 2001 India was one of the first countries to come forward to the United States with an offer of full assistance and cooperation in this new global fight against terrorism. Prime Minister Vajpayee expressed his deep sympathy regarding the World Trade Center attacks. The attacks in fact took the lives of 250 Indians and Indian-Americans.

Since September 11, there have been terrorist attacks against India on a near daily basis. India has sadly been afflicted with terrorism from Pakistani-based terrorist groups that are to be blamed for over 53,000 deaths of innocent Indian citizens throughout the last 15 years. These are in fact the same terrorist groups that belong to the terrorist networks the United States is now fighting against. It is only natural that these two countries are now united in the global fight against terrorism.

Lastly, I want to note that throughout the South Asian region, India stands alone as a pillar of democracy, stability and growth. I join both Indians in India and over 1.8 million Indians living here in the United States in celebrating India's Republic Day.

IN HONOR OF DR. ROSS J. SIMPSON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and acknowledge Dr. Ross J. Simpson. Dr. Simpson who was honored on Saturday, January 18, 2003, by the Richard A. Rutkowski Association at a gala dinner-dance at the Hi-Hat Caterers.

A captain in the U.S. Army, Dr. Simpson served our country as the chief of chest surgery at the Osaka Army hospital in Japan during the Korean War, and was honored with the United Nations and Korean Service medals for his service. Upon his return from the war, in 1952, he started his surgical practice in Bayonne. His medical career was extensive, and Dr. Simpson worked as a chief of surgery at Bayonne Hospital and the Pollack Hospital, and as an attending surgeon at St. Francis Hospital, St. Mary's Hospital, Morristown General, and the French Hospital in New York City.

Dr. Simpson has held leadership positions ever since his service in the Army. At Bayonne Hospital, he served as president of the medical staff, president of the Board of Trustees, and chairman of the Board of Trustees.

He has not only been a surgeon, but also a professor of surgery at the New Jersey College of Medicine and Dentistry. He is published in the Annals of Surgery and in the AMA journal for his nationally renowned work on foreign bodies of the chest and heart. Dr. Simpson is a fellow of the American College of Surgeons and the International College of Surgeons, and a diplomat of the American Board of Thoracic Surgery.

A founding member of the Simpson Barber Foundation for the Autistic, Dr. Simpson will serve as the Chairman of the 1st Annual Regatta of the Foundation. He is a communicant of St. Henry's Church, and in 1995, he received the Brotherhood Award from the Bayonne Chapter of Christians and Jews.

Dr. Simpson is married to Marguerite O'Reilly, the proud father of five, Ross Jr., Thomas, Christopher, Mary Anne, and Marguerite, and proud grandfather of fifteen.

Dr. Simpson earned his B.A. from St. Peter's College, and his medical degree from NYU Medical School.

Today, I ask my colleagues to join me in honoring Dr. Ross J. Simpson for his outstanding contributions to the medical community, for treating the injured and the sick, and for saving countless lives in times of war and peace.

TRIBUTE TO FORMER MICHIGAN STATE SENATOR DON KOIVISTO

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to Don Koivisto, a former senator in the Michigan State Senate from the 38th Senate District, which is comprised of ten counties in my congressional district.

First elected to the Senate in 1990, Don Koivisto has just concluded his service in that body because of the Michigan term limits law. This law was enacted at the will of the voters of Michigan, but I must confess that I believe the law turns effective public servants out of office. Don has represented both the community where I grew up and the community where I and my family now live.

Born August 18, 1949 in Bessemer, Don earned a bachelors degree in political science from Central Michigan University. Don and his wife, Pam, have four children.

Prior to his twelve years in the Michigan State Senate, Don served three consecutive 2 year terms in the Michigan House of Representatives after first being elected to the House in 1980. In addition to his service in the Michigan legislature, Don has been a political consultant to former Michigan House Speaker Lewis Dodak and former Michigan State Representative Michael Griffin.

Don is a former school board member and served as a high school teacher and basketball coach. He also worked as a Ontonagon County Juvenile Officer.

It should be clear from my remarks, Mr. Speaker, that Don Koivisto has spent much of his adult life in public service.

Mr. Speaker, Don's last day as a state senator was January 2, 2003. Don is too young a man for retirement and I am certain that he will find a way to continue to serve the residents of Michigan.

Mr. Speaker, I ask you and my House colleagues to join me in saluting Don Koivisto, a public servant who has spent much of his life working for the betterment of others.

INTRODUCTION OF SOCIAL SECURITY FOR AMERICAN CITIZENS ONLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. PAUL. Mr. Speaker, today I introduce the Social Security for American Citizens Only Act. This act forbids the federal government from providing Social Security benefits to noncitizens. It also ends the practice of totalization. Totalization is where the Social Security Administration takes into account the number of year's an individual worked abroad, and thus was not paying payroll taxes, in determining that individual's eligibility for social security benefits!

Hard as it may be to believe, the United States Government already provides Social Security benefits to citizens of 17 other countries. Under current law, citizens of those countries covered by these agreements may have an easier time getting Social Security benefits than public school teachers or policemen!

Obviously, this program provides a threat to the already fragile Social Security system, and the threat is looming larger. Just before Christmas, the press reported on a pending deal between the United States and the government of Mexico, which would make hundreds of thousands of Mexican citizens eligible for U.S. Social Security benefits. Totalization is the centerpiece of this proposal, so even if a Mexican citizen did not work in the United States long enough to qualify for Social Security, the number of years worked in Mexico would be added to bring up the total and thus make the Mexican worker eligible for cash transfers from the United States.

Mr. Speaker, press reports also indicate that thousands of foreigners who would qualify for U.S. Social Security benefits actually came to the United States and worked here illegally. That's right: The federal government may actually allow someone who came to the United States illegally, worked less than the required number of years to qualify for Social Security, and then returned to Mexico for the rest of his working years, to collect full U.S. Social Security benefits while living in Mexico. That is an insult to the millions of Americans who pay their entire working lives into the system and now face the possibility that there may be nothing left when it is their turn to retire.

The proposed agreement is nothing more than a financial reward to those who have willingly and knowingly violated our own immigration laws. Talk about an incentive for illegal immigration! How many more would break the law to come to this country if promised U.S. government paychecks for life? Is creating a global welfare state on the back of the American taxpayer a good idea? The program also establishes a very disturbing precedent of U.S. foreign aid to individual citizens rather than to states.

Estimates of what this deal with the Mexican government would cost top one billion dollars per year. Supporters of the Social Security to Mexico deal may attempt to downplay the effect the agreement would have on the system, but actions speak louder than words: According to several press reports, the State Department and the Social Security Administration are already negotiating to build a new building in Mexico City to handle the expected rush of applicants for this new program!

As the system braces for a steep increase in those who will be drawing from the Social Security trust fund, it makes no sense to expand it into a global welfare system. Social Security was designed to provide support for retired American citizens who worked in the United States. We should be shoring up the system for those Americans who have paid in for decades, not expanding it to cover foreigners who have not.

It is long past time for Congress to stand up to the internationalist bureaucrats and start looking out for the American worker. I therefore call upon my colleagues to stop the use of the Social Security Trust Fund as yet another vehicle for foreign aid by cosponsoring the Social Security for American Citizens Only Act.

MARSHA SHARP SELECTED FOR WOMEN'S BASKETBALL HALL OF FAME

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. COMBEST. Mr. Speaker, I rise today to commend Marsha Sharp for her outstanding dedication to the athletic and academic achievement of her student-athletes. Her efforts have gained her an induction into the Women's Basketball Hall of Fame for spring 2003.

Marsha Sharp will be among the fifth class of inductees into the Women's Basketball Hall of Fame. The six individuals inducted in this class will bring the total number of individuals in the Women's Basketball Hall of Fame to 73. Marsha Sharp is more than a coach; she is also a leader and role-model for many athletes and students not only at Texas Tech, but all across the country.

Her commitment to excellence has earned many successes for both her and the teams that she has led. Coach Sharp is in her 21st season as the head coach of the Lady Raider Basketball program and in that time has established a career record of 479–153, She guided the Lady Raiders to the NCAA National Championship in 1993 and has led Texas Tech to the NCAA Tournament 15 times, including 13 straight. She has taken her team to the Sweet 16 nine times and the Elite Eight three times. She has also led her teams to numerous conference titles.

The Women's Basketball News Service and the Women's Basketball Coaches Association named her coach of the year in 1993 and 1994, respectively. Marsha Sharp has not only led her teams to success on the court, but also in the classroom, as 99 percent of her student athletes have graduated during her tenure at Texas Tech.

It is with great pride that I commend Marsha Sharp for her active involvement and leadership both on and off the court, and I congratulate her on being inducted into the Women's Basketball Hall of Fame.

HONORING MORRIS S. HODKIN AND JOSEPH HODKIN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. ISRAEL. Mr. Speaker, I rise to acknowledge the works of Morris S. Hodkin and Joseph Hodkin. These outstanding individuals from Long Island were honored last night at the B'nai B'rith Banking and Finance Distinguished Achievement Award Dinner.

Mr. Morris Hodkin and Mr. Joseph Hodkin of Daley-Hodkin Corporation have dedicated years of service to the corporate credit industry in New York. They are also to be commended for their continued activities in charitable endeavors.

IN HONOR OF OUR LADY OF THE ASSUMPTION CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and celebrate the 100th anniversary of Our Lady of the Assumption Church. The church celebrated its anniversary on Saturday, November 2, 2002, which Bayonne Mayor Joseph V. Doria, Jr., proclaimed as Our Lady of the Assumption Centennial Day.

In the early 1900s, a group of Italian-speaking immigrants decided that the Bayonne community needed a national parish that would truly serve the needs of the people. They petitioned the Bishop of Newark to establish a parish that would use the Italian language at mass and other services, allowing for both native and non-native English speakers to benefit from the service. The parish was officially established in June of 1902, and Monsignor Michael Mercolino delivered the first mass in a small store on 21st Street on June 3, 1902. Monsignor Mercolino's participation with the Church did not end there; he dedicated and devoted his time to the parish until 1945.

Our Lady of the Assumption has grown over the past century from that first group of Italian immigrants to a multicultural congregation that celebrates mass and other services in three languages: English, Spanish, and Italian. Three church buildings have also been established: the first in 1902, the second in 1911, and the third in 1976. The City of Bayonne is a better place thanks to the inclusive and generous ways of the ever-growing Our Lady of Assumption Church.

Today, I ask my colleagues to join me in honoring Our Lady of the Assumption Church Centennial Day, a profound and monumental day in the history of the City of Bayonne.

TRIBUTE TO RALPH SOFFREDINE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to an individual, who in addition to a long and distinguished career in law enforcement and teaching, has dedicated many thousands of hours to community service in northern Michigan. Mr. Speaker, I rise to honor Ralph Soffredine of Traverse City, Michigan.

Ralph Soffredine has dedicated his life to education, law enforcement, community service and teaching. His perseverence and accomplishments have been an inspiration to every one who has met Ralph.

Born in Detroit, Michigan on January 11, 1937, he graduated from Sandusky High School, in Sandusky, Michigan in 1959. Nearly thirty six years ago he married Pam on March 21, 1967 and the couple raised six children: Maureen, Pete, Patrick, Annie, Joseph, and Paula. Ralph and Pam also have nine grandchildren.

After serving in the U.S. Air Force from September 1954 until receiving an honorable discharge as an Airman First Class in March 1958, he continued his academic studies and earned a Bachelor of Science degree in science from Central Michigan University, in Mount Pleasant, Michigan, in June of 1966, While at Central he had a distinguished athletic career as a football player and was inducted into the school's athletic hall of fame in October 2001.

A continuing quest for education led Ralph to earn a Masters of Arts degree in community administration from Eastern Michigan University, in Ypsilanti, Michigan, in 1970. In addition to his academic work towards two degrees, Ralph is a 1985 graduate of the "Police Staff and Command School" at Northwestern University, in Evanston, Illinois and a 1991 graduate of the FBI National Academy, in Quantico, Virginia.

Ralph began his criminal justice career in 1966 as a police officer in the Flint Police Department. He then moved to the Grand Blanc Township Police Department, where he attained the rank of captain. The Ishpeming Police Department recognized his talents and named Ralph chief in June of 1976. He later served as chief of the Menominee Police Department. He then moved downstate and took the position of director of law enforcement with the Grand Traverse County Sheriff's Department.

Ralph left the Grand Traverse County Sheriffs Department to become chief of the Traverse City Police Department in 1981. Ten years later, Traverse City added the duties of fire chief to Ralph's responsibilities.

According to Ralph one of his major accomplishments as police chief was bringing community policing to Traverse City. I had the pleasure of working with Ralph in introducing the U.S. Department of Justice's Community Oriented Policing Services (COPS) program to the Traverse City area.

Having an advanced degree, Ralph has taught criminal justice courses at many institutions of higher learning in the United States and abroad. In May of 1998 he spent five weeks in the Ukraine, working under the auspices of the Ukraine Militia, as an adjunct professor teaching and facilitating law enforcement classes to visiting U.S. students from the Michigan State University School of Criminal Justice. Closer to home, Ralph has taught criminal justice courses at many colleges and universities including: Northern Michigan University; Northwestern Michigan College; Northwestern University; Michigan State University; and his alma maters, Central Michigan University and Eastern Michigan University.

Showing his dedication to law enforcement beyond his administrative positions, Ralph has been involved in many related issues such as county jail program development, police school liaison programs, drug enforcement, crime prevention, police/fire training, internal investigation, chief contract negotiation, grievance and discipline, unification and consolidation of police departments, central dispatch, and records. Having a wide range of life experiences beyond law enforcement, Ralph has advised local officials on grants, personnel, management reorganization, community organization, and city, township and county budgeting.

Ralph's community service goes beyond his law enforcement and teaching duties. He currently serves as chairman of the Grand Traverse County Family Independence Agency, the Camp Grayling Regional Training Facility, and The Pavilion's board. Showing his admirable community service, he serves on many other committees and boards including: the Police School Liaison Committee, Northflight Board of Directors, Munson Board of Directors, Women Resource Center Board of Directors, the Traverse City Planning Commission, and the Traverse City Area Public School Board of Education.

He has served as president of Grand Traverse Families in Action and as a member of the Michigan Justice Training Commission.

Mr. Speaker, Ralph Soffredine's wide ranging law enforcement, teaching and community service activities are admirable and amazing. Ralph and Pam Soffredine have been great assets to their chosen careers, their fellow workers, and their community. I am proud to call Ralph and Pam Soffredine, friends of mine.

Mr. Speaker, Ralph's last day as Chief of the Traverse City Police Department is January 24, 2003 and on January 25, 2003 there will be a retirement dinner and program for him at the Park Place Hotel in Traverse City, Michigan.

Retirement will not slow Ralph at all. He will continue teaching criminal justice courses and training for power lifting competitions, an appropriate hobby for an individual who has shouldered so many duties throughout his life.

Mr. Speaker, I ask you and my House colleagues to join me in saluting Ralph Soffredine, a great person who has spent his life in service to others.

TRIBUTE TO BROADMOOR POLICE CHIEF TIM GUINEY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. LANTOS. Mr. Speaker, it is with a mixture of pride and sorrow that I invite all of my colleagues to join me in celebrating the career of Broadmoor Police Chief Timothy J. Guiney, who is retiring after 33 years in law enforcement.

Chief Guiney began his career in 1969 as a full-time reserve Deputy Sheriff for the San Mateo County Sheriff's Office. After three years there he joined the Brisbane Police Department. During the next 17 years, Tim Guiney served the Brisbane Police Department with distinction as he held every rank in the department from Officer to Acting Chief of Police. In 1990, the Broadmoor Police Protection District persuaded Chief Guiney to assume the title of Chief of Police and District Manager, where he continued to perform above and beyond the call of duty.

Mr. Speaker, Tim Guiney is the heart and soul of San Mateo County Law Enforcement. In addition to performing his job with extraordinary distinction, Chief Guiney has woven himself into the fabric of our community. He is the founder of numerous programs including the Police Activities League and Adopt-A-School Brisbane, as well as the "Cops and Kids" North County Community Day. Additionally, he is a Past-President and long time executive board member of the Daly City-Colma Chamber of Commerce and a past-president of the Daly City Employees Federal Credit Union. An active member of San Mateo County, Chief Tim Guiney truly is the personification of community policing.

Combining the intellect of Eliot Ness, the dedication of Joe Friday, Andy Taylor's honesty, Barney Miller's patience, Steve McGarrett's ability to delegate, and aspiring towards Sonny Crocket's sartorial splendor, Chief Tim Guiney represents the best of American Law enforcement. Mr. Speaker, I ask all of my esteemed colleagues to rise and join me in paying tribute to Chief Tim Guiney's lasting legacy of law enforcement excellence.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. RENZI. Mr. Speaker, on behalf of Representatives KOLBE, PASTOR, HAYWORTH and GRIJALVA, I rise today to introduce the Zuni Indian Tribe Water Rights Settlement Act of 2003. Senators KYL and MCCAIN will be introducing the Senate version of this important legislation.

The Zuni Indian Tribe Water Rights Settlement Act of 2003 codifies the settlement of the Zuni Indian Tribe's water rights for its religious lands in northeastern Arizona. The Zuni Heaven Reservation was created by Congress in 1984 to protect and recognize long-standing religious activities by the Zuni Tribe.

This legislation would go one step further and provide the Zuni Tribe with the resources to acquire water rights and to restore and protect the wetland environment that previously existed on the Zuni Reservation. It's important to note that the Zuni Tribe will acquire water rights from willing sellers. In return, the Zuni Tribe will waive its claims in the Little Colorado River Adjudication. The Zuni Tribe will also waive claims against any future water uses in the Little Colorado River basin and grandfather existing uses.

This legislation will not only avoid costly litigation by the United States, but it will allow the United States government to satisfy its trust responsibilities to the Zuni Tribe regarding water on the Zuni Reservation.

Mr. Speaker, I would like to commend the work of the parties to the Zuni Settlement. The parties consist of rural communities in the First District of Arizona, including the City of St. Johns, the Town of Eagar and the Town of Springerville. In addition, the State of Arizona, specifically, the Arizona Game and Fish Department, the State Land Department and the Arizona State Parks Board, Salt River Project, Tucson Electric Power Company, St Johns Irrigation and Ditch Company, the Lyman Water Company and the Round Valley Water Users' Association.

Mr. Speaker, I urge my colleagues to support the Zuni Indian Tribe Water Rights Settlement Act of 2003.

HONORING COACH LEFTY DRIESELL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. HOYER. Mr. Speaker, for the better part of a year University of Maryland basketball fans have been celebrating and enjoying the National Championship won by the Terps in April 2002. This was a wonderful accomplishment for which coach Gary Williams and his players have been widely praised, and they deserve a tremendous amount of respect and credit for bringing the University its first men's basketball title.

But there is another individual whose contributions to the 2001–02 championship season should not be overlooked—former Maryland coach Charles "Lefty" Driesell, who earlier this year retired after 41 years in the coaching ranks. When coach Driesell arrived in College Park for the 1969–70 season, after having turned small Davidson College into a respected Division I basketball program, his stated goal was to make Maryland "the UCLA of the East." And while no university has ever won titles at the rate of John Wooden's Bruins, the fact is that Lefty Driesell established at the University of Maryland one of the nation's elite basketball programs.

Maryland fans now take for granted that the Terps will challenge for the ACC title, receive an invitation to the NCAA tournament, and be among the handful of serious contenders for a trip to the Final Four. But that wasn't always the case.

Consider that during the first 50 seasons of men's basketball at the University, prior to the arrival of Coach Driesell, the Maryland men's basketball team won 53 percent of its games, twice finished the season ranked in the AP poll, and played in the NCAA tournament one time. In the 33 full seasons since Lefty came to Maryland, the Terps have a winning percentage of 65 percent, have been ranked 14 times, and have made a remarkable 19 NCAA tournament appearances.

Because of the level of success that has been achieved and maintained, the University is now able to recruit from among the nation's top high school players. But it is the initial success, or "turning a program around," that is the difficult first step. Coach Williams' two Final Four appearances and National Championship last year were built on the foundation established by Lefty Driesell in the 1970s and 1980s.

Coach Driesell's career numbers are almost too much to comprehend, but a few are worth noting. He retires with 786 wins, behind only Dean Smith, Adolph Rupp and Bob Knight; he compiled 22 career 20-win seasons; he is the only coach to win at least 100 games at four schools, and one of only three coaches to take four schools to the NCAA tournament; he was twice voted ACC coach of the year and won more games during his 17 seasons in College Park than any other Maryland coach.

But Charles Driesell was not just the "Lefty" we all came to know and love as the Maryland basketball coach. Joyce Gunter, his wife of more than 50 years, his four children and 8 grandchildren know him as a loving and committed father and husband.

He has also been officially recognized by the NCAA as a hero for his actions the night of July 12, 1973. Driesell was surf fishing with some friends around midnight in Bethany Beach, Delaware when they spotted flames shooting from a nearby townhouse complex. Coach Driesell broke down the door and started getting the people out of the burning buildings, and he is credited with having saved the lives of ten children that evening.

For his actions, Driesel received the NCAA Valor Award in 1974, which is presented to a coach or administrator currently associated with intercollegiate athletics, or to a current or former varsity letter-winner at an NCAA institution who, when confronted with a situation involving personal danger, averted or minimized potential disaster by courageous action or noteworthy bravery. In the nearly 30 years since its creation, the award has only been presented eight times, which speaks to the true heroism of Coach Driesell's actions that night.

Mr. Speaker, I would like to congratulate Charles "Lefty" Driesell on his much-deserved retirement and thank him for his contributions to the University of Maryland, its fans and the citizens of the great state of Maryland.

IN HONOR OF THE BAYONNE HIGH SCHOOL FIGHTING BEES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Bayonne High School Fighting Bees for winning the New Jersey North 1, Group IV state championship for the first time in the school's history. Their hard work, dedication, and talent led them to victory, and to the ultimate of high school football prizes, winning the state championship.

Coach Rich Rodriguez's philosophy, that every play of every game was of the utmost importance, proved true in the 25–23 win over Hackensack High. There was no room for the players to let up on their intensity. Bryan Smith took this philosophy to heart. Running hard, he rushed for 233 yards on 23 carries, and his determination was an example of the entire team's tireless efforts to reach their goal.

As they move on in life, the team can remember the lessons that earned them the honor of being able to call themselves champions—that with great effort, teamwork, and dedication to a cause, one can accomplish goals and win not only on the football field but also in life.

Today, I ask my colleagues to join me in honoring the Bayonne High School Fighting Bees for their accomplishments on the football field. Congratulations, you make our community proud.

A TRIBUTE TO CONGREGATION BETH SIMCHAT TORAH AND RABBI SHARON KLEINBAUM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. NADLER. Mr. Speaker, it is my very great personal pleasure to rise today to honor New York City's Congregation Beth Simchat Torah and its rabbi, Sharon Kleinbaum. CBST, as it is known to thousands of friends throughout the city and around the world, is the world's largest lesbian, gay, bisexual, and transgender congregation, and on February 9, 2003, we will celebrate the start of CBST's 30th year of service to the community.

In 1973, ten people gathered in the basement of the Church of Holy Apostles in response to a small classified ad placed in the Village Voice. At the time, none of the national Jewish organizations supported gay rights. No synagogues officially welcomed gay members. The fact that we are able to join together, thirty years later, to celebrate and commemorate CBST is a testament to the strength of what those first congregants established—a place where it is possible to be both "openly gay and proudly Jewish," as Rabbi Kleinbaum says, a community in which all journeys are respected.

This celebration is also evidence of the special place CBST occupies in the hearts of New Yorkers of all denominations and all sexualities, as a welcoming and loving place to celebrate one's faith. Every year, for the High Holidays services, CBST moves its services to the Jacob Javits Convention Center in order to accommodate the 3,000 or more people who are a part of the extended CBST family. In 2001, just two weeks after September 11th, CBST's services for Kol Nidre, the Jewish Day of Atonement, drew 6,000 people. I don't think I could adequately describe the important place CBST has had in the lives of so many of my fellow New Yorkers, but the numbers certainly begin to tell the story. I am proud to represent Congregation Beth Simchat Torah in Congress.

There have been many heroes in the history of CBST. This year, we will thank the congregation's rabbi, Sharon Kleinbaum, for ten years of visionary leadership. In the course of ten eventful years, it has been her love of the CBST community that has made CBST an ever-growing force for positive social change. CBST, like the larger gay community of New York City, has lost too many members to AIDS, and through the years, Rabbi Kleinbaum has helped many CBST members through their own sickness, and the loss of friends and loved ones. She is the leader of a new generation of young Jewish leaders, deeply committed to the Jewish tradition but innovative and progressive in her view of its celebration, and passionate in her belief in the power of faith in people's lives. Rabbi Kleinbaum occupies a truly treasured place in the gay community, the Jewish community, and in the hearts of thousands of New Yorkers, and I am also proud to call her my friend.

TRIBUTE TO FERRIS FOUNDATION AND THE NATIONAL ASSOCIATION FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the achievements of the Ferris Foundation and the National Association for Equal Opportunity in Higher Education for understanding the importance of international education programs.

In 1989, Dr. Richard Ferris created the Ferris Foundation for Graduate Education, Inc. to nurture the strong bonds between the people and institutions of the United States and Ireland. Since the beginning, the Ferris Foundation has invested resources in the creation of academic projects providing postgraduate education to outstanding scholars of both countries. Over the years, the Ferris Foundation has brought excellent young scholars from universities in Northern Ireland and the Republic of Ireland to the United States for advanced studies in management and finance.

Last year, the Ferris Foundation and the National Association for Equal Opportunity in Higher Education embarked on a partnership to give both African-American and Irish students an opportunity to learn about the Irish and African-American cultures that exist in their respective countries.

The rector of the university system in Ireland worked with Dr. Ferris and the National Association for Equal Opportunity in Higher Education to facilitate the implementation of this innovative program. The Association identified a number of scholarly and well-rounded students from some of the most prestigious African-American universities. The four students who were selected for graduate study in Ireland include: James Keeton of Albany State; Akisha Campbell of Florida A & M University; Joseph Easter of Jackson State University and Keisha Senter of Florida A & M University. These four distinguished scholars will experience Irish culture through a planned program of graduate study and through employment in an American corporation in Ireland.

This unique project not only provides each participant with a superior graduate education but also an introductory employment experience and a perspective on American culture seen through their new "Irish eyes."

I wish the Ferris Foundation and the Republic of Ireland and the National Association for Equal Opportunity in Higher Education well as they continue on the path of fostering cultural exchange and embodying the motto of the National Association for Equal Opportunity in Higher Education in "Keeping the Doors of Opportunity Open."

THE FEDERAL HOME LOAN BANK SYSTEM

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. CLAY. Mr. Speaker, I stand today to ask for further congressional scrutinizing of recommended changes to the Federal Home Loan Bank system.

The Federal Home Loan Bank system has enjoyed continued success as a regionally based cooperative that provides critical liquidity to its constituent member institutions.

The currently proposed changes involve three major issues that include the assumption of new powers, the dismantling of the regional character of the System, both of which bring into issue concerns about corporate transparency, and whether the FHLBank's disclosure practices are adequate.

It is thought by many in Congress and in the industry that efforts by some members of the FHLBank system to create a new market for securitization of mortgages would expand its mission in an era of economic uncertainty. Congress should have an opportunity to assess the effectiveness of any proposed reforms before the system is allowed to abrogate its traditional mission.

Moreover, the adoption of a multi-district charter would undermine the strength of the system which lies in its regional structure that allows each bank to have independence and flexibility in addressing its varying needs. As a result, further consolidation could threaten competition and lead to a limitation of access to credit for home ownership.

Finally, any expansion of FHLBank powers and activities should be accompanied by more stringent disclosure requirements; additional statutory standards such as affordable housing goals; and appropriate capital requirements.

In order to safeguard the continued viability of the Federal Home Loan Bank system, any changes to its fundamental mission should receive adequate congressional scrutiny.

IN HONOR OF ETHEL D. PEOPLES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wesnesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Ethel Davis Peoples or over 34 years of dedicated service to the children and families of Jersey City. Upon her retirement, she was honored at Casino in the Park in Jersey City, New Jersey, on Saturday, December 7, 2002.

Mrs. Peoples, an exemplary citizen and active participant in the community, spent over 30 years working at the Jersey City Child Development Centers, Inc. She started her career working as a temporary food service employee, and her outstanding work led to a full-time position. Over the years, Mrs. Peoples has worked in several Head Start Centers, and has been a joy to work with as she shares her positive outlook with everyone.

Mrs. Peoples also invested countless hours as a volunteer worker with young adults at the Teen Post of the Catholic Youth Organization (CYO), located on Bergen Avenue. She was honored and recognized by the CYO for her devoted service and tireless work.

Mrs. Peoples, a great-grandmother, is also the mother of seven and grandmother of eleven.

Today, I ask my colleagues to join me in honoring Ethel D. Peoples for enriching the lives of so many throughout our community and at the Jersey City Child Development Center, Inc.

SUSPENSION OF FURTHER TAX REDUCTIONS UNDER THE 2001 TAX ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. RANGEL. Mr. Speaker, today I am introducing legislation that will ask a simple question. Do Members of Congress feel that the threats posed by Iraq, North Korea, and terrorism are sufficiently real that all Americans should bear some sacrifice in responding to those threats?

Our Nation in times of war always has responded by requiring sacrifices from all segments of our society. Individuals in our military are asked to bear the highest sacrifice. They are forced to leave their homes and risk their lives overseas. Those fortunate enough to remain at home during the war have been asked to support the military through rationing, increased taxes, or diversion of government resources from domestic programs.

The President's rhetoric about the seriousness of the risk posed by Iraq and terrorism is inconsistent with his actual program. He places our military at risk but does not ask all other segments of our society to sacrifice for the cause. Only the poor will be forced to sacrifice through reductions in the domestic safety net. Other segments of our society are promised tax reductions, not sacrifice, with the greatest tax reductions enjoyed by the wealthiest segment of our society.

The Department of Defense surveys clearly indicate that both active-duty and reserve members of the Armed Forces are primarily from low-income families. The fact that only one member of the Congress has a child in the enlisted ranks of the military is stark confirmation of the accuracy of those surveys. However every Member of Congress, by virtue of their congressional salary alone, will have sufficient income to enjoy large tax reductions under the Bush Administration policy.

Mr. Speaker, the legislation that I am introducing today will not increase taxes on any American above the level that is currently in effect. It simply suspends all further tax reductions under the 2001 Tax Act until the President certifies that the situations in Iraq and North Korea have been resolved, there has been an adequate response to international terrorism, and no member of the Armed Services is involuntarily on duty because of those situations.

Mr. Speaker, I recognize that the sacrifices required by my legislation do not meet the standard that this country has required in the past. It will not increase taxes, it will simply defer future tax reductions. Our seriousness about pursuing action overseas will be highly questionable if this Congress does not require that small sacrifice from those so fortunate to be able to stay at home.

I recognize that some will attack my legislation as being "class warfare." I would respond to that criticism by pointing out that all future tax reductions under the 2001 Act would be deferred by my legislation, including the limited benefits promised to lower income individuals. I recognize that the wealthiest segment of our society would have the largest benefits subject to deferral. However, that fact is not my doing, it is a simple reflection of the unfair nature of the 2001 Act.

The administration and many Republican Members of the Congress have vociferously attacked the legislation that I introduced earlier to reinstate the draft. It is clear that they do not believe that their cause in Iraq is of sufficient importance to risk the lives of their children. Now I am asking whether it is sufficiently important to sacrifice tax benefits promised in the future.

TRIBUTE TO ROBERT L. JOHNSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I stand before you today to acknowledge the accomplishments of Robert L. Johnson.

In 1980, Mr. Johnson launched Black Entertainment Television (BET) with the help of a $15,000 loan. Under Mr. Johnson's leadership, BET Holdings Inc. expanded, and in 1991 became the first African-American-owned Company traded on the New York Stock Exchange. Mr. Johnson has since expanded the core BET network to include a theatrical film company, a book publishing division and restaurants. BET has flourished as the leading African American multimedia entertainment company, now reaching more than 65 million U.S. homes and more than 90% of all African-American cable households.

On December 12, 2002, the National Basketball Association awarded Robert Johnson an expansion franchise in Charlotte, NC, making him not only the first African American to own an NBA franchise, but also the first African-American to own a major professional sports team in North America.

The selection of Mr. Johnson completes a long series of achievements by African-Americans in the NBA. Earl Lloyd became the NBA's first African-American player in 1950. Bill Russell became the league's first African-American head coach in 1966. Wayne Embry became the league's first African-American general manager in 1972. Today, 85 percent of the NBA's rosters are filled with African-Americans, and 12 of the 29 coaches in the league are African-Americans.

It was his individual skills, his demonstrated ability to build organizations, and his success in business and media that earned Robert Johnson such a grand accomplishment. He will be an example for other team owners as he has committed to giving African-Americans opportunities within his team's management structure.

I would like to recognize the historical significance of Robert L. Johnson becoming the first African-American to own a majority portion of a major sports team in the United States and North America. I salute Mr. Johnson for his outstanding achievements and work as an African American businessman and leader. I commend the NBA in choosing Mr. Johnson to own the new Charlotte franchise, and I salute the league's understanding of the importance of diversity in making its selection. I would also like to encourage further efforts within the NBA and other professional sports to support minority ownership and management of team franchises.

SHERIFF GARY T. CARLSON

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor Merced County Sheriff Gary T. Carlson. Sheriff Carlson was born in Iowa and raised in Illinois and graduated from Cathedral High School in Chicago, Illinois.

At the age of 18, Gary joined the United States Air Force and after basic training was stationed at Castle Air Force Base in Atwater, California. After over two years at Castle, he received orders to Vietnam. Gary returned to the U.S. in April 1970 and was honorably discharged at the rank of Sergeant at McCord Air Force Base in Seattle, Washington.

Gary again returned to Merced, California and attended Merced College studying in the area of Sociology. He applied for and was hired as a Merced County Deputy Sheriff in October 1971. His first assignment was working in the Jail Division. Sixteen months later, he was assigned to the midnight shift Patrol Division, then to the Detective Division. Gary was promoted to Sheriff Sergeant in 1978. Since then, he has worked in Corrections, Narcotics and Detectives, along with Administrative Services. Gary was then promoted to Commander in May 1991.

In addition to his work at the Department, Gary has taught Administration of Justice classes at Merced College and possesses a lifetime teaching credential for California Community College in the Law Enforcement Field. He has a Bachelor's Degree from Chapman University in Administration of Justice and graduated with honors.

Gary was appointed to the Office of Sheriff-Coroner of Merced County by the Merced County Board of Supervisors and took office on May 5, 2001. He has three children, Juliette, Matthew and Christian. He is married to his wife, Linn.

It is my honor and privilege to recognize Sheriff Gary Carlson for his service to the Merced community and to our nation. Throughout his career, he has distinguished himself as a leader and mentor. It is my honor to call Sheriff Carlson my friend. I am delighted to recognize his service and his retirement as I wish he and Linn all the best in their future.

IN HONOR OF CAROL CRUDEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the many accomplishments of Carol Cruden, who was recognized Friday, January 24th, at Ireland's 32 annual dinner dance held at the Hi-Hat Club in Bayonne, New Jersey.

A Bayonne native, Carol Cruden has dedicated her life to creating a healthier and more educated community. She is currently the president of the Hudson County School Nurses Association, a member of the New Jersey Association of Health Educators, and the Family Life Education Council. She has been the director of Bayonne Public School Nurses for 25 years, supervisor of Employee Health Services for the Board of Education since 1991, and is a part-time nursing supervisor at Bayonne Medical Center. For her work towards the prevention of child abuse, Carol was nominated by the New Jersey School Nurses Association as the 2001 honoree of the New Jersey Child Assault Prevention Project.

She is a member of the Gold Star Wives of America, Mayor's Council on AIDS Awareness, Nursing Advisory Committee for Bayonne Medical Center School of Nursing, Bayonne's Community Health Steering Council Secretary for the Advocates of Bayonne Children, and Ireland's 32.

An accomplished student, Carol graduated from Bayonne High School and Holy Name Hospital School of Nursing. She earned her B.A. and M.A. from Jersey City State College, receiving the academic distinctions of Magna Cum Laude and membership to the Kappa Delta Phi National Honor Society. Carol is a certified school nurse and a teacher of licensed practical nursing.

Carol, the only child of Sarah and Hugh Finney, married the late Marine Staff Sergeant Donald Cruden, and has three children, Daniel, Michael, and Sally.

Today, I ask my colleagues to join me in honoring Carol Cruden for her positive influence and hard work on behalf of the nursing community and all of Bayonne's residents. Thanks to Carol, Bayonne is a healthier and happier community.

TRIBUTE TO DAVID K. MORRIS

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. DICKS. Mr. Speaker, I rise today to pay tribute to a great American, Mr. David K. Morris. After 8 years as the Superintendent of the Olympic National Forest, David has accepted a position in the Peace Corps as the Country Director for the African country of Zambia.

David has worked for the National Forest Service for 37 years, including as the Superintendent at Crater Lake National Park and Katmai National Park. In addition, he served as assistant superintendent for Canyonlands and Arches National Parks and Natural Bridges National Monument. David has also served the Park Service in Hawaii and San Francisco.

David began his service as the Superintendent of the beautiful Olympic National Park in November 1994. During his tenure at Olympic, David has overseen a number of important improvements and accomplishments, including purchase of the two Elwha River dams, establishment of the Friends of Olympic National Park and initiation of the park's General Management Plan. In addition, he has worked toward the general rehabilitation of visitor's centers, park roads, and over 600 miles of park trails. Under David's leadership, the Olympic National Park has become one of the most visited National Parks in the Nation.

The National Park Service has recognized David's work with two awards, the Superior Service Award in 1991 and the Meritorious Service Award in 1999.

David's career has included two foreign assignments, first as a Peace Corps park planner in Malawi, Africa, between 1974 and 1976 and later as a National Park advisor to Sri Lanka from 1987 to 1988. Additionally, he completed short-term advisory assignments in American Samoa, Costa Rica, Hungary, Argentina, the Republic of Georgia, Russia, United Arab Emirates, and South Africa.

I thank David for his tremendous service to the Olympic National Park. I wish David all the best in his future endeavors.

TRIBUTE TO FRAN WAGSTAFF ON THE OCCASION OF HER 20 YEARS OF LEADERSHIP OF THE MID-PENINSULA HOUSING COALITION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Ms. ESHOO. Mr. Speaker, I rise today to honor a great American and most distinguished Californian, Fran Wagstaff, for her 20 years of leadership as the executive director of the Mid-Peninsula Housing Coalition, MPHC, of Redwood City, CA.

Fran Wagstaff joined the Mid-Peninsula Housing Coalition in 1983 and since that time she has become known as the premier person and leader in affordable housing in the 14th Congressional District of California and throughout our region. With Fran Wagstaff's leadership, Mid-Peninsula Housing Coalition is considered the "gold standard" for providing affordable housing for the people of San Mateo, Santa Clara, Santa Cruz, Alameda, Monterey, Solano, and Contra Costa Counties in California. Today, thousands of families who work locally but would otherwise be priced out of the local housing market have safe, attractive, affordable housing.

Fran Wagstaff has been responsible for the development of over 80 affordable housing projects, creating more than 2,500 new affordable housing units. Beyond the creation of new housing, under her leadership MPHC has been able to acquire and rehabilitate another 2,500 units for low-income individuals and families. Fran Wagstaff and her team have also created six facilities for homeless families, ensuring that everyone has a place to live. Her work and her vision helped to create Shelter Network of San Mateo County, a highly respected nonprofit organization which operates local homeless shelters and programs to help people end the cycle of homelessness. She's also been a leader in the effort to develop a housing trust fund for San Mateo County.

Before joining MPHC, Fran served as executive director of the Community Housing Improvement Program, CHIP, a private nonprofit housing agency that provides a variety of housing services to low-income households in predominantly rural areas. Through her leadership, CHIP was able to help thousands of people find a place to live, whether it was through the conversion of vacant buildings, the development of cooperatives for low-income families or the rehabilitation of existing homes.

Mr. Speaker, I ask my colleagues to join me in honoring this great and good woman. Fran Wagstaff is one of the most exceptional, effective and respected leaders in our community and through her commitment and professionalism, she has made our communities and our country a better place for all.

SUPPORTING EFFORTS TO PROMOTE GREATER AWARENESS OF NEED FOR YOUTH MENTORS AND INCREASED INVOLVEMENT WITH YOUTH THROUGH MENTORING

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Res. 25, a resolution commending those who give their time and talents to supporting mentoring programs. I support the efforts to promote greater awareness of the need for youth mentors and the increasing involvement with youth through mentoring.

17.6 million young people, nearly half of the youth population, want or need the help of mentors to help them achieve their full potential. Currently only 2.5 million young people are in formal mentoring relationships, leaving 15 million young Americans without the aid of mentors.

Every child in our community should be given the opportunity to achieve their full potential. The role of mentors in a child's development cannot be understated. Mentors serve as role models, friends, and advisors helping our youth to develop important social skills, enhance emotional well being, improve cognitive skills, and plan for the future. A mentor can provide crucial guidance, and encouragement, which motivates and nurtures our youth.

Mentoring projects could be used to help control and lower the national high school dropout rate, which continues to be a major problem. An estimated 300,000 to 500,000 students in grades 10–12 leave school each year. If used effectively, I believe that mentoring programs could significantly lower the nation's high school dropout rate.

This month is National Mentoring Month. We must take this opportunity to recognize the importance of youth mentors and work to embrace and promote mentoring activities and programs.

Mr. Speaker, I would like to commend the efforts of the many mentors who provide the youth of our communities with the invaluable gifts of education and self-confidence.

IN HONOR OF JOHN L. McGOLDRICK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor John L. McGoldrick for his outstanding contributions to our world community. He will be recognized at the American Jewish Committee Institute of Human Relations Award Dinner on Thursday, January 30, 2003, at the Hyatt Regency in Princeton, New Jersey.

Mr. McGoldrick is Executive Vice President of Bristol-Myers Squibb Company, Vice Chairman of the Company's Executive Committee, and responsible for global corporate policy. He is general counsel and director of the Bristol-Myers Squibb Foundation, and previously, served as a senior partner of the law firm of McCarter & English, LLP, where he sat on the Executive Committee.

A man with a global vision, Mr. McGoldrick played an integral part in Bristol-Myers Squibb's HIV/AIDS initiatives in Africa, including the "Secure the Future" program in Southern and Francophone Africa, and the ACCESS program making antiretroviral therapy more accessible in developing countries.

A man with both a national and local vision, Mr. McGoldrick has served as a director of the United States third largest passenger rail and bus company, the New Jersey Transit Corporation, since its founding in 1979. In addition, he has served as Vice Chairman, and is currently the senior ranking member of the board. He is director of Zimmer Holdings, Inc., the NYSE-listed manufacturer of artificial hips and knees, and a member of the Board of Directors of AdvaMed, the medical devices trade association. He has served on government reform commissions in New Jersey, leading Bristol-Meyers Squibb's efforts to support the State of New Jersey Commission on Holocaust education.

He is a member of the following organizations: the Aspen Institute on the World Economy; the Council on Foreign Relations; the World Economic Forum (Davos); the Association of General Counsel, the Council of Chief Legal Officers; the Executive Committee of the CPR Institute for Dispute Resolution; and the American Law Institute. He is a fellow of the American College of Trial lawyers, the American Bar Association, and of the American Academy of Appellate Lawyers.

Mr. McGoldrick graduated from Harvard College and earned his law degree from Harvard Law School.

Today, I ask my colleagues to join me in honoring John L. McGoldrick for exemplifying the American Jewish Committee's vision; he has made a global impact, and his exceptional leadership and many accomplishments in the fields of healthcare, education, and justice have truly made this world a better place.

TRIBUTE TO PAT SCHRIMSHER KING

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. CRAMER. Mr. Speaker, I rise today to recognize an important member of my North Alabama community upon her retirement, Ms. Pat Schrimsher King. After more than 33 years of combined service with the McDonnell Douglas Corporation and the Boeing Company, Pat is retiring on January 31, 2003. Throughout her tenure, Pat has provided the leadership and guidance necessary for the success of many projects at the company and in her community.

One of Pat's major accomplishments during her time at Boeing is administrating the Boeing Employees Community Fund, ECF. Through her direction, the ECF has given hundreds of thousands of dollars to health and human service agencies throughout North Alabama. I commend Pat King for her coordination of this initiative that has helped bring North Alabama business together with the community to help make our region an even better place to live and work.

Pat will be missed by her many friends and fellow employees at Boeing, but I know she will remain active, continuing to work on a variety of projects that improve and enhance our community. I commend Pat for the inspiration she has given to her friends, family, and colleagues and for all that she has done to benefit the people of North Alabama. Mr. Speaker, I join the North Alabama community today in wishing Pat a happy and healthy retirement and sending her my sincere congratulations for a job well done.

INTRODUCTION OF THE IDEA PAPERWORK REDUCTION ACT OF 2003

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. KELLER. I rise today to introduce the "IDEA Paperwork Reduction Act of 2003". As a Member of the House Education and Workforce Committee, I will be working with Chairman BOEHNER in the coming months to reauthorize the Individuals with Disabilities Education Act. Over the past year, I have heard from many teachers, in my home district of Orlando, Florida, about their concerns regarding the special education law. One issue was particularly troublesome to me because it seemed to be something that I felt could be easily solved—the paperwork burden for special education teachers. This legislation will work to pinpoint and alleviate the excess paperwork, thereby increasing the quality instruction time a teacher can spend with their students in the classroom while also ensuring that special education students are receiving a quality education.

Last year I toured local schools in my district of Orlando, FL, to get a first-hand understanding of the problems that parents, teachers and administrators face implementing a successful special education program. One teacher took me into an office where he showcased a typical day's work of filling out all of the required forms for a special education student. I was shocked to learn that teachers spend so much of their time complying with process instead of being able to teach and assist students in the classroom.

The Individuals with Disabilities Education Act was never intended to take teachers' time away from the classroom, rather it was intended to ensure that special education students were able to receive the same classroom instruction as their general education peers. Unfortunately, over time the paperwork trail has grown as states and local districts try to ensure that they have complied with the federal law. The threat of being sued has encouraged an overabundance of paperwork in order to document the school's compliance with the law. When did "process" overshadow the importance of actual quality instruction and results?

When a principal testifies that their IEP Teams spend an average of 83.5 hours filling out paperwork in preparation to sit down for an Individualized Education Plan, IEP, with a student's parents—something makes me wonder about the 83.5 hours taken away from classroom instruction time. IEP's are of course an important aspect of IDEA, but there can be some commonsense reforms put in place to reduce the redundancy of the process.

The "IDEA Paperwork Reduction Act of 2003" will call for a study by the Department of Education to be furnished within 6 months of authorization to determine where the burden is stemming from, and provide suggestions to mitigate the issue. The Department will be required to issue a streamlined IEP for school districts to use as a model. It will also call for a pilot program for 10 States to enter into an agreement with the Department of Education to perform their own paperwork reduction programs to see if any reforms can stem from State innovation.

In addition, the legislation would allow local education agencies to offer parents the option of choosing a 3-year IEP—this would allow the process to occur at natural transition points for the child instead of every year. During a voluntary 3-year IEP, should the parent decide at any point during the 3 years that their child is not receiving adequate services, they can call for an IEP to be commenced within 30 days.

These commonsense reforms included in the "IDEA Paperwork Reduction Act of 2003", will ensure that IDEA is results-driven, not process-driven. The legislation will improve the academic achievement of special education students and empower parents, while also doing away with an overly prescriptive and burdensome process for teachers. It will enable teachers to save valuable classroom instruction time for exactly that—classroom instruction. I encourage my colleagues to call my office to cosponsor the "IDEA Paperwork Reduction Act of 2003".

INTRODUCTION OF THE IDEA PAPERWORK REDUCTION ACT OF 2003

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. BOEHNER. Mr. Speaker, today I am proud to join my colleague Representative RICK KELLER in introducing the IDEA Paperwork Reduction Act of 2003. This legislation will go a long way in providing relief from the IDEA paperwork burden, and in reducing time spent by teachers on non-instruction activities, as required under the Individuals with Disabilities Education Act (IDEA).

Last year, the House Education and the Workforce Committee conducted an aggressive series of hearings exploring major issues that would likely be addressed in the Committee's reauthorization of IDEA. Numerous witnesses at these hearings testified to the need for the Department of Education to identify and simplify burdensome regulations under IDEA and for Congress to adopt statutory changes that would provide relief to the nation's special education and general education teachers who labor with great dedication to educate children with special needs.

In our hearings, the Committee heard from school principals and administrators voicing frustrations about their schools' efforts to provide services to students as required by their IEPs when unnecessary paperwork requirements compete with the available instructional time. Teachers find themselves between a rock and a hard place, if you will, with unyielding demands made on their time. When something gives, the impact is either on the teacher or the student, two of our most valuable resources.

In fact, studies from the Department of Education show that we are facing a significant shortage of special education teachers, and many special educators leaving the field cite the burden of unnecessary paperwork as one of the primary reasons for their departure. This crushing burden of paperwork serves as a major disincentive for teachers to enter the field of special education, and as a result, too many of our children with special needs do not have a qualified teacher in the classroom.

Representative KELLER's proposed amendments to IDEA are an excellent start to the Education and the Workforce's effort to identify and simplify burdensome statutory provisions in IDEA. They are innovative and provide much-needed flexibility to the nation's special education system.

This legislation directs the Secretary of Education to submit a report to Congress detailing regulatory proposals he may find advisable for reducing both the IDEA paperwork burden on teachers and administrators and the amount of non-classroom time spent by teachers and administrators in order to comply with the requirements of IDEA. It also directs the Secretary to identify, develop, and disseminate model forms for individualized education programs (IEPS), procedural safeguard notices, and prior written notice report requirements that incorporate all relevant Federal statutory and regulatory requirements under IDEA.

In addition, the legislation provides that local educational agencies may offer to parents the opportunity to develop a 3-year IEP (in lieu of an annual IEP) for each child with a disability, with IEP goals coinciding with natural transition points for the child. This would mean IEPs would be redeveloped close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high schools grades to high school grades, and from high school to post-secondary activities, but in no case longer than 3 years. In the "in-between" years, the law would provide for a streamlined annual IEP review focusing on the child's current levels of performance and progress toward meeting the measurable annual goals in the IEP, but a comprehensive review and revision of the IEP document would not be done every year.

Most importantly, this is a voluntary option for parents. Many parents will choose to use this flexibility, and some may not. But I agree with Representative KELLER that it is important to provide this flexibility and this choice to parents so that they can determine the best way to interact with their child's school.

Representative KELLER's bill would also allow the Secretary to grant waivers of paperwork requirements under IDEA to 10 States based on proposals submitted by States for addressing reduction of paperwork and nonclassroom time spent fulfilling statutory and regulatory requirements. This will promote innovation and provide much-needed flexibility as States grapple with better implementing IDEA, and the Federal, State, and local regulations under it.

I am pleased to join my colleagues in introducing this bill, and I look forward to working with them to address these important ideas.

IN HONOR OF WILLIAM DWYER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the many accomplishments of William Dwyer, who was recognized Friday, January 24th, at Ireland's 32 annual dinner dance held at the Hi-Hat Club in Bayonne, New Jersey.

A life-long Bayonne resident, William Dwyer has spent his career dedicated to the medical community. He has worked at Passaic General Hospital and Columbia Presbyterian Medical Center, and was a past president of the New Jersey Healthcare Human Resources Administrators. For almost 11 years, Mr. Dwyer has been the vice president of Human Resources, Risk Management, and Corporate Compliance, at Children's Specialized Hospital in Mountainside, New Jersey, the largest pediatric rehabilitation hospital in the United States.

William Dwyer, an active member of the community, is currently the president of the Kiwanis Club of Mountainside, New Jersey, and head of the St. Andrew's Cub Scouts. He is a member of the following organizations: the Board of Directors of the Healthcare Employees Federal Credit Union; the Executive Committee of St. Peter's Prep parents organization; and the parent teacher organization of School 14. He is a past President of the St. Andrew's Parish Council, and past Vice President of the Bayonne Rangers; a New Jersey-based youth ice hockey organization. In addition, he has volunteered at the Bayonne Little League CYO and City Basketball Leagues.

William and his brother, Jim, founded the Irish singing group, The Bantry Boys, and recently celebrated their 20th anniversary of performing together. The band enjoys playing their Irish folk music for all, especially for the students of Bayonne elementary schools and the children at the Children's Specialized Hospital.

Bill attended Marist High School, and received his B.A. from St. Peter's College, and M.A. in Education from Seton Hall University.

William Dwyer, the youngest of four children born to Mary and John Dwyer, is married to the former Mary Reilly, and they have two children, Bill and Megan.

Today, I ask my colleagues to join me in honoring William Dwyer for his selfless dedication to Bayonne's residents and for brightening our days with music.

WILSON GREENE APPOINTED TO THE NATIONAL MUSEUM SERVICE BOARD

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to honor a friend and advocate of the museum arts. Wilson Greene of Petersburg, Virginia, will be sworn in tonight to serve as a member of the National Museum Service Board. Mr. Greene will serve as one of fifteen members of this advisory board of the Institute of Museum and Library Sciences. As a member of the National Museum Service Board, Mr. Greene will work to ensure high quality museum programs and services to the public.

Mr. Greene has been the executive director of the Pamplin Historical Park in Petersburg, Virginia since 1992. Previously, Mr. Greene served as President and CEO of the Association for the Preservation of Civil War sites, for which he serves on the National Advisory Board. Mr. Greene has also worked for the National Park Service, serving at several significant historical sites.

Wilson Greene's devotion to academia is apparent as well. Mr. Greene has been a faculty member at several institutions of higher learning including: Mary Washington College, Germanna Community College, and St. Bernard Community College. Mr. Greene is also the author of more than twenty-five publications dealing with Civil War and Southern History.

Based on his years of public service with the National Park service, commitment to education, and overall enthusiasm for the study of history, I am confident Wilson Greene will serve as a valuable member to the National Museum Service Board.

The Commonwealth of Virginia deeply appreciates Mr. Greene's service and his passionate interest in helping Virginians and all Americans to better understand the very important story of our nation's past.

Mr. Speaker, please join me in honoring Wilson Greene, for his recent appointment to serve as a member of the National Museum Service Board.

INTERNATIONAL CUSTOMS DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. CRANE. Mr. Speaker, it was 50 years ago, on January 26, 1953, that the World Customs Organization, formally known as the Customs Co-operation Council, held its first meeting in Brussels, Belgium. In recognition of this occasion, the Council observed January 26 as International Customs Day. This occasion also serves to recognize the role that customs services around the world play in facilitating trade while protecting national borders from importations posing security threats.

I am particularly proud of the U.S. Customs Service for its great contributions to the Nation over the past 214 years of its existence. U.S. Customs was once the sole revenue producer for the young United States. Although that role has diminished over the years Customs collected a record $23.8 billion in revenue in fiscal year 2001. Today, Customs is still a major source of revenue for the Federal Government, returning about $8 to the taxpayer for every dollar appropriated by Congress.

For nearly 125 years, Customs funded virtually the entire government and paid for the Nation's early growth and infrastructure. The territories of Louisiana, Oregon, Florida and Alaska were purchased; the National Road from Cumberland, Maryland, to Wheeling, West Virginia, was constructed; and the Transcontinental Railroad stretched from sea-to-sea. Customs collections built the Nation's lighthouses, the U.S. military and naval academies, and the City of Washington, and the list goes on. In 1835, Customs revenues alone had reduced the national debt to zero.

Customs was the parent or forerunner to many other agencies. In the early days, Customs officers administered military pensions (Department of Veterans Affairs), collected import and export statistics (Bureau of Census), and supervised revenue cutters (U.S. Coast Guard). Customs also collected hospital dues to help sick and disabled seaman (Public Health Service) and established standard weights and measures (National Bureau of Standards).

During the first stages of the response to the terrorist attack on September 11th in New York and Washington, D.C., U.S. Customs quickly assumed a leading role. With terrorism causing concern worldwide, the international Customs community has a vital role to play. Every administration is playing an active part in efforts to protect the international supply chain from terrorist acts, while at the same time offering improved trade facilitation.

Today, the United States Customs Service will have new challenges to face as it moves from the traditional home that it has known within the Department of the Treasury to the newly created Department of Homeland Security. It will be important for Customs to continue to offer the world class level of trade service and facilitation that U.S. business has come to rely on while insuring that security needs are addressed. It will also be important to maintain the revenue collection linkage with the Treasury Department that has historically been so significant.

The U.S. Customs Service represents the United States at the Customs Cooperation Council (CCC). The number of Members increased over the years, and the Council subsequently adopted the working name "World Customs Organization" in order to better reflect the fact that the Organization was an intergovernmental body that genuinely made the transition to worldwide status. The WCO now speaks for 161 Customs administrations drawn from every continent and representing every stage of economic development. The United States has been a member since November 5, 1970.

At present, WCO Members are responsible for ensuring that more than 98 percent of international trade is conducted in compliance with national legislation and international agreements. The WCO renders technical assistance in areas such as customs tariffs, valuation, nomenclature, and law enforcement. Its objective is to obtain, in the interest of international trade, the best possible degree of uniformity among the customs systems of member nations. America benefits when both exporters and importers operate in an atmosphere of simple unambiguous customs operations around the world.

I want to take this opportunity to congratulate the U.S. Customs Service for its fine work both nationally and internationally, and I look forward to the completion of work within the World Customs Organization to further harmonizing and simplifying the customs rules that affect international commerce.

UNIVERSITY OF PORTLAND SOCCER RESOLUTION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. BLUMENAUER. Mr. Speaker, today I am submitting to the House a resolution congratulating the University of Portland Women's soccer team on their winning the 2003 National Collegiate Athletic Association (NCAA) Division I Championship. This title marks the first national championship in any sport for the University of Portland.

The championship game between Portland and reigning 2001 champion Santa Clara was hard fought, going down to a rare double-overtime. The victory by the Pilots brought their season record to 20–4–1 to tie the school record for wins in a season. The team's performance garnered other records as well; Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and one assist, shattering Mia Hamm's 1993 record of 16; Goalkeeper Lauren Arase set a record for goals-against average, allowing just one goal in 6 games.

I want to commend the coaches at the University of Portland for their hard work and dedication to helping these young women grow and ultimately bring national recognition to their school and our state. Head Coach Clive Charles, Assistant Coaches Bill Irwin, Garrett Smith, Nyla Stuckey, Trevor Warren and Wynne McIntosh all deserve recognition for the work that they have done developing an outstanding collegiate sports program.

Coach Charles has built an impressive record over the 14 years that he has coached women's soccer at the University of Portland. Collectively, his men's and women's teams have won 12 conference championships, losing only 31 league games, and earned 16 NCAA playoff berths, including seven Final Four appearances, in a combined 27 seasons. Twenty-five Pilots have earned All-America status during Charles' tenure. Early in the 1998 season, Charles won his 300th career college game. The Portland men and women won on the same day, making him just the 11th coach in NCAA soccer history to amass 300 wins.

I am honored to represent many of these individuals in Congress and proud to have the University in my district. This resolution is a fitting tribute to the accomplishments of the coaches, players, and the University of Portland.

TRIBUTE TO MELINDA OHLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. LANTOS. Mr. Speaker, it is with great sadness that I rise today to pay tribute to Melinda "Mindy" Ohler, a brave woman and true trailblazer of the San Francisco Fire Department. Mindy's passing, which occurred while responding to a fire alarm at San Francisco International Airport, unfortunately marked the first death of a female San Francisco firefighter in the line of duty.

When Mindy joined the San Francisco Fire Department in 1989, she was one of the first women to become a firefighter in the department's history. In the 13 years since her enlistment, the number of women firefighters in San Francisco has risen to an impressive 235 (12 percent of the force). This increase is in no small part due to Mindy, whose hard work and total dedication to her duties changed the minds of many who had originally opposed the idea of women firefighters. Her inspirational power was ably summed up by one of her colleagues at her memorial service who said, "Frankly, I was against women joining the department, but her willingness to do the job showed me women had a place here."

John Hanley, President of Fire Fighters Local 798, expressed praise for Mindy and characterized her performance as a firefighter as bold and versatile; she was able to handle the challenges she faced with courage, he said, whether it was a small fire or five-alarm conflagration. In addition, Mindy's lighter side—she was a noted prankster—was credited with lifting spirits around the firehouse.

A tireless worker who once held down six jobs at one time, Mindy, 46, was still working two other jobs in addition to her primary one as a firefighter at the time of her death.

In the spirit of solidarity with Mindy, over 3,000 people from around the country—including many fellow firefighters and law-enforcement officers—came to St. Mary's Cathedral in San Francisco to pay tribute to Mindy.

In addition, Mr. Speaker, I am proud to announce that Mindy's name and contributions will be honored forever. Her name will join the names of other men and women who made the ultimate sacrifice while on duty as firefighters at the National Fallen Firefighters' Memorial's Roll of Honor. The memorial, located in Emmitsburg, Md., was designated by Congress as the official, national memorial to fallen firefighters, and it will be further sanctified by the addition of Mindy's name.

Mr. Speaker, I ask my colleagues to join me in recognizing and mourning the loss of Melinda Ohler for her sacrifice and contributions to the people of San Francisco. She will be sorely missed on the Peninsula, in her birthplace of Valparaiso, Ind., and in the hearts of many across this nation who had the privilege of knowing her. To know her was to admire her; her legacy will be one of compassion, selflessness, and a commitment to being all she could be.

COMMEMORATING INDIA'S REPUBLIC DAY

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. LINDER. Mr. Speaker, I rise today to acknowledge an important national holiday in India, namely a celebration of the Indian people's long and protracted struggle for self-governance and freedom: Republic Day.

On January 26, 1950, India's constitution was ratified. The adoption of this constitution, which was greatly influenced by our Founding Fathers, makes India a model for nations across Asia and throughout the developing world.

As one of the world's most populated democracies, India is also a natural ally for our War on Terrorism. With its strategic location, India is a vital resource and a valued partner of the United States.

In a region too often afflicted with non-democratic governments, and wracked by intolerance across religious or ethnic lines, India truly stands out for its democracy and stability.

The Indian-American community within the United States has played a critical role in building this bridge between our two great nations, and I applaud their efforts.

HONORING THE HEROISM OF MICHAEL ONUSKO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to and honor the heroism of Mr. Michael Onusko of Lincoln, Delaware. His concern and care for the fellow citizens in his community resulted in a life being saved.

Mr. Onusko, a mail carrier with the United States Postal Service, deserves a hero's recognition for his actions that saved 81-year-old Houston, Delaware resident Margaret Phillips. While on his delivery route, Mr. Onusko noticed that Mrs. Phillips had not picked up her mail from the previous day. Concerned for a friend for whom he had been carrying mail for 13 years, he walked toward the residence to check on Mrs. Phillips. Upon hearing Mrs. Phillips calling for help from the garage, he quickly alerted the police. Mrs. Phillips had fallen off a ladder in her garage and was suffering from hypothermia after lying incapacitated on the floor for almost an entire day. Had Mr. Onusko not checked on Mrs. Phillips, help might not have arrived in time.

Mr. Onusko displayed a quality that all Delawareans should look for in a role model—a deep sense of community and concern for fellow citizens. We should all hope to emulate Mr. Onusko's actions and reach out when we can to those in need. It is people like Mr. Onusko who inspire others to do great things, and to realize that each of us is a part of a community, and a nation that can only succeed if we look out for one another. America needs everyday heroes who display true concern and goodwill when called upon to help their fellow citizens. I am proud to say that Mr. Onusko exemplified these qualities with his actions, and his recognition, Mr. Speaker, is duly deserved.

Ordinary people who perform extraordinary acts of public service, like Michael Onusko from my great State of Delaware, are the true heroes in today's world, and are the true role models for the next generation of leaders, both inside and outside of Delaware's borders.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the Obey Motion to Instruct.

We are four months into fiscal year 2003, yet 11 of the appropriations bills have yet to be enacted.

I am happy to see that we are close to wrapping up this appropriations process. But now is not the time to skimp on the people's priorities. In our rush to finish, we must ensure that Homeland Security and our first responders are at the top of our list.

I urge the conferees to incorporate into the final conference report the language included in the omnibus bill by the other body.

In particular, I support the $90 million to continue the health monitoring at Mount Sinai Hospital for the men and women who were on the front lines of defense on September 11th and the days that followed.

The other body included specific instructions to FEMA on this $90 million.

Yesterday, several firefighters and rescue workers who worked the pile at Ground Zero were here in Washington to call attention to this very important issue. These brave heroes entered a battle zone of a new kind of war, and are really the first victims of the war. And we need to ensure they receive the medical care they deserve.

The need for this money was underscored in a report released this week by Mount Sinai Hospital showing that a majority of ground zero workers and volunteers screened for health problems have serious persistent illnesses from the disaster.

The initial screening program which ends this July will screen only about 9,000 of the approximately 40,000 rescue workers in need of medical attention. The analysis reveals that over 50 percent of the sample study have pulmonary illnesses, ear, nose and throat ailments, or persistent mental health problems.

The Doctors at Mt. Sinai believe the same statistics will hold for the roughly 3,500 responders they have seen to date. 78 percent of the participants reported at least one World Trade Center-related pulmonary symptom that first developed or worsened as a result of their rescue efforts; 52 percent reported mental health symptoms requiring further evaluation; and only about one-third of the sample participants had received any prior medical care for any of their symptoms and conditions.

In other words, for about one-third of these participants—their trip to Mount Sinai had been their only source of medical care; emphasizing the critical need to fully fund this program now, not later, not months down the road.

I urge my colleagues in the House to read the findings from the Mt. Sinai report—which can be found on my website: http://www.wtcexams.org/.

Medical monitoring delayed is proper health care denied. But again we face the challenge of securing the House support and the Administration's support and leadership to make this happen.

Medical monitoring delayed is proper health care denied. I hope that the conferees will include in the final conference report the language included in the omnibus bill by the other body.

The first responders were there for us when we needed them, now the question is will the federal government be there for them.

INTRODUCTION OF RESOLUTION URGING REVIEW OF STEEL TARIFF CONSEQUENCES FOR STEEL CONSUMERS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a resolution regarding the Steel Safeguard Program that was initiated on March 5, 2002. This resolution asks for little, but could mean everything to steel-consuming manufacturers in this country.

By introducing this resolution I, along with 51 of my colleagues, are merely asking that the President direct the International Trade Commission (ITC) to include in its mid-term review of the Steel Safeguard Program an assessment of the Program's impact on steel consumers. Currently the ITC is under no obligation to report on these effects. By affirmatively accepting our request, the President will have a complete picture of the economic effects of the Program when he considers in September of this year whether or not to extend the tariffs for another eighteen months.

Last March, the Bush Administration imposed tariffs on imported steel, some as high as 30 percent, in an attempt to limit low-price imports in order to give our domestic steel industry time to reorganize and become more competitive. At that time, it was obvious that steel-consuming manufacturers were going to feel pain, but we didn't know how bad the pain would be. Nobody knew how bad it would be.

Mr. Speaker, the pain is real and it is deep.

Since last year, I have been hearing stories of skyrocketing steel prices, broken contracts, and supply disruptions. Now, we have layoffs. Now, we have companies buying more steel from foreign countries exempt from the tariffs. And, now, more and more manufacturers, both large and small, are being forced to move production overseas. And once those jobs go, they aren't coming back.

Two days ago, I was joined by representatives from six automotive parts supply companies to discuss the effects of the tariffs. Let me give you just a taste of what these companies are doing to cope with the tariffs.

Arvin-Meritor, which is based Troy, Michigan, in my district, bought one million tons of steel globally last year. They recently closed down a Tennessee plant that employed 317 people in part because of higher steel prices and are now exploring options for buying cheaper steel from non-U.S. suppliers who are exempt from the tariffs.

Dura Automotive Systems, Inc., which is based in Rochester Hills, also in my district, cut 60 jobs after the tariffs were imposed and business was lost.

Metaldyne, which is based in Plymouth, Michigan, is expecting to source 30–40 percent of its steel from abroad within the next few years because of rising prices and supply shortages. They currently buy 98 percent of their steel domestically.

Dana Corp., which is based in Toledo, Ohio, is considering not only buying more steel from abroad, but buying components and finished parts from abroad as well because they can be made cheaper in foreign plants that don't have to pay inflated prices for steel.

All of these companies, and others throughout the steel consuming manufacturing industry, are forced to respond to this pain in order to remain globally competitive. Many of these companies will expand their purchases of finished steel products from overseas, because finished products are not covered by the tariffs. Sourcing parts from overseas causes more pain for companies up the manufacturing stream. Companies are being forced to make these decisions because of the steel tariffs.

Let's be clear. Right now, the unintended consequences of the steel tariffs are killing American jobs in steel consuming companies. This clearly was not the intent of the Steel Safeguard Program. This is the collateral damage. But we can't ignore the fact that the tariffs are costing jobs.

And I have to ask this question: what good will the tariffs have achieved if there are no customers left to buy steel from U.S. steel companies?

I am not here to criticize the President. In fact, I don't think the President would've supported these tariffs if he could've seen in a crystal ball the full damage they're causing. These effects have come about more rapidly and more severely than anyone predicted.

And let me emphasize that I fully support a healthy domestic steel industry. These are good American companies that employ good Americans.

But companies in my district and across the country are hurting. They are good American companies that employ good Americans. They deserve the consideration along with the steel industry when the steel tariff regime is reviewed.

This resolution is not anti-steel or pro-steel consumer. It is simply an attempt to ensure that when the President decides whether to extend the Steel Safeguard Program for another 18 months, he has all the information he needs to make the best choice for our nation's economy.

This is a modest request. We are not asking that the tariffs be lifted immediately and we're not attempting to change trade law. I urge all my colleagues to cosponsor this moderate, bipartisan resolution to simply consider the impact the steel tariffs have had on steel consumers.

EXTENSION OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, I am voting for this bill because it is urgently needed. Its enactment will prevent the cutoff of some unemployment benefits—a cutoff that otherwise would occur very soon.

In other words, by passing this bill we can save many people who are out of a job from the harm that otherwise would result from the refusal of the Republican leadership of the House to deal with this last year.

That is the right thing to do, even at this late date—and so I will support it.

But while this bill is necessary, it definitely is not sufficient. It does not cover everyone who should be covered. In fact, it will do nothing to help a million or more people who are out of work and who have used up all their federal benefits. The statistics I have seen indicate that at least 17,000 Coloradans fall into that category.

Those people are no less in need of assistance to enable them to pay their bills and feed their families while they look for work. It is not their fault that since the current downturn began more than 1.5 million jobs have been eliminated from the economy—and while the best response to their problems will be to revive the economy so that new jobs will be created, in the meantime we need to make it possible for them to make ends meet until that recovery really gets underway.

In the meantime, this bill does need to be passed. But it should be just the first step—and not the last one—to respond to the economic problems of Colorado and the rest of the country.

BACK TO WORK INCENTIVE ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MCKEON. Mr. Speaker, I rise to join my colleague, Mr. Porter of Nevada, in support of the Back to Work Incentive Act, which would enact President Bush's plan for Personal Reemployment Accounts (PRAs). This new benefit is an important component of the President's economic growth package, designed to help unemployed workers find a job quickly.

As the President discussed last month, Back to Work accounts will allow the One Stop Career Center system, where the unemployed already seek assistance in obtaining employment, to offer an important new benefit to unemployed workers, in addition to an array of employment services these centers already provide.

States will be able to target this flexible new benefit to unemployed individuals who are most in need of help by offering each individual a re-employment account of up to $3,000. With these Back to Work accounts, unemployed workers may purchase training, supportive services (such as child care and transportation), and intensive services (such as employment counseling and case management).

Recipients will be able to keep the balance of the account as a cash reemployment bonus if they become reemployed within 13 weeks. Because account recipients can keep the balance of their accounts when they become reemployed quickly and stay employed, PRAs create an incentive to get off unemployment benefits and return to work quickly. The more quickly a job is obtained, the larger the reemployment bonus will be.

Of equal importance, the proposal authorizes $3.6 billion for states to set up Personal Reemployment Accounts to aid unemployed workers who need the most help getting back to work. This additional support is intended to augment the funding provided under the Workforce Investment Act, which authorizes the federal government's primary programs for helping our nation's workers gain the skills they need to succeed in today's workforce.

These new Back to Work accounts and the job training services administered under the Workforce Investment Act are—both—essential in helping displaced workers and assisting adult workers in areas of the country facing skill shortages that will enhance the 21st century workforce.

As this proposal moves forward, it is my hope that we will meet the President's objectives of getting the economy back on its feet and workers back on the job.

At the same time, I look forward to working to ensure that the system established under the Workforce Investment Act, in particular, the business-led local boards, have an appropriate role in the administration of these accounts.

But make no mistake about it.

Personal Reemployment Accounts represent a new, innovative approach to help unemployed Americans find a job by giving the unemployed more control over their employment search and access to training and services.

In the next few months, the House Education and the Workforce Committee will begin the process of reauthorizing the Workforce Investment Act, where we will focus on improving the system to help achieve the original vision of the law when it was enacted in 1998, which was to create a seamless workforce development system for workers and employers.

Over the past year and a half, the workforce development system funded under the Workforce Investment Act has adequately met the training and employment needs of our nation's employers and employees. States and local areas have created comprehensive services and effective one-stop delivery systems with streamlined access to training programs. In addition, core, intensive and training services provided under the law have been invaluable in assisting adult workers in areas of the country facing skill shortages. Such continued assistance is essential for enhancing the 21st Century workforce during this downturn in the economy.

I look forward to working with President Bush and my colleagues on the House Education and the Workforce Committee on both pieces of legislation to continue to strengthen our workforce development system to aid those Americans most in need of help getting back to work.

INTRODUCTION OF THE BACK TO WORK INCENTIVE ACT OF 2003

HON. JOHN BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. BOEHNER. Mr. Speaker, today I am pleased to co-sponsor the "Back to Work Incentive Act of 2003," sponsored by Congressman JON PORTER, to create personal re-employment accounts to help put unemployed Americans back to work.

During his State of the Union Address, President Bush laid out a comprehensive plan to speed our economic recovery and promote long-term job growth and investment. His economic stimulus plan also provides specific assistance—in the form of personal re-employment accounts—to help unemployed Americans who are struggling to return to work.

The Back to Work Incentive Act reflects the President's plan to create these accounts and aid unemployed workers who need the most help getting back to work. By introducing this measure, we are taking an important step toward making his plan a reality.

The President's proposal—which is reflected in this bill—represents a new and innovative approach to helping the unemployed get back on their feet. As President Bush has said, one worker out of work is one too many, and his plan will help working families in times when they need it the most.

States will be able to target this flexible benefit to help the unemployed who are most in need of help in the form of $3,000 Back to Work accounts. Recipients will be able to keep the balance of the account as a cash reemployment bonus if they become reemployed within 13 weeks, creating an important incentive to return to work quickly. The more quickly a job is obtained, the larger the reemployment bonus will be.

Workers can use their Back to Work accounts for a variety of different services to help them find a good job, including job training, child care, transportation, and other expenses to help in finding a new job. These reemployment accounts give the unemployed the flexibility and resources they need.

One of the exciting aspects of the new Back to Work accounts is that they empower individual recipients to make choices appropriate for their own circumstances. Recipients will be able to create reemployment plans that help them navigate all the options available—such as career counseling or training for a new profession in which they can become employed. By providing choice and flexibility, we can get people back into steady, good-paying jobs.

This new benefit supplements and enhances the services that are already available for those who are most likely to face obstacles in finding and keeping new employment. Back to Work accounts will allow the nationwide One Stop Career Center system to offer another important benefit to the unemployed, in addition to the array of employment services these centers already provide.

A number of states have experimented with personal re-employment accounts and the results have been very positive. For example, Iowa has used a similar approach with reemployment accounts of up to $5,000 a person, called the New Employment Opportunities Fund. Richard Running, the director of Iowa Workforce Development, recently said, "It has worked a lot better than we had imagined it would."

This proposal is a compassionate one because it provides workers with the flexibility and resources they need to help them get back on the job quickly. I look forward to working with President Bush, Subcommittee Chairman MCKEON, and Congressman PORTER to move this proposal quickly and make this innovative plan a reality for working families who need the help the most.

INTRODUCTION OF THE DUTY PARITY ACT OF 2003

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. PICKERING. Mr. Speaker, I rise before the House today to express my sincere concern for the severe economic conditions faced by the U.S. lumber industry. For nearly two decades our lumber industry has been at odds with the provincial governments of Canada over heavily subsidized softwood lumber. We've implemented numerous quick fixes to provide relief for our domestic industry, but since the expiration of the last U.S.-Canadian Softwood Lumber Agreement in 2001, lumber prices have continued to drop. If current market conditions continue, many lumber manufacturers will not survive the next 6 months.

I represent the Piney Woods of Mississippi. The timber industry is the second largest sector of our economy behind the poultry industry. My constituents depend on the production of lumber and timber harvest for jobs and economic stability. We are losing jobs and our economic base in the Third Congressional District of Mississippi because heavily subsidized softwood lumber imports are being dumped in the United States by the provincial governments of Canada.

Mr. Speaker, I realize the benefits of open markets, and my record clearly reflects that I am not against free trade. I am, however, opposed to unfair trade practices sometimes implemented by some of our trading partners. I oppose dumping, and I oppose the practice of the Canadian Government practically giving away trees to its mills for processing.

The Department of Commerce knows that the provincial governments of Canada are engaged in unfair trade practices. This is reflected by the countervailing duties and antidumping duties imposed on Canadian softwood lumber imports. Our hope was that these duties would level the playing field between our two countries. But that effort has failed because the Canadian provincial governments have simply expanded their subsidies to offset our duties.

In that light, Mr. Speaker, we are obliged to go a step further in our actions to promote fair trade. Today, I am introducing the Duty Parity Act of 2003. This legislation will clarify U.S. statute and ensure that our trade laws fully offset the values of unfairly traded products. My legislation will treat countervailing duties imposed by our government as costs of production when antidumping duties are calculated by the Department of Commerce. Not including these duties as costs of production will only permit continued unfair pricing by our trade partners at the expense of U.S. companies and workers. The Duty Parity Act will give the Commerce Department the authority to accurately account for all subsidies and impose properly valued duties. The EU and Canada treat countervailing duties as costs of production when determining antidumping duties. Why should we act differently?

I urge my colleagues to cosponsor this legislation to provide parity to our domestic lumber industry. We can ask our lumber mills to compete within the free market. But we can't ask them to compete against the treasuries of the Canadian provincial governments.

REINTRODUCTION OF INDIAN PROGRAMS REAUTHORIZATION AND TECHNICAL AMENDMENTS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I am pleased to rise today to introduce legislation, which I originally introduced in the 107th Congress, that declares that the United States holds certain public domain lands in trust for the Pueblos of San Ildefonso and Santa Clara in New Mexico.

Senators PETE DOMENICI and JEFF BINGAMAN sponsored the Senate companion bill during the 107th Congress, and were successful in incorporating it into S. 2711, the Indian Programs Reauthorization and Technical Amendments Act of 2002, which I strongly supported, during the closing days of the 107th Congress. However, the House was unable to take up this legislation prior to its adjournment.

I would also like to note that both Senators are reintroducing, in the Senate today, the companion to this bill.

Accordingly, today I reintroduce this legislation, which will formally restore control and tribal authority of nearly 4,500 acres of culturally significant ancestral lands. Located in the eastern Jemez Mountains, roughly 2,000 acres of land located within the aboriginal domain of the San Ildefonso Pueblo will be transferred to that Pueblo; similarly, approximately 2,484 acres of Santa Clara Pueblo's aboriginal lands will be transferred to that Pueblo.

This transfer is the result of years of negotiations between the two Pueblos, and between the Pueblos and the Department of the Interior, and the Bureau of Land Management. The Pueblos intend to maintain the natural quality of the land and restore the health of the ecosystem of their traditional ancestral lands. In addition, the lands will be used for ceremonial and other traditional purposes.

Finally, Santa Fe, Rio Arriba and Los Alamos counties in New Mexico, the National Congress of American Indians, and the National Audubon Society's New Mexico State Office, the Quivira Coalition and the Santa Fe Group of the Sierra Club support the acquisition and transfer of these lands.

I look forward to working with my colleagues on the Resources Committee to pass this important legislation for the people of San Ildefonso and Santa Clara.

INTRODUCTION OF LEGISLATION TO CHANGE HOPE SCHOLARSHIP PROGRAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. CAMP. Mr. Speaker, the passage of the Taxpayer Relief Act of 1997 represented a watershed event in the relationship between student support and tax policy. The Act's signature initiative, the Hope Scholarship Program, provides annual benefits to students and the families rivaling the support provided through Pell Grants and other long-standing forms of federal aid. However, many of the students who need help the most do not benefit from the Hope Scholarship Program.

Today, Congressman JIM MCGOVERN and I are reintroducing legislation that would address these shortcomings. Currently, the Hope tax credit can be used for only tuition and related expenses when college students must pay for much more than just tuition. Our legislation would allow Hope Scholarships to cover required fees, books, supplies and equipment, Additionally, a student's eligibility is currently reduced by any other grants they receive—federal, state or private. As a result, benefits have been limited primarily to middle and upper-middle income taxpayers and explain why less than one-fifth of all full-time students attending community colleges qualify for maximum Hope Scholarship benefits. Our legislation would ensure that any Pell Grants and Supplemental Educational Opportunity grants a student receives are not counted against the student's eligible expenses when the Hope Scholarship is computed.

This legislation has bi-partisan cosponsors and support from numerous higher education organizations. I urge the House to bring up this legislation in the near future. I yield back the balance of my time.

INTERFAITH CAREPARTNERS

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. CULBERSON. Mr. Speaker, on Sunday, February 2, 2003, Interfaith CarePartners will celebrate the unprecedented milestone of one million hours of volunteer community service. On behalf of the people of Texas' Congressional District Seven, I want to congratulate and honor Interfaith CarePartners for their incredible accomplishment and for their remarkable service to our community.

Interfaith CarePartners, founded in 1985, has evolved into a national movement of faith-based volunteerism that promotes, sponsors, and conducts volunteer caregiving and associated activities in partnership with churches and synagogues. They are "Houston's caregiver," sponsoring the nation's original and largest faith-based caregiving program with 1,600 volunteers in 83 congregations who serve approximately 1,000 families per year, and providing 60,000 hours of volunteer service for frail adults and children. Volunteers also provide in-home care and caregiver respites to more than 3,600 Alzheimer's and dementia-affected families, frail elderly, and other chronically or terminally ill adults, severely impaired children, and people with AIDS. Partner congregations span the theological spectrum within Protestantism, Roman Catholicism, and Judaism.

Interfaith CarePartners has earned the gratitude of all the families they have helped and the admiration of everyone who knows their work and the depth of their selfless devotion to improve the lives of their neighbors. Today, we honor and thank Interfaith CarePartners for their extraordinary achievement in reaching one million hours of volunteer community service. I would like also to congratulate Nancy Reagan, Dr. John McGovern, and Chip Carlisle and Wells Fargo for receiving the Sustaining Presence Award, an annual award presented to distinguished individuals and organizations whose commitments and activities constitute an exemplary contribution to the creation of caring communities. All of you exemplify the best of America.

INTRODUCTION OF THE INSTRUCTIONAL MATERIALS ACCESSIBILITY ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. PETRI. Mr. Speaker, today I am introducing the Instructional Materials Accessibility Act, which will ensure that, for the first time, blind students will be able to fully enjoy an equal opportunity to a quality education. This same bill attracted 88 bipartisan cosponsors in the 107th Congress, most notably my friend GEORGE MILLER, the Ranking Member of the House Committee on Education and the Workforce, who has worked closely with me on crafting this legislation.

Unfortunately, it is the exception rather than the rule that blind students have access to textbooks for a given class at the beginning of the school year. Because of the cumbersome process needed to translate a textbook into Braille or other specialized format, it can take up to six months for the blind student to have the same materials as his or her sighted peers. Only a heroic effort can save this student from being hopelessly behind in class.

This was not much of an issue before the 1960's. Before that time, most blind children attended centralized schools for the blind, and there was (and is) existing infrastructure, such as the American Printing House for the Blind in Kentucky, to provide support services such as production of Braille textbooks. Beginning in the 1960's, though, blind children began attending schools in their home communities, and now the vast majority do so. As a result, every local school district which has one or more blind students must obtain or create the necessary specialized textbooks for these students. However, again this is a laborious process that is beyond the capability of most school districts to carry out quickly or easily.

Although states already have the obligation under the Individuals with Disabilities Education Act (IDEA) and other federal statutes to provide equivalent educational opportunities to disabled and non-disabled students, it has become apparent that specific and practical standards need to be put in place to anticipate and meet accessibility needs in this area. The Instructional Materials Accessibility Act (IMAA) takes several approaches that, taken together, will greatly reduce the waiting time for blind students to receive their textbooks.

This bill establishes a standardized electronic file format for instructional materials. Conversion into an electronic format is a necessary step in the process of creating a Braille version of a textbook. Twenty-six states currently require publishers to provide electronic copies of textbooks but have no agreed-upon file format. This drives up costs for publishers and often results in unusable electronic files provided. And it does nothing to reduce the months-long period needed for production of the specialized textbook.

Our bill requires statewide plans to ensure that students who are blind or visually impaired have access to instructional materials in formats they can use at the same time the materials are provided to all other students. Our bill will establish a national clearinghouse to provide "one-stop shopping" for local school districts to acquire the needed materials. In the future, publishers will be able to submit an electronic copy of a textbook to this clearinghouse, rather than having to deal with inconsistent state requirements. Finally, our bill authorizes a small capacity-building grant program to assist state and local educators in using electronic files supplied by publishers.

This issue has been a bone of contention between textbook publishers and the blind community for quite a while. However, working together over a period of many months, both communities finally arrived at a mutually agreeable and practical solution to this problem and the publishers and the blind advocates strongly support the IMAA as introduced in both Houses.

In the 107th Congress, the support and great need for this legislation prompted the Department of Education to fund the development of a voluntary standardized electronic format for specialized instructional materials. Once completed, this standardized file format would implement a significant piece of the IMAA. However, a standardized file format by itself will not solve all the problems which cause delays in the delivery of textbooks to visually impaired students. That is why this legislation is still needed. Once implemented, the IMAA will make life easier for states, publishers and most of all blind students, at a very modest cost.

CELEBRATING 25 YEARS OF THE WIENERY

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. OSE. Mr. Speaker, in 1978, Anne Fox founded a small restaurant in Sacramento simply named The Wienery. This year The Wienery, and all those who enjoy its unique atmosphere and menu, is pleased to celebrate its 25th Anniversary.

As the name implies, The Wienery offers its customers numerous varieties of hot-dog options. Among the most popular are the Hotsy Dog, the B.L.T. Dog and the Swiss Sauté Dog.

The Wienery buys its franks from another family owned business in the region, Alpine Meats. Alpine Meats was founded by Swiss sausagemaster Josef Kaeslin—who immigrated to California—and its wieners are spiced by hand and smoked in a hardwood-burning smokehouse with no artificial additives or preservatives.

Using these top quality dogs, The Wienery has attracted a dedicated clientele devoted to appreciating their old-fashioned gourmet hotdogs as well as its homemade soups, chili and sauces. I am proud to consider myself one of their devoted fans and have personally been eating at The Wienery for many years.

As a small businessman, I know how hard it is to start a business, especially a restaurant, and keep it running for many years. Current proprietor Cynthia Fox-Vanover carries on Anne Fox's tradition of serving "fast food with full service."

In addition, The Wienery has been a proud member of the Sacramento community. It has sponsored more than 20 local little league teams, and supported the Special Olympics and the Disabled Veterans Association—to name just a few.

Our community is indeed proud of The Wienery and its history. And I am proud to congratulate the owners and my fellow customers as we celebrate the 25th Anniversary of the Wienery.

INTRODUCTION OF THE TEACHER RECRUITMENT AND RETENTION ACT OF 2003

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. WILSON of South Carolina. Mr. Speaker, today, I am proud to join my colleagues in introducing the Teacher Recruitment and Retention Act of 2003. This bill reflects the commitment of the President and of this Congress to increase the number and enhance the quality of teachers in the nation's classrooms.

Most pointedly, the bill expands the current teacher loan forgiveness program from the current $5,000 to a maximum of $17,500 for teachers who commit to teaching math, science, or special education for five years in some of our nation's most disadvantaged schools.

Congress and the Bush Administration have worked hard to improve the educational system and a good deal of our effort has been focused on improvements to the education that disadvantaged students receive. The No Child Left Behind Act calls for states to have a highly qualified teacher in every public school classroom by the end of the 2005–2006 school year. Since we are demanding that our children be instructed by a competent teaching force, we must also do all we can to encourage the best and the brightest to enter this very important field.

The Teacher Recruitment and Retention Act of 2003 will take a landmark step in addressing the growing teacher shortage. The bill provides a strong incentive for individuals to enter the field of teaching and to make a long-term commitment to the students that need them the most. We need to do all we can to encourage college students to take on one of the most challenging, rewarding and important careers that exist.

There is nothing more important to our nation's future than the education of our children. The Teacher Recruitment and Retention Act of 2003 will help to fulfill our responsibility to children by ensuring that our most competent and caring teachers are adequately supported in their charge to educate our nation's future.

I urge my colleagues to support this legislation and continue our commitment to the men and women of this country who do so much to advance our nation and its children.

RETIREMENT OF CAROLINE STRICKLAND BRYSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. HUNTER. Mr. Speaker, I rise today to recognize and honor Caroline Strickland Bryson upon her retirement after 20 years of loyal and dedicated service to the United States Congress.

Caroline was born on December 10, 1943, in Columbia, South Carolina. She attended the University of South Carolina in 1962–63 and the Institute of Financial Education in 1978. Before coming to work for Congress, she worked for 14 years with Lexington County Savings & Loan and served for four years on the Lexington Town Council.

Caroline began working on Capitol Hill in 1983 with my good friend, the late Honorable Floyd Spence of South Carolina as his Executive Assistant and Office Manager, in which she served for 18 years. In this capacity, Caroline supervised the office staff, managed a million-dollar annual budget and served as the public relations liaison for Congressman Spence. For six of those years, Congressman Spence served as Chairman of the House Armed Services Committee. As a result of her position and responsibilities in the Chairman's office, Caroline regularly interacted not only with Members of Congress, but with foreign dignitaries, the press, and the President's Cabinet as well.

Following her tenure with Congressman Spence, Caroline served briefly as a Staff Assistant with the House Armed Services Committee and later as the Executive Assistant for Senator MIKE DEWINE of Ohio. In each of these capacities, Caroline's professional experience, warm charisma, and friendly attitude led her to excel at all levels.

Caroline's southern charm has always been a trademark of her personality. I know from my personal conversations with Congressman Spence that he held Caroline as an invaluable member of his staff and was always impressed with her dependability, loyalty and patriotism. In a place where many people come and go, Caroline is a symbol of commitment and dedication from which many of us could learn. I congratulate her on her retirement and thank her for two decades of honorable service to this Congress and her country. On behalf of the House Armed Services Committee and the U.S. Congress, I wish you the best of luck as you begin this new and exciting chapter of your life.

IN HONOR OF BART DIRECTOR WILLIE B. KENNEDY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Ms. PELOSI. Mr. Speaker, I rise today to honor a remarkable woman, Mrs. Willie B. Kennedy, who has served with distinction on the San Francisco Bay Area Rapid Transit District (BART) Board of Directors since 1996. Mrs. Kennedy is retiring from the BART Board effective January 31, 2003. Thankfully, Mrs. Kennedy is not leaving public service entirely, after working for over 60 years as a political and social activist and elected official in the San Francisco Bay Area. She will continue her work in the Hunters Point neighborhood with the San Francisco Redevelopment Agency, which oversees development there.

Mrs. Kennedy is an outspoken advocate for public transit and transit-oriented development. During her six years as a BART director, she was chosen by her colleagues to serve as president in 2001 and vice president in 2000. Mrs. Kennedy pushed BART to begin a tradition of donating special "flash passes" to community organizations for train rides to and from San Francisco's annual Martin Luther King, Jr. parade and memorial ceremonies. She works diligently behind the scenes to respond to her constituents' concerns about BART service and facilities. She has been a long-time supporter of the new BART extension to the San Francisco International Airport.

As a BART board member, Mrs. Kennedy served as vice chairperson of the Metropolitan Transportation Commission Liaison Committee. She was a member of the Capitol Corridor Joint Powers Board, the San Francisco Transportation Authority Liaison Committee, the San Mateo County Negotiation/SFO Extension Committee, and the Santa Clara County Policy Committee.

In addition to her years of service to BART, Mrs. Kennedy is a former Supervisor of the City and County of San Francisco. She was appointed to the Board of Supervisors in March 1981 by former Mayor and now U.S. Senator DIANNE FEINSTEIN. She completed the unexpired term of the late Supervisor Ella Hill Hutch, was elected in her own right in 1984, 1988 and 1992, and served until May 1996. She has served as the President of the San Francisco Transportation Authority and on the boards of the Association of Bay Area Governments (ABAG), the Bay Conservation and Development Commission (BCDC), the California and National Associations of Counties, and the California and National Leagues of Cities.

Willie Kennedy received her early education in Dallas, Texas and was awarded a Bachelor of Arts degree in journalism from San Francisco State University. She is the widow of the late Superior Court Judge Joseph G. Kennedy, mother of one daughter and two foster daughters, grandmother of nine, great grandmother of 20 and great-great grandmother of one.

During her many years as a civic leader, Willie B. Kennedy has earned the respect of all who have worked with her. I commend her for her many years of dedicated public service and wish her the best of luck in the future.

HONORING THE FOUR CHAPLAINS OF THE U.S.S. "DORCHESTER"

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. ACKERMAN. Mr. Speaker, I am honored to rise today to pay tribute to the four brave Chaplains of the U.S.S. *Dorchester* who sacrificed their lives in order to save those of others.

On February 3, 1943, a German U-boat off the coast of Greenland sank the U.S.S. *Dorchester*, carrying approximately nine hundred American servicemen. A torpedo struck the *Dorchester* mid-ship, killing hundreds instantly, and sending those still alive into confusion and terror. As the *Dorchester* began to sink it became clear to many on board that the situation was becoming increasingly dire. Unable to signal for help, or call nearby ships due to security reasons, the U.S.S. *Dorchester* faced disaster on its own.

It was in spite of such confusion that George L. Fox, Clark V. Poling, Alexander Goode, and John P. Washington, the four chaplains of the U.S.S. *Dorchester* calmly worked to bring order to the catastrophe. Distributing life jackets with composure, the chaplains—one Catholic, one Jewish, and two Protestant—worked together to save the lives of many American servicemen. They did this at the cost of their own lives, giving the final four life jackets to needy American soldiers. Linked arm in arm, praying to the one God to whom they all served, they sank with the *Dorchester*, leaving America eternally in debt to their gratitude.

The inspirational service, and dedication of these four courageous chaplains saved many

American lives in the frigid waters of the Atlantic. Their story continues to be one of inspiration to many religious communities throughout America. Furthermore, their willingness to stand together, linked arm in arm, disregarding religious boundaries can be viewed as a true testament to the beauty of religious freedom—a moral value that the United States of America has incessantly fought to protect.

Mr. Speaker, I ask my colleagues of the House of Representatives to join with me to honor George L. Fox, Clark V. Poling, Alexander Goode, and John P. Washington, the four courageous chaplains of the U.S.S. *Dorchester*.

COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. VITTER. Mr. Speaker, I would like to join my colleagues today and take this opportunity to commend India on its celebration of Republic Day, which formalized India as a parliamentary democracy.

On January 26th of this year India celebrated its 51st Republic Day. In that time India has grown into the world's largest democracy and has helped illustrate the stabilizing force of democracy.

India is one of America's foremost friends in the South Asian region of the world and has continued to be a consistent and helpful ally to the United States in our on-going war against terrorism. Increasingly, America must attempt to engage the Muslim world through diplomacy, and India, along with other nations, provides an opportunity to do that. Most importantly, we will need to identify our friends and to stand by those countries that reflect our faith in ideals such as democracy, human rights and religious freedom.

Over one billion Indian people of diverse faiths in India currently practice democracy and enjoy religious freedom. They look to courts for justice, respect human rights, and in short, embody American values in this important region of the world. The United States and the Republic of India have a common bond and a strong commitment to shared principles. I sincerely hope that the partnership that has been forged between our great nations will continue to blossom.

Because of these many accomplishments, I wish to join my colleagues to express my strong support that the friendship between our two countries continues, and to commend India on its celebration of Republic Day.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. DAVIS of Illinois. Mr. Speaker, during the 90's we had ten years of solid economic growth. In the past two years, America has entered an economic downturn. For the first time in a decade the economic indicators—benchmarks showing where we are and where we are going—all point down. Job losses in technology and manufacturing have risen dramatically and corporate bankruptcies were nearly double what they were two years ago. Consumer confidence hit its lowest point in over a decade. Even though, the U.S. stock market saw a significant gain during the 90's. However, the bottom has virtually fallen out as a result of the events of September 11th. Now every industry is taking a huge hit as profits and employment figures head into a downward trend. Presently, under the Bush's Administration the country is averaging approximately 68,000 workers losing their jobs per month. Resulting in the fastest pace for job elimination in more than 20 years.

The President's speech last night did not mention that his economic plan calls for cutting job training and employment funding by $534 million while unemployment is increasing. The President's plan calls for reducing $500 million from title 1, the Federal Government's primary program for targeting aid to the most disadvantaged students. This cut means 447,000 fewer low-income students will be served by this program. Also, the President's proposes to cut $250 million from teacher quality initiatives. For heating assistance, the President is expecting a $300 million cut from the Low Income Home Energy Assistance (LIHEAP) program at a time heating prices are rising.

While some talk about tax cuts which will primarily benefit the wealthiest 1 percent of taxpayers, and do nothing for the bottom 75 percent, let me suggest that any serious economic stimulus package or plan must consider and be focused on the needs of the poor and the most vulnerable among us.

The President should propose a fair fiscal policy that will provide more unemployment benefits and health coverage for low to moderate income workers. These are the people who spend a larger portion of their earned dollars to make ends meet. By expanding unemployment benefits for those who have already exhausted their extended benefits and continue to seek jobs and health coverage to dislocated workers, it would be the quickest way to stimulate the economy.

Only the Democratic plan focuses on working families and small businesses that drives the engine of the American economy. Under its plan every worker will get a tax cut and everyone receives the same $600 per couple. This fair and equitable tax cut will provide a short-term stimulus for our economy while allowing the budget to recover as the economy strengthens.

A TRIBUTE TO COMMISSIONER MILLIE TEUSCHER

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. LATOURETTE. Mr. Speaker, I rise today to pay tribute to my dear friend, Millie Teuscher, who recently stepped down as Lake County Commissioner after 14 historic years. Millie will be greatly missed by everyone in the county. She has the distinction of being the first and only female commissioner in the 162-year history of the body.

Millie is one of my oldest and closest friends in Lake County. I first got to know Millie when she was a councilwoman in Mentor, and later was thrilled when she sought office at the county level. She was part of a historic sweep of county offices by Republicans in the late 1980s, and really changed the face and tone of county government in Lake County. She brought an "every woman" sensibility to her job, and while she played the role of government watchdog with zeal, she was also admirably compassionate about the problems facing county residents and employees. Over her many years of elected office, she probably doled out an equal number of hugs and handshakes. She was not one to exert ego or insist on formalities, and was known to everyone as simply "Millie."

Millie Teuscher will be remembered for working diligently to improve Lake County and make it an economic leader in Northeast Ohio. Our county could never have a better guardian and cheerleader, and she will be sorely missed.

I wish Millie the best in her retirement, and know how much she is looking forward to spending more time with her beloved husband, Bob. On behalf of the 14th Congressional District of Ohio, I thank Millie for her years of friendship and public service, and wish she and Bob all the best in the world.

FEDERAL HOME LOAN BANK SYSTEM

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. FORD. Mr. Speaker, I rise today to urge Congress to pay closer attention to proposed changes to the Federal Home Loan Bank system.

The two changes being considered would allow the Federal Home Loan Banks to buy, sell, and potentially securitize mortgages nationally, and would allow banks and thrifts to become members of multiple Home Loan banks.

As federal regulators including the Treasury Department have noted, these proposals would seem to expand the Federal Home Loan Banks' charter to a sufficient extent to warrant congressional consideration. A number of issues must be weighed before they are implemented.

For example, if the Federal Home Loan Banks enter the business of securitizing mortgages, it would seem appropriate that they be subject to the same requirements as other housing government sponsored enterprises, including limits on conforming loans, affordable housing goals, and mandatory mortgage insurance.

The GSEs' federal charter ensures that they serve the interests of their shareholders as well as the public by expanding homeownership opportunities—especially in communities where homeownership rates are lower than the national average of 68 percent. The public is also served through fair competition, which can only be maintained if competitors in a given market are forced to play by the same rules.

In addition, unlike Fannie Mae and Freddie Mac, the banks have not taken the voluntary step of registering their stock with the Securities and Exchange Commission. The wave of corporate accounting scandals last year demonstrated the need for transparency, which is of utmost importance for enterprises serving a public mission.

To ensure that the public is served by fair competition and appropriate oversight, any changes to the Federal Home Loan Banks' charter must be given due congressional consideration.

JESSE J. McCRARY, JR., ESQUIRE: A LIFETIME OF ACCOMPLISHMENT AND SERVICE TO OUR COMMUNITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise in honoring one of Florida's most admired public servants and civil rights leaders, the Honorable Jesse J. McCrary, Jr. This Saturday, February 1, 2003 at 6:00 p.m. at the Biltmore Hotel in Coral Gables, Florida, a host of friends and admirers will join his family in celebrating the legend that he genuinely symbolizes.

This honoree epitomizes the preeminence of a gentleman and a devout Christian. In 1956, he attended Florida A & M University with a major in political science. He went on to pursue his legal studies at the Florida A & M University as well. He was subsequently honored with unprecedented accomplishments never before achieved by an African-American in the history of our state.

Among his most prominent achievements was his being the first African-American to be appointed Assistant Attorney General for the State of Florida in 1967, the first African-American to argue before the U.S. Supreme Court in 1969, the first African-American to sit on a statutory Court of Appeals in Florida's Industrial Relations Commissions in 1971, the first African-American Secretary of State of Florida in 1978, and the first African-American from Florida to be listed in the Best Lawyers in America in 1988.

Ever since I've known this giant of a leader, Mr. McCrary has always been at the forefront of ensuring equality of opportunity for everyone in our community and throughout Florida. At the same time, his untiring advocacy in adhering to the mandate of equal treatment under the law not only in the halls of academia, but also in every segment of government agency, has become legendary. In fact, countless others from every color, creed or gender have been touched by his genuine commitment to their well-being, especially those who could least fend for themselves.

By his passionate advocacy for due process and the rule of law, he won landmark cases he argued before the Supreme Court. The most memorable cases that now emblazon his legal triumphs are the right to have a jury of less than twelve persons and the prohibition for the state from dismissing jurors on the basis of race alone. The decisions handed down by the Court now form part and parcel of the history of our state's legal precedents.

Aside from his role as our state's legal luminary, Mr. McCrary has been the consummate activist who abides by the dictum that those who have less in life through no fault of their own deserve to be helped by the government, be it at the local, state, or federal level. It is no wonder that the numerous accolades with which he has been honored by various organizations saliently represent an unequivocal testimony of the utmost respect and admiration he enjoys from our community.

Imbued with a down-to-earth common sense, he has also been gifted with the rare wisdom of being able to discern the strengths and limitations of those empowered to govern. This brand of leadership has been tested time and time again during his stint as Chairman of the Florida Correction Review Commission, the Florida Education Standards Commission, the Select Committee to Review Competency Testing in Florida, the Gubernatorial Commission for the Study of Capital Punishment and Judicial Reform, and the Constitution Revision Commission.

The acumen of his intelligence and the depth of his sensitivity were felt at a time when Miami needed to put in perspectives the agony of disenfranchised African-Americans and other minorities yearning to belong and participate in the fruition of the American Dream. When government and community leaders met to douse the still-burning embers of the Miami riots in the early 1980s, Mr. McCrary was the leader whose firm voice of reason and understanding succinctly articulated his credo that one has got to learn and live with one another in the community, or shamefully reap the grapes of wrath from those who have been left out of the ambiance of the rule of law and due process.

He thoroughly understood the accoutrements of power and leadership, and he sagely exercised them alongside the mandate of his conviction and the wisdom of his conscience, focusing them upon the good of the community he has learned to love and care for so deeply. This stewardship motivated by his Faith in God defines the authenticity of his public service as exemplified by what he learned as a child that: ". . . it is better to give than to receive."

His word is his bond to those of us who know him. He has exuded this bond not only in moments of triumphal exuberance toward helping many a wayward youth turn the corners around, but also in his quest to transform Miami-Dade County into a veritable mosaic of vibrant cultures and diverse races converging to symbolize the noble idealism that is America.

As my community honors Jesse J. McCrary, Jr., Esquire, I praise the decent man and devout Christian that he is. My pride in sharing his friendship is only exceeded by my deep gratitude for all that he has sacrificed on behalf of all Floridians. This is the magnificent legacy with which he will always be honored.

TRIBUTE TO WILLIAM COPELAND

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Ms. KAPTUR. Mr. Speaker, the end of the year 2002 brings with it the retirement of a distinguished public servant in Ohio. William Copeland will be retiring as a Lucas County, Ohio, Commissioner, bringing to a close 28 years in service to the people of our region.

Raised in Toledo, Ohio, Bill was a stand-out baseball and basketball player at Woodward High School and gained All-City recognition. After high school, he earned a degree in education from South Carolina State University. Following college, Bill played basketball for New York's Komedy Kings, a semiprofessional team, which won sixty consecutive games during Bill's tenure. This feat earned Bill an invitation to join the Harlem Globetrotters.

During this time, Bill was also working in Toledo and a member of the Laborers Union Local 500. For over 30 years he served the union as representative, business manager, and business agent. Funds were raised under his stewardship to build a hall which now bears his name in thanks from his union brothers and sisters.

In 1974, Bill was persuaded to run for Toledo City Council and won. In 1983, having been the highest vote-getter, he was elected by his council colleagues as Vice Mayor. With his 1985 election as county recorder, Bill became the first African-American to hold a county office. He was appointed to the Board of Lucas County Commissioners in 1990—again making history as the first African-American County Commissioner. For many years, he was the only African-American serving on a board of county commissioners among Ohio's 88 counties. Commissioner Copeland has handily won reelection to three successive terms. He diligently pursued many major projects including new home ownership and housing rehabilitation initiatives, a regional water study, new ballpark, juvenile justice center, and the establishment of the Corporation for Effective Government to name but a few.

An integral member of our community, Bill Copeland has devoted himself to public service while actively participating in numerous organizations. While an elected official, Bill worked with the Toledo Zoological Society, Kidney Foundation, Indiana Avenue Missionary Baptist Church, Lucas County Democratic Executive Committee, YMCA, NAACP, Labor-Management Citizens Committee, AFL-CIO, Frederick Douglass Community Center, American Heart Association, Old Newsboys, COMPASS, Toledo Jazz Society, Alpha Phi Alpha Fraternity, and Toledo Civic Breakfast Club. It was often said and very true, that Bill Copeland was everywhere.

Though he will receive dozens of accolades upon his retirement, I believe a statement made by Toledo Blade associate editor Rose Russell sums up Bill Copeland best: "With so much power at his fingertips for more than two decades, he will go down in Toledo history as a political stalwart who hasn't found it necessary to boast, be arrogant, or snub anyone. He merely has gone his way and worked for the people who elected him."

Humbly, quietly, with grace, honor, kindness and dignity always, Bill Copeland went about the job he was elected to do. Lucas County government will miss his dignified presence and thoughtful governance. Politically, Bill spurred people to get out and vote, giving people in the central city the inspiration to change their lives through their power at the polls. These skills are his true legacy, and I join with the chorus from our community in a heartfelt "Thank You."

VACCINE INGREDIENT PROVISIONS IN THE HOMELAND SECURITY ACT OF 2002

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. SESSIONS. Mr. Speaker, in the Homeland Security Act of 2002, Congress clarified that all injuries allegedly related to an ingredient in a vaccine should be heard under the quick and inexpensive, no fault Vaccine Injury Compensation Program established in 1986. Though this was a simple clarification of existing law, some people cried foul. They claimed these provisions were inserted into the bill as a favor to pharmaceutical companies and that they would somehow take away the rights of unfortunate people who have experienced an injury. In fact, it did no such thing.

The vaccine ingredient provisions in the Homeland Security Act reaffirmed Congressional intent of the Vaccine Program's jurisdiction over all claims of vaccine related injuries, and that preservatives contained in vaccines were not subject to some special exception to the program. It did not change the state of the law, but ensured that those experiencing injuries from vaccine ingredients were not given false hope or having their time wasted having their lawsuit dismissed by the court for not going through the Vaccine Program.

The controversy surrounding these provisions is over the process by which they were adopted, not the language itself Their repeal would not change the law in any way; as courts have correctly decided, injuries allegedly resulting from ingredients in vaccines fall under the Vaccine Program. Furthermore, the lack of these provisions may add uncertainty in the vaccine market and higher insurance rates for vaccine manufacturers something that our nation attempted to avoid in 1986 and may be even more important in today's environment. Nevertheless, repealing the provisions will remove the cloud cast over their benefit. If this language is repealed, Congress should reintroduce the provisions in another separate measure so that we may have more debate on the actual language and the public can be assured of the need for this clarification of the law.

THE EDUCATION, ACHIEVEMENT AND OPPORTUNITY ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. SMITH of New Jersey. Mr. Speaker, as you may know, this week marks the 29th Anniversary of National Catholic Schools Week, a week dedicated to honor the achievements and successes of the more than 2.6 million children enrolled in the 8,114 Catholic Schools throughout our country. Today is National Catholic Schools Appreciation day.

It is fitting then that today I introduce legislation designed to ensure the Federal Government appropriately assists parents with the financial burdens associated with their child's education. My legislation, the Education, Achievement, and Opportunity Act will provide refundable tuition tax credits for the educational expenses incurred by parents for elementary and secondary school. The legislation would provide parents sending their child to an elementary school with up to $2,500 in tax relief, while parents with children in a Catholic or parochial high school could claim up to $3,500 in assistance.

The tax relief contained in my proposal can be utilized by parents to pay for a variety of educational expenses that are frequently incurred on behalf of their children. Most significantly the tax credit is designed to help with the cost of tuition. But, beyond this, the tax credits can be used to help meet the costs of other educational needs: (1) computers, educational software, and books required for courses of instruction; (2) academic tutoring; (3) special needs services for qualifying children with disabilities (within the meaning of the Americans With Disabilities Act); (4) fees for transportation services to and from a private school, if the transportation is provided by the school and the school charges a fee for the transportation; and (5) academic testing services.

Parents know the interests and needs of their children better than anyone else. If we are truly going to ensure that "no child is left behind," in our national education agenda, then we must make sure our children have every tool at their disposal to academically succeed.

The wealthy in America already have the choice to send their child to the school that best suits them. But middle and working class families often do not. Between tuition costs and out-of-pocket expenses like tutoring, computers, and transportation, the costs can add up and pose an enormous obstacle to the child's lifetime learning opportunities.

In my own district in New Jersey, a parent who feels a Catholic elementary school is best suited for their child, will pay somewhere between $1,840 and $2,566 in tuition costs per child, per year. If you want to send your child to a parochial high school in the central New Jersey area, a parent is looking at an average tuition bill of $5,571 per student, per year. In other areas of the country, the costs are very similar.

Without federal support, many parents struggle—and in some cases forgo—a Catholic school education, or any education in a spiritual setting, because the costs are so high. Learning in a religious setting is not for every one, and America's public school system is critical to providing educational opportunities for all. We must continue to vigorously support our public schools at both the federal and local levels. At the same time, however, we should support those who seek the benefits of Catholic school and choose a religious setting as the best, educational environment for their children.

In effect, parents of Catholic school children pay twice—they pay their fair share of taxes necessary to support the public school system, and they pay tuition at the school their children actually attend. I urge my colleagues to join me in addressing this inherent unfairness and work for the passage of my tuition tax credit program as the best way to help offset the double payment endured by those who send their children to Catholic and parochial schools.

In America today, we have 59 million youngsters in elementary and secondary school across the U.S.; about 10 percent of these students are enrolled in private, parochial and rabbinical schools. Those families who are already sending their children to such schools, and others planning to send their children to them, would benefit enormously from my proposal, because they are often struggling to make ends meet.

It is important to note that my education proposal is a tax credit, rather than a voucher, so the total amount of education resources available for all school age children will increase. Under a voucher system, if a school loses enrolled students to a competing school, that school may lose funding and have fewer resources available for their educational program. Under my plan, that outcome is avoided. It is a "win-win" scenario, whereas some have argued that voucher programs can become a zero-sum situation with "winners and losers."

A tuition tax credit for education is a benefit that should be available to all, no matter what their race, creed, or national origin. And make no mistake: the public school system will and must continue to remain the backbone of our nation's education system. But we must never forget that the public school system was created to serve students—not the other way around. If a student is performing poorly, parents should have the opportunity to augment the child's education with help from the federal government.

If we are to truly make good on our promise that "no child is left behind," we must ensure that Catholic schools are included in this national promise and goal. A child is a child, regardless of which school system they are enrolled. The children enrolled in Catholic, private, and rabbinical schools deserve nothing less than our full support and compassion.

I urge my colleagues to support the Education, Achievement, and Opportunity Act.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes 15, 16, and 17, I was unavoidably absent. Had I been here I would have voted "yea" on rollcall vote 15 and "no" on rollcall vote 16 and 17.

CHIEFS OF POLICE URGE ADMINISTRATION TO SUPPORT INCREASED FUNDING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. FRANK of Massachusetts. Mr. Speaker One of the pieces of evidence that convinces me that we have reduced taxes by too much in the face of the very significant demands that have been placed on our national security both domestically and internationally since September 11, 2001 is the refusal of this administration to support adequate funding for programs of assistance to local public safety officials. As we were adjourning, I and others in the Massachusetts Delegation received the attached resolution from the Massachusetts Chiefs of Police Association. I am very pleased to have a good working relationship with the chiefs of police in the district I represent, and I know that these people are deeply committed to the protection of our citizenry, against both the traditional forms of crime and against the newer threats we face. And they are not people who easily jump into controversies that are partisan or ideological in nature. So when they report that they and their fellow chiefs of police across the country adopted a resolution which "strongly recommends that the Bush administration reconsider the funding levels that have been reduced for local agencies" in the police field, I believe this is an argument to which we should pay attention. Mr. Speaker, I ask that this very thoughtful and important resolution be printed here.

HOMELAND SECURITY FUNDING

SUBMITTED BY DIVISION OF STATE ASSOCIATIONS OF CHIEFS OF POLICE (SACOP)

WHEREAS, the approximately 740,000 law enforcement officers in local and state agencies have the best knowledge of and access to their communities, and those communities are turning to their local agencies for guidance and protection more than ever; and

WHEREAS, local law enforcement is the first to be called upon to respond to any emergency or critical incident; and

WHEREAS, because of their daily interaction with the community, local law enforcement has access to local information and grassroots intelligence that is an invaluable resource in the fight against terrorism; and

WHEREAS, demands on specialized training (interrogation techniques, recognition of terrorist threats, federal immigration law, immigration documentation, response to critical incidents, response to biological, chemical or nuclear terrorism), specialized equipment (protective clothing, isolation equipment, electronic surveillance and security equipment), and drastically, increased manpower requirements, continue to take their toll on already stretched law enforcement budgets; and

WHEREAS, the over 19,000 members of the International Association of Chiefs of Police are concerned that while the federal government is proposing greatly increased funding for Homeland Security programs, federal intelligence programs, and additional increases for federal agencies, the local and state agencies will be left with dwindling resources in their daily response to local community requirements, including those caused by increased threats and fears from terrorism; now, therefore, be it

RESOLVED, that the International Association of Chiefs of Police, duly assembled at its 109th Annual Conference in Minneapolis, Minnesota, strongly recommends that the Bush Administration reconsider the funding levels that have been reduced for local agencies, such as universal hiring programs, Byrne Grants, COPS Programs and others. We urge the administration to continue these programs, or reconfigure the funding for local agencies with the recognition that these agencies are truly on the front line of the war against terrorism.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in support of House Resolution 26, honoring the contributions of Catholic schools. As a Catholic school graduate, I know the value of a Catholic education. I know first hand that Catholic schools teach students discipline, pride and respect for learning. I am so grateful to the priests, nuns and lay persons who taught me at St. Peter's Elementary, Holy Name Elementary, Parmadale, St. Aloysius Elementary, St. Colman Elementary and St. John Cantius High School for their love and guidance through my formative years.

I especially wish to recognize the delegation of students, teachers and parents who will make the National Appreciation Day for Catholic Schools a special day this coming Wednesday. Their commitment to ensuring an exceptional education and maintaining quality Catholic schools ensures that Catholic students in the future will continue to benefit from outstanding educational opportunities. An overwhelming percentage of Catholic high school graduates attend college, which is a sign of the excellent work of our Catholic School system.

I would also like to recognize the National Catholic Educational Association (NCEA) for their efforts to promote educational and catechetical goals. By sponsoring programs like the Seton Awards, which recognize individuals who have made outstanding contributions to Catholic education, the NCEA works diligently to insure better education across America.

Providing quality educational opportunities for all children is one of the most important goals of our society. I wish to congratulate Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education. They play critical roles in promoting and ensuring a stronger and brighter future for America.

COMMEMORATING MR. WILLIAM T. LEE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker I rise to commemorate Mr. William T. Lee, a great patriot who served the United States well for years.

Mr. Lee passed away in his home in Alexandria, Virginia on October 30, 2002 due to complications associated with advanced cancer. He was born in Pass Christian, Mississippi and grew up with his grandparents in Missouri. He is survived by his former wife, Dixie Lee. They had no children.

Mr. Lee served as a Senior Intelligence Officer during the Cold War and was a vigorous advocate for a national missile defense. He was a prominent figure and an insightful expert concerning the assessment of the Soviet Union's economy, size and scope of its military.

Mr. Lee was an accomplished analyst of missile defense, a published writer and a formidable lecturer. His life accomplishments include an exceptional understanding of ballistic missile defenses of the Soviet Union and Russia, authoring 6 books and numerous articles and lecture tours in Europe, Asia and South America.

Mr. Lee embarked on his impressive career with an induction into the Army Air Corps in 1944 where he supported the effort in the European theater during World War II. After the war, Mr. Lee began his academic education with 2 years at The University of Puget Sound and 2 years at the University of Washington and emerged in 1950 with a degree in history with a concentration on Russian studies and economics. Later he received a masters degree from Columbia University in advanced Russian and Chinese studies.

As a Soviet economic and military affairs analyst for the CIA in the 1950's and early 1960's, Mr. Lee, along with colleagues, contended that the Agency had underestimated the share of the Soviet's gross national product that went into the military for years before the collapse of the Soviet Union in 1989.

From 1964 to 1972 Mr. Lee lent his talents to the Stanford Research Institute as a senior analyst who helped produce intelligence reports forecasting Soviet and Chinese conventional and strategic weapons programs for the office of the secretary of defense.

After working as an independent consultant to private research organizations on contract to government agencies for a few years, he joined the Defense Intelligence Agency in 1979 and was promoted to a member of the government's Senior Executive Service by the time he retired in 1992.

Mr. Lee was a vital intelligence professional during the Cold War. As a member of the

Committee on the Present Danger, he was instrumental in influencing the defense buildup during the Reagan administration. Lee never received public recognition for his tough estimates concerning the Soviet Union's vast military expenditures. His judgments were mostly embraced in 1976 by "Team B," a committee of skeptics charged by then-Director of Central Intelligence George H.W. Bush with providing a second opinion on the capabilities of the Soviet military. The findings of Team B were confirmed as much more accurate than the Central Intelligence's estimates by showing that CIA and DIA continuously underestimated Moscow's spending due to their faulty methodologies. With regard to Soviet defense spending Lee's friends used to say there was the CIA, the DIA and William Lee."

It is important to note Mr. Lee's analysis of numerous documents including Kremlin archives and the private diaries and memoirs published by officials associated with the Kremlin's anti-ballistic missile programs. Lee's analyses and his books reflect his unwavering determination to find the truth. "Lee was a cantankerous yet thoroughly focused analyst," said Derek Leebaert, a Georgetown University professor. "His objective was not to prove the essential wickedness or aggressiveness of the Soviet system, but . . . just [to report] what was happening in both the Soviet Union's military and its economy."

In one of his books, The AMB Treaty Charade: A Study in Elite Illusion and Delusion, Mr. Lee showed how, as a matter of state policy, the USSR violated the requirements of the 1972 Anti-Ballistic Missile Treaty by building and deploying a territorial AMB system explicitly prohibited by the accord. A second book, written with Richard Starr, entitled Soviet Military Policy Since World War II was translated by the PRC.

This book, considered a classic, enjoyed extreme popularity in the United States, Europe and Asia. After being translated by the Chinese military, Mr. Lee was invited to lecture the military several times.

His awards include the Army Distinguished Civilian Service Medal and the Meritorious Service Medal from the DIA.

Mr. Lee was neither a Republican nor a Democrat, a conservative nor a liberal but a rock solid patriot. His passing will be felt by many.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 30, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 4

2:30 p.m.
Budget
To hold hearings to examine the President's FY 2004 Budget.
SD–608

FEBRUARY 5

9:30 a.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission.
SD–538

Budget
To continue hearings to examine the President's Fiscal Year 2004 Budget Proposal.
SD–608

Small Business and Entrepreneurship
To hold hearings to examine possible solutions to the small business health care crisis.
SR–428A

FEBRUARY 6

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program.
SH–216

FEBRUARY 11

9:30 a.m.
Armed Services
To hold hearings to examine the current and future worldwide threats to the national security of the United States; to be followed by a closed meeting to be held in SH–219.
SD–106

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of the Interior.
SD–366

FEBRUARY 13

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Forest Service of the Department of Agriculture.
SD–366

FEBRUARY 25

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of Energy.
SD–366

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Disabled American Veterans.
SH–216

MARCH 6

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Veterans Association, and the Non-Commissioned Officers Association.
345, Cannon Building

MARCH 12

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars.
345, Cannon Building

MARCH 13

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reserve Association, and the Air Force Seargents Association.
345, Cannon Building

MARCH 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, the Military Officers Association of America, and the National Association of State Directors of Veterans' Affairs.
345, Cannon Building

SENATE—*Thursday, January 30, 2003*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning we will be led in prayer by our guest Chaplain, Dr. J. Howard Edington of the First Presbyterian Church in Orlando, FL.

PRAYER

The guest Chaplain offered the following prayer:

God on high, hear my prayer: You have led us in the past, lead us still. Gathered in this historic chamber are those who, by Your leave and by the will of the people, have been chosen to lead this Nation. We are a Nation of constitutional ideals; may these Senators lead us always to uphold them. We are a Nation made great by moral conviction; may they not rest until every American has shared in that greatness. We are a Nation which exalts freedom; may they never forget that true freedom exists for each of us only when that freedom exists for all of us. We are a Nation blessed by extraordinary bounty; may their decisions ultimately prove to be a blessing to people whose lives may be anything but bountiful.

Great God, in these days when the red, white, and blue waves proudly over our land, may the truths that flag represents take root in the hearts of both our leaders and our people. May the red of sacrifice, the white of purity, and the blue of loyalty mark the way these Senators lead and the way the American people live; and may we celebrate the fact that truth cannot be killed, love cannot be stopped, hope cannot be destroyed, freedom cannot be denied, and God cannot be defeated. Therefore, I pray, God bless America, and God bless us all. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, on behalf of the majority leader, I will announce the schedule for today. This morning, there will be a period for morning business until the hour of 1 p.m., with the time equally divided between the two leaders or their designees. A consent agreement was reached last night for the consideration of the nomination of Gordon England to be Deputy Secretary for Homeland Security. That debate and vote is expected this afternoon. We will notify all Members when that rollcall vote is expected.

In addition, the nomination of John Snow to be Secretary of the Treasury was reported by the Finance Committee by a unanimous vote this morning. It is hoped the Senate will be able to act on that important nomination during today's session. Therefore, additional votes can be expected during today's session of the Senate.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nevada.

Mr. REID. Mr. President, I want to ask the distinguished majority whip a question or two. It is my understanding this Friday the Democrats have a retreat in Washington. It is my understanding there is going to be a joint retreat of the congressional Republicans next Thursday and Friday. Is it fair to be able to tell Members that next Thursday and Friday there likely will be no votes?

Mr. MCCONNELL. It would be safe to say on Friday, but Thursday would not be safe to say.

Mr. REID. It is my understanding the train leaves at noon. So we could have something in the morning, is that the deal?

Mr. MCCONNELL. Yes.

Mr. REID. As I have indicated to the distinguished Senator from Kentucky before we came into session, we will work to see what we can do on the Snow nomination. As the Senator knows, we have one Member on our side who has some questions, I do not think as much with the individual but with some policies. I will talk to him shortly and see if we can expedite this matter.

Mr. MCCONNELL. It would be very helpful if that meeting with the Member about Mr. Snow could be expedited. That would be greatly appreciated.

MEASURE PLACED ON THE CALENDAR—S. 241

Mr. MCCONNELL. Mr. President, I understand that S. 241 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

> A bill (S. 241) to amend the Coastal Zone Management Act.

Mr. MCCONNELL. I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time has been reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided in the usual form.

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to address the Senate for a period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DAVID HOPPE

Mr. KYL. Mr. President, I pay special tribute to a member of the staff of Senator TRENT LOTT who is going to be leaving his Senate responsibilities and going elsewhere in this city to work in the private sector. For many years, David Hoppe has worked in various capacities for Senator LOTT, most recently as his chief of staff when he was majority leader. He also has worked as his staff director. He also worked for Representative Jack Kemp. He has had positions in the Heritage Foundation, as well as working on his own previously. He is a specialist in a variety of areas, including the area of energy policy. I think most of us remember David as someone who was always very clear headed, very level headed, and very helpful to all of us, minority and majority, as we worked in the Senate.

It can be a very hectic proposition to try to juggle all of the things that have to be juggled on the floor, and it takes a very level-headed person to be able to manage the egos of 100 Senators and deal with the majority leader's responsibilities. David Hoppe always did that with great aplomb, and it will be our loss that he leaves the Senate, but I am sure we will not hear the last of David Hoppe. My hat is off to him for his many years of service. I wish him the very best in his new career.

NOMINATION OF MIGUEL ESTRADA

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD three separate items. The first, as was mentioned by the distinguished assistant majority leader, concerns the Judiciary Committee that is meeting today to consider the nomination of Miguel Estrada for the D.C. Circuit Court of Appeals. I left that meeting in order to be in the Chamber but will be casting my vote in support of his nomination.

I ask unanimous consent to have printed in the RECORD an editorial appearing in today's Wall Street Journal by Herman Badillo, who illustrates some of the reasons why Miguel Estrada should be confirmed when he is brought before the full Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 30, 2003]

QUÉ PASA, CHUCK?

(By Herman Badillo)

NEW YORK.—Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.

Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only."

But if their behavior is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corraling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.

When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.

But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr. Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.

It is hard to blame Democrats of course. They know how their bread is buttered and by whom—the monied special interest groups that have made a profitable business of opposing the nominations of President Bush. The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his nomination last September, are a different matter. They should be ashamed of themselves.

Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task force, put it well when he said that these liberal Hispanic groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."

Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr. Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating—the highest possible rating—from the American Bar Association. The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by nonpartisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanic are most united in one thing—the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

INCOME TAXES

Mr. KYL. Secondly, I ask unanimous consent to print in the RECORD a Wall Street Journal editorial dated Monday, January 27, which is entitled "No More Than 30 Percent." This complements some comments I made yesterday regarding President Bush's tax plan and makes the point that most Americans, rich or poor, agree that the most any American should ever have to pay in income taxes is 30 percent. In fact, most people believe it should be no higher than 30 percent. So even though we have a lot of Americans who are extraordinarily wealthy, by far and away most Americans believe confiscatory taxation violates America's sense of fairness.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 27, 2003]

NO MORE THAN 30%

The political class warriors can never seem to figure out why their "tax cuts for the rich" mantra fails to sway the American public. In the spirit of educating even our opponents, we'd point them to a recent poll from Fox News.

In addition to the usual questions about President Bush's tax cut proposals, the poll asked voters what is the maximum share of income that any American should pay in taxes. More than half think it should be no more than 20%, and another quarter think it should be somewhere between 20% and 30%. So nearly eight of every 10 Americans think that no one, not even Bill Gates, should pay more than 30% to the government.

Now, even we'll admit to the sin of thinking once in a while that the world would be better off if a few people (Ted Turner, say, or George Soros) were taxed at confiscatory rates. So how to explain such a poll result? One answer is that Americans put more faith in their aspirations than do the envy specialists of Europe or Brookline, Mass. They appreciate America's class mobility and expect, or at least hope, that someday they too will be rich.

But the more fundamental answer may be that confiscatory taxation violates America's sense of fairness. Most Americans simply believe it is wrong, unjust even, for the government to take more than a third (or even a fifth) of the hard-earned income of even the very rich. It is, after all, their money.

Honesty compels us to concede, however, that the Fox poll does give America's income redistributionists some reason to hope. About 1% think the government is entitled to take "whatever" it wants, presumably 100% if need be. This may be a small socialist cadre, but they are clearly committed.

STANDING UNITED

Mr. KYL. Finally, I ask unanimous consent to print in the RECORD a letter from several international leaders called "Europe and America Must Stand United," reprinted from the Wall Street Journal. It is signed by representatives from Spain, Portugal, Italy, the United Kingdom, the Czech Republic, Hungary, Poland, and Denmark. It makes the point that other countries in Europe stand with the United States in our determination to bring the country of Iraq into compliance with the norms of international behavior and U.N. resolutions that apply to its weapons of mass destruction program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 30, 2003]

EUROPE AND AMERICA MUST STAND UNITED

The real bond between the United States and Europe is the values we share: democracy, individual freedom, human rights and the Rule of Law. These values crossed the Atlantic with those who sailed from Europe to help create the USA. Today they are under greater threat than ever.

The attacks of 11 September showed just how far terrorists—the enemies of our common values—are prepared to go to destroy them. Those outrages were an attack on all of us. In standing firm in defence of these principles, the governments and people of the United States and Europe have amply demonstrated the strength of their convictions. Today more than ever, the transatlantic bond is a guarantee of our freedom.

We in Europe have a relationship with the United States which has stood the test of time. Thanks in large part to American bravery, generosity and far-sightedness, Europe was set free from the two forms of tyranny that devastated our continent in the 20th century: Nazism and Communism. Thanks, too, to the continued cooperation between Europe and the United States we have managed to guarantee peace and freedom on our continent. The transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security.

In today's world, more than ever before, it is vital that we preserve that unity and cohesion. We know that success in the day-to-day battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious.

The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognised by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously. We Europeans have since reiterated our backing for Resolution 1441, our wish to pursue the UN route and our support for the Security Council, at the Prague Nato Summit and the Copenhagen European Council.

In doing so, we sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein's weapons of mass destruction. We must remain united in insisting that his regime is disarmed. The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences. It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly this week the UN weapons inspectors have confirmed that his long-established pattern of deception, denial and non-compliance with UN Security Council resolutions is continuing.

Europe has no quarrel with the Iraqi people. Indeed, they are the first victims of Iraq's current brutal regime. Our goal is to safeguard world peace and security by ensuring that this regime gives up its weapons of mass destruction. Our governments have a common responsibility to face this threat. Failure to do so would be nothing less than negligent to our own citizens and to the wider world.

The United Nations Charter charges the Security Council with the task of preserving international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those Resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.

We are confident that the Security Council will face up to its responsibilities.

Mr. KYL. That is the subject I would like to devote the rest of my time to discussing. It is the issue the President addressed in the State of the Union speech, an issue we dealt with 3 months ago in the Senate when we approved a resolution authorizing the President to use force, if need be, to bring Iraq into compliance with both agreements it had signed at the end of the Persian Gulf war 12 years ago and also various United Nations resolutions.

I rise to speak today because there are obviously a lot of legitimate concerns being expressed by various Members of the Congress, including a longtime Member of the Senate, Senator KENNEDY, who recently introduced a resolution calling for the Senate to revisit this issue. I did not have the opportunity to tell Senator KENNEDY I would be speaking about his resolution, but I did want to note this has been dealt with by the Congress. We have given the President the authority.

One could argue with respect to any change in circumstances that conditions have only gotten worse, not better, since the President was granted that authority by the Congress and therefore we do not need to vote on that resolution again or a new resolution giving the President the authority to act. I make that point because of the submission of his resolution yesterday and because of the remarks he made. I will be referring to those remarks.

The point of the President's comments in his State of the Union speech was not to lay out the case for proceeding against Saddam Hussein but, rather, to begin to create the predicate for action we will have to take. People have asked why President Bush has not been more vocal about the case to be made. I don't know because I have not talked to him, but I suspect that the last thing President Bush wanted to do was to be seen as beating the war drums. This is a grave decision he will have to make. It is a decision I know he does not make lightly. He makes it very reluctantly. But in the end, he will have to make a decision. I believe, from the tone and tenor of his remarks on Tuesday evening and the fact that he has not been speaking out a lot about this in the last several weeks, that is an illustration of the fact that he did not want to be seen as promoting the United States involvement in military action in Iraq but rather exactly the opposite: Asking Secretary Powell to visit with our allies at the United Nations and other nations, as well, and Secretary Rumsfeld and Dr. Rice to go out and speak to others to assert their views on the subject and express our views on the subject, to try to find some way to avoid having to use military action to enforce these U.N. resolutions.

The President has made the point that time is running out, that Saddam Hussein has steadfastly, continuously, repeatedly refused to comply with those resolutions and that at some point the international community as a whole, the United Nations as a body, and the United States specifically, have to decide whether these international agreements are going to be enforced. If they are not, then one could easily say they are not worth the paper on which they are written. The United States would have less moral suasion in the world if it refused to act when it had a clear responsibility to do so, and the United Nations and its Security Council would be deemed increasingly irrelevant by virtue of the fact that it has passed no fewer than 16 resolutions expressing the fact that Saddam Hussein has remained in violation of his promise to dismantle his weapons of mass destruction and has not done so.

If we are to rely upon international bodies, multilateral agreements, and even treaties and agreements signed by Saddam Hussein, there has to be an "or else" if they are not complied with or there is no point in entering into them in the first instance. Second, if you do not enforce the agreements, you foster more rogue behavior by nations such as Iraq under Saddam Hussein's leadership because those nations know they can continue to violate international norms of behavior and get away with it because at the end of the day no one is willing to enforce those norms of behavior even when they have been codified in agreements or in United Nations resolutions.

That is why President Bush is right; time is running out, and Saddam Hussein has a very critical decision to make. Will he finally see the handwriting on the wall that his days and his regime's days are very numbered and comply with the agreement he made, to save his own life, to dismantle his weapons of mass destruction under international supervision? That is the term that is used in Resolution 687 of the United Nations which has been incorporated into the most recent Resolution 1441.

That is the basis for the ability of the United States and the other nations of the world to act in this case. Saddam Hussein promised to dismantle his weapons of mass destruction under international supervision. He never did that. There was an inventory in 1998 of his weapons of mass destruction by the United Nations. He has never fully explained what happened to that inventory. He had a last opportunity to do so in the declaration he was invited to file a couple of months ago. A declaration was filed. It contained the same old things he talked about before but no evidence that he had destroyed those weapons of mass destruction.

Now, why did the United Nations say he had to dismantle these weapons under international supervision? Precisely because we did not want to be in the position of having to go find the needle in the haystack: We have to go find evidence somewhere to prove that he still maintains or possesses these weapons of mass destruction. After all of these years and the opportunities he has had to hide these weapons, the burden should not be on the United States or the United Nations to go find these weapons but, rather, right where it was when he signed the agreements at the end of the gulf war and when the United Nations adopted its original resolution saying he had to dismantle these weapons under international supervision. We knew that was the only way we would know for sure it had been done, because of his record of lying and cheating.

Sure enough, over the past 11 years, that record has continued. He has never explained what happened to these weapons. He has never given us the evidence that they have been destroyed. We have evidence that they still exist, from the declarations of the United Nations in 1998 as well as our own intelligence and some admissions from the Iraqi Government itself and eye witness accounts. You cannot get better evidence than that.

Now, some of this evidence, of course, is collected by the intelligence agencies and not of the kind that can be released publicly. But Secretary Powell is going to visit with our allies and others at the United Nations, hopefully next week, to lay out some additional information we can disclose and, hopefully, persuade these nations it is now time to act.

The basis of the resolution Senator KENNEDY offered was that there should be more time for the inspections to work. I would like to confront that directly because I know that while the concept is well meaning, it is very misplaced. There is nothing in the evidence to suggest Saddam Hussein will change his behavior in the least if he has more time. In fact, quite the opposite is true. The only time Saddam Hussein has ever come forward and done anything that has even begun to suggest compliance has been when he has been pressured to do so, when he has known the time was short and people were going to enforce the agreements he made if he did not do something.

Ironically, the best way to get him to comply is to make it clear that military action is a very distinct and proximate possibility. That is the only basis on which I think there is any hope to avert military action—if he understands it is inevitable unless he complies.

So I think giving him more time would be seen not only by Saddam Hussein but other rogue terrorists and terrorist states in the world as a lack of willingness on the part of the international community to enforce these agreements it has gotten Saddam Hussein to sign and the resolutions the United Nations adopted.

What are the implications of that? If international norms of behavior are not enforced and if the free nations of the world cannot muster the will and the ability to enforce them, it merely fosters similar action by terrorists and rogue states around the world. The eyes of the world are upon us. This is why President Bush has made the commitment to move forward if Saddam Hussein does not comply, because he understands that everyone is watching, and if the rogue terrorists of the world—rogue states and terrorists decide they can get the United States and the United Nations to blink, that at the end of the day they are not really willing to enforce these resolutions and agreements, you can see them act in ways that very soon will challenge us to military action and perhaps at a time when it is more disadvantageous for us to take that action.

The lesson of Korea is a good lesson. It would have been better if we could have dealt with Korea permanently before it acquired nuclear weaponry. Because it has that kind of weaponry today, and longer-range missiles, we are very reluctant to engage North Korea militarily, and with good reason. We cannot afford to wait until countries such as Iraq or other rogue states acquire similar weapons, nor to decide it is time to deal with them, to get them to comply with these agreements and U.N. resolutions. That is why more time is not the answer. More time will not solve the problem. More time will do nothing but exacerbate the problem.

Confidence is also misplaced to rely on the inspections to produce anything. President Bush has made the point, Secretary Powell has made the point—inspections only work if you have a willing, compliant party on the other side that has demonstrated a desire to dismantle weapons and wants the world to verify that has been done.

We did this before in Ukraine and Kazakhstan, countries that were willing to dismantle their weapons. Where inspections are able to confirm that, demonstrate that, this is a technique that can work. But it can never work, as Secretary Powell said, with a nation such as Iraq which has as its intention hiding these weapons rather than cooperating.

The inspectors are not in Iraq—and I repeat this, the inspectors are not in Iraq—to find evidence with which to prosecute Saddam Hussein. That would be an impossible task. They would have to get enormously lucky to find anything in that country. In fact, I guess we could say they were lucky, to the extent they found 16 shells which contained warheads suitable for chemical weaponry, warheads that were not declared by Saddam Hussein in his declaration and therefore were in clear violation of the U.N. requirement that he destroy these weapons. They were lucky to find them.

People say you need a smoking gun. There is a smoking gun. Why is that not good enough? The bottom line is you cannot put the burden on the inspectors because there is no way in any reasonable period of time that you could expect them to find them all. I have forgotten the exact number now, but there are in the tens of thousands of these weapons that Saddam Hussein had. We knew he had them and he has never shown he has destroyed them. How are we going to find those? The fact is the inspectors are there to verify voluntary compliance. They are not there to try to find things that are being deliberately hidden.

One of the reasons the document I had printed in the RECORD, the letter signed by European leaders, is so important is because it validates the notion that the free nations of the world need to be united in enforcing these norms of international behavior. Thus the headline: "Europe and America Must Stand United." The last paragraph I will read:

> The United Nations Charter charges the Security Council with the task of preserving international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.
>
> We are confident the Security Council will face up to its responsibilities.

Some of the signatories include Tony Blair, of the United Kingdom, Silvio Berlusconi, of Italy, Vaclav Havel, of the Czech Republic, one of the real democrats of our era, and others, who make the point that we have to stand united in this effort.

The problem they are facing and that President Bush is facing is if we believe we have to get the approval of the Security Council, and any of the five permanent members, which could be Russia, China, or France, for example, were to veto another resolution, then our hands would be tied. That is why another resolution is not required. Resolution 1441 is good enough. President Bush has made that point and Secretary Powell made the point, telling those nations, don't vote for the Resolution 1441 if you are not going to be prepared to support action when the time comes.

Now the time is upon us. What these distinguished leaders are saying in this letter is the Security Council needs to step to the plate and authorize the kind of action that is called for here. If not, it can be done unilaterally by the United States and the rest of the coalition of willing partners. We have that legal authority to do so. Obviously, it would be better if the world opinion, expressed through United Nations resolutions, backed that action. But that is not necessary.

I would argue also in some respects it is not desirable to keep going back to the United Nations Security Council for approval. This is the reason why. You begin to create the precedent that action is illegitimate unless this group has approved it; that unless the Security Council has given its stamp of approval other nations may not act in their self-interest and in the interest of the international community of countries.

That would be an extraordinarily bad precedent. It would cede the sovereignty of the United States to a United Nations body which is not some kind of angelic group of objective judges on high somewhere, deciding what is right, truth, and justice in the world. It is five countries with self-interests, one of which is the United States. All of these countries act in their self-interest and there is nothing wrong with that. France acts in its self-interest. A lot of French have business dealings with the Iraqis. There is nothing wrong with that except it may violate the sanctions of the United Nations. But they have reasons for perhaps not wanting to confront Iraq.

Russia has a lot of money tied up in Iraq in debts that are owed to Russia. It wants to see those debts repaid. There is nothing wrong with that. So it is naturally a little bit careful here in the way it is dealing with Iraq in this resolution.

China has its own issues, as have Great Britain and the United States. All of us approach these issues from the legitimate position of our own self-interest as nations. The combination of those five countries represents the permanent members of the Security Council, who have a veto. There are additionally 10 other nations that rotate on and off the Security Council.

We got a unanimous decision of all 15 nations, including even Syria, with Resolution 1441. So we have the ability to proceed. What I am saying is it is a mistake to have to go to the Security Council again, first, because you are setting a very bad precedent that is the only way you can legitimately act, and, second, because there is some kind of suggestion that nations put their self-interests over here on a shelf when they deal with questions such as this. They do not. They make decisions based upon their perception of their own self-interest and there is nothing wrong with that. But what it can mean is that if our interests are divergent enough, we can get into situations where some countries decide to take an action and other countries decide to veto that action. If they have a legal veto, then they can preclude countries such as the United States and Great Britain, for example, from acting in their own self-interest.

That is why, even though I welcome the debate and would be very willing to spend all of the time our good friend and colleague, Senator KENNEDY, would like to take on the floor of the Senate, debating his resolution to have yet another expression of Congress in support of military action by the President, it is not necessary. We have already covered that ground. It has already been approved by the Senate. The President has taken a lot of action in reliance upon the action of the Senate back in November.

It is kind of like pulling the rug out from under him. I know that is not Senator KENNEDY's intent, but it could have that effect because the President relied on the approval the Senate gave to him to mobilize tens of thousands of American troops all over the world. These troops are now committed to the theater of Iraq. A great deal depends upon our ability to combine a military mission with the timing that is required to achieve success, and all the other factors that are involved in a successful outcome of the enforcement of these U.N. resolutions by the United States and its committed allies.

We can't be getting to the point where there is a herky-jerky, we'll give you the authority, we'll take it back, OK, we'll give you some more, now you can't. The Commander in Chief cannot operate that way. That is why last December we said we will vote to give the authority. Don't vote for it if you don't think he should exercise that. Many of our colleagues did not, and they have good and sufficient reasons for voting that way. The vote overwhelmingly carried. The President was granted the authority by the Congress. Now, on the eve of his exercise of that authority, if he chooses to do so, is not the time to suggest that, well, we didn't really mean it; he has to come to us one more time. That would be an act, I suggest, that would not be worthy of the Senate, given our responsibilities to act in concert with the President in conducting his responsibilities as Commander in Chief.

Even though we know there are sincere questions and concerns about taking military action—and every one of us shares those concerns—we also know leadership is about making decisions when the situation is not clear. All of us have heard about the fog of war. Henry Kissinger has written about the essence of leadership and making a decision when almost everything seems to be in doubt and there is no clear path to a decision. Making the right decision at that time and following through is what enables you to succeed, because waiting until everything is clear is usually to wait until it is too late. It is the situation I described before with North Korea, for example. If we wait until it is clear that Saddam Hussein has the nuclear weapon, it will be too late to confront him over the use of that weapon or over the fact he possesses that weapon.

That is why the President has been so insistent that the original promise of Saddam Hussein to dismantle under international supervision and never having complied with that promise must now be enforced. That is the essence of the President's case. While I am sure he will speak to the American people and lay this out much more clearly than I have, and that he, Secretary Powell, and others will continue to speak with our allies so they know fully why we are prepared to act and will feel comfortable in joining us in this action—and even with those actions which I think we can contemplate in the next several days—I think it would be a big mistake, as I said, for the Senate to assume we need to revisit this issue in a legal way and that the President would not be authorized to act unless we pass some kind of legislation.

I welcome the debate, as I said. If our colleagues wish to have that debate here on the Senate floor, I suggest it would be far better for us to acknowledge the President's authority and to stand behind him in the decisions he makes, knowing our support for his actions is support for the troops we are sending in harm's way. The best thing we can do for those sons and daughters is not to continue to question and wring our hands and express self-doubt about what we are doing but to solemnly weigh all of the factors, make a judgment to support the President in his judgment, and then support those troops when they are called upon to act. That is the best way we can repay those who are willing to make that supreme sacrifice for that willingness on their part.

I solemnly hope as we debate these issues, we can do so in that spirit, in the spirit of the sacrifice our troops are willing to make, and that the debate be as serious, as analytical, and as nonpartisan as much as we can make that kind of debate, but when the time comes that every one of us will support the President and our troops.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I want to pick up where the Senator from Arizona left off.

What has changed that would lead us to have another debate on a resolution authorizing force? Since the last time we debated this issue here on the Senate floor, I do not know if the Senator from Arizona has any thoughts as to what sort of things have changed. The only thing I can think of which has changed is we have had weapons inspectors in the country and those weapons inspectors have been deceived. We did not have weapons inspectors in the country at the time we were debating this resolution in September of last year. The only thing I can think of is the Senator from Massachusetts and others who wanted to debate this issue wanted to make the point that, Well, weapons inspectors haven't found anything, and maybe that has changed. Remember, they weren't in the country in the first place.

We didn't find anything in the first place when the U.N. took as a given that he had these weapons of mass destruction. It was simply a matter of what he was going to declare and what he had done with them. He still hasn't.

From my perspective, I haven't seen any change. We knew he had these weapons. The President detailed them the other night. He hasn't disclosed what he has done with these weapons, which is pretty status quo.

When we were debating in September, we had had weapons inspectors who had been given the opportunity to determine where these weapons were, and Saddam Hussein had not cooperated.

Mr. KYL. Mr. President, if I could respond to the Senator from Pennsylvania, I don't want to characterize Senator KENNEDY's response to that. He made his statement. The essence of one of the things he said was things have changed since we debated this. From his perspective, he said things have changed. One of the things he said was inspectors had not been able to find anything.

I would respond to that in two quick ways.

First of all, the U.N. inspectors have determined Iraq is not voluntarily disarming as required by United Nations Resolution 1441. Quoting Hans Blix, head of the inspector team:

> Iraq appears not to have come into genuine acceptance—not even today—of disarmament which was demanded of him and which he needs to carry out to win the confidence of the world and live in peace.

Mr. SANTORUM. Mr. President, I would say to my colleague that when we voted on this resolution in September there were no weapons inspectors in the country. There was not even the prospect of weapons inspectors in the country. I keep coming back to what has changed substantively. The fact that weapons inspectors haven't found anything is a fact, but it is not relevant to what the debate was back in September when we passed this resolution because there was not even the prospect of weapons inspectors at that time. The debate was clearly about the fact that Saddam had weapons of mass destruction and he had not come forward to date and disclosed them. All we have seen over the past few months is more of the same.

Mr. KYL. If I could respond to the Senator from Pennsylvania, some of the best evidence of what has changed or what hasn't changed comes from Secretary Powell's comments on the United Nations report. Here is what he said:

> Iraq has been and continues to be in material breach of all its earlier obligations. We are giving the resolution one more chance to Iraq. We put a firm list of conditions for Iraq to meet and what they should allow the inspectors to do to assist them in disarmament. Iraq's time for disarmament is fast coming to an end.

Mr. SANTORUM. It seems to me what Senator KENNEDY put forward is what many in the press have put forward, which is really a change of expectations and putting up, I would argue, the straw man; that is, it is our obligation to show Saddam is not in compliance by finding a weapon of mass destruction; the fact we haven't found one is somehow a breach on our part, or a problem; and a level of evidence we haven't been able to meet. Of course, just the opposite is true. As the Senator from Arizona just read, it is his obligation to prove he is in compliance, not our obligation to prove he is not in compliance.

Mr. KYL. If I may further respond to the Senator from Pennsylvania, this is not just our view, Secretary Powell's view, or President Bush's view. The letter we saw in today's Wall Street Journal by prestigious leaders in countries such as Great Britain, Portugal, Italy, and the Czech Republic said this:

> Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly, this week, the U.N. weapons inspectors have confirmed that his long established pattern of deception, denial, and noncompliance with U.N. Security Council resolution is continuing. We cannot allow a dictator to systematically violate those resolutions.

Mr. SANTORUM. Another point that is being made is these inspectors are not finding anything, and that there is this undercurrent of expectation that it is their role to be detected or investigated; that they are over there to find the proverbial needle in the haystack; that they are there to be Sherlock Holmes when, of course, that is not their mission. Their mission there is not as detectives. They are inspectors. I use the example of someone who runs a gas station. Someone from the Bureau of Weights and Measures comes in and determines whether your scales are operating correctly. Are you running a legitimate business? You show them the record of what your pump is pumping out in gas, and they check it to make sure it is valid. That is what these inspectors are doing. If you are conducting illegal activities and siphoning off gas somewhere, they are not going to find that by checking whether your pump is working right.

So that really is the case with these inspectors, is it not, that they are there to check as to what Saddam is telling us where his weapons of mass destruction went, if they actually went there, or were destroyed. Since he has not provided us any of that information, it is very hard for them to be able to find any smoking gun or deposit of weapons, when their job really isn't to do that; it is just to validate what he is telling them.

Mr. KYL. Mr. President, I say to the Senator from Pennsylvania, that is exactly right. The analogy is a good one. It is somewhat similar to what Secretary Powell has said. If I can find that, I will put it in the RECORD right here.

But it is also interesting that not only is their job not to be a detective but, rather, to verify voluntary compliance. But since the resolution, passed by the Senate, authorizing the President to use force if necessary, here is what has happened: The inspectors have not have been able to interview any Iraqis in private. The inspectors have still not received from Iraq a full list of Iraqi personnel involved with the WMD programs. The inspectors have not been able to employ aerial surveillance. They will not guarantee the safety of the U-2 planes. In fact, they shoot at our pilots every day as we try to surveil their country. Inspectors have caught Iraqis concealing top secret information. Inspectors have evidence that Iraq has moved or hidden items at sites just prior to inspection visits. And, of course, Iraq did not provide a complete declaration of the WMD program as it is required to do.

So as to the question of what has changed with respect to inspections, it is all bad news, not good news.

Mr. SANTORUM. The fact of the matter is, nothing has changed from the inspections that occurred prior to the debate here in the Senate back in September. So I really question what the motivation is of having this debate again when, on a substantive basis, nothing has changed, other than continued and maybe even more explicit deception on the part of Saddam Hussein in hiding these weapons of mass destruction.

What has changed, I would argue, is the United States and our coalition partners have moved forward in a plan of deployment to convince Saddam we are serious, that if he does not comply, and comply quickly and completely, there will be action taken.

As we had this debate on the floor—and one of the reasons many Members here supported this resolution—it was to make sure Saddam knew we were serious, we were going to follow through with what we said we would do, and the President had the support of the American public, thereby making it a credible threat, giving—I heard this over and over—giving peace the best chance by letting Saddam know the certainty of his noncompliance.

Mr. KYL. Might I just make one final comment to the Senator from Pennsylvania?

Mr. SANTORUM. Please.

Mr. KYL. I did find what I was looking for. The Senator has made exactly the right point. Inspectors can verify someone who wants to be in voluntary compliance, but inspectors cannot find something you are trying to hide. Two comments. Secretary Wolfowitz said, on January 23:

> It is not the job of inspectors to disarm Iraq. It is Iraq's job to disarm itself. What inspectors can do is confirm that a country has willingly disarmed and provide verifiable evidence that it has done so.

Then Secretary Powell had said this in the Washington Post a week ago:

> The question isn't how much longer do you need for inspectors to work. Inspections will not work.

Mr. SANTORUM. Yes. The term I use over and over again is that these are inspectors, not investigators. These are not detectives. This concept that inspectors will find a smoking gun is absurd. It is absurd. They will not because they are not looking for a smoking gun. It is not their mission to find a smoking gun. They are there, as the Senator from Arizona quoted our people at the Defense Department—Paul Wolfowitz—they are there to determine whether Saddam is telling us the truth in the information he has given us. Since he has not given us any information as to what he has done with his weapons of mass destruction, it is very difficult for them to determine whether he is telling the truth.

So this whole concept, No. 1, that the burden of proof is on the United States of America or on the United Nations or on these weapons inspectors to find what Saddam has is false. And the expectation that there is some smoking gun we must show Members of the Senate, people in America, or people around the world, as some countries have indicated, is absurd on its face. Certainly, the countries that are involved in this action and have been involved in these negotiations at the United Nations know it. They know these inspectors are not there to find a smoking gun, are not there to find weapons of mass destruction. That is not what they are there to do.

They happened to stumble onto 16 warheads that could use chemicals, that could contain chemical and biological weapons. They stumbled onto them. It just tells you how many of these things are probably lying around where even inspectors who are not looking for them can stumble onto them.

So the basic point I am trying to make is nothing has fundamentally changed, except two things: No. 1, more of the same; more of the same; Saddam Hussein is not disarming and he is not cooperating, which he is required to do under the United Nations resolution. That has not changed. And the threat to the United States as a result has not changed. That was a threat when we debated this in September. It is a threat today. So those things have not changed.

One thing has changed: We have begun, along with our coalition partners, to begin to deploy force in the region with the express purpose of giving Saddam every opportunity to understand the seriousness of our commitment. We should not at this time back down from that commitment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. CARPER. Mr. President, I have a couple comments. First, on the heels of what has been said by our friends on the other side, a little more than 24 hours ago we listened as the President addressed our Nation and shared with us how he thinks we are doing and how he thinks we could do better.

I thought it was, for the most part, a good speech, well delivered. There were a number of aspects of the address I especially welcomed. As a former Governor of Delaware, who has been a mentor for over 5 years, and who went out and recruited 10,000 mentors in our State, I especially appreciated his recognition for the importance of the roles of mentors in young people's lives and the call for other Americans to mentor children in their own communities.

I very much appreciated his, I believe, sincere commitment toward rallying the United States to help fight the AIDS epidemic in Africa and to put our money where our mouths are.

A year or so ago we sat just down the Hall in the House Chamber and the President talked about an axis of evil in which he included North Korea, Iraq, and Iran. I had some difference with what he said, particularly dealing with Iran. He simply seemed to lump all the Iranians together, whether they happen to be the ruling clerics, who are squashing human liberties, civil rights in that country, or whether they happen to be many of the younger people, those who have taken to the streets, who have demonstrated, risked their lives in a commitment to democracy.

I was very pleased when President Bush, in his comments the night before last, spoke to the situation in Iran and acknowledged there are two camps. There is a camp whose direction we do not endorse, we do not support, but strongly differ with. But there are a lot of good people in that country who are trying to do the right thing for themselves in a way we would welcome as they seek to restore civil liberties, human liberties, human rights, and to infuse a true democracy in that country.

There are a lot of people in that country who, frankly, like this country. On the heels on 9/11, and a time or two since, we have heard of spontaneous and organized demonstrations there where a number of people have expressed their sympathy with what we have suffered as a result of 9/11.

Those are just a few aspects of the President's speech in which I found favor.

There were a couple others that I thought were missing. Delaware is a State where we have had a remarkably strong economy. Our unemployment rate today is about 4 percent, which compares very favorably with other parts of America. I am not sure what the situation is in Montana, home of our Presiding Officer. Some States have unemployment rates of 6, 7, maybe 8 percent. We have a million or more people who don't have a job today than we did a year or so ago. I was disappointed in the President's decision not to acknowledge that these are tough times for a lot of States financially, that the cumulative deficits faced by the States this year are in the tens of billions of dollars, actually getting bigger, not smaller, as the year goes forward.

Some in this body think we should write out a check and provide revenue sharing for the States. I was never a big advocate for revenue sharing when I was a Member of the House or as a Governor for 8 years. I am not a huge advocate of revenue sharing today. Unfortunately, we actually don't have a whole lot of revenues to share these days, given the kind of budget deficits we face. But there are a couple of ways we might want to consider helping the States. I will just mention three. I will certainly pursue those with the administration and my colleagues.

No. 1, States are getting killed on Medicaid costs. As unemployment goes up, people are losing health care and more people are showing up asking for coverage under Medicaid, health care for low-income and unemployed people. There is a formula called the FMAP formula that specifies what percentage of Medicaid is paid by the Federal Government and what percentage is paid by the States. It varies from State to State. For my State, the Feds pay roughly half and the State pays half of Medicaid costs. In some cases, the States pay less, in some cases maybe a bit more.

We ought to change that formula for a year or two, as the States try to get on their feet and provide a little bit more help—not forever, not permanently, but to make a modification for a year or two in the share of the Medicaid cost we are willing to bear, not by 10, 20 percent, but by a couple of percent.

Another area where we can help States—and it has a lot to do with doing what is right and also what is in the best long-term economic interest—is making sure we fully fund No Child Left Behind, something we debated at some length just last week. States don't need unfunded mandates. As their revenues are dropping, most States have adopted basic standards for math, science, English, and social studies, and they are measuring student progress towards those standards. States are under pressure to cut back on the extra learning time they put in place. They are under pressure to cut back on the funding they are providing for Head Start and early childhood education.

It is important for us to make sure we meet our commitment for funding No Child Left Behind, so as the States struggle to come up with the money to pay for a whole host of costs, at least we are meeting our side of the bargain for funding education.

One other area the President spoke to, at least indirectly, was State and local frontline defenders—police, paramedics, fire, and others—when we have our next terrorist attack. Unfortunately, we probably will. The people who will be confronted with that initiative aren't so much those of us here in Washington; it is going to be the cop on the beat, the paramedic on duty, the fire station that gets the call; they are going to be among the first.

It is important that we do what we can and need to, working through our new Department of Homeland Security and funding the problems we have authorized, listening to the States where they believe their need is the greatest, and be responsive to that.

Yesterday, the Congressional Budget Office, on the heels of the President's State of the Union Message, brought up a subject that he did not; that is, the size of our budget deficit. The President did not bring up the size of our trade deficit either. The size of the Nation's trade deficit last month was about $40 billion. It wasn't that long ago, if we had had a trade deficit of $40 billion for 1 year, not 1 month, people would have been alarmed. A lot of alarms would have gone off in this city and around the country. Our trade deficit last month was $40 billion. Our trade deficit last year reached close to $400 billion. It has been a long time since we had a surplus on the trade side—far too long. But the numbers are going in the wrong direction. We need to be mindful of that and concerned.

The budget deficit numbers are going the wrong way, too. It wasn't that long ago that they were actually going in the right direction. Starting in 1998 and 1999, 2000 and 2001, we actually had budget surpluses for the first time since 1969. I don't recall, hearing the President's State of the Union Message, his mentioning the issue of budget deficits or trade deficits. If he did, I missed it. But to be honest with the American people and ourselves, they are important. They are problems. They are concerns. They need to be addressed.

The President, in an effort to try to get the economy moving again, has said what we ought to do is cut taxes. He has laid out a proposal for doing that, with getting rid of the double taxation of dividend income. In theory, it is not a bad idea, although his approach is one I am not sure is the best. It may make more sense to let businesses expense their dividend payments as they do interest payments, if they are interested in getting rid of this imbalance that is favored toward debt by companies. But I don't want to quarrel with that.

We have cut taxes two times now: 2001, a large tax cut; 2002, a smaller tax cut bill. It is like the quarterback or the coach who is calling a play. The President called the play in 2001: We have an economy that is not doing well; let's cut taxes. The economy is not doing well; let's cut taxes in 2002. The economy is still not doing well; let's cut taxes again in 2003.

As a former Governor, I used to cut taxes fairly regularly in my State. We cut them for 7 out of the 8 years I was privileged to be Governor. But we also cut taxes in a way that was consistent with a balanced budget, in a way that was balanced, fair, and equitable. We cut taxes in a way that we believed would stimulate the economy, the economic development and creation of jobs. We had a litmus test. A similar litmus test needs to be applied to this proposal. Will it stimulate the economy in the near term? Is it consistent with a balanced budget over the long haul? Is it broad based, equitable? And is there anything in there to help the States as a result of passing those tax cuts in 2001 and 2002? because so many State budgets or State tax laws piggyback on Federal tax laws. They are interconnected. When we cut Federal taxes, we also cut States taxes. As they are struggling to make ends meet, we are prepared to cut taxes again, another $4 or $5 billion added to an already heavy burden for States.

I have talked of late with a lot of business leaders in my State, and they acknowledge that the idea of eliminating the double taxation of dividends is probably the right thing to do. Intellectually, a number of them have said—and I agree in the context of overall tax reform—it may make sense. Doing it just on its own to stimulate the economy maybe doesn't. At least it won't have the kind of near-term effect for which many would hope.

What a number of people a whole lot smarter than I, who study the economy and economics, study our banking system, and who run companies, have said is, more than a tax cut right now to get our economy moving, more than a spending package to get our economy moving, we need to get rid of the uncertainty we face, not so much here at home, although the threat of terrorism is part of it, but around the world.

The President spent a lot of time talking about uncertainty—with respect to North Korea, an effort to pursue a diplomatic solution, which I believe is the right approach, and then with respect to Iraq, the approach he spoke to and which has been discussed here today. For myself, the weapons of mass destruction that Iraq and Saddam Hussein had just a few years ago, in the late 1990s, acknowledged they had a few years ago, I believe they still have. They have them hidden. They have not reported them. They have not destroyed them. I believe they have them.

The question is: What do we do to get rid of them? Take them away from Saddam Hussein, and his ability to deliver them in the region or outside that region?

On this one, we may have a difference of opinion, although I am not sure just how broad those differences are. I heard the President talk about his request of Colin Powell to go to the United Nations on February 5 and give an address with respect to what we believe we ought to do, given the early results from the inspections, what we should do next at the United Nations, the Security Council, for our country.

Sitting in the House Chamber, I heard the President say he is going to send the Secretary of State over to the United Nations on February 5 to give an address. I wonder if this is going to be like something that happened about 40 years ago when John Kennedy was our President and he sent Adlai Stevenson, Ambassador to the United Nations, as we were working on another potential military altercation, this one a very serious one between the United States and the Soviet Union, as we believed the Soviets were introducing intermediate-range ballistic missiles into Cuba which could target the United States. We asserted this was what the Soviets were trying to do. They denied it. We attempted to gain intelligence information, which was difficult to come by. Finally, we hit pay dirt. Intelligence flights over Cuba captured not only missiles but the site preparation that was on going. Our U.N. Ambassador, Adlai Stevenson, presented that information to his colleagues at the U.N. in one of the most famous exchanges I have ever heard at the U.N. When the Soviet Ambassador was confronted with these photographs of all this material, larger and larger photographs, he said he needed more time to understand the translation of the accusations coming from our Ambassador. He said he needed more time to understand what he was hearing through the earphones. Adlai Stevenson said, "You know what I am saying, and you know what these pictures say, and I will wait until hell freezes over."

That is a long time, until hell freezes over. I am not going to suggest we should wait that long for the Iraqis to fess up and turn over and enable to be destroyed that which I think they clearly harbor. But I hope, just as the President of 40 years ago chose to continue to work through the U.N., this President will do so as well.

Going back to the economy, the best thing we can do to get the economy moving is to eliminate all this uncertainty that flows out of Iraq—hopefully, peacefully, but in the end, if need be, through war. Hopefully, we can do it without going to war. If it is necessary, we should be prepared to do that. I have said all along, one of the reasons we were so effective in the Persian Gulf war—which I supported as a House Member and voted for as a House Member—I think one of the reasons we were successful there, and in Afghanistan, is we didn't do it by ourselves. It was not just unilaterally, us by ourselves. We led an armada of nations. If there is to be a military altercation, our chances for success are better enhanced if we do not do it alone and if we have the blessing of the U.N. and if we have broad-based military support from around the globe. I worry about the human cost to our soldiers, sailors, and airmen in a war. We are going to win and, I think, without a great deal of difficulty. Taking the cities might be a lot more dangerous, and we face a threat from the biological and chemical weapons he has. Hopefully, we will win without a huge cost in lives.

The financial cost will be lowered if we have others by our side. What I am concerned about maybe more than anything is the cost of the postwar, the morning after, when we help try to put Humpty-Dumpty back together in a country that has no democratic memory or institutions, a lot of dissenting voices and ethnic groups—pulling them together and trying to help them become a democracy. It is going to take time, money, and a lot of patience. I don't want the U.S. to be doing that by itself.

How does all this fit into the economy? We can offer businesses all kinds of tax incentives to make investments and other decisions. When they are faced with uncertainty, they are not going to make the kind of investments we want them to make and they ought to be making. The sooner we can resolve—hopefully peacefully and, if not, through the use of force—the situation in the Middle East, I think that probably augurs better for the economy.

Having said that, let's be careful in our rush to judgment and keep in mind that our chances for early success, and for reducing the loss of life to Americans, and our chances for reducing out-of-pocket costs for the war and the postwar occupation are diminished if we have a lot of others with us. Especially in the next few weeks, we need to continue to be patient and share our intelligence with the inspectors and give them the best information for them to do their job on the ground.

I thank the Chair for the time. I look forward to yielding back whatever time I have and hearing from my friend and colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN IRAQ

Mr. BINGAMAN. Mr. President, as I understood the President in his State of the Union speech earlier this week, it is his intention to begin military action against Iraq sometime in the near future. That stated intention of the President causes me some grave concern, and I wanted to come to the Senate floor today and express that concern.

Let me begin by stating the propositions with which we all agree. First, I think we all agree Saddam Hussein is a brutal despot who has terrorized his own people and has threatened his neighboring States for many years. Second, whether or not Saddam Hussein has weapons of mass destruction in a readily usable form at this time, we must assume that given the opportunity he will obtain those weapons. Third, it is very much in our interest as a Nation, and in the interest of our allies, that Saddam Hussein be prevented from acquiring or maintaining those weapons.

But the question before the country today is narrower than these propositions. The question before the country is whether we should cut short the inspection process that is currently underway. The U.N. inspection process is a process that we rightly insisted upon in our earlier deliberations with the Security Council: So the question is whether we should cut short that inspection process and begin a military action to remove Saddam Hussein and his regime from power.

The President has moved aggressively to prepare this Nation for war. The total number of personnel who have been either ordered to deploy, or who have been put on alert to do so, is roughly 148,000. There are roughly 23,000 marines en route to the Persian Gulf aboard three major task forces. There are roughly 25,000 sailors and aviators attached to the various carrier battle groups and amphibious task forces that are either en route to the region, on standby, or are on surge status. These forces include some 175 aircraft of all types and over 1,000 VLS launch tubes carrying nearly 500 cruise missiles.

So steps have been taken to prepare us militarily for war. Today, we are, simply put, on the brink of war. But while these military preparations have occurred, there has also been a parallel effort going on through the U.N. to ascertain what weapons of mass destruction Saddam Hussein holds, where those weapons are located, and what threat those weapons pose to his neighbors and to other free nations.

We have come to a difficult decision point. The Pentagon is advising the President that military preparations are nearly complete. The President must decide whether this country should proceed militarily in the next few weeks or whether we should continue to support the efforts of U.N. inspectors to carry out the instructions that were given them by the U.N. Security Council, on which we sit.

In my view, the President should allow the U.N. inspectors to continue their work. If they are denied access to sites they wish to inspect, then the use of military force will be justified. If they find substantial evidence of a weapons program that threatens Iraq's neighbors, then we should join with those neighbors in eliminating that threat. But up until this date, up until today, neither of these circumstances prevails. The inspectors themselves have so stated, and they have asked for additional time to complete their work.

The decision the President makes on going to war with Iraq will be the first test of the new National Security Strategy that was issued by the White House in September of last year. In that document, the President acknowledges that the legitimacy of preemptive military action depends "on the existence of an imminent threat."

Right after that statement appears in this document, however, the document speaks of "adapting the concept of imminent threat." How much adaptation of that concept is wise? How much adaptation of that concept makes sense for ourselves and our allies as a precedent for the future?

This National Security Strategy document that the administration issued in September of last year goes on to talk about our willingness as a nation to take military action to preempt emerging threats. Here the President is contemplating, in the circumstance before us today, military action not to meet a specific identified military threat but to depose a hostile government, even though no imminent military threat has been identified.

In his State of the Union Address, the President framed the issue as being whether "war is forced upon us." He stated that, "If war is forced upon us, we will fight with the full force and might of the U.S. military—and we will prevail." I, and I am sure most Americans, agree with that statement. But in my view, as of this date, war has not been forced upon us. It is not credible for us to assert as a nation that war has been forced upon us.

The U.N. inspection process proceeds. If there is evidence of an imminent threat that requires us to take preemptive military action, I have not seen that evidence. Many Americans and many of our allies also have been unpersuaded by the evidence they have seen.

The more willing we are to assert the right to start a war to change the government of a sovereign state, the more we risk encouraging preemptive action by other nations against governments they wish to depose. And the less we need to identify an imminent threat before beginning a war, the more we undermine efforts to avoid unprovoked conflict in the future.

The President was right to go to the United Nations and to insist that U.N. inspectors return to Iraq. His latest decision to send Secretary Powell to the Security Council to present evidence of the threat posed by Iraq is also proper, and I look forward to hearing what that evidence is. But unless that evidence demonstrates a threat that requires military action now, the wise course is for us to hold off on that military action and allow the U.N. inspectors to do their work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to share with my colleagues my very great concern over ties between Iraq's probable possession of biological and chemical weapons and the potentially catastrophic actions taken by the Reagan and Bush, Sr., administrations, including the active assistance of then "special envoy" and now Secretary of Defense Donald Rumsfeld. This arming of Saddam Hussein with weapons of mass destruction by the Reagan and Bush, Sr., administrations has now been disclosed from what were previously classified documents, as reported recently by the Washington Post.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 30, 2002]

U.S. HAD KEY ROLE IN IRAQ BUILDUP; TRADE IN CHEMICAL ARMS ALLOWED DESPITE THEIR USE ON IRANIANS, KURDS

(By Michael Dobbs)

High on the Bush administration's list of justifications for war against Iraq are President Saddam Hussein's use of chemical weapons, nuclear and biological programs, and his contacts with international terrorists. What U.S. officials rarely acknowledge is that these offenses date back to a period when Hussein was seen in Washington as a valued ally.

Among the people instrumental in tilting U.S. policy toward Baghdad during the 1980–88 Iran-Iraq war was Donald H. Rumsfeld, now defense secretary, whose December 1983 meeting with Hussein as a special presidential envoy paved the way for normalization of U.S.-Iraqi relations. Declassified documents show that Rumsfeld traveled to Baghdad at a time when Iraq was using chemical weapons on an "almost daily" basis in defiance of international conventions.

The story of U.S. involvement with Saddam Hussein in the years before his 1990 attack on Kuwait—which included large-scale intelligence sharing, supply of cluster bombs through a Chilean front company, and facilitating Iraq's acquisition of chemical and biological precursors—is a topical example of the underside of U.S. foreign policy. It is a world in which deals can be struck with dictators, human rights violations sometimes overlooked, and accommodations made with arms proliferators, all on the principle that the "enemy of my enemy is my friend." Throughout the 1980s, Hussein's Iraq was the sworn enemy of Iran, then still in the throes of an Islamic revolution. U.S. officials saw Baghdad as a bulwark against militant Shiite extremism and the fall of pro-American states such as Kuwait, Saudi Arabia, and even Jordan—a Middle East version of the "domino theory" in Southeast Asia. That was enough to turn Hussein into a strategic partner and for U.S. diplomats in Baghdad to routinely refer to Iraqi forces as "the good guys," in contrast to the Iranians, who were depicted as "the bad guys."

A review of thousands of declassified government documents and interviews with former policymakers shows that U.S. intelligence and logistical and support a crucial role in shoring up Iraqi defenses against the "human wave" attacks by suicidal Iranian troops. The administrations of Ronald Reagan and George H.W. Bush authorized the sale to Iraq of numerous items that had both military and civilian applications, including poisonous chemicals and deadly biological viruses, such as anthrax and bubonic plague.

Opinions differ among Middle East experts and former government officials about the pre-Iraqi tilt, and whether Washington could have done more to stop the flow to Baghdad of technology for building weapons of mass destruction.

"It was a horrible mistake then, but we have got it right now," says Kenneth M. Pollack, a former CIA military analyst and author of "The Threatening Storm," which makes the case for war with Iraq. "My fellow [CIA] analysts and I were warning at the time that Hussein was a very nasty character. We were constantly fighting the State Department."

"Fundamentally, the policy was justified," argues David Newton, a former U.S. ambassador to Baghdad, who runs an anti-Hussein radio station in Prague. "We were concerned that Iraq should not lose the war with Iran, because that would have threatened Saudi Arabia and the Gulf. Our long-term hope was that Hussein's government would become less repressive and more responsible."

What makes present-day Hussein different from the Hussein of the 1980s, say Middle East experts, is the mellowing of the Iranian revolution and the August 1990 invasion of Kuwait that transformed the Iraqi dictator, almost overnight, from awkward ally into mortal enemy. In addition, the United States itself has changed. As a result of the Sept. 11, 2001 terrorist attacks on New York and Washington, U.S. policymakers take a much more alarmist view of the threat posed by the proliferation of weapons of mass destruction.

When the Iran-Iraq war began in September 1980, with an Iraqi attack across the Shatt al Arab waterway that leads to the Persian Gulf, the United States was a bystander. The United States did not have diplomatic relations with either Baghdad or Teheran. U.S. officials had almost as little sympathy for Hussein's dictatorial brand of Arab nationalism as for the Islamic fundamentalism espoused by Iran's Ayatollah Ruhollah Khomeini. As long as the two countries fought their way to a stalemate, nobody in Washington was disposed to intervene.

By the summer of 1982, however, the strategic picture had changed dramatically. After its initial gains, Iraq was on the defensive, and Iranian troops had advanced to within a few miles of Basra, Iraq's second largest city. U.S. intelligence information suggested the Iranians might achieve a breakthrough on the Basra front, destabilizing Kuwait, the Gulf states, and even Saudi Arabia, thereby threatening U.S. oil supplies.

"You have to understand the geostrategic context, which was very different from where we are now," said Howard Teicher, a former National Security Council official, who worked on Iraqi policy during the Reagan administration. "Realpolitik dictated that we act to prevent the situation from getting worse."

To prevent an Iraqi collapse, the Reagan administration supplied battlefield intelligence on Iranian troop buildups to the Iraqis, sometimes through third parties such as Saudi Arabia. The U.S. tilt toward Iraq was enshrined in National Security Decision Directive 114 of Nov. 26, 1983, one of the few important Reagan era foreign policy decisions that still remains classified. According to former U.S. officials, the directive stated that the United States would do "whatever was necessary and legal" to prevent Iraq from losing the war with Iran.

The presidential directive was issued amid a flurry of reports that Iraqi forces were using chemical weapons in their attempts to hold back the Iranians. In principle, Washington was strongly opposed to chemical warfare, a practice outlawed by the 1925 Geneva Protocol. In practice, U.S. condemnation of Iraqi use of chemical weapons ranked relatively low on the scale of administration priorities, particularly compared with the all-important goal of preventing an Iranian victory.

Thus, on Nov. 1, 1983, a senior State Department official, Jonathan T. Howe, told Secretary of State George P. Shultz that intelligence reports showed that Iraqi troops were resorting to "almost daily use of CW" against the Iranians. But the Reagan administration had already committed itself to a large-scale diplomatic and political overture to Baghdad, culminating in several visits by the president's recently appointed special envoy to the Middle East, Donald H. Rumsfeld.

Secret talking points prepared for the first Rumsfeld visit to Baghdad enshrined some of the language from NSDD 114, including the statement that the United States would regard "any major reversal of Iraq's fortunes as a strategic defeat for the West." When Rumsfeld finally met with Hussein on Dec. 20, he told the Iraqi leader that Washington was ready for a resumption of full diplomatic relations, according to a State Department report of the conversation. Iraqi leaders later described themselves as "extremely pleased" with the Rumsfeld visit, which had "elevated U.S.-Iraqi relations to a new level."

In a September interview with CNN, Rumsfeld said he "cautioned" Hussein about the use of chemical weapons, a claim at odds with declassified State Department notes of his 90-minute meeting with the Iraqi leader. A Pentagon spokesman, Brian Whitman, now says that Rumsfeld raised the issue not with Hussein, but with Iraqi foreign minister Tariq Aziz. The State Department notes show that he mentioned it largely in passing as one of several matters that "inhibited" U.S. efforts to assist Iraq.

> Rumsfeld has also said he had "nothing to do" with helping Iraq in its war against Iran. Although former U.S. officials agree that Rumsfeld was not one of the architects of the Reagan administration's tilt toward Iraq—he was a private citizen when he was appointed Middle East envoy—the documents show that his visits to Baghdad led to closer U.S.-Iraqi cooperation on a wide variety of fronts. Washington was willing to resume diplomatic relations immediately, but Hussein insisted on delaying such a step until the following year.
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> As part of its opening to Baghdad, the Reagan administration removed Iraq from the State Department terrorism list in February 1982, despite heated objections from Congress. Without such a move, Teicher says, it would have been "impossible to take even the modest steps we were contemplating" to channel assistance to Baghdad. Iraq—along with Syria, Libya and South Yemen—was one of four original countries on the list, which was first drawn up in 1979.
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> Some former U.S. officials say that removing Iraq from the terrorism list provided an incentive to Hussein to expel the Palestinian guerrilla leader Abu Nidal from Baghdad in 1983. On the other hand, Iraq continued to play host to alleged terrorists throughout the '80s. The most notable was Abu Abbas, leader of the Palestine Liberation Front, who found refuge in Baghdad after being expelled from Tunis for masterminding the 1985 hijacking of the cruise ship Achille Lauro, which resulted in the killing of an elderly American tourist.
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> While Rumsfeld was talking to Hussein and Aziz in Baghdad, Iraqi diplomats and weapons merchants were fanning out across Western capitals for a diplomatic charm offensive-cum-arms buying spree. In Washington, the key figure was the Iraqi charg d'affaires, Nizar Hamdoon, a fluent English speaker who impressed Reagan administration officials as one of the most skillful lobbyists in town.
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> "He arrived with a blue shirt and a white tie, straight out of the mafia," recalled Geoffrey Kemp, a Middle East specialist in the Reagan White House. "Within six months, he was hosting suave dinner parties at his residence, which he parlayed into a formidable lobbying effort. He was particularly effective with the American Jewish community."
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> One of Hamdoon's favorite props, says Kemp, was a green Islamic scarf allegedly found on the body of an Iranian soldier. The scarf was decorated with a map of the Middle East showing a series of arrows pointing toward Jerusalem. Hamdoon used to "parade the scarf" to conferences and congressional hearings as proof that an Iranian victory over Iraq would result in "Israel becoming a victim along with the Arabs."
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> According to a sworn court affidavit prepared by Teicher in 1995, the United States "actively supported the Iraqi war effort by supplying the Iraqis with billions of dollars of credits, by providing military intelligence and advice to the Iraqis, and by closely monitoring third country arms sales to Iraq to make sure Iraq had the military weaponry required." Teicher said in the affidavit that former CIA director William Casey used a Chilean company, Cardoen, to supply Iraq with cluster bombs that could be used to disrupt the Iranian human wave attacks. Teicher refuses to discuss the affidavit.
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> At the same time the Reagan administration was facilitating the supply of weapons and military components to Baghdad, it was attempting to cut off supplies to Iran under "Operation Staunch." Those efforts were largely successful, despite the glaring anomaly of the 1986 Iran-contra scandal when the White House publicly admitted trading arms for hostages, in violation of the policy that the United States was trying to impose on the rest of the world.
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> Although U.S. arms manufacturers were not as deeply involved as German or British companies in selling weaponry to Iraq, the Reagan administration effectively turned a blind eye to the export of "dual use" items such as chemical precursors and steel tubes that can have military and civilian applications. According to several former officials, the State and Commerce departments promoted trade in such items as a way to boost U.S. exports and acquire political leverage over Hussein.
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> When United Nations weapons inspectors were allowed into Iraq after the 1991 Gulf War, they compiled long lists of chemicals, missile components, and computers from American suppliers, including such household names as Union Carbide and Honeywell, which were being used for military purposes.
>
> A 1994 investigation by the Senate Banking Committee turned up dozens of biological agents shipped to Iraq during the mid-'80s under license from the Commerce Department, including various strains of anthrax, subsequently identified by the Pentagon as a key component of the Iraqi biological warfare program. The Commerce Department also approved the export of insecticides to Iraq, despite widespread suspicions that they were being used for chemical warfare.
>
> The fact that Iraq was using chemical weapons was hardly a secret. In February 1984, an Iraqi military spokesman effectively acknowledged their use by issuing a chilling warning to Iran. "The invaders should know that for ever harmful insect, there is an insecticide capable of annihilating it . . . and Iraq possesses this annihilation insecticide."
>
> In late 1987, the Iraqi air force began using chemical agents against Kurdish resistance forces in northern Iraq that had formed a loose alliance with Iran, according to State Department reports. The attacks, which were part of a "scorched earth" strategy to eliminate rebel-controlled villages, provoked outrage on Capitol Hill and renewed demands for sanctions against Iraq. The State Department and White House were also outraged—but not to the point of doing anything that might seriously damage relations with Baghdad.
>
> "The U.S.-Iraqi relationship is . . . important to our long-term political and economic objectives," Assistant Secretary of State Richard W. Murphy wrote in a September 1988 memorandum that addressed the chemical weapons question. "We believe that economic sanctions will be useless or counterproductive to influence the Iraqis."
>
> Bush administration spokesmen have cited Hussein's use of chemical weapons "against his own people"—and particularly the March 1988 attack on the Kurdish village of Halabjah—to bolster their argument that his regime presents a "grave and gathering danger" to the United States.
>
> The Iraqis continued to use chemical weapons against the Iranians until the end of the Iran-Iraq war. A U.S. air force intelligence officer, Rick Francona, reported finding widespread use of Iraqi nerve gas when he toured the Al Faw peninsula in southern Iraq in the summer of 1988, after its recapture by the Iraqi army. The battlefield was littered with atropine injectors used by panicky Iranian troops as an antidote against Iraqi nerve gas attacks.
>
> Far from declining, the supply of U.S. military intelligence to Iraq actually expanded in 1988, according to a 1999 book by Francna, "Ally to Adversary: an Eyewitness Account of Iraq's Fall from Grace," Informed sources said much of the battlefield intelligence was channeled to the Iraqis by the CIA office in Baghdad.
>
> Altough U.S. export controls to Iraq were tightened up in the late 1980s, thee were still many loopholes. In December 1988, Dow Chemical sold $1.5 million of pesticides to Iraq, despite U.S. government concerns that they could be used as chemical warfare agents. An Export-Import Bank official reported in a memorandum that he could find "no reason" to stop the sale, despite evidence that the pesticides were "highly toxic" to humans and would cause death "from asphyxiation."
>
> The U.S. policy of cultivating Hussein as a moderate and reasonable Arab leader continued right up until he invaded Kuwait in August 1990, documents show. When the then-U.S. ambassador to Baghdad, April Glaspie, met with Hussein on July 25, 1990, a week before the Iraqi attack on Kuwait, she assured him that Bush "wanted better and deeper relations," according to an Iraqi transcript of the conversation. "President Bush is an intelligent man," the ambassador told Hussein, referring to the father of the current president. "He is not going to declare an economic war against Iraq."
>
> "Everybody was wrong in their assessment of Saddam," said Joe Wilson, Glaspie's former deputy at the U.S. embassy in Baghdad, and the last U.S. official to meet with Hussein. "Everybody in the Arab world told us that the best way to deal with Saddam was to develop a set of economic and commercial relationships that would have the effect of moderating his behavior. History will demonstrate that this was a miscalculation."

Mr. JOHNSON. Mr. President, my concern today is not to lay blame for past decisions which now place every American family, every American community in very real jeopardy from these weapons of mass destruction and which now give rise to the clear possibility, if not great likelihood, of war in Iraq with its attendant costs in lives of combatants and innocent civilians alike. Rather, it is my concern that this Senate and this Nation clearly understand how we arrived at this point so that we might learn from our Nation's past tragic mistakes.

As Mr. Michael Dobbs of the Washington Post writes:

> The story of U.S. involvement with Saddam Hussein in the years before his 1990 attack on Kuwait—which included large-scale intelligence sharing, supply of cluster bombs through a Chilean front company, and facilitating Iraq's acquisition of chemical and biological precursors—is a topical example of the underside of U.S. foreign policy. It is a world in which deals can be struck with dictators, human rights violations sometimes overlooked, and accommodations made with arms proliferators. . . .

The United States also provided billions of dollars in credits to help arm Iraq, ostensibly to assist with its war at that time against Iran.

The review of declassified documents and interviews with former policymakers:

> reveals that the administrations of Ronald Reagan and George H. W. Bush authorized

> the sale to Iraq of numerous items that had both military and civilian applications, including poisonous chemicals and deadly biological viruses, such as anthrax and bubonic plague.

Anthrax and bubonic plague from the United States to Iraq.

> The Reagan administration removed Iraq from the State Department terrorism list in 1982 over the strong objections of Congress. Despite this delisting, Iraq continued throughout the 1980s to harbor terrorists, including even Abu Abbas, leader of the Palestinian Liberation Front.
>
> The Reagan administration effectively turned a blind eye to the export of dual use items such as chemical precursors and steel tubes that can have military and civilian applications. . . . When United Nations weapons inspectors were allowed into Iraq after the 1991 Gulf war, they compiled long lists of chemicals, missile components, and computers from American suppliers.

Mr. President, sadly, there is no new precedent in our Government using our citizens' tax dollars to finance the purchase of weaponry for antidemocratic, antihuman rights, and unstable foreign nations only to see their short-term friendship disappear and to have them become enemies to the United States and the Western World. What is truly shocking here, however, is that the very possession of chemical and biological weapons of mass destruction, which is the justification for a new war in Iraq and which places in jeopardy the safety of American families, American communities, and American military personnel, is, in large measure, the consequence of decisions made by the Reagan and Bush administrations.

As we speak, tens of thousands of U.S. gulf war veterans continue to suffer from exposure to chemical agents over a decade ago. We in Congress debate whether and how to inoculate hundreds of thousands, if not millions, of Americans to protect them from biological weapons that their own Government helped create in Iraq.

It is one thing that our Nation would have provided cluster bombs and conventional weaponry to Saddam Hussein—it no doubt seemed important and strategically helpful to the purpose of stabilizing the Middle East during the 1980's. But how can members of this Senate look members of our military in the eye—and I include my own son, a sergeant in the 101st Airborne and a veteran of Bosnia, Kosovo and Afghanistan—and acknowledge that these past administrations, albeit without congressional knowledge or consent, allowed Iraq to acquire the anthrax, and bubonic plague viruses?

The circumstance our Nation now faces, from the threats of Iraqi weapons of mass destruction as well as the possibility that these weapons have or will fall into the hands of Al-Qaida or other non-state terrorist organizations, are to a great degree, circumstances of our own making. Obviously, no American administration has ever supported terrorism against our own people, though interfering with Iraq's use of these weapons against many of its own people was apparently not a matter of first concern to the U.S.

The lesson should be clear—to the extent that the U.S. arms the world, it undertakes a risk that those weapons could be used against our own citizens. While helping proven democratic allies to defend themselves will always be a legitimate role for the U.S., it is hard to imagine a lesson driven home more profoundly than we find today that arming non-democracies is a much greater risk, and arming non-democracies with weapons of chemical and biological warfare capability is an outrageous and utterly unacceptable risk to the U.S. and the world. It may be impossible for our Nation to avoid reaping what is has sown in the past, but this administration, this Congress and the American people must be united now in committing never again to be even a unwitting instrument of chemical, biological or nuclear terror in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2 p.m., with the time equally divided between the majority and minority leaders or their designees, and that Members be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN SNOW TO BE TREASURY SECRETARY

Mr. STEVENS. Mr. President, I come to this Chamber to state my support for John Snow's nomination as the Treasury Secretary. In the 20 years I have known John, I have found him to be honest, capable, and up to the challenge of heading our Nation's Treasury Department. While John and I have not always agreed on issues, I have never found him to be disagreeable. I am confident he will be a valuable member of the President's Cabinet and will work well with Members of Congress.

As a business leader, a public servant, an academic, John has proven he has the ability to lead our Nation's economic recovery and spur economic growth. I look forward to working with John on our Nation's economic challenges, and I urge a rapid report and consideration of his nomination.

The PRESIDING OFFICER. The Senator from Nebraska.

DROUGHT "DAVID"

Mr. NELSON of Nebraska. Mr. President, today I will address a different subject than has been addressed this morning. The Senate recently passed a disaster assistance package consisting of $3.1 billion to aid those affected by the worst drought since the Dust Bowl years of the 1930s. Some have referred to this package as drought disaster relief. I cannot quite call it drought relief because it does not really provide drought relief. It may provide some arid condition relief and some oasis assistance, but I cannot bring myself to call it real drought relief, for two reasons: No. 1, because $3.1 billion is inadequate. It is not enough. No. 2, it does not do enough for farmers and ranchers who are actually suffering the losses due to the devastating drought.

I decided to give the drought a name, and I gave it the name "David" to give it an identity like other natural disasters and to show that this drought, the same as a hurricane, required immediate emergency Federal assistance.

Several of my colleagues wore Drought David ribbons that I distributed to them to remind all Senators of the severe impact of the drought, and I thank those who proudly wore them. Back home, the newspaper Journal Star in Lincoln thought my proposal to name the drought was worth asking readers to submit their suggestions, and many creative suggestions were submitted but one stood out.

For Shannon Sutherland of Lincoln, the drought summons up thoughts of the devil in hell. Among her suggestions was "The Devil's Bull's Eye" in reference to the drought maps-looking like a bull's eye right over Nebraska. The Journal Star reported that on Monday.

Shannon Sutherland is absolutely right. The Drought Monitor maps do resemble a target with Nebraska in the crosshairs, but our neighboring States share the target, unfortunately.

If we go look at this chart, if that is not a bull's eye, I do not know what a bull's eye would look like. Unfortunately, that bull's eye is right over my hometown of McCook, NE. As we can see, that area has suffered the worst drought conditions in the State of Nebraska.

We are not alone. The darkest brown is where the worst conditions are being experienced, and even though this disaster assistance was passed last week and is now over in the House, the drought continues. I think we have a tendency at times to think when we have passed something, that takes care of it. Well, first, it was inadequate to take care of the past needs, and it certainly is not going to be adequate to take care of the additional needs.

Yet despite my efforts to raise awareness—and others who have attempted to raise awareness—of this drought, the Senate still could not manage to provide comprehensive drought assistance. I have come today to give my fellow Senators another opportunity to hear a message I received from one of my constituents, Bill Lueck of Arcadia, NE, in the central part of the State. His words came in over the weekend. I spoke to him yesterday. His words are a powerful reminder of how the recent drought relief bill fell short. He said:

> I have some concerns over the current disaster portion of the omnibus appropriations bill. According to the information I got from the farm bureau, they're considering 42 percent of AMTA payments to farmers. In our area here we have irrigated producers who haven't suffered a loss, who are going to get an additional payment and in the western part of the State our cattle producers out here are hanging on by their fingers. I assumed when they didn't consider the $6 billion anymore and went to the $3.1 billion for agriculture disaster aid that would go more to livestock producers. We've got breeding stock on wholesale bull sale that are down $1,000 average per bull around here.

To Bill Lueck, I say thank you. I could not have said it better myself. I could not have drawn the focus more narrowly than he did. A $3.1 billion drought package to address the devastation of a drought this extensive inevitably leaves out people who need help to make it through the disaster.

The State of Nebraska will possibly receive about 8 percent of what we need. We asked for $6 billion; we got $3.1 billion. The way in which it is being distributed to those who have severe needs and those who may have some needs but in a uniform manner robs those who really are most affected because they are going to be left with virtually nothing compared to what they need.

Richard and Cecelia Carnes of Marquette, NE, which is very close to Sargent, in the middle part of the State as well, also wrote to me regarding true drought assistance. These two truly represent the family farmer. They have been in the farming business for the last 40 years, with some of their land having been in the family for over 100 years.

Richard and Cecelia are afraid of losing their farm because of the drought. They are going to sell half of their cow herd to pay for the expenses they incurred during the drought last summer. The expenses are ongoing, even though the income is not forthcoming. They have even gone so far as to invest their retirement savings into keeping their farm afloat, but without significant Federal assistance they cannot prevail, either in the short term or in the long term.

In their letter, they made a particularly good point that I will express at this time:

> This drought is affecting everyone in the country. Whenever there is a disaster for flooding, hurricanes, tornados, and snowstorms the Government is there helping right away. A drought is much worse since the farmer is the one producing the food for the country.

People might take issue with whether a drought is worse than other disasters, but I do not think anybody would disagree that a drought that adversely affects the output of food is a disaster that we can ill afford.

They concluded the letter by saying that everyone needs to try farming to truly understand what it is like. The Senate needs to realize the seriousness of the problem and put themselves in the shoes of family farmers and ranchers like Richard and Cecelia. Perhaps then we could provide real and substantial drought relief.

Yesterday, I spoke with my good friend and colleague TOM OSBORNE about some concerns raised by House members on the fairness of the drought package passed by the Senate. The Chairman of the House Agriculture Committee indicated that the Senate plan would provide "relief" to farmers and ranchers who suffered no losses. The package treats equally farmers and ranchers who did and did not suffer losses.

That's right. In a time of budget deficits and fiscal calamity, the Senate package squanders scarce resources and provides assistance to those who actually need it. Farmers and ranchers in my State of Nebraska are not pleased. Nebraska, perhaps, is one of the States hit hardest by Drought David. For two years, we have suffered under dry conditions and dwindling herds and crops. Some estimates say 20,000 of the remaining 55,000 Nebraska family farms are likely to go under this year because of the drought. The drought is a crisis—like a tornado, a hurricane, a flood, or a fire—and the climatologists indicate there is no relief in sight and it may be moving in an easterly direction.

Congressman OSBORNE has worked tirelessly to provide comprehensive drought assistance. He left no stone unturned in his effort to find adequate funding. He knocked on every door, he made every phone call, did everything that could be required of someone in his position. But the message he received in return was that farmers and ranchers suffering from drought needed a budgetary offset to receive Federal assistance. In the end, the Senate version found an offset, but didn't find enough.

But we are practical people in Nebraska and around the country—$3.1 billion is better than nothing; but it is not enough. Ask the people of this country; people such as Bill Lueck and Richard and Cecelia Carnes, who have seen this drought dry up their livelihood, and they will tell you it is not enough. I hope my fellow Senator will join me in seeking to provide comprehensive drought relief in this Congress.

Nebraska's State Climatologist recently predicted we are about to face a "perfect drought" this summer, sort of an oxymoron, but I think it requires an explanation. It is the worst of all factors converging. If our family farmers and ranchers are going to survive this perfect drought, we must provide better comprehensive drought relief now to take care of the past losses and prepare them for the bump ahead they are going to face.

I have sent a letter to the House Agriculture Committee, Chairman GOODLATTE, encouraging him to revisit the drought package. I know he is looking very carefully at it. I would love to see the House pass a better drought assistance bill, devoid of special interests, set-asides, devoid of wasteful payments to those who need it least, and one that provides real and comprehensive drought assistance to farmers and ranchers who are teetering on the brink of disappearing forever, never to return. We need to provide the most assistance to those who need it most.

In the State of the Union Address on Tuesday, the President delivered a speech of 5,050 words. In that speech the word agriculture never appeared. I know he had a lot to say and he could not say everything.

He made a strong case in his remarks for the need to stimulate the economy, both with short-term and long-term implications with tax cuts and other economic incentives. I am sure I will be supporting a number of those. How can we give a tax cut to farmers and ranchers with no income? How can we stand by and watch the agricultural sector of the economy wither under drought conditions? The best economic stimulus for a rural state such as Nebraska and many other States right now is a comprehensive rural development program coupled with real emergency drought relief. Anything short of that will be a failure to our farmers, our ranchers, and our Nation.

When it comes to making decisions, I will come down on the side of Nebraska every time. If I have to choose between the White House and the farmhouse, I choose the farmhouse. If I have to choose between the White House and the Statehouse, I choose the Statehouse. If I have to choose between the White House and the schoolhouse, I will choose the schoolhouse. If I have to choose between the White House and the average family house in Nebraska and throughout our country, I choose the house of each and every Nebraskan and each and every American every time.

My point is the Congress is here to make decisions, not just accept what is dictated as appropriate from the administration. The case of agriculture could not be a better example. Every Member in the Senate knows very well, better than any bureaucrat in the Office of Management and Budget, what is right for our States, our communities, and our constituents.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

COMMEMORATING DAVE HOPPE

Mr. McCONNELL. Mr. President, today marks the last day in Congress of one of the most remarkable people I have had the pleasure of meeting in my entire life, one of the most decent, clearly one of the most outstanding individuals, and that is Dave Hoppe, who will be leaving Congress to go on to some other line of work after today.

We all got to know Dave as chief of staff of Senator LOTT. He has labored in the vineyards of the Senate and the House for 27 years. Without ego, without a desire to go out and seek public office, like many of us have done, Dave Hoppe devoted himself to improving America and to advancing the causes in which he believed by working through elected officials.

Dave is originally from Wisconsin. He graduated from Notre Dame in 1973. By the way, his birthplace was Baraboo, Wisconsin, which also happens to be the place where the Ringling Brothers Barnum and Bailey circus began.

Dave came to Washington after graduating from Notre Dame to have an impact on his country. As he ends his public service today, there is no question that he has had an enormous impact on the lives of all Americans through his work both in the House and the Senate.

There was a fascinating article in USA Today back in 1997 about the impact Dave had on the reauthorization of the IDEA legislation that year. He had a particular interest in it because his son, Gregory, suffers from a disability. Dave, raising that son and living with the disability his son had, had a particular awareness of how to adapt that legislation to the needs of not only his son but a lot of other youngsters who found themselves in the same dilemma.

This is a quote from Dave in the article:

> Every night when I came home and every morning when I got up, I saw who it could help.

He was talking about the IDEA reauthorization.

Referring to his son:

> I know his horizons are not unlimited, but I want them to be as great as they can be.

What a marvelous way to put Dave's hopes and aspirations for his son. Dave and his wife, Karen, met in a carpool 21 years ago as conservative idealists. He worked for the House Republican study committee and she for the Heritage Foundation. They were engaged 3 weeks after their first date and married December 30th, 1976—a truly remarkable family.

I expect others might want to include this USA Today article, but it is so interesting and so important I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, June 27, 1997]

A LAW THAT TRANSCENDS POLITICS

(By Richard Wolf)

WASHINGTON.—Six-year-old Gregory Hoppe climbs up on the bench installed for him in his father's office and peers out on the nation's capital.

But this isn't just any office. It's for the chief of staff to Senate Majority Leader Trent Lott, perhaps the USA's most powerful Republican.

And Gregory isn't just any child. The framed Senate roll-call vote that hangs over his bench attests to that. Still two weeks shy of his 7th birthday, Gregory already has played a quiet but crucial role in overhauling the law that guides special-education policy for 5.6 million disabled children in America's public schools.

His father, David Hoppe, was the one who worked out the final agreement between Congress and the Clinton administration last month. But Gregory, born with Down syndrome, was the new law's guiding light.

Call it Gregory's Law.

"You had somebody who brought a deep life experience to the whole process," says Sen. Dan Coats, R-Ind. "It's a piece of legislation with a lot of heart in it."

The roles played by David and Gregory Hoppe demonstrate the powerful influence of private lives in public policy. Their impact on the nation's special-education law is emblematic of how elected and even non-elected officials work behind the scenes here, using personal experiences to set the legislative agenda and guide the political process.

And David Hoppe's role was significant for another reason: at a time of public dismay over how Washington works—or doesn't—in the glare of partisan politics and harsh publicity, he became the rare individual to emerge heralded by all sides.

"This was a fair, decent, caring soul who was not going to sell anybody down the river," says Robert Silverstein, the Senate's top Democratic expert on disability issues.

But without Gregory's disability and his dad's doggedness, President Clinton and Congress still might be embroiled in emotional debate over the Individuals with Disabilities Education Act (IDEA), signed into law earlier this month.

For two years, the bill had been caught between two seemingly immovable forces: Leaders of the Republican revolution, who wanted to help schools cut costs and curtail classroom disruptions caused by disabled students, and advocates for the disabled, who wanted expanded educational opportunities.

It took a deeply religious, conservative Republican and a highly motivated advocate for the disabled to bring the two sides together. David Hoppe was both of those. And Gregory was his inspiration.

"Every night when I came home and every morning when I got up, I saw who it could help," Hoppe says of his son. "I know his horizons are not unlimited, but I want them to be as great as they can be."

Says Paul Marchand, director of The Arc, which represents the mentally retarded: "He might have been thinking, 'Everything that I do here may someday affect my child, and if not my child, hundreds of thousands like him.' "

A STRONG FAMILY THAT WEATHERS CRISIS

David and Karen Hoppe met in a car pool 21 years ago as conservative idealists. He worked for the House Republican Study Committee, she for the Heritage Foundation think tank. They were engaged three weeks after their first date and married Dec. 30, 1976. He would go on to work for a future vice presidential nominee, Jack Kemp; she would go on to work for a future vice president, Dan Quayle.

David rose through the Capitol Hill ranks, but Karen quit when their first child, Katie, was born in 1981. Geoffrey arrived two years later. The Hoppes—David is 45, Karen, 44—are devoted parents to both "big kids," as they call them now. But it was Gregory's arrival in 1990 that gave the suburban Burke, VA., couple a whole new outlook on life.

The night before Gregory's birth, the Hoppes happened to pick up a copy of a Sesame Street parents guide featuring a story on Down syndrome. "I remember sitting on the edge of the bed and saying, 'I hope we don't have to deal with anything like this,' "Karen Hoppe says. They had forgone prenatal testing that could have determined Gregory's disability, caused by an extra chromosome, because they do not believe in abortion.

The next night, the Sesame Street story came to life. "He was four minutes old," she recalls. "They came and told me right away that they thought he had Down syndrome."

Those first few minutes in Fairfax Hospital are etched in the Hoppes' minds. With doctors buzzing around Gregory, the couple made hasty plans to baptize him, in case he died. But Gregory was tough; he overcame many of the complications that accompany Down syndrome births.

Karen reacted emotionally, but her husband was then what he has been ever since—a rock. "I got one tear out of David," she says, "and that was it."

Sen. Coats, Hoppe's boss at the time, recalls getting the call from the hospital concerning Gregory's obvious disability. "I think the birth of Gregory was one of those defining, life-changing experiences that open people's eyes to a whole other world," he says. "I don't think unless you experience that, you can fully identify with that world."

Today, the pain of that first realization is overwhelmed by two other emotions common to families of disabled children—exhaustion and achievement. The physical and mental challenges can seem never-ending. Gregory didn't walk until age 2½, didn't run until last summer, and only now is learning to jump. Typical of children with Down syndrome, his cognitive and language skills are significantly delayed.

But just as distinctive is his unconditional love for his family. While his father helps run the country, Gregory rules the roost at home. He's a ham, singing and dancing to his favorite videos. Ask a question, and he taps his temple as if deep in thought. He speaks in two- and three-word bursts packed with meaning: "Throw the ball!" "My turn!" And the ever-welcome, "Thank you, Mommy."

Says Karen, "I wouldn't have missed this for the world."

PERSONAL LIVES, PROFESSIONAL LIVES

For David Hoppe, plunging into the middle of a two-year-old battle over the IDEA law was a deeply personal crusade that made use of his education, experience, philosophy, Catholic faith and fatherhood.

The law was first enacted in 1975 to guarantee disabled students equal access to public schools, no matter how profound their afflictions.

Over the past 20 years, the number of students classified as disabled has soared to 12.4% of the public-school population of 44.7 million, including those with behavioral and emotional problems. About 70% of them are taught in regular classrooms, alongside non-disabled kids.

The costs are high: more than $32 billion, only $4 billion of which comes from the federal government.

Since taking control of Congress in 1995, Republicans had tried to change the law, motivated partly by anecdotes about students with disabilities causing harm to others. One teacher in West Virginia wound up in an emergency room; another in North Carolina broke an arm.

But during the 104th Congress, a deal proved elusive. Not even Bob Dole, a disability-rights advocate and master dealmaker, could do it. On his final day as Senate GOP leader before resigning to run for president last June, Dole implored his colleagues to pass an IDEA bill.

"Some issues transcend politics, foster a bipartisan spirit and result in legislation that makes a real and lasting difference," Dole said on the Senate floor. "Disability has always been one of those issues." But not in 1996.

Enter David Hoppe. Already one of the busiest staffers on Capitol Hill as Lott's top deputy, he saw the chance to break the logjam over a law that will guide his son's education into the next century and "give kids born 20 years from now even more opportunities than Greg has."

Hoppe came with a rare advantage: knowledge of how to write laws, drawn from 21 years on Capitol Hill, and knowledge of how to help the disabled, drawn from nearly seven years as Gregory's dad.

"I was uniquely placed. I was a conservative, and I had a child with a disability," he says. "I looked at everything . . . through a parent's eye: 'Let's put Greg in this situation.'"

That was easy. In many cases, Gregory already had been there.

"I was at the meeting where Gregory was given his label," Hoppe recalls, with a rare, small show of emotion. That was in 1995, when Gregory was 4 and aging out of preschool. He was labeled "MR," for mild retardation. His father, who knew it was coming, still took the official designation hard. "This is a landmark," he says, "and I knew it was."

Hoppe's familiarity with the world of the disabled helped turn theoretical debates into practical ones.

"He made people think about the long-term and child-specific implications of the policies," says Katherine Beh Neas, senior government relations specialist at the National Easter Seals Society.

Occasionally during the closed-door negotiations and open town meetings he organized, Hoppe would mention the bureaucratic hoops he and Karen had to jump through to get services for their son. Several times, he interrupted meetings to take calls from his family—at least once from Gregory, who wondered when Dad was coming home.

"The perspective of a parent (with a disabled child) would have been completely missing" without Hoppe, says Rep. Matthew Martinez, D-Calif.

Adds Bruce Hunter, director of public affairs for the American Association of School Administrators: "Nobody could say to him the way they could say to other Republicans, 'Oh, you guys just don't care.'"

UNDERSTANDING DIFFERING PERSPECTIVES

What Hoppe found as he waded into the legislative thicket were school administrators who feared soaring costs, educators who feared for their safety and advocates for the disabled who feared losing hard-won rights. "It was fairly obvious how emotionally charged the issue was," he says. "You're dealing with vulnerable people."

The flash point was discipline. Teachers, principals and school administrators wanted more flexibility to punish disabled students in much the same way they did others, even if it meant segregating them or stopping their education. Advocates for the disabled refused to go along.

Hoppe did not play the Gregory card to sway the negotiations.

"I'm sure that everybody in that room knew that David had a disabled kid," says Judith Heumann, the Education Department's assistant secretary of special education and rehabilitative services. "But he didn't wear it on his sleeve."

Where he wore it was on his computer. When other parents of disabled children first came to Lott's office last fall to voice their concerns, they had no idea of his personal interest. Then they noticed the image of Gregory on his computer screen.

"I looked over and saw on the screen his little one," recounts Madeleine Will, mother of a 25-year-old son with Down syndrome and a disability activist. She figured she was imagining things. "I thought, I'm overtired here and distraught, but . . . I'm seeing the face of a child with Down syndrome on that computer."

Despite his advocacy on behalf of Gregory's interests, Hoppe never forgot the interests of his other children. Katie, 16, and Geoff, 13, attend public schools in Virginia and know well the other side of the disability coin, when students with behavioral problems disrupt classes or won't leave them alone. They think disabled students should be disciplined—but not blamed for all that goes wrong.

"I just don't see the point of people complaining that all disabilities ruin class," says Geoff. Adds Katie: "The more we integrate these kids, the more accepting and understanding people will become with them."

Out of this stew of colliding interests emerges David Hoppe's philosophy: "I believe in limited government," he says. "But I think government is there to protect rights and opportunities."

The IDEA law attempts to do that. The overhaul makes it easier for schools to discipline disabled students, but doesn't let states cut off their education. The law also upgrades teacher training, gives parents a greater role and improves planning and mediation.

Everyone had to compromise.

"We kind of held our noses and supported it," says Sally McConnell of the National Association of Elementary School Principals, which wanted the measure to go farther. But, she adds, "Emotions run high on this issue, and I think he did a really good job."

Ironically, Gregory won't use all his rights. Despite the law's goal of educating disabled children in the least restrictive setting, the Hoppes aren't seeking full inclusion just yet.

Beginning this fall, Gregory will be in a self-contained first-grade class for academic subjects with other mildly retarded kids. He will be mainstreamed a half-hour each morning and also for art, music and gym. Demanding inclusion when it might not be best for their child isn't what the law intends, they say.

Their hopes for Gregory are high. "I want him to be able to live by himself, to have a job that he likes, to be able to go to that job by himself, to sit and have conversations with people who work where he works . . . to have him involved with his church," Hoppe says. "My big dreams for him are things that seem very normal."

But his value won't be defined by his achievements. Says Karen Hoppe: "Greg is a worthwhile individual right now, just the way he is."

CELEBRATING A SUCCESS STORY

Gregory Hoppe was heard about but not seen until the Senate voted 98–1 on May 14 to send the bill to President Clinton. Then it was time for this coming-out party.

From his vantage point in the vice president's office off the Senate floor while the votes were being cast, Thomas Hehir, director of the federal Office of Special Education Programs, looked outside and saw a child with Down syndrome walking into the Capitol with his mother.

Only after the vote, when Hehir joined a celebration in Hoppe's office featuring chocolate-chip cookies made by Karen and Gregory, did he figure out who that special child was.

"To me, it was kind of symbolic," Hehir recalls thinking at the time.

Three weeks later, the Hoppe family was in the audience on the White House's South Lawn to watch President Clinton sign the bill into law.

At Secretary of Education Richard Riley's suggestion, Clinton invited Hoppe up to the front; he brought Gregory. Photographs show the two of them just behind Clinton, amid the usual assortment of politicians. "Staffers never get in those kinds of photographs," marvels Erik Smulson, an aide to Sen. James Jeffords, R-Vt., who worked on the new law.

In this case, however, even the lawmakers say it was justified. "He was the hero of the ultimate passage of the bill," says Sen. William Frist, R-Tenn. "He was uniquely placed, uniquely committed."

Hoppe sums it up as a dad: "I think I did something good for Greg."

LAWS GET PASSED WHEN THE POLITICS IS PERSONAL

Major changes in policy have come about because lawmakers were affected personally.

Take the Americans with Disabilities Act of 1990, among the most far-reaching civil rights laws. Former congressman Tony Coelho, a California Democrat, says it was easy to win converts.

"I didn't have any trouble," recalls Coelho, whose epilepsy made him a leading advocate. People "were already on board because of personal experiences."

The same was true last year when three senators with family stories of mental illness—Pete Domenici, R-N.M., Alan Simpson, R-Wyo., and Paul Wellstone, D-Minn.—tried to improve mental health insurance coverage.

The personal touch can be key in turning legislation into law, personal cause into public crusade:

Vice President Gore has used his sister's death from lung cancer to push for tobacco regulation.

Sen. Edward Kennedy, D-Mass., whose sister is mentally retarded and whose son lost a leg to cancer, has been a leader in health and disability issues.

Sen. Mike DeWine, R-Ohio, voted against increasing highway speed limits after his 22-year-old daughter died in a car crash.

Sen. Strom Thurmond, R-S.C., sponsored an alcohol labeling bill after losing his daughter, 22, to a drunk driver.

"All of us are touched by different circumstances," says Kennedy. "It heightens your sensitivity and your awareness of the issue and how it impacts people."

Mr. McCONNELL. We will miss Dave Hoppe. Senators come and go. Members of the staff come and go. Frankly, about most of us, I expect it will be said we did not in the end have footprints that lasted very long. But having watched Dave Hoppe and his extraordinary accomplishments over the years I have known him, I would say he has made an enormous difference in the life of the Senate and in the life of our Nation.

So, Dave, we wish you well and hope we continue to see you in the future in whatever capacity you may choose to serve. You are the best, the most kind, decent, honorable person many of us ever had the chance to meet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I would like to say thank you to the distinguished assistant majority leader for his comments about my good friend and our loyal servant over so many years, both in the House and in the Senate, in the person of Dave Hoppe. The Senator from Kentucky has had a chance to watch him in our leadership meetings, to hear him and work with him, and get to know him as a human being. He is quite a guy.

Mr. President, I ask unanimous consent to have printed in the RECORD a resume of Dave Hoppe's accomplishments. It is a very interesting record of not only achievement, but sacrifice for his country as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN DAVID HOPPE

Professional experience: Chief of Staff Senate Republican Leader, Trent Lott (R-MS) June 2001–Present; Chief of Staff Senate Majority Leader, Trent Lott (R-MS) June 1996–2001; Staff Director Senate Majority Whip, Trent Lott (R-MS) January 1995–June 1996; Staff Director Republican Conference Secretary, Trent Lott (R-MS); January 1993–December 1994; Administrative Assistant, Senator Dan Coats (R-IN) January 1989–December 1992; Vice President, Government Relations, Heritage Foundation, September 1988–December 1988; Administrative Assistant, Honorable Jack Kemp, October 1984–June 1987; Administrative Assistant, House Republican Whit, Trent Lott (R-MS) January 1981–October 1984; Republican Platform Committee Assistant to Chairman Trent Lott, January 1984–August 1984; Executive Director, House Republican Research Committee, January 1979–December 1980; Republican Platform Committee Assistant to Vice Chairman Trent Lott, January 1980–July 1980; Consultant, Hoppe & Associates (political research firm specializing in tax issues), September 1978–November 1978; Contracted by National Republican Congressional Committee to provide special tax research package to over 50-targeted candidates; and Energy & Environmental Specialist, House Republican Study Committee, January 1976–August 1978.

Education: The Johns Hopkins School of Advanced International Studies, Washington, DC (1973–1976)—Masters degree, International Relations (May 1976); The Bologna Center, the Johns Hopkins School of Advanced International Studies, Bologna, Italy (1973–1974)—Certificate; University of Notre Dame, South Bend, Indiana (1969–1973)—BA., Government, Cum Laude (Concentration in International Relations); and University Laval, Quebec City, Canada (July–August 1975)—Masters course work for foreign language requirement.

Mr. LOTT. Also, I want to call attention to a 1997 USA Today article on Dave Hoppe which correctly called Dave the critical architect behind getting the reauthorization of the Individuals with Disabilities in Education (IDEA) Act passed in 1997. The article recounts how much that act meant personally to Dave and his family, and particularly to his youngest son, who will benefit from this law in large part because he was also an inspiration for it. Gregory Hoppe is a special person, and the USA Today article, which Senator MCCONNELL has already asked to be printed into the RECORD, recounts Gregory and Dave's and their family's remarkable story.

First, let me just comment on some interesting facts about Dave. While Dave Hoppe has worked for me off and on for over 27 years in the House and the Senate, he is not from Mississippi as you might expect. No, he is from Baraboo, WI, which happens to be the birthplace of the Ringling Brothers & Barnum and Bailey Circus and we have never let Dave forget that over the years.

He is a graduate of Notre Dame, class of 1973, which has made for some interesting kidding over the years about athletics, football, basketball, and bragging rights. But that is just the beginning of his impressive resume. He went on to study at the Johns Hopkins School of Advanced International Studies and received a master's degree in International Relations. As part of the Johns Hopkins Program in Advanced International Studies Dave spent the better part of a year in Italy. He also did foreign language coursework in Quebec City, Canada, under the auspices of the University of Laval.

Over his almost three decades in Washington, Dave has served several different Congressmen, Senators, and organizations, going way back to when he first came to Washington. From 1976 to 1978 he worked for the Republican Study Committee in the House of Representatives. He actually, for a while, had his own firm doing political research called Hoppe & Associates. Then he started his public service career in Washington that has covered an amazing number of professional experiences.

He returned to Capitol Hill in 1979 as the executive director of the House Republican Research Committee. Later he moved up to be administrative assistant to the Republican whip in the House when I had the pleasure of serving in that position. He also worked for me as the director of the Republican Platform Committee efforts in 1984 when I was chairman of the Platform Committee. In 1984 he went to work in the office of Congressman Jack Kemp as the chief of staff and of course was involved in his Presidential campaign in 1988. Dave then joined the Heritage Foundation where he served as a vice president. And then went to work in the Senate as the chief of staff for Senator Dan Coats of Indiana. In 1994, I was able to tempt him away from Senator Coats to work for me again as the chief of staff in my position as the Senate majority whip, then as the majority leader, and finally as the Republican leader.

In all, this outstanding individual and person has devoted 27 years to Congress and the American people.

Now, admittedly with some degree of trepidation I suspect, Dave is going out into the private sector—the real world—to provide for his two oldest children who are presently attending Notre Dame and for Gregory who I mentioned earlier. Anyone would be a little anxious about not knowing exactly what their new role will entail—and after the financial sacrifices over 27 years he probably will not know what to do with the extra money he will be earning in the private sector.

But I predict, as in everything else in his life, Dave will be more than successful, he will be superb at whatever endeavor he takes up next.

Far too often here, Senators take long, deep bows for our great public policy achievements and forget all the people who helped us get to that point: Our wives—in the case of Dave Hoppe, a wonderful lady named Karen—our families and mothers and fathers who helped raise us; our constituents who put us on their shoulders and turned an ugly frog into a prince; the elevator operators, the pages, the floor staff; and our personal staffs who work long and hard, helping write the speeches, helping draft the amendments, helping us regain our composure when we get a little out of control. Then, when they do move on, we forget to say just a simple thank you and to remind them that they made a difference in the course of history and in the course of America—in many cases, just as surely as any Senator ever did.

Dave Hoppe certainly can rest assured that he has made a great difference in this Government, in the Congress, the House, the Senate, in politics, in the study of government, and in America. But the best thing about Dave Hoppe is he believes strongly in his principles, his ideals, and his faith—in fact, that is how he met his wife Karen. They were carpooling, and as they were going to work, they found they shared a lot of common values and views of government and life. Three weeks later, they were engaged, and then married, and have had three wonderful children over the years.

So, yes, the best thing about Dave Hoppe is not his educational background, not his expertise, not his knowledge of the Senate, not all the things he has worked on—the best thing about Dave is the kind of human being he is. He is a man who cares deeply about his family and his country, and he has sacrificed mightily to help make a difference for his family and for the people of America.

I just wanted to take a few minutes, as Dave enters his last day or two in the Senate, to express my appreciation for his dedicated service and for all he has done, and to wish him great success in the future. But especially, I thank Karen and Katie, Geoffrey, and Gregory for sharing him with me and the country, and for the work they have done to help their father do the tireless work Dave has done in turn to make this nation a better place for all of us. I am delighted to have had an opportunity to ensure his efforts over the past three decades are properly recognized before he turns this page and enters the next chapter of his life.

Mr. REID. Will the Senator yield?

Mr. LOTT. I will be glad to yield to Senator Reid.

Mr. REID. I was in my office and heard the Senator begin his remarks. I came here as quickly as I could to tell Senator Lott, the distinguished Senator from Mississippi, what a tremendous person Dave Hoppe is and has been.

I believe in making deals. I say that in a positive sense. Legislation is the art of compromise. You have to build a consensus and make deals. That is not a negative term. And David Hoppe was wonderful to work with.

I say to the Senator from Mississippi, for the things we were able to accomplish in the Senate, we always had to go to Dave Hoppe. He was the go-to guy. I say to the Senator from Mississippi, he had really good judgment and showed a lot of wisdom by hiring Dave Hoppe. He not only served the people of the State of Mississippi and this institution but the country.

I commend the Senator from Mississippi for coming to the floor and acknowledging another fine public servant. Washington has a lot of people who do good work. But Dave Hoppe is one who does work that is at the top of the list.

Mr. LOTT. I thank the Senator from Nevada for his comments. He is right. At those countless meetings we had in the back of the Chamber, the center aisle, the cloakroom, or in our offices, Dave Hoppe was always there, committed to his philosophy and principles, but always equally committed to getting results for the Senate and for the nation.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, others have spoken of their impressions and reflections on Dave Hoppe today, and I would like to take a moment to add my thoughts.

While our constituents rely on us as their voice and advocate here in Washington, we rely on our staff to be our voice and advocate. Under our guidance our staff investigate and learn about the many issues that confront us; they work with a wide variety of people in all branches of the government; they give us their best counsel and advice; and they help us perform a myriad of tasks that are vital to ensuring the institution of the Senate works well and effectively, and that we give our best on behalf of the people we serve. Our staffs amplify our work with our colleagues, our counterparts in the House, the executive branch, and our constituents.

For over a decade now, Dave has worked for all Senate Republicans in a variety of positions, in our conference secretary's office, the majority whip's office, and, for the past 6 years, as chief of staff in the Republican leader's office. This specialized role isn't for the faint of heart, and requires a unique blend of skills and attributes.

Dave's commitment, dedication, and hard work have generated quiet appreciation and deep respect from many different Members in the Senate and House over the years. His ability to faithfully and tirelessly represent our shared Republican ideas and ideals, working with all members of our conference to knit them together, is impressive. From the most major issues of war or impeachment, to the most mundane of haggling out unanimous consent agreements, his involvement and advice and leadership on countless issues over his tenure has served all of us well.

While unflinching in his core beliefs and principles, his willingness to work with the Democratic counterparts is also noteworthy, for in the Senate, so often it is partnership, not partisanship, that ensures we make progress on behalf of the American people. For example, across the aisle, across the rotunda, and across various ideologies, he took a major leadership role in improving one of the flagship Federal programs for disable children. With round-the-clock work, good humor, and grace, he spearheaded a nearly unanimous Congress to make a program with worthy goals much more effective and consequential in the lives of parents and children around the country.

Through all challenges and controversies, though, what strikes me as admirable about Dave is his deep and authentic humility. Informed by his faith and essential humanity, Dave has never expressed a sense of entitlement or arrogance. He has never sought a limelight. He is quick to share credit, and always willing to take responsibility. Throughout his 27 years on Capital Hill, over and over again, his example his inspired not just fellow staffers, but House and Senate Members as well.

We have all profited from Dave's work here in Congress. His public service is in the finest tradition expected by our Founding Fathers. The Senate is a better place for his time here, and I wish him and his family well as he moves to new opportunities.

Mr. CRAIG. Mr. President, I wanted to take a moment to pay my respects to Dave Hoppe, whose last day in the Senate is today. Dave has been a friend and counselor to many of us in the Senate, and we will miss him.

It would be fair to say that Dave Hoppe has been the consummate Senate staffer. While a strong partisan, he has always been fair. He is decent. He is respectful and considerate of everyone with whom he comes in contact, and of the institution as a whole. He understands and practices the comity that is invaluable in the Senate.

When I look back on the service of Dave Hoppe, I see him as the still center of the maelstrom. While the chaos that is, on occasion, the Senate swirled and howled around him, he was calm; his voice never hurried, never rose. His counsel was sound, very sound; sometimes tinged with humor, good humor; never malicious or mean spirited. Always timely, always mindful of the institution, always aware of the possibilities and the consequences of its actions.

David knows that the Senate, immutable as it is, will go on even though he is no longer a part of its daily operations. However, those of us who have worked with him, and will continue to work with him, know the imprint he has left on the institution, the national policies he has helped shape, and the example he has set for all in the Senate to follow.

I join my colleagues in recognizing Dave Hoppe for his achievements and contributions to the Senate, and sending my best wishes to him and his family as they begin the next chapter of a remarkable life.

Mr. GREGG. Mr. President, I have had the good fortune of knowing and working with Dave Hoppe for the last 9 years. He has been a vital part of this institution and he will be sorely missed. I first had the opportunity to know him as chief of staff for Senator Dan Coats. Senator Coats unfortunately lost Dave when Dave moved over to be chief of staff for Senator Lott's Republican conference secretary's office, then his majority whip office and then his majority leader's office.

I had the opportunity to work closely with Dave on an issue that we both feel passionately about: special education. After 2 years of failed negotiations, Dave Hoppe almost single-handedly managed to get this critical legislation authorized. The manner in which Dave approached this reauthorization and his ultimate success provides a wonderful example on why Dave was so successful in the Senate. He managed to bring Republicans and Democrats together by working in a straightforward, open, and honest manner which allowed Members to feel confident that their concerns were being thoroughly considered. Dave has served in both the majority and the minority—always representing his boss effectively, while also working to ensure that the Senate accomplished its work.

Dave is esteemed in the Senate for more than the passion and principles he brought to bear on issues. He is respected first and foremost for his character as a person and as a leader.

This is an institution that is built on trust. Dave is a person whose word is his bond. He has been so effective as the leader's chief of staff for precisely that reason. Members on both sides of the aisle always knew they could depend on the promises that he gave and relied on his word without reservation.

It is also remarkable that he wielded such enormous influence without any trace of pretension or pride. He was accessible to members and staff alike, serving with grace, good humor and sound counsel.

I will personally miss Dave. He ranks among those men and women of honor who have shaped the best qualities of the Senate. He made it a better institution through his service and his character, and we owe him our gratitude.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIP TO EUROPE AND THE MIDEAST

Mr. SPECTER. Mr. President, I have sought recognition to report on a trip I made to Europe and the Mideast from December 23 until January 7.

The information I found bears on the current problems of the Mideast peace process and the Israeli-Palestinian issues, but also on the opinions of a variety of the countries we visited on the issue of Iraq and Saddam Hussein's weapons of mass destruction. In Great Britain, in talking to executive branch officials, we heard there would be an effort made on the Mideast peace process to bring in the Palestinians in mid-January in advance of the Israeli elections in late January to try to keep the peace process stimulated.

We learned that in a recent trip which had been made by Syrian President Bashar al-Assad, who is married to a woman raised in England, and we heard obviously considerable talk about the Iraq issue.

Prime Minister Tony Blair has been one of the strongest allies of the United States and has stated his willingness to partner with the United States to see to it that Saddam does not maintain weapons of mass destruction regardless of what the United Nations does. We heard talk that Prime Minister Blair had taken credit for the United States going to the United Nations—or at least partial credit. And that was very well received by the British populous. But there remains a general feeling in Great Britain of opposition to a war against Iraq unless it is sanctioned by the United Nations.

We heard pretty much the same sentiment in Germany where we met with members of the Bundestag and officials in the executive branch, and with German and U.S. businessmen and women on the Chamber of Commerce there.

The situation in Germany is surprising to the extent that we heard repeated talk that it is politically incorrect to say, "I am proud to be a German." I found that surprising. It is a result of perhaps German instigation in two wars in the 20th century. In a country where we are so proud to be Americans, I found it surprising the people would not say, "I am proud to be a German." The Germans won't say that. Chancellor Schroder, we are told, referred to the "German way," and it drew criticism and the abandoning of that kind of expression. The sentiment in Germany seems to be pretty solidly against a war with Iraq. The members of the Bundestag with whom we met urged the U.S. to go back for a second resolution to authorize the use of force. I asked him if such a resolution was obtained would that make a difference to Germany on joining in. He said no it wouldn't; that there was a feeling of pacifism against war as a result of what happened in World War II and the predecessor war, and that the Germans were just opposed to it. Chancellor Schroder had problems within his own party when they changed party strength if he would deviate from the political position he took to win reelection—really running against, in effect, the United States and U.S. policy on taking action against Saddam Hussein.

In the Mideast we met with Egyptian President Mubarak who expressed great concern about what the reaction would be in the Mideast and in Arab countries to a war against Iraq. President Mubarak thought some countries would have trouble containing the people in the streets. He felt confident he could but was worried about other countries. He thought U.S. installations would be at risk where the Arab sentiments run so strongly against the United States.

In Syria, I had an extensive talk with Syrian President Bashar al-Assad and Foreign Minister al-Shara. The view there was that they are very much opposed to military action against Iraq. We noted that Syria had joined in the unanimous Security Council Resolution on 1441. But that, of course, fell short of the use of military force.

On January 6 I attended a session of the United States-Syrian dialog which had been initiated by the James Baker Institute last May in Houston, TX. There was an effort made to bring the Syrian and U.S. officials together to talk about problems of mutual concern. The principal area was the question of Syria playing host to terrorist organizations. I raised that issue in a meeting with President Assad and told him that if he wanted to get off the terrorist list there would have to be something done about that, the terrorist groups would have to leave Syria. He declined, saying that they were representatives of the Palestinians, and they were carrying out a political agenda and he would not ask them to depart from Damascus.

In the U.S.-Syrian dialog, and in talks with President Assad, we discussed the support of Syria and Iran for Hezbollah and the rockets which are pointed at the Israelis. I had conveyed to President Assad Prime Minister Sharon's willingness to meet with Syrian officials on a second peace track. When we met with Prime Minister Sharon in Israel, the subject came up of the possibility of Israeli-Syrian peace talks. And Prime Minister Sharon said he favors that. I asked him if he would mind if I passed that message on to President Assad, and he said: You are authorized to do that. President Assad responded that he thought peace talks would be a good idea. He said he would not want to finish them before the Israeli-Palestinian talks were concluded, but we talked about the negotiations which had been brokered by President Clinton in the mid-1990s where they came very close to a peace agreement between Prime Minister Rabin and President Hafez al-Assad.

Candidly, I do not expect things to blossom in that direction, but I do think it would be useful, always, to keep the conversations going and to see if peace could be attained.

Hearing the sentiments in Great Britain, in Germany, in Egypt and in Syria as to the general concerns about a military confrontation without explicit United Nations authorization, it is my hope that authorization will yet be obtained.

I thought the President's speech on Tuesday night was right on the mark, right on target, laid down the gauntlet in a very clear way. It is a different world after September 11, when we learned a bitter lesson by not taking action against Osama bin Laden and al-Qaida after we had ample warning to do so.

We cannot ignore imminent threats. There is a basis in international law, as I said when we discussed the resolution authorizing the use of force, to take action, sanctified by international law where there is an imminent threat.

I was encouraged by President Bush's statement that he was going to send Secretary of State Powell back to the United Nations to produce specific evidence. I believe there is evidence to show that Saddam Hussein has not complied with Resolution 1441.

When there is all this talk about a smoking gun, I think that metaphor misses the point. You do not need a smoking gun to get a conviction. In fact, you do not even need a gun to get a conviction where you have other evidence. I believe the evidence is very strong, as Hans Blix and the other U.N. inspectors have said in their preliminary report, that Saddam has not accounted for the weapons of mass destruction which we knew he had when the U.N. inspectors were kicked out in December of 1998.

I believe there is other evidence. And the word is the decisions are now being made as to how much of that information can be transmitted to the United Nations without tipping Saddam off so he will move his weapons of mass destruction, which are mobile, or so that we will compromise sources and methods.

The media reported earlier this week that Britain was in support of a German plan to have a second interim report on February 14. If that does come about, it will give the U.N. inspectors a little additional time, perhaps, to act on additional information which Secretary of State Colin Powell can provide.

As I said on the floor of the Senate when we discussed the resolution for the authorization for the use of force, I think the hand of the United States would be much stronger if a second U.N. resolution is obtained. I believe there is a considerable body of evidence on the record at the present time to warrant a second United Nations resolution, which would authorize the use of force. But there is no doubt there is resistance from France and Germany.

I think the President is absolutely correct, we cannot allow our national interests and our national policy to be determined by anybody but the United States, and we cannot be subjected to a French veto.

It is my thinking that the French may be satisfied. If they are, I think the Russians will not veto nor will the Chinese, and we can move ahead for a second United Nations resolution.

The President has emphasized his hope to avoid a war. If the Iraqis and Saddam Hussein face a united United Nations, perhaps that is possible.

Back in January of 1990, Senator SHELBY and I had an opportunity to meet with Saddam Hussein for about an hour and a quarter. And although he is brutal—he has a record for using chemicals on his own people, the Kurds, in the Iran-Iraq war—and is venal, I think it may be accurate to say he is not suicidal. I believe that if he sees the noose around him, perhaps there is some opportunity he may step aside or that the military or others in Iraq may take action to dislodge him from a leadership position.

If war can be avoided, obviously, that is in the interests of everyone, to avoid putting our fighting forces in harm's way and to avoid casualties of the Iraqi civilian population and the Iraqi military population.

In essence, the trip to Europe and the Mideast showed me a state of substantial unrest. People are uneasy about a prospective war for many reasons. If the United Nations were to authorize it, I think that would allay a great many concerns and might even present the setting for deposing Saddam Hussein without the necessity of war.

Mr. President, I ask unanimous consent that my report on foreign travel to Europe and the Middle East and op-ed pieces which I have published in the Pittsburgh Post Gazette and the Harrisburg Patriot be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CODEL TRIP REPORT

In accordance with my custom of reporting on my foreign travel, this is a brief summary of my trip from December 23, 2002–January 7, 2003 to England, Lithuania, Germany, Israel, Egypt, and Syria.

ENGLAND

On December 24th, our first full day in London, in the company of Chargé Morton Dworkin, we met with William Ehrman, Director General of Defense and International Affairs, and Edward Chaplin, Director of Middle East Affairs, and former Ambassador to Jordan. We discussed the Israeli/Palestinian issues and the British position that it was preferable to follow the road map adopted by the so-called quartet which consisted of the United States, the UN, the EU, and Russia. Mr. Chaplin pointed out that Great Britain was holding a meeting in January with the Palestinians to try to move along the peace process in the interim before the Israeli elections scheduled for January. He expressed the opinion that Chairman Arafat should not be deposed because it will make him a martyr and strengthen him.

We discussed the efforts by Egyptian President Mubarak to persuade Hamas and Islam Jihad to accept a cease-fire. It was pointed out that Syrian President Bashar had been in England for several days visiting the parents of his wife who is British.

As to Iraq, our British hosts agreed that Saddam definitely had weapons of mass destruction and that he had not adequately explained what happened to such weapons after the UN inspectors had been ousted in 1998. It was noted that public opinion in Great Britain opposes military action against Saddam unless it is sanctioned by the UN and, even then, there are many dissenters. Prime Minister Tony Blair had taken credit for persuading President Bush to go to the UN for Resolution 1441. It was further observed that sentiment in Great Britain favors another UN resolution authorizing force before a military confrontation occurs with Iraq.

On December 26th, we received another supplemental team briefing by Chargé Dworkin including an intelligence briefing.

LITHUANIA

We arrived at the Vilnius International Airport on the afternoon of Friday, December 27. We were greeted by Ambassador John Tefft, Marilyn Ereshefsky, and Randolph Flay of the United States Embassy. From the airport we drove to the U.S. Embassy for a Country Team briefing. During the drive from the airport, the Ambassador provided us with a brief background of the Country. He began his summary of Lithuania's history at the thirteenth century when it was the largest state of Central and Eastern Europe. In 1795 Lithuania was incorporated into the Russian Empire and remained that way until gaining their independence in 1918. In 1940 the country was occupied and annexed by the Soviet Union where it remained under Soviet control until 1990 when it again rejoined the community of free and democratic states after the fall of the Soviet Union.

Upon arrival at the embassy, Ambassador Tefft introduced us to his core team which included Marilyn Ereshefsky, the Section Chief, Randolf Flay, Political Officer, Michael Sessums, Economic Officer, Brent Barker, Attache, and Ruta Eluikis, Consul. Ambassador Tefft opened the meeting by informing us that we were visiting Lithuania at a special time in history as Lithuanians were still basking in the glow of the recent visit by President Bush and the acceptance into NATO and the European Union (EU). Ambassador Tefft recounted President Bush's very moving speech given in the heart of Vilnius where he said "an enemy of Lithuania is now an enemy of the United States."

I inquired about the attitude of the Russians toward Lithuanian acceptance into NATO and was informed that Russians were tolerant but not particularly happy about the expansion. Ambassador Tefft then commented to me that Lithuania had been independent in their past and very much wants to continue in that tradition as they look toward the future. However, there are still many remnants of the Soviet-era throughout the Country. For example, a Chernobyl-style nuclear power station is responsible for producing eighty percent of Lithuania's energy. As a condition of acceptance into the EU and after pressure from the international community, Lithuania has agreed to terminate the plant between 2005 and 2009.

Our conversation then turned to the economy. I was pleased to learn that the economy in Lithuania is undergoing a boom of sorts. Since independence, Lithuania has made substantial progress in economic reform. The GDP has risen from 5.9 percent in 2001 to 6.9 percent in 2002. According to the Ambassador, Lithuania is the only European country where the economy is significantly growing. He further advised that the majority of the EU economy is flat which poses large problems from Germany to the United Kingdom. Although unemployment in Lithuania is still a serious issue, it is not as bad as neighboring countries. The challenge now is to encourage a movement from agricultural jobs to more productive employment for many Lithuanians. Whereas twenty percent of the population is agricultural, these are mainly small family run farms and they account for only seven percent of the Gross Domestic Product. There is still considerable poverty in the rural areas.

Lithuania produces products for export for companies such as the furniture maker Ikea, textiles for Oscar de la Renta, and cheese for many U.S. frozen food manufacturers. They also have a growing high-tech sector which produces software for such U.S. companies as Kemper Insurance. Consumer goods are also doing well. The biggest U.S. investors in Lithuania are Phillip Morris and Kraft foods. Currently, U.S. companies invest almost $350 million in Lithuania each year. Where Lithuania has made great strides economically since gaining their independence in the early nineties, they still have major economic challenges ahead.

The discussion then moved to the population of Lithuania. Currently Lithuania has 3.7 million people living here. Largely, they are Roman Catholic. I inquired about the size of the Jewish population and was told there are currently about 5,000 Jews living in Lithuania. Lithuania's Jews can be traced back to the 13th century. By the 18th century, Vilnius had become the world capital of traditional—Talmudic, learning, often referred to as the Jerusalem of the North with over 250,000 Jews living in the Country. Tragically, 94 percent of the population, including 80,000 Jews living in Vilnius perished in the Holocaust, the highest percentage of genocide in Europe. Almost no Jewish cultural sites or homes of renowned Jewish personalities are remembered.

On Saturday, December 28th, we took a walking tour of the Old Town of the Lithuanian capital which is one of the largest in Eastern and Middle Europe. In the ancient part of Vilnius we could see the fusion of nature and architecture and the overlapping of cultures and traditions. Throughout Vilnius' history, inhabitants built synagogues, mosques, and Catholic churches next to one another.

Following our tour we proceeded to the Presidential Palace for a meeting with Valdas Adamkus, the President of Lithuania. President Adamkus, a former U.S. citizen and Administrator at the Environmental Protection Agency for the Great Lakes Region is in the middle of his second Presidential campaign. He faced 16 opponents in the general election on December 22 and now has a run-off which will take place on January 5th. Although President Adamkus was expected to win, his run-off opponent has made his age of 76 years an issue.

Our conversation then turned to Lithuania's acceptance into NATO and the Russian attitude toward expansion. President Adamkus said that Russia does not pose a significant threat to any of the Baltic countries and that President Vladimir Putin has become milder over the years. I asked about the mission of NATO now that the threat is gone. President Adamkus said that NATO provides an internal European security structure. Although he agreed with me that the role has changed, it is nonetheless important to all member countries including the United States.

Economically, the President said, NATO membership provides almost instant foreign investment increase. He is confident that an additional $5 billion in revenue will come into Lithuania in the next three years and by the end of the decade Lithuania will look completely different. President Adamkus is determined to bring the standard of living up throughout the country. He feels there is still too much poverty, particularly in rural areas.

We then discussed the state of the current Judicial system. The President indicated that the country has significantly restructured the Judiciary in the past several years, particularly the past six months, but there is still a long way to go. He is proud of the fact that a large number of young, western educated Judges were recently sworn in but acknowledged that there are still many Judges left over from the fifty years of the Soviet occupation. The Supreme Court however, is free from Judges from that era.

I then inquired about the position of Lithuania on Iraq and Saddam Hussein and where Lithuania would stand if it is proven that Iraq has reestablished a program of weapons of mass destruction. President Adamkus believes that it is inevitable that Hussein is lying and that Lithuania will stand by its allies and will be part of the overall effort if it comes to that point. President Adamkus then reminded me that Lithuania has been exchanging small groups of officers with the United States for training exercises. He then noted to me that the Pennsylvania National Guard recently sent seventy troops to Lithuania to perform a joint training missions with our troops.

After our meeting with the President, we departed for a meeting with Foreign Affairs Minister, Antana Valionis. Our conversation focused on Lithuania's invitation to join the NATO alliance at the recent summit in Prague and the European Commission report that included Lithuania on a list of ten countries expected to join the EU in 2004. Lithuania has made great strides, politically and economically, over the past decade and their invitation to join both NATO and the EU are a reflection of those efforts.

We discussed Lithuania's support for the War on Terrorism. They have deployed a 40-man Special Operations force to Afghanistan and have committed a medical support unit to the International Security Assistance Force (ISAF). It should be noted that Lithuania also contributed to operations in Bonsia-Herzegovina and Kosovo and currently have over fifty troops in the area. That evening I attended the opera Aida, at the Russian built Opera house. Following the Opera, I departed for the U.S. Marine Barracks to watch the Philadelphia Eagles play the New York Giants on the Armed Forces channel.

On the morning of Sunday, December 29th, we departed for a tour of Zydu, the Jewish section of Vilnius with our guide Yulik Gurvitch. This area was once a thriving spot for Jewish culture, but was desecrated by the Nazis occupation and later torn down by the Soviets. The area served as a prison camp for 60,000 Jews, of which most perished in the neighboring Paneriai forest. Vilnius was also home to the famed Yiddish Institute for Higher Learning and the Strashum Library which housed the world's largest collection of Yiddish-language books. It was known throughout the world for its thriving Yiddish-language theaters and libraries and schools and was coined the Jerusalem of the north.

I was pleased to learn of Lithuania's commitment to deal with its difficult past as it pertains to the Jewish faith. In 2002, the government returned hundreds of Torah scrolls to Jewish groups and announced its plan to restore and revitalize the Jewish Quarter. A program to educate its soldiers and students about the Holocaust is also in place. We departed Lithuania around mid-day bound for Germany.

GERMANY

On the afternoon of Sunday, December 29th, we arrived in Berlin, Germany and were met by Franz Seitz, our control officer at the U.S. Embassy. He notified us that former Senator Dan Coats, who now serves as Ambassador to Germany, was back home in the United States celebrating the birth of his grandchild. From the airport, we drove through Berlin toward our hotel. It was gratifying to see first-hand Berlin's progress since the infamous fall of the Berlin Wall on November 9, 1989. Berlin is a modern city embracing the 21st century while maintaining a sense of its rich history.

Monday morning, December 30th, we met with members of the Country Team at the U.S. Embassy including Terry Snell, the Deputy Chief of Mission, John Lister, Deputy Counselor for Political affairs, and Franz Seitz. The briefing began with discussions of the poor state of relations between Germany and the United States which has reached its lowest level in decades. Relations between the two countries soured in September 2002 when, during the German election campaign, Mr. Schroeder repeatedly voiced his opposition to military action against Iraq—a position which angered the U.S. The Administration was also infuriated by comments from former German Justice Minister Herta Daeubler-Gmelin, who likened President Bush to Adolf Hitler. Although Chancellor Schroeder eventually apologized and fired the Justice Minister, the comment significantly strained the relationship between our two countries.

After the election took place, the German people were incensed to learn that the Chancellor had painted a false picture of the state of the German economy. He inflated the status of the fiscal situation of the Germany only to release data after the election indicating the deficit was significantly larger than previously indicated. In fact, they are facing a terrible recession and have the slowest economy in Europe.

I then questioned the team on anti-Semitism in Germany and was discouraged to hear that it is on the rise in certain areas particularly among young people. One argument for the increase in anti-Semitic attitudes among young people is the simple fact that because of the economy there are very few activities or jobs for youth in Germany. Right wing, anti-Semitic, anti-foreigner, anti-American groups host events for young teens and provide entertainment as well as a social setting while instilling these troubling ideas. These groups are also closely allied to the "skinhead" movement. The embassy also indicated that there is a rise in anti-Semitic contact in German media reports.

I than explored the idea of whether there was any concern that Germany could go back to the ways of World War I or II. The country team seemed confident that this could never happen because there is no political energy to increase the size or strength of the military or return to a militaristic society. I was further explained to me that Germans are morally horrified by what happened in this country during World War II and have a moral revulsion to much of their past. The Germans are making a conscientious effort to teach the holocaust in their text books and classrooms and are facing their history head on. They make no effort to hide the atrocities committed in the past.

The current German attitude was illustrated by the sentiment that in Germany today it is politically incorrect to make the statement that you are proud to be a German. The German people are well-aware of how they are perceived by the world for their actions of yesterday and are very cautious about perpetuating the idea that they are becoming too nationalistic or militaristic. For example, last year a cabinet minister almost lost his job for saying those words. Further, Chancellor Schroeder used the phrase "the German way" in a campaign statement last year and was so widely criticized he was forced to stop using the statement. It appears that because of Germans instigation of World War I and II that the most pervasive attitude in Germany is passivism.

After the country team briefing, we met with Wolfgang Bosbach, a member of the Bundestag, who is the Chair of the Domestic and Legal Affairs Committee and member of the Christian Democratic Union, the opposition party. Bosbach as been a vocal supporter of U.S. initiatives in the war of terrorism. Our discussion centered on U.S. German relations and the issue of Iraq. I asked him if the United Nations has a second resolution authorizing the use of force where will the Germans stand. He felt there would still be no change of opinion in Germany. For Schroeder, there is no way back, he was extremely vocal in his opposition to a war in Iraq throughout the campaign and he will not change course now. He continued on to say that the majority of Germans were also opposed to action in Afghanistan, but Schroeder was able to proceed there by calling for a vote of confidence on the coalition. He did feel, however, that Germany would be active in any reconstruction efforts in Iraq.

Bosbach felt that Schroeder made two critical mistakes in dealing with the United States. First, he said that the U.S. and Germany are friends and that friends don't speak publicly against one another in any circumstance. He felt that Schroeder handled the situation of his Justice Minister's comments very poorly. Secondly, he felt that Schroeder should have never come out publicly against action in Iraq without having had a private conversation with President Bush first.

As a member of the opposition party, Mr. Bosbach is convinced that the German government hasn't done enough in the war on terror. As an example, he believes that in Germany, if the government has adequate proof that an individual belongs to a terrorist organization, they should automatically lose their citizenship. Germans cannot expel or deport anybody and with German citizenship, an individual can pass freely into many countries. Last year alone Germany issued three hundred and forty thousand visas to individuals from rogue states. Mr. Bosbach believes there is a network of terrorists in Germany as three of the September 11th pilots had lived in Germany.

After our meeting with Mr. Bosbach, we headed for a luncheon hosted by the Berlin chapter of the American Chamber of Commerce. The Chamber members in attendance were both Germans and Americans. I was interested to learn that there are over two thousand American Companies in Germany which have invested one hundred billion dollars and employ over eight hundred thousand people.

I inquired about the overall attitude of the group regarding the U.S.-German relationship. There was widespread agreement that the members were disappointed about the position the German government took during the election. As one member put it, the relationship which took fifty years to rebuild was destroyed in five seconds. However, many in the group felt that a majority of Germans are not anti-American. When I asked if they thought Germany would go along with a United Nations resolution against Iraqi if there was sufficient proof that Saddam is lying, it was clear nobody thought the government would support action in Iraq.

I expressed surprise that the economy was in the difficult situation it is today as I have always had a great respect for German ingenuity, efficiency, and technology. Many of the group were keenly interested in how the international situation and the relationship of our two counties was going to affect future business and trade. I believe that business people still want to do business regardless of any comments made by Chancellor Schroeder.

In the afternoon, we arrived at the German Federal Ministry of the Interior for a meeting with Reinhardt Peters the Minister-Director in the Police Bureau. Mr. Peters informed me that he is responsible for coordinating police responses to major crime including terrorism, and plays a key role in cooperative law enforcement efforts within the EU and with other nations. He is also involved with Germany's lead-nation role in building an Afghan national police force. We discussed such subjects as the death penalty, which Germany does not have and how the Germans are prepared to deal with terrorism.

Following the Ministry of Interior meeting we proceeded to the Federal Ministry of Justice for a meeting with Minister-Director for Criminal Law, Christian Lehmann. Earlier this month, the German government agreed to provide evidence requested by the U.S. pertaining to suspected "20th hijacker" Zacarias Moussaoui. Germany had initially refused to provide the evidence, arguing that its constitution forbids providing evidence that could lead to enforcement of a death sentence. The U.S. Justice Department agreed to use the evidence only during the guilt determination portion of the trial, and not the sentencing portion of the trial. Given its original reluctance in the Moussaoui case, it is not clear how much cooperation Germany is providing in other terrorist investigations relating to September 11th and any other al-Qaeda investigation. Germany is currently prosecuting Mounir el-Motassadeq for his alleged involvement with the Hamburg terrorist cell connected with the September 11th attacks, having charged him with "aiding and abetting" the murder of the over thousand victims of September 11th.

The following day we had the opportunity to attend a lunch meeting at the offices of the American Jewish Committee (AJC). Lunch was hosted by the managing director, Deidre Berger and Greg Caplan, the assistant director of the AJC in Berlin. Our discussion primarily focused on the attitudes of Germans toward Jews. They were encouraging on many fronts. First, they were confident that the majority of young people are interested in maintaining memory of the holocaust and lessons of their dark past are widely taught in German schools today. Further, the AJC commended the German government for their willingness to teach about racism and tolerance and their cooperation with the AJC on this front. Less positive however, were the results from their recent survey indicating that negative attitudes toward Jews are widespread in German society today. Sixty percent of Germans acknowledge that anti-Semitism is currently a problem in Germany according to the survey.

Keeping with the theme of the day, we headed to the Jewish Museum which had an exhibit of 2000 years of German-Jewish history. On New Years Day, 2003, we departed Berlin for Israel.

ISRAEL

Thursday, January 2nd provided us the chance to meet with representatives of the Palestinian Authority and Israeli leaders. In the morning we met with United States Ambassador Daniel Kurtzer, and Salam Fayyad, the new Minister of Finance for the Palestinian National Authority. Mr. Fayyad was certainly a breath of fresh air in the Palestinian Authority. Mr. Fayyad, who was raised in the West Bank has worked with the International Monetary Fund and the Federal Reserve in St. Louis. He received his Ph.D in Texas and has spent time living in Washington, DC.

At the time of our meeting, he had just submitted the 2003 Palestinian Budget proposal. This is the first publicly disclosed budget of the Palestinian Authority. He identified significant reforms that he has instituted. First, he has centralized the Treasury. This means that all revenues will now be going directly to the department of the Treasury. Prior to his reform, Palestinian finances went into many different accounts with no centralized control. This enabled monies to be used for such purposes as arms purchases and terrorism financing. Second, Mr. Fayyad took control of public hiring. In the past, there was no management of the public payroll. There were literally hundreds of people within the system who could hire government employees. This encouraged corruption and patronage leading to more violence. Now, under Mr. Fayyad, no additions to the payroll can be made without the express permission of the Ministry of Finance. He also took control of the internal auditing system.

I then met with Foreign Minister Netanyahu and we discussed a number of subjects including the peace process, Iraq, and the issue of the prosecution of criminals for terrorist acts committed against Americans abroad. I expressed an interest to extradite to the United States terrorists whom we know are responsible for the death of Americans. I provided the Foreign Minister with a list of several known assassins, some of which were either currently in Israeli prisons or whom Israel had adequate knowledge of their whereabouts. I encouraged the Israelis to work with the United States Justice Department in prosecuting these terrorists.

During a lunch meeting with Saeb Erakat, we discussed Chairman Yasser Arafat's leadership abilities and my opinion of the need for the Chairman to step aside. I told him I thought it unrealistic to rely upon Chairman Arafat in the peace process because of the evidence implicating him in terrorism. It had been established that he knew about the shipment of arms from Iran early last year and his handwriting was on documents funding terrorism. I raised the possibility that Chairman Arafat might be regulated to a titular position. Mr. Erakat said that he believes there is no other alternative to Chairman Arafat and that he was working to promote peace and he even gave a recent speech calling for a cease fire. He then went on to say that Chairman Arafat was one of the first leaders to call for a dialogue. Mr. Erakat stated that there is no trust on either side and that under those circumstances it will be almost impossible to begin the process of a recovery.

When I asked if he thought there was a chance for the suicide bombings to stop, he said he hoped it was possible, but it will be very difficult because all a person needs is a "mind-void of hope" and two hundred dollars to bring about terror. He said that the circumstance on the ground in the Palestinian territories was hopeless for so many.

I then went on to meet with the Israeli Attorney General, Elyakim Rubenstein. I further probed the topic of extradition of terrorists accused of killing Americans in Israel and further solicited the cooperation of the Israeli Government in an effort that would support a U.S. prosecution of these terrorists. I noted that I had spoken with Foreign Minister Netanyahu regarding this issue and provided him with a list of suspects. He said that he generally agreed with this idea and pledged full cooperation and willingness to work with the U.S. Justice Department. We acknowledged that it is a high priority for both of our governments to ensure that perpetrators are brought to justice. I responded that I recognize Israel's sovereign right to prosecute terrorists who attack and murder its citizens, but pointed out that there is a valid role for the U.S. Government to play when Americans are killed.

Following my meeting in Jerusalem with the Attorney General, I proceeded to Tel Aviv to meet with Prime Minister Ariel Sharon where we discussed a wide range of topics including Palestinian terrorism, Israeli military response, Iraq, and Yasser Arafat. Prime Minister Sharon complained about the ten thousand Hizballah rockets in Lebanon which are pointed toward Israel. He said Damascus was the center and headquarters for the most radical terrorist groups and said they should immediately be dismantled. In context of his focus on Syria, I then asked the Prime Minister if he would be willing to go to Syria to discuss this. He said he was interested in going to Damascus and would be willing to sit down at the negotiating table with President Bashar al-Assad of Syria so long as there were no preconditions. I asked if he would object if I conveyed that message to President Assad when I was in Damascus and he said no.

I then went on to meet with former Prime Minister Ehud Barak at his private office in Tel Aviv. Mr. Barak was in good spirits and we had a conversation covering many subjects including the peace process, Lebanon, Iran, and Iraq. Mr. Barak indicated that he supported the efforts the Bush Administration is making toward trying to achieve a lasting peace in the area and believes it represents a very good opportunity. We also discussed the effort that Prime Minister Tony Blair was making by meeting with President Assad and others in the region.

Our final meeting of the day was with former Prime Minister Shimon Peres. My first observation was that he didn't age. I asked him about this and he advised me that his philosophy of life keeps him young—he is an optimist. Our meeting was brief as the hour was late and he had another appointment that day. We spoke about Chairman Arafat and the possibility of his moving into a position of less power within the Palestinian Authority. He doubted that would happen.

We then discussed his approach to peace discussions. He believes the process should move forward in several directions at once, as opposed to the widely discussed strategy of achieving individual milestones. He compared it to sending a fleet out instead of a train. On the topic of Syria, Mr. Peres did not discount the idea of peace negotiations, but expressed his feeling that Israel should not lose sight of the Palestinian issue, the matter of prime importance.

EGYPT

We arrived at Cairo International Airport on Friday, January 3rd where we were met by our control officer Steven Bondy. From the airport we immediately went to tour the impressive Egyptian Museum where we toured King Tut's tomb and other historical artifacts.

Following the Museum, we went to the U.S. embassy where I had the opportunity sit down with a group of Egyptian reporters for a roundtable discussion of current affairs.

I then proceeded to the Foreign Ministry for a meeting with Minister Ahmed Maher and U.S. Ambassador David Welch. We discussed my upcoming trip to Damascus for the U.S.-Syrian dialogue. Mr. Maher encouraged my participation and expressed praise for the initiative by the James A. Baker III Institute for Public Policy at Rice University. We discussed Syria in some detail afterward and Mr. Maher's support for President Assad. We then discussed the issue of violence in the Palestinian territories and Mr. Maher expressed his disappointment and view that seemingly eveyday there is another "incursion" by Israeli forces. On the upside, he noted that there were forces on both sides amenable to change.

The following day we flew to Sharm El-Sheikh, Egypt to meet with Egyptian President Hosni Mubarak. As usual, President Mubarak was a gracious host. We met in his private office and then were invited to join him for brunch. We discussed his recent visit by Prime Minister Tony Blair and his view on prospects for peace. President Mubarak noted that the world has changed very much since our first visit with one another in 1982 but one thing that hasn't changed is that he is still willing to answer any question. I asked him if he thought it was possible for the violence to stop and he said he continued to work for a "cease-fire" by all parties. He indicated that he is willing to do whatever he can to help, but that the United States has to be in the center of any deal that is worked out. He said the same was true for a Syrian-Israeli deal as well. We went on to discuss Iran and Iraq and their individual relationships with the United States and Egypt and the reaction of the Egyptian people if President Bush returns to the United Nations for another resolution. He said there was great concern in the Arab world about a war with Iraq. He indicated that there would likely be protests in the street and although he could handle that in Egypt it would be difficult for other Arab leaders. President Mubarak commented that the war with Iraq will have a negative effect on the Egyptian economy and the economics in the region generally.

Finally, on the local Pennsylvania scene, I urged President Mubarak to finalize a $100 million deal with Norfolk Southern, which has agreed to rehabilitate 100 Egyptian locomotives. Norfolk Southern is still negotiating the terms of the contract, but it is my hope that the deal can be worked quickly. President Mubarak responded that if the funding was in the pipeline from USAID it would be completed. I offered my thanks to President Mubarak for Egyptian support for the war on terrorism.

SYRIA

On Saturday, January 3rd, we left Egypt and arrived in Damascus, Syria where we were met by Ambassador Theodore H. Kattouf and our Control Officer, Jen Rasamimanana. Ambassador Kattouf is a native of Altoona, Pennsylvania and a graduate of Pennsylvania State University. After attaining the rank of Captain in the United States Army, he began a distinguished career in the foreign service including assignments in Kuwait, Tunis, Beirut, and Baghdad.

The following morning I met with Syrian President Bashar al-Assad. President Assad has been meeting with many of my House and senate colleagues in recent months and I complimented him for his willingness to have a dialogue with the different groups. I told him how useful I think it is for Members to have these meetings and how useful I thought it could be for him.

We discussed my trip to Israel and my meeting with Prime Minister Ariel Sharon where he indicated his willingness to discuss peace. President Assad said anytime is a good time for peace, but that he believes the United States needs to be involved in any negotiations. I asked him if he thought negotiations could take place prior to an Israeli-Palestinian negotiation. He commented that he thought negotiations could get started, but likely no agreement could occur until the Palestinian issue is resolved. I told President Assad that the U.S. remains committed to resolving the conflict.

I then raised the issue which has been brought up by Prime Minister Sharon in Israel regarding terror organizations residing in Syria. I asked that his country work to eliminate groups with Syria's borders who continue to fan the fire in the region. President Assad asserted that these groups, including Hizballah and Hamas, do not conduct terrorist operations out of Syria and that they represent thousands of Palestinians whom he would have to dislocate. He said he was unwilling to do so. I responded that if Syria wanted to be removed from the U.S. terrorist list, Syria would have to oust those terrorist groups from Syria and end support for Hizballah.

With regard to Israel we also discussed Prime Minister Sharon's complaint that Syria controlled over ten thousands Katyusha rockets, which were pointed toward Israel. President Assad said these would not be used against the Israeli people.

President Assad emphasized Syria's desire to be removed from the U.S. Department of State's list of state sponsors of terrorism and his unhappiness about the Syrian Accountability Act which was introduced in the last Congress and signed by over 45 of my colleagues. I told President Assad if the terrorist groups were to leave Syria, it would go a long way toward their legislative goals in the United States.

I commended President Assad on Syria's willingness to support renewed weapons inspections in Iraq and sanctions aimed at disallowing that country's re-armament, which are steps in the right direction. I asked that Syria continue to cooperate with the U.S. against al-Qaeda.

I raised with President Assad the issue of an American, Mrs. Liz Henry Murad of New York, who has requested assistance in locating her children who are believed to be in Damascus. Her children were forcibly kidnaped by their father, Mr. Ruwayn Murad, and reportedly taken to Syria. After alerting President Assad, Foreign Minister Farouk at-Shara, and Rustom al-Zoubi, Syrian Ambassador to the United States, of this abduction in separate letters dated February 8, 2002, I raised the case with President Assad personally during my previous visit to Damascus in March 2002. Then, on April 4, 2002, I wrote to President Assad and Major General Ali Houri, the Syrian Minister of Interior, requesting that Syrian officials pursue a Lebanese warrant for Mr. Murad. In this meeting with President Assad, he indicated he was willing to work with the Lebanese Government to resolve this case.

I also asked President Assad about Guy Hever, a missing Israeli soldier, who is believed by his family to be a prisoner in a Syrian jail. Mr. Hever was last seen on the

Golan Heights near the Syrian border on August 17, 1997, I met with the mother of Mr. Hever in my Washington, DC office on November 6, 2002 to hear of her son's mysterious disappearance. Thereafter, I wrote to President Assad asking him to order an inquiry into Mr. Hever's whereabouts and pursued the subject in our meeting. President Assad said he would have the matter investigated.

We spent most of the day Monday, January 6th at a U.S.-Syrian dialogue, which was a continuation of the event that took place last May at the Baker Institute at Rice University in Texas. The event was attended by many experts on U.S.-Syrian relations including former U.S. ambassador Edward P. Djerejian, former Ambassador Richard Murphy, Syrian Deputy Foreign Minister Walid al-Moualem, Buthayna Shaaban, head of the Foreign Ministry's foreign media and public relations department, Riad Ismet, director of the state radio and television service, and Mohammad Aziz Shukri, a professor of international law at state-run Damascus University.

The dialog focused on Iraq as well as the Israeli/Palestinian issues. The Syrian interlocutors were adamant in opposition to war against Iraq although they condemned Saddam Hussein's conduct. The Syrians welcomed my opinion, even though I emphasized it was President Bush's ultimate decision, that the U.S. should return to the UN for another resolution supporting the use of force before acting.

Notwithstanding the heated comments and diverse points of view, the exchanges were constructive. The Syrians left with a better understanding of our revulsion to suicide bombings targeting civilians after our own experience of 9/11. Both sides agreed that the killing of Israeli and Palestinian non-combatants had to be stopped. The only real agreement came on the utility of "dialogue" even in the absence of any agreement on any proposed solution.

With the opportunity presented by a new young, British educated President in Damascus, we should accelerate our efforts to improve U.S./Syrian relations, persuade the Syrians on our views on terrorism and strive for an Israeli/Syrian Peace Treaty.

We left Syria on the afternoon of January 6th, made an overnight stop in London to change planes, and headed back to Washington, DC on January 7th to begin a new session of Congress.

[From the Pittsburgh Post-Gazette, Jan. 15, 2003]

A Tour Through Europe and the Mideast Reveals the Lack of Enthusiasm for a U.S. Military Attack On Iraq

My ten-day fact finding visit to Europe and the Mid-East in late December and early January found little support for a U.S. war against Iraq. The Germans were outspoken in opposition. British Prime Minister Tony Blair, personally a strong supporter of President Bush, appeared to be a leader without many followers on this issue.

The strongest opposition and most dire warnings came from nations in the Mid-East with the exception of Israel. Egypt's President Mubarak, a solid U.S. ally for more than two decades, predicted violence against U.S. interests in the region if Iraq is attacked. U.S. Embassy personnel in Syria are on alert to evacuate in advance of any war.

Recollections are still fresh on the Syrian mob which ransacked our Ambassador's residence in Damascus in December 1998 following a U.S. missile attack on Bagdad. Ambassador Ryan Crocker's wife was rescued just before the mob threatened to break through the steel door in the so-called "safe haven". The bricks and mortar of the residence have been repaired, but the psychological damage lingers on.

I was in Damascus on that night in December 1998 when that attack occurred and was awakened at 2 A.M. to watch CNN's coverage of the missiles striking Bagdad. Leaving Syria on schedule at 6:30 that morning, I then traveled to Egypt and Jordan and heard strong Arab protests on the U.S. military action which was minuscule compared to what is now planned.

On January 6th in Damascus, the "US/Syrian Dialogue", a forum initiated by the Baker Public Policy Institute in Houston last May, focused on Iraq as well as the Israeli/Palestinian issues. The Syrian interlocutors were adamant in opposition to war against Iraq although they condemned Saddam Hussein's conduct. The Syrians welcomed my opinion, even though I emphasized it was President Bush's ultimate decision, that the U.S. should return to the UN for another resolution supporting the use of force before acting.

In a separate meeting, President Bashar al Assad and Foreign Minister Shara complained to me about the UN's refusal to give all members of the Security Council the full 12,000 pages turned over by Iraq after Syria and all the other 14 nations had voted unanimously for Iraq to comply with its obligation to disarm. I agreed that all member nations, which are asked to vote for sanctions including UN military action, are entitled to all the Iraqi documents and whatever data the U.S. can supply establishing Iraq's noncompliance.

While the Syrians strongly favored a second UN resolution, they left no doubt they would not join in any UN military action as they had in 1991. They emphasized their 1991 joinder was based on Iraq's attack of Kuwait, another Arab nation, which was not present now.

German Chancellor Gerhard Schroeder's opposition to war against Iraq was echoed in our January 2nd meeting with Wolfgang Busbach, a member of the Bundestag. He explained that his country's experience in two 21st century wars had made Germans irreversibly pacifists. Even though he persisted in asserting Germany would not participate in military action even if the UN voted for it, he hoped the U.S. would seek another resolution before acting.

I was surprised to hear so much sentiment that it was politically incorrect for Germans to express pride in being German. Chancellor Schroeder was criticized for referring to the "German Way" in their recent election and stopped using that phrase. That attitude indicates Germany's reluctance to participate in any military action which might revive international sentiment against German nationalism.

These meetings confirmed my strong sense that the U.S. position would be greatly strengthened by a second UN resolution. UN Inspector Hans Blix has already noted Iraq is in default in not explaining what happened to the weapons of mass destruction which it had in 1998 before the UN was ousted. Perhaps the U.S. will be able to bolster the case showing Saddam's falsification from testimony from Iraq's scientists or evidence from U.S. Intelligence sources which can be disclosed without compromising sources or methods.

The final determinant on whether there will be war may be the vague and unpredictable state of Saddam's mind. Is he suicidal? While the evidence is overwhelming on his venality and brutality, my 75 minute meeting with him in January 1990 persuaded me he was not a madman. Saddam has surprised many by submitting to UN inspections, even opening up his palaces, apologizing to Kuwait and making his scientists available for interrogation. Perhaps he has a surprise ending in mind.

[From the Patriot-News, Jan. 21, 2003]

Young Syrian Could Provide Mideast Hope

A suicide bombing at a Tel Aviv bus terminal murdering 23 more civilians on January 5th cast a pall over discussions on the Mid-East peace process which I had last week with Prime Minister Sharon in Israel, President Mubarak in Egypt and President Assad in Syria.

In Israel, Prime Minister Sharon insisted that negotiations could not be conducted with Chairman Arafat because of his proved complicity in supporting Palestinian terrorists. When I suggested to Sa'ab-Erekat, Arafat's chief negotiator, that the Chairman step aside to a titular position without power, Erekat responded that Arafat was determined to stay on as the duly elected leader. Egypt's President Mubarak and Syrian President Bashar al Assad agreed there was no one else on the scene to speak for the Palestinians although neither would vouch for Arafat's word or his non-involvement in terrorism.

So, the stalemate continues with no sign of the tunnel let alone a light at the end of the tunnel. The Arabs, who vociferously argue that Prime Minister Sharon does not want peace, must know that this January suicide bombing strengthens his appeal in elections scheduled for later this month. Those who oppose peace, while perhaps not more numerous, appear to be more effective than those who favor peace.

Our Mid-East visits did produce some bright spots. The new Palestinian Finance Minister offers real hope that transparency may be forthcoming and corruption may be restrained. A University of Texas Ph.D. in economics and a former official at both the IMF and the Federal Revenue, Salam Fayyad, a native Palestinian, returned to his homeland after living in the U.S. from 1987 to 1995. In our meeting at the U.S. consulate in Jerusalem, Minister Fayyad outlined impressive reforms: (1) requiring all revenues to be paid to the Ministry of Finance eliminating the potential for diversion for corruption or terrorism; (2) consolidating all hiring in his department to eliminate patronage and kickbacks; and (3) activating both internal and external audits. His just released January 2003 budget was the first public budget in the history of the Palestinian Authority.

If corruption and violence could be eliminated, or at least curtailed, the stage could be set for resumption of contributions by the donor nations to rebuild the Palestinian Authority infrastructure and compensate Israel for its losses. In a relaxed setting in the resort town of Sharm el-Sheik, President Mubarak reiterated his longstanding efforts to broker a "cease fire". With Hamas and Islam Jihad continuing to claim credit for suicide bombings and evidence linking Chairman Arafat personally to supporting terrorists, such a "cease fire" appears remote, but worth the continuing effort.

After Prime Minister Sharon denounced Syria's harboring terrorist organizations in Damascus and supporting Hezbollah in southern Lebanon, I asked him if he would be willing to enter into peace negotiations with Syria as Prime Minister Rabin had in the mid-1990s which were brokered by President Clinton. He said he would providing there were no pre-conditions and asked me to convey that offer to President Assad which I did three days later in Damascus.

President Assad said he was willing to open peace talks with Israel. He said he did not think it appropriate to conclude a treaty before Israel and the Palestinian Authority had reached a final settlement, but that Syrian/Israeli talks could proceed on separate tracks. I do not expect Syria and Israel to immediately activate such discussions, but the reactions were more positive than I heard in many visits to Damascus and Jerusalem a decade earlier.

I then asked President Assad about Hezbollah and terrorist organizations in Damascus both in terms of Prime Minister Sharon's complaints and Syria being on the U.S. terrorist list. He responded that the organizations in Damascus were not involved in terrorism in Israel, but represented thousands of Palestinians who lived in Syria. As to Hezbollah, President Assad insisted that the Lebanese/Israeli border had been quiet, except for one or two skirmishes, since April 1986 when Secretary of State Warren Christopher worked out an agreement between the parties.

Notwithstanding those responses, I urged him to do more to satisfy the demands of our State Department for Syria's removal from the terrorist list. I remind him that the Syrian Accountability Act in the 107th Congress had obtained 35 co-sponsors in the Senate which represented real concern on the terrorism issue even though opposed by the Bush Administration. Should it become law, it would probably cause a downgrading of relations even to the possible extent of withdrawing ambassadors.

At the conclusion of my trip, I attended the opening of the second U.S./Syrian Dialogue on January 6th in Damascus. The first "Dialogue" was held last May in Houston under the co-sponsorship of the Government of Syria and the James Baker Institute of Public Policy. The "Dialogue" focused on the Israeli/Palestinian controversies and Iraq. Notwithstanding the heated comments and diverse points of view, the exchanges were constructive. The Syrians left with a better understanding of our revulsion to suicide bombings targeting civilians after our own experience of 9/11. Both sides agreed that the killing of Israeli and Palestinian non-combatants had to be stopped. The only real agreement came on the utility of "dialogue" even in the absence of any agreement on any proposed solution.

With the opportunity presented by a new young, British educated President in Damascus, we should accelerate our efforts to improve U.S./Syrian relations, persuade the Syrians on our views on terrorism and strive for an Israeli/Syrian Peace Treaty.

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 250 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT AGREEMENT—NOMINATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that at 2:30 today, the Senate proceed to executive session for the consideration of the England nomination, as under the previous order; provided further that the vote occur on the confirmation of the nomination at 2:50 today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. SUNUNU. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2:30 p.m., with the time equally divided between the majority and minority leaders or their designees, with Members permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

IRAQ

Mr. LEAHY. Mr. President, this Tuesday we heard the President of the United States in his State of the Union Address once again appeal to the American people to support sending United States troops into a preemptive war against Iraq. In support of his appeal, he did not tell us anything we have not heard before.

A majority of the American people remain unconvinced that the United States, only 3 months after sponsoring a U.N. Security Council resolution calling on Iraq to disarm, should now, without the support of the Security Council, abandon the U.N. inspections process and launch a unilateral military invasion.

On January 18, in my home State of Vermont, over 3,000 Vermonters gathered in front of the Vermont State House in Montpelier, in freezing weather—in fact, some of the coldest weather we have had in years—to express their opposition to a war with Iraq. It is a privilege to represent a State whose citizens have always been among the most thoughtful voices and sometimes the most outspoken voices.

Those Vermonters were of all ages and from all walks of life. They were not alone. Hundreds of thousands of Americans, including many Vermonters, traveled to Washington to brave the subfreezing temperatures here. And there were protests in other cities and towns across the country.

These demonstrations convey the growing recognition of many Americans that the administration is preparing to invade Iraq, despite the opposing views of many allies and irrespective of any decision by the U.N. Security Council.

The situation in Iraq is not a simple black-and-white issue. I have said this over and over. We saw how the Reagan administration and the former Bush administration often facilitated and frequently ignored Saddam Hussein's development of weapons of mass destruction, until he extended his territorial claims to Kuwait's oil fields. We all know there is abundant evidence that Saddam Hussein is a deceitful, murderous villain. No one ignores that.

Still, there are times in history when circumstances compel us to speak out, and this is one of those times.

Several Senators have spoken eloquently—Senator KERRY, Senator BIDEN, Senator KENNEDY, and others—and I associate myself with many of their remarks.

Mr. President, the White House and Pentagon are fueling the belief that war with Iraq is inevitable. That was the President's message in the State of the Union Address, although no new evidence was offered. Many in the White House are eager, even impatient, for war to begin. They view Iraq as the first step in a fundamental reshaping of the geopolitical alignment of the Middle East. It reminds me of when I first started serving in the Senate, and the White House political thinkers at that time were obsessed with theories about falling dominos.

I, like many here, and like many in the White House who are the most vocal advocates of a preemptive, unilateral invasion of Iraq, have been blessed with never having faced military combat.

I take to heart the wise words of my friend, Senator CHUCK HAGEL:

> Many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war. They come at it from an intellectual perspective versus having sat in jungles or foxholes and watched their friends get their heads blown off.

These same administration officials have also studiously avoided talking about what is inevitable in any war—American lives will be lost and the lives of innocent civilians, overwhelmingly, will be lost. People will die on both sides. And they give short shrift to the risks war with Iraq poses to building broad support for peace in the Middle East and, most important, to our efforts to thwart international terrorism.

The saber rattling in Washington—and the steady deployment of tens of thousands of U.S. troops, planes, and ships to the Persian Gulf—is causing alarm and fear both here and abroad. But world opinion, including so many of our allies, is squarely in favor of exhausting every effort to avoid war.

The people of Vermont gave me, as a member of the Senate Armed Services Committee in the spring of 1975, the opportunity to cast a tie-breaking vote against continued funding of the Vietnam war. I recall so well how over 30 years ago, even before focus groups, mass polling, and the hyperbole of midterm elections, White House politics—joined unfortunately by both parties—not the need to protect the American people, caused the deaths of tens of thousands of people in that unnecessary war in Vietnam. I am as proud of that vote as any I have cast since—and I have cast well over 10,000 votes in this body—and I will bring Vermonters' voices to the Iraq debate today.

It has been only 60 days since the U.N. weapons inspectors returned to Iraq. They are just reaching full capacity. I and others here urged President Bush to go to the United Nations and seek a resolution calling on Iraq to disarm, and I applauded the President when he did that. It was one of the finest speeches of his career, and he secured a unanimous vote in the Security Council for that resolution.

Now, however, the White House is wrong to dismiss the inspections as having failed so soon when the chief U.N. inspector says he is expanding his team and plans to work at least into March. The British, French, and German governments have all said the U.N. should be given more time, especially as long as the Iraqis give the inspectors access throughout the country.

This is the type of common sense that should be guiding our policy, not a knee-jerk, trigger-happy approach that alienates our friends and allies. We should work closely with the United Nations. We should remember that far more of Iraq's weapons were discovered and destroyed by the inspectors after the Gulf War than were destroyed by our troops during the Gulf War.

I have no doubt Saddam Hussein is lying. He has lied countless times before. He is likely hiding weapons, including chemical and biological weapons. The U.N. inspectors' report leaves little doubt of that.

The Iraqis have not explained what happened to thousands of tons of chemical weapons material, and other biological munitions they had in their possession 5 years ago. There have been discoveries of empty chemical weapons shells and documents they had not disclosed. These are serious discrepancies by a regime that is among the world's most dangerous, deceptive, and brutal.

There may also be other evidence of Saddam Hussein's deception that the administration has not yet revealed. But the inspectors are continuing their work, and the results so far do not justify abandoning the inspections process and sending thousands of American men and women into a war costing hundreds of billions of dollars, that will cost American lives, and the lives of innocent civilians, and could trigger a wider conflict in the Middle East, while creating more enemies and terrorists over the long run.

If Saddam Hussein is removed from power, we will all celebrate. He has terrorized the Iraqi people for decades. His security agents have sadistically tortured, even summarily executed, many thousands of people. But far more is at stake here than getting rid of Saddam Hussein. At stake is the justification for sending Americans into war absent an imminent threat to the security of the United States, the most powerful Nation on Earth.

We have heard a lot of strong rhetoric, but we have not heard a compelling case that the use of military force is the only alternative to disarm Iraq.

Last year, our President pointed to "evidence" that Iraq was developing nuclear weapons. Today, that evidence seems to be disappearing. Despite a rush to judgment by some White House officials, U.S. intelligence experts remain deeply divided on this question. The International Atomic Energy Agency says there is no evidence that Iraq has resumed its quest for nuclear weapons.

In response, the White House claims there is proof Iraq is hiding chemical and biological weapons. That proof may well exist. If it does, the administration should immediately take it to the Security Council to help convince skeptical friends and allies and to assist the inspectors in their disarmament work.

I remember when I was a student here in Washington at Georgetown University Law School at the time of the Cuban missile crisis. President Kennedy sent his Ambassador, Adlai Stevenson, to the chambers of the United Nations. He held up irrefutable proof of the missiles being put in Cuba by the then Soviet Union. With that proof, the world rallied around the United States.

We have to remember how missteps can create more problems. The situation in North Korea today illustrates how a dangerous situation can quickly escalate unnecessarily. By taking options off the table, we are worse off today than we were a few months ago. After backing the United States into a corner, the White House is now discussing donations of food and fuel, an approach they ridiculed just a short time ago. We have to be more consistent.

Today, there are no U.N. inspectors monitoring the North Korean nuclear facilities. Tensions have dramatically increased, and we have serious disagreements with our Japanese and South Korean allies. Let us not make the same mistake in Iraq that history, both decades ago and more recently, has tried to teach us.

Saddam Hussein must be disarmed to the point that he is no longer a threat to his neighbors. U.N. resolutions must be respected and enforced. But these are matters of concern to the world, not just to the United States. We are part of the world, but we are not the whole world.

The U.N. inspectors need time to complete their work. It is divisive and damaging for the United States, having secured a Security Council resolution, two months later to short-circuit the U.N. process in the name of enforcing that same U.N. resolution.

To those officials in the White House and the Pentagon who would use the U.N. inspections as a mere excuse to justify unilateral military action. I say the same things as when I opposed the resolution authorizing the use of force that passed the Senate back in September: This Vermonter never has and never will give a blank check to this President or to any President to wage war.

The next weeks and months will be decisive. Let's hope the Iraqi Government fulfills its obligations and the inspectors finish the job in a manner that gives credibility to their conclusions, whatever those conclusions may be. Let's work with the U.N. Security Council and our allies to find a way forward.

Unlike his father a decade ago, this President has not built a broad coalition for military action. If diplomacy fails, I am confident we can win a military victory. After all, we have the most powerful military in the world. But acting unilaterally would be extremely costly. It would lead to a prolonged U.S. military occupation of Iraq, the expenditure of tens, even hundreds, of billions of dollars. It would damage our relations with key allies, and it would further inflame the anti-American extremism that is growing throughout the Muslim world, extremism that threatens us more than anything else today.

It threatens us because even today terrorists plan their attacks within the United States, not in the Persian Gulf. We need the world to be with us. A broad-based coalition is indispensable for achieving long-term peace in the Persian Gulf and the Middle East, as well as our continuing efforts against international terrorism.

This war is not inevitable. We should not talk or act as if it is. But if war does come, let the United States be able to say we did everything we could to try to solve this another way; that we worked in concert with the United Nations; and that the U.N. was strengthened in the process. We must be convinced that war is justified; that the sacrifice of American lives can be justified; that America taking this step of a preemptive war can be justified not only today but, in history's eyes, decades from now.

I do not believe that threshold has yet been reached. So many of the American people do not. Our allies do not.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I understand we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

HOMELAND SECURITY AND NATIONAL DEFENSE

Mr. ALLARD. Mr. President, following the attacks of September 11, many Americans found themselves feeling, perhaps for the first time, a sense of vulnerability. Terrorists had successfully infiltrated our country, hijacked four of our jetliners, and committed mass suicide. Using simple tactics and superb coordination, they singlehandedly changed the American mindset in a matter of minutes.

President Bush recognized that our way of life changed drastically on September 11. During an address to a joint session of Congress and the American people 9 days after the attacks, President Bush said the following:

> On September 11, enemies of freedom committed an act of war against our country. Americans have known wars—but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war—but not at the center of a great city on a peaceful morning. Americans have known surprise attacks—but never before on thousands of civilians. All of this brought upon us in a single day—and night fell on a different world, a world where freedom itself is under attack.

For nearly 10 years prior to that, our country enjoyed unprecedented peace and prosperity. The economy grew at an unbelievable rate. We were at peace with our neighbors. We focused on health-care, welfare, education, and other domestic priorities. The fall of the Soviet Union eliminated the threat to our Nation. Our defense budget shrank; our intelligence resources dwindled; and our homeland defenses remained virtually nonexistent. The biggest problem our military faced was not how best to invade Iraq, but how to keep enlisted families off food stamps.

Our mind simply was elsewhere. A number of blue-ribbon commissions tried to get our attention. The Bremer Commission pointed out the deficiencies of our intelligence collection efforts. The Gilmore Commission revealed how disconnected, disparate, and dysfunctional our homeland security efforts were. And, the Hart-Rudman Commission discussed how much our Federal Government needed to be restructured to better combat terrorism. Yet many of the recommendations from these commissions were pushed aside as being impractical, too expensive, or unnecessary. As it turns out, they were right, and on September 11, we paid the price.

Since that dreadful day, we have made considerable progress. We have rid Afghanistan of its terrorists-run government, disrupted terrorist operations around the world, and taken steps to improve our homeland defenses. I was pleased last November when the Congress, after 3 months of debate, approved legislation to create the Department of Homeland Security. This Department will pull together 22 agencies and nearly 200,000 Federal employees. It will not be an easy task. Tom Ridge, the new Secretary of the Department, will have his hands full for many years to come.

The Department of Defense has also taken a number of measures to improve our homeland defense. The establishment of Northern Command was a significant organizational step toward fighting terrorism at our borders. The new commander, Air Force Gen. Ed Eberhart, will be responsible for the defense of the United States, including land, aerospace and sea defenses. NORTHCOM will also provide military assistance to civil authorities, including crisis and subsequent consequence management operations should such assistance be necessary.

This past year the Congress went further when it created a new Assistant Secretary of Defense for Homeland Security within Department of Defense. The assistant secretary will be responsible for providing guidance and planning assistance to the various combatant commands, including NORTHCOM. The Senate Armed Services Committee, of which I am a member, held a hearing today on the President's nominee, Paul McHale, for this position.

Despite our efforts to build stronger homeland defenses, our country finds itself confronted by numerous threats on several different fronts. As we speak, thousands of U.S. soldiers, sailors, and marines are being deployed around the globe in such remote places as Southeast Asia, the Persian Gulf, and the Horn of Africa. Just last week, 4,000 soldiers from Fort Carson, CO, were given orders to deploy overseas.

The war against global terrorism continues to require substantial resources and considerable foreign cooperation. The administration has made enormous progress in this area, but more remains to be done. Many al-Qaida operatives are at large, and several nations continue to support terror groups. We must remain vigilant and proactive if we are to prevent future terror attacks.

With regard to Iraq, as the President said during his state of the union address, Saddam Hussein continues to hide his weapons programs, despite an aggressive weapons inspection regime. To many, the 12,000 page Iraqi declaration given to the United Nations last December was duplicative of previous declarations and revealed little of value. It only served to highlight Saddam Hussein's determination to retain his weapons of mass destruction.

The reports earlier this week by the U.N.'s chief weapons inspectors, Hans Blix and Mohamed ElBaradei, further demonstrated that Iraq remains unwilling to give up its weapons programs. In his statement to the United Nation's Security Council, Hans Blix emphasized this point. He said,

> Unlike South Africa, which decided on its own to eliminate its nuclear weapons and welcomed the inspection as a means of creating confidence in its disarmament, Iraq appears not to have come to a genuine acceptance, not even today, of the disarmament which was demanded of it and which it needs to carry out to win the confidence of the world and to live in peace.

Iraq has hedged, delayed, and avoided complete disarmament for over a decade. There comes a time when diplomacy and sanctions become exercises in futility. There comes a time when only military action will succeed where negotiations have repeatedly failed. There comes a time when the President of the United States, as leader of the free world, must say enough is enough.

Several press reports indicate that some U.S. allies, most notably France and Germany, may oppose military action against Iraq at this time. We should certainly take their thoughts into consideration. Our alliances should be both respected and preserved. At the same time, though, the President has an obligation to our country to do what is best for the United States—his primary responsibility is the safety and security of the American people. It is my hope that our friends and allies will recognize our determination to eliminate the threat posed by Iraq's weapons programs and support our efforts in the Persian Gulf.

Just as we prepare to confront Iraq's growing arsenal of destruction, we cannot ignore the threat posed by North Korea's nuclear and ballistic missile programs. The Bush administration has sought to form a global consensus to deal with North Korea's WMD ambitions. Press reports indicate that the President wants the United Nations Security Council to deal with this threat to East Asia. I think this is a good first step.

In many ways, the North Korean issue is different from the situation involving Iraq. There haven't been any U.N. resolutions calling for the disarmament of North Korea, nor have North Korea's allies, China and Russia, shown much interest in resolving this issue. A global consensus is now beginning to form. Our allies in the region, South Korea and Japan, are only starting to realize the danger North Korea's WMD efforts pose to the region.

Five years ago, North Korea test-launched a three-stage ballistic missile over Japan that could have reached parts of the United States.

I think that is worth repeating.

Five years ago, North Korea test-launched a three-stage ballistic missile over Japan that could have reached parts of the United States.

This test ended a debate as to whether our country was vulnerable to ballistic missile attacks from countries of concern. It became a question of what we were going to do about it. Finally, after much debate, the Congress authorized in 1999 the development and deployment of a national missile defense system "as soon as it was technologically feasible."

Since President Bush's election in 2000, the Department of Defense has made considerable progress on a missile defense system. With additional funding and less restrictions, the Missile Defense Agency has launched a broad effort to evaluate all potential options for missile defense, including ground-based, sea-based, and even space-based defenses. The MDA now has a number of high-profile missile defense systems in development and is making progress in developing sophisticated sensors capable of detecting incoming missiles.

As the chairman of the Senate Armed Services Subcommittee on Strategic Programs and Operations, including missile defense, I have assisted the President in developing these systems. Last year, the Congress provided nearly $8 billion for missile defense.

I am pleased that a number of projects are now nearing completion. The PAC-3, an enhanced version of the Patriot missile used during the gulf war capable of intercepting short and medium-range ballistic missiles, has entered into production. The Army's Theater High-Altitude Air Defense—THAAD—a system to counter medium-range ballistic missiles, is nearing production. And, perhaps most significantly, the ground-based mid-course interceptor system, which provides the United States with a limited defense against ICBMs, is scheduled to be deployed in 2004, as announced by President Bush on December 17 of this past year.

Missile defense is not the only program that has received increased attention since President Bush's election. The DOD budget as a whole has grown substantially over the past 2 years. Last year, the Congress authorized over $390 billion in funding the department, an increase of nearly $40 billion from the year before. While much of this increase went to support our military operations overseas, some of this money was used to shore up our counter-terrorism efforts, improve our intelligence capabilities, and develop new technologies to counter the growing threats to our Nation. The department is expected to request similar funding for the upcoming fiscal year.

The President and the Congress have worked hard over the past 2 years to reduce the threats to our Nation and prevent future attacks. It has not been easy. Partisan politics, divergent personalities, and conflicting perspectives frequently interrupt the process.

I believe the President deserves much of the credit for this progress. He has stepped up and led our country in a very difficult time. His message has clearly resonated with the American people. Increased vigilance and enhanced security are essential in a time of uncertainty and perceived vulnerability. I share this message and will continue to work in the Senate to see that measures that are enacted actually increase the security of the American people.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, how much time have we remaining?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. THOMAS. I thank the Chair.

IRAQ

Mr. THOMAS. Mr. President, I recognize there has been a good deal of discussion in the last day or two with respect to Iraq; much of it, of course, as a result of the President's State of the Union Message the other evening, and, of course, it is a legitimate discussion about where we are with respect to Iraq and terrorism.

I believe the President's message was very complete. I thought he spelled out exactly what his plans are and the reasons for them. I think he has pursued the proper course over a period of time.

Certainly, there is no one here who wants to have to go to war. No one here wants active military intervention if that can be avoided. On the other hand, this is a progressive situation that has to be resolved, which started back in 1991, and has not yet been resolved. So I think the only legitimate, reasonable course for us is to go through all we can to avoid military action, but if we do not get the results that need to be had, then that is our alternative.

I think we have been on the right course. And we are not finished. Certainly we are not finished. There is all kinds of evidence that things that were promised or ordered to be done have not been done.

I think one of the things we need to consider is times have changed. Times have changed since September 11. Years ago, when there were threats of war, what it involved, of course, was tanks and divisions landing and all kinds of very obvious military activities. Now the real threat is not that, it is terrorism; it is for things that could happen in this country similar to what happened on September 11—without all that preparation, without all that warning. It just happened in very terrible kinds of incidents. So I think in protecting our country, we need to understand the situation is quite different than it was.

There has been a great deal of talk about smoking guns. Frankly, I do not believe you need to see a smoking gun if you go back to the beginning of this whole enterprise. Go back to 1991, when there was a cease-fire arrangement after the gulf war, after Saddam had been driven out of the country he had invaded. And there was a legal basis for it. There was a cease-fire, an agreement, and a succeeding U.N. resolution which was the sound basis for our action in Iraq.

The Council Resolution 687 was adopted in 1991. At the heart of it was a disarmament obligation from Iraq. Then you remember we had inspectors there up until 1998. There was very little cooperation during all that time, and the evidence they had accumulated then is still available. This was all done under international supervision. But nothing was completed. There was not success in forcing Saddam to disarm. So that is where we are at this time.

I think the policy we have to take takes into account what should have been done, what has not been done—this irresponsible activity on the part of Iraq's leadership—and, therefore, we are in the position to have to be prepared to do whatever is necessary to make that happen.

I certainly hope that can happen. And I presume there is going to be some more time for inspectors. Hopefully, based now on another U.N. resolution, which, of course, was done in November of last year, we can put on more pressure to have him comply with that resolution.

The key to this situation, I hope everyone remembers, is to disarm—not necessarily to attack, not to go into Iraq if we can get disarmament. That, obviously, is the thing we are set up to do.

I believe we ought to continue to follow the vote we took in the Senate. I think it was 77 votes supporting the President to do what he has to do.

Now there are suggestions of having to go back and do that again. I do not understand that, frankly. The basis for that vote is still the basis for where we are today. The authority there is the authority to finish the job that is very threatening to everyone and, indeed, must be completed.

I certainly support the President and his team in terms of trying to come to a resolution on this situation, being prepared to do what we have to do—hopefully, not having to do it—but to be sure we do everything we can to protect Americans, to protect the world, to establish the responsibility that countries have with respect to the U.N. If we are going to have a U.N., if we are going to have U.N. resolutions, then they should be enforced, and they should be expected to comply.

I believe that is where we are. All of us hope for the best and continue, I hope, to support the President to do what is necessary to protect us from another September 11.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and the Committee on Governmental Affairs is discharged from further consideration of the following nomination which the clerk will report.

The legislative clerk read the nomination of Gordon England, of Texas, to be Deputy Secretary, Department of Homeland Security.

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes evenly divided on the nomination.

The Senator from Maine.

Ms. COLLINS. Mr. President, the Presiding Officer had the misfortune last night to be presiding when I presented the qualifications of Secretary Gordon England to be the Deputy Secretary of the new Department of Homeland Security. Unfortunately for the Presiding Officer, the vote did not occur last night, so he is going to once again hear a little bit more about Secretary England. But since Gordon England is such an unusually well qualified candidate for this position, I will beg the indulgence of the Presiding Officer as I outline for my colleagues who were not here last evening his qualifications for this important post.

Last Wednesday, the Senate voted unanimously to confirm Tom Ridge to be the first Secretary of Homeland Security. Today, I am confident that the Senate will unanimously confirm Gordon England to be Secretary Ridge's Deputy at his side at the helm of this critical new Department.

The Department of Homeland Security opened its doors last Friday. Together, Secretary Ridge and Deputy Secretary England make a formidable team to chart the new Department on a course to protecting our Nation from the threat of terrorist attacks.

As President Bush has said:

> Our enemy is smart and resolute, [but] we are smarter and more resolute.

Part of our resolve must be to place the best possible leaders in charge of the new Department of Homeland Security. Gordon England is such a leader. The Committee on Governmental Affairs, which I have the honor of chairing, thoroughly considered his nomination. We held a hearing last Friday. The nominee also responded to extensive prehearing questions. And yesterday the committee unanimously agreed to discharge the nomination to expedite floor consideration.

Gordon England is extraordinarily well qualified for this important post. He currently serves as Secretary of the Navy, a position he has held since May 2001. Moreover, he came to the Navy with an impressive portfolio of management experience. He served as executive vice president of General Dynamics and he was responsible for two major sectors of the corporation: Information systems, and international affairs.

Earlier in his career, he served in various executive capacities at a number of divisions of General Dynamics. But as preparation for becoming the Deputy Secretary of Homeland Security, it would be difficult to beat a tour as the Secretary of the Department of the Navy. As Secretary, Gordon England headed a department with a budget of over $100 billion and consisting of 462,000 sailors and 212,000 marines.

The Department of Homeland Security, which we often describe as a massive new Department, will bring together a civilian workforce of about 170,000 individuals. The Secretary of the Navy not only had many more military employees to supervise, but he had a civilian workforce of 190,000 employees.

Secretary England's extensive experience in managing large complex operations in both the private and public sectors will serve him well as the Deputy Secretary of the new Department.

Moreover, Secretary England brings a complete understanding of the Department of Defense which will prove invaluable in developing the appropriate communications links and levels of coordination between the Department of Defense and the Department of Homeland Security.

The Department of Defense recently established the U.S. Northern Command, or NORCOM, to oversee and further develop land, aerospace, and sea-based military defenses of our homeland. It has also established a new Assistant Secretary of Homeland Security. So it will be critical for the Department of Homeland Security to have a good relationship with the Department of Defense and very good coordination between the two Departments as each performs its mission in defense of our homeland.

Secretary England's knowledge will help ensure that the two Departments work as a team and not at cross-purposes. In short, I believe Secretary England is uniquely qualified for this important job. We are extremely fortunate as a nation to have two such highly qualified individuals as Secretary Tom Ridge and Deputy Secretary Gordon England at the helm of this critical new Department.

I urge my colleagues to join in supporting this important nomination.

Seeing no one seeking the floor, I suggest the absence of a quorum and ask unanimous consent that the time be assigned equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise today in support of the nomination of Secretary Gordon England to the position of Deputy Secretary of the Department of Homeland Security. Secretary England has earned my appreciation and respect as Secretary of the Navy. We have met in oversight hearings conducted by the Senate Armed Services Committee on which I serve, and by the Airland Subcommittee I have been privileged to chair.

Based on that experience, I have no doubt but that Secretary England will make a highly honorable and effective Deputy Secretary of Homeland Security. His qualifications are not in question, nor is his dedication. Throughout his entire professional career, Secretary England has demonstrated a unique readiness, willingness, and ability to help make America safer.

However, as I have said repeatedly, it will not be enough for this Department to be led by public servants with good judgment, strong experience, and in-depth expertise in homeland security. Of course, that helps tremendously. But more important than the quality of the officers is the quality of the orders, and in my view, since September 11, the Bush administration has not proven itself bold enough, aggressive enough, or visionary enough to make America significantly safer.

Let me give you three quick examples.

First, intelligence. This administration's failure to confront, much less fix, the fundamental problems that plague our intelligence community has been discouraging, disappointing, and I believe potentially dangerous.

I am, of course pleased that the President, in his State of the Union address, announced his support for the creation of a Terrorism Threat Information Center. For many months now, I and other members of the Senate have been proposing a similar analysis center as a way of addressing one of the most glaring weaknesses in our domestic defenses exposed by the September 11 terrorist attacks. This new center will be the place where the dots are connected, to give our Government a better chance of uncovering terrorist threats and preventing attacks. I am glad that the Administration has finally agreed this is critical to our ability to better protect the American people, though I must admit my frustration that it has taken this long for the President to awaken to the wisdom of this solution.

During the debate over the Department of Homeland Security, I proposed creation of an independent Intelligence Directorate, under the Secretary of Homeland Security, to be staffed by analysts on loan from the FBI, CIA, and other intelligence agencies, and given maximum access to the information about all terrorist threats collected by those agencies. Its purpose would be clear, to connect the dots and overcome the failures to share intelligence that surely contributed to the successful terrorist attacks on our country.

Unfortunately, the President opposed that approach. Instead, the administration insisted on focusing the Department's intelligence center on protecting critical infrastructure, rather than on performing analysis primarily designed to preempt and disrupt attacks before they occur. In the end, a compromise was reached; creating a single directorate that would analyze all terrorist threats as well as assess vulnerabilities to the infrastructure. However, until the President's State of the Union Address, the administration has insisted on implementing its original concept of infrastructure protection.

But there is still serious reason for concern. The President said Tuesday night the new analysis center would answer to the Director of Central Intelligence and would be composed of analytical units from the FBI and the CIA. But Congress's clear intent was that he should create a strong Directorate to "connect the dots" within the Department of Homeland Security. Historic rivalries among the CIA, FBI, and other intelligence agencies are a major problem we must overcome. Placing this fusion center in the new Department would ensure analysis from an independent entity outside of the existing rivalries. The President's approach perpetuates a major part of the problem. Though I am glad he has finally agreed that we need a single Terrorist Threat Information Center, the President has been altogether too reluctant to challenge the status quo in the intelligence community and the FBI.

Second, the role of the military. As Secretary England understands well, our armed forces have tremendous resources. There are 1.3 million people on active military duty, most of them in the United States, and about 900,000 members of our Reserves and Guard. That's 2.2 million defense personnel. We expect the Department of Homeland Security to employ about 170,000 people.

Taxpayers will invest almost $393 billion this year, money well spent, in their Department of Defense. The new homeland defense department will probably have a budget, and total resources, about one tenth that.

Now, of course, our military's principal activities will be and must be outside our borders. As we are learning in the effort to disarm Iraq, we need our forces to be strong. We need them to be flexible. We need them to be ready at any time.

But I believe at the same time we can and must use some of our defense assets more effectively here at home. Our Department of Defense has trained, disciplined, cohesive units with more experience in responding to crisis, more technology, and more expertise in dealing with chemical, biological, nuclear, and radiological weapons, than anybody else in government. It has created a new northern command to defend the United States. In this new kind of war taking place on a homeland battlefield, we must use all those resources optimally.

I've put forward some ideas on how to do that, primarily by applying some of the expertise and experience of our National Guard. I hope the administration engages in this discussion and comes forward with some ideas of its own. Secretary England's experience will make him an invaluable contributor to this discussion.

Third, let me briefly discuss the role of the private sector.

"United we stand, divided we fall" is not a cliché. In the case of the war against terrorism, it is a truism, and a warning for us all to heed. This war cannot be won by Government alone. We must be one Nation under collaboration, one Nation under cooperation. I hope Secretary England, who has extensive experience as an engineer and executive in the aerospace industry, is ready to think creatively about how best to engage private industry to better protect us from terrorism, because in the past 16 months, the Bush administration has been far too passive on this front.

We are paying a price for that passivity. According to a report issued by the Council on Competitiveness in December, the vast majority of U.S. corporate executives do not see their companies as potential targets of terrorism. Only 53 percent of survey respondents indicated that they had made any increased security investments between 2001 and 2002.

And most of the security changes in the past year in the private sector have focused on "guards, gates and guns", in other words, on protecting the physical security of buildings alone. Despite 80 percent of the respondents to the Council's survey indicating they had conducted vulnerability assessments related to their physical plants, barely half have studied the vulnerabilities in their telephone and shipping networks, electric power supplies, and supplier companies, and even fewer companies had made any changes based on these assessments.

With 85 percent of our critical infrastructure owned by the private sector, this slow action ought to be a national concern, and correcting it ought to be a national priority.

Another area I believe we should instantly expect more productive public-private partnerships is in vaccine development. I am pleased that the President has now acknowledged the need to build new shields to protect ourselves from the deadly bioterror arrows that our enemies may use against us. This is an urgent priority that our Government has let languish for far too long.

Unfortunately, the administration's approach to developing medicines to protect us against a bioterror attack has been too narrow, too conventional, too slow, and too small to rise to this urgent challenge. Respectfully, the new initiative announced by the President, what we know about it today, seems to be more of the same. So far, the administration has addressed this problem by providing funding for basic research by academics. But that is not the only thing we need to do to swiftly develop breakthrough new medicines that we can stockpile and deploy.

To do this the right way, we also need to engage our ingenious private sector, the biotechnology and pharmaceutical industries, which have so far shown no interest in this research. Today, even if the academic scientists find a promising lead, there is no company ready to move that antidote or medicine from concept to product, from laboratory to bedside.

Back in December of 2001 I introduced legislation, now cosponsored by

Senator HATCH, S. 3148, to provide incentives to private companies to take up and accelerate this vital research.

The BioShield program apparently adopts one of the ideas from our bill, to provide a guaranteed purchase fund for needed medicines. That is good news, and I am glad the President has seen the wisdom of this approach. I have said for more than a year that we can't expect these private companies to commit themselves to this R&D if they cannot determine the scope and terms of the market that might await them.

But based on the details the White House has released to date, BioShield does not incorporate any of the other incentives I have proposed, no tax incentives, no intellectual property protections, no liability protections, no incentives to develop research tools or construct manufacturing facilities. It is a bare and belated beginning on what we have to do to engage the private sector in this research.

We are in grave danger. The Defense Science Board estimated in 2000 that we have only 1 of the 57 diagnostics, vaccines and drugs we need to deal with the top 19 bioterror threats. In other words, if you do the math, we were less than 2 percent prepared. No progress has been made since then. The DSB said if we were to launch a major industrial development effort, we might be able to develop twenty of these countermeasures in 5 years and thirty in 10 years. The President's announcement of $600 million in funding over 10 years won't begin to address this massive and threatening gap.

The administration's failure on this front is, in my view, part of a general myopia. The President seems unwilling to enlist every sector and segment of society to do its part to help us win the war against terrorism. But Americans want to contribute. They want to know what they can do for their country. This would have been the perfect place for the President to pave the way to a new, productive partnership between Government and the private sector. But, regrettably, he has missed the opportunity.

I have put forward a comprehensive proposal to ignite private development of the countermeasures we will need to protect ourselves from the dozens and dozens of bioterror agents that might be used against us. Those medicines, antidotes, and vaccines won't materialize by accident. Getting that done will take leadership from Washington.

Let me conclude by saying that I appreciate Secretary England's commitment to serve. The country appreciates his public and private service over the course of the last 40 years, and values his experience, expertise, and management skill which will be focused on this urgent new challenge.

I look forward to partnering with soon to be Deputy Secretary England and Secretary Ridge, but I also look forward to pushing and prodding this administration, which has so far moved too slowly and cautiously in closing our dramatic homeland security vulnerabilities.

Ms. COLLINS. Mr. President, I ask unanimous consent—I know we have the vote ordered for 2:50 p.m.—that the Senator from Virginia have 2 minutes.

Mrs. BOXER. Reserving the right to object, I have an airplane to catch. Can the Senator withhold until after the vote?

Mr. WARNER. I will withhold until after the vote.

Mrs. BOXER. I so appreciate that.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gordon England, of Texas, to be Deputy Secretary of the Department of Homeland Security?

Ms. COLLINS. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. LAUTENBERG) would vote "Aye."

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Lautenberg

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

Mr. WARNER. Mr. President, I rise today to commend the President for the selection of Gordon England for the post to which the Senate will confirm him soon in the newly created Department of Homeland Security.

I have had the privilege of working with Mr. England for some time now. Since he assumed the duties of Secretary of the Navy, we immediately became friends—because we had known each other while he was in the private sector, but, of course, I having had the privilege of serving as Secretary of the Navy some many years before, we were sort of a band of brothers—those of us who are privileged to serve in the greatest Navy in the world, and particularly in the post as a civilian boss. We have worked together these many years.

I want the record to reflect the extraordinary qualifications of this nominee. The Navy will miss him. But duty calls so often. It did in this instance because the President and Secretary Ridge wanted to draw on someone who had a proven record of management capabilities. Gordon England exhibited that record while he was Secretary of the Navy. He will exhibit it as the hands-on operator of the management decisions in assisting the distinguished Secretary, Mr. Ridge.

I am very pleased with this nomination.

I want to mention just a few things about the distinguished career of this fine person.

He began his career with Honeywell Corporation working as an engineer on the Gemini space program before joining General Dynamics in 1966 as an avionics design engineer in the Fort Worth aircraft division. He also worked as a program manager with Litton Industries on the Navy's E-2C Hawkeye aircraft.

By coincidence, these are programs I worked on somewhat when I was Secretary, Under Secretary, and then, of course, while I have been here in the Senate serving now 25 years on the Senate Armed Services Committee.

He served as executive vice president of General Dynamics Corporation from 1997 until 2001 and was responsible for two major sectors of the corporation—first, information systems, and international.

Previously, he served as executive vice president of the Combat Systems Group, president of General Dynamics Fort Worth aircraft company. Before that, he served as president of General Dynamics land systems company producing land combat vehicles.

He has had this management experience, particularly in high-tech areas. Much of the Homeland Defense Department function will be going to the private sector, encouraging that private sector to design state-of-the-art and beyond—I stress "beyond"—technology to meet the many unknowns with which our Nation and other nations are confronted in this battle against worldwide terrorism.

Mr. England is a native of Baltimore. He graduated from the University of Maryland in 1961 with a bachelor's degree in electrical engineering. In 1975, he earned a master's degree in business administration from the M.J. Neeley School of Business at Texas Christian University. He served as a member of the Defense Science Board and was vice chairman of the National Research Council Committee on the Future of the U.S. Aerospace Industry.

It is an extraordinary record.

If I may say with the greatest respect to our President and to the new Secretary that his first Deputy, Gordon England, in the Department of Homeland Security, I think, can help avert what could come about as a tug of war between the Department of Homeland Security and the Department of Defense as it regards budget matters. Both have the highest priorities, properly accorded by our President, and indeed I think the Congress. Homeland defense is just starting. As their cash flow and appropriations come in, I hope they will be adequate to meet the needs of this new Department. If they are not, I hope we can find other means by which to finance those requirements. They should be given top priority financially and support-wise because they will guard us here at home—augmenting what is in place already by way of the National Guard, the North Command and the other commands of the Department of Defense—many other things that are in place in bringing together the various and disparate agencies and departments and put them under this one head.

I am going to be ever watchful—and I think my good friend, Gordon England, likewise—to advise the Secretary of Defense and to advise the Secretary of Homeland Security. We cannot ever witness a budget war between these two strong and powerful and vitally needed Departments. Gordon England is eminently qualified to see that doesn't happen. Homeland defense starts beyond our shores in the forward-deployed positions of the men and women of the Armed Forces all over the world.

For example, on the battlefields of Afghanistan, we have made great progress.

I had the privilege just this morning of meeting with General Franks to talk about the progress he has made and the challenges that remain in Afghanistan. But he has, in large measure, achieved a goal of stemming the flow of terrorism from that troubled piece of land to other places in the world and will continue to fight that battle.

That is the clearest example I can give right now of where we have to stop terrorism before it comes to our borders. Hopefully, it can be interdicted there and certainly interdicted before it gets into hometowns in America.

Those two Departments must be adequately funded because they will work together to protect this great Nation.

I wish my old friend good luck, fair winds, and flowing seas, as we say in the Navy. He is eminently qualified to take on this position.

I thank the Chair.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent that there now be a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAR SKIES LEGISLATION

Mr. JEFFORDS. Mr. President, during his State of the Union speech, President Bush said that he has,

> sent to us [Congress] his Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years.

What he did not say is that the present Clean Air Act, according to EPA, will do a better and faster job of reducing emissions than his proposal. It will do all that without eliminating vital air quality protections as proposed in the President's Clear Skies bill.

What he did not say is that the proposal's timeline does not work with the Clean Air Act's. It stalls and delays present State and general efforts to achieve air quality standards and it also ignores global warming.

Worse yet, the President's proposal would contribute to the premature death of tens of thousands of people who we could otherwise save by full and faithful implementation of the present Clean Air Act. Under his plan, there will be more areas struggling longer to achieve attainment of air quality standards.

In 2001, large power plants were responsible for emissions of 10.6 million tons of sulfur dioxide, SO_X and 4.1 million tons of nitrogen oxides, NO_X. That is 33 percent and 25 percent less, respectively, from 1990 levels. But that is still far too much pollution going into our air, our lungs and falling onto our land.

These acid rain and smog causing pollutants contribute heavily to premature mortality, asthma and lung disease. They also continue the acidification of ecosystems in New England and elsewhere.

In 2001, EPA advised industry that the Clean Air Act at full implementation would likely require an 80 percent reduction in SO_X and a 70 percent reduction in NO_X from today's pollution levels. EPA also said that mercury, a potent neurotoxic pollutant, would have to be reduced by 90 percent.

EPA said these reductions would have to occur in 2008 for mercury, 2010 for NO_X, and 2012 for SO_X. The President's proposal hits none of these marks, and still takes 6 more years to even get close to the necessary reductions.

The proposal falls significantly short of Clean Air Act requirements. Senators can see a comparison outlined in this chart.

The President's proposal also falls short by approximately 1.4 billion tons of carbon dioxide. That's the amount that should be reduced by the electric utility sector under our treaty commitment to try to reduce greenhouse gas emissions to 1990 levels. Clearly, we have failed.

Perhaps these shortfalls are why no Senators cosponsored the President's Clear Skies proposal when it was finally introduced last year. Perhaps the elimination of important State and local air protection authorities kept senators from supporting it.

Whatever the reason, the President's proposal had little or no public support. Yet, since January 20, 2001, the administration has had every opportunity to constructively engage with us and promote his Clear Skies proposal.

But, they did little or nothing. They certainly did not respond in a timely, helpful way to legitimate inquiries on its effects.

Instead, they spent their time figuring out ways to deregulate and to rollback air quality protections under the cloak and shadow of their three-pollutant initiative.

Perhaps now, as the 2004 elections get nearer and the administration as yet has no tangible and positive environmental achievements of its own, we can work together. I urge us to work together to make progress.

But, unless the Administration agrees to cooperate on information sharing and problem solving, we are going to get nowhere even faster. We cannot afford to change and we should not change the Clean Air Act without knowing the likely outcome of our actions.

Let's assume for a moment that we all want the same things. We want to stop acid rain. We want to reduce mercury-related fish contamination and birth defects. We want to start dealing with manmade global warming. Most importantly, we want cleaner, clearer air as soon as we can get it.

We can achieve all those goals in a four-pollutant bill. We can do even better than the Clean Air Act at full implementation if we have the will and the courage. But doing less than the Clean Air Act would provide is simply backsliding.

I will soon be introducing an alternative to the President's proposal with Senators COLLINS, LIEBERMAN and others. This legislation is a better and much more accurate response to the environmental and public health problems that our Nation faces.

In the coming days and weeks, I will take to the floor to discuss the need for strong legislation.

I will continue my efforts to obtain information that the administration continues to withhold. This regards the legal, public health and environmental effects of their deregulation efforts as well as their three-pollutant approach.

A detailed chronology of correspondence on our New Source Review requests appears in the RECORD of January 21st.

On Tuesday evening, the EPA Administrator called to tell me the President would speak on the Clear Skies proposal in the State of the Union. She said she hopes we can work together. I don't doubt Governor Whitman's sincerity. But, so far, "working together" on environmental policy has been an alien concept for this White House. Instead, they have left Congress, the States, the environmentalists, and the people, in a public relations haze.

Progress will be much easier and swifter if we can really work together honestly and without all the smoke and mirrors. That is the only way to approach these severe public health and environmental problems. That is why a four-pollutant bill is necessary.

I point to the chart and urge people to look at this chart which demonstrates very clearly what would happen if we leave things the way we are or if we put the "Clear Skies" in. We are much better off to leave the Clean Air Act where it is than we are to do anything. But we will be producing and bringing forward at a future time our four-pollutant bill, again, which will do even more than the present Clean Air Act and does not degrade or lessen the Clean Air Act.

I urge everyone to be very alert about what is going on in the environmental legislation because it could get better and save lives or it could knock it out.

I yield the floor.

DAVID HOPPE

Mr. DASCHLE. Mr. President, I want to take a moment to join many of my colleagues, Democrats and Republicans, to thank Dave Hoppe for his service to the Senate and to wish him well as he continues to pursue new opportunities.

One of the reasons we will miss Dave is because he exemplifies the best of the Senate—a place where we can find compromise, a place where we can disagree passionately, but one where we can do so honestly, and amicably.

From personal experience, I can tell you that Dave is a gifted negotiator, and, when necessary, a tough adversary.

But I can also tell you that much of what I admire about him—much of what we all admire about him—transcends his political skill, and his legislative prowess. It is his decency.

In 1997, Dave drew on his personal experience, and became integral in bringing the Individuals with Disabilities Education Act into being. In talking about the issue of disability in our society, Bob Dole once said, "some issues transcend politics, foster a bipartisan spirit, and result in legislation that makes a real and lasting difference."

Because of Dave, disability education is one of those issues.

And, as Dave leaves, I think we could modify Bob Dole's words. There are some people who transcend politics, foster a bipartisan spirit, and make a real and lasting difference. Dave is one of those people.

So, Dave, I want to thank you, congratulate you, and wish you and Karen—and Katie and Geoffrey and Gregory—all the best in the years ahead.

Mr. ALLARD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ALLARD. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:26 p.m., recessed subject to the call of the Chair and reassembled at 6:59 p.m. when called to order by the Presiding Officer (Mr. CHAMBLISS).

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIV/AIDS

Mr. FRIST. Mr. President, for a few moments before closing tonight—and we have had a very productive day and we will make the more formal announcements in about 15 minutes or so—I take a few moments addressing an issue that means a lot to me, personally, and to take a moment to reflect upon an announcement that the President made at the State of the Union two nights ago.

It has to do with a little virus, called HIV/AIDS virus, and the devastation it has wrought on individuals, most importantly, but also communities and villages and counties and States and countries and continents and, indeed, the whole world.

Once a year I have a wonderful opportunity to travel to Africa as part of a medical mission team. I travel not as a Senator, but I have the opportunity to travel as a physician. Last January, on one of these medical mission trips, I treated patients in villages and in clinics and a number of countries in Africa, including the Sudan, Uganda, Tanzania, and Kenya. Many of the patients I dealt with were infected with HIV/AIDS virus. This little tiny virus, a microorganism, causes this disease we all know as AIDS.

I think back to a number of patients. In Arusha, in the slums, conditions are crowded, but as you walk through these very crowded slums, the people there are very proud. While there, I visited with a young woman by the name of Tabu. She lived in a small—by small I mean one room, probably 8 feet by 8 feet—stick-framed mud hut. I remember walking in there, as my eyes adjusted, and seeing a very beautiful woman, 28 years old, sitting on the edge of the bed—a human smile. And on the walls behind her, to keep moisture out, were newspapers plastered on the walls. Again, things neat and clean, but a very small hut which was her home—a woman with a broad smile who was obviously sick, and very sick, meaning she would die in the next week to 2 weeks.

She lived in this, her home, with her 11-year-old daughter, Adija, whom I also met, although her other children did not live with them in that hut because Tabu was so ill and so sick that she simply couldn't physically manage having the other children there. As she explained her story to me—again, I was the physician from America who came to be with her—her story was one she was a little bit embarrassed about because she literally had to send her children away because of her disability—her physical disability, due to this little tiny virus—to send them away to live with her mother who could take care of her children.

I mentioned her smile. As my eyes adjusted, I saw that she was indeed wasted, thin and sick, but her eyes and her smile were full of hope. That smile in many ways hid the pain of that illness, the pain of having to send her children away. The next day, she left her hut and she was going to go live with her mother for the last few days of her life, to die in her childhood home.

Tabu told me she was one of four sisters, all of whom had HIV/AIDS. All had been infected with the virus. Musuli, a sister 20 years old, who lived with her mom; Zbidanya, 15 years of age; and an older sister, Omeut, who had already died.

Tabu died the next week. But she didn't have to. If we do our job and if we follow the bold leadership as spelled out by the President of the United States, we can cure this disease, a disease that is destroying nations—indeed, destroying a continent, and mercilessly and relentlessly spreading throughout the world—Russia and China and the Caribbean.

That face of Tabu, there in Arusha, in that home, is indeed the face of AIDS in Africa and in nations around the world.

The little tiny virus is not all that different from the viruses I am quite accustomed to treating in the population I treated before coming to the Senate, that can tear apart individuals, but this virus is different in that it is smarter. It is more cagey than other viruses. But it is still just a little microorganism that is wiping out these continents, a little tiny virus. It is ravaging families. It is causing mass destruction, this little tiny virus. It is ravaging societies. It is ravaging economies. It is ravaging countries. And, indeed, it is ravaging whole continents. To my mind, there is no greater challenge, morally or physically, facing the global health community today than this global health crisis.

The other interesting thing about it is, it is new. Usually if you have something this devastating, you think it has a long history and has grown over the years and over the centuries. But it is new. When I was in medical school, we had never heard of an HIV virus; we had never heard of the disease called AIDS. I am not that old; 1981 was the first time in this country we were smart enough to figure out that there is this little HIV virus that causes AIDS—1981. That is 22 years ago.

But since that pandemic—epidemic means a disease spreading in one part of the world. A pandemic is just that, it is spreading all over the world. That is where the "pan" in pandemic comes from. Since 1981, more than 60 million people have been infected with this little virus that wasn't around 23 years ago. That is basically the population of the great State of New York times 3. Twenty-three million people have died from this little tiny virus. And we are losing the battle. We are fighting it, but it is a battle we are losing as we go forward.

For every one person who has died since I was in medical school, say, since 1981 when we first discovered it in this country, for every one person who has died in the last 20 years, in the best of all worlds, if we do everything perfectly, we do everything right, for every one person who died in the last 20 years, two people are going to die in the next 20. That is in the best of all worlds.

Why is that? Because there is no cure for this virus. People hear me talk on this floor a lot about vaccines, saying we need to protect the infrastructure and fight bioterrorism with these vaccines. We do not have a vaccine for this little tiny virus. So we have no cure. We have no vaccine to prevent it. As I said earlier, this little virus is smart. Whenever we have a therapy that works pretty well, the little virus changes itself—probably 1,000 times faster than other viruses—so it will defy that treatment. Every time we get a treatment, it changes itself. It is a cagey virus.

The virus causes AIDS. AIDS is the disease, the manifestation. Tabu, being wasted and thin—the virus itself is what causes it. What do we know about the disease itself? Whom does it hit? Put aside perceptions, the stigma of AIDS. Put them aside. Let me tell you about the virus. The virus hits young people. Eight hundred thousand children were infected in 2002. Young people account for 60 percent of the new HIV infections each year. Worldwide, 13 million people have been orphaned by AIDS. Most of them are, indeed, in Africa. When you are orphaned by AIDS; you are left without mentors; you are left without parents; you are left without a supportive structure; you are left without the support we have in other, more advantaged, countries.

As I go to Africa on these mission trips—again, I go down as a physician—you have the opportunity to go walking through villages. Nothing really can prepare you for walking through a village and looking at the people in the homes. You see very old people—not very old, but old for the society there—people in their seventies, sixties, fifties. Then you see just little kids running around. What you do not see are people 20 years of age, to 35, to 40 years of age. It is almost like this whole segment of the population has been wiped out—old people and young people, but nobody in their productive years.

That is what you see if you go to Nairobi and you walk through the Kibera slums, which go on, it seems, forever. When you walk through the slums, you don't see people in their most productive years.

Entire generations are being wiped out, and kids are growing up in the streets with no parents and no mentors. And that all translates down into no hope.

What is fascinating is that we have the power to bring them hope. That is why I get excited when the President thinks big. And he articulated that in the State of the Union speech. It is thinking big because we have the power to bring them hope. We must ask ourselves, How can we, since we have that power, not use that power?

Most people do not realize the disease of AIDS caused by the virus is today a disease of predominantly women. It is just not part of what we historically have pictured what this disease is all about. More than half of all the people now infected with AIDS are women.

With AIDS on a rampage through the villages of sub-Saharan Africa, life expectancy in Africa is now 47 years of age. I wouldn't be alive at 47 years of age.

What is interesting is, what increment is due to this little, tiny virus? If the HIV virus had never appeared over the last 20 years, instead of living 47 years you would live 62 years—just because of this little virus.

If you are born in Botswana, you are not going to live to 47 years, or 45, or 43, or 42, or 41. You may live to the age of 38. Average life expectancy, if you are born in Botswana today, is 38 years of age because of this single little virus wiping out people, destroying people, killing people in their most productive years.

In 2005, in Zimbabwe, 20 percent of its workforce will be wiped out due to AIDS. Death is tragic enough. Taking this productive segment of society, very quickly you have to ask yourself, with that productive segment as parents and with the infrastructure of civil society disappearing, what happens to the children who are left behind? Who will feed the children? Who will mentor those children?

Law enforcement is being wiped out, and teachers are being wiped out. Kenya has reported in recent years as many as 75 percent of the deaths in law enforcement, in its police force, are AIDS-related. In civil society the potential for disruption is obvious.

If you look at what this little tiny virus incrementally does to the economy of these countries, we see we can give unlimited aid and money, but unless we defeat this little virus, the economies are not going to grow; they are going to diminish. If you look at those countries where the prevalent rates are about 20 percent or so—which is, in medical terms, significant penetration, but not unusual for Africa—the economy doesn't grow but drops 2.6 percent a year because of the HIV/AIDS virus. Why? Because you wipe out the most productive people in that society. We see poor countries growing poorer because of the virus, not just financially, which is how we measure gross domestic product, but spiritually. The hopelessness, the helplessness that comes from this little virus, all of a sudden becomes the norm.

What is the role of the United States of America, especially in light of the President's pronouncement the other night? Historically we have much to be proud of. I think we need to add that, because we read about people from other countries and people associated with the United States who have never stepped to the plate. I want to disabuse my colleagues and people who are listening. The United States has already done much to combat global HIV/AIDS in terms of research, and in terms of financial investment, both unilaterally and bilaterally. You hear about the Global Fund on AIDS, Tuberculosis and Malaria—an important fund, a new fund, that hasn't yet been proven. But it becomes sort of the marker in many people's minds of what we are contributing. In truth, it is one part of a huge battle—a lot of resources that were actually invested in fighting AIDS, but in terms of that Global Fund on AIDS, Tuberculosis and Malaria, the United States was the first donor under President Bush. In a second round of financing, we once again were the first donor to that fund. Before the President's announcement, we were that global fund's largest donor. We placed $500 million, more than any other nation. That is a quarter of all the pledges. The next closest country hasn't even matched half of our commitment.

I say that because I am offended when people say the United States simply has not stepped to the plate.

Just as impressive is the speed with which we have addressed this issue historically. We ramped up funding dramatically in both direct aid, bilateral aid, and global fund money.

Total funding in 1999 was $154 million. Remember, the President two nights ago was talking about billions of dollars. Just 4 years ago we spent totally $159 million. In the last 4 years, there has been an eightfold increase, up to about $1.2 billion. Indeed, the United States is today leading—even before the President's announcement—the global fight against HIV/AIDS. I think we can be proud of that. But—and is where the President's announcement came—we can do more. I believe in support of what the President has said from a moral standpoint, we can and should and will do more.

I mentioned we are losing the battle. Every 10 seconds somebody dies of the infection. But in that same 10 seconds there are two new infections. Remember that we have no cure. That is right now. That shows there is so much to be done. Each death and each new infection is one more tragic battle lost in the war against this killer virus.

I think, I know, that we have a moral obligation and a human requirement to provide more resources to fully enter the big war to win the battle one person at a time. Those resources must be managed and monitored so they get to those people who we intend to help. The process must be transparent. I know that the President, because he has told me personally and in meetings many times, wants to invest that money making sure we get results; that the money is used wisely with focus, that it is used transparently, and that we measure the results we set out to achieve.

I think also we in this body need to summon the commitment of all Americans to be soldiers in this war in whatever way they possibly can. I say that only because as elected officials, although we know it is the right thing to do and morally the most powerful thing to do, some constituents around the country ask, Why in the world are you investing in a disease that, yes, affects the world but is predominantly a continent so far away?

One of the reasons I am carrying on this discussion tonight is because I think each of us has an obligation—has an opportunity but also an obligation—to help educate not just our colleagues and people in Congress but people all across America. We need to do that every day in speeches—every time I go back to Tennessee or my colleagues go back to Nevada or South Dakota or Georgia or California. We have made a lot of progress in the last couple of years. With the President's announcement in the State of the Union Address, I believe we are on the cusp of a truly historic leaf that I believe can turn the tide of this devastating disease, if we will start saving lives and also instilling hope.

Over the past 2 years, Senator KERRY and I, with a bipartisan group of Senators, have constructed and put together what I believe is a significant bill that addresses this little, tiny virus—this cagey virus that is causing this mass destruction—and which addresses the moral challenge this virus represents. The legislation will be discussed in the Foreign Relations Committee next week, led by the Senator from Indiana, chairman of that committee, Senator LUGAR. I hope this bill becomes the legislative counterpart to President Bush's bold initiative.

The President has pledged more resources, significantly more resources, a tripling in funding. He has proposed an emergency plan, and he has used—this may be the most significant thing—the bully pulpit to rally a great Nation to this noble cause. He sets the gold standard for humanitarian efforts for the United States but also for the world. I know he has personally committed to achieving results. His proposal, once our bill is acted upon, will prevent 7 million of these new infections, will provide the antiretroviral drugs for 2 million HIV-infected people, will care for 10 million HIV-infected individuals and AIDS orphans, and will provide $15 billion—$15 billion—in funding over the next 5 years.

I should also add that, as a government, we cannot do it alone. Even single leaders cannot do it alone. Even what this body does cannot do it alone.

It is truly remarkable, as I have been addressing this particular issue over the last 8 years, to see this new intersection, this new coalition of partners that heretofore just has not existed. It has not existed. By that I am talking about the pharmaceutical companies. At the end of the day, it is going to be the research of the pharmaceutical companies—in developing vaccines, in figuring out why this virus changes—that will give much of the answer. The pharmaceutical companies, the faith-based community—the churches, the spiritual community—the academies, and the universities all across this great Nation are coming together at this intersection, along with Government and along with, I should add, the private sector and foundations.

I mention the foundations because we just saw an announcement last week by Bill Gates. It is significant, with big numbers, huge numbers going to global health. We have seen nothing like this in the history of the world. It comes from a foundation that, in truth, moves a lot faster than Government can move. We have been working on the HIV/AIDS issue for years and years and years. Bill Gates basically said: Listen, I see the problem. I am going to go out and do my best to lick the problem. Indeed, he announced this past week a remarkable $200 million grant to establish what is called the Grand Challenges in Global Health initiative. This is going to be a major new effort and a partnership with our NIH, our National Institutes of Health, which will accelerate research on the most difficult scientific barriers in global health.

Today, only 10 percent of medical research in this country—only 10 percent—is devoted to the diseases which account for 90 percent of the health burden in the world. Mr. Gates said: It doesn't make sense. For 90 percent of the health burden in the world, we are only spending 10 percent of our research dollars. Let's do something about it. He is in a position to do just that. Through his foundation, he will change just that.

The Gates initiative will provide grants to support the collaborative efforts of the most creative and innovative scientists and researchers in the world. The initiative will draw attention to these urgent global health research needs. And it will stimulate where I think the real answer is going to be: that is, the public-private partnerships—the partnerships with the academies, with the churches, with the pharmaceutical companies, with the leadership, yes, of the United States and other of the wealthier countries, but also the leadership of the disadvantaged countries, the countries that are being subjected to the ravages of HIV/AIDS.

I would not have said this 4 years ago, but we will defeat this little virus. When I close my eyes, that is what I see: this little virus—and all the death and destruction—but this little tiny virus, in part because I am a doctor. When I think of disease, I always look at the cause of it. But it is that little virus. We will defeat it. Let me repeat that: We will. It will be with the leadership of the United States of America.

And by "leadership," I am talking about this body, working with the President, working with the House of Representatives, working with the public-private partnerships. With that leadership, we will defeat this virus.

But the question is—and the reason timing is important—how many children and women and men are going to die before we defeat the virus? I already told you, in the best of all worlds, for every one person who died in the last 20 years, two are going to die in the next 20. Even if we discovered a vaccine right now, that is going to happen, because the vaccine is for prevention.

The real question is, Will 60 million or 80 million or 100 million people die? Or, again, under the leadership of the President of the United States, and with the legislation that we can generate in this body, instead of it being 100 million, can it be 20 million or 40 million or 45 million or 50 million? Or will it grow from 100 million to 200 million or 300 million?

That is the urgency. That is why we need an emergency response. And that is why, as a physician, as someone who, with my own hands, has had the opportunity to work with hundreds of HIV/AIDS patients in this country and in many countries in Africa, it means so much to me. I have seen that so directly.

The answer is in our hands. Literally, it is in our hands. We are capable today of slowing this pandemic. It is going to increase in the near future. There is nothing we can do about that. But we can slow the trajectory. Indeed, in countries such as Uganda it has already flattened and decreased, so we know there are things we can do now to reverse this trajectory. But we have to choose to fight first. We need to make that commitment the President made 2 nights ago and fight it with our will, fight it with resources, fight it with energy and as much spirit as we can muster.

I will close because I know it is late, and we have worked again aggressively over the course of the day and have made real progress, but I will close by simply saying, the President, I know, is committed in both word and deed. I think it is now time for our body, this legislative body, to come together to work for this legislation and help lead a great people and a great nation to overcome one of the greatest moral and public health challenges the world will face in the 21st century.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could ask the majority leader to yield just for a brief second, I of course appreciate very much the majority leader's statement. It has even more meaning based on his being a physician. But having been to Africa just a few months ago for the second time, and to see the difference in the approximately 8 or 9 years from the time I first went, to see the devastation by this plague that is sweeping this continent is stark.

It is frightening to think that thousands of people every day in that continent are dying—not hundreds. They don't take weekends off. There are no vacations. They continue to die during those periods of time.

I say to my distinguished Republican leader, I also appreciate President Bush devoting some of his time in the State of the Union Address to AIDS and acknowledging that there is a need to do more financially. I appreciate that very much.

I do say, however, to the majority leader, that, as you know, we tried last year to pass the same initiative. So it is not as if we have been standing still. We tried to do this in the past and, frankly, we were held up in its passage.

I also say that the United States, of course, is doing a lot, doing more than any other country, as the majority leader has indicated. But I believe we have an obligation to do that. I think it is good that we are doing it. I think we should do more.

I also would like to support what the majority leader has said. The Gates Foundation is exemplary. I think it is wonderful we have a private sector joining to try to do something to defeat this plague. That is what it is.

EARLY ACCOMPLISHMENTS

Mr. REID. Having said that, I want to say to the majority leader, separate and apart from HIV/AIDS, that the reason I came here—I am very glad I did because I was educated by the leader's speech—there are not opportunities to do this all the time, it is early in the session, it is early in your leadership but I would just like to say we have, I think, done some good work. Last week, we were able to complete the appropriations bill. There were some who said we were going to try to stop it.

The leader took our word for it and didn't file cloture early. I think that set a good tone in this body. Some of the time we spent last week was tedious, but it set a good foundation. I would also say, based on conversations we had off the floor today with you and the Democratic leader, it was not all that likely we would be able to complete the work on a very important nomination you have wanted, the President has wanted, but we were able to work that out.

The only reason I mention that tonight is, there will be days when I am sure you will criticize us, and we will criticize you for not being able to get a lot of things done. We sure appreciate the days we have.

I know the leader has not decided what time we will start on the Estrada nomination. I will talk to you privately about that, what time we should do that Tuesday. I think we have been able to accomplish some good things today.

Mr. FRIST. Mr. President, I will get to the closing statements. I briefly want to respond that in the past 3 weeks we have had a lot to do. It has been an opportunity for us to work hand in hand, and I think what has happened over the last initial 12 days, and then now over the last 4 days, does demonstrate that with an aggressive agenda, that by working together and cooperating and, yes, negotiating, we can work through and achieve great accomplishments for the country. I appreciate his comments.

Mr. REID. I would also say, I did not realize the leader had decided what time to go to the nomination on Tuesday. We would rather start it after the caucuses on Tuesday. But if the leader feels he needs to go at 10, we will be ready to go at 10 Tuesday morning.

Mr. FRIST. Mr. President, it would be best if we could go ahead to the nomination earlier in the day, as spelled out in the unanimous consent agreement, again, just to maximize the use of our time. I will offer the proposal that we go in the morning.

Let me also say, because we are shortly going to approve the nomination of the Secretary of the Treasury, I didn't think even 8 hours ago we would be able to do that. I appreciate the opportunity to be able to do that, complete it tonight, and then move in the appropriate fashion with the Estrada nomination.

Mr. REID. If the leader will yield, I should have said that good work was done this afternoon with the Secretary-nominee, Mr. Snow, meeting with Senators DURBIN and HARKIN. He obviously did an excellent job. I express my appreciation to him, but also to Senators DURBIN and HARKIN for allowing us to move forward.

FUNDING TO FIGHT HIV/AIDS ABROAD

Mr. SMITH. Mr. President, I rise to laud President Bush's announcement in his State of the Union Address of a $15 billion, 5-year emergency plan for AIDS relief, with $10 billion in new money to combat the global AIDS pandemic, provides new hope for many of the 42 million men, women, and children living with AIDS right now. This initiative, which I enthusiastically support, represents a critical first step in scaling up the world's response to the global AIDS pandemic. Combined with expanded, though still relatively small, bilateral resources to fight tuberculosis, the leading killer of people with AIDS, this initiative can save many lives. I commend the President for his leadership in this effort.

In truth, however, this effort has just begun. This initiative should be just a first downpayment by the U.S. in our fight against AIDS. We must fully fund this initiative in 2004 and do more. It is also up to us to now work with the President to shape this initiative for maximum impact. We must invest wisely to protect and save as many lives as possible as quickly as possible. As we work with the administration to take this initiative from an idea into action, we have important decisions to make. I offer you a few key points today regarding how we can use these funds in order to save the greatest number of lives and protect our global health and stability.

We must frontload this money, and ensure that it reaches as many countries as possible.

These funds are needed immediately, and if we do not invest enough now, we will pay far more later, in money, in lives lost, and in the social, economic, and spiritual cost to the families, communities, nations, which are hardest hit. There are 10 million children in sub-Saharan Africa alone, children who ought to be free to play, to learn, to enjoy their young lives who have lost one or both parents to AIDS. This represents a country the size of Belgium. In 10 years, at current rates, this number will quadruple. But we have a choice. Will we allow this to happen? Every year we delay, the slower we are to scale up, the greater the cost. This epidemic is not waiting for us, it is accelerating. So we must accelerate our response. We must increase funding in the fiscal year 2004 budget we will soon consider.

The 14 countries in Africa and the Caribbean targeted by President Bush are important ones. However, there are many, additional countries where we must urgently address AIDS now. For instance, in Lesotho, Malawi, Swaziland and Zimbabwe, where 60 percent of all deaths under 60 are due to AIDS, TB, and malaria, people need help immediately too.

Our own National Intelligence Council has identified five populous nations of strategic importance to the United States as the "next wave" of the HIV/AIDS epidemic, including India and Russia. India alone contains some one-third of the world's tuberculosis burden, and since HIV fuels the TB epidemic, TB rates will skyrocket in these countries as HIV spreads. HIV rates are growing faster in Russia than any other region of the world, and the dangerous drug-resistant strains of TB that are more prevalent in Russia than anywhere in the world will pose a serious, deadly and expensive medical problem if they explode in synergy with AIDS. We cannot wait; we must act now.

Another point of key importance regarding the President's proposed initiative is we must allocate far greater resources to the important new global fund to fight AIDS, TB, and malaria, but the initiative fails so far to do so.

I fear that the President's emergency plan for AIDS relief may underfund the global fund, our best new means of addressing these epidemics. This is particularly ironic given that Secretary Tommy Thompson has just been appointed the chair of the global fund's board. The global fund is a relatively new mechanism that is centrally important in scaling up the global response to AIDS. The global fund is innovative. It is independent. It is efficient. And it is fully operational. By tomorrow, at the close of their meeting in Geneva, Switzerland, the fund's board will announce a second round of grant awards to programs in affected countries that are providing needed prevention, treatment, and care for these three diseases. In this second round, the fund will approve projects that will produce the following estimated results:

For just $325 million, or about 2 percent of the proposed $15 billion, 270,000 more people will receive antiretroviral, ARV, drugs in developing countries, adding to 220,000 people who will receive ARVs from the first round of the global fund's grants. In total, the global fund will support a sixfold increase in the number of people being treated with ARVs in Africa.

With $300 million, some 2 million more people will be treated for tuberculosis over the next 5 years through expansion of the highly effective DOTS, Directly Observed Therapy, Short-course, treatment services.

For just $18 million, or one-tenth of one percent of $15 billion, 10 million more people in Africa will be treated for malaria through the use of the new and highly effective anti-malarials, arteminisin-based treatments.

This work is highly impressive, and it is critically important.

The global fund estimates very conservatively that it will need $6.3 billion in 2003 and 2004, to be able to finance the high-quality proposals it anticipates receiving. The U.S. should provide at least $2 billion or more in 2004, with additional resources in 2003, scaling up in future years.

Now, after this second round of grants is announced on Friday, the fund will be virtually out of money, and unable to even request a third round of proposals later this year. I commend the efforts of my many colleagues over the past year, colleagues from both sides of the aisle, led by Senators FRIST, KERRY, DEWINE, DURBIN, BOXER, and many others—who have provided leadership toward expanding the United States' investment in the global fund. Now is not the time to back down on U.S. leadership at the global fund, but the time to greatly increase our investment in the fund to rapidly and effectively scale up global efforts. Providing our fair share of global fund resources as a part of a new AIDS initiative would leverage major increases in other donor contributions as well.

One more point on funding. It is of vital importance that the President's emergency plan for AIDS relief not draw resources away from existing development programs such as bilateral tuberculosis or child survival efforts or other development priorities.

And, finally, we must look at the problem of AIDS in conjunction with the problem of tuberculosis, for the two are inextricably linked from a medical perspective. Tuberculosis, which is the leading killer of people with HIV worldwide, is carried by one in three people worldwide. The disease drains human resources from struggling economies and poverty-stricken regions.

Tuberculosis is readily curable with drugs that cost as little as $10 per patient in developing countries with the DOTS treatment, but only one in four people who need DOTS have access to it. If we do not act now to bring tuberculosis under control globally, then TB infection rates will rise precipitously with the spread of HIV; and this is of particular concern given the existence of dangerous drug-resistant strains, which are far more expensive and difficult to treat. With just $200 million invested annually, the United States can provide its fair share of the resources needed to meet international TB control targets by 2005, as laid out in a groundbreaking blueprint called the Global Plan to Stop TB.

In closing, I again salute President Bush for his wise and compassionate leadership in proposing a bold new U.S. initiative to fight global AIDS. I urge that this be just a first step in our scaled up response, and that we invest resources aggressively Now, that we reach as many affected countries as possible, and that we provide our fair U.S. share of the total resources needed by the global fund to fight AIDS, TB, and malaria.

TRIBUTE TO ANDRE AGASSI

Mr. REID. Mr. President, I rise to pay tribute to my friend and fellow Nevadan Andre Agassi, who won the Australian Open tennis championship over the weekend. Andre is from Las Vegas, where the community knows him to be not only an outstanding athlete but also an outstanding person who gives generously to many worthwhile causes and helps those most in need.

Blessed with amazing talent, Andre was a natural who began his professional career as a very young boy. Although he is still quite young by most standards, for a professional athlete, especially a world-class tennis player he is considered old. He will turn 33 this year and is now one of the true veterans of the men's tennis tour. He has demonstrated a tremendous dedication to fitness and training to enable him to compete—and win—against much younger players.

Andre demonstrates the same relentless determination to succeed off the court, and to help others have an opportunity to achieve. The people of Nevada appreciate Andre's commitment to the community and his longstanding philanthropic work.

Andre Agassi is an example of how a celebrity can use his fame, fortune, and connections for the public good. He has contributed millions of dollars and helped raise millions more for charitable organizations. And his involvement in these projects extends beyond signing large checks: he gives his time and energy to these programs, helps develop a vision and plan for them and knows what's going on with them.

He established the Andre Agassi Charitable Foundation to assist organizations that support children and that provide assistance to victims of domestic violence.

The foundation provided much of the funding for the Andre Agassi College Preparatory Academy. Agassi Prep, as it is called, is a charter school serving at risk children. Many of the students live in poverty. The vast majority of them are from single parent households. Most of the students attending the school are African American.

Andre's goal is to improve their lives through education and prepare them for college.

I had the opportunity to visit this wonderful school and see the students learning in the classroom and then present a performance. I was encouraged by their enthusiasm for knowledge and the respect that they showed for their teachers and for one another.

In addition to the charter school, there is the Andre Agassi Boys and Girls Club in west Las Vegas, a minority community, providing a safe and positive environment for youth. The club functions as a place where children can participate in fun, recreational activities and also learn about the dangers of becoming involved with gangs or drugs.

So Andre Agassi is making a difference in the lives of so many children and their families in Southern Nevada, some of whom are unaware that this weekend Down Under in Australia, thousands of miles and many time zones away, Andre won another major tennis championship, the eighth Grand Slam title of his career.

To accomplish this, Andre won seven straight matches over 2 weeks. This extends his victory streak to 21 consecutive matches at the Australian Open, a tournament he won in 1995, and then again in 2000 and 2001. Unfortunately, he was not able to defend his championship last year because of an injury. But he recovered and worked hard to get his form back and once again triumphed.

Another reason tennis fans are celebrating Andre's latest victory is his recent suggestion that if he won this tournament, his wife, Steffi Graf, herself a legend in the tennis world and winner of numerous championships, would come out of her retirement to team up with him and play mixed doubles at the French Open this year.

He and Steffi are a formidable pair and should create a lot of excitement on the clay courts in Paris.

Several years ago Andre won the men's singles at the French Open and became the first tennis male player in more than three decades to win all four of the Grand Slam tournaments—Wimbledon, the U.S. Open, the Australian Open, and the French—during his career. These events are played on different surfaces—grass, hardcourt and clay—that emphasize different skills and strategies, so it is very difficult and rare for a single player to have the versatility needed to excel on all of them.

Andre has already established himself as one of the all-time greats in the history of tennis and provided fans with many memories. He has been playing professional tennis now for more than half of his life. Even though he is playing some of the best tennis of his life and shows no signs of slowing down, we know that sooner or later, I predict within the next 10 years, Andre will win his last Grand Slam at age 40.

He and Steffi are the parents of a young boy, Jaden Gil, and I'm sure Andre will want to be actively involved in family life after his professional tennis days are over. I am also certain that Andre will continue his great work on behalf of children in Las Vegas, and he can look forward to watching with pride as the students of Agassi Prep grow up, graduate and achieve success.

I am happy to recognize once again the accomplishments of a great Nevadan and great American, Andre Agassi.

REMEMBERING THE LEGACY OF DR. MARTIN LUTHER KING, JR.

Mr. BIDEN. Mr. President, I rise today to honor an extraordinary man in American history. Dr. Martin Luther King, Jr., without exception, led a fearless life dedicated to the cause of human rights and world peace. His example inspired a generation of Americans to rise above what had been two centuries of injustice and inequality and usher in a new day of enlightenment and freedom. For that great gift, for having imagined what America ought to be and setting us on that course, we will forever be in his debt.

Had Dr. King been spared on that fateful day in 1968, he would have turned 74 years of age this month. He would have watched his children, Martin, Dexter and Yolanda, grow into strong and responsible adults. He would have watched a generation of young people mature into adults, struggling to keep the spirit of his dream alive. He would have seen the birth of an entirely new generation, charged with carrying America's torch into a new century.

Had Dr. King lived, he would have witnessed, and undoubtedly experienced, countless changes in America and the world . . . but would he believe we had truly arrived at the "promised land" he spoke of in his "I Have a Dream" speech? Or would he find some unfinished business? What would he say?

Would Dr. King still speak of the "debilitating and grinding poverty" that disproportionately affects minority communities? In America today, like America of the 1960s, disproportionate numbers of minorities live in dilapidated housing with low or no income. They have far too few resources to feed their families, to clothe their children, or to pay the price of higher and higher rents, and certainly not enough to afford a down-payment for a home of their own. Too many seniors have to make the unfair and unacceptable choice between heat and prescription drugs. And too few of them have the retirement savings of which they had dreamed. And in these sorry economic times, there is no safety-net, children can't support their aging parents.

What would Dr. King say? We live in the richest Nation in the world, yet certain current economic policies sometimes neglect working-class men and women and turn a blind eye to the poorest among us, all in the name of stimulating our economy. If we want to boost the economy, we should first boost the vast majority of Americans who can't spend because they don't have an opportunity to earn. Our focus should be on providing equal access to professional and educational opportunities, and not on dispensing one-way tickets to low-paying jobs with dead-end possibilities. If we are concerned about our country's economic health, we should be concerned about economic opportunities for all.

What would Dr. King say? Last year, hate crimes climbed by more than 17 percent, and offenses targeted specifically against Muslims jumped 1,600 percent. Just this month, as the Nation prepared itself to honor the memory of Dr. King, racial threats were mailed to more than 30 African-American churches and businesses in Kansas City, MO. And, sadly, Kansas City is no different than many cities in America. According to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001, that is more than 26 hate crimes a day. And it is not counting the untold numbers of crimes that go unreported, nor the numbers of crimes against individuals solely because of their gender or sexual orientation or disability, all of which are not captured under current Federal law.

Hate crimes are not simply crimes against individuals; they are crimes against whole communities and have marked the demise of great nations. To paraphrase Dr. King, "history is cluttered with the wreckage of nations and individuals" that tolerated "this self-defeating path of hate." And yet Congress in its infinite wisdom has failed to pass basic legislation that would strengthen the ability of Federal, State and local governments to investigate and prosecute hate crimes; failed to remove unnecessary obstacles to Federal involvement in the prosecution of bias-motivated crimes; and failed to give law enforcement the tools it needs to ensure that every American can live in an environment free of terror.

And what would Dr. King say of our efforts to make it possible that every American child attend college and receive the benefits that flow from a college education? Four decades after Ole Miss and the University of Alabama admitted their first minority students, some are arguing that universities cannot seek to promote a diverse campus atmosphere by considering race, among many other factors, in assembling its student body. I was disappointed when the President announced to the nation that he would authorize the U.S. Government to oppose the undergraduate and law school admissions policies of the University of Michigan. The administration had an opportunity to send a powerful message to the Nation, namely that, partisan politics aside, the attainment of diverse student bodies at America's universities is in our greatest national interest. I disagree with his decision.

The President's reason for opposing the Michigan admissions system was because it mandated racial quotas. It does not. As the university's president, Mary Sue Coleman, noted in her response to President Bush's misstatement, the university's admissions system "is a complex process that takes many factors into account and considers the entire background of each applicant. . . . We do not have, and never had, quotas or numerical targets in either the undergraduate or Law School admissions programs. Academic qualifications are the overwhelming consideration for admission to both programs."

No, this debate is not about quotas. Rather, it is about educators' judgments about how best to teach and stimulate the curiosity of America's college students. It is about how to nurture critical thinking, how to ignite students' intellectual imagination. I have said it many times before, but now I have the social science data to back it up: the greatest benefactor of a diverse student community is not the individual student who gets some plus-factor on his admissions application; it is the wider college community that gains immensely from learning in an environment with different types of people, with different types of life experiences. And anyone who would suggest that an individual's race does not contribute to one's life experience would be sadly mistaken, because, even in the 21st century, diversity matters.

This debate is about how to make America's promise real for all her children. Tellingly, when asked about the lawsuits against the University of Michigan, Dr. King's widow, Coretta Scott King, noted quite poignantly that affirmative action is "an important part toward eliminating discrimination." She is right. To the extent that Whites and minorities sometimes experience life differently, in other words, to the extent that there are Black-White gaps in poverty rates, in income levels, in access to quality health care, in life expectancy, in rates of imprisonment, in any number of life indicators, those gaps narrow considerably when minorities have increased and equal access to educational opportunities.

Quite frankly, the road that led me from the small town of Scranton, PA, to the hamlet of Claymont, DE, and eventually to the hallowed Halls of the Senate, while rocky and sometimes uncertain, was always paved with possibility. The challenge, my friends, is to make sure every child, no matter their race or ethnicity, no matter their gender, no matter their families' socioeconomic status, has a chance to travel a road, not necessarily free of obstacles, but certainly full of possibility. We must be vigilant in ensuring that the road for all our citizens is paved with possibility.

In 1957, when Dr. King and a group of others formed the Southern Christian Leadership Conference, they chose as their motto: "To save the soul of America." Our charge today is no less urgent. We have to make America what it ought to be. And to do that, we start where our Founders started, by awakening in our hearts that spirit of revolution, of freedom, of democracy out of which America was born, by remembering that America's promise is only as strong and as real to you as it is to all. Dr. King said it best: "Injustice anywhere is a threat everywhere. . . . Whatever affects one directly, affects all indirectly." My friends, "either we go up together or we go down together."

The questions are really quite simple. I stand with Dr. King's vision, which calls on us today to make sure that we do all we can to close the gaps in education and economic prosperity.

When Dr. King died that dark day in 1968, honestly a part of me and a part of every American died, too. Riots erupted in 125 cities around the country, including in my home State of Delaware, where the National Guard occupied Wilmington for 10 months, reportedly the longest occupation in the country. But out of that horror and the anguish that followed, a clarion call was heard. We emerged from the riots a stronger and better nation, and with a stronger faith in what is good and right about America.

To my beloved countrymen, I say that, in this season marking Dr. King's birth, we must remember his legacy. We must continue to raise our voices, continue to speak for the least among us, continue to fight for what is good and right about America.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 27, 2000 in Normal, IL. Christopher Weninger, an Illinois State University student, was assaulted while walking home from a party. Three men approached Weninger on the street and asked him for a cigarette. As Weninger handed one man a cigarette, another man punched him in the face and called him "queer." The victim suffered a broken nose and eye socket.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

YOUTH PROGRAM IS BEST REVENGE AGAINST RISING TIDE OF GUN DEATHS

Mr. LEVIN. Mr. President, I want to bring an inspiring young woman from my home State of Michigan to the attention of my colleagues. Her name is Lakeshia Gallman. Lakeshia graduated from Martin Luther King High School in 2002 and currently attends Wayne State University.

As many of my colleagues know, the Detroit area has been plagued by gun-related deaths of children over the last year. Lakeshia Gallman is no stranger to the terrible effects of this rising tide of gun violence on families and communities. She lost her 17-year-old cousin in a senseless act of gun violence 4 years ago. Since that incident, Lakeshia's commitment to reducing the occurrence of gun violence in Detroit has been exemplary. Lakeshia is active in the Detroit Neighborhood Service Organization's Youth Initiative Project, an organization dedicated to drug prevention and stopping youth violence. She has been a champion of gun safety initiatives in Detroit for over 3½ years. Over the last year, Lakeshia has set up town hall meetings, and met with local and national elected officials, including me. She also helped distribute over 2,000 gun locks and has educated people about the harsh realities of gun violence. Lakeshia recently authored a column on the effects of gun violence in the Detroit Free Press.

Like many Americans, Lakeshia Gallman understands that the black market and gun traffickers are two of the primary ways criminals get their hands on guns. She also knows that easy access to guns in homes are a primary method by which kids injure or kill other kids. We can eliminate easy access to guns by criminals by closing the gun show loophole. And we can prevent kids from gaining access to guns by enacting safe storage legislation, such as the Children's Firearm Access Prevention Act. These are two commonsense steps we can take to reduce gun violence.

I had the pleasure of meeting Lakeshia Gallman in October and I commended her on her hard work and dedication to preventing gun violence in her community. I am sure that I speak for many of my Senate colleagues in congratulating her on a job well done.

I ask unanimous consent that Lakeshia's Detroit Free Press column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YOUTH PROGRAM IS BEST REVENGE AGAINST RISING TIDE OF GUN DEATHS

TEEN WHO LOST COUSIN CHANNELS HER ANGER INTO EDUCATION PLAN

(By Lakeshia Gallman)

Sometimes I sit back and wonder why innocent people have to die. It is a shame that violence has taken over our world.

The shooting death of 16-year-old Detroit high-school student Mario Smith over the weekend has personal meaning for me as someone who graduated from Martin Luther King High School this year. Mario was an honor student at King, an athlete I knew to be a great all-around person.

His senseless death was the latest sad reminder of how gun violence is destroying our communities. But I already knew this—because my 17-year-old cousin was shot to death four years ago.

My cousin and his friends were shot several times with automatic weapons. It was a Sunday afternoon; my aunt told him to take her car and go to the cleaners. Instead, he went to pick up some friends who at the time were selling drugs. They stopped at a stop sign, and two men sprayed the car with their AK47s.

I think my cousin was at the wrong place at the wrong time and hanging out with the wrong crowd. He had a lot of dreams that he wanted to accomplish in life, but that was all taken away from him in couple of seconds.

He always talked about going to the NFL or being a rapper. He was like a brother. I miss his jokes and his smile.

He taught me how to play basketball and said he would come to my first high school game. He was killed a month before my first game.

After my cousin was murdered, I wanted revenge on whoever killed him. Later, I realized that violence was not the way to retaliate. I joined the Detroit Neighborhood Services Organization's Youth Initiatives Project—a youth-driven program that campaigns against drug violence. The program is my revenge.

I get my revenge by educating the community on gun safety and passing out gun locks to help prevent accidents with guns in the home. In this way, I could repay my cousin by saving other lives.

The Youth Initiatives Project has benefited me a lot. The program has made me come out of my shell and talk to other youths about my story.

When I first started the program, I was very shy and quiet. With the help of Frank McGhee, our program director, I learned that if you speak your mind, people will take a minute to listen.

The Youth Initiatives Project has been fighting the fight for a long time. We have been campaigning and having rallies on this issue for about 3½ years. Gun violence can be stopped. We just have to keep on pushing and educating the public.

Among other achievements, the project distributed 2,000 gun locks to the community over the summer. This proved that the community wanted to practice gun safety—and that made me proud.

The next issue I want to deal with is illegal gun trafficking. I wonder where people are getting these high-powered machine guns. People are selling guns from their houses trunks of their cars and other places that are illegal. Anyone can buy a gun from these places, even minors.

This illegal gun trafficking is very dangerous because children can get their hands on guns whenever they want.

My message to the community is: If we had done something before these murders, this could have been prevented. We were not concerned until our babies were murdered. There need to be more block clubs, town hall meetings and community activities to keep children out of trouble. This is what I leave with you. Let's start saving our future before it fades away.

To Mario Smith's family, I would like to say that I will keep praying for you and to never give up, because justice will be served.

To my cousin: Rest in peace, Ronald Ellis, I will see you again one day. Just keep on waiting for me, and we will play that one-on-one game I owe you.

My heart goes out to the families and siblings who lost somebody they love. God bless you, and never give up.

TRAVEL TO PRAGUE, CZECH REPUBLIC FOR THE NATO SUMMIT

Mr. VOINOVICH. Mr. President, as many of my colleagues may be aware, I am a strong advocate of NATO enlargement to include Europe's new democracies. As such, I was thrilled to have the opportunity to join President George W. Bush at the NATO Summit in Prague last November, at which time invitations for NATO membership were extended to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

I remain deeply grateful to the President for inviting me to join him as a member of the Congressional delegation to the NATO Summit, along with my colleague Senator BILL FRIST, and Congressman TOM LANTOS, Congressman ELTON GALLEGLY and Congressman DOUG BEREUTER. I appreciate that the President has recognized my lifelong passion for the inclusion of the former Captive Nations as members of the NATO Alliance, and I was proud to be in the room on November 21, 2002, when NATO Secretary General Lord Robertson officially announced the decision to invite seven countries to become part of the Alliance.

As Lord Robertson articulated on that historic day, the decision to include these new members will serve to strengthen the Alliance as it prepares to confront new challenges to global security. After working with the NATO aspirant countries on comprehensive domestic reforms in preparation for membership in the Alliance, the Secretary General concluded that, "We can therefore say with complete confidence that this round of enlargement will maintain and increase NATO's strength, cohesion and vitality." I share his belief that these countries will make significant contributions to the NATO Alliance. As Secretary of Defense Donald Rumsfeld and Chairman of the Joint Chiefs of Staff General Richard Myers have also expressed, these countries will bring niche capabilities, as well as energy, freshness and enthusiasm, to the Alliance.

I sincerely believe that although the newly invited countries still have work to do on their Membership Action Plans, their reforms will be swifter and more complete as they are brought into the Alliance, rather than left out.

Upon our arrival in the Czech Republic, we were informed that we were invited to attend a mock NATO Summit for students, which included young people representing all 19 members of the NATO Alliance, as well as the aspirant countries. The students were scheduled to discuss and debate the same issues that were to be addressed by the Heads of States of the NATO member countries. President Bush was the keynote speaker at their event. I was pleased that Senator FRIST and I had the opportunity to introduce ourselves to the various delegations, and I enjoyed the chance to share common experiences with the delegations from Macedonia, Croatia, Italy and Lithuania on an informal basis.

President Bush gave a most inspiring speech to the young people, emphasizing the fact that NATO has become more than simply a military organization, and is in fact an organization composed of people who share common values. With these common ties, he remarked, those countries who have been traditional adversaries will no longer go to war against one another. Instead, as Article V of the NATO Charter clearly states, an attack against one is an attack on all.

Following the President's speech, we proceeded to a reception with Secretary of State Colin Powell. I was delighted to talk with him about NATO's changing role, as well as the many perspectives from which he has viewed the formulation of our foreign policy. On Wednesday evening, November 20, 2002, members of the U.S. delegation attended a dinner with other delegates to the NATO Summit, which was hosted by the Aspen Institute. I was glad to have the opportunity to visit with President Mesic of Croatia, President Trajkovski of Macedonia, Prime Minister Dzurinda of the Slovak Republic, President Kucan of Slovenia, and our host, President Vaclav Havel of the Czech Republic.

Thursday, November 21, 2002 was a thrilling day for me. I have longed to be present when Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia were invited into NATO, and I was pleased to be there to see President Havel begin the program and to hear Lord Robertson formally invite seven countries to join the Alliance. With no objections, the consensus among the Allies was to invite these young democracies into NATO. Each delegation, through its President or Prime Minister, made a statement to express their support for these seven countries and their strategic importance to the NATO organization. It was inspiring to hear country give their enthusiastic endorsement, and it gave me some comfort that they would help to move the approval of these countries' membership through their respective legislatures.

On Thursday afternoon, I joined other members of the U.S. delegation at a small luncheon in honor of the NATO aspirant countries. I enjoyed the chance to visit with President Vaira Vike-Freiberga of Latvia, Foreign Minister Mircea Geoana of Romania, President Moisiu of Albania, Prime Minister Drnovsek of Slovenia, as well as Prime Minister Simeon Saxe-Coburg-Gotha of Bulgaria. It was a wonderful celebration of the invitations extended to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia, as well as the ongoing reforms in Macedonia, Albania and Croatia to prepare for membership in the Alliance.

Later that day, my wife Janet and I were happy to talk further with Czech President Vaclav Havel at a dinner held in his honor at the Prague Castle. Following dinner, at 1:30 a.m. Prague time, I placed a call to Cleveland to talk with individuals with ties to NATO aspirant countries who were gathered at the Lithuanian Hall of Our Lady of Perpetual Help at a rally to celebrate the historic events that had taken place that day. I enjoyed the opportunity to share with them the experiences that I was having in Prague. It was truly a capstone to an unbelievable day that I will never forget.

I look forward to working with my colleagues in the Senate as we begin to discuss the merits of NATO enlargement during this session of Congress.

Mrs. FEINSTEIN. Mr. President, as an appropriator, I come to the floor today to express my opposition to the omnibus appropriations bill.

The $385 billion omnibus appropriations bill cuts almost $10 billion from what the Senate Appropriations Committee approved last year.

On top of these draconian cuts, the bill before us includes a 2.9 percent across-the-board cut, to non-military programs, and will affect critical programs such as homeland security, education, and job training.

This bill is a major mistake and represents a short-sided approach to solving our Nation's problems.

What is happening is an administration's effort to starve domestic programs in order to save dollars for a $674 billion tax cut. If this effort is successful, we will see interest rates rise, the deficit balloon, and a 10-year cumulative deficit of $2 to 3 trillion.

Americans don't know it yet but soon will learn that this bill makes a house of cards out of homeland security, which loses $1 billion which was already requested, authorized, and appropriated.

How many Americans know that this bill will likely cut 1,175 FBI agents, 490 food safety engineers, and 1,600 customs inspectors who are vital if we are to protect our homeland from contraband and those that would do us harm.

How many Americans know that the Head Start cut of $107 million could prevent 2700 youngsters from a Head Start experience, or leave 224,000 needy individuals without the meals provided by WIC, or 230,000 veterans without medical services.

To make matters worse, this bill is being offered at a time when our Nation continues to face significant challenges in protecting homeland security, increasing school achievement, and strengthening our work force.

Essentially what this bill does is cut the money from a number of critical projects so this body can pass a tax cut of $674 billion, which will lead to a $2 trillion deficit over the next 10 years.

Every day this body is faced with tough choices. But in my decade in the Senate, I believe this bill represents one of the worst pieces of legislation to pass this Senate.

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. LUGAR. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Foreign Relations for the 108th Congress adopted by the committee on January 28, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted January 28, 2003)

RULE 1: JURISDICTION

(a) SUBSTANTIVE.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declaration of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they related to foreign policy.
15. Protection of United States citizens abroad and expiration.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) OVERSIGHT.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) "ADVICE AND CONSENT" CLAUSES.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2: SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3: MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Hearings, Selection of Witnesses.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, however, whenever a hearing is conducted by the Committee or a subcommittee upon any measure or matter, the Ranking Member of the Committee or subcommittee may request that an equal number of public witnesses selected by the Ranking Member be called to testify at that hearing.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the Chairman of the Committee, or subcommittee, in consultation with the Ranking Member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Member. The Chairman, in consultation with the Ranking Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Member, may limit staff attendance at specified meetings.

RULE 4: QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) Reporting.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure of recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5: PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6: WITNESSES

(a) GENERAL.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) PRESENTATION.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) FILING OF STATEMENTS.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Member following their determination that there is good cause for failure to file such a statement.

(d) EXPENSES.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) REQUESTS.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7: SUBPOENAS

(a) AUTHORIZATION.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any Member of the Committee, the Committee shall authorize the issuance of a subpoena only at a meeting of the Committee. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) RETURN.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) DEPOSITIONS.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8: REPORTS

(a) FILING.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) SUPPLEMENTAL, MINORITY AND ADDITIONAL VIEWS.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absences of timely notice, the Committee report may be filed and printed immediately without such views.

(c) ROLLCALL VOTES.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9: TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar for Congress to Congress until the Committee takes action to report it to the Senate or recommended its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10: NOMINATIONS

(a) WAITING REQUIREMENT.—Unless otherwise directed by the Chairman and the Ranking Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) PUBLIC CONSIDERATION.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) REQUIRED DATA.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a financial disclosure report and a confidential statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11: TRAVEL

(a) FOREIGN TRAVEL.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the Chairman and Ranking Member of the full Committee.

When the Chairman of the Ranking Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) DOMESTIC TRAVEL.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) PERSONAL STAFF.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of that Committee.

(d) PERSONAL REPRESENTATIVES OF THE MEMBER (PRM).—For the purposes of Rule 11 as regards staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the "Personal Representative of the Member."

RULE 12: TRANSCRIPTS

(a) GENERAL.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Member, determines otherwise.

(b) CLASSIFIED OR RESTRICTED TRANSCRIPTS.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and

security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purposes of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized person with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification.—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13: CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members of authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14: STAFF

(a) RESPONSIBILITIES.—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designed minority Staff, shall be under the general supervision of the Ranking Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) RESTRICTIONS.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or

discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15: STATUS AND AMENDMENT OF RULES

(a) STATUS.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) AMENDMENT.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the Rules of the Special Committee on Aging.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SPECIAL COMMITTEE ON AGING

Rules of Procedure

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. Notice and Agenda:

a. Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearing shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof maybe closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. Broadcasting:

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting followed a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the Chairman or clerk of the Committee at least 72 hours in advance of their appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other-witnesses called by the Committee. The Chairman shall inform the committee of such requests for appearance or cross-examination. If the committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination. and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

ADDITIONAL STATEMENTS

IN RECOGNITION OF SUSIE ROZETTA EADES DOUGLAS

• Mr. CAMPBELL. Mr. President, I rise today to honor Susie Rozetta Eades Douglas. Mrs. Douglas, 81, was a Cheyenne and Pawnee and enrolled member of the Cheyenne and Arapaho Tribes of Oklahoma. Her great-grandfather was Bull Bear, who was a Cheyenne peace chief, leader of the Dog Men Society, and the first signatory to the Medicine Lodge Creek Treaty of 1867. Her grandfather, Thunderbird—Richard Davis—and artist and writer, is credited with preserving valuable ceremonial information at a time when the Sun Dance and other Cheyenne ceremonies were outlawed.

Born in Pawnee, Oklahoma, on July 2, 1921, to Richenda Aspenall Davis Eades and Joseph Cleveland Eades, Sr., she was raised in El Reno, Oklahoma, graduated from Chilocco Indian School in 1940, and earned an associate degree in business from Haskell Institute in Lawrence, KS, Class of 1943.

Homemaker and Eastern Star, she was a Quilting Society member and an active volunteer worker for the Democratic Party. As an Army wife, she traveled extensively and lived in Oahu, Hawaii, and Naples, Italy, before settling into her longtime home in San Antonio, Texas.

She passed away in San Antonio on January 21, from pneumonia and complications of diabetes and Alzheimer's disease, and was buried on January 25 at the Cheyenne Arapaho Cemetery in Concho, Oklahoma.

She is survived by her husband of nearly 59 years, Freeland Edward Douglas, Hodulgee Muscogee; their daughter Suzan Shown Harjo and son Dennis Gene Douglas; and a host of grandchildren and greatgrandchildren. Her daughter says Mrs. Douglas was her inspiration for work on the American Indian Religious Freedom Act and sacred lands protection and repatriation laws.•

IN MEMORY OF CHRISTOPHER JAMES CANNING

• Mr. DURBIN. Mr. President, I rise today to pay tribute to Christopher J. Canning, who died June 30, 2001, at the young age of 15.

Chris was from Maroa, IL, and excelled as an athlete in sports such as football, basketball, and baseball. Chris also excelled in the martial arts, where he was a multi-state and national champion, an "AAU All American," and a member of the U.S. Elite team at the Olympic training center. Chris and his legacy as a martial artist will live on through the United States National AAU Taekwondo Chris Canning Award of Excellence, established in July 2002. This award is given to one athlete out of 14,000 at the U.S. National Championships.

Chris was also an honor student who appreciated reading, math and music. Chris enjoyed playing classical piano, and also played the drums for his school. Chris liked to read books outside of what was required for school. He liked to be challenged in many different subject areas.

Chris was drawn toward community and public service. Chris was also known to protect kids at school from the local bullies. He helped people less fortunate than himself by shoveling snow for the elderly without pay, collecting food and clothing for the homeless in Decatur on his own, and helping to deliver meals on wheels for those confined to home. He would always find ways to help others, and to find homes for abandoned animals through working at his grandparents' animal shelter. Looking to the future, he aspired to be in our Nation's Special Forces or to serve in the FBI.

I also want to give special recognition to Chris's family who are still mourning his tragic loss. His father and mother, Art and Melissa Canning, his brother and sister, Robert and Elizabeth, and finally his grandparents Marla and Joe Powers.

In short, Christopher J. Canning was a caring young man, a good citizen, an asset in his academic environment, and a nationally acclaimed athlete. Tragically, Chris's life was cut short.

The memory of Chris Canning lives on, and today I pay tribute to a young man who had so much promise as an athlete, student, martial artist, community servant, and son. His example will always be an inspiration to those who follow in his footsteps.•

HONORING PATRICK GROSS

• Mr. JOHNSON. Mr. President, I rise today to honor the career of Patrick Gross, a dedicated public servant and an outstanding former member of my staff. He will be ending his career as the community development program director for USDA rural development in South Dakota. As USDA's rural development community development program director, Pat has been a model for other dedicated and talented South Dakotans to emulate and an invaluable asset to everyone who had the honor of working with him.

As an original member of my staff, during my first term in the House of Representatives, Pat played an essential role in the development and creation of my congressional offices in South Dakota. As my first State director, Pat laid the groundwork for future members of my State staff to follow. A leader in State economic and rural development, both constituents and staff members often turned to Pat for his leadership and wealth of knowledge.

An avid outdoorsman and advocate for rural development, Pat was well prepared for a position as my State economic development director. Pat's work on natural resource initiatives, land management concerns, and economic development projects, benefited countless South Dakotans. I could not have asked for a more reliable and dedicated individuals to head the direction of my State offices.

As community development program director, Pat oversaw special initiatives including the Oglala Sioux Tribe Empowerment Zone, Beadle and Spink Enterprise Community, four Champion Communities, and public information activities for USDA rural development. He served on the senior management team for USDA rural development in South Dakota and is the recipient of the 1999 USDA Road Warrior Award. He served as chairman of the South Dakota Rural Development Council and also served USDA on several national committees. Pat led the process for a 5-year strategic plan for rural development in South Dakota, which included strategic planning processes for eight American Indian tribes. He shared responsibilities in the Federal/private collaboration that planned and developed the SuAnne Big Crow Youth Wellness Project on the Pine Ridge Indian Reservation in South Dakota.

Pat will be greatly missed at the USDA rural development in South Dakota, and I wish Pat, his wife Donna, and their family all the best in the days to come. They are good friends, and I look forward to spending time with them in the future. It is an honor for me to share Pat's accomplishments with my colleagues and to publicly commend his outstanding services to my office and the people of South Dakota.•

A SALUTE TO PHIL WARD

• Mr. SMITH. Mr. President, I rise on the floor today to express my deep appreciation for Phil Ward's service as director of the Oregon Department of Agriculture. As a Senator and as someone who has made his living from the land, I can say that Phil's time as director demonstrated a clear understanding not only of the land, but also the people who rely on it for their livelihood.

By trade, Phil Ward is both a farmer and a teacher. Both professions require a great deal of patience and perspective, and Phil has admirably displayed these virtues as ODA director. Producers respect Phil because of the time he has personally spent with them and his constant call for balance in natural resources policy.

Since he was appointed by the Governor in 1999, Phil guided the department as it dealt with a growing number of challenges facing Oregon agriculture. The collapse of the Asian market and implementation of S. 1010 are two prime examples. Phil was also a regional leader, serving as president of the Western Association of State Departments of Agriculture, played a prominent role in the National Association of State Departments of Agriculture, and was extensively involved in trilateral accord discussions with Canada and Mexico on agricultural issues.

Phil Ward has also been a great advocate for Oregon agriculture in dealing with the Federal Government. His agency successfully took over responsibility from the Environmental Protection Agency for implementing water quality standards for CAFOs. Phil and the ODA also worked closely with me and my office in ensuring that the 2002 farm bill was a hand up to the vast array of Oregon farm producers struggling through drought, low commodity prices, and increasing regulatory obligations.

One of the things I admire most about Phil Ward is that his service to Oregon always rose above partisan politics and he stood tall for Oregon's farmers and ranchers when they needed him on their side. On behalf of myself and Oregon's agricultural community, I thank Phil Ward for his dedicated service to Oregon, for his years of counsel to me, and to wish him all the best in his future pursuits.•

TRIBUTE TO UCONN HUSKIES WOMEN'S BASKETBALL RECORD-BREAKING STREAK

• Mr. LIEBERMAN. Mr. President, it's my pleasure to rise in tribute to the University of Connecticut Huskies women's basketball team, which on Saturday, January 18, made Division I history by winning their 55th consecutive game. In doing so, they surpassed the 54-game streak set by Louisiana Tech between 1980 and 1982 and delighted fans all across my state.

Fifty-five straight wins would be an incredible accomplishment in any sport at any time. But it's especially impressive in women's college basketball today, because this is an era of true parity in the sport. There are so many strong teams able to compete with and, on any given night, beat a great team like the Huskies. But the Huskies keep on working, and they keep on winning. At home and on the road, in blowouts and in squeakers. Sometimes they win with defense. Sometimes with 3-point shooting. Sometimes with pure hustle. But they always find a way.

It's no wonder the Huskies have an admirer in legendary UCLA coach John Wooden, whose UCLA men's basketball teams in the early 70s set an all-time Division I record with 88 straight wins. Coach Wooden said of what the Huskies have accomplished, "It's a tremendous feat in any era. I think they play the pure game, more so than the men. The best college basketball in my opinion is played by the better women's teams."

Of course, last year the very best team in the nation was UConn, which racked up a perfect 39–0 season en route to the national championship. The players on that team, led by All-American seniors Sue Bird, Tamika Williams, Swin Cash and Asjha Jones built the bulk of this record streak.

And this season, a team led by All-American junior Diana Taurasi and many terrific young players is in the hunt for the championship again. There will be many tough games to play. Just this Monday, January 20, they matched up against Notre Dame and extended the streak to 56. And on February 1st, they will play Duke, now ranked first in the country.

Competition isn't about perfection. It's about perseverance. I'm reminded of the words of Michael Jordan, who said, "I have missed more than 9,000 shots in my career. I have lost almost 300 games. On 26 occasions I have been entrusted to take the game winning shot . . . and I missed. I have failed over and over and over again in my life. And that's precisely why I succeed." So even if, if, the team should lose someday, the real measure of their character will be how they bounce back, what they learn, how they become an even better team because of it.

So much of the credit for this team's success goes to coach Geno Auriemma, who has built the best program in the nation during his 18 years in Storrs. Assistant Coach Chris Dailey has also played a pivotal part in the remarkable run. The Huskies have won three national championships over the last seven years. They have made 14 straight NCAA tournament appearances and won a combined 23 Big East regular and tournament championships. Over the last three years, they've amassed an astounding 123–4 record.

I wish them luck in the weeks and months to come as they seek to extend the streak further. This has been a month of history in women's college basketball. Tennessee coach Pat Summit just won her 800th game, and the Huskies won their 55th straight victory. It's a golden time for the sport, and for all the fans who love it.•

RECOGNIZING DR. JAMES MONTGOMERY OF ROSWELL, NM, AND THE NATIONAL WILDLIFE REFUGE SYSTEM

• Mr. DOMENICI. Mr. President, I rise before you today not only to recognize the dedication and hard work of a fellow New Mexican, but to celebrate a century of conservation by the National Wildlife Refuge System.

On February 1 of this year, the man I honor today, Dr. James Montgomery of Roswell, NM, will receive the 2003 Refuge Volunteer of the Year award offered by the National Wildlife Refuge Association. This award is given to an individual who displays outstanding dedication to the preservation and advancement of the national refuge system and its endeavors to protect the beauty of the American landscape.

Dr. Montgomery has spent the last 15 years and given more than 10,000 hours of service protecting and improving the Bitter Lake National Wildlife Refuge in Roswell. He has done this for no compensation, motivated only by his concern and appreciation of the refuge. During his work, Dr. Montgomery played an integral role in many important projects, including: spearheading efforts to maintain and establish species on the refuge; providing support to community outreach and events service; and assisting refuge staff in their budget process. Dr. Montgomery also holds the position of treasurer for the Friends of Bitter Lake nonprofit organization. Clearly his work on behalf of the refuge sustains the accessibility and natural beauty of one of New Mexico's treasures.

Bitter Lake is one of the 540 sites comprising the National Wildlife Refuge System and one of seven in New Mexico, Bitter Lake, Bosque del Apache, Grulla, Las Vegas, Maxwell, San Andres, and Sevillita. On these 540 refuges, 30,000 hard-working men and women annually donate more than 1 million hours of their time to protect, maintain, and improve our Nation's environmental resources. Given the impressive number of individuals worthy of praise, it gives me great pride as a New Mexican that Dr. James Montgomery has been chosen for this honor.

President Bush, in his State of the Union Address, spoke of building a more compassionate America; an America energized by individuals such as Dr. Montgomery who dedicate great portions of their lives to the generous spirit that has made this country great. Whether that spirit be embodied by volunteers who assist those in need, or by those who work to ensure that our natural wonders are preserved, all are necessary and vital to our existence as Americans.

Furthermore, it wouldn't do to discuss Dr. Montgomery without mentioning the program for which he has tirelessly worked. This March we celebrate a milestone in American wildlife conservation: the 100th Anniversary of the National Wildlife Refuge System. This momentous occasion is worthy of recognition because over the past century, normal citizens, along with the refuge system, have been at the forefront in protecting the unique beauty of the American landscape.

The National Wildlife Refuge System protects a wide range of wildlife and landscapes throughout the country. In particular, the refuges in the Southwest are necessary to secure the well being and survival of migratory birds, including the bald eagle, which make the area their home during the fall and winter months. The system concentrates also on scientific endeavors that span such fields as habitat alteration and biodiversity research. These efforts coincide with maintaining places of unspoiled natural beauty that can be enjoyed by all Americans.

New Mexico is privileged to have some of the most beautiful natural wonders within this great Nation. Wildlife refuges such as Bitter Lake in Roswell and Bosque del Apache in Socorro are perfect examples of the 100 years of success by the refuge system in ensuring the treasures of our environment are preserved and enjoyed for generations. Of course, the success would not be as great without the hard work, passion, and sacrifice of those dedicated volunteers like Dr. James Montgomery.

To that end I salute the National Wildlife Refuge System for its many successes and Dr. James Montgomery for embodying the great spirit of charity and volunteerism that America cherishes.•

PRIME MINISTER HUN SEN TO BLAME FOR RIOTS

• Mr. McCONNELL. Mr. President, the Cambodia charade continues.

Recent riots in that Southeast Asian country—reportedly sparked by unfounded rumors of Thai slights against Khmer culture and history—caused extensive damage to Thai-owned businesses and property in Phnom Penh and the storming, looting, and destruction of the Thai Embassy. The failure of the Cambodian Government to defend Thai diplomats and the embassy compound from rioters is unacceptable, particularly in the post September 11 security environment. Further, the exploitation of the rumor by Prime Minister Hun Sen is as reckless as it is irresponsible.

In the aftermath of these riots, I have heard credible reports that democratic opposition and human rights activists are being targeted for intimidation and arrest. Given his tendency toward paranoia and violence, I do not doubt for an instant that these riots were staged by Hun Sen as, among other things, a pretext to crackdown on the democratic opposition in the run up to the July parliamentary elections.

Over the next few days, it is imperative that the international community not be duped by Hun Sen and the Cambodian Government into laying blame for the riots on the democratic opposition. It is time to help the Royal Government of Thailand to hold Hun Sen and the Cambodian government accountable for the destruction of property, the violation of democratic principles, and the damage to relations with its western neighbor.

The Cambodian authorities allowed the situation outside the Thai Embassy to escalate out of control. Riot and military police did nothing to maintain law and order until after extensive damage had been done throughout the capital. It is a simple and tragic fact that the Cambodian Government permitted this attack to take place. Their inaction during the riots stands in stark contrast to the brutal treatment illegal logging protesters received at the hands of the police a few short weeks ago.

The riots must serve as a wake-up call to complacent diplomats in Phnom Penh. As there is no law and order in Cambodia, your embassy could be next. I have not forgotten that in the mid-1990s Hun Sen threatened that Cambodians might "storm" the American and French embassies; unfortunately his warnings came true for Thailand.

With parliamentary elections scheduled for July, diplomats in Cambodia ought to be scrambling to protect and defend the rights of the democratic opposition to unseat Cambodia's unstable and violent dictator through peaceful and credible polls.

Cambodians can thank Prime Minister Hun Sen for chasing away foreign investors and tourists. This recent charade only underscores that he and the CPP are part of Cambodia's problems, and not part of the solution.●

MESSAGES FROM THE PRESIDENT

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a 6-month periodic report prepared by my Administration on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

REPORT ON THE INTENT TO ENTER INTO A FREE TRADE AGREEMENT (FTA) WITH THE GOVERNMENT OF SINGAPORE—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Singapore.

The Agreement we have negotiated promotes our commitment to secure a level playing field and open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a party to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth of the U.S. economy. In the previous decade, exports accounted for 25 percent of our economic growth. They currently support the jobs of more than 12 million Americans.

Singapore is our 11th largest trading partner with total two-way trade in goods and services valued at $38.8 billion in 2001. This FTA will improve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Singapore. This Agreement provides for substantial market access across the entire services sector and locks in Singapore's zero tariff rates on goods, including agriculture.

Fair treatment of U.S. goods and services is important to increasing market access. This Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It also establishes a secure and predictable legal framework for U.S. investors operating in Singapore.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Singapore will benefit from enhanced copyright, patent, trademark, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exports and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Singapore FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

REPORT ON THE INTENT TO ENTER INTO A FREE TRADE AGREEMENT (FTA) WITH THE GOVERNMENT OF CHILE—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Chile.

The Agreement we have negotiated promotes our commitment to secure a level playing field and to open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a party to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth of the U.S. economy. In the previous decade, exports accounted for 25 percent of our growth and currently support the jobs of more than 12 million Americans. In 2001, two-way trade of all goods and services between the United States and Chile totaled $8.5 billion. This Agreement will improve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Chile.

In this Agreement, the vast majority of U.S. and Chilean goods will become duty-free immediately. Most remaining tariffs will be eliminated within 4 years and all tariffs and quotas will be eliminated over a 12-year period. Over three-quarters of U.S. farm goods will enter Chile duty-free within 4 years.

The United States is a global leader in services. This Agreement locks in substantial market access across the entire services sector.

Fair treatment of U.S. goods and services is important to increasing market access. The Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It also establishes a secure and predictable legal framework for U.S. investors operating in Chile.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Chile will benefit from enhanced copyright, patent, trademark, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exporters and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Chile FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH,
THE WHITE HOUSE, *January 29, 2003.*

TRANSMITTING PRESIDENTIAL DETERMINATION NO. 2002-30, RELATIVE TO THE AIR FORCE'S OPERATING LOCATION NEAR GROOM LAKE, NEVADA—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 13, 2002, I issued Presidential Determination 2002-30 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 2002-30 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that, in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that might require the disclosure of classified information.

GEORGE W. BUSH,
THE WHITE HOUSE, *January 29, 2003.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 241. A bill to amend the Coastal Zone Management Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-838. A communication from the Deputy Secretary, Investment Management Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Transactions of Investment Companies With Portfolio and Subadviser Affiliates. (17CFR sections 270 .10f-3, 270.12d3-1, 270.17a-6, 270.17a-10, 270 .17d-1, and 270.17e-1) (3235-AI28)" received on January 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-839. A communication from the Deputy Secretary, Investment Management Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Condition for Use of Non-GAAP Financial Measures" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-840. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulations H—Reporting and Disclosure Requirements for State Member Banks With Securities Registered Under the Securities Exchange Act of 1934 (Doc. No. R-1129)" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-841. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 2003 Report on Foreign Policy-Based Export Controls, received on January 21, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-842. A communication from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency With Respect to Terrorist Who Threaten to Disrupt the Middle East Peace Process that was declared in Executive Order 12947 of January 23, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-843. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to terrorist who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-844. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting and Procedures Regulations; Cuban Assets Control Regulations; Publication of Economic Sanctions Enforcement Guidelines" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-845. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of rule entitled "Insider Trades During Pension Fund Blackout Periods (RIN 3235-AI71)" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-846. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development "Public Housing Total Development Cost (RIN2577-AC05)" received on January 21, 2003; to the

Committee on Banking, Housing, and Urban Affairs.

EC–847. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to waiving the restrictions of the Cooperative Threat Reduction Act of 1993 subsection (d) of section 1203 with respect to the Russian Federation; to the Committee on Foreign Relations.

EC–848. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the proposed certification of a proposed license for export of defense articles of defense services sold commercially under a contract in the amount of $50,000 or more to Russia, Ukraine and Norway"; to the Committee on Foreign Relations.

EC–849. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Addition to Quarantined Area and Applicability of Regulations (Doc. No. 02–1117–2)" received on January 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–850. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly, Designation of Quarantined Area (Doc. No. 02–130–1)" received on January 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–851. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the Biennially report to congress on the continuing need for existing bankruptcy judgeships; to the Committee on the Judiciary.

EC–852. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the authorization of additional bankruptcy judgeships; to the Committee on the Judiciary.

EC–853. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Annual Report of the Nuclear Regulatory Commission, received on January 23, 2003; to the Committee on Governmental Affairs.

EC–854. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of Commercial Activities Inventory and Inherently Governmental Inventory, received on January 21, 2003; to the Committee on Governmental Affairs.

EC–855. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, the Annual Report (Year 2002) for the Office of Independent Counsel-Barrett; to the Committee on Governmental Affairs.

EC–856. A communication from the Office of Personnel Management, The President's Pay Agent, transmitting, pursuant to law, the report relative to justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, received on January 21, 2003; to the Committee on Governmental Affairs.

EC–857. A communication from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Federal Mediation and Conciliation Service under the Federal Managers' Financial Integrity Act (FMFIA) for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–858. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Final Rule Relating to Adjustment of Civil Monetary Penalties (RIN1210–AA95)" received on January 23, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–859. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects Program, Capacity Building, Coordination, & Collaboration Projects" received on January 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–860. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations (Doc. No. 00N–1596)" received on January 21, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–861. A communication from the Acting Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting, pursuant to law, the report relative to the Tres Rios, Arizona, ecosystem restoration, flood damage reduction, and recreation project, received on January 27, 2003; to the Committee on Environment and Public Works.

EC–862. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Nuclear Regulatory Commission's Monthly report on the Status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–863. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of Law Enforcement, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Address Change for Submission of Reports" received on January 16, 2003; to the Committee on Environment and Public Works.

EC–864. A communication from the General Counsel, Office of General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" received on January 27, 2003; to the Committee on Energy and Natural Resources.

EC–865. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistant Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations: Security Amendments To Implement Executive Order 12829, National Industrial Security Program (1991–AB42)" received on January 23, 2003; to the Committee on Energy and Natural Resources.

EC–866. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Returns and Return Information by Other Agencies" received on January 27, 2003; to the Committee on Finance.

EC–867. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January–March 2003 Bond Factor Amounts (Rev. Rul. 2003–2)" received on January 14, 2003; to the Committee on Finance.

EC–868. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offshore Voluntary Compliance Initiative (Rev. Proc. 2003–11)" received on January 14, 2003; to the Committee on Finance.

EC–869. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of intent to publish regulations regarding definitions of early retirement benefit and retirement-type subsidy (Notice 2003–10)" received on January 14, 2003; to the Committee on Finance.

EC–870. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2003–01 (RP–134000–02)" received on January 14, 2003; to the Committee on Finance.

EC–871. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Drawbridge Centers (T.D. 03–05)" received on January 23, 2003; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, without amendment:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI, without amendment:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. McCAIN, without amendment:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG, without amendment:

S. Res. 38. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. GREGG, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 151. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 153. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*John W. Snow, of Virginia, to be Secretary of the Treasury.

By Mr. HATCH for the Committee on the Judiciary.

Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

By Mr. WARNER for the Committee on Armed Services.

Paul McHale, of Pennsylvania, to be an Assistant Secretary of Defense.

Christopher Ryan Henry, of Virginia, to be Deputy Under Secretary of Defense for Policy.

Air Force nomination of Brig. Gen. William J. Lutz.

Air Force nomination of Col. Jarisse J. Sanborn.

Army nomination of Maj. Gen. Thomas F. Metz.

Navy nomination of Rear Adm. Albert T. Church III.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Anthony E. Musella, Jr.

Air Force nomination of Steven B. Wallis.

Air Force nominations beginning Sara M. Devine and ending Michael H. Quinn, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning James F. Barber and ending Donald G. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Joseph M. Koroluk and ending Ricky J. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Patrick W. Behan and ending Jamie L. Saives, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Hossam E. Ahmed and ending Brett W. Perkins, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Robert A. Bazylak and ending Mark S. Smyczynski, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Deborah L. Aspling and ending Candace W. Woodham, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Andrew A. Akelman and ending Steven Zebich, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Michael L. Bell and ending Glenn L. Spitzer, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Roosevelt Allen, Jr. and ending Arjen L. Vandevoorde, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Peter A. Bauer and ending Christopher M. Zahn, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nomination of Ronald D. Harris.

Army nominations beginning William T. Barto and ending Bradley P. Stai, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Frank W. * Allara, Jr. and ending Glynis D. * Wallace, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Nancy M. Acampado and ending James H. Yao, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Gregory A. * Abrahamian and ending Gregory B. * York, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Sameh G. Abuerreish and ending Michelle K. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning James L. * Agler, Jr. and ending Beverly A. Woods, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Laura S. * Barchick and ending Donald E. * Witmyer, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Wayne H. Albright and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nomination of Richard L. Sargent.

Air Force nomination of Richard L. Neel.

Air Force nomination of Joel C. Carlson.

Air Force nomination of Scott C. Paul.

Air Force nomination of Steven E. Ritter.

Air Force nominations beginning Michael L. A. Holland and ending Parimal R. * Patel, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Sallye J Allgood and ending Yvonne L Tuckerharris, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Leonard I. Cancio and ending Kathleen S. Zurawel, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Kathleen W. Carr and ending Robert G. Webb, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Kenneth T. Gareau and ending Paola M. Oflaherty, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Olin O. Oedekoven and ending Matthew D. Urbanek, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Marine Corps nomination of John A. Manning.

Marine Corps nomination of Michael E. Rodgers.

Marine Corps nomination of Samuel S. Scialabba.

Marine Corps nominations beginning Daniel W. Alexander and ending Jan-Hendrik C. Zurlippe, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Navy nominations beginning Frederick J. Adams III and ending Andrea G. Nashold, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Navy nomination of Ian G. McLeod.

Navy nomination of Michael S. Moeller.

Air Force nomination of David G. Young III.

Air Force nominations beginning Edward D. Peterson and ending William M. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Benedict N. Antonecchia and ending Thomas S. Tucker, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Britta A. Anderson and ending Deborah C. Messecar, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Lewis A. Brandes and ending Charles A. Walden, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Walter S. * Adams and ending George T. * Youstra, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Michael Aluker and ending Scott A. Zakaluzny, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Army nominations beginning Paul A. Baker and ending Frank E. Ziemkiewicz, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Army nominations beginning Michael P Boehman and ending Scott F Young, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Army nominations beginning White A * Baxter and ending Jennifer S * Zucker, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Marine Corps nomination of Larry A. Dickey.

Marine Corps nominations beginning Harald Aagaard and ending Robert C Zyla, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Navy nomination of Eric W. Herbert.

Navy nomination of Jay R. Frohne.

Navy nomination of Adrian D. Talbot.

Navy nomination of Evangeline D. Smith.

Marine Corps nomination of Daniel P. Hudson.

Air Force nomination of Margaret C. Gram.

Air Force nomination of James V. English.

Air Force nominations beginning James C. Balserak and ending Martin E. Sellberg, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2003.

Air Force nomination of Timothy H. Lewis.

Air Force nomination of Howard S. Loller.

Army nomination of John F. Neptune.

Army nomination of Charles E. Swallow.

Army nomination of Wayne C. Hollenbaugh.

Army nomination of Joseph T. Hughes.

Army nomination of Gregory T. Bramblett.

Army nomination of Allen C. Whitford.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

NOMINATION DISCHARGED AND CONFIRMED

The following nomination was discharged and confirmed from the Committee on Governmental Affairs, January 30, 2003:

DEPARTMENT OF HOMELAND SECURITY

Gordon England, to be Deputy Secretary of Homeland Security.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself, Mr. DeWine, Mr. Levin, and Ms. Stabenow):

S. 248. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mrs. Hutchison):

S. 249. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

By Mr. DURBIN:

S. 250. A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for himself and Mr. Breaux):

S. 251. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. Enzi, Mr. Hagel, Mr. Roberts, and Mr. Domenici):

S. 252. A bill to amend the Internal Revenue Code of 1986 to provide special rules relating to the replacement of livestock sold on account of weather-related conditions; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. Leahy, Mr. Hatch, Mr. Reid, Mr. Graham of South Carolina, Mr. Schumer, Mr. Grassley, Mr. Dorgan, Mr. Kyl, Mr. Edwards, Mr. Sessions, Mr. Baucus, Mr. DeWine, Mr. Warner, Ms. Cantwell, Mr. Nickles, Mr. Conrad, Mr. Burns, Ms. Landrieu, Mr. Craig, Mr. Domenici, Mr. Dayton, Mrs. Feinstein, Mr. Cornyn, Mrs. Lincoln, Mr. Allen, Mr. Santorum, Mr. McConnell, Mr. Bunning, Mr. Nelson of Nebraska, Mr. Inhofe, and Ms. Stabenow):

S. 253. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 254. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Ms. Snowe, Ms. Collins, Ms. Cantwell, Mr. Corzine, Mr. Dodd, Mr. Durbin, Mr. Jeffords, Mr. Leahy, Mrs. Murray, Mr. Reed, Mr. Schumer, and Mrs. Clinton):

S. 255. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Santorum, and Mr. Lieberman):

S. 256. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. McCain, Mr. Inouye, Mr. Levin, Mr. Bingaman, Mr. Kerry, Mr. Breaux, Mr. Conrad, Mr. Johnson, Ms. Landrieu, Mr. Sessions, and Mr. Nelson of Nebraska):

S. 257. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 258. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 259. A bill to expand the eligibility for membership in veterans organizations; to the Committee on Finance.

By Mr. HARKIN (for himself and Ms. Stabenow):

S. 260. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Kerry, Mr. Daschle, Mr. Kennedy, Ms. Landrieu, Mr. Sarbanes, Mrs. Lincoln, Mrs. Murray, Mr. Levin, Mr. Corzine, Mrs. Clinton, Mr. Johnson, Mr. Akaka, Mr. Leahy, Mr. Dodd, Mr. Lautenberg, and Mr. Reed):

S. 261. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Corzine, Mrs. Murray, Mr. Wyden, Mr. Dodd, and Mr. Reed):

S. 262. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 263. A bill to amend part A of title IV of the Social Security Act to require a comprehensive strategic plan for the State temporary assistance to needy families program and to give States the flexibility to implement innovative welfare programs that have been effective in other States; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. Murray):

S. 264. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. Schumer, and Mrs. Clinton):

S. 265. A bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Schumer):

S. 266. A bill to provide for the access and handling by personnel of State and local governments of classified information to facilitate preparation and response to terrorist attacks, and for other purposes; to the Select Committee on Intelligence.

By Mr. McCAIN:

S. 267. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DeWine):

S. 268. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. Ensign, Mr. Wyden, Mr. Levin, and Mr. Smith):

S. 269. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. DASCHLE, Mr. REED, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Ms. CANTWELL, and Mr. ROCKEFELLER):

S. 270. A bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced unemployment benefits, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. CORZINE, Mr. SCHUMER, and Ms. SNOWE):

S. 271. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. BAYH, Mr. HATCH, Ms. LANDRIEU, Mr. SMITH, Mr. NELSON of Florida, Mr. TALENT, Mr. LUGAR, Mr. FRIST, and Mr. MILLER):

S. 272. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. DOMENICI:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Energy & Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. McCAIN:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. CRAIG:

S. Res. 38. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. GREGG:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. Res. 40. A resolution reaffirming congressional commitment to title IX of the Education Amendments of 1972 and its critical role in guaranteeing equal educational opportunities for women and girls, particularly with respect to school athletics; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 101, a bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

S. 138

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 145

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 145, a bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

S. 151

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 185, a bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. NELSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 229

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Louisiana (Mr. BREAUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 229, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 238

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Mrs. HUTCHISON):

S. 249. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

Mrs. CLINTON. Mr. President, today my colleague Senator KAY BAILEY HUTCHISON and I are reintroducing a bill that will help repay our Nation's debt to the Gold Star Wives of America.

This bill corrects a long-standing disparity and would finally allow the widows of veterans who remarry after the age of 55 to continue to receive Dependency and Indemnity Compensation. The Gold Star Wives of America brought this matter to our attention. We are tremendously grateful to them for working with us on this important bill. At this time in our Nation's history, when our brave men and women in uniform are putting their lives on the line in Afghanistan and elsewhere around the world, it is especially important to recognize the wives and families of those who have already served their country so proudly.

This benefit covers the surviving dependents of members of the Armed Forces who have died in active duty or of a service-connected cause. Currently, it is the only Federal annuity program that does not permit a widow who receives compensation to retain her benefits if she remarries after the age of 55. It is time for this policy to change.

By eliminating this marriage penalty, our bill will continue to provide these women the help some need to make ends meet, and will allow them to live their lives to the fullest. Discouraging marriage after the age of 55 by making marriage financially burdensome is not the way to show our appreciation for their sacrifice. Many people live on fixed incomes and rely on Dependency and Indemnity Compensation to help pay their bills.

Under our bill, these widows would not be denied their benefits. I urge my colleagues to support this important legislation. It is time for these inequities to be addressed, so that these women can continue to receive the benefits they deserve, and also be permitted to experience again the profound meaning and happiness that marriage brings.

I ask unanimous consent that the text of the bill, to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RETENTION OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES REMARRYING AFTER AGE 55.

(a) EXCEPTION TO TERMINATION OF BENEFITS UPON REMARRIAGE.—Section 103(d)(2)(B) of title 38, United States Code, is amended by inserting "1311 or" after "under section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(c) RETROACTIVE BENEFITS PROHIBITED.—No benefit may be paid to any person by reason of the amendment made by subsection (a) for any period before the effective date specified in subsection (b).

By Mr. DURBIN:

S. 250. A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to draw the attention of the Senate and those following this proceeding to a global emergency many of us believe the last Congress did not adequately address.

Imagine the public reaction that would ensue if every year the United States lost a population the size of the city of Chicago to HIV/AIDS-related deaths; if every year the United States lost the number of children equal to the population of this city, Washington, DC, to HIV/AIDS-related deaths. This is the reality the world faces.

Imagine how bad the situation would have to be in the United States for the public to accept an HIV-positive muppet on Sesame Street, the popular television show geared to little kids ages 2 to 4. This is the reality of children's TV in South Africa.

In 2001, 662,000 children lost either one or both parents to AIDS in South Africa.

In 2002, 3 million children, defined as 15 years of age or younger, were reported to be living with AIDS in sub-Saharan Africa; 800,000 children worldwide were newly infected with HIV last year.

Last weekend I went with several of my colleagues to Haiti. The reason for that trip had a lot to do with a well-known rock singer named Bono whose group U2 is legendary in rock-and-roll history. But he has taken on a special mission, not only to make music, but to make the world more aware of the HIV/AIDS crisis. He is a very likable fellow. He has been a great lobbyist. This Irishman comes to Capitol Hill and opens every door.

In my office, when he came to see me, I couldn't get over how many of my staffers took a great interest in HIV/AIDS just to be in the room when he sat down and talked about it. He has done such spectacular work with Democrats and Republicans, the executive branch, and the legislative branch. Then he had a tour, which was scheduled about 2 or 3 months ago, in the Midwest. The tour was really to speak to the heartland of America about this issue of HIV/AIDS. He came to my City of Chicago; I was proud to meet with him and a group of African American clergy.

Then he went out to a very conservative piece of real estate near the City of Chicago, the great Wheaton College. Wheaton College was where Billy Graham took his training before he went into the ministry. Wheaton College has a reputation of being pretty conservative, high-minded in their values, dedicated to their religion and their belief. And they invited him, this outspoken Irishman, to speak to them about HIV/AIDS. It was a great presentation.

At the very end there was some music, but most of it was very serious in that people talked about their life experiences. The thing I noticed, as the presentation was made, was that one of the doctors said: You Americans tend to want to look across the ocean for HIV/AIDS. You have it here in the United States, and don't forget it. But you also have it in your hemisphere in Haiti in a way that most people don't even appreciate.

Last weekend I traveled to Haiti with several of my colleagues, including Senator BILL NELSON of Florida. But the leader of our codel was Senator MIKE DEWINE, a Republican of Ohio, and his wife Fran. Let me just say something for a moment about MIKE DEWINE. MIKE and I had been friends since we were both elected to the House 20 years ago. He left for a period of time and ran for Lieutenant Governor of Ohio, then came back as a Senator from that State.

Most people don't know MIKE and his wife and family have a particular interest and dedication to Haiti and the poor people who live there. This trip was their eleventh trip to Haiti. Many Members of Congress are lucky to go to the same place far away once or twice in a lifetime. Think about the fact that MIKE and Fran, people on their staff, continue to return to one of the poorest places on earth over and over and over again. It isn't just to take photographs. In fact, they do very little of that. It is to bring bags of toys and soccer balls, basic items, medical and otherwise, that the poorest people in our hemisphere need, to visit programs like one called Hands Together. Hands Together is something I never heard of before I got to Haiti, but I met Father Tom Hagan, who is the leader of Hands Together in Haiti, and Doug Campbell, his executive director, and they showed us a center which they have created in one of the poorest slums on earth. It is called Cite Soleil. My French translation would be Sun City. But it is not always sunny in this city for the tens of thousands who live in the worst poverty.

They created this little school and community center to teach children how to read and write on the condition that their parents also come in and learn. They provide basic food for these children. They invite in senior citizens who come in for the only meal of the day that is worthwhile, and they try to give them some encouragement and maybe some basic things they need to survive.

They told us a story about the senior citizens being brought to the center. There is no place for them to go in this terrible slum. When they first started bringing them in, most were brought in in wheelbarrows. They could barely walk. The life expectancy in Haiti is 51 years of age. If you are 60 or 70—I met people who are even older—it is a rarity, but you obviously have some good genetics. But they were still struggling.

At their center with Hands Together they offered these senior citizens a basic meal. I saw it. It was beans and rice with a few little peppers on the top of it, and a vitamin pill. In a matter of weeks, these same elderly people, who could barely walk and were brought in in wheelbarrows, were up and moving around, thanks to Hands Together and to Father Hagan.

There is also the center where the kids are educated, called the Becky DeWine Center, named after MIKE and Fran's late daughter. It is wonderful to see those children come in in their uniforms, 6 days a week. They want to be there, learning.

The reason I tell you this as background is that amidst all this poverty, Haiti faces an AIDS epidemic which is unparalleled in our hemisphere. When Bono visited Wheaton College, he said to the students: This is a global crisis. It is in our backyard in the Caribbean. It is all across Africa. It is moving across India and Russia and China. We have to do something about it.

It was that piece of information that led me to go to Haiti. I am glad I did. We set up a meeting at the ambassador's residence. Ambassador Brian D. Curran is our career ambassador. Previously he had been the ambassador to

Mozambique. He let us meet with Bill Pape, who is known as "Dr. Pop" in the French pronunciation. What an impressive man. Here was a man who told us how he had decided as a public health leader in one of the poorest countries to try to eliminate the deaths of children, infants, from diarrhea, a terrible problem in the Third World. These poor children, who drink water that is contaminated, get sick with diarrhea and throwing up, become dehydrated and die.

They put together a program that has virtually eliminated that as a challenge in Haiti. I am impressed. That is a big undertaking, and a lot of success was demonstrated. Now Dr. Pape and his organization, known as GHESKIO, an organization that is one of the earliest in terms of commitment to dealing with HIV and AIDS, have received a $10 million-plus grant from the Global AIDS Fund to take on the AIDS epidemic in Haiti. Already he is able to demonstrate on the chart that just their first year or two of activity, the AIDS rate of infection is starting to come down ever so gradually. He believes he is on the right course to deal with this epidemic.

Do you know where the Global AIDS Fund money comes from? Some of it comes from us, taxpayers who contribute to the Global AIDS Fund. As we contribute and he is successful, fewer children are infected; fewer children are orphaned. There is more hope for their future.

I left that visit to Haiti inspired again, as I am every time I visit some of the poorest places in the world. You might think it is depressing to see people living in the worst squalor imaginable, to see them holding beautiful little babies as they stand right next to open sewers that pigs are rooting through, to see dogs that are so skinny they can barely walk, to see the living conditions which are so horrible. You would think that would be so depressing, but you will find in every one of these places stories of courage, not just the mothers and fathers struggling to keep the family together, but people like Father Tom Hagan and Hands Together and Doug Campbell who come into that setting and say: Let us help.

There are many others. I just mentioned Hands Together. There is World Vision, CARE, Catholic Relief Services. The list goes on. Thank goodness they are there. I am glad I had a chance to see it.

When we came back here to Washington, I came back with a renewed dedication and determination to really work on this issue of global AIDS.

Today, I am introducing the Global Coordination of HIV/AIDS Response Act. The 107th Congress failed to pass AIDS authorizing legislation. We should have. President Bush has said in his State of the Union Address that AIDS will be a top priority in terms of global health.

I am a proud Democrat. I take exception to many things this President has done. Let me be the first to stand up and cheer President George W. Bush. That was the right thing to do. That is the right thing for America to do. I will be standing by his side whenever he needs me. I hope we all join him. The United States should lead the world in fighting this epidemic.

The President said he is going to commit $15 billion over the next 5 years to his new emergency plan for AIDS relief. He said only $10 billion of this is new funds. We need to sit down with OMB and see what that actually means. The funding sources may be somewhat blurry, but the commitment was made, and that is a wonderful step forward.

I also want to say that the Secretary of State, Colin Powell, has been an exceptional leader on this issue. He has taken grief for it because it involves some issues of controversy here in the United States.

Uganda—where I visited several years ago—successfully fought the AIDS epidemic with what they call the ABC plan, a public health education plan which doesn't have a lot of money for wonder drugs, but it has a lot of determination and resources dedicated to fighting AIDS. The ABC plan is very basic in countries with limited education, limited resources: A, abstinence when it comes to sexual activities; B, to be faithful to one partner; C, if you are going to ignore the other two, use a condom. It is that simple.

The PRESIDING OFFICER. The Senator has exceeded the 10-minute limit.

Mr. DURBIN. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Secretary of State Colin Powell has been open and candid about using all of these things to deal with AIDS. When I told him Senator MIKE DEWINE and I had been successful on the Senate floor in putting in $180 billion more on the global AIDS fight, a big smile crossed his face.

Today, 42 million people worldwide are living with HIV/AIDS—5 million were newly infected last year. We have seen 3.1 million AIDS-related deaths in 2002. Each year, AIDS deaths claim more than the entire population of Chicago. Life expectancy has dropped below 40 years of age in 10 countries in sub-Saharan Africa. AIDS has already erased 15 years of progress in the worse affected countries. Despite our efforts to date, this epidemic continues its deadly spread across the globe. As the disease spreads, unraveling social structures and decimating populations, the national security implications for the United States multiply—in number as well as intensity.

Last year, the National Intelligence Council released a report supplying grave statistics for "the next wave." In 5 of the world's most populous countries, the number of HIV-infected people will grow from 14 million to 23 million currently to an estimated 50 million to 75 million by 2010.

The disease infiltrates national armies, as well as the public sector, weakening the country's ability to govern and respond to regional threats. As the number of infections grows, the cost of fighting HIV/AIDS overwhelms national governments and competes for the same funds they need to maintain their economy and basic social structure.

Most governments face a lose-lose situation: Either they fight AIDS and underfund the infrastructures necessary to sustain continued immunity, or they continue to build the infrastructures while HIV/AIDS decimates any progress, and they fall victim to it and watch their state crumble.

On every continent, AIDS is traveling along social fault lines and exploiting the weaknesses, hurting both lives and economies.

HIV/AIDS is a national security issue that is as important to our time as the war on terrorism. It is an economic issue, a health and safety issue, and it is a moral issue. Without comprehensive action, the HIV/AIDS epidemic will worsen, demanding even more attention and funding. That is why I introduce this bill to reset global AIDS as a top priority in this Congress.

The main purpose of the bill is to provide a comprehensive response to the AIDS pandemic and acknowledge the growing need for resources. In the form of specialized initiatives, my bill will focus on the growing number of AIDS orphans, the lack of health professionals in AIDS-ravaged countries, and the lack of access to affordable treatment for the majority of those afflicted with HIV/AIDS.

I have designed the Global CARE Act to achieve four major goals: Better coordination of our own agencies in fighting global AIDS; the provision of programs that address all components necessary to support a comprehensive response to HIV/AIDS, including prevention, treatment, care, and investment in broader health systems and national economies; increased accountability for the health and policy objectives we will seek to achieve with our financial and human investment; and the ability to mobilize the most effective human capacity-building tools to address the HIV/AIDS pandemic.

Last year, I introduced a version of this bill which authorized $2.5 billion in global AIDS spending for fiscal year 2003. For fiscal year 2004, I have proposed authorization levels of $3.35 billion. The United States, unfortunately, only contributed $1 billion to fighting this epidemic in 2002. With the passage of the Durbin-DeWine amendment, the Senate allocated $1.525 billion in its fiscal year 2003 appropriations bills. This is a breakthrough—a 50-percent increase by the United States in its commitment.

But these funding levels are still far short of the goal. To meet the need, our target for fiscal year 2004 should be in the $3.35 billion range. Frankly, when you look at the world this year, the global need just to fight HIV/AIDS stands at $8.2 billion. Despite these good efforts by the United States, we can do more. But other countries in the world can do more as well. Let them join the President and the Congress in our commitment to this fight. We have been shortchanging this epidemic for too long. We take tiny steps in pursuit of a challenge that is racing away from us.

Because the spread of this disease remains in its infancy, we have to look at it in more serious terms. We must do more for the 42 million people worldwide who are living with HIV/AIDS, and we have to understand that the disease is not going to wait for our political determination.

A 15-year-old boy in Botswana faces an 80-percent chance of dying from AIDS. We have to change his future. To do that, the Global CARE Act addresses this epidemic aggressively and honestly. I hope this bill will provide a basic blueprint for the United States, and I hope we can join on a bipartisan basis in passing it. I hope my colleagues who read my remarks and follow this debate will believe, as I do, that the President has given us a great opportunity on a bipartisan basis to stand together and tell the world that this caring Nation is committed to dealing honestly and effectively with the global AIDS crisis.

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. REID, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Mr. GRASSLEY, Mr. DORGAN, Mr. KYL, Mr. EDWARDS, Mr. SESSIONS, Mr. BAUCUS, Mr. DEWINE, Mr. WARNER, Ms. CANTWELL, Mr. NICKLES, Mr. CONRAD, Mr. BURNS, Ms. LANDRIEU, Mr. CRAIG, Mr. DOMENICI, Mr. DAYTON, Mrs. FEINSTEIN, Mr. CORNYN, Mrs. LINCOLN, Mr. ALLEN, Mr. SANTORUM, Mr. MCCONNELL, Mr. BUNNING, Mr. NELSON of Nebraska, Mr. INHOFE, and Ms. STABENOW):

S. 253. A bill to amend title 18, United States Code to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Law Enforcement Officers Safety Act of 2003. I am also especially pleased to have Senators PATRICK LEAHY and ORRIN HATCH joining me today as lead original cosponsors.

The Law Enforcement Officers Safety Act would permit qualified current and former law enforcement officers to carry concealed firearms across jurisdictions. This legislation has several important benefits. First, the American pubic will be safer as off-duty and retired law enforcement officers are allowed to carry concealed weapons as they travel across jurisdictions. If enacted into law, the basic net effect of this legislation will be thousands of additional police officers on the streets, at zero taxpayer expense. There are many examples of off-duty officers coming to the rescue of American citizens facing dire situations. Hopefully, with this bill's passage, we will hear about even more of these stories in the future.

Terrorists and violent criminals certainly will not be happy when this bill is passed. They will have additional worries, and hopefully may be deterred, because they will not be sure whether or not seemingly average citizens are actually off-duty or retired law enforcement officers who are armed, trained and ready to deal with whatever situation may arise.

This legislation will also help off-duty and retired law enforcement officers protect themselves and their families. All too often, after they are released from prison, violent criminals seek revenge against the law enforcement officers who helped lock them away. While at a minimum this legislation will even the playing field for off-duty and retired law enforcement officers, I hope that it will go further and actually give them an advantage.

This important law enforcement legislation is especially meaningful to me for a number of reasons. First of all, through six years of service as a Deputy Sheriff with Sacramento County, California, I was able to get first-hand experience with the challenges facing our nation's law enforcement officers. As a Deputy Sheriff, I have personally patrolled the streets and encountered plenty of dangerous characters, far too many of which were armed and dangerous. I also clearly learned that a law enforcement officer's job does not necessarily end when he or she is off-duty since you never know when you may come face-to-face with violent criminals.

Finally, now that I serve as a U.S. Senator, I have made passing pro-law enforcement legislation one of my top priorities.

Previous versions of this legislation have enjoyed the support of over one hundred national, state and local law enforcement organizations. The Fraternal Order of Police is a key leader among those organizations. For many years now, the FOP has supported passage of this legislation. I am encouraged that the FOP has made it clear that we will be working together once again in our efforts to get this bill passed and signed into law by President Bush. I want to take a moment to express my appreciation for Chuck Canterbury, National President of the FOP, the rest of the FOP's professional staff and the over 300,000 members of the FOP they represent, for the letter of support for the Law Enforcement Officers Safety Act of 2003.

I am pleased that Judiciary Committee Chairman ORRIN HATCH and Ranking Democratic Member PATRICK LEAHY are playing vital roles in advancing this legislation as lead original cosponsors. Over the years, I have championed a number of legislative initiatives aimed at helping our nation's law enforcement officers be better supported and protected as they go about their mission of protecting the American people. These accomplishments include a public law that continues to help state and local law enforcement officers acquire life saving bullet-proof vests and a federal grant-making program that helps our nation's schools acquire the School Resource Officers they need to reduce the threat of violence in our public schools. Senators LEAHY and HATCH have played important roles in getting each of these legislative initiatives accomplished.

The key goal of the Law Enforcement Officers Safety Act I am introducing today has been one of my law enforcement legislative priorities since I first introduced similar legislation back in 1997 during the 105th Congress. Since that time, I have introduced the legislation twice more, in 1999 and 2001. Fortunately, the Judiciary Committee made good progress on conceal carry legislation late last year before the 107th Congress completed its work for the year. As we begin anew in the 108th Congress, I hope we will be able to recapture the momentum and finally get this legislation passed and enacted. Just as we worked together in past years to get things done, I look forward to working with Senators LEAHY and HATCH to do what it takes to successfully turn this worthy legislation into the law of the land. Many years of work and persistence may finally be paying off for all of us, especially our nation's law enforcement officers.

It is worth noting that the Law Enforcement Officers Safety Act of 2003 legislation being introduced here today enjoys the strong bipartisan support of thirty-one of my fellow Senators as original cosponsors. I urge the rest of my colleagues to join us in supporting the successful passage of this important Campbell-Leahy-Hatch legislation.

I ask unanimous consent that the text of the legislation I am introducing today, the Law Enforcement Officers Safety Act of 2003, and the Fraternal Order of Police's letter of support, be included in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, January 24, 2003.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the more than 300,000 members of the Fraternal Order of Police, I am writing to advise you or our strong support for legislation you intend to introduce to exempt qualified active and retired law enforcement officers from State and local prohibitions with respect to the carrying of firearms. The passage of this legislation has been designated the top legislative priority of the Fraternal Order of Police and we are proud to have a former law enforcement officer as the sponsor of this bill.

Having served six years as a Deputy Sheriff in Sacramento County, you know firsthand the challenges faced by our nation's law enforcement officers. Police officers put their lives on the line every day and are trained throughout their careers to carry and, in worst-case scenarios use, firearms to defend themselves and the public they are sworn to protect. However, the bewildering patchwork of laws in the States often results in a paradox for law enforcement officers, sometimes placing them in legal and physical jeopardy. Criminals and terrorists do not disarm themselves when they travel from jurisdiction to jurisdiction, and neither should America's police officers.

This is not about firearms—it is about officer safety. After 11 September 2001, it became an important public safety and homeland security issue as well.

The danger inherent to police work and the possibility than an officer will need to respond to an emergency situation does not end with the shift. Criminals and terrorists are never off-duty, making law enforcement officers targets in uniform and out, on duty and off, active or retired. The legislation you intend to offer will give us the ability to defend ourselves at all times by providing qualified active and retired law enforcement officers with the authority to carry their firearms in all U.S. jurisdictions, so long as they have photographic identification issued by the agency for which they are or were employed.

I applaud you for your leadership and you continuing efforts on behalf of our nation's law enforcement officers. It is our hope that we will finally be able to get a bill to the President's desk in this Congress, and we look forward to working with you on this issue. Please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office if we can be of any assistance on this or any other matter.

Sincerely,

CHUCK CANTERBURY,
National President.

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Safety Act of 2003".

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§ 926B. Carrying of concealed firearms by qualified law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified law enforcement officer' means an employee of a governmental agency who—

"(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

"(2) is authorized by the agency to carry a firearm;

"(3) is not the subject of any disciplinary action by the agency;

"(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm; and

"(5) is not prohibited by Federal law from receiving a firearm.

"(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is, or was, employed as a law enforcement officer.

"(e) DEFINED TERM.—As used in this section, the term 'firearm' does not include—

"(1) any machinegun (as defined in section 5845 of title 26);

"(2) any firearm silencer (as defined in section 921); and

"(3) any destructive device (as defined in section 921).".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified law enforcement officers.".

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

"§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified retired law enforcement officer' means an individual who—

"(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

"(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

"(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

"(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

"(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms; and

"(6) is not prohibited by Federal law from receiving a firearm.

"(d) The identification required by this subsection is photographic identification issued by the agency for which the individual was employed as a law enforcement officer.

"(e) DEFINED TERM.—As used in this section, the term 'firearm' does not include—

"(1) any machinegun (as defined in section 5845 of title 26);

"(2) any firearm silencer (as defined in section 921); and

"(3) a destructive device (as defined in section 921).".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

"926C. Carrying of concealed firearms by qualified retired law enforcement officers.".

Mr. LEAHY. Mr. President, I am proud to join Senator CAMPBELL to introduce the "Law Enforcement Officers Safety Act of 2003," which permits current and retired law enforcement officers to carry a firearm and be prepared to assist in dangerous situations. During his time in the Senate, Senator CAMPBELL has been a leader in the area of law enforcement. As a former deputy sheriff, he knows the difficulties law enforcement officers face due to the patchwork of conceal-carry laws in State and local jurisdictions. He and I have worked together on several pieces of law enforcement legislation, such as the Bulletproof Vests Partnership Grant Acts of 1998 and 2000. I look forward to working with him on our bipartisan bill.

I am pleased that 30 Senators, including Judiciary Committee Chairman HATCH and Committee Members SCHUMER, EDWARDS, FEINSTEIN, GRASSLEY, KYL, SESSIONS, DEWINE, CRAIG, GRAHAM, and CORNYN, as well as Assistant Democratic Leader REID and Assistant Republican Leader MCCONNELL—have joined Senator CAMPBELL and me as original cosponsors of this bill in an effort to make our communities safer and better to protect law enforcement officers and their families. In the last Congress, Senator HATCH and I worked together to reach consensus and have the Judiciary Committee approve this legislation by an 18-1 vote. I thank Senator HATCH for his past support and look forward to working with him again on our bipartisan bill.

We introduce this measure in the Senate at the request of the Fraternal Order of Police, which strongly supports this legislation to protect officers and their families from vindictive criminals and to permit officers to respond immediately to a crime when off duty. Last year, when I chaired the Judiciary Committee, I was honored to work closely with FOP's National President, Lt. Steve Young, whose death earlier this month was a sad loss for all of us. Steve was dedicated to this legislation because he understood the importance of having law enforcement officers across the nation armed and prepared whenever and wherever threats to our peace or to our public safety arise. I will continue my close work with the FOP and its new National President, Major Chuck Canterbury, to pass this legislation into law.

There are approximately 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 16,400 law enforcement officers killed in the line of duty. A total of 1,694 law enforcement officers died in the line of duty over the last decade, an average of 170 deaths per year. Roughly 5 percent of officers who die are killed taking law enforcement action while in an off-duty capacity. On average, more than 62,000 law enforcement officers are assaulted each year, resulting in some 21,000 injuries.

Until 2001, violent crime in this country had declined each of the preceding 8 years. Indeed, it had declined by 40 percent since it peaked at 4 million violent crimes in 1993. Community policing and the outstanding work of so many law enforcement officers played a vital key in our crime control efforts. Unfortunately, during the past two years the downward trend in violent crime ended and violent crime turned upward. Last month, the FBI reported that crime rose slightly in the first half of 2002, including a 2.3 percent increase in murders. The preliminary numbers for 2002 follow an increase in crime in 2001 that was the first in a decade, coinciding with a struggling economy that many experts say could be a contributing factor. Crime rose in 2001 by 2.1 percent, compared with the year before.

The Law Enforcement Officers Safety Act of 2003 is designed to protect officers and their families from vindictive criminals and to allow thousands of equipped, trained and certified law enforcement officers, whether on or off duty or retired, to carry concealed firearms in most situations, thus enabling them to respond immediately to a crime. Our bipartisan bill will allow thousands of equipped, trained and certified law enforcement officers continually to serve and protect our communities, regardless of jurisdiction, and at no cost to taxpayers.

To qualify for the bill's uniform standards a law enforcement officer must be authorized to use a firearm by the law enforcement agency where he or she works, meet the standards of the agency to regularly use a firearm, not be prohibited by Federal law from receiving a firearm, and be carrying a photo identification issued by the agency.

A qualified retired law enforcement officer under the bill must have retired in good standing, have been qualified by the agency to carry or use a firearm, have been employed at least 15 years as a law enforcement officer unless forced to retire due to a service-connected disability, have a nonforfeitable right to retirement plan benefits of the law enforcement agency, annually meet State firearms training and qualifications that are the same as active law enforcement officers, not be prohibited by Federal law from receiving a firearm, and be carrying a photo identification issued by the agency.

I have heard from many representatives of the law enforcement community, including the Fraternal Order of Police, the National Association of Police Officers, the Federal Law Enforcement Officers Association, the International Brotherhood of Police Officers, and the California Correctional Peace Officers Association, CCPOA, that national legislation is necessary because of the current patchwork of state and local conceal-carry laws. I have also received letters of support for the Law Enforcement Officers Safety Act from a variety of Vermont law enforcement officials, including Chief Osburn Glidden of Williston, Officer Wade Johnson of Hinesburg, Chief Trevor Whipple of Barre, Officer Bonnie Hotchkiss of Barre, Sergeant Mike Manning and Sergeant David Yustin of the Vermont State Police, and nine Field Supervision Correctional Officers assigned to the Vermont Department of Corrections Barre Community Correctional Service Center.

As a former State prosecutor, I know that law enforcement Officers are never "off-duty." They are dedicated public servants trained to uphold the law and keep the peace. When there is a threat to our public safety, law enforcement officers are sown to answer that call. The Law Enforcement Officers Safety Act will enable law enforcement officers in Vermont and across the nation to be armed and prepared when they answer that call, no matter where, when, or in what form it comes.

I urge my colleagues to support the Law Enforcement Officers Safety Act to make our communities safer and to protect law enforcement officers and their families.

Mr. HATCH. Mr. President, today I rise along with senators CAMPBELL, LEAHY, and others to introduce the "Law Enforcement Officers Safety Act of 2003". This bill, which permits qualified current and retired law enforcement officers to carry a concealed firearm in any jurisdiction, will help protect the American public, our Nation's officers, and their families. I would note that this bill has the overwhelming support of the Fraternal Order of Police and other law enforcement associations.

This legislation allows qualified law enforcement officers and retired officers to carry, with appropriate identification, a concealed firearm that has been shipped or transported in interstate or foreign commerce regardless of State or local laws. Importantly, this legislation does not supersede any State law that permits private persons to prohibit or restrict the possession of firearms on any State or local government properties, installations, buildings, bases or parks. Additionally, this bill clearly defines what is meant by "qualified law enforcement officer" and "qualified retired, or former, law enforcement officer" to ensure that those individuals permitted to carry concealed firearms are highly trained professionals.

Such legislation not only will provide law enforcement officers with a legal means to protect themselves and their families when they travel interstate, it will also enhance the security of the American public. By enabling qualified active duty and retired law enforcement officers to carry firearms, even if off-duty, more trained law enforcement officers will be on the street to enforce the law and to respond to crises.

I urge my colleagues to vote in favor of the passage of this important piece of legislation to provide that extra layer of protection to current and retired law enforcement officers, their families, and the public.

By Mr. AKAKA:

S. 254. A bill to revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Kaloko-Honokōhau National Historical Park Addition Act of 2003. This bill passed the Senate by unanimous consent in the 107th Congress, and I hope that it will receive quick approval again in the 108th Congress. The legislation provides for a small adjustment of the

Park's boundaries to permit the purchase of permanent facilities for Park administrative purposes and to provide visitors with a modest interpretive center that will help them understand the cultural and historical treasures of the Park.

Kaloko-Honokōhau National Historical Park is located along the beautiful Kona coast on the island of Hawaii. It was designated as a National Historic Landmark in 1962 and was established as a National Historical Park in 1978. The Park was created to preserve, interpret, and perpetuate traditional Native Hawaiian culture. The ocean makes up over half of this 1,160-acre Park, and the boundaries include the culturally significant Kaloko and 'Aimakapa fishponds and 'Ai'opio fish trap. There are also several *heiau*, or Native Hawaiian religious sites, found in the Park.

In 2001, 54,000 people visited Kaloko-Honokōhau National Historical Park, and the number of visitors continues to increase. In 2002, 70,000 people visited the Park, an increase of 16,000 visitors. We need a facility there that offers administrative personnel the space and the resources they need to carry out their management functions, and provides visitors with the opportunity to learn about this important part of Hawaii. Rather than erecting a new building and disturbing the resources within Park boundaries, the better option is to locate the facilities nearby on an already-developed parcel. The bill provides a simple, cost-effective solution to the important problems of growing visitorship and the need to provide adequate stewardship of cultural resources. I look forward to working with my colleagues in the Senate and in Hawaii to make this possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 254

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kaloko-Honokōhau National Historical Park Addition Act of 2003."

SEC. 2. ADDITIONS TO KALOKO-HONOKŌHAU NATIONAL HISTORICAL PARK.

Section 505(a) of P.L. 95-625 (16 U.S.C. 396d(a)) is amended—

(1) by striking "(a) In order" and inserting "(a)(1) In order";

(2) by striking "1978," and all that follows and inserting "1978."; and

(3) by adding at the end the following new paragraphs:

"(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as 'Tract A' on the map entitled 'Kaloko-Honokōhau National Historical Park Proposed Boundary Adjustment', numbered PWR (PISO) 466/82,043 and dated April 2002.

"(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Ms. COLLINS, Ms. CANTWELL, Mr. CORZINE, Mr. DODD, Mr. DURBIN, Mr. JEFFORDS, Mr. LEAHY, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, and Mrs. CLINTON):

S. 255. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators SNOWE, COLLINS, CANTWELL, CORZINE, DODD, DURBIN, JEFFORDS, LEAHY, MURRAY, REED, CLINTON, and SCHUMER in introducing legislation to increase Corporate Average Fuel Efficiency, CAFE, Standards for SUVs and other light duty trucks.

This bill will close the "SUV Loophole," and require that SUVs meet the same fuel efficiency standards as passenger cars by 2011.

Simply put, this legislation is the single most important step the United States can take to limit dependence on foreign oil and better protect our environment.

If implemented, closing the SUV Loophole would: Save the U.S. 1 million barrels of oil a day and reduce our dependence on foreign oil imports by 10 percent. Prevent about 240 million tons of carbon dioxide—the top greenhouse gas and biggest single cause of global warming from entering the atmosphere each year. Save SUV and light duty truck owners hundreds of dollars each year in gasoline costs.

CAFE standards were first established in 1975. At that time, light trucks made up only a small percentage of the vehicles on the road, they were used mostly for agriculture and commerce, not as passenger cars.

Today, our roads look much different, SUVs and light duty trucks comprise more than half of the new car sales in the United States.

As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades, because fuel economy standards for these vehicles are so much lower than they are for other passenger vehicles.

The bill we are introducing today would change that, SUVs and other light duty trucks would have to meet the same fuel economy requirements by 2011 that passenger cars meet today.

The National Highway Traffic Safety Administration, NHTSA, has proposed phasing in an increase in fuel economy standards for SUVs and light trucks under the following schedule: by 2005, SUVs and light trucks would have to average 21.0 miles per gallon; by 2006, SUVs and light trucks would have to average 21.6 miles per gallon; and by 2007, SUVs and light trucks would have to average 22.2 miles per gallon.

Last year, the National Academy of Sciences, NAS, released a report stating that adequate lead time can bring about substantive increases in fuel economy standards. Automakers can meet higher CAFE standards if existing technologies are utilized and included in new models of SUVs and light trucks.

And earlier this month, the head of the National Highway Traffic Safety Administration said he favored an increase in vehicle fuel economy standards beyond the 1.5-mile-per-gallon hike slated to go into effect by 2007. "We can do better," said Jeffrey Runge in an interview with Congressional Green Sheets. "The overriding goal here is better fuel economy to decrease our reliance on foreign oil without compromising safety or American jobs," he said.

With this in mind, we have developed the following phase-in schedule which would follow up on what NHTSA has proposed for the short term and remain consistent with what the NAS report said is technologically feasible over the next decade or so: by 2008, SUVs and light duty vehicles would have to average 23.5 miles per gallon; by 2009, SUVs and light duty vehicles would have to average 24.8 miles per gallon; by 2010, SUVs and light duty vehicles would have to average 26.1 miles per gallon, by 2011, SUVs and light duty vehicles would have to average 27.5 miles per gallon.

This legislation would do two other things: 1. It would mandate that by 2007 the average fuel economy of the new vehicles comprising the Federal fleet must be 3 miles per gallon higher than the baseline average fuel economy for that class. And by 2010, the average fuel economy of the new federal vehicles must be 6 miles per gallon higher than the baseline average fuel economy for that class.

2. The bill also increases the weight limit within which vehicles are bound by CAFE standards to make it harder for automotive manufacturers to build SUVs large enough to become exempted from CAFE standards. Because SUVs are becoming larger and larger, some may become so large that they will no longer qualify as even SUVs anymore.

We are introducing this legislation because we believe that the United States needs to take a leadership role in the fight against global warming.

The International Panel on Climate Change, estimates that the Earth's average temperature could rise by as much as 10 degrees in the next 100 years, the most rapid change in 10,000 years.

This would have a major effect on our way of life. It would melt the polar ice caps, decimate our coastal cities, and cause global climate change.

We are already seeing the effects of warming: In November, the Los Angeles Times published an article about the vanishing glaciers of Glacier National Park in Montana. Over a century ago, 150 of these magnificent glaciers could be seen on the high cliffs and jagged peaks of the surrounding mountains of the park. Today, there are only 35. And these 35 glaciers that remain today are disintegrating so quickly that scientists estimate the park will have no glaciers in 30 years.

This melting seen in Glacier National Park can also be seen around the world, from the snows of Mt. Kilimanjaro in Tanzania to the ice fields beneath Mt. Everest in the Himalayas. Experts also predict that glaciers in the high Andes, the Swiss Alps, and even Iceland could disappear in coming decades as well. These dwindling glaciers offer the clearest and most visible sign of climate change in America and the rest of the world.

Yet, the Administration has walked away from the negotiating table for the Kyoto Protocol. This is a big mistake. The United States is now the largest energy consumer in the world, with 4 percent of the world's population using 25 percent of the planet's energy. We should be a leader when it comes to combating global warming.

The single most effective action our nation can take to limit reliance on foreign oil and reduce global warming is to increase the fuel efficiency of our vehicles. The simplest way to do this is to simply bring the fuel efficiency standards for light trucks and sport utility vehicles, SUVs, into conformance with other passenger vehicles.

I urge my colleagues to support this legislation.

Ms. SNOWE. Mr. President, I am pleased to join with Senator FEINSTEIN today in renewing the call we made in the 107th Congress for improving vehicle fuel economy by taking logical steps to close the SUV loophole provided to the "light truck" category in the Federal Corporate Average Fuel Economy, or CAFE, Program.

My colleague has been a passionate advocate of this proposal, and I am proud to work with her again in introducing S. 255, our practical, attainable bill that can garner the kind of broad support necessary to address this national imperative this year. I know when we introduced our plan in 2001, some believed it was too much too soon, while others felt it didn't go far enough. But can anyone honestly say we are better off today without nothing? That we are in better shape because we failed to pass what is possible 2 years ago?

Just think about where we would be today, we would be a model year away from giving consumers greater choices in purchasing more fuel efficient SUVs. And we would also be that much closer to controlling our own energy destiny by reducing our reliance on foreign oil, all the more critical at a time when the current strike in Venezuela and the situation in Iraq make already volatile world oil markets even more precarious. As an oil analyst with the Deutsche Bank in London recently put it, "The oil markets can stand having one thing go wrong, but not two. That's what's happening with Venezuela and Iraq."

And it is not as though we haven't been burned by the foreign oil market before. It is not as though this is something we have never thought of. This year is the 30th anniversary of the Arab oil embargo. I recall in the 1970s when the day you were allowed to refuel your car was determined by whether the last number of your license plate was odd or even. Why hasn't any of this been enough to wean us off this habit?

Right now, we rely more on foreign oil than ever. In 2001, 55 percent of the U.S. total demand was met by oil from abroad, up from 37 percent in 1980 around the time when the original CAFE standards took effect, I might add, and by 2025 that number will jump to a projected 70 percent if we don't take action. With such a large percentage of this imported resource coming from such a volatile region of the world, what do we need to have happen before we feel a sense of urgency?

The fact is, this is an emergency, and we can make a difference. Even just increasing fuel economy standards for SUVs and light trucks by 1.5 miles per gallon by model year 2007, which the administration proposes, would reduce gasoline consumption by 2.5 billion gallons through that year. Just imagine what we could achieve with the proposal Senator FEINSTEIN and I are reintroducing, which would phase-in changes in CAFE requirements in four, attainable stages that will bring the standards for SUV's in line with passenger cars within the next 8 years.

Our legislation is backed by the findings of a 2001 National Academy of Sciences CAFE report that this body requested in 2000 on CAFE standards. The report clearly states that, "Because of concerns about greenhouse gas emissions and the level of oil imports, it is appropriate for the Federal Government to ensure fuel economy levels beyond those expected to result from market forces alone."

I believe that fuel economy through better vehicle mileage is probably the most significant and realistic environmental and energy independence issue we, as leaders, could tackle this year in developing our Nation's energy policy. Had the Senate boosted fuel economy standards over a decade ago as proposed by Senators Bryan and Gorton rather than defeating the measure by three votes, new vehicles would be averaging 33 miles per gallon today instead of 24.5 miles per gallon, and the U.S. would have saved more than 1 billion barrels of oil each and every day.

Instead, all our vehicles combined consume 40 percent of our oil, while coughing up 20 percent of U.S. carbon dioxide emissions, the greenhouse gas linked to global climate change. To put this in perspective, the amount of carbon dioxide emission just from U.S. vehicles alone is the equivalent of the fourth highest carbon dioxide emitting country in the world. Given these stunning numbers, how can we continue to allow SUVs to spew three times more pollution into the air than our passenger cars?

And it is not just an environmental issue, it is also a pocketbook issue, with rising prices at the pump. In fact, according to DOE's Energy Information Administration, the typical price for regular unleaded gas, now $1.47 per gallon, is a full 37 cents higher than just a year ago. Yet ironically, in the past quarter century since the last adjustments were made to CAFE standards, overall fuel economy has actually fallen to its lowest level since 1980, 24.7 miles per gallon.

Just think for a moment how much the world has changed technologically over the past 25 years. We have seen the advent of the home computer and the information age. Computers are now running our automobiles, and global positioning system devices are guiding drivers to their destinations. Are we to believe that technology couldn't have also helped those drivers burn less fuel in getting there? Are we going to say that the whole world has transformed, but America doesn't have the wherewithal to make SUVs that get better fuel economy?

Well, I don't believe it, and neither does the National Academy of Sciences that issued a report in 2001 in response to Congress' request the previous year that the NAS study the issue. They concluded that it was possible to achieve a more than 40-percent improvement particularly in light truck and SUV fuel economy over a 10–15 year period, and that technologies exist now for improving fuel economy. That was a year-and-a-half ago.

But, automakers have instead invested their new technologies in other attributes over the past 13 years. Specifically, there has been a 53-percent increase in horsepower, a 19-percent increase in weight, an 18-percent increase for acceleration and, correspondingly, a minus eight percent decrease for fuel economy. The bottom line is that the auto industry has had the technological opportunities to do better but chose another road. They tell us this is what the consumer wants.

But maybe that is because, for the most part, consumers haven't been presented with viable alternatives. Indeed, a March 2002 poll by the Mellman Group shows that nearly three-quarters of voters nationwide favor increasing the fuel efficiency of vehicles. Another survey conducted since 9/11 by Greenberg Quinlan Rosner Research, Inc., showed that 88 percent of likely voters support increasing the fuel efficiency standards for cars and trucks.

We have seen what a positive difference changes in CAFE standards can make. The NAS panel experts found that, as a result of CAFE standards put into law by Congress in 1975, we have achieved a 75-percent increase in fuel economy for cars. Cars went from 15.8 mpg in 1975 to 27.5 mpg in 1985. And, through CAFE standards, we have seen a 50-percent increase for light trucks, from 13.7 mpg in 1975 to 20.7 mpg in 1987. In addition, NAS noted that CAFE helped maintain fuel economy levels when market forces might have forced fuel economy lower in the passenger fleet.

I don't want America's SUV manufacturers to be "the industry that time forgot?", and history clearly shows that the Federal Government must play a role in ensuring that consumers have a choice in vehicles with high degrees of fuel economy, an appropriate degree of safety and a minimal impact on our environment. How can we do anything less? Closing the SUV loophole will help us achieve these goals, and it is an idea whose time has long since arrived.

When I think back to the balanced budget debate in the Senate, many of us argued that continued deficits would leave the generations to come with mountains of debt, and we had an obligation to ensure that this did not happen. Today, I say to you that we have a similar obligation to take practical steps, to make practical tradeoffs to ensure that generations to come won't be left with a mountain of carbon dioxide emissions, with an even greater dependency on foreign oil, with even higher prices at the pump, and with fewer of our precious natural resources.

I urge my colleagues to take the responsible road and support the Feinstein-Snowe CAFE standards incremental increases for SUVs and the light truck category as the right direction to take.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 258. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DOMENICI. Mr. President, today I rise to bring the Senate's attention to a matter that is slowing Los Alamos County, NM, in its efforts to fully recover from the Cerro Grande Fire of May 10, 2000.

The Cerro Grande fire severely reduced available housing in Los Alamos. Indeed, a major deterrent to new hires is the lack of housing choices in the city. The housing market is even tighter because of the loss of about 400 housing units through the devastating Cerro Grande Fire. Los Alamos has a population of about 18,000 people.

While we have Federal programs to help low and moderate income Americans find good housing, in Los Alamos these programs are ineffective due to the current practice of averaging Los Alamos County and Santa Fe County incomes into one Metropolitan Statistical Area, MSA. This is harmful to Los Alamos residents, where the median income is about $82,000 because the Federal programs use the MSA median income of about $65,000 to determine participation. Eighty percent of median income is a standard measure.

Santa Fe's median income of about $40,000 thus becomes a significant factor for a Los Alamos teacher, fireman, or policeman seeking subsidized Federal assistance. Their incomes in Los Alamos are deemed to be too high to qualify for housing because 80 percent of $65,00 is used as the maximum allowed for assistance. Thus, $52,000 becomes the effective ceiling for assistance, when the actual 80 percent ceiling figure for Los Alamos incomes is about $65,000. This makes a huge difference in a high-priced and competitive market. The result is that developers are discouraged from applying for tax credits and other assistance programs because their applicants do not qualify to live in their new or remodeled housing projects.

The Los Alamos County Manager reports that not a single County employee is eligible for housing created by the Low Income Housing Tax Credits. He, like many residents and the LANL recruiting effort, remain concerned that the limited housing supply has raised rents and sales prices. Los Alamos County is also landlocked by federal government land ownership.

There is a desperate need for affordable housing at a time when, once again, our nation is calling upon LANL for helping to meet its internal and international security needs.

This situation also exists around the New York City area, where Westchester County incomes unfairly raise the metropolitan average to the detriment of the metropolitan housing market. In that case, Congress agreed to separate Westchester County to ease the housing market situation. All I am asking in my bill is to accomplish the same goal by allowing Los Alamos County to stand on its own in terms of HUD median income requirements. My bill does not simultaneously lower the Santa Fe County income to its actual median, but, rather, allows Santa Fe County to continue to use the higher median, because the Santa Fe housing market is also very unusual, and the two-county average helps make more Santa Fe residents eligible for federal assistance on many fronts.

I appreciate my colleagues attention to this matter, and I know the residents of Los Alamos County will be grateful for this assistance to allow more of them to make use of available HUD and other affordable housing assistance programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOW-INCOME FAMILIES DEFINITION.

Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) by inserting "and for Los Alamos County in the State of New Mexico," after "State of New York,";

(2) by inserting ", Los Alamos," after "does not include Westchester";

(3) by inserting ", Los Alamos," after "portion included Westchester"; and

(4) by inserting before the period at the end the following: ", and Los Alamos County, New Mexico, in the Santa Fe metropolitan area".

By Mr. HARKIN (for himself and Ms. STABENOW):

S. 260. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Finance.

Mr. HARKIN. Mr. President, Senator STABENOW and I are introducing legislation similar to the measure we proposed in the last Congress to effectively prevent very rich individuals from reducing their taxes by renouncing the U.S. citizenship. It is a companion to a measure introduced by Congressman CHARLES RANGEL in 2002. The Joint Tax Committee estimated that it will raise $656 million over 10 years from a very few people who I call Benedict Arnolds. These people turn their back on their country which provided so well for then, in order to avoid paying their fair share of U.S. taxes.

Under current law, there are special rules that apply to these former citizens that appear to recover funds lost to the Treasury. However, they are full of holes. Under the current regime, for 10 years after a U.S. citizen renounces his or her citizenship with a principal purpose of avoiding U.S. taxes, the person is taxed at the rates that would have applied had he or she remained a citizen. In reality, the tax is nominally on a broader base of income and on more types of transactions. In addition, if the expatriate dies within 10 years of the expatriation, more types of assets are included in his or her estate. Unfortunately, the reality is that taxes are very often not paid.

The reality is that once a person has expatriated and removed U.S. assets from U.S. jurisdiction, it is extremely difficult to enforce the current rules, particularly for an entire decade after the citizenship is renounced. The measure I introduced simply provides that the very act of renouncing one's citizenship triggers the recognition of tax. So, rather than collecting tax every time an asset is sold over the next decade, my bill treats all of the assets of an expatriate as having been sold the day prior to when the person renounces their citizenship. The taxes are due up front rather than over time. In regard to estate taxes, rather than attempting to collect the tax from the estate of an expatriate not in the U.S. jurisdiction, my measure taxes the inheritance of an heir who remain in the United States in such a way as to remove any tax benefit from the renouncement of citizenship.

$656 million in revenue from these very few former citizens is a lot of revenue that must be made up by loyal Americans in the form of higher debt or taxes that Americans will face. Last year, the Senate passed the measure as a part of the Armed Services Tax Fairness Act but, unfortunately, the House opposed this provision. I am hopeful that it can become law this year. People should not be able to reduce their taxes by renouncing their citizenship.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Ms. LANDRIEU, Mr. SARBANES, Mrs. LINCOLN, Mrs. MURRAY, Mr. LEVIN, Mr. CORZINE, Mrs. CLINTON, Mr. JOHNSON, Mr. AKAKA, Mr. LEAHY, Mr. DODD, Mr. LAUTENBERG, and Mr. REED):

S. 261. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. MURRAY, Mr. WYDEN, Mr. DODD, and Mr. REED):

S. 262. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 263. A bill to amend part A of title IV of the Social Security Act to require a comprehensive strategic plan for the State temporary assistance to needy families program and to give States the flexibility to implement innovative welfare programs that have been effective in other States; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce three welfare bills. Although these bills do not represent a comprehensive welfare reform proposal, they do address what I see as some of the most critical and pressing issues we must deal with as we move toward improving the TANF program.

Let me begin by introducing the Children First Act on behalf of myself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Ms. LANDRIEU, Mr. SARBANES, Mrs. LINCOLN, Mrs. MURRAY, Mr. LEVIN, Mr. CORZINE, Mrs. CLINTON, Mr. JOHNSON, Mr. AKAKA, Mr. LEAHY, Mr. DODD, Mr. LAUTENBERG and Mr. REED).

Since 1996, federal funding for child care assistance under the Child Care and Development Block Grant, CCDBG, has significantly increased, making it possible for states to provide more low-income families with child care assistance and to expand initiatives to improve the quality of child care. This has been an extremely important endeavor. Access to high quality childcare is crucial in helping families to work and children to succeed.

Most people agree that the recent employment gains among welfare recipients can only be sustained if families have access to dependable child care. Studies show that when childcare is available and when families get help in paying for care, they are more likely to work. In fact, when I talk to people in my home State of New Mexico about welfare reform, they identify access to childcare as the most important work support we can provide.

Despite the past increases in the CCDBG, we must do more. Overall, only one out of seven children eligible for assistance through the CCDBG program receives a subsidy, leaving approximately 12.9 million eligible children without assistance. Less than 25 percent of New Mexican children under the age of six who are eligible for childcare assistance are currently receiving it. Unfortunately, the need for childcare assistance is only likely to increase in the near future. Many states are currently threatened with serious budget shortfalls that threaten the availability of funds for numerous important endeavors, including childcare assistance. In addition, the administration's recently proposed TANF plan includes provisions for increased work requirements for recipients. If passed, this would create an increased need for welfare support services, especially childcare. Without subsidized care, many of our Nation's poor families simply cannot afford to work.

We must not only seek to increase access to childcare overall, but also to ensure the improved quality of such care. Currently, many families receiving assistance cannot provide their children with a high quality childcare setting. In part, this is because the childcare reimbursement rates are so low that many of the higher quality providers do not accept state-subsidized children into their programs. Low salaries and the lack of health care and other benefits also make it difficult to attract and retain highly qualified childcare workers. These are major issues given that quality childcare provides low-income children with the early learning experiences they need to do well in school and in life. We know that children in high quality early care are more likely to experience academic success, for example, higher test scores and an increased likelihood of graduating from high school, and less likely to experience social problems such as being charged in juvenile court or being aggressive toward others.

The Children First Act will address these important issues by increasing funds for the CCDBG by $11.2 billion over 5 years. With these funds, States will be able to serve approximately 1 million more children nationally. The bill also contains an increase in the quality set-aside in CCDBG, which will provide States with funds that can be used to train care providers and create and enforce standards of care.

I urge my colleagues to support this important piece of legislation. It will help low-income families work and help prepare our children to succeed.

Next, I would like to introduce the Education Works Act on behalf of myself and Mrs. MURRAY, Mr. DODD, Mr. REED, Mr. CORZINE, and Mr. WYDEN.

Since the 1996 changes in our welfare laws, the number of individuals on welfare has dramatically decreased in most States. However, although many have successfully left welfare for work over the past several years, too many have been left behind because they don't have a high school degree, have little or no work history, or are lacking the skills that are important for success in the job market. In addition, many of those who have secured work are working for low wages, receive few or no benefits, and have limited opportunity for upward financial mobility. As we move toward reauthorization, we must do more to support State efforts to insure that all individuals leaving welfare have the capacity to obtain employment that will provide long-term financial independence. The Education Works Act will do just that.

We know that the welfare programs that have been most successful in helping parents work and earn more over the long run are those that have focused on employment but also make substantial use of education and training, together with job search and other employment services. Yes, less than 1 percent of Federal TANF funds were spent on education and training in 2000, largely because current law limits the extent to which education activities count toward Federal work participation requirements, effectively restricting how long individuals can participate in training and also capping how many people can receive these services.

The Education Works Act would change this by: clarifying that states have the flexibility to allow participation in postsecondary, vocational English as a Second Language, and basic adult education programs by TANF recipients as part of TANF work requirements; giving States the flexibility to determine how long each recipient may participate in education and training activities while receiving benefits; giving states the flexibility to provide non-cash assistance in the form of childcare and transportation supports to individuals who are participating in a full-time education program, without counting these services against the 5-year time limit on TANF benefits; eliminating the 30 percent cap on the number of TANF recipients that can participate in education and training programs in fulfillment of their work requirements.

Via TANF waivers, many States have already been operating programs that do many of the things we're talking about here. In other cases, however, state efforts to provide education and training to welfare recipients have been hampered by an inability to use TANF funds to support these efforts. For example, in my home State, we already have an "Education Works" program but only 400 participants are enrolled statewide, due to funding limitations.

States should be held accountable for decreasing welfare caseloads but also for insuring that those entering the workforce have the skills they need to become and remain economically self-sufficient. We need to give all states the flexibility to implement the types of programs that they believe will best achieve these goals. The Education Works Act is an important step in this direction and I urge my colleagues to support it.

Finally, I would like to introduce the Self-Sufficiency and Accountability Act. This Act has several broad goals: to increase state reporting and accountability for welfare dollars that are received, to encourage states to develop concrete strategies to help families move from welfare to self-sufficiency, and to allow states not currently receiving TANF waivers to do so.

First, State plan requirements under current welfare law are simply not comprehensive enough. Under current law, States can submit plans that contain little information about the services that will be provided, long-range or strategic planning, goals or benchmarks, or how they will insure equitable treatment of all welfare clients. In addition, there are currently few provisions for informing the public about the details contained in state plans. Thus, States have little or no accountability to legislators or to the public for the billions of welfare dollars they receive each year.

The Self-Sufficiency and Accountability Act seeks to remedy these deficits. Some of the key provisions include the following: comprehensive state plans would be required to describe the programs and services that will be offered, eligibility requirements, the purposes and goals for all programs and how these goals will be assessed; the new State plans would increase compliance with nondiscrimination, employment, and civil rights laws by requiring among other things, better training of caseworkers, better communication with welfare clients about their rights and obligations, an appeals process, reporting requirements for complaints, and penalties for states that fail to comply with these requirements; the Act would improve public awareness of and access to State plans in their entirety and provides opportunity for public comment when a state plan is pending or being amended.

As I mentioned earlier, large numbers of individuals have moved from the welfare rolls to work since 1996. During the current welfare reauthorization, we must look beyond simply putting people to work and focus on strategies that will help these individuals achieve lasting economic self-sufficiency. Unfortunately, the current content and structure of state plans are wholly inadequate to address these crucial self-sufficiency concerns. The self-Sufficiency and Accountability Act will address these shortcomings by encouraging States to develop concrete strategies designed to move families toward self-sufficiency. The bill requires States to identify and address individual and environmental barriers to self-sufficiency, describe program strategies implemented to promote self-sufficiency, and to assess the progress of former welfare families in this regard.

The final purpose of this bill is to address the issue of increased State flexibility to implement programs that have been proven effective. After the last reauthorization, many states obtained and some continue to use TANF waivers to develop innovative welfare programs that are suited to the specific needs of their TANF caseloads and labor market conditions in their states. This Act would allow states that currently have waivers to continue to operate under those waivers. In addition, the Act stipulates that any state may submit a waiver application on terms similar or identical to states that are successfully implementing innovative programs. In this way, all States would be provided with the flexibility to employ proven strategies in an effort to address the unique needs of their welfare clients.

Taken together, the three bills I have introduced today would go a long way toward helping people transition from welfare and providing these individuals with the skills and supports they need to achieve a lifetime of productive and financially sustaining work.

I urge my colleagues to support these three bills and I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children First Act of 2003".

SEC. 2. EXCLUSION OF CHILD CARE FROM DETERMINATION OF 5-YEAR LIMIT.

Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR FAMILIES RECEIVING CHILD CARE.—For purposes of subparagraph (A), any funds provided under this part that are used to provide child care for a family during a month under the State program funded under this part shall not be considered assistance under the program.".

SEC. 3. INCREASE IN FUNDING FOR CHILD CARE.

(a) INCREASE IN FUNDING.—Section 418(a)(3) of the Social Security Act (42 U.S.C. 618(a)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $3,967,000,000 for fiscal year 2003;

"(H) $4,467,000,000 for fiscal year 2004;

"(I) $4,967,000,000 for fiscal year 2005;

"(J) $5,467,000,000 for fiscal year 2006; and

"(K) $5,967,000,000 for fiscal year 2007.".

(b) INCREASE IN SET ASIDE FOR CHILD CARE QUALITY.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by striking "4 percent" and inserting "10 percent".

SEC. 4. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended—

(1) in the subsection heading, by striking "ASSISTANCE" and inserting "BENEFITS OR SERVICES"; and

(2) after the heading, by striking "assistance" and inserting "any benefit or service that may be provided".

SEC. 5. APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990 REPORTING RULES TO TANF FUNDS EXPENDED FOR CHILD CARE.

(a) IN GENERAL.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6), the following:

"(7) APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990 REPORTING RULES TO FUNDS EXPENDED FOR CHILD CARE.—Any funds provided under this part that are expended for child care, whether or not transferred to the Child Care and Development Block Grant Act of 1990, shall be subject to the individual and case data reporting requirements imposed under that Act and need not be included in the report required by paragraph (1) for a fiscal quarter.".

(b) CONFORMING AMENDMENT.—Section 411(a)(1)(A)(ix) of such Act (42 U.S.C. 611(a)(1)(A)(ix)) is amended by striking "food stamps, or subsidized child care, and if the latter 2," and inserting "or food stamps, and if the latter,".

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect as if enacted on October 1, 2002, and shall apply to payments under part A of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. KERRY. Mr. President, today my colleague Senator BINGAMAN and I are reintroducing our bill to increase mandatory funding for the Child Care and Development Block Grant, CCDBG. Our legislation, the Children First Act would increase the mandatory funding stream of CCDBG by $11.2 billion over the next five years.

Congress understands that working families need help paying for child care. Indeed, funding for CCDBG has grown significantly over the past several years. Yet despite these increases, funding still only reaches one in seven eligible children nationwide, leaving approximately 12.9 million eligible children without any assistance. Roughly 500,000 children are on waiting lists for help around the country and 21,000 children are on the waiting list for child care assistance in Massachusetts.

The need for child care assistance in Massachusetts is tremendous. Currently, 60 percent of Massachusetts children under age six have mothers in the workforce, and 16.4 percent of Massachusetts children under age five live in poverty. Child care costs at an urban center for a four-year-old averages $8,121 per year and the costs for an infant averages $12,978. That's 223 percent more than the cost of public college tuition in Massachusetts! It's just shocking to me, Mr. President, that we expect families to bear the burden of such costly child care services, they simply cannot afford to do it and are forced either not to work or to leave their children in substandard, and many times even dangerous care. CCDBG is a critically important program to helping poor families afford child care, but we haven't done nearly enough to fill the existing child care gap. Even combining CCDBG and state child care funding in Massachusetts only reaches 13 percent of eligible children.

Senator BINGAMAN and I led the effort to increase child care funding during the welfare reform debate last year and we will do so again this year. But today there is an even more dire need for child care funding than there was one year ago. State governments face a fiscal crisis of historical proportions and as a result have been forced to make severe cuts in social services. In fact child care subsidies for working parents have been scaled back in a number of states. Unfortunately it's likely that the federal government may compound those state cuts. The FY 2003 Omnibus Appropriations bill passed last week by the Senate would cut CCDBG discretionary funds by approximately $60.9 million below FY 2002 levels. As a result, 38,000 fewer children would have access to child care assistance at a time when only one in seven eligible children receive services.

Increased availability and the quality of child care helps achieve two important goals: First, it enables low-income parents on welfare and parents trying to stay off welfare to work and support their families. And second, it provides the early learning experiences that our children need to do well in school. Studies show that when child care is available, and when families get help paying for care, they are more likely to work. Children in high quality early care score higher on reading and math tests, are more likely to complete high school and go onto college, and are less likely to repeat a grade or get charged in juvenile court.

Increased child care funding is an investment that we cannot afford NOT to make. I look forward to teaming up with Senator BINGAMAN in the Finance Committee during welfare reauthorization to increase CCDBG funding. I urge all of my colleagues to join us in the fight to provide all working families with safe, high-quality child care.

S. 262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Works Act of 2003".

SEC. 2. COUNTING EDUCATION AND TRAINING AS WORK.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) participation in vocational educational training, postsecondary education, an English-as-a-second-language program, or an adult basic education program;".

SEC. 3. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

SEC. 4. NONAPPLICATION OF TIME LIMIT TO INDIVIDUALS WHO DO NOT RECEIVE CASH ASSISTANCE AND ARE ENGAGED IN EDUCATION OR EMPLOYMENT.

Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR CERTAIN INDIVIDUALS.—For purposes of this paragraph, child care or transportation benefits provided during a month under the State program funded under this part to an individual who is participating in a full-time educational program or who is employed shall not be considered assistance under the State program.".

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on October 1, 2002, and shall apply to payments made under part A of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

S. 263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Self Sufficiency and Accountability Act of 2003".

SEC. 2. COMPREHENSIVE STRATEGIC TANF PLAN.

(a) IN GENERAL.—Section 402 of the Social Security Act (42 U.S.C. 602) is amended to read as follows:

"SEC. 402. ELIGIBLE STATES; STATE PLAN.

"(a) IN GENERAL.—As used in this part, the term 'eligible State' means, with respect to a fiscal year, a State that, during the 27-month period ending with the close of the 1st quarter of the fiscal year, has submitted to the Secretary, and revised when necessary in accordance with subsection (b), a written plan that the Secretary has found includes the following:

"(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.—

"(A) PROGRAMMATIC INFORMATION.—Information relating to the State program, including the following:

"(i) With respect to each program that will be funded under this part, or with qualified State expenditures claimed by the State to meet the requirements of section 409(a)(7), over the 2-year period for which the plan is being submitted—

"(I) the name of the program;

"(II) the goals of the program;

"(III) a description of the benefits and services provided in the program;

"(IV) a description of principal eligibility rules and populations served under the program, including the circumstances under which the State provides benefits or services to individuals who are not citizens of the United States;

"(V) a description of how the State will ensure fair and equitable treatment among program applicants and recipients and how the State will provide opportunities for applicants and recipients who have been adversely affected to be heard in a State administrative or appeal process, including a description of the steps that the State has taken (or will take) to ensure—

"(aa) compliance with nondiscrimination, civil rights, and employment laws throughout the process of providing services under this part, including at the time of application for benefits, during the applicant assessment process, when determining availability of an eligibility for benefits and services, during the actual delivery of services or benefits, and when deciding to terminate benefits in full or in part; and

"(bb) that program applicants and recipients are aware of their rights and the process for enforcing their rights; and

"(VI) a description of how the program meets 1 or more of the purposes described in section 401 or, in the case of a program funded with qualified State expenditures, how the program meets the criteria in section 409(a)(7)(B).

"(ii) With respect to each program that will be funded under this part, or with qualified State expenditures claimed by the State to meet the requirements of section 409(a)(7), over the 2-year period for which the plan is being submitted and that provides assistance—

"(I) a description of the applicable financial and nonfinancial eligibility rules including, income eligibility thresholds, the treatment of earnings, asset eligibility rules, and excluded forms of income;

"(II) a description of applicable work-related requirements, including which adults are required to participate in such activities, the activities in which they can participate, the criteria for determining the activity an adult is assigned to, and the procedures used to screen and assess participants for barriers to employment including physical or mental impairments, substance abuse, learning disabilities, domestic violence, inadequate or unstable housing and very low basic skills;

"(III) a description of applicable time limit policies, including the length of the time limit, exemption and extension policies, and procedures and policies for providing services to families reaching time limits and who have lost assistance due to time limits; and

"(IV) a description of applicable sanction policies and procedures, including the program requirements for which a sanction can be applied for failure to comply, the amount and duration of sanctions, the State-defined criteria that constitute good cause for failing to meet each program requirement for which a sanction may be imposed, how the State will comply with the requirement in section 407(e)(2), and the procedures in place to identify families who are unable to comply with program requirements due to various barriers (such as physical or mental impairments, domestic violence, unavailable or inaccessible child care, illiteracy, lack of English proficiency) and procedures for providing services to those families rather than imposing a sanction on them.

"(iii) A description of—

"(I) the primary problems that families receiving assistance, and families who have recently stopped receiving assistance, under the State program funded under this part, or under a program funded with qualified State expenditures as defined in section 407(a)(7), experience in securing and retaining adequate, affordable housing and the estimated extent of each such problem, including the price of such housing in various parts of the State that include a large proportion of recipients of assistance under the State program, and the steps that have been and will be taken by the State and other public or private entities that administer housing programs to address these problems; and

"(II) the methods the State has adopted to identify barriers to work posed by the living arrangement, housing cost, and housing location of individuals eligible for participation in the State program funded under this part and the services and benefits that have been or will be provided by the State and other public or private entities to help families overcome such barriers.

"(iv) A description of the steps the State will take to restrict the use and disclosure of information about individuals and families applying for or receiving assistance under a program funded under this part, or with qualified State expenditures as defined in section 409(a)(7).

"(v) A description of how the State will ensure the availability of a stable and professional workforce in the administration of the State program under this part with the resources, skills, and expertise necessary to successfully carry out the program, including a description of the plan of the State to provide program staff with training on the following:

"(I) Program information and services.

"(II) The rights of recipients of assistant under all laws applicable to the activities of the program, including nondiscrimination and employment laws.

"(III) Cultural diversity and sensitivity.

"(IV) Referral of recipients of assistance to all appropriate programs and services for which such recipients are eligible.

"(V) Screening of recipients of assistance for serious barriers to employment and referral to qualified specialists.

"(vi) A description of the steps that the State has taken to inform applicants for and recipients of assistance under the State program under this part of their rights and obligations under such program. Such description shall include—

"(I) an explanation of the manner in which the State will ensure that such information is communicated effectively to all such individuals, including how the State will provide appropriate translation or interpretation services where necessary; and

"(II) an assurance that the communication of such information will take place throughout the service delivery and processing.

"(B) INFORMATION ABOUT PROGRAMS DESIGNED OR IMPLEMENTED AT SUB-STATE LEVELS.—With respect to any program described in clauses (i) or (ii) of subparagraph (A) in which the State permits counties or other substate entities to design their own rules with respect to any of the information required under such clauses, the State plan shall be designed to reflect the policies of each such county or substate entity.

"(C) STATE GOALS AND BENCHMARKS.—For each purpose contained in section 401(a), the State plan shall provide the following information:

"(i) A description of specific goals the State will attempt to achieve over the succeeding 5-year period to further that purpose.

"(ii) A description of how the State intends to meet the goals described in clause (i) over such 5-year period and a description of the steps the State will take during such period to work toward achieving such goals.

"(iii) A description of performance measures that will be used to measure progress made by the State toward achieving each such goal, including the methodology for computing such measures. Each performance and outcome measure described in the State plan under this subparagraph shall be reported by the State annually in a form prescribed by the Secretary.

"(iv) An identification of those key factors external to the program and beyond the control of the State that could significantly affect the attainment of the goals.

"(v) A description of any additional evaluation methods the State will use to measure progress made by the State toward achieving such goals.

"(2) MINIMUM PARTICIPATION RATES.—A description of how the minimum participation rates specified in section 407 will be satisfied.

"(3) ESTIMATE OF EXPENDITURES.—An estimate of the total amount of State or local expenditures under all programs described in clauses (i) or (ii) of paragraph (1)(A) for the fiscal year in which the plan is submitted.

"(4) SPECIAL PROVISIONS.—

"(A) CERTIFICATION REGARDING ASSESSMENT OF REGIONAL ECONOMIES AND INFORMING LOCALITIES OF SECTORAL LABOR SHORTAGES AND IDENTIFICATION OF SELF-SUFFICIENCY STANDARD.—

"(i) IN GENERAL.—A certification by the chief executive officer of the State that, during the fiscal year, the State will—

"(I) assess its regional economies and provide information to political subdivisions of the State about the industrial sectors that are experiencing a labor shortage and that provide higher entry-level wage opportunities for unemployed and underemployed job seekers identified in accordance with section 411(c); and

"(II) identify the self-sufficiency standards for families after the families cease to receive assistance under the State program funded under this part in accordance with clause (ii).

"(ii) REQUIREMENTS FOR IDENTIFICATION OF SELF-SUFFICIENCY STANDARDS.—

"(I) IN GENERAL.—The State shall provide to the Secretary a document adopted or developed by the State, that—

"(aa) describes the income needs of families (in this part referred to as 'State self-sufficiency standards') based on family size, the number and ages of children in the family, and sub-State geographical considerations; and

"(bb) if the State has a sizeable Native American population, includes information specific to the needs of that population.

"(II) CRITERIA.—The State self-sufficiency standards shall separately specify the monthly costs of housing, food, child care, transportation, health care, other basic needs, and taxes (including tax benefits), and shall be determined using national, State and local data on the cost of purchasing goods and services in the marketplace.

"(III) CATEGORIES OF FAMILIES.—The State self-sufficiency standards shall categorize families—

"(aa) by whether there are 1 or 2 adults in the family;

"(bb) by whether there are 0, 1, 2, 3, or more than 3 children in the family; and

"(cc) by the age of each child in the family, according to whether a child is an infant, of pre-school age, of school age, or a teenager.

"(IV) REGULATIONS.—The Secretary shall prescribe the protocols, criteria, cost categories, definitions, and means of making inflation adjustments to be used in developing self-sufficiency standards pursuant to this clause, which shall be based on commonly accepted definitions of adequacy, such as those used for establishing fair market rents, and that reflect, to the extent possible, consensus and use among those calculating family budgets and self-sufficiency standards.

"(V) DATA.—The self-sufficiency standards developed pursuant to this clause shall be—

"(aa) recalculated on adoption if the data on which the standards are based is more than 3 years old;

"(bb) recalculated every 5 years after adoption; and

"(cc) updated for inflation each year after adoption in which the standards are not be recalculated pursuant to item (bb).

"(VI) TECHNICAL ASSISTANCE IN DEVELOPING STANDARDS.—The Secretary may provide financial or technical assistance to an eligible State to enable the State to develop or improve the State self-sufficiency standards and produce State reports required by section 411(d). The Secretary shall carry out this paragraph by making a grant to, or entering into a contract with an organization or institution with substantial experience in calculating and implementing on the State level family budgets and self-sufficiency standards. An organization or institution desiring to provide technical assistance described in this subclause shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(B) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.—A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

"(C) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.—A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

"(D) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the family assistance program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations—

"(i) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

"(ii) have had at least 45 days to submit comments on the plan and the design of such services.

"(E) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.—A certification by the chief executive officer of the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program.

"(F) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

"(G) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.—

"(i) IN GENERAL.—At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to—

"(I) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

"(II) refer such individuals to counseling and supportive services; and

"(III) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

"(ii) DOMESTIC VIOLENCE DEFINED.—For purposes of this subparagraph, the term 'domestic violence' has the same meaning as the term 'battered or subjected to extreme cruelty', as defined in section 408(a)(7)(C)(iii).

"(b) PROCEDURES FOR SUBMITTING AND AMENDING STATE PLANS.—

"(1) STANDARD STATE PLAN FORMAT.—The Secretary shall, after notice and public comment, develop a proposed Standard State Plan Form to be used by States under subsection (a). Such form shall be finalized by the Secretary for use by the State not later than February 1, 2003.

"(2) REQUIREMENT FOR COMPLETED PLAN USING STANDARD STATE PLAN FORMAT BY FISCAL YEAR 2004.—Notwithstanding any other provision of law, each State shall submit a complete State plan, using the Standard State Plan Form developed under paragraph (1), not later than October 1, 2003.

"(3) PUBLIC NOTICE AND COMMENT.—Prior to submitting a State plan to the Secretary under this section, the State shall—

"(A) make the proposed State plan available to the public through an appropriate State maintained Internet web site and through other means as the State determines appropriate;

"(B) allow for a reasonable public comment period of not less than 45 days; and

"(C) make comments received concerning such plan or, at the discretion of the State, a summary of the comments received available to the public through such web site and through other means as the State determines appropriate.

"(4) PUBLIC AVAILABILITY OF STATE PLAN.—A State shall ensure that the State plan, that is in effect for any fiscal year, is available to the public through an appropriate State maintained Internet web site and through other means as the State determines appropriate.

"(5) AMENDING THE STATE PLAN.—A State shall file an amendment to the State plan with the Secretary if the State determines that there has been a material change in any information required to be included in the State plan or any other information the State has included in the plan, including substantial changes in the use of funding. Prior to submitting an amendment to the State plan to the Secretary, the State shall—

"(A) make the proposed amendment available to the public as provided for in paragraph (3)(A);

"(B) allow for a reasonable public comment period of not less than 45 days; and

"(C) make the comments available as provided for in paragraph (3)(C).".

(b) CONFORMING AMENDMENT.—Section 408(a)(5)(B)(i) of the Social Security Act (42 U.S.C. 608(a)(5)(B)(i)) is amended by striking "referred to in section 402(a)(4)".

SEC. 3. MONITORING OF FEDERAL AND STATE EFFORTS; ASSESSMENT OF REGIONAL ECONOMIES.

(a) GENERAL REPORTING REQUIREMENT.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (9); and

(2) by inserting after paragraph (6), the following:

"(7) SELF-SUFFICIENCY STANDARD.—The report required by paragraph (1) for a fiscal quarter shall include a description of the self-sufficiency standard identified for families in accordance with section 402(a)(4)(A)(ii).

"(8) INFORMATION REGARDING CIVIL RIGHTS.—As part of the information collected and reported under paragraph (1), the State shall include information on the number of complaints filed by applicants for or recipients of assistance under the State program under this part that allege civil rights or employment law violations and the status of such complaints, including the number of complaints pending at the time the report is prepared. Such information shall be delineated by alleged violation, the number of resolutions during the reporting period in favor of and against the complainants, and the average length of time to process complaints.".

(b) ANNUAL REPORTS TO CONGRESS.—Section 411(b) of the Social Security Act (42 U.S.C. 611(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting ; and"; and

(3) by adding at the end the following:

"(5) the status of civil rights complaints filed under this part with the Office of Civil Rights of the Department of Health and Human Services by applicants for or recipients of assistance under a State program, including the number of complaints pending at the time the report is prepared delineated by alleged violation, the number of resolutions during the reporting period in favor of and against the complainants, and the average length of time to process complaints.".

(c) Annual Assessment of Regional Economies; Annual Report On Programs and Services Leading to Self-Sufficiency.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

“(c) Assessment of Regional Economies to Identify Higher Entry Level Wage Opportunities in Industries Experiencing Labor Shortages.—

“(1) In general.—An eligible State annually shall conduct an assessment of its regional economies to identify higher entry level wage opportunities in industries experiencing labor market shortages.

“(2) Matters to be assessed.—

“(A) Labor market.—The assessment shall—

“(i) identify industries or occupations that have or expect to grow, that have or expect a loss of skilled workers, or that have a need for workers;

“(ii) identify the entry-level education and skills requirements for the industries or occupations that have or expect a need for workers; and

“(iii) analyze the entry-level wages and benefits in identified industries or occupations.

“(B) Job seekers.—The assessment shall create a profile in each regional economy in the State, of the characteristics of the unemployed and underemployed residents of such regional economy, including educational attainment, barriers to employment, geographic concentrations, self-sufficiency needs, and availability and utilization of need support services.

“(C) Education and training infrastructure.—The assessment shall create a profile, in each regional economy in the State of the education, training, and support services in place in such regional economy to prepare workers for the industries or occupations identified pursuant to subparagraph (A).

“(D) Aligning industries and job seekers.—The assessment shall compare the characteristics of the industries or occupations identified pursuant to subparagraph (A) to the profile of the job seekers in the State and the profile of the education and training infrastructure in the State.

“(3) Sharing of information with localities.—The State shall share with all counties, municipalities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), and other appropriate political subdivisions of the State, information obtained pursuant to this subsection regarding higher entry-wage job opportunities in industries experiencing labor shortages, and information regarding opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

“(4) Reports of assessment of regional economies.—Each eligible state shall submit to the Secretary annually a report that contains the annual assessment conducted pursuant to this subsection.

“(d) Annual Report on Programs and Services Leading to Self-Sufficiency.—A State to which a grant is made under section 403(a) for a fiscal year shall submit to the Secretary a report that describes, with respect to the preceding fiscal year—

“(1) a description of the ways in which the State program funded under this part, and support services provided by the State to recipients of assistance under that program, moved families toward self-sufficiency, and that highlights the programs and services that appeared to have a particularly positive effect on families achieving self-sufficiency;

“(2) the total family income for families that left the State program funded under this part (including earnings, unemployment compensation, and child support); and

“(3) the benefits received by families that have left the State program funded under this part (including benefits under the food stamp program under the Food Stamp Act of 1977, the medicaid program under title XIX, the State children's health insurance program under title XXI, earned income tax credits, and housing assistance).”.

(d) Research, Evaluations, and National Studies.—Section 413(h) of the Social Security Act (42 U.S.C. 613(h)) is amended by adding at the end the following:

“(4) Technical assistance in assessing regional economies.—

“(A) In general.—The Secretary may provide technical assistance to an eligible State to enable the State to conduct the assessments required by section 411(c).

“(B) Limitations on authorization of appropriations.—For the cost of providing technical assistance under subparagraph (A), there are authorized to be appropriated to the Secretary not more than $1,500,000 for each fiscal year in which amounts are appropriated to carry out the State programs funded under this part.”.

SEC. 4. PENALTY FOR FAILURE TO COMPLY WITH FAIR TREATMENT REQUIREMENTS.

Section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)) is amended by adding at the end the following:

“(C) Increase in applicable percentage for failure to comply with fair treatment requirements.—The applicable percent under subparagraph (B)(ii) with respect to a State shall be increased by 5 percentage points for any year in which the Secretary determines that the State has failed to comply with the State plan requirements of clause (i)(V) or (vi) of section 402(a)(1)(A).”.

SEC. 5. WAIVERS.

(a) Continuation of Prewelfare Reform Waivers.—Section 415 of the Social Security Act (42 U.S.C. 615) is amended by adding at the end the following new subsection:

“(e) Continuation of Waivers Approved or Submitted Before Date of Enactment of Welfare Reform.—Notwithstanding subsection (a), with respect to any State that is operating under a waiver described in that subsection which would otherwise expire on a date that occurs during the period that begins on October 1, 2002, and ends on September 30, 2007, the State may elect to continue to operate under that waiver, on the same terms and conditions as applied to the waiver on the day before such date, through September 30, 2007.”.

(b) Approval of Waivers To Duplicate Innovative Programs.—Section 415 of the Social Security Act (42 U.S.C. 615), as amended by subsection (a), is further amended by adding at the end the following:

“(f) Requirement To Approve Waivers To Duplicate Innovative Programs.—

“(1) In general.—Notwithstanding any other provision of law, if a State submits an application for a waiver of 1 or more requirements of this part that contains terms that are similar or identical to the terms of a waiver eligible to be continued under subsection (e), and the application satisfies the requirements of paragraph (2), the Secretary—

“(A) shall approve the application for a period of at least 2 years, but not more than 4 years, unless the Secretary determines that approval would be inconsistent with the purposes of this part set forth in section 401;

“(B) at the end of the waiver period, shall review documentation of the effectiveness of the waiver provided by the State; and

“(C) if such documentation adequately demonstrates that the program as implemented under the waiver has been effective, may renew the waiver for such period as the Secretary determines appropriate, but not later than September 30, 2007.

“(2) Application requirements.—An application for a waiver described in paragraph (1) shall—

“(A) describe relevant State caseload characteristics and labor market conditions;

“(B) specify how the waiver is likely to result in improved employment outcomes, improved child well-being, or both;

“(C) describe the State's proposed approach for evaluation of the program under the waiver; and

“(D) include an agreement to conduct an independent evaluation of the waiver and to submit the results of the evaluation to the Secretary.”.

(c) Conforming Amendment.—Section 415(b)(1) of the Social Security Act (42 U.S.C. 615(b)(1)) is amended by inserting “, extended under subsection (e), or approved under subsection (f)” after “(a)”.

SEC. 6. EFFECTIVE DATE.

(a) In General.—The amendments made by this Act shall take effect as if enacted on October 1, 2002.

(b) Delay Permitted if State Legislation Required.—In the case of a State plan under section 402 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Ms. CANTWELL (for herself and Mrs. Murray):

S. 264. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Children's Health Protection and Eligibility Act. I am delighted to be joined on this bill by my good friend, Senator Patty Murray. Senator Murray has been a champion for children's health issues throughout her career in the Senate. This important legislation addresses the allocation of budgeted but unspent SCHIP funds that are currently out of reach of States and, under current law, are scheduled to be returned to the Federal treasury. This legislation also helps those States with the highest unemployment rates use more of their SCHIP dollars to provide health insurance coverage for low-income children.

Washington State is in the middle of an economic crisis resulting from a downturn in both our aviation and high-tech sectors. With the jobless rate at seven percent, we have one of the highest unemployment rates in the country. 214,300 Washingtonians are unable to find work. And just over the last month, our State has lost 2,946 jobs, and over 50 percent of those are in the high-paying manufacturing sector.

In 2000, before the recession began, there were 780,000 uninsured people in Washington State, including 155,000 children. That number has surely grown as the economy has worsened and our population has risen. In fact, in October, the Census Bureau reported that the number of uninsured increased for the first time in two years. Sadly, there are 41.2 million people nationwide without health insurance, 8.5 million of whom are children.

The increasing number of uninsured isn't the only problem facing the health care system. Last September, the Kaiser Family Foundation reported the largest increase in health insurance premium costs since 1990, while the Center for Studying Health System Change found that health care spending has returned to double-digit growth for the first time since that year.

The lack of health insurance has very real consequences. We know that the uninsured are four times as likely as the insured to delay or forego needed care, and uninsured children are six times as likely as insured children to go without needed medical care. Health insurance matters for kids, and coverage today defrays costs tomorrow.

Five years ago, Congress created a new $40 billion State grant program to provide health insurance to low-income, uninsured children who live in families that earn too much to qualify for Medicaid but not enough to afford private insurance. In most States, the State Children's Health Insurance Program, SCHIP has been extremely successful. Nearly one million children gained coverage each year through SCHIP and, by December 2001, 3.5 million children were enrolled in the program.

Unfortunately, however, not all States have been able to participate in this success, and perversely, the States that have been left out are those that had taken bold initiatives by expanding their Medicaid programs to cover low-income children at higher levels of poverty. Sadly, the recession and high unemployment means that the health insurance coverage we do have for children, pregnant women, and low-income individuals is in jeopardy due to State budget crises.

Washington State has been a leader in providing health insurance to our constituents. We have long provided optional coverage to Medicaid populations and began covering children up to 200 percent of poverty in 1994, three years before Congress passed SCHIP.

When SCHIP was enacted in 1997, most States were prohibited from using the new funding for already covered populations. This flaw made it difficult for Washington to access the money and essentially penalized the few States that had led the nation on expanding coverage for kids. This means that my State only receives the enhanced SCHIP matching dollars for covering kids between 200 and 250 percent of the Federal poverty level. Washington has been able to use less than four percent of the funding the Federal Government gave us for SCHIP.

Today, Washington has the highest unemployment in the country, an enormous budget deficit, and may need to cut as many as 150,000 kids from the Medicaid roles. Because it is penalized by SCHIP rules and cannot use funds like other states, Washington State is sending $95 million back to the federal treasury or to other States. This defies common sense, and I do not believe that innovative States should be penalized for having expanded coverage to children before the enactment of SCHIP.

This is why we are introducing the Children's Health Protection and Eligibility Act. This bill will give States the ability to use SCHIP funds more efficiently to prevent the loss of health care coverage for children. This bill targets expiring funds to States that otherwise may have to cut health care coverage for kids. States that have made a commitment to insuring children could use expiring SCHIP funds and a portion of current SCHIP funds on a short-term basis to maintain access to health care coverage for all low-income children in the State. The bill also ensures that all States that have demonstrated a commitment to providing health care coverage to children can access SCHIP funds in the same manner to support children's health care coverage.

First, as my colleagues know, 1998 and 1999 state allotments "expired" at the end of fiscal year 2002 and are scheduled to be returned to the Federal treasury. Our bill allows States to keep their remaining 1998 and 1999 funds, and use these funds for the purposes of this legislation.

Second, unused SCHIP dollars from the fiscal year 2000 allotment are due to be redistributed at the end of fiscal year 2002 among those States that have spent all of their SCHIP funds. Our bill would allow the retention and redistribution of these funds as was done two years ago through the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act P.L. 106–554. However, under our bill, States that had an unemployment rate higher than six percent for two consecutive months in 2002 would be eligible to keep all of their unspent 2000 SCHIP allotment.

Third, at State option, for certain Medicaid expenditures, qualifying States would receive the difference between their Medicaid Federal matching assistance percentage, or FMAP, and their enhanced SCHIP matching rate. This temporary measure would be paid out of a State's current SCHIP allotment to ensure children's health care coverage does not erode as States face enormous budget deficits. States would be able to use any remaining funds from fiscal years 1998, 1999, and 2000 SCHIP allotments, plus ten percent of fiscal 2001, 2002, and 2003 allotments.

Finally, our bill allows States that have expanded coverage to the highest eligibility levels allowed under SCHIP, and meet certain requirements, to receive the enhanced SCHIP match rate for any kids that had previously been covered above the mandatory level.

Children are the leaders of tomorrow; they are the very future of our great Nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. During this tough economic time, it is more important than ever to maintain existing health care coverage for children in order to hold down health care costs and to keep children healthy. I urge my colleagues to join us in support of this bill.

Mrs. MURRAY. Mr. President, I rise today to join with Senator CANTWELL in introducing the Children's Health Protection and Eligibility Act. This important legislation will ensure that low income children in Washington State are not denied access to health insurance coverage. The legislation provides a fair and equitable distribution of unobligated State balances in the CHIP program. It ensures that States like Washington that have led the Nation in caring for their children are not denied access to vital CHIP dollars. It rewards Washington state for putting children first.

Washington State is facing the greatest fiscal crisis since World War II. Between June 2001 and November 2002, Washington State lost more than 74,000 non-farm jobs. This economic recession has hit families in Washington state hard.

In 2002, before the recession began, there were 155,000 uninsured children in Washington State. Current estimates place this number even higher. With additional layoffs and more families losing COBRA coverage, the number of uninsured children will only continue to grow. Washington State must have access to its CHIP dollars to prevent more children from losing their health care safety net.

Because Washington State was so far ahead of the rest of the Nation in 1997, when CHIP was enacted, our state has been unable to use its full allocation. A majority of children who would be eligible for participation in CHIP were already covered in 1997 under the Medicaid program. As a result, Washington

State has been unable to count these children as "CHIP" The federal share of CHIP is currently 67 percent as opposed to Medicaid, which provides only a 50 percent match for Washington state. If the State was able to provide coverage for some of these low income children under CHIP, it would reduce pressure on our state's Medicaid program. Without this relief, Washington State will face additional Medicaid reductions. Many of the children that currently have coverage will lose this coverage and join the ranks of the uninsured.

Allowing the number of children without insurance to grow is both inhumane for our children and irresponsible for our society. Uninsured children are six times as likely as insured children to go without needed medication. Uninsured children are more likely to be treated in the emergency room than insured children. These children are showing up more and more in the emergency room to get basic primary care. The cost of providing this care only increases as their families are forced to delay care. We all pay when children go without health insurance coverage.

This is not just a question of saving money. Providing comprehensive, prevention-based health insurance to children is a sound investment. Delaying this care only adds to the overall cost of health care, education and our criminal justice system. This legislation that we are introducing puts our kids at the front of the line.

I urge my colleagues to join with us in support of this legislation. Let's send the right message to our States: If you do the right thing, you will no longer be denied your fair allocation. Instead, you will be rewarded for putting children first.

By Mrs. BOXER (for herself, Mr. SCHUMER, and Mrs. CLINTON):

S. 265. A bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Finance.

Mrs. BOXER. Mr. President, today, I am introducing the "The SUV Business Tax Loophole Closure Act" along with Senator SCHUMER and Senator CLINTON to close a loophole in tax law that some are inappropriately using to deduct a majority of the cost of the largest SUVs on the market.

To encourage small business growth, Congress has created a number of mechanisms for small business owners and the self-employed to be able to deduct a variety of capital expenses immediately. In order to keep people from abusing these deductions to buy passenger cars for personal use and call it a business expense, Congress capped the deduction for car purchases at $7,660 in the first year, and $4,900 in the second year after the purchase.

But to help farmers and small business owners that need pick-up trucks or vans for business purposes, Congress excluded from the car cap those vehicles that weigh more than 6,000 pounds. Vehicles larger than 6,000 pounds are eligible for the full capital expense—$25,000. This tax policy was created before the advent of SUVs, many of which weigh more than 6,000 pounds.

As a result, people who do not need a large vehicle for business purposes are buying the largest Hummer SUVs, Mercedes SUVs, BMW SUVs and other super-sized SUVs and deducting a significant portion of the cost from their taxes immediately. If they were to buy anything smaller than the largest of SUVs, then they would not get the larger tax deduction because the lower weight puts the SUV under the luxury car cap. This distorts the market, pushing up demand for the largest of all SUVs at a huge cost to the taxpayer.

To fix this problem, my legislation places the purchases of SUVs weighing more than 6,000 pounds under the same tax deduction cap placed on the purchase of cars. That would end the market distorting incentive that encourages small business people such as accountants, lawyers, and consultants to buy a Hummer when they do not need a Hummer for business purposes.

Let me give you an example. Karl Wizinsky, a health care consultant in Michigan, bought a $47,000 Ford Excursion earlier this year and was able to write off $32,000 of the purchase price as a business expense. He was not even thinking about buying a new car until he heard about the deduction. In the December 18, 2002 Detroit News article, he said "We really did it, bought the SUV, because it is a pretty hefty deduction." Now, a health care consultant may need to carry medical samples around town but he certainly does not need a 6,000 pound, extra-large SUV to do it and we should not be subsidizing that purchase. The group "Taxpayers for Common Sense" estimates that the SUV tax loophole costs government between $840 million and $987 million for every 100,000 SUVs over 6,000 pounds sold to business.

I propose to fix the problem by including extra-large SUVs under the same deduction cap we have in place for cars. In order to ensure that farmers and small business owners can still get the tax credit to purchase trucks for hauling or vans for transporting products, I have carved out SUVs very carefully. The bill specifically allows the larger deduction for any vehicle which: No. 1. does not have the primary load carrying device or container attached; No. 2. has a seating capacity of more than 12 people; No. 3. is designed for more than 9 persons in seating rearward of the driver's seat; No. 4. is equipped with an open cargo area, for example a pick-up truck or box bed, of 72 inches in interior length or more; or No. 5. has an integral enclosure, fully enclosing the driver compartment and load carrying device and having no body section protruding more than 30 inches ahead of the leading edge of the windshield. This will allow the larger deduction to continue to be taken for the purchase of vehicles that small businesses and farmers truly need, including pick-up trucks and cargo vans.

I know that Congress never intended for the SUV tax loophole to exist, and I look forward to working with my colleagues to close it.

By Mr. McCAIN:

S. 267. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

Mr. McCAIN. Mr. President, today I am introducing the Telecommunications Ownership Diversity Act of 2003. This legislation is designed to ensure that more Americans have an opportunity to provide their distinct voices in today's telecommunications marketplace. In addition to providing competition by certain small businesses, this bill would encourage ownership by individuals who are currently underrepresented in the ownership of telecommunications companies, including minorities and women, by making carefully crafted changes in the tax code.

The bill would institute market-based, voluntary measures designed to achieve this goal. It would provide sellers of telecommunications assets a tax deferral when those assets are bought for cash by certain small businesses. It would also provide investors an incentive to consider certain small businesses by providing a reduction in the tax on gains from investment in these companies.

Today, transactions in the telecommunications industry are routinely valued in the billions of dollars. Even radio, which has traditionally been a comparatively easier telecom segment to enter, has been priced out of the range of most would-be entrants. Given the significant cost of participating in this industry, the limited club of media and other telecommunications owners may not always include certain small businesses.

This morning, I chaired a hearing in the Committee on Commerce, Science, and Transportation on media ownership. We heard of the difficulties small minority-owned businesses experience when trying to raise the capital necessary to enter this business. Minorities are woefully underrepresented in the ownership of commercial broadcast facilities. As of December 2000, minorities owned an estimated 3.8 percent of these facilities in the United States, despite representing an estimated 29 percent of the total United States population. The bill does not mandate ownership levels by any specific group. But it does ensure that certain small businesses are on equal footing with large companies. We should ensure that the American media landscape includes opportunities for these voices to be heard.

Too often today, new entrants and small businesses lose out on opportunities to purchase telecom assets because they don't offer sellers the same tax treatment as their larger competitors. A small purchaser's cash offer triggers tax liability, while a larger purchaser's stock offer may be accepted effectively tax-free. When an entity chooses to sell a telecom business, our tax laws should not make one bidder more attractive than another.

The goal of viewpoint diversity has been at the center of recent debate over media ownership rules. While it is important to discuss the relative merits of ownership restrictions, we must also consider market-based, voluntary methods of facilitating entry and diversity of ownership. And that's what this legislation would do.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Ownership Diversification Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Current trends in the telecommunications industry show that there is increasing convergence among various media, including broadcasting, cable television, and Internet-based businesses, that provide news, information, and entertainment.

(2) This convergence will continue, and therefore, diversifying the ownership of telecommunications facilities remains a preeminent public interest concern that should be reflected in both telecommunications and tax policy.

(3) A market-based, voluntary system of investment incentives is an effective, lawful, and economically sound means of facilitating entry and diversification of ownership in the telecommunications industry.

(4) Opportunities for new entrants to participate and grow in the telecommunications industry have substantially decreased since the end of the Federal Communications Commission's tax certificate policy in 1995, particularly in light of the availability of tax-free like-kind exchanges, despite the most robust period of transfers of radio and television stations in history. During this time, businesses owned or controlled by socially disadvantaged individuals, including, but not limited to, members of minority groups and women, have continued to be underrepresented as owners of telecommunications facilities.

(5) Businesses owned or controlled by socially disadvantaged individuals are, and historically have been, economically disadvantaged in the telecommunications industry. For these businesses, access to and cost of capital are and have been substantial obstacles to new entry and growth. Consequently, diversification of ownership in the telecommunications industry has been limited.

(6) Telecommunications facilities owned by new entrants may not be attractive to investors because their start-up costs are often high, their revenue streams are uncertain, and their profit margins are unknown.

(7) It is consistent with the public interest and with the pro-competition policies of the Telecommunications Act of 1996 to provide incentives that will facilitate investments in, and acquisition of, telecommunications facilities by economically and socially disadvantaged businesses, thereby diversifying the ownership of telecommunications facilities.

(8) Increased participation by economically and socially disadvantaged businesses in the ownership of telecommunications facilities will enhance competition in the telecommunications industry. Permitting sellers of telecommunications facilities to defer taxation of gains from transactions involving economically and socially disadvantaged businesses, or certain small businesses supported by investments from the Telecommunications Development Fund that provides capital for such businesses, will further the development of a competitive and diverse United States telecommunications industry without governmental intrusion in private investment decisions.

(9) The public interest would not be served by attempts to diversify the ownership of telecommunications businesses through any approach that would involve the use of mandated set-asides or quotas.

(10) Today, the telecommunications industry is struggling to survive one of its most troubling times. Therefore, facilitating voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses and certain small businesses will aid in providing the investment and capital that is crucial to this sector.

(b) PURPOSE.—The purpose of this Act is to facilitate voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses and certain small businesses.

SEC. 3. NONRECOGNITION OF GAIN ON CERTAIN QUALIFIED SALES OF TELECOMMUNICATIONS BUSINESSES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to gain or loss on disposition of property) is amended by inserting after part IV the following new part:

"PART V—CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES

"Sec. 1071. Nonrecognition of gain on certain sales of telecommunications businesses.

"SEC. 1071. NONRECOGNITION OF GAIN ON CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES.

"(a) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this section to a qualified telecommunications sale, such sale shall be treated as an involuntary conversion of property within the meaning of section 1033.

"(b) LIMITATION ON AMOUNT OF GAIN ON WHICH TAX MAY BE DEFERRED.—

"(1) IN GENERAL.—The amount of gain on any qualified telecommunications sale which is not recognized by reason of this section—

"(A) shall not exceed $250,000,000 per sale, and

"(B) shall not exceed ⅓ of such dollar amount per taxable year.

"(2) CARRYFORWARDS OF UNUSED AMOUNTS.—If the amount of gain on any qualified telecommunications sale which is not recognized by reason of this section exceeds the limitation imposed by paragraph (1)(B) for the taxable year, such excess shall be carried to the succeeding taxable year and added to the amount allowable under this section for such taxable year.

"(c) QUALIFIED TELECOMMUNICATIONS SALE.—For purposes of this section, the term 'qualified telecommunications sale' means any sale to an eligible purchaser of—

"(1) the assets of a telecommunications business, or

"(2) stock in a corporation if, immediately after such sale—

"(A) the eligible purchaser controls (within the meaning of section 368(c)) such corporation, and

"(B) substantially all of the assets of such corporation are assets of 1 or more telecommunications businesses, or

"(3) an interest in a partnership if, immediately after such sale—

"(A) the eligible purchaser owns a partnership interest possessing—

"(i) at least 80 percent of the total combined voting power of all classes of partnership interests entitled to vote,

"(ii) control over the management of the partnership,

"(iii) at least 80 percent of the capital interests of the partnership, and

"(iv) a distributive share of at least 80 percent of each item of the partnership's income, gain, loss, deduction or credit, and

"(B) substantially all of the assets of such partnership are assets of 1 or more telecommunications businesses.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—In applying section 1033 for purposes of subsection (a), stock of a corporation or an interest in a partnership operating a telecommunications business, whether or not representing control of such corporation or partnership, shall be treated as property similar or related in service or use to the property sold in the qualified telecommunications sale.

"(2) ELECTION TO REDUCE BASIS RATHER THAN RECOGNIZE REMAINDER OF GAIN.—If—

"(A) a taxpayer elects the treatment under subsection (a) with respect to any qualified telecommunications sale, and

"(B) an amount of gain would (but for this paragraph) be recognized on such sale under section 1033(a)(2)(A) in excess of the amount required to be recognized by reason of subsection (b),

then the amount of gain described in this subparagraph shall not be recognized to the extent that the taxpayer elects to reduce the basis of depreciable property (within the meaning of section 1017(b)(3)) held by the taxpayer immediately after the sale or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary.

"(3) BASIS.—For basis of property acquired on a sale or exchange treated as an involuntary conversion under subsection (a), see section 1033(b).

“(e) Recapture of Tax Benefit if Telecommunications Business Resold Within 3 Years, etc.—

“(1) In general.—If, within 3 years after the date of any qualified telecommunications sale, there is a recapture event with respect to the property involved in such sale, then the purchaser's tax imposed by this chapter for the taxable year in which such event occurs shall be increased by an amount equal to the product of—

“(A) the highest marginal rate of income tax imposed on corporations under section 11, and

“(B) the lesser of—

“(i) the consideration furnished by the purchaser in such sale, or

“(ii) the dollar amount specified in subsection (b)(1)(A).

“(2) Exception for reinvested amounts.—Paragraph (1) shall not apply to any recapture event which is a sale if—

“(A) the sale is a qualified telecommunications sale, or

“(B) during the 60-day period beginning on the date of such sale, the taxpayer is the purchaser in another qualified telecommunications sale in which the consideration furnished by the taxpayer is not less than the amount realized on the recapture event sale.

“(3) Recapture event.—For purposes of this subsection, the term 'recapture event' means, with respect to any qualified telecommunications sale—

“(A) any sale or other disposition of the assets, stock, or partnership interest referred to in subsection (c) which were acquired by the taxpayer in such sale, and

“(B) in the case of a qualified telecommunications sale described in paragraph (2) or (3) of subsection (c)—

“(i) any sale or other disposition of a telecommunications business by the corporation or partnership referred to in such subsection, or

“(ii) any other transaction which results in the eligible purchaser ceasing to be an eligible purchaser, or ceasing to have control (as defined in subsection (c)(2)(A)) of such corporation or ownership of an interest in such partnership sufficient to satisfy the requirements of subsection (c)(3)(A).

“(f) Definitions and Special Rules.—For purposes of this section—

“(1) Eligible purchaser.—The term 'eligible purchaser' means—

“(A) any economically and socially disadvantaged business, or

“(B) any corporation or partnership if immediately following the purchase—

“(i) substantially all the assets of such corporation or partnership are assets of 1 or more telecommunications businesses, and

“(ii) the Telecommunications Development Fund established under section 714 of the Communications Act of 1934 (47 U.S.C. 614) or any wholly-owned affiliate of such Fund owns at least 5 percent of—

“(I) the stock in such corporation,

“(II) the partnership interest in such partnership, or

“(III) the indebtedness convertible into such stock or partnership interest.

“(2) Economically and socially disadvantaged business.—The term 'economically and socially disadvantaged business' means a person which is designated by the Secretary as an economically and socially disadvantaged business based on a determination that such person—

“(A) meets the control requirements of paragraph (6),

“(B) will be a telecommunications business after the purchase for which the eligibility determination is sought, and

“(C) before the purchase for which the eligibility determination is sought does not have—

“(i) attributable ownership interest in television broadcast stations having an aggregate national audience reach of more than 5 percent as defined by the Federal Communications Commission under section 73.3555(e)(2)(i) of title 47 of the Code of Federal Regulations as in effect on January 1, 2001,

“(ii) attributable ownership interest in—

“(I) more than 50 radio stations nationally, and

“(II) radio stations with a combined market share exceeding 10 percent of radio advertising revenues in the relevant market as defined by the Federal Communications Commission, or

“(iii) attributable ownership interest in any other telecommunications business having more than 5 percent of national subscribers of their respective service.

“(3) Relevant market.—The term 'relevant market' means the local radio market served by the radio station or stations being purchased.

“(4) Telecommunications business.—The term 'telecommunications business' means a business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act of 1934, including a cable system (as defined in section 602(7) of such Act (47 U.S.C. 522(7))), a radio station (as defined in section 3(35) of such Act (47 U.S.C. 153(35))), a broadcasting station providing television service (as defined in section 3(49) of such Act (47 U.S.C. 153(49))), a provider of direct broadcast satellite service (as defined in section 335(b)(5)(A) of such Act (47 U.S.C. 335(b)(5)(A))), a provider of video programming (as defined in section 602(20) of such Act (47 U.S.C. 522(20))), a provider of commercial mobile services (as defined in section 332(d)(1) of such Act (47 U.S.C. 332(d)(1))), a telecommunications carrier (as defined in section 3(44) of such Act (47 U.S.C. 153(44))), a provider of fixed satellite service, a reseller of the communications service or commercial mobile service, or a provider of multichannel multipoint distribution service.

“(5) Purchase.—A taxpayer shall be considered to have purchased a property if, but for subsection (d)(2) and the application of section 1033(b), the basis of the property would be its cost within the meaning of section 1012.

“(6) Control.—

“(A) Individuals.—For purposes of paragraph (2)(A), an individual who meets the requirements of paragraph (7) also meets the requirements of this paragraph.

“(B) Entities.—For purposes of paragraph (2)(A), an entity meets the requirement of this paragraph if the requirements of subparagraphs (C), (D), or (E) are satisfied.

“(C) 30-percent test.—The requirements of this subparagraph are satisfied if—

“(i) with respect to any entity which is a corporation, individuals who meet the requirements of paragraph (7) collectively own at least 30 percent in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation, and

“(ii) with respect to any entity which is a partnership, individuals who meet the requirements of paragraph (7) collectively own at least 30 percent of the capital interests in the partnership, a distributive share of at least 30 percent of each item of the partnership's income, gain, loss, deduction, or credit, more than 50 percent of the total combined voting power of all partnership interests entitled to vote, and control over the management of the partnership.

“(D) 15-percent test.—The requirements of this subparagraph are satisfied if—

“(i) with respect to any entity which is a corporation—

“(I) individuals who meet the requirements of paragraph (7) collectively own at least 15 percent in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation, and

“(II) no other person owns more than 25 percent in value of the outstanding stock of the corporation, and

“(ii) with respect to any entity which is a partnership—

“(I) individuals who meet the requirements of paragraph (7) collectively own at least 15 percent of the capital interests in the partnership, a distributive share of at least 15 percent of each item of the partnership's income, gain, loss, deduction, or credit, more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote, and control over the management of the partnership, and

“(II) no other person owns more than 25 percent of the capital interests and profits interests in the partnership or a distributive share of more than 25 percent of any item of the partnership's income, gain, loss, deduction, or credit.

“(E) Publicly-traded corporation test.—The requirements of this subparagraph are satisfied if, with respect to a corporation the securities of which are traded on an established securities market, individuals who meet the requirements of paragraph (7) collectively own more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation.

“(F) Restrictions on agreements concerning voting of stock or partnership interests.—For purposes of satisfying the requirements of subparagraph (C), (D), or (E), the stock or partnership interest relied upon to establish compliance shall not be subject to any agreement, arrangement, or understanding which provides for, or relates to, the voting of the stock or partnership interest in any manner by, or at the direction of, any person other than an eligible individual who meets the requirements of paragraph (7), or the right of any person other than 1 of those individuals to acquire the voting power through purchase of shares, partnership interests, or otherwise.

“(G) Constructive ownership.—In applying subparagraphs (C), (D), (E), and (F), the constructive ownership rules of section 318 shall apply, but only if the interests for which constructive ownership is claimed are not owned, directly or indirectly, by individuals who do not meet the requirements of paragraph (7).

“(7) Individuals.—An individual meets the requirements of this paragraph if such individual is—

“(A) a United States citizen, and

“(B) a member of an economically or socially disadvantaged class determined by the Secretary to be underrepresented in the ownership of the relevant telecommunications business.”.

(b) Conforming Amendments.—

(1) Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(A) by inserting "section 1071 (relating to certain sales of telecommunications businesses) or" before section 1081", and

(B) by inserting "AND 1071" before "1081" in the heading thereof.

(2) The table of parts for subchapter O of chapter 1 of such Code is amended by inserting after the item relating to part IV the following new item:

"Part V. Certain sales of telecommunications businesses.".

(c) Effective Date.—The amendments made by this section shall apply to elections made with respect to any sale on or after the date of the enactment of this Act.

SEC. 4. TELECOMMUNICATIONS BUSINESS CREDIT.

(a) In General.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

"SEC. 48A. TELECOMMUNICATIONS BUSINESS CREDIT.

"For purposes of section 46, there is allowed as a credit against the tax imposed by this chapter for any taxable year an amount equal to 10 percent of the taxable income of any taxpayer which at all times during such taxable year—

"(1) is a local exchange carrier (as defined in section 3(26) of the Communications Act of 1934 (47 U.S.C. 153(26))),

"(2) is not a Bell operating company (as defined in section 3(4) of such Act (47 U.S.C. 153(4))), and

"(3) is headquartered in an area designated as an empowerment zone by the Secretary of Housing and Urban Development.".

(b) Transitional Rule.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following new paragraph:

"(11) No carryback of section 48A credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the telecommunications business credit determined under section 48A may be carried back to a taxable year ending on or before the date of the enactment of section 48A.".

(c) Conforming Amendments.—

(1) Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the telecommunications business credit.".

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following new item:

"48A. Telecommunications business credit.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. EXCLUSION OF 50 PERCENT OF GAIN.

(a) In General.—Section 1202 of the Internal Revenue Code of 1986 (relating to partial exclusion for gain from certain small business stock) is amended—

(1) by adding at the end of subsection (a) the following new paragraph:

"(3) Certain telecommunications investments by corporations and investment companies.—Gross income shall not include 50 percent of any gain from the sale or exchange of stock in an eligible purchaser (as defined in section 1071(f)(1)), engaged in a telecommunications business (as defined in section 1071(f)(4)) held for more than 5 years.",

(2) by striking subparagraphs (A) and (B) of subsection (b)(1) and inserting the following new subparagraphs:

"(A) in the case of gain from the sale or exchange of qualified small business stock held for more than 5 years—

"(i) $10,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years attributable to dispositions of stock issued by such corporation, or

"(ii) 10 times the aggregate adjusted bases of qualified small business stock issued by such corporation and disposed of by the taxpayer during the taxable year, and

"(B) in the case of gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business for more than 5 years—

"(i) $20,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years attributable to dispositions of stock issued by an eligible purchaser engaged in a telecommunications business, or

"(ii) 15 times the aggregate adjusted bases of stock of an eligible purchaser engaged in a telecommunications business issued by such eligible purchaser and disposed of by the taxpayer during the taxable year.",

(3) by striking "subparagraph (B)" in the last sentence of subsection (b)(1) and inserting "subparagraphs (A)(ii) and (B)(ii)",

(4) by striking "years." in subsection (b)(2) and inserting "years or any gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business held for more than 5 years.", and

(5) by striking the period at the end of subsection (b)(3)(A) and inserting ", and paragraph (1)(B) shall be applied by substituting '$10,000,000' for '$20,000,000'.".

(b) Effective Date.—The amendments made by this section shall apply to sales on or after the date of the enactment of this Act.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS; REGULATIONS.

(a) Technical and Conforming Amendments.—The Secretary of the Treasury shall, not later than 150 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a draft of any technical and conforming amendments of the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the amendments made by this Act.

(b) Regulations.—The Secretary of the Treasury, in consultation with the Federal Communications Commission, shall promulgate regulations to implement the amendments made by this Act not later than 90 days after the date of the enactment of this Act. The regulations shall provide for the determination by the Secretary of the Treasury as to whether an applicant is an "eligible purchaser" as defined in section 1071(f) of the Internal Revenue Code of 1986 (as added by section 3(a)). The regulations shall further provide that such determinations of eligibility shall be made not later than 45 calendar days after an application is filed with the Secretary of the Treasury. The regulations implementing section 1071(f)(7) of such Code (as added by section 3) shall be updated on an ongoing basis not less frequently than every 5 years.

SEC. 7. BIENNIAL PROGRAM AUDITS BY GAO.

Not later than January 1, 2005, and not later than 2 years thereafter, the Comptroller General of the United States shall audit the administration of the sections of the Internal Revenue Code of 1986 added or amended by this Act, and issue a report on the results of that audit. The Comptroller General shall include in the report, notwithstanding any provision of section 6103 of the Internal Revenue Code of 1986 to the contrary—

(1) a list of eligible purchasers (as defined in section 1071(f)(1) of such Code) and any other taxpayer receiving a benefit from the operation of section 48A or 1202 of such Code as such section was added or amended by this Act, and

(2) an assessment of the effect the amendments made by this Act have on increasing new entry and growth in the telecommunications industry by economically and socially disadvantaged businesses, and the effect of this Act on enhancing the competitiveness of the telecommunications industry.

By Mr. VOINOVICH (for himself and Mr. DeWine):

S. 268. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Energy and Natural Resources.

Mr. VOINOVICH. Mr. President, it will be ten years ago this October that Americans watched in horror as a U.S. humanitarian effort went terribly askew. As frightening pictures from U.S. troops in Somalia came back to the Untied States, a group of students at Riverside High School in Painesville, OH watched in shock as a U.S. soldier was dragged through the streets of Mogadishu. These students, concerned with the lack of a memorial in our Nation's Capital to honor members of our armed forces who lost their lives during peacekeeping missions such as the one in Somalia, felt compelled to take action.

The motivation and vision of these young people propelled them to spearhead a campaign to establish a Pyramid of Remembrance in Washington, DC, which would honor U.S. service men and women who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations. The student not only proposed the memorial, they created a private nonprofit foundation to raise the money to construct it. Along with the support of their community, who provided legal counsel for the students and private donations to help fund the project, their hard work and dedication has facilitated a Pyramid of Remembrance which would be built at little or no cost to the taxpayer.

In April 2001, the National Capital Memorial Commission, charged with overseeing monument construction in Washington, DC, held hearings about the proposed Pyramid of Remembrance. The Commission recommended that the memorial be constructed on Defense Department land, possibly at Fort McNair. The commissioners also noted that such a memorial would indeed fill a void in our Nation's military monuments.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers, Chief Warrant Officer Kevin L. Reichert and Chief Warrant Officer David A. Gibbs, who lost their lives when their Apache helicopter crashed into the Albanian mountains during a routine training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at the time, the United States owes Kevin, David and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John, chapter 15:13, "Greater love has no man than this, that a man lay down his life for his friends."

We must also remember and honor the lives of brave men and women who have lost their lives while defending our freedom during the global campaign against terrorism. Tragically, ten service members, including three men from the State of Ohio, lost their lives on February 21, 2002, when a CH-47 Chinook helicopter crashed in the Philippines. They are Army Captain Bartt Owens of Franklin, OH; Army Chief Warrant Officer Jody Egnor of Middletown, OH; and Air Force Master Sgt. William McDaniel of Fort Jefferson, OH. As our Nation continues to engage in the war against terror, we must not forget the sacrifice that these men have made for their country and the freedom of all Americans.

The patriotism, dedication, and vision of the students at Riverside High School are commendable. I support and applaud the work they have done to make the Pyramid of Remembrance a reality and I believe it is our duty to honor American men and women in uniform who have lost their lives while serving their country, whether in peacetime or during war.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMED FORCES MEMORIAL.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map referred to in section 8902(a)(3) of title 40, United States Code.

(2) MEMORIAL.—The term "memorial" means the memorial authorized to be established under subsection (b)(1).

(b) AUTHORITY TO ESTABLISH MEMORIAL.—

(1) IN GENERAL.—The Pyramid of Remembrance Foundation may establish a memorial on Federal land in the area depicted on the map as "Area II" to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

(B) EXCEPTION.—Subsections (b) and (c) of section 8903 of title 40, United States Code, shall not apply to the establishment of the memorial.

(c) FUNDS FOR MEMORIAL.—

(1) USE OF FEDERAL FUNDS PROHIBITED.—Except as provided by chapter 89 of title 40, United States Code, no Federal funds may be used to pay any expense incurred from the establishment of the memorial.

(2) DEPOSIT OF EXCESS FUNDS.—The Pyramid of Remembrance Foundation shall transmit to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of title 40, United States Code—

(A) any funds that remain after payment of all expenses incurred from the establishment of the memorial (including payment of the amount for maintenance and preservation required under section 8906(b) of title 40, United States Code); or

(B) any funds that remain on expiration of the authority for the memorial under section 8903(e) of title 40, United States Code.

By Mr. JEFFORDS (for himself, Mr. ENSIGN, Mr. WYDEN, Mr. LEVIN, and Mr. SMITH):

S. 269. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Captive Wildlife Safety Act, a firm commitment to protect public safety and the welfare of wild cats that are increasingly being kept as pets. I am joined by Senator ENSIGN of Nevada, Senator WYDEN of Oregon and Senator LEVIN of Michigan as original co-sponsors of this legislation.

This bill amends the Lacy Act Amendment of 1981 to bar the interstate and foreign commerce of carnivorous wild cats, including lions, tigers, leopards, cheetahs, and cougars. The legislation would not ban all private ownership of these prohibited species, but would outlaw the commerce of these animals for use as pets.

Current figures estimate that there are more than 5,000 tigers in captivity in the United States. In fact, there are more tigers in captivity in the United States than there are in native habitats throughout the range in Asia. While some tigers are kept in zoos, most of these animals are kept as pets, living in cages behind someone's house, in a State that does not restrict private ownership of dangerous animals.

Tigers are not the only animals sought as exotic pets. Today there are more than 1,000 web sites that specialize in the trade of lions, cougars, and leopards to promote them as domestic pets.

Untrained owners are not capable of meeting the needs of these animals. Local veterinarians, animal shelters, and local governments are ill equipped to meet the challenge of providing for their proper care. If they are to be kept in captivity, these animals must be cared for by trained professionals who can meet their behavioral, nutrition, and physical needs.

People who live near these animals are also in real danger. These cats are large and powerful animals, capable of injuring or killing innocent people. There are countless stories of many unfortunate and unnecessary incidents where dangerous exotic cats have endangered public safety. Last year in Lexington, TX, a three-year-old boy was killed by his stepfather's pet tiger. In Loxahatchee, FL, a 58 year-old woman was bitten on the head by a 750 pound Siberian-Bengal Tiger being kept as a pet, and in Quitman, AR, four 600 to 800 pound tigers escaped from a "private safari". Parents living nearby sat in their front yards with high-powered rifles, guarding their children at play, frightened that the wild tigers might attack them.

This is a balanced approach that preserves the rights of those already regulated by the Department of Agriculture under the Animal Welfare Act such as circuses, zoos, and research facilities. This Act specifically targets unregulated and untrained individuals who are maintaining these wild cats as exotic pets.

The Captive Wildlife Safety Act represents an emerging consensus on the need for comprehensive federal legislation to regulate what animals can be kept as pets. The United States Department of Agriculture states, "Large wild and exotic cats such as lions, tigers, cougars, and leopards are dangerous animals . . . Because of these animals' potential to kill or severely injure both people and other animals, an untrained person should not keep them as pets. Doing so poses serious risks to family, friends, neighbors, and the general public. Even an animal that can be friendly and lovable can be very dangerous."

The American Veterinary Medical Association also "strongly opposes the keeping of wild carnivore species of animals as pets and believes that all commercial traffic of these animals for such purpose should be prohibited."

This bill preserves those local regulations already in existence. Full bans are already in place in 12 States and partial bans have been enacted in 7 States. I sincerely hope that grass roots organizations continue to encourage State and local governments to ban the private ownership of exotic cats.

The Captive Wildlife Safety Act is supported by the Association of Zoos and Aquariums, the Humane Society of the United States, the Funds for Animals, and the International Fund for Animal Welfare.

No one should be endangered by those who cannot properly keep these animals. Exotic cats in captivity should be able to live humanely and healthfully.

I ask my colleagues to support this legislation and look forward to working with our partners in the House to enact the Captive Wildlife Safety Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Act".

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

"(k) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means any live lion, tiger, leopard, cheetah, jaguar, or cougar.".

SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ", or" at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting "or" after the semicolon at the end; and

(iii) by adding at the end the following:

"(C) any prohibited wildlife species (subject to subsection (e));";

(B) in paragraph (3)(B), by inserting "or" after the semicolon at the end; and

(C) in paragraph (4), by striking "paragraphs (1) through (4)" and inserting "paragraphs (1) through (3)"; and

(2) by adding at the end the following:

"(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

"(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

"(A) any zoo, circus, research facility licensed or registered and inspected by a Federal agency, or aquarium;

"(B) any person accredited by the Association of Sanctuaries or the American Sanctuary Association;

"(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

"(D) any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals;

"(E) any federally-licensed and inspected breeder or dealer that is conducting any breeding or dealing activity with a person referred to in this paragraph; or

"(F) any person having custody of a wild animal solely for the purpose of transporting the animal to a person referred to in this paragraph.

"(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

"(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.".

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

Mr. ENSIGN. Mr. President, today, I am pleased to be joined by my distinguished colleagues in introducing legislation that addresses the welfare of exotic animals throughout the country. Specifically, this bill prohibits the interstate shipment of exotic animals; namely lions, cheetahs, tigers, jaguars, and leopards. Only zoos, circuses, sanctuaries, universities, licensed breeders and other Federal and State licensed facilities are exempted from this prohibition.

During my days as a practicing veterinarian, I saw firsthand exotic animals mistreated by owners who were ill-prepared to care for them. All too often, large cats are put in cages that are too small to accommodate their growing needs. Owners often buy a young tiger or cat, paying more attention to their cuddly exterior rather than the overwhelming responsibility that comes along with raising an animal that will grow into a large, wild, predator.

In my home State of Nevada, there is a burgeoning population of exotic animals being kept as pets. I have been contacted by animal control centers throughout the State that are called to aid in situations where a wild tiger or lion has escaped and run amok. In these situations, not only are the owners and the animal control professionals in danger, so too are children and other neighbors who may be in the wrong place at the wrong time. These animals' instinct is to attack, and they will do so, if given the opportunity. That is why only highly trained individuals who have the know-how and the resources should be able to own exotic animals.

In fact, I am informed that officials in Nye County in my home State, are working to pass a county ordinance that would ban the ownership of exotic animals because of the threat these animals pose to public safety. We have the support and backing of the Humane Society of the United States, the American Veterinary Medical Association, and the American Zoo and Aquarium Association.

This legislation protects the public, but also ensures that the animals receive the best care possible from certified and trained owners. I look forward to having the overwhelming support of my colleagues in the Senate.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. DASCHLE, Mr. REED, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Ms. CANTWELL, and Mr. ROCKEFELLER):

S. 270. A bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, Congress took an important step forward for working families earlier this month by providing unemployment benefits for nearly 3 million jobless Americans. These benefits are a lifeline for the millions of workers who have lost their jobs through no fault of their own, but as we all know, there is much more work to be done on this basic issue. One million workers have run out of their State and Federal benefits and remain without jobs. Clearly, these workers deserve our help too.

In fact, there is an additional category of workers who have not even received a dime of unemployment benefits. They paid into the unemployment insurance fund, and they lost their jobs due to the failing economy, but they have been left behind by the outdated eligibility rules in our unemployment laws.

Today, I am introducing the Economic Security Act of 2003 to cover the 1 million who have exhausted their benefits, as well as the nearly 1 million low-wage and part-time workers currently not eligible for unemployment benefits, and to increase benefit levels to help keep families out of poverty during periods of unemployment.

Nationally, only about half of unemployed workers received unemployment benefits last year. This number has dropped precipitously since 1975 when 75 percent of unemployed workers received benefits. This increasingly serious problem is a result of laws implemented in the 1980s to restrict eligibility for the unemployment insurance program. Because of these restrictions, many of the unemployed workers who do not receive benefits today are excluded because they are part-time or low-wage workers.

In all but 12 States, low-wage workers are ineligible for benefits because their most recent earnings are not counted. As a result, many former welfare recipients—success stories who have recently entered the workforce, have now lost their jobs because of the economic down-turn, but they are being denied the unemployment benefits they deserve. Many minimum wage workers, who work hard and play by the rules and have not seen a raise in 6 years, are also left behind. Those low-income workers are now left without a safety net.

In addition, the majority of States do not provide benefits to part-time workers, despite the fact that part-time workers are an essential part of the labor force. They now comprise nearly 20 percent of the workforce. Part-time workers also represent a large share of the unemployed, one in five unemployed workers today were working part-time before they lost their jobs. Women now represent 70 percent of the part-time workforce, compared with 44 percent of full-time workers, and 17.5 percent of part-time workers earn less than $15,000 a year. Despite their significant labor force role, part-time working adults are half as likely as full-time workers to receive unemployment insurance benefits. Nationally, only 12 percent of unemployed part-time workers receive unemployment benefits.

Under the Economic Security Act, the Federal Government will reimburse States for 1 year for the cost of providing unemployment benefits to two categories of workers: 1. Those who would be eligible for regular unemployment compensation if their last completed quarter of earnings is included in their wage record, and 2. those seeking part-time employment.

The bill will also provide Federal funds to states to increase the level of unemployment benefits. Sadly, these benefits today are often not sufficient to meet basic needs such as paying the rent or putting food on the table. In 2000, the average unemployment benefit replaced only 33 percent of workers' lost income, a steep drop from the 46 percent of wages replaced by benefits during the recessions of the 1970's and 1980's. During an economic crisis, unemployed workers have few opportunities to rejoin a declining workforce. They depend on unemployment benefits to live.

Raising benefits will enable these workers to support their families and invest more in the economy. They immediately spend their unemployment insurance benefits in their communities, and that spending will provide a needed, immediate stimulus to the economy. In fact, every dollar spent on unemployment benefits boosts the economy by $2.15.

The Economic Security Act of 2003 will provide Federal reimbursements for states which increase their weekly unemployment checks by the greater of 15 percent or $25 for 1 year. Under this provision, the average recipient will have an extra $135 a month. Unemployed households will use this amount to help pay the rent, buy groceries, keep the family car running, or hire a babysitter during job interview. This boost in unemployment benefits will stimulate the economy and help these laid-off workers support their families while they look for a new job.

State unemployment insurance administrators often fall short of the funds they need to administer benefits efficiently and promptly, and to see that all who are eligible receive their benefits. The Act provides $500 million to State Unemployment offices to offset the administrative expenses associated with implementing the new coverage and benefit changes, and to provide better employment services to workers receiving unemployment compensation.

Congress cannot continue to ignore the plight of millions of Americans hurt by economic forces beyond their control. As we work together to get the economy moving again, we must also work together to see that no one is left behind. We have a responsibility to give help and hope to these deserving Americans by strengthening unemployment insurance to cover all unemployed workers, and I urge my colleagues to give high priority to this needed reform.

By Mr. SMITH (for himself, Mr. CORZINE, Mr. SCHUMER, and Ms. SNOWE):

S. 271. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce, with my friend and colleague, Senator CORZINE, the "Municipal Debt Refinancing Act of 2003." We are pleased to be joined by Senator SCHUMER and Senator SNOWE in this bipartisan effort. This important legislation will allow States and localities access to low cost capital during this current period of fiscal crisis, allowing cities to take advantage of low interest rates by permitting an additional advance refunding of most tax-exempt governmental bonds. This bill provides Oregon cities like Portland, Eugene or Salem, all of which issue municipal bonds, with an increased ability to ease some of the budgetary constraints they currently face.

When interest rates fall, homeowners often seek to refinance their mortgages to reduce interest costs. Similarly, State and local governments take advantage of low interest rates by refinancing outstanding high-cost debt. However, unlike homeowners who can usually refinance at any time, municipalities can only redeem existing debt on specific dates, known as call dates. If an issuer would benefit from a refunding transaction but the existing bonds are not currently eligible to be called, the issuer can still refinance by executing an "advance refunding." In this case, the State or local government issues advance refunding bonds and the proceeds of the new bonds are held in reserve to pay the interest and principal on the old bonds until they become callable.

The Federal tax code prohibits tax-exempt bond issuers from advance refunding most bonds more than once. Therefore, if a bond has been advance refunded once and interest rates fall to the point where a State or local government would benefit from an additional advance refunding, the issuer is precluded from taking advantage of the lower rates.

Under current law, bonds originally issued after 1985 may only be advance refunded once. Bonds issued before 1986 may be advance refunded twice. Second, most private activity bonds may not be advance refunded. In the past, Congress has considered amending Section 149 of the Code to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for "essential government functions".

"Essential government functions," as currently defined in tax regulations, include facilities "owned by a governmental person and that are available for use by the general public." In practice, such an approach would likely encompass most bonds issued to finance facilities owned by State or local governments. One way to limit the revenue cost of this proposal would be to impose a sunset on the expanded advance refunding authority. This would also encourage municipal bond issuers to take advantage of the additional advance refunding more immediately, maximizing the proposal's potential economic simulative effect.

State and local access to capital at the lowest possible cost is critical at this time and vital to Oregon's long-term economic growth. Further, tax-exempt bonds fund a wide variety of capital infrastructure projects such as schools, roads and highways, bridges, water and sewer systems, airports, and parks, among many others. As Oregon faces a fiscal crisis on such a large scale, this advance refunding is an innovative way the federal government can help cities and towns provide vital infrastructure and services for Oregonians. I ask all my colleagues to join Senator CORZINE and me in sponsoring this important legislation that will help municipalities across this Nation.

I ask unanimous consent to have this legislation printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Debt Refinancing Act".

SEC. 2. ADDITIONAL ADVANCE REFUNDINGS OF CERTAIN GOVERNMENTAL BONDS.

(a) IN GENERAL.—Section 149(d)(3)(A)(i) of the Internal Revenue Code of 1986 (relating to advance refundings of other bonds) is amended—

(1) by striking "or" at the end of subclause (I),

(2) by adding "or" at the end of subclause (II), and

(3) by inserting after subclause (II) the following:

"(III) the 2nd advance refunding of the original bond if the original bond was issued after 1985 or the 3rd advance refunding of the original bond if the original bond was issued before 1986, if, in either case, the refunding bond is issued before the date which is 2 years after the date of the enactment of this subclause and the original bond was issued as part of an issue 90 percent or more of the net proceeds of which were used to finance governmental facilities used for 1 or more essential governmental functions (within the meaning of section 141(c)(2)),".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunding bonds issued on or after the date of the enactment of this Act.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. BAYH, Mr. HATCH, Ms. LANDRIEU, Mr. SMITH, Mr. NELSON of Florida, Mr. TALENT, Mr. LUGAR, Mr. FRIST, and Mr. MILLER):

S. 272. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I want to express support on behalf of The Charity Aid, Recovery and Empowerment, CARE, Act of 2003, which I am introducing today with Senator LIEBERMAN, Finance Committee Chairman GRASSLEY, Senator BAYH, Majority Leader FRIST and other bipartisan cosponsors with the support of President Bush. The CARE Act was introduced in the last Congress and was considered by the Senate Finance Committee but was never debated on the floor of the Senate because of repeated objections to unanimous consent requests to bring up the bill. The time has come to move this important resources package forward to help those in need and to assist those charitable organizations walking alongside them to restore families and communities.

The CARE Act reflects America's renewed spirit of unity, community and responsibility in the wake of the September 11 terrorist attacks and the new challenges that have faced us since then. It is an important legislative package to encourage giving, saving, and fairness which builds on the President's Faith-Based and Community Initiative. This bipartisan consensus bill seeks to harness the potential of charitable organizations in order to better serve the most needy members of our society in partnership with government efforts. A coalition of more than 1,600 national and grassroots charitable organizations helping those in need endorsed nearly similar legislation last year. The bill offers incentives to individuals and corporations to increase charitable giving, rewards low-income citizens who choose to save, and insists on fairness for faith-based organizations by leveling the playing field so that non-governmental organizations involved in charitable activities may compete for government funds to provide social service delivery.

Throughout our country many social entrepreneurs and community healers are making a difference in the lives of those who are struggling and in the neighborhoods and communities seeking to revive themselves in the face of poverty, crime, failing schools, and unemployment. Many of these heroic individuals and organizations are also motivated by faith. For example, more than 75 percent of the food banks across our Nation have a religious affiliation.

The CARE Act attempts to help with the current challenges that charitable organizations are facing and expand the base of private and governmental resources well into the future to better help those in need such as the hungry, the homeless, the addicted, the sick, at-risk children, and the elderly through a variety of tools and resources. The tremendous outpouring of generosity by Americans after September 11 is to be celebrated. Yet the reality is that many needs remain unmet throughout the country as some charitable giving has been redirected and other human needs have increased. Unfortunately, as a result of the tragic events of September 11, a struggling stock market, and the recent recession, numerous charitable organizations have suffered financial losses, in some cases, up to 20 percent or more. The bill seeks to expand the capacity of the voluntary and charitable sectors in this country which is one of the greatest strengths and traditions of our country.

The CARE Act seeks to address these needs through a number of expanded tax incentives. The bill restores a charitable tax deduction for the 84 million Americans who do not itemize for a maximum deduction of up to $250 for individual taxpayers and $500 for couples for charitable giving beyond a base level of $250 for individuals and $500 couples. To encourage larger donations, IRA holders will also be allowed to make charitable contributions without tax penalties. Corporations and farmers will be offered tax deductions for their donations of food to charity, amounting to $1 billion dollars over 10 years in order to provide more food to the needy rather than letting it go to waste. A deduction is also provided for contributions of books to schools.

The CARE Act also attempts to narrow the gap between the rich and the poor. Through Individual Development Accounts, IDAs, low-income Americans are encouraged to save and build assets and provided training in financial education. These special savings accounts offer matching contributions from the sponsoring bank or community organization reimbursed through a Federal tax credit, on the condition that the proceeds go to buying a home, starting a business or paying for post-secondary education. Low-income Americans are now being given the possibility of sharing in the American dream. The provision would provide for a phased-in 300,000 savings accounts for a national demonstration.

The CARE Act helps small faith and community-based organizations. Through the Compassion Capital Fund, it provides these community healers with additional resources for technical assistance such as enabling incorporation, grant writing and accounting skills. It also allows social service agencies with experience in administering government contracts to play an intermediate role between government agencies and smaller charities. These provisions will help smaller faith-based charities to survive and to grow into viable charitable organizations. The legislation also expands resources through significant increases in the Social Services Block Grant, SSBG, funds of more than $1.2 billion.

Despite the positive advantages of the CARE Act, some are wary of the impact of its provisions. Some critics on the left argue that the provisions violate the Constitution by fusing church and state because preferential treatment is given to religious groups. This is false. Instead, the CARE Act gives religious charitable organizations the opportunity to compete with secular organizations for Federal funding by strengthening the principle of nondiscrimination against faith-based organizations through the codification of basic and commonsense equal treatment protections. The proposed legislation creates a more level playing field for faith-based charities by ensuring that they cannot be discriminated against in applying for government funds because of their religious nature by ensuring the right to maintain religious icons, religious names, religious governance criteria, and religious references in founding documents. The provision also makes clear that the mere fact that a faith-based provider has not previously received government funding does not disqualify them from consideration.

On the other hand, some critics on the right argue that the CARE Act will undermine the religious nature of faith-based organizations by restricting their abilities to promote religious values and by controlling the hiring process. But the moral integrity of faith-based organizations is protected by the Act. Though the question of hiring is not addressed in the bill, current laws will continue to apply, the equal treatment for non-governmental organizations provision in the bill assures that organizations which seek federal funds are not required to remove religious symbols, change their names, or change their governing structures to qualify. Hence, faith-based organizations can still adhere to the values and beliefs that motivate, make them unique, and reflect the diversity of America as they serve those in need. The initiative does not require faith-based organizations to participate with government funds in their efforts to serve those in need, it merely gives them the option if they feel that doing so is consistent with their mission and prevents the government for excluding qualified social services providers merely because they are faith-based in character.

The CARE Act is supported by both Democrats and Republicans. The time has come to get this legislation on the President's desk as he has repeatedly called for. The Senate Majority Leader, TOM DASCHLE, wrote shortly after the bill's introduction last year that "the CARE Act is not a Republican or Democratic plan. it is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment . . . I look forward to working with President Bush and my congressional colleagues to get this proposal signed into law."

The time has come for the Senate to pass this important legislation. The Senate Finance Committee will take an important step next week when the legislation is considered in committee. The CARE Act advances our common interest in turning the immense spirit of volunteerism and civic duty in our country toward building strong communities. The Act's ultimate goal is to help those most in need in our society, the poor, the hopeless and the destitute. I thank my colleagues for their support and the many generous Americans working to transform lives and improve communities for the difference that they make each day.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 35—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 35

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2003 through September 30, 2003; October 1, 2003, though September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department of agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $2,979,871 of which amount (1) not to exceed $11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $496 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $5,244,760 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,235,697 of which amount (1) not to exceed $8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $354 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration.

S. RES. 36

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2003, through September 30, 2003, October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $2,724,301.

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $4,795,783.

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,044,614.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 37—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCAIN submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 37

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2003, through September 30, 2003, October 1, 2003, through September 30, 2004, and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $3,227,950, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $5,681,955, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,422,263, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2004, and February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003, October 1, 2003, through September 30, 2004, and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. CRAIG submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $1,347,927, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $2,372,258, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $1,011,165, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $4,236,427, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $7,457,494, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $3,179,327, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2004 and February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003, October 1, 2003 through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 40—REAFFIRMING CONGRESSIONAL COMMITMENT TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND ITS CRITICAL ROLE IN GUARANTEEING EQUAL EDUCATIONAL OPPORTUNITIES FOR WOMEN AND GIRLS, PARTICULARLY WITH RESPECT TO SCHOOL ATHLETICS

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 40

Whereas in 1972, Congress enacted title IX of the Education Amendments of 1972 (referred to in this resolution as "title IX"), the Federal statute prohibiting sex discrimination in education;

Whereas title IX prohibits discrimination based on sex in 11 areas of education, including admissions, financial aid, academic programs, student services, classroom assignments, vocational education, and athletics;

Whereas since the passage of title IX, opportunities for women and girls in organized sports have dramatically increased;

Whereas the number of female college athletes has increased nearly 5-fold from fewer than 32,000 prior to enactment of title IX to over 150,000 since enactment of title IX;

Whereas women currently constitute more than 40 percent of all college athletes, compared with 15 percent in 1972;

Whereas female athletes have higher graduation rates than female nonathletes;

Whereas a 2002 nationwide survey found that 82 percent of women business executives played organized sports after grammar school, including sports on school, intramural, or recreational teams;

Whereas there has been a marked increase in the number of female professional sports and athletes since enactment of title IX;

Whereas at the high school level, almost 3,000,000 girls are playing competitive sports today, while fewer than 300,000 girls played competitive sports prior to the enactment of title IX;

Whereas today girls are entering high schools sports at almost twice the rate of boys, as evidenced by the fact that there were 108,208 new female high school athletes in 2000–2001 versus 59,230 new male athletes in that year;

Whereas girls' participation in organized sports provides opportunities for leadership, teamwork, and competition, contributes to positive body image and good health, and offers critical personal contact with adult role models;

Whereas girls who participate in sports are less likely to take drugs, drink alcohol, smoke, or become pregnant than their nonparticipating peers;

Whereas female athletes often serve as role models both at school and within their communities;

Whereas while the past successes of title IX are impressive, girls and women still need the full protections of the Federal law;

Whereas in schools that participate in Division I of the National Collegiate Athletic Association (referred to in this resolution as "Division I schools"), women represent 53 percent of the student body, but they receive only 43 percent of the total athletic scholarship dollars, 32 percent of the recruiting dollars, and 36 percent of the operating budget dollars;

Whereas in 2000, at Division I schools, for every $1 being spent on women's sports, almost $2 was being spent on men's sports;

Whereas from 1992 to 1997, men's athletic operating budgets increased by 139 percent while women's athletic operating budgets increased by only 89 percent;

Whereas compliance with title IX does not require schools to eliminate men's sports teams, nor does title IX impose strict quotas; and

Whereas all the Federal courts of appeals that have considered the constitutionality of title IX have upheld the regulations and requirements issued under title IX: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its commitment—

(A) to ending all discrimination against women and girls in elementary, secondary, and higher education; and

(B) to equal opportunities for women and girl in athletics;

(2) recognizes the continued importance of title IX in providing needed protections for women and girls;

(3) expresses its concern that rolling back title IX regulations and compliance requirements may jeopardize the extraordinary progress of women and girl athletes; and

(4) requests that the President maintain the integrity of title IX by rejecting any attempts to weaken current regulations and interpretations.

Mr. BIDEN. Mr. President, this afternoon the President's Commission on Opportunity in Athletics recommended changes to Title IX. While the changes they proposed are not as sweeping as feared, by a tie vote they included in their report a provision that could weaken current compliance requirements for women and girls in sports. While I commend the Commission for rejecting some of the more radical changes considered, I would implore President Bush and Secretary Paige to reject the notion of making any changes that diminish the protections of Title IX, including the so called "50-50" compliance provision.

As you know Title IX has had an enormous influence on all aspects of education, but particularly in the realm of women's and girls' sports. Since enactment the number of female college athletes has increased nearly five fold from fewer than 32,000 prior to enactment to over 150,000 today. At the high school level almost 3 million girls are playing competitive sports today compared to fewer than 300,000 prior to passage. But this isn't just about the numbers. Girls who participate in sports are less likely to take drugs, drink alcohol, smoke or become pregnant than their non-participating peers. They are also more likely to graduate. Through their participation in sports, women and girls are provided opportunities for leadership, teamwork and competition, gain a more positive body image, and are accorded contact with adult role models in their communities. And yet, even with gains and achievements, more needs to be done.

In Division I schools women represent 53 percent of the student body, but receive only 43 percent of the total athlete scholarship dollars, 32 percent of the recruiting dollars and 36 percent of the operational budgets. And for every dollar at a Division I school spent on women's sports, almost two dollars are spent on men's sports.

We've come a long way, but we should not turn the clock back now. I submit today a resolution that not only recognizes the importance of Title IX and a continued need for Title IX protections, but also calls on the Administration to reject any changes weakening current regulations and interpretations of this very important law.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 30, 2003, at 9:30 a.m., in open session to consider the nominations of the Honorable Paul McHale to be Assistant Secretary of Defense for homeland defense and Mr. Christopher Ryan Henry to be Deputy under Secretary of Defense for Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, January 30, 2003, at 10 a.m. to conduct an Executive Session for the purpose of approving the committee budget and the committee rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, January 30, 2003, at 9:30 a.m. on pending committee business. Then, immediately following, a full committee hearing on Media Ownership: Radio.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 30, 2003, at 10:00 a.m., to hear testimony on U.S. Borders: Safe or Sieve?

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session of the Senate on Thursday, January 30, 2003, at a time to be determined, to Report out the Nomination of John W. Snow to be Secretary of the United States Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on 30, January 2003, at 10:00 a.m., to hold a hearing on The January 27 UNMOVIC and IAEA Reports to the UN Security Council on Inspections in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Smallpox Vaccination Plan: Challenges and Next Steps during the session of the Senate on Thursday, January 30, 2003, at 10:00 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, January 30, 2003 at 9:30 a.m. in Dirksen Room 226.

TENTATIVE AGENDA

I. Nominations: Miguel Estrada to be a U.S. Circuit Court Judge for the D.C. circuit.

II. Bills: S. 151, PROTECT Act [Hatch/Leahy]; S. 153, Identity Theft Penalty Enhancement Act [Feinstein/Kyl/Grassley/Sessions]; S. 205, Iraqi Scientists Immigration Act of 2003 [Biden/Lugar/Specter/Hatch/Leahy].

III. Committee Resolution Honoring Beryl Howell.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, January 30, 2003 from 2:30 p.m.–3:00 p.m. in Dirksen 430 for the purpose of conducting an organizational meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 20, 24, 25, 26, 27, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's actions, and any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF THE TREASURY

John W. Snow, of Virginia, to be Secretary of the Treasury.

AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William J. Lutz, 6187

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Jarisse J. Sanborn, 1396

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas F. Metz, 5686

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Albert T. Church, III, 9703

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN176 Air Force nominations (21) beginning FRANK W. * ALLARA, JR., and ending GLYNIS D. * WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN177 Air Force nominations (39) beginning NANCY M. ACAMPADO, and ending JAMES H. YAO, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN178 Air Force nominations (123) beginning GREGORY A. * ABRAHAMIAN, and ending GREGORY B. * YORK, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN179 Air Force nominations (337) beginning SAMEH G. ABUERREISH, and ending MICHELLE K. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN180 Air Force nominations (53) beginning JAMES L. * AGLER, JR., and ending BEVERLY A. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN183 Air Force nominations (61) beginning LAURA S. * BARCHICK, and ending DONALD E. * WITMYER, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN184 Air Force nominations (62) beginning WAYNE H. ALBRIGHT, and ending MICHAEL J. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN201 Air Force nomination of Richard L. Sargent, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN202 Air Force nomination of Richard L. Neel, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN203 Air Force nomination of Joel C. Carlson, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN204 Air Force nomination of Scott C. Paul, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN205 Air Force nomination of Steven E. Ritter, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN206 Air Force nominations (2) beginning MICHAEL L. A. HOLLAND, and ending PARIMAL R. * PATEL, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN157 Air Force nomination of Anthony E. Musella, Jr., which was received by the Senate and appeared in the Congressional Record of January 9, 2003

PN158 Air Force nomination of Steven B. Wallis, which was received by the Senate and appeared in the Congressional Record of January 9, 2003

PN159 Air Force nominations (4) beginning SARA M. DEVINE, and ending MICHAEL H. QUINN, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN160 Air Force nominations (4) beginning JAMES F. BARBER, and ending DONALD G. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN161 Air Force nominations (2) beginning JOSEPH M. KOROLUK, and ending RICKY J. THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN162 Air Force nominations (8) beginning PATRICK W. BEHAN, and ending JAMIE L. SAIVES, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN163 Air Force nominations (6) beginning HOSSAM E. AHMED, and ending BRETT W. PERKINS, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN164 Air Force nominations (13) beginning ROBERT A. BAZYLAK, and ending MARK S. SMYCZYNSKI, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN165 Air Force nominations (23) beginning DEBORAH L. ASPLING, and ending CANDACE W. WOODHAM, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN166 Air Force nominations (156) beginning ANDREW A. AKELMAN, and ending STEVEN ZEBICH, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN167 Air Force nominations (10) beginning MICHAEL L. BELL, and ending GLENN L. SPITZER, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN168 Air Force nominations (35) beginning ROOSEVELT ALLEN, JR., and ending ARJEN L. VANDEVOORDE, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN169 Air Force nominations (83) beginning PETER A. BAUER, and ending CHRISTOPHER M. ZAHN, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN170 Air Force nomination of RONALD D. HARRIS, which was received by the Senate and appeared in the Congressional Record of January 9, 2003.

PN224 Air Force nomination of DAVID G. YOUNG, III, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN225 Air Force nominations (2) beginning EDWARD D. PETERSON, and ending WILLIAM M. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN226 Air Force nominations (2) beginning BENEDICT N. ANTONECCHIA, and ending THOMAS S. TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN227 Air Force nominations (2) beginning BRITTA A. ANDERSON, and ending DEBORAH C. MESSECAR, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN228 Air Force nominations (7) beginning LEWIS A. BRANDES, and ending CHARLES A. WALDEN, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN230 Air Force nominations (17) beginning WALTER S. *ADAMS, and ending GEORGE T. *YOUSTRA, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN231 Air Force nominations (51) beginning MICHAEL ALUKER, and ending SCOTT A. ZAKALUZNY, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN251 Air Force nomination of Margaret C. Gram, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN252 Air Force nomination of James V. English, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN253 Air Force nominations (6) beginning JAMES C. BALSERAK, and ending MARTIN E. SELLBERG, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2003

PN254 Air Force nomination of Timothy H. Lewis, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN255 Air Force nomination of Howard S. Loller, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

ARMY

PN207 Army nominations (28) beginning SALLYE J ALLGOOD, and ending YVONNE L TUCKERHARRIS, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN209 Army nominations (6) beginning LEONARD I. CANCIO, and ending KATHLEEN S. ZURAWEL, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN212 Army nominations (6) beginning KATHLEEN W. CARR, and ending ROBERT G. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN213 Army nominations (3) beginning KENNETH T. GAREAU, and ending PAOLA M. OFLAHERTY, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN214 Army nominations (2) beginning OLIN O. OEDEKOVEN, and ending MATTHEW D. URBANEK, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN171 Army nominations (20) beginning WILLIAM T. BARTO, and ending BRADLEY P. STAI, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN232 Army nominations (23) beginning PAUL A. BAKER, and ending FRANK E. ZIEMKIEWICZ, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN233 Army nominations (35) beginning MICHAEL P BOEHMAN, and ending SCOTT F YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN234 Army nominations (55) beginning WHITE A* BAXTER, and ending JENNIFER S* ZUCKER, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN256 Army nomination of John F. Neptune, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN257 Army nomination of Charles E. Swallow, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN258 Army nomination of Wayne C. Hollenbaugh, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN259 Army nomination of Joseph T. Hughes, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN260 Army nomination of Gregory T. Bramblett, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN261 Army nomination of Allen C. Whitford, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

MARINE CORPS

PN215 Marine Corps nomination of John A. Manning, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN216 Marine Corps nomination of Michael E. Rodgers, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN217 Marine Corps nomination of Samuel S. Scialabba, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN218 Marine Corps nominations (200) beginning DANIEL W. ALEXANDER, and ending JAN-HENDRICK C. ZURLIPPE, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN235 Marine Corps nomination of Larry A. Dickey, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN236 Marine Corps nominations (651) beginning HARALD AAGAARD, and ending ROBERT C ZYLA, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN241 Marine Corps nomination of Daniel P. Hudson, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

NAVY

PN219 Navy nominations (4) beginning FREDERICK J. ADAMS, III, and ending ANDREA G. NASHOLD, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN220 Navy nomination of Ian G. McLeod, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN221 Navy nomination of Michael S. Moeller, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN237 Navy nomination of Eric W. Herbert, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN238 Navy nomination of Jay R. Frohne, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN239 Navy nomination of Adrian D. Talbot, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN240 Navy nomination of Evangeline D. Smith, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

NOMINATION OF JOHN SNOW

Mr. DURBIN. Mr. President, pursuant to that unanimous consent request, I would like to take the floor for a few moments and then yield to my friend Senator HARKIN.

This evening, we are considering the nomination of John Snow to be the Secretary of the Treasury. It is a very important position, one of the most important in the President's Cabinet. I have had the opportunity on two occasions now to sit down with Mr. Snow and discuss with him a number of issues, but in particular one that I would address this evening. After these conversations, I am happy to report I will be supporting his nomination as Secretary of the Treasury. He will have an awesome responsibility in this post. I hope he can rise to that challenge. His resume shows that he can and that he will serve our Nation with pride.

The particular issue which drew us together last night and again this evening is one that Senator HARKIN has been the leader on for many years. Literally millions of Americans have pension plans which they have worked long and hard to maintain in their place of employment. The traditional defined-benefit plan is one where someone works for a company for a certain number of years and the company promised that at retirement they would pay them a certain amount of money. That is the retirement plan with which most people are familiar. That is the basic and traditional approach. But over the years retirement plans have changed. They have become more like 401(k)s or savings plans or investment plans, and those are known as cash-benefit plans. Some companies have decided to go with defined-benefit plans and some with cash-benefit plans. But many employees have been caught in the middle. Some started working for a company thinking they had a defined-benefit plan. Then the company at a later date says for a variety of reasons we are going to move to this other cash-balance plan. For some employees, it is a good choice. If you are a young worker in a company, and they come in and say, Listen, you don't know if you are going to be at this place the rest of your life; you may pick up and move to another job; would you rather have something like a cash-balance plan where you know how much money is there? It is invested. You can build it up over the years and move it with you from job to job. A lot of younger workers said, That is exactly what I want.

But the worker who has been on that job for longer periods of time has built up benefits under the defined-benefit plan may say, Wait a minute. Don't change the rules at this point. I am nearing retirement. I know what I was supposed to receive. I don't want to change the benefit plan at all.

Therein lies the dilemma. Some corporations have said to employees, You make the decision. Decide what is best for you. Stick with the old defined-benefit plan or move to the cash-balance plan. But it is your choice.

Frankly, from my point of view and Senator HARKIN's point of view, that is fair. Let the employee decide his fate. Let the employee decide what is best for him, for his family, and for his future. That is what we would like to see.

Frankly, that really was the law and the rule for so long, thanks to the hard work of Senator HARKIN of Iowa protecting the rights of employees.

A month ago, there was a shocking rule issued by the Treasury Department which basically said the corporations could wipe out defined-benefit plans and say to that employee of many years, Guess what. We have changed the rules. You are now in a cash plan.

I was at a press conference and met with some former IBM employees who went through that experience. It is really heartbreaking to hear what it meant to their families, and where they expected to end up generating some $4,000 a month in retirement income is now going to generate about $2,000. It means, frankly, the survivor benefits are sacrificed and a quality of life has been lost.

Senator HARKIN, myself, Congressman GEORGE MILLER of California, and Congressman BERNIE SANDERS of Vermont have really tried to dramatize this issue and this new proposed rule, and to say to the Treasury Department, For goodness sakes, treat these workers fairly. Don't force them into a plan that is going disadvantage them or their families.

We gathered together some signatures—I don't take any credit for it; the work was done primarily by the two House leaders I just mentioned—over 226 signatures of Members of Congress in both the House and the Senate, saying to the President and the Treasury Department, Don't change the rules in midstream. Protect these employees.

Along comes the President's nominee for the Treasury Department, John Snow. Of course, he will be the man to make the ultimate decision on the rule and whether it will be fair to employees. Senator HARKIN and I sat down with him this evening and had a lengthy and very positive conversation.

John Snow comes to us from a career in private business where he has been a CEO of the CSX Railroad. He explained to us when his railroad decided to change pension plans, they left it up to the employees to decide. He thought that was a fair thing to do with his railroad. We think it is a fair thing to do for every company. He talked about other businesses he worked with where the same thing occurred.

He said to us he was going to be fair and objective, and he was going to take the rights of the worker into account for any rule related to future pension plans.

We talked about the fact that when it comes to Members of Congress, that is exactly the standard we followed when it came to our retirement. I guess it was 10, 12 years ago we decided to change the retirement plan. We went to individual Members of Congress and said, What do you choose? What is best for you and your family? That was our way. Should it not be the right of every American worker?

In a meeting with Senator HARKIN and myself, we decided to let this nominee go forward to give Mr. Snow an opportunity to become the Treasury Department Secretary and to use his values and corporate experience which he brings to the job not only to serve the Nation but to treat American workers and retirees fairly.

I want to especially thank Senator HARKIN. This is not the kind of issue likely to be on the front page of any newspaper, but it is the kind of issue that is likely to be front and center on the dining room table of American families who are genuinely concerned about their future. He fought a long and lonely battle on this issue. I was happy to support him. But he deserves credit for his leadership. The meeting with the new Treasury Secretary today points us in the right direction. We want to work with this Treasury Department and with this Secretary to be fair to workers across America.

I will support the nomination of John Snow for Treasury Secretary because I believe he brings the right values and the right corporate experience to this job. I am sure I am going to disagree with him on many issues. But on this particular issue, the assurances which he gave us this evening are the basis for us to go forward and approve his nomination.

At this point, I would like to yield to my leader on this issue, my colleague from Iowa, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend and colleague from across the Mississippi River in Illinois, Senator DURBIN, for the very kind and overly generous words. More than that, I thank him for his diligence and for his hard work on this issue which means so much to the average working person in America.

I will just say at the outset that Senator DURBIN has, I believe, correctly laid out the meeting we had with Mr. Snow earlier this evening, and has also correctly portrayed the assurances we got from Mr. Snow regarding this issue and how he would approach it as the new Secretary of the Treasury.

Again, I want to make it clear that the actions of this Senator earlier today and yesterday in wanting to have a bit of time here to talk about this before we voted on this nomination had nothing to do with Mr. Snow. I said that earlier this evening. This is nothing personal at all. He has a very distinguished career in the business community. He was head of the CSX Railroad, I guess for well over 20-some years, if I am not mistaken, and has served well on boards of schools, universities, John Hopkins, and others. In other words, he has been both a business leader and a community leader.

Again, I want to compliment him and commend him for his distinguished career and for his service both to his company and to our country.

I congratulate Mr. Snow on his nomination for Secretary of the Treasury and will join with my colleagues in supporting that nomination.

I feel, as Senator DURBIN said, that he gave us assurances on this issue—and I will talk more about this issue in a minute—dealing with pensions and workers' rights; that he will assure the fairness and equity as the rule. In fact, I wrote down exactly what Mr. Snow said. He said:

> I believe we should protect the basic rights of workers. And, if a rule doesn't meet that test, it won't move forward. Fundamental fairness will be at the center of any policy.

I compliment Mr. Snow for that. As Senator DURBIN pointed out, as the CEO of the CSX Railroad, when they changed their plan over from a defined-benefit plan to a cash-balance plan, they left in place for older workers the defined-benefit plan. In other words, they could stay with that plan. Newer, younger workers could go with cash balance plans. To me, that really makes sense. That is really the way we ought to be going in this country when we talk about our pensions and protecting our pensions.

So my actions here yesterday and today have not been about Mr. Snow. They have been about this issue. It is an issue of fundamental fairness for people who work hard, play by the rules, and then find out—after working 20 or 30 years—that what they thought they were going to get has been taken away. So that is what this is about.

Over the last several days, I have been reading a book that was given to me last year. I had not gotten to it. I have now been reading it. I am almost finished with it. I recommend it highly. It is a book by Kevin Phillips called "Wealth and Democracy."

I remember in one part of the book he pointed out that over the last 30 years—I think from 1970 to about the year 2000—the difference in the compensation for our CEOs and the people who work on the shop floor, so to speak, has been that in 1972, the average CEO salary was about 42 times that of the average worker in that corporation. That was 1970—42 times; by the year 2000, that gap had widened to 417 times. In other words, today, the average CEO is getting 417 times the compensation of the average worker in that corporation. So that gap has widened tremendously.

Also what has happened is that we see, time and time and time again, that when CEOs of these large corporations hit a rough spot—the company maybe has a rough spot, the CEOs leave the corporation—they get wonderful golden parachutes. They get wonderful retirement programs. We have to have that same kind of fairness for the average workers.

In 2001, we passed numerous pension provisions that had wide support. Many provisions favored those making more than $200,000 a year. I am not saying those provisions are bad, but we need some balance.

In the early 1990s, U.S. companies began a process of switching from defined benefit pension plans to cash balance plans. I am not going to get into the esoteric descriptions of defined benefits plans and cash balance plans, but only to say that many workers who affected by these changes had no idea what was happening to their pensions.

You might ask: Why has this all of a sudden come to the forefront in the year 2003? Well, it did not. I first drafted legislation in 1999, because by that time workers whose pensions had been changed in the early and mid-1990s, and who were now really facing retirement, all of a sudden woke up and found out that they did not have what they thought they would, and they had no recourse.

So, in 1999, I introduced a bill to make it illegal for corporations wear away the benefits of older workers during cash balance conversions. We had a vote on that bill in the Senate. I offered it as an amendment to the reconciliation bill, and a point of order was raised, so we had to vote to waive the point of order. 48 Senators, including 3 Republicans, voted to waive the budget point of order so we could consider this amendment. Obviously, we did not have enough votes.

After that, more and more stories came out about how many workers were losing their pensions. In April of 2000, I offered a sense-of-the-Senate resolution to stop this practice, and it passed the Senate unanimously. The Secretary of the Treasury put a moratorium on conversions from defined benefit plans to a cash balance plans. That moratorium has been in effect now for over three years.

Last month, a rule was proposed by the Treasury Department—a rule that would turn the clock back, undo the moratorium, and allow companies to once again engage in the practice of switching from defined benefit plans to cash balance plans and wear away the benefits of older workers.

So that is why I wanted to utilize this time and this nomination of Mr. Snow to be Secretary of the Treasury, to raise this issue once again and to talk with Mr. Snow about it as the incoming Secretary of the Treasury. We cannot permit this rule to just go forward. I think it was clear here in the Senate, in 2000, that we did not want that practice to continue. So I wanted to take this time to bring this issue to the forefront.

What are we talking about when we talk about how much people are losing in this? This morning, we had a press conference. We had a man there by the name of Larry Cutrone. He was one of thousands robbed of the full value of their earned pensions. He said that before AT&T converted his pension, it was valued at $350,000. After the conversion, in July 1997, the value dropped to $138,000. The calculation period for his pension was frozen at 1994–1996 salaries, so no value to his retirement account was added for any years he worked after the conversion.

So he said:

> In September 2001, I was "downsized" out of AT&T and decided to take my pension. I discovered that it translated into an annual income of just $23,444 instead of the $47,303 income under the old plan.
>
> When these plans were changed over, workers were not informed that this could happen. They woke up one day and found out: they have less than 50 percent of what they thought they were going to get in their retirement.

Is that fair? Is that equitable?

Mr. President, I ask unanimous consent that this statement of Larry Cutrone that he gave this morning be printed in its entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF LARRY CUTRONE

My name is Larry Cutrone, one of thousands robbed of the full value of their earned pensions due to the "Cash Balance" pension conversion. Before AT&T converted my pension it was valued at $350,000 and after the conversion in July 1997, the value dropped to $138,000. Even with AT&T's "Special Update" enhancement to my account, the value only rose to $150,000. The calculation period for my pension was frozen at 1994–1996 salaries, so no value to my retirement account was added for any years I worked after the conversion.

In September 2001, I was "downsized" out of AT&T and decided to take my pension. I discovered that it translated into an annual income of just $23,444 instead of the $47,303 income under the old plan. This seems meager after 31 loyal years of service to the company. As a result, my wife was forced to waive her rights to the survivor benefits of my pension in the event I predecease her. Invoking these rights would have meant between 8% and 20% less per month. While my pension was reduced by more than half, my monthly contribution for medical benefits was increased five times this year.

As representatives of "AT&T Concerned Employees Council on Retirement Protection" (ACE CORP), we are willing to publicize our personal situation in order to bring to the forefront the negative impact of the forced cash balance pension on the older worker. We urge President Bush to support Congressman SANDERS, MILLER, Senator HARKIN, and their fellow representatives to revise his proposal to the IRS by including protection for the older worker and preventing them from becoming "Pension Challenged" by "Cash Imbalance"!

In President Bush's radio address this past Sunday he states "In 2003, we must work to strengthen our economy; improve access to affordable high quality health care for all our seniors . . ." In his State of the Union Address, he urged Congress to pass his plan ". . . to strengthen our economy and help more Americans find jobs." (Assuming he makes these comments in his State of the Union Address on Tuesday.) We hope our efforts will convince President Bush that his IRS Proposal and the affect of the cash balance pension on the older worker further reduces consumer spending, and reduces tax revenue while causing our economy to continue suffering. We are aware of any negative impact to the corporations who convert to cash balance pension plans. Should the loyal worker and subsequently America's economy be penalized?

Mr. HARKIN. Mr. President, 189 Members of the House of Representatives and 25 Senators signed a letter that was sent today to President Bush, asking that we do not reopen the floodgates, that we withdraw this rule and promulgate a rule that is fair and equitable. As we said in our letter:

> We are writing to strongly urge you to withdraw proposed Treasury Department regulations regarding cash balance pension plans and to issue new regulations that will prohibit profitable companies from reducing the pension benefits of existing employees or retirees by converting to age-discriminatory cash balance plans.
>
> The recently proposed regulations would create an incentive for thousands of companies to convert to cash balance plans by providing legal protection against claims of age bias by older employees.

Often when companies switch from defined benefit plans to cash balance plans, a worker can work for 20 or 25 years, but the employer may not pay anything into your pension plan for several years. But they will contribute to a younger worker who has only been there for 2 years.

So let's understand this. You have two workers work for the same company, doing the same job. One gets extra wages in the form of a benefit of money put into a cash balance account. The other worker, who has been there 20 or 25 years, does not get it. That is age discrimination, pure and simple, in violation of Federal law. The only reason the one person is not getting it is because they have been there longer.

The younger worker gets the money; the older worker does not. That is age discrimination, pure and simple.

As we said in our letter:

> [The proposed] regulations [from Treasury] would result in millions of older employees losing a significant portion of the annual pension they had been promised by their employer and had come to rely upon as part of their retirement planning.

That is what happened to Larry Cutrone.

We write:

> We urge you to direct the Treasury Department to immediately withdraw these proposed regulations and instead issue regulations that provide for the protection of older employees pensions.
>
> At a time when millions of employees are still reeling from significant losses to their 401(k) retirement plans because of corporate scandals and the ongoing weakness in the stock market, we believe these regulations represent another serious blow to the retirement security of hard working Americans who have played by the rules in their companies only to see the rules of the game . . . change midway through their careers.

I ask unanimous consent this letter, signed by 189 Members of the House and 25 Senators, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 30, 2003.

The Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR PRESIDENT BUSH: We are writing to strongly urge you to withdraw proposed Treasury Department regulations regarding cash balance pension plans and to issue new regulations that will prohibit profitable companies from reducing the pension benefits of existing employees or retirees by converting to age-discriminatory cash balance plans. (Federal Register, December 11, 2002, Internal Revenue Service, 26 CFR Part 1, REG–209500–86, REG–164464–02, RIN 1545–BA10, 1545–BB79.)

According to the General Accounting Office, annual pension benefits of older employees can drop by as much as 50 percent after a company converts from a traditional defined benefit plan to a cash balance plan. Large companies favor the conversion because they can save hundreds of millions of dollars a year in pension costs. Delta Airlines, for example, recently announced it would save $500 million per year by switching to a cash balance plan. In the late 1990s, IBM initially estimated it would save $200 million per year by switching to a cash balance plan. IBM, AT&T, and Verizon are among the 300 to 700 large companies that have already converted to a cash balance pension plan. An additional 300 companies had been waiting for IRS approval of their conversion plans even before the regulatory change was announced. Thousands of companies employing millions of people would be eligible to convert their pension plans under the proposed regulations.

Switching to a cash balance plan in midstream has the greatest negative effect on older employees who have worked for many years with one company and plan to continue to work for additional years for the same employer.

As you know, in September 1999, the IRS issued a moratorium on issuing letters of approval to companies for pension plan conversions because of age discrimination concerns. There are over 800 age discrimination complaints currently pending before the EEOC based on cash balance conversions. The 1999 moratorium has nearly stopped the flow of companies converting to cash balance plans.

The recently proposed regulations would create an incentive for thousands of companies to convert to cash balance plans by providing legal protection against claims of age bias by older employees. The regulations would result in millions of older employees losing a significant portion of the annual pension they had been promised by their employer and had come to rely upon as part of their retirement planning.

We urge you to direct the Treasury Department to immediately withdraw these proposed regulations and instead issue regulations that provide for the protection of older employees' pensions.

At a time when millions of employees are still reeling from significant losses to their 401(k) retirement plans because of corporate scandals and the ongoing weakness in the stock market, we believe these regulations represent another serious blow to the retirement security of hard working Americans who have played by the rules in their companies only to see the rules of the game for rank and file employees change midway through their careers.

Re-opening the floodgates for cash balance conversions will destroy what is left of our private pension retirement system. This is a devastating step that your Administration need not and should not allow.

We deeply appreciate your attention to the concerns that we are expressing on behalf of the millions of employees who will depend on their pensions for a secure retirement. We look forward to working with you to protect the pension security of America's workers.

Sincerely,

Bernard Sanders, George Miller, Tom Harkin, Barbara Boxer, Tom Daschle, Nancy Pelosi, Edward Kennedy, Paul Sarbanes, Carl Levin, Christopher Dodd, Charles Schumer, Dianne Feinstein, Jon Corzine, James Jeffords, Mark Dayton, Patrick Leahy, Barbara Mikulski, Russell Feingold, Hillary Rodham Clinton, Maurice Hinchey, John McHugh, John Dingell, David Obey, Barney Frank, Tom Lantos, Paul Kanjorski, Lloyd Doggett, Robert Andrews, Jane Harman, David Price, Gene Green, Lucille Roybal-Allard, Rodney Alexander, James Clyburn, David Scott, Ike Skelton, Ed Pastor, Adam Smith, Gil Gutknecht, Ron Kind, James T. Walsh, Nick Lampson, Jay Inslee, Sherwood Boehlert.

Rahm Emanuel, Madeleine Bordallo, Rob Simmons, Solomon Ortiz, Sanford Bishop, Gregory Meeks, Steve Israel, Kendrick Meek, Steny Hoyer, Bob Etheridge, Artur Davis, Ruben Hinojosa, Mike Thompson, Brad Miller, Max Sandlin, Dutch C.A. Ruppersberger, Anibal Acevedo-Vila, Adam Schiff, Sander Levin, Michael Honda, Melvin L. Watt, Lincoln Davis, Marion Berry, Jim Cooper, Frank W. Ballance, Jr., Shelley Berkley, Chris Bell, Dennis A. Cardoza, Jack Quinn, Nick J. Rahall, II, Michael R. McNulty, Richard Gephardt, Timothy Bishop, Karen McCarthy, Raul Grijalva, Stephen Lynch, Ciro Rodriguez, Bart Gordon, Mike Ross, John Spratt, Robert Menendez, Virgil Goode, Jr., Denise Majette, Maxine Waters, Nita Lowey, Jim Moran, Charles Gonzalez, Joseph Hoeffel.

Jerry Costello, Sheila Jackson-Lee, Harold Ford, Jr., Bobby Rush, Tom Udall, Timothy Ryan, Thomas Allen, Elijah Cummings, Michael Michaud, Norman Dicks, Robert Brady, Eddie Bernice Johnson, Jim Davis, Linda Sanchez, Vic Synder, William Jefferson, Tim Holden, Diane Watson, Carolyn Maloney, Lane Evans, Jesse Jackson, Jr., Robert Wexler, Anthony Weiner, Betty McCollum, William Lipinski, Peter Visclosky, Anna Eshoo, Steven Rothman, Darlene Hooley, Nydia Velaquez, Martin Olav Sabo, Gene Taylor, Ted Strickland, Danny Davis, Loretta Sanchez, Chaka Fattah, Grace Napolitano, John Lewis, Martin Meehan, Bart Stupak, Ellen Tauscher, Chris Van Hollen, Zoe Lofgren, Edward Markey, Collin Peterson, Henry Waxman, Michael Capuano, Diana DeGette.

Jerrold Nadler, Bill Pascrell, Albert Russell Wynn, Joseph Crowley, Gary Ackerman, Carolyn McCarthy, Gerald Kleczka, John Murtha, Donald Payne, Louise McIntosh Slaughter, Tammy Baldwin, John Conyers, Susan Davis, Neil Abercrombie, Mike McIntyre, Fortney Pete Stark, Hilda Solis, Bob Filner, Alcee Hastings, John Tierney, Jose Serrano, James Langevin, Frank Pallone, Earl Blumenauer, Juanita Millender-McDonald, Barbara Lee, Lynn Woolsey, Robert Scott, Rush Holt, James McGovern, Stephanie Tubbs Jones, John Olver, Lois Capps, Sam Farr, Corrine Brown, Dale Kildee, Patrick Kennedy, William Delahunt, Edolphus Towns, Joe Baca, Eliot Engel, Silvestre Reyes, William Lacy Clay, Michael Doyle, Carolyn Kilpatrick, Sherrod Brown, Luis Gutierrez, Janice Schakowsky.

Howard Berman, Bennie Thompson, Julia Carson, Mark Udall, Rosa DeLauro, Peter DeFazio, Martin Frost, Marcy Kaptur, Dennis Kucinich, Major Owens, Peter Deutsch, Eleanor Holmes Norton, James Oberstar, Jim McDermott, Rick Larsen, Donna Christensen, John D. Rockefeller IV, Maria Cantwell, Jack Reed, Harry Reid, Daniel Akaka, Richard Durbin, Frank Lautenberg, Debbie Stabenow, Christopher Smith, Daniel Inouye, Alan Mollohan, Ed Case, Bill Nelson.

Mr. HARKIN. We have right now over 1,000 cases pending before the Equal Employment Opportunity Commission, over 1,000 cases regarding age discrimination. These are cases of people who have had their retirement pensions, what they were promised, reduced like Larry Cutrone; 1,000 cases filed under age discrimination. I believe these cases have merit. They are going to go forward. They are going to go into Federal courts.

I want to make it very clear: I am not opposed to cash balance plans. Some cash balance plans can be very good. What I am opposed to is the unilateral decision of a company being able to change their plans and stop contributing to an employee's pension without their knowledge. That is what I am opposed to.

That is what this issue is all about. It is fairness. It is equity. I know sometimes when you get into pension laws, things like that, it sounds very convoluted. In essence, what some of these companies have been doing to these workers is nothing less than sheer thievery. They are able to save millions, in some cases hundreds of millions of dollars, by converting these plans over, robbing—yes, I use the word "robbing"—their workers who have been loyal and hard working, robbing them of their rightful claims on future benefits, taking that money and giving it in higher benefits to the CEOs and the corporate executives, golden parachutes. It is not right. It is not fair.

There is one thing that has distinguished the American workplace from others around the world. We have valued loyalty. If you are hard working and loyal, companies value that. At least they used to. That is one of the reasons we had pension plans—the longer you worked there, the more benefit you had in your pension program. Obviously, the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are. We valued that loyalty.

If companies are able to just change these plans, what kind of a signal does that send to the workers? It sends this signal: Don't be loyal. You are a fool if you are loyal because if you work here for 20 or 25 years, we can just change the rules of the game, and break our promise.

What it says to younger workers is: It would be crazy to work for this company for a long time. I will work here a couple years; I will move on.

It destroys the kind of work ethic we have come to value and that we know built this country. I also thought we valued fairness when it comes to workers. A deal is a deal. Let's say I wanted to hire you. I said: I will hire you for 5 years, pay you $50,000 a year. But if you stay with me for 5 years, I will give you a $50,000 bonus.

You say, OK, that is good. So now you work for me 3 years and you are thinking you have 2 more years to go and you will get that $50,000 bonus. But at the end of the third year I come to you and say: Do you remember the deal we made where I said if you work for me for 5 years you will get that $50,000 bonus? Well, the deal is off.

Well, now you have 3 years invested there. If you had known that the deal was going to be off, maybe you would not have gone to work for me. Maybe you would have gone to work someplace else. Is that the way we want to treat workers in this country, where I have all the cards and you have none, and I can make whatever deal I want, but I can change the rules any time I want to and take away your pension? That is what this is about.

Well, as Senator DURBIN said, I thought we had a good meeting with Mr. Snow. I am encouraged by the fact that, as a CEO of his corporation, when they changed their plans over, they left a choice for workers. That is the right and honorable way to do things. I compliment Mr. Snow for having done that. I am also assured that the rules of the game won't be changed in the middle. In other words, there is a moratorium on right now, and I am assured that the moratorium will stay on at least until a final rule is promulgated.

Mr. Snow has said he would agree to meet with people—employers, representatives of labor groups, representatives of elderly groups—to get their input on this approach and, hopefully, on perhaps having a new rule.

I want to make it clear this Senator will continue to press for the Treasury Department—when Mr. Snow gets confirmed and sworn in—to withdraw that rule. He has the power to do it as Secretary of the Treasury—withdraw the proposed rule and come out with a new one that more closely reflects what he had done as a CEO of a corporation earlier on when they changed their plans over. That is the fair way to do it. This is an issue that is not going to go away. Again, I think more and more working Americans are beginning to find out their hard work and loyalty is being taken away and they have no voice. Well, that is what we are here for, to help protect these people, and to make sure their voice is heard and to make sure the pensions they have built up over a long period of time over their working years is not unilaterally taken away by the companies for whom they worked.

Again, I have no intention of holding up Mr. Snow's nomination at all. As I said, my only intention in doing this was to raise this issue up, to make sure Mr. Snow understood the depth of our feelings about it, the history in the Senate that we had passed a sense-of-the-Senate resolution unanimously in 2000, and that there are a lot of strong feelings nationally—just witness the 1,000 cases now pending before the EEOC, plus the fact that there are now about 300 filings right now before the IRS, Internal Revenue Service, by companies wanting to engage in this practice—change from defined benefit plans, to cash balance plans, without protecting the rights of the workers. I have estimated, roughly, that this represents several hundred thousand workers in this country who would be affected by this.

We need to send a clear and strong signal that we are not going to allow this to happen. If companies want to change plans, fine; but give the workers the choice to stick with the plan they have had or to take the new one. That is all we are asking for.

Mr. President, again, I congratulate Mr. Snow on his selection to be Secretary of the Treasury. I look forward to working with him. I thank him for his distinguished career, and I hope he is able to bring to the position that he will assume shortly the philosophy he had when he was the CEO of CSX Rail, and the kind of implementation of the change in their pension plans will be the kind of philosophy that we will have now at the Department of the Treasury.

Every worker in this country ought to have the right to choose just like the workers at CSX had under Mr. Snow. Again, I look forward to working with Mr. Snow on this issue. I hope we can get a fair resolution of this in the days and weeks to come.

Mr. GRASSLEY. Mr. President, this morning the Senate Finance Committee completed our first piece of business for the 108th Congress. The business before the committee today was the nomination of John Snow to be Treasury Secretary. It is the matter that we should process as a full body today. The Treasury Secretary is, after the Vice President, perhaps the most important position in the President's Cabinet.

As I said at the nomination hearing 2 days ago, the Finance Committee has a bipartisan tradition of acting expeditiously on this nomination. The reason is the importance of this nomination in the Nation's economic policymaking. The evidence of this tradition can be gleaned from committee records. Let's take a look at the recent history. For the period covering the first Bush administration, the Clinton administration, and this Bush administration, this committee has kept the position of Treasury Secretary filled in a virtually seamless manner.

Let me emphasize that. For this first time in recent history, we have a significant vacancy in the Treasury Department. There has now been a gap in service. That gap needs to be closed. As long as that vacancy remains, our markets wonder, our global trading partners speculate, and the President is denied his principal economic policymaker.

All Finance Committee Democrats and Republicans, past and present, should be proud of our record in recent history. It should surprise no one that the committee has taken this responsibility seriously. Whether we have divided government, or if one party controls the Congress and the administration, it does not matter. Much of the committee's policy is tied to the Treasury Department. It is a relationship that has a history of seriousness, productivity, and gravity. We all have an interest in filling this important position.

I thank my ranking member and friend, Senator BAUCUS, for his assistance. I also thank my Finance Committee colleagues for their cooperation.

Fortunately, over the same almost 15-year period, the full Senate has reflected the Finance Committee's seriousness on this important nomination. Again, over that period, under divided government or one party control, we as 100 Senators, have not permitted a significant vacancy to occur in this critical position. Some of my colleagues will recall Secretary O'Neill's nomination. Senator HELMS, who some on the other side called "Senator No," had an issue important in his State regarding the Africa free trade bill. Senator HELMS recognized the critical nature of the Treasury Secretary's position and allowed the nomination to move forward expeditiously.

Why does this office matter so much?

Well, let's take a look at the job description on the Treasury Web site. I quote:

> The Secretary of the Treasury is responsible for formulating and recommending domestic and international financial, economic, and tax policy, participating in the formulation of broad fiscal policies that have general significance for the economy and managing the public debt. The Treasury Secretary oversees the activities of the Treasury Department in carrying out his major law enforcement responsibilities; in serving as the financial agent of the U.S. Government; and in manufacturing coins and currency.
>
> The chief financial officer of the Government, the Secretary of the Treasury serves on the President's National Economic Council. He is also Chairman of the Boards and Managing Trustee of the Social Security and Medicare Trust Funds, Chairman of the Thrift Depositor Protection Oversight Board, and serves as U.S. Governor of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

So, Mr. President, who has an interest in filling the gap I referred to earlier? The answer is: (i) any American with an interest in economic growth, (ii) any American senior receiving Social Security or Medicare, (iii) any holders of thrift deposits, (iv) any investor holding a Treasury bond and (v) any worker or management person with an international business. That is just for starters.

This is not just any Cabinet position. The Treasury Department is the oldest Department and it is no accident that the Treasury Department is next door to the White House. These important responsibilities are the reason the Senate has not dilly-dallied on this nomination. I thank my colleagues for their cooperation in the confirmation of John Snow as Treasury Secretary.

Mr. BAUCUS. Mr. President, earlier today the Finance Committee approved the nomination of John Snow as the next Secretary of the Treasury. I thank my colleagues for this support of the confirmation of Mr. Snow.

The confirmation process is never easy. Nor should it be, as it is part of the constitutional advice and consent function to review of the nominee's experience, qualifications and suitability to serve in the position to which he or she has been nominated.

The Senate Finance Committee asked Mr. Snow hundreds of questions over a period of weeks. We sought his views on tax policy, prescription drugs, and budget deficits. We asked about matters involving corporate governance and executive compensation. He has responded to all of our questions.

The American people are anxious about the flagging economy and the prospect of war. With the future uncertain, it is important for our country to have a Treasury Secretary in place to help tackle the difficult challenges ahead. The President has selected a man who is well qualified.

I remain concerned about how we handle the upcoming debates about the budget, taxes and healthcare. We need to get to work. But we need to work together, in a bipartisan fashion, to address these important issues. I am committed to working with the administration to try to find common ground. The new Secretary shares this commitment. I look forward to working with him.

Mr. ALLEN. Mr. President, I rise today in support of John Snow, a proven leader with a reputation of a winner, and President Bush's nominee for U.S. Treasury Secretary.

John Snow is someone I know well and a proud resident of the Commonwealth of Virginia. In nominating John Snow, President Bush has brilliantly chosen the best person in America for the vital position of Secretary of the Treasury. There are few Americans with the knowledge of diverse U.S. and international economies—manufacturing, mining, automobile, electric, agriculture—trade, transportation modes—rail, ports, barges—and hands-on track record of creating jobs that John has developed over the last three decades. John Snow is a man of positive action and the right person to help President Bush create greater job opportunities for all Americans. He will be a respected and articulate leader for the principles of trusting people and free enterprise to do what they do best—create new and better jobs.

His prior service in Federal Government helps him as well. John Snow understands how government operates and how government can help or hinder job growth.

I have known John and Carolyn Snow for many years, and have relied on John's insight, experience and wisdom often over those years. While I served as Governor of Virginia, John gave extensively of his time to help us shape a plan that successfully revived Virginia's economy and resulted in the creation of a record number of new jobs. He continues to be a trusted adviser on economic and transportation issues.

When John came to Richmond in the early 1980s, the city was still suffering the lingering consequences of the past, and a very contentious period in the 1970s. Richmond had just elected its first African-American mayor. During this time, John stepped forward to help bridge the gap between the past and the future. He was a founding member of Richmond Renaissance, an organization dedicated to promoting racial equality in downtown Richmond. He was appointed by the new mayor to the city of Richmond school board. He became a member of the board of Virginia Union, a historically black college in Richmond.

He is a Renaissance man—educated in law and economics at the University of Virginia, government and business, and a professor. A Renaissance man who can convincingly and reasonably articulate the need for positive action.

John Snow has been successful in business because he knows that a growing economy is one that enables every working man and woman to have an opportunity to benefit from their hard work, their creativity and their ingenuity.

With his confirmation, all of America will soon come to trust and rely on John Snow's considerable knowledge and experience as I and so many grateful Virginians have over the years.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I further ask unanimous consent that at 10 a.m. on Tuesday, February 4, the Senate proceed to executive session for the consideration of Calendar No. 21, the nomination of Miguel Estrada to the U.S. Circuit Court for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 2, H.R. 16.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 16) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 16) was read the third time and passed.

SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES

Mr. FRIST. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 101, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 101) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise to address the serious matter of pay inequity in the Federal judiciary.

As things stand now, nearly every Federal employee will receive a cost of living adjustment during 2003—every employee, that is, except Federal judges. This is because of a legislative prescription that requires Congress to authorize raises in the salaries of Federal judges. Although this COLA of roughly 3 percent may seem small and inconsequential, it makes a significant difference in light of the fact that Federal judges earn far less than many, if not most, of their counterparts in the private sector.

In his 2002 year-end report, Supreme Court Chief Justice William Rehnquist highlighted his concern that salaries of Federal judges have not kept pace with those of lawyers in private firms and in business. He observed, "Inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow, and they would worry about what awaits them when they return to the private sector." The Chief Rustic lamented, "Unless the 108th Congress acts, judges will not even receive the cost-of-living adjustment that nearly every other Federal employee will receive during 2003." He concluded by urging Congress and the President to "take up this issue early in the new year."

Today, Mr. President, the Senate is passing a bill that will allow Federal judges to receive the COLA that other Federal employees are already slated to receive this year. Although the larger issue of minimizing the gap between Federal judicial salaries and private sector salaries still remains, this small step will resolve the salary inequity between Federal judges and other Federal employees. I thank my colleagues for joining Senator LEAHY and me in supporting this bipartisan measure.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing both the Senate and House versions of legislation to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

Here in the Senate, Senator HATCH and I were joined by Senator DEWINE and Senator SPECTER to cosponsor legislation to authorize an increase in the salaries of Justices and judges of the United States for the present fiscal year. House Judiciary Chairman SENSENBRENNER was joined by that committee's ranking Democratic member, Congressman CONYERS, and others to introduce identical legislation.

As a member of both the Senate Judiciary Committee and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I am disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment COLA for fiscal year 2003.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97–92, mandating specific congressional action to give COLAs to judges. During the 21 years of Section 140's existence, Congress has always accorded to the Federal judiciary coequal respect by suspending Section 140 whenever Congress has granted to itself and other Federal employees a COLA. With the end of the last Congress, however, the continuing resolutions providing funding failed to suspend Section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless other action is taken.

The bipartisan and bicameral legislation before us provides for a COLA for Federal judges consistent with the law and with fairness.

Over the past year and one half as Judiciary Committee Chairman, I have been honored to lead the Committee in holding hearings on 103 of President Bush's judicial nominees, some of whom proved to be quite controversial and divisive. Last year the Committee voted on 102 nominees and reported 100 out of Committee favorably. The full Democratic-led Senate took the final step of confirming 100 judges in just 17 months. This remarkable record compares most favorably to the 38 judicial confirmations averaged per year during the 6½ years when the Republicans previously controlled the Senate. In addition, the 21st Century Department of Justice Appropriations Authorization Act we passed last Congress created or extended 20 Federal judgeships, more than were created during the 6½ years that the Republican party controlled the Senate. In his end of the year report, the Chief Justice of the United States noted these accomplishments and thanked the Senate for its actions. I appreciate his kind words.

I look forward to Senate passage of the House and Senate bills to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003. I hope the President will promptly sign our legislation into law.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 101) was read the third time and passed, as follows:

S. 101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2003 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the Senator from Colorado (Mr. CAMPBELL) as Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 108th Congress.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators to the Commission on Security and Cooperation in Europe during the 108th Congress:

The Senator from Connecticut (Mr. DODD; the Senator from Florida, Mr. GRAHAM; the Senator from Wisconsin, Mr. FEINGOLD; and the Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to provisions of Public Law 107–202, announces the appointment of the following individuals as members of the Benjamin Franklin Tercentenary Commission: the Senator from Pennsylvania, Mr. SPECTER, and Dr. Dennis Wint of Pennsylvania.

The PRESIDING OFFICER. The Chair on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Montana, Mr. BAUCUS; the Senator from Michigan, Mr. LEVIN; the Senator from California, Mrs. FEINSTEIN; and the Senator from North Dakota, Mr. DORGAN.

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. FRIST. Mr. President, I ask unanimous consent, notwithstanding the resolution of the Senate of January 24, 1901, that on Monday, February 24, 2003, immediately following the prayer, the Pledge of Allegiance to the Flag, and the disposition of the Journal, the traditional reading of the Washington's Farewell Address take place.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 3 AND TUESDAY, FEBRUARY 4, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Monday, February 3, for a pro forma session only. I further ask that immediately following the convening on Monday, the Senate then stand in adjournment until 9:30 a.m. on Tuesday, February 4. I further ask consent that on Tuesday, following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, that the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of Senators, the Senate will reconvene for a pro forma session on Monday. No business will be conducted during Monday's session. The Senate will then resume business on Tuesday and begin consideration of the Estrada nomination. I understand that some debate will be necessary on that judicial nomination.

It is my hope that Members will be prepared to come to the floor and make their presentations. I expect a full debate and it is my hope, and the chairman's hope, to reach a reasonable time agreement on that nomination so that we can schedule the vote accordingly. Having said that, rollcall votes are possible during Tuesday's session.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 3, 2003, AT 10 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:47 p.m., adjourned until Monday, February 3, 2003, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30, 2003:

DEPARTMENT OF THE TREASURY

JOHN W. SNOW, OF VIRGINIA, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HOMELAND SECURITY

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. LUTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JARISSE J. SANBORN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601.

To be lieutenant general

MAJ. GEN. THOMAS F. METZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALBERT T. CHURCH III

AIR FORCE NOMINATION OF ANTHONY E. MUSELLA, JR.

AIR FORCE NOMINATION OF STEVEN B. WALLIS.

AIR FORCE NOMINATIONS BEGINNING SARA M. DEVINE AND ENDING MICHAEL H. QUINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING JAMES F. BARBER AND ENDING DONALD G. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING JOSEPH M. KOROLUK AND ENDING RICKY J. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING PATRICK W. BEHAN AND ENDING JAMIE L. SAIVES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING HOSSAM E. AHMED AND ENDING BRETT W. PERKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ROBERT A. BAZYLAK AND ENDING MARK S. SMYCZYNSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING DEBORAH L. ASPLING AND ENDING CANDACE W. WOODHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ANDREW A. AKELMAN AND ENDING STEVEN ZEBICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. BELL AND ENDING GLENN L. SPITZER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ROOSEVELT ALLEN, JR., AND ENDING ARJEN L. VANDEVOORDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING PETER A. BAUER AND ENDING CHRISTOPHER M. ZAHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATION OF RONALD D. HARRIS.

AIR FORCE NOMINATIONS BEGINNING FRANK W. ALLARA, JR.* AND ENDING GLYNIS D. WALLACE*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING NANCY M. ACAMPADO AND ENDING JAMES H. YAO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING GREGORY A. ABRAHAMIAN* AND ENDING GREGORY B. YORK*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING SAMEH G. ABUERREISH AND ENDING MICHELLE K. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING JAMES L. AGLER, JR.* AND ENDING BEVERLY A. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING LAURA S. BARCHICK* AND ENDING DONALD E. WITMYER*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING WAYNE H. ALBRIGHT AND ENDING MICHAEL J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATION OF RICHARD L. SARGENT.

AIR FORCE NOMINATION OF RICHARD L. NEEL.

AIR FORCE NOMINATION OF JOEL C. CARLSON.

AIR FORCE NOMINATION OF SCOTT C. PAUL.

AIR FORCE NOMINATION OF STEVEN E. RITTER.

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. A. HOLLAND AND ENDING PARIMAL R. PATEL*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

AIR FORCE NOMINATION OF DAVID G. YOUNG III.

AIR FORCE NOMINATIONS BEGINNING EDWARD D. PETERSON AND ENDING WILLIAM M. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING BENEDICT N. ANTONECCHIA AND ENDING THOMAS S. TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING BRITTA A. ANDERSON AND ENDING DEBORAH C. MESSECAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING LEWIS A. BRANDES AND ENDING CHARLES A. WALDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING WALTER S. ADAMS* AND ENDING GEORGE T. YOUSTRA*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING MICHAEL ALUKER AND ENDING SCOTT A. ZAKALUZNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATION OF MARGARET C. GRAM.

AIR FORCE NOMINATION OF JAMES V. ENGLISH.

AIR FORCE NOMINATIONS BEGINNING JAMES C. BALSERAK AND ENDING MARTIN E. SELLBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2003.

AIR FORCE NOMINATION OF TIMOTHY H. LEWIS.

AIR FORCE NOMINATION OF HOWARD S. LOLLER.

ARMY NOMINATIONS BEGINNING WILLIAM T. BARTO AND ENDING BRADLEY P. STAI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

ARMY NOMINATIONS BEGINNING SALLYE J ALLGOOD AND ENDING YVONNE L TUCKERHARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING LEONARD I. CANCIO AND ENDING KATHLEEN S. ZURAWEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING KATHLEEN W. CARR AND ENDING ROBERT G. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING KENNETH T. GAREAU AND ENDING PAOLA M. OFLAHERTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING OLIN O. OEDEKOVEN AND ENDING MATTHEW D. URBANEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING PAUL A. BAKER AND ENDING FRANK E. ZIEMKIEWICZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATIONS BEGINNING MICHAEL P BOEHMAN AND ENDING SCOTT F YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATIONS BEGINNING WHITE A BAXTER* AND ENDING JENNIFER S ZUCKER*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATION OF JOHN F. NEPTUNE.

ARMY NOMINATION OF CHARLES E. SWALLOW.

ARMY NOMINATION OF WAYNE C. HOLLENBAUGH.

ARMY NOMINATION OF JOSEPH T. HUGHES.

ARMY NOMINATION OF GREGORY T. BRAMBLETT.

ARMY NOMINATION OF ALLEN C. WHITFORD.

MARINE CORPS NOMINATION OF JOHN A. MANNING.

MARINE CORPS NOMINATION OF MICHAEL E. RODGERS.

MARINE CORPS NOMINATION OF SAMUEL S. SCIALABBA.

MARINE CORPS NOMINATIONS BEGINNING DANIEL W. ALEXANDER AND ENDING JAN-HENDRIK C. ZURLIPPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

MARINE CORPS NOMINATION OF LARRY A. DICKEY.

MARINE CORPS NOMINATIONS BEGINNING HARALD AAGAARD AND ENDING ROBERT C ZYLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

MARINE CORPS NOMINATION OF DANIEL P. HUDSON.

NAVY NOMINATIONS BEGINNING FREDERICK J. ADAMS III AND ENDING ANDREA G. NASHOLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

NAVY NOMINATION OF IAN G. MCLEOD.

NAVY NOMINATION OF MICHAEL S. MOELLER.

NAVY NOMINATION OF ERIC W. HERBERT.

NAVY NOMINATION OF JAY R. FROHNE.

NAVY NOMINATION OF ADRIAN D. TALBOT.

NAVY NOMINATION OF EVANGELINE D. SMITH.

HOUSE OF REPRESENTATIVES—*Friday, January 31, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 31, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Eugene F. Hemrick, Diocese of Joliet, Illinois, offered the following prayer:

O Lord, on the walls of our Library of Congress, You tell us, wisdom is the principal thing; therefore, get wisdom; and with all thy getting, get understanding.

As we begin this day, may we dig deeper, ever so little more, to understand the awesome responsibilities we shoulder. May we understand, ever so little more, the difference we make in the lives of our people, our Nation, the world. May we endeavor, ever so little more, to be a person of understanding, always working to clarify, redefine and repeat in order to create better understanding.

Lord, may we take time, be it for only a few moments, to understand Your will in our work. Lord, we have the saying, give it the old college try, meaning to do our best. May we do our best to understand that our business is really Your business, and in doing so, inspire our Nation with the wisdom and understanding that You are. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. ADERHOLT) come forward and lead the House in the Pledge of Allegiance.

Mr. ADERHOLT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundegran, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 16. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 101. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

The message also announced that pursuant to Public Law 106–286, the Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China—

the Senator from Montana (Mr. BAUCUS),

the Senator from Michigan (Mr. LEVIN),

the Senator from California (Mrs. FEINSTEIN), and

the Senator from North Dakota (Mr. DORGAN).

The message also announced that pursuant to provisions of Public Law 107–202, the Chair, on behalf of the Vice President, announces the appointment of the following individuals as members of the Benjamin Franklin Tercentenary Commission—

the Senator from Pennsylvania (Mr. SPECTER), and Dr. Dennis Wint of Pennsylvania.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the Senator from Colorado (Mr. CAMPBELL) as Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the One Hundred Eighth Congress.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the following Senators to the Commission on Security and Cooperation in Europe during the One Hundred Eighth Congress—

the Senator from Connecticut (Mr. DODD),

the Senator from Florida (Mr. GRAHAM),

the Senator from Wisconsin (Mr. FEINGOLD), and

the Senator from New York (Mrs. CLINTON).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 30, 2003 at 12:39 p.m.

That the Senate passed without amendment H.J. Res. 13.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

APPOINTMENT OF HON. THOMAS E. PETRI TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 31, 2003

The SPEAKER pro tempore laid before the House the following Communication from the Speaker:

HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
Washington, DC, January 31, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON THE BUDGET

Mr. ADERHOLT. Mr. Speaker, I offer a resolution (H. Res. 47), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 47

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

Committee on the Budget: Mr. Portman to rank after Mr. Hastings of Washington; Mr. Crenshaw to rank after Mr. Brown of South Carolina; Mr. Wicker and Mr. Hulshof to rank after Mr. Putnam; and Mr. Vitter to rank after Mr. Tancredo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

House of Representatives,
Office of the Clerk,
Washington, DC, January 29, 2003.
Hon. J. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 29, 2003 at 4:20 p.m. and said to contain a message from the President whereby he transmits a 6-month periodic report concerning the Western Balkans.

With best wishes, I am
Sincerely,
Jeff Trandahl,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 27)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

George W. Bush.
The White House, *January 29, 2003.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Office of the Clerk,
U.S. House of Representatives,
Washington, DC, January 29, 2003.
Hon. J. Dennis Hastert,
Speaker,
U.S. House of Representatives,
Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 29, 2003 at 4:20 p.m., and said to contain a message from the President whereby he transmits a semiannual report concerning emigration policies of the Newly Independent States of the former Soviet Union.

With best wishes, I am
Sincerely,
Jeff Trandahl,
Clerk of the House.

SEMIANNUAL REPORT CONCERNING EMIGRATION POLICIES OF NEWLY INDEPENDENT STATES OF FORMER SOVIET UNION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 28)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

On September 21, 1994, then-President Clinton determined and reported to the Congress that the Russian Federation was not in violation of paragraphs (1), (2), or (3), of subsection 402(a) of the Trade Act of 1974, or paragraphs (1), (2), or (3), of subsection 409(a) of that Act. On June 3, 1997, he also determined and reported to the Congress that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine were not in violation of the same provisions, and made an identical determination on December 5, 1997, with respect to Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. These actions allowed for the continuation of normal trade relations for these countries and certain other activities without the requirement of an annual waiver.

On June 29, 2000, pursuant to section 302(b) of Public Law 106-200, then-President Clinton determined that title IV of the Trade Act of 1974 should no longer apply to Kyrgyzstan, and on December 29, 2000, pursuant to section 3002 of Public Law 106-476, he determined that title IV of the Trade Act of 1974 should no longer apply to Georgia.

As required by law, I am submitting an updated report to the Congress that was prepared by my Administration concerning the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The report indicates continued compliance of these countries with international standards concerning freedom of emigration.

George W. Bush.
The White House, *January 29, 2003.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Office of the Clerk,
U.S. House of Representatives,
Washington, DC, January 30, 2003.
Hon. J. Dennis Hastert,
U.S. House of Representatives,
Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 11:35 a.m. and said to contain a message from the President in accordance with the Trade Act of 2002 whereby he notifies the Congress of his intent to enter into a Free Trade Agreement with the Government of Singapore.

With best wishes, I am
Sincerely,
Jeff Trandahl,
Clerk of the House.

NOTIFICATION TO CONGRESS OF INTENT TO ENTER INTO FREE TRADE AGREEMENT WITH GOVERNMENT OF SINGAPORE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 29)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Singapore.

The Agreement we have negotiated promotes our commitment to secure a level playing field and open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a party to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth to the U.S. economy. In the previous decade, exports accounted for 25 percent of our economic growth. They currently support the jobs of more than 12 million Americans.

Singapore is our 11th largest trading partner with total two-way trade in goods and services valued at $38.8 billion in 2001. This FTA will improve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Singapore. This Agreement provides for substantial market access across the entire services sector and locks in Singapore's zero tariff rates on goods, including agriculture.

Fair treatment of U.S. goods and services is important to increasing market access. This Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It also establishes a secure and predictable legal framework for U.S. investors operating in Singapore.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Singapore will benefit from enhanced copyright, patent, trademark, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exports and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Singapore FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 11:35 a.m. and said to contain a message from the President in accordance with the Trade Act of 2002 whereby he notifies the Congress of his intent to enter into a Free Trade Agreement with the Government of Chile.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

NOTIFICATION TO CONGRESS OF INTENT TO ENTER INTO FREE TRADE AGREEMENT WITH GOVERNMENT OF CHILE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 30)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Chile.

The Agreement we have negotiated promotes our commitment to secure a level playing field and to open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a part to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth of the U.S. economy. In the previous decade, exports accounted for 25 percent of our growth and currently support the jobs of more than 12 million Americans. In 2001, two-way trade of all goods and services between the United States and Chile totaled $8.5 billion. This Agreement will approve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Chile.

In this Agreement, the vast majority of U.S. and Chilean goods will become duty-free immediately. Most remaining tariffs will be eliminated within 4 years and all tariffs and quotes will be eliminated over a 12-year period. Over three-quarters of U.S. farm goods will enter Chile duty-free within 4 years.

The United States is a global leader in services. This Agreement locks in substantial market access across the entire services sector.

Fair treatment of U.S. goods and services is important to increasing market access. This Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It also establishes a secure and predictable legal framework for U.S. investors operating in Chile.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Chile will benefit from enhanced copyright, patent trademarks, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exporters and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Chile FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2003.

The Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 11:35 a.m. and said to contain a message from the President in accordance with the Trade Act of 2002 whereby he submits a 6-month periodic report on the national emergency with respect to Iraq declared in Executive Order 12722 of August 2, 1990.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 31)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a 6-month periodic report prepared by my Administration on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 6:10 p.m. and said to contain a message from the President whereby he notifies the Congress that he has granted certain exemptions under 42 USC 6961(a).

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

GRANTING CERTAIN EXEMPTIONS UNDER RESOURCE CONSERVATION AND RECOVERY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 13, 2002, I issued Presidential Determination 2002-30 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 2002-30 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that, in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that might require the disclosure of classified information.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 13. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

☐ 1015

ADJOURNMENT

Mr. ADERHOLT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes a.m.), under its previous order, the House adjourned until Tuesday, February 4, 2003, at 4 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Anibal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan

Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford. Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Baron P. Hill, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. "Buck" McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first, third, and fourth quarters of 2002, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to Israel; May 3–6, 2002:.											
Hon. Jim Saxton	5/3	5/6	Israel						1,861.00		1,861.00
Travel to the Philippines; May 11–14, 2002:.											
Hon. Robert A. Underwood	5/11	5/14	Philippines						127.52		127.52
Committee total									1,988.52		1,988.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Oct. 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SCOTT PALMER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 20 AND AUG. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Scott Palmer	8/20	8/24	Vietnam								
	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/27	8/30	Singapore		522.00				411.90		933.90
Committee total									835.80		2,053.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Speaker of the House, Jan. 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. MARK GREEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 15 AND OCT. 16, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mark Green	10/15	10/16	Ottawa, Canada	$364.80	$229.00		$601.79			$364.80	$830.79
Committee total					229.00						830.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK GREEN, Chairman, Nov. 12, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JEFF TRANDAHL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 23 AND DEC. 2, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jeff Trandahl	11/23	11/29	Italy		2,080.00		(3)				2,080.00
	11/29	12/1	Greece		236.00		(3)				236.00
	12/1	12/2	Spain		196.00		(3)				196.00
Committee total					2,512.00						2,512.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JEFF TRANDAHL, Dec. 16, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JACK SEUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 2 AND DEC. 7, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jack F. Seum	12/2	12/4	Germany	331.28	328.00					331.28	328.00
	12/4	12/7	Italy	1,108.98	1,098.00					1,108.98	1,098.00
				[3]252.50	250.00					252.50	250.00
							6,728.54				6,728.54
Committee total					1,676.00		6,728.54			1,692.76	8,404.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] 5 days enhanced rate in Euro denomination.

JACK F. SEUM, Jan. 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CHARLES W. JOHNSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 19, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles W. Johnson	12/16	12/19	UK				5,820.95				5,820.95
Committee total							5,820.95				5,820.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES W. JOHNSON, Jan. 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MOROCCO, EGYPT, LEBANON, SYRIA, ISRAEL, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 18, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Richard Gephardt	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Hon. Ray LaHood	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Hon. Ciro Rodriguez	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Hon. Henry Waxman	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MOROCCO, EGYPT, LEBANON, SYRIA, ISRAEL, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 18, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Hon. Leonard Boswell	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Steve Elmerdorf	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Dan Turton	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Joan Mitchell	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria								
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Brett O'Brien	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria		0						0
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Ted Van Der Meid	1/9	1/12	Morocco		612.00						612.00
	1/12	1/14	Egypt		448.00						448.00
	1/14	1/15	Lebanon		252.00						252.00
	1/15	1/15	Syria		0						0
	1/15	1/17	Israel		724.00						724.00
	1/17	1/18	Spain		258.00						258.00
Committee total					22,940,000						22,940.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT; House Minority Leader, Sept. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 4 AND OCT. 7, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	10/4	10/7	Belgium		817.00	(3)	5,682.15				6,499.15
Susan Olson	10/4	10/7	Belgium		817.00	(3)	5,682.15				6,499.15
Committee total					1,634.00		11,364.30				12,998.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial airfare.

DOUG BEREUTER, Chairman, Oct. 28, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, ITALY AND CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 15 AND NOV. 23, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/22	Czech Republic		980.00						980.00
	11/22	11/23	Italy		420.00		(3)				420.00
Hon. Mike Bilirakis	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Vern Ehlers	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Paul Gillmor	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Porter Goss	11/19	11/20	Turkey		285.00						285.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Joel Hefley	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Nick Lampson	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Dennis Moore	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. David Price	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Ralph Regula	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Tom Reynolds	11/16	11/20	Turkey		1,357.00						1,357.00
Hon. John Shimkus	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/22	Italy		840.00		(3)				840.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, ITALY AND CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 15 AND NOV. 23, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Tanner	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Mark Udall	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Hon. Tom Udall	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Carol Doherty	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Robin Evans	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Kay King	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Carol Lawrence	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Vince Morelli	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Alicia O'Donnell	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Susan Olson	11/15	11/20	Turkey		1,425.00						1,425.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
							(4)				2,297.99
Keith O'Neil	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Scott Palmer	11/16	11/20	Turkey		1,357.00						1,357.00
Patrick Prisco	11/16	11/20	Turkey		1,357.00						1,357.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
Jo Weber	11/15	11/20	Turkey		1,425.00						1,425.00
	11/20	11/23	Italy		1,260.00		(3)				1,260.00
							(4)				[4] 2,297.99
Committee total					64,306.00		4,595.98				68,901.98

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military air transportation + $2,297.99.

DOUG BEREUTER, Chairman, Jan. 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 18 AND NOV. 23, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	11/19	11/23	Turkey		946.00		(3)				
Hon. John Murtha	11/19	11/23	Turkey		946.00		(3)				
Hon. David Dreier	11/19	11/23	Turkey		946.00		(3)				
Hon. Deborah Pryce	11/19	11/23	Turkey		946.00		(3)				
Hon. Ray Blunt	11/19	11/23	Turkey		946.00		(3)				
Hon. Heather Wilson	11/19	11/23	Turkey		946.00		(3)				
Hon. Eric Cantor	11/19	11/23	Turkey		946.00		(3)				
Hon. Mark Kirk	11/19	11/23	Turkey		946.00		(3)				
Bill Livingood	11/19	11/23	Turkey		946.00		(3)				
John Eisold	11/19	11/23	Turkey		946.00		(3)				
Scott Palmer	11/19	11/23	Turkey		946.00		(3)				
Ted Van Der Meid	11/19	11/23	Turkey		946.00		(3)				
John Fehery	11/19	11/23	Turkey		946.00		(3)				
Kathryn Lehman	11/19	11/23	Turkey		946.00		(3)				
Chris Walker	11/19	11/23	Turkey		946.00		(3)				
Christy Surprenant	11/19	11/23	Turkey		946.00		(3)				
Greg Dahlberg	11/19	11/23	Turkey		946.00		(3)				
Dwight Comedy	11/19	11/23	Turkey		946.00		(3)				
Committee total					3,784.00						

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Speaker of the House, Jan. 15, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Eva Clayton	8/6	8/7	South Africa		134.00		7,609.86				7,743.86
	8/7	8/9	Zambia		151.00						151.00
	8/10	8/11	Malawi		407.00						407.00
Lynn Gallagher	9/3	9/7	Switzerland		1,132.00		5,036.93				6,168.93
Tom Sell	9/3	9/7	Switzerland		1,132.00		5,036.93				6,168.93
Andy Baker	9/3	9/7	Switzerland		1,132.00		5,036.93				6,168.93
Jason Vaillancourt	9/3	9/7	Switzerland		1,132.00		5,036.93				6,168.93
Committee total					5,220.00		27,757.58				32,977.58

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST, Chairman, Oct. 9, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. C.W. Bill Young	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,201.54		1,201.54
Hon. Henry Bonilla	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,201.54		1,201.54
Hon. Jo Ann Emerson	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,097.59		1,097.59
Hon. Rodney Frelinghuysen	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,188.50		1,188.50
Douglas Gregory	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,097.59		1,097.59
David Jolly	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,097.00		1,097.00
Jane Porter	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,097.00		1,097.00
Gregory Walters	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,097.00		1,097.00
Hon. Robert E. Cramer	7/19	7/20	France		68.00						68.00
	7/20	7/23	England		405.00						405.00
							(3)		1,201.54		1,201.54
Susan Firth	8/1	8/3	Hawaii		368.00						368.00
	8/3	8/5	Palau		436.00						436.00
	8/5	8/7	Micronesia		314.00						314.00
	8/7	8/9	Marshall Islands		350.00						350.00
Commercial airfare							2,700.00				2,700.00
Hon. David Hobson	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
Hon. Kay Granger	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
Tom Forhan	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
Dena Baron	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
Hon. Carrie Meek	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
Hon. Robert Aderholt	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00		(3)				1,112.00
Valerie Baldwin	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
Brian L. Potts	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
John Scofield	8/4	8/8	Turkey		804.00						804.00
	8/8	1/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
John Blazey	8/4	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00		(3)				248.00
Hon. Lucille Roybal-Allard	7/28	8/1	Russia		1,402.00						1,402.00
	8/1	8/2	Estonia		202.00						202.00
	8/2	8/4	Georgia		536.00						536.00
	8/4	8/6	Cyprus		516.00						516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Hon. John P. Murtha	8/4	8/5	Turkey		185.00						185.00
	8/5	8/7	Bahrain		642.00						642.00
	8/7	8/8	United Kingdom		262.00						262.00
	8/9	8/9	USA		46.00						46.00
								(3)		53.67	53.67
Scott Lilly	8/4	8/5	Turkey		185.00						185.00
	8/5	8/7	Bahrain		642.00						642.00
	8/7	8/8	United Kingdom		262.00						262.00
	8/9	8/9	USA		46.00		(3)				46.00
Greg Dahlberg	8/4	8/5	Turkey		185.00						185.00
	8/5	8/7	Bahrain		642.00						642.00
	8/7	8/8	United Kingdom		262.00						262.00
	8/9	8/9	USA		46.00		(3)				46.00
Hon. Sonny Callahan	8/10	8/14	Ireland		1,248.00		(3)				1,248
Hon. Harold Rogers	8/10	8/14	Ireland		1,248.00		(3)				1,248.00
Alice E.H. Grant	8/14	8/17	Colombia		675.00						675.00
Commercial airfare							1,851.50				1,851.50
James W. Dyer	8/20	8/22	Syria		522.00						522.00
	8/22	8/25	Lebanon		606.00						606.00
Commercial airfare							5,919.81				5,919.81
John T. Blazey	8/18	8/20	Egypt		448.00						448.00
	8/20	8/22	Syria		522.00						522.00
	8/22	8/27	Lebanon		1,010.00						1,010.00
									85.00		85.00
Commercial airfare							6,077.12				6,077.12
Mike Ringler	8/18	8/20	Egypt		448.00						448.00
	8/20	8/22	Syria		522.00						522.00
Commercial airfare							6,334.86				6,334.86
Leslie Albright	8/20	8/22	Canada		363.00						363.00
Commercial airfare							733.16				733.16
							45.00				45.00
Hon. Dan Miller	8/12	8/19	Australia		1,757.00						1,757.00
	8/19	8/22	New Zealand		642.00		(3)				642.00
Hon. Robert E. "Bud" Cramer	8/7	8/11	Poland		558.00						558.00
	8/9	8/11	Slovenia		496.00						496.00
	8/11	8/14	Slovakia		540.00						540.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/14	8/16	Portugal		404.00		(3)				404.00
Hon. Charles H. Taylor	8/14	8/17	Netherlands		3,397.73						3,397.73
	8/17	8/21	Belgium		1,095.31						1,095.31
							[4] 1,739.94				[4] 1,739.94
Elizabeth C. Dawson	8/18	8/22	Belgium		1,436.00						1,436.00
Commercial airfare							4,531.66				4,531.66
Chester Lee Turner	8/14	8/17	Netherlands (The Hague)		913.76						913.76
	8/17	8/22	Belgium		1,825.51						1,825.51
Commercial airfare							4,531.66				4,531.66
Mark Murray	8/24	8/26	Cambodia		450.00						450.00
	8/26	9/1	Indonesia		1,414.00						1,414.00
	9/1	9/2	East Timor		285.00						285.00
Commercial airfare							6,634.00				6,634.00
Committee total					56,325.37		41,098.71		10,419.74		107,843.82

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] State Department post charges in Netherlands.

C.W. BILL YOUNG, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
L.C. Farrington	9/6	9/14	Japan		1,778.75		7,914.54		96.52		9,789.81
W.C. Hersman	7/21	7/26	Japan		1,168.25		7,391.18		27.23		8,586.66
	8/10	8/16	Italy		1,431.25		6,551.69		166.47		8,149.41
	8/16	8/18	The Netherlands		313.75						313.75
	8/18	8/20	Bahrain		813.00						813.00
	8/20	8/22	Uae		399.00						399.00
	8/22	8/23	Bahrain		474.25						474.25
	8/24	8/25	The Netherlands		313.75						313.75
Pearre, R.H. Jr	8/15	8/18	The Netherlands		489.50		6,469.92		180.26		7,139.68
	8/18	8/20	Bahrain		813.00						813.00
	8/20	8/22	Uae		399.00						399.00
	8/22	8/23	Bahrain		474.25						474.25
	8/24	8/25	The Netherlands		313.75						313.75
F.J. Philippi	8/8	8/9	Canada		224.00		743.59		52.06		1,019.65
R.J. Reitwiesner	7/21	7/26	Japan		1,106.25		6,587.23		48.98		7,742.46
L.D. Rinker	9/6	9/14	Japan		1,778.75		7,914.54		124.34		9,817.63
R.F. Stockman	8/8	8/9	Canada		224.00		743.59		72.22		1,039.81
T.T. Turner	7/21	7/26	Japan		1,106.25		7,330.23		27.20		8,463.68
	8/10	8/16	Italy		1,431.25		6,551.69		127.91		8,110.85
	8/16	8/17	The Netherlands		251.00						251.00
L.M. Welsh	9/6	9/14	Japan		1,778.75		7,914.54		94.88		9,788.17
H.C. Young	8/10	8/16	Italy		1,431.25		5,554.49		165.28		7,151.02
	8/16	8/17	The Netherlands		251.00						251.00
Committee total					18,764.00		71,667.23		1,183.35		91,614.58

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

C.W. BILL YOUNG, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to France and United Kingdom, July 19–23, 2002:											
Hon. Neil Abercrombie	7/19	7/20	France		275.90						275.90
	7/20	7/23	United Kingdom		1,142.13						1,142.13
Hon. Ken Calvert	7/19	7/20	France		275.00						275.00
	7/20	7/23	United Kingdom		1,135.92						1,135.92
Travel to Russia, Estonia, Georgia, Cyprus and Iceland, July 28–August 7, 2002:											
Hon. Ander Crenshaw	7/28	8/1	Russia		1,402.00						1,402.00
	8/1	8/2	Estonia		202.00						202.00
	8/2	8/4	Georgia		536.00						536.00
	8/4	8/6	Cypurs		516.00						516.00
	8/6	8/7	Iceland		321.00						321.00
Travel to Turkey, Saudi Arabia, Bahrain, Kuwait, Qatar and United Kingdom, August 3–8, 2002:											
Hon. John B. Larson	8/4	8/5	Turkey		185.00						185.00
	8/5	8/5	Saudi Arabia								
	8/5	8/7	Bahrain		642.00						642.00
	8/6	8/6	Kuwait								
	8/6	8/6	Qatar								
	8/7	8/8	United Kingdom		75.00						75.00
Travel to Turkey, United Arab Emirates and Morocco, August 5–14, 2002:											
Hon. Ken Calvert	8/5	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		488.35						488.35
Hon. Loretta Sanchez	8/5	8/8	Turkey		804.00						804.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/8	8/12	United Arab emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		494.30						494.30
Travel to Grenada, Dominican Republic, Jamaica, US Virgin Islands, Bahamas, and Bermuda, August 18–25, 2002:											
Hon. W. Todd Akin	8/18	8/19	Grenada		313.00						313.00
	8/19	8/20	Dominican Republic		261.00						261.00
	8/20	8/21	Jamnaica		272.00						272.00
	8/21	8/22	US Virgin Islands								
	8/22	8/24	Bahamas		848.00						848.00
	8/24	8/25	Bermuda		465.00						465.00
Travel to Colombia and Ecuador, August 19 23, 2002:											
Hon. Gene Taylor	8/19	8/21	Colombia		450.00						450.00
	8/21	8/23	Ecuador		404.00						404.00
Mr. William H. Natter	8/19	8/21	Colombia		450.00						450.00
	8/21	8/23	Ecuador		404.00						404.00
Committee total					15,389.60						15,389.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Oct. 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, Oct. 18, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Johnny Isakson[4]	7/28	8/1	Moscow/St. Petersburg, Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Tallinn, Estonia		202.00		(3)				202.00
	8/2	8/4	Tbilisi, Georgia		536.00		(3)				536.00
	8/4	8/6	Larnaca, Cyprus		516.00		(3)				516.00
	8/6	8/7	Reykjavik, Iceland		321.00		(3)				321.00
Hon. Patrick Tiberi[5]	7/14	7/14	Guantanamo Bay, Cuba				(3)				
Committee total					2,977.00						2,977.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] To participate in congressional delegation of Hon. David Dreier.
[5] To participate in congressional delegation of Hon. David L. Hobson.

JOHN BOEHNER, Chairman, Oct. 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Richard Burr	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Hon. Paul Gillmor	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Hon. Tom Sawyer	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Hon. Karen McCarthy	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
David Marventano	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Nydia Bonnin	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Patrick Morrisey	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Cavicke	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Andrew Levin	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Karen Folk	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Byron Patterson	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Jill Latham	8/24	8/27	Thailand		696.00				423.90		1,119.90
	8/28	8/30	Singapore		522.00				411.90		933.90
	8/20	8/23	Vietnam								
Hon. Rick Boucher	7/28	8/1	Russia		1,402.00						1,402.00
	8/1	8/2	Estonia		202.00						202.00
	8/2	8/4	Georgia		536.00						536.00
	8/4	8/6	Cyprus		516.00						516.00
	8/6	8/7	Iceland		321.00						321.00
Brendan Kelsay	8/26	8/29	French Guiana		614.37		3,281.58		100.00		3,995.95
Richard Frandsen	8/28	9/4	South Africa		588.00		6,440.15				7,028.15
Revised figures for Hon. George Radanovich	5/23	5/30	United Kingdom		738.00		4,530.00		408.48		5,676.48
Hon. James Greenwood		9/4	South Africa		420.00		3,888.00				4,308.00
Committee total					5,337.37		18,139.73				23,985.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

W.J. (BILLY) TAUZIN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 3 AND SEPT 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John LaFalce	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		1,887.40				2,381.40
Hon. Melvin Watt	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Hon. Mike Rogers	8/28	8/29	France		316.00		4,186				4,502.20
	8/29	8/31	Riyadh, Saudi Arabia		275.00		(3)				275.00
	8/31	9/1	Jeddah, Saudi Arabia		129.00		(3)				129.00
	9/2	9/3	Ireland		361.00		(3)				361.00
Committee total					4,889.00		6,073.60				10,962.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Oct. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Tim Westmoreland	7/7	7/12	Spain		3,150.00		5,620.96				
Caroline Katzin	8/2	8/12	China		1,962.00		4,797.50				
Larry Holloran	8/25	8/28	Israel		1,090.00		5,142.00				
Hon. Christopher Shays	8/25	8/27	Israel		726.00		1,090.00				
	8/28	9/1	South Africa		1,452.00						
	9/2	9/4	Belgium		168.00		417.02				
Gregory Dotson	8/18	9/3	South Africa		1,200.00		6,340.60				
Hon. Thomas Allen	8/30	9/3	South Africa		1,536.00		7,911.57				
Hon. Dennis Kucinich	8/27	8/29	South Africa		1,368.00		7,817.15				
Hon. Mark Souder	8/18	8/19	Grenada		313.00						
	8/19	8/20	Dominican Republic		261.00		167.59		595.00		
	8/20	8/21	Jamaica		297.00						
	8/21	8/21	Virgin Islands								
	8/22	8/23	Bahamas		848.00						
	8/23	8/24	Bermuda		465.00						
Hon. Benjamin Gilman	8/18	8/19	Grenada		313.00						
	8/19	8/20	Dominican Republic		261.00		167.59		595.00		
	8/20	8/21	Jamaica		297.00						
	8/21	8/21	Virgin Islands								
	8/22	8/23	Bahamas		848.00						
	8/23	8/24	Bermuda		465.00						
Hon. Jo Ann Davis	8/18	8/19	Grenada		313.00						
	8/19	8/20	Dominican Republic		261.00		167.59		595.00		
	8/20	8/21	Jamaica		297.00						
	8/21	8/21	Virgin Islands								
	8/22	8/23	Bahamas		848.00						
	8/23	8/24	Bermuda		465.00						
Christopher Donesa	8/18	8/19	Grenada		313.00						
	8/19	8/20	Dominican Republic		261.00		167.59		595.00		

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/20	8/21	Jamaica		297.00						
	8/21	8/21	Virgin Islands								
	8/22	8/23	Bahamas		848.00						
	8/23	8/24	Bermuda		465.00						
Sharon Pinkerton	8/18	8/19	Grenada		313.00						
	8/19	8/20	Dominican Republic		261.00		167.59		595.00		
	8/20	8/21	Jamaica		297.00		176.88				
Nicholas Palarino	8/6	8/9	Panama		492.00		1,884.90				
Kevin Long	8/26	8/27	Costa Rica		276.00		1,658.50				
	8/27	8/30	Colombia		389.00						
Gil Macklin	8/26	8/27	Costa Rica		276.00		1,614.50				
	8/27	8/30	Colombia		389.00						
Hon. Dan Burton	8/27	8/29	France		649.70						
	8/29	9/1	Saudi Arabia		404.00						
	9/2	9/3	Ireland		361.00						
Hon. Benjamin Gilman	8/27	8/29	France		649.70						
	8/29	9/1	Saudi Arabia		404.00						
	9/2	9/3	Ireland		361.00						
Hon. Bernard Sanders	8/27	8/29	France		649.70						
	8/29	9/1	Saudi Arabia		404.00						
	9/2	9/3	Ireland		361.00						
James Wilson	8/27	8/29	France		649.70						
	8/29	9/1	Saudi Arabia		404.00						
	9/2	9/3	Ireland		361.00						
David Kass	8/27	8/29	France		649.70						
	8/29	9/1	Saudi Arabia		404.00						
	9/2	9/3	Ireland		361.00						
Carline Katzin	8/27	8/29	France		649.70						
	8/29	9/1	Saudi Arabia		404.00						
	9/2	9/3	Ireland		361.00						
Jason Foster	8/27	8/29	France		649.70						
	8/29	9/1	Saudi Arabia		404.00						
	9/2	9/3	Ireland		361.00						
Committee total					33,983.90		45,309.53		2,975.00		82,268.43

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Oct. 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Paul Berkowitz	8/8	8/10	New Zealand		745.60						745.60
Commercial airfare							6,569.50				6,569.50
Hon. Earl Blumenauer	8/28	9/2	South Africa		1,781.00						1,781.00
Commercial airfare							6,457.10				6,457.10
Malik Chaka	8/13	8/20	Angola		1,813.00						1,813.00
Commercial airfare							7,297.55				7,297.55
Hon. William Delahunt	8/26	8/28	France		649.70		(3)				649.70
Commercial airfare							3,355.63				3,355.63
Hon. Eni Faleomavaega	7/30	8/1	Royal Marshall Islands		450.00						450.00
	8/1	8/2	Fed. States of Micronesia		362.00						362.00
Commercial airfare							3,576.00				3,576.00
James Farr	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Hon. Elton Gallegly	8/6	8/11	Lithuania		602.00						602.00
	8/11	8/13	Latvia		514.00						514.00
	8/13	8/15	Estonia		238.00						238.00
	8/15	8/17	Russia		617.00						617.00
Commercial airfare							6,978.47				6,978.47
Kirsti Garlock	8/6	8/9	Panama		492.00						492.00
Commercial airfare							1,804.50				1,804.50
Kristen Gilley	8/13	8/15	Costa Rica		402.00						402.00
	8/15	8/17	El Salvador		439.00						439.00
	8/17	8/21	Guatemala		537.00						537.00
Commercial airfare							1,624.50				1,624.50
Matt Gobush	6/28	6/29	Denmark		189.00						189.00
	6/29	7/4	Russia		1,496.00						1,496.00
	7/4	7/6	Ukraine		524.00						524.00
Commercial airfare							5,421.86				5,421.86
Kimberly Glazier	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Dennis Halpin	8/2	8/12	China		1,862.00						1,862.00
Commercial airfare							5,958.00				5,958.00
Hon. Earl Hilliard	8/6	8/7	South Africa		134.00						134.00
	8/7	8/9	Zambia		302.00						302.00
	8/9	8/11	Malawi		407.00						407.00
Commercial airfare							7,609.86				7,609.86
Hon. Henry Hyde	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/22	8/23	Scotland		356.00		(3)				356.00
Hon. Brian Kerns	8/26	8/28	France		649.70		(3)				649.70
	8/29	9/1	Saudi Arabia		404.00		(3)				404.00
	9/2	9/3	Ireland		361.00		(3)				361.00
David Killion	8/8	8/11	Philippines		582.00						582.00
	8/11	8/17	Thailand		910.00						910.00
Commercial airfare							4,598.50				4,598.50
Kay King	8/2	8/12	China		1,223.00						1,223.00
Commercial airfare							5,720.01				5,720.01
Robert King	8/2	8/12	China		1,962.00						1,962.00
Commercial airfare							5,720.01				5,720.01
Sheila Klein	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Hon. Barbara Lee	8/6	8/8	Spain		182.76						182.76
Commercial airfare							6,674.24				6,674.24
John Mackey	8/26	8/27	Costa Rica		276.00						276.00
	8/27	8/30	Colombia		800.00						800.00
Commercial airfare							1,614.50				1,614.50
Mark Manyin	8/24	8/28	Korea		844.00						844.00
	8/28	9/4	Japan		1,591.00						1,591.00
Commercial airfare							5,343.30				5,343.30
Caleb McCarr	8/18	8/21	Guatemala		447.00						447.00
Commercial airfare							1,668.50				1,668.50
James McCormick	8/24	8/28	Korea		904.00						904.00
	8/28	9/4	Japan		1,796.00						1,796.00
Commercial airfare							5,423.15				5,423.15
Gregory Meeks	8/18	8/19	Grenada		313.00		(3)				313.00
	8/19	8/20	Dominican Republic		275.00		(3)				275.00
	8/20	8/21	Jamaica		297.00		(3)				297.00
Thomas Mooney	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Hon. Grace Napolitano	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00		(3)				202.00
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Joan O'Donnell	6/29	6/30	France		249.00						249.00
	6/30	7/3	Chad		510.00						510.00
	7/3	7/5	Cameroon		341.00						341.00
	7/5	·7/7	Nigeria		600.00						600.00
Commerical airfare							7,262.03				7,262.03
Paul Oostburg Sanz	8/30	9/4	South Africa		1,466.00						1,466.00
Commercial airfare							8,637.44				8,637.44
Brenda Ortman	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Solovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Patrick Prisco	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Frank Record	8/13	8/15	Costa Rica		377.00						377.00
	8/15	8/17	El Salvador		489.00						489.00
	8/17	8/21	Guatemala		587.00						587.00
Commercial airfare							1,624.50				1,624.50
Grover Joseph Rees	7/28	7/30	Switzerland		552.00						552.00
Commercial airfare							5,033.11				5,033.11
	8/8	8/11	Philippines		510.00						510.00
	8/11	8/17	Thailand		843.00						843.00
Commercial airfare							4,196.50				4,196.50
John Walker Robert	7/30	8/3	Royal Marshall Islands		812.00						812.00
	8/3	8/5	Fed. States of Micronesia		350.00						350.00
Commercial airfare							5,726.74				5,726.74
Hon. Dana Rohrabacher	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Doug Seay	6/28	6/29	Denmark		189.00						189.00
	6/29	7/4	Russia		1,496.00						1,496.00
	7/4	7/6	Ukraine		524.00						524.00
Commercial airfare							5,421.86				5,421.86
	8/2	8/12	China		1,961.62						1,961.62
Commercial airfare							5,000.55				5,000.55
	8/12	8/15	Portugal		606.00		(3)				606.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Elizabeth Singleton	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Hon. Christopher Smith	7/28	7/30	Switzerland		626.00						626.00
Commercial airfare							5,033.11				5,033.11

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Sam Stratman	6/28	6/29	Denmark		189.00						189.00
	6/29	7/4	Russia		1,496.00						1,496.00
	7/4	7/6	Ukraine		524.00						524.00
Commercial airfare							5,421.86				5,421.86
	8/2	8/12	China		1,962.00						1,962.00
Commercial airfare							5,347.50				5,347.50
Valerie Van Buren	8/13	8/20	Angola		1,855.00						1,855.00
Commercial airfare							7,297.55				7,297.55
Hon. Diane Watson	7/30	8/3	Royal Marshall Islands		812.00						812.00
	8/3	8/7	Fed. States of Micronesia		720.00						720.00
Commercial airfare							3,769.00				3,769.00
	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
Commercial airfare							2,934.43				2,934.43
Hillel Weinberg	8/29	9/2	Saudia Arabia		304.00						304.00
Commercial airfare							5,267.77				5,267.77
Judy Wolverton	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Peter Yeo	7/30	8/3	Royal Marshall Islands		812.00		(3)				812.00
	8/3	8/5	Fed. States of Micronesia		350.00		(3)				350.00
Commercial airfare							5,726.74				5,726.74
Committee total					83,607.38		177,115.87				260,723.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
(3) Military air transportation.

HENRY HYDE, Chairman, Oct. 8, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Donna M. Christensen	7/5	7/9	Spain				1,767.70	(4)		270.01	1,767.70
Jeff Petrich	8/10	8/15	Norway		1,520.00		3,852.00	(4)			5,372.69
Kimo Kalio	8/8	8/17	Rep. Of Marshall Islands		1,350.00		2,808.49	(4)			4,158.49
Hon. James V. Hansen	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Hon. Eni Faleomavaega	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Hon. Anibal Acevedo-Vila	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Hon. Jeff Flake	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Hon. Denny Rehberg	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Debbie Blockinger	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Tim Stewart	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Nancee Blockinger	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Rick Healy	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
David Whaley	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Tod Hull	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Michael Olsen	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Marnie Funk	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Kathryn Seck	8/12	8/17	Australia		1,757.00		(3)	(4)			1,757.00
	8/19	8/21	New Zealand		642.00		(3)	(4)			642.00
Committee total					36,456.00		8,428.19		270.01	270.01	44,884.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] 140,10; 82,48; 3.35; 47,08 in Euro's.

JAMES V. HANSEN, Chairman, Oct. 10, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Dreier	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00		(3)				202.00
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Hon. Pete Sessions	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00		(3)				202.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Brad Smith	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00						202.00
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Matt Reynolds	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00		(3)				202.00
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Stephanie Blanton	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00		(3)				202.00
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Elan Liang	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00		(3)				202.00
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Hon. Doc Hastings	8/13	8/15	Portugal		404.00		(3)				404.00
	8/15	8/16	France		236.00		(3)				236.00
	8/16	8/18	Austria		494.00		(3)				494.00
	8/18	8/20	Slovenia		496.00		(3)				496.00
	8/20	8/22	Russia		688.00		(3)				688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Rep. Thomas Reynolds	8/18	8/19	Grenada		313.00		(3)				313.00
Committee total					20,849.00						20,849.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, Oct. 11, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND AUG. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sheila Jackson-Lee[3]	8/20	8/22	Jamaica		297.00		784.70				1,081.17
Commercial airfare	8/22	8/23	Bahamas		848.00						848.00
	8/24	8/25	Bermuda		465.00						465.00
Committee total					1,610.00		784.70				2,394.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Souder congressional delegation.

SHERWOOD BOEHLERT, Chairman, Oct. 31, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Stephanie Tubbs Jones	8/4	8/4	Turkey				(3)		804.00		804.00
	8/8	8/12	United Arab Emirates				(3)		1,112.00		1,112.00
	8/12	8/14	Morocco				(3)		248.00		248.00
Committee total											2,164.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Chairman, Oct. 8, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Oct. 4, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Duncan	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Solvenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Hon. Bob Borski	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Hon. Eddie Bernice Johnson	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Hon. Wally Herger	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Hon. Jerry Costello	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Hon. Bud Cramer	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Keven Sard	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
John Anderson	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Jimmy Miller	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Frank Mulvey	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Ken House	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Joyce Rose	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Slovenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Bob Filner	7/7	7/8	Mexico		565.00		(3)				565.00
Committee total					24,541.00						24,541.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Oct. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Chairman, Oct. 29, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sam Johnson	7/18	7/23	England		816.00		(3)				816
Hon. Clay Shaw	7/28	8/1	Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Estonia		202.00		(3)				202.00
	8/2	8/4	Georgia		536.00		(3)				536.00
	8/4	8/6	Cyprus		516.00		(3)				516.00
	8/6	8/7	Iceland		321.00		(3)				321.00
Hon. Wally Herger	8/7	8/9	Poland		558.00		(3)				558.00
	8/9	8/11	Solvenia		496.00		(3)				496.00
	8/11	8/14	Slovakia		540.00		(3)				540.00
	8/14	8/16	Portugal		404.00		(3)				404.00
Committee total					5,791.00						5,791.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

WILLIAM M. THOMAS, Chairman, Dec. 17, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, Jan. 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert Howarth	11/2	11/18	Chile		3,718.00		5,664.50				9,382.50
Hon. Richard W. Pombo	11/9	11/12	Chile		670.00		4,876.50				5,546.50
Steven Ding	11/9	11/12	Chile		670.00		4,876.50				5,546.50
Committee total					5,058.00		15,417.50				20,475.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD W. POMBO, Jan. 23, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Chris Smith		11/6	USA				5,682.00				5,682.00
	11/7	11/9	Brussels		771.00						771.00
Dorothy Taft		11/5	USA				5,682.00				5,682.00
	11/6	11/9	Brussels		721.00						721.00
		11/17	USA				4,650.00				4,650.00
	11/18	11/23	S. Korea		1,320.00						1,320.00
Maureen Walsh		11/16	USA				4,058.00				4,058.00
	11/17	11/23	S. Korea		1,584.00						1,584.00
Committee total					4,396.00		20,072.00				24,468.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Chairman, Jan. 13, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

331. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Termination of Designation of the State of Missouri With Respect to the Inspection of Meat and Meat Food Products and Poultry and Poultry Food Products [Docket No. 00-052F] received January 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

332. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations [Docket No. FV02-996-1 FIR] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

333. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate [Docket No. FV02-906-1 FIR] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

334. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order; Termination [FV-02-710] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

335. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Increased Assessment Rate [Docket No. FV02-989-7 FR] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

336. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Mandatory Inspection of Ratites and Squabs [Docket No. 01-045F] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

337. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Movement and Importation of Fruits and Vegetables [Docket No. 00-059-1] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

338. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment for Fresh Fruits; Port of Corpus Christi, TX [Docket No. 00-068-3] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

339. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Regulated Areas [Docket No. 02-129-1] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

340. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Increases in Fees for Meat, Poultry, and Egg Products Inspection Services — Fiscal Year (FY) 2002 [Docket No. 01-019F] (RIN: 0583-AC89) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

341. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Use of Transglutaminase Enzyme and Pork Collagen as Binders in Certain Meat and Poultry Products [Docket No. 01-016DF] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

342. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule — Risk-Based Capital (RIN: 2550-AA26) received January 27, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

343. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7799] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

344. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

345. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

346. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7533] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

347. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

348. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

349. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's Final rule — Charges for Certain Disclosures — received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

350. A letter from the Acting Assitant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Disability and Rehabilitation Research Projects (DRRP) Program; Notice of Final Priority — received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

351. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Rehabilitation Training: Rehabilitation Long-Term Training Program--Vocational Rehabilitation Counseling (RIN: 1820-ZA16) received January 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

352. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans — received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

353. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

354. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age — received January 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

355. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Security Amendments To Implement Executive Order 12829, National Industrial Security Program (RIN: 1991-AB42) received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

356. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Labeling of Diphenhydramine- Containing Drug Products for Over-the-Counter Human Use [Docket No. 97N-0128] (RIN: 0910-AA01) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

357. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph for Combination Drug Products [Docket No. 76N-052G] (RIN: 0910-AA01) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

358. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Revision of the Definition of the Term "No Residue" in the New Animal Drug Regulations [Docket No. 01N-0401] (RIN: 0910-AC45) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

359. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of the Cutaneous Carbon Dioxide and the Cutaneous Oxygen Monitor [Docket No. 01N-0576] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

360. A letter from the Director, Regulations Policy and ManagementStaff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification and Codification of the Absorbable Polydioxanone Surgical Suture [Docket No. 99P-5589] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

361. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Fort Myers, Florida) [MM Docket No. 00-180, RM-9956] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

362. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clarksdale and Friars Point, Mississippi) [MB Docket No. 02-119, RM-10435] received January 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

363. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encinal, Texas) [MB Docket No. 02-188, RM-10462] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

364. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Boonville, California) [MB Docket No. 02-105, RM-10396] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

365. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (De Funiak Springs and Valparaiso, Florida) [MM Docket No. 02-62, RM-10397] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

366. A letter from the Senior Legal Advisor to the Chief, Media Chief, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Darien, Rincon and Statesboro, Georgia) [MM Docket No. 01-123, RM-10139, RM-10387]; Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations (Screven, Rincon, and Statesboro, Georgia; Palatka and Middleburg, Florida) [MM Docket No. 01-177, RM-10196, RM-10388, RM-10389] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

367. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chillicothe and Ashville, Ohio) [MM Docket No. 99-322, RM-9762] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

368. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010 [WT Docket No. 96-86] received January 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

369. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations (Ardmore, Brilliant, Brookwood, Gadsden, Hoover, Moundville, New Hope, Pleasant Grove, Russellville, Scottsboro, Troy, Tuscaloosa and Winfield, Alabama, Okolona and Vardaman, Mississippi, Linden, McMinnville, Pulaski and

Walden, Tennessee [MM Docket No. 01-62, RM-10053 , RM-10109, RM-10110, RM-10111, RM-10112, RM-10113, RM-10114, RM-10116] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

370. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — Federal Advisory Committee Act Regulations (RIN: 3150-AH02) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

371. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of Export Controls for General Purpose Microprocessors [Docket No. 021216312-2312-01] (RIN: 0694-AC66) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

372. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-530, "Operation Enduring Freedom Active Duty Pay Differtial Extension Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

373. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-482, "Inheritance and Estate Tax Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

374. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-474, "Automated Traffic Enforcement Fund Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

375. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-531, "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

376. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-473, "Capitol Hill Business Improvement District Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

377. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-472, "Council Review of Existing Convention Center Site Redevelopment Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

378. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-471, "Transfer of Jurisdiction of Reservation 19 and 124 Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

379. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-470, "Freedom Forum Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

380. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-469, "Motor Vehicle Registration and Operator's Permit Issuance Enhancement Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

381. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-468, "Washington Metropolitan Area Transit Authority Property Dedication Transfer Tax Exemption Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

382. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-467, "Other-Type Funds Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

383. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-466, "Ward Redistricting Residential Permit Parking Extension Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

384. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-520, "Housing Finance Agency Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

385. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-517, "Medical Support Establishment and Enforcement Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

386. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-516, "District of Columbia Flag Adoption and Design Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

387. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-515, "Department of Insurance and Securities Regulation Procurement Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

388. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-497, "Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

389. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-492, "Square 456 Payment in Lieu of Taxes Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

390. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-483, "Tax Clarity and Related Amendments Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

391. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-486, "Solid Waste Transfer Station Service and Settlement Agreements Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

392. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-487, "Solid Waste Facility Permit Phase-Out Extension Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

393. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-488, "Government Sport Utility Vehicle Purchasing Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

394. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-489, "Mandarin Oriental Hotel Project Tax Deferral Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

395. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-491, "Prostate Cancer Screening Insurance Coverage Requirement Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

396. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-523, "Cooperative Purchasing Agreement Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

397. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-522, "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

398. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-521, "Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

399. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-464, "Religious Organization Exemption Amendment Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

400. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-463, "Mobile Telecommunications Sourcing Conformity Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

401. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-543, "Fiscal Year 2003 Budget Support Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

402. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-462, "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002"

received January 31, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-532, "Board of Education Campaign Contribution Clarification Temporary Amendment Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-526, "Parking Meter Fee Moratorium Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-525, "Cady's Alley Designation Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-545, "Treatment Instead of Jail for Certain Non-Violent Drug Offenders Initiative of 2002" received January 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT14-529, "CareFirst Economic Assistance Temporary Act of 2002" received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

408. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of Santa Clara, CA, Nonappropriated Fund Wage Area (RIN: 3206-AJ61) received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

409. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Scranton-Wilkes-Barre, PA, Appropriated Fund Wage Area (RIN: 3206-AJ64) received January 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

410. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Change in Federal Wage System Survey Job (RIN: 3206-AJ63) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

411. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Address Change for Submission of Reports — received January 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period [Docket No. 011109274-1301-02; I.D. 101602D] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

413. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Reopening of Directed Fishery for Loligo Squid [Docket No. 011005244-2011-02; I.D. 120902F] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

414. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 011005245-2012-02; I.D. 112202A] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

415. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 121202A] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

416. A letter from the Associate General Counsel, USPTO, Department of Commerce, transmitting the Department's final rule — Correspondence with the United States Patent and Trademark Office [Docket No. 2003-T-005] (RIN: 0651-AB58) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

417. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Adjustment of Immigration Benefit Application Fees [INS No. 2257-03] (RIN: 1115-AG96) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

418. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Final Rule Relating to Adjustment of Civil Monetary Penalties (RIN: 1210-AA95) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

419. A letter from the Program Analyst, Army Corps of Engineers, Department of Defense, transmitting the Department's final rule — United States Navy Restricted Area, Narragansett Bay, East Passage, Coddington Cove, Rhode Island — received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

420. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CG D09-02-526] (RIN: 2115-AA97) received January 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

421. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 02-019] (RIN: 2115-AA97) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

422. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Cape Cod Canal, MA [CGD01-02-144] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

423. A letter from the Attorney, Bureau of Transportation Statistics, Department of Transportation, transmitting the Department's final rule — Reports of Motor Carriers--Correction of Obsolete References and Minor Editorial Corrections [Docket No. BTS-2003-14317] (RIN: 2139-AA10) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

424. A letter from the Regulations, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — Statewide Transportation Planning; Metropolitan Transportation Planning [FHWA Docket No. FHWA-99-5933] (FHWA RIN: 2125-AE95; FTA RIN: 2132-AA75) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

425. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Metropolitan Transportation Planning and Programming [FHWA Docket No. FHWA-2002-10886] (RIN: 2125-AE92) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

426. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-02-132] (RIN: 2115-AA97) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

427. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA [COTP New Orleans-02-022] (RIN: 2115-AA97) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

428. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Dubuque, IA [CGD08-02-042] (RIN: 2115-AE47) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

429. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Burlington, IA [CGD08-02-043] (RIN: 2115-AE47) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

430. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD 08-02-044] (RIN: 2115-AE47) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

431. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Enrollment--Provision of Hospital and Outpatient Care to Veterans Subpriorities of Priority Categories 7 and 8 and Annual Enrollment Level Decision (RIN: 2900-AL51) received January 22, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Veterans' Affairs.

432. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series HH — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

433. A letter from the Acting Deputy Administrator, Office of Community Development, Department of Agriculture, transmitting the Department's final rule — Rural Empowerment Zones and Enterprise Communities (RIN: 0503-AA20) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

434. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-8) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

435. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitation on annual compensation (Rev. Rul. 2 003-11) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

436. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Relief Relating to Application of Nondiscrimination Rules for Certain Governmental Plans [Notice 2003-6] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

437. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-10) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

438. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reporting Required Minimum Distributions From IRAs [Notice 2003-3] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

439. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Doyle, Dane, Bernbach, Inc. v. Commissioner [T.C. Dkt. No. 14077-78] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

440. A letter from the Chief, Regulations Unit, Internal Revenue Services, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-7) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BISHOP of Utah:

H.R. 511. A bill to make certain adjustments to be boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of Utah:

H.R. 512. A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; to the Committee on Resources.

By Mr. FOLEY:

H.R. 513. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to endorse prescription drug discount cards for use by Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO (for himself, Mr. Wu, Mr. Walden of Oregon, and Mr. Blumenauer):

H.R. 514. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Texas (for himself, Mr. Reyes, Mr. Hinojosa, Mr. Gonzalez, Mr. Sandlin, Mr. Hall, Mrs. Capito, Ms. Norton, Mr. Frost, Mr. Farr, Mrs. Christensen, Mr. Rodriguez, Mr. Deutsch, Mr. Stenholm, Mr. Lampson, Mr. Kildee, Mr. LaTourette, Mr. Barton of Texas, Mr. Paul, Mr. Kleczka, Mr. Sanders, Mr. Price of North Carolina, Mr. Emanuel, Mr. Ford, and Mr. Boucher):

H.R. 515. A bill to amend title XXI of the Social Security Act to permit the use of unexpended allotments under the State children's health care program through fiscal year 2006; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Minnesota (for himself, Mr. DeLay, Mr. Boehner, Mr. Ramstad, Mr. Gutknecht, Mr. Shimkus, Mr. Green of Wisconsin, Mr. Hoekstra, Mr. Burr, Mr. Souder, Mr. Tancredo, Mr. Pickering, Mr. Hostettler, and Mr. Aderholt):

H.R. 516. A bill to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights; to the Committee on Education and the Workforce.

By Mrs. MILLER of Michigan:

H.R. 517. A bill to direct the Commandant of the Coast Guard to convey the Coast Guard Cutter BRAMBLE, upon its scheduled decommissioning, to the Port Huron Museum of Arts and History located in Port Huron, Michigan, for use for education and historical display; to the Committee on Transportation and Infrastructure.

By Mr. POMEROY:

H.R. 518. A bill to amend the Internal Revenue Code of 1986 to increase portability among retirement plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Ms. Lee, Mrs. Napolitano, Mr. Udall of Colorado, Mr. Waxman, Mr. Becerra, Mr. Schiff, Mr. Thompson of California, Mr. Olver, Mr. Matsui, Mr. Sherman, Ms. Roybal-Allard, Ms. Lofgren, Mrs. Davis of California, Mr. Berman, Mr. Farr, Mr. Conyers, Ms. Millender-McDonald, and Ms. Linda T. Sánchez of California):

H.R. 519. A bill to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes; to the Committee on Resources.

By Mr. ADERHOLT:

H. Res. 47. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. PETRI introduced a bill (H.R. 520) for the relief of Mohamed Abshir Musse, Mariam Musse Gul, Abdullahi Mohamed Abshir, and Madina Mohamed Abshir; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Schiff, Mr. Bishop of New York, Mr. Lipinski, and Mr. Waxman.

H.R. 24: Mr. Stark, and Ms. Woolsey.

H.R. 34: Mr. Lipinski, Mr. Price of North Carolina, Mr. Quinn, Mr. Neal of Massachusetts, Ms. Lee, Mr. Kildee, Mr. McGovern, Mr. McHugh, Mr. Cunningham, Mr. Pallone, Mrs. Capps, Ms. Eshoo, Mrs. Lowey, Mr. Berman, Mr. Bishop of New York, Mr. Otter, Mr. Peterson of Minnesota, Mr. McNulty, Mr. Frank of Massachusetts, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, and Mr. Udall of Colorado.

H.R. 49: Mr. Forbes, Mr. Tiahrt, and Ms. Hart.

H.R. 153: Mr. Otter.

H.R. 179: Mr. Wilson of South Carolina.

H.R. 193: Mr. Paul.

H.R. 219: Mr. Goode.

H.R. 432: Mr. Rangel and Ms. Carson of Indiana.

H.R. 446: Ms. Hooley of Oregon.

H.J. Res. 4: Mr. Tiahrt and Mr. Chocola.

EXTENSIONS OF REMARKS

A TRIBUTE IN HONOR OF DR. GERALD KRATZ

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor and remember educator, legislator, community leader and friend, Dr. Gerald Kratz, Dr. Kratz died at his home in Grass Lake, Michigan on January 28, 2003, only 29 days into his first term as a State Representative. His constituents and the State of Michigan have lost a man of integrity who was a true champion of education and community service.

Graduating in 1955 from Wayne State University with Bachelor of Science degrees in Social Studies and Art, Jerry began his career as an art teacher. He advanced to administration after completing a Master's degree in Education and a Doctorate of Education in curriculum development. His career in education administration spanned three decades, starting in 1972 as superintendent of the Novi Community School District for 8 years, and then serving as Superintendent for Curriculum and Personnel Relations for Southfield Public Schools. In 1973, Dr. Kratz became an adjunct professor at Eastern Michigan University. In 1980, he became the Superintendent of the Jackson County Intermediate School District where he was a tireless supporter of education, and championed the needs of special education students throughout Jackson County. Enthusiastic about his new role as a legislator, Dr. Kratz had already crafted legislation to benefit education and the students of the State of Michigan. His passion for education will forever be memorialized by the Dr. Gerald B. Kratz Education Center on the campus of the Jackson Intermediate School District, and through the Jerry Kratz Scholarship Fund at Jackson Community College.

Jerry's commitment to public service was evident in the many community organizations he tirelessly supported. He volunteered countless hours with the Jackson-Hillsdale branch of the American Red Cross, many of which were spent raising money for local disaster relief projects as part of the Star Search Committee. He was dedicated to serving those who are all too often overlooked, providing transportation for disabled veterans, driving them to the VA hospital in Ann Arbor, and serving on the Board of Directors of the Dove Counseling Clinic, which provides mental health care to the needy, and was a supporter of the pro-life movement. A positive role model for our youth, he volunteered his time with the Great Sauk Trail Boy Scout Council, serving as Vice President of Finance. Jerry was also active with the Rotary, Jaycees, Kiwanis, and served as an Extraordinary Minister of his Church. Committed to business and economic development, he served on the Economic Opportunity Commission, the Private Industry Council, and the local Chamber of Commerce.

Most important to Jerry was his family. With his wife of 44 years, Eleanor, Jerry had four children: Kevin, a veterinarian; Kurt, a doctor; Kim, a health care administrator; and Kent, a teacher. Jerry also took great pride in his seven grandchildren.

Jerry will be missed by the countless individuals whose lives he touched with his boundless enthusiasm and passion for helping others.

IN MEMORY OF MARION H. "TOM" PARSONS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. SKELTON. Mr. Speaker, it is with great sadness that I inform the House of the death of Mr. Tom Parsons of Harrisonville, MO.

Mr. Parsons was born in Harrisonville, MO, on January 12, 1912, son of William Garrett and Mary (Hodger) Parsons. He attended Harrisonville High School and attended Central Missouri State Teachers College, Warrensburg, MO, for one year. He was united in marriage to Nina Rogers of Lockwood, MO, on July 7, 1934.

Mr. Parsons served in the United States Army during World War II. In 1952, Mr. Parsons was elected to serve as Cass County Treasurer and ex-officio Collector. After leaving public office, he became a partner in Congor Abstract and Insurance Company, Harrisonville. He also was a farmer and stockman, real estate appriaser, car salesman for Henderson Ford, and a real estate salesman for Schumacher Realty, all of Harrisonville. Mr. Parsons also served as Harrisonville's City Marshall and served as a deputy sheriff.

Mr. Parsons was a member of Veterans of Foreign Wars Post #4409 and a member of the American Legion, Hurley Lee Spicer Post #42. He was also a member of Cass County Masonic Lodge #147 AF&AM and the Cass County Democratic Club. Mr. Parsons was an active member of First Baptist Church of Harrisonville, where he served as Sunday school teacher. He was a lifetime Harrisonville resident.

Mr. Speaker, I know the members of the House will join me in extending heartfelt condolences to his family; his son William; his two grandchildren, Tye and Amanda; and his two great-grandchildren.

INTRODUCTION OF THE SAN GABRIEL RIVER WATERSHED STUDY ACT OF 2003

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Ms. SOLIS. Mr. Speaker, I rise today to reintroduce the San Gabriel River Watershed Study Act of 2003.

This bill will direct the Department of Interior to do a special resources study on the San Gabriel River, and portions of the San Gabriel Mountains to look for ways that we might improve our open and green space.

This study is vital to my community.

Today, children in my district are living next to toxic waste dumps where their playgrounds amount to little more than concrete slabs.

As a result of a poor environment, over 35,000 children suffer from asthma in the San Gabriel Valley—the largest number in the Los Angeles area.

Twenty-five percent of our water is contaminated.

And there is less then ½ acre of open space per 1000 people—a number that is well below the national average.

There is a growing concern that poor planning has resulted in environmental devastation in the San Gabriel Valley and in the foothills of the San Gabriel Mountains.

The threat of over-building on the last remnants of open space has increased concern about the cumulative impacts on what little remains of our natural resources.

This concern has reached critical mass, sparking community action to form local conservancies and land trusts as part of a comprehensive solution to watershed protection.

As many as ten State conservancies have formed or are being formed in the greater San Gabriel Valley.

As a California State Senator, I was proud to join in the fight by authoring legislation that created the largest state urban conservancy in California, affecting over 3 million people.

It is now time for the federal government to offer the next step of protection and revitalization in the San Gabriel Valley.

This study is the first step in that venture.

Last congress, this bill passed both the House of Representatives and the Senate unanimously but was unfortunately unable to be sent to the President because of time constraints.

In light of Congress' past endorsement, it is my hope that this bill can pass this body early in the 108th Congress.

The bill that I reintroduce today is the result of many hours of work with various stakeholders and emphasizes the special needs of the San Gabriel Valley, especially those related to flood control, drainage and public infrastructure.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These compromises led to its endorsement by over 30 local governments and organizations.

It is my hope that this incredible past support will translate into this bill's swift passage.

Before I close, let me say thank you to former Resources Committee Chairman Hansen, current Resources Committee Chairman POMBO, Ranking Member RAHALL, Chairman RADANOVICH and Members of the Resources Committee for assisting me in drafting this important bill.

Their guidance is a testament to what is good about the legislative process and I look forward to continuing to work within that process this Congress.

INTRODUCTION OF THE RETIREMENT ACCOUNT PORTABILITY IMPROVEMENT ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. POMEROY. Mr. Speaker, I rise today to introduce the Retirement Account Portability Improvement Act (RAPI), legislation that will prevent money from being leaked from hard earned retirement savings by enhancing workers' retirement savings options.

Workers were confronted with a complex series of obstacles that made it difficult for them to take their retirement benefits with them when they switched jobs. That is why in 1998, I introduced the Retirement Account Portability (RAP) Act, which made it possible for workers to move their retirement benefits between and among the different varieties of defined contribution plans. RAP was incorporated into the pension package set forth by Representatives PORTMAN and CARDIN, and became law upon passage of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). However, when working with employees, employers and retirement plan providers, we identified more barriers to retirement savings portability and these barriers are removed in this "next generation" portability bill.

First, RAPI will allow rollovers directly to a spouse's retirement plan. It is common for married couples to manage their finances as a single financial unit and to treat their assets as common property. Yet, in the context of one of a family's most important financial assets, retirement savings, spouses are prevented from transferring amounts to one another. Permitting spousal rollovers would allow couples to balance their savings and to act more as a single financial unit. This would be particularly helpful to couples where one family member has taken time out of the work force to raise a child or care for an elderly parent.

Second, RAPI will allow rollovers to inherited individual retirement accounts (IRA) for non-spousal beneficiaries. If a retirement plan participant dies with a non-spousal beneficiary, that beneficiary is often forced to receive plan benefits immediately and incur immediate tax liability. Participants and beneficiaries should have options that meet their needs while making the process as simple, fair, and even-handed as possible. Allowing the rollover to the inherited IRA will avoid the immediate tax hit and allow the funds to be drawn down gradually. By allowing plan beneficiaries to maintain an inherited IRA, the rules will be improved and retirement savings promoted.

Third, RAPI expands the automatic rollover provisions of EGTRRA. When a terminating employee does not want to leave her benefit with her former employer, but has never established an IRA to receive a rollover, her retirement savings are at risk of being cashed out. That employees should have two more choices, that do not acquire additional work on her part, in which to stash her hard earned savings. By facilitating the offering by employers of a specified IRA or life annuity contract, separating employees can easily prevent money from being leaked from their retirement savings.

Fourth, RAPI eases the administrative burden of rollovers to Roth IRAs. Retirement savings held in arrangements other than an IRA may not be converted directly to a Roth IRA. Therefore, workers who want to rollover their savings into a Roth IRA must first put it in a traditional IRA. By eliminating this unnecessary step of administrative complexity, workers no longer have to jump through the additional hoop in order to convert to a Roth IRA.

Fifth, RAPI enhances rollovers to Savings Incentive Match Plans for Employees of Small Employers (SIMPLE) Plans. EGTRRA did not expand the portability rules with respect to rollovers from non-SIMPLE plans into SIMPLE plans. The positive trend of enhanced portability of retirement assets should be extended to SIMPLE plans. Not enacting this change would prevent certain individuals from consolidating their retirement savings.

Sixth, RAPI increases retirement savings by accepting "use it or lose it" monies from flexible spending accounts (FSA). These accounts reimburse employees for qualified benefits, however, the "use it or lose it" requirement prevents amounts from being carried forward to future years or used for other purposes if amounts are not used by the end of the year. An employer's plan should permit up to $500 in amounts available, but not used for medical expenses, during the plan year to be contributed to a retirement savings account or medical savings account. This would encourage increased retirement savings by creating an additional avenue and source for contributions. At the same time, it would improve the operation of FSAs by removing incentives to use those benefits unnecessarily out of fear of losing them otherwise.

Seventh, it reduces vesting for non-elective employer contributions. By reducing the period of time it takes for employees to take possession of employer contributions made to their 401(k) accounts, workers will be able to build meaningful retirement benefits more quickly in today's mobile economy. RAPI will reduce this so-called "vesting period" from 5 years to 3 years.

The final section corrects a provision in EGTRRA allowing the rollover of after-tax amounts in annuity contracts and makes improvements to the purchase of service credit regime used by state and local employees to build bigger pension benefits.

I look forward to working with my colleagues to expand workers' portability options. We must continue to advance proposals that will prevent money from being leaked from workers' retirement savings, and I hope my colleagues will join me in passing this important legislation.

CENTRAL NEW JERSEY HONORS JOHN L. McGOLDRICK FOR HIS YEARS OF PUBLIC SERVICE AND CONTRIBUTIONS TO PRIVATE ENTERPRISE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. HOLT. Mr. Speaker, I rise today in recognition of John L. McGoldrick, the Executive Vice President of Bristol-Myers Squibb Company and Director of the Bristol-Myers Squibb Foundation, for his years of service to his community, the people of New Jersey, and millions of people around the world who are leading healthier lives due to his company's medicines. Millions of HIV infected Africans, especially, have benefited from his service.

Mr. McGoldrick is a successful corporate lawyer who is as committed to good corporate citizenship as he is to the needs of the boardroom. His many accomplishments both at home in the United States and abroad reflect his firm commitment to alleviate the suffering of the less fortunate and to promote effective governance.

Since arriving at Bristol-Myers Squibb, for example, he has been responsible for leading the company's HIV/AIDS initiatives in Africa, including its groundbreaking $115 million Secure the Future program in Southern and Francophone Africa, as well as the ACCESS program to make antiretroviral therapy accessible in the developing world. An active global citizen, he is also a Member of the Aspen Institute on the World Economy, the Council on Foreign Relations, and the World Economic Forum.

In his home state of New Jersey, Mr. McGoldrick has served the public as a Director of the New Jersey Transit Corporation, the United States' third largest passenger rail and bus company. He has also served on governmental reform commissions in New Jersey and has been called to represent personally governors of New Jersey from both political parties.

Mr. McGoldrick has also made many contributions to the Jewish community in Jew Jersey. He led Bristol-Myers Squibb's efforts in support of the State of New Jersey Commission on Holocaust Education. For his many contributions to the Jewish community, he was also recently honored at a dinner hosted by the American Jewish Committee's Institute of Human Relations.

I rise today in recognition of John L. McGoldrick, a citizen of the highest order and an honor to both his country and to the State of New Jersey.

A TRIBUTE IN HONOR OF STEPHEN VEAR

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to pay tribute to Mr. Stephen Vear, who has honorably served his community as a State of Michigan Representative from 1998 to 2002.

As Representative of Michigan's 58th district, Steve served as Assistant Majority Whip, Vice Chair of the Tax Policy Committee, and Chair of the Tax Simplification Subcommittee, and the State Auditor Generals Oversight and Commerce Committee. During his tenure in the House of Representatives, the Small Business Association of Michigan, the Michigan Coalition for Responsible Gun Owners, and the Dads of Michigan and Moms for Dads organizations named Steve Legislator of the Year in 2001. Steve's dedication to reducing taxes and encouraging business and economic development were aptly demonstrated when he drafted legislation to eliminate the Single Business Tax in Michigan. While representing the 58th District, Steve introduced and had 10 bills signed into law by Governor John Engler, and co-sponsored more than 100 bills that were signed into law. Steve prides himself on his advocacy, which helped preserve program funding for the Nursing Homes for Quality Initiative Grants, which were to improve the quality of life for senior citizens.

Steve has worked tirelessly in the local community as well. His willingness to contribute his time and energy to the community is evident through his many activities past and present. He served as an Assistant Scout Master for the Boy Scouts, as President and is a current member of the Jonesville Rotary Club, a founding member of the Chief Baw Beese Chapter of the North County Trail Association, and as a Hillsdale County Deputy Volunteer for 10 years. He has been an active member of many other organizations, including Right to Life, Sons of the American Legion, the National Rifle Association, and the Conservation Club. His commitment to furthering the interests of small business owners like himself is evidenced by his service on the Board of Directors of the Small Business Association of Michigan from 1993 to 1999, as a member of Small Business United, and as a delegate to the White House Conference on Small Business in 1995.

From working his way through his bachelor's degree in Accounting at Hillsdale College to representing 92,000 people in Branch and Hillsdale counties, Steve Vear has proven himself to be a dedicated community leader. It is for these reasons that I am honored to recognize Steve Vear for his selfless commitment to his family, his friends, and his community.

CONGRATULATING THE TAMPA BAY BUCCANEERS FOR WINNING SUPER BOWL XXXVII

SPEECH OF

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. STEARNS. Mr. Speaker, today I rise to congratulate the efforts of a great team and a strong organization. The Tampa Bay Buccaneers are Super Bowl champions and I could not be more pleased for Buc fans across this nation. In an amazing game that pitted the NFL's number one offense versus the league's number one defense, the Buccaneers proved the age-old football mantra that "offense wins games, but defense wins championships." New coach Jon Gruden fielded arguably one of the greatest defenses of all time. Led by captains Derrick Brooks and John Lynch, the Bucs defense stifled the Oakland Raiders and MVP quarterback Rich Gannon. In what has truly been a lesson in resiliency, Bucs fans have had to suffer through an 0–26 start and 14 consecutive losing seasons; but today they are world champions. Owner Malcolm Glazer and coach Jon Gruden have put together a world-class organization and I expect continued success from them in the future.

TRIBUTE TO ANDY AND DANA KAPP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andy and Dana Kapp, two hard-working constituents from my district.

Mr. and Mrs. Kapp are State winners of the Missouri Farm Bureau Young Farmers and Ranchers Achievement Award. This prestigious award is to honor those young farmers who are facing many challenges as they begin their career in agriculture.

A native of Clarksdale, Missouri, Mr. Kapp graduated with a degree in agriculture from the University of Missouri in 1990. Andy started farming full-time three years later. The Kapps are fourth generation family farmers and have more than 2,000 acres of row crops.

Mrs. Kapp works hard to serve the people as a pediatric nurse practitioner. Dana is also involved in several community activities.

As a former recipient of the Missouri Farm Bureau Young Farmer Award, I understand the importance of having young men and women return to the farm to carry on the family tradition. It is the dedication and commitment these young farmers have to pursue the dream of our ancestors, and to carry that dream forward into the next century of agriculture development.

Mr. Speaker, I proudly ask that you join me in commending Andy and Dana Kapp for their outstanding leadership and contribution to the agriculture community, as well as extending to them our very best wishes for continued success.

TRIBUTE TO SELLERS-SEXTON, INC.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the fine accomplishments of Larry Sexton and his business, Sellers-Sexton Inc. of St. Roberts, MO. Mr. Sexton's dealership has achieved certification under ISO 14001, the international standard for managing environmental waste and pollution, and it is the first United States dealership to do so.

Mr. Sexton has long been a friend to our environment. He has supported an Adopt-A-Highway initiative and a Missouri River Team, led by one of his technicians. He also has been involved in supporting a life science initiative in Missouri by working with life science organizations and the University of Missouri. Mr. Sexton has also influenced his dealership and staff to take measures to protect the environment. He and his employees have made it a policy to reduce the waste at the local landfill by initiating a responsible process for recycling discarded materials. Mr. Sexton also was involved in helping Fort Leonard Wood Army base become the site for a new technology park for environmental research.

In September 2002, Mr. Sexton and his dealership were honored for the teamwork they put forward as they extended their environmentally friendly practices by achieving ISO 14001 certification. Mr. Sexton and his dealership staff worked with Ford's Environmental Quality Office to help develop a comprehensive environmental management system to eliminate waste-generating and polluting practices. This has created an environmental management team within the Sellers-Sexton dealership.

Mr. Speaker, I know that the Members of the House will join me in congratulating Mr. Sexton and Sellers-Sexton Inc. on a job well done.

A SPECIAL TRIBUTE TO MARGARET KETTLES WEAVER FOR HER DEDICATED SERVICE TO THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding lady, and good friend, from Ohio. Margaret Kettles was born in Clyde, Pennsylvania but is being honored for her dedicated service to my great state. Although she attended college in Maryville, Tennessee and has Law and Advanced Degrees from schools in both Pennsylvania and Tennessee, I will always think of Margaret as a great Ohioan.

Mr. Speaker, a daughter of Scottish descent, Judge Kettles has received Law and

Advanced Degrees from several renowned institutions. These include Carnegie Tech, University of Pittsburgh, University of Tennessee, and the University of Toledo Law School.

She redefines the term "renaissance". Ms. Kettles has contributed to her surrounding communities with each endeavor she has undertaken.

Margaret spent two years in Tennessee as part of the K–25 Oak Ridge Plan in Oak Ridge, Tennessee. Her most rewarding career change took place when she dedicated eleven years to raising her children at home. She was a teacher in Pittsburgh for two years, taught in Gibsonburg for two years, spent eleven years as a lawyer and since 1985 has handled divorce, criminal, and civil cases as a Judge on the Court of Common Pleas in Sandusky County, Ohio.

Mr. Speaker, Margaret Kettles has dedicated her time to many community service organizations. These include the Red Cross Board, the Fremont School Board, and the Junior Chamber of Commerce. Margaret was an ATEHNA Award winner, President of the Ohio Judges Association, and the State Program Chairman of the Woman's Association of Republican Women. I was also honored to have Margaret as a member of my Academy Selection Board. She played an instrumental role in the academy process, which allows our brightest young people to flourish at our nation's service academies.

Judge Kettles has had a significant impact on public policy in Ohio. She has also been a strong proponent of justice during her tenure on the bench. Margaret has been a great resource and a true friend to everyone around her. Respected by her colleagues, Judge Kettles' involvement in our community has improved the quality of life in my district. We will miss her as she steps down from the bench.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Judge Margaret Kettles. Our communities are served well by having such honorable and giving citizens, like Margaret, who care about their well being and stability. We wish Margaret, her husband, Miles, and their family all the best as we pay tribute to one of our state's finest citizens.

PERSONAL EXPLANATION

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. WELDON of Florida. Mr. Speaker, unfortunately, I missed two votes on Monday, January 27 due to my attendance at the funeral for Florida State Senator Howard Futch. Had I been present for rollcall votes 13 and 14 I would have voted in favor of both resolutions.

HONORING CHINESE LUNAR NEW YEAR

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor the start of the Chinese Lunar New Year in New York City.

The Year of the Ram is being celebrated on the first day of February, 2003, as the people of New York join the Asian American community in marking the start of a New Year.

The Ram signifies harmony, reconciliation and peacemaking—both politically and personally. This is the year for reconciliation, diplomacy and the healing of rifts.

Since the Ram is also patron of the arts, this year will bring out individual creativity, and an increased interest in music and theater.

After last year's quick pace of the Year of the Horse, the Year of the Ram will be a time for quiet introspection. In taking to a slower pace of life, this year will be dedicated to spending quality time with those closest to us.

In celebration of the Year of the Ram, our great City will come alive with many lively festivals, colorful processions and cultural performances. Several neighborhoods in the City will host the traditional lion and dragon parades. Streets will be adorned with red paper lanterns for the Lantern Festival, and bright decorations and lights will hang across storefronts and sidewalks.

The beginning of the Lunar New Year is a special occasion for Asian Americans. It is a time for reflection, for making future plans, and for honoring the past. It is an opportunity to share old, treasured traditions with friends and family. It is a time for all New Yorkers of various ethnic backgrounds to join the Asian American community as they look forward to a year of peace, prosperity and good will among all people.

I hereby join the City of New York and the Asian American community in celebration of Lunar New Year's Day on February 1, 2003, to mark the start of the Year of the Ram.

INTRODUCING THE S-CHIP ALLOTMENT EXTENSION AVAILABILITY ACT OF 2003

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 31, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce legislation that is vitally important to ensure that states can provide quality health care to uninsured children.

On October 1st of last year, states with unspent federal funding allocation were forced to return those amounts back to the U.S. Treasury. These funds are from the early years of the CHIP program, and were unspent because it took many states several years to develop and implement their CHIP programs.

Unfortunately, we are cutting these funds at a time when they will be needed most. Under the Balanced Budget Act, CHIP funding was reduced by $1 billion, or 26 percent in fiscal year 2002, and is slated to remain at this reduced level until fiscal year 2004. States that had been able to draw on unspent funds in order to avert cutbacks will now have to start eliminating services. As a result of this problem, the Office of Management and Budget estimates that 900,000 children will lose their CHIP coverage.

This is a particular problem in my home state of Texas. Even though Texas has enrolled and provides coverage to over 500,000 children, the state was forced to return $285 million at the end of fiscal year 2002. This is especially problematic, as the state is facing a budget shortfall of approximately $5 billion.

The legislation I am introducing would restore $1.2 billion in unspent funds under the State Children's Health Insurance Program (CHIP). This is a necessary move to ensure that our children have access to the health care they need. I hope my colleagues will join me in supporting this bill.

SENATE—*Monday, February 3, 2003*

Monday, February 3, 2003

The Senate met at 10:02 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that the order for a pro forma session be vitiated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING THE MISSION OF THE SPACE SHUTTLE "COLUMBIA"

Mr. FRIST. Mr. President, I send a resolution to the desk and ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 41) honoring the mission of the space shuttle *Columbia*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 41) was agreed to, as follows:

S. RES. 41

Resolved, That the Senate commemorates with deep sorrow and regret the fate of the *Columbia* space shuttle mission and when it adjourns today, it do so as a further mark of respect to the astronauts who lost their lives.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, initially we planned to come in for a pro forma session today and not have further remarks made. But in light of the great national tragedy, a time when all of our thoughts in this body and of all Americans converge on the families and the loved ones of the *Columbia* crew members, both the Democratic leader and I would like to take just a couple minutes to make a statement. Then we will be adjourning at that point.

I join all Americans in expressing our deepest sympathy for the events that have occurred and extend our deepest sympathy to the families of the crew members, and want to take this opportunity to salute the courage of the crew.

The events of 2 days ago have caused all of us to go back and look into both our own lives but also the lives of other great explorers who so willingly have taken the risk with that ultimate goal of making the world a better place. Indeed, the heroes that we all celebrate in terms of their lives, of which we have been reviewing over the last 24 hours, are very much the focus of not just us in this body but, indeed, the world.

Each *Columbia* crew member was a pioneer. They would want us to recognize their sacrifices through our comments and through our review of their lives and through our comforting of their families. But I also know they would want us to determine the cause of this tragedy, to fix what caused it, and then to move on in that same spirit of exploration.

I, in closing, do extend my own personal sympathy and the sympathy of this body to those families, and to those great pioneers and heroes of the American spirit.

The PRESIDENT pro tempore. The Democratic leader.

Mr. DASCHLE. Mr. President, I join the majority leader in expressing, as he has, our heartfelt sympathy to the families of the astronauts, to NASA, to the people of Israel, and to all of those responsible as we contemplate the tragic loss.

There is no way one can adequately express in words the sense of sorrow, of regret that we would like to be able to convey to the families themselves. But as they contemplate these losses, we wish them great strength, strength in knowing that their loved ones committed themselves to a great cause, and, in so doing, created the path to a future that we will continue to celebrate.

Neil Armstrong, when he landed on the moon, made note of that fact that it was: One small step for man, one giant step for mankind. I believe these astronauts made one giant step for mankind—in better relations, in finding ways with which to pursue science so successfully; and, in so doing, it has created their footprints not only in the path once begun by the pioneers, such as Neil Armstrong, but that of future astronauts as well who will carry on this great experiment in space recognizing its importance to all of mankind.

So as we contemplate this loss, we celebrate their lives, we celebrate their accomplishments, we celebrate the fact that they gave all they could for their country.

At times such as this, the word "hero" is appropriate. Indeed, they were just that; they were and are heroes, role models, committed Americans, patriots, and pioneers.

We thank them. We applaud their accomplishment. And we wish their families Godspeed during this difficult time.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORIUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 41. A resolution honoring the mission of the space shuttle *Columbia*; considered and agreed to.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 41—HONORING THE MISSION OF THE SPACE SHUTTLE "COLUMBIA"

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORIUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN): submitted the following resolution; which was considered and agreed to:

Resolved, That the Senate commemorates with deep sorrow and regret the fate of the *Columbia* space shuttle mission and when it adjourns today, it do so as a further mark of respect to the astronauts who lost their lives.

SCHEDULE

Mr. FRIST. Mr. President, for the information of our colleagues, arrangements are being made, and we will keep Members notified over the course of the day for opportunities to attend the memorial service in Houston. Each caucus will keep their respective members posted over the course of the day of what those plans are.

We have modified our schedule accordingly. And as I will discuss shortly, we will be coming in for the opportunity for our Members to make statements on the floor tomorrow afternoon, and then resume the business on Wednesday as we initially planned for Tuesday.

ORDERS FOR TUESDAY, FEBRUARY 4, 2003

Mr. FRIST. In that regard, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 4 p.m. Tuesday, February 4; I further ask consent that on Tuesday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 6 p.m., with the time equally divided between the two leaders or their designees.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of Senators, the Senate will reconvene tomorrow to allow Members to make statements regarding the *Columbia* tragedy. When the Senate concludes its business on Tuesday, it will reconvene on Wednesday morning.

As in executive session, I now ask unanimous consent that the order with respect to the Estrada nomination be changed so that the Senate begins its consideration at 2:15 p.m. on Wednesday.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 4 P.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask, unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 41.

The PRESIDENT pro tempore. Without objection, the Senate stands adjourned under the previous order as a mark of further respect to the astronauts who lost their lives in the *Columbia* shuttle mission.

Thereupon, the Senate, at 10:11 a.m., adjourned until Tuesday, February 4, 2003, at 4 p.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 4, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 5

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the professional boxing industry.
SR-253

Judiciary
To hold hearings to examine judicial nominations.
SD-226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission.
SD-538

Budget
To continue hearings to examine the President's Fiscal Year 2004 Budget Proposal.
SD-608

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

Small Business and Entrepreneurship
To hold hearings to examine possible solutions to the small business health care crisis.
SR-428A

11 a.m.
Foreign Relations
Organizational business meeting to consider an original resolution authorizing certain expenditures for committee operations, to be followed by a business meeting to consider pending calendar business.
SD-419

FEBRUARY 6

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program.
SH-216

Foreign Relations
To hold hearings to examine certain policy issues.
SD-419

FEBRUARY 11

9:30 a.m.
Armed Services
To hold hearings to examine the current and future worldwide threats to the national security of the United States; to be followed by a closed meeting to be held in SH-219.
SD-106

Foreign Relations
To hold hearings to examine a post Saddam Iraq.
SD-419

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of the Interior.
SD-366

FEBRUARY 12

9:30 a.m.
Foreign Relations
To hold hearings to examine a post conflict Iraq.
SD-419

FEBRUARY 13

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program.
SH-216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Forest Service of the Department of Agriculture.
SD-366

FEBRUARY 25

9:30 a.m.
Foreign Relations
To hold hearings to examine world food aid.
SH-216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of Energy.
SD-366

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Disabled American Veterans.
SH-216

FEBRUARY 27

9:30 a.m.
Foreign Relations
To hold hearings to examine proposed legislation authorizing funds for the Department of State.
SD-419

MARCH 6

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Vererans Association, and the Non-Commissioned Officers Association.
345 Cannon Building

MARCH 12

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 13

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reseve Association, and the Air Force Seargents Association.
345 Cannon Building

MARCH 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, the Military Officers Association of America, and the National Association of State Directors of Veterans' Affairs.
345 Cannon Building

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—*Tuesday, February 4, 2003*

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 4, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Creator of the Universe and redeemer of all in the human family, this strong and determined Nation stands before You today with heavy hearts and heads bowed in prayer.

The break-up of the Space Shuttle *Columbia* brings all of us to the edge of life as we know it, feeling a common vulnerability. We commend to You the two women and five men who achieved their dream in becoming astronauts. Their heroic stories will continue to inspire the young, encourage scientists and those who serve their country.

Engaged by the wonder of Your creation, they reached beyond human limitation to explore the secrets of the Universe. Now, drawn beyond space and time, they enter the silent mystery known to You alone.

O Lord, console their families and friends of NASA with loving compassion and peace. As we scan the landscape of this disaster, help Your people to solve the riddle of human life, to heal the fractures of an international space program, and to piece together the fragments of world relationships on this blue planet, swirling through space, called Earth.

For You are Lord of the heavens and of us now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. PUTNAM) come forward and lead the House in the Pledge of Allegiance.

Mr. PUTNAM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 31, 2003 at 2:58 p.m. and said to contain a message from the President whereby he submits a report to the Congress on the progress made in achieving militarily significant benchmarks toward a sustainable peace in Kosovo.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

REPORT ON PROGRESS IN ACHIEVING MILITARILY SIGNIFICANT BENCHMARKS FOR CONDITIONS ACHIEVING SUSTAINABLE PEACE IN KOSOVO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations, the Committee on Armed Services, and the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

Pursuant to section 1212 of the National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398, I hereby submit a report, prepared by my Administration, on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo.

The term "militarily significant" relates to tasks and objectives significant from a military standpoint that once accomplished, would allow for withdrawal of military forces from Kosovo. In the establishment of the Kosovo benchmarks, four critical tasks for NATO forces were identified: military stability; public security; border/boundary issues; and war crimes/support to the International Criminal Tribunal for the Former Yugoslavia. Objectives for these tasks were drawn from United Nations Security Council Resolution 1244, the NATO Operations Plan, the Military Technical Agreement, and the Kosovo Liberation Army Undertaking.

I anticipate that Kosovo Force—and U.S. participation in it—will gradually reduce in size as public security conditions improve and Kosovars assume increasing responsibility for their own self-government.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 31, 2003.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 3, 2003 at 5:04 p.m. and said to contain a message from the President whereby he submits his Budget of the United States Government for Fiscal Year 2004.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

BUDGET OF UNITED STATES GOVERNMENT FOR FISCAL YEAR 2004—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE BUDGET MESSAGE OF THE PRESIDENT

The budget for 2004 meets the challenges posed by three national priorities: winning the war against terrorism, securing the homeland, and generating long-term economic growth. It restrains the growth in federal spending and addresses the long-term fiscal challenge presented by Medicare and Social Security's unfunded promises. This year's budget also helps America meet its goals both at home and overseas.

We remain at war with an enemy that seeks to use murder, stealth, and fear against all free nations. Yet our response has been resolute. The people of Afghanistan have been freed from the oppressive regime that sponsors the terrorists who planned and carried out the attacks of September 11, 2001. We are hunting down the terrorist leaders and their collaborators, one by one. And we continue to disrupt their plots, shut down their financing, and deny them safe haven.

We have moved to secure the nation's safety. Just 10 days ago, the new Department of Homeland Security began operations in the biggest reorganization of the Federal Government in a half-century. The cabinet-level department unifies the work of 22 programs and agencies and will move quickly to better protect Americans from threats here at home. We also have moved to defend America's interests abroad, and to confront danger wherever it emerges. Working with our allies and partners, we will face down regimes that govern by fear and deception, and we will devote the necessary resources to protect ourselves and our friends against the use of weapons of mass destruction.

We are strengthening our economy by allowing American families to keep more of their own money and encouraging businesses to save, spend, and grow. While the economy is growing, it is not growing fast enough. Too many Americans who want to work can't find a job, and too many American families are falling behind.

The growth and jobs plan I outlined earlier this year will provide critical momentum to our economic recovery. For every American paying income taxes, I propose speeding up the tax cuts already approved by the Congress, because Americans need that relief today. And for America's 84 million investors, and those who will become investors, I propose eliminating the double taxation of stock dividends. Double taxation is unfair and bad for our economy.

Government cannot manage or control the economy. But government can remove the barriers blocking stronger economic growth. My plan will give Americans more tools to achieve that growth.

A recession and a war we did not choose have led to the return of deficits. My Administration firmly believes in controlling the deficit and reducing it as the economy strengthens and our national security interests are met. Compared to the overall federal budget and the $10.5 trillion national economy, our budget gap is small by historical standards. By protecting our vital national security interests and promoting economic growth, we will meet the challenges and concerns of the American people. We will not let them down.

I will also insist on spending discipline in Washington D.C., so we can meet our priorities. We must prepare for the future costs of Social Security and Medicare. My budget takes the first steps toward modernizing Medicare and includes prescription drug coverage.

We will continue to focus on getting results from federal spending. A federal program's measure of success is not its size, but the value it delivers. And my budget will focus on this goal in a new and important way. If federal programs cannot show results, they should be overhauled, or retired.

And while human compassion cannot be summarized in dollars and cents, this budget addresses the many challenges our society faces: bridging the gap for low-income families, so they can buy affordable homes; helping communities of faith pull the addicted from the grip of drugs; lifting children out of poverty and hopelessness by creating good schools and offering them caring adult mentors; and easing the pain and hardship of the global epidemic of AIDS.

Some of the challenges we face will endure for many years and require great resources. As we look down that path, we will not always get to choose which battles we fight. It is, however, our duty to fight them. History may not remember every single way we contributed to this nation's betterment, but it will remember if we failed to try. The courage to take on challenges, and the enterprise with which we have succeeded in meeting them, have always distinguished America. This same courage and enterprise will help America meet these challenges, and prevail once again.

GEORGE W. BUSH.
February 3, 2003.

APPOINTMENT OF ADDITIONAL CONFEREES ON HOUSE JOINT RESOLUTION 2, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

The SPEAKER pro tempore. Without objection and pursuant to clause 11 of rule I, the Chair appoints the gentleman from California (Mr. LEWIS) and the gentleman from Maryland (Mr. HOYER) as conferees on House Joint Resolution 2.

There was no objection.

The Clerk will notify the Senate of the change in conferees.

HOUR OF MEETING ON WEDNESDAY, FEBRUARY 5, 2003

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT IN MEMORY OF VALIANT CREW MEMBERS OF SPACE SHUTTLE "COLUMBIA"

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn in memory of the valiant crew members of the Space Shuttle *Columbia*.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING CREW MEMBERS OF SPACE SHUTTLE "COLUMBIA"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PUTNAM) is recognized for 5 minutes.

Mr. PUTNAM. Mr. Speaker, I rise today to honor the seven brave men and women of the Space Shuttle *Columbia*: Commander Rick Husband; Pilot William McCool; Payload Commander Michael Anderson; Specialist Kalpana Chawla; Specialist David Brown; Specialist Laurel Clark; and Specialist Ilan Ramon.

Today America and the entire world grieves with the families and victims of the Space Shuttle *Columbia*. While there is no way one can adequately express in words the sense of sorrow that we all feel, know that our thoughts and prayers are with you in this time of tragedy, and know their loss was part of a larger manifest destiny of human understanding, the continual exploration, the continual search for knowledge below our seas, in our heavens, around this Earth, and in planets beyond, a part of the continued tradition of American leadership in exploration, discovery, and technology.

We have lost seven brave individuals, men and women, sons and daughters, mothers and fathers, husbands and wives. We will never forget their courage, bravery, and service to our Nation. Each of these individuals was a pioneer who gave their lives in the name of science and exploration.

☐ 1615

They epitomized the best that America and mankind have to offer, and their efforts will not be lost or forgotten. We must finish the quest that they started, and we must continue on with our manned space exploration. I believe the crew of *Columbia* would expect nothing less.

While America mourned your tragic loss, we will never forget your heroism.

You will forever be remembered in our hearts and in our minds as heroes.

RECESS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1855

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 6 o'clock and 55 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 18, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–7) on the resolution (H. Res. 48) providing for consideration of the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 4, 2003 at 4;15 p.m. and said to contain a message from the President whereby he submits a Bosnia benchmarks report in accordance with section 7(b) of PL 105–174 and section 1203(a) of PL 105–261.

With best wishes, I am

Sincrerely,

JEFF TRANDAHL
Clerk of the House.

REPORT ON BOSNIA AND U.S. FORCES IN NATO-LED STABILIZATION FORCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–34)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations, the Committee on Armed Services, and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I am providing a report prepared by my Administration on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

This seventh report, which also includes supplemental reporting as required by section 1203(a) of Public law 105–261, provides an updated assessment of progress on the benchmarks covering the period January 1 to December 31, 2002.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 4, 2003.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES
Washington, DC, February 4, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 4, 2003 at 4;15 p.m. and said to contain a message from the President whereby he submits a Plan Colombia obligations report for last 2 quarters of FY 2002.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PLAN COLOMBIA SEMI-ANNUAL OBLIGATION REPORT AND ANDEAN COUNTERDRUG INITIATIVE REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–35)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Pursuant to Public Law 106–246, section 3204(e), I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2002 in support of Plan Colombia.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 4, 2003.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PUTNAM) to revise and extend their remarks and include extraneous material:)

Mr. PUTNAM, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, February 5.

Mr. OSBORNE, for 5 minutes, February 5.

Mrs. BIGGERT, for 5 minutes, February 5.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on January 31, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 13. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 5, 2003, at 3 p.m. in memory of the valiant crew members of the space shuttle *Columbia*.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

441. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Termination of Designation of the State of Maine with Respect to the Inspection of Meat and Meat Food Products and Poultry and Poultry Food Products [Docket No. 02–028F] received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

442. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Urea; Exemption from the Requirement of a Tolerance [OPP-2002-0277; FRL-7284-2] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

443. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Urea; Revocation of Tolerance Exemptions [OPP-2 002-0276; FRL-7284-3] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

444. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed

by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

445. A letter from the Assistant Secretary, Department of Defense, transmitting a report on TRICARE reimbursement of Professional Providers, pursuant to 10 U.S.C. 1097 Public Law 106—65, section 716; to the Committee on Armed Services.

446. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final "Major" rule — Disclosure of Proxy Voting Policies and Proxy Voting Records by Registered Management Investment Companies [Release Nos. 33-8188, 34-47304, IC-25922; File No. S7-36-02] (RIN: 3235-AI64) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

447. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Certification of Management Investment Company Shareholder Reports and Designation of Certified Shareholder Reports as Exchange Act Periodic Reporting Forms; Disclosure Required by Sections 406 and 407 of the Sarbanes-Oxley Act of 2002 [Release Nos. 34-47262; IC-25914; File Nos. S7-33-02; S7-40-02] (RIN: 3235-AI63) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

448. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final "Major" rule — Disclosure in Management's Discussion and Analysis About Off-Balance Sheet Arrangements and Aggregate Contractual Obligations [Release Nos. 33-8182;FR-67 ; International Series Release No. 1266, File No. S7-42-02] (RIN: 3235-AI70) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

449. A letter from the Secretary, Department of Energy, transmitting a report on the comprehensive status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Sixth Report Covering January 1, 2001 Through March 31, 2002; to the Committee on Energy and Commerce.

450. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Bioavailability and Bioequivalence Requirements; Abbreviated Applications; Final Rule [Docket No. 98N-0778] (RIN: 0910-AC47) received January 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

451. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions [FRL-7428-2] (RIN: 2060-AK44) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

452. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Reorganization of and Revisions to Administrative and General Conformity Provisions; Documents Incorporated by Reference; Recodification of Existing SIP Provisions [VA085/086/089/102/103-5046a; FRL-7427-9] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

453. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, State of Utah; Utah County PM10, State Implementation Plan Revisions [UT-001-0047; FRL-7422-9] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

454. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standard: Particulate Matter [AD-FRL-7388-4] (RIN: 2060-AK05) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

455. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to North Carolina State Implementation Plan: Transportation Conformity Rule and Interagency Conformity Rule and Interagency Memorandum of Agreements [NC-93; NC-101-200122a; FRL-7402-6] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

456. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule — received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

457. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—31); to the Committee on International Relations and ordered to be printed.

458. A letter from the Administrator, Independent Counsel, transmitting the annual report on Audit and Investigative Activities, pursuant to 28 U.S.C. 595(a)(2); to the Committee on Government Reform.

459. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-465, "Department of Insurance and Securities Regulation Merger Review Temporary Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

460. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-548, "Homeowner's Insurance Availability Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

461. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-549, "Health Maintenance Organization Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

462. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-550, "DC Teachers Federal Credit Union Real Property Tax Exemption Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

463. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-551, "Insurance Fraud Prevention and Detection Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

464. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-552, "Annual Audited Financial Reports Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

465. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-89, "Independence of the Chief Financial Officer Establishmeht Act of 2001," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-553, "Public Insurance Adjuster Licensure Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

467. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-554, "Public Health Laboratory Fee Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

468. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-555, "Broadcast Industry Contracting Freedom Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

469. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-557, "Southeast Neighborhood House Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

470. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-558, "Noise Control Clarification Temporary AmendmentAct of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

471. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-559, "Special Education Task Force Expansion Temporary Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

472. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-561, "Producer Licensing Act of 2002," pursuant to D.C. Code section 1—233(c)(1): to the Committee on Government Reform.

473. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-562, "Make a Difference Temporary Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

474. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-560, "Closing of a Public Alley in Square 2857, S.O. 02-1463, Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

475. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-556, "Uniform Controlled Substances Temporary Amendment Act of 2002," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

476. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

477. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

478. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

479. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

480. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

481. A letter from the Deputy White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

482. A letter from the Deputy White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

483. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

484. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

485. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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490. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

491. A letter from the United States Trade Representative, Executive Office of the President, transmitting 2002 Annual Inventory of Commercial Activities Under the Federal Activities Inventory Reform Act P.L. 105-270; to the Committee on Government Reform.

492. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

493. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistance Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2003 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AI09) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

494. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Revised Jurisdictional Thresholds for Section 8 of the Clayton Act [Billing Code 6750-01] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

495. A letter from the Corporate Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2002, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

496. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30347; Amdt. No. 3038] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30343; Amdt. No. 3035] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30344; Amdt. No. 3036] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30346; Amdt. No. 3037] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30342; Amdt. No. 3034] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

502. A letter from the Senior Rulemaking Analyst, TSA, Department of Transportation, transmitting the Department's final rule — Threat Assessments Regarding Alien Holders of, and Applicants for, FAA Certificates [Docket No. TSA-2002-13733; Amendment No. 1540-4] (RIN: 2110-AA17) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

503. A letter from the Senior Rulemaking Analyst, TSA, Department of Transportation, transmitting the Department's final rule — Threat Assessments Regarding Citizens of the United States Who Hold or Apply for FAA Certificates [Docket No. TSA-200 2-13732; Amendment No. 1540-3] (RIN: 2110-AA14) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

504. A letter from the Assistant Chief Counsel, Department Of Transportation, transmitting the Department's final rule — Requirements to Document U.S. Flag Fishing Industry Vessels of 100 Feet or Greater in Registered Length and to Hold a Preferred Mortgage on Such Vessels [Docket No. MARAD-2002-11984] (RIN: 2133-AB46) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

505. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Required Minimum Distributions for Defined Benefit Plans and Annuity Contracts [Notice 2003-2] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

506. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [Rev. Rul. 2003-20] received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

507. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-12) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

508. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Active conduct of a trade or business (Rev. Rul. 2003-18) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

509. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Pupose and scope of exception of reorganization exchanges (Rev. Rul. 2003-19) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

510. A communication from the President of the United States, transmitting a reorganization plan modification for the Department of Homeland Security, pursuant to Public Law 107—296, section 1502; (H. Doc. No. 108—32); to the Committee on Homeland Security (Select) and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 337. A bill to extend certain hydro-electric licenses in the State of Alaska (Rept. 108–4). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 346. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President; and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act (Rept. 108–5). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 397. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois (Rept. 108–6). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 48. Resolution providing for consideration of the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–7). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. PRYCE of Ohio (for herself, Mr. Thomas, Mr. Boehner, Mr. Tauzin, Mr. Oxley, Mr. Young of Florida, Mr. Herger, Mr. McKeon, Mr. Upton, Mr. Bilirakis, Mr. Goodlatte, Mr. Ney, and Mr. Shaw):

H.R. 4. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

By Mr. DOYLE (for himself, Mr. Brady of Pennsylvania, Mr. Fattah, Mr. English, Ms. Hart, Mr. Peterson of Pennsylvania, Mr. Gerlach, Mr. Weldon of Pennsylvania, Mr. Greenwood, Mr. Shuster, Mr. Sherwood, Mr. Murtha, Mr. Hoeffel, Mr. Pitts, Mr. Holden, Mr. Murphy, Mr. Platts, Mr. Ryan of Ohio, Mr. Stupak, Mr. LaTourette, Mr. Frost, Mr. LaHood, Ms. Kaptur, and Mr. Kucinich):

H.R. 521. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. BACHUS (for himself, Mr. Oxley, Mr. Frank of Massachusetts, Mr. Leach, Mr. Kanjorski, Mr. Bereuter, Ms. Waters, Mr. Royce, Mrs. Maloney, Mr. Ney, Mr. Ford, Mr. Gillmor, Mr. Gonzalez, Mr. LaTourette, Mr. Hinojosa, Mr. Jones of North Carolina, Mrs. McCarthy of New York, Mrs. Biggert, Mr. Davis of Alabama, Mr. Green of Wisconsin, Mr. Grijalva, Mr. Gary G. Miller of California, Ms. Hart, Mr. Tiberi, Mr. Renzi, Mr. Simmons, Mr. Upton, and Mr. Beauprez):

H.R. 522. A bill to reform the Federal deposit insurance system, and for other purposes; to the Committee on Financial Services.

By Mr. UDALL of New Mexico (for himself, Mr. Moran of Kansas, Mr. Lucas of Oklahoma, Mr. Thornberry, Mr. Pearce, and Mr. Reyes):

H.R. 523. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the State of Texas, New Mexico, Oklahoma, and Kansas, as a high priority corridor on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN (for himself, Mr. LoBiondo, Mr. Pallone, Mr. Saxton, Mr. Ferguson, Mr. Smith of New Jersey, Mr. Pascrell, Mr. Holt, Mr. Payne, Mr. Rothman, Mr. Andrews, Mr. Menendez, and Mr. Garrett of New Jersey):

H.R. 524. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself and Mr. Lampson):

H.R. 525. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to the seven members of the crew of the space shuttle Columbia in recognition of their outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. Simmons):

H.R. 526. A bill to direct certain Federal agencies to issue rules that coordinate with the establishment by the Federal Trade Commission of a list of telephone numbers of consumers who do not want to receive telephone calls for telemarketing purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 527. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on House Administration.

By Mr. KNOLLENBERG (for himself and Mr. Pallone):

H.R. 528. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 529. A bill to reinstate and transfer a hydroelectric license under the Federal Power Act to permit the immediate redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Florida:

H.J. Res. 17. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 18. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. COX (for himself and Mr. Gibbons):

H.J. Res. 19. A joint resolution recognizing the 92d birthday of Ronald Reagan; to the Committee on Government Reform.

By Mr. HYDE (for himself, Mr. Lantos, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Chabot, Mr. Crowley, Mr. Faleomavaega, Mr. Royce, Mr. Rohrabacher, Mrs. Jo Ann Davis of Virginia, Mr. Smith of New Jersey, Mr. Burton of Indiana, Mr. McCotter, Mr. Gallegly, Mr. Weller, Mr. Kennedy of Minnesota, Ms. Harris, Mr. Pitts, Mr. Ackerman, Mr. Wolf, Mr. Janklow, Mr. Engel, Mr. Ballenger, Mr. King of New York, Mr. Flake, Mr. Berman, Mr. Green of Wisconsin, Mr. Schiff, and Mr. Ose):

H. Con. Res. 27. Concurrent resolution condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes; to the Committee on International Relations.

By Mrs. JONES of Ohio (for herself, Mr. Langevin, Ms. Carson of Indiana, Mr. Fattah, Mr. Ryan of Ohio, and Mr. Frost):

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a commemorative stamp on the subject of school safety awareness; to the Committee on Government Reform.

By Mr. VITTER (for himself, Mr. Miller of Florida, Mr. Sweeney, Mr. Smith of New Jersey, Mr. Burr, Mr. Forbes, Mr. Aderholt, Mr. King of New York, Mr. Herger, Mr. Flake, Mr. Fossella, Mr. Cannon, Mr. Brady of Texas, Mr. Stenholm, Mr. Crane, Mr. King of Iowa, Mr. Sessions, and Mr. Frank of Massachusetts):

H. Con. Res. 29. Concurrent resolution condemning the designation of Iraq as chair of the United Nations Conference on Disarmament; to the Committee on International Relations.

By Mr. HASTINGS of Washington:

H. Res. 48. A resolution providing for consideration of the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes.

By Mr. GREEN of Texas:

H. Res. 49. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon, all of whom died in the destruction of the space shuttle Columbia; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself and Mr. Bell):

H. Res. 50. A resolution honoring the seven members of the crew of the space shuttle Columbia for their heroism and spirit, and paying tribute to the sacrifices made by these men and women on behalf of the Nation; to the Committee on Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BAKER introduced A bill (H.R. 530) for the relief of Tanya Andrea Goudeau; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. LaTourette, Mr. Johnson of Illinois, Mr. Boucher, Mr. Fattah, and Ms. Norton.

H.R. 24: Mrs. Jones of Ohio.

H.R. 41: Ms. Eshoo, Mr. Holden, Mr. Berman, Ms. McCollum, Mr. Udall of New Mexico, Mr. Pallone, Mr. Olver, Mr. Van Hollen, Mr. Farr, Mr. Berry, Ms. Kaptur, Mr. Davis of Alabama, Mr. Janklow, Ms. Jackson-Lee of Texas, Mr. Smith of Washington, Mr. Lantos, Mr. Crowley, Mr.

Matheson, Mr. LaTourette, Mr. Hinojosa, Mr. Rahall, Mr. Towns, Ms. Norton, Mr. Filner, Mr. Owens, Mr. Michaud, Mrs. Christensen, Mr. Rangel, Mr. McDermott, Mr. Dingell, Mr. Stupak, Mr. Sanders, Mr. Meehan, Mr. Strickland, Mr. Ford, and Mr. Costello.

H.R. 105: Ms. Norton and Mr. Wynn.

H.R. 135: Mr. Stenholm, Mr. Issa, and Mr. McGovern.

H.R. 138: Mr. LaTourette and Mr. Case.

H.R. 148: Mr. Ackerman.

H.R. 172: Mr. LoBiondo and Ms. Hart.

H.R. 250: Mr. Bell, Mr. Frost, Mr. Filner, Mr. McGovern, Ms. McCollum, Mr. Case, and Mr. Grijalva.

H.R. 299: Mr. Nadler.

H.R. 301: Mr. Beauprez.

H.R. 323: Mrs. Napolitano, Mr. Thompson of Mississippi, and Mr. Owens.

H.R. 338: Mr. Nadler.

H.R. 339: Mr. Schrock. Mr. Putnam, Mr. Forbes, Mr. Kirk, Mr. Baker, Ms. Hart, Mr. Cole, and Mr. Pitts.

H.R. 368: Mr. Rush and Mr. King of New York.

H.R. 389: Mr. Costello and Mr. LaHood.

H.R. 395: Mr. Burr, Mr. Upton, Mr. Stearns, Mr. Gillmor, Mr. Shimkus, Mr. Buyer, Mr. Bass, Mr. Markey, Ms. Eshoo, Mr. Stupak, Ms. Solis, Mr. Wynn, Mr. Fletcher, Mr. Johnson of Illinois, Mr. Issa, Mr. Rogers of Michigan, Mr. Otter, Mr. Ferguson, Mr. Schakowsky, and Mr. Kind.

H.R. 414: Ms. Norton, Mr. Kanjorski, Mr. Baca, Ms. Slaughter, Mr. Frost, Mr. Lipinski, Mr. Grijalva, and Mr. Holden.

H.R. 432: Mr. Waxman and Mrs. Jones of Ohio.

H.R. 437: Mrs. Johnson of Connecticut and Mr. Simmons.

H.R. 496: Mr. McHugh, Mr. Frost, Mr. Isakson, Mr. Brown of South Carolina, and Mr. Putnam.

H.R. 507: Mrs. Wilson of New Mexico.

H.J. Res. 3: Mrs. Musgrave, Mr. Isakson, Mr. Gillmor, Mr. Jones of North Carolina, Ms. Granger, Mr. Everett, Mr. Holden, Ms. McCollum, Mr. Platts, Mr. Smith of Washington, Mr. Shays, Mr. Farr, Mr. Tiahrt, Mr. Janklow, Mr. Gilchrest, Mr. Hoekstra, Ms. Lofgren, and Mr. Strickland.

H.J. Res. 4: Mr. Hobson, Mr. Tiberi, Mr. Miller of Florida, and Mr. Berry.

H. Con. Res. 2: Mr. Kleczka, Mr. Oberstar, Mr. Jackson of Illinois, Mr. Conyers, Ms. Waters, Ms. Schakowsky. and Mr. Filner.

H. Con. Res. 18: Ms. Norton and Mr. Faleomavaega.

H. Con. Res. 23: Mr. McCrery. Mrs. Davis of California, Mr. Turner of Ohio, and Mr. Whitfield.

H. Res. 46: Mr. Israel, Mr. Meeks of New York, Mr. Engel, Mr. Rangel, Mr. McNulty, Mr. Udall of Colorado. Mr. Grijalva. and Mr. King of New York.

SENATE—*Tuesday, February 4, 2003*

The Senate met at 4 p.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. William J. Carl III, First Presbyterian Church, Dallas, TX.

PRAYER

The guest Chaplain offered the following prayer:

O God, who made Heaven and Earth, we pause in this moment of national grief to remember heroes who have gone on before us. We watched a tear streak across Heaven's face as *Columbia's* brave crew gave their lives for us all. Into Thy hands we commit their spirits as we recommit ourselves to the causes for which they died.

As they reached for the stars, they touched pioneer places that gave us glimpses of Heaven and Earth. So we here on Earth release them into Heaven as we say, "Well done, good and faithful servants." Recalling the sober days of September 11, we realize how fragile all our lives are, and yet how resilient our Nation can be. When our lives come apart, You are always there to help us pick up the pieces.

Pick us up now, Lord. Give us courage and hope for the future that lies ahead as we continue to be one people, under God, with liberty and justice for all. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BOND. Mr. President, on behalf of the majority leader, I announce that today the Senate will be in a period for morning business from now until 6 p.m., with the time equally divided. Senators have requested time to memorialize and reflect upon the Space Shuttle *Columbia* disaster.

There will be no rollcall votes today because many of the Senators are in Houston for the memorial service for the space shuttle crewmembers. An early adjournment this evening is expected.

I yield to the distinguished assistant minority leader.

WISHES AND HOPE FOR A SPEEDY RECOVERY

Mr. REID. Mr. President, I want the record to reflect my expectation that the majority whip will return to work soon. I was saddened to learn that Senator MITCH MCCONNELL had triple bypass surgery. We all know the spunk, spirit, and tenacity he has, and I am confident he will return stronger than ever from that surgery.

On behalf of all Senators, I extend to MITCH and his lovely wife, the Secretary of Labor, Elaine Chao, our best wishes and hope for a speedy recovery.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with the time to be equally divided between the two leaders or their designees.

The Senator from Missouri.

EXPRESSING GOOD WISHES

Mr. BOND. Mr. President, I join with my good friend from Nevada in expressing our good wishes to the distinguished Senator from Kentucky, as well as our good friend, the distinguished Senator from Florida, who also has undergone a very serious operation. We are a family and our thoughts and concerns of those in this body who have had illnesses are with them. We wish them a very speedy recovery. The Senate will be a bit duller and quieter until they return, but I am confident they will do so soon.

TRIBUTE TO THE SPACE SHUTTLE "COLUMBIA" ASTRONAUTS

Mr. BOND. Mr. President, I rise today with a heavy heart, which was lifted with the inspiring and thoughtful words of our guest Chaplain. I thank him for helping us see the greater design, the hope for the future, and the good news that we have been given by the Lord.

As did millions of Americans, I spent Saturday watching the dreams of seven brave astronauts streak back to Earth in sadness. The sadness we still feel today, and we will feel for many days, is because those seven astronauts carried our dreams with them.

That is the wonder and the magic of our space program. Our astronauts go into space in large part for those of us who cannot go. Our hearts and our spirits are their cargo. We soar and ride with them into a realm that is beyond the grasp of most men but not beyond the grasp of mankind.

Even while we engage in the somber work of recovering from this terrible accident, in recovering the crew and the *Columbia* itself, our thoughts have already returned to the work of ensuring the safety of the U.S. manned space flight program and of the remaining shuttles. That is one of the responsibilities entrusted to us with the funding and oversight of the space agency.

Shuttle safety is not a new issue to those of us on the Appropriations Committee—or the authorizing committee—which funds the space agency and its operations. It is our job—my wonderful friend, the Senator from Maryland, Ms. MIKULSKI, and me—to ensure we know and understand each crucial element of the budget that safeguards the lives of our brave astronauts.

Whether during my service as chairman or under the leadership of my able colleague from Maryland, the direction of the VA-HUD and Independent Agencies Appropriations Subcommittee has been consistent throughout. Space shuttle safety is paramount.

I am proud the subcommittee I currently chair has consistently fully funded NASA's request for manned space flight program safety. Nevertheless, nothing about manned exploration of space is or will ever be free of risk. Manned space flight is, by its very nature, life threatening. Flying a space shuttle is nothing less than hurtling across the heavens where a slightest mistake guarantees instantaneous death.

No matter how successful we are, and no matter how many safe shuttle launches we have under our belts, we can never forget the dangers inherent in space travel. We can and should never be complacent.

We have an ironclad social and moral contract with our astronauts: In return for their willingness to place themselves in jeopardy on behalf of all mankind, we in return have an obligation to provide them with all the resources required for a safe flight.

While it is our goal to eliminate risk, to be quite frank, we cannot. We can only minimize risk. That is the cruel reality of manned space flight. Some element of risk haunts every mission. And in the face of such risks, we still have Americans and international partners willing—yes, anxious—to go. They know the risks. Their families understand they are in harm's way and still they dare to live a dream that very few of us can fully appreciate. It is precisely that element of human nature that inspires us to seek challenges greater than ourselves.

To those who question the value of our space program, I ask them: How can you quantify the dreams of millions of children here and across the world? How can you quantify the spirit of discovery? What value should we place on our quest to understand our place in the universe?

Those are the questions we must ask ourselves during this period of recovery. The weeks and months ahead will be filled with questions. So far, we have too few answers.

Our questions did not begin with Saturday's terrible loss of *Columbia*. The subcommittee has had continuing concerns about whether the budget requests from NASA accurately reflect the full safety needs of the space agency and the shuttle program. It is reflected in our reports. It is all in the public record. I know NASA has always placed the safety of our astronauts as its highest priority, we have an obligation to ensure that the analysis of safety, no matter what the cost, is fully disclosed, understood, and addressed. We have labored to do so in the past and will continue to do so in the future.

We recognize that Congress, NASA, and the administration have to live within a budget. At the same time, we cannot allow a budget to force our hand on safety decisions. We have not done so, nor will we. I do not believe NASA has done so, nor this, nor the previous administration. Nevertheless, our concerns on VA–HUD appropriations were heightened by the March 2002 NASA Aerospace Safety Advisory Panel Report which stated that the current budget projections for the space shuttle were insufficient to accommodate significant safety upgrades, infrastructure needs, and the maintenance of critical workforce skills over the long term.

Our most recent report to the appropriations bill endorsed these concerns as well as the need for additional funding for shuttle safety upgrades. Our concerns were sufficient to request that NASA conduct an assessment of future safety needs in light of the shuttle's longer than expected operational life and use. We need to know more and we need to know more now.

NASA has already responded with a request for additional shuttle upgrades and safety funding over the next few years. This was the right response, but we need to know how much more we need to do to ensure that every funding decision continues to make the lives of our astronauts the paramount priority at NASA.

Clearly, we had concerns, and those concerns remain. We must work together to gain greater confidence in NASA's budget.

I applaud and have the highest admiration for NASA Administrator Sean O'Keefe, who is already working hard on this and many more issues at NASA. He took over a troubled agency drowning in cost overruns and out-of-control spending on the International Space Station program. He stopped the bleeding of huge cost overruns and has righted NASA's ship through responsible program management. I look forward, as do, I am sure, the rest of the Members of this body, to continuing to work with Administrator O'Keefe in our efforts to ensure the safety of our shuttle program and the well-being of our astronauts. This will, as always, remain our top priority.

Of course, we must find out what happened to the *Columbia*, fix the problem, and move our space program forward, as the deputy administrator for space so eloquently stated on Saturday. But this is not a simple issue. We have three international astronauts on the International Space Station, two Americans and one Russian. We need to be able to bring them home in complete safety.

The administration is moving forward with two commissions to understand what happened, and to make sure it does not happen again. In addition, I believe it is appropriate to hold a hearing in the appropriations subcommittee on shuttle funding upgrades and safety needs. This is too important an issue not to receive the full attention of the Senate. I assure my colleagues that we will work to provide whatever funding is necessary to meet the immediate needs of the space agency through the remaining months of the fiscal year.

We are currently waiting to hear back from NASA at this moment, and clearly we will provide whatever additional funds are necessary for NASA in the 2003 supplemental, as appropriate, or even if we receive a request in time in the conference report on the 2003 measure that is pending. I will convene a hearing on safety needs as soon as practicable, as soon as NASA has information for us, understanding full well that the immediate needs focus on recovery of the *Columbia*, the crew, and the twin investigations now underway.

At a time of such tragedy, we all function as part of a team with a single mission, to find out what went wrong, and then to take steps to make sure it never happens again. We must and we will leave no stone unturned. There are astronauts who have not yet flown but who will perhaps this year and in 10 years. They dream of carrying our hopes beyond this planet we call home. We must always keep faith with them and their families. We must honor the contract that binds us in this great endeavor.

That dream has not died with *Columbia* and her proud crew. Her dream lives on in the hearts of all of us who look to the heavens on a quiet night in awe and wonder, and we see the *Columbia* still. We mourn for the astronauts and we pray for their families. We shall always remember them, along with the *Challenger* and the *Apollo* crews. The courage of all of the astronauts shall forever inspire our dreams and brighten our hopes for the future.

Manned space exploration is a great challenge, a great opportunity. Yes, there are dangers with it, but fulfilling the hopes and the dreams of those who have gone before is our great opportunity and our obligation.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from California be recognized for up to 15 minutes after I complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before my friend from Missouri leaves the Chamber, I say to him that the work he and Senator MIKULSKI have done on the appropriations subcommittee that deals with the funding for the space program is exemplary. We have gone through some very tough times. There are many Senators who have offered amendments to do away with the space station and defund the space program. I have always been proud of the bipartisan relationship that Senator BOND and Senator MIKULSKI have had in fighting for the space program. It is a program we have to protect. I know there have been editorials saying do away with it; it is not worthwhile, but I really think it is important for so many reasons, not the least of which is to explore space.

The second is, I went running this morning. It was raining. It was windy and cold. I had on a very brief wrap, thin as this piece of paper, but I was warm. Why? Because it was Goretex. It was invented to take people into space.

We have accomplished so much in space that is scientific I think it would be a terrible shame to stop the space programs, and it would not be a legacy of which this country would be proud.

I publicly acknowledge and congratulate the Senator from Missouri and the Senator from Maryland for their exemplary work on the subcommittee.

Mr. BOND. Mr. President, if I may, I wish to extend sincere thanks to the Senator from Nevada for his remarks. Senator MIKULSKI is and has been one of the foremost champions of NASA and its mission. She is in Houston today. I am sure we will hear from her. It is her ongoing and strong commitment to space shuttle safety that inspires and leads all of us, and I thank the distinguished assistant minority leader for his words.

Mr. REID. Mr. President, I join my colleagues in remembering the seven astronauts who perished on the *Columbia* Space Shuttle. Nevadans and all Americans, along with the people of India, Israel, and all over the world, mourn their loss, marvel at their courage, and take pride in their accomplishments. Our country's space program has made remarkable success, but many people often overlook the ingenuity, intelligence, and inspiration that made this success possible. They take for granted the enormous difficulty involved in the extraordinary achievement, asking: If we can put a man on the moon, why can't we solve other problems to overcome other challenges?

The moon landing was a great technological and engineering achievement. That event and subsequent space travel testify to American determination, know-how, and our can-do spirit. But sadly, as the *Columbia* shuttle tragedy reminds us, space travel remains difficult and extremely dangerous. The brave men and women who embark on journeys into the skies are pioneers.

One of the original explorers of outer space is our former colleague in the Senate, John Glenn. He is a true patriot who served our great Nation so well in so many capacities. He was a fighter pilot in World War II, a fighter pilot in Korea, who distinguished himself in many different ways in the skies defending our country's interests. He was later, of course, a test pilot who set a transcontinental speed record, and in 1962 he piloted *Friendship 7* spacecraft in the first manned orbital mission of the United States. He represented Ohio in the U.S. Senate for 25 years, and nearing the end of his final term, he volunteered to return to space at age 77 as part of the shuttle crew that deployed the Spartan solar-observing spacecraft. His encore flight allowed us to learn about the aging process.

John Glenn was part of that select group depicted by writer Tom Wolfe in his fascinating book about the early efforts to explore space. John Glenn indeed proved he has the right stuff.

Another of our Senate colleagues, BILL NELSON, is a veteran of space travel. He and I served together in the House of Representatives when he was chosen to be a crew member on the *Columbia* space shuttle. In 1986, he participated in a 6-day flight that traveled over 2 million miles and orbited the earth 96 times. He returned safely just 10 days before the *Challenger* space shuttle crew was killed.

Senator NELSON has applied his own experience in space to speak passionately about the value of such missions.

In the wake of the *Columbia* shuttle tragedy, it is important that we understand the significance of the shuttle voyages and America's entire space program.

Sending men and women into space further our understanding of the mysteries of the universe, and reveals answers to some eternal and profound questions about the cosmos and the heavens above. In addition, space exploration improves our everyday lives on Earth in ways both big and small because the insight we gain has important applications for our health, environment, safety, comfort and wellbeing.

The *Columbia* shuttle mission was devoted strictly to onboard science, with no spacewalks or space station visits involved. More than 80 experiments were conducted during the 16-day flight, including a study of how zero-gravity affected low-level combustion that might have helped reduce automobile pollution, observations of the sun that could teach us more about global climate change, research into water conservation and reuse, and medical research intended to fight cancer.

So space travel is important to Americans and has benefits for all of us on Earth. I will continue to be a strong supporter of our space program.

Certainly, we must investigate what caused the *Columbia*'s demise—and we must ask difficult questions and get all the answers in order to improve the safety of future astronaut heroes—but now is a time to remember the lives of wonderful crew and to grieve.

I encourage everyone to read the newspaper articles about this diverse team of courageous, dedicated and talented individuals. You will be impressed with, and inspired by, the range and degree of their accomplishments.

Nevadans mourn their deaths and extend our sympathy to all of their families and loved ones. My colleagues will speak about each of the crew members we lost, and I will in the future discuss more of them, but in my brief remarks today, I especially offer my condolences on the loss of *Columbia*'s pilot, William McCool, a Navy commander who was 41 years old. His mother Audrey is a dean at the University of Nevada Las Vegas and his father Barry both teaches part-time at UNLV and is a graduate student there.

"Willie", as their son was known to family and friends, was an outstanding student who maintained a 4.0 grade point average and graduated 2nd in a class of over one thousand at the demanding U.S. Naval Academy. He also excelled in sports, especially running, and was elected captain of the Navy cross-country team. He was well liked by all. He had a great smile, a "stunning personality," is how his classmates described CDR McCool. Later, after the academy, he received advanced degrees in computer science and engineering and became an elite pilot. He had more than 400 carrier landings. Perhaps the most difficult test for any pilot is landing on those carriers as they bob up and down in the ocean. His parents were proud of him. He was inspired by his parents.

Willie's father, Barry, was a Navy and Marine pilot, a veteran of Vietnam. They built model airplanes together when CDR McCool was a boy. These childhood experiences influenced Willie to pursue aviation and serve his country, as he did so well. His example was set his by father. Barry McCool will now serve on the team investigating the disaster that claimed his son's life and the other six *Columbia* astronauts.

Willie had more than 2,800 hours of flight experience. He reacted to his journey into space with awe and amazement. He said: It's beyond imagination until you actually get it and see it and experience it and feel it . . . I have had the opportunity to be on the flight deck probably more than most of my crew mates, to look outside and really soak up the sunrises, the sunsets, the moonrises and the moonsets, the views of the Himalayas.

For someone who appreciated nature and spending time outdoors hiking and camping, it must have been such a joy to witness the Earth from the heavens where Willie now resides. My thoughts and prayers are with CDR McCool's parents, with his wife, his three sons, and all of his loved ones.

Let me also note that David Brown, a Navy captain, aviator, and flight surgeon, who was also lost aboard the flight *Columbia*, was an instructor at Fallon Naval Air Station in Nevada, the premier tactical air warfare training facility.

Even after the loss of their children in the *Columbia* shuttle tragedy, the mothers of both these crewmembers want the space program to continue. Dorothy Brown said in an interview: We're a nation of explorers. That's why this great Nation has come to what it is, and the space program will go on, too, for that reason. Audrey McCool, CDR McCool's mother said: We're very distressed, but we want the space missions to go on.

What strong women these grieving mothers are. We can surely be inspired by them, as well as their sons and the entire *Columbia* crew.

I am reminded of a poem that came about as a result of a revolution in Ireland. The poem that came from that I have on my desk. I read to the Senate today "The Mother."

I do not grudge them: Lord, I do not grudge
My two strong sons that I have seen go out
To break their strength and die, they and a few,
In bloody protest for a glorious thing.
They shall be spoken of among their people,
The generations shall remember them,
And call them blessed;

The little names that were familiar once
Round my dead hearth.
Lord, thou art hard on mothers:
We suffer in their coming and their going:
And tho' I grudge them not, I weary, weary
Of the long sorrow—And yet I have my joy:
My sons were faithful, and they fought.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask unanimous consent immediately following my remarks, Senator ENZI be recognized for 8 minutes, and Senator LEAHY for 10 minutes after Senator ENZI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise on behalf of the people of my State, California, who have very strong ties to the space program and the shuttle program. Today I pay tribute to the seven astronauts who lost their lives in the *Columbia* disaster. Our Nation and the world deeply mourn their loss. These seven brave explorers—Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon—gave their lives to extend the frontiers of science. With their mission accomplished, the shuttle and its crew were returning to Earth in triumph. So near to landing, yet so far. As we all know, the flight ended in tragedy.

We know that we gained valuable new knowledge and understanding of space from this mission, from *Columbia*. But we have lost something that is truly priceless, the lives of seven outstanding men and women who had worlds left to conquer. As we look at their faces, our best and our brightest, we grieve for their families.

I wish to say a few words about three of the astronauts who had special connections with my home State of California.

William McCool, pilot of the *Columbia*, was born in San Diego, where he spent much of his first 15 years. His NASA assignment capped a distinguished Navy career as a test pilot, avionics researcher, and administrative and operations officer.

Dr. Kalpana Chawla lived and worked in California from 1988 to 1994. After 4 years at the Ames Research Center near Sunnyvale, she joined Overset Methods, Inc., of Los Altos, as vice president and research scientist. There she formed and headed a research team that made important advances in computational field dynamics, particularly in streamlining the flow of air over vehicles during launch.

Like Willie McCool, Kalpana Chawla had character traits that are often associated with California such as a great sense of adventure and a desire to stretch the boundaries in her case of traditional women's work—and she did.

Rick Husband, *Columbia*'s commander, served as an instructor pilot and academic instructor at George Air Force Base in California and attended test pilot school at Edwards Air Force Base in California. Working through a college extension program at Edwards, he then earned a master's degree in mechanical engineering from California State University at Fresno in 1990. In November 2002, citing his role as astronaut and mission commander, the Fresno State Alumni Association honored Colonel Husband at its Top Dog Alumni Awards ceremony. A proud Fresno State alumnus, he wore his red Bulldog sweatshirt in space aboard *Columbia*.

The people of my State are proud of our connection to these three astronauts. We honor their memory, along with that of their crewmates, Michael Anderson, David Brown, Laurel Clark, and Ilan Ramon. We know, of course, since we did have an Israeli on board, this has become an international tragedy. We send our condolences to the family of Astronaut Ramon and to the Government of Israel.

I stated how proud my people at home are of our connection, not only to these astronauts but to the shuttle program. California was the birthplace of the shuttle. All were built in California, in Palmdale. The Jet Propulsion Lab in Pasadena was instrumental in development of the shuttle, and most years, shuttle missions ended with landings at Edwards Air Force Base.

So this has hit home to us. We shall forever honor and remember these seven heroes, as we build on their accomplishments and carry on their important work. May God bless their memories and comfort their families and colleagues and inspire future explorers with the courage to follow in their footsteps.

As we honor these courageous men and women, we must also begin the task of finding the answers—answers to the hard questions why and how do we prevent these happenings—questions about the cause of this tragedy and also about the future of space exploration. As a member of the Senate Commerce Committee, which has oversight over NASA, I will be asking many questions in the weeks ahead. Could the *Columbia* disaster have been prevented? We know that space travel cannot be completely foolproof, but are there steps that could have been taken to prevent this weekend's tragedy? Was the shuttle program compromised by budget cuts and cost-cutting?

I support a strong space program, but you can't do it on the cheap. Were safety warnings ignored or, worse yet, suppressed? Were members of NASA's safety advisory board removed after raising these questions?

Yesterday, the New York Times reported that five members of NASA's Aerospace Safety Advisory Panel—that is more than half the panel—were dismissed shortly after warning about safety problems. And a sixth member of the panel was so disgusted with the dismissals that he quit. There are allegations that these panelists were removed as a result of their critical statements about safety problems. We need to get to the bottom of this matter. I have written to Senator McCAIN and Senator HOLLINGS, the chair and ranking member of the Commerce Committee on which I serve. I have asked them to invite the members of the safety advisory panel, many of whom were fired, one of whom quit, to give their testimony.

I also asked that Senator John Glenn be invited. He is a major supporter of the space program and he really has important things to say. I spoke with him. I don't even want to quote what he said because I think he knows so much and should say it in his own way, as to what we need to do here. As a former Senator and as an astronaut, he brings an incredible expertise to the table. I know he has the respect of all my colleagues on both sides of the aisle.

Let me say there is one thing that is not an issue in my mind and that is the future of the manned space program. I strongly support that. But now is the time to use this moment to examine the future of space exploration. For example, what is the future role of the space shuttle? Are the existing shuttles sufficient to carry out the mission? Are they in good enough condition—excellent condition, perfect condition—to carry those men and women in the future? What is the role of the International Space Station? Is too great a share of our limited resources being spent on the space station? Is too much money on the space station being spent on maintenance rather than scientific experiments?

I have read that the astronauts are saying they are scientists and they are spending 80 percent of their time on the platform, on the space station, keeping house, doing maintenance on the space station rather than the experiments they really want to do.

What about a possible manned mission to Mars, which seems to have disappeared from anyone's agenda? Most fundamentally, how do we recommit ourselves to a space program that captures the imagination of America, and what would this take in terms of funding its goals?

So we need to ask all these questions and we need to get the answers. We have to work together, across party lines, to come up with this vision. Whatever we come up with, it needs to be funded, funded in a way so safety will never be at issue; we will know that we have done every single thing we could possibly do.

The family of *Columbia*'s crew has said, "the bold exploration of space must go on." I fully agree with them. But it sits on our shoulders, those of us here who are called upon to fund this program, to make sure we are funding it in the right way; that we are not wasting dollars but that the dollars are going to ensure that the program's goals are met; that there are clear goals; and that safety comes first.

Over the past two decades, shuttle crews have carried out scores of experiments in space that have helped to advance science on Earth. For example, they have studied the effects of gravity on humans, animals, and plants. They have tracked the movement of fault lines on the Earth's crust, something very important to many of our States, particularly mine. They have gauged the impact of typhoons and other storms. They have measured changes of forest cover in remote areas of Alaska and Canada. And they have helped archaeologists locate the long lost city of Umar, a 4,000-year-old settlement on the Arabian peninsula.

Many shuttle missions have included medical researchers who used the environment of space to further their understanding of cell growth, human metabolism, and a variety of diseases.

We have much to be proud of in these days as we mourn.

I will join Chairman MCCAIN and the other members of the Commerce Committee in seeking to determine the cause of the *Columbia* disaster and outlining the steps we must take to avoid its recurrence. At the same time, I will work to define the goals and the mission of the space program and make sure the funding is there for accomplishing the mission in the safest possible way.

In closing, I can't help but remark that their faces—those beautiful faces—will stay with me for a long time, and that they represent the hope and the promise of our future.

Mr. President, as you sit with me on the Foreign Relations Committee, I know all of our Members on both sides are very concerned that we protect the lives of not only our young people but young people all over the world, and that we will find a way to do that which makes sense for our stronger Nation.

We are reminded when we read what the astronauts say every time a different astronaut goes up: what a fragile planet we live on. It always renews my commitment, as I am sure it does your commitment, Mr. President, that we must protect this planet—the air, the water, the forests, and the wetlands. They are a gift from God.

In memory of those who lost their lives this weekend, we will continue to explore and we will continue to reach for the stars. We should do no less.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Mr. President. I thank the Senator from California for the challenges which she placed before us as well as the memories to which she spoke.

Today, here in the Senate and the House, in Houston, TX, all across the country, and in places throughout the world, people of all faiths and from all walks of life will take a moment to remember the tragic loss of the crew of the Space Shuttle *Columbia* this past weekend. As we do, we will put aside our differences and come together as a family to remember those who were lost and the great cause for which they gave their lives.

For me, the story of this past weekend's events begins when I was growing up—a Boy Scout who was fascinated by rockets and rocketry. That interest continued to show itself as I became a young man who was fascinated by the two latest creations of the day—television and the start of our space program. As science worked to develop the tools we would need to explore outer space, television gave us all a front row seat so we would see what was happening.

Back then, the early successes in rocketry—mostly by Russia—fired our imaginations and steeled our will to win the race to reach the heavens. It was only natural for me and the people of Wyoming to feel so moved. After all, we were the products of the pioneer spirit. Our ancestors had left the comforts of the East behind and headed West looking for a new life and to explore what was then the new frontier. They were pioneers.

As television became a more common addition to our homes, it brought the next new frontier—space—into our very living rooms. Each day we could see the latest events of the day that were happening around the world beamed right into our living rooms. We watched in fascination as things that were happening miles and miles away were seen right in the comfort of our own homes. For me, the stars of the sky came in second place in importance only to the stars of the space program. Me and all of my friends, especially those who had been in the Scouts, wanted to be just like them.

I still remember the days when we would go to a local field and work on our own experiments in rocketry. Then, as we grew older, when a new flight was announced by NASA, we would grab the first chance we had to watch it as the miracle of television brought the wonders of space flight to our homes and our schools.

Competition was with the Russians. But now there is cooperation with the Russians in space and with the space station.

Our efforts to explore space and the continuing impact of seeing it all live on television made for a powerful pair as we heard the words of John F. Kennedy as he challenged the Nation to land a man on the moon. His vision led us onward and upward. And it wasn't all that long afterwards that my wife and I—newlyweds—felt a personal stake in what we saw on the television before us. We sat spellbound as we watched Neil Armstrong take his one small step on the Moon that meant so much for all mankind.

Neil Armstrong was part of a long line of astronauts who braved the odds to do the impossible as, together as a nation, we reached for greatness. Over the years, there had been disappointments, failures and tragedies, but with each success we felt like we had a grip on the process and that the odds would be forever in our favor.

Somewhere along the way in the years that passed, we forgot that space is a cold, unfriendly place and that space flight brings with it great risks and dangers as well as great rewards. We forgot the lesson learned from the early days of the space program—that when we dream great dreams and achieve great successes, we are also courting great danger.

We think of the shuttle as an airplane. And we know how safe airplanes are. That danger was brought painfully home when we launched the Space Shuttle *Challenger*.

All at once and without warning, the reliable space machine we had come to trust and take for granted blew up and disintegrated before our eyes.

I remember that day so well because it was the day we were to send our first educator into space, Christa McAuliffe. In schools all over the country, children and their teachers watched excitedly as a school teacher prepared to make her voyage into space. When it ended in tragedy, a lot of fathers and mothers sat down that night with their children to talk about what they had seen at school that day. They got a lot of tough questions from little children with sad eyes who wondered why these things have to happen.

Mothers and fathers have no answers for those questions and they can only say that sometimes bad things happen to good people. They can only hug and hold and remind their little ones that there is a God and somehow He works all things for His good. Someday we may know what that good is. But for now, all we can do is trust and hope and pray.

Now we have felt that pain for a second time. The first brought us an awareness of the risks we take in exploring the unknown. It reminded us that despite the best of planning and preparation sometimes things happen that we could never have possibly prepared for. Now we watch these events unfold for a second time with a different sense—and from a different perspective. We remember the risks of space flight. But, as we mourn those who were lost, we renew our feeling of determination and our resolve to succeed no matter the odds or the obstacles to be overcome.

The crews of the *Challenger* and the *Columbia*—those modern day pioneers—will be forever linked in our minds, tied together by the same terrible helplessness we felt as we watched both tragedies unfold. Each time we searched for answers that we knew would never come. In the end, each time we found ourselves more determined than ever before to move ahead, and to continue the exploration of space that must never end. And, in the end, that is the important lesson we will take with us. We may experience defeat, but we will never be defeated. In this and all we pursue in life, we will ultimately succeed as long as we hold true to our dreams and follow our star.

And the success is far-reaching. I have a heart repair that would not have been possible without the space program. Science moves on, stimulated by the unknown and represented by space.

When the crew of the *Challenger* died, President Reagan comforted the Nation with the words that the crew that had slipped the surly bonds of Earth had reached out and touched the face of God. This past weekend, President Bush assured us that the "God who names the stars also knows the names of the seven souls we mourn today."

Then and now, both crews left us with our eyes gazing toward the skies and the heavens above, hopeful and prayerful that if they had to leave us, they had done so in pursuit of a better place as they returned, not to Earth, but to their home in God's holy heaven.

This night, and the next, and for many to come, when we go out on our back porch or sit in the backyard and look up at the stars, we will remember the *Challenger* and the *Columbia* and their valiant crews. The lights of the sky will remind us of their indomitable spirit and our pledge that as long as there are stars in the skies, we will never stop reaching out to them to explore, to dare and to dream in space and on Earth. That is our life, our legacy and our shared vision as Americans. It is what makes us unique, and it is why our nation will always be known as the land of the free and the home of the brave.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, as I listen to my friend from Wyoming and my friend from California and others who are speaking in this Chamber today, I am reminded of what I heard throughout the State of Vermont this past weekend while I was home—whether it was people who stopped me in a grocery store and just wanted to reach out and touch somebody—perhaps we would embrace for a moment—or whether it was coming out of mass on Sunday at the church, where the same thing occurred—the people have felt such sorrow and shock. There is no other way you could express yourself.

Those of us who have grown up seeing the space program have seen so many of the triumphs. I still remember our own colleague, Senator John Glenn, a man I was elected with in the same year, in his amazing orbit of the Earth. Then later, when he was well into his 70s, he had another trip as an astronaut. We saw that too. We saw man's first steps on the moon, of which every one of us remembers exactly where we were when that occurred. We also remember exactly where we were when the *Challenger* was destroyed. And I suspect we will always remember exactly where we were when we got the news about the *Columbia* space shuttle.

Today we are so connected automatically, with live television, radio, and friends and neighbors calling us when something such as this happens, a tragedy which unites not only the whole country but the whole world. Everybody seems to know it almost immediately.

So, as so many other Senators, I rise to pay tribute to the seven astronauts who lost their lives in the *Columbia* tragedy last Saturday morning. Here was this magnificent space vessel, with these seven wonderful, exemplary human beings, streaking across the sky dozens of miles above the Earth at eight times the speed of sound; and then, suddenly, *Columbia* disintegrated.

A clergyman in Florida aptly described the fiery contrails we watched repeatedly on Saturday as: "a glistening tear across the face of the heavens." There is nothing I could write that would say it any better.

We were and are sad not only because of the loss of these heroes and the interruption of space exploration, but because this tragedy reminds us of other astronauts who have paid the ultimate price.

As with every national tragedy, we rise from the shock and the sadness through commemoration and perseverance. We heard the President of the United States, who spoke shortly after the tragedy, and again eloquently today, as did others in Texas. The President tells us—and we know in our hearts—we cannot forget these heroes: Rick Husband, William McCool, Michael Anderson, David Brown, Kalpana Chawla, Laurel Blair Salton Clark, and Ilan Ramon. Each represented a special kind of intelligence, dedication and energy we should all aspire to, and certainly all young people in this country should aspire to.

Over and over we have read their biographies, their stories. We have heard their neighbors, their friends, their teachers, their classmates, and their fellow astronauts tell of the barriers they had to overcome in their lives and the almost superhuman rise above senseless bias and discrimination. They will be missed, but they will continue to stand as models. I hope we will continue to read of their stories because they are role models for us here in the United States, but also for those in Israel, as with COL Ramon, and for those in India, and really for everyone across the globe.

Someone said: This is such a public tragedy. But that is the way the space program has been. We have shown publicly our triumphs, and we have shown publicly our disasters. We have shown the fears and the overwhelming thrills over the years.

I close with this, Mr. President: To remind everybody we are at the bicentennial of the congressional authorization for the Lewis and Clark exploration of the West, when President Thomas Jefferson said: Go forth to explore the West and our boundaries. And the Congress said to go forth.

Lewis and Clark knew no frontiers. They did not know what they would find. And these astronauts knew no frontiers. We Americans have never known frontiers.

So we will find the cause of *Columbia*'s loss. We will fix it. The shuttle program will continue. The manned space program will move forward. We will return to space. It is our destiny, I believe. And there, in the spirit of the seven, we will again invest our knowledge and resources to learn about our origins, our daily lives, and, maybe, catch a glimpse of the future.

I see my friend from Oregon in the Chamber. I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Oregon.

Mr. SMITH. Madam President, I express admiration for Senator LEAHY's words and for the contribution that many of our colleagues will make in this Chamber to try to give expression to their own feelings and, more importantly, to the feelings of those who reside in our respective States.

I am mindful that in each one's own way and on one's own terms, every American—every Oregonian, suffers from the *Columbia* tragedy. All I can do is reflect on what I feel, but I think that in saying what I will today, it is similar to what many also feel.

As an American citizen, as someone who is 50 years old, I have always taken particular pride that we are descended from Pilgrims and pioneers. We have a history, a heritage, a legacy that stretches from Columbus to *Columbia*. We are the children of an American spirit that believes in discovery, in development, in pioneering new ways, and exploring new frontiers.

I remember, as a young boy, the experience of hearing about the Russian launch of *Sputnik*, and seeing the satellite in the sky as it made its way over the American continent.

With particular wonder, I remember, as an elementary school boy, how Weekly Reader—which was something we would always spend time learning from—began to fill with stories of our own space program.

I remember, like many of my colleagues, taking inspiration from the leadership of John F. Kennedy challenging us in pursuit of the new frontier and in a man landing on the moon and his safe return.

I remember, with great pride, the launch of Alan Shepherd as part of the Mercury program, just to see if man could live in outer space.

I remember, as an elementary school boy, attending the parade that was held in Washington, DC for John Glenn. Little did I realize that one day I would have the privilege of serving with John Glenn in the U.S. Senate. I remember his parade down Pennsylvania Avenue and how we, as a new generation of Americans, celebrated the renewing of the American spirit of exploration.

I remember following with great interest the Apollo program and being inspired by the remarkable realization that two Americans were on the Moon. Neil Armstrong is a hero, the first to make that small step for man but that giant leap for mankind. I remember the pride I felt when the Apollo program was merged with the Soyuz program and began to break down the cold war barriers with Russia. Then, of course, the space shuttle came and we watched with awe as this new configuration of the space program inspired us all in the new possibilities of learning and discovery.

I don't think any of us will forget that day that *Challenger* went down and the heartache we felt as it exploded upon its launch. Now we add the memory of watching *Columbia* disintegrate as it reemerged into the Earth's atmosphere.

Where do we go from here? As we stand on the verge of a foreign conflict and struggle with our economy, it is entirely appropriate for Congress to look at the space program and, with our President, set new goals. I hope they will include a space station, even a Moon station, and eventually a landing on the planet of Mars. That reflects the highest standards of American leadership. This demonstrates America's courage and it will firmly fix, in the firmament of heaven, America's place among the leadership of nations.

My final thoughts are to the families. As we witnessed the ceremony today, we all grieve for the parents and the children of these astronauts who have lost their parent or their child. I am reminded of an admonition that the only way to take sorrow out of death is to take love out of life. Death often looms as the ultimate calamity, but it need not be if we keep it in perspective of eternity.

Some time ago, I was attracted to a monument I saw in England. Its words seem appropriate at this occasion. They were about time. As I looked at these families who are suffering and saw how tragic death loomed for them, I am sure they wondered how they could endure time without their loved one. This monument said: Time is too slow for those who wait, too swift for those who fear, too long for those who grieve, too short for those who rejoice, but for those who love, time is eternity.

I add my voice to those of my colleagues here today to say God bless the memory of Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon of Israel. To them I say: Godspeed.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague from Hawaii for allowing me to proceed ahead of him. I certainly appreciate his kindness.

I rise today to salute the seven astronauts aboard the Space Shuttle *Columbia* who lost their lives as they endeavored to conquer the vast unknown of space.

I would like to take a moment to praise the work of Commander Rick Husband, Pilot William McCool, Mission Specialist Kalpana Chawla, Mission Specialist David Brown, Mission Specialist Michael Anderson, Mission Specialist Laurel Clark, and Payload Specialist Ilan Ramon.

These great heroes will always be remembered for their willingness to carry the hopes and aspirations of a country with them into space, even though they made the ultimate sacrifice for their efforts.

I know the months and years ahead will be filled with debate over many issues surrounding this tragedy.

Certainly, we will hear questions asked about the ongoing funding of NASA and the safety concerns surrounding such adventurous exploration.

The Nation will need answers to these questions.

Hearings should be held. Investigations should be conducted. But in the final analysis, let us not forget how valuable the space program is to our country and to the American spirit.

I would like to ask my colleagues, administration officials, and NASA to proceed with their investigations in a prudent manner and return our astronauts to space as soon as possible.

I would like to see a renewed focus for NASA, a focus that would rival President Kennedy's challenge to be the first Nation to send a man to the moon.

This can only be done by pressing forward with bold new space initiatives and not by prolonged critiquing and endless investigations.

Just the mention of the word "space" conveys so many special meanings to each of us.

Thoughts of heroes such as Buzz Aldrin and Neil Armstrong come immediately to mind. In many ways, our Nation is defined by the adventurous space program which has been a part of our national heritage for over 40 years.

Terms such as courage, bravery, and pioneer are not afforded to those who take no risk and who sit on the sidelines and watch. No, those terms are reserved for people and nations willing to take risks in order to learn and advance the knowledge of all mankind. As President Reagan said, in the face of the loss of the Space Shuttle *Challenger*, "The future doesn't belong to the fainthearted; it belongs to the brave." The seven astronauts who piloted the Space Shuttle *Columbia* heard that call and will forever be remembered for their bravery.

No American relishes the loss of life and the sacrifice of those courageous astronauts. But every American is thankful for the willingness of these astronauts to press forward—even when the risks are so great—in order to provide more knowledge and nurture a new generation of scientists who are inspired to look at the universe differently every time astronauts venture into the darkness of space.

The space program is so vitally important to our Nation's science education. Every year, bright, energetic, wide-eyed students enter the Nation's school systems and are motivated by the new scientific findings in our universe. They grow to love science, a love that will stay with them throughout their lives and continue to propel our Nation's scientific discoveries into the future.

We cannot let that love die. It is our duty to push the envelope, to explore the outer reaches of our universe. Innovation and determination shape our scientific future and the space program is such a crucial part of that.

My home State of Utah has long been actively engaged in America's space program. Our own Richfield, UT native, former Senator, and my friend, Astronaut Jake Garn, left Cape Canaveral on the Space Shuttle *Discovery* in April 1985 and returned to earth over 6 days later after having orbited the earth 110 times.

As well, ATK, a leading-edge aerospace company based in Utah provides state-of-the-art solid rocket motors which makes the idea of people being able to fly through space a reality.

Utah's contribution to the success of our Nation's space program goes on and on, but let it suffice to say, that the entire State of Utah mourns for the loss of these brave astronauts. We pray for their families and those they have left behind.

Now is not the time to take a huge step backward in our space program and send the message to the next generation of Americans that when things get hard or when plans go wrong, we should give up . . . give up and let our dreams and aspirations fall victim to a task that appears hopelessly difficult.

No, now is not that time.

Now is the time when we need to stare adversity in the face. Learn from past mistakes. Refocus our vision on what we can accomplish by working together toward a unified goal. Now is the time to raise a new generation of heroes and teach them how to overcome difficult circumstances.

Yes, America will continue its space program. We will be more than mere spectators of the universe. We will be active participants and we will train a new generation of explorers who will build on the foundation laid by these great astronauts abroad the Space Shuttle *Columbia*. Who knows what this new generation may discover? With the rapid pace of technological advances and the courage to conquer the unknown, it is sure to be something great.

Elaine and I send our very strongest condolences to the families of the astronauts who have lost their lives in the service of their country. We will pray for those families and pray that somehow they will be comforted in this hour of need.

I personally know what it is like to lose a member of the family while serving our country. My older brother was killed in the Second World War at the Ploesti oil raid that helped to knock out Hitler's oil supply. It was a very difficult thing for our family, and it still is. In the last month, I have been reading the letters he wrote to my mother and I have gotten to know him better than I ever thought I would—as a person who gave his life for us and did it willingly so that we might be free.

These astronauts have given their lives for us and they have given them willingly, helping us to be free, to have a better society, to explore in this day and age, much like Lewis and Clark did in their day and age, the outreaches of the universe and help us to gain scientifically every step of the way. I am grateful to them and their families and I pray for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I rise today to join my colleagues on this sad and solemn afternoon to honor the lives of our brave astronaut heroes: the seven crew members of the Space Shuttle *Columbia* who were lost Saturday morning on their return from a 16-day scientific mission in outer space.

As we honor the memory of the *Columbia* crew, Shuttle Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist Kalpana Chawla, Mission Specialist David Brown, Mission Specialist Laurel Clark, and Payload Specialist Ilan Ramon, I send my heartfelt sympathy to their families and loved ones.

This is a national and international tragedy that has brought people and nations around the globe together in grief and remembrance. The men and women onboard the *Columbia* epitomized the best and brightest our country has to offer, and the participation of other nations in the shuttle program illustrates the collaboration and interconnection between America and other nations in the peaceful exploration of space and progress of scientific inquiry. The *Columbia* crew, like most of the men and women in our space program, came to NASA as successful and respected leaders from their respective professions. As scientists, doctors, surgeons, aviators, and military officers, they sought to share their expertise in the service of our Nation and mankind. In the decades since *Sputnik* and John Glenn's orbital mission of the earth in the *Friendship 7*, people around the world have been fascinated with possibilities of space exploration. The shuttle program opened the reality of space exploration to astronauts from many nations and caught the interest of young people around the world.

Colonel Ramon, Israel's first astronaut and one of his nation's premier air force pilots, captured the imagination of the Israeli people. His participation in the shuttle program stirred a great sense of pride and hope in a nation that has endured so much conflict and violence over the past two years. Dr. Kalpana Chawla, the first Indian-born woman to go into space, is a national heroine in India and a great inspiration to young people in both that land of her birth and her adopted home, especially young women and girls who saw Dr. Chawla as a role model for the possibilities and opportunities available to them.

As we mourn the loss of these brave individuals, men and women who willingly assumed the risk of space travel in their dedication to science and the expansion of human knowledge to new frontiers, we are reminded of the human spirit for exploration and discovery. Indeed, the quintessential trait of the American national character is the sense of adventure and curiosity that led pioneers and homesteaders westward, impelled men and women in Europe and Asia to emigrate to a new, vast, and unknown Nation with only the promise of opportunity and prosperity, and embraced President Kennedy's challenge to put a man on the moon.

America has been peopled by men and women driven by this spirit, and it is a quality we greatly admire and respect in our leaders and fellow citizens. The crew of the *Columbia* fully understood that there are many dangers associated with space flight, but looked beyond them while seeking to bring forth wisdom and reason from the vast unknown through space exploration and research. The crew understood that the experiments they were conducting on a wide array of medical and scientific subjects held the promise of major scientific advancements and benefit to mankind.

In the coming weeks and months, we must investigate what caused this tragedy and ensure that manned space flight is safe for our men and women who dedicate their lives to space exploration. As we scour the earth for answers to this tragedy, we must not lose sight of the heavens, or allow our fascination with exploring, discovering, or dreaming to wane. For by reaffirming our resolve to explore the wonders and mysteries of the universe, we honor the memory of the *Columbia's* crew, and the memory of all those astronauts who lost their lives in our Nation's endeavor to understand outer space.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that the time under the quorum calls be equally divided; in addition, I ask unanimous consent that the previous quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I join my colleagues in expressing our gratefulness to the seven heroes who were lost on the Space Shuttle *Columbia* Saturday as they completed a mission of science to benefit the world.

I also share my thoughts and prayers with the families they've left behind.

Over the past few days, we have seen an outpouring of support from people all over the world for these seven remarkable individuals, and the work they carried out so selflessly.

From formal memorial services—like the one held in Houston today—to more spontaneous tributes throughout America, Israel, India and other nations, people around the world have shared their words of loss and appreciation.

Frankly, there is little I can add to the chorus of eloquent voices we have heard over the past few days.

But what I can do—and what I am honored to do on behalf of the people I represent—is to share with the Senate how two members of this amazing crew touched the lives of many in my home State of Washington.

Columbia pilot William McCool was a Commander in the United States Navy. He served two tours at Naval Air Station Whidbey Island in Washington State.

Commander McCool was an EA-6B pilot serving in both the Tactical Electronic Warfare Squadron 133 and the Tactical Electronic Warfare Squadron 132.

His colleague, *Columbia* Payload Commander Michael Anderson, was a Lieutenant Colonel in the United States Air Force. Colonel Anderson had long ties to the Spokane area in Washington State.

Both of these astronauts touched lives in Washington State. Both were accomplished pilots. Both were pillars in their communities. Both were strong family members.

On Saturday afternoon, I called the Commander of the Naval Air Station Whidbey Island. Over the years, I have had an opportunity to work with the fine crews at NAS Whidbey Island. I have shared both good times and bad times with them. When I called on Saturday just a few hours after the disaster, I knew the air crews and the families would be struggling with Commander McCool's death.

I spoke with Captain Steven Black. I had expected to hear stories of Willie McCool's service at NAS Whidbey earlier in his distinguished career. I heard that—and so much more—as Captain Black told me about this man who was so revered by his fellow Naval airmen at Whidbey.

Willie was a role model to young flyers at Whidbey. They all followed his career and his many accomplishments in the Air Force and as an astronaut with NASA.

Captain Black told me about his recent E-mails with Commander McCool.

Just 2 days before, Commander McCool took the time to E-mail his friends and colleagues at Whidbey. Whidbey Island had an effect on Willie McCool. And Willie McCool had an impact on NAS Whidbey Island that lives on in the mission and the talents of the Naval personnel serving there.

As Captain Black told a reporter,

> Willie flew the skies of Washington state. He was a talented pilot. He was very enthusiastic about his work. He had a contagious sense of awe and wonder at the science behind the flying he loved.

And Commander McCool touched lives in communities beyond NAS Whidbey.

One of those communities is Anacortes, WA, where he and his family lived and continue to own a home. Anacortes is north of Oak Harbor and NAS Whidbey. It is a small town that took immense pride in having Commander McCool as a neighbor, a parent, and a fellow outdoorsman. Commander McCool's appreciation for Anacortes and the local community was with him on the *Columbia* mission.

He took with him a Douglas Fir Cone from the Little Cranberry Lake area. That cone represented the seeds of a future generation.

Commander McCool's commitment and service to future generations is now represented on the sign outside of Fidalgo Elementary School. That sign says, "Fidalgo salutes a legacy of a good friend, Commander William McCool."

Let me now turn to another *Columbia* hero with ties to Washington State, Lieutenant Colonel Michael Anderson.

On Sunday morning, parishioners of the Morning Star Missionary Baptist Church in Spokane gathered to worship and pay tribute to him. Michael Anderson and his family are long time members of the congregation.

Speaking of Lieutenant Colonel Anderson, Reverend Freeman Simmons offered words of comfort to friends of the Anderson family.

Reverend Freeman said,

> He belonged to more than his family, more than his race, more than his different affiliations. He belonged to this age.

Michael Anderson was born in New York State. He and his family came to Spokane, WA, during his father's Air Force service at Fairchild Air Force Base. He graduated from Cheney High School and came across the Cascades to attend the University of Washington. At UW, Anderson earned degrees in both physics and astronomy. He went on to a career in the Air Force as pilot and was selected to join NASA and the space program in 1994.

Lieutenant Colonel Anderson was one of the veterans aboard *Columbia*. He previously spent 211 hours in space on the 89th shuttle mission in 1998 to the Russian space station MIR. On that mission, Anderson traveled 3.6 million miles in 138 orbits around the Earth aboard the shuttle *Endeavor*.

Aboard the *Columbia*, Payload Commander Anderson was responsible for the incredible science being conducted during the mission. His mission was to manage 79 experiments on behalf of several space agencies and school children in many countries.

Michael Anderson considered Spokane his hometown, and Spokane is proud of his service. Today, all across Spokane, the community has posted its respect and admiration for our lost astronauts. One sign on Division Street reads, "NASA we mourn with you." Another reads, "Remember our Astronauts."

Lieutenant Colonel Anderson's many contributions to space and science will live as a lasting tribute to an accomplished and heroic American. Let me mention just one.

Following Michael's successful 1998 shuttle mission, he returned to Washington State and the Spokane area. In May 1998, he went back to his alma mater, Cheney High School. He shared his experiences with students and he returned a school pennant which he had taken with him into space on that first mission.

One of the teachers described his appearance at a school assembly saying:

> His message to the kids was so upbeat and so positive. "It doesn't matter what your dream is. If you are willing to chart the course, if you are willing to do what it takes, you can achieve your dreams." When that assembly was over, no one wanted to leave. They all wanted to stay and talk to Mike.

Both of these men left families. These men were spouses, fathers, community leaders, role models in service to our country. They will be missed by their families and a grateful nation. We will stand with the families as they grieve. We will be with them as the Nation seeks answers to the *Columbia* tragedy, and we will join them in honoring their loved ones as space exploration and discovery go forward. Willie McCool, Michael Anderson, and all of our *Columbia* astronauts gave so much of their lives in service and exploration. Our task now is to ensure their spirit continues to deliver the wonders of space that they explored on our behalf.

I continue with the words from Willie McCool in an e-mail message to his colleagues at NAS Whidbey. Commander McCool spoke of seeing the Sun rise and set on the Earth from space and wrote:

> The colors are stunning.
> In a single view, I see—looking out at the edge of the earth:
> red at the horizon line,
> blending to orange and yellow,
> followed by a thin white line,
> then light blue,
> gradually turning to dark blue
> and various gradually darker shades of grey
> then black and a million stars above.
> It's breathtaking.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. I ask unanimous consent that the distinguished senior Senator from Virginia and I be recognized for a time not to exceed 20 minutes to engage in a colloquy, and that it be charged against the time of the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I join with my colleague, Senator WARNER, on this sad day, not just for America but for the world. It is a day on which we commemorate and honor the lives of the seven courageous astronauts. We are joined together in honoring the lives of these courageous individuals who dedicated their lives and decided to use their talents to reach high; to reach for high ideals, and who assumed the risks of these dangers in a very noble effort to improve our quality of life here on Earth.

This is a day of admiration. It is a day of inspiration for us and for the NASA people who care so much about this tragedy, the loss of these heroes. We all watched in horror as they were trying to come back into our atmosphere. The tragic disaster was more than just a loss for us in the United States, but it was a loss for the entire world community—whose diversity, ingenuity, and skill are reflected in the members of this historic crew.

Our hearts ache for the grieving but amazingly brave families of these heroes who perished in this catastrophic failure. As we go through the list of those on the shuttle we see Rick Husband, Commander; Pilot William McCool; Michael Anderson; CDR Kalpana Chawla, Mission Specialist Laurel Clark; Mission Specialist Ilan Ramon of Israel; and David M. Brown, Mission Specialist 1 and Navy captain from Arlington, VA, a Virginia resident, born and raised in Virginia, he went to college at the College of William and Mary after attending Yorktown High School, and was graduated from Eastern Virginia Medical School in Norfolk, VA.

Our thoughts and prayers are with all these families. But for my colleagues to get to know the character of these families, where they came from, it is important that I share with you my conversation with David's brother Doug. David's brother was the only family member who was waiting for him when he was to land in Florida.

It is a family of achievers. His father—it would have been very difficult for him to get down there because his father is in a wheelchair. His father contracted polio at the age of 5. It never deterred him. He became a judge. He campaigned, somehow, door to door, and then was appointed as a circuit court judge, where he served honorably and expertly for 20 years, watching a great deal of growth and transformation in Northern Virginia.

David's brother Doug, with whom I spoke today, is a hero and character in his own sense. He went to West Virginia University. I said: Why did you leave Virginia to go to West Virginia? And he said they have a great target shooting program there. He himself was a two-time All-American. It is a family of achievers.

Doug talked about family, not just his family but the NASA family; about this crew and how this flight was delayed time after time; one time because they were sending up another mission to fix the Hubble. Another time there was a delay because of repair of the fuel lines. So the family became closer. By the time they were actually able to launch and go off on their mission, they had become very close.

We talked about various things. I asked him a question about what could we do to help? Is there anything we can do to comfort you or to comfort your family? What he said is that NASA and the Navy Casualty Assistance Crews were great. Everything possible was being done for them. He talked about how NASA had such noble goals, trying to expand the knowledge of mankind, and said they are the best of mankind.

Doug said his brother David understood that everyone was taking risks. We talked about how Navy pilots and test pilots over the years have lost their lives, some trying to land on a pitching aircraft carrier. He said those folks are heroes as well, and they don't get the attention these individuals received.

I asked Doug how his recent conversations with David. Doug said that he recently asked David: Well, what if you don't get back? What should I say?

He said his brother told him the program must go on. Not in a careless way, but it needs to move forward. He believed if there was any error and he couldn't get back, it most likely would be a human error, but that he would not hold that against whomever it was involved in that error because he knew everyone was trying to do the best job they could.

He talked about NASA, about how they cared about, for example, specifically, one of the culprits or suspected culprits in this tragedy, which was that piece of foam that hit the left wing.

His brother—and he communicated with him by e-mail when he was up in space—had actually taken photographs of that wing because they were concerned about it.

I said: Did those photographs get back?

He said: No, they didn't send those photographs back. But that will be part of the investigation, at least his oral description of the situation.

I said: As we are trying to figure this out and trying to learn from it, what would he say?

He said: Gosh, you have to understand, GEORGE—he said GEORGE, not Senator ALLEN. We are on a friendly basis. He said: You have to understand my brother David was a football player. He was an offensive lineman at Yorktown High School. He said: In these sort of things, they use a football analogy. You don't get stopped dead in your tracks. When you get tackled, you get up and you keep trying to score.

And Doug, his brother, said they used to make fun of David, that no one ever paid any attention to an offensive lineman. They were trying to rub it in. No one knew of his football prowess.

David retorted that no one else had Katie Couric cheering for him like she did at Yorktown High School.

Today, David, everyone is cheering for you. We are aching for your wonderful family and your friends. We know the noble mission that you have been on, and others will be on in the future, will continue as you desired.

We will reconstruct the facts. We are determined to get up. We are determined to learn. We will not quit. We will keep fighting. In fact, we will keep improving, we will keep innovating, and we will keep advancing.

David Brown was a hero, and these surviving families are heroic individuals as well. As we go forward, we will learn. But we also will pray to God that we continue to be blessed, in this country and the world, with people of such courage and especially people of such great character.

I would like to yield to the distinguished senior Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, may I say to my good friend, the junior Senator, that he delivered his remarks with great empathy and feeling. I wish to congratulate him. I have come to know him as a man who has intense feelings for people; and as a former Governor the many times he had to respond to catastrophes and loss of life in our State, he certainly has learned how to speak for the families and the survivors, and to speak with admiration about those who made the sacrifice. I thank the Senator for the privilege of serving with him.

Mr. ALLEN. I thank the Senator.

Mr. WARNER. Madam President, it is interesting; as the two of us approached the floor, a reporter paused in a very courteous way to ask me some questions. He is doing a study on the demographics of the Senate, and in particular on the number of Senators who have had an opportunity to serve in uniform. I expressed an opinion that I have expressed many times to a similar request. I find that, while it has its advantages, there is certainly no disadvantage to those who have not had the opportunity to serve in uniform. I think we all learn very quickly how to address the responsibilities we have with respect to the men and women of the Armed Forces of the United States.

But in the few steps that I took walking to the Chamber, I say to my colleague, I did reflect momentarily on two brief periods that I was privileged to serve in uniform at the very end of World War II when I did not see combat as did the spouse of the distinguished Presiding Officer of the Senate, our former colleague, Senator Dole, in no way have I ever put myself in the category of Senators Dole, INOUYE, STEVENS, HOLLINGS, and many others since then who served in Vietnam with such great distinction on the battlefield. But I did come to know many of my colleagues. Then I served briefly in the Korean war as a ground communications officer in the first wing. But I got to know aviators very well in that capacity. I recall that one of our tentmates did not return, and also our commanding officer lost his life. I was part of the detail that went out to retrieve him from a mountainside.

I empathize, as do the other men and women of the Armed Forces, for the loss of those astronauts who achieved their status through training in the U.S. military. What a privilege it is for all of us who had the opportunity to serve, to serve with others, and to share in their everyday happenings and glory—and sometimes in the status of their death—that we do here, brothers and sisters in the Senate today.

A number of our colleagues had the opportunity to go down to the services. I had to remain here. But I join with my colleagues in our reverent and humble way of expressing our deepest sympathies to the families, to the survivors, to the fellow enlisted military officers who served with these individuals throughout their careers, and to the Nation. The whole Nation is grieving for their deaths.

It is a marvelous thing to see Americans come together from all walks of life and to join in prayers and in other ways—so often in quiet ways—to express our feelings over this tragic loss to our Nation, and indeed to the world, because the world is largely dependent on those nations that have trained those going into space with particular missions. We lost the very brave and extraordinary military officer from our strong ally, Israel.

While our Nation grieves for the deaths of the seven pioneers in space, for their friends and families, and for the States those brave souls called home, we join in mourning with all States in the Union. And yet we celebrate in a way their entire lives. We in Virginia are united in our solemn remembrance of one of those astronauts, CPT David Brown, whose parents, Dorothy and Paul, live in Washington, VA. My distinguished colleague spoke of his wonderful conversation with his brother today.

In the United States of America, we are a nation of pioneers—blazing trails from the 16th and 17th centuries to build ourselves a new nation, venturing west in the 18th and 19th centuries to fulfill our manifest destiny; and today in the 20th and 21st centuries leaving the outer bounds of our own atmosphere to learn more about this planet and others, and to share that knowledge with the world.

Shuttle launches and landings have become routine over the last several decades, yielding a false sense of security. We now recognize how false it is—for we are shaken to our very core.

Brilliant were the remarks delivered today by our President—and those who gathered with him at the memorial service. President Bush is well known to my colleague as a fellow Governor. They served together. How often the Senator from Virginia told me about the moments they shared when both of them were Governors. But he—not unlike my dear friend, the Senator from Virginia—has a remarkable way to step into a period of mourning and bring strength to the families who remain, and to the Nation. I certainly commend our President.

Over 100 times our brave astronauts have challenged the laws of gravity—I love that phrase; I wrote it myself—the laws of gravity propelling themselves, their shuttles, and their payloads hundreds of miles from the Earth's surface. Their work has yielded a great deal of scientific advancement—especially medical advances—credited with enhancing the quality of life not only of ourselves but, indeed, the world.

Space research, technology, and exploration are major contributors to enhancing our national security, to improving our standard of living, and broadening our scientific knowledge—and to carry on the pioneering traditions of our Nation. NASA has been the driving force for these many accomplishments.

May I say the current Administrator of NASA is a member of our Senate family. In many ways, he worked with this institution. He went on to become Secretary of the Navy, an office that I was once privileged to hold. Our thoughts and prayers are with him. I think thus far he has shown strong leadership in addressing this tragedy, proceeding immediately to try to unearth the facts and to procure the knowledge from all sources, wherever they may be, to try to find the answers for this tragedy.

We are a nation of risk-takers. But with exploration comes inherent risks. We have continually tempted fate through superior science and with the most talented men and women in their fields—astronauts who are the best and the brightest—those who fulfill their dreams and, I think more importantly, who have instilled in generations of young people their commitments and their dreams to perhaps become astronauts or dreams to perhaps one day wear the uniforms of the Army, the Navy, the Marine Corps, the Coast Guard, and the Air Force.

Last night I was privileged to attend a public meeting of the Council on Foreign Relations and of the four members of the chiefs of the services and/or their designated persons, who spoke brilliantly. In the cross questions, they addressed their pride in those men in uniform who achieved the status of astronaut—most particularly, at least two of them knew personally two of those who were lost on this mission.

I was so proud of the way they spoke and talked with resolve as to how we press on in space, and how generations upon generations will be coming behind to take their places, not unlike the men and women of the Armed Forces who throughout the world today are standing watch over our freedom, most particularly in the stressful situations of the Korean Peninsula and, indeed, the Persian Gulf and Afghanistan. How proud we are of the men and women of the Armed Forces.

The *Columbia* crew trained for their mission for years and in an instant our Nation has lost seven brave brothers and sisters:

Commander Rick Douglas Husband, U.S. Air Force Colonel, father of one daughter and one son; hometown, Amarillo, TX;

Pilot William C. McCool, U.S. Navy Commander, father of three sons; hometown, San Diego, CA;

Kalpana Chawla, Ph.D. in aerospace engineering, hometown Karnau, India;

Michael P. Anderson, lieutenant colonel, U.S. Air Force, father of two daughters; hometown, Spokane, WA;

Laurel Blair Salton Clark, commander, U.S. Navy, mother of one son; hometown, Racine, WI;

Ilan Ramon, colonel, Israeli Air Force;

And David M. Brown, captain, U.S. Navy; hometown, Washington, VA.

I am proud to stand here today on behalf of all Virginians to honor his memory and celebrate his life.

How proud Virginia, his parents, his friends, and his family are of this distinguished man: CPT David Brown. In his last words from space, CPT Brown wrote an e-mail to his parents in Virginia. My colleague referred to an e-mail he wrote to his brother. This is an e-mail he wrote to his parents:

> If I'd been born in space, I would desire to visit the beautiful Earth more than I ever yearned to visit space. It's a wonderful planet.

Quiet, confident, heroic, adventuresome, dedicated to the welfare of others, and always seeing the best in our world: CPT Brown.

My colleague enumerated the details of his family and his education, but I do wish to recount one story. His parents were not surprised by his choice. Paul and Dorothy Brown watched their son grow up in the Westover section of Arlington with a clear sense of adventure. He flew with a friend in a small plane at age 7. And while at William and Mary, he worked two jobs just to gain the dollars for his flying lessons.

In a speech to students last September, CPT Brown predicted that at some point a shuttle flight would end with the loss of crew and aircraft. But he encouraged the young people to have "a big vision, accept the risks and be persistent in pursuit of [your] goals."

Last Christmas, CPT Brown had a conversation with his brother Doug, who asked what would happen if something went wrong in space. He simply said: "Well, this program will go on." And the remainder of that conversation my dear colleague put in the RECORD.

We are a nation of patriots. Not only must we remember these brave men and women of the *Columbia*, but all men, all women in uniform, who protect this great Nation. And I suppose since 9/11 each of you in this Chamber, like I, stop quietly when you see the uniform of a fireman, a policeman, or a medical worker, or those who form the vast infrastructure in this country and take risks day and night so we can enjoy the highest quality of life of any nation in this world.

I say to our Armed Forces on deployment around the world, who have been dispatched for the cause of protecting freedom, and to our police and firefighters, you are in our thoughts and in our prayers every day. Ours is a grateful Nation for the risks you and your families—and I underline families—take.

Today we must mourn our loss: the crew of the *Columbia*. Tomorrow we will continue their work. I emphasize that. Our President said that. Tomorrow we will continue their work, their search for knowledge, and their exploration of new frontiers.

We will remember them with reverence, just as we remember the settlers at Jamestown in 1607, and the expedition of Lewis and Clark in 1803. We will remember them, just as we remember our lost soldiers, sailors, and airmen, who have given their lives—generations of lives—to protect our freedoms. And we will remember them, just as we will remember the others who have fallen in space, who dared to dance among the stars. We remember them.

I yield the floor.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, before the minority assistant leader arrives and I do final closing business, I want to commend the senior Senator from Virginia, my mentor, my ally, my good friend, for his outstanding statements, and for his experiences throughout his life—in many wars, in many tragedies—and through it all with his experience, as he always has the right things to say. He crafts those words himself. And he is proud of them.

He is an artist. He is an artist not only on canvas but also an artist with the gift of language, of sentiments, and of love and care for his fellow human beings. And he has been a hero himself, in many wars—in time of war and in time of peace—a leader in the civilian sector, and one who I, every single day, in every single moment that I am with him, learn something good and beneficial to improve myself.

So I thank my colleague, my dear friend, Senator WARNER, for those wonderful remarks that I think mean a great deal to the family of Captain Brown and to all the families, but also to the spirit of innovation, of that gung-ho spirit as far as the military is concerned, but also understanding the historic nature from the very beginnings of the cradle of liberty in Jamestown, on through the Lewis and Clark expeditions, and others throughout mankind.

He is really a wonderful Virginia gentleman. Some call him "The Squire." I call him a living hero. I thank the Senator for his comments.

Mr. WARNER. Mr. President, I thank my colleague. I am deeply moved. A hero I am not, my dear fellow. I served twice in active duty for brief periods, and I benefited greatly in that service.

I try today, as chairman of the Armed Services Committee, to return to the men and women of the Armed Forces more than what I received by way of training and other benefits from serving in the military. My tours of active duty are inconsequential compared to the glorious careers of the persons who we honor today and, indeed, all others really that I have served with and see on the far-flung battlefields of the world as I travel through their posts, and will do soon again, to do what I can to benefit their lives, their welfare, their safety, and that of their families.

But I think, my dear friend, we should note that we have present in the Chamber today the visiting Chaplain who comes from the State of Virginia. I think it is a matter of consequence that he is here today in the time that you and I speak. And he, too, expresses, as he did in the opening prayer, what is in his heart today, as he is in this Chamber, participating and listening to our speeches. So we are fortunate. We thank the guest Chaplain.

Mr. ALLEN. Mr. President, I share my colleague's comments in relation to the guest Chaplain, Dr. William Carl. It is a pleasure for us all he is here.

Mr. DASCHLE. Mr. President, I often speak about the many inspirational or impressive feats accomplished by South Dakotans. I am particularly pleased by the thousands of men and women from South Dakota who serve our Nation in one of the Armed Forces. But today, I want to call attention to someone who has risen above and beyond most others. I'm speaking of CDR Charles J. "Jerry" Logan of the U.S. Navy.

Commander Logan was born in De Smet, SD. He also lived in Leola and Belle Fourche, SD. The commander is a graduate of Belle Fourche High School and the South Dakota School of Mines in Rapid City. He is the only son of Charles and Margaret Logan's eight children. Most of the Logan family continues to reside in South Dakota. The commander is married to Teresa Logan, the daughter of Norman, who also served in the Navy, and Gay Jacobs.

Last November Commander Logan was bestowed the special honor of taking command of the USS *Bremerton*. This is his first command post. The *Bremerton* is one of several nuclear attack submarines assigned to the Pacific Fleet. Command of a nuclear submarine is obviously an enormous responsibility. Only a select few are ever charged with such a task.

Commander Logan took command of the *Bremerton* at a Change of Command ceremony in San Diego. Over 100 friends and relatives attended, and I am pleased to say many came from South Dakota—including Commander Logan's parents, all seven of his sisters, and many other relatives. I understand the presiding officer at the ceremony, Captain McAneny, was quite moved by the large contingent from South Dakota who traveled to show their support for Commander Logan.

I can certainly understand why the entire Logan and Jacobs families are proud of Commander Logan. I, too am proud of Jerry Logan, as I am proud of all those from South Dakota and throughout the Nation who are serving their country in the Armed Forces.

Mr. DODD. Mr. President, today I join the Nation in grieving the tragic loss of the crew of the Space Shuttle *Columbia*, which went down during its return to Earth after 16 days in space.

My heart especially goes out to the families of the seven astronauts on board the *Columbia*: Rick Husband, the mission commander, William McCool, the shuttle pilot, and the five crewmembers, David Brown, Michael Anderson, Laurel Clark, Kalpana Chawla, and Ilan Ramon.

Ever since President Kennedy announced, on May 25, 1961, that the United States land an American safely on the Moon by the end of the 1960s, our Nation has been committed to reaching for the stars.

President Kennedy said, "We choose to go to the moon . . . not because [it is] easy, but because [it is] hard."

Thus begun America's space program, a program which has compelled some our Nation's brightest and bravest souls to risk their lives in the name of progress; to travel into the frontiers of space in order to advance human life here on Earth.

The space program has seen its share of tragedy. In the prespace travel days of 1950s, daredevil pilots, such as former Senator John Glenn, risked it all to help us develop jet engine and rocket propulsion technologies, and to learn about the outer-reaches of our stratosphere. Dozens died in the process. They sacrificed their lives to make the space program possible.

Many of us are old enough to remember January 27, 1967, the day *Apollo 1* exploded during a launch-pad test, killing all three astronauts on board, Virgil Grissom, Edward White, and Roger Chaffee. I personally remember the numbness I felt when hearing the news, and later watching the tragedy replayed on television.

But the space program went forward; 18 months later, on July 20, 1969, Neil Armstrong and Buzz Aldrin took man's first steps on the Moon.

All of a sudden, our boundaries seemed limitless.

In 1982, the space shuttle program became operational, and trips to space began seeming commonplace.

But once again, on January 28, 1986, our Nation mourned the loss of shuttle astronauts Michael Smith, Dick Scobee, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe, who were lost when the *Challenger* shuttle exploded during take-off.

President Reagan's words spoke for an entire Nation when he said: "We've grown used to the idea of space, and perhaps we forget that we've only just begun. We are still pioneers."

With those words, the space shuttle program went forward, and there have been dozens of shuttle launches over the past 15 years, reaping untold rewards for humanity in terms of increasing our understanding of physics, biology, and of the physical universe in which we live.

Now we are in the shadow of another tragedy. Some are questioning whether or not manned space flights ought to continue. Some say risks to the lives of the astronauts outweigh the gains we can make in terms of scientific progress.

I say we listen to the families of those lost on Space Shuttle *Columbia*. They are united in their feelings that their loved ones died doing what they loved most, that these heroes understood the risks, but were undeterred because they also understood the potential for gain.

These families are united in their belief that the space program must go on.

I believe that if it does not, than the lives of these seven astronauts would have been lost in vain.

Tragedies like these are a direct result of America's restless desire for progress, to go further, fly faster, learn more, and advance.

Robert Kennedy once said: "It is from acts of courage that human history is shaped."

These seven brave astronauts knew the risks. They were not deterred. They were emboldened. They gave their lives that humanity could take yet another leap forward into the vast unknown of future knowledge.

They are, and always will be, national heroes.

Reading through articles from Sunday's New York Times, I could not help but be struck by the diversity of the crew. Once upon a time, all NASA astronauts were white men from the military. But over the past few decades, NASA has been recruiting astronauts based on their skills, their excellence, and of course, their courage and commitment. That has meant a more diverse astronaut pool.

The crew of the *Columbia* were a wonderful example of this diversity, men and women, black and white, immigrant and native-born, as well as a crew-member from Israel, Ilan Ramon.

The crew of the *Columbia* offer us a reminder that there are not boundaries in space, and that humans are one race.

Together, we will overcome this tragedy. And together, we will continue to look toward the stars and beyond.

I ask unanimous consent to print in the Record seven articles from Sunday's New York Times, each of which offers insights into the lives and personal accomplishments of each of the astronauts lost in Saturday's tragedy.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 2, 2003]

Loss of the Shuttle: The Astronauts; the Columbia Space Shuttle's Crew of 6 Americans and 1 Israeli

(By Pam Belluck)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

COL. RICK D. HUSBAND—A LIFELONG DREAM OF BEING AN ASTRONAUT

It took Rick D. Husband four tries to convince NASA to let him become an astronaut. The 45-year-old Air Force colonel from Amarillo, Tex., had yearned to fly in outer space since he was a child. "It's been pretty much a lifelong dream and just a thrill to be able to get to actually live it," Colonel Husband told The Associated Press just before the Jan. 16 launching of the space shuttle Columbia.

Finally, Colonel Husband, a former test pilot who learned to fly when he was 18 and had more than 3,800 hours of flight time in more than 40 types of aircraft, was chosen for the NASA space program in 1994.

But it would take five more years of training and preparation before he would ride his first rocket into space. During that 10-day mission in 1999, Colonel Husband was the pilot of the space shuttle Discovery in the first mission by a shuttle crew to dock with the international space station.

After that he became chief of safety for NASA's astronaut office, and despite having only one space flight under his belt Colonel Husband was chosen to be the commander of the Columbia mission.

His mother, Jane Husband, said he prepared intensely, capitalizing on every minute, even an unexpected six-month delay when repairs forced the shuttle to be grounded last July.

"At Christmas, he was still studying, and I said, 'Oh, gosh,'" Mrs. Husband told the Ledger of Lakeland, Fla., just after the launching of the shuttle. "He said, 'I have to make sure everything is in my head perfect.' They're all like that. They have to be mentally prepared."

Greg Ojakangas, a NASA consultant and professor of physics at Drury University in Springfield, MO., became friendly with Colonel Husband during the 1994 NASA selection process, when Dr. Ojakangas was not picked to be an astronaut.

"He finally made it," Dr. Ojakangas said. "It was a tale of perseverance."

Dr. Ojakangas said Colonel Husband was a religious man devoted to his family, whose only regret about joining the space program was that it kept him so busy.

"When I asked him how he was liking it," Dr. Ojakangas said, "I remember him talking about how he wished he has more time at home."

Colonel Husband, had a wife, Evelyn; a daughter, Laura, 8; and a son, Matthew, 3. A baritone who sang in a barbershop quartet while in school, Colonel Husband still sang in church choirs. And he loved water skiing and biking.

Colonel Husband's mother and uncle watched the shuttle launching in Florida last month, feeling some of the astronaut's excitement as the spacecraft took off.

"It was almost as if the creator arranged it," his uncle, George Drank, told The Ledger. "The flood lights were on the shuttle. Then the sun started coming over the horizon. As it ascended into heaven, the sun was behind it, and it made a big dark streak across the sky. I looked back at his mother and brother and tears were streaming."

Evelyn Husband said: "I wasn't nervous about what he was doing because he worked so long and hard for it. But when that started lifting off, Mama started crying. It's different when your son is on it."

When asked before the flight about being selected mission commander while being relatively new to the space program, Colonel Husband seemed modest and poised.

"I think," he said, "a lot of it has to do with being at the right place at the right time, for starters."

[From the New York Times, Feb. 2, 2003]

Loss of the Shuttle: The Astronauts; the Columbia Space Shuttle's Crew of 6 Americans and 1 Israeli

(By Jodi Wilgoren)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

DR. LAUREL SALTON CLARK—AFTER SEA AND SKY, MOVING ON TO SPACE

Laurel Salton Clark had conquered the sea, diving with the Navy Seals and conducting medical evacuations from submarines off Scotland. She had penetrated the air as a flight surgeon aboard the Marine Attack Squadron of the Year. Space was the logical next frontier.

"She was never one of these people to say, 'O.K., I found what I want to do,' it was always 'What the next challenge?'" said Dr. Clark's younger brother, Daniel Salton. "She was one of these people who just had goals, just saw the goal, the end result, and knew how much work it would take to get there and was willing to do it."

Dr. Clark, 41, a Navy commander who was one of two women among the seven astronauts aboard the space shuttle Columbia, was always scuba diving or mountain biking, hiking or rock climbing or parachuting. She grew up in Racine, Wisc., the eldest of four children, married a fellow Navy officer, Jonathan Clark, who later joined her in working at NASA, and had an 8-year-old son, Iain.

In an e-mail message sent from the space shuttle a few days ago, Dr. Clark marveled at the view of Wind Point, a peninsula jutting into Lake Michigan a few miles from her childhood home, and wondered whether the photographs she had taken would turn out.

"Hello from above our magnificent planet earth," Dr. Clark wrote to a group of close friends and relatives. "The perspective is truly awe-inspiring. Even the stars have a special brightness. I have seen my 'friend' Orion several times.

An animal lover who was always the child to sleep with the family cat, Laurel Blair Salton graduated from Racine's William Horlick High School in 1979 and majored in zoology at the University of Wisconsin, in Madison, intending to be a veterinarian. Instead, she attended the university's medical school, where she was part of a tight-knit group of six friends who saved up their vacation time and spent the last three weeks before graduation in 1987 sailing a 42-foot boat through the British Virgin Islands.

After nearly a decade in the Navy, with postings in Pensacola, Fla, Holy Loch, Scotland, and Yuma, Ariz, a friend suggested that Dr. Clark take the NASA test. Like many others, she was not accepted on the first round. She later became part of a class known as the Sardines, because it had more than 40 astronaut candidates, the most in history, Ms. Salton said.

At NASA, Dr. Clark was nicknamed "Floral, "because of the vibrant colors that she wore when not in uniform.

Mr. Salton said he never worried about the safety of the shuttle—until two weeks ago when he joined his mother, siblings and several of Dr. Clark's friends at the launching.

"I was just an emotional wreck when she was in space, when you actually see that rocket group," he recalled. "Visions of the Challenger go through your head and you pray that its not going to happen. Once they're up in space, big sigh of relief, O.K. the dangerous part is over. I never ever considered that something could happen on the way down."

While in space, Dr. Clark was part of several life-science experiments. In an interview from space published on Friday in The Milwaukee Journal Sentinel, she spoke of watching the sunsets.

"There's a flash—the whole payload bay turns this rosy pink," she said. "It only lasts about 15 seconds and then it's gone. It's very ethereal and extremely beautiful."

Always a lover of her Scottish heritage, Dr. Clark had chosen as her wake-up song aboard the shuttle a bagpipe version of "Amazing Grace," similar to one played at her wedding.

It will also be played at her funeral.

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Warren E. Leary)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

COL. ILAN RAMON—PILOT EMBRACED ROLE AS A SYMBOL FOR JEWS

Col. Ilan Ramon was a soft-spoken combat pilot conscious of the importance of symbols and history, and the role he played in both. In the days and weeks leading to the Columbia's mission, and as the shuttle carried out its 16 days of science experiments, much of the attention focused on Colonel Ramon.

The son and grandson of Holocaust survivors, Colonel Ramon, 48, was the first citizen of his country to go into space. The accomplishment, he said in an interview in mid-January, was not his alone.

"Every time you are the first, it is meaningful," he said. "I am told my flight is meaningful to a lot of Jewish people around the world. Being the first Israeli astronaut, I feel I am representing all Jews and all Israelis."

On the shuttle, where he presided over an Israeli project to collect images of dust storms to gauge their impact on climate, Colonel Ramon carried a special keepsake.

It was a small Torah scroll used at the bar mitzvah of the project's principal investigator, Dr. Joachim Joseph, almost 60 years ago while he was in a Nazi concentration camp. The elderly rabbi performing the ceremony, who died soon afterward in the camp, gave the Torah to the boy and told him to tell people what had happened there.

Dr. Joseph said Colonel Ramon saw the Torah when visiting his home and was so moved by the story that he asked to take it into space as a tribute.

Before the launching, most of the attention paid to the mission centered on security and efforts to keep the shuttle and its crew safe from any terrorist attack. Officials at NASA acknowledged that the presence of an Israeli astronaut had only intensified the heightened security they had imposed since Sept. 11, 2001.

But Colonel Ramon and his crewmates said they were not unduly concerned about their safety, and they concentrated on keeping up their training for their much-delayed research mission. Colonel Ramon, who spent more than four years preparing for the flight, saw it repeatedly postponed by higher-priority missions and problems that periodically grounded the shuttle fleet.

"I have a lot of patience," he said with a smile before the launching, "but now I'm ready to go."

Ilan Ramon was born on June 20, 1954, in a Tel Aviv suburb and, after graduating from high school in 1972, attended the Israel Air Force Flight School. He became a fighter pilot and logged more than 4,000 hours in various combat aircraft. He fought in the Yom Kippur war of 1973 and in the Lebanon conflict in 1982.

He received a bachelor of science degree in electronics and computer engineering from the University of Tel Aviv in 1987, and in 1994 was promoted to colonel and assigned to head the air force's weapons development and acquisition division.

Colonel Ramon was selected as an astronaut candidate in 1997 as a result of a science agreement two years earlier between President Bill Clinton and Shimon Peres, then the Israeli foreign minister. He and his wife, Rona, moved to Houston in 1998 so he could begin training at the Johnson Space Center. He is also survived by four children ages 6 to 14.

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Lydia Polgreen)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

DR. KALPANA CHAWLA—QUIET AND MODEST, BUT ALSO DETERMINED

Nearly everyone who walks into Don Seath's classroom has at least toyed with the thought of becoming an astronaut. Mr. Seath, who has taught aerodynamics at the University of Texas of Arlington since 1965, would be hard pressed to think of a student who on first meeting seemed less likely to go into space than Kalpana Chawla. It was not that she lacked brilliance. "She was a very good student, quite excellent," Mr. Seath said in a telephone interview. "She was in my aerodynamics class, and she performed exceedingly well. She was very bright."

What she did not have was the brash attitude most aspiring astronauts displayed.

"She was quiet and modest," Mr. Seath said. "When I heard she had been accepted into the program to become a astronaut I was thrilled but also surprised." She just did not seem to fit the type, he said.

But Dr. Chawla, 41, never lacked determination, those who knew her said. From her childhood in Karnal, a small-town about 80 miles north of New Delhi, she nursed a lifelong dream to go into space. She early on set her sights on an American education that would take her up into the air.

"I was interested in aerospace and flying, and the U.S. is really the best place in the world for flying," she told the University of Texas at Arlington magazine in 1998.

Dr. Chawla was a brilliant student, always in the top five of her class, those who knew her said. After getting an engineering degree from Punjab Engineering College in 1982, she moved to the United States, where she attended the University of Texas at Arlington, then got a doctorate in aerospace engineering from the University of Colorado. Along the way she became a citizen of the United States.

In 1994, NASA selected her and 19 other people from a group of 4,000 other applicants to its astronaut program. On Nov. 19, 1997, she became the first Indian-born woman in space. She was assigned to the shuttle Columbia as a mission specialist and prime robotic arm operator.

The flight was not without mishaps. As robotic arm operator she was unable to retrieve the 3,000 pound Spartan satellite, which spun away after the shuttle released it, and astronauts had to go out on a space walk three days later to retrieve it. The mistake shook her confidence, and she feared her space career was over. But her concern was misplaced.

"Some of the senior people, the very senior astronauts, shook my hand and said, 'K.C., you did a great job. Don't let anyone tell you different,' "Dr. Chawla told the University of Texas at Arlington Magazine. A NASA inquiry later determined that the shuttle crew had made a series of errors that caused the satellite to malfunction.

In New Delhi, relatives of Dr. Chawla gathered to hear news and mourn together.

"Whenever you are involved in such tasks, one should be prepared for such things," said Anjay Chawla, Dr. Chawla's brother, his voice choking as he spoke to reporters. "If it could happen to others it could happen to you as well. This time it happened to us."

R. S. Bhatia, head of the Washington office of the Indian Space Research Organization, India's answer to NASA, said Dr. Chawla had become a symbol of India's greatness, even though she was no longer a citizen.

"After her first flight, she became a national hero," Mr. Bhatia said. "She is an American citizen, but she is ours too. This is the most terrible tragedy. We have lost a hero."

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Jeffrey Gettleman)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

CAPT. DAVID M. BROWN—A CIRCUS PERFORMER AND A TOP AVIATOR

Trapeze artist. Stilt walker. Test pilot. David M. Brown had a special blend of the right stuff. And a bucket of humility to go along with it.

"He was one of those guys who filled all the squares to be where he was," said Bob Ryan, another pilot-doctor who knew Dr. Brown from a flight surgeons' organization. "But he was quiet about it. You'd never hear Dave beating his own drum."

Dr. Brown, 46, grew up in Arlington, Va. He was a star gymnast on the parallel bars at Yorktown High School and went on to earn a letter at William and Mary. He also joined the circus, performing as an acrobat, unicyclist and stilt walker, all the while earning top marks in biology.

Dr. Brown, a 46-year-old doctor who died aboard the space shuttle Columbia yesterday, began his gravity defying days in Arlington, VA., where he starred on the Yorktown High School gymnastics team. He went on to join the circus while studying biology at the College of William and Mary. He was an acrobat, unicyclist and stilt walker.

"I always let him dream," said his mother, Dot.

He attended Eastern Virginia Medical School and signed up with the Navy afterwards.

He was sent to a military hospital in Alaska, and then served on an aircraft carrier. In 1988, Dr. Brown was selected for pilot training, a rarity for Navy doctors. He graduated No. 1 in his naval aviation class.

He flew F–18 Hornet jet fighters, A–6E Intruder aircraft and the high performance T–38 Talon, known as the white rocket. He joined the Navy test pilot school in 1995 and was chosen for the astronaut program the next year. It was his third try. His credentials in biology and medicine helped land him a spot on the Columbia mission, which focused on scientific research.

Dr. Brown was hooked on space, friends said. He had a telescope in his living room, aimed at the moon. Some nights, he would jump in his single-engine plane and fly the 50 miles from Houston, where he lived, to Galveston to attend astronomy club meetings.

"As we were flying through the night, Dave would point out all the stars and nebula," said Dwight Holland, an Air Force pilot and friend. "He loved it."

Solidly built with wholesome looks, Dr. Brown had never been married. His closest companion was his 14-year-old dog, Duggins, who died two days before the shuttle lifted off.

His parents live on a mountaintop in rural Virginia. Yesterday, they shared the last e-mail they received from him.

"My most moving moment was reading a letter that Ilan Ramon brought from a Holocaust survivor whose seven-year-old daughter died," Dr. Brown wrote. "I was stunned such a beautiful planet could harbor such bad things."

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Timothy Egan)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

LT. COL. MICHAEL P. ANDERSON—A SOURCE OF HOPE FOR CHILDREN

Whenever Happy Watkins wanted to inspire black children in Spokane, an overwhelmingly white city in eastern Washington, he would reach into his wallet and pull out an autographed picture of Lt. Col. Michael P. Anderson of the Air Force, the black astronaut who grew up in their town and died on the space shuttle Columbia today. "These kids, some of them have no hope, and their eyes would light up when they saw this picture," said Mr. Watkins, who taught young Michael Anderson in the Sunday school at Morning Star Baptist Church in Spokane.

"This picture said it all—he's black, he's an astronaut—it was a huge motivator," Mr. Watkins said in an interview.

Born on Christmas Day 1959 in Plattsburgh, N.Y., the son of an Air Force serviceman, Colonel Anderson dreamed of the cosmos, and space flight, from the time he was a boy and got his first toy airplane at age 3.

He was a fan of Star Trek, and early on, he memorized the names of most of the American astronauts. He watched the Moon landing when he was a 9-year-old, and the excitement never left him, he said later.

He never doubted he would be an astronaut. "I can't remember ever thinking that I couldn't do it," Colonel Anderson said in an interview with the University of Washington alumni newsletter in 1998. "I never had any serious doubts about it. It was just a matter of when."

But on the eve of his last flight, Colonel Anderson did talk about the risk of space flight.

"There's always that unknown," he said to reporters just before the Columbia lifted off on Jan. 16.

Colonel Anderson's parents, Bobbie and Barbara Anderson, live in Spokane. The family moved to the area about 30 years ago, friends said, because Bobbie Anderson was assigned to the Fairchild Air Force Base about 25 miles from Spokane. Michael Anderson went to school in Cheney, a farm town next to the base.

Today, inside Cheney High School is a plaque and picture of Colonel Anderson, the astronaut who never wavered in his dreams.

"Michael's always been an amazingly strong, focused guy," said the Rev. Freeman Simon, who has known the family for about 25 years, and attended the same church with them. "He is strange in one respect: he was the guy who always seemed to know what he wanted, and could translate his thinking into action."

After Cheney High School, Colonel Anderson got a bachelor of science degree in physics and astronomy at the University of Washington, in Seattle. He earned a master's degree in physics in 1990 at Creighton University.

In 1994, while stationed at Plattsburgh Air Force Base, he was chosen for the space shuttle program, one of 19 candidates selected that year from among 2,962 applicants.

He was on the Shuttle-Mir docking mission in 1998, when the crew transferred more than 9,000 pounds of scientific equipment and other hardware from the Endeavour to the Mir.

He was married to the former Sandra Lynn Hawkins.

While Colonel Anderson was a role model in Spokane as one of the few black astronauts, he would have stood out even if he had never gone to space, friends said.

"If you know what the character of an eagle is like, that is Michael Anderson," said Mr. Freeman. "He was an eagle among chickens."

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Alan Feuer)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

Cmdr. William C. McCool: Carrying a Memento Of Home on Mission

When Cmdr. William C. McCool of the Navy, the pilot of the space shuttle Columbia, took off on Jan. 16, he carried a piece of his hometown with him: a spirit towel for the Coronado Mustangs, his high school football team in Lubbock, Tex. Commander McCool, 41, had always been a football fan. He told The Associated Press in an interview that he was rooting for the Oakland Raiders in last Sunday's Super Bowl, having grown up in San Diego.

He was an athlete—a runner, swimmer and a back-country camper—and played the guitar and chess. He was even known to play chess via e-mail with crew members of the international space station.

He was also something of a cutup, those who knew him said.

"Willie had one of the best senses of humor of any kid you'd ever seen," said Ed Jarman, who taught Commander McCool's high school chemistry class. "He could rig up the most comical ways of explaining scientific principles."

Mr. Jarman said Commander McCool was highly dependable. "If I needed trash picked up on the school grounds, I'd make him a committee of one."

He had always been interested in joining in the Navy, Mr. Jarman said; his father was a chief petty officer in the Navy.

Commander McCool graduated second in his 1983 class at the Naval Academy, where he ran with the cross-country track team.

The commander of his mission, Rick D. Husband, was also from Lubbock, and the town was in mourning yesterday.

The Columbia mission was Commander McCool's first trip into space. He was an experienced test pilot, one of the Navy's elite airmen, and had logged more than 2,800 flight hours.

Commander McCool was chosen by NASA for its astronaut program in 1996 and completed two years of training. He was scheduled for a shuttle mission in June 2001, but it was delayed.

Asked then by The Lubbock Avalanche-Journal if the scratched mission troubled him, he was optimistic.

"From a rookie point of view, the delays are probably good," he said. "I feel like going through the training flow essentially a second time a little less like a rookie and a little bit more like a veteran."

In the same interview he said one of the hardest parts of his mission would be working on a split-duty around-the-clock schedule: half of the shuttle crew members worked, while the other half slept.

"I think it's going to be very difficult," he said. "That's why we're focusing now in advance on doing everything very efficiently on time. We hope we can do whatever measures are necessary to get us into bed."

Commander McCool was married and had three sons.

Ms. SNOWE. Mr. President, America and the world watched with equal measures of shock and sadness on the morning of February 1, as the Shuttle *Columbia* was lost and seven heroes perished in the skies over Texas.

At this most somber of times, we pray for the souls of the seven astronauts, as well as the families of those who gave their lives to advance humankind. We also extend our most profound sympathies to all Israelis as they mourn their fallen countryman, the first Israeli astronaut. Their boundless joy has turned to the deepest sorrow, and we share in their terrible loss.

Today, we remember Rick D. Husband, commander; William C. McCool, pilot; Michael P. Anderson, payload commander; David M. Brown, mission specialist; Kalpana Chawla, mission specialist; Laura Blair Salton Clark, mission specialist; and Ilan Ramon, payload specialist. Their names are no longer of the pedestrian Earth, they now belong to the ages, forever etched in the halls of history.

We can scarcely comprehend the dangers which they accepted daily as the price for making a difference in the world. For most of us, we could not imagine a life so punctuated by peril. For them, they could not imagine life in any other form, and it is we who are the beneficiaries of their courage.

For those who exist on the vanguard of human endeavor, we reserve our highest regard and greatest respect. For it is they who set new standards by challenging old limits. It is they who embrace the ultimate risk in exchange for mapping the realm of possibility. We can no more place ourselves in their minds and hearts than we can imagine what it is like to stand on a street corner in a city we have never seen. We occupy a different space in the world. But we know and can appreciate the fruits of their extraordinary labor, and that is probably all they would ever ask of us.

The Space Shuttle *Columbia*, on mission STS–107, was dedicated to research in the space, life, and physical sciences. The seven astronauts worked around the clock, for 16 days, to carry out studies in the areas of astronaut health and safety, advanced technology development, and Earth and space sciences. It is true they carried with them experiments designed to expand the store of human knowledge. But they also carried with them the pride of the United States and Israel, and the hopes of the people of our two great nations for a brighter and better tomorrow.

Our hearts are now heavy, but our pride and our hope are not diminished, far from it. Indeed, the spirit represented by *Columbia* cannot be vanquished by such crude and earthly instruments as physics or fire. Rather, the spirit embodied by her and her crew is of a higher, infinitely more durable plane, where the finest of human ideals and pursuits never die, but only grow stronger with the passing of the days.

In moving forward, we must now ascertain what went wrong, and take every conceivable step to ensure it is never repeated for the sake of those who, in the years ahead, will once more ride into the breach of space. As President Bush has said, "The cause in which they died will continue. Mankind is led into the darkness beyond our world by the inspiration of discovery and the longing to understand. Our journey into space will go on." Perhaps that is best way for us to honor the memory of those seven astronauts who never returned from *Columbia*.

Robert F. Kennedy once said, "There are those who look at things the way they are, and ask why . . . I dream of things that never were, and ask why not?" That is the credo by which the seven astronauts of *Columbia* lived their lives, and their legacy will be remembered as long as greatness is revered.

Again, I join with my colleagues and all of America in expressing my deepest appreciation, and my most sincere condolences to the families. Our thoughts and prayers are with them. May God grant them strength and comfort as He welcomes home the crew of *Columbia*.

Mr. FEINGOLD. Mr. President, I rise today with a heavy heart to mourn the loss of a fellow Wisconsinite, a wife, mother, daughter, sister, and friend. This extraordinary woman, Laurel Clark of Racine, WI, was a physician, a Navy Commander, and an astronaut who was flying her first space mission aboard the Space Shuttle *Columbia*. When that craft broke apart over the blue Texas sky on Saturday morning, we lost this incredible woman and her six crew mates. I extend my deepest sympathy to Dr. Clark's husband and son and to her family and friends.

Dr. Clark, the oldest of four children, was born in Iowa and grew up in Racine, WI. She graduated from William Horlick High School in 1979 and went on to attend the University of Wisconsin-Madison, where she studied zoology and was an active member of Gamma Phi Beta Sorority. She earned her undergraduate degree in 1983, and her medical degree, also from the University of Wisconsin, in 1987.

Dr. Clark joined the U.S. Navy after medical school and became a diving doctor, participating in a number of submarine missions. She was selected to train as an astronaut in 1996, and she and her husband relocated to Houston, TX, home of the Johnson Space Center.

Dr. Clark's first shuttle mission was postponed several times, and after years of training and anticipation, she and her crewmates lifted off from Cape Canaveral on January 16 for a 16-day microgravity research mission. Aboard the *Columbia*, Dr. Clark was a mission specialist who conducted numerous medical experiments, often using herself as a test subject.

An e-mail message that Dr. Clark sent to her brother from space noted that she enjoyed looking down on her home planet and seeing familiar sights such as Wind Point on Lake Michigan.

Dr. Clark's professional journey took her from the depths of the Earth's oceans to the vast reaches of outer space. She truly reached for the stars and made incredible contributions to our country. Dr. Laurel Clark and her crewmates were tragically taken from us too soon, and we will always treasure her legacy of scientific exploration and discovery and her commitment to her family, friends, and country.

Mr. KERRY. Mr. President, I rise today to pay tribute to the men and women who lost their lives on the space shuttle *Columbia* and offer my condolences to their families and to the entire NASA community. Like all Americans, they are in my thoughts and prayers during this difficult time.

Early Saturday morning, the crew of the *Columbia* was preparing to reenter the Earth's atmosphere after a 16-day mission to conduct scientific experiments. Five of the seven astronauts were on their first space flight. By all accounts, the mission had been a success, and some of the astronauts jokingly complained to mission controllers about having to come home. The crew included Dr. Kalpana Chawla, a mechanical engineer and Indian immigrant, William McCool, a Navy test pilot, Dr. David Brown, a Navy physician, COL Ilan Ramon, an Israeli fighter pilot, Laurel Clark, a Navy flight surgeon, and two veterans of the space program, Mission Commander Rick Husband and Payload Commander Michael Anderson. Fourteen minutes into reentry, as the shuttle passed through the upper atmosphere and reached temperatures as hot as 2,000 degrees, it broke apart above northern Texas, taking these seven remarkable individuals down with it.

This was a world tragedy as much as it was an American tragedy. The crew of the *Columbia* reflected our diverse planet as much as it did a cross section of America. Dr. Chawla was a hero in her native India, as was COL Ramon in Israel. Both were on their first space flight. Millions of people around the world reacted in horror as they watched footage of the *Columbia* streaking across the Texas sky. They share in our deep sense of grief.

I am confident we will complete an exhaustive investigation to determine what went wrong. All questions need to be answered before we send our best and brightest back into space. However, I firmly believe that we must press on. We must continue the exploration of space. I have always supported the space program because I believe it is in the best interests of mankind to unlock the mysteries of life on earth and beyond. The shuttle missions have helped us understand global warming, weather patterns, and the effects of weightlessness on the human body, aided in the understanding of disease, and exponentially increased our understanding of the universe. It would be impossible to quantify the knowledge we have gained from sending men and women into space.

Space flight brings out the best in us. It challenges us to think big, to strive for greatness, and to work together to achieve the most important goals. There is no doubt in my mind that we should continue these missions and prepare the next generation of astronauts for the challenges that lay ahead. To be sure, there is great risk. However, if it weren't difficult, if it didn't promise to improve the quality of our lives and our understanding of the world, then it wouldn't be worth doing. Yesterday the families of the *Columbia* 7 issued a statement expressing that sentiment: "Although we grieve deeply, as do the families of *Apollo 1* and *Challenger* before us, the bold exploration of space must go on."

This tragedy has touched each and every one of us. These selfless heroes were dedicated to a cause greater than themselves. They were passionate about space flight, passionate about their mission, and were committed to making life better for all of us. They will be missed, and they will never be forgotten.

Mr. CONRAD. Mr. President, I would like to include a few words for the RECORD about the horrible tragedy that our Nation suffered on Saturday morning. Our Nation grieves for the brave astronauts that lost their lives on the Space Shuttle *Columbia*. My thoughts, and the thoughts of all North Dakotans, are with the families and friends of the seven crew members who died in the skies over Texas and Louisiana.

Rick Husband, Michael Anderson, Laurel Clark, David Brown, William McCool, Kalpana Chawla, Ilan Ramon. These men and women came from around the country and around the world to risk their lives, and ultimately give their lives, for human space flight and all that it can offer. Mr. Ramon was a colonel in the Israeli Air Force. Dr. Chawla was an American born in India. The others came together from across the United States. Their mission was one of cooperation, research, and discovery. In these troubled times when we talk of war every day, their mission was, significantly, a mission of peace.

I have always said that, when done right, space exploration can be of tremendous benefit to those of us on the ground. The cutting edge research that NASA conducts in space, including the research performed by these seven brave individuals on *Columbia*, simply could not happen on the surface of the Earth. Now, we are reminded not only of how difficult and how important this research is, but also just how dangerous it is.

In my State, we understand this first hand. In North Dakota, we are proud to say that we have more astronauts per capita than any other State. James Buchli, Tony England, and Richard Hieb all hail from North Dakota. One of them, Mr. Hieb, flew on *Columbia* back in 1994.

In North Dakota, we are grieving over the loss of the seven members of *Columbia's* last mission. But, I am confident that human space flight will continue even in the wake of this disaster. Across this country, and especially at NASA, there is a "can-do" attitude that will allow us to forge ahead. It is this spirit that will allow us to move forward with resilience after this horrible tragedy.

Mr. CRAIG. Mr. President, like many of my colleagues, I wish to discuss the national tragedy that occurred on Saturday morning and to pay tribute to the seven brave men and women who lost their lives in the space shuttle *Columbia* disaster.

Just like people around the country, I was beginning my day on Saturday and tuning into the news programs when I learned that NASA had lost contact with the Shuttle *Columbia*. I was riveted to the developments as they unfolded on television and was devastated when our President addressed the Nation, announcing what we all suspected at that point, "The *Columbia* is lost; There are no survivors."

My heart and prayers go out to the crew of the Space Shuttle *Columbia* and their families. While space travel has in some ways become routine to the American public, this tragedy is a vivid reminder of the inherent risks these brave men and women undertake to pursue the boundaries of space and science. On this day, and in the future, they deserve to be remembered for the lives they lived and I hope we will do that.

In the days that have followed the tragedy, we have all become familiar with the backgrounds of the *Columbia* astronauts. They were men and women of such accomplishment and capability that it begins to make the extraordinary seem ordinary, but such a characterization is not fair to them. Our astronaut corps continues to attract the best of the best, and to require an unparalleled standard of achievement and excellence. For many shuttle astronauts, the opportunity to participate in a shuttle mission is the dream of a lifetime and for all of them, it is the culmination of a lifetime of hard work.

I remember my excitement as a child, clipping articles about the Mercury missions and hanging them on the bulletin board in my bedroom. Today, Idaho's school children do the same with articles about the International Space Station and the missions of our space shuttle fleet. Many kids follow the progress of various NASA missions in their classrooms. NASA considers this educational outreach a critical, core mission and a major purpose for its existence as an agency. In fact, in a recent meeting I had with NASA Administrator Sean O'Keefe, he spent much of our time together discussing the ways that NASA is working to excite students about math and science. This is vital work. It must continue.

Although Congress and NASA are now getting on with the business of investigating what went wrong, nothing should deter us from the important missions of our national space program. I join with my colleagues today in saluting the *Columbia* astronauts and those at NASA who make it possible for us to explore our universe.

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the lives of the seven astronauts who gave their lives Saturday when the spacecraft *Columbia* was lost as it returned to Earth. The names of those manning the shuttle will be ingrained in our minds and in our hearts: CDR Rick Husband, CDR William McCool, LTC Michael Anderson, CDR Laurel Clark, CAPT David Brown, Dr. Kalpana Chawla, and COL Ilan Ramon, of the Israeli Air Force.

The crew of the *Columbia* shared a love of flying and a sense of adventure that spurred each to strive for excellence and reach for space.

CDR Rick Husband knew from the time he was 4 years old and watched his first shuttle launch that he wanted to be an astronaut.

He was commissioned a second lieutenant in the Air Force and attended pilot training at Vance Air Force Base in Oklahoma. He later served as a test pilot for all five models of the F-15. Commander Husband logged more than 3,800 hours of flight time in more than 40 types of aircraft.

Commander Husband studied mechanical engineering at Fresno State University in California through an extension program at nearby Edwards Air Force Base. On the flight, Commander Husband carried a Fresno State Bulldogs sweatshirt, as a memento. He graduated with a master's degree in 1990. Four years later, NASA selected Husband as an astronaut candidate.

He leaves behind his wife, and his two children.

Born in San Diego, CA, CDR William McCool was the son of a Navy and Marine aviator who built model airplanes as a youngster.

Commander McCool studied aerospace engineering at the U.S. Naval Academy, and was elected captain of the cross-country running team his senior year. He graduated second in his class from the Naval Academy.

Commander McCool received a master's degree in computer science from the University of Maryland in 1985 and a master's in aeronautical engineering at the U.S. Naval Postgraduate School in 1992.

He attended flight school in Pensacola, FL, and worked as a test pilot at the Patuxent River Naval Air Station in southern Maryland.

Commander McCool leaves behind a wife and two children.

LTC Michael Anderson always dreamed of space flight and once said that he could not remember a time when he did not want to be an astronaut.

He graduated from the University of Washington in 1981 with a degree in physics and astronomy and, following in his father's footsteps, was commissioned a second lieutenant in the Air Force.

While stationed at Offutt Air Force Base in Nebraska in 1990, Anderson earned a master's degree in physics from Omaha's Creighton University.

In 1994, he was selected to join NASA as a potential future astronaut. In January 1998, he made his first flight, aboard the space shuttle Endeavour, traveling 3.6 million miles during 138 orbits of the Earth to reach the Mir space station.

LTC Michael Anderson leaves behind his wife and two daughters.

CDR Laurel Clark always excelled at school, and her classmates remember her for her fun-loving and adventurous spirit.

After Commander Clark graduated from the University of Wisconsin-Madison, she joined the Navy to pay her way through medical school, but stayed with the Navy for the series of adventures it offered her in her career.

While in the Navy, Commander Clark became a submarine medical officer, dove with Navy SEALS in Scotland, and earned her flight surgeon's wings before finally applying to NASA for astronaut training.

While orbiting the Earth, Commander Clark remarked on the beauty of watching sunsets from space.

She leaves behind her husband and her son.

CAPT David Brown loved to fly kites as a child, and would gaze at the stars with friends from a backyard telescope.

Captain Brown grew up in Arlington, VA, and earned a bachelor's degree in biology from the College of William and Mary, where he worked two jobs so he could take flying lessons.

He then earned a medical degree from Eastern Virginia Medical School in Norfolk, before joining the Navy.

Captain Brown served as a flight surgeon in the Navy and joined NASA in 1996.

His family and friends remember him as a person who "grabbed life," saying that he could and did accomplish anything he set out to do.

Dr. Kalpana Chawla fell in love with the idea of flying as a young girl in India.

She graduated from the Tagore Bal Niketan School in her small hometown of Karnal and then got a bachelor's degree in aeronautical engineering from Punjab Engineering College.

She left India for the United States, earning a master's degree from the University of Texas and a doctorate in aerospace engineering from the University of Colorado.

Dr. Chawla then worked as a scientist at the NASA Ames research laboratory in California before joining the astronaut program in 1995.

Dr. Chawla was a member of the West Valley Flying Club in Palo Alto who loved doing aerial acrobatics over the Bay Area.

She leaves behind her husband.

COL Ilan Ramon was a bona fide combat hero in Israel, flying missions in the Yom Kippur War in 1973, and the Lebanon war in 1982.

In recent days, he lifted the spirits of his country, becoming a national hero as the first Israeli in space.

As a pilot, Colonel Ramon clocked more than 4,000 hours in combat aircraft, and was an F–16 squadron commander.

Aboard the *Columbia*, one of Ramon's scientific experiments involved tracking sandstorms in the Sahara Desert, and studying their impact on climate and environment.

He leaves behind his wife and four children.

Each of the astronauts knew the risks involved in space flight. But they took those risks willingly in order to follow their dreams, knowing that their mission was a noble one of science and discovery.

What remains for us, as a nation, is to determine the cause of this tragedy, make adjustments so that it will not happen again, and continue the exploration of space.

NASA Administrator Sean O'Keefe has already assigned several internal units to investigate the loss of the *Columbia*, including a "Mishap Response Team" and a "Contingency Action Team."

In addition, Administrator O'Keefe announced the formation of an independent board led by Harold W. Gehman, who cochaired the probe of the October 2000 terrorist attack on the USS *Cole* in Yemen.

I think that the way NASA has acted in the past few days is a marked improvement to the way the investigation into the 1986 *Challenger* explosion was handled.

Information has been disseminated quickly, which gives me hope that a fair and prompt investigation will yield the causes for the loss of the *Columbia*.

The space program must continue. The American legacy is filled with stories of exploration, and the desire to push new frontiers to the limit.

There is so much to learn from space. This tragedy will not stifle the desire to acquire all the potential knowledge we could gain as a country, and as a planet, from exploration beyond Earth.

The risks, however, will always be present. In a way, space exploration means continually breaking new ground, and taking those risks.

The hardest part of these losses, is the human loss. The astronauts aboard the *Columbia* were men and women at their prime. They put their hearts and souls into this mission, were the best and brightest of their peers, and still this catastrophe befell them.

My heart goes out to the families that the crew of the Space Shuttle *Columbia* left behind. As we search for the reasons this tragedy occurred, it cannot be forgotten that each member was a son or daughter, a mother or father, a brother or sister, a dear friend. The thoughts and prayers of the American people, and of the world, are with them as they endure the pain of this loss.

The crew of the Space Shuttle *Columbia* embodied the human desire to explore, to reach, and to dream. Their courage, idealism, and enthusiasm for discovery are hallmarks of the American spirit which should be remembered and celebrated, even as we grieve their loss.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. GRAHAM. Mr. President, twice now we have witnessed the horror of vapor trails separating in the sky.

Twice now we have gazed in shock at photographs of the optimistic faces of seven young heroes, captured as they stood at the brink of one of mankind's greatest adventures.

Twice now we have endured the loss of a space shuttle and its valiant crew: First, *Challenger* on January 28, 1986, at the start of a landmark voyage dedicated to teaching a new generation about space. Now, 17 years and 4 days later, *Columbia* on February 1, 2003, at the conclusion of a successful scientific mission.

Both incidents remind us that space exploration is fraught with risk, but also with limitless possibility. Even as we mourn the loss of *Columbia*'s crew of seven brave heroes, including the first astronaut from Israel, we must rededicate ourselves to continuing to pursue knowledge of the heavens and the benefits we derive from our research.

We in Florida feel the losses most intensely. My State is home to the Kennedy Space Center and thousands of the dedicated professionals who work for NASA as well as its contractors. Floridians consider ourselves part of the special family that makes up the space program. We launched the *Columbia* on its 16-day mission, and we were ready to welcome her crew home.

Now, Floridians are firm in our belief that, just as we did in the 1980s, we must fully explore the causes of Saturday's disaster. We must identify what went wrong and fix it. We must ensure the safety of the remaining three orbiters and future astronauts.

But then we recommit ourselves to returning to space, to resuming launches, to continuing to build the International Space Station, and to forging ahead with missions to Mars and other planets.

We are already hearing cautious voices calling for spacecraft to be piloted by robots, or even insisting that no new money be spent on space. I say that is wrong. On May 25, 1961, when President John F. Kennedy declared it a national goal to land a man on the Moon, he did so with these words: "If we are to go only half way, or reduce our sights in the face of difficulty, in my judgment it would be better not to go at all."

In the spirit of John Glenn, Neil Armstrong, and our other space pioneers, astronauts must once again be sent soaring through the Earth's atmosphere to explore and discover.●

MORNING BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of that committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 29, 2003, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the Rules of the Senate Committee on Indian Affairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original, printed version of his or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee. Further, each witness is required to submit by way of electronic mail, one copy of his or her testimony in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such times as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such information has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A Recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath.

Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OR HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

.50 CALIBER SNIPER RIFLES

Mr. LEVIN. Mr. President, last week the Violence Policy Center released a report entitled "Just Like Bird Hunting: The Threat to Civil Aviation From .50 Caliber Sniper Rifles." This report discusses the range and power of the .50 caliber sniper rifle and its ammunition, and highlights the potential threat this weapon poses to airports and aircraft. The idea that terrorists can legally obtain these weapons should shake us up and force us to act immediately.

The .50 caliber sniper rifle is among the most powerful weapons legally available. According to the VPC's report, a .50 caliber sniper rifle is capable of accurately hitting a target over a thousand yards away and the ammunition available for the .50 caliber includes armor-piercing, incendiary and explosive bullets. The report also cites the U.S. Army's manual on urban combat which states that .50 caliber sniper rifles are designed to attack bulk fuel tanks and other high-value targets from a distance, using "their ability to break through all but the thickest shielding material."

One of the most disturbing parts of the report comes from the leading manufacturer of .50 caliber sniper rifles, Barrett Firearms. According to the VPC report, a brochure advertising the .50 caliber sniper rifle states, "The cost-effectiveness of the Model 82A1 cannot be overemphasized when a round of ammunition purchased for less than 10USD—U.S. Dollars—can be used to destroy or disable a modern jet aircraft."

I believe the easy availability and the increased popularity of the .50 caliber sniper rifle poses a danger to homeland security, as well as airline safety. That's why last year I cosponsored Senator FEINSTEIN's Military Sniper Weapon Regulation Act. This bill would change the way .50 caliber guns are regulated by placing them under the requirements of the National Firearms Act. This would subject these weapons to the same regimen of registration and background checks as other weapons of war, such as machine guns. This is a necessary step to assuring the safety of Americans.

The .50 caliber sniper rifle is among the most powerful, and least regulated, firearms legally available. Tighter regulation is needed. If Senator FEINSTEIN's bill is reintroduced, I urge my colleagues to support it.

IN HONOR OF DR. F. MARIAN BISHOP

Mr. HATCH. Mr. President, I rise today to pay special tribute to a wonderful Utah doctor, F. Marian Bishop, Ph.D., M.S.P.H, who has dedicated her life to the practice of family medicine. Her shining example of service and dedication to the health and well being of people across America is truly extraordinary.

Dr. Bishop was recently named the recipient of the John G. Walsh Award by the American Academy of Family Physicians, AFP, because of her dedicated, long-term commitment to furthering the development of family practice. This award is one of the highest honors presented by the Academy.

In addition, Dr. Bishop has also received the United States Public Health Service Director's Award from the National Health Service Corps in 1990; the 2001 Women Who Make A Difference Award from the International Women's Forum; and in 2000 the Society of Teachers of Family Medicine, STFM, Foundation created the F. Marian Bishop Scholars program to benefit future students.

Dr. Bishop is currently a professor and chairman emeritus of the Department of Family and Preventative Medicine at the University of Utah. The knowledge and enthusiasm she has shared with countless students have been felt by many and have helped provide the impetus for many future family practitioners.

Dr. Bishop is a tireless advocate for the development of family practice and has served in many positions to further promote this wonderful field of medicine. She has assumed leadership positions for the Department of Health and Human Services in several areas including: peer review; Area Health Education Centers; title VII health professions; and the External Advisory Panel for Primary Care. She was instrumental in developing the Committee for the Departments of Family Medicine Grant Reviews and chaired the National Advisory Council on Health Professions Education. She is currently serving as the vice president for the Council on Graduate Medical Education for the Health Resources and Services Administration.

She has also served in many capacities in Utah State government including as: a member of the Utah Task Force on Rural Health Policy Development, chairwoman of the Rural Medical Financial Assistance Committee, and a member of the Preventive Health Care Services Technical Advisory Group for the Utah Health Policy Commission.

I am also particularly grateful for the service Dr. Bishop has given me as a member of my Utah Women's Advisory Committee. She has been a valuable asset on this committee providing me with input and excellent ideas concerning women's health issues.

Dr. Bishop can also add author to her long list of accomplishments. She has published several important articles in such prestigious publications as: the British Journal of Medical Education, the Journal of Practical Nursing, the Journal of Community Health, and the Textbook of Family Practice. She is currently serving as the chairwoman for the American Journal of Preventive Medicine.

Sadly, Dr. Bishop is now battling her own personal health crisis. I sincerely hope she is able to draw upon the strength and courage she imparted to the many people she touched throughout her medical and teaching career to ease her own pain and suffering. The service she has so unselfishly given to students, patients, and the medical community is exemplary and the contributions she made to the field of family practice will be felt for years to come. I am grateful for the opportunity today to honor this wonderful doctor, mother, and woman.

ADDITIONAL STATEMENTS

HONORING CINDY DWYER

• Mr. JOHNSON. Mr. President, I ask that the following statement from our former colleague, Senator Bob Kerrey of Nebraska, be printed in the RECORD. Senator Kerrey is providing this statement concerning a former member of his Senate staff who is presently serving as my scheduler.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

We Americans have been taught to believe our share of myths. Myths are not lies; they are, like George Washington's decision to tell the truth about a fallen cherry tree, stories with a purpose. The purpose, however, is not always benign. Malignant myths have their roots in the soil of despair. They are told by those who do not believe in the possibility of human beings being motivated by the desire to do good.

Among the most destructive of cynical myths is that people who work for politicians are old corrupt hacks who only care about keeping their bosses in power. Cindy Dwyer is living evidence that the cynics are wrong, and what is most wonderful about Washington, DC, is that her story is not unique.

Cindy was 20 years old and a junior in college when she volunteered for a Senate campaign in South Dakota. Her candidate won and she went back to school. When she finished, her candidate, now a Senator, called to offer her a job. Cindy rolled the dice and said yes.

In the Senator's office she met and became friends with a legislative assistant by the name of Tom Daschle. She stayed for a few years and then moved back to South Dakota to teach kindergarten. Not long after settling back into private life her legislative assistant friend called to say he was running for Congress. He offered her a job in his campaign. Tom Daschle won that race and Cindy raced back to DC where she served as his scheduler. When Tom made a successful run for Senate in 1986, she moved over to his Senate office to become his press secretary.

And that is where I come into her story. In late 1987 I decided I would become a candidate for U.S. Senate. I had learned enough to know that my most important hire would be the person who did my scheduling and I learned that Cindy just might be willing to join our campaign. Fortunately for me and unfortunately for my opponent Cindy said yes. And, when the campaign was over I asked her to move to Washington one more time.

For the 12 years I served Nebraskans in the Senate she managed my most valuable commodity: my time. She helped me do my job much better than I could have without her. She extended my reach, increased the scope of my vision, and broadened the number of volunteer partners at home. She never failed to return a phone call. She could say no and make it sound like yes. She wouldn't leave the office until my plane was safely on the ground. If her salary were calculated by the hour, she would have been among the lowest paid people in the American workforce.

But Cindy, like most of the other young people in Washington, does not do what she does in order to reap financial rewards. She does what she does because she loves our country, wants to make it a better place, seeks to increase citizen confidence that our Government is "of, by and for the people," and thinks her greatest accomplishments were when she used the power of the office for the good of just one person in trouble.

It seems a perfect ending to a heroic story that Cindy went to work for Senator Tim Johnson and helped him win one of the most difficult campaigns in 2002. So it is that she will spend her last day doing the same thing she did on her first: working for the people of South Dakota. It is just as perfect that in many ways Cindy's nearly 28 years of service in Congress were spent doing many of the same things she did when she taught preschool and kindergarten. Members of Congress were behaving like children long before psychiatrists recommended that we get in tough with our inner child.

Cindy Dwyer always stayed in touch with her inner teacher. She mentored every young staffer who had the good fortune to fall under her authority. She never hoarded her good advice or good wishes. She took delight when others learned from her and succeeded because of it. Most importantly Cindy gave delight to anyone who spoke with her on the phone. For no gift can match the jolt of good news from her joyful voice shouting out: "How are you doing?"

The answer, is that thanks to Cindy we are doing just fine.●

IN RECOGNITION OF THE EFFORTS OF THE DELAWARE MENTORING COUNCIL

● Mr. CARPER. Mr. President, I rise today to recognize the good work of the Delaware Mentoring Council and to celebrate the efforts of mentors across our great country. With the designation of January as National Mentoring Month, we focus national attention on the need for mentors, as well as how each of us—individuals, businesses, schools and community groups—can work together to increase the number of mentors and assure brighter futures for our young people.

Mentors serve as role models, advocates, friends, and advisors. Numerous studies document that mentors help young people augment social skills, enhance emotional well-being, improve cognitive skills, and plan for the future. For some children, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life.

Delaware has been showing communities across the country the power of mentoring for quite a while. Mentoring has become an integral part of our school system in Delaware and is one of the keys to improving academic achievement among at-risk students.

As Governor, I helped recruit thousands of mentors as part of a statewide effort and was actively involved in recruiting individuals, churches, service clubs, students, and corporations to help in mentoring Delaware's at-risk children. I first experienced the joy of mentoring in 1997 when I became a mentor to Darryl Burton, a fifth grader at Wilmington's Warner Elementary School. More than 5 years later, we now meet at Delcastle High School, where he is a freshman, every week during the school year. I know from personal experience that there are few things more rewarding than making a difference in the life of a child. Literally hundreds of mentors have said to me of their mentoring experience over the past 6 years, "I know I'm helping the young person that I mentor, but I get even more out of it than they do."

We are making great strides in the First State in helping thousands of additional students realize their full potential, along with Delaware's rigorous academic standards. The Delaware Mentoring Council is, in large part, leading the way. We must continue to work to level the playing field and give every child the tools they need to succeed in school and in life.

I am proud to be part of Delaware's army of mentors. We know that there are thousands of other students in our schools who would benefit greatly from having another positive role model in their lives, so I urge others to join us. For a child living in the shadows of life, an hour of our time can make a lifetime of difference for that child and for each of us.●

THE BOISE STATE UNIVERSITY 2002 FOOTBALL PROGRAM

● Mr. CRAPO. Mr. President, we rise today to ask the Senate to join us in recognizing the accomplishments of the 2002 Football Program at Boise State University (BSU), in our home State of Idaho. Senator LARRY CRAIG, Congressman MIKE SIMPSON, Congressman C.L. "BUTCH" OTTER, and I wish to honor the players, Head Coach Dan Hawkins, his entire staff, the administrators of BSU, the Bronco Athletic Association, and the thousands of BSU fans for the outstanding season. The Broncos of BSU have excelled in both academics and sportsmanship. The team is a source of pride for the university, the city of Boise, and the entire State of Idaho.

The Broncos began the season with optimism and commitment; their hard work was rewarded by the following accomplishments:

2002 Western Athletic Conference (WAC) Champions; 8 wins and no losses in the WAC; an overall record of 12 wins and only 1 loss; the highest overall margin of victory in the history of the WAC of 37.2 points per game; Humanitarian Bowl Champions with a 34 to 16 win over Iowa State University; #1 team in the Nation in team scoring; #1 team in the Nation in total offense; #1 team in the Nation in passing efficiency; #17 team in the Nation in scoring defense; ranked #15 in the Nation in the AP Poll; ranked #12 in the Nation in the ESPN/USA Today Coaches Poll, and second longest current winning streak in the country, second only to National Champion Ohio State University.

Through service, the BSU Broncos have taken the energy they generate on the field and spread it throughout the Boise community. Mentoring children, hosting youth football camps, and visiting the Ronald McDonald House are just a few examples of how the BSU Football Program benefits Idaho.

We recognize the extraordinary progress and development of the BSU football program and look to its success as an example of what can be accomplished with leadership, commitment, determination, and, most importantly, teamwork.

We congratulate the football program of Boise State University for the achievements made and look forward to future success and a strong defense of its conference title.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET MESSAGE FOR FISCAL YEAR 2004—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, received on February 3, 2003; to the Committees on Appropriations; and the Budget:

THE BUDGET MESSAGE OF THE PRESIDENT

The budget for 2004 meets the challenges posed by three national priorities: winning the war against terrorism, securing the homeland, and generating long-term economic growth. It restrains the growth in federal spending and addresses the long-term fiscal challenges presented by Medicare and Social Security's unfunded promises. This year's budget also helps America meet its goals both at home and overseas.

We remain at war with an enemy that seeks to use murder, stealth, and fear against all free nations. Yet our response has been resolute. The people of Afghanistan have been freed from the oppressive regime that sponsors the terrorists who planned and carried out the attacks of September 11, 2001. We are hunting down the terrorist leaders and their collaborators, one by one. And we continue to disrupt their plots, shut down their financing, and deny them safe haven.

We have moved to secure the nation's safety. Just 10 days ago, the new Department of Homeland Security began operations in the biggest reorganization of the Federal Government in a half-century. The cabinet-level department unifies the work of 22 programs and agencies and will move quickly to better protect Americans from threats here at home. We also have moved to defend America's interests abroad, and to confront danger wherever it emerges. Working with our allies and partners, we will face down regimes that govern by fear and deception, and we will devote the necessary resources to protect ourselves and our friends against the use of weapons of mass destruction.

We are strengthening our economy by allowing American families to keep more of their own money and encouraging businesses to save, spend, and grow. While the economy is growing, it is not growing fast enough. Too many Americans who want to work can't find a job, and too many American families are falling behind.

The growth and jobs plan I outlined earlier this year will provide critical momentum to our economic recovery. For every American paying income taxes, I propose speeding up the tax cuts already approved by the Congress, because Americans need that relief today. And for America's 84 million investors, and those who will become investors, I propose eliminating the double taxation of stock dividends. Double taxation is unfair and bad for our economy.

Government cannot manage or control the economy. But government can remove the barriers blocking stronger economic growth. My plan will give Americans more tools to achieve that growth.

A recession and a war we did not choose have led to the return of deficits. My administration firmly believes in controlling the deficit and reducing it as the economy strengthens and our national security interests are met. Compared to the overall federal budget and the $10.5 trillion national economy, our budget gap is small by historical standards. By protecting our vital national security interests and promoting economic growth, we will meet the challenges and concerns of the American people. We will not let them down.

I will also insist on spending discipline in Washington, D.C., so we can meet our priorities. We must prepare for the future costs of Social Security and Medicare. My budget takes the first steps toward modernizing Medicare and includes prescription drug coverage.

We will continue to focus on getting results from federal spending. A federal program's measure of success is not its size, but the value it delivers. And my budget will focus on this goal in a new and important way. If federal programs cannot show results, they should be overhauled, or retired.

And while human compassion cannot be summarized in dollars and cents, this budget addresses the many challenges our society faces: bridging the gap for low-income families, so they can buy affordable homes; helping communities of faith pull the addicted from the grip of drugs; lifting children out of poverty and hopelessness by creating good schools and offering them caring adult mentors; and easing the pain and hardship of the global epidemic of AIDS.

Some of the challenges we face will endure for many years and require great resources. As we look down that path, we will not always get to choose which battles we fight. It is, however, our duty to fight them. History may not remember every single way we contributed to this nation's betterment, but it will remember if we failed to try. The courage to take on challenges, and the enterprise with which we have succeeded in meeting them, have always distinguished America. This same courage and enterprise will help America meet these challenges, and prevail once again.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 3, 2003.*

REPORT DETAILING THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE LAST TWO QUARTERS OF FISCAL YEAR 2002 IN SUPPORT OF PLAN COLOMBIA, RECEIVED ON FEBRUARY 4, 2003—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to Public Law 106–246, section 3204(e), I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2002 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 4, 2003.*

REPORT RELATIVE TO MILITARILY SIGNIFICANT BENCHMARKS FOR CONDITIONS THAT WOULD ACHIEVE A SUSTAINABLE PEACE IN KOSOVO AND ULTIMATELY ALLOW FOR THE WITHDRAWAL OF THE UNITED STATES MILITARY PRESENCE IN KOSOVO, RECEIVED ON JANUARY 31, 2003—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to section 1212 of the National Defense Authorization Act for Fiscal Year 2001, Public Law 106–398, I hereby submit a report, prepared by my Administration, on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo.

The term "militarily significant" relates to tasks and objectives significant from a military standpoint that once accomplished, would allow for withdrawal of military forces from Kosovo. In the establishment of the Kosovo benchmarks, four critical tasks for NATO forces were identified: military stability; public security; border/boundary issues; and war crimes/support to the International Criminal Tribunal for the Former Yugoslavia. Objectives for these tasks were drawn from United Nations Security Council Resolution 1244, the NATO Operations Plan, the Military Technical Agreement, and the Kosovo Liberation Army Undertaking.

I anticipate that Kosovo Force—and U.S. participation in it—will gradually reduce in size as public security conditions improve and Kosovars assume increasing responsibility for their own self-government.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 31, 2003.*

REPORT ON THE PROGRESS TOWARD ACHIEVING BENCHMARKS FOR A SUSTAINABLE PEACE PROCESS IN BOSNIA AND HERZEGOVINA, RECEIVED ON FEBRUARY 4, 2003—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I am providing a report prepared by my Administration on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

This seventh report, which also includes supplemental reporting as required by section 1203(a) of Public Law 105–261, provides an updated assessment of progress on the benchmarks covering the period January 1 to December 31, 2002.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 4, 2003.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 31, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 13. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) on January 31, 2003.

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 31, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that pursuant to 50 U.S.C. 401, section 1002(b) of the Intelligence Authorization Act, the Minority Leader appoints the following to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community. Ms. LOFGREN of California and Mr. Maurice Sonnenberg of New York.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–872. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Amendments (3084–AA86)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–873. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Reporting Requirements Under Section 8 of The Clayton Act, 15 U.S.C. Sec. 19(a)(5)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–874. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 regulations) [CGD08–02–023] [CGD08–02–022] (2115–AE47)(2003–0004)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–875. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (including 3 regulations) [COTP San Diego 03–002] [COTP San Diego 03–004] [COTP San Diego 03–005]" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–876. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; (Including 4 regulations) [COTP Miami 02–115] [COTP Jacksonville 02–066] [CGD08–01–025] [CGD08–01–043] (2115–AA97)(2003–0006)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–877. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Monitoring of Recreational Landing; Retention Limit for Recreationally Landed North Atlantic Swordfish (RIN0648–AN06)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–878. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final rule to Implement Stellar Sea Lion Protection Measures (0648–AQ08)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–879. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Sparta, WI; Modification of Class E Airspace; Sparta, WI/Docket no. 02–AGL–15 (2120–AA66)(2003–0038)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dayton, OH; Docket No. 02–AGL–13 (2120–AA66)(2003–0034)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sikeston, MO; Docket No. 03–ACE–2 (2120–AA66)(2003–0033)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Columbus, OH; Docket No. 02–AGL–14 (2120–AA66)(2003–0037)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Circlevile, OH; Docket no. 02–AGL–08 (2120–AA66)(2003–0036)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 and 400D Series Airplanes: Docket No. 2002–NM–46 (2120–AA64)(2003–0100)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 2001–NM–290 (2120–AA64)(2003–0105)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, Inc. Model 204B, 205A–1, 205A–1, 205B, and 212 Helicopters; Docket No. 2002–SW–14 (2120–AA64)(2003–0104)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes; Docket No. 2001–NM–250 (2120–AA64)(2003–0103)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes, Docket No. 2002–NM–85 (2120–AA64)(2003–0097)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (19); Amdt. No. 3039 (2120–AA65)(2003–0007)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Ineligibility for an Airman Certificate Based on Security Grounds; Docket No. FAA–2003–14293 (2120–AH84)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 36, A36, A36TC, B36TC, 58, and 58A Airplanes Docket No. 2002–CE–07 (2120–AA64)(2003–0099)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 10, 20, –30, 40, and 50 Series Airplanes: and Model DC 9 81, 82, 83, 87 and 88 Airplanes; Docket No. 2002–NM–53 (2120–AA64)(2003–0098)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Indianapolis, IN; Correction; Docket No. 02–AGL–09 (2120–AA66)(2003–0035)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–81, –82, –83 Airplanes; and Model MD 88 Airplanes Docket No. 2000–NM–166 (2120–AA64)(2003–0101)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Co. CF6–80A Series Turbofan Engines; Docket No. 2002–NE–44 (2120–AA64) (2003–0102)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–896. A communication from the Deputy Assistant Administrator, Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to Observer Coverage Requirements for Vessels and Shoreline Processors in the North Pacific Groundfish Fisheries, Final Rule (0548–AM44)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–897. A communication from the Deputy Assistant Administrator, Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions, Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery, Groundfish Fishery Management Measures" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–898. A communication from the Attorney, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reports of Motor Carriers—Correction of Obsolete Reference and Minor Editorial Corrections (2139–AA10); to the Committee on Commerce, Science, and Transportation.

EC–899. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Driver's License Standards, Requirements and Penalties, Commercial Driver's License Program Improvements and Noncommercial Motor Vehicle Violations (2126–AA60)(2003–0001)" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–900. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–901. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Request for Proposals for FY 2003–NOAA Educational Partnership Program with Minority Serving Institutions: Environmental Entrepreneurship Program" received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–902. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Increased Contribution and Coordinated Party Expenditure Limits for Candidates Opposing Self-Financed Candidates" received on January 21, 2003; to the Committee on Rules and Administration.

EC–903. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full approval of Operating Permit Program; Maryland (FRL7440–2)" received on January 15, 2003; to the Committee on Environment and Public Works.

EC–904. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change of Physical Location of EPA's Environmental Appeals Board (FRL7439–7)" received on January 15, 2003; to the Committee on Environment and Public Works.

EC–905. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval Implementation Plans; Ohio (FRL7428–5)" received on January 15, 2003; to the Committee on Environment and Public Works.

EC–906. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona: Motor Vehicle Inspection and Maintenance Programs (FRL7418–8)" received on January 15, 2003; to the Committee on Environment and Public Works.

EC–907. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans, Ohio Oxides of Nitrogen Regulations" received on January 15, 2003; to the Committee on Environment and Public Works.

EC–908. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a proposed Bill to authorize $6 million to develop and implement interagency environmental streamlining initiatives authorized under section 1309 of the Transportation Equity Act for the 21st Century (TEA–21); to the Committee on Environment and Public Works.

EC–909. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Metropolitan Transportation Planning and Programming (2125–AE92)" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–910. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Statewide Transportation Planning; Metropolitan Transportation Planning (2125–AE95)" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–911. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure Required by Sections 406 and 407 of the Sarbanes-Oxley Act of 2002 (3235–AI66)" received on January 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–912. A communication from the Deputy Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 2–06 of Regulations S–X, Retention of Audit and Review records (3235–AI74)" received on January 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–913. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Certification of Management Investment Company Shareholder Report and Designation of Certified Shareholder Report as Exchange Act Reporting Forms; Disclosure Required by sections 406 and 407 of the Sarbanes-Oxley Act of 2002 (3235–AI63) (3235–AI66)" received on January 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–914. A communication from the Chief Judge, United States Court of Federal Claims, transmitting, pursuant to law, the report relative to RICHARD M. BARLOW v. THE UNITED STATES, and the report of the Review Panel filed on November 1, 2002 and the Redacted Report filed on September 13, 2002; to the Committee on the Judiciary.

EC–915. A communication from the Clerk of the Court, United States Court of Federal Claims, transmitting, pursuant to law, the report of the United States Court of Federal Claims for the year ended September 30, 2002; to the Committee on the Judiciary.

EC–916. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rule Relating to Notice of Blackout Periods to Participants and Beneficiaries (1210–AA90)" received on January 24, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–917. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph or Combination Drug Products (0910–AA01)" received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–918. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Labeling of Diphenhydramine—Containing Drug Products for Over-the Counter Human Use (0910–AA01) (Doc. No. 97N–0128)" received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–919. A communication from the Assistant Secretary, Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Solicitor of Labor, received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–920. A communication from the Assistant Secretary, Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Solicitor of Labor, received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–921. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Production or Disclosure of Official Information in Connection With Legal Proceedings (1601–AA01)" received on January 27, 2003; to the Committee on Governmental Affairs.

EC–922. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act and Privacy Act Procedures" received on January 27, 2003; to the Committee on Governmental Affairs.

EC–923. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Classified National Security Information (1601–AA02)" received on January 27, 2003; to the Select Committee on Intelligence.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself and Mr. ENZI):

S. 273. A bill to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. HATCH, Mr. CARPER, Mr. SPECTER, Mr. MILLER, Mr. CHAFEE, and Mr. LUGAR):

S. 274. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 275. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself and Mr. GRAHAM of South Carolina):

S. 276. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT:

S. 277. A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; to the Committee on Energy and Natural Resources.

By Mr. BENNETT:

S. 278. A bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 279. A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 280. A bill to address claims relating to Horn Island, Mississippi; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 281. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes; to the Committee on Indian Affairs.

By Ms. SNOWE:

S. 282. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. KERRY, and Ms. SNOWE):

S. 283. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 284. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and the Foreign Service in determining the exclusion of gain from the sale of a principal residence; to the Committee on Finance.

By Mr. CAMPBELL:

S. 285. A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 286. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. BINGAMAN, Mr. COCHRAN, Mr. DASCHLE, Mr. DURBIN, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. WARNER, Ms. CANTWELL, Mr. JEFFORDS, Mr. JOHNSON, and Mr. KERRY):

S. 287. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. CAMPBELL:

S. 288. A bill to encourage contracting by Indians and Indian tribes for the management of Federal land, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. HATCH, Mr. CONRAD, Mr. DEWINE, Mr. GRAHAM of Florida, Mr. SMITH, Mr. BINGAMAN, Mr. ALLARD, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. HARKIN, Mr. DURBIN, and Ms. LANDRIEU):

S. 289. A bill to amend the Internal Revenue Code of 1986 to provide tax equity for military personnel, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ROBERTS, Mr. INHOFE, Mrs. HUTCHISON, Mr. DOMENICI, and Mr. BROWNBACK):

S. 290. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mr. GRAHAM of South Carolina:

S. 291. A bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM of South Carolina:

S. 292. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 294. A bill to eliminate the sunset for the determination of the Federal medical assistance percentage for Alaska under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 295. A bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 296. A bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 297. A bill to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, and for other purposes; to the Committee on Indian Affairs.

By Mr. BAUCUS (for himself, Ms. CANTWELL, Mrs. MURRAY, Mrs. CLINTON, Mr. HARKIN, Mr. KOHL, Mr. WARNER, Mr. ALLEN, Mr. FEINGOLD, Mr. SCHUMER, and Mr. GRASSLEY):

S. 298. A bill to provide tax relief and assistance for the families of the heroes of the Space Shuttle Columbia, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 299. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. KENNEDY, Mr. DASCHLE, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 300. A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:

S. Res. 42. A resolution to refer S. 279, entitled "A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi" to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 43. A resolution to commend Daniel W. Pelham; considered and agreed to.

By Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, Ms. MURKOWSKI, Mr. BIDEN, and Mr. REED):

S. Res. 44. A resolution designating the week beginning February 2, 2003, as "National School Counseling Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 38

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 38, a bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones Federal Building and United States Courthouse."

S. 85

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 87

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 87, a bill to provide for homeland security block grants.

S. 98

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 130

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 130, a bill to amend the labeling requirements of the Dolphin Protection Consumer Information Act, and for other purposes.

S. 138

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 144

At the request of Mr. CRAIG, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 144, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 151

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 160

At the request of Mr. BURNS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. CAMPBELL) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 227

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 227, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed teachers, to provide for grants that promote teacher certification and licensing, and for other purposes.

S. 238

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 240

At the request of Mr. FITZGERALD, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 240, a bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 265

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 265, a bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S.J. Res. 1, A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 28

At the request of Mr. BYRD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S.

Res. 28, A resolution expressing the sense of the Senate that the United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002) and that the United States should seek a United Nations Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq.

S. RES. 29

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 29, A resolution demanding the return of the USS Pueblo to the United States Navy.

S. RES. 40

At the request of Mr. BIDEN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 40, A resolution reaffirming congressional commitment to title IX of the Education Amendments of 1972 and its critical role in guaranteeing equal educational opportunities for women and girls, particularly with respect to school athletics.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. ENZI):

S. 273. A bill to provide for the expeditious completion of the acquistion of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I am pleased to introduce a bill today to authorize the exchange of State lands inside Grand Teton National Park.

Grand Teton National Park was established by Congress on February 29, 1929, to protect the natural resources of the Teton range and recognize the Jackson area's unique beauty. On March 15, 1943, President Franklin Delano Roosevelt established the Jackson Hole National Monument adjacent to the park. Congress expanded the Park on September 14, 1950, by including a portion of the lands from the Jackson Hold National Monument. The park currently encompasses approximately 310,000 acres of wilderness and has some of the most amazing mountain scenery anywhere in our country. This park has become an extremely important element of the National Park system, drawing almost 2.7 million visitors in 1999.

When Wyoming became a State in 1890, sections of land were set aside for school revenue purposes. All income from these lands—rents, grazing fees, sales or other sources—is placed in a special trust fund for the benefit of students in the State. The establishment of these sections predates the creation of most national parks or monuments within our State boundaries, creating several State inholdings on federal land. The legislation I am introducing today would allow the Federal Government to remove the State school trust lands from Grand Teton National Park and allow the State to capture fair value for this property to benefit Wyoming school children.

This bill, entitled the "Grand Teton National Park Land Exchange Act," identifies approximately 1406 acres of State lands and mineral interests within the boundaries of Grand Teton National Park for exchange for Federal assets. These federal assets could include mineral royalties, appropriated dollars, Federal lands or combination of any of these elements.

The bill also identifies an appraisal process for the State and Federal Government to determine a fair value of the State property located within the park boundaries. After the bill is signed into law, the land would be valued by one of the following methods: 1. the Interior Secretary and Governor would mutually agree on a qualified appraiser to conduct the appraisal of the State lands in the park; 2. If there is no agreement about the appraiser, the Interior Secretary and Governor would each designate a qualified appraiser. The two designated appraisers would select a third appraiser to perform the appraisal with the advice and assistance of the designated appraisers.

If the Interior Secretary and Governor cannot agree on the evaluations of the State lands 180 days after the date of enactment, the Governor may petition the U.S. Court of Federal Claims to determine the final value. One-hundred-eighty days after the State land value is determined, the Interior Secretary, in consultation with the Governor, shall exchange Federal assets of equal value for the state lands.

The management of our public lands and natural resources is often complicated and requires the coordination of many individuals to accomplish desired objectives. When western folks discuss federal land issues, we do not often have an opportunity to identify proposals that capture this type of consensus and enjoy the support from a wide array of interests; however, this land exchange offers just such a unique prospect.

This legislation is needed to improve the management of Grand Teton National Park, by protecting the future of these unique lands against development pressures and allow the State of Wyoming to access their assets to address public school funding needs.

This bill enjoys the support of many different groups including the National Park Service, the Wyoming Governor, State officials, as well as folks from the local community. During the 107th Congress the Senate passed this exact same legislation three separate times unanimously. Unfortunately, due to complications unrelated to the bill was not able to be sent to the President for signature and enactment. It is my hope that the Senate, and the Congress, will seize this opportunity to improve upon efforts to provide services to the American public.

Mr. President, I ask unanimous consent that the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Land Exchange Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Federal lands" means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term "Governor" means the Governor of the State of Wyoming.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "State lands" means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled "Private, State & County Inholdings Grand Teton National Park", dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the

Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. HATCH, Mr. CARPER, Mr. SPECTER, Mr. MILLER, Mr. CHAFEE, and Mr. LUGAR):

S. 274. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce The Class Action Fairness Act of 2003, a bill that will help curb class action lawsuit abuse. For the last several Congresses, Senators KOHL, HATCH and others have joined me in introducing this important measure. Over the years, we have held several hearings on the numerous abuses of the class action system and the urgent need for reform. The Senate Judiciary Committee marked up and reported a similar class action bill in the 106th Congress, and in the 107th Congress the Judiciary Committee held a hearing on class action abuse. This bi-partisan bill has garnered increasing support over the years, and I look forward to even greater support in this Congress.

Abuses of the class action system abound. Specifically, class action cases have proven to be an easy way for attorneys to make millions of dollars while the plaintiff class members receive little or nothing of value. We all are familiar with the many class action lawsuits where plaintiffs were awarded nothing or coupons of limited value, while the lawyers got all the money in attorney's fees. Everyone of us has found ourselves to have been a potential member of a plaintiff class in a class action lawsuit, and for those of us who are not lawyers, it has been impossible to know what our rights are or whether we are being served by attorneys we never hired in the first place.

In addition, most class action lawsuits are being filed in state courts, even though these are usually the cases that involve the most money, have nationwide implications, and implicate citizens from all 50 States. Lawyers often game the system so they can bring lawsuits in State courts, which are more likely to certify class actions without adequately considering whether a class action would be fair to all class members. In some instances, class lawyers manipulate pleadings to avoid removal of the lawsuit to the federal courts. To do this, lawyers may claim that their clients suffered under $75,000 in damages so that the Federal threshold isn't triggered, even though their clients may have suffered an even greater injury. Class lawyers also sometimes defeat the complete diversity requirement by ensuring that at least one named class member is from the same state as a defendant, even if every other class member is from a different state.

The Class Action Fairness Act of 2003 will go a long way toward ending some of these abuses. This modest bill carefully fixes the more egregious problems with the class action system, while preserving class action lawsuits as an important tool which brings representation to the unrepresented.

First, our bill requires that notice of proposed settlements in all class actions, as well as all class notices, must be in clear, easily understood English and must include all material settlement terms, including amount and source of attorneys' fees. The notices most plaintiffs receive are written in small print and confusing legal jargon. In fact, a lawyer testified before my Subcommittee that even he could not understand the notice he received as a plaintiff in a class action lawsuit. Since plaintiffs are giving up their right to sue, it is imperative that they understand what they are doing and the ramifications of their actions.

Second, our bill requires that State attorneys general be notified of any proposed class settlement that would affect residents of their States. The notice would give a State attorney general the opportunity to object if the settlement terms are unfair to consumers.

Third, our bill disallows bounty payments to lead plaintiffs so lawyers looking for victims can't promise them unwarranted payoffs to be their excuse for filing suit. It also prevents settlements that discriminate based on geography, so that one plaintiff doesn't receive more money just because he lives near the courthouse.

Fourth, our bill requires that courts scrutinize settlements where the plaintiffs get only coupons or non-cash awards, and the lawyers get money. The courts are required to make a written finding that the settlement is fair and reasonable for class members. A court will still be able to find that a non-cash settlement, like in the case of injunctive relief banning some type of bad conduct, is fair and reasonable. But courts would be able to throw out sham settlements where the lawyers get big paychecks but the plaintiffs get nothing but coupons.

Finally, our bill allows more class action lawsuits to be removed from state court to federal court, either by a defendant or an unnamed class member. A class action would qualify for federal jurisdiction if the total damages exceed $2,000,000 and parties include citizens from multiple States. Currently, class lawyers can avoid removal if individual claims are for $75,000 or less, even if hundreds of millions of dollars in total are at stake, or if just one class member is from the same State as a defendant. But if a case really belongs in state court because it's a State-law question or the substantial majority of class members and defendants are in-State, the case will stay in state court.

We need class action reform badly. Both plaintiffs and defendants are calling for change in this area. The Class Action Fairness Act of 2003 is a good, modest bill that will help curb the many problems that have plagued the class action system.

This bill will remove the conflict of interest that lawyers face in class action lawsuits, and will ensure the fair settlement of these cases. This bill will preserve the process, but put a stop to the more egregious abuses. I urge all my colleagues to join Senators KOHL, HATCH, CARPER, SPECTER, CHAFEE, LUGAR, MILLER and I in supporting this important legislation.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Class Action Fairness Act of 2003".

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction for interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Report on class action settlements.
Sec. 7. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) PURPOSES.—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

"CHAPTER 114—CLASS ACTIONS

"Sec.
"1711. Definitions.
"1712. Judicial scrutiny of coupon and other noncash settlements.
"1713. Protection against loss by class members.
"1714. Protection against discrimination based on geographic location.
"1715. Prohibition on the payment of bounties.
"1716. Clearer and simpler settlement information.
"1717. Notifications to appropriate Federal and State officials.

"§ 1711. Definitions

"In this chapter:

"(1) CLASS.—The term 'class' means all of the class members in a class action.

"(2) CLASS ACTION.—The term 'class action' means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

"(3) CLASS COUNSEL.—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

"(4) CLASS MEMBERS.—The term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

"(5) PLAINTIFF CLASS ACTION.—The term 'plaintiff class action' means a class action in which class members are plaintiffs.

"(6) PROPOSED SETTLEMENT.—The term 'proposed settlement' means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

"§ 1712. Judicial scrutiny of coupon and other noncash settlements

"The court may approve a proposed settlement under which the class members would receive noncash benefits or would otherwise be required to expend funds in order to obtain part or all of the proposed benefits only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members.

"§ 1713. Protection against loss by class members

"The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

"§ 1714. Protection against discrimination based on geographic location

"The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

"§ 1715. Prohibition on the payment of bounties

"(a) IN GENERAL.—The court may not approve a proposed settlement that provides for the payment of a greater share of the award to a class representative serving on behalf of a class, on the basis of the formula for distribution to all other class members, than that awarded to the other class members.

"(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to prohibit a payment approved by the court for reasonable time or costs that a person was required to expend in fulfilling the obligations of that person as a class representative.

"§ 1716. Clearer and simpler settlement information

"(a) PLAIN ENGLISH REQUIREMENTS.—Any court with jurisdiction over a plaintiff class action shall require that any written notice concerning a proposed settlement of the class action provided to the class through the mail or publication in printed media contain—

"(1) at the beginning of such notice, a statement in 18-point or greater bold type, stating 'LEGAL NOTICE: YOU ARE A PLAINTIFF IN A CLASS ACTION LAWSUIT AND YOUR LEGAL RIGHTS ARE AFFECTED BY THE SETTLEMENT DESCRIBED IN THIS NOTICE.';

"(2) a short summary written in plain, easily understood language, describing—

"(A) the subject matter of the class action;

"(B) the members of the class;

"(C) the legal consequences of being a member of the class action;

"(D) if the notice is informing class members of a proposed settlement agreement—

"(i) the benefits that will accrue to the class due to the settlement;

"(ii) the rights that class members will lose or waive through the settlement;

"(iii) obligations that will be imposed on the defendants by the settlement;

"(iv) the dollar amount of any attorney's fee class counsel will be seeking, or if not possible, a good faith estimate of the dollar amount of any attorney's fee class counsel will be seeking; and

"(v) an explanation of how any attorney's fee will be calculated and funded; and

"(E) any other material matter.

"(b) TABULAR FORMAT.—Any court with jurisdiction over a plaintiff class action shall require that the information described in subsection (a)—

"(1) be placed in a conspicuous and prominent location on the notice;

"(2) contain clear and concise headings for each item of information; and

"(3) provide a clear and concise form for stating each item of information required to be disclosed under each heading.

"(c) TELEVISION OR RADIO NOTICE.—Any notice provided through television or radio (including transmissions by cable or satellite) to inform the class members in a class action of the right of each member to be excluded from a class action or a proposed settlement, if such right exists, shall, in plain, easily understood language—

"(1) describe the persons who may potentially become class members in the class action; and

"(2) explain that the failure of a class member to exercise his or her right to be excluded from a class action will result in the person's inclusion in the class action.

"§ 1717. Notifications to appropriate Federal and State officials

"(a) DEFINITIONS.—

"(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term 'appropriate Federal official' means—

"(A) the Attorney General of the United States; or

"(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a nondepository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

"(2) APPROPRIATE STATE OFFICIAL.—In this section, the term 'appropriate State official' means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

"(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

"(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

"(2) notice of any scheduled judicial hearing in the class action;

"(3) any proposed or final notification to class members of—

"(A)(i) the members' rights to request exclusion from the class action; or

"(ii) if no right to request exclusion exists, a statement that no such right exists; and

"(B) a proposed settlement of a class action;

"(4) any proposed or final class action settlement;

"(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

"(6) any final judgment or notice of dismissal;

"(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or

"(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

"(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

"(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

"(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

"(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

"(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

"(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

"(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

"(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

"(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

"114. Class Actions .... 1711".

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d)(1) In this subsection—

"(A) the term 'class' means all of the class members in a class action;

"(B) the term 'class action' means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action;

"(C) the term 'class certification order' means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

"(D) the term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

"(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs, and is a class action in which—

"(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

"(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

"(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

"(3) Paragraph (2) shall not apply to any civil action in which—

"(A)(i) the substantial majority of the members of the proposed plaintiff class and the primary defendants are citizens of the State in which the action was originally filed; and

"(ii) the claims asserted therein will be governed primarily by the laws of the State in which the action was originally filed;

"(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

"(C) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

"(4) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs.

"(5) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

"(6)(A) A district court shall dismiss any civil action that is subject to the jurisdiction of the court solely under this subsection if the court determines the action may not proceed as a class action based on a failure to satisfy the prerequisites of rule 23 of the Federal Rules of Civil Procedure.

"(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal court or filing an action in State court, except that any such action filed in State court may be removed to the appropriate district court if it is an action of which the district courts of the United States have original jurisdiction.

"(C) In any action that is dismissed under this paragraph and is filed by any of the original named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed under this paragraph that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed action was pending.

"(7) Paragraph (2) shall not apply to any class action that solely involves a claim—

"(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

"(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

"(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

"(8) For purposes of this subsection and section 1453 of this title, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

"(9)(A) For purposes of this section and section 1453 of this title, a civil action that is not otherwise a class action as defined in paragraph (1)(B) shall nevertheless be deemed a class action if—

"(i) the named plaintiff purports to act for the interests of its members (who are not named parties to the action) or for the interests of the general public, seeks a remedy of damages, restitution, disgorgement, or any other form of monetary relief, and is not a State attorney general; or

"(ii) monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.

"(B)(i) In any civil action described under subparagraph (A)(ii), the persons who allegedly were injured shall be treated as members of a proposed plaintiff class and the monetary relief that is sought shall be treated as the claims of individual class members.

"(ii) Paragraphs (3) and (6) of this subsection and subsections (b)(2) and (d) of section 1453 shall not apply to any civil action described under subparagraph (A)(i).

"(iii) Paragraph (6) of this subsection, and subsections (b)(2) and (d) of section 1453 shall not apply to any civil action described under subparagraph (A)(ii).".

(b) Conforming Amendments.—

(1) Section 1335 (a)(1) is amended by inserting "(a) or (d)" after "1332".

(2) Section 1603 (b)(3) is amended by striking "(d)" and inserting "(e)".

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) In General.—Chapter 89 is amended by adding after section 1452 the following:

"§ 1453. Removal of class actions

"(a) Definitions.—In this section, the terms 'class', 'class action', 'class certification order', and 'class member' shall have the meanings given such terms under section 1332(d)(1).

"(b) In General.—A class action may be removed to a district court of the United States in accordance with this chapter, without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed—

"(1) by any defendant without the consent of all defendants; or

"(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

"(c) When Removable.—This section shall apply to any class action before or after the entry of a class certification order in the action.

"(d) Procedure for Removal.—Section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action.

"(e) Review of Orders Remanding Class Actions to State Courts.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), an order remanding a class action to the State court from which it was removed shall be reviewable by appeal or otherwise.

"(f) Exception.—This section shall not apply to any class action that solely involves—

"(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

"(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

"(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).".

(b) Removal Limitation.—Section 1446(b) is amended in the second sentence by inserting "(a)" after "section 1332".

(c) Technical and Conforming Amendments.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

"1453. Removal of class actions.".

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) In General.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) Content.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) Authority of Federal Courts.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys' fees.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

Mr. HATCH. Mr. President, today I rise to introduce, along with my colleagues Senators GRASSLEY and KOHL, S. 274, the "Class Action Fairness Act of 2003."

Over the past decade, it has become clear that abuses of the class action system have reached epidemic levels. In recent years, it has become equally clear that the ultimate victims of this epidemic are poorly-represented class members and individual consumers throughout the Nation. The Class Action Fairness Act of 2003 represents a modest, measured effort to remedy the plague of abuses, inconsistencies, and inefficiencies that infest our current system of class action litigation.

It is essential that we address the abuses that are running rampant in our current class action litigation system. Frequently, plaintiff class members are not adequately informed of their rights or of the terms and practical implications of a proposed settlement. Too often judges approve settlements that primarily benefit the class counsel, rather than the class members. There are numerous examples of settlements where class members receive little or nothing, while attorneys receive millions of dollars in fees. Multiple class action suits asserting the same claims on behalf of the same plaintiffs are routinely filed in different State courts, causing judicial inefficiencies and encouraging collusive settlement behavior. And State courts are more frequently certifying national classes leading to rulings that infringe upon or conflict with the established laws and policies of other states.

Despite the mountains of evidence demonstrating the drastically increasing harms caused by class action abuses, I am sure that some will attempt to deny the existence of any problem at all. Others will try to confuse the issue with spurious claims that proposed reforms would somehow disadvantage victims with legitimate claims or further worsen class action abuses. Others may even contend that past legislative reforms have contributed to recent financial debacles and that the proposed reforms will encourage more. Such claims are nothing more than red herrings intended to divert the debate from the real issues.

In this regard let me emphasize a few points regarding S. 274. First, this bill does not seek to eliminate State court class action litigation. Class action suits brought in State courts have proven in many contexts to be an effective and desirable tool for protecting civil and consumer rights. Nor do the reforms we will discuss today in any way diminish the rights or practical ability of victims to band together to pursue their claims against large corporations. In fact, we have included several consumer protection provisions in our legislation that I feel strongly will substantially improve plaintiffs' chances of achieving a fair result in any settlement proposal.

There are three key components to S. 274. First, the bill implements consumer protections against abusive settlements by: No. 1. requiring simplified notices that explain to class members the terms of proposed class action settlements and their rights with respect to the proposed settlement in "plain English"; No. 2. enhancing judicial scrutiny of coupon settlements; No. 3. providing a standard for judicial approval of settlements that would result in a net monetary loss to plaintiffs; No. 4. prohibiting "bounties" to class representatives; and No. 5. prohibiting settlements that favor class members based upon geographic proximity to the courthouse.

Second, the bill requires that notice of class action settlements be sent to appropriate State and Federal authorities to provide them with sufficient information to determine whether the settlement is in the best interest of the citizens they represent.

Finally, the bill amends the diversity-of-citizenship jurisdiction statute to allow large interstate class actions to be adjudicated in Federal court by granting jurisdiction in class actions where there is "minimal diversity" and the aggregate amount in controversy among all class members exceeds $2 million.

Although some critics have argued that this amendment to diversity jurisdiction somehow violates the principles of federalism or is inconsistent with the Constitution, I fully agree with Mr. Walter Dellinger, former Solicitor General, who testified at our Judiciary Committee hearing last fall, that it is "difficult to understand any objection to the goal of bringing to the federal court cases of genuine national importance that fall clearly within the jurisdiction conferred on those courts by Article III of the Constitution."

Last, I would like to express my appreciation to the many individuals who have shared with me the details of their experiences with class action litigation. In particular, I am grateful to those victims of various abuses of the current system who have come forward and told their stories in the hope that something positive might come out of their terrible experiences.

Among those who have come forward is Irene Taylor of Tyler, TX, who was bilked out of approximately $20,000 in a telemarketing scam that defrauded senior citizens out of more than $200 million. In a class action brought in Madison County, IL, the attorneys purportedly representing Mrs. Taylor negotiated a proposed settlement which will exclude her from any recovery whatsoever.

Martha Preston of Baraboo, WI, provides another excellent example. Ms. Preston was involved in the famous BancBoston case, brought in Alabama State court, which involved the bank's failure to post interest to mortgage escrow accounts in a prompt manner. Although Ms. Preston did receive a settlement of about $4, approximately $95 was deducted from her account to help pay the class counsel's legal fees of $8.5 million. Notably, Ms. Preston testified before my committee 5 years ago asking us to stop these abusive class action lawsuits, but it appears that, at least thus far, her plea has not been heard.

I urge my colleagues to support this modest effort to reform the abuses in the current system, abuses that are actually hurting those the system is supposed to help.

By Mr. McCAIN (for himself and Mr. DORGAN):

S. 275. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today, I am joined by my colleague, Senator DORGAN, in introducing the Professional Boxing Amendments Act of 2003. This legislation is designed to strengthen existing Federal boxing laws by making uniform certain health and safety standards, establish a centralized medical registry to be used by local commissions to protect boxers, reduce arbitrary practices of sanctioning organizations, and provide uniformity in ranking criteria and contractual guidelines. This legislation also would establish a Federal regulatory entity to oversee professional boxing and set uniform standards for certain aspects of the sport.

Since 1996, Congress has acted to improve the sport of boxing by passing two laws, the Professional Boxing Safety Act of 1996, and the Muhammad Ali Boxing Reform Act of 2000. These laws were intended to establish uniform standards to improve the health and safety of boxers, and to better protect them from the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations.

While the Professional Boxing Safety Act, as amended by the Muhammad Ali Act, has had some positive effects on the sport, I am concerned by the repeated failure of some State and tribal boxing commissions to comply with the law, and the lack of enforcement of the law by both Federal and State law enforcement officials. Corruption remains endemic in professional boxing, and the sport continues to be beset with a variety of problems, some beyond the scope of the current system of local regulation.

Therefore, the bill we are introducing today would further strengthen Federal boxing laws, and also create a Federal regulatory entity, the "United States Boxing Administration", USBA, to oversee the sport. The USBA would be headed by an Administrator, appointed by the President, with the advice and consent of the Senate.

The primary functions of the USBA would be to protect the health, safety, and general interests of boxers. More specifically, the USBA would, among other things: administer Federal boxing laws and coordinate with other federal regulatory agencies to ensure that these laws are enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the status and standards of the sport. The USBA would license boxers, promoters, managers, and sanctioning organizations, and revoke or suspend such licenses if the USBA believes that such action is in the public interest. No longer would a boxer be able to forum-shop for a state with a weak commission if he or she is undeserving of a license.

Under this legislative proposal, the fines collected and licensing fees imposed by the USBA would be used to fund a percentage of its activities. The USBA also would maintain a centralized database of medical and statistical information pertaining to boxers in the United States that would be used confidentially by local commissions in making licensing decisions.

Let me be clear. The USBA would not be intended to micro-manage boxing by interfering with the daily operations of local boxing commissions. Instead, the USBA would work in consultation with local commissions, and the USBA Administrator would only exercise his/her authority should reasonable grounds exist for intervention.

The problems that plague the sport of professional boxing compromise the safety of boxers and undermine the credibility of the sport in the eyes of the public. I believe this bill provides a realistic approach to curbing these problems, and I urge my colleagues to support it.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Professional Boxing Amendments Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Professional Boxing Safety Act of 1996.
Sec. 3. Definitions.
Sec. 4. Purposes.

Sec. 5. USBA approval, or ABC or commission sanction, required for matches.
Sec. 6. Safety standards.
Sec. 7. Registration.
Sec. 8. Review.
Sec. 9. Reporting.
Sec. 10. Contract requirements.
Sec. 11. Coercive contracts.
Sec. 12. Sanctioning organizations.
Sec. 13. Required disclosures by sanctioning organizations.
Sec. 14. Required disclosures by promoters.
Sec. 15. Judges and referees.
Sec. 16. Medical registry.
Sec. 17. Conflicts of interest.
Sec. 18. Enforcement.
Sec. 19. Repeal of deadwood.
Sec. 20. Recognition of tribal law.
Sec. 21. Establishment of United States Boxing Administration.
Sec. 22. Effective date.

SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) ADMINISTRATION.—The term 'Administration' means the United States Boxing Administration.

"(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer which requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

"(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

"(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

"(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

"(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

"(10) LOCAL BOXING AUTHORITY.—The term 'local boxing authority' means—

"(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

"(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

"(11) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(12) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

"(13) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

"(14) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

"(15) PROMOTER.—

"(A) IN GENERAL.—The term 'promoter' means the person responsible for organizing, promoting, and producing a professional boxing match.

"(B) NON-APPLICATION TO CERTAIN ENTITIES.—The term 'promoter' does not include a premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless it—

"(i) is responsible for organizing, promoting, and producing the match; and

"(ii) has a promotional agreement with a boxer in that match.

"(C) ENTITIES ENGAGING IN PROMOTIONAL ACTIVITIES THROUGH AN AFFILIATE.—Notwithstanding subparagraph (B), an entity described in that subparagraph shall be considered to be a promoter if the person responsible for organizing, promoting, and producing a professional boxing match—

"(i) is directly or indirectly under the control of, under common control with, or acting at the direction of that entity; and

"(ii) organizes, promotes, and produces the match at the direction or request of the entity.

"(16) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract between a any person and a boxer under which the boxer grants to that person the right to secure and arrange all professional boxing matches requiring the boxer's services for—

"(A) a prescribed period of time; or

"(B) a prescribed number of professional boxing matches.

"(17) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

"(18) EFFECTIVE DATE OF THE CONTRACT.—The term 'effective date of the contract' means the day upon which a boxer becomes legally bound by the contract.

"(19) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

"(A) between boxers who are residents of different States; or

"(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

"(20) SUSPENSION.—The term 'suspension' includes within its meaning the revocation of a boxing license.

"(21) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).".

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

"(b) CONTRACT WITH A BOXING COMMISSION.—A tribal organization that does not establish a boxing commission shall execute a contract with the Association of Boxing Commissions, or a boxing commission that is a member of the Association of Boxing Commissions, to regulate any professional boxing match held on Indian land under the jurisdiction of that tribal organization. If the match is regulated by the Association of Boxing Commissions, the match shall be regulated in accordance with the guidelines established by the United States Boxing Administration. If the match is regulated by a boxing commission from a State other than the State within the borders of which the Indian land is located, the match shall be regulated in accordance with the applicable requirements of the State where the match is held.

"(c) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

"(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

"(2) the guidelines established by the United States Boxing Administration.".

SEC. 4. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking 'State'.

SEC. 5. USBA APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

"(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

"(1) is approved by the Administration; and

"(2) is supervised by the Association of Boxing Commissions or by a boxing commission that is a member of the Association of Boxing Commissions.

"(b) APPROVAL PRESUMED.—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

"(1) a match with respect to which the Administration has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

"(2) a match advertised to the public as a championship match; or

"(3) a match scheduled for 10 rounds or more.

"(c) Notification; Assurances.—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide assurances in writing to the Administration and the supervising boxing commission that all applicable requirements of this Act will be met with respect to that professional boxing match.".

(b) Conforming Amendment.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 6. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:" and inserting "requirements:";

(2) by adding at the end of paragraph (1) "The examination shall include testing for infectious diseases in accordance with standards established by the Administration.";

(3) by striking paragraph (2) and inserting the following:

"(2) An ambulance continuously present on site.";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site."; and

(5) by striking "match." in paragraph (5), as redesignated, and inserting "match in an amount prescribed by the Administration.".

SEC. 7. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting "or Indian tribe" after "State" the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting "A boxing commission shall, in accordance with requirements established by the Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.";

(3) by striking "should" in the second sentence of subsection (c) and inserting "shall, at a minimum,"; and

(4) by adding at the end the following:

"(d) Copy of Registration To Be Sent to Administration.—A boxing commission shall furnish a copy of each registration received under subsection (a) to the Administration.".

SEC. 8. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

"(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.";

(2) by striking subsection (b); and

(3) by striking "(a) Procedures.—".

SEC. 9. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking "48 business hours" and inserting "2 business days"; and

(2) by striking "each boxer registry." and inserting "the Administration.".

SEC. 10. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 9. CONTRACT REQUIREMENTS.

"(a) In General.—The Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

"(b) Filing and Approval Requirements.—

"(1) Administration.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Administration, and, if requested, to the boxing commission with jurisdiction over the bout.

"(2) Boxing commission.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

"(c) Bond or Other Surety.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.".

SEC. 11. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting "or elimination" after "mandatory" in subsection (b).

SEC. 12. SANCTIONING ORGANIZATIONS.

(a) In General.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

"SEC. 11. SANCTIONING ORGANIZATIONS.

"(a) Objective Criteria.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2003, the Administration shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits of the boxers. Within 90 days after the Administration's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

"(b) Notification of Change in Rating.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

"(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Administration;

"(3) provide the boxer an opportunity to appeal the ratings change; and

"(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

"(c) Challenge of Rating.—If a sanctioning organization receives an inquiry from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Administration), within 7 days after receiving the request—

"(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

"(2) submit a copy of its explanation to the Association of Boxing Commissions and the Administration.".

SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration, a statement of—";

(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and

(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,".

SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:

"(a) Disclosures to Boxing Commissions and Administration.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration—";

(2) by striking "writing," in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided, to the commission,";

(3) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a statement of all fees, charges, and expenses that have been, or will be,";

(4) by inserting "a statement of" before "all" in subsection (a)(3)(B);

(5) by inserting "a statement of" before "any" in subsection (a)(3)(C);

(6) by striking the matter in subsection (b) following "Boxer.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of that match shall provide to each boxer participating in the match a statement of—"; and

(7) by striking "match;" in subsection (b)(1) and inserting "match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;".

SEC. 15. JUDGES AND REFEREES.

(a) In General.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) Licensing and Assignment Requirement.—" before "No person";

(2) by striking "certified and approved" and inserting "selected";

(3) by inserting "or Indian lands" after "State"; and

(4) by adding at the end the following:

"(b) Championship and 10-round Bouts.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Administration.

"(c) Sanctioning Organization Not To Influence Selection Process.—A sanctioning organization—

"(1) may provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

"(2) shall not influence, or attempt to influence, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

"(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land if the judge or referee is licensed by a boxing commission in the United States.

"(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Administration.".

(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 16. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

"SEC. 14. MEDICAL REGISTRY.

(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

"(b) CONTENT; SUBMISSION.—The Administration shall determine—

"(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

"(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

"(c) CONFIDENTIALITY.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

"(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

"(2) ensure that the privacy of the boxers is protected.".

SEC. 17. CONFLICTS OF INTEREST.

Section 17(a) is amended by inserting "no officer or employee of the Administration," after "laws,".

SEC. 18. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking "(a) INJUNCTION.—" in subsection (a) and inserting "(a) ACTIONS BY ATTORNEY GENERAL.—";

(2) by inserting "or criminal" after "civil" in subsection (a);

(3) by inserting "any officer or employee of the Administration," after "laws," in subsection (b)(3);

(4) by inserting "has engaged in or" after "organization" in subsection (c);

(5) by inserting "or criminal" after "civil" in subsection (c);

(6) by striking "fines" in subsection (c)(3) and inserting "sanctions"; and

(7) by striking "boxer" in subsection (d) and inserting "person".

Sec. 19. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 20. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert "**OR TRIBAL**" in the section heading after "**STATE**"; and

(2) by inserting "or Indian tribe" after "State".

SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

(a) IN GENERAL.—The Act is amended by adding at the end the following:

"TITLE II—UNITED STATES BOXING ADMINISTRATION

"SEC. 201. PURPOSE.

"The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

"SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

"(a) IN GENERAL.—The United States Boxing Administration is established as an administration of the Department of Labor.

"(b) ADMINISTRATOR.—

"(1) APPOINTMENT.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Administrator shall be an individual who—

"(A) has extensive experience in professional boxing activities or in a field directly related to professional sports;

"(B) is of outstanding character and recognized integrity; and

"(C) is selected on the basis of training, experience, and qualifications and without regard to party affiliation.

"(3) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"The Administrator of the United States Boxing Administration.".

"(4) TERM OF OFFICE.—The Administrator shall serve for a term of 4 years.

"(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—

"(1) serve as Administrator in the absence of the Administrator, in the event of the inability of the Administrator to carry out the functions of the Administrator, or in the event of a vacancy in that office; and

"(2) carry out such duties as the Administrator may assign.

"(d) STAFF.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

"SEC. 203. FUNCTIONS.

"(a) PRIMARY FUNCTIONS.—The primary function of the Administration are—

"(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

"(2) to ensure uniformity, fairness, and integrity in professional boxing.

"(b) SPECIFIC FUNCTIONS.—The Administrator shall—

"(1) administer title I of this Act;

"(2) promulgate uniform standards for professional boxing in consultation with the boxing commissions of the several States and tribal organizations;

"(3) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States;

"(4) work with the Association of Boxing Commissions and the boxing commissions of the several States and tribal organizations—

"(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

"(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

"(C) to improve the status and standards of professional boxing in the United States;

"(5) ensure, through the Attorney General, the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

"(6) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;

"(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

"(8) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Administration;

"(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

"(10) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.

"(c) PROHIBITIONS.—The Administration may not—

"(1) promote boxing events or rank professional boxers; or

"(2) provide technical assistance to, or authorize the use of the name of the Administration by, boxing commissions that do not comply with requirements of the Administration.

"(d) USE OF NAME.—The Administration shall have the exclusive right to use the name 'United States Boxing Administration'. Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

"SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

"(a) LICENSING.—

"(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

"(2) APPLICATION AND TERM.—

"(A) IN GENERAL.—The Administration shall—

"(i) establish application procedures, forms, and fees;

"(ii) establish and publish appropriate standards for licenses granted under this section; and

"(iii) issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

"(B) DURATION.—A license issued under this section shall be for a renewable—

"(i) 4-year term for a boxer; and

"(ii) 2-year term for any other person.

"(C) PROCEDURE.—The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined by the Administration.

"(b) LICENSING FEES.—

"(1) AUTHORITY.—The Administration may prescribe and charge reasonable fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

"(2) Limitations.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely effected;

"(B) sanctioning organizations and promoters pay the largest portion of the fees; and

"(C) boxers pay as small a portion of the fees as is possible.

"(3) Collection.—Fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the Administration.

"SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

"(a) Requirement for Registry.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

"(b) Contents.—The information in the registry shall include the following:

"(1) Boxers.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Administration shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

"(2) Other personnel.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

"SEC. 206. CONSULTATION REQUIREMENTS.

"The Administration shall consult with local boxing authorities—

"(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

"(2) not less than once each year regarding matters relating to professional boxing.

"SEC. 207. MISCONDUCT.

"(a) Suspension and Revocation of License or Registration.—

"(1) Authority.—The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

"(A) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest;

"(B) there are reasonable grounds for belief that a standard prescribed by the Administration under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

"(C) the licensee has violated any provision of this Act.

"(2) Period of suspension.—

"(A) In general.—A suspension of a license under this section shall be effective for a period determined appropriate by the Administration except as provided in subparagraph (B).

"(B) Suspension for medical reasons.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Administration, the Administration may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Administration shall prescribe the standards and procedures for accepting certifications under this subparagraph.

"(b) Investigations and Injunctions.—

"(1) Authority.—The Administration may—

"(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this title or any regulation prescribed under this title;

"(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated;

"(C) in its discretion, publish information concerning any violations; and

"(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this title, in the prescribing of regulations under this title, or in securing information to serve as a basis for recommending legislation concerning the matters to which this title relates.

"(2) Powers.—

"(A) In general.—For the purpose of any investigation under paragraph (1), or any other proceeding under this title, any officer designated by the Administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

"(B) Witnesses and evidence.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

"(3) Enforcement of subpoenas.—

"(A) Civil action.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

"(B) Failure to obey.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that Court.

"(C) Process.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

"(4) Evidence of criminal misconduct.—

"(A) In general.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, in obedience to the subpoena of the Administration, or in any cause or proceeding instituted by the Administration, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) Limited immunity.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(5) Injunctive relief.—If the Administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this title, or of any regulation prescribed under this title, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) Mandamus.—Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commandihg any person to comply with the provisions of this title or any order of the Administration.

"(c) Intervention in Civil Actions.—

"(1) In general.—The Administration, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a United States district court.

"(2) Amicus filing.—The Administration may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

"(d) Hearings by Administration.—Hearings conducted by the Administration under this title shall be public and may be held before any officer of the Administration or before a boxing commission that is a member of the Association of Boxing Commissions. The Administration shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.

"(a) Noninterference.—Nothing in this title prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

"(b) Minimum Standards.—Nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this title.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration, upon the request of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

"(a) ANNUAL REPORT.—The Administration shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

"(1) A detailed discussion of the activities of the Administration for the year covered by the report.

"(2) A description of the local boxing authority of each State and Indian tribe.

"(b) PUBLIC REPORT.—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Administration.

"(c) FIRST ANNUAL REPORT ON THE ADMINISTRATION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

"(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

"(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

"(A) the date on which the license expires; or

"(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2003.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

"(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act or 1966, as amended by this Act, is further amended—

(A) by amending section 1 to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Section 1. Short title; table of contents.
"Sec. 2. Definitions.
"Title I—Professional Boxing Safety
"Sec. 101. Purposes.
"Sec. 102. Approval or sanction requirement.
"Sec. 103. Safety standards.
"Sec. 104. Registration.
"Sec. 105. Review.
"Sec. 106. Reporting.
"Sec. 107. Contract requirements.
"Sec. 108. Protection from coercive contracts.
"Sec. 109. Sanctioning organizations.
"Sec. 110. Required disclosures to state boxing commissions by sanctioning organizations.
"Sec. 111. Required disclosures for promoters.
"Sec. 112. Medical registry.
"Sec. 113. Confidentiality.
"Sec. 114. Judges and referees.
"Sec. 115. Conflicts of interest.
"Sec. 116. Enforcement.
"Sec. 117. Professional boxing matches conducted on indian lands.
"Sec. 118. Relationship with State or tribal law.
"Title II—United States Boxing Administration
"Sec. 201. Purpose.
"Sec. 202. Establishment of United States Boxing Administration.
"Sec. 203. Functions.
"Sec. 204. Licensing and registration of boxing personnel.
"Sec. 205. National registry of boxing personnel.
"Sec. 206. Consultation requirements.
"Sec. 207. Misconduct.
"Sec. 208. Noninterference with local boxing authorities.
"Sec. 209. Assistance from other agencies.
"Sec. 210. Reports.
"Sec. 211. Initial implementation.
"Sec. 212. Authorization of appropriations.";

(B) by inserting before section 3 the following:

"TITLE I—PROFESSIONAL BOXING SAFETY";

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking "section 13" each place it appears in section 113, as redesignated, and inserting "section 111";

(E) by striking "section 4." in section 117(a), as redesignated, and inserting "section 102.";

(F) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114,";

(G) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114";

(H) by striking "section 17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "section 115(a)";

(I) by striking "section 10" in subsection (e)(3) of section 116, as redesignated, and inserting "section 108"; and

(J) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

(2) COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"The Administrator of the United States Boxing Administration.".

SEC. 22. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act or 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

By Mr. BENNETT:

S. 277. A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce the Bear River Migratory Bird Refuge Visitor Center Act.

Long a haven for migratory birds, the Bear River marshes provide millions of birds with habitat and food. In 1928, in response to a series of devastating outbreaks of avian botulism, which killed thousands of birds along the river, Congress established the Bear River Migratory Bird Refuge. It serves to provide habitat for waterfowl, protect waterfowl from botulism outbreaks, and provide recreational and education opportunities to the public.

In 1983, floods breached the refuge dikes, destroyed the visitor center, and contaminated the rich wildlife habitat. Thanks to the great efforts of Al Trout, the refuge manager, refuge employees, and numerous volunteers, an increasing number of both waterfowl and humans are visiting the Bear River Migratory Bird Refuge each year. Today, the Bear River Refuge encompasses 74,000 acres and has provided refuge for over 220 recorded waterfowl species. However, a new visitor center for the refuge has yet to be built. As such, rich educational opportunities associated with visitor center programs and exhibits are not available to the public. Aware of the benefits of such a center, a number of local communities, the Friends of Bear River Bird Refuge, and other nonprofit organizations have raised over $1.5 million for the project.

This legislation would authorize $11 million to be used for the construction of an Education Center and Administrative Facility. Such a facility would both generate much needed public awareness of our national wildlife refuge system and significantly enhance the visiting public's refuge experience. A visitor center at the Bear River Migratory bird Refuge will result in a more meaningful, educational, and accessible experience for the visiting public.

I believe that this legislation is an exciting opportunity to showcase the many wildlife and natural treasures that Utah's Bear River Migratory Bird Refuge contains. I look forward to working with my colleagues in the Senate to pass this legislation this session.

By Mr. BENNETT:

S. 278. A bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce the Mount Naomi Wilderness Boundary Adjustment Act.

Included in the Utah Wilderness Act of 1984, the Mount Naomi Wilderness is one of Utah's largest wilderness areas at over 44,000 acres. It is a very scenic area and contains some of the best examples of alpine terrain in the intermountain west. There are large populations of moose, elk, and deer. It is an area truly worthy of its designation.

Unfortunately the boundaries were drawn in such a way as to have some unintended consequences. Running through the wilderness is a utility corridor, containing a major electricity transmission line. This power line serves the residents of Logan and the whole south end of Cache Valley. Because of restrictions in the Wilderness Act of 1964, maintaining and repairing the power line will be very difficult in the future.

Also impacted by Mount Naomi's boundaries is one of Utah's most popular hiking and mountain biking trails: the Bonneville Shoreline Trail. The Bonneville Shoreline Trail, when completed will be over 250 miles in length. Starting in Nephi and heading north into Idaho, the trail will follow the shoreline of ancient Lake Bonneville. The alignment of the trail is planned to go through a small part of the Mount Naomi Wilderness. While hikers and equestrian users would be permitted to use this section of the trail, mountain bikers would be prohibited. The city of Logan has tried to work to change the alignment to adjacent private property to no avail.

The legislation I am introducing today would redraw the boundaries of the Mount Naomi Wilderness. The acreage of this wilderness area would not change, thirty-one current acres would be excluded and thirty-one new acres would be added. The newly added lands will be managed pursuant to the Utah Wilderness Act of 1984. The boundaries will now better reflect the topography of Mount Naomi and the inconsistent uses will be removed from the wilderness.

This legislation was originally offered in the 107th Congress by former Representative Jim Hansen. It passed the House of Representatives but was never acted upon by the Senate. The city of Logan, Cache County, and the United States Forest Service all are supportive of this legislation.

I look forward to working with my colleagues in the Senate to pass this legislation this session.

By Mr. CAMPBELL:

S. 281. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in reintroducing the "Indian Tribal Surface Transportation Improvement Act of 2003", a bill to reform and improve the Indian Reservation Road, IRR, program.

In the past two Congresses the Committee on Indian Affairs has held hearings on the problems with the IRR program and this bill provides much-needed clarifications to better meet the transportation needs in Native communities.

Involving as it does transportation and related issues, this bill includes an initiative I proposed last session to support commercial vehicle driving training programs at tribal colleges and universities.

Although reservation roads comprise just 2.63 percent of the Federal highway system, less than 1 percent of Federal aid has been allocated to Indian roads. This bill would allow the already-authorized funds for Indians to reach the intended beneficiaries.

As with any community, Indian reservations need efficient and effective road financing and construction to develop healthy economies and raise the standard of living.

It is no secret that when entrepreneurs, Indian or non-Indian, calculate whether to invest in a community they first look to see if the basic building blocks exist within the community: roads, highways, electricity, potable water, and other amenities.

Unfortunately, despite recent successes some Indian tribes have had with gaming, energy and natural resource development, most Indian tribes still suffer from poor infrastructure that thwarts investment and economic growth.

Building on the successes of the Indian Self Determination and Education Assistance Act, this bill authorizes the Federal Lands Highway Administration to create a 12-tribe pilot program to contract directly for roads funding.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Tribal Surface Transportation Improvement Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIAN TRIBAL SURFACE TRANSPORTATION

Sec. 101. Short title.
Sec. 102. Amendments relating to Indian tribes.

TITLE II—TRAINING AND TECHNICAL ASSISTANCE FOR NATIVE AMERICANS

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Definitions.
Sec. 204. Commercial vehicle driving training program.

TITLE I—INDIAN TRIBAL SURFACE TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Indian Tribal Surface Transportation Act of 2003".

SEC. 102. AMENDMENTS RELATING TO INDIAN TRIBES.

(a) OBLIGATION LIMITATION.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking "Code, and" and inserting "Code,"; and

(2) by inserting before the semicolon the following: ", and for each of fiscal years 2003 and 2004, amounts authorized for Indian reservation roads under section 204 of title 23, United States Code".

(b) DEMONSTRATION PROJECT.—Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

"(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

"(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A) shall be made available, on the request of an affected Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction described in that subparagraph.

"(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

"(iii) SELECTION OF PARTICIPATING TRIBES.—

"(I) PARTICIPANTS.—

"(aa) IN GENERAL.—For each fiscal year, the Secretary shall select 12 geographically diverse Indian tribes from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

"(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for the purpose of becoming part of the applicant pool under subclause (II).

"(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equal to the sum of the funding that the Indian tribe would otherwise receive in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under subsection (f)(1).

"(II) APPLICANT POOL.—The applicant pool described in this subclause shall consist of each Indian tribe (or consortium) that—

"(aa) has successfully completed the planning phase described in subclause (III);

"(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

"(cc) has demonstrated financial stability and financial management capability in accordance with subclause (III) during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested.

"(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For the purpose of subclause (II), evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

"(IV) PLANNING PHASE.—

"(aa) IN GENERAL.—An Indian tribe (or consortium) requesting participation in the demonstration project under this subparagraph shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organization preparation.

"(bb) ELIGIBILITY.—A tribe (or consortium) described in item (aa) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.".

(c) ADMINISTRATION.—Section 202 of title 23, United States Code, is amended by adding at the end the following:

"(f) ADMINISTRATION OF INDIAN RESERVATION ROADS.—

"(1) CONTRACT AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, for any fiscal year, not more than 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs under this title shall be used to pay the administrative expenses of the Bureau for the Indian reservation roads program (including the administrative expenses relating to individual projects that are associated with the program).

"(B) AVAILABILITY.—Amounts made available to pay administrative expenses under subparagraph (A) shall be made available to an Indian tribal government, on the request of the government, to be used for the associated administrative functions assumed by the Indian tribe under contracts and agreements entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(2) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribe or tribal organization may commence road and bridge construction under the Transportation Equity Act for the 21st Century (Public Law 105–178) that is funded through a contract or agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the Indian tribe or tribal organization has—

"(A) provided assurances in the contract or agreement that the construction will meet or exceed proper health and safety standards;

"(B) obtained the advance review of the plans and specifications from a licensed professional who has certified that the plans and specifications meet or exceed the proper health and safety standards; and

"(C) provided a copy of the certification under subparagraph (B) to the Director of the Bureau of Indian Affairs.

"(g) SAFETY INCENTIVE GRANTS.—

"(1) SEAT BELT SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for the purpose of being eligible for safety incentive allocations under section 157 to assist Indian communities in developing innovative programs to promote increased seat belt use rates.

"(2) INTOXICATED DRIVER SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for the purpose of being eligible for safety incentive grants under section 163 to assist Indian communities in the prevention of the operation of motor vehicles by intoxicated persons.

"(3) FUNDING PROCEDURES AND ELIGIBILITY CRITERIA.—

"(A) IN GENERAL.—The Secretary, in consultation with Indian tribal governments, may develop funding procedures and eligibility criteria applicable to Indian tribes with respect to allocations or grants described in paragraphs (1) and (2).

"(B) PUBLICATION.—The Secretary shall ensure that procedures or criteria developed under subparagraph (A) are published annually in the Federal Register.".

TITLE II—TRAINING AND TECHNICAL ASSISTANCE FOR NATIVE AMERICANS

SEC. 201. SHORT TITLE.

This title may be cited as the "Native American Commercial Driving Training and Technical Assistance Act".

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to foster and promote job creation and economic opportunities for Native Americans; and

(2) to provide education, technical, and training assistance to Native Americans who are interested in commercial vehicle driving careers.

SEC. 203. DEFINITIONS.

In this title:

(1) COMMERCIAL VEHICLE DRIVING.—The term "commercial vehicle driving" means the driving of—

(A) a vehicle that is a tractor-trailer truck; or

(B) any other vehicle (such as a bus or a vehicle used for the purpose of construction) the driving of which requires a commercial license.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE AMERICAN.—The term "Native American" means an individual who is a member of—

(A) an Indian tribe; or

(B) any people or culture that is indigenous to the United States, as determined by the Secretary.

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 204. COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.

(a) GRANTS.—The Secretary may provide grants, on a competitive basis, to entities described in subsection (b) to support programs providing training and certificates leading to the licensing of Native Americans with respect to commercial vehicle driving.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a tribal college or university (as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059(b)(3)); and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) PRIORITY.—In providing grants under subsection (a), the Secretary shall give priority to grant applications that—

(1) propose training that exceeds proposed minimum standards for training tractor-trailer drivers of the Department of Transportation;

(2) propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute; and

(3) propose an education partnership with a private trucking firm, trucking association, or similar entity in order to ensure the effectiveness of the grant program under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title.

By Ms. SNOWE:

• S. 282. A bill to amend the Education Sciences Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the "High School Sports Information Collection Act of 2003". This legislation directs the Commissioner of the National Center for Education Statistics to collect data from our Nation's high schools regarding the participation of America's adolescents in athletics. Passage of this legislation would allow the Department of Education's Office on Civil Rights to better assess whether high schools are meeting the requirements under Title IX passed as part of the Education Amendments Act of 1972.

The existence of an information gap regarding high school athletic participation was highlighted by a 2001 report by the General Accounting Office which was unable to respond to a Congressional request about participation in athletics, including schools' decisions to add or discontinue sports team in high schools, colleges and universities. However, "because of limited readily available information and the difficulty of collecting comparable information" the GAO instead could only answer the inquiry about changes in four-year intercollegiate sports.

The legislation is simple. It directs the Commissioner to collect information regarding participation in athletics broken down by gender, teams, race and ethnicity; overall budgets and expenditures, including items like travel expenses, equipment and uniforms and their replacement schedules; the numbers of coaches, full and part-time; and scheduling issues like participation in post-season opportunities and successes by team. These data are already reported, in most cases, to the state Departments of Education and would therefore not pose any additional burden on the high schools.

The simple straightforwardness of this legislation goes a long way toward ensuring that our high schools are complying with civil rights law as established under Title IX without creating a new paperwork requirement on our schools. After all when considering whether high schools are in compliance with this critical civil rights law, it is necessary to know what is actually happening in the schools.

There can be no doubt Title IX has played a role in increasing women's athletic opportunities. However, many argue that the implementation of this law has reduced opportunity for others. While I strongly disagree with such an assessment, I do believe that it is critical that policy makers, parents, coaches, and athletic directors alike have access to precise and timely data to inform the debate and ensure that decisions are based on an accurate picture of interest and participation. Precise information on the participation levels in high school would assist the enforcement of Title IX on the high school level.

Participation in athletics renders physical benefits as well as important psychological benefits. Studies have shown that values learned from sports participation, such as teamwork, leadership, discipline, and pride in accomplishment, are important lessons for everyone and are especially beneficial as more women participate in business management and ownership positions in ever higher numbers. Certainly it is no coincidence that 80 percent of female managers of Fortune 500 companies have a background in athletics. There are palpable gains generated by participation in athletics, gains which should be as accessible for females as they have been for males for decades.

This legislation compliments current law and in fact would allow us to ensure that the law is being enforced better than we can today. The data regarding the participation of high school students in athletics has been lacking for too long and passage of this legislation would help athletic programs ensure that they are offering equal opportunity for all athletes.

By Mr. DORGAN (for himself, Mr. KERRY, and Ms. SNOWE):

S. 283. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm joined by Senators KERRY and SNOWE in re-introducing the Public Good IRA Rollover Act, legislation to allow taxpayers to make tax-free distributions from their individual retirement accounts, IRAs, for gifts to charity.

It is more important than ever to provide support to our nation's charitable organizations. Our struggling economy is placing an enormous financial strain on many charities, severely curtailing their funding at a time when the need for their services is greatest.

I have heard from charities that people frequently ask them about using their IRAs to make charitable donations. However, many donors decide not to make a gift from their IRAs after they are told about the potential tax consequences under current law. Our IRA charitable rollover legislation would eliminate this concern. This single change to the Tax Code could put billions of additional dollars from a new source to work for the public good. A Salvation Army official once said that providing for IRA charitable rollovers "would be the single most important piece of legislation in the history of public charitable support in this country."

Over the years, a number of legislative proposals have been discussed in Congress to increase charitable giving. In his Fiscal Year 2004 budget, President Bush has proposed a substantial package of tax incentives to encourage charitable giving, including a proposal to allow individuals to make certain tax-free charitable IRA distributions after age 65.

The President's charitable IRA proposal has a lot of merit, but the Public Good IRA Rollover Act is superior in an important respect: by allowing tax-free life-income gifts from an IRA. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. Life-income gifts are an important tool for charities to raise much needed funds, and would receive a substantial boost if they could be made from IRAs, but they are wholly ignored in the Administration's proposal. Under our proposed Public Good IRA Rollover Act, individuals would be allowed to make tax-free charitable life-income gifts at the age of 59½. Similar provisions were added to a major charitable tax incentive bill reported by the Senate Finance Committee last year, but were not ultimately enacted.

As the Finance Committee begins anew to consider a charitable giving tax incentive package in the near future, I urge them to adopt once again the IRA charitable rollover approach used in the Public Good IRA Rollover Act, instead of the approach recently outlined in the President's budget.

The benefits of our approach are twofold. First, the life-income gift provision in our legislation would stimulate additional charitable giving. In addition, people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make charitable gifts and frequently set up additional provisions for charity in their life-time giving plans and at death. Second, this approach comes at no extra cost to the government when compared to other major charitable IRA rollover proposals.

So I urge my colleagues to consider the Public Good IRA Rollover Act, as we undertake efforts in the Senate to craft a charitable giving tax incentives bill. As I mentioned at the outset, in these trying times we ought to do everything we can to encourage charitable giving. Let us remember the old adage that "we make a living by what we get, but we make a life by what we give."

By Mr. McCAIN:

S. 284. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and the Foreign Service in determining the exclusion of gain from the sale of a principal residence; to the Committee on Finance.

Mr. McCAIN. Mr. President, I am proud to sponsor the Military Home Owners Equity Act of 2003, S. 284. This is important legislation which I have been privileged to introduce in the Senate during previous Congresses. This legislation would allow members of the Uniformed Services, who are away on extended active duty, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am pleased to announce that Secretary of State Colin Powell fully supports this legislation and this legislation enjoys overwhelming support by the senior uniformed leadership, the Joint Chiefs of Staff, as well as the Office of Management and Budget Director Mitch Daniels, the 31-member associations of the Military Coalition, the American Foreign Service Association, and the American Bar Association.

The average American participates in our Nation's growth through home ownership. Appreciation in the value of a home allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes. Unfortunately, the 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services.

This bill will not create a new tax benefit; it merely modifies current law to include the time members of the Uniformed Services are away from home on active duty when calculating the number of years the homeowners has lived in their primary residence. In short, this bill is narrowly tailored to remedy a specific dilemma.

The Taxpayer Relief Act of 1997 delivered sweeping tax relief to millions of Americans through a wide variety of important tax changes that affect individuals, families, investors and businesses. It was also one of the most complex tax laws enacted in recent history.

As with any complex legislation, there are winners and losers. But in this instance, there are unintended losers: members of the Uniformed and Foreign Services.

The 1997 act gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for 2 of the 5 years preceding the sale. This provision primarily benefitted elderly taxpayers, while not providing any relief to younger taxpayers and their families.

Fortunately, the 1997 act addressed this issue. Under this law, taxpayers who sell their principal residence on or after May 7, 1997, are not taxed on the first $250,000 of profit from the sale, joint filers are not taxed on the first $500,000 of profit they make from selling their principal residence. The taxpayers must meet two requirements to qualify for this tax relief. The taxpayer must one, own the home for at least 2 of the 5 years preceding the sale, and two, live in the home as their main home for at least 2 years of the last 5 years.

I applaud the bipartisan cooperation that resulted in this much-needed form of tax relief. The home sales provision sounds great, and it is. Unfortunately,the second part of this eligibility test unintentionally and unfairly prohibits many of the women and men who serve this country overseas from qualifying for this beneficial tax relief.

Constant travel across the United States and abroad is inherent in the Uniformed and Foreign Services. Nonetheless, some members of these Services choose to purchase a home in a certain locale, even though they will not live there much of the time. Under the new law, if they do not have a spouse who resides in the house during their absence, they will not qualify for the full benefit of the new home sales provision, because no one "lives" in the home for the required period of time. The law is prejudiced against families that serve our Nation abroad. They would not qualify for the home sales exclusion because neither spouse "live" in the house for enough time to qualify for the exclusion.

This bill simply remedies an inequality in the 1997 law. The bill amends the Internal Revenue Code so that members of the Uniformed and Foreign Services will be considered to be using their house as their main residence for any period that they are assigned overseas in the execution of their duties. In short, they will be deemed to be using their house as their main home, even if they are stationed in Bosnia, the Persian Gulf, in the "no man's land," commonly called the DMZ between North and South Korea, or anywhere else they are assigned.

In the wake of September 11, our Armed Forces are now deployed to an unprecedented number of locations. They are away from their primary homes, protecting and furthering the freedoms we Americans hold so dear. We cannot afford to discourage military service by penalizing military personnel with higher taxes merely because they are doing their job. Military service entails sacrifice, such as long periods of time away from friends and family and the constant threat of mobilization into hostile territory. We must not use the tax code to heap additional burdens upon our women and men in uniform.

In my view, the way to decrease the likelihood of further inequalities in the tax code, intentional or otherwise, is to adopt a fairer, flatter tax system that is far less complicated than our current system. But, in the meantime, we must insure the Tax Code is as fair and equitable as possible.

The Taxpayers' Relief Act of 1997 was designed to provide sweeping tax relief to all Americans, including those who serve this country abroad. Yes, it is true that there are winners and losers in any tax code, but, this inequity was unintended. Enacting this narrowly tailored remedy to grant equal tax relief to the members of our Uniformed and Foreign Services restores fairness and consistency to our increasingly complex Tax Code.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) SPECIAL RULES RELATING TO ELECTION.—

"(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

By Mr. CAMPBELL:

S. 285. A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in re-introducing legislation to assist Indian tribes to fight the scourge of alcohol, drug and associated mental health problems in their communities.

Native Americans continue to be plagued by chronic alcohol and drug addictions which destroy their bodies and souls and inevitably require mental health treatment as well.

There are a good number of Federal agencies involved in treating these problems and, through no fault of their own, agency efforts are often un-coordinated and ineffective as a result.

Relying on models that are proven winners, the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2003" authorizes Indian tribes and tribal consortia to string together these disparate programs and services and bring them together in one comprehensive and coordinated package.

In addition to achieving economies of scale in these Federal services, the bill would also encourage the use of automated clinical information systems and bring to bear state-of-the-art diagnostic and treatment tools

The two main themes of this bill, better use of resources combined with technological innovations have proven successful in other areas like Indian job training.

Just this week, Health and Human Services Secretary Thompson launched a new effort aimed at combating chronic health problems in minority communities.

Substance abuse and diabetes are included in Secretary Thompson's effort and this bill would go a long way in assisting Federal and tribal governments in that battle.

The mechanics of this bill are also consistent with the broad contours of the President's Management Agenda, increasing the effectiveness of Federal services without increasing the budget.

For these reasons, I am hopeful the bill will be well received by the Administration and the tribes so that it can be considered speedily in the weeks ahead.

I urge my colleagues to join me in supporting this important initiative and ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2003".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with mental health, alcohol, or other substance abuse problems;

(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for technology for an automated clinical information system that incorporates clinical, financial, and reporting capabilities for Indian behavioral health care programs;

(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs; and

(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTOMATED CLINICAL INFORMATION SYSTEM.—The term "automated clinical information system" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

(2) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(3) INDIAN.—The term "Indian" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INDIAN BEHAVIORAL HEALTH CARE PROGRAM.—The term "Indian behavioral health care program" means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

(A) mental health problems; or

(B) alcohol or other substance abuse problems.

(5) INDIAN TRIBE.—

(A) IN GENERAL.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

(B) INCLUSIONS.—The term "Indian tribe", in a case in which an intertribal consortium, tribal organization, or Indian health center is authorized to carry out 1 or more programs, services, functions, or activities of an Indian tribe under this Act, includes the intertribal consortium, tribal organization, or Indian health center.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) SUBSTANCE ABUSE.—The term "substance abuse" includes—

(A) the illegal use or abuse of a drug or an inhalant; and

(B) the abuse of tobacco or a related product.

SEC. 4. PLANS.

The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, on receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the Indian tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the Indian tribe in a manner that integrates the program services into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

SEC. 5. PROGRAMS AFFECTED.

Programs that may be integrated in a demonstration project described in section 4) are—

(1) an Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

(2) an Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

(A)(i) the Indian tribe provides notice to the appropriate agency regarding the intentions of the Indian tribe to include the Indian behavioral health care program in the plan that the Indian tribe submits to the Secretary; and

(ii) the agency consents to the inclusion of the grant in the plan; or

(B)(i) the Indian tribe elects to include the Indian behavioral health care program in the plan; and

(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

(3) an Indian behavioral health care program under which an Indian tribe is eligible to receive funds under any other funding scheme.

SEC. 6. PLAN REQUIREMENTS.

A plan of an Indian tribe submitted under section 4 shall—

(1) identify the programs to be integrated;

(2) be consistent with this Act;

(3) describe a comprehensive strategy that—

(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the service area of the Indian tribe; and

(B) may include site and technology assessments and any necessary computer hardware installation and support;

(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan (including, if implemented, the manner and expected results of implementation of an automated clinical information system);

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies in the Indian tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe requests be waived in order to implement the plan; and

(8) be approved by the governing body of the Indian tribe.

SEC. 7. PLAN REVIEW.

(a) CONSULTATION.—On receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with—

(1) the head of each Federal agency providing funds to be used to implement the plan; and

(2) the Indian tribe.

(b) IDENTIFICATION OF WAIVERS.—Each party consulting on the implementation of a plan under section 4 shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures that the party determines to be necessary to enable the Indian tribe to implement the plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the head of a Federal agency may waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency is identified by the Indian tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that a waiver is inconsistent with—

(1) this Act;

(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs; and

(3) any underlying statutory objective or purpose of a program to be consolidated under the plan, to such a degree as would render ineffectual activities funded under the program.

SEC. 8. PLAN APPROVAL.

(a) IN GENERAL.—Not later than 90 days after the date of receipt by the Secretary of a plan under section 4, the Secretary shall inform the Indian tribe that submitted the plan, in writing, of the approval or disapproval of the plan (including any request for a waiver that is made as part of the plan).

(b) DISAPPROVAL.—

(1) IN GENERAL.—The Secretary may disapprove a plan if—

(A) the plan does not provide sufficient information for the Secretary to adequately review the plan for compliance with this Act;

(B) the plan does not comply with this Act;

(C) the plan provides for the purchase, lease, license, or training for, an automated clinical information system, but the purchase, lease, license, or training would require aggregate expenditures of program funding at such a level as would render other program substantially ineffectual; or

(D)(i) the plan identifies waivers that cannot be waived under section 7(c); and

(ii) the plan would be rendered substantially ineffectual without the waivers.

(2) NOTICE.—If a plan is disapproved under subsection (a), the Secretary shall—

(A) inform the Indian tribe, in writing, of the reasons for the disapproval; and

(B) provide the Indian tribe an opportunity—

(i) to amend and resubmit the plan; or

(ii) to petition the Secretary to reconsider the disapproval (including reconsidering the disapproval of any waiver requested by the Indian tribe).

SEC. 9. USE OF FUNDS FOR TECHNOLOGY.

Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project described in section 4, the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for technology for an automated clinical information system if the purchase, lease, licensing of, or provision of training is conducted in accordance with a plan approved by the Secretary under section 8.

SEC. 10. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into a memorandum of agreement providing for the implementation of the plans approved under section 8.

(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

(A) the development of a single reporting format—

(i) relating to each plan for a demonstration project submitted under section 4, which shall be used by an Indian tribe to report activities carried out under the plan; and

(ii) relating to the projected expenditures for the individual plan, which shall be used by an Indian tribe to report all plan expenditures;

(B) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

(C) the provision of, or arrangement for provision of, technical assistance to an Indian tribe that is appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the Indian tribe participating in the project (except that an Indian tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider); and

(D) the convening by an appropriate official of the lead agency (who shall be an official appointed by and with the advice and consent of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting at least twice during each fiscal year, for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

(b) REPORT REQUIREMENTS.—

(1) IN GENERAL.—The single reporting formats described in subsection (a)(3)(A) shall be developed by the Secretary in accordance with this Act.

(2) INFORMATION.—The single reporting format, together with records maintained on the consolidated program at the tribal level, shall contain such information as the Secretary determines will—

(A) allow the Secretary to determine whether the Indian tribe has complied with the requirements incorporated in the approved plan of the Indian tribe; and

(2) provide assurances to the Secretary that the Indian tribe has complied with all—

(A) applicable statutory requirements; and

(B) applicable regulatory requirements that have not been waived.

SEC. 11. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to an Indian tribe involved in any project under this Act be reduced as a result of the enactment of this Act.

SEC. 12. INTERAGENCY FUND TRANSFERS.

The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, may take such action as is necessary to provide for the interagency transfer of funds otherwise available to an Indian tribe in order to carry out this Act.

SEC. 13. ADMINISTRATION OF FUNDS; EXCESS FUNDS.

(a) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination by the Secretary that funds made available for specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under the program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section requires an Indian tribe—

(A) to maintain separate records tracing any service provided or activity conducted under the approved plan of the Indian tribe to the individual programs under which funds were authorized; or

(B) to allocate expenditures among individual programs.

(b) EXCESS FUNDS.—With respect to administrative costs of carrying out the approved plan of an Indian tribe under this Act—

(1) all administrative costs under the approved plan may be commingled;

(2) an Indian tribe that carries out a demonstration program under such an approved plan shall be entitled to receive reimbursement for the full amount of those costs in accordance with regulations of each program or department; and

(3) if the Indian tribe, after paying administrative costs associated with carrying out the approved plans, realizes excess administrative funds, those funds shall not be counted for Federal audit purposes if the excess funds are used for the purposes provided for under this Act.

SEC. 14. FISCAL ACCOUNTABILITY.

Nothing in this Act affects the authority of the Secretary or the lead agency to safeguard Federal funds in accordance with chapter 75 of title 31, United States Code.

SEC. 15. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a preliminary report that describes the implementation of this Act.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a final report that—

(1) describes the results of implementation of this Act; and

(2) identifies statutory barriers to the ability of Indian tribes to integrate more effectively alcohol and substance abuse services in a manner consistent with this Act.

SEC. 16. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

Any State with an alcohol and substance abuse or mental health program targeted toward Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, determines to be appropriate to help ensure the success of the program.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 286. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, I rise today to introduce the Birth Defects and Developmental Disabilities Prevention Act. It is a pleasure to work, once again, on this important issue with Senators DODD, FRIST and KENNEDY.

My interest in birth defects prevention began while I was Governor. As Governor I had secured dollars to fund the neonate care units at our hospitals in Missouri. These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low birth weight babies and babies with severe birth defects.

As I visited those hospitals and held those tiny babies, the doctors and nurses who staffed these units asked me, "Why don't we do something to reduce the incidents of birth defects and the problems that bring the tiniest of infants to these very high-tech, specialized care units."

Since I became a Senator I have been working with colleagues on both sides of the aisle and with the March of Dimes to deal with this serious and compelling health problem facing America.

Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death. This year alone, an estimated 150,000 babies will be born with a birth defect. Among the babies who survive, birth defects often result in lifelong disability. Medical care, special education, and may other services are often required into adulthood, costing families thousands of dollars each year.

In 1998, Congress finally passed a bill I had sponsored for 3 previous sessions, the Birth Defects Prevention Act, which created a federal birth defects prevention and surveillance strategy. That was followed by the Children's Health Act of 2000, which established the National Center on Birth Defects and Developmental Disabilities at CDC. With these two important pieces of legislation Congress recognized that birth defects and developmental disabilities are major threats to children's health.

The Birth Defects and Developmental Disabilities Prevention Act revises and extends the Birth Defects Prevention Act of 1998. This bill is straightforward and has the support of the March of Dimes, Spina Bifida Association of America, the Autism Society of America, and the Coalition for Children's health among others. It: (1) Reauthorizes the National Center on Birth Defects and Developmental Disabilities for 5 years; (2) makes several technical amendments to ensure that the full scope of activities conducted by the center are included in statute; (3) authorizes CDC to collect data from educational records that are necessary to conduct surveillance on developmental disabilities—including autism—while protecting the privacy of individuals and their families; (4) authorizes CDC to support a National Spina Bifida Program to promote prevention and enhance the quality of life of those living with Spina Bifida; (5) authorizes CDC to conduct research and programs on the prevention of secondary conditions and the promotion of health and wellness in individuals living with disabilities; and (6) finally, the bill transfers certain members of the Advisory Committee to the Director of the National Center for Environmental Health who have expertise in birth defects, developmental disabilities and disabilities and health to the National Center on Birth Defects and Developmental Disabilities.

We have come a long way in the past 5 years toward preventing certain birth defects and developmental disabilities, but we face many challenges ahead. There is still much work to be done to improve the health of all Americans by preventing birth defects and developmental disabilities in children, promoting optimal child development and ensuring health and wellness among children and adults living with disabilities.

Today, with the introduction of this bill we have the opportunity to renew our commitment to birth defects prevention and to improve the quality of life of those living with disabilities. I look forward to working with my colleagues to ensure and enhance the well-being of our Nation's children.

Mr. FRIST. Mr. President, I am pleased to join Senator BOND in reintroducing the Birth Defects and Developmental Disabilities Prevention Act of 2003. This bill reauthorizes the National Center on Birth Defects and Developmental Disabilities, NCBDD, at the Centers for Disease Control and Prevention to promote optimal fetal, infant, and child development and prevent birth defects and childhood developmental disabilities.

Birth defects are the leading cause of infant mortality in the United States, accounting for more than 20 percent of all infant deaths. Of the 150,000 babies born with a birth defect in the United States each year, 8,000 will die during their first year of life. In addition, birth defects are the fifth-leading cause of years of potential life lost and contribute substantially to childhood morbidity and long-term disability.

Congress passed the Birth Defects Prevention Act in 1998, a bill to assist States in developing, implementing, or expanding community-based birth defects tracking systems, programs to prevent birth defects, and activities to improve access to health services for children with birth defects. The authorization for this important legislation expires at the end of this year, and the legislation we are introducing today will strengthen those important programs.

In order to educate health professionals and the general public, this legislation requires NCBDD to provide information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities, experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals. The Clearinghouse will also contain a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida.

This legislation also clarifies advisory committees, already in existence, that have expertise in birth defects, developmental disabilities, and disabilities and health will be transferred to the National Center on Birth Defects.

This piece of legislation also supports a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabling birth defect.

I ask that this piece of important legislation be reauthorized. I want to thank my colleagues, Senator BOND and others, for the introduction of this initial piece of legislation in 1998 and for their continued initiatives on birth defects and developmental disabilities.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. BINGAMAN, Mr. COCHRAN, Mr. DASCHLE, Mr. DURBIN, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. WARNER, Ms. CANTWELL, Mr. JEFFORDS, Mr. JOHNSON, and Mr. KERRY):

S. 287. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today with Senator BENNETT to introduce the "Artist-Museum Partnership Act of 2003." Our bipartisan legislation will enable our country to keep cherished art works in the United States and to preserve them in our public institutions, while erasing an inequity in our tax code that currently serves as a disincentive for artists to donate their works to museums and libraries. This is the same bill we introduced the past two Congresses. It was also included in the Senate-passed version of the President's 2001 tax cut bill and in the Finance Committee's version of the Charity Aid, Recovery, and Empowerment, CARE, Act. I would like to thank Senators BINGAMAN, COCHRAN, DASCHLE, DURBIN, GRAHAM of Florida, KENNEDY, LIEBERMAN, LINCOLN, and WARNER for cosponsoring this bipartisan bill.

Our bill is sensible and straightforward. It would allow artists, writers, and composers who donate works to museums and libraries to take a tax deduction equal to the fair market value of the work. This is something that collectors who make similar donations are already able to do. If we as a Nation want to ensure that art works created by living artists are available to the public in the future, for study or for pleasure, this is something that artists should be allowed to do as well. Under current law, artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper and ink, which does not even come close to their true value. This is unfair to artists and it hurts museums and libraries, large and small, that are dedicated to preserving works for posterity.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty and its cultural heritage. Anyone who has contemplated a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. The sharp decline in donations to the Library of Congress clearly illustrates this point. Until 1969, the Library of Congress received 15 to 20 large gifts of manuscripts from authors each year. In the four years following the elimination of the deduction, the Library received only one such gift. Instead, many of these works have been sold to private collectors and are no longer available to the general public.

For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. These losses are an unintended consequence of the tax bill that should now be corrected.

More than 30 years ago, Congress changed the law for artists in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations. Under this legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions, would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes. It could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution that did not intend to use the work in a manner related to the function constituting the donee's exemption under Section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works, or related activities.

This bill would also correct another disparity in the tax treatment of self-created works, how the same work is treated before and after an artist's death. While living artists may only deduct the material costs of donations, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

Last Congress, the Joint Committee on Taxation estimated that our bill would cost $50 million over 10 years. This is a moderate price to pay for our education and the preservation of our cultural heritage.

I want to thank my colleagues again for cosponsoring this bipartisan legislation. The time has come for us to correct an unintended consequence of the 1969 law and encourage rather than discourage the donations of art works by their creators. This bill could, and I believe would, make a critical difference in an artist's decision to donate his or her work, rather than sell it to a private party, where it may become lost to the public forever.

Mr. BENNETT. Mr. President, I am proud to join the Senator from Vermont today to introduce the Artist-Museum Partnership Act. He and I have introduced this legislation in the past, and we hope that our colleagues will see this bill for what it is: a reasonable solution to an unintentional inequity in our tax code.

This legislation would allow living artists to deduct the fair-market value of their art work when they contribute their work to museums or other public institutions. As the tax code is currently written, art collectors are able to deduct the fair market value of any piece of art they donate to a museum. However, if the artist who created that same piece of work were to donate it, he or she would only be able to deduct the material cost of the work, which may be nothing more than a canvas, a tube of paint, and a wooden frame. Thus, there exists a disincentive for artists to donate their work to museums. The solution is simple: treat collectors and artists the same way. This bill would do just that.

Certainly, this bill would benefit artists, but more importantly, the beneficiaries would be the museums that would receive the art work and the general public who would be able to view it in a timely manner. This change in the tax code would increase the number of original pieces donated to public institutions, giving scholars greater access to an artist's work during the lifetime of that artist, as well as provide for an increase in the public display of such work.

I would like to thank Senator LEAHY for his work on this bill. I urge my colleagues to support this common-sense legislation. The fiscal impact of the Artist-Museum Partnership Act on the Federal budget would be minimal, but the benefit to our nation's cultural and artistic heritage cannot be overstated. This minor correction to the tax code is long overdue, and the Senate should act on this legislation to remedy the problem.

By Mr. CAMPBELL:

S. 288. A bill to encourage contracting by Indians and Indian tribes for the management of Federal land, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, as I did last session, I am again pleased to introduce the "Indian Tribal Contracting and Federal Lands Management Demonstration Project Act" to expand the highly-successful Indian Self Determination and Education Assistance Act of 1975 and to bring Native knowledge, values and sensitivity to the management of our Federal lands.

I want to emphasize that this initiative is a starting point for a broader discussion about whether Federal law sufficiently protects sacred Indian places that are located on Federal lands.

Americans react viscerally when lands and sites held sacred are threatened. Whether the site in question is the Little Bighorn Battlefield in Montana; the American Cemetery at Omaha Beach in Normandy, France; or religious and ceremonial sites held dear by Native people.

Twenty-five years ago Congress passed the American Indian Religious

Freedom Act which declared that it is "the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites."

A series of hearings held by the Committee on Indian Affairs over the past two years revealed that the AIRFA policy remains aspirational and the goals of that Act have not been realized.

The clashes between economic and cultural interests will also sharpen as our nation's needs for economic activities, such as logging, energy and mining, increases.

In 1970, President Nixon's Special Message to Congress on Indian Affairs changed forever Federal Indian law and policy. The President also signed into law legislation transferring the sacred Blue Lake lands back to the Pueblo of Taos. These two events set the stage for both the Indian Self Determination and Education Assistance Act, 1975, as well as the AIRFA, 1978.

The legislation I am re-introducing today will build on these precedents by setting up a Demonstration Project to expand opportunities for Native contracting on Federal lands. One goal of this bill is to bring to bear the knowledge and sensitivity of Native people to activities that are currently being carried out by Federal agencies.

Under the bill, the Secretary of the Interior would select up to 12 tribes or tribal organizations per year to provide archaeological, anthropological, ethnographic and cultural surveys and analysis; land management planning; and activities related to the identification, maintenance, or protection of lands considered to have religious, ceremonial or cultural significance to Indian tribes.

I urge my colleagues to join me in supporting this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Indian Contracting and Federal Land Management Demonstration Project Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to expand the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to increase Indian employment and income through greater contracting opportunities with the Federal Government;

(2) to encourage contracting by Indians and Indian tribes with respect to management of Federal land—

(A) to realize the benefit of Indian knowledge and expertise with respect to the land; and

(B) to promote innovative management strategies on Federal land that will result in greater sensitivity toward, and respect for, religious beliefs and sacred sites of Indians and Indian tribes;

(3) to better accommodate access to and ceremonial use of Indian sacred land by Indian religious practitioners; and

(4) to prevent significant damage to Indian sacred land.

SEC. 3. TRIBAL PROCUREMENT CONTRACTING AND RESERVATION DEVELOPMENT.

Section 7 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) is amended by adding at the end the following:

"(d) TRIBAL PROCUREMENT CONTRACTING AND RESERVATION DEVELOPMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), on request by and application of an Indian tribe to provide certain services or deliverables that the Secretary of the Interior would otherwise procure from a private-sector entity (referred to in this subsection as an 'applicant tribe'), and absent a request made by 1 or more Indian tribes that would receive a direct benefit from those services or deliverables to enter into contracts for those services or deliverables in accordance with section 102 (referred to in this subsection as a 'beneficiary tribe'), the Secretary of the Interior shall enter into contracts for those services or deliverables with the applicant tribe in accordance with section 102.

"(2) ASSURANCES.—An applicant tribe shall provide the Secretary of the Interior with assurances that the principal beneficiary tribes that receive the services and deliverables for which the applicant tribe has entered into a contract with the Secretary of the Interior remain the Indian tribes originally intended to benefit from the services or deliverables.

"(3) RIGHTS AND PRIVILEGES.—For the purpose of this subsection, an applicant tribe shall enjoy, at a minimum, the same rights and privileges under this Act as would a beneficiary tribe if the beneficiary tribe exercised rights to enter into a contract relating to services or deliverables in accordance with section 102.

"(4) NOTICE OF DESIRE TO CONTRACT.—If a beneficiary tribe seeks to enter into a contract with the Secretary of the Interior for services or deliverables being provided by an applicant tribe—

"(A) the beneficiary tribe shall immediately provide notice of the desire to enter into a contract for those services and deliverables to the applicant tribe and the Secretary; and

"(B) not later than the date that is 180 days after the date on which the applicant tribe and the Secretary of the Interior receive the notice, the contract between the applicant tribe and the Secretary of the Interior for the services or deliverables shall terminate.".

SEC. 4. INDIAN AND FEDERAL LAND MANAGEMENT DEMONSTRATION PROJECT.

Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) is amended by adding at the end the following:

"(m) INDIAN AND FEDERAL LAND MANAGEMENT DEMONSTRATION PROJECT.—

"(1) DEFINITIONS.—In this subsection:

"(A) FEDERAL LAND.—

"(i) IN GENERAL.—The term 'Federal land' means any land or interest in or to land owned by the United States.

"(ii) INCLUSION.—The term 'Federal land' includes a leasehold interest held by the United States.

"(iii) EXCLUSION.—The term 'Federal land' does not include land held in trust by the United States for the benefit of an Indian tribe.

"(B) PROJECT.—The term 'project' means the Indian and Federal Land Management Demonstration Project established under paragraph (2).

"(C) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(2) ESTABLISHMENT.—The Secretary shall establish a demonstration project, to be known as the 'Indian and Federal Land Management Demonstration Project', to enter into contracts with Indian tribes or tribal organizations under which the Indian tribes or tribal organizations shall carry out activities relating to Federal land management, including—

"(A) archaeological, anthropological, and cultural surveys and analyses; and

"(B) activities relating to the identification, maintenance, or protection of land considered to have religious, ceremonial, or cultural significance to the Indian tribe or tribal organization.

"(3) PARTICIPATION.—During each of the 2 fiscal years after the date of enactment of this subsection, the Secretary shall select not less than 12 eligible Indian tribes or tribal organizations to participate in the project.

"(4) ELIGIBILITY.—To be eligible to participate in the project, an Indian tribe or tribal organization, shall—

"(A) request participation by resolution or other official action of the governing body of the Indian tribe or tribal organization;

"(B) with respect to the 3 fiscal years immediately preceding the fiscal year for which participation is requested, demonstrate financial stability and financial management capability by showing that there were no unresolved significant and material audit exceptions in the required annual audit of the self-determination contracts of the Indian tribe or tribal organization;

"(C) demonstrate significant use of or dependency on the relevant conservation system unit or other public land unit for which programs, functions, services, and activities are requested to be placed under contract with respect to the project; and

"(D) before entering into any contract described in paragraph (6), complete a planning phase described in paragraph (5).

"(5) PLANNING PHASE.—Not later than 1 year after the date on which the Secretary selects an Indian tribe or tribal organization to participate in the project, the Indian tribe or tribal organization shall complete, to the satisfaction of the Indian tribe or tribal organization, a planning phase that includes—

"(A) legal and budgetary research; and

"(B) internal tribal planning and organizational preparation.

"(6) CONTRACTS.—

"(A) IN GENERAL.—On request by an Indian tribe or tribal organization that meets the eligibility criteria specified in paragraph (4), the Secretary shall negotiate and enter into a contract with the Indian tribe or tribal organization under which the Indian tribe or tribal organization shall plan, conduct, and administer programs, services, functions, and activities (or portions of programs, services, functions, and activities) requested by the Indian tribe or tribal organization that relate to—

‘‘(i) archaeological, anthropological, and cultural surveys and analyses; and

‘‘(ii) the identification, maintenance, or protection of land considered to have religious, ceremonial, or cultural significance to the Indian tribe or tribal organization.

‘‘(B) TIME LIMITATION FOR NEGOTIATION OF CONTRACTS.—Not later than 90 days after a participating Indian tribe or tribal organization notifies the Secretary of completion by the Indian tribe or tribal organization of the planning phase described in paragraph (5), the Secretary shall initiate and conclude negotiations with respect to a contract described in subparagraph (A) (unless an alternative negotiation and implementation schedule is agreed to by the Secretary and the Indian tribe or tribal organization).

‘‘(C) IMPLEMENTATION.—An Indian tribe or tribal organization that enters into a contract under this paragraph shall begin implementation of the contract—

‘‘(i) not later than October 1 of the fiscal year following the fiscal year in which the Indian tribe or tribal organization completes the planning phase under paragraph (5); or

‘‘(ii) in accordance with an alternative implementation schedule agreed to under subparagraph (B).

‘‘(D) TERM.—A contract entered into under this paragraph may have a term of not to exceed 5 fiscal years, beginning with the fiscal year in which the contract is entered into.

‘‘(E) DECLINATION AND APPEALS PROVISIONS.—The provisions of this Act relating to declination and appeals of contracts, including section 110, shall apply to a contract negotiated under this paragraph.

‘‘(7) ADMINISTRATION OF CONTRACTS.—

‘‘(A) INCLUSION OF CERTAIN TERMS.—

‘‘(i) IN GENERAL.—At the request of an Indian tribe or tribal organization, the benefits, privileges, terms, and conditions of agreements entered into in accordance with this Act, and such other terms and conditions as are mutually agreed to and not otherwise contrary to law, may be included in a contract entered into under paragraph (6).

‘‘(ii) FORCE AND EFFECT.—If any provision of this Act is incorporated in a contract under clause (i), the provision shall—

‘‘(I) have the same force and effect as under this Act; and

‘‘(II) apply notwithstanding any other provision of law.

‘‘(B) AUDIT.—A contract entered into under paragraph (6) shall provide for a single-agency audit report to be filed in accordance with chapter 75 of title 31, United States Code.

‘‘(C) TRANSFER OF EMPLOYEES.—

‘‘(i) IN GENERAL.—A Federal employee employed at the time of transfer of administrative responsibility for a program, service, function, or activity to an Indian tribe or tribal organization under this subsection shall not be separated from Federal service by reason of the transfer.

‘‘(ii) INTERGOVERNMENTAL ACTIONS.—An intergovernmental personnel action may be used to transfer supervision of a Federal employee described in clause (i) to an Indian tribe or tribal organization.

‘‘(iii) TREATMENT OF TRANSFERRED EMPLOYEES.—Notwithstanding any priority reemployment list, directive, rule, regulation, or other order from the Department of the Interior, the Office of Management and Budget, or any other Federal agency, a Federal employee described in clause (i) shall be given priority placement for any available position within the respective agency of the employee.

‘‘(8) FUNDING AND PAYMENTS.—A contract entered into under paragraph (6) shall provide that, with respect to the transfer of administrative responsibility for each program, service, function, and activity covered by the contract—

‘‘(A) for each fiscal year during which the contract is in effect, the Secretary shall provide to the Indian tribe or tribal organization that is a party to the contract funds in an amount that is at least equal to the amount that the Secretary would have otherwise expended in carrying out the program, service, function, or activity for the fiscal year; and

‘‘(B) funds provided to an Indian tribe or tribal organization under subparagraph (A) shall be paid by the Secretary by such date before the beginning of the applicable fiscal year as the Secretary and the Indian tribe or tribal organization may jointly determine, in the form of annual or semiannual installments.

‘‘(9) PLANNING GRANTS.—

‘‘(A) IN GENERAL.—Subject to the availability of appropriations, on application by an Indian tribe or tribal organization that is a participant in the project, the Secretary shall provide to the Indian tribe or tribal organization a grant in the amount of $100,000 to assist the Indian tribe or tribal organization in—

‘‘(i) completing the planning phase described in paragraph (5); and

‘‘(ii) planning for the contracting of programs, functions, services, and activities in accordance with a contract entered into under paragraph (6).

‘‘(B) NO REQUIREMENT OF GRANT.—An Indian tribe or tribal organization may carry out responsibilities of the Indian tribe or tribal organization described in subparagraph (A) without applying for a grant under this paragraph.

‘‘(C) LIMITATION ON GRANTS.—No Indian tribe or tribal organization may receive more than 1 grant under this paragraph.

‘‘(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph such sums as are necessary for each of the 2 fiscal years following the fiscal year in which this subsection is enacted.

‘‘(10) REPORT.—Not later than 90 days after each of December 31, 2003, and December 31, 2006, the Secretary shall submit to Congress a detailed report on the project, including—

‘‘(A) a description of the project;

‘‘(B) findings with respect to the project; and

‘‘(C) an analysis of the costs and benefits of the project.’’.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. HATCH, Mr. CONRAD, Mr. DEWINE, Mr. GRAHAM of Florida, Mr. SMITH, Mr. BINGAMAN, Mr. ALLARD, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. HARKIN, Mr. DURBIN, and Ms. LANDRIEU):

S. 289. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Armed Forces Tax Fairness Act of 2003’’.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I– IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 102. Exclusion from gross income of certain death gratuity payments.
Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations.
Sec. 106. Clarification of treatment of certain dependent care assistance programs.
Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 108. Suspension of tax-exempt status of terrorist organizations.
Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

TITLE II—OTHER PROVISIONS

Sec. 201. Extension of IRS user fees.
Sec. 202. Partial payment of tax liability in installment agreements.
Sec. 203. Revision of tax rules on expatriation.
Sec. 204. Protection of social security.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

‘‘(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

‘‘(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) SPECIAL RULES RELATING TO ELECTION.—

"(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or", and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

"(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the amount described in clause (1) of subsection (c) of such section (as in effect on such date).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ", or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**or contingency operation**" after "**combat zone**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the account holder at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

"(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) Period of suspension.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) Denial of tax benefits.—No exclusion, credit, or deduction shall be allowed under any provision of this title with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) Denial of administrative or judicial challenge of suspension or denial of deduction.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) Erroneous designation.—

"(A) In general.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) Waiver of limitations.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) Notice of Suspensions.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) Deduction Allowed.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) Treatment of Expenses of Members of Reserve Component of Armed Forces of the United States.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) Deduction Allowed Whether or Not Taxpayer Elects To Itemize.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) Certain expenses of members of reserve components of the armed forces of the united states.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) General Rule.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) Program Criteria.—

"(1) In general.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) Exemptions, etc.—

"(A) In general.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) Exemption for certain requests regarding pension plans.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) Definitions and special rules.—For purposes of subparagraph (B)—

"(i) Pension benefit plan.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) Eligible employer.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) Determination of average fees charged.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) Average fee requirement.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) Termination.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.".

(b) Conforming Amendments.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7528. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) Limitations.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) Effective Date.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 202. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) In General.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement To Review Partial Payment Agreements Every Two Years.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 203. REVISION OF TAX RULES ON EXPATRIATION.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) Election to continue to be taxed as United States citizen.—

"(A) In general.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) Election To Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) Security.—

"(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) Interest.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) Covered Expatriate.—For purposes of this section—

"(1) In general.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) Exempt Property; Special Rules for Pension Plans.—

"(1) Exempt property.—This section shall not apply to the following:

"(A) United states real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) Specified property.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) Special rules for certain retirement plans.—

"(A) In general.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) Treatment of subsequent distributions.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) Determinations under paragraph (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) Other determinations.—For purposes of this section—

"(i) Constructive ownership.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) Taxpayer return position.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) Termination of Deferrals, Etc.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) Imposition of Tentative Tax.—

"(1) In general.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) Due date.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) Treatment of tax.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) Deferral of tax.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) Special Liens for Deferred Tax Amounts.—

"(1) Imposition of lien.—

"(A) In general.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) Deferred amount.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) Period of lien.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) Certain rules apply.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Inclusion in Income of Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) Gifts and Inheritances From Covered Expatriates.—

"(1) In general.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) Definition of Termination of United States Citizenship.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) Termination of united states citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) Ineligibility for Visa or Admission To United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) Former citizens not in compliance with expatriation revenue provisions.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (17)" each place it appears and inserting "(17), or (19)".

(3) Effective date.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. ROBERTS, Mr. INHOFE, Mrs. HUTCHISON, Mr. DOMENICI, and Mr. BROWNBACK):

S. 290. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Otero, Lincoln, Torrance, Guadalupe, and Quay Counties. The purpose of this legislation is to focus attention on the need to upgrade U.S. Highway 54 to four lanes. I believe improving the transportation infrastructure will help attract good jobs to South, Central, and Eastern New Mexico.

I am honored to have my good friend and colleague, Senator ROBERTS, as the lead cosponsor of the bill. I am also pleased to have Senators INHOFE, HUTCHISON, DOMENICI and BROWNBACK as original cosponsors.

In addition, Representatives UDALL, NM, MORAN, LUCAS, THORNBERRY, PEARCE, and REYES are introducing this bill today on the House side.

Our bill designates U.S. Highway 54 from the border with Mexico at El Paso, TX, through New Mexico, and Oklahoma to Wichita, KS, as the Southwest Passage Initiative for Regional and Interstate Transportation, or SPIRIT, corridor. Congress has already included Highway 54 as part of the National Highway System. This bill adds the SPIRIT Corridor in Congress's list of High Priority Corridors on the National Highway System.

About half of the 700-mile-long SPIRIT corridor is in New Mexico and another 200 miles of it are in Kansas. Our goal with this designation is to promote the development of this route into a full four-lane divided highway. When completed, the route will link rural areas in the four States to major market centers.

I continue to believe strongly in the importance of highway infrastructure for economic development in my State. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways more readily attract out-of-State visitors and new jobs. Truck drivers and the traveling public prefer the safety of a four-lane divided highway.

In New Mexico, US 54 is a fairly level route, bypassing New Mexico's major mountain ranges. The route also traverses some of New Mexico's most dramatic scenery, including two of the State's popular Scenic Byways. One is the Mesalands Scenic Byway in Guadalupe, San Miguel and Quay Counties, incorporating the beautiful tablelands known as El Llano Estacado. The other is the state's newest byway, La Frontera de Llano, which follows highway 39 from Logan to Abbott in Harding County, including the spectacular Canadian River Canyon and the Kiowa National Grasslands.

The SPIRIT corridor passes through Alamogordo, home of the New Mexico Museum of Space History and gateway to the stunning White Sands National Monument.

Highway 54 is also important to our nation from the perspective of national security. The route directly serves Fort Bliss, the White Sands Missile Range, and Holloman Air Force Base. It also passes through the Nation's breadbasket as well as some of the Nation's most important oil and gas fields.

The route of the SPIRIT corridor starts at Juarez, Chihuahua, Mexico, home of one the largest concentrations of manufacturing in the border region. As a result of increased trade under NAFTA, commercial border traffic is now much higher at the border crossings in El Paso, Texas, and Santa Teresa, New Mexico. In New Mexico, truck traffic from the border has risen to over 1000 per day and is expected to triple in the next twenty years.

The SPIRIT corridor is perfectly situated to serve international trade and promote economic development along its entire route. The route provides direct connections to four major Interstate Highways: I–10, I–35, I–40, and I–70. SPIRIT is also the shortest route between Chicago and El Paso, shaving 137 miles off the major alternative.

Though much of US 54 is currently only two lanes, traffic has been rising dramatically along the entire route since NAFTA was implemented. In New Mexico, total daily traffic levels are nearing 10,000 and are projected to rise to 30,000, with trucks making up 35 percent of the total. In Oklahoma, traffic levels are up to 6,500 per day—40 percent of which are commercial trucks. These traffic statistics clearly reflect the SPIRIT corridor's attraction to commercial and passenger drivers.

New Mexicans recognize the importance of efficient roads to economic development and safety. I have long supported my state's efforts to complete the four-lane upgrade of US 54. The State Highway and Transportation Department now rates the project a high priority for New Mexico. The four-lane upgrade of the first 56-mile segment from the Texas border to Alamogordo was completed last year. Two more sections in New Mexico remain to be upgraded: 163 miles from Tularosa, north through Carrizozo, Corona, and Vaughn, to Santa Rosa and 50 miles from Tucumcari to the Texas border near Nara Visa in Quay County. The cost to four-lane these two segments is estimated at $420 million. I am committed to working to help secure the funding required to complete New Mexico's four-lane upgrade as soon as possible. I am pleased the other States are also moving quickly to four-lane their portion of the route. I hope designating SPIRIT as a High Priority Corridor on the National Highway System will help spur the completion of this project.

Once the SPIRIT corridor is designated, New Mexico will have four high-priority corridors on the National Highway System. The other three are the Ports-to-Plains corridor, the Camino Real Corridor, and the East West Transamerica Corridor. These four trade corridors, as well as our close proximity to the border, strongly underscore the vital role New Mexico plays in our nation's interstate and international transportation network.

The SPIRIT project has broad grassroots support. Most of the cities, counties, and chambers of commerce all the way from Wichita to El Paso have passed resolutions of support for the four-lane upgrade of US 54 along the entire corridor.

I do believe the four-lane upgrade of Highway 54 is vital to the continued economic development for all of the communities along the SPIRIT corridor in New Mexico.

I again thank Senators ROBERTS, INHOFE, HUTCHISON, DOMENICI and BROWNBACK for cosponsoring the bill, and I hope all Senators will join us in support of this important legislation. It is my hope that our bill can pass quickly this year or be included when the Senate considers the reauthorization of the six-year transportation bill.

I ask unanimous consent that the text of the bill be printed in the RECORD. I ask unanimous consent that letters and resolutions of support from Otero County, Lincoln County, and Alamogordo in New Mexico, and from the Director of the Oklahoma Department of Transportation and the Secretary of Transportation of Kansas be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

"(45) The corridor extending from the point on the border between the United States and Mexico in the State of Texas at which United

States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.".

OCEDC, Otero County,
Economic Development Council, Inc.,
Alamogordo, NM, March 28, 2002.
Hon. Jeff Bingaman,
U.S. Senator,
Las Cruces, NM.

Dear Senator Bingaman: The Otero County Economic Development Council, Inc. (OCEDC) wishes to lend our support for Senate Bill 1986 (currently going through Congress), which designates US 54 as a high priority corridor under the Intermodal Surface Transportation Efficiency Act of 1991.

The Southwest Passage Initiative for Regional and Interstate Transportation (S.P.I.R.I.T.) efforts to establish a trade corridor along US 54 will be extremely beneficial to not only trade with Mexico but trade with the states this highway passes through—Kansas, Oklahoma, Texas and New Mexico.

Economic development progress can only be made when infrastructure is available. Having the infrastructure and trade corridor that US 54 provides will bring jobs, diversity and stability to our citizens throughout the county.

We would encourage you to do whatever you can to see that these measures are passed.

Sincerely,

Larry Shulse,
President, OCEDC Board of Directors.

Resolution No. 2001-37

WHEREAS, Senate Bill 1986 was introduced by Senator Bingaman to designate U.S. Highway 54 as a high priority corridor under the Intermodal Surface Transportation Efficiency Act of 1991; and

WHEREAS, the Board of Commissioners of Lincoln County, State of New Mexico, supports the Southwest Passage Initiative for Regional and Interstate Transportation or SPIRIT; and

WHEREAS, the SPIRIT's goal is to promote the four-laning of U.S. Highway 54 from Withcita, Kansas to El Paso, Texas.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Lincoln County has further determined that in order to protect the health, safety, and welfare of our citizens, the Board hereby supports the Southwest Passage Initiative for Regional and Interstate Transportation or SPIRIT Corridor.

City of Alamogordo,
Office of the Mayor,
Alamogordo, NM, March 27, 2002.
Hon. Jeff Bingaman,
U.S. Senator, Hart Office Building, Room 703, Washington, DC.

Dear Senator Bingaman: This letter is written to thank you for your introduction of Senate Bill 1986, the "Southwest Passage Initiative for Regional and Interstate Transportation", or S.P.I.R.I.T. corridor. This highway corridor provides an essential link between Mexico and the Midwestern states. Truck traffic along this path has increased substantially since the advent of the NAFTA treaty and the expectation is for a tripling of total traffic by the year 2023.

We recognize that the path to completing the S.P.I.R.I.T. corridor as a four lane highway from El Paso, Texas through new Mexico, Oklahoma, and Kansas will not be complete overnight, but this is an essential step in moving the project closer to completion.

We thank you for supporting this legislation, whose real and significant benefits will be the safety of the public when using the route, improvement of trade, speed of delivery, and reduction in costs of delivery.

Sincerely,

Donald E. Carroll,
Mayor.

Alamogordo Chamber of Commerce,
Alamogordo, NM, April 5, 2002.
Hon. Jeff Bingaman,
U.S. Senator,
Las Cruces, NM.

Dear Senator Bingaman: The Alamogordo Chamber of Commerce wishes to lend our support for Senate Bill 1986 (currently going through Congress), which designates US 54 as a high priority corridor under the Intermodal Surface Transportation Efficiency Act of 1991.

The Southwest Passage Initiative for Regional and Interstate Transportation (S.P.I.R.I.T.) efforts to establish a trade corridor along US 54 will be very vital to the continued economic development for all of the communities along the SPIRIT corridor. This is especially true for the businesses here in Alamogordo, the first stop on the route north from the EL Paso-Juarez Metroplex.

We believe the passing of this bill will help to bring jobs, diversification and stability to our community.

We would encourage you to do whatever you can to see that these measures are passed.

Sincerely,

John Marquardt,
President, Alamogordo Chamber of Commerce.

Oklahoma Department of
Transportation,
Oklahoma City, OK, April 9, 2002.
Hon. Jeff Bingaman,
U.S. Senator, 703 Hart Senate Office Building, Washington, DC.

Dear Senator Bingaman: We endorse your efforts to improve US 54 in the States of Oklahoma, New Mexico, Texas, and Kansas. Designation of US 54 as a high priority corridor on the National Highway System will aid in on-going and future improvements to this significant trade corridor.

Governor Keating, Congressman Lucas, Senator Inhofe, and Senator Nickles have recognized the importance of US 54 in the movement of goods and people in this four state region. Beginning in 1995, US 54 was designated as a "Transportation Improvement Corridor" in our first Statewide Intermodal Transportation Plan. These Transportation Improvement Corridors were so designated primarily due to current and future congestion and were planned to be four-lane facilities. US 54 certainly carries enough traffic, especially trucks, for this designation. It has continued as a Transportation Improvement Corridor in the latest Statewide Intermodal Transportation Plan.

We have followed through on this designation by committing significant state and federal funding to improving US 54 to a four-lane facility. We have used Capital Improvement Funds (state bonds) combined with federal funds in the amount of $70 million to purchase right-of-way, move utilities, and construct a four-lane facility from the Texas state-line northeastward 34 miles to north of Optima, Oklahoma. Future plans include only purchasing right-of-way from this point northeastward 21 miles to the Kansas stateline and constructing a four-lane facility to Hooker, Oklahoma. However, due to decreases in both state and federal funding, four-laning US 54 from Hooker northeastward 15 miles to the Kansas stateline is uncertain. Your efforts in securing funding for US 54 would greatly aid in this effort.

Sincerely,

Gary M. Ridley,
Director.

Kansas Department of Transportation,Office of the Secretary
of Transportation,
Topeka, KS, April 15, 2002.
Hon. Jeff Bingaman,
U.S. Senate,
Washington, DC.

Dear Senator Bingaman: The Kansas Department of Transportation is supportive of the efforts of the Southwest Passage Initiative for Regional and Interstate Transportation (S.P.I.R.I.T.) to designate US-54 as a High Priority Corridor on the National Highway System.

The legislation which you recently co-sponsored, S. 1986, would recognize the efforts of the S.P.I.R.I.T. organization and their years of hard work to develop US-54 as a major trade corridor.

Thank you for your support of S.P.I.R.I.T. and US-54.

Sincerely,

E. Dean Carlson,
Secretary of Transportation.

By Mr. GRAHAM of South Carolina:

S. 291. A bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Teacher Recruitment and Retention Act of 2003."

SEC. 2. ADDITIONAL QUALIFIED LOAN AMOUNTS.

(a) FEEL Loans.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)) is amended by adding at the end the following:

"(3) Additional amounts for teachers in mathematics, science, or special education.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall be not more than $17,500 in the case of—

"(A) a secondary school teacher—

"(i) who meets the requirements of subsection (b); and

"(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

"(B) an elementary school or secondary school teacher—

"(i) who meets the requirements of subsection (b), other than paragraphs (1)(B) and (C);

"(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

"(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary school or secondary school curriculum that the borrower is teaching.".

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

"(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

"(A) a secondary school teacher—

"(i) who meets the requirements of subsection (b)(1); and

"(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

"(B) an elementary school or secondary school teacher—

"(i) who meets the requirements of subsection (b)(1), other than clauses (ii) and (iii) of subparagraph (A);

"(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

"(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary school or secondary school curriculum that the borrower is teaching.".

By Mr. GRAHAM of South Carolina:

S. 292. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Health, Education, and Labor, and Pensions.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was printed in the RECORD, as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAIR LABOR STANDARDS ACT OF 1938.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after paragraph (3) the following:

"(4) any employee employed as a licensed funeral director or a licensed embalmer; or".

By Ms. MURKOWSKI:

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, during his State of the Union speech this week, President Bush emphasized the importance of local and charitable initiatives that help define the character of the many communities that make up the mosaic of our country. I have come to the floor today to discuss a community tradition that is unique to many of Alaska's remote villages and which should be recognized and supported by the Federal Government.

Subsistance whaling is vital to the survival of several Alaska Native communities. In many of our remote villages, the whale hunt is a tradition that has been carried on over many millennia. As part of that tradition, it is the custom that the captain of the hunt make all provisions for the meals, wages and equipment costs associated with the hunt.

After the hunt, the Captain is repaid in whale meat and muktuk, which is blubber and skin. However, as part of the tradition, the Captain donates a substantial portion of the whale to his village in order to help the community survive the harsh winter.

While the International Whaling Commission, IWC, has banned commercial whaling, it has specifically recognized the cultural significance of whaling to the Alaska Native community and has allowed them to continue the seasonal hunt. The IWC recognizes that the traditional whale hunt is not carried on for financial gain. Although the hunt generates no financial gain to the whaling captain, the captain incurs real expenses.

Since the whaling captain is not engaged in a business, he is not permitted to deduct the costs he incurs from his taxes. In order to maintain the traditional hunt and to offset some of the costs incurred by the Captain, I am today introducing legislation that would allow the captain to claim a charitable deduction of up to $10,000 to help defray the costs associated with providing this community service.

I want to point out that if the Captain incurred all of these expenses and then donated the whale meat to a local charitable organization, the Captain would almost certainly be able to deduct the costs he incurred in outfitting the boat for the charitable purpose. However, the cultural significance of the Captain's sharing the whale with the community would be lost. Moreover, since there is no commercial market for whale meat because of the international whaling bank, there is no way to set the value of such a charitable contribution.

This is a very modest proposal and I urge my colleagues to support this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Alaskan Subsistence Whaling Act of 2003".

SEC. 2. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

"(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $10,000 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

"(2) AMOUNT DESCRIBED.—

"(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

"(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

"(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

"(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

"(iii) storage and distribution of the catch from such activities.

"(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

By Ms. MURKOWSKI:

S. 294. A bill to eliminate the sunset for the determination of the Federal medical assistance percentage for Alaska under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I speak today on behalf of Alaska's most vulnerable individuals, our children, the disabled, and the elderly poor. Since its enactment in 1965, the Medicaid program has helped States provide low-income and disabled individuals with access to vital health care services. In 1997, Congress allowed

States to take on certain health-related responsibilities for children. The Denali Kid Care program, a Medicaid expansion, has been very successful in providing health services for Alaskan children. Unfortunately, under current law many Alaskans who rely on this program could lose some or all of their Medicaid coverage. This is because Alaska's Federal Medical Assistance percentage, FMAP, adjustment, a correction to the Medicaid formula due to the high cost of health care in Alaska, will expire within the next 2 fiscal years. An FMAP correction is necessary for Alaska because this "one-size-fits-all" formula does not account for variations in cost-of-living, and does not consider Alaska's higher federally mandated poverty level.

First of all, the FMAP formula was developed in 1946, 13 years before Alaska was admitted to the Union. This archaic formula is used to calculate the Federal share of Medicaid costs for each State. The calculations are based on the per capita income of individual States relative to the national per capita income. In this way, States with higher per capita incomes end up paying a higher percentage of their Medicaid costs. This formula appears to work well for States near the national norms for most economic indicators. It most certainly does not work in the State of Alaska, however, where these economic indicators appear more frequently as statistical exceptions and outlyers.

The problem is fairly simple: it just costs more to do business in Alaska, and this includes health care. A national per capita income threshold is not a fair indicator unless it takes into account the cost of living in that area. The cost-of-living adjustment for Federal employees in Alaska suggests that it costs 25 percent more to live in Alaska than in the lower 48, and Federal employee salaries are adjusted accordingly. A dollar simply does not buy the same thing in Alaska that it does in the lower 48.

This is especially true for health care costs. Estimates suggest that, on average, it costs up to 71 percent more to deliver health care services in Alaska. American Hospital Association data shows that Alaska has the highest average expense per hospital admission of any State in the Nation. But let's talk real numbers again. If you were to be admitted to a hospital in Oregon, on average the cost would be $6,649.00; in Alaska the same average hospital stay costs almost double, $10,859.00. There are also higher costs associated with limited road access and necessary air ambulance service for rural and isolated communities, but the Medicaid FMAP formula does not consider any of these additional costs.

In addition to the higher cost of services in Alaska, the Federal Government sets the poverty level 20 percent higher in Alaska than in any of the lower 48 States. This means 1 out of every 5 Alaskans is eligible for Medicaid. The problem is that this is essentially an unfunded Federal mandate because the FMAP formula, again, does not change to reflect this additional requirement. The higher demand for services that results from the higher poverty level dilutes our resources. The Medicaid FMAP formula was developed before Alaska became a State and does NOT provide the funds to cover all of those who are eligible.

However, in 1997 and again in 2000, Congress recognized that the Medicaid FMAP formula was unfair for Alaska and enacted an adjustment to the formula. Due in part to this more equitable funding and a careful re-allocation of resources, Alaska now: has the lowest age-adjusted death rate for breast cancer in the Nation; has one of the lowest infant mortality rates in the Nation; and has one of the lowest percentages of low birth weight babies in the Nation.

These are encouraging statistics, but more can and must be done to improve access to quality health care. All disabled and low-income Americans, including Alaskans, have been assured access to quality medical care. Alaska has proven it can deliver this quality care, but only with the necessary adjustment to the FMAP formula that recognizes the reality of Alaska's needs.

This issue is timely because the Congress has the opportunity to allow the State of Alaska to plan for the future. Planning is the essence of good management, and when it comes to health care, we must allow States to plan for future needs. In short, the Federal Government must remember its commitment to Alaskans, and allow my State a benefit that all other states have, assurance that money for vital Medicaid services will not just dry up and disappear.

Alaskans do not seek charity, we seek equity. The Congress has supported this request twice before, and I ask for an additional extension to honor Federal commitments to my state. The legislation that I am introducing today will permanently adjust the Medicaid formula for Alaska. I sincerely hope that my colleagues will support this vital legislation that will preserve my State's ability to provide health insurance to the most vulnerable Alaskans.

By Ms. MURKOWSKI:

S. 295. A bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill to establish the Denali Transportation System.

This bill in intended to help create in the same beneficial transportation system in Alaska as exists for every other State in the Union. It is patterned after a similar effort adopted years ago for the Appalachian region, which has demonstrated beyond any doubt that transportation investment is wise investment.

The bill authorizes the Secretary of Transportation to establish a program to fund the costs of construction of the Denali Transportation System, at a level of $450 million per year from Fiscal Year 2004 through Fiscal Year 2009. As new roads are constructed, they will become part of the National Highway System.

As my colleagues are aware, Alaska's ability to develop a strong economy for the benefit of the State and the nation is deeply impaired by the lack of transportation. This affects all aspects of life in the 49th State, from the delivery of fuel and essential services to individuals and families in our many remote villages, to our ability to develop Alaska's abundance of valuable natural resources. Only our major cities have modern roadways, and many of those remain isolated.

No State, or its citizens, can prosper without adequate transportation systems. In much of the country, such systems have been in place since before the American Revolution, and have been constantly changing, adapting and being upgraded ever since. In much of Alaska, in contrast, residents are still forced to travel between communities by boat, or on frozen rivers, just as they did when the Territory of Alaska was first purchased from Imperial Russia. In this day, and age, such a situation is completely unacceptable. It is a lasting mark of neglect, and it is past time to rectify it.

The Denali Transportation System will provide far greater benefits than costs. As we enter an era where gigantic natural changes are occurring in the Arctic environment, and ice-free maritime transportation through the Arctic Ocean is expected to become a reality within decades, it is critical that we begin to prepare ourselves for those changes. Adequate transportation connections to, and within, America's only Arctic State are imperative.

As we debate a Federal budget during a time when the economy is struggling, let us not forget that the key to long-term prosperity is wise investment. Investing in Alaska is investing wisely. We have incomparable resources and vigorous citizens. It is time we have the transportation system that will allow those assets to be used as they should.

Mr. President, I ask unanimously consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Denali Transportation System Act".

SEC. 2. DENALI TRANSPORTATION SYSTEM.

The Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) by redesignating section 309 as section 310; and

(2) by inserting after section 308 the following:

"SEC. 309. DENALI TRANSPORTATION SYSTEM.

"(a) CONSTRUCTION.—

"(1) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary may pay the costs of construction (including the costs of design) in the State of Alaska of the Denali transportation system.

"(2) DESIGN STANDARDS.—Any design carried out under this section shall use technology and design standards determined by the Commission.

"(b) DESIGNATION OF SYSTEM BY COMMISSION.—The Commission shall submit to the Secretary of Transportation—

"(1) designations by the Commission of the general location and termini of highways, port and dock facilities, and trails on the Denali transportation system;

"(2) priorities for construction of segments of the system; and

"(3) other criteria applicable to the program established under this section.

"(c) CONNECTING INFRASTRUCTURE.—In carrying out this section, the Commission may construct marine connections (such as connecting small docks, boat ramps, and port facilities) and other transportation access infrastructure for communities that would otherwise lack access to the National Highway System.

"(d) ADDITION TO NATIONAL HIGHWAY SYSTEM.—On completion, each highway on the Denali transportation system that is not already on the National Highway System shall be added to the National Highway System.

"(e) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—In the construction of the Denali transportation system under this section, the Commission may give preference—

"(1) to the use of materials and products indigenous to the State; and

"(2) with respect to construction projects in a region, to local residents and firms headquartered in that region.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 2(1)) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There are authorized to be appropriated to the Commission—

"(1) to carry out the duties of the Commission under this title (other than section 309), and in accordance with the work plan approved under section 304, such sums as are necessary for fiscal year 2003; and

"(2) to carry out section 309 $450,000,000 for each of fiscal years 2004 through 2009.".

By Mr. CAMPBELL:

S. 296. A bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today I introduce the Fairness to All Fallen Vietnam War Service Members Act of 2003. Almost forty years ago, our country started sending a generation of young men off to fight in Vietnam. Over 58,000 American soldiers gave their lives to their country in and around the lands, skies, and seas of Vietnam.

The legislation I am introducing today is based on language which I previously introduced toward the end of the 107th Congress.

The ultimate sacrifices many of these men have made are honored on the Vietnam Veterans Memorial Wall here in Washington, D.C. There are, however, names that are missing from the wall, names that rightfully should be there with their fallen fellow Americans. It is now time to correct that omission.

On the morning of June 3, 1969, the United States Destroyer, USS *Frank E. Evans*, was cut in half during a training exercise by the Australian aircraft carrier, *Melbourne*. The front half of the destroyer sank in three minutes claiming the lives of seventy-four men.

While these men were not lost due to enemy fire, they were involved in serious combat only days before this tragedy. At the time of the accident, the USS *Frank E. Evans* was taking part in Operation Sea Spirit in the South China Sea which involved over 40 ships from Southeast Asia Treaty Organization Nations. These brave men were instrumental in forwarding American objectives in Vietnam.

The fact is these men died while serving their country and are due the rights and honors they deserve, including being listed on the Vietnam Memorial Wall.

Two of my fellow Coloradans, Brian Crowson and Del A. Francis were on board that fateful morning and survived this horrible accident. Sadly, 74 of their fellow sailors were not as fortunate.

At a time when we rightly honor heroes across our country, should we not also take the necessary step to ensure that our past heroes are also honored?

This legislation directs the Secretary of Defense to determine an appropriate manner to recognize and honor Vietnam Veterans who died in service to our Nation but whose names were excluded from the Vietnam Veterans Memorial Wall. It further asks for input from government agencies and organizations that originally constructed the Vietnam Veterans Memorial Wall regarding the feasibility of adding additional names. Finally, the bill asks for appropriate alternative options for recognizing these veterans should it be deemed that there is no logistical way to add these names.

As a veteran of the Korean War, I personally understand the ultimate sacrifice many of our brave men and women have made for the price of freedom. This recognition should not be taken lightly.

I look forward to working with my colleagues here in the Senate as well as the USS *Frank E. Evans* Association so that we can pass this long overdue legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness to All Fallen Vietnam War Service Members Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Public Law 96–297 (94 Stat. 827) authorized the Vietnam Veterans Memorial Fund, Inc., (the "Memorial Fund") to construct a memorial "in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war".

(2) The Memorial Fund determined that the most fitting tribute to those who served in the Vietnam war would be to permanently inscribe the names of the members of the Armed Forces who died during the Vietnam war, or who remained missing at the conclusion of the war, on a memorial wall.

(3) The Memorial Fund relied on the Department of Defense to compile the list of individuals whose names would be inscribed on the memorial wall and the criteria for inclusion on such list.

(4) The Memorial Fund established procedures under which mistakes and omissions in the inscription of names on the memorial wall could be corrected.

(5) Under such procedures, the Department of Defense established eligibility requirements that must be met before the Memorial Fund will make arrangements for the name of a veteran to be inscribed on the memorial wall.

(6) The Department of Defense determines the eligibility requirements and has periodically modified such requirements.

(7) As of February 1981, in order for the name of a veteran to be eligible for inscription on the memorial wall, the veteran must have—

(A) died in Vietnam between November 1, 1955, and December 31, 1960;

(B) died in a specified geographic combat zone on or after January 1, 1961;

(C) died as a result of physical wounds sustained in such combat zone; or

(D) died while participating in, or providing direct support to, a combat mission immediately en route to or returning from such combat zone.

(8) Public Law 106–214 (114 Stat. 335) authorizes the American Battle Monuments Commission to provide for the placement of a plaque within the Vietnam Veterans Memorial "to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall".

(9) The names of a number of veterans who died during the Vietnam war are not eligible for inscription on the memorial wall or the plaque.

(10) Examples of such names include the names of the 74 servicemembers who died aboard the U.S.S. Frank E. Evans (DD–174) on June 3, 1969, while the ship was briefly outside the combat zone participating in a training exercise.

SEC. 3. STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) identifies the veterans (as defined in section 101(2) of title 38, United States Code) who died on or after November 1, 1955, as a direct or indirect result of military operations in southeast Asia and whose names are not eligible for inscription on the memorial wall of the Vietnam Veterans Memorial;

(2) evaluates the feasibility and equitability of revising the eligibility requirements applicable to the inscription of names on the memorial wall to be more inclusive of such veterans; and

(3) evaluates the feasibility and equitability of creating an appropriate alternative means of recognition for such veterans.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report based on the study conducted under subsection (a). The report shall include—

(1) the reasons (organized by category) that the names of the veterans identified under subsection (a)(1) are not eligible for inscription on the memorial wall under current eligibility requirements, and the number of veterans affected in each category;

(2) a list of the alternative eligibility requirements considered under subsection (a)(2);

(3) a list of the alternative means of recognition considered under subsection (a)(3); and

(4) the conclusions and recommendations of the Secretary of Defense with regard to the feasibility and equitability of each alternative considered.

(c) CONSULTATIONS.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary of Defense shall consult with—

(1) the Secretary of Veterans Affairs;

(2) the Secretary of the Interior;

(3) the Vietnam Veterans Memorial Fund, Inc.;

(4) the American Battle Monuments Commission;

(5) the Vietnam Women's Memorial, Inc.; and

(6) the National Capital Planning Commission.

By Mr. CAMPBELL:

S. 297. A bill to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in introducing the "Federal Acknowledgment Process Reform Act of 2003".

Since 1997 I have offered changes to the Federal Acknowledgment Process, FAP, which is the process by which Indian groups are "recognized" by the United States as tribes.

Recognition of a tribal group as a tribe brings with it the privileges, immunities and rights accorded to Indian tribes.

In recent years, the FAP has been described as "broken", "too lengthy", "too costly", "without integrity", "not transparent" and "inconsistently applied" to name but a few.

For petitioners that have waited literally generations for a final answer on their application, the process is too lengthy.

For petitioners of modest means driven to seek the financial support of "a backer", the process is too costly.

For interested parties who feel compelled to file Freedom of Information Act requests to secure information, the process is not transparent.

And for the uninitiated and those not familiar with the governing legal regime, the regulations do appear to be inconsistently applied.

The FAP has not been with us forever. In 1978, the Department of Interior established regulations in the Code of Federal Regulations, 25 CFR Part 83, to "establish a departmental procedure and policy for acknowledging that certain American Indian groups exist as tribes."

Since this administrative procedure was set up in 1978, over 270 groups have petitioned under the regulations, with 18 groups being awarded acknowledgment as a tribe, and 19 groups having been denied.

This means that nearly 230 groups are still waiting to hear on their petitions.

For those who think the Branch of Acknowledgment and Research, BAR, is a serial grantor of recognition: just last week the Golden Hill Paugussett group in Connecticut was preliminarily denied acknowledgment.

The delays petitioners face have led to understandable frustration: the Indian Affairs Committee has received testimony from groups where the individuals that originally filed the petition have passed away, and the struggle is carried on by their children, and even grandchildren.

Some petitioners have become so tired of waiting that they have sued the Secretary of Interior and some courts have forced the BAR to produce decisions by dates-certain.

Unfortunately this "queue jumping" has created adverse incentives, as more groups file lawsuits.

The kinks in the process have also caused understandable frustration on the part of other, non-Indian groups. These frustrations have led to voluminous Freedom of Information Act, FOIA, requests, and even lawsuits, as these groups have tried to secure information or seek a better understanding of the regulations.

As you might expect, once the lawsuits get started, paper starts churning. The BAR staff testified to the Indian Affairs Committee that their anthropologists, genealogists and historians spend 40 percent of their time just making photo-copies in response to FOIA requests.

The bill I am introducing today will resolve many of the problems I have described. It will do this first by introducing discipline into the process. Under this bill would-be-petitioners must include enough information in their "letter of intent" so that the BAR and other interested parties have a better idea of the context of the group. Obtaining more information will better assist the Secretary of Interior in providing notices to the group and interested parties; and the bill requires that such notices go out within 90 days, insuring timeliness.

Secondly, this bill will provide more resources to petitioners and interested parties, based on the needs of the group or party, something on which all observers of the process seem to be in agreement.

Third, this bill will provide more resources to the Department of Interior, another point on which there seems to be wide agreement.

I do not propose to merely throw more money at this problem. Instead, the bill establishes a research pilot project that will draw upon independent research institutions and consultation with the Smithsonian to expand the research capacity of the BAR.

The bill will also provide a resource to the Assistant Secretary that is sorely needed: an independent research and advisory board that can be called on by the Assistant Secretary to act as a peer reviewer and a second source upon which the Assistant Secretary can base his determination on a petition.

This board will consist of certified professionals and will be available to the Assistant Secretary: 1. at his discretion, if the Assistant Secretary and BAR disagree regarding whether particular criterion have been met in a petition; and 2. to provide outside peer review and a second opinion on a proposed final determination.

The board will give the Assistant Secretary greater assurance in the soundness of his determination, and will provide a more solid foundation for any later appellate review.

Finally, this bill will provide the certainty of a statutory basis for the acknowledgment criteria that have been used by the BAR since 1978.

There appears to be widespread acceptance of the substantive validity of the criteria, but questions have been raised regarding whether those criteria should be codified. This bill answers that question definitively.

This bill addresses the criticisms of the FAP by increasing the transparency, consistency and integrity of the process, and at the same time removes some of the bureaucratic hurdles that have caused the process to be too costly and time-consuming.

I urge my colleagues to support this important measure and ask unanimous consent that a copy of the bill be printed in the RECORD.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Acknowledgment Process Reform Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Indian tribes were sovereign governmental entities before the establishment of the United States;

(2) the United States has entered into and ratified treaties with many Indian tribes for the purpose of establishing government-to-government relationships between the United States and the Indian tribes;

(3) Federal court decisions have recognized the constitutional power of Congress to establish government-to-government relationships with Indian tribes;

(4) in 1970, President Nixon ended the termination policy and inaugurated the policy of Indian self-determination;

(5) in 1978—

(A) the Secretary of the Interior delegated authority to the Assistant Secretary for Indian Affairs to establish a formal process by which the United States acknowledges an Indian tribe; and

(B) the Bureau of Indian Affairs established the Branch of Acknowledgment and Research to carry out the Federal acknowledgment process; and

(6) the Federal acknowledgment process was intended to provide the Assistant Secretary with an informed and well-researched basis for making any decision to acknowledge an Indian tribe.

(b) Purposes.—The purposes of this Act are—

(1) to ensure that, in any case in which the United States acknowledges an Indian tribe, it does so with a consistent legal, factual, and historical basis;

(2) to provide clear and consistent standards to review documented petitions for acknowledgment; and

(3) to clarify evidentiary standards and expedite the administrative review process for petitions by—

(A) establishing deadlines for decisions; and

(B) providing adequate resources to process petitions.

SEC. 3. DEFINITIONS.

In this Act:

(1) Acknowledgment.—The term "acknowledgment", with respect to a determination by the Assistant Secretary, means acknowledgment by the United States that—

(A) an Indian group is an Indian tribe having a government-to-government relationship with the United States; and

(B) the members of the Indian group are eligible for the programs and services provided by the United States to members of Indian tribes because of the status of those members as Indians.

(2) Assistant secretary.—The term "Assistant Secretary" means the Assistant Secretary for Indian Affairs of the Department.

(3) Autonomous.—The term "autonomous", with respect to an Indian group and in the context of the history, geography, culture, and social organization of the Indian group, means an Indian group that exercises the political influence or authority of the Indian group independently of the control of any other Indian group.

(4) Board.—The term "Board" means the Independent Review and Advisory Board established under section 6(a).

(5) Bureau.—The term "Bureau" means the Bureau of Indian Affairs.

(6) Community.—The term "community" means any group of people living within a particular area that, in the context of the history, culture, and social organization of the group, and taking into account the geography of the region in which the group is located, is able to demonstrate that—

(A) consistent interactions and significant social relationships exist within the membership; and

(B) the members of the group are differentiated from and identified as distinct from nonmembers.

(7) Continuous.—With respect to the history of a group, the term "continuous" means the period beginning with calendar year 1900 and continuing to the present time substantially without interruption.

(8) Department.—The term "Department" means the Department of the Interior.

(9) Documented petition.—The term "documented petition" means a petition for acknowledgment consisting of a detailed, factual exposition and arguments, and related documentary evidence, that specifically address requirements for acknowledgment established by the Assistant Secretary under section 4(b).

(10) Historical period.—The term "historical period" means the period beginning with 1900 and continuing through the date of submission of a petition for acknowledgment under this Act.

(11) History.—The term "history", with respect to an Indian group or Indian tribe, means the existence of the Indian group or Indian tribe during the historical period.

(12) Independent research institution.—The term "independent research institution" means an academic or museum institution that—

(A) employs significant resources toward the study of anthropology and other human sciences that are commonly used in reviewing petitions for acknowledgment; and

(B) could readily detail those resources to assist the Assistant Secretary in reviewing those petitions.

(13) Indian group.—The term "Indian group" means any Indian band, pueblo, village, or community that is not acknowledged.

(14) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(15) Interested party.—

(A) In general.—The term "interested party" means any person, organization, or other entity that—

(i) establishes a legal, factual, or property interest in a determination of acknowledgment; and

(ii) requests an opportunity to submit comments or evidence, or to be kept informed of general actions, regarding a specific petition.

(B) Inclusions.—The term "interested party" includes—

(i) the Governor of any State;

(ii) the Attorney General of any State;

(iii) any unit of local government; and

(iv) any Indian tribe, or Indian group, that may be directly affected by a determination of acknowledgment.

(16) Letter of intent.—The term "letter of intent" means an undocumented letter or resolution that—

(A) indicates the intent of an Indian group to submit a documented petition for Federal acknowledgment;

(B) is dated and signed by the governing body of the Indian group; and

(C) is submitted to the Department.

(17) Petitioner.—The term "petitioner" means any Indian group that submits a letter of intent to the Assistant Secretary.

(18) Pilot project.—The term "pilot project" means the Federal acknowledgment research pilot project established under section 6(c).

(19) Political influence or authority.—The term "political influence or authority", with respect to the exercise or maintenance by an Indian group, means the use by the Indian group of a tribal council, leadership, internal process, or other mechanism, in the context of the history, culture, and social organization of the Indian group, as a means of—

(A) influencing or controlling the behavior of members of the Indian group in a significant manner;

(B) making decisions for the Indian group that substantially affect members of the Indian group; or

(C) representing the Indian group in dealing with nonmembers in matters of consequence to the Indian group.

(20) Secretary.—The term "Secretary" means the Secretary of the Interior.

(21) Treaty.—The term "treaty" means any treaty—

(A) negotiated and ratified by the United States on or before March 3, 1871, with, or on behalf of, any Indian group or Indian tribe;

(B) made by any government with, or on behalf of, any Indian group or Indian tribe, as a result of which the Federal Government or the colonial government that was the predecessor to the Federal Government subsequently acquired territory by purchase, conquest, annexation, or cession; or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, regardless of whether the treaty was subsequently ratified.

(22) Tribal roll.—The term "tribal roll" means a list exclusively of individuals who—

(A)(i) have been determined by an Indian tribe to meet the membership requirements of the Indian tribe, as described in the governing document of the Indian tribe; or

(ii) in the absence of a governing document that describes those requirements, have been recognized as members of the Indian tribe by the governing body of the Indian tribe; and

(B) have affirmatively demonstrated consent to being listed as members of the Indian tribe.

SEC. 4. ACKNOWLEDGMENT PROCESS.

(a) Letter of Intent.—

(1) In general.—An Indian group that desires to initiate with the Department a petition for acknowledgment shall submit to the Assistant Secretary a letter of intent that provides to the Assistant Secretary relevant information concerning the Indian group that may be used to provide notice to interested parties.

(2) Contents.—The Indian group shall include in the letter of intent, to the maximum extent practicable—

(A) the current name of the Indian group and any name by which the Indian group may have been identified throughout the history of the Indian group;

(B) the 1 or more names of the governing body of the Indian group;

(C) the current address of the governing body of the Indian group; and

(D) a brief narrative of the history of the Indian group describing—

(i) the geographic areas in which the Indian group may have been located during that history; and

(ii) any relationships of the Indian group with other Indian tribes or Indian groups.

(3) Notice.—Not later than 90 days after the date of receipt of a letter of intent from an Indian group, the Assistant Secretary shall notify the Indian group and interested parties whether the letter of intent reasonably identifies the Indian group.

(b) Requirements for Petitions.—

(1) Evidence.—

(A) In general.—Except as provided in paragraph (2), on or after filing a letter of intent, an Indian group that seeks acknowledgment shall submit to the Assistant Secretary a petition accompanied by evidence that demonstrates the existence of the Indian group during the historical period.

(B) Evidence relating to historical existence.—To establish the existence of an Indian group during the historical period, a petition shall include evidence that demonstrates with reasonable likelihood that each factor described in section 5 with respect to the petition has been achieved by the petitioner.

(C) Access to Library of Congress and National Archives.—On request by a petitioner, the appropriate officials of the Library of Congress and the National Archives shall permit access by the petitioner to the resources, records, and documents relating to the petitioner for the purposes of conducting research and preparing evidence concerning the status of the petitioner.

(2) Ineligible groups and entities.—The following groups and entities shall not be eligible to submit to the Assistant Secretary a petition for acknowledgment under this Act:

(A) Any Indian tribe, organized band, pueblo, community, or Alaska Native entity that, as of the date of enactment of this Act, is acknowledged.

(B) Any Indian group, political faction, or community that separates from the main population of an Indian tribe, unless the Indian group, faction, or community establishes to the satisfaction of the Assistant Secretary that the Indian group, political faction, or community has functioned as an autonomous Indian group throughout the historical period.

(C) Any Indian group, or successor in interest of an Indian group (other than an Indian tribe, organized band, pueblo, community, or Alaska native entity described in subparagraph (A)), that, before the date of enactment of this Act, in accordance with regulations promulgated by the Secretary, petitioned for, and was denied or refused, acknowledgment based on the merits of the petition (except that nothing in this subparagraph excludes any group that Congress has identified as an Indian group but has not identified as an Indian tribe).

(D) Any Indian group the relationship of which with the Federal Government was expressly terminated by an Act of Congress.

(c) Notice of Receipt of a Petition; Schedule.—

(1) Publication.—

(A) In general.—Not later than 30 days after the date on which the Assistant Secretary receives a documented petition under subsection (b), the Assistant Secretary shall publish in the Federal Register a notice of receipt of the petition.

(B) Inclusions.—The notice shall include—

(i) the name and location of the petitioner;

(ii) such other information as the Assistant Secretary determines will identify the petitioner;

(iii) the date of receipt of the petition;

(iv) information describing 1 or more locations at which a copy of the petition and related submissions may be examined by the public; and

(v) a description of the procedure by which an interested party may submit—

(I) evidence in support of or in opposition to the request of the petitioner for acknowledgment; or

(II) a request to be kept informed of all actions affecting the petition.

(2) Schedule.—Not later than 60 days after the date of publication of a notice under paragraph (1)(A), the Assistant Secretary shall establish a schedule for—

(A) the submission of evidence and arguments relating to the petition; and

(B) the publication of proposed findings of the Assistant Secretary with respect to the petition.

(d) Review of Petitions.—

(1) In general.—On receipt of a documented petition, the Assistant Secretary, in accordance with the schedule established under subsection (c)(2), shall—

(A) conduct a review to determine whether the petitioner is entitled to acknowledgment; and

(B) publish in the Federal Register the proposed findings of the Assistant Secretary with respect to that determination.

(2) Content of review.—The review conducted under paragraph (1) shall include consideration of—

(A) the petition;

(B) any supporting evidence; and

(C) any factual statements contained in the petition relating to other submissions, including oral accounts of the history of the petitioner submitted by the petitioner.

(3) Consideration of evidence.—Evidence received from interested parties under subsection (c)(1)(B)(v)(I) shall be—

(A) considered by the Assistant Secretary; and

(B) noted in any final determination regarding a petition.

(4) Other research.—In conducting a review under this subsection, the Assistant Secretary may—

(A) initiate other research for any purpose relating to—

(i) analysis of the petition; or

(ii) the acquisition of additional information concerning the status of the petitioner;

(B) initiate research through the pilot project or the Board; and

(C) consider evidence submitted by interested parties, including oral accounts of the history of the petitioner submitted by other Indian tribes.

(5) Exception for lack of certain evidence.—If the Assistant Secretary determines that, for any period of time, evidence necessary to carry out this subsection is lacking, the lack of evidence shall not be the basis for a determination of the Assistant Secretary not to acknowledge a petitioner if the Assistant Secretary determines that the lack of evidence may be attributed to—

(A) any applicable official act of the Federal Government or a State government; or

(B) any applicable unofficial act of an officer or agent of the Federal Government or a State government.

(e) Final Determination.—

(1) In general.—On review of all evidence submitted under section 5 and this section and the results of research conducted under section 5 and this section by the Assistant Secretary (including through the pilot project or the Board), and after providing a petitioner an opportunity to respond to proposed findings of the Assistant Secretary against acknowledgment, the Assistant Secretary shall make a final determination in writing whether the petitioner is entitled to acknowledgment.

(2) Facts and conclusions.—A final determination under paragraph (1) shall include all facts and conclusions of law in accordance with which the final determination was made.

(3) Notification of acknowledgment.—If the Assistant Secretary determines under paragraph (1) that a petitioner is entitled to acknowledgment, the Assistant Secretary shall—

(A) acknowledge the petitioner;

(B) notify the petitioner and any interested parties of the final determination to acknowledge the petitioner;

(C) provide to the petitioner and any interested parties a copy of the final determination; and

(D) not later than 7 days after notifying the petitioner and any interested parties under subparagraph (B), publish in the Federal Register a notice of the final determination of acknowledgment.

(f) Judicial Review.—

(1) In general.—Not later than 60 days after the date of publication of the notice of a final determination described in subsection (e)(3)(D), a petitioner may seek judicial review of the final determination by the United States District Court for the District of Columbia.

(2) Statement of intent.—It is the intent of Congress that, in accordance with Federal law relating to interpretations of treaties and Acts of Congress affecting the rights, powers, privileges, and immunities of Indian tribes, any ambiguity in this Act be liberally construed in favor of an Indian group or Indian tribe.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2013.

SEC. 5. DOCUMENTED PETITIONS.

(a) Factors for Consideration.—A petition for acknowledgment submitted by an Indian group shall be in any readable form that—

(1) clearly indicates that the petition is a documented petition requesting acknowledgment of the Indian group; and

(2) contains detailed, specific evidence as described in subsections (b) through (g).

(b) Statement of Facts Relating to Identity.—

(1) In general.—A petition described in subsection (a) shall contain a statement of facts and an analysis of those facts establishing that the petitioner has been identified as an Indian group in the United States on a substantially continuous basis.

(2) Previous denials of status.—The Assistant Secretary shall not consider any evidence that the status of the petitioner as an Indian group has previously been denied to be conclusive evidence that the factor described in paragraph (1) has not been met.

(3) Evidence relating to identity.—In determining the Indian identity of a group, the Assistant Secretary may use as evidence 1 or more of the following:

(A) An identification of the petitioner as an Indian entity by any department, agency, or instrumentality of the Federal Government.

(B) A relationship between the petitioner and any State government, based on an identification of the petitioner by the State as an Indian entity.

(C) Any dealings of the petitioner with a county or political subdivision of a State in a relationship based on an identification of the petitioner as an Indian group.

(D) An identification of the petitioner as an Indian group by records in a private or public archive, courthouse, church, or school.

(E) An identification of the petitioner as an Indian group by an anthropologist, historian, or other scholar.

(F) An identification of the petitioner as an Indian group in a newspaper, book, or similar medium.

(G) An identification of the petitioner as an Indian group by an Indian tribe or by a national, regional, or State Indian organization.

(H) An identification of the petitioner as an Indian group by a foreign government or an international organization.

(I) Such other evidence of identification as may be provided by a person or entity other than the petitioner or a member of the membership of the petitioner.

(c) Statement of Facts Relating to Evidence of Community.—

(1) In general.—A petition described in subsection (a) shall include a statement of facts and an analysis of those facts establishing that a predominant portion of the membership of the petitioner—

(A) comprises a community distinct from the communities surrounding that community; and

(B) has existed as a community throughout the historical period.

(2) Evidence relating to community.—In determining whether the membership of the petitioner meets the requirements of paragraph (1), the Assistant Secretary may use as evidence 1 or more of the following:

(A) Significant rates of marriage within the membership of the petitioner, or, as may be culturally required, patterned out-marriages with other Indian populations.

(B) Significant social relationships connecting individual members of the petitioner.

(C) Significant rates of informal social interaction that exist broadly among the members of the petitioner.

(D) A significant degree of shared or cooperative labor or other economic activity among the membership of the petitioner.

(E) Evidence of strong patterns of discrimination or other social distinctions against members of the petitioner by nonmembers.

(F) Shared sacred or secular ritual activity encompassing a majority of members of the petitioner.

(G) Cultural patterns that—

(i) are shared among a significant portion of the members of the petitioner;

(ii) are different from the cultural patterns of the non-Indian populations with whom the membership of the petitioner interacts;

(iii) function as more than a symbolic identification of the petitioner as Indian; and

(iv) may include language, kinship, or religious organizations, or religious beliefs and practices.

(H) The persistence of a named, collective Indian identity during a continuous period of at least 50 years, notwithstanding any change in name.

(I) A demonstration of historical political influence or authority of the petitioner.

(J) A demonstration that not less than 50 percent of the members of the petitioner exhibit collateral kinship ties through generations to the third degree.

(3) Criteria for sufficient evidence.—The Assistant Secretary shall consider a petitioner to have provided sufficient evidence of community under this subparagraph if the petitioner has provided to the Assistant Secretary evidence demonstrating that, throughout the historical period—

(A)(i) more than 50 percent of the members of the petitioner reside in a particular geographical area exclusively, or almost exclusively, composed of members of the group; and

(ii) the balance of the membership maintains consistent social interaction with other members of the petitioner;

(B) not less than ⅓ of the marriages of the petitioner are between members of the petitioner;

(C) not less than 50 percent of the members of the petitioner maintain distinct cultural patterns, including language, kinship, and religious organizations, or religious beliefs or practices;

(D) distinct community social institutions (such as kinship organizations, formal or informal economic cooperation, and religious organizations) encompass at least 50 percent of the members of the petitioner; or

(E) the petitioner has met the requirement under subsection (d)(1) using evidence described in subsection (d)(2).

(d) Statement of Facts Relating to Autonomous Nature of Petitioner.—

(1) In general.—A petition described in subsection (a) shall include a statement of facts and an analysis of those facts establishing that the petitioner has maintained political influence or authority over members of the petitioner throughout the historical period.

(2) Evidence relating to autonomous nature.—In determining whether a petitioner is an autonomous entity under paragraph (1), the Assistant Secretary may use as evidence 1 or more of the following:

(A) A demonstration that the petitioner is capable of mobilizing significant numbers of members and significant member resource for purposes relating to the petitioner.

(B) Evidence that most of the members of the petitioner consider actions taken by leaders or governing bodies of the petitioner to be of personal importance.

(C) Evidence that there is widespread knowledge, communication, and involvement in political processes of the petitioner by a majority of the members of the petitioner.

(D) Evidence that the petitioner meets the requirement of subsection (c)(1) at more than a minimal level.

(E) A demonstration by the petitioner that there are conflicts within the membership that demonstrate controversy over valued goals, properties, policies, processes, or decisions of the petitioner.

(F) A demonstration or description by the petitioner of—

(i) a continuous line of leaders of the petitioner; and

(ii) the means by which a majority of the members of the petitioner selected, or approved the selection of, those leaders.

(3) Evidence of exercise of political influence or authority.—The Assistant Secretary shall consider a petitioner to have provided sufficient evidence to demonstrate the exercise of political influence or authority if the petitioner demonstrates that decisions by leaders of the petitioner (or decisions made through another decisionmaking process) have been made throughout the historical period with respect to—

(A) the allocation of group resources such as land, residence rights, or similar resources on a consistent basis;

(B) the settlement on a regular basis, by mediation or other means, of disputes between members or subgroups of members of the petitioner (such as clans or lineages);

(C) the exertion of strong influence on the behavior of individual members of the petitioner, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior; or

(D) the organization or influencing of economic subsistence activities among the members of the petitioner, including shared or cooperative labor.

(e) Governing Document.—

(1) In general.—A petition described in subsection (a) shall include a copy of the governing document of the petitioner in effect as of the date of submission of the petition that includes a description of the membership criteria of the petitioner.

(2) Alternative statement.—If no written governing document described in paragraph (1) exists, a petitioner shall include with a petition described in subsection (a) a detailed statement that describes—

(A) the membership criteria of the petitioner; and

(B) the governing procedures of the petitioner in effect as of the date of submission of the petition.

(f) List of Members.—

(1) In general.—A petition described in subsection (a) shall include—

(A) a list of all members of the petitioner as of the date of submission of the petition that includes for each member—

(i) a full name (and maiden name, if any);

(ii) a date and place of birth; and

(iii) a current residential address;

(B) a copy of each available former list of members of the petitioner; and

(C) a statement describing the methods used in preparing those lists.

(2) Requirements for membership.—In determining whether to consider the members of a petitioner to be members of an Indian group for the purpose of a petition described in subparagraph (A), the Assistant Secretary shall require that the membership consist of descendants of—

(A) an Indian group that existed during the historical period; or

(B) 1 or more Indian groups that, at any time during the historical period, combined and functioned as a single autonomous entity.

(3) Evidence of tribal membership.—In making the determination under paragraph (2), the Assistant Secretary may use as evidence 1 or more of the following:

(A) Tribal rolls prepared by the Secretary for the petitioner for the purpose of distributing claims money or providing allotments, or for other any other purpose.

(B) Any Federal, State, or other official record or evidence identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(C) Any church, school, or other similar enrollment record identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(D) An affidavit of recognition by tribal elders, tribal leaders, or a tribal governing body identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(E) Any other record or evidence based on firsthand experience of a historian, anthropologist, or genealogist with established expertise on the petitioner or Indian entities in general, identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(g) Exceptions.—

(1) In general.—An Indian group described in paragraph (2) shall be required to provide evidence for a petition for acknowledgment submitted under this section only with respect to the period—

(A) beginning on the date on which the Department first notifies the Indian group that the Indian group is not eligible for Federal services or programs because of a lack of status as an Indian tribe; and

(B) ending on the date of submission of the petition.

(2) Indian group.—An Indian group referred to in this paragraph is an Indian group that demonstrates by a reasonable likelihood of the validity of the evidence that the Indian group was, or is a successor in interest to—

(A) a party to 1 or more treaties;

(B) a group acknowledged by any agency of the Federal Government as eligible to participate in a project or activity under the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 461 et seq.);

(C) a group—

(i) for the benefit of which the United States took land into trust; or

(ii) that has been treated by the Federal Government as having collective rights in tribal land or funds; or

(D) a group that has been designated as an Indian tribe by an Act of Congress or Executive order.

SEC. 6. ADDITIONAL RESOURCES.

(a) Independent Review and Advisory Board.—

(1) In general.—The Assistant Secretary shall establish the Independent Review and Advisory Board—

(A) to assist the Assistant Secretary in addressing unique evidentiary questions relating to the acknowledgment process;

(B) to provide secondary peer review of acknowledgment determinations by the Assistant Secretary; and

(C) to enhance the credibility of the acknowledgment process as perceived by Congress, petitioners, interested parties, and the public.

(2) Number and qualifications.—

(A) In general.—The Board shall be composed of 9 individuals appointed by the Assistant Secretary, of whom—

(i) at least 3 individuals shall have a doctoral degree in anthropology;

(ii) at least 3 individuals shall have a doctoral degree in genealogy;

(iii) at least 2 individuals shall have a doctor of jurisprudence degree; and

(iv) at least 1 individual shall be qualified as a historian, as determined by the Assistant Secretary.

(B) Preference.—In making appointments under subparagraph (A), the Assistant Secretary shall give preference to individuals having an academic background or professional experience in Federal Indian policy or American Indian history.

(C) Conflicts of interest.—No member of the Board shall, at the time of appointment or during the 1-year period preceding the date of appointment, have represented, or conducted research for, any Indian group or interested party with respect to a petition for acknowledgment filed, or intended to be filed, with the Assistant Secretary.

(D) Status as employees.—A member of the Board shall not be considered to be an employee of the Department.

(3) Tenure; reimbursement.—

(A) Tenure.—A member of the Board—

(i) shall be appointed for an initial term of 2 years; and

(ii) may be reappointed for such additional terms as the Assistant Secretary determines to be appropriate.

(B) Reimbursement.—A member of the Board shall be reimbursed for reasonable expenses incurred in assisting the Assistant Secretary under this section, in accordance with Department policy regarding reimbursement of expenses for individuals serving as advisory board or committee members.

(4) Review and advice.—

(A) Before issuance of proposed findings.—At any time before the date of issuance of proposed findings under section 4(d)(1)(B) with respect to a petition for acknowledgment under review by the Assistant Secretary, the Assistant Secretary may request an opinion from the Board with respect to the petition if the Assistant Secretary determines that—

(i) the petition contains 1 or more evidentiary submissions that raise unique issues or matters of first impression relating to 1 or more requirements described in section 5; or

(ii) the Assistant Secretary is unable to determine the sufficiency of evidence for 1 or more of those requirements.

(B) After issuance of proposed findings.—After issuance by the Assistant Secretary of proposed findings under section 4(d)(1)(B), but before issuance of the final determination, with respect to a petition, the Assistant Secretary shall request a review by the Board of the proposed findings.

(C) Level of review.—

(i) In general.—The Board shall conduct a review requested under subparagraph (B) to determine whether an evidentiary question or deficiency exists with respect to 1 or more requirements relating to a petition.

(ii) Limitation by assistant secretary of scope of review.—In requesting a review under subparagraph (B), the Assistant Secretary may restrict the scope of the review to address fewer than all matters with respect to a petition.

(iii) Limitation by board of scope of review.—In carrying out a review under subparagraph (B), the Board, in accordance with all applicable professional standards of the members of the Board, may—

(I) confine the review to—

(aa) the evidence submitted; or

(bb) the proposed findings issued under section 4(d)(1)(B);

(II) extend the review to the evidence submitted by petitioners and interested parties;

(III) request that the Assistant Secretary request additional submissions by petitioners or interested parties; and

(IV) recommend that the Assistant Secretary hold a formal or informal administrative proceeding at which the Board may present questions to, and seek additional information from, petitioners and interested parties.

(b) Assistance to Petitioners and Interested Parties.—

(1) Grants.—

(A) In general.—Subject to paragraph (2), the Assistant Secretary may provide to a petitioner or interested party a grant to offset costs incurred in submitting—

(i) a petition (including related evidence or documents); or

(ii) a legal argument in support of or in opposition to a petition.

(B) Limitation.—In making grants under subparagraph (A), the Assistant Secretary shall ensure that not less than 50 percent of the amounts made available for the grants are reserved for petitioners.

(2) Eligibility.—The Assistant Secretary shall provide a grant under paragraph (1) based on a demonstration of need of a petitioner or an interested party that is evaluated using such objective criteria as the Secretary may promulgate by regulation.

(3) Other assistance.—A grant made to an Indian group under paragraph (1) shall be in addition to any other assistance received by the Indian group under any other provision of law.

(4) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

(c) Federal Acknowledgment Research Pilot Project.—

(1) Establishment.—The Assistant Secretary shall establish a Federal acknowledgment research pilot project to make available additional research resources for researching, reviewing, and analyzing petitions for acknowledgment received by the Assistant Secretary.

(2) Composition.—

(A) In general.—The Assistant Secretary, in consultation with the Secretary of the Smithsonian Institution, shall identify a variety of independent research institutions that have the academic and research facilities capable of assisting in the review of petitions described in paragraph (1).

(B) Proposals.—The Assistant Secretary shall—

(i) invite each institution identified under subparagraph (A) to submit to the Assistant Secretary a proposal for participation in the pilot project; and

(ii) approve not more than 3 proposals submitted under clause (i).

(C) Grants.—The Assistant Secretary may provide a grant to each institution the proposal of which is approved under subparagraph (B)(ii) to assist the institution in participating in the pilot project.

(3) Duties.—Each institution approved to participate in the pilot project shall assemble and provide a research team that, under the direction of the Assistant Secretary, shall—

(A) review submissions described in paragraph (1); and

(B) submit to the Assistant Secretary conclusions and recommendations of the research team that are based on the submissions reviewed.

(4) Use of conclusions.—The Assistant Secretary may take into consideration any conclusions and recommendations of a research team in making a determination of acknowledgment under this Act.

(5) Report.—Not later than 3 years after the date of enactment of this Act, the Assistant Secretary shall submit to Congress a report that describes the effectiveness of the pilot project.

(6) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $3,000,000 for each of fiscal years 2004 through 2006.

SEC. 7. INAPPLICABILITY OF FOIA.

(a) In General.—Section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), shall not apply to any action of the Assistant Secretary with respect to a petition for acknowledgment under this Act, and the Assistant Secretary shall have no obligation to provide all or any portion of a petition, or to provide information regarding the contents of a petition, to any person or entity, until such time as—

(1) the petition has been fully documented; and

(2) the Assistant Secretary has published a notice in accordance with section 4(c)(1)(A).

(b) Exception.—The restriction under subsection (a) on the provision of information contained in or relating to a petition shall not apply to any formal or informal request made or subpoena issued by a law enforcement agency of the United States.

(c) Assistance From Attorney General.—

(1) In general.—The Secretary may request assistance from the Attorney General in responding to requests for information relating to a petition made in accordance with section 552 of title 5, United States Code.

(2) Authorization of appropriations.—There is authorized to be appropriated to the Attorney General to provide assistance requested under this subsection $1,000,000 for each of fiscal years 2004 through 2008.

SEC. 8. EFFECT AND IMPLEMENTATION OF DECISIONS.

(a) In General.—The acknowledgment of any petitioner under this Act shall not reduce or eliminate—

(1) the right of any other Indian tribe to govern the reservation of that other tribe (as the reservation exists before, on, or after the date of acknowledgment of the petitioner);

(2) any property right held in trust or recognized by the United States for the other Indian tribe (as that property right existed before the date of acknowledgment of the petitioner); or

(3) any previously or independently existing claim by a petitioner to any property right described in paragraph (2) held in trust by the United States for the other Indian tribe before the date of acknowledgment of the petitioner.

(b) Eligibility for Services and Benefits.—

(1) In general.—Subject to paragraph (2), on acknowledgment by the Assistant Secretary of a petitioner under this Act, the newly-acknowledged Indian tribe shall—

(A) have a government-to-government relationship with the United States;

(B) be eligible for the programs and services provided by the United States to members of other Indian tribes because of the status of those members as Indians; and

(C) have the responsibilities, obligations, privileges, and immunities of those other Indian tribes.

(2) Programs of the bureau.—

(A) In general.—The acknowledgment by the Assistant Secretary of an Indian group under this Act shall not establish any immediate entitlement to participation in any program of the Bureau in existence as of the date of acknowledgment.

(B) Availability of programs.—

(i) In general.—Participation in a program described in subparagraph (A) shall be available to an Indian tribe described in paragraph (1) at such time as funds are made available for that purpose.

(ii) Requests for appropriations.—The Secretary and the Secretary of Health and Human Services shall submit budget requests for funding for increased participation in a program described in subparagraph (A) in accordance with subsection (c).

(c) Needs Determination and Budget Request.—

(1) In general.—Not later than 180 days after a petitioner is acknowledged under this Act, the appropriate officials of the Bureau and the Indian Health Service of the Department of Health and Human Services shall consult with the newly-acknowledged Indian tribe concerning, develop in cooperation with the newly-acknowledged Indian tribe, and forward to the Secretary or the Secretary of Health and Human Services, as appropriate—

(A) a determination of the needs of the Indian tribe; and

(B) a recommended budget required to serve the Indian tribe.

(2) Submission of budget request.—For each fiscal year, the Secretary or the Secretary of Health and Human Services, as appropriate, shall submit to the President a recommended budget for programs and services provided by the United States to members of Indian tribes because of the status of those members as Indians (including funding recommendations for newly-acknowledged Indian tribes based on the information received under paragraph (1)) for inclusion in the annual budget submitted by the President to Congress in accordance with section 1108 of title 31, United States Code.

SEC. 9. REGULATIONS.

The Secretary may—

(1) promulgate such regulations as are necessary to carry out this Act; and

(2) maintain in effect all regulations contained in part 83 of title 25, Code of Federal Regulations (or any successor regulations), that are not inconsistent with this Act.

By Mr. BAUCUS (for himself, Ms. Cantwell, Mrs. Murray, Mrs. Clinton, Mr. Harkin, Mr. Kohl, Mr. Warner, Mr. Allen, Mr. Feingold, Mr. Schumer, and Mr. Grassley):

S. 298. A bill to provide tax relief and assistance for the families of the heroes of the Space Shuttle *Columbia*, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, Saturday, February 1 was a sad day for America, and a sad day for the world. In the blink of an eye, we lost the cream of our astronaut corps when the Space Shuttle *Columbia* disintegrated upon re-entry into the Earth's atmosphere.

Our Nation and the world mourns the loss of these heroes: Lt. Col. Michael P. Anderson, U.S. Navy Capt. David Brown, U.S. Navy Commander Laurel Clark, Dr. Kalpana Chawla, U.S. Air Force Col. Rick Husband, Naval Commander William McCool, and Israeli Air Force Colonel Ilan Ramon. The loved ones they left behind mourn the loss of fathers and mothers, sons and daughters, sisters, brothers, and friends.

We have a duty to those who lost their lives for the advancement of science and increasing our knowledge of the world we live in: a duty first to find out what went wrong and make sure it never goes wrong again, a duty to take up where they left off and continue exploring the unknowns of the universe, and just as importantly, a duty to help take care of the loved ones they left behind.

After the horrible day of terrorist attacks on September 11, 2001, Congress paid tribute to the lives lost in those attacks, and in the bombing in Oklahoma City and the anthrax attacks, by expanding certain tax benefits previously only available to soldiers who had been killed in combat zones. The benefits include income tax relief, an exclusion of death benefit payments, estate tax relief and a streamlining of the rules governing the distribution of funds by charitable organizations.

I believe the families of the heroes of the *Columbia* Shuttle mission, and families of astronauts that may be lost in the future, deserve no less.

Military or civilian employees of the U.S. who die as a result of terrorist or military activity outside the U.S., victims of the terrorist attacks of 9/11, of the Oklahoma City bombing and of the post-9/11 anthrax attacks, are generally exempt from income tax for the year of death and the year prior to death. For those that have little income tax liability, a minimum tax relief benefit of $10,000 is provided.

Current law exempts from income tax certain death benefits paid by the U.S. government to soldiers killed in the line of duty. The law also generally excludes from income payments made by an employer to the families of the victims of the terrorist attack of 9/11, Oklahoma City and the anthrax attacks. The exclusion does not apply to amounts that would have been payable if the individual had died for a reason other than the attack.

Current law also provides a reduction in Federal estate tax for soldiers who are killed in action while serving in a combat zone, or as a result of wounds, disease or injury suffered while serving in the combat zone. Comparable benefits are also provided to the victims of 9/11, Oklahoma City and the anthrax attacks. The amount of benefit is equal to 125 percent of the 2001 State death tax credit amount, which effectively establishes a 20 percent estate tax bracket for those who qualify for this benefit.

And finally, we have a streamlined process for the distribution of charitable donations to the families of the victims of 9/11, Oklahoma City and the anthrax attacks. The key element of this process allows organizations that make payments in good faith using a reasonable and objective formula which is consistently applied not to make a specific assessment of need prior to distributing funds so long as the payments serve a charitable class.

My legislation, the Assistance for Families of Space Shuttle Heroes Act, makes all of the above benefits available to the families of the fallen *Columbia* crew, as well as to other astronauts that may be killed in the line of duty in future years.

The seven members of the *Columbia* crew were true heroes. They are deeply missed by their family and friends. Through their dedication to space exploration, they lived their lives to the fullest and made long-lasting contributions to the nation and to the world. Tax relief will never fill the hole that has been left in the lives and hearts of their families by Saturday's explosion.

But astronauts have trouble obtaining private life insurance policies given the high-risk nature of their jobs, so their families face an uncertain future even as they mourn the loss of loved ones that will never be replaced. This legislation is especially critical for their future. It is one small step we can make as Americans to help these families get through these dark days, and the challenges they will face in the years to come.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assistance for Families of Space Shuttle Columbia Heroes Act".

SEC. 2. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) Income Tax Relief.—

(1) In general.—Subsection (d) of section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) Relief with respect to astronauts.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.".

(2) Conforming amendments.—

(A) Section 5(b)(1) of such Code is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) of such Code is amended by inserting ", astronauts," after "Forces".

(3) Clerical amendments.—

(A) The heading of section 692 of such Code is amended by inserting ", **ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended by inserting ", astronauts," after "Forces".

(4) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) Death Benefit Relief.—

(1) In general.—Subsection (i) of section 101 of the Internal Revenue Code of 1986 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) Relief with respect to astronauts.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.".

(2) Clerical amendment.—The heading for subsection (i) of section 101 of such Code is amended by inserting "or Astronauts" after "Victims".

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) Estate Tax Relief.—

(1) In general.—Section 2201(b) of the Internal Revenue Code of 1986 (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty.".

(2) Clerical amendments.—

(A) The heading of section 2201 of such Code is amended by inserting ", **DEATHS OF ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended by inserting ", deaths of astronauts," after "Forces".

(3) Effective date.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

(d) Payments by Charitable Organizations.—

(1) In general.—For purposes of the Internal Revenue Code of 1986—

(A) payments made by an organization described in section 501(c)(3) of such Code by reason of the death of an astronaut occurring in the line of duty after December 31, 2002, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made in good faith using a reasonable and objective formula which is consistently applied; and

(B) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(2) Effective date.—This subsection shall apply to payments made after December 31, 2002.

By Ms. SNOWE (for herself and Ms. Collins):

S. 299. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to help reverse the devastating population decline and economic distress that has plagued individuals and businesses in Maine's northernmost county. Aroostook County. What the bill does is simple, it will bring all of Aroostook County under the Empowerment Zone program.

To fully grasp the importance of this legislation, it is necessary to understand the unique situation facing the residents of Aroostook County. "The County", as it is called by Mainers, is a vast and remote region of Maine known for its expansive forest tracts and rugged terrain. As the northernmost county, it shares more of its border with Canada than its neighboring Maine counties, and has the distinction of being the largest county east of the Mississippi River. Its geographic isolation is even more acute when considering that the county's relatively small population of 76,000 people are scattered throughout 6,672 square miles of rural countryside. There are 208 townships in Aroostook County, however, well over half of the territory remains unorganized as forestland or wilderness.

Anyone traveling in Aroostook County can appreciate what these numbers cannot fully convey. Visiting many remote communities in Aroostook County by car requires navigating long distances on isolated roads, often in wintery conditions. Access by public ground transportation is nonexistent, and air travel is accessible only in the County's two largest towns, each of which has less than 10,000 people.

As profound as this geographic isolation may seem, it is the economic isolation and out-migration that has had the most devastating impact on the region. The economy of northern Maine has a historical dependence upon its natural resources, particularly forestry and agriculture. While these industries served the region well in previous decades, and continue to form the underpinnings of the local economy, many of these sectors have experienced decline and can no longer provide the number and type of quality jobs that residents need. The decline in the region's economy was further punctuated by the closure of Loring Air Force Base in Limestone in 1994. The Maine State Planning Office estimated that the base closure resulted in the loss of 3,494 jobs directly related to the base and another 1,751 in associated industry sectors, for a total loss of $106.9 million annual payroll dollars.

While officials in the region have put forward a Herculian effort to redevelop the region, with nearly 1,000 new jobs at the Loring Commerce Center alone—Aroostook County is still experiencing a significant "job deficit", and as a result continues to lose population at an alarming rate. Since its peak in 1960, northern Maine's population has declined by 30 percent to its current level of 76,330. Unfortunately, the Main State Planning Offset predicts that Aroostook County will continue losing population as more workers leave the area to seek opportunities and higher wages in southern Maine and the rest of New England.

In January 2002, a portion of Aroostook County was one of two regions that received Empowerment Zone status from the USDA for out-migration. The entire county experienced an out-migration of 15 percent from 86,936 in 1990 to 76,330 in 2000. Moreover, a shocking 40 percent of 15 to 29-year olds left during the last decade.

The current zone boundaries were chosen based on the criteria that Empowerment Zones be no larger than 1,000 square miles, contain no more than 3 non-contiguous parcels, and have no more than three developable sites greater than 2,000 acres in aggregate. The lines drawn for the Aroostook County Empowerment Zone were considered to be the most inclusive and reasonable given the constraints of the program. However, some of the most distressed communities that have lost substantial population are not in the Empowerment Zone, and economic factors for these communities are the same as those areas within the Empowerment Zone.

The legislation I am introducing would provide economic development opportunities to all reaches of Aroostook County by extending Empowerment Zone status to the entire county. This inclusive approach recognizes that the economic decline and population out-migration are issues that entire region must confront, and, as evidenced by their successful Round III EZ application, they are attempting to confront. I believe the challenges faced by Aroostook County are significant, but not insurmountable. This legislation would make great strides in improving the communities and business in northern Maine, and I urge my colleagues to join me to support this important bill.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing legislation that will modify the borders of the Aroostook County Empowerment Zone to include the entire County so that the benefits of Empowerment Zone designation can be fully realized in northern Maine.

The Department of Agriculture's Empowerment Zone program addresses a comprehensive range of community challenges, including many that have traditionally received little federal assistance, reflecting the fact that rural problems do not come in standardized packages but can vary widely from one place to another. The Empowerment Zone program represents a long-term partnership between the federal government and rural communities, ten years in most cases, so that communities have enough time to implement projects to build the capacity to sustain their development beyond the term of the partnership. An Empowerment Zone designation gives designated regions potential access to millions of dollars in federal grants for social services and community redevelopment as well as tax and regulatory relief over a ten-year period.

Aroostook County is the largest county east of the Mississippi River. Yet, despite the impressive character and work ethic of its citizens, the County has fallen on hard times. The 2000 Census indicated a 15 percent loss in population since 1990. Loring Air Force Base, which was closed in 1994, also caused an immediate out-migration of 8,500 people and a further out-migration of families and businesses that depended on Loring for their customer base.

Unfair trade practices have also struck a blow to the County's economy. Aroostook shares more border miles with Canada than most northern states. It is bordered for approximately 280 miles to the west, north and east by Canada. Canadian farmers and businesses have been extremely competitive in Aroostook business markets; as a result, farmers have experienced a loss in sales which has caused a drop in the potato acreage planted, additional job loss, and still more people migrating from Aroostook County. Aroostook's economic situation has been further worsened by the strong value of the Canadian dollar in relation to the U.S. dollar and the restrictive personal exemption duty limits that Canada imposes on its citizens when they make shopping trips to U.S. businesses on the border.

In response to these developments, the Northern Maine Development Commission and other economic development organizations, the private business sector, and community leaders in Aroostook have joined forces to stabilize, diversity, and grow the area's economy. They have attracted some new industries and jobs. As a native of Aroostook County, I can attest to the strong community support that will ensure a successful partnership with the U.S. Department of Agriculture.

Designating this region of the United States as an Empowerment Zone is vital to its future economic prosperity. However, the restriction that the Empowerment Zone be limited to 1,000 square miles prevents all of Aroostook's small rural communities from benefiting from this tremendous program. Aroostook covers some 6,672 square miles but has a population of only 74,000. Including all of the County in the Empowerment Zone will guarantee that parts of the County will not be left behind as economic prosperity returns to the area. It does little good to have a company move from one community to another within the County simply to take advantage of EZ benefits.

America's greatest success can only be achieved when everyone has the opportunity to enjoy the fruits of a strong economy. It is only fair that all of Aroostook County's population be given the opportunity to fully benefit from the Empowerment Zone Program.

By Mr. KERRY (for himself, Mr. McCAIN, Mr. KENNEDY, Mr. DASCHLE, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 300. A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, I am proud to join today with my good friend Senator McCAIN to introduce our bill to award Jackie Robinson the Congressional Gold Medal. Bestowing upon Jackie Robinson this great honor recognizes not only his stunning athletic accomplishments but also his profound contribution to the advancement of civil rights in the United States.

Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, GA and was the youngest of 5 children. Robinson attended the University of California at Los Angeles where he lettered in football, basketball, baseball, and track, and he was widely regarded as the finest all-around athlete at that time. After a three-year stint in the U.S. Army, Jackie Robinson began playing professional baseball, at first in the American Negro League. Then in 1947, in a historic move that ended decades of discrimination against blacks in baseball, Jackie Robinson became the first African-American to sign a Major League Baseball contract. That same year he won the National League's Rookie of the Year Award. In 1949, he was voted the National League's Most Valuable Player by the Baseball Writers Association, and in 1962, he was elected to the Baseball Hall of Fame.

Jackie Robinson's signing to the Brooklyn Dodgers in 1947 is so significant because it came before the United States military was desegregated, before the civil rights marches in the South, and before the historic ruling in Brown v. The Board of Education, and it engaged the American people in a constructive conversation about race. Off the field Jackie Robinson was a business leader, a civil rights leader, and a human rights leader. As one of the most popular people in America, in one poll in 1947 he finished ahead of President Harry Truman, General Dwight Eisenhower, General Douglas MacArthur, and Bob Hope, finishing only behind Bing Crosby. Jackie Robinson encouraged the fair treatment of all people. His ideas and principles influenced some of America's greatest politicians, including John F. Kennedy and Dwight Eisenhower.

Jackie Robinson was more than a sports hero he was an American hero. And it is time for Congress to recognize his heroic contributions. On January 31, 2003 on what would have been Jackie Robinson's 84th birthday, a seminar entitled "Red Sox Tribute to Jackie Robinson" was held at Fenway Park in Boston. During that tribute Larry Lucchino, President and CEO of the Boston Red Sox, aptly summed up Jackie Robinson's off-field contributions to American society. He said, "Martin Luther King once said that he could not do what he was doing unless Jackie Robinson had done what he did."

I urge my colleagues to join us in honoring this great American by cosponsoring our bill to award him the Congressional Gold Medal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, Georgia, and was the youngest of 5 children.

(2) Jackie Robinson attended the University of California Los Angeles where he starred in football, basketball, baseball, and track. His remarkable skills earned him a reputation as the best athlete in America.

(3) In 1947, Jackie Robinson was signed by the Brooklyn Dodgers and became the first black player to play in Major League Baseball. His signing is considered one of the most significant moments in the history of professional sports in America. For his remarkable performance on the field in his first season, he won the National League's Rookie of the Year Award.

(4) In 1949, Jackie Robinson was voted the National League's Most Valuable Player by the Baseball Writers Association of America.

(5) In 1962, Jackie Robinson was elected to the Baseball Hall of Fame.

(6) Although the achievements of Jackie Robinson began with athletics, they widened to have a profound influence on civil and human rights in America.

(7) The signing of Jackie Robinson as the first black player in Major League Baseball occurred before the United States military was desegregated by President Harry Truman, before the civil rights marches took place in the South, and before the Supreme Court issued its historic ruling in *Brown v. Board of Education*, 347 U.S. 483 (1954).

(8) The American public came to regard Jackie Robinson as a person of exceptional fortitude, integrity, and athletic ability so rapidly that, by the end of 1947, he finished ahead of President Harry Truman, General Dwight Eisenhower, General Douglas MacArthur, and Bob Hope in a national poll for the most popular person in America, finishing only behind Bing Crosby.

(9) Jackie Robinson was named vice president of Chock Full O' Nuts in 1957 and later co-founded the Freedom National Bank of Harlem.

(10) Leading by example, Jackie Robinson influenced many of the greatest political leaders in America.

(11) Jackie Robinson worked tirelessly with a number of religious and civic organizations to better the lives of all Americans.

(12) The life and principles of Jackie Robinson are the basis of the Jackie Robinson Foundation, which keeps his memory alive by providing children of low-income families with leadership and educational opportunities.

(13) The legacy and personal achievements of Jackie Robinson, as an athlete, a business leader, and a citizen, have had a lasting and positive influence on the advancement of civil rights in the United States.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to the family of Jackie Robinson, a gold medal of appropriate design in recognition of the many contributions of Jackie Robinson to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) there should be designated a national day for the purpose of recognizing the accomplishments of Jackie Robinson; and

(2) the President should issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

* * *

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 42—TO REFER S. 279, ENTITLED "A BILL FOR THE RELIEF OF THE HEIRS OF CLARK M. BEGGERLY, SR., OF JACKSON COUNTY, MISSISSIPPI" TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 42

Resolved, That—

(a) S. 279, entitled "A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims; and

(b) the chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi.

SENATE RESOLUTION 43—TO COMMEND DANIEL W. PELHAM

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 43

Whereas Daniel W. Pelham became an employee of the Senate of the United States on March 25, 1968, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included nineteen Congresses;

Whereas Daniel W. Pelham, through his diligence and loyalty, has risen to the position of Senior Offices Services Administrator within the Office of the Secretary of the Senate;

Whereas Daniel W. Pelham has faithfully discharged the difficult duties and responsibilities of his position as Senior Offices Services Administrator with great efficiency, devotion, and dedication;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas Daniel W. Pelham will retire from the Senate of the United States on February 4, 2003, after nearly thirty-five years of employment: Now, therefore, be it

Resolved, That the Senate of the United States commends Daniel W. Pelham for his exemplary service to the Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Daniel W. Pelham.

SENATE RESOLUTION 44—DESIGNATING THE WEEK BEGINNING FEBRUARY 2, 2003, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, Ms. MURKOWSKI, Mr. BIDEN, and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 44

Whereas the American School Counselor Association has declared the week beginning February 2, 2003, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the American education system must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism inflicted on the United States on September 11, 2001, and its aftermath;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are usually the only professionals in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 561 to 1 is more than double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of "National School Counseling Week" would increase awareness of the important and necessary role school counselors play in the lives of the Nation's students: Now, therefore be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL SCHOOL COUNSELING WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning February 2, 2003, as "National School Counseling Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning February 2, 2003, as "National School Counseling Week"; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform within the school and the community at large to prepare students for fulfilling lives as contributing members of society.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI: Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources to consider the nomination of Joseph T. Kelliher to be a Member of the Federal Energy Regulatory Commission.

The hearing is scheduled for Tuesday, February 11 at 2:30 p.m. in Room SH-216 of the Hart Senate Office Building.

Those wishing to submit written testimony for the hearing record should send a copy of their testimony electronically to:

Jennifer_Owen@energy.senate.gov.

For further information, please contact Jennifer Owen at 202-224-5305.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI: Mr. President, I would like to announce for the information of the Senate and the public that the following hearings have been scheduled before the Committee on Energy and Natural Resources.

Thursday, February 13 at 2:30 p.m. in Room SD-366—to receive testimony regarding oil supply and prices. (Contact: Scott O'Malia at 202-224-2039 or Jennifer Owen at 202-224-5305)

Tuesday, February 25 at 2:30 p.m. in Room SD-366—To receive testimony regarding natural gas supply and prices. (Contact: Scott O'Malia at 202-224-2039 or Shane Perekins 202-224-1219)

Thursday, February 25 at 10:00 a.m. in Room SD-366—To receive testimony regarding energy production on Federal lands. (Contact: Dick Bouts at 202-224-7545 or Jared Stubbs at 202-224-7556)

Tuesday, March 4 at 10:00 a.m. in Room SD-366—To receive testimony regarding the financial condition of the electricity market. (Contact: Lisa Epifani at 202-224-5269 or Shane Parkins at 202-224-1219)

Thursday, March 6 at 10:0 a.m. in Room SD-366—To receive testimony regarding energy use in the transportation sector. (Contact: Bryan Hannegan at 202-224-7932 or Shane Perkins at 202-224-1219)

Tuesday, March 11 at 10:00 a.m. in Room SD-366—To receive testimony regarding Federal programs for energy efficiency and conservation. (Contact: Bryan Hannegan at 202-224-7932 or Shane Perkins at 202-224-1219)

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send a copy of their testimony electronically to:

Jennifer_Owen@energy.senate.gov.

For further information, please contact the Committee staff as indicated above for each hearing.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 22, Paul McHale, to be Assistant Secretary of Defense; and No. 23, Christopher Henry, to be Deputy Under Secretary of Defense for Policy; I further ask consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements relating to the nominations be printed in the RECORD, and that the Senate then resume legislative session, with all of the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF DEFENSE

Paul McHale, of Pennsylvania, to be an Assistant Secretary of Defense.

Christopher Ryan Henry, of Virginia, to be Deputy Under Secretary of Defense for Policy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

COMMENDING DANIEL W. PELHAM

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 43, which was introduced earlier today by Majority Leader FRIST.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 43) to commend Daniel W. Pelham.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, only four of the Senate's current members were serving on March 25, 1968, when Daniel Pelham first came to work on the Senate side of Capitol Hill. Mr. Pelham—or Danny, as he is known throughout the Senate community—has seen 237 senators come and go during his time here.

Now, after nearly 35 years on the job, Danny has decided that it is time for him to move on to other activities.

A native of Wilmington, NC, Danny Pelham quickly demonstrated his talents as an effective, loyal, and hard-working employee. In 1975, he moved from the staff of the Senate Restaurant to the Office of the Secretary of the Senate. A series of well-deserved promotions followed until he reached his current position as Senior Office Services Administrator.

One of his colleagues recently explained that "by virtue of his longevity and institutional knowledge, Pelham is indispensable to the staff who rely on him for all manner of tasks." Another person will move into Danny's job, but no one will fully replace him.

In his off-hours, Danny officiates at high school and recreational league basketball games. Several years ago, he received the Cardinal Basketball Association Commissioner's Award for excellence in officiating. In the years ahead, he plans to do more officiating and a fair amount of traveling.

We know, for certain, that Danny Pelham will settle into another highly rewarding activity—that of spending enjoyable hours with his grandson Corey. We wish Danny and his wife Phyllis many happy years ahead.

Mr. DASCHLE. Mr. President, on Monday, I had the chance to visit with Danny Pelham. He came to my office, and we reflected on his nearly 35 years of service to the Senate.

As he walked out, I heard a member of my staff say: "There goes the wisest man I know." I couldn't agree more.

Danny arrived in the Senate on March 25, 1968. In his time here, he has seen the making of Senate history, and American history, and he has seen 237 Senators come and go.

Through it all, Daniel Pehlam conducted himself with utter fairness, thoroughness, and discretion. It makes sense that—in his off hours—he is a basketball official.

For 35 years, he has walked the halls of power, but he never let it distort his perspective, or his sense of what is truly important. If you have ever seen him with his grandson Corey, or heard him talk about his wife Phyllis, you begin to understand that.

Ralph Waldo Emerson wrote: "we put our love where we have put our labor." For 35 years, Danny labored for—and loved—the Senate. It is fitting that we adopt this resolution expressing our appreciation—and love—for Danny Pelham.

Mr. ALLEN. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements regarding the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 43

Whereas Daniel W. Palham became an employee of the Senate of the United States on March 25, 1968, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included nineteen Congresses;

Whereas Daniel W. Pelham, through his diligence and loyalty, has risen to the position of Senior Offices Services Administrator within the Office of the Secretary of the Senate;

Whereas Daniel W. Pelham has faithfully discharged the difficult duties and responsibilities of his position as Senior Offices Services Administrator with great efficiency, devotion, and dedication;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas Daniel W. Pelham will retire from the Senate of the United States on February 4, 2003, after nearly thirty-five years of employment:

Now, therefore, be it

Resolved, That the Senate of the United States commends Daniel W. Pelham for his exemplary service to the Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Daniel W. Pelham.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of January 30, 2003, appoints the Senator from Georgia (Mr. CHAMBLISS) to read Washington's Farewell Address on Monday, February 24, 2003.

ORDERS FOR WEDNESDAY, FEBRUARY 5, 2003

Mr. ALLEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, February 5. I further ask unanimous consent that on Wednesday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 12:30 p.m. with the time equally divided between the two leaders or their designees.

I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 p.m. tomorrow for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLEN. For the information of Senators, tomorrow the Senate will be in a period of morning business until 12:30 p.m. Members who have not yet had the opportunity to make statements regarding the *Columbia* tragedy are encouraged to do so tomorrow morning. I would expect that on Wednesday, the Senate will consider a resolution related to the Shuttle *Columbia*.

As a reminder, under a previous agreement, the Senate will proceed to the consideration of the nomination of Miguel Estrada for the DC Court of Appeals tomorrow at 2:15 p.m.

Members, therefore, should anticipate the possibility of votes during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ALLEN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Wednesday, February 5, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 4, 2003:

TENNESSEE VALLEY AUTHORITY

RICHARD W. MOORE, OF ALABAMA, TO BE INSPECTOR GENERAL, TENNESSEE VALLEY AUTHORITY. (NEW POSITION)

DEPARTMENT OF JUSTICE

PETER JOSEPH ELLIOTT, OF OHIO, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE DAVID WILLIAM TROUTMAN.

DEPARTMENT OF STATE

JOSEPH LEBARON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

DEPARTMENT OF THE INTERIOR

ROSS OWEN SWIMMER, OF OKLAHOMA, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR, VICE THOMAS N. SLONAKER, RESIGNED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ERIC S. DREIBAND, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE CLIFFORD GREGORY STEWART.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARY COSTA, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE LUIS VALDEZ, TERM EXPIRED.

MAKOTO FUJIMURA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2008, VICE MARSHA MASON, TERM EXPIRED.

JERRY PINKNEY, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2008, VICE JOY HARJO, TERM EXPIRED.

KAREN LIAS WOLFF, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2008, VICE JOAN SPECTER, TERM EXPIRED.

DEPARTMENT OF ENERGY

LINTON F. BROOKS, OF VIRGINIA, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY, VICE GENERAL JOHN A. GORDON, USAF, RESIGNED.

DEPARTMENT OF DEFENSE

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE. (NEW POSITION)

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 4, 2003:

DEPARTMENT OF DEFENSE

PAUL MCHALE, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

CHRISTOPHER RYAN HENRY, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.

EXTENSIONS OF REMARKS

HONORING MARGRIT BIEVER MONDAVI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Margrit Biever Mondavi on the occasion of her being distinguished as an Honorary Member of the Agricultural Leadership Alumni. The award will be bestowed upon Mrs. Mondavi at the annual conference of this organization.

Selection for this distinction is "reserved for special individuals who have, over a period of time, demonstrated consistent commitment and uncommon excellence in the furtherance of education and leadership in California agriculture."

Mrs. Mondavi is a native of Appenzell, Switzerland and was raised in her family home in the canton of Ticino. Margrit studied art at Minusio, an art school in Switzerland, under a professor who had been a student of Hans Hoffman. In 1967, Margrit joined the Robert Mondavi Winery and pursued her life-long interest in uniting wine with fine arts, music, and culinary artistry.

Mrs. Mondavi founded the winery's popular Summer Music Festival in 1969 as a benefit for the Napa Valley Symphony. She and a small group of other dedicated Napa Valley art lovers formed a board of directors to rebuild the original 19th-century opera house in the city of Napa. In 1998, the opera raised significant funds for the restoration as part of a challenge grant from Margrit and Robert G. Mondavi. Mrs. Mondavi introduced a program of cooking classes to develop guests' appreciation of great food paired with fine wine, as well as the Great Chefs of France and the Great Chefs of America programs. She and Robert also recently made a substantial personal gift to the University of California at Davis to establish the Robert Mondavi Institute for Wine and Food Science and to launch The Robert and Margrit Mondavi Center for the Performing Arts opened in October 2002. The couple work together as founding patrons of Copia: The American Center for Wine, Food, and the Arts. Margrit was also instrumental in securing the downtown Napa location for the center.

Margrit has applied her talent to commercial design and has now created a line of home accessory designs exclusively for the Robert Mondavi Winery. She has been married to Robert Mondavi since 1980. An accomplished linguist, Margrit often translates her husband's speeches for international audiences.

Mr. Speaker, I rise today to pay tribute to Margrit Biever Mondavi as an Honorary Member of the Agricultural Leadership Alumni. I urge my colleagues to join me in wishing Margrit Biever Mondavi many years of continued success.

CELEBRATING THE 25TH ANNIVERSARY OF DION'S PIZZA

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to one of the most successful small business enterprises in the state of New Mexico. February marks a quarter century of quality pizza, salads and sub sandwiches from one of New Mexico's beloved dining establishments, Dion's Pizza. This achievement marks another important chapter in a story of two childhood friends, since the ninth grade, who have formed a lasting friendship and partnership.

The owners of Dion's, Jon Patten and Bill Scott, came to Albuquerque from Michigan in 1978 with dreams of opening a restaurant. After purchasing New York Pizza, a small local restaurant in financial trouble located in the Northeast Heights, Jon and Bill proceeded with plans of turning the pizzeria into a Greek restaurant to be called Dionysus. However, the struggling entrepreneurs found that the cost of ordering a sign with all those letters was too costly, but the name "Dion's" fit the bill just fine. While waiting for equipment necessary for the preparation of Greek food, the previous owner taught them how to make pizza so they could continue to operate in the interim. After a few weeks, Jon and Bill started serving Greek food along with the pizza. Surprisingly, however, customers continued to order pizza, encouraging Jon and Bill to develop and refine a quality pizza recipe, eventually resulting in today's secret recipe that has made Dion's one of New Mexico's best-loved eating establishments.

The success of Dion's is easily documented. It grew from one employee in 1978, to 12 employees in 1979, to over 600 employees today. There are currently 10 Dion's in New Mexico. The company has plans to open a location in Las Cruces later this year and Santa Fe in 2005. The owners tease that their goal is world pizza domination by the year 3000. Clearly, they are on their way.

Dion's attributes its success to a set of principles that has helped the chain expand and at the same time maintain a loyal base of satisfied customers. Among those principles are always using the freshest ingredients; never changing ingredients simply to get the cheapest price; only serving food that is presentable and quality; hiring the best people; and giving the customer exceptional quality, service and cleanliness.

The company's set of beliefs appears to be working. Dion's has received several awards over the years. The first recognition came in November, 1979, only 19 months after opening the first location. The Albuquerque Tribune named Dion's "the second best pizza in town." According to the owners, that was the last second place finish. Since then, Dion's has accumulated a number of first place awards. I know that Jon and Bill are the most proud of the praise they receive from regular citizens.

One of the most admirable aspects of Dion's business philosophy is its dedication to being a family-oriented establishment. None of the locations serve alcohol, and smoking is not allowed. Viewing stands have been constructed in each restaurant to enable children to watch pizzas being made. Additionally, Dion's offers tours to children and other youth groups; approximately 12,000 children tour Dion's restaurants each year. The company is also involved in a host of charitable events in which its contributions make a powerful impact on the surrounding community.

I had the opportunity to tour a Dion's in 2000. I was impressed with the quality of employees, many of them high school students starting their first careers, and the ambience that encompasses each Dion's. This company has many employees that have stayed on for years, if not decades, out of loyalty. In an industry that has a high turnover rate, Dion's is obviously doing something right. The company has always paid above minimum wage, and raises are frequent for doing a job well done.

As Dion's continues to grow and expand, there will undoubtedly be changes. Over the years, the employee uniforms have changed, as has the list of items on the menu. Jon and Bill are not afraid to be innovative and are always searching for improvements. Dion's has had a number of offers to be bought and be expanded nationally. Today there could be a Dion's on nearly every street corner in America, but instead, Jon and Bill have stayed to protect a creation they both care deeply about.

Mr. Speaker, we spent much time in the 107th Congress focusing on a variety of corporate scandals that seriously shook the faith of Americans everywhere. At that time, I tried to stress that there are honest companies out there, and we must not let those isolated cases of gross misconduct spoil our view of average businesses. I believe that Dion's Pizza is an exceptional example of a business that has succeeded because of the devotion of its owners and employees.

As this special restaurant celebrates its 25th anniversary, it remains one of a kind. It is unique amongst its peers throughout the country for its philosophy and principles, but, most of all, because it is the product of so many remarkable people and ideas. It is truly part of the communities it serves, and New Mexicans are proud to call Dion's their own. I ask my colleagues join me in congratulating Dion's for its success.

AN EAGLE SCOUT SPEAKS OUT AGAINST ANTI-GAY DISCRIMINATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, I believe that the Boy Scouts of America are being profoundly unfair to many young people by refusing admission to their program to gay teenagers and adults. It should be emphasized that the Boy Scouts make no claim that this is based on the need to protect scouts from sexual abuse. Every organization dealing with young people ought to have very strict policies, with rigorous enforcement, to protect young people against any adult engaging in inappropriate sexual activity with them. But the Boy Scout policy is based not on this fear, but on their explicit view that being gay is inconsistent with being "morally straight" and being "clean in word and deed." In other words, the Scout's policy is simply a condemnation of the character and integrity of all gay men.

This official policy by the national organization puts a number of people of good will in a difficult situation. There are a large number of men—and women as well—who participate in and are supportive of the Boy Scouts because the organization does do a great deal of good work. But they quite correctly abhor the cruel, discriminatory policy of the Scouts. Some have responded by ending their affiliation. Others have taken an equally honorable course—staying for now within the organization but fighting explicitly and openly against its discriminatory policy. I admire the willingness of people to do this. At some point it may become clear that the Boy Scout organization is irrevocably committed to this biased policy, but there have been encouraging signs of dissent in many parts of the country and I am hoping that those courageous people who are making this fight within the Boy Scouts will at some point succeed.

I am particularly impressed when young people take this position, because it is especially hard for teenagers to stand up against authority in this way, and indeed to risk the disagreement of their peers. One very impressive scout—an Eagle Scout in fact—who has articulated the courageous moral position of those within the Boy Scout movement who disagree sharply with the organization's discriminatory policy is Michael Peiser. I first came into contact with Mr. Peiser when I was asked to write a letter to congratulate him on his becoming an Eagle Scout. As is my practice, I wrote to him and congratulated him, but simultaneously wrote to the Boy Scout organization that had solicited my letter noting that as a gay man, I did find it odd that they would simultaneously, as an organization, characterize me in such a negative fashion and ask me to congratulate one of the young people. I do not think that the young people themselves should be further victimized, so I write these letters to them of congratulations, but also remind the adult sponsoring entities of my strong disagreement with their policy.

In the case of Mr. Peiser, the Scout leaders to whom I had written shared my letter with him, and he was gracious enough to let me know of his agreement with my position. In fact, he shared with me an essay he had written for his college admissions application, which is a very powerful statement of opposition to the Boy Scout policy. I admire very much Michael Peiser's stance of fighting from within the organization to change this policy, and I ask that his essay be printed here as an example of moral leadership by a young man.

MICHAEL PEISER'S ESSAY

Two years ago, I attended my high school's first Gay/Straight Alliance meeting. As soon as the meeting began, the topic of my involvement in the Boy Scouts of America, which openly discriminates gays, became the focus of the discussion. Suddenly I was being harangued by the other four people at the meeting. The hypocrisy of my being an active member of my local Boy Scout troop, while also being an ardent liberal and supporter of gay rights, had never occurred to me. The official position statement (BSA 1991) is as follows: "We believe that homosexual conduct is inconsistent with the requirement in the Scout Oath that a Scout be morally straight and in the Scout Law that a Scout be clean in word and deed, and that homosexuals do not provide a desirable role model for Scouts."

The two halves of my scouting experience, the first in a culturally diverse troop in Los Angeles and the latter in an affluent northeastern suburban troop, have been quite skewed on the issue of gay scouts. My troop and many other troops with liberal attitudes approach this controversy with a "don't ask don't tell" policy. However, I cannot hide from the fact that this evasion does not address the quandary in any manner. The Boy Scout Organization teaches its members not to hate or to discriminate; yet, having a policy that discriminates against certain individuals inevitably feeds hate.

Last year, at one of my meetings, I was teaching backpacking skills to a group of sixth graders. During the session one of the scouts started to make "gay jokes" toward another scout. The rest of the kids began to make denigrating remarks about homosexuals in scouting. I interjected and asked them why they were making fun of homosexuals and also what they knew about the Scouts' actual policy on homosexuality. The seven scouts in my group unanimously argued that "being gay was not natural and, therefore, should not be allowed in scouting." These notions, which are probably developed outside of the Boy Scouts as well as in my troop, only teach young kids to be closed-minded.

What disturbs me the most about this issue is that Scouting was formed to be a safe haven for all youth. Scouting is supposed to be a place where those who are fortunate and less fortunate can experience what their communities and world have to offer them. Scouting offers so much leadership, friendship, and guidance, that it pains me to see so many different people and organizations, ranging from synagogues to companies like Levi Strauss, completely cut off all support for the Boy Scouts. While I understand the rationale for choosing to do so, I do not feel this helps scouting in any way. I firmly believe that Scouting needs to change its anti-gay policy. Boycotting the organization only makes change more difficult.

Change can only occur from within Scouting. When people ask me how I believe this can be achieved, I tell them the following: when I see discrimination either happening or being talked about among the scouts, I sit down with them and have an open discussion. I believe that, if individual scouts learn to be open and accepting, then, with time, these discriminating policies will change. Today, when people question my support of the Boy Scouts, I tell them exactly what I disagree with, and how I plan to change it.

HONORING WILLIAM BURNS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize William "Bill" Burns, who is being honored on the occasion of his retirement as the District Representative of the Operating Engineers in Eureka, California.

Bill Burns, who was born in Richmond, California, has dedicated his life to the labor movement in our country. He joined Operating Engineers, Local 3 in 1964 as a heavy-duty repair apprentice. After graduating from the apprenticeship program, he began his career as a mechanic and foreman, gaining experience and expertise on Northern California job sites. He was elected the conductor for Local 3 in 1982, a position he has been re-elected to in every election thereafter. Bill was named Business Representative in 1982 in Santa Rosa, California and in 1986 became District Representative in Eureka.

As a recognized community leader, Bill Burns has served on the Board of Directors of United Way; Board Member, Private Industry Council; Member, Citizens for Port Development; Secretary-Treasurer, Central Labor Council; Executive Secretary-Treasurer, Humboldt-Del Norte Building and Construction Trades Council and as a member of the Eureka City Schools Closure Committee. He also coached youth soccer for 10 years.

An active member of the Democratic Party, Bill serves as Vice-Chair and Executive Board member of the Humboldt County Democratic Central Committee. In 1992 he was a Clinton delegate to the Democratic Convention and serves as an Executive Board Member of the California Democratic Party. In 1998, Bill Burns was named Humboldt County Democrat of the Year.

Bill Burns has lived his life with a conscientious and sincere commitment to working people and our democratic traditions. Raising the standard of living for those whose daily labor sustains our nation has been his life's work.

Mr. Speaker, it is appropriate at this time that we recognize Bill Burns for his contributions and service to the people of our country.

TRIBUTE TO THE LATE DR. LAUREL CLARK, "COLUMBIA" ASTRONAUT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. UDALL of New Mexico. Mr. Speaker, it is with profound sadness that I rise today to express my sorrow over the loss the seven astronauts on board the shuttle *Columbia*. At a time when there seemed to be more than enough tragic news to go around, we woke up on a Saturday morning to news reports about a missing space shuttle, and then images of a disintegrating, burning spacecraft streaking across the sky. The memories of the *Challenger* accident were brought back for all of us, with the same sense of shared sadness.

The six American astronauts, together with their Israeli colleague, represented much of the best that our world has to offer. To the honor roll of those who died advancing human knowledge, we add Rick Husband, Michael Anderson, Kalpana Chawla, William McCool, David Brown, Laurel Clark and Ilan Ramon.

President Bush, in his moving tribute to the dead of the *Columbia*, asserted strongly, and wisely, that space exploration must not end: "The cause in which they died will continue. Mankind is led into the darkness beyond our world by the inspiration of discovery and the longing to understand. Our journey into space will go on."

Of these seven brave men and women that we lost, I want to pay special tribute to Dr. Laurel Clark, who spent time as a child in New Mexico, where her father, Robert Salton, still resides. In reading interviews that Laurel gave, both before and during her mission on *Columbia*, a portrait emerges of an intelligent, determined woman, who managed a successful career, while at the same time being a devoted daughter, wife and mother. She helped open the door further for more women interested in science and space exploration careers.

In closing, I want to share a observation that Laurel gave from space in describing what it was like to view a sunset from above the Earth. "There's a flash—the whole payload bay turns this rosy pink. It only lasts 15 seconds and then it's gone. It's very ethereal and extremely beautiful."

I believe that Laurel's comment helps all of us have a better sense of who Laurel was. I want to express my deep sympathy to all of Laurel's family and friends. Those who knew her personally will never forget her, and her legacy will live on.

Mr. Speaker, I ask unanimous consent that the following article, which appeared in Sunday's Albuquerque Journal, be printed in the RECORD following my remarks.

[From the Albuquerque Journal]

ALBUQUERQUE FATHER RECALLS "A FINE LADY"

(By Leanne Potts)

Robert Salton had gone into the back yard of his Albuquerque home at dawn Saturday to look for his oldest child in the western sky.

His daughter, Laurel Clark, was an astronaut aboard the space shuttle Columbia. It was her first mission, and her daddy had just heard on CNN that people in New Mexico should be able to see the shuttle's trail as it flew over the state en route to its landing in Florida.

"I saw one long contrail in the sky going from west to east," Salton said. "I'm pretty sure that was it. That was her."

Less than 20 minutes later Salton and his wife, Harriet, heard the news on television: NASA had lost contact with the shuttle.

"Then that TV reporter in Dallas had the footage that showed the breakup," Salton said. "And we knew what had happened."

The oldest of Salton's four children—the daughter who had made A's in school, gone to medical school on a full Navy scholarship and made the space program while she was five months pregnant—was dead.

"She was just a fine lady," Salton said. "I was proud of her accomplishments, of course, but she was a good person, too."

Behind him, on a table in his home in a middle-class neighborhood near University -Boulevard and Indian School Road, were photos reminding the retired 69-year-old carpenter of the accomplishments of his golden child.

There was Clark and her brother, Jon Salton, an engineer at Sandia National Laboratories, grinning together in a training plane that produces weightlessness. Clark is floating upside down, wearing her blue astronaut jumpsuit; her eyes sparkle like someone who knows her dream is in reach.

There was Salton's grandson—Laurel's 8-year-old son, Iain Clark—holding a feather and a bone in some Southwestern canyon.

There was a color 8-by-10 of Laurel's official NASA photo, the one where her smile shows her dimples, the one Americans have seen dozens of times since news broke that the space shuttle Columbia blew up 207,000 feet in the air over Texas.

On the photo, Laurel had written: "To a wonderful father—I wouldn't be where I am without your guidance, support and love."

The word love was underlined.

RINGING PHONES

By 1 p.m. Saturday, the Saltons had turned off their TV. They couldn't watch any more news reports about debris raining from the Texas sky.

Their phone rang nonstop. Family called. Friends called. Reporters called. Powerful people called.

"The governor called and left a message," Harriet Salton said. "We heard from that congressman from the southern part of the state, too."

The phone rang again. "It's Heather," Harriet called to her husband. Robert took the call, but was off the phone in about two minutes.

"Wrong Heather," he said. "I thought it was Heather Salton (his niece) but it was Heather Wilson. I wouldn't have picked up the phone for a congressman."

The phone rang a few minutes later; Harriet looked at the Caller ID. "It's Dan Rather again," she said.

They let the answering machine take it.

VERY TOUGH LADY

Clark, 41, was born in Iowa. The Saltons moved a lot, and Clark lived here in Albuquerque two years in 1970s.

She went to the fifth grade at Hodgin Elementary around 1971 while Robert Salton worked on a doctorate in American Studies at the University of New Mexico. Clark's mother, Margory, was an RN.

The Saltons moved to New York but returned to Albuquerque a year or so later, where Clark attended Monroe Middle School for a year.

Her parents divorced, and Clark moved to Wisconsin with her mother. Clark went to high school in Racine, Wis., a city of 84,000 that, according to her official NASA biography, she considers to be her hometown.

She was an A-student at Horlick High. "The only B she ever made was in typing," Robert Salton said.

She got a Navy scholarship to the University of Wisconsin-Madison, where she got a bachelor's degree in zoology in 1983 and a doctorate in medicine in 1987.

Clark joined the Navy and was working as a flight surgeon, based in Pensacola, Fla., when she decided to try out for the space program. Clark didn't make the program the first tryout.

"Then she got pregnant, and I figured that was it for her being an astronaut," Robert Salton said.

But Clark tried out again in 1996 when she was five months pregnant with her son Iain. She got in.

"She is—she was—a very tough lady," Robert Salton said.

Clark lived in Houston with her husband, Jonathan Clark, and son, Iain. Her husband is also in the space program.

Clark's husband and son had gone to Florida to see the shuttle landing, as had Clark's sister, Lynne Salton of Kansas City, Mo. The rest of the family was watching on television, Salton said.

During the Columbia's 16-day mission, Clark had been in contact with some of her siblings via e-mail.

"The kids have been forwarding me her e-mails this morning. She was real excited, talking about watching lightning storms over the Pacific."

Salton said he saw his daughter for the last time in December, when she came to Albuquerque for Christmas.

"She was pumped about the (shuttle) trip," Salton said. "She was so excited. It was something she had worked for for six or seven years."

The Saltons said Laurel was aware of the risks involved in space travel, but not worried about them. At least not enough to miss a chance to fly in the stars.

"She was doing what she loved to do," Harriet Salton said. "She fulfilled her dream. Not many of us get to do that."

HONORING ROBERT G. MONDAVI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Robert G. Mondavi on the occasion of his being distinguished as an Honorary Member of the Agricultural Leadership Alumni. The award will be bestowed upon Mr. Mondavi at the annual conference of this organization.

Selection for this distinction is "reserved for special individuals who have, over a period of time, demonstrated consistent commitment and uncommon excellence in the furtherance of education and leadership in California agriculture."

Robert was born in Virginia, Minnesota to parents who emigrated from the Marche region of Italy. He is a graduate of Stanford University with a degree in economics and business administration. Upon graduation, Robert joined his father at Sunnyhill Winery in St. Helena and later at Charles Krug, where he upgraded the technology of the family enterprise, determined to raise quality. Later Mr. Mondavi established the first post-Prohibition major winery built in the Napa Valley. Robert also pioneered many of the fine winemaking techniques in California, including cold fermentation, stainless steel tanks, and the use of French oak barrels.

Mr. Mondavi received the World Trade Club's "International Achievement Award" for being a leading pioneer in the exportation of Premium California wine and being among the first to have a publicly traded company. He has also been honored with the first-ever "California State Fair Lifetime Achievement Award," the Wine Spectator's first "Readers' Choice Award" as "The Person Who Has Done the Most to Enhance Wine's Image," and the "Business Leader of the Year" award from the Harvard Business School Association of Northern California. In 2002, Robert was honored by the California State Assembly as "the global emissary of American food and wine" for lifetime achievements on behalf of California wine, food, and arts.

Mr. Mondavi is recognized as the global emissary of American food and wine. His vision was to create wines in California that belong in the company of great wines of the world. Having successfully achieved this goal, his wisdom as founder and Chairman Emeritus of Robert Mondavi now guides his sons and daughter in their leadership of the Robert Mondavi family of wines.

Mr. Speaker, I rise today to pay tribute to Robert G. Mondavi as an Honorary Member of the Agricultural Leadership Alumni. I urge my colleagues to join me in wishing Robert Mondavi many years of continued success.

TRIBUTE TO MISSOURI FARM BUREAU

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to the Missouri Farm Bureau President Charlie Kruse and members of the Missouri Farm Bureau Federation, which was recently recognized as one of the nation's top state Farm Bureau organizations. The Missouri Farm Bureau was awarded the American Farm Bureau's most prestigious award, the President's Award, at the American Farm Bureau Federation's 84th Annual Meeting.

The American Farm Bureau's President's Award is awarded to state Farm Bureaus that excel in the organization's 12 program categories. The categories include: membership; commodity and marketing information; young farmers and ranchers program; public relations; state and local governmental affairs; leadership and organization development; public policy implementation; special programs; political education programs; policy development; agriculture in the classroom; and agriculture promotion. In each of these categories, the Missouri Farm Bureau received a gold star for excellence, which is the highest possible recognition a state Farm Bureau can receive. This is the eighth year that the Missouri Farm Bureau has been able to claim the top award.

Mr. Speaker, Charlie Kruse and the members of the Missouri Farm Bureau can be proud of the accomplishments. I know the Members of the House will join me in saluting the Missouri Farm Bureau Federation for receiving this well deserved award.

IN COMMEMORATION OF U.S. CENTRAL CREDIT UNION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. MOORE. Mr. Speaker, U.S. Central Credit Union (U.S. Central), located in my home state of Kansas, has worked to support corporate credit unions in serving their members through innovative and premier financial services for nearly 30 years. U.S. Central was chartered in 1974 to assist corporate credit unions in meeting the financial services needs of consumer credit unions throughout the country.

While providing financial products and services to corporate credit unions, and growing to become a $33 billion financial institution, U.S. Central has never forgotten the hallmark of the credit union philosophy of "people helping people." Credit unions were created more than 100 years ago to allow people of ordinary means gain financial independence. U.S. Central strives to provide the best value in products and services for its corporate members, and this same guiding principle is passed on to the more than 80 million credit union member consumers that are living in our country today.

As a financial cooperative, U.S. Central strives to make decisions that are in the best interest of its member owners—the nation's corporate credit unions. Its leaders have learned that this concept brings success to all of us, and that equitable service is of paramount importance.

U.S. Central should also be recognized for its compassion for its surrounding community. Because U.S. Central's membership is comprised of corporate credit unions, which serve consumer credit unions throughout the country, it has defined its community as both local and national in scope.

Nationally, U.S. Central supports organizations such as the National Credit Union Foundation, which helps credit union employees and their families in disaster-recovery situations, and assists credit unions in making affordable mortgages to people of modest means, among other activities. Another focus of U.S. Central's support is the World Council of Credit Unions, which promotes credit union development worldwide for the purpose of expanding affordable financial services to people all over the globe.

Locally, U.S. Central actively supports several community programs. Two key projects that fit well with the company's broad objective of helping to foster people's financial well-being are Kansas City Saves, a coalition encouraging urban residents to save and build wealth more effectively, and the Kansas Jump$tart Coalition for Financial Literacy, which supports personal finance education for children in grades K–12.

Mr. Speaker, I commend U.S. Central Credit Union for its support, dedication and commitment to the credit unions across our nation, and I applaud them, as they prepare to dedicate their new corporate facility in Lenexa, Kansas, on February 5, 2003, and as they honor the architects of the credit union community that helped credit unions become an important financial resource for today's consumers.

RECOGNIZING THE DISTINGUISHED SERVICE OF JUDGE GUY H. McMICHAEL III UPON HIS RETIREMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the House Committee on Veterans' Affairs, I rise today to pay tribute to Judge Guy H. McMichael III, who is retiring after a lifetime of public service, including more than 25 years at the Department of Veterans Affairs. Judge McMichael's career includes stints in the Army, as a Deputy Prosecuting Attorney, on the Senate Committee on Veterans' Affairs, and at the VA under five Administrators, four Secretaries and five different Presidents.

Judge McMichael graduated from Harvard University and received a law degree from the University of Michigan. He served in the Army for two years and later was in private practice for four years, while also serving as a Deputy Prosecuting Attorney for the State of Indiana. In 1971, he became General Counsel for the Senate Committee on Veterans' Affairs, where he remained for six years until joining the VA following the election of President Carter.

When Judge McMichael first came to the VA with Administrator Max Cleland in 1977, he brought a healthy distrust of what people said and what they did. His discernment and skepticism was resented by some, but over the years, his ability to persuade others of the importance of being honest brought integrity to almost all parts of the VA that he touched. That a man who was the Administrator's right hand during the Carter years would stay on and perform such exemplary service for an additional 23 years is quite remarkable.

In 1981, Administrator Robert P. Nimmo appointed Guy McMichael to the VA Board of Appeals as an Administrative Judge. He was appointed Chairman and Chief Administrative Judge in I990, and has remained in that position until his retirement this year. Over the past several years, Judge McMichael has also filled several important positions on a temporary basis, including Acting Chief of Staff, Chief Information Officer, and Acting Under Secretary for Benefits.

Mr. Speaker, Judge McMichael's legacy is that of a man who served his nation with compassion and distinction, and advanced the interests of veterans. Truly, he saw his work for veterans as a mission, one that he could devote the full talents God blessed him with. Veterans are better off because he served them as long as he did.

THE INTRODUCTION OF SPIRIT CORRIDOR LEGLISLATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today to introduce companion legislation to a bill being introduced by Senator BINGAMAN of New Mexico in the Senate. I am also very pleased that my colleagues Mr. JERRY MORAN of Kansas, Mr. FRANK LUCAS of Oklahoma, Mr. MAC THOMBERRY and Mr. SILVESTRE REYES both of Texas, and Mr. STEVE PEARCE, one of my colleagues in the New Mexico delegation, have joined me in introducing this legislation.

This important bill seeks to designate U.S. Highway 54 as a high priority corridor on the National Highway System. The corridor would be known as the Southwest Passage Initiative for Regional and Interstate Transportation Corridor, or the SPIRIT Corridor. U.S. 54 runs from the border with Mexico at El Paso, Texas, through New Mexico, Texas, and Oklahoma, to Wichita, Kansas. I am very hopeful that this legislation will help improve transportation infrastructure and stimulate economic development in the communities and states through which U.S. Highway 54 passes.

Mr. Speaker, those who live in the eastern United States know that communities are more compact and the commutes much shorter. For the intermountain west, on the other hand, it is not unheard of for people to have to commute 80 miles to work and 80 miles back home. That is just one of the reasons designating U.S. 54 as a high priority corridor is so important to improving the transportation infrastructure and promoting economic development. Safe and efficient highways are critical to all types of traffic, whether it be tourists visiting or goods being shipped from point to point. Designating U.S. 54 as a High Priority Corridor will make it eligible for additional federal grants and transportation funds, which will, in turn, help upgrade the highway and improve its safety and efficiency.

As Congress prepares to reauthorize TEA–21, I strongly urge the House and Senate to support this bill and add the SPIRIT Corridor to the list of high priority corridors in our National Highway System.

ROBERT J. DOLE VA MEDICAL & REGIONAL OFFICE CENTER DEDICATION CEREMONY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. MORAN of Kansas. Mr. Speaker, I would like to submit for the RECORD, remarks I gave at a dedication ceremony.

Thank you Senator DOLE, Secretary Principi, and distinguished guests, especially our veterans. I'm delighted to be here today on this very special occasion.

I had intended to be very brief, but I concluded that the sooner we get done, the sooner I will go home. The sooner I go home, the sooner I will see my wife, and if she sees the nightly news with me seated so closely to Cindy Close, our favorite KWCH broadcaster, I'll have some explaining to do. So I'm going to take a few moments.

This is an opportunity to pay a moment of tribute and, hopefully, a lifelong tribute, to a great Kansan. Before I do that, I would like to congratulate Senator-elect DOLE. Russell, Kansas, must be an amazing place because we have three individuals with significant ties to Russell, Kansas, who are past, present and future members of that exclusive club, the United States Senate: Senator Bob Dole, Senator ARLEN SPECTER, and now Senator-elect, ELIZABETH DOLE. We are delighted, as Kansans, to congratulate you on your success.

We're here to pay tribute not only to Senator Dole, but to what Tom Brokaw calls the greatest generation. His words are these: "They came of age during the Great Depression and the Second World War and went on to build modem America, men and women whose everyday lives of duty, honor, achievement, and courage gave us the world we have today."

Bob Dole exemplifies the greatest generation. My purpose in introducing this legislation was not to recognize Bob Dole the Senator, the presidential candidate, or the majority leader. I learned today Bob Dole is the longest-serving majority leader. Senator Dole, I always thought you were the longest-serving Republican candidate for president.

But we recognize him today as that soldier from Russell, Kansas, serving in the mountains of Italy. We recognize him for the consequences of his service and for the course of action he took to rehabilitate his life, and in the process, to change the lives of others. So although we can say many good things about Senator Dole, presidential candidate Dole, and Majority Leader Dole, we are here today to pay tribute to Bob Dole, the soldier.

As you know, Bob Dole seeks no recognition. In 1969, during his first year in the United States Senate, he said, "Most veterans today want no special recognition or attention. We did our duty, take pride in having served, and seek to live our lives as good and constructive citizens." That's Bob Dole. I have no doubt that he's uncomfortable being here today receiving this recognition.

He was also a product of rehabilitation through the VA. We are also here to pay tribute to the men and women who work for the Department of Veterans Affairs. We are here to pay tribute to the volunteers who help those employees take care of the veterans of the United States. What we do in Washington pales in comparison to what individuals do for our veterans who need health care and rehabilitation services. They also are the heroes.

The bill to designate the Wichita VA as the Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center was widely supported. It was introduced in the House of Representatives and supported by our entire congressional delegation. Congressman TIAHRT and I concluded that this was a noble cause to undertake and introduced this bill in April of 2002. Our colleagues in both the House and Senate joined us. My subcommittee and committee passed it unanimously. The bill had 75 cosponsors, republicans and democrats, including the leadership of the House. This legislation was also cosponsored by a fellow Russell native, ARLEN SPECTER, who will be the new Chairman of the Senate Corp Committee on Veterans Affairs. It passed unanimously in both the House and Senate and was signed by President Bush on May 29th, 2002.

In order to get to this point, the legislation had the support of every veterans' service organization in Kansas. Before we started this effort, we made certain that our veterans' organizations were fully supportive of acknowledging Bob Dole in this manner. And, Senator Dole, every one of them said a resounding, yes, this is an appropriate honor for the soldier, Bob Dole. Many of their leaders are here today, and I thank our veterans' service organizations for their support of this legislation and for all that, they do for the veterans of Kansas.

Bob Dole is a role model and hero. He paid tribute, in his first year in the Senate, to one of his idols, his hero, another Kansan—General Dwight David Eisenhower. Bob Dole, talked about General Eisenhower, in 1969, upon General Eisenhower's death, about his dreams as a boy in Abilene, Kansas.

> General Eisenhower could never have envisioned the heights he was to scale in his lifetime. The honesty and sincerity, so characteristic of General Eisenhower throughout his life, can be traced to his heritage of his ancestors and strong guidance of his mother. His broad grin and good humor that reflected these qualities made him a popular idol and were part of his magic. People reacted to the special qualities exuded by this man. The contributions made by General Eisenhower are legend. His success in time of war made him a great leader of men. Thereafter, his unparalleled success in politics underscored the respect and confidence he enjoyed by all Americans.

The words that Bob Dole spoke about his hero, his role model, Dwight David Eisenhower, can today be said about our hero and role model, Bob Dole of Kansas. I grew up within 20 miles of Bob Dole's hometown, and I know the dedication, commitment, love and respect that the people of Russell, Kansas, share for their hometown hero.

Let me conclude by quoting, Bob Dole's own words from Memorial Day 2002.

> On the one hand, war represents the ultimate failure of mankind or at least of the politicians and diplomats entrusted with keeping the peace. Yet it also summons the greatest qualities of which human beings are capable—courage beyond measure, loyalty beyond words, sacrifice, and ingenuity and endurance beyond imagining.

Today, we pay tribute to Bob Dole's courage, his loyalty, his sacrifice, his ingenuity and his endurance. He is one of those veterans he pays tribute to.

God bless America, and God, thank you for our Bob Dole.

CONGRATULATIONS TO THE UNIVERSITY OF CONNECTICUT HUSKIES

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. SIMMONS. I rise today here on the House floor to honor a college basketball team that has not lost a game since March 2001, the pride of eastern Connecticut, a model for our Nation's youth: the University of Connecticut's women's basketball team—the Lady Huskies.

On January 18 of this year, our Huskies won their 55th consecutive game, breaking a record that has held strong since 1982. No other NCAA Division I women's basketball team has won more games in a row. And none has recently shown the ability to put an unbeatable team on the court year after year. It is amazing to think that in two years, the Huskies are 123–4.

There have been bumps along the road. On the 15th of this month, the game against Seton Hall where they tied the streak, they shot under 30 percent and nearly lost in the final moments. But, as great teams do, they found a way to win. They rose to the occasion that day and made the shots that counted.

Coach Geno Auriemma said two days later, "Maybe I should say that I saw it coming. That's how legends are made. Isn't this the place where legends are born?"

It is the dedication of Coach Auriemma and his players—past and present—who make the court of Gampel Pavilion a place where records are set, role models emerge, and legends are indeed born. Thank you for giving us a piece of history.

Here's to 55 more consecutive wins.

U—C—O—N—N, UCONN, UCONN, UCONN.

HONORING MR. FRED HARDY

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize Mr. Fred Hardy, who is being presented with the Lifetime Achievement award, and will be bestowed the title of Labor Leader Emeritus by the Fresno-Madera-Tulare-Kings Central Labor Council and the Building Trades Council. Mr. Hardy has served in a leadership role with the Building Trades Council since 1958 and has set an example through his dedicated commitment to my community.

For more than 56 years Mr. Hardy has been involved with organized labor, both as a member of the International Brotherhood of Electrical Workers (IBEW), and as the Business Manager for the IBEW Local 100. In addition to his work with IBEW, he has served as the Executive Secretary of the Fresno-Madera-Tulare-Kings Building and Construction Trades Council. For all of his leadership efforts with organized labor, Mr. Fred Hardy was recognized by the Central Labor Council as the Labor Leader of the Year in 1981

Mr. Hardy has not only dedicated his time to organized labor efforts, he has also passionately served his community through a number of volunteer organizations. Mr. Hardy is a veteran of the United States Army and has served on numerous boards, including the Fresno City Police and Firemen's Pension Board, the Board of Directors for the Fresno County Chapter of the American Red Cross and the Valley Area Construction Opportunity Program. The people of the Central Valley have been fortunate to have such a passionate and dedicated servant for the community for so many years.

Mr. Hardy has contributed to the improvement of the community through his work in and out of organized labor. Mr. Speaker, I ask my colleagues to join me today in congratulating Fred Hardy on his retirement and on his much-deserved Lifetime Achievement award.

THE 155TH ANNIVERSARY OF THE SIGNING OF THE TREATY OF GUADALUPE HIDALGO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 2003

Mr. UDALL of New Mexico. Mr. Speaker, Sunday February 2nd marked the 155th anniversary of the signing of the Treaty of Guadalupe Hidalgo. This is a treaty between Mexico and the United States guaranteed former Mexican citizens who remained in the United States certain property rights. One essential promise was to secure and protect the property rights of Mexican and Spanish citizens that had been given land grants from the Spanish and Mexican Governments.

In turn, the United States paid Mexico $15,000,000, and among other things, agreed to recognize prior land grants issued by Spain and Mexico to individuals, communities, and indigenous pueblo people. Thus, during the 50 years that followed the signing, numerous procedures were developed to evaluate and validate the land grants. However, the 1848 change in sovereignty brought together two different legal systems—the Spanish/Mexican and the Anglo-American. These competing legal systems resulted in the inability of the United States to properly recognize and honor the important role that custom played in preserving the lands and waters in accordance with Spanish and Mexican law.

My good friend, then-Representative, now New Mexico Governor, Bill Richardson introduced legislation that would create a Presidential Commission to study the claims of the land grant heirs. In the 107th Congress, my predecessor, Mr. Redmond, introduced similar legislation in this body. With tremendous bipartisan support, the Guadalupe Hidalgo Treaty Land Claims Act of 1998 passed overwhelmingly. Its supporters and co-sponsors included not only the current Speaker of the House, but former Speaker Gingrich and members of the leadership of both parties.

With the passage of this bill, the House of Representatives sent a clear message that it was time to undo 150 years of injustice. Unfortunately, Mr. Speaker, the legislation never made it through the Senate.

During the 106th and 107th Congress I picked up the mantle that my predecessors carried in the House of Representatives to remedy the situation and to correct these injustices. I was pleased that I had the full support of the Congressional Hispanic Caucus in this regard.

Senators PETE DOMENICI and JEFF BINGAMAN, along with myself, asked the GAO in 2001 to undertake a study of whether the United States fulfilled its obligations under the Treaty of Guadalupe Hidalgo with regard to land grants made by Spain and Mexico. Although I had intended to introduce this legislation again today to coincide with the 155th Anniversary, I am withholding this important legislation until the GAO study regarding the treaty is released.

Mr. Speaker, the issues that have evolved from the signing of the Treaty of Guadalupe Hidalgo center on the concept of fairness and justice. Thus, I ask that all Americans acknowledge the 155th anniversary of the Treaty of Guadalupe Hidalgo, by recognizing the many issues that remain to be properly addressed in order to assure a fair evaluation of the land grant claims.

Once the final GAO report is released and all stakeholders have had the opportunity to review and comment on the findings I look forward to working with the entire New Mexico Congressional Delegation and stakeholders in starting the long process to resolve these disputes and to bring our government in line with its treaty obligations.

SUPPORTING EFFORTS TO PROMOTE GREATER AWARENESS OF NEED FOR YOUTH MENTORS AND INCREASED INVOLVEMENT WITH YOUTH THROUGH MENTORING

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2003

Ms. McCOLLUM. Mr. Speaker, as a co-chair of the Congressional Mentoring Caucus, I am pleased to join my colleagues today in supporting House Resolution 25. This important resolution commends those who contribute their time and talents to mentoring programs and supports efforts to promote greater awareness of the need for mentors. As we recognize National Mentoring Month, we should all celebrate the positive effects that mentors make in assuring brighter futures for young people.

Children who have mentors have a better chance of succeeding and are more likely to make positive choices. Young girls who have supportive mentors can grow up to be confident and powerful women by learning to make healthy decisions at an early age. The GirlVenture program in my home state of Minnesota has successfully connected more than 500 youth and 100 girls and their mothers with mentors who help them prepare for the workforce, become financially competent and make healthy life choices. GirlVenture also offers classes to help parents, educators and youth workers instill future-focused values in finances, relationships and leadership.

GirlVenture is just one example of the countless mentoring programs that are making a difference in the lives of young people. Unfortunately, there are far too many at-risk children who are on waiting lists, hoping to soon be matched with a caring mentor. According to the Mentoring Partnership of Minnesota, there are an estimated 75,000 young people who want and need an adult mentor in Minneapolis and St. Paul alone.

I urge my colleagues to join me in supporting this resolution to honor mentors and encourage others to give their time and guidance to a child. And I wish to commend those mentors who are currently helping to shape the lives of young people through mentoring.

HOUSE OF REPRESENTATIVES—*Wednesday, February 5, 2003*

The House met at 3 p.m.

The Reverend Sara A. Gausmann, St. Paul Lutheran Church, York, Pennsylvania, offered the following prayer:

Gracious God of light and peace, we praise You for the way You have blessed our Nation with a bounty of resources and talents. Enlighten us this day with a measure of Your wisdom, that we would use the gifts You have given us for the good of all. Where there is confusion, give us clarity of thought; where there is danger, cause us to walk carefully; and where there is injustice, help us to work diligently to eliminate it.

Empower our Nation to continue to be a beacon of hope for the cause of freedom. Bless our President and Congress and all our leaders, that we might be guided by Your precepts and comforted by Your grace. May the work undertaken in this place today be pleasing in Your sight and directed by Your will, for You live and reign as God forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Colorado?

There was no objection.

URGING COLLEAGUES TO SUPPORT NATIONAL AMBER ALERT NETWORK ACT

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to urge my colleagues to support the National Amber Alert Network Act. As founder and chairman of the Congressional Missing and Exploited Children's Caucus I am an original cosponsor, along with the gentlewoman from Washington (Ms. DUNN) and the gentleman from Texas (Mr. FROST), in this commonsense, bipartisan legislation.

Similar legislation passed last year in the House and in the Senate in separate bills, but the 107th Congress ended before the final decisions were made. However, in October of 2002, President Bush endorsed the program and signed an executive order that set in place many of the provisions of the legislation. He also pledged $10 million for Amber Plan training and equipment upgrades, but still urges Congress to pass the bill.

Mr. Speaker, I urge Members to please bring this bill to the floor quickly and pass it. It is crucial to providing every community with the resources needed to set up the Amber Alert and to improving the effectiveness of existing Amber Plans. The Senate passed it last month. It is our duty to do so as quickly as possible.

HONORING PRESIDENT RONALD REAGAN ON HIS 92ND BIRTHDAY

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, tomorrow is the 92nd birthday of the 40th President of the United States, President Ronald Reagan. He is the only political idol I have ever had. He came to the presidency knowing who he was, what he wanted to do, and he did it.

There is a wonderful story that then Governor Reagan told by his aide, Michael Deaver, who was walking in 1978 down the street in Manhattan.

A fellow inched up to him and wanted to say hello, and Governor Reagan said hello. The gentleman said, may I have your autograph, Mr. Milland? And Reagan kindly wrote "Ray Milland," and walked on. And Deaver said, why didn't you tell him who you were? He said, I know who I am. He wanted to meet Ray Milland.

I am always heartened knowing somebody has come into office knowing who they are. I am as comfortable with President Bush, who knows who he is and what he wants. That is good for our Nation and good for the soul.

AMERICA SHOULD GAIN SUPPORT OF UNITED NATIONS SECURITY COUNSEL BEFORE ATTACK ON IRAQ

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Secretary Powell's address today reiterated that Saddam Hussein is an evil dictator, but he did not explain how a preemptive war is in the best interests of the American people. Will a preemptive attack on Iraq without United Nations support make America safer? How will attacking Iraq prevent the proliferation of weapons of mass destruction? What will preemptive war do to stability in the Middle East? Are we ready to commit to a decade of American troops policing Iraq and the billions of dollars needed to rebuild and stabilize that country?

Before we start a war that could kill thousands of civilians, could create hundreds of new al Qaeda recruits, could increase the potential of blowback aimed at innocent American citizens, we must think through the consequences of our actions and be prepared for a long, difficult road in Iraq.

One thing is certain: Any action against Iraq will be much more difficult, much more costly, much more dangerous if we take preemptive action against Iraq without the support of the United Nations Security Council.

INTRODUCTION OF THE POVERTY TRAP STUDY ACT OF 2003

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, it is a shame and a scandal that many anti-poverty programs actually keep people poor by making it too expensive for them to work their way out of poverty. Our many anti-poverty programs were individually designed without regard for each other and without regard for the fact that if several benefits phase out simultaneously a poor person who works hard may find himself or herself worse off than if he or she stayed home or had done the minimum necessary to maintain the maximum level of benefits. I call this the poverty trap.

Able-bodied people will work their way out of poverty if they can clearly

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

see the benefit. Accordingly, today I am introducing the Poverty Trap Study Act, to create a commission to examine the way benefit phase-outs and tax increases can sap the incentive of poor beneficiaries. It is a hard problem to tackle, but we must get started. This is an issue that liberals, conservatives, and moderates should all find of compelling importance, and I solicit my colleagues' support.

SECRETARY POWELL'S REMARKS FAIL TO JUSTIFY PREEMPTIVE STRIKE ON IRAQ

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, like many others, I waited to hear Secretary of State Colin Powell. I must confess that it was interesting to hear, watch, and to see; but I did not see anything that is going to cause me to change my position that there is no need to go into a preemptive strike and engage war with Iraq at this moment.

Like many, others I am hoping and waiting, hoping that we can work out peacefully what some think is inevitable: war. War, as General Sherman said, is absolute hell; and I think if we can avoid it, we need to do everything in our power.

RECOGNIZING SACRIFICE OF CREW OF SPACE SHUTTLE "COLUMBIA" IN QUEST TO EXPAND HUMAN KNOWLEDGE

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, last Saturday we lost seven of mankind's finest. The crew of the space shuttle *Columbia* made the ultimate sacrifice, not in a feat of arms, but in the noble quest to expand human knowledge. My deepest thoughts and prayers go to the families of those brave men and women lost in this accident. Their loved ones will be remembered with deep gratitude and admiration for their dedication towards advancing our understanding of new frontiers and discovering ways science can improve our lives.

While space shuttles fly regularly, space travel itself is anything but routine. Its dangers are many, but the *Columbia*'s crew was willing to brave them. We in Congress have a duty to them and our astronauts to find the cause of this horrific accident. We can never fully eliminate the danger, but we can manage the risk.

When asked by his brother about what would happen if something went wrong, Captain David Brown, a member of *Columbia*'s final crew, replied "This program will go on." He was right, but it will not just be this one program that goes on. No matter what setbacks confront us, humanity will explore the unknown, brave its dangers, and continue our drive to create a better world.

RECOGNIZING 17TH ANNUAL NATIONAL GIRLS AND WOMEN IN SPORTS DAY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize the 17th Annual National Girls and Women in Sports Day.

The first Women in Sports Day was organized in 1986. It was to honor Flo Hyman, an extraordinary lady who won a silver medal in volleyball in the Olympics, bringing that sport out of obscurity.

Today, the National Girls and Women in Sports Day honors all women athletes and is celebrated in all 50 States. Community-based activities, award ceremonies, and dinners honoring women and coaches all occur today.

This year's national celebration is titled "Celebration: 30 years of Title IX," in honor of Title IX's impact on the sports community. Today, 30 years later, one in three girls participate in high school athletics, as compared to 1 in 21 thirty years ago.

I hope we all take the time to celebrate this very special day and to honor the triumphs, the dedication, and the spirit of our great female athletes.

URGING AMERICANS TO REVIEW SECRETARY OF STATE COLIN POWELL'S PRESENTATION ON IRAQ TO UNITED NATIONS SECURITY COUNSEL

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, Secretary of State Colin Powell today made a presentation to the United Nations Security Council. Mr. Speaker, I would just urge all Americans that are interested and concerned about this particular issue of Iraq to review that presentation.

One item after another to me presented a compelling argument that there is no question that Saddam Hussein, number one, is a bad guy; number two, has been developing these weapons of mass destruction.

For two reasons, I think it is important that we just not let this slide. One, if Saddam Hussein starts thinking that we are not going to have military force to insist on his compliance with the United Nations' Resolution 1441, there is a greater likelihood that he is not going to destroy those weapons. If he thinks it is going to happen, that war is inevitable if he does not do something, if he does not start showing and destroying these weapons, then I think there is a good chance that he is either going to vacate and take his roughly $1.5 billion with him to another country, or he is going to give up those weapons in order to continue as the leader of that country that has great economic potential.

Nobody should doubt, Mr. Speaker, that if there was not, in effect, a gun to Saddam Hussein's head, and the President being tough on this issue, there would not be inspectors in there and there would not be a United Nations Security Council debating where we go to insist that Iraq give up those weapons.

☐ 1515

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 497

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 497.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Michigan?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 51) expressing the condolences of the House of Representatives to the families of the crew of the Space Shuttle *Columbia*, and for other purposes, and ask unanimous consent for its immediate consideration pursuant to the following order:

Debate on the resolution shall be limited to 2 hours equally divided and controlled by the majority leader and the minority leader or their designees; and the previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 51.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI) each will control 1 hour.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I begin by observing that Members of this House share a special reverence and appreciation for Americans who risk their lives in the service of freedom. So on their behalf, let me extend our deepest gratitude and condolences to all the people who have entrusted the United States with their loved ones aboard *Columbia*.

Let us also offer the same spirit of solace to the men and women of Israel.

We hope that, through faith, God's healing comfort will lift our friends with heavy hearts to the "place of broad rivers and streams" with their grief receding upon the far shores.

Space is an American mission. And our accomplishments in space have led to some of our proudest hours as a country. During wartime, it is even more important to pursue goals that are more capable of rallying all of us.

Americans will not be motivated by petty goals or timid objectives. Appeals of this sort fall on deaf ears. Only bold ideas and audacious goals seize our attention in this country. So what will it take?

We need daring dreams that strain the bonds of conventional wisdom. We need to begin journeys that are capable of challenging innately American qualities of ingenuity and determination, curiosity and courage.

An American always seeks to climb the next hill, to cross the next river, and to reach the next valley. We are born with an insatiable hunger to look over the horizon. It is a quality that runs through the special clay from which our maker formed us, and it holds true for Americans wherever they are born, because the magic of our principles exerts a magnetic pull upon people who are destined to be Americans. They are drawn home to us, just as Colonel Ramon, a man of determined actions and courageous curiosity, was drawn to Texas to share life's dream with our six intrepid Americans.

We are special. The people of this country will reject shallow goals. We need a space program that aspires to meet our lofty expectation. Ronald Reagan liked to quote the poet Carl Sandburg who wrote, "The Republic is a dream. Nothing happens unless first a dream."

We know what we have done, but only in our dreams do we learn what we can do. Space exploration is destined to remain the highest expression of our national dreams.

President Theodore Roosevelt properly summed up the spirits that have driven so many of our fellow citizens to cross countless boundaries.

"Far better it is," said Roosevelt, "to dare mighty things, to win glorious triumphs, even though checkered by failure than to take rank with those poor spirits who neither enjoy much nor suffer much because they live in a gray twilight that knows not victory nor defeat."

For 4 decades, Americans have known that human space flight is the most dangerous and daring endeavor human beings have ever attempted. The seven men and women of *Columbia* risked their lives to dare bold dreams and advance the boundaries of human knowledge. This courage is the work of our creator.

As we lost sight of our heroes through flames in the forehead of the morning sky, we can take great solace in knowing that they are now beyond pain. All of them have now been safely returned to the folds of our master's cloak.

For comfort and for consolation, let us turn to the Psalmist: "The highest heavens belong to the Lord, but the Earth he has given to man. It is not the dead who praise the Lord, those who go down to silence; it is we who extol the Lord, both now and for evermore. Praise the Lord."

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) is recognized for 1 hour.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join the distinguished majority leader in introducing the House Resolution honoring the crew of Space Shuttle *Columbia*. I wish to express my condolences to the distinguished majority leader and our colleague, the gentleman from Texas (Mr. LAMPSON), in whose district the Johnson Space Center is domiciled; and to all of our colleagues from Texas, to them and to their constituents we offer our deepest, deepest sympathy.

The astronauts trained and lived in Houston, traveled 6 million miles away; and as President Bush said so eloquently yesterday, "We lost them so close to home."

Yesterday I had the privilege of joining many of my colleagues in traveling to Houston for a memorial service honoring the seven heroic astronauts who were lost on Saturday morning when the Space Shuttle *Columbia* exploded just minutes before its scheduled landing.

These brave men and women made the ultimate sacrifice so that we might enhance our understanding of the universe. They have the eternal gratitude of an entire Nation and, indeed, the entire world.

Mr. Speaker, I would also like to acknowledge and pay my respects to Sean O'Keefe, the administrator of NASA, and the people who work at NASA, for their dedication, for their courage and to acknowledge the suffering they are going through having lost their friends.

The world mourns the deaths of Air Force Colonel Rick Husband, the shuttle's commander; Navy Commander Willie McCool, the mission's pilot; Air Force Lieutenant Colonel Michael Anderson, the payload commander in charge of the science equipment; Dr. Kalpana Chawla, an aerospace engineer, an exceptional young woman; Navy doctors Captain David Brown and Commander Laurel Salton Clark; and Colonel Ilan Ramon, the first Israeli in space.

I want to extend my condolences to Prime Minister Sharon and the people of Israel on the loss that they and we have suffered in losing Colonel Ilan Ramon. We are all blessed to have had such outstanding men and women serving in our space program.

For more than 4 decades, the space program has been a bold expression of American optimism. Who can forget the burst of national pride when our former congressional colleague John Glenn first orbited the Earth in 1962, and again 7 years later when Neil Armstrong took that one small step for man, that one giant leap for mankind?

Perhaps that spirit was best expressed by the philosopher Socrates, who lived thousands of years before space travel began. He said, "Humanity must rise above the Earth, to the top of the atmosphere and beyond, for only then will we fully understand the world in which we live."

Space travel has been driven by more than a sense of adventure and curiosity. Our forays into space have been about advancing the human conditions in science and discovery. NASA and the space program have helped put the United States on the technological cutting edge, strengthening our economy and fortifying our national defense.

Space exploration has led to life-saving medical research, high-performance computers, and ground-breaking satellite technologies. Driven by the need to provide energy to satellites and spacecraft, NASA spurred the development of solar photovoltaic cells and fuel cells. By collecting data about Earth's geology, atmosphere and water, the space program helps us protect the environment and use our natural resources wisely.

The space program alone has contributed to the development of everything from life-saving heart pumps to ultraviolet-protection suits, to increasing our knowledge of global warming and the aging process.

The exploration of other worlds has allowed us to enhance our understanding of our own world. The search for life elsewhere in the universe has enriched our lives here on Earth. But like any ambitious mission worth undertaking, space travel is not without risk; and in this case, tragically, the risk is measured in human lives.

During these days of mourning, our thoughts and prayers are with the families of the astronauts. I hope that it is a comfort to them that the whole world mourns their loss and is praying for them at this sad time. And so it is with great sadness that I join my distinguished colleague, the majority leader, in introducing this resolution honoring the crew of the Space Shuttle *Columbia*.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for recognizing me and him and the gentlewoman for introducing this resolution.

Just a week ago, America remembered the anniversary of the loss of the Space Shuttle *Challenger* and its crew as it headed toward orbit. This week America is grieving the loss and praying for the families of the seven-person crew of the Space Shuttle *Columbia* which was destroyed suddenly and unexpectedly as it headed back to Earth.

America's manned space program has used science, technology and experience to reduce the risk of space travel. Exploring space and space travel have never been risk free, but they have given us the ability to keep improving things on Earth, as well as to keep improving the program itself.

We learned when three *Apollo* I crew members perished in January of 1967 in a fire during a test that the use of purified oxygen in a space craft's cabin was hazardous. We made improvements. We learned when seven astronauts were killed in January of 1986 when the *Challenger* broke apart during launch that there were design flaws with the O-ring system in the booster rockets. We made improvements.

Whatever we learn from last Saturday's tragedy will push our space program further than it has been before and make it safer than it has been before.

We will soon see an international space station built and completed. America has led the way, pushing the limits of space and for people that were Earthbound a little more than a century ago.

The pursuit of space with an international coalition was reflected in the brave crew that perished on Saturday.

Kalpana Chawla told Mission Control how beautiful the Earth looked from miles above as she summoned the crew to the shuttle window. Chawla logged more than 376 hours in space.

Colonel Ilan Ramon, as the gentlewoman from California (Ms. PELOSI) just mentioned, was the son of a Holocaust survivor, Israel's first space traveler. He spoke about the quiet of space and was quoted saying, "I only hope that the quiet can one day spread to my country."

□ 1530

Ramon was selected as a payload specialist by the Israeli Air Force and approved by NASA in 1998. He reported for training at NASA's Johnson Space Center in Houston in July 1998 and was making his first space flight.

Navy flight surgeon Laurel Clark liked to say, "Life continues in a lot of places." She was selected by NASA in 1996. It was her first space flight.

Air Force colonel Rick Husband, the shuttle commander, loved the hymn "How Great Thou Art," which includes the phrase, "I see the stars. I hear the mighty thunder. Thy power throughout the universe displayed." Selected in 1994, Husband logged more than 235 hours in space.

As a boy, Navy flight surgeon David Brown thought of astronauts as movie stars and grew up to be a physician, an aviator who could land on the deck of a carrier in the middle of the night. Later, he became a shuttle astronaut.

Columbia pilot William McCool was a former Eagle Scout and test pilot. He was in space his first time.

Payload commander Michael Anderson said recently to his pastor, If this thing does not come out right, do not worry about me; I am going on to a higher place. Commander Anderson has told people he could not recall a time when he did not want to be an astronaut.

Congress will be asking questions and will provide oversight in an attempt to understand the loss of *Columbia* and its crew. The goal is to further reduce the risk for future shuttle flights.

May the crew of the Space Shuttle *Columbia* be with God and may God be with those they have left behind.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. LAMPSON). The Johnson Space Center is domiciled in his district. He probably had more constituents affected by this tragedy than any other Member, and in yielding him the 3 minutes I also yield him the privilege of managing the rest of the time on this important resolution.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I thank the gentlewoman, the minority leader, for yielding me the time, and also it is a pleasure to have joined her and our majority leader yesterday and all of our colleagues who came to Houston to express their condolences at the wonderful memorial service there.

Mr. Speaker, I rise today in support of this resolution honoring the *Columbia* shuttle and her crew. Many of my colleagues have and will express the impact that this tragedy has had on our Nation far more eloquently than what I can.

I share their feelings, but I would also like to talk about what the loss of the Space Shuttle *Columbia* means to the 9th Congressional District of Texas, the home of the Johnson Space Center.

While the Clear Lake area shares the national vision for an aggressive and exciting manned space program, back home the space shuttle and the international space station take on even more personal dimension. All of the astronauts in the NASA program, including the seven aboard the *Columbia*, are part of our community. They are our friends and our neighbors. Their kids go to school with our kids. They shop at the same grocery stores and pray at the same churches and synagogues.

The employees and contractors at the Johnson Space Center are connected to the astronauts not just at work but in their everyday life. The community at JSC is an extended family. Amidst all the lofty talk, ceremonies and resolutions, let us not forget that a community and seven families lost friends, brothers, fathers, sons, wives, sisters, mothers, and daughters.

Back in Clear Lake, right off the Johnson Space Center campus, there is a place called Frenchy's. It is a place where the astronauts and employees often go for dinner, gather after work, share their experiences and bond in a very special way. I stopped by there Saturday evening and wanted to report back to my colleagues what I saw and heard.

Ironically, the traditional after-mission autographed crew mission picture hung on the wall where it belonged. For some reason, they went by before their mission instead of after.

There was a feeling of crushing sadness and loss but also a hope that the vision and dream that those seven heroes died for will not be lost but, instead, will be reborn; that their loss will remind the American people of the great challenge we face and the prospect of a better world that the space program gives us.

I speak today not just as a Member of Congress but as part of a community that firmly believes in what Rick Husband, William McCool, Michael Anderson, David Brown, Kalpana Chawla, Laurel Blair and Ilan Ramon gave their lives for. On behalf of the 9th District of Texas and the people of the Johnson Space Center, I urge this country and this body to go forward, support this resolution and support the continued presence of America in space.

Mr. Speaker, I reserve my time.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the majority leader for yielding me the time.

Mr. Speaker, our thoughts and prayers today here in the Congress of the United States are with the seven heroes of the *Columbia* and with their families.

The space program is emblematic of the American people: daring, self-confident, brave and determined to do great things.

I think the seven heroes of the *Columbia* would be pleased if we here and now determine and resolve to support the space program with renewed and increased vigor and seriousness. Commander Rick Husband; pilot William McCool; payload commander Michael Anderson; mission specialists David Brown, Laurel Clark and Kalpana Chawla; and the Israeli astronaut Ilan Ramon, they gave their lives to improve all of our lives; and we, Mr. Speaker, owe them our full support for the continuation of space exploration.

Mr. DELAY. Mr. Speaker, if I could, in order to even out the time, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I rise in strong support of this resolution; and, oh, how I wish we were not in this well at this time to express such sentiments.

Mr. Speaker, we differ on issues. That is the hallmark of a free people, and yet this afternoon we rise as one to remember and memorialize the contribution and the sacrifice of the *Columbia* Seven.

Of the seven aboard, Mr. Speaker, several had connections to Arizona, perhaps the most pointed and poignant that of payload specialist Michael Anderson. Though Michael called Spokane, Washington, home, he spent some of his younger years in the State of Arizona, attended Avondale Elementary School and carried with him on this flight a T-shirt from that school and that student body. The principal at Avondale Elementary now says another type of special memorial will be there in the school to remember that special student.

Indeed, also in our West Valley, Mr. Speaker, there is the *Challenger* Learning Center, so named for another group of seven who paid the ultimate price; and at Central Arizona College there is a NASA Aerospace Education Center.

Mr. Speaker, we are reaffirming some difficult lessons today, even as we memorialize and celebrate America's mission and indeed mankind's mission to the stars, as we think that over four decades ago President Kennedy stood at the podium behind us, challenging this Nation to land a man on the moon and bring him safely back home to earth before the decade of the 1960s is out.

Mr. Speaker, we remember the message of the Australian Prime Minister upon the landing on the moon when he said, We salute the spirit of dangerous adventure that has brought mankind to this accomplishment.

The danger remains apparent. The spirit of adventure remains, Mr. Speaker. We remember and memorialize the *Columbia* Seven; and as we remember, as we rededicate, as we conduct the inevitable oversight that our Constitution mandates, let us make the vow not to retreat but to advance, to think beyond what has gone before, to revisit the moon, to one day be involved in manned exploration of Mars, to continue the advancement of human knowledge for which the *Columbia* Seven gave their all. That is the true memorial to these heroes who soared in the heavens and embraced the spirit of dangerous adventure.

God bless them and their families and all affiliated with them and our great country.

Mr. LAMPSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), my colleague from the Committee on Science.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation to the leadership for bringing this forth and to say how important it is that we take the time to give recognition to those heroic persons who did lose their lives. I am very certain, however, that they did not lose their lives in vain.

This space exploration research program has been one of the most successful research programs in the history of this country, and I know that we will investigate well to see what happened and improve upon it.

I also know that, over 40 years ago, the foresight of persons that came along before us caused us to get into this type of research. We also owe those leaders some homage for their foresight, and I am hoping that we will then have the foresight to continue this type of research.

The scientific technological advances made possible by space research include much: arteriosclerosis detection, ultrasound scanners, the automatic insulin pump, portable X-ray devices, invisible braces, dental arch wire, palate surgery technology, clean room apparel, implantable heart aid, the MRI, the bone analyzer and the cataract surgery tools and on and on, the digital imaging breast biopsy system.

So many, many lives have been saved because we have lost a few in trying.

The life-saving light that saves lives through the application of lighting technology initially developed for plant growth experiments on space shuttle missions. The doctors at the University of Wisconsin in Milwaukee use light-emitting diodes in a treatment called photodynamic therapy, a form of chemotherapy to treat brain tumors in children and aid significantly in wound-healing treatment.

A consumer product, the toy for tots, many, many toys have been made because of that, that has increased the economy, and I could go on, with the artificial heart device known as the miniaturized ventricular assist pump. The vehicle tracking system, and many of us drive cars that have the night-extended sight vision, came from space exploration.

Mr. Speaker, I will end by simply saying the best way to show our appreciation for these heroes is to continue this research and be a visionary for the future. Without vision, we perish.

Human space exploration is inherently risky. Distance, speed and an environment that can not support human life combine to make human space flights particularly precarious.

Unfortunately the world has new evidence of the dangers associated with space exploration. Millions watched as images of a singular, brilliant point of light in the sky became two, three, and four points of light as Space Shuttle *Columbia* broke apart over my home State of Texas.

I join the rest of the country and the world in mourning the seven brave astronauts whom we lost in this national tragedy. The outpouring of sympathy from the citizens of the world is recognition that the crew heroically put their lives on the line in the name of science and research.

More than a decade ago, January 28th, 1986, our country's space program was dealt another tragedy as we lost the crew of the Space Shuttle *Challenger*. The findings of the "Report of the Presidential Commission on the Space Shuttle *Challenger* Accident" (referred to as the Rogers' Commission Report) have changed NASA procedures to make human space flight safer. It is incumbent upon the federal government to conduct a vigorous and comprehensive investigation to uncover and alleviate the events that led to *Columbia* accident.

I pledge to do what I can to help our space program recover from this terrible setback so these important endeavors can flourish in the future. As a Senior member of the Science Committee, I will work closely with my House colleagues to assist NASA and Harold Gehman Jr. who will lead the special investigative commission.

I am the ranking member of the Science Subcommittee on Basic Research. In this important capacity, I have taken a major leadership role regarding America's commitment to technological development and scientific research and application. As such, I am a firm believer that the United States will continue our space program that has accomplished so much in the areas of research and science.

This important and beneficial program is essential to advancing technology.

Specific technological advances made possible by space research include the arteriosclerosis detection, ultrasound scanners, automatic insulin pump, portable x-ray device, invisible braces, dental arch wire, palate surgery technology, clean room apparel, implantable heart aid, MRI, bone analyzer, and cataract surgery tools.

The Space Shuttle Program has yielded many lifesaving medical tests, accessibility advances for the physically challenged, and products that make our lives more safe and enjoyable. Such as:

The Digital Imaging Breast Biopsy System developed from Space Telescope technology incorporates the advanced Charged Coupled Devise, a high tech silicon chip, used as part of a digital camera system that sees the breast structure with x-ray vision. The CCD images breast tissue more clearly and efficiently through a procedure known as stereotactic core then-needle biopsy.

With the help of companies like FIDE and LORAD, this procedure provides patient with non-invasive procedure which reduces pain, scarring, radiation exposure, time and cost. The Space Shuttle was the vehicle used to assist in the space telescope repair mission and development of the technology.

Lifesaving Light Saves Lives through application of a special lighting technology initially developed for plant growth experiments on Space Shuttle missions. Doctors at University of Wisconsin in Milwaukee use light emitting diodes in a treatment called photodynamic therapy, a form of chemotherapy, to treat brain tumors in children and aid significantly in would healing treatment.

A Consumer Product Toy for Tots was developed using NASA wind-tunnel and aerodynamic expertise from the Space Shuttle program. Hasbro, Inc. improved the flying distances and loop-to-loop stunts for its toy gliders designed for a child to fly.

Public Safety takes a Byte out of Crime using image processing technology initially used to analyze Space Shuttle launch video and study meteorological images. This Space Shuttle mission technology helps law enforcement agencies improve crime solving videos.

An Artificial Heart device known as the miniaturized ventricular assist pump, developed by NASA and renowned heart surgeon Dr. Michael DeBakey, was derived from technology used in Space Shuttle fuel pumps. The tiny pump—2 inches long, 1 inch in diameter and weighing less than four ounces has been successfully implanted into more than 20 patients.

A Vehicle Tracking System tracks information originally used onboard Space Shuttle missions now helps track vehicles on Earth. This commercial spinoff allows vehicles to transmit a signal back to a home base. Municipalities today use the software to track and reassign emergency and public works vehicles. It also is used by vehicle fleet operations, such as taxis, armored cars and vehicles carrying hazardous cargo.

As witnessed, the Space Shuttle can be configured to carry many different types of equipment and scientific experiments. The Space Shuttle is essential in the assembly of the International Space Station (advancing life sciences & technology through long-duration missions) and repairing and servicing the Hubble Space Telescope (enabling many new discoveries in Space Science).

As an enabling function, the Space Shuttle is fully engaged in providing services for earth and physical science research. The Space Shuttle also engages the private sector in the development of space by providing flight opportunities for industry, academia and government to conduct applied research relevant to NASA's mission through access to the space environment. I will foresee that cooperative activities with the National Institutes of Health (NIH), the National Science Foundation (NSF), the Department of Defense (DoD) and other U.S. agencies will continue to advance knowledge of health, medicine, science and technology.

STS–107, which was lost on February 1, 2003, was a 16-day mission dedicated to research in physical, life, and space sciences, conducted in approximately 80 separate experiments, comprised of hundreds of samples and test points. With two Americans and a Russian still stationed at the International Space Station, it is imperative that this program not come to a halt. This most unfortunate and tragic loss of five men and two women, representing a mosaic of races and nationalities, will be mourned and these great American heroes will not be forgotten.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. BOEHLERT), the Chairman of the Committee on Science, manage the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY) and send condolences because the gentleman's wife is part of the NASA family and has also suffered this loss.

□ 1545

Mr. FEENEY of Florida. Mr. Speaker, I thank the gracious majority leader and minority leader also for their resolution today.

Mr. Speaker, the *Columbia*'s crew made remarkable use of their gift of life. To borrow thoughts from the late Christopher Lasch, these astronauts belonged to a band of people who achieve selflessness by dedicating themselves to a tremendous challenge, mastering arduous, risky pursuits, meeting impersonal standards, and struggling towards an ideal of perfection.

As you listen to the crew's family members and loved ones, you grasp that their strivings were not solitary. Each astronaut was surrounded by those who supported his or her calling. Many people have calls, but few are blessed to be so unconditionally loved and supported, especially when their pursuit involves danger, risk, and the unknown. During their all-too-brief lives, each member of *Columbia*'s crew achieved greatness because somebody told them they should follow their hearts.

Columbia's crew pursued life with passion. But Saturday reminded us of that word's Greek roots. Passion means "to suffer." And to follow one's passion requires the acceptance of suffering as well as the joy of living life with fullness and with purpose.

The space family is large and extended. Although Kennedy Space Center employees, many of my constituents, remain here on Earth, each mission carries their hopes and dreams into space. They are bonded to the astronauts as comrades. My family belongs to that space family. My wife, Ellen, has been an engineer at Kennedy Space Center for 18 years. Tommy, my 10-year-old, who is in fifth grade, attended space camp this summer. Hanging on Tommy's wall at home, next to a poster of Michael Jordan, is another Michael, Michael Anderson, the payload commander on *Columbia*, who autographed a picture for Tommy, which is inscribed, "Tommy, always do your best."

Michael Anderson and the other courageous astronauts and the entire NASA team always do their best. At an all-hands meeting of the KSC team last Saturday, actually this Monday, KSC Director Roy Bridges affirmed: "You are the best team on the planet." So this large and talented team shares many triumphs.

Still, every generation of this Cape Canaveral family unexpectedly bears witness to manned space flight's inherit dangers. In 1967, the *Apollo 1* crew was lost on Pad 34 in an accident known simply as "The Fire." In 1986, the *Challenger* rose majestically from Pad 39B only to break up over the Atlantic on a beautiful winter day. On February 1, 2003, the landing crew waited at the Shuttle Landing Strip for voyagers who never returned home.

On each occasion, the people of NASA grieved terribly. They asked tough questions, and they learned from adversity. But then they rededicate themselves to their mission and ultimately achieve their striving. America landed on the Moon after "The Fire." The shuttle returned to pursue scientific discovery and construct the International Space Station. And we will continue that legacy by returning men and women to space, completing the International Space Station and turning our dreams of new exploration towards the planet Mars and others.

Exploration, journey, and bravery define the American people and their history. Each of us comes from a heritage where someone with great courage took a passage to new beginnings, many times with difficult endings. But the living stubbornly persevered, pushed back vast frontiers, and built a great and glorious Nation. Adversity, including Saturday's loss, can never extinguish America's spirit.

Finally, Mr. Speaker, as Ronald Reagan said in the aftermath of the *Challenger* disaster, "The future belongs not the to fainthearted but to the brave. That defines us as a Nation."

Mr. LAMPSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA), who is now the ranking member of the select Committee on Education and the Workforce.

Mr. HINOJOSA. Mr. Speaker, I rise today to join my colleagues in expressing my deepest condolences to the family and friends of the seven *Columbia* astronauts who tragically lost their lives Saturday over the skies of Texas. This tragedy is a reminder of the risk involved in exploring the frontiers of space and furthering human knowledge.

Every child, at one time or another, has dreamed of becoming an astronaut to explore distant planets and stars. Unfortunately, many children lose their dream as they grow up. These seven extraordinary people never lost that dream. They dedicated their lives to studies and training to develop the technical skills they needed to become an astronaut.

I attended the memorial service yesterday in Houston, wanting to provide the astronauts' family members some comfort. They are all at different levels of grieving. Everyone spoke of the joy and pride the *Columbia* crew felt in being astronauts and their commitment to sharing their love of space exploration with the next generations. I admire them tremendously.

I know firsthand how inspiring astronauts can be to children. This past fall I hosted the Hispanic Engineering and Science Technology Week in my congressional district. Over 17,000 students and teachers filled the baseball stadium of the University of Texas Pan-American. They listened to speeches about the importance of becoming proficient in science, math and technology in order to expand their career opportunities. But the highlight of the day was when former astronaut Alan Bean rose to speak. The students were transfixed as they listened to him talk about the wonders of space and its potential for mankind's future. The awed and excited expression on those faces as he fired their imaginations is something I will never forget. This is a legacy we must preserve.

I urge my colleagues to continue their support for NASA and the dream for which these seven heroes gave their lives.

Mr. LAMPSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BELL), who represents a great many employees of the Johnson Space Center.

Mr. BELL. Mr. Speaker, when President Kennedy challenged America to dream space travel was possible, he came to Houston, Texas, where I live. On an autumn day in 1962, he laid out the following challenge: "We choose to go to the Moon. Not because it is easy, but because it is hard; because that goal will serve to organize and measure the best of our energies and skills; because that challenge is one that we are willing to accept; one we are unwilling to postpone."

That challenge, delivered to America 40 years ago, has come to define the mission for the brave men and women of NASA, and it has also come to define the spirit of Houston. The seven astronauts of Shuttle *Columbia* STS–107 embodied that spirit. And in losing them, we have lost part of ourselves.

The final crew of the Shuttle *Columbia* were all men and women of courage. They lived and died as heroes. But for many in the Houston area, the seven members of the *Columbia* crew were more than fallen heroes. They were our neighbors; and they were our friends, friends that you might see at the grocery store or church or at a parent-teacher conference.

Monday night I had the opportunity to visit with Ilan Ramon's grieving father at Beth Yeshuron Synagogue. Ilan had made his home in Houston for the past 4 years. People knew him to be kind and extraordinarily down to Earth. I told Ilan's father what he already knew, that his son was a hero. He thanked me and then said something that none of us should ever forget. He told me that the space program must continue.

As a tribute to the lives of the fallen crew and those that have gone before them, as an acknowledgment that we can never simply go back to the way it was before John Glenn, Alan Shephard, or the Moon landing, we must continue to answer the call of the Space Shuttle *Columbia*. For those who grieve today, but will hope again tomorrow, we must continue the space program.

As we begin anew, let us remember the words of President Kennedy on that fateful day in Houston: "As we set sail we ask God's blessing on the most hazardous and dangerous and greatest adventure on which man has ever embarked."

Mr. BOEHLERT. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, with sadness, I want to join my colleagues in memorializing the crew of the Space Shuttle *Columbia*. All of us on the floor today are trying to do the same thing: we are trying to fill a palpable absence with tangible words. It is quite literally an impossible task and all the more heartrending because we witnessed the moments when the shuttle vanished into thin air.

I can only begin to imagine the pain felt by the crew's colleagues and friends and family and those who knew these men and women not just as the brave heroes that we have come, perhaps too late, to fully appreciate, but also as individuals, each with his or her unique personality, accomplishments, and responsibilities. They, much more than us, must live with the absences created by Saturday's tragedy.

But it is not just absence we are acknowledging in our remarks. It is also a presence. The names and faces and stories of the *Columbia* crew are now engraved in our hearts and minds, not just because they died, but because they lived. They were brave, dedicated, and talented; and they set an example for us all. They are as much an inspiration in death as in life, and they join a long line of explorers who have sacrificed their lives charting the future for all of us. We are in their debt.

Yesterday, at the memorial service in Houston, I was taken with the quiet dignity so evident on the part of so many. We, in an hour of pain and sorrow, took our lead from the families. They must know that the Nation, indeed the world, is grieving with them. And as I sat there thinking about lifetimes of achievement snuffed out in a moment of tragedy, I did what so many of us have done. All of us associated with the investigation are determined to find out what went wrong and to fix it. And then we must move on with exploration, with the search for new frontiers. That will be the enduring legacy for the *Columbia* Seven.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of this resolution today.

It is a sad honor to come to the House Floor today to speak about the lives of seven heroes who put a face and personality to the United States space program. And what a face it is—one of strength, optimism, discipline, adventure, humor, compassion—in other words, much of what we strive for as the best of the American Spirit.

These brave Americans gave their lives for the good of our Country and we will never be able to repay them or their families for the sacrifice they made. They were our brightest and best and their passion for advancing and improving our Nation has inspired us all.

Once again, we Americans find ourselves responding to national tragedy with a mixture of strong emotions. We feel great sadness as we mourn this loss of human life and noble endeavor. We know that no matter how great our own sadness might be, it cannot compare to the great weight of grief the astronauts' families and coworkers bear. Our hearts have broken as we have watched the spouses and children deal with their private grief in such a public way. In response, we simply hope that the families can sense the warm embrace of our thoughts and prayers.

But we also feel a great sense of admiration, respect and gratitude. How many of us have stood under a canopy of stars, looked to the heavens and wondered "What is up there?" We have admired our space explorers as heroes since before the first launch of the Mercury program. Perhaps some of us have even dreamed of becoming a part of this intrepid cadre of astronauts. The *Columbia* crew belonged to that special family of explorers who dare to risk themselves in the name of exploration, discovery and knowledge which will benefit all of humankind. Over the past five days, as we have learned more about that crew of seven individuals, we also have learned about the heart and soul of the space program and also about ourselves.

Just as the planet Earth is home to a diverse people, the *Columbia* carried a crew of numerous nationalities and ethnicities. They learned, as we all must, that it is our diversity, our different skills and traits, which become our strength when focused towards a common goal.

When we humans find ourselves grappling with so many strong emotions, we turn to the Divine Comforter to help us cope and understand; that is precisely what our Country has done this week. Even these astronauts who traveled to the stars understood that they were not the master of those stars. The held a deep and abiding faith in the One who created all which they longed to explore. And now, we must content ourselves in believing that each of these brave men and women is home with that Creator, discovering still more wonders beyond our wildest dreams.

On behalf of the residents of the 17th Congressional District of Texas who I am privileged to represent in the House of Representatives, I extend both sympathy to the families who have lost so much and gratitude for their indomitable spirit. You will never be forgotten.

Mr. LAMPSON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I appreciate this opportunity to join my colleagues as we express profound sympathy and condolences to the families, friends, and associates of the crew of the Space Shuttle *Columbia* and to pay tribute to the seven heroic men and women who gave their lives in service of their countries and all mankind. I also join my fellow Virginians in a special mourning of the loss of our native son, David Brown, mission specialist of the *Columbia*.

Mr. Speaker, the labors and sacrifices of the *Columbia* crew will not be in vain. The information from over 80 scientific research experiments will unlock discoveries which will reshape the world to the benefit of all of humanity. And so I believe the most profound tribute that we can pay to the seven *Columbia* heroes is to continue the work that they dedicated their professions and ultimately their lives to further. I am proud, Mr. Speaker, that much of that work will take place at NASA Langley in Hampton, Virginia.

Mr. Speaker, the names *Apollo 1*, *Challenger*, and now *Columbia* will be revered throughout time for the supreme contributions and sacrifices of their crews. So I say to the families of those who were lost: weep not. The dreams of the great men and women who dared to explore the outer boundaries of humanity will not be forgotten.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS); and before he begins, I ask unanimous consent that the gentleman from California (Mr. ROHRABACHER) be allowed to control the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Without objection, the gentleman from California (Mr. ROHRABACHER) will control the remainder of the time of the gentleman from New York (Mr. BOEHLERT).

There was no objection.

Mr. BURNS. Mr. Speaker, Helen Keller once reminded us that "no pessimist ever discovered the secret of the stars, or sailed to an uncharted land, or opened a new doorway for the human spirit."

The seven crew members aboard *Columbia* were optimists, one and all, who saw the uncharted lands of space as an opportunity, not an obstacle. They were willing to open new doorways for humanity at the cost of their own lives.

□ 1600

Mr. Speaker, they left a Nation at war on a mission of peaceful exploration of space. While fate did not return them to us, the memory of their courage, their determination and their optimism for a brighter future will stay with us forever. I support this resolution as one small way of carrying on their memory.

Mr. LAMPSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today to join my colleagues and our Nation in expressing our profound sorrow on the occasion of the *Columbia* Space Shuttle tragedy. The people of Guam join their fellow Americans today in mourning for the *Columbia* crew.

Guam has a unique tie to one of the crew members, Lt. Commander William McCool, the pilot on the Space Shuttle *Columbia*. Lt. Commander McCool lived on Guam and attended Dededo Middle School and John F. Kennedy High School. He later married Lani Vallejos of Dededo, Guam, whom he met on the island. We are so proud to have had a member of our island community in the space program. America indeed lost a hero, and Guam lost a son.

Commander McCool was very proud of his ties to our island. He carried the Guam flag on this tragic mission, and I show Members a picture as he stands before the shuttle with our flag.

Willie McCool was a dedicated husband and father. He leaves behind his wife, Lani, and their three sons, Sean, Christopher and Cameron. Lani's parents, Atilana and Albert Vallejos, from Dededo, Guam, proudly attended the launch 16 days prior to the tragedy.

Commander McCool is fondly remembered by those whose lives he touched as a student while on Guam. He was an exceptional student and a very talented athlete. While at Dededo Middle School, young Willie McCool wrote a poem that was published on the front page of his school newspaper that revealed his love of Guam and his early ambition to be an astronaut. He was probably about 12 years old, and this is the poem:

"I came to an island in the middle of the sea. It was so nice that I jumped for glee. There are palm trees, coconuts and bananas, too. Plus birds and fish, so unbelievable but true. It was so nice that no one can complain. But he who does must be insane. This is such a nice and beautiful place, you'd think it was heaven—or outer space."

Willie pursued his dream with vigor and passion. He lived his dream, and we on Guam are amazed that someone we knew from our island community was the pilot of a space shuttle.

Teachers on Guam point to his remarkable life to inspire school children to dare to dream big things, to believe in themselves, and to reach for the stars. Although we are saddened by this tragedy, we take solace in knowing that Willie McCool will be forever remembered by our Nation and by the people of Guam as an inspiration to our children and as a hero for all.

"Pues adios, Willie, in guiya hao." In our Chamorro language, that means, good-bye, Willie, we love you.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, today we mourn the life of seven heroes, the crew of the Space Shuttle Columbia: Rick Husband, William McCool, David Brown, Kalpana Chawla, Michael Anderson, Laurel Clark, and Ilan Ramon.

These heroes are now departed from us, and they find their place in the memory and the hearts of all Americans who are grateful to them and grateful to the others who have given their lives to make sure that our country and all humankind advances into this next frontier and conquers the next frontier of space. There are casualties in the conquest of every frontier, and this is no exception.

Just as our heroes of the past frontiers are remembered and honored by this country, we will, once the space frontier is conquered, look back on these pioneers, and we will remember them on the honor roll of heroes.

The *Columbia* reminds me a bit of another vessel, another American vessel from 200 years ago, the good ship *Columbia*. Americans were always known as the leaders in transportation, whether it was railroad transportation or, before that, ship transportation; and we had some of the mightiest and most impressive ships on the oceans and one of those ships was the good ship *Columbia*.

Americans were so proud of the good ship *Columbia* that one of our first patriotic songs dealt with our pride in that ship, and that song went as follows, and every American knew these words and sang this song 150 years ago: "O, *Columbia*, the gem of the ocean, the home of the brave and the free, the shrine of each patriot's devotion, a world offers homage to thee."

And, yes, today our thoughts go to the crew of the *Columbia*, another magnificent vessel that charted unknown waters, carried Americans and, yes, carried the admiration of the entire world.

I think one of the things that I have gleaned from this tragedy is just how much the American people associated themselves and identified with America's space program. Yesterday, as we went to Texas, it was not so much the ceremony that I remember as it was the people of Texas and how they took this tragedy personally. As we rode in our congressional buses to and fro to that ceremony of remembrance and dedication at which the President spoke, the people of Texas lined the roads and the streets. Little children were waving American flags. People would rush out of their houses as we drove by with their flags and little signs of support and encouragement.

I believe that if there is anything we can be grateful for when *Columbia* went down, it went down over friendly territory. It went down over Texas, where the people of that State feel so strongly about the space program and about their country.

I am proud to say that my constituents and others in California have had a long association with the space program as well, and we are just as proud of the achievements. But, yesterday, it touched my heart that the people of Texas were reaching out to us and to the families.

The *Columbia* tragedy has not diminished the commitment of the people of Texas nor the commitment of the people of the United States towards space exploration and space utilization. Our space program must and will go forward because the American people remain as committed today as they were last week, and today we have seven heroes to give us inspiration.

The American people over the last few years have been lulled into a false sense of security about space travel. We always considered the astronauts our heroes. Children would come out to see astronauts, but most Americans felt that manned flight into space was far less risky than it really is. They have been lulled into this false sense of security because NASA has been doing one terrific job and our astronauts have been doing one terrific job and our aerospace industry has been doing one terrific job. But it is still the riskiest of propositions.

I was in the White House in 1986 when the *Challenger* blew up, and I will never forget that day. We did what? We regrouped, we found what was wrong, we found the flaws, and we moved forward after correcting those flaws. Since then, once again, the American people came to believe space travel was routine. Well, pioneering a new frontier is never routine. The Space Shuttle *Columbia's* crew understood that. They knew the risks that they were taking.

Today we mourn; this week we mourn; but in the future we move on and up. Although we hope that the shuttle will fly again, this country is now committed to a space program, yes, that will remember the shuttle system and be grateful for how efficient and what a magnificent system it was, but we now know we must invest in the technology that will move us beyond our dependency on this now old system that should not be allowed to become even older and us rely on it even longer. But does that mean we will in some way diminish our commitment to space? I do not think so.

When we look back over the years of what the space program has meant to our lives, the benefits are beyond imagination.

I remember as a young boy that I was able to talk to my grandparents perhaps once a month. I did not come from a wealthy family. Those telephone calls were scratchy, and they were expensive. Young people did not have the same contact then as they do with their grandparents today. I think it was $5 a minute back in those days when $5 was enormous. Today, thanks to our investment in space, thanks to the space program, people can talk to their families who are in the far reaches of the world every day, and it is affordable, and it has increased the quality of life in our country dramatically in this level of caring between people because space has permitted us better communication between each other.

What about entertainment and television? We have now before us a plethora of options in which to take up our time because we have assets in space that are offering us communication skills that are not only used for entertainment but are used in the medical field to educate people in far-off countries how to conduct operations and also provide communications with schools throughout the world.

The GPS system is a navigational system, and it would be unthinkable for us to not use our space-based assets for navigation purposes, something that has saved countless lives in giving us precise navigation that has saved hundreds, if not thousands, of those seeking transportation.

And what about the weather and the fact that today we know when storms are coming? Again, thousands of lives have been saved because of our investment in space assets. We can predict where a hurricane will go or a tornado will strike, and we can prepare for it and save those lives, not to mention the billions of dollars saved by predicting weather trends in the industry of agriculture.

Mr. Speaker, what about our national security? It was our lead in space, indeed the space shuttle itself created the impression for the communists who led the Soviet Union that they could not compete with us and broke down their will and eventually caused a disintegration of their power base in Russia, which has left the world a much safer place.

□ 1615

We have invested also in a defense system in space, a missile defense system that even today will permit us not to be so terrorized by a possibility of a government in North Korea that is developing nuclear weapons because we have assets in space that will permit us perhaps to defend ourselves against that potential threat. So we have invested in space, and also it has saved us billions and billions of dollars and thousands and thousands of lives. It was the space pioneers like those on the *Challenger* and on the shuttle that have already given us these tremendous benefits, but we have only scratched the surface of what space can do to uplift the condition of humankind.

No, we will not be deterred by this tragedy. We will instead correct the flaws where they have been found and move on. We will move on and we will move upward. Will we continue? Will we Americans continue to move forward? Will there be another "Good Ship *Columbia*" someday charting the unknown waters or the unknown skies? You bet there will be. We remember and we will be grateful in those days to the crew of this ship *Columbia* as we were to the pioneers of generations past.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST) in whose district the shuttle began to fall. I also ask unanimous consent that the gentleman from Texas (Mr. GREEN) control the balance of the time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. I thank the gentleman for yielding me this time.

Mr. Speaker, I join with my colleagues in expressing this body's deep grief over the loss of *Columbia* and her brave crew. I was privileged to attend the memorial for our seven astronauts in Houston yesterday. The deeply moving words in honor of the *Columbia* revealed how profoundly this tragedy has affected people in Texas and across our country.

Today in my district in north Texas, one of those astronauts, Dr. Kalpana Chawla, is being remembered at her alma mater, the University of Texas at

Arlington. K.C., as she was known by her friends at UTA, was a true pioneer and a role model for young people on two continents. K.C. was the first Indian American to travel into space and her achievements brought great pride to people in her home country of India and her adopted home in north Texas.

While aboard the *Columbia*, K.C. sent an e-mail to students in her hometown, Karnal, India. She wrote: "The path from dreams to success does exist. May you have the vision to find it, the courage to get onto it and the perseverance to follow it. Wishing you a great journey."

There can be no doubt that K.C. and the other astronauts aboard the *Columbia* had the vision and the perseverance to follow their dreams. Those dreams led them into space on a mission of discovery that made them heroes. As we reflect upon the lives of Dr. Chawla and her fellow crew members, we have a shared responsibility to forge ahead with their mission. After the House passes this worthy resolution honoring our fallen heroes, it will be our duty as Members of Congress to commit our government to a full investigation of the causes of this tragedy, and, just as importantly, to recommit America to our mission exploring the frontiers of space.

Mr. ROHRABACHER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), who has spent so much time and effort since he has been in Congress on issues of space and has diligently worked as a member of the Subcommittee on Space and Aeronautics of the Committee on Science.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me this time, and I thank him for his leadership on space policy issues.

Today I join with my colleagues on both sides of the aisle to honor the crew of *Columbia*. The names of these brave men and women will now forever be linked to the risks and rewards of exploring the final frontier. They were all extraordinary people.

Commander Rick Husband was a man of strong faith who had dreamed of space travel since his childhood in Amarillo, Texas. He was a family man. He was committed to his community. He set the highest standards for us all.

Pilot William McCool was a man who personified excellence in all that he did. He was from San Diego. Since an early age he had dreamed of flying and following his dream with an unending font of energy and skill. He was highly gifted, but evidently he rarely showed any hubris. In fact, he was described as always humble, something we all could learn from.

Mission Specialist Michael Anderson was from Pittsburgh, Pennsylvania. He loved learning and science, and it was in following his passion for science that led him to NASA and to space flight. He knew his responsibilities as an astronaut and took every opportunity to talk to schoolchildren with excitement and enthusiasm about the value of space exploration.

Mission Specialist Kalpana Chawla lived a uniquely American life. Born and raised in India, she came to America as an immigrant. She worked hard and studied engineering and science. She became an American citizen and from there became an astronaut. She made both the nation of her birth, India, and her adopted country, America, proud of her and her accomplishments.

Mission Specialist David Brown was truly a man for all seasons. He was a physician like myself, a Navy pilot, and a member of the astronaut corps. Everything he set out to do, he accomplished. He had many other goals he was anxious to accomplish after this mission had been completed.

Mission Specialist Laurel Clark, a wife, a mother, a physician, also. She enjoyed scuba diving and flying airplanes. She was aware of that special honor that was hers to fly in space, and she was thankful for it. She was certainly somebody who lived life to the fullest.

The man, of course, who was in many ways of most interest was Payload Specialist Ilan Ramon. He was the first Israeli in space, a national hero in his homeland, a dedicated husband and father, a brave pilot, the son and grandson of Holocaust survivors. He was an inspiration to his nation and to us all.

Commander Husband, on the evening before they launched, shared with his crew and their families his favorite passage from the book of Joshua. I would like to share it with my colleagues today. It reads:

"Be strong and courageous, because you will lead these people to inherit the land I swore to their forefathers to give them. Be strong and courageous. Be careful to obey all the law my servant Moses gave you. Do not turn from it to the right or to the left, that you may be successful wherever you go. Do not let this book of the law depart from your mouth. Meditate on it day and night so that you may be careful to do everything written in it. Then you will prosper and be successful. Have I not commanded you? Be strong and courageous. Do not be terrified, do not be discouraged, for the Lord your God will be with you wherever you go."

As Commander Husband invoked those words of the Bible to encourage his crew to be strong and courageous, we today should take heed of those words. We live in a dangerous world with many challenges facing us. The measure of a truly great nation is one that can face its challenges and excel and lead the world to a higher level. That is why we have NASA and why we must recommit ourselves now more than ever to the dream and adventure of human space flight. The crew of *Columbia* would want nothing less. It was what they lived for. It was what they died for.

How we decide to respond to this tragedy will be judged very closely by many generations that come after us. We are a nation of explorers. We cannot let future generations down and walk away from our destiny in space. The *Columbia* Seven crew would best be memorialized by a great, strong, robust commitment to space exploration.

Mr. GREEN of Texas. Mr. Speaker, I first would like to thank my California colleague for those kind words for Texans. Texans, as you noticed yesterday, did take the loss of the *Columbia* to our heart.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, in supporting this resolution, each of us expresses our deepest condolences to the families of our seven explorers, our seven astronauts, who lost their life this past Saturday. Each of us feels a connection to this tragedy.

Mr. Speaker, I have the honor of representing Annapolis, where the Naval Academy is located. Commander McCool graduated from the Naval Academy. The Naval Academy family misses their comrade. This morning I was with a health care group talking about health care issues. The *Columbia* mission was life sciences trying to find the answers to dread diseases here in the United States. Each of us was affected by this tragedy.

Six Americans, one Israeli lost their lives. America and Israel share in the loss of our heroes. In their honor, in their memory, we will continue our commitment to space and our commitment to understand what went wrong with the *Columbia* so that we can continue space travel for the benefit of future generations.

Mr. ROHRABACHER. Mr. Speaker, it is my honor to yield 5 minutes to the gentleman from Texas (Mr. BARTON) who has been deeply involved in technology issues during his long tenure here in Congress and a strong supporter of the space program.

Mr. BARTON of Texas. Mr. Speaker, when we are little boys or little girls, people ask us, "What do you want to do when you grow up?"

Most of us say we want to do something, whatever our parents are doing, our mother or our father, or we maybe want to be a policeman or a fireman or a baseball star or a football star.

A lot of people say they want to be astronauts, because astronauts are heroes. When I was growing up in Texas, one of the things I thought about being was an astronaut. But there are so few that not many of us get to actually have that kind of a dream.

This past Saturday, six American citizens and one Israeli citizen who were living that dream found that it came to a crashing end when, upon reentry, *Columbia* Mission STS–107 came apart. We are here today to first of all pay tribute to those brave seven astronauts who gave their lives pursuing their dream but in a larger sense pursuing humanity's dream, to find new knowledge, to reach out into space, to reach out into the future.

I was one of the 40 or 50 Congressmen and Senators who went to Houston yesterday to participate in the memorial ceremony. The gentleman from California (Mr. ROHRABACHER) was there, the gentleman from Texas (Mr. GREEN) was there, the gentleman from Texas (Mr. HALL) was there, some of the Members that are in the Chamber right now. When we got there, they took us up to the sixth floor of the administration building, and they put us in the briefing room that the administrator uses to be briefed on these missions.

Around the upper walls, they had a patch of every shuttle mission with a brief summary, from STS–1. They had not put this one up yet because it was not complete. And then down on boards they had the profiles for the missions for this year. They had STS–107 and they had, launch, January 16, the number of people in the mission, the seven astronauts and the payload and the number of orbits and how high it was going to be above the Earth, 150 nautical miles, and what its degrees of entry was when it came back, 39 degrees. That mission will never be completed in the physical sense.

☐ 1630

But it could be completed in the historical sense if we as a Congress and we as a country carefully think about how to honor their memory and how to continue the work that they gave their lives for. A 2 percent accident rate is unacceptable. Even though it is an experimental program, we can cannot have a 2 percent risk that every time we put a shuttle up lives will be lost. So one of the things we have to do is conduct this investigation, if at all possible find the cause of the accident and prevent it, but we also have to begin to look at a substitute for the existing shuttle fleet.

I was on the committee in 1987 when we did the investigation, and we talked about going to new technology then, but we decided not to for two reasons, the cost and the fact that the existing shuttle fleet was still relatively young. That was 17 years ago. This time around I think we need, as a part of the investigation, to consider taking the next step, not using '50s and '60s and '70s technology. Let us use 2000 and 2005 technology.

We also need to reevaluate the mission of NASA. If our mission to have manned space activity is simply the space station, in my opinion that is not a sufficient mission. President Kennedy said in the early '60s, we will land an American on the moon by 1970. We did it in July of 1969. I would hope that we would take this opportunity to look at our mission. Perhaps we want to land a man on Mars by 2020. Perhaps we want to have a full-time colony on the moon by 2050. But we need to reevaluate the mission of NASA. We need to give our children and our grandchildren a vision for what America is all about, and in my opinion part of that vision is an aggressive space program with men and women in space carrying the American flag.

God bless our seven astronauts and their families, and God bless America.

Mr. GREEN of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise to express my condolences and those of my constituents to the families of the astronauts of the *Columbia*. I am reminded that no greater gift can one give than his or her life to advance the cause of humanity.

Michael Anderson and the other six courageous men and women aboard the *Columbia* knew the risks of space exploration, and yet they were willing to travel over 6 million miles to try to make the world a better place in which to live. Their 16-day science mission was an attempt to find answers to some of the questions we have about space and its possibilities.

They were gifted people, well-trained, courageous, ordinary people, daring to do extraordinary things. They were mothers, fathers, brothers, sisters, sons and daughters. They were inextricably bound by their zest and zeal to explore the stars and heavens in an attempt to move humankind forward. The candle of passion by which they lived must never go dim. It is the collective challenge of a grateful Nation to ensure that their lives and sacrifices were not in vain.

Today I, along with more than 100 of my colleagues, sent a letter to the Postmaster General, urging him to design a stamp that will memorialize the memory of the *Columbia* seven and fan the flame for our space program. This symbolic gesture is a small way of a grateful Nation saying thank you.

We will never forget the *Columbia* seven because they represented the best and the brightest of the world. To the families we say thank you for sharing your loved ones with us and may God continue to comfort you with love and memories of their lives and of their contributions.

Mr. ROHRABACHER. Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my neighbor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Texas (Mr. GREEN), and I also thank the gentleman from Texas (Mr. LAMPSON) and offer to his constituents my sincerest sympathy. We are neighbors in Texas, and we are friends. My District borders up against the Ninth Congressional District, and we have the opportunity as well to share our concern about NASA on the Subcommittee on Space and Aeronautics.

To the chairman, I thank him very much for his leadership and the comfort he gave us as he attended the memorial service yesterday, and I thank the gentleman from Texas (Mr. DELAY), the leader of the House, and the gentlewoman from California (Ms. PELOSI), the minority leader, for giving us this opportunity to pay tribute and as well giving a tribute to these fine and wonderful heroes.

If I might, I think it is important to individually call their names on the floor of the House. So I call them with humbleness and honor. Rick Husband, commander; Kalpana Chawla, mission specialist; Laurel Clark, mission specialist; Ilan Ramon, payload specialist; William McCool, pilot; David Brown, mission specialist; and Michael Anderson, payload commander.

Each and every one of them, heroes and patriots, the seven astronauts whose lives were lost aboard the Space Shuttle *Columbia* were truly extraordinary people. To the world, these astronauts were valiant heroes. To those of us in Houston, they were also friends and neighbors. They were integral members of the community, and they paid the ultimate price to further a mission that benefitted all of humanity. To their families and friends and also to their neighbors and the community, they represented a very special group of people. To this Nation, they were extremely special.

And certainly we want to acknowledge the fact that this was an extremely diverse group of individuals. The courageous astronauts aboard the *Columbia* were individuals of the highest caliber, always striving for excellence, exemplifying the most noble of traits. They were skilled professionals, scientists, clinicians, adventurers, family men and women. The crew represented the diversity of our Nation. The crew even included a friend from Israel and a native daughter of India, the embodiment of the international goals of peace and cooperation. It is almost unbelievable that the Wright brothers set us on this pace and we have taken it further.

I join my colleagues and say we may have gone to the Moon, but we must go to Mars and continue to explore the universe. It was President Kennedy who in 1962 in Houston, our hometown, said these words: "This generation does not intend to founder in the backwash of the coming age of space. We mean to be a part of it. We mean to lead it. For the eyes of the world now look into space, to the moon and to the planets beyond, and we have vowed that we shall not see it governed by a hostile flag of conquest but by a banner of freedom and peace. We have vowed that we shall not see space filled with weapons of mass destruction but with instruments of knowledge and understanding."

It is extremely important to honor these very brave and wonderful souls, and that is why yesterday I joined and offered legislation to put forward a congressional gold medal for the seven patriots and seven heroes that have fallen, along with the gentleman from Texas (Mr. LAMPSON). It is in this way I hope that we will remember them, and we will always pay tribute to these wonderful and outstanding heroes of our world.

Mr. Speaker, the seven astronauts whose lives were lost aboard the space shuttle *Columbia* were truly extraordinary people. To the world those astronauts were valiant heroes; to those of us in Houston, they were also friends, neighbors, and family. They were integral members of the community, and they paid the ultimate price to further a mission that benefited all of humanity. To their families and friends, and also to the Israeli and Indian communities who lost a native son and daughter, I send my most heart-felt sympathies and condolences.

The courageous astronauts aboard the *Columbia* were individuals of the highest caliber, always striving for excellence, and exemplifying the most noble of human traits. They were skilled professionals, scientists, clinicians, adventurers, and family men and women. The crew represented the diversity of our Nation. The crew even included a friend from Israel, and a native daughter of India the embodiment of the international goals of peace and cooperation.

It is almost unbelievable that less than one century after the Wright Brothers made that first 12-second flight over the sandy dunes of North Carolina, that our astronauts would be making excursions into space seem almost routine. But these excursions are anything but routine. Every moment from liftoff to touchdown, is a spectacular achievement of human intellect and determination.

The *Columbia* crew took great risks and made the ultimate sacrifice to further the mission of NASA. Why take such a risk? I believe President Kennedy said it well in 1962 in my hometown of Houston, when declaring his commitment to putting a man on the Moon by the end of that decade. He said,

"This generation does not intend to founder in the backwash of the coming age of space. We mean to be a part of it—we mean to lead it. For the eyes of the world now look into space, to the Moon and to the planets beyond, and we have vowed that we shall not see it governed by a hostile flag of conquest, but by a banner of freedom and peace. We have vowed that we shall not see space filled with weapons of mass destruction, but with instruments of knowledge and understanding."

I believe that President Kennedy would have been proud to see the fantastic progress of the program that he so inspired that day. Today, NASA provides insights into the origins, destiny, and wonder of the universe and is a source of dreams for young and old alike. It has pushed the envelope of human existence, and given us glimpses of the far reaches of the galaxy that truly take our breaths away.

The seven courageous explorers aboard the *Columbia* paid the ultimate price to improve our understanding of the universe, to advance our medical and engineering sciences, and to make the nation safer and more secure. Before the *Columbia* started its tragic descent, the shuttle crew completed some 80 scientific experiments. Much of their research data had already been relayed to Houston where it has added to the pool of scientific knowledge.

Beyond the technological benefits of space exploration, those courageous pioneers also inspired the youth of America in a way that only manned space missions can. The majesty and adventure of seeing people traversing the heavens sparks the natural curiosity and imagination of young people. It nudges some toward science and math and pushes all to strive for excellence. Seeing a team, like that on the *Columbia*, working and playing together inspires young engineers, scientists, and all sorts of people who want to be part of something truly great and noble. That inspiration may well be the *Columbia's* crew's most enduring impact on humanity.

The ultimate tribute to the fallen crew of the *Columbia* will be in ensuring that their vital mission goes on, with our full support. There will always be risks to that quest, but those risks will diminish over time, as the fruits of our labor in space continue to grow.

John F. Kennedy's words, stated when our space program was still in its infancy, still ring true today:

"Well, space is there, and we're going to climb it, and the moon and the planets are there, and new hopes for knowledge and peace are there. And, therefore, as we set sail we ask God's blessing on the most hazardous and dangerous and greatest adventure on which man has ever embarked."

The *Columbia* crew lost their lives on that greatest adventure. We will miss them.

A STATEMENT FROM THE ASTRONAUTS' FAMILIES

On January 16th we saw our loved ones launch into a brillant, cloud-free sky. Their hearts were full of enthusiasm, pride in country, faith in their God and a willingness to accept risk in the pursuit of knowledge—knowledge that they might improve the quality of life for all mankind * * * .

Although we grieve deeply, as do the families of Appollo I and Challenger before us, the bold exploration of space must go on. Once the root cause of this tragedy is found and corrected, the legacy of *Columbia* must carry on for the benefit of our children and yours.

Mr. ROHRABACHER. Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. GREEN of Texas. Mr. Speaker, from the pioneering Mercury missions, to the Apollo voyages to the moon, to the construction of the revolutionary International Space Station, America's astronauts have boldly gone where no man has gone before. Our scientific understanding, quality of life, and ability to imagine a better future have been greatly increased by the brave men and women who volunteer and are selected for these difficult missions.

In my hometown of Houston, Space City, Texas, NASA's astronauts and employees are part of the family. They are our neighbors and friends, they help us educate and motivate our schoolchildren, they attend our churches with us, and they serve as role models in our community.

Since 1997, I have had the privilege of having NASA astronauts visit middle schools in my congressional district. These visits are meant to encourage students to take math and science classes and to consider our space program as a career opportunity. I have been fortunate to get to know Dr. Ellen Ochoa, the first Hispanic woman astronaut, Dr. Franklin Chang-Díaz, the most traveled astronaut in NASA history and Dr. Danny Olivas, one of the newest astronauts. I believe that all students need to have access to roll models like Dr. Ochoa, Dr. Chang-Díaz, and Dr. Olivas.

Individuals who proudly brave the dangerous conditions of spaceflight in pursuit of technology and scientific research to improve life on earth deserve our highest respect. Along with our other heroes of space exploration Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon will not be forgotten for making the ultimate sacrifice.

NASA and Congress will have to do the hard work and ask the hard questions to determine what went wrong and why from both on the shuttle itself, and within NASA's management and operations. Then we must take the required action and devote the required resources to improving the safety of our astronauts.

Improving safety may or may not require more money, but the NASA budget is extremely small within the federal budget. If safety funding needs to be bumped up, so be it, but it should not come at the expense of the other valuable activities at NASA.

I wish to express my deep respect for those brave men and women we lost this Saturday and to extend my heartfelt sympathy to their family, friends, and fellow astronauts. They have touched many in Houston, Texas, our Nation, and the world.

Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. HALL) control the balance of the time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GREEN of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me this time; and I rise grateful for this opportunity today to speak on behalf of my own constituents, to give voice to their tears and their tributes to the seven astronauts we have lost.

While this is a blow to the entire Nation, I am especially mindful of the unspeakable loss suffered by those who know them best, especially the 12 children who lost their beloved mothers and fathers. The seven *Columbia* crew members had embarked on a journey of science and discovery so that we all might benefit from their experience. These men and women have made the ultimate sacrifice for our Nation.

Mr. Speaker, the U.S. space program has long flourished on California central coast, my home. Our region is home to Vandenberg Air Force Base and countless businesses and research centers that have benefited from and infused vitality into NASA's programs. In the name of the seven and in their memory who have given their lives for this pursuit, I pledge to do whatever I can to help our space program recover from this terrible setback so that these important endeavors can continue.

Mr. Speaker, the Book of Isaiah teaches us that the righteous "shall mount up with wings as eagles." Our fallen heroes flew like eagles. They came very close to heaven before coming very close to home. May they forever rest in peace.

Mr. ROHRABACHER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL. Mr. Speaker, I yield myself such time as I may consume.

I am here, of course, to add my strong support for the resolution that is before us here today. I was at the Johnson Space Center yesterday in Houston for the memorial service, and I listened as the President offered a tribute to the crew of the space shuttle *Columbia*. I think he did a wonderful job of expressing the sentiments of all Americans, and it gave me a good feeling to be there. I felt good to be a part of the condolences to the families that were in attendance.

Today I am really pleased that the House of Representatives is pausing to recognize our debt as a Nation to the brave men and women who perished in the space shuttle. It is also fitting that this body offer our collective condolences to the families, which we did, and to the friends; and the President did a very good job of that. The astronaut in charge of the astronauts had something personal to say about each one of them. It was very fitting, and I know that I speak for all Members when I say that our thoughts and our prayers are with the families of these great American heroes. Their loss is a great loss to them. It is a personal loss to them as it is a great and tragic loss to our country.

We all watched with horror the tragic events of last Saturday unfolding. There will be time I think in the coming days to turn our attention to examining the evidence of the circumstances that led to this tragedy as well as the implications for America's space program. We have to do that. We have to look ahead. We have to go forward. That is necessary and important work, and the Congress will have to do it.

Today, however, I think should be a day for us to celebrate the lives of these heroes and to mourn their deaths. In that regard we must never forget that the shuttle astronauts were doing the important work of our space program. They were extending the frontiers of knowledge and working to benefit the lives of all of us through the important scientific research they were conducting on their flight.

Our Nation's achievements in space have been so impressive. We have taken it for granted. Their excellence almost put us to sleep as to the dangers that awaited the crews that we sent. We forget that their work was filled with risk. They often made it look easy and made it routine, but space exploration is still a dangerous mission, astronauts or explorers who are willing to risk their lives to improve life back here on earth, and those are the Columbuses and the Magellans of space.

Mr. Speaker, at a time of tragedy words are usually inadequate to express the depths of our sorrow. The crew members of the space shuttle *Columbia* were very special men and women. They set a shining example for all of us in the way we ought to live our lives. We solute them, and we mourn their passing.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PENCE), a young and vibrant Member of the House who has been very active in the last few years on technology issues.

Mr. PENCE. Mr. Speaker, I rise today in strong support of this resolution expressing the condolences of the House of Representatives to the families of the crew members of the *Columbia* shuttle mission.

□ 1645

I have said on many occasions, Mr. Speaker, that the House of Representatives is the heart of our national government, and when the heart of America is grieving, it is all together fitting for us in this place on this blue carpet to grieve with our Nation.

It was my privilege yesterday to travel with some 50 colleagues of this Chamber, Mr. Speaker, to the Lyndon Johnson Space Center in Houston, Texas. It was a glorious day of extraordinary sadness. Our President and leaders from NASA gathered in that Texas sunshine to commemorate seven extraordinary souls, the heroes of STS-107, the *Columbia* shuttle. As I sat in the sunshine, my mind wandered back to just 18 months ago when, at 3 in the morning, accompanied by my beautiful wife, Karen, and the previous administrator of NASA, Daniel Goldin, we went into the processing facility at the Kennedy Space Center where the shuttles are prepared for their missions, and we walked just a few feet underneath those now infamous tiles and we stood under the belly of the *Columbia*, a ship that as one writer suggested yesterday should have been retired to the hallways of the Smithsonian Institution, the very first of its generation of spacecraft, now lost to human memory forever, above us. I stood in every sense, Mr. Speaker, beneath the *Columbia* as NASA personnel prepared it for its final voyage. And yesterday, at the Johnson Space Center, I stood again beneath the weight of a national tragedy, to mourn and pray with the families most affected by her loss.

It was my privilege on behalf of the people of eastern Indiana to join the President and leaders from the House and Senate for the *Columbia* memorial service. We came to pay respects to the brave and inspiring crew of STS-107. We came to represent a national sense of loss. We came also, though, Mr. Speaker, to affirm the ongoing mission of the National Aeronautics and Space Administration to bring the Earth to the heavens and the heavens to the Earth.

The Bible tells us that without a vision, the people perish. And on occasion, our national government has lost its vision and we argue over that vision, but NASA has never lost its vision since those storied days of the 1950s and 1960s, to lead, with America, and her ingenuity, to lead with freedom and democracy into the unknown realms of space. And as the President said yesterday, and many have said on this floor today, that mission must and will go on.

The Psalms tell us that "the heavens declare the glory of God, the skies declare the work of his hands." But truthfully, this past Saturday morning, the heavens and the skies declared man's glory as well, the courage and ingenuity of NASA written large on the skies of the American south.

We will pray for these families who have suffered the loss. We will pray for their consolation, but we will also rededicate ourselves to the ongoing mission of America leading the world, as she ever has, with freedom and democracy into the vast expanse of space.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from Texas (Mr. HALL) for yielding me this time.

Mr. Speaker, I rise today to honor and pay tribute to seven brave and courageous souls. The crew of the *Columbia* space shuttle were men and women of medicine and soldiers who chose science over war. They explored space to heal and not to kill. These astronauts were smart and tough.

In their quest for the stars, they embodied the hopes, the dreams, and the aspirations of all humankind. These seven individuals were determined, dedicated, and committed. In a real sense, they personified the best of humankind.

To honor their memory, we must continue to look beyond our little planet we call Earth. We must continue to soar to the heavens.

The *Columbia* crew was leading us into the future, and we will continue to follow them. They wished to serve, and they did. They served all humanity.

Today, this day, we mourn with their families, the families in America and in Israel. God bless the families of the astronauts, and God bless our little planet Earth.

Mr. ROHRABACHER. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. NETHERCUTT), who has been an active member of the Subcommittee on Space and Aeronautics and very involved over the years in technology development for the United States.

Mr. NETHERCUTT. Mr. Speaker, I thank the distinguished gentleman from California for his kind introduction and for yielding me this time.

Mr. Speaker, I am pleased to rise to pay recognition today to particularly one of the members of the space shuttle who was lost last Saturday, February 1, knowing that America lost seven heroes, and one of those was from my hometown of Spokane, Washington.

Michael Anderson, the *Columbia* space shuttle's payload commander, grew up watching planes at Fairchild Air Force Base in Spokane and graduated from nearby Cheney High School. Even as a young man, his dreams were far off in the stars. He once said that he could not remember a time when he did not want to be an astronaut.

He followed his fine father into the Air Force and received his commission after graduating from the University of Washington in 1981. He was so proud of his service to his country and to wear his ROTC uniform around campus during a decade when that was not particularly popular, and his family and community have likewise been very proud of him.

During his distinguished service as a pilot, he earned a master's degree in physics from Creighton University, and he kept his dreams in the stars.

Finally, in 1998, he got to fly the mission he had been waiting for for nearly 20 years: his first flight into space was aboard the shuttle *Endeavor*.

I had the great privilege of meeting Michael Anderson in 1999 when he accepted my invitation to speak to students at schools around our hometown about the space program. The children were wide-eyed as they listened to his stories, and they laughed particularly hard at his story about trying to catch M&Ms in his mouth without the effects of gravity in space.

Michael had a warmth about him that moved those children, and his courage and service inspired those children to reach for their own dreams, be they in the stars or down here on Earth.

Michael's accomplishments, his courage, and his discipline are representative of the crew he flew with and a source of pride for our community.

His continued dedication to space and science tells us that after a full investigation we should continue to pursue human space flight. For Michael's sake and the sake of the other crew members, we must keep reaching for the stars, lest their sacrifice be in vain.

As Americans, this tragedy should teach us all that we must not treat space missions as routine. All astronauts are accomplished individuals willing to put themselves in danger for the sake of bettering humankind and advancing mankind's dream of space exploration. They are courageous, they are committed; and we owe them all a debt of thanks for their service, not just in times of tragedy, but every day.

At a time like this, it is natural to ask who is at fault and what happened. But I believe that this is not the time for fault-finding, for recrimination, and for blame. We must come together and support the families of these astronauts and unify to support the entire NASA family.

As we move forward, I have vast confidence in Administrator Sean O'Keefe, Deputy Administrator Fred Gregory, and Associate Administrator Bill Readdy. The public face of the shuttle program over the last few days, Ron Dittemore, also a native of my hometown of Spokane, has also stepped up in a time of crisis and has performed admirably. Mr. Speaker, the entire NASA team deserves our thanks for pulling together and demonstrating firm resolve to get to the bottom of this incident.

And as we consider what went wrong, we must also consider NASA's future. As a member of the Subcommittee on Space and Aeronautics, we know that this year we will pass a NASA authorization bill, a bill that even before this tragedy promised to be the most important measure since the start of the shuttle program.

We will evaluate the future of the shuttle fleet. We will weigh upgrades to the orbiters against the substantial investment required to make the next-generation reusable launch vehicle a reality. We will examine the appropriate balance for scientific investigation and engineering achievement. We will prioritize between observations of our own planet and a better understanding of our solar system and our universe.

But I am confident that at the end of the deliberations, we will conclude that human space flight must continue, because space continues to be the final frontier; and as long as we can look upward at night and be fascinated with the prospect of unknown worlds, human space flight will be part of our space program.

I believe that Michael Anderson would not have us choose otherwise.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the chairman of the Democratic Caucus; and pending that, I ask unanimous consent that the gentleman from Texas (Mr. BELL) be permitted to control the balance of the time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

As our country grieves for the tragic loss of the *Columbia* crew, we want their families to know that we are truly grateful for their sons and daughters, husbands and wives, fathers and mothers.

America is not alone in mourning the loss of the *Columbia* heroes. We are joined by the entire global community. No country understands our loss more than Israel and India for whom that loss is particularly acute, having first rejoiced as two of their own realized the dream of participating in the American space program only to have this joy turned into sorrow.

This great Nation was founded by those rare men and women who are willing to risk their lives in the name of exploration. The *Columbia* astronauts and their colleagues in the space program are our true explorers. So as our Nation mourns the loss of these seven heroes, we are united in our grief and sorrow and united in our determination to move forward in our exploration of space, and our experiments in space that will, undoubtedly, continue to improve our lives with new technologies and new medicines. The lives of these selfless pioneers were not lost in vain, and so we must reenergize our space program and make sure that Congress and the President fund NASA at levels that guarantee safety and progress.

When America ventures into space, we send more than just a shuttle; it is more than just a mission. We send our hopes and our dreams. The men and women who served on *Columbia* represented those hopes and dreams for all of us; and their bravery, their courage, their imagination has not died, and will never die. It lives on.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a freshman from Tampa who specializes in seniors issues, but is very concerned and very supportive of America's space program.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the seven *Columbia* astronauts the world lost this past weekend. They truly were the best and the brightest that the three countries, Israel, India, and the United States, the best and brightest that these three countries had to offer.

I was at home in my district on Saturday preparing to speak to some Girl Scouts who were earning their badge for voting; and when we learned what happened, we decided not to tell the girls in the audience. This was their day, and it was up to their parents to give them the very sad news.

□ 1700

As I was standing there speaking to the Girl Scouts, the entire *Columbia* crew was on my mind. As I looked out, speaking to the girls and interacting with them, I realized that one of them could be a future astronaut. I could not help but think how many of them, like these seven astronauts, dreamed of space travel as a child.

President Bush called the astronauts heroes. NASA administrators called them family members. Many children, including the ones I spoke to, as well as adults, called them role models.

Most Americans did not know the astronauts personally until we lost them, but in their loss we as a Nation can recognize the immense dedication by thousands of individuals worldwide to our space program. We can recognize the awe in which the program is held by the rest of the world and the enormous risks and sacrifices that accompany space travel.

As we grieve for the *Columbia* crew, it is important to remember that America is a Nation that has never shied away from new frontiers and exploration. We will continue to be a leader in space exploration, as the *Columbia* crew would have wanted. We will continue missions and experiments in space, as they, too, would have wanted. And, of course, we will continue to support a robust, cutting-edge space program that is the pride of this country and of the global community.

We will continue to remember and honor the seven *Columbia* crew members who died serving their countries, broadening the world's knowledge about the vast unknown we call space and doing what they truly loved to do.

Mr. BELL. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to the life of a hometown hero, Dr. David Brown from Arlington, Virginia. His abundant passion for life and fearless pursuit of the farthest frontiers of space will serve as an inspiration for generations to come.

A graduation of Yorktown High School in Arlington, David's educational path led him to the College of William and Mary, where he received his Bachelor of Science degree in biology. With an unquenchable thirst for knowledge and understanding of the world around him, David entered Eastern Virginia Medical School, earning his doctorate in 1982.

David then heeded the call to service of his country by joining the Navy. For over a decade, David was a highly respected flight surgeon and became the first of his rank selected for pilot training. Driven by his childhood dream to fly, David graduated first in his flight class. Over the course of his exemplary medical military career, he piloted A–60 Intruders, F–18 Hornets, and T–38 Talons.

Not content to remain constricted beneath the blanket of Earth's atmosphere, David continued venturing where many have dreamed but few have ever gone. His acceptance of an invitation to join NASA in April of 1996 began a dramatic new chapter in David's life. Stationed at Johnson Space Center in Texas and at Patuxent Naval Air Station in St. Mary's County, Maryland, he trained for 7 years in anticipation of what would be the greatest and final thrill of his daring and accomplished life.

On February 1, 2003, David Brown and the crew of the Space Shuttle *Columbia* were tragically lost during reentry. But these brave souls in no way died in vain. Their memory will not be forgotten as space travel continues to break new boundaries in the exploration of the heavens.

Current astronauts and those of tomorrow are reminded of the risks they assume, but in that knowledge lies an ironclad certainty that this is a mission that must continue for the betterment of all mankind.

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentlewoman from Texas (Ms. JACKSON-LEE) control the balance of the time.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KIND), who I know will want to pay tribute to a great citizen of his State.

Mr. KIND. Mr. Speaker, last Saturday our Nation lost seven American heroes. I rise today to offer condolences to the families and friends of the seven astronauts aboard the *Columbia* on its fateful mission, one of whom was Wisconsin' pride and joy, Laurel Clark, who was a graduate of Racine's William Horlick High School and a UW-Madison graduate.

We share the sympathies of all Americans for their dedication and bravery and service to our Nation. This tragedy does remind us, however, that space travel is anything but routine. It really is rocket science. When we work on the cutting edge of science and technology, perfection is never guaranteed and chance is always a factor, no matter how much time, money, or expertise is invested. That is why we owe a debt of gratitude that can never be repaid to those brave men and women involved in our space program for the risks they take to explore our last remaining frontier.

Last December, Mr. Speaker, I had the opportunity to visit Kennedy Space Center. I had a chance to meet with a lot of the scientists, engineers, and some of the astronauts on the shuttle missions. I walked away from that experience with a profound sense of appreciation, given the dedication and professionalism that our team, the NASA team, brings to their job every single day, and a greater appreciation of how terribly dangerous space travel still is yet today.

Some may wonder why we need to go to space. I believe we do it because we have no other option. Since our ancestors first inhabited this planet, we have always had a need to explore and know our surroundings. Whether it is hiking the next plain, climbing the next mountain, sailing the next ocean, or conquering the skies, human nature demands that we explore the next frontier. Space is the ultimate frontier, and the shuttle missions NASA undertakes help expand our base of knowledge for the benefit of all humanity.

As in past tragedies, we will learn from this one and we will go on. The NASA space program is the most advanced the world has ever seen, and our Nation's leadership in this area brings scientific benefits, opportunity, and hope to future generations.

The mystery of space brings unknown possibilities, and the instinct to explore represents the best of human nature and the American spirit. The seven astronauts we lost on February 1 were explorers, and our thoughts and prayers go out to them and their families.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SANDLIN), the chief deputy whip, and also a Member of Congress whose congressional district has seen, as well, an enormous impact by the tragedy of the *Columbia* seven.

Mr. SANDLIN. Mr. Speaker, I thank my good friend, the gentlewoman from Texas, for yielding time to me.

Mr. Speaker, this weekend our Nation was shaken with the news of a terrible tragedy. After a 16-day mission into space, just 16 minutes from home, seven brave astronauts unexpectedly changed their course and returned to the heavens. In what was hoped to be a joyful day of homecoming, it became a day filled with grief as these brave explorers lost their lives 40 miles above the piney woods of east Texas.

Yesterday in Houston many of us said good-bye to the pioneers of our time who manned the Space Shuttle *Columbia*'s 28th mission. We expressed our condolences and sympathies to the families left at home, to NASA, to President Bush for the loss to our Nation, to Prime Minister Ariel Sharon of Israel and Prime Minister Atal Bihari Vajpayee of India. We all share a tremendous sense of loss.

Earlier Saturday morning, thousands of pieces of the Space Shuttle *Columbia* rained down in a rain of sorrow in parts of Texas and Louisiana. Miles and miles of debris scattered over east Texas, and over 1,000 pieces of wreckage blanketed Nacogdoches County in my district. County officials, first responders, and volunteers in Nacogdoches and surrounding counties quickly pulled together and deployed to identify and secure the remains of the *Columbia*, the physical reminder of the crushing loss of human life. These great Americans in east Texas became first responders for the entire Nation. They have done an incredible job, working night and day to locate every piece of evidence that might provide a critical link in determining the cause of this terrible tragedy. The entire country is proud of their work and commitment.

Additionally, the community at large has come together to pay its respects to these courageous explorers and the mission of the *Columbia*, respecting the hallowed ground they now share with these fallen soldiers of scientific discovery.

The *Columbia* seven were equipped with high ambitions and their mission of scientific research. These explorers, our modern-day Christopher Columbuses and Lewis and Clarks, strove to break new ground to find answers to questions that have been impossible to find here on Earth. They devoted their mission to understanding prostate cancer, discovering new methods for refining gasoline, studying meteorological patterns, and experimenting with optical materials.

These seven brave humans wanted to leave the Earth a better place, and they have. In their honor, we vow not to abandon the goal to which they have dedicated their lives.

Throughout our history, we have risen to the call for progress in space exploration. Ever since Congress passed the National Aeronautics and Space Act in 1958 and subsequently President Kennedy called for man to walk on the moon, our Nation's eyes have been focused towards the stars. We will remain a nation of explorers and continue to push the limits of science and space discovery.

Few experience the glory of slipping the bonds of Earth and touching the face of God. The *Columbia* seven touched the face of God and then slipped into His embrace. They are true American heroes, not because they died, but because they lived. We value the contribution they made.

Mr. ROHRABACHER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary and former chairman of the Subcommittee on Space and Aeronautics and chairman of the full Committee on Science.

Mr. SENSENBRENNER. I thank the gentleman from California for yielding time to me, Mr. Speaker.

Mr. Speaker, our Nation suffered a tragic loss on Saturday, when seven astronauts were killed in the shuttle *Columbia's* demise. We will long mourn that sad day and pray for the families of the astronauts. These men and women are true heroes who put their lives at risk for the betterment of mankind.

Today, we come together as a legislative body to remember these brave astronauts and to express our condolences to their families and friends. My thoughts and prayers and those of my family are with the loved ones of the international crew of the *Columbia*.

I can especially sympathize with the family of Dr. Laurel Clark, a Wisconsin native. A graduate of the University of Wisconsin, a loving mother and wife, and a first-time space voyager, Dr. Laurel Clark will be sorely missed.

In the coming weeks, as our shock and disbelief subside, many questions will emerge: How did this accident happen? Could it have been prevented? Should the space program continue in the face of tragedy?

Clearly, America must work to find the answers. I commend the men and women of NASA for all that they have done in the aftermath of this tragedy. As we did 17 years ago after the *Challenger* accident, a thorough and timely investigation must be conducted to find any problems, fix them, and move on.

However, America must not let these events derail the progress that the space program has made and will continue to make. Already, NASA's research has unveiled numerous secrets about our planet and the universe beyond. Abandoning the space program would mean giving up on valuable research that could lead us to the discovery of cures for deadly diseases or other major scientific breakthroughs.

We must not abandon these goals and let these brave astronauts' deaths be in vain. Instead, we should keep their memories with us as we continue to explore the potential benefits that lie in space. After all, it was in pursuit of these noble goals that seven astronauts gave their lives last Saturday.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Indiana (Ms. CARSON), a member of the Committee on Transportation and Infrastructure and a strong and committed supporter of NASA.

Ms. CARSON of Indiana. Mr. Speaker, I thank very much the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) for yielding time to me, a person from whom I derive a great deal of wisdom and insight, particularly as it relates to the area of science and space. She represents her area very well in that regard.

Mr. Speaker, the loss of the crew of the Space Shuttle *Columbia* is a tragedy to their families and loved ones, as well as to the United States, Israel, India, and to the NASA family. Peoples around the world have expressed both support and condolences.

I felt a great deal of pride when I traveled around Indianapolis with Colonel Wolf, former astronaut. The kids were so excited about him. I know that he and his family and his father, who is a doctor at one of the hospitals in my district, join in commemoration of this incredible crew.

I speak on behalf of the people of the City of Indianapolis. The astronauts were people who lived and worshipped in our communities and who had families much like ours. They were united in learning and sharing to make the world a better place.

They were extraordinary people: Rick Husband; William McCool; Kalpana Chawla; David Brown; Ilan Ramon, payload specialist; and Michael Anderson. The true tribute to these brave seven scientists, Mr. Speaker, and explorers lives in the memory and pride of parents, siblings, and loved ones. They will also live on through their sacrifices to science and math education.

In my congressional district, students at the Decatur Township Lynwood Elementary School will learn about these brave space explorers, the wonders of the universe, science, and mathematics at the EdVenture Lab. The EdVenture Lab at Lynwood Elementary School is the first in the Nation for grades kindergarten through fifth grade. It works in conjunction with the Challenger Center for Space Science Education using national and State standards.

□ 1715

Adventure Lab is a multi-media rich environment which enables limited inquiry opportunities for all ages.

So let me close, Mr. Speaker, in saying in the Book of Ecclesiastes it talks about a time for all things, a time to be born and a time to die.

These scientists in the short time that they had on Earth were using their time very wisely for the benefits of all of us, and their sacrifices and contributions will live in the lives of this world forever.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington (Mr. INSLEE), certainly an area that has a great deal of impact on the work of NASA and aviation in this Nation.

Mr. INSLEE. Mr. Speaker, America is all aware of the tragedy of our seven losses, but I would like to pay particular tribute to two American stories that bear repeating as we think about our loss.

First, I want to pay tribute to the very unique life of Dr. Kalpana Chawla, a woman who had such an incredible personal story that became now an American icon.

Dr. Chawla was born in India and raised in a small town called Karnal in the Punjab region. She at an early age decided to become associated with space, and she went to the University of Punjab and later received a degree from the University of Texas, and now has become a part of the tradition and story of American and international progress. She served both in the last space shuttle flight, the *Columbia*, and in 1997; and the world is proud of her. But what I want to say particularly is I think Dr. Chawla's story is one that can be embraced by America in the sense that we have been a magnet for people of incredible ambition and talent that have helped America lead the world in technology in a whole host of ways.

But this is also a story of success for India. India rightfully shares the privilege and honor of having raised and educated Dr. Chawla early in her life. And it is a story of success in my district where many people have come from India, have been educated in India, but who are now successful in developing software at Microsoft and other companies, are now providing medical services to our constituents and our families, are now designing aircraft at Boeing, and are part of the American dream of keeping America on the cutting edge of technology.

So her heroism and success is a symbol both for the American commitment to continue growth but to success for other countries, and particularly India, in their ambitions. And we honor her and her family for her incredible contributions both to America and India and to the world.

Mr. Speaker, I also want to pay tribute particularly to Lieutenant Colonel Michael Anderson, who grew up in Spokane and has his picture in Cheney High School.

To Lieutenant Colonel Anderson's family, we simply say that we believe that he has a legacy of perhaps the highest accomplishment for any American; and he has inspired those who will come behind him in Cheney, Washington and in Washington and in America. We honor him.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire if the distinguished gentleman from California (Mr. ROHRABACHER) has any more speakers.

Mr. ROHRABACHER. Mr. Speaker, we have no more speakers. I will be closing the discussion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of my colleagues who have come to the floor today to support the resolution offered by the majority leader, the gentleman from Texas (Mr. DELAY), and the minority leader, the gentlewoman from California (Ms. PELOSI), who have come together to allow us to show our remorse, our sympathy, our concern in the great loss this Nation has experienced. We first want to thank them.

I want to also and would like to also thank NASA's Sean O'Keefe, the administrator, and all of the personnel that each day lay their commitment on the line so that this Nation might reach a very great future. To all of the staff persons at NASA and Johnson who mourned and who embraced in love those who were experiencing great suffering because of the tragedy, I thank them. To the scientists and researchers and contractors who were engaged in this work in and around Houston and throughout the Nation, we thank you.

To my colleagues, the gentleman from Texas (Mr. LAMPSON) and the rest of the congressional delegation of Texas who have been strong supporters, along with our colleagues across the Nation, we too thank you for understanding that without exploration in space, there is no hope. For where there is no vision, the people will perish.

This is not a time, Mr. Speaker, to dwell on criticisms. This is a time to say that we will find out the facts; and however the facts may fall, we will improve and correct and enhance NASA. We also want to thank NASA for the quick response, the quick announcing of an independent commission with Admiral Gehman, and we also want to thank them for their openness to the American people and to the families.

For the critics who will say that everyone who spoke, from the President, to the administrator, to the chief of astronauts said that space exploration must continue, and to the religious communities, as well, that have prayed for us, the Grace Community Church that I worshipped in where Rick Husband and Mike Anderson worshipped, to Beth Yeshuron who acknowledged and memorialized Ilan Ramon with his family, to all of the various religions, the Hindu faith of which Kalpana Chawla was a member, and to the Indian community and to the American communities, we thank you.

So I close, Mr. Speaker, by giving words on behalf of the family, and as I read them I would ask that these words would be allowed to be included in the RECORD. It is a statement from the astronauts' families that was issued. The words are as follows and I believe they speak for themselves: "On January 16, we saw our loved ones launch into a brilliant cloud-free sky. Their hearts were full of enthusiasm, pride in country, faith in their god and a willingness to accept risk in the pursuit of knowledge. Knowledge that they might improve the quality of life for all mankind.

Although we grieve deeply, as do the families of *Apollo I* and *Challenger* before us, the bold exploration of space must go on. Once the root cause of this tragedy is found and corrected, the legacy of *Columbia* must carry on for the benefit of our children and yours."

Mr. Speaker, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conquests of the frontier and the development of new technology is how we have defined ourselves as Americans from the clipper ships to the railroads to heavier-than-air flight, which was, by the way, established only 100 years ago this year by two American bicycle shop owners. One hundred years of heavier-than-air flight, and now we are engaged in the conquest of outerspace.

As man ascended into the air after the Wright Brothers successfully accomplished the first flight, many lives were lost in the historic task of creating the technology that now enables us to circumvent the world and has brought every person in the world together.

Now, as in the early stages of the engineering and development of technology that provided us with this conquest of the air, we are engaged in the development of engineering and technology that will move us into the heavens, into space. But there is a price to pay as America moves forward with technology and as America moves forward in the conquest of this last frontier.

Space pioneers, as those on the shuttles *Challenger* and *Columbia*, are those who take the greatest risk and have paid the heaviest price. That is why they are heroes. They risk their lives to lift all of humankind. It was over 20 years ago in 1981 when I first worked with President Ronald Reagan on his remarks when he met the first astronauts off of a space shuttle to return from that very first shuttle flight back in 1981. There he was in the Mojave Desert waiting to welcome our astronauts from the first shuttle flight.

The shuttle had proved itself to be a historic accomplishment, an inspiration to the American people; and in those days we needed inspiration. It helped lift our spirits as we saw it ascend to space and then land in California. The first shuttle, of course, that shuttle that landed was the Space Shuttle *Columbia*. Over the years it did a tremendous service for our country and for the world, as did all those astronauts that used and were on the Space Shuttle *Columbia* and the other shuttles.

As we mourn the loss of our astronaut heroes today, let us pledge to keep moving forward in their memory. Let us pledge to move forward with confidence that some day just as there was a Good Ship *Columbia*, which was the *Columbia*, the gem of the ocean that gave us such pride, just as there was the Space Shuttle *Columbia* that lifted our spirits and has given us such pride over these last 20 years, there will again be a transportation system named after *Columbia*, perhaps after this *Columbia*. And it will inspire Americans and the whole world in the future as it will lift us to new heights and new accomplishments in the area of science and in the conquests of those frontiers that lie ahead.

As we move forward today, we mourn this loss. We ask that the families understand that the sacrifice that their family members, that these astronauts have made is deeply appreciated by all of us here in Congress, by all of the American people, and by all of the people throughout the world. They have done well by America. We are grateful that they have lived and given their lives for us, and now we will move forward as is the task of all generations of Americans.

Mr. EHLERS. Mr. Speaker, I rise in strong support of the resolution and to offer my heartfelt prayers on behalf of the families, friends and loved ones of the seven crew members who lost their lives aboard the Space Shuttle *Columbia*. Our whole nation mourns with them.

While this has been a terrible accident, it is important to note that this is only the third accident in the history of the United States space program to result in the loss of life. My home of Grand Rapids, Michigan, especially feels and understands the pain of this loss, as one of our native sons, Roger B. Chafee, was among the first Americans to lose their lives in the space program when the *Apollo 1* cabin was engulfed in a launch pad fire during testing in 1967.

Obviously, we do not have a full understanding of what happened last Saturday, but I am certain that we, as a nation, will do everything we can to understand what went wrong. As we conduct this investigation, we must commit ourselves to the proposition that the cause of exploration in which these astronauts died will continue. I strongly urge my fellow Members of Congress and the nation as a whole that we must continue to develop our space science program. These missions serve several goals, including valuable scientific and technical research and fulfilling the call of humanity to explore and expand our knowledge.

For example, experiments conducted by the astronauts aboard *Columbia* will enhance our earthquake preparedness and safety, foster our efforts for cleaner air, and assist in strengthening human health. But, beyond the technical value of science in space, with each mission we are deepening our understanding of the conditions and effects of space on the human body. Each piece of knowledge is a stepping stone to further space exploration, enabling a fuller understanding of our universe and satisfying the call of stepping into the unknown.

This endeavor of exploration and discovery is the most appropriate way that we can honor the men and women that President Bush eulogized as "Seven lives of great purpose and achievement": Mission Commander Rick Husband; Pilot William McCool; Payload Commander Michael Anderson; Mission Specialists Kalpana Chawla, David Brown, and Laurel Clark; and Payload Specialist Ilan Ramon. May our continued dedication to the work they pursued with their lives be our most significant memorial.

Mr. CAMP. Mr. Speaker, Today, I rise to salute the seven astronauts who lost their lives aboard the Space Shuttle *Columbia*: Commander Rick Husband; Pilot William McCool; Mission Specialists Michael P. Anderson, David M. Brown, Kalpana Chawla, and Laurel Clark; and payload specialist Ilan Ramon, an Israeli.

On January 16, 2002, the *Columbia* left on a 16-day mission that was dedicated to research in physical, life, and space sciences, conducted in approximately 80 separate experiments, and comprised of hundreds of samples and test points. The men and women aboard the *Columbia* traveled over six million miles and labored 24 hours a day to complete this mission. On February 1, 2003, just minutes from completing its mission, the *Columbia* was lost during its reentry into the Earth's atmosphere. This loss was unexpected and terrible and today we remember not only this tragedy, but the seven heroes who were lost and their achievement.

For the families of the seven, we share your grief in this national tragedy. With heavy hearts we as a nation share in your sorrow and pride. My sincere condolences and prayers are with you in this time of great loss. America was blessed to have such men and women serving in the space program. While our space program has experienced tragedy before, it never becomes easy to bear. And today we grieve the loss of these heroes.

Though there are great risks involved in space travel, its benefits to life on earth has been tremendous. The heroes aboard the *Columbia* were fulfilling America's commitment of more than a half century to explore the universe. Their loss does nothing to diminish the great respect that American's have in the space program. Despite this great loss, America will continue to send people into space. The dedication and professionalism of astronauts have impressed us for generations and the crew of the *Columbia* continued this tradition of brave men and women who have traveled into space to honor the American spirit of exploration. These astronauts are an example of everything that we consider honorable. Honoring them with this resolution is just one way we can pay tribute to their memory and accomplishments.

Mr. ORTIZ. Mr. Speaker, I offered my condolences to the families of the brave men and women who flew into the heavens, representing the Earth below them as well as any flight crew could. The mix of men and women, 6 Americans and an Israeli, reflected the international cooperation of the space program, and the diverse ethnic makeup of the United States.

I met Payload Commander Michael P. Anderson some time ago. I saw him in my office in 1999 when he and other astronauts were in my office to see me after his previous trip into space. They gave me a collage of pictures from aboard their spaceship, with an American flag and mission patch. This hangs in my office and I will always remember Commander Anderson—and the other astronauts who perished with him—as special, courageous patriots.

While the tragedy will again spark the debate over the need for human space flight, in this era of technological gains, the need is clear for humans in space. For this nation to be a power in space, we must continue to be in the forefront of human exploration of space. Americans are forever looking forward, dreaming of the stars. While we mourn the fallen astronauts, our nation looks forward at the new frontier of space.

All progress in the past 40 years has taken humans only as far as the moon and our first colony on the International Space Station. That is only the cusp of the exploration of our universe. Already, we have placed a rover on mars and the possibilities and wonders of space travel and exploration are endless. We don't do that for sport; the science conducted in space without the confines of gravity is simply amazing. Today we are enjoying the benefits of the scientific and technological advances space scientists have brought back to Earth over the past 40 years—from medical science to computer chips.

The research conducted aboard the spaceship *Columbia* was for the good of the entire human race. The small scientific steps they were taking for our nation, and the world, continue to be giant steps for mankind, the sort that propel us forward into new space and scientific frontiers. We must never take for granted the absolute danger of each trip into space. It's called a frontier for a reason: it is dangerous and unknown. Our astronauts all know that. They ride a rocket into space, fly among the stars, then re-enter our environment through the outer layer of atmosphere that literally burns at 3,000 degrees. That is an incredibly dangerous ride, each and every time a ship goes up. It is not 100 percent safe, nor are airplanes, yet we will continue to ride in them.

The *Columbia* crew was conducing experiments relating to communications, energy, health and medicine. These are all the areas we must continue to explore as our Earth grows smaller, our energy supplies dwindle, and the cost of medicines spiral. Machines could not begin to conduct meticulous scientific experiments, particularly those on the human body. Only humans have the judgment necessary to explore space; we must not let our fear dictate our exploration of space.

There is no question, as long as there are brave men and women in America who dream of the stars and long to travel among them, we will have a strong, robust space program. We must continue to send brave astronauts into space, complete the International Space Station, and go further into this planetary system and galaxy in this century—and we will. We are still fulfilling the challenge issued by President Kennedy in exploring the frontier of space. We have thrown our cap over the wall of space, and we have no choice but to follow.

Lastly, let me express my concerns for citizens of East Texas traumatized not only by the streaking explosion above them, but also by the pieces of the shuttle falling from the sky around them. Texans have responded as Texans do—we pitch in and help. I am proud of the local response in the areas of Texas and Louisiana where the debris field stretches. Texans have stepped up to the plate to stand guard over pieces of debris simply because there are not enough NASA officials to guard or collect the tonnage of debris.

There is a certain symmetry in losing a space ship in the skies of Texas, the state that gave birth to the modern space program. Texas remains ever a part of the life and legacy of our space exploration. We remain dedicated to the memory of these brave men and women, and are working to find the clues to discover how this tragedy occurred.

America mourns our fallen heroes; and we will always reach for the stars in their memory.

I thank the leadership of the House of Representatives for sponsoring this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, from the earliest of time, man has yearned to explore the unknown—to chart the distant stars. This unquenchable spirit to learn what is beyond the horizon, or over the next hill, is part of who we are. As Americans, this character is, more than anything, a defining part of us as a people. Indeed the America that we lovingly call home is far from the distant lands of most of our early roots.

From Lewis and Clark to the "iron horse" and the wagon train, the earliest quest for manned flight and, yes, even the first efforts to explore the heavens are celebrated mileposts on our journey for discovery. The Space Shuttle *Columbia* and the brave crew that she carried into space were, and is, part of this long voyage.

We have always known and accepted the risks associated with our most daring of efforts. This does not, however, lessen the deep pain in our heart or fill the empty void in our soul brought on by this tragedy. Space Shuttle flights were never without risks, though many had grown to view them that way.

Mr. Speaker, it is appropriate that this Congress, indeed, the nation and the world, honor and remember the members of this diverse and international space crew that was lost. We must express our deepest appreciation to them and their families for the sacrifice that they made for the advancement of humanity. For their mission was a noble one.

As a Floridian, the *Columbia* tragedy hits very close to home. Florida's east coast was where the crew trained and prepared for its mission, and it was to be where they would be reunited with their families and friends after 16 days amongst the stars.

The Kennedy Space Center, located at Cape Canaveral, is no more than 90 minutes north of my Congressional District. On a clear day, my constituents can see the glow of the space shuttle as it launches toward the heavens. In some instances, some have even felt the Earth tremble beneath their feet as the *Columbia* and her sister ships departed Florida's east coast.

We will never forget Air Force Colonel Rick D. Husband, Navy Commander William "Willie" McCool, Air Force Lieutenant Colonel Michael P. Anderson, Navy Captain David M. Brown, Dr. Kalpana Chawla, Navy Commander (Captain-select) Laurel Blair Salton Clark, and Colonel, Israeli Air Force, Ilan Ramon. All will occupy a space on life's honor role for their selfless dedication to mankind.

On May 25, 1961, President John F. Kennedy stood before a nation immersed in a race to space with the former Soviet Union and declared, "I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth." Barely eight years later, Americans from Florida to Honolulu and from Maine to California heard the famous words of Neil Armstrong as he became the first human being to step foot on the moon. "That's one small step for man, one giant leap for mankind."

Since then, well over 300 men and women from more than 25 countries have lived the dream for which so many of us have longed. That is, to see what our planet looks like from the heavens. Outer space is a place where the beauty of the blues and greens of the Earth overshadow the day-to-day difficulties facing Americans and others throughout the world. It is a place where uncertainty is accepted, but answers are always sought. It is a place that every child—male and female, tall and short, black, white, and brown—falls asleep, at least one night in their lives, fantasizing about what it would be like to see the Earth from a place amongst the stars.

These dreams and aspirations, as we all know, were not limited to American children. In Israel, Colonel Ramon's participation in *Columbia's* mission was extremely special, as Ramon was Israel's first ever astronaut. Israelis watched Colonel Ramon's every move with great enthusiasm and anticipation. Updates on his mission and conversations with Israeli news personalities provided the Israeli, community with a much-needed break from a never-ending conflict with the Palestinians. The tragic death of Colonel Ramon, however, means that no one will be returning to Israel to talk about what it was like in space, looking down at a world where violence and terrorism is not so obvious.

Here in America, Dr. Chawla, the first Indian-American astronaut, was another example of breaking down walls for minorities. Her participation in the mission sent a clear message to Indian-American children, and other minorities, that space travel can be a reality for all Americans—regardless of their ethnic background and color of their skin.

Realize, the studies that were being done by Dr. Chawla and others were to impact many of us here on Earth. Captain Anderson, the crew's only African American, was attempting to grow prostate cancer cells, a disease that disproportionately affects black males; Colonel Ramon was studying the effect that dust storms have on global warming; and Commander Clark, one of the crew's medical doctors, was examining how space affects the human body and the lives of other animals and organisms. It is under these studies and findings, as well as others currently underway in the International Space Center, with which the American space program must expand and grow.

In the coming days, months, and years, federal agencies, from NASA to NORAD, will investigate what happened during *Columbia*'s reentry. Their findings will make it safer for Americans and others to visit the heavens, but no investigation will ever replace our seven astronauts, our seven brothers and sisters that we lost last Saturday. And certainly no investigation will ever erase the glowing image of *Columbia* breaking up as it reentered the Earth's atmosphere. That image will forever be etched in our memory, much like those of the *Challenger* and the initial Apollo mission.

Whether it is increasing minority participation in the space program or reaching a new scientific discovery that will save the lives of thousands, the space program remains a vital ingredient in the America spirit of innovation. We have overcome the odds of the past, and are now face to face with the difficulties of the future.

Mr. Speaker, Socrates said in 500 B.C., "Man must rise above the Earth—to the top of the atmosphere and beyond—for only thus will he fully understand the world in which he lives." Every time that we travel amongst the stars, we learn more about the world of which Socrates so eloquently spoke. For it is a world in which we one day hope to live, and may the memories of those who perished on the *Columbia* last Saturday forever guide us on that path.

Ms. SOLIS. Mr. Speaker, on Saturday, our country suffered a staggering loss that reminds us how precious and fragile life truly is. As we watched the debris from the *Columbia* space shuttle fall to the ground, our hearts sank but our resolve only strengthened.

Seven astronauts; 15 educational degrees; more than 800 space hours traveled; working 24 hours a day for 16 days to perform over 80 separate experiments.

Although these numbers are impressive and show their intelligence and qualifications, they do not reflect the fullness of the lives of the crew of the *Columbia.* They do not show the courage that they so obviously possessed. These numbers do not show the love that they had for their families. They don't show their faith or passion for life. And the numbers don't show their dedication to a program that has consistently proved invaluable to our nation's commitment to exploration and has proved necessary for our advancement as a culture, a society and a people.

As we reflect today, I am especially moved by the story of Dr. Kalpana Chawla. Dr. Chawla was born in Karnal, India, a country that shares our nation's value for democracy and advancement of science. Dr. Chawla immigrated to the United States and was naturalized as a citizen before becoming an astronaut in 1994. Never afraid of chances, Dr. Chawala valued the pursuit of knowledge, a priority for all of the crew of the *Columbia.*

On this day of remembrance, my thoughts and prayers are with the many families that lost their loved ones. These brave men and women gave their lives so that our innovative spirit can live on. It is with great gratitude that we acknowledge their sacrifice.

As we remember the *Columbia* and her courageous crew, I stand committed to the NASA program and the spirit of exploration and the pursuit of knowledge that these astronauts exemplified.

Mr. HOLT. Mr. Speaker, I rise today in recognition of the seven astronauts who tragically lost their lives in the space shuttle *Columbia* disaster on Saturday. The crew of the *Columbia,* Rick Husband, William McCool, Michael Anderson, David Brown, Kalpana Chawla, Laurel Blair Salton Clark, and Ilan Ramon lost their lives while on a mission for all of mankind. By exploring, learning, and pushing the boundaries of human understanding, they were providing a service to us all. These men and women were more than astronauts; they were heroes.

Astronauts are the modern expression of our pioneer spirit. Just as Lewis and Clark risked their lives two hundred years ago to explore the uncharted lands of the American West, our astronauts are twenty-first century pioneers who put their lives in danger to explore the vast expanse that lies beyond earth's frontier—space. The journey into space, however, is not exclusively an American effort. As we have learned by the outpouring of sympathy from around the globe, space exploration is an effort that knows no national borders. *Columbia*'s international crew was also a testament to this fact and today our hearts and prayers are with our close friends and allies in India and Israel, as they mourn the loss of astronauts Kalpana Chawla and Ilan Roman.

Columbia's crew carried with them the dreams and hopes for our future; dreams that the research they conducted on protein crystals could someday help develop new lifesaving drugs; dreams that a combustion experiment could help reduce pollutants in earth's atmosphere; and dreams that work done on prostate cancer tissue might someday lead to a cure. We must not let these dreams die with them. We must continue to push the boundaries of scientific exploration both in space and here on the earth.

In the aftermath of this tragedy many have tried to quantify the benefits of the manned space program. But most are not quantifiable. How do you measure the sense of earth's fragility and unity inspired by those early pictures of earth from outer space? How do you measure the significance in human history of stepping on the moon? How do you measure the inspiration that man's expeditious into space have given to generations of school children around the world?

As we try to understand what caused the *Columbia* tragedy and as we agonize over what we might have done to prevent it, we must not lose sight of the larger meaning of the space program. Our endeavor into space has always represented the power of the American belief in the possible, in the potential of humanity to achieve what seems unachievable. The loss of the *Columbia* should not put our faith in our potential into question because no endeavor worth undertaking is without risk or sacrifice.

Mr. MARKEY. Mr. Speaker, I rise in support of the resolution.

How many of us when we were young dreamed of being an astronaut, to be one of those brave humans who left the Earth to explore the mysteries of space? The seven heroic men and women we remember today, Rick Husband, David Brown, Michael Anderson, Laurel Blair Salton Clark, Kalpana Chawla, Ilan Ramon and Willie McCool, lived the dream.

They came from around the world and from every background to work together for the furtherance of mankind's quest of knowledge. These astronauts were on a mission of science, one designed to expand our knowledge of fire, reproduction, construction techniques, prostate cancer, improved crop yields, better drugs, and astronaut health as well as studying the Sun, the Earth, and space by conducting nearly 60 different experiments during their 16-day mission.

While we mourn their sudden loss, we must also prepare to use the knowledge gained both during their mission and from their tragic deaths to help those here on Earth and to prevent such accidents in the future.

Hopefully, last weekend's tragic events will mark not the end of the Space Program, but a new beginning. We will go through a process of investigation, self-examination, and reflection about what happened. But out of that process hopefully will emerge a strengthened U.S. and international space program. We will rededicate our selves and our nation to achieving NASA's mission of advancing the state of human knowledge about outer space, our solar system, and our universe. As the same time, as we continue to explore space, we must determine as best we can the cause of last week's disaster, so that we can make the changes and reforms needed to ensure astronaut and mission safety in the future.

Finally, I would like to extend my sympathies to the families and friends of the seven astronauts. The thoughts and prayers of a grateful nation are with you at this very difficult time. Your loved ones did not die in vain. They died doing something that they loved, but they also died doing something aimed at advancing the frontiers of human knowledge.

Mr. CRANE. Mr. Speaker, on February 1, 2003, we lost seven of mankind's finest. The crew of the Space Shuttle *Columbia* made the ultimate sacrifice, not in a feat of arms, but in the noble quest to expand human knowledge. My deepest thoughts and prayers go to the families of those brave men and women lost in this accident. Their loved ones will be remembered with deep gratitude and admiration for their dedication towards advancing our understanding of new frontiers and discovering ways science can improve our lives.

While space shuttles fly regularly, space travel itself is anything but routine. Its dangers are many but the *Columbia*'s crew was willing to brave them. We in Congress have a duty to them and our astronauts to find the cause of this horrific accident. We can never fully eliminate the danger, but we can manage the risk. I realize that the NASA family is greiving—and they too have my sympathy—but even as we grieve Congress must be willing to ask serious questions about the shuttle program and our nation's goals for the space program.

Can NASA implement the space program's goals with only 3 shuttles, and if not what next? Should a seventh orbiter be built from scratch, or should the *Enterprise* be rebuilt? If the space program can get by with just three shuttles should a new vehicle program be implemented? Five years lapsed between *Challenger*'s loss and *Endeavour*'s first mission. Could a successor program vehicle enter service in the same amount of time that it will take to bring the shuttle fleet back up to four?

Columbia was destroyed on its 28th mission. *Discovery*'s next mission will be its 31st. How many more missions does it have left in it?

Then there's the International Space Station. If a shuttle is damaged prior to re-entry how much assistance could it give? Could emergency facilities be added? Will having a smaller fleet further delay it in becoming fully operational?

Finally where does our space program go from here? Will we continue the trend in manned flight by going no further than low Earth orbit or will humanity again push out beyond our planet and return to the Moon or even go to Mars?

I am confident that NASA and Congress will address these questions. As America's space program continues into the future, we have a responsibility to provide it direction. I believe that the space program will continue to benefit humanity, and we in Congress must do all we can to ensure the safety of our astronauts when they embark on future missions.

Seventeen years ago President Reagan consoled our nation after another group of seven heroes were lost to us in similar, tragic fashion. He ended his remarks by briefly quoting from the poem by an American pilot, John Gillespie Magee Jr., who died in flight. Magee's stirring words are a fitting tribute to those who strive to explore and live in the heavens.

Oh! I have slipped the surly bonds of Earth
And danced the skies on laughter-silvered wings,
Sunward I've climbed and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence. Hov'ring there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.
Up, up the long, delirious burning blue
I've topped the wind-swept heights with easy grace
Where never lark, or even eagle flew.
And, while silent lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

When asked by his brother about what would happen if something went wrong Captain David Brown, a member of *Columbia*'s final crew, replied "this program will go on." He was right but it will not just be this one program that goes on. No matter what setbacks confront us humanity will explore the unknown, brave its dangers and continue our drive to create a better world.

Mr. CALVERT. Mr. Speaker, this past Saturday a tragedy occurred that touched every one of us. We lost seven brave explorers and now grieve along with their friends and family.

In our modern world, we have grown comfortable with the frequent occurrence of space travel, forgetting that with each mission, there is risk. The men and women of *Columbia* knew the risks, and in the name of discovery accepted them.

We owe each one of these brave voyagers a great deal of gratitude and reverence.

As a country we hold life and freedom as our highest values, and it is natural for us to question the meaning behind the *Columbia* mission to determine whether it was worth the loss we feel now. One of the ironies of such a tragedy is that the valuable work these men and women were doing is now on the front pages of every newspaper and in the headlines of our evening news programs. If the mission had been completed as scheduled, there would have been perhaps a column on the back page of the newspaper or a 30 second newsbyte. Outside of the space community, few people are aware of the extraordinary advances being made in the fields of medicine, agriculture, physical and biological science by our space programs.

Our missions into space will continue to hold a measure of risk and I believe we should support these missions in every way possible. Our country has had a tradition of leading the way in exploration in every field, and that tradition should continue. The exploration of space will go on in the name of these seven fine men and women and in the name of all those who went before them.

On January 16 seven astronauts journeyed out of this world and they would go farther than anyone of us imagined; into the greatest unknown. However, their journey is not over and their legacy will never be forgotten God Bless.

Mr. EVERETT. Mr. Speaker, I join with the whole nation and the world in mourning the loss of the seven-member crew of the space shuttle *Columbia* (STS–107).

My condolences go out to the families of Commander Rick Husband, Pilot William McCool, Mission Specialists David Brown, Kalpana Chawla, Michael Anderson, Laura Clark, and Payload Special Ilan Ramon.

The flight of STS–107, seen as routine by many at its beginning, ended in tragedy on February first with the loss of the crew upon *Columbia's* re-entry in the earth's atmosphere as the shuttle was headed for home.

All loss of life is tragic, but it is especially painful when those who represent our best and brightest are suddenly take from us. The crew of *Columbia* gave their lives doing what they loved most—pushing back the boundaries of the unknown while striving to better all humankind. For certain, their mission was not in vain.

America is not finished with space. Indeed, our exploration beyond the veil of our home planet has only just begun. We owe it to the crew of *Columbia, Challenger, Apollo 1,* and all those who despite the risks dared to dream, to continue the beneficial programs of space exploration and experimentation.

We live in an age when the ego and excess of pampered athletes and pop idols underservedly garner the lion's share of national attention. Yet there are plenty of suitable role models for America's youth. Those who wear the uniform of this great Nation in far away lands or while orbiting hundreds of miles above our earth are "real" heroes.

Those who rushed the cockpit of United Airlines Flight 93 to save our Nation's Capitol from certain terrorist destruction are heroes, as are the tireless firefighters and emergency workers who labored in the wake of 9/11 to save lives and inspire our land.

Today we say farewell to seven more heroes—the men and women of space shuttle *Columbia*. Their contributions and sacrifice will never be forgotten.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, human space exploration is inherently risky. Distance, speed and an environment that can not support human life combine to make human space flights particularly precarious.

Unfortunately the world has new evidence of the dangers associated with space exploration. Millions watched as images of a singular, brilliant point of light in the sky became two, three, and four points of light as space shuttle *Columbia* broke apart over my home State of Texas.

I join the rest of the country and the world in mourning the seven brave astronauts whom we lost in this national tragedy. The outpouring of sympathy from the citizens of the world is recognition that the crew heroically put their lives on the line in the name of science and research.

More than a decade ago, January 28th, 1986, our country's space program was dealt another tragedy as we lost the crew of the space shuttle *Challenger*. The findings of the "Report of the Presidential Commission on the Space Shuttle *Challenger* Accident" (referred to as the Rogers' Commission Report) have changed NASA procedures to make human space flight safe. It is incumbent upon the federal government to conduct a vigorous and comprehensive investigation to uncover and alleviate the events that led to *Columbia*'s accident. I pledge to do what I can to help our space program recover from this terrible setback so these important endeavors can flourish in the future. As a Senior member of the Science Committee, I will work closely with my House colleagues to assist NASA and Harold Gehman Jr. who will lead the special investigative commission.

I am the ranking member of the Science Subcommittee on Basic Research. In this important capacity, I have taken a major leadership role regarding America's commitment to technological development and scientific research and application. As such, I am a firm believer that the United States will continue our space program that has accomplished so much in the areas of research and science. This important and beneficial program is essential to advancing technology.

Specific technological advances made possible by space research include the arteriosclerosis detection, ultrasound scanners, automatic insulin pump, portable x-ray device, invisible braces, dental arch wire, palate surgery technology, clean room apparel, implantable heart aid, MRI, bone analyzer, and cataract surgery tools.

The Space Shuttle Program has yielded many lifesaving medical tests, accessibility advances for the physically challenged, and products that make our lives more safe and enjoyable. Such as:

Digital Imaging Breast Biopsy System—The LORAD Stereo Guide Breast Biopsy system incorporates advanced Charge Coupled Devices (CCDs) as part of a digital camera system. The resulting device images breast tissue more clearly and efficiently. Known as stereotactic large-core needle biopsy, this nonsurgical system developed with Space Telescope Technology is less traumatic and greatly reduces the pain, scarring, radiation exposure, time, and costs associated with invasive surgical biopsies.

Breast Cancer Detection—A solar cell sensor is positioned directly beneath x-ray film, and determines exactly when film has received sufficient radiation and has been exposed to optimum density. Associated electronic equipment then sends a signal to cut off the x-ray source. Reduction of mammography x-ray exposure reduces radiation hazard and doubles the number of patient exams per machine.

Laser Angioplasty—Laser angioplasty with a "cool" type of laser, caller an excimer laser, does not damage blood vessel walls and offers precise non-surgical cleaning of clogged arteries with extraordinary precision and fewer complications than in balloon angioplasty.

Blood Serum Research—An astronaut's body, once free of gravity's pull, experiences a redistribution of body fluids that can lead to a decrease in the number of red blood cells and produce a form of space anemia. Monitoring and evaluating blood serum was required to understand these phenomena. However, existing blood-analysis technology required the use of a centrifugation technology that was not practical in space. NASA developed new technologies for the collection and real-time analysis of blood as well as other bodily fluids without the need for centrifugation.

Ultrasound Skin Damage Assessment—Advanced instrument using NASA ultrasound technology enables immediate assessment of burn damage depth, improving patient treatment, and may save lives in serious burn cases.

Lifesaving Light—Special lighting technology developed for plant-growth experiments on Space Shuttle missions is now used to treat brain tumors in children. Doctors at the Medical College of Wisconsin in Milwaukee use light-emitting diodes in a treatment called photodynamic therapy, a form of chemotherapy, to kill cancerous tumors.

Human Tissue Stimulator—Employing NASA satellite technology, the device is implanted in the body to help patient control chronic pain and involuntary motion disorders through electrical stimulation of targeted nerve centers or particular areas of the brain.

3–D Biotechnology—Developed for Space Shuttle medical research, a rotating cell-culture device simulates the microgravity of space. This allows researchers to grow cells in three dimensions. The device may one day help researchers find cures for dangerous infectious diseases and offer alternatives to patients who need organ transplant surgery.

Cool Suit—Custom-made suit derived from space suits circulates coolant through tubes to lower patient's body temperature, producing dramatic improvement of symptoms of multiple sclerosis, cerebral palsy, spina bifida and other conditions.

Programmable Pacemaker—Incorporating multiple NASA technologies, the system consists of the implant and a physician's computer console containing the programming and a data printer. Communicates through wireless telemetry signals.

Ocular Screening—NASA image processing techniques are used to detect eye problems in very young children. An electronic flash from a 35-millimeter camera sends light into the child's eyes, and a photorefractor analyzes the retinal reflexes, producing an image of each eye.

Automated Urinalysis—NASA fluid dynamics studies helped development of system that automatically extracts and transfers sediment from urine sample to an analyzer microscope, replacing the manual centrifuge method.

Medical Gas Analyzer—Astronaut-monitoring technology used to develop system to monitor operating rooms for analysis of anesthetic gasses and measurement of oxygen, carbon dioxide, and nitrogen concentrations to assure proper breathing environment for surgery patients.

Voice-Controlled Wheelchair—NASA teleoperator and robot technology used to develop chair and manipulator that respond to 35 one-word voice commands utilizing a minicomputer to help patient perform daily tasks, like picking up packages, opening doors, and turning on appliances.

Land Mine Removal—The same rocket fuel that helps launch the Space Shuttle is now being used to save lives—by destroying land mines. A flare device, using leftover fuel donated by NASA, is placed next to the uncovered land mine and is ignited from a safe distance using a battery-triggered electric match. The explosive burns away, disabling the mine and rendering it harmless.

Rescue 911—Rescue squads have a new extrication tool to help remove accident victims from wrecked vehicles. The hand-held device requires no auxiliary power systems or cumbersome hoses and is 70 percent cheaper than previous rescue equipment. The cutter uses a miniature version of the explosive charges that separate devices on the Space Shuttle.

Byte Out of Crime—Image-processing technology used to analyze Space Shuttle launch videos and to study meteorological images also helps law enforcement agencies improve crime-solving videos. The technology removes defects due to image jitter, image rotation and image zoom in video sequences. The technology also may be useful for medical imaging, scientific applications and home video.

Product Labeling—NASA needs to identify, track, and keep records on each of the thousands of heat-shield tiles on the Space Shuttle. This required a labeling system that could be put on ceramic material and withstand the rigors of space travel to be readable after a flight. NASA developed high data-density, two-dimensional, machine-readable symbol technology used to mark individual tiles. This novel method of labeling products with invisible and virtually indestructible markings can be used on electronic parts, pharmaceuticals and livestock—in fact on just about anything.

Keep Cool Under Fire—Materials from the Space Shuttle thermal protection system are used on NASCAR racing cars to protect drivers from the extreme heat generated by the engines. This same material is also used to protect firefighters.

Fire Resistant Foam—A unique foam developed for Space Shuttle thermal insulation and packing is now being used as thermal and acoustical insulation in aerospace, marine and industrial products. Since it's also fire resistant, it's being used as well for fire barriers, packaging and other applications requiring either high-temperature or very low-temperature insulation in critical environments. For example, use of these foam products by airframe manufacturers such as Boeing, Lockheed-Martin, and Airbus provides major weight savings, while retaining good thermal and acoustical properties in the various products.

Fire Sighting—A sensitive, gas infrared camera, used by NASA observers to monitor the blazing plumes from the Space Shuttle's solid rocket boosters is also capable of scanning for fires. Firefighters use this hand-held camera to pinpoint the hotspots of wildfires that rage out of control. Gem Jewelers no longer have to worry about inhaling dangerous asbestos fibers from the blocks they use as soldering bases. Space Shuttle heat-shield tiles offer jewelers a safer soldering base with temperature resistance far beyond the 1,400 degrees Fahrenheit generated by the jeweler's torch.

Jet Stripping—NASA developed a tool that uses powerful jet streams of water to strip paint and primer from the Space Shuttle's solid rocket boosters. A commercial version of this water jet is now used to treat turbine-engine components, airframe components, large aerospace hardware, ships and other mechanical devices, using only pure water. No hazardous chemicals are needed.

Quick Fit Fasterners—Fastening items in space is a difficult task. A Virginia company developed a fastener that can be pushed on, rather than turned. These quick-connect fasteners are flexible and strong, and have been used by NASA astronauts since 1989. The product is now in use by firefighters and nuclear power-plant repair technicians, and has other commercial applications.

Computer Joysticks—Computer games can now be played with all the precision and sensitivity needed for a safe and soft Space Shuttle touchdown. A game-controlling joystick for personal computer-based entertainment systems was modeled after controls used in shuttle simulators. Astronauts used the joystick to practice runway landings and orbit maneuvering.

Toys For Tots—Already successful with its Nerf toy products, Hasbro, Inc. wanted to design a toy glider that a child could fly. Benefitting from NASA wind-tunnel and aerodynamic expertise used in the Space Shuttle program, Hasbro improved the flying distances and loop-to-loop stunts of its toy gliders.

As witnessed, the Space Shuttle can be configured to carry many different types of equipment, spacecraft and scientific experiments. The Space Shuttle is essential in the assembly of the International Space Station (advancing life sciences & technology through long-duration missions) and repairing and servicing the Hubble Space Telescope (enabling many new discoveries in Space Science). As an enabling function, the Space Shuttle is fully engaged in providing services for earth and physical science research. The Space Shuttle also engages the private sector in the development of space by providing flight opportunities for industry, academia and government to conduct applied research relevant to NASA's mission through access to the space environment. I will foresee that cooperative activities with the National Institutes of Health (NIH), the National Science Foundation (NSF), the Department of Defense (DoD) and other U.S. agencies will continue to advance knowledge of health, medicine, science and technology.

STS–107, which was lost on February 1, 2003, was a 16-day mission dedicated to research in physical, life, and space sciences, conducted in approximately 80 separate experiments, comprised of hundreds of samples and test points. With two Americans and a Russian still stationed at the International Space Station, it is imperative that this program not come to a halt. This most unfortunate and tragic loss of five men and two women, representing a mosaic of races and nationalities, will be mourned and these great American heroes will not be forgotten.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to pay tribute to the late crew of the space shuttle *Columbia*. Like many of my colleagues, I had the privilege of traveling yesterday to the NASA Johnson Space Center in Houston, Texas to attend a memorial service for the seven heroes we lost on February 1, 2003.

On behalf of the people of American Samoa, I now express American Samoa's deepest condolences in this time of national tragedy. As the Governor of American Samoa noted in his general memorandum issued on February 3, 2003, American Samoa shares a special relationship with the U.S. space program. Five *Apollo* missions had splashdown landings near American Samoa. For four of those landings, American Samoa was also the first landfall for our nation's astronauts.

Like Americans everywhere, we grieve for the lost crew of the space shuttle *Columbia*. We also grieve for the families they left behind. Although our astronauts did not make it back to earth, we join with President Bush in praying that they made it safely home. That their sacrifice may not have been in vain, the United States of America will remain committed to space exploration and we will also fully investigate the cause of Saturday's accident.

Once again, and on behalf of the people of American Samoa, I extend my deepest condolences and heart-felt sympathy of the families and friends of our lost crew. I also pay special tribute and offer my personal condolences to the good people of Israel. The thoughts and prayers of American Samoa are with you. In this time of national and international mourning, may we find peace and may God bless America.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to express my condolences to the families of the crewmembers of the *Columbia* Shuttle Mission. I am truly saddened by the loss of these American heroes, and I will support efforts to ensure that the future of exploratory science research lives on for our future generations.

The state of Ohio is known as "The Birthplace of Aviation," and is also the home of 24 astronauts. This exclusive list includes individuals such as: John Glenn, Neil Armstrong, Carl Walz, Michael T. Good, and Tom Henricks.

Cleveland, Ohio is the home of the NASA Glenn Research Facility; one of eight facilities that conduct ground-based research for NASA in North America. On March 1, 1999, NASA renamed its Cleveland center the "John H. Glenn Research Center at Lewis Field" in honor of John Glenn.

John Glenn was the first American to orbit the Earth. He served as a United States Senator from Ohio and made a historic return to space aboard the Space Shuttle *Discovery* on October 29, 1998, returning on November 7, 1998. The mission included three microgravity science payloads from NASA Lewis Center.

Ohio astronaut and Cleveland native Carl Walz spent six months in a home away from home: the International Space Station (ISS). Mr. Walz was a part of the Expedition 4 crew that traveled to the ISS aboard the Space Shuttle *Endeavour* when it lifted off on December 5, 2001 to begin the STS–108 mission. He returned to earth on June 5, 2002 during the STS–111 mission. During their stay aboard the ISS, Walz and Expedition 4 crewmate Dan Bursch broke the U.S. space flight endurance record. Mr. Walz also holds the U.S. record for most cumulative time in space, spending 231 days.

Since 1945, NASA Glenn has been a pioneer in rocket engine and propellant technology. This research resulted in the development of the Centaur upper stage, one of NASA Glenn's most significant achievements. The technology made significant contributions to the Apollo program, enabling the massive payloads to support human missions to the moon. Likewise, NASA Glenn has been a pioneer in low-gravity research.

The NASA Glenn Research Center specifically developed experiments for the 16-day *Columbia* mission, STS–107, in the areas of biology, physics, chemistry, and Earth science. These experiments were located both inside and outside the Shuttle, and were the primary focus of the flight crew given that they made up over 60 percent of the mass and 45 percent of the crew time for NASA's Biological and Physical Research portion of the flight.

Some examples of these projects included experiments on: Laminar Soot; Structure of Flame Balls at Low Lewis-number; Water Mist Fire Suppression Experiment; Combustion Module-2 Facility; Critical Viscosity of Xenon; and Space Acceleration Measurement System and Orbital Acceleration Research.

Mr. Speaker, I urge my colleagues to support efforts to ensure that the future of exploratory science research lives on for our future generations.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to celebrate the life of Dr. Kalpana Chawla, who died tragically aboard the Space Shuttle *Columbia*, along with six other crew members. Dr. Chawla was the first Indian-American woman in space, and an inspiration to the world.

Born in Karnal, India, she was the youngest of four children. Determined to achieve her dream of space flight, Kalpana was one of the first women ever to enroll in aeronautical engineering at India's Punjab Engineering College. Later she immigrated to the United States in the 1980's and was educated at the University of Texas and the University of Colorado.

Dr. Chawla joined NASA in 1988 with her first flight into space in 1997, as a mission specialist and prime robotic arm operator. She is symbolic of the growing importance of Indian-Americans to our nation's culture.

I join with my fellow House India Caucus Co-Chair JOSEPH CROWLEY, in extending to her family our sincere condolences. The people of the United States owe Dr. Kalpana Chawla a debt of gratitude for her bravery and good work, and join with the people of India in mourning her loss.

Mr. BILIRAKIS. Mr. Speaker, on February 1, 2003, the space shuttle *Columbia* and its crew of seven were lost during *Columbia*'s re-entry into the Earth's atmosphere. Like many Americans, I am deeply saddened by this national tragedy, and my prayers and condolences go out to the families of our fallen astronauts.

The National Aeronautics and Space Administration (NASA) has been sending crews to space and the moon for over four decades, and space flight has long been accepted as "routine." However, space exploration continues to be dangerous endeavor as there is risk associated with each space flight. The crew of the *Columbia* bravely accepted these dangers and faced them for the benefit of all.

Since its creation in 1958, NASA has accomplished many great scientific and technological feats in air and space. As a nation, we can be inspired by the scientific advances accomplished through space exploration. Discoveries made through space research benefit both space science and the quality of our lives on Earth. Just a few examples include laser surgery, computer bar codes, smoke detectors, pacemakers, and water purification.

These amazing developments could not have been accomplished without the brave men and women who perform experiments in space. Though this is a terrible tragedy, we must keep looking forward. NASA and space research will continue to better the everyday lives of people, and the dreams of present and future space explorers will lead to benefits for everyone on Earth.

Mr. PORTER. Mr. Speaker, spaceship Shuttle Pilot Commander William McCool, 41, a beloved father, husband, son and brother was a man who most of the world could only aspire and dream to become. Commander McCool spent his life in the service of his country and in the service of humanity. He dedicated his life to not only his family but to his dream of one day becoming an astronaut. McCool was an experienced Navy pilot with more then 2,800 hours in flight. He graduated second in his 1983 class at the Naval Academy, went on to test pilot school and became an astronaut in 1996. His excitement for space travel was solidified when on his first and last mission he exclaimed, "there is so much more than what I ever expected, it's beyond imagination, until you actually get up and see it and experience it and feel it."

The tragic loss of the *Columbia* Space Shuttle crew and their sacrifices will never be forgotten, not by William McCool's family, the families of the other crew members, and not by his countrymen. They were as gracious, courteous and giving in the last weeks of their lives as they were in all the other weeks.

William McCool will forever be remembered for his dedication and contributions to science. His adventurous and brave personality is what made this man into an American hero. The legacy of Commander McCool will vicariously live through the next generation of space explorers, for his bravery in the face of death will surely inspire others to pick up where he left off.

We thank you William McCool for your dedication and love of country. Our thoughts and prayers are with his family.

Mr. COSTELLO. Mr. Speaker, today I join my colleagues in remembering the seven extraordinary men and women aboard the Space Shuttle *Columbia* who gave their lives for the pursuit of science and discovery, and in expressing my condolences to their families. Until the tragic events of last Saturday, shuttle flights for many had become routine events; however, each mission is a high-risk endeavor. We are fortunate to have an astronaut corps comprised of highly trained men and women who regularly bear this risk. Their strong passion for space exploration has immeasurably benefited our nation and the world. We will never forget the dedication and sacrifice of the crew of the *Columbia*.

As a member of the Science Committee, I have followed the space program closely for many years. But its full impact was brought home for me and my constituents in April of 1996, when our hometown hero, Dr. Sandra Magnus, joined NASA. Sandy was born and raised in Belleville, Illinois where she attended Central Junior High School and Belleville West High School. I had the pleasure of accompanying the Administrator of NASA, Mr. Sean O'Keefe, to the Kennedy Space Center for Sandy's first launch on October 7, 2002. To witness a launch is to truly know that space flight is inherently dangerous. But it is also a vital part of the American spirit and the advancement of knowledge, and it is these elements that drive the men and women in the astronaut program to strive for the unknown. If we are to gain a greater understanding of our universe, we must continue the cause of the heroes we lost on Saturday and take every step we can to make future space travel as safe as possible.

We come together today in a period of national and international mourning. Our prayers are dedicated to the heroic crew of *Columbia* and their families. Their names—mission commander Rick Husband, pilot William McCool, payload commander Michael Anderson, mission specialist David Brown, mission specialist Kalpana Chawla, mission specialist Laurel Blair Salton Clark, and payload specialist Ilan Ramon—will live forever in our hearts and minds as dedicated pioneers yearning to reach the stars and who never lost their sense of adventure. I again express my deepest condolences to the families of the crew of the Space Shuttle *Columbia*.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the resolution before the House, which expresses the condolences of the House of Representatives to the families of the astronauts who were lost on the space shuttle *Columbia*. The crew of *Columbia* died doing something important. None of us will forget their courage, dedication and sacrifice and we stand with their families during this difficult time.

In the wake of Saturday's tragedy, we're left with a lot of questions. How did this accident happen? What systems aboard the shuttle failed? Were there warning signs that *Columbia* would be in peril when it returned from orbit? Can the remaining space shuttles be made safe? These questions, and many others, must be candidly answered before the space program can recover from this accident and move forward.

The damage to our nation goes well beyond the loss of *Columbia* and seven extraordinary individuals, and it will not be repaired solely by technological fixes, such as stronger heat-resistant tiles or better insulation on the external fuel tank. I have a young friend named Patrick who was simply devastated when he heard the first news reports that *Columbia* had been lost with no survivors. Patrick is an eight-year-old student in 3rd grade. Like the rest of us, he has many questions. He wanted to know why the astronauts had to die and why there was no way for them to escape from the shuttle when the problem became apparent.

For young children, the space shuttle is much more than a way to launch people and material into orbit. The shuttle embodies a space program they admire and want to be a part of. Many children, like Patrick, are old enough to know about the 1986 *Challenger* accident, but had come to believe the problems had been fixed and that the shuttles were safe. When we lost *Columbia* and its crew on Saturday, we may have also lost a dream shared by many young people of one day growing up to be an astronaut. We need to find a way to repair this damage as well.

All of us know that space flight is inherently risky. This is not a fact we should be comfortable in accepting. We need to spend the time, effort and resources to find ways to make space flight less risky. This is the most important task before us as we look to the future of the space program.

I commend the Leadership on both sides of the aisle for sponsoring this resolution and urge its passage by the House of Representatives.

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the crew of the Space Shuttle *Columbia*. To their families, I offer my heartfelt condolences. As a nation, we deeply mourn their loss.

These seven brave men and women aboard the *Columbia* represented the best of our country, the community of nations, and of humanity. I have had the privilege of working with NASA scientists, engineers, and astronauts. To these dedicated men and women, their work is a mission, their colleagues are family. Working together across ethnic, religious, and geographical boundaries, they exemplified the synergism of teamwork, in which the whole is greater than the sum of the parts. Just as they did so well, we must continue to display the courage to take on new challenges, seek answers to the mysteries of nature and the world around us, and we must do so together.

Through their spaceflight, the *Columbia* crew inspired us to think, imagine, and dream beyond the world we can see. They bravely faced daunting challenges in order to reveal the wonders of science. Their lives were dedicated to scientific exploration and the betterment of humankind.

They were truly pioneers, bridging the gap between the known and the unknown, venturing into the depths of space. As scientific voyagers, they expanded the boundaries of knowledge, enabling us to learn more about our universe and our own planet. Their quest to answer as yet unanswered questions embodied mankind's continual search for knowledge and truth.

In honor of their memory and their legacy, we must carry on where they have left off. We must reaffirm our commitment as a nation to space exploration and scientific discovery. We must continue to fund our national space program, to explore our solar system and beyond. We must set ambitious and daring goals, such as landing man on Mars. We must, and we shall, continue the journey that the crew of the *Columbia* so bravely began.

Mr. CRENSHAW. Mr. Speaker, I rise today to honor the lives of the crew of the space shuttle *Columbia*.

The loss of the space shuttle *Columbia* is a tragedy of tremendous proportion. The seven *Columbia* astronauts possessed an unquenchable passion to explore and push the boundaries of science and technology. Michael Anderson, David Brown, Kalpana Chawla, Laurel Clark, Rick Husband, William McCool and Ilan Ramon were not names familiar to most Americans until Saturday's catastrophe. But as the pain of the loss of these seven brave explorers ebbs with time, the resolve to keep their work ongoing must remain ever vigilant.

I, like many Americans, remember huddling with classmates in excitement as Alan Shepard blasted off in the first American manned space flight in May 1961. Ever since then, I followed both the highs and lows of the space program.

From the outset of our manned space program, it was known that lives could be lost exploring space—just as when man explored previous frontiers. Despite the recent tragedy, there are schoolchildren throughout the world that will be inspired by the *Columbia* seven.

As the nation grieves over its terrible loss of this past Saturday, we must also strengthen our resolve to press forward. Those who died did so as heroes. We must not let them die in vain.

I know all Americans share in the sadness brought about by this event. One measure of mankind is the amount of risk taken for the greater good. These astronauts are clearly heroes whose acts we will remember for all of history. My thoughts and prayers are with the crew of *Columbia* and their families.

Mr. WALSH. Mr. Speaker, I rise in support of the Resolution honoring our fallen NASA heroes who perished last Saturday high above the southwestern skies of the United States. I was stunned and heart broken after hearing the news of this tragic event. My mind quickly thought back to the time of 10:44 AM, January 16th, when NASA's *Columbia* Shuttle Mission STS–107 launched into space from the Kennedy Space Center Pad 39A. I was fortunate enough to attend this event with NASA Administrator Sean O'Keefe, along with a number of students and teachers from Fowler High School in Syracuse, my hometown in New York. The Fowler students were there because they had spent three years researching and analyzing a science project that was carried aboard space shuttle *Columbia*.

As I watched the liftoff, I couldn't help but think of the brave men and women aboard *Columbia* as pioneers who were furthering America's vision of discovery that started in 1958 with the creation of NASA. Actually, this vision started long before NASA and space travel. We are a nation of pioneers. NASA and its mission of human space flight and exploration seems to be a natural extension of the Lewis and Clark expeditions commissioned by President Thomas Jefferson in the early 1800s.

Similar to Lewis and Clark's expedition, *Columbia*'s mission was primarily scientific in nature, furthering mankind's understanding of our universe. I was very proud that my district's small corner of the world was part of historic science mission. On their 16-day journey, *Columbia*'s international crew of seven worked 24-hour-a-day shifts to successfully complete all of the research projects in the space, life and physical sciences. The crew, all from diverse backgrounds—including the first Israeli astronaut, was a true reflection of America at its best. They completed their work, did it well, and no doubt were looking forward to their return home to Cape Kennedy last Saturday.

As our Nation and the world watched in horror, we saw *Columbia* literally explode before our eyes some 200,000 miles in the heavens above. The crew of *Columbia* and their families knew and accepted the risks associated with their work. They also realized they were representing something much greater than themselves. They were a shining symbol of America. They were explorers on a great new adventure to benefit mankind. For this I thank both the crew and their families.

As we honor the crew, their families, and NASA itself, we will always hold the *Columbia* astronauts in a special place in our hearts. Their sacrifices were great. With the United States flag at half-staff across the Nation to honor the crew of *Columbia*, NASA and space exploration will move forward. We will find the problem that created the disaster, fix it, and move forward. They may well be the legacy left by *Columbia*; a better, safer shuttle for those who follow them. Somehow I think they would like that. God Bless the crew of *Columbia*, we're deeply proud and grateful for their contributions to both our country and the world community. They will not be forgotten.

Mr. LANGEVIN. Mr. Speaker, today I join my colleagues in expressing my deepest condolences to the families, colleagues and friends of the seven crewmembers lost aboard the Space Shuttle *Columbia*. The American people and the Untied States' space program have suffered a great loss in this tragedy.

These explorers bravely undertook this journey, fulfilling a dream that many work a lifetime to achieve yet few accomplish. *Columbia*'s crewmembers were pilots, physicians, soldiers, scientists, and patriots. Above all they were fathers, mothers, daughters, sons, and friends. It is my hope that this legacy will continue to encourage people around the globe to look beyond the confines of earth for new challenges and inspiration.

There these heroes traveled so far and were so close to returning to their loved ones makes this loss even more upsetting. What had otherwise been a routine and successful mission turned tragic on Saturday morning, and I trust there will be a full investigation into this shocking accident to ensure that future shuttle missions do not meet the same fate.

I join all Rhode Islanders in mourning the tragic loss of Shuttle Commander Rick D. Husband, Pilot William C. McCool, Payload Commander Michael P. Anderson, Mission Specialists David M. Brown, Kalpana Chawla and Laurel Clark and Israel's first astronaut, Ilan Ramon.

My thoughts and prayers are with their loved ones as we remember their lives and honor their immense contributions to space exploration.

Mr. CLAY. I rise today to pay tribute to a very brave and valiant pioneer, Astronaut Michael P. Anderson, one of seven courageous crew members who perished when the space shuttle *Columbia* disintegrated on February 1, 2003. Air Force Colonel Anderson was a Payload Commander aboard space shuttle *Columbia* which had just completed a 16 day scientific journey through space. Tragically, it broke apart just after re-entry into the Earth's atmosphere and only 15 minutes before its scheduled landing at [Kennedy] Space Center.

The entire world was shocked to learn of this tragedy and the citizens of the St. Louis area were just as numbed to learn that Colonel Anderson was the nephew of one of its favorite sons. The reality of this devastation truly hit home and was even more heart wrenching when the St. Louis Post-Dispatch reported that Dr. James DeClue, a friend, constituent and highly respected ophthalmologist, was among the many close relatives to suffer this tragic loss.

Born on Christmas Day, 43-year-old Colonel Anderson considered Spokane, Washington his hometown. He earned a Bachelor of Science degree in physics/astronomy from the University of Washington in 1981. He was commissioned as a second lieutenant in the Air Force and spent four years flying for the strategic Air Command. He later earned a Master of Science degree in physics from Creighton University in 1990 and was selected by NASA as an astronaut in 1994. As Payload Commander aboard *Columbia*, Colonel Anderson was responsible for the shuttle science mission.

As the first African-American to visit a space station during a trip to the Russian *Mir* outpost, Colonel Anderson will serve as inspiration to minority youth everywhere. He bravely ignored the dangers associated with space travel and risked his life because he believed that what he was doing would have great consequences and benefit all mankind for generations to come. By all accounts he was a man of faith who believed that life was a gift and a blessing. Colonel Anderson fulfilled his life's mission on Earth as a scientist and explorer. He had logged more than 211 hours in space and will always be remember for his faith in the future.

Mr. Speaker, I would like to extend my condolences to Colonel Anderson's family and let them know how very proud the St. Louis community is of his remarkable accomplishments. Colonel Anderson set lofty goals for himself and accomplished them. He will live forever in our memories. I ask that my colleagues join me in honoring Colonel Michael P. Anderson.

Mr. RYAN of Wisconsin. Mr. Speaker, on Saturday, our nation was unified in sorrow, as we suffered the shocking loss of seven courageous individuals aboard the space shuttle *Columbia*. Among the astronauts who gave their lives in service to our country and in pursuit of knowledge for the betterment of our world was Commander Laurel Clark of Racine, Wisconsin.

Laurel Clark was an inspiration to the people she came in contact with and to many others who read or heard about her numerous achievements. She dared to dream great things and worked hard to make those dreams a reality. A graduate of Racine's Horlick High School as well as the University of Wisconsin, Doctor Clark is a fine example for our students of how much one dedicated person can accomplish when she sets her mind to it.

Clark was a Commander in the U.S. Navy, a flight surgeon who was trained as an undersea medical officer and served with a submarine squadron in Scotland prior to becoming an astronaut. While her education and career achievements are unquestionably impressive, Clark's inquisitive mind, adventurous spirit and positive outlook are even more remarkable. The e-mail message that she sent to her mother the day before the *Columbia* was to return exemplifies this.

She wrote of seeing "some incredible sights: lightning spreading over the Pacific, the Aurora Australia lighting up the entire visible horizon with the cityglow of Australia below, the crescent moon setting over the limb of the Earth, the vast plains of Africa and the dunes on Cape Horn. . . " among other spectacular sights. She reported flying over Lake Michigan and seeing Wind Point clearly. And Laurel Clark wrote: "I feel blessed to be here representing our country and carrying out the research of scientists around the world." She add: "Thanks to many of you who have supported me and my adventures throughout the years. This was definitely one to beat all. I hope you could feel the positive energy that beamed to the whole planet as we glided over our shared planet."

Laurel Clark was not simply admired and respected; she was and is greatly loved. In addition to being a doctor, a scientist, and a pioneer, Laurel Clark was a beloved wife and mother, a sister, a dautghter, a niece and a friend. Our sympathy and prayers are with her family and those close to her. May God bless them and the families and friends of her fellow *Columbia* crew members.

We honor the memory of these heroes, we pray they have found eternal joy and peace, and we take comfort in having been touched by their soaring spirits during their time on Earth.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on the morning of Saturday, February 1st, the men and women of *Columbia* Mission STS–107 were on their way home when they were suddenly and tragically taken from us. Today we offer the respect and gratitude of a grateful nation for their service and their sacrifice.

Over the last few days our Nation has prayed for the family and friends of the lost and have learned of the lives of seven truly extraordinary individuals. Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist David Brown, Mission Specialist Kalpana Chawla, Mission Specialist Laurel Clark, and Payload Specialist Ilan Ramon understood the risk and were willing to make the ultimate sacrifice for the advancement of humanity.

The crew conducted more than 80 scientific experiments in the physical, life, and space sciences during their voyage. The objective of their mission was to help us solve problems here on Earth through experiments such as growing bone and prostate cancer tissue in search of new treatments; testing new techniques of encapsulating anti-cancer drugs to improve their efficiency; and examining the physics of combustion and fire quenching to gain insights into fire-suppression that cannot be obtained on Earth. Their mission is a reminder of the importance of our space program and the benefits that can be achieved through these efforts.

Our search for understanding and our basic desire to reach into the darkness just beyond our grasp are both the hallmark and the calling of our humanity. As we take these moments to grieve for the lives lost and the families and friends left behind, we also stand here today resolved that space exploration and the cause of research and discovery must go on.

Perhaps it is testimony to the greatness of our society when sending men and women into the heavens seemingly becomes commonplace—and perhaps it is regretful that many of us take notice only when a tragedy such as this occurs. Nevertheless, we were reminded on Saturday that all great endeavors involve great risk. We will go on and continue the work these seven astronauts began. They will go down in history as heroes who paid the ultimate price as pioneers in the frontier of space exploration. For their memories and in their names, we rededicate our efforts to unlock the mysteries of the heavens.

Ms. LEE. Mr. Speaker, I rise today in support of this resolution mourning the loss of the seven astronauts aboard the space shuttle *Columbia* and expressing our deepest sympathies to the loved ones they left behind.

For those of us on the ground, space shuttle flights sometimes almost seem routine. But to those brave few who actually achieve space flight, it is anything but ordinary—in its glories, in its possibilities, and in its risks.

On Saturday we watched in horror as the *Columbia* came crashing down to earth. Our hearts and prayers go out to the friends and families of those on board.

Seven courageous souls reaching for the stars were aboard. Israel lost a beloved son, and India a native daughter who first went out into the world and then dared to soar above it; those nations join us in our grief. All seven on board—Commander Rick Husband; Pilot William McCool; Mission Specialists Michael Anderson, David Brown, Kalpana Chawla, and Laurel Clark; and Payload Specialist Ilan Ramon—were explorers, fliers, scientists, and heroes.

Astronauts floating in space are almost always awestruck by the beauty of the earth shining before them and they often comment on how peaceful our planet looks from space. As they were returning home, filled with thoughts no doubt of the family and friends awaiting them, I hope such a vision comforted these seven brave souls.

The 19th Psalm begins, "The heavens declare the glory of God, and the sky above proclaims His handiwork." The crew of the *Columbia* reached upward to get a closer look at that handiwork, and though today we deeply mourn their deaths, we also celebrate their lives.

To the parents, husbands, wives, friends, and especially the children of those who were lost, our hearts and prayers are with you as we too mourn their loss.

Ms. WATERS. Mr. Speaker, I rise today to offer my heartfelt sympathy to the families of the seven astronauts who lost their lives Saturday morning. My thoughts and prayers are with the families of the crew and the communities that loved and supported them. This was a terrible tragedy that no family should ever have to endure.

Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist David Brown, Mission Specialist Kalpana Chawla, Mission Specialist Laurel Clark, and Payload Specialist Ilan Ramon gave their lives in the pursuit of knowledge. The seven brave men and women, who composed this crew rose to the top of their fields through hard work and determination. The international crew of the space shuttle *Columbia* was a group of men and women of extraordinary intelligence, brave hearts and dedication to one of the greatest endeavors that mankind has ever known.

The crew was as diverse as America itself. The six Americans were joined by Ilan Ramon, the first Israeli to go into space. Together, regardless of race, religion or national origin, they worked to ensure the integrity of the mission and to conduct scientific experiments that someday might improve the lives of thousands. They accomplished the mission's goals in outstanding fashion."

I thank these remarkable individuals for their dedication. As a Member of Congress I will not rest until we know why this tragedy happened and I will do everything in my power to ensure that this does not happen again. In the wake of this horrific accident, as we search for the cause, we must not abandon our space program. It has brought so many wonderful innovations in technology and medicine. What we must do is find the root of the problem and provide the means to ensure that the *Columbia* and *Challenger* tragedies are never repeated.

I call on the President and Congress to honor the memories of these heroes by ensuring that NASA has all the necessary resources to protect future astronauts from tragedy.

Mr. RODRIGUEZ. Mr. Speaker, on February 1, 2003, our nation was faced with a tragedy that occurred hundreds of miles above the earth but hit close to our homes and our hearts. The mission of the space shuttle *Columbia* came to an unexpected end in the midst of the Texas skies sixteen minutes away from its destination.

My heart and the hearts of all Americans go out to the families of the seven honorable and courageous astronauts on board. These men and women were heroes fulfilling their goals and dreams in the space program.

Sadly, this tragedy happened almost exactly seventeen years after the January 28, 1986, loss of the seven heroes of the *Challenger* mission. During their mission, astronauts on the *Columbia* took time to honor their fallen comrades from both the *Challenger* and *Apollo* missions. As a nation mourns, the memories of all three tragic events will be remembered with mixed feelings, for the lives lost and for the missions they were set forth to accomplish.

The *Columbia* mission was assisted by the Lyndon B. Johnson Space Center located in the state of Texas. The primary responsibility of the center is for the designing and developing of space shuttles used for human journey into space as well as training them and participating in programs devoted to medical and engineering experiments. We in Texas are proud to be the home of this integral part of the space program. I commend them in every effort and share their deep sorrow for this tragic loss.

I would like to extend my appreciation and that of a grateful nation to those who assisted in the search for debris. Their ranks include volunteers, fire fighters, and National Guard members. Among those working are local East Texas residents who have taken the time to aid their country by collecting the remnants of *Columbia* and protecting the locations of debris. These volunteers have helped authorities document the information from this tragic event. The combined efforts of the volunteers represent the caring, giving spirit of Americans.

The space shuttle symbolizes the hope for our global future, to reach out as one world into the stars. On *Columbia*, the United States was not the only country represented. Astronaut Kalpana Chawla was the first Indian-born woman to enter space. Her native India and her adopted United States will always remember her efforts and accomplishments. Ilan Ramon, a distinguished colonel in the Israeli Air Force made history as the first Israeli astronaut to ever venture the realms beyond Earth. Israel's pioneer into space was lost, but his spirit of exploration and international cooperation will live on.

Space exploration has been an important part of the technological advancements achieved during this last century. As we embark upon a new one, the need to explore the unknown and venture beyond remains compelling. The families of the *Columbia* astronauts have made bold statements on behalf of their loved ones urging us to keep their dreams alive, "Their hearts were full of enthusiasm, pride in country, faith in their God, and a willingness to accept the risk in pursuit of knowledge. Knowledge that might improve the quality of life for all mankind." This knowledge that we grasp and the essence to know more has kept our nation's space exploration program alive as it will continue to do so for the sake of our children. We best honor these fallen heroes by continuing their work, building a more robust space program for the future.

Mr. FOLEY. Mr. Speaker, I rise in strong support of the House resolution honoring the crew of the Space Shuttle *Columbia* and expressing our condolences to the families of those heroes on STS–107. I also rise in support of our national space program, to which the *Columbia* crew dedicated their lives.

Shuttle flight seems like almost a routine event. Another space shuttle leaves Cape Canaveral to conduct experiments, launch satellites, or link up with the International Space Station. Sometimes, a shuttle launch isn't even deemed newsworthy. As a result, many had begun to forget the tremendous contributions to science and peace that result from the shuttle program. Many also had forgotten that these missions were fraught with danger. But every shuttle launch is dangerous, not because of a lack of skill or dedication in NASA, but because of the nature of the mission—taking fragile people and machines through the atmosphere and into the unforgiving environment of space.

The world received a tragic reminder of the danger of space travel when we lost the *Columbia* on Saturday morning. It was a mission that reflected the best values of the space program. The crew of STS–107 included the first Israeli astronaut, Payload Specialist Ilan Ramon, and Indian-born Mission Specialist Kalpana Chawla. The other crew members were Commander Rick D. Husband, Pilot William C. McCool, Mission Specialist David M. Brown, Mission Specialist Michael P. Anderson, and Mission Specialist Laura B. Clark. My sympathies go out to the families of these heroes and also to the people of Israel and India.

Columbia was the first Shuttle flown in April 1981. In its 28th and final mission, *Columbia* conducted important experiments to benefit life sciences and microgravity research.

NASA has now appointed both internal and external boards to investigate the accident. The House Science Committee will also initiate an investigation as it did after the loss of the *Challenger* in 1986. Of course, it is too early to determine the cause of the accident. However, I urge that the investigators be given all the resources necessary to find that cause and be given the authority to made specific recommendations to avoid similar tragedies in the future. These changes must be completed as soon as possible to avoid unnecessary delays that could set back the progress and security that comes from our manned space flight program. For the crew of *Columbia* and their families, I cannot reiterate enough the profound grief we all share. My sympathy and prayers are with them all.

Mr. GALLEGLY. Mr. Speaker, my thoughts and prayers go out to the families and friends of the seven men and women of space shuttle *Columbia*. All seven astronauts were talented and dedicated.

Columbia was commanded by Commander Rick Husband, 45, an Air Force colonel from Amarillo, Texas. Pilot William McCool, 41, was a Navy commander from Lubbock, Texas. Payload commander Michael Anderson, 43, was an Air Force lieutenant colonel. Mission specialist David M. Brown, 46, was a Navy captain, pilot and doctor. Mission specialist Laurel Blair Salton Clark, 41, was a Navy diving medical officer aboard submarines, then a flight surgeon who became an astronaut in 1996.

Payload specialist Ilan Ramon, 48, a colonel in Israel's air force whose mother and grandmother survived the Auschwitz death camp, marked the first Israeli citizen in space. Kalpana Chawla, 41, emigrated to the United States from India in the 1980s and became an astronaut in 1994. It was her second flight.

Many of the lost astronauts have children. All were loved. They are heroes and they will be missed.

May God care for our fallen heroes and their families and friends.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this resolution expressing condolences to the families of the crew of the space shuttle *Columbia*.

The loss of space shuttle *Columbia* is felt deeply across the nation and the globe, and our thoughts and prayers are with the families of the astronauts. These shuttle missions have become so routine that many take them for granted, but these astronauts are truly pioneering American heroes, pushing the envelope in the pursuit of science. America and my constituents in North Carolina continue to support NASA and its mission to explore the universe to expand human knowledge about God's creation.

As a member of the House Science Committee overseeing NASA I am confident that we will get to the bottom of this tragedy and that Americans will continue to reach for the stars.

Mr. TERRY. Mr. Speaker, among the many tributes to the brave men and women aboard the space shuttle *Columbia,* let me add my condolences to each of the families that suffered a loss in this tragedy. These seven individuals devoted their lives to advancing our dreams of space exploration. In their hometowns, in our schools and communities, as well as in space, they worked to enhance our appreciation for their mission. They took time to educate everyone from the youngest aspiring astronauts to those of us who simply marveled at their achievements.

In particular, Michael P. Anderson affected the constituents of Nebraska's second Congressional District. Michael was born in Plattsburg, NY, but was stationed at Offutt Air Force Base in Nebraska from 1986 to 1990. At Offutt, Michael flew EC–135s, or Looking Glass, missions. By 1990 he had earned his master's degree in physics from Creighton University in Omaha. Then in 1994, Michael was selected to join NASA as a future astronaut. In 1998, on his first mission to space, he became the first African-American to visit a space station. Even though he logged over 211 hours of space flight time, Michael never forgot his time in Nebraska.

Michael's friends and former professors at Creighton frequently corresponded with him via email, even when he was in space. His continued relationship with the university provided unique opportunities to students and faculty. Michael's determination to inspire young people was evident in his visits to schools not just in the district I represent, but in communities across the country. His lessons still resonate with the students of Jesuit Middle School he visited in 1998. Before making his visit, Michael stepped into his NASA uniform and just as easily stepped into the role of hero to his young audience.

Michael, as well as the other six astronauts aboard the *Columbia,* left a legacy of proud service. They were all active in their communities and all of them touched many lives. We will miss them, in Nebraska and around the world, and we will not forget their inspiring influence.

Mr. THORNBERRY. Mr. Speaker, the seven astronauts who perished last Saturday on the space shuttle *Columbia* are heroes who gave their lives serving our Nation and mankind. Their loss has been felt deeply not only across America, but in Israel, India, and elsewhere around the world.

The Panhandle and South Plains of Texas have been particularly hard hit by this tragedy because two of the astronauts came from our part of the State. *Columbia* Commander Rick Husband was born and raised in Amarillo. He grew up wanting to be an astronaut and earned his pilot's license at the age of 17. He attended Amarillo High School and graduated from Texas Tech University. Rick and his wife Evelyn were married in Amarillo.

Columbia pilot Willie McCool graduated from Coronado High School just down the road in Lubbock. There he earned the nickname "Cool Willie" and made his mark in the classroom. He also made his mark as a member of the track and cross country teams and as an area runner. In 1978, he won a road race in the Lubbock area. Among those competing that day was a local resident by the name of George W. Bush.

The Panhandle and South Plains of Texas join the Nation and the world in mourning the loss of the seven astronauts of *Columbia*. We pray for their families. We honor their courage, their enthusiasm for the mission, and their determination to advance the frontiers of knowledge. And of course, we will always be proud of Rich Husband and Willie McCool. They are not only heroes for the ages, they are also—and forever will be—heroes of our own.

Mr. Speaker, at this point I would like to formally submit for the RECORD an editorial from the Amarillo Globe News, which explains in greater depth how our area feels at this time.

[From the Amarillo Globe News, Feb. 4, 2003]

EDITORIAL: HUSBAND'S ROOTS A SOURCE OF PRIDE

AMARILLO SHOULD HONOR ITS OWN

Rick Husband never forgot where he came from.

In many ways, he was the perfect example of Amarillo—humble, friendly, dedicated, faithful and committed to achieving his dreams.

These qualities are found in abundance in Amarillo and the Panhandle, an area known for its wide expanses and breathtaking sky but also cherished for the people that truly make the Golden Spread golden.

Col. Husband epitomized these characteristics.

Even those who didn't know him personally felt as if they had a connection.

He was raised here, went to school here and worshiped here.

And though his aspirations took Rick Husband far away, even to the far reaches of space, he remained, indeed, one of us.

This is what made Saturday's tragedy so horrific, so painful and so unbelievable.

When the space shuttle *Columbia* came crashing down in pieces, it seemed as if Amarillo lost a piece of itself.

As the plans to memorialize one of Amarillo's greatest sons begin, this is what needs to be remembered about Col. Husband, not only out of respect and remembrance, but also for the benefit of future generations.

The community has a difficult task in trying to capture the legacy of Rick Husband.

While there are many possibilities, Rick Husband was first and foremost an individual willing to assume the sacrifice and risk of his dream to become an astronaut.

It seems only fitting that a statue of Rick Husband, proudly clad in the uniform he earned, be a strong consideration. In turn, this statue should be prominently displayed, perhaps near City Hall.

Col. Husband was proud of his hometown, and a state highway road sign signifying Amarillo as the home of Rick Husband, *Columbia* commander, also should be a possibility.

There are many ways Amarillo can honor Col. Husband's memory.

What should be remembered is that no matter how far he went, even to places where few have gone before, Rick Husband stayed true to the values and beliefs of home.

Amarillo should be proud.

Mr. BISHOP of Georgia. Mr. Speaker, people in Georgia's Second District tell me they felt a deep personal loss when they learned about the fate of *Columbia* and her crew of seven. From what I've read and observed on television, this is the way people felt throughout the country and around the world—not only in India and Israel where two of the crew members were from, but also in places that have no direct connection with the international space program.

People, everywhere, felt as if they had lost members of their own family.

And, of course, we did.

Although those of us who serve together in Congress may not always want to claim each other as relatives, we are, in fact, all part of one family—as American citizens . . . and as children of God.

The *Columbia* was on a scientific mission.

The magnificent men and women who flew in her risked their lives to explore the unknown and expand the boundaries of understanding.

Their cause was the cause of humanity.

As we mourn their loss, let us pledge to keep their cause alive.

Mr. HOBSON, Mr. Speaker, I rise in support of this resolution to express my sincere condolences to the families of the crew members of the Space Shuttle *Columbia*.

It is with great sorrow that the U.S. House of Representatives is considering this resolution. It is rare that the United States, as a whole, experiences such a sense of loss, and I have not personally known it since the events of September 11. There is not one American who has not been affected by this sad and terrible accident. This tragic loss does not, however, end with the United States. With a diverse crew aboard the shuttle, this loss is truly being felt around the world.

Last Saturday morning as I began my day as routine as anyone else in America, seven brave astronauts began their triumphant return home from space. Their mission had been one of scientific research and experimentation, and had been highly successful. So many missions before them had ventured into the great mystery known as space, and helped put the United States at the cutting edge of space exploration. Most have returned to us safely. In the coming weeks, NASA and a team of investigators will determine exactly what happened last Saturday morning, and why *Columbia* did not return safely.

We will go back to space. Every time a shuttle mission launches into space, everyone aboard the orbiter knows they are putting themselves into harms way, and have chosen one of the most dangerous professions known. While we have been visiting space for several decades, and safety has always been our number one priority, each astronaut knows the dangers associated. It is now time to reassess our safety measures, insure that never happens again, and press forward with our manned space flight program as those seven brave souls would want us to do.

This tragedy has so profoundly impacted our public consciousness because space travel resonates with the human desire to move forward and to learn more about our existence and our place in the universe. The men and women of the space shuttle *Columbia* were pioneers just like the members of the Lewis and Clark Expedition, the Wright Brothers, the expedition to the North and South Poles, the Apollo Moon landings and other great exploits in human exploration and discovery.

We will always mourn the loss of the crew of the shuttle *Columbia* but we will never give up our quest for knowledge.

Mr. Speaker, I join today with my colleagues, the families and friends of all those in the NASA family, and people across the globe in support of this resolution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I come to the floor today to honor the men and women tragically lost on the space shuttle *Columbia*.

These seven astronauts represent the very principles—honor, bravery and dedication—that Americans have looked up to since the beginning of space travel. These heroes are the epitome of what every child in modern times aspires to be. Exploring the last undiscovered frontier is one achievement that only few have done, but all have eagerly sought to do.

While America will mourn the loss of these brave heroes for years to come, let us never forget the importance of space travel. Like explorers from Columbus to Amelia Earheart, the crew of the space shuttle *Columbia* reached frontiers that are only a dream to most of us. In doing so, they have provided mankind with a better understanding of a world we have only begun to discover.

These young men and women leave behind families that have been equally dedicated to the goals of this crew and the future of space travel. I extend my deepest gratitude to these families for the sacrifices they have made in order to help this crew achieve their dreams of space travel.

I ask my colleagues to join me in honoring the seven members of the space shuttle *Columbia* crew who have brought the heroic bravery of past explorers to the horizons of future frontiers.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in grief and gratitude to remember the seven brave men and women who perished in the February 1st disaster of the space shuttle *Columbia*. In the words of the President from the memorial service on February 4, "We remember not only one moment of tragedy, but seven lives of great purpose and achievement." Commander Rick D. Husband, pilot William C. McCool, payload commander Michael P. Anderson, payload specialist Ilan Ramon, mission specialist David M. Brown, mission specialist Kalpana Chawla, and mission specialist Laurel Clark now take their places in our collective memory, alongside the seven astronauts lost in the 1986 *Challenger* disaster.

The President, NASA, the House Science Committee and the Senate Science Committee have each begun their investigations. What we learn from these inquiries will enable us to improve our international space program for the betterment of mankind.

My heart goes out to the families who have just lost their loved ones who gave themselves to the greater service of mankind. While the world mourns the loss of the *Columbia* crew, my community joins the extending condolences to the family of Commander Laurel Clark, whose sister lives in Kansas City. Laurel's sister, Lynne Salton, joined the observers for the launch of *Columbia* on January 16th and was anxiously awaiting her older sister's return on Saturday. We cannot know the magnitude of the loss they feel.

In memory of their bravery I wish to share a poem by John Gillespie Magee, Jr., entitled "High Flight". It was quoted at the memorial service for the 1986 *Challenger* disaster, and is etched on the memorial plaque at Challenger Memorial Park in Clear Lake, Texas.

Oh! I have slipped the surly bonds of Earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed, and joined the tumbling mirth
Of sun-split clouds,—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence. Hov'ring there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air . . . .
Up, up the long, delirious burning blue
I've topped the wind-swept heights with easy grace
Where never lark, or ever eagle flew—
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

Mr. Speaker, I join my colleagues in honoring the memory of the seven brave souls who were aboard the illfated space shuttle, *Columbia*, and who will now dance above us in the ether.

Mr. PLATTS. Mr. Speaker, I rise to join with my colleagues in paying tribute to the five brave men and two brave women of the space shuttle *Columbia*, whose lives were tragically lost Saturday morning:

Col. Rick Husband, a husband and father, faithful member of his church's choir, and an astronaut.

Kalpana Chawla, Ph.D., born in India and emigrated to the United States. She loved both her countries, and she was an astronaut.

Commander William McCool, a husband and father, recipient of multiple Navy medals, and an astronaut.

Captain David Brown, a physician and humanitarian, and an astronaut.

Commander Laurel Clark, a wife and mother, recipient of numerous Navy medals, and an astronaut.

Lt. Col. Michael Anderson, a husband and father, recipient of multiple Air Force medals, a Sunday school teacher, and an astronaut.

Col. Ilan Roman, a husband and father, a hero to his people in Israel, and an astronaut. He is said to have carried with him on *Columbia's* fateful flight a small Torah scroll used at a bar mitzvah in a Nazi concentration camp.

Not just their families, but their Nations—and the world—mourn the passing of these seven individuals because of what they represent, the very best in humanity: bravery, a pioneering spirit, the desire to learn, and the peaceful advancement of mankind.

We will forever remember and always be grateful for the heroic sacrifices made by these courageous souls, along with their families, on behalf of all humanity.

Ms. SCHAKOWSKY. Mr. Speaker, I join people from around the world in paying tribute to the men and women of the space shuttle *Columbia* who were lost on Saturday, February 1st. I offer my deepest condolences to their families and loved ones. On that sad day, the United States, the State of Israel and India lost seven brave visionaries. But during their time on our planet, those heroes were living their dreams of reaching out for the stars. They risked their lives for the sake of improving the lives of all humanity.

To truly honor the legacy of these fallen heroes and their accomplishments, the United States must remain committed to lead the world in space exploration. These courageous individuals were well aware of the risks involved with space travel, but that did not deter them from pursuing their goals. We have experienced tragedy in this arena before, but we have never forgotten the spirit of those lost. It is unfortunate that tragedy has struck again but we must learn from the past and carry on. The United States must continue to improve and stay dedicated to its space program.

The crew of the *Columbia* represented so many different parts of our world. There was Mission Commander Colonel Rick Husband, a NASA veteran since 1994. Lieutenant Colonel Michael Anderson, the Payload Commander, had logged more than 211 hours in space. Dr. Kalpana Chawla emigrated to the United States from India and was the first Indian woman to travel to space. Payload Specialist Colonel Ilan Ramon was Israel's first ever astronaut. Pilot William McCool, Mission Specialist Dr. David M. Brown, and Mission Specialist Dr. Laurel Blair Salton Clark were all making their first ever space flight. All will be remembered as patriots who sacrificed their lives for the greater good.

When we peer into the night sky and observe the stars shining above, let us never forget all those that strived to reach them. We thank them for their sacrifice in the name of discovery for humankind.

Mr. KING of New York. Mr. Speaker, I rise today to honor the lives of the seven astronauts who perished on Saturday as they returned from space aboard the space shuttle *Columbia:* Commander Rick D. Husband, Pilot William C. McCool, Payload Commander Michael P. Anderson, Mission Specialist Kalpana Chawla, Mission Specialist David M. Brown, Mission Specialist Laurel B. Clark, and Payload Specialist Ilan Ramon. These brave people risked their lives to further mankind's understanding of science, medicine, and the universe in which we live.

While we send our condolences to their family, friends, and co-workers, we remember that these individuals died while living out a dream. We cannot forget or neglect this dream. It is our obligation to continue this legacy.

Our hearts go out to the families of these courageous individuals. We will never forget them nor their quest to advance mankind.

Mr. CASTLE. Mr. Speaker, I rise today to recognize the loss of the brave and dedicated seven-member crew of the space shuttle *Columbia*. This tragic event has left an indelible mark on all Americans. *Columbia* was the first operational shuttle built for NASA. It was used for the very first shuttle flight on April 12, 1981. We mourn Commander Rick Husband, Pilot William "Willie" McCool, Payload Commander Michael P. Anderson, Mission Specialist David M. Brown, Mission Specialist Kalpana Chawla, Mission Specialist Laurel Blair Salton Clark, and Israeli Payload Specialist Ilan Ramon. *Columbia*'s seven-member crew represented America's best as well as a growing international partnership in meeting this important challenge of the future.

From John Glenn's first orbit of the Earth, to the Apollo Eleven's landing on the moon, and now the final stages of completion of the first international space station, the United States has been and will continue to be the world's leader in space exploration. As the nation mourns and NASA begins its investigation to determine the cause of this tragic event, I believe the people of Delaware and the nation remain strongly committed to the U.S. space program.

Delaware has strong ties to the US space program. ILC Dover Inc., a company based in Frederica, Delaware, has made space suits for NASA since the days of the *Apollo* program and Neil Armstrong's first steps on the moon. Its workers made parts of two spacesuits onboard during *Columbia*'s mission. These suits would have been worn during any space walk portion of the mission. ILC Dover is now in the process of constructing impact bag systems that will be used on probes scheduled to fly to Mars this summer. All the employees of ILC Dover, Inc. work with heavy hearts these days as they remember loss of the crew they have worked all these years to protect.

Delawareans enthusiasm for the space program is evident in their desire to educate their children about our space program. This past year, I was very pleased to visit the future campus of the Delaware Aerospace Education Foundation's Innovation, Technology and Exploration Center. This $25 million facility will have its ground breaking this Spring in Smyrna, Delaware. It will feature 40,000 square feet of an interactive museum, planetarium, and theater. Through the leadership of Dr. Stephanie Wright, the foundation sponsors numerous programs that promote math, science, and technology education through youth academies, presentations, symposiums, events, and professional development for teachers. I hope the new Aerospace Education Center will work to honor the sacrifices made by the *Columbia* crew through their upcoming programs.

Mr. Speaker, I salute the crew and supporting members of this *Columbia* mission. Americans understand the excitement and risks that come with the important job that NASA undertakes everyday. It is this bold and courageous effort that demonstrates America's commitment to leading the world in the future of space exploration. Although I am saddened by our nation's tragic loss, I am very proud to be an American and will continue to work for an effective space program to benefits NASA's mission in Delaware, the nation, and the world and beyond.

Mr. LARSON of Connecticut. Mr. Speaker, exploring the unknown has always been perilous. Magallan died in the Philippines defending his men as they were circumnavigating the globe. Lewis and Clark faced numerous dangers as they were exploring the bounds of the American frontier. There is no longer any terra incognita, so man's curiosity has led him to explore space. We are still literally light years away from exploring what our grandchildren will one day be familiar with. As we embark on our quest to find out what our galaxy holds, we have almost forgotten that it takes a great deal of bravery to strike out into the unknown, and that it is not without great risk.

On February 1 we were reminded of the danger that we had almost forgotten. Among the seven crewmembers was Dr. Kalpana Chawla. Dr. Chawla grew up in an impoverished small town in India where women are not expected to get an education, much less float in the weightlessness of space. Nevertheless, she persevered, and is an inspiration to anyone in grinding poverty whose dreams may be laughed at. Pilot Willie McCool was the son of a Vietnam veteran who finished second in his Naval Academy class, evidence that we are sending the best and brightest out on these dangerous missions so they may accomplish these important objectives. Navy Captain David M. Brown was a gymnast at the College of William and Mary, and when he addressed the campus in September he noted that what he was doing was similar to what the College's founders did when they came over from England, and that they faced similar risks. Air Force Lieutenant Colonel Michael P. Anderson watched Neil Armstrong and Buzz Aldrin on the historic *Apollo 11* flight in 1969, and the excitement never left him. He served as an inspiration to minority children across the United States as he was one of the first African-Americans to join NASA in 1994. The shuttle's commander, Rick D. Husband, was a model of perseverance. He tried and failed three times to get into NASA, but he never gave up hope that one day he too could soar into the cosmos, and on the fourth try was accepted. He was a talented pilot who had been able to fly since the age of 18. Navy Commander Laurel Blair Salton Clark was no stranger to the dangers of the unknown; she had conducted medical evacuations from submarines before joining NASA.

Finally, there was Illan Ramon. He was the son of a Holocaust survivor and had fought in the Yom Kippur War and the Iraeli-Lebanese conflict, so his bravery was proven well before that fateful Saturday morning. he was an Israeli Air Force pilot who served as an inspiration to his country, which is in a time of turmoil, doubt and suffering. He showed us all that space does not belong to America, but that it is for all of mankind to experience, regardless of nationality or religion.

Columbia's name comes from Christopher Columbus. He too faced the dangers of hurtling into the unknown, yet without him America would not be what it is today. We were the first nation to put men on the moon because we are instilled with Columbus's spirit of wonder, curiosity, and adventure. We want to learn and explore, know everything there is to be known and then share it with the world. This is why we have NASA, why we have space shuttles, and, regrettably, why these seven souls lost their lives over Texas that blue morning.

For their service and dedication to this vision, I thank them on behalf of my constituents and my children. Their lives will be filled with inspiration and wonder thanks to these brave heroes' dedication and commitment to the noble enterprise of scientific discovery.

Mr. CASE. Mr. Speaker, I humbly rise in support of H. Res. 51. I want to thank the Majority and Minority Leaders for bringing this resolution to the House floor on a completely united basis.

Mr. Speaker, what happened on the morning of February 1st was truly a world tragedy. The crew of the space shuttle *Columbia*, returning from a productive sixteen day scientific mission to the International Space Station, was lost over Texas. My heart goes out to the families of Michael Anderson, David Brown, Kalpana Chawla, Laurel Clark, Rick Husband, William McCool, and Ilan Ramon, the heroic crew now known as the *Columbia* 7.

On Saturday, we were all again reminded of the dangers of space exploration. Many Americans, my self included, vividly remember January 28, 1986, when the space shuttle Challenger was lost a minute and thirteen seconds into its launch. That tragedy, as well as Saturday's, shocked our nation and focused national attention on the space program and the courageous men and women who risk their lives in the name of science and exploration. The heroic crew of the *Columbia* was composed of seven of our best and brightest men and women, who reflected the diversity of our nation and world and embodied a new spirit of international cooperation.

The *Columbia* tragedy was especially trying and painful for my home state, for one of our heroes met the same fate in the 1986 *Challenger* tragedy. Lt. Col. Ellison Onizuka was from my home island, the Big Island of Hawaii.

Lt. Col. Onizuka was the ultimate local boy made good and the first Japanese-American to fly into space. Like those on the *Columbia* 7, he was a strong advocate for exploration, education and adventure. He once said, "From your vantage point, your education and imagination will carry you to places which we won't believe possible . . . Think of the new horizons you can explore."

He knew the risks, that there was a significant chance that something could go wrong on a space mission. But he was a dreamer, just like all heroes and leaders. In reinforcing his strong support for man's commitment to exploring new boundaries, he said: "Make your life count . . . and your world will be a better place because you tried . . . Every generation has the obligation to free men's minds for a look at new worlds . . . to look out from a higher plateau than the last generation."

Ellison's words still ring true today, and his actions embody the spirit of space exploration and scientific experimentation. He certainly would have said, notwithstanding the loss of the *Columbia*, that we must go on.

Mr. SHAYS. Mr. Speaker, I join my colleagues in extending my condolences to the families, friends and colleagues of the seven *Columbia* crew members.

Many of us watched with awe and pride as the Space Shuttle *Columbia* lifted off on its first mission on April 12, 1981. It made history as the first shuttle to orbit earth, a tangible expression of human aspiration.

The destruction of the *Columbia* is a tragedy for our country, for the families of the lost astronauts and for the nation of Israel. These brave men and women deserve our admiration and respect and their families deserve our love and support.

Forty years after President Kennedy challenged Americans to reach the moon, this disaster is a sober reminder that space travel remains a daring and dangerous endeavor. The *Columbia* crew willingly braved those dangers to help improve the lives of all mankind.

As we celebrate their courageous spirit and mourn their death, we must dedicate ourselves to conducting a complete and thorough investigation of what went terribly wrong at the outer ring of the Earth's atmosphere, forty miles above Texas. Our history, our thirst for knowledge and our curiosity about what lies beyond demands that we learn from this tragedy and ensure the safety of future missions.

Mr. CRAMER. Mr. Speaker, I rise today to honor the lives of the seven astronauts onboard the Space Shuttle *Columbia* Mission STS–107. The group of brave men and women can never be replaced. They were truly among the best and the brightest, and America—as well as the entire world—has suffered a tremendous loss.

However, in the midst of our grief, we must use their sacrifice as inspiration to continue our efforts to explore space. As we've heard through their families and friends, the *Columbia* crew would have wanted their colleagues to continue in their footsteps.

Harry Truman once said, "Men make history and not the other way around . . . Progress occurs when courageous, skillfull leaders seize the opportunity to change things for the better." These great leaders on the Space Shuttle *Columbia* sought to change things for the better, and would want future generations to continue to reach for those same goals.

Space exploration is not only a critical part of our heritage, but it is vital to the future of our nation. It increases our understanding of the world that we live in and the Universe around us. The extreme conditions that can only be found in space provide us with a unique research laboratory that we could never recreate on Earth. Our nation has established itself as the leader in space exploration, which contributes greatly to the American spirit. Space exploration inspires our youth and leads to a more scientifically literate society.

The astronauts onboard the Shuttle *Columbia* believed all of these same things, which is why they declared—and sacrified—their lives for their mission of scientific discovery. I'd share to share with you something Gus Grisson, who lost his life to a fire on *Apollo 1* in 1967, once said: "If we die, we want people to accept it. We're in a risky business, and we hope that if anything happens to us it will not delay the program. The The conquest of space is worth the risk of life."

While the crew of *Apollo 1* had different missions, the goal of space exploration remains the same. Judging by the lives the *Columbia* crew members led and their dedication to space exploration, I believe they lived by these same words. These astronauts knew and accepted the risks of space travel, and gave their lives performing a research mission with the purpose of improving our lives back here on Earth.

We must press on and continue the mission they began. While we grieve today, we soon must focus on the astronauts that have been onboard the International Space Station since November and the astronauts who will continue to explore in space. They must know that we are dedicated to doing our best to provide for their safety. For the health of our nation and for the future generations that will no doubt benefit from the research conducted in space, we must continue with their missions.

Mr. Speaker, we must demand that these astronauts did not die in vain, instead we should cherish and learn from their sacrifice to ensure the safety and success of future missions.

I'd like to close with a quote by Dr. Laurel Clark. One experiment she was working on during orbit was to study a silkworm cocoon hatching. When we saw the moth, Dr. Clark remarked, "There was a moth in there, and it still had its winges crumpled up, and it was just starting to pump its wings up. Life continues in lots of places, and life is a magical thing."

I think we can learn from Dr. Clark's faith in life and trust that the lives of these seven men and women will continue in some other places, just as she witnessed a moth's life continue in space.

Mr. MEEK of Florida. Mr. Speaker, I join with my colleagues in honoring the brave men and women of the Space Shuttle *Columbia*, in celebrating their lives and marveling at their achievements; in mourning their passing and extending whatever solace and comfort we can to their families and loved ones.

Space travel is important to our country, but it is particularly important to my State of Florida. All Floridians take pride in Cape Canaveral. Thousands of Floridians are part of the team that puts the shuttle together, loads up its space cargo and launches it into space.

Everyone who has ever seen a shuttle launch goes away feeling differently; about our country, certainly, but also about the nature of human beings on this Earth. For we are a curious species.

Our entire history, in countless tales that preceded Jason and the Argonauts, and in countless voyages that followed the voyage of Columbus, is a long, long saga of people trying to go places no one has ever been; seeing things no one has ever seen; and learning things that no one has ever known. And this is the type of people that the men and women of the *Columbia* were.

As is so often the case in life, we have learned more about them after their deaths than we knew when they were living. But what we have learned is that they were truly remarkable people—people with dreams who worked hard, studied hard, exercised discipline, raised their families, served their communities and their country. Each of these astronauts would be a fine role model for our sons and daughters.

Our hearts and prayers go out to their families. I hope they can take some comfort in knowing how much their strength and the lives of their loved ones have touched so many they have never met.

In the words of Abraham Lincoln, speaking about another great national tragedy at the Battle of Gettysburg, "It is for us the living, rather, to be dedicated here to the unfinished work which they . . . have thus far so nobly advanced."

Mr. Speaker, almost 100 years ago, Orville Wright took off from a launching rail in North Carolina and flew for 12 seconds and a distance of 120 feet. Space shuttle *Columbia* took off from Florida and flew for 16 days at a distance of 6.6 million miles. Because of the special people that these astronauts were, I marvel to think about how long and how far our great, great grandchildren will fly 100 years from today.

Mr. MATHESON. Mr. Speaker, Saturday's tragedy was both unexpected and shocking. It evoked memories of an earlier American tragedy, the 1986 Space Shuttle *Challenger* disaster. But we must remember that this terrible loss shows the continued bravery of the American space program. We forget so easily the immense risks associated with space exploration, and I commend those individuals who continue to put themselves at great risk in order for all of us to live in a more enlightened and advanced society.

In the wake of this tragedy, NASA and the Congress must work together to initiate the most complete and thorough investigation possible in order to prevent similar tragedies in the future. The work of exploration is ongoing and we must be vigilant in maintaining standards of safety. Larger questions about the future of our journey into space must also be addressed by Congress.

It is important that we also remember the three crewmembers still on board the International Space Station who lost valued friends and peers. I am hopeful that they will safely return to Earth as soon as possible.

I extend my deepest sympathies to the families of the heroic crew of Space Shuttle *Columbia*. I am certain that the men and women at NASA are struggling with their grief, as well, and my thoughts are with them also.

Let us all remember the remarkable individuals who reached the stars and lived lives of great American accomplishment.

Ms. WATSON. Mr. Speaker, words are not sufficient to describe how I felt on Saturday morning when the Chairman of the Democratic Caucus announced that the space shuttle *Columbia* had gone down. My heart goes out to the families and friends of the seven courageous men and women astronauts. We mourn the tragic loss of *Columbia*'s crew, whose lives were precious to all Americans.

Today, as NASA and the Nation continues to struggle with shock and sadness, I want to take this opportunity to commend three Dorsey High School Students from my Congressional District—Atiabet Ijan Amabel, Christina Mojarro, and Juan Carlos Ortega—for participating in the STARS Academy Research Mission with an experiment that was placed aboard space shuttle *Columbia*.

The STARS Academy is an online cultural and scientific global learning program. It incorporates a standards based curriculum in math, science, language arts, geography, and technology. On the STS–107 mission, schools from six countries developed life and physical sciences experiments, while working with astronauts, space scientists, engineers, and other experts. For this mission the participating schools came from:

Australia, Spider Experiment;
Israel, Crystalline Fiber Growth;
Japan, Medaka Fish Growth;
USA, Syracuse Ants Experiment;
Liechtenstein, Carpenter Bee Experiment; and
China, Silk Worm Experiment.

These students were involved for over two years.

Just over one year ago this wonderful project came to my attention, and I immediately approached Principal Mahmud of Dorsey High School with the idea. The Dorsey science students were required to write an essay explaining why they wanted to participate in the STARS Academy. The three students represent some of the best and finest that Los Angeles Unified School District has to offer. If you do nothing else but read their essays you will know why.

Although the Dorsey students joined STARS late in the program, I was pleased that they could participate in this most worthy and highly sophisticated scientific experiment. It is this kind of event that can provide the inspiration to a young man or woman to pursue a career in science and space exploration.

After the July 2002 launch postponement, and the Chinese students' visa problems, the Dorsey students were challenged to move from observers to collaborators on the Silk Worm Experiment. This bi-national experiment investigates the effects of microgravity on silkworm larvae development and silk production. Juan, Christina, and Amabel fully constructed the silk worm habitat and installed it aboard the payload module, prior to *Columbia*'s launch.

I applaud the dedication of LA Unified Instructional Technology Administrator Joe Oliver for his work with the students to instruct them in a short amount of time. Joe changed his focus from a little of everything to Silk Worm 101, and was pleasantly surprised at how quickly the students learned the new material. I am especially proud of Christina Mojarro, Juan Ortega, and Amabel Atiabet who have represented themselves, their families, Dorsey High School, LAUSD, California's 33rd District, and Los Angeles, so well.

Mr. Speaker, despite the tragic events, this is an historic moment for Dorsey High School and its students who participated in the Silk Worm Experiment. Their projects and dedication to science are fitting honors to the astronauts who lost their lives and an inspiration to all future space explorers.

Mr. ROTHMAN. Mr. Speaker, I wish to offer my strong support for the resolution.

As they have been since Saturday, my prayers and thoughts are with the families and friends of the seven space shuttle *Columbia* astronauts who lost their lives. Our Nation mourns with them and the people of Israel and India who each lost a native hero in this terrible disaster.

The tragedy that has befallen our Nation touches each and every American deeply and personally. Throughout our modern history, the NASA program and the astronauts who have courageously committed their lives to space exploration have represented the hope and promise of the future. In an endless universe with so many unknowns, these brave men and women are the ones who set out to find the answers that further the understanding of our existence and provide the keys to the technology of the future.

When that promise of our future is suddenly struck with great tragedy, we feel an emptiness deep within us. While we mourn, we must remember that space travel must go on and that we must continue to explore space in order to advance the causes and abilities of humankind.

As a Congressman, I have had the honor of personally getting to know a number of our NASA astronauts, having brought them to speak to students at several Bergen and Hudson County elementary and middle schools. As the astronauts made their presentations and discussed their experiences, I saw the eyes of the children light up with wonder, amazement, and admiration. Our astronauts, who are some of the brightest people on our planet, are heroes and as inspiration to all of us, and in particular to our children, who see the hope of a better tomorrow for themselves through the eyes of our space explorers.

As we try to find the answers behind this disaster, all Americans must unite and draw strength from one another in order to heal and move forward. May God bless our heroes who were lost as well as their families and loved ones, and may God bless America.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this resolution and in tribute to the *Columbia* seven. Today we mourn them all. We mourn Commander Rick Husband, Pilot William McCool, Mission Specialists Michael Anderson, David Brown, Kalpana Chawla, and Laurel Clark, and Payload Specialist Ilan Ramon.

All seven of the *Columbia* left behind husbands and wives and family and friends. They were role models to young people everywhere who dreamed of space. They symbolized possibility and achievement to Americans, Indians, Israelis, and citizens of the world. They gave their lives in exploration for America and the world. They hold a special place in all of our hearts.

I would like to say a few words about Dr. Chawla, who earned her doctorate in aerospace engineering at the University of Colorado. Dr. Chawla was the second former CU student to be lost on a NASA mission, joining Ellison Onizuka, who died in the *Challenger* accident in 1986.

Mr. Speaker, I've included an article from the Denver Post detailing how Dr. Chawla spent five hours on *Columbia* salvaging the broken space experiment of students at the Colorado School of Mines. Because of Dr. Chawla's help, the students were able to download almost all of the data they had hoped for through a satellite link.

Those who knew Dr. Chawla talk about her incredible determination and drive and her ability to achieve against so many odds. A friend of hers from India said that "She never had the feeling that because she was a girl, there were things she should not do." She left India, but she never forgot it. Beginning in 1998, at her urging, NASA invited high school students from India to take part in a summer space experience program in Houston. One of the students who visited Houston remembered something Dr. Chawla said to her there: "Whatever you believe in, do—just follow your dreams."

In his State of the Union address announcing his vision to put a man on the moon, President Kennedy said that "it will not be one man going to the moon . . . it will be an entire nation." And it has been an entire nation supporting our men and women in space, dreaming their dreams along with them, following their adventures, as a way to satisfy our own curiosity, to stimulate our own sense of discovery and wonder.

I am committed to doing all I can to honor the memory of our brave astronauts. The House Science Committee's Subcommittee on Space and Aeronautics, of which I am a member, will be conducting hearings to try to understand what happened to *Columbia*, to make sure such a tragedy never happens again, and to help NASA recover and begin anew its mission of discovery. I intend to take an active part in those hearings.

The exploration of space remains one of the great adventures of all time. I am committed to keeping the dream alive, and along with it, the spirits of the *Columbia* seven.

[From the Denver Post, Feb. 2, 2003]

(By Dave Curtin)

Astronaut Kalpana Chawla became a hero to students at Colorado School of Mines when she went beyond NASA protocol to spend five hours Monday salvaging their broken space experiment.

But more than that, Chawla and her six crewmates made the students feel like their best friends and equals in space science as they worked closely together during the past week.

"They were real people. They didn't put themselves above anyone else. They made us feel important," said Ned Riedel, who helped design the Mines experiment, a system designed to fight fire in space and on Earth. He worked directly with the astronauts from Johnson Space Center in Houston until he returned to Colorado on Friday.

Chawla worked tirelessly to fix a pesky leak on the Mines firefighting experiment as five students and professors watched, riveted, from payload control at the space center.

When she was finished with the fixes, the experiment worked like a charm and data flowed to the students on the ground for a week, saving the future of the project.

Students couldn't believe the time Chawla and the other astronauts devoted to their experiment. It was only one of 80 aboard the 16-day flight, including one by international high school students coordinated by the University of Colorado.

And they couldn't believe how unassuming the astronauts were since meeting them 2½ years ago and training them on the experiment.

"They were incredibly nice people. Easy-going and down-to-earth people," said Riedel. "Working the mission with them, they were just fantastic. The timeline in space didn't allow the time we needed to get it online, and they gave it to us anyway," he said.

"We learned things we never expected. We celebrated all the way to the end. We were ecstatic, which makes this even more horrible," Riedel said. "When I head, I cried. I thought of their families. Now I'm just shocked. I can't get over it."

"They sacrificed time from their meals and other things to give us time not scheduled for our experiment," said David Petrick, a Mines graduate who also returned Friday from Johnson Space Center, where he worked with the astronauts.

The school's new-generation firefighting system produces a fine-water mist in spacecraft and has commercial applications on Earth, including in office towers.

A 1996 international ban on ozone-depleting Halon 1301 as a chemical fire suppressant has created an urgent need for other environmentally friendly fire suppressants. The ban went into effect in 2000.

Using water droplets one-tenth the size of a human hair, the Mines mister creates a fog that sucks the heat out of fire, preventing its spread and saving lives.

It's preferable to conventional water sprinklers because it causes less damage to expensive equipment such as computers. It's also an attractive alternative for planes and ships traveling with weight limits, said Frank Schowengerdt, director of Mines' Center for Commercial Application of Combustion in Space, one of 17 NASA-funded commercial space-research centers in the country.

The experiment on board *Columbia* was a tightly sealed 1½-foot cannister with a tiny propane flame that ignited a gas mixture so researchers could examine how the mist worked in space.

Thanks to the astronauts' devotion, the students were able to download 90 percent of the data they had hoped for through a satellite link last week.

"This experiment that the shuttle crew worked so hard to repair a few days ago will move forward in their honor, and we will use the data they gleaned in space to build a firefighting system they would be proud of," Schowengerdt said. "And we will think of a way to name it after them. They made all the difference."

The students were stunned at how humble the shuttle crew was as they worked together over the months.

"What makes them extra special is you could walk up to them and they would remember your name and have a beer with you," Riedel said.

That happened to Riedel and Petrick in December during final simulation exercises, when the students bumped into the shuttle crew at Petey's, an astronaut after-hours hangout near Johnson Space Center.

"I knew Ilan Ramon because he's an astronaut, but it floored me that he remembered my name and started introducing me around like I was his best friend," Riedel said. "That's just the kind of people they all were."

The students were grieving on Saturday, feeling the loss of their science partners—astronauts they had come to call friends.

"We were walking on sunshine Friday," Petrick said. "The Mission Control folks were smiling at us because we were dancing and singing, we were so happy. Then on Saturday we woke to this happening."

"I thought on Monday it was going to be a tragedy because we wouldn't be able to get any data for our experiment," Riedel said.

"Now I know the definition of tragedy," he said, breaking into tears.

Mr. ROHRABACHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). All time for debate has expired.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 51

Whereas the House of Representatives has learned with profound sorrow of the tragedy during re-entry of the space shuttle program of the National Aeronautics and Space Administration, involving the Columbia Shuttle Mission STS-107 and its crew consisting of Rick D. Husband (commander), William C. McCool (pilot), Michael P. Anderson (payload commander), David M. Brown (mission specialist), Kalpana Chawla (mission specialist), Laurel Blair Salton Clark (mission specialist), and Ilan Ramon (payload specialist): Now, therefore, be it

Resolved, That the House of Representatives expresses its condolences to the families of the crew members of the Columbia shuttle mission; and be it further

Resolved, That the Clerk communicate these resolutions to the families of the Columbia crew; and be it further

Resolved, That when the House of Representatives adjourns today, it adjourns as a further mark of respect to the memory of the valiant crew members of the Columbia shuttle mission.

□ 1730

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the order of the House of today, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROHRABACHER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this resolution are postponed until later today.

COMMUNICATION FROM THE HON. LUIS GUTIERREZ, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable LUIS GUTIERREZ, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Circuit Court for Cook County, Illinois.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

LUIS V. GUTIERREZ,
Member of Congress.

MILLENNIUM CHALLENGE ACT OF 2003—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–37)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations, the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Resources, and the Committee on Government Reform and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit a legislative proposal to establish the Millennium Challenge Account and the Millennium Challenge Corporation. Also transmitted is a section-by-section analysis.

The Millennium Challenge Account (MCA) represents a new approach to providing and delivering development assistance. This new compact for development breaks with the past by tying increased assistance to performance and creating new accountability for all nations. This proposal implements my commitment to increase current levels of core development assistance by 50 percent over the next 3 years, thus providing an annual increase of $5 billion by fiscal year 2006. To be eligible for this new assistance, countries must demonstrate commitment to three standards—ruling justly, investing in their people, and encouraging economic freedom. Given this commitment, and the link between financial accountability and development success, special attention will be given to fighting corruption.

The goal of the Millennium Challenge Account initiative is to reduce poverty by significantly increasing economic growth in recipient countries through a variety of targeted investments. The MCA will be administered by a new, small Government corporation, called the Millennium Challenge Corporation, designed to support innovative strategies and to ensure accountability for measurable results. The Corporation will be supervised by a Board of Directors chaired by the Secretary of State and composed of other Cabinet-level officials. The Corporation will be led by a Chief Executive Officer appointed by the President, by and with the advice and consent of the Senate. This proposal provides the Corporation with flexible authorities to optimize program implementation, contracting, and personnel selection while pursuing innovative strategies.

The Millennium Challenge Account initiative recognizes the need for country ownership, financial oversight, and accountability for results to ensure effective assistance. We cannot accept permanent poverty in a world of progress. The MCA will provide people in developing nations the tools they need to seize the opportunities of the global economy. I urge the prompt and favorable consideration of this legislation.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 5, 2003.*

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF NORWAY ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–38)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Kingdom of Norway on Social Security, with a related administrative agreement, both signed at Oslo on November 30, 2001. This revised Agreement is intended to modify certain provisions of the original United States and Norwegian Agreement, which was signed in Washington on January 13, 1983, and, upon its entry into force, will replace the 1983 Agreement.

The revised United States-Norwegian Agreement is similar in objective to the other social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, The Netherlands, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The revised United States-Norwegian Agreement contains all provisions mandated by section 233 and other provisions, which I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the administrative agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the United States Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Norwegian Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 5, 2003.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1803

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 o'clock and 3 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.J. RES. 18, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time, without intervention of any point of order, to consider in the House the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes; the joint resolution shall be considered as read for amendment; the joint resolution shall be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 18, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 18 is as follows:

H.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "February 20, 2003".

The SPEAKER pro tempore. Pursuant to the previous order of today, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H.J. Res. 18, will extend the current CR and allow the government to continue to operate until February 20, 2003. I think all Members know that we are currently working to conclude the conference agreement for an omnibus appropriations bill for fiscal year 2003. It is our hope that we are finally reaching a point in this process where we can look forward to having a vote on that conference report.

It is our plan to meet in formal conference on Monday evening, to conclude that conference as soon as possible, and to have this conference report before the House either Tuesday or Wednesday. We do hope to conclude fiscal year 2003 business. It has been a long time coming. There have been a lot of reasons why the fiscal year 2003 bills have not reached conclusion, but I will tell Members that the Committee on Appropriations in the House reported all of our bills except two which we introduced directly to the floor. I would stand in strong support and commendation of the Committee on Appropriations on both sides of the aisle because, as a committee, we did our job.

There were other obstacles placed in our path as we moved along the process. Hopefully, we have overcome those, and we are now deciding how to settle the differences between the House and the Senate.

Mr. Speaker, I think it might be interesting for Members to see this. This is not a copy of the bill. This in small, fine print is merely a copy of thousands of differences between the House and the Senate that we have been working with diligently for the last couple of weeks. I hope that we can expedite this process.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this is the eighth continuing resolution to come before this body necessitated by the fact that we are now in the fifth month of the new fiscal year and still do not have a budget. We have not provided the funds that should be provided for homeland security. The Congress has not provided the funds that should be provided for first responders, for education, to deal with some Medicare and Medicaid problems, and there are many other concerns as well associated with the late action of the Congress on the appropriation bills.

None of that fault lies with the chairman of the Committee on Appropriations. He has tried his dead level best to bring appropriations bills to the floor in a timely fashion. He has been shut off by decisions made at a higher pay grade. At this point, this House has no choice except to once again extend the continuing resolution.

But there are, nonetheless, some items which I think are necessary to take action on because time is running out. The clock is running on a number of crucial problems. For that reason, and I will take the time to explain it now so I do not have to do it twice in the interest of saving time. For that reason, at the appropriate time I will offer a motion to recommit which instructs the Committee on Appropriations to report back an amended version of the continuing resolution that adds two urgent provisions related to payment rates for medical services to Medicare patients.

The existing continuing resolution already contains several provisions relating to entitlement benefits, including extensions of the Transitional Assistance to Needy Families program, TANF, and the transitional Medicaid benefits program. This motion simply adds two more time-sensitive items relating to Medicare.

First, the motion calls for continuation of Medicare payment rates for doctors at the current level, thereby suspending the 4.4 percent cut now scheduled to take place on March 1.

There has already been a 5.4 percent cut in Medicare payments to doctors that took effect in January, 2002. These payment cuts make it difficult for doctors to meet their expenses and can only make it harder for Medicare patients to find a doctor willing to treat them. The problem is especially acute in rural areas which are already suffering from shortages of doctors and other health care providers.

Second, the motion would take a first step toward redressing the imbalances in the Medicare payments rate that right now puts rural hospitals at a serious disadvantage. Under current law, hospitals in large urban areas receive a base payment rate that is higher than the rate for all other hospitals. The Medicare Payments Advisory Commission has recommended eliminating this differential, noting that Medicare operating margins for rural hospitals are now substantially lower than for large urban hospitals. That just confirms what many of us have been hearing back home, that most rural hospitals are facing serious financial difficulty that jeopardizes their ability to provide quality care.

This motion calls for raising base payment rates for rural and small city hospitals up to the rate for large urban areas. These two provisions are just first steps toward redressing imbalances in Medicare payment rates. Congress needs to overhaul the faulty formulas that led to the steep cuts in payment rates and to address a range of issues that place rural areas and many States at a disadvantage. But to gain time for the appropriate committees and the Congress to deal with these broader issues, we need immediate fixes to the immediate problem. That is what this motion seeks to do.

Both of these items in the motion are also included in the Senate-passed omnibus appropriations package that is now in conference, the conference to which the gentleman from Florida (Mr. YOUNG) just referred. Hopefully, a conference agreement on that measure will be finished quickly and with these items included. But we should also include these measures in the continuing resolution as a backup, which is what this motion would do.

Furthermore, adoption of this motion would also send a strong signal to House conferees on the omnibus appropriations package and to the House leadership regarding the sentiment of the House on the urgent need to fix Medicare payment rates. Even though the 4.4 percent cut in Medicare physician payments is just weeks away, the House has done nothing effective to forestall that cut. The problem is urgent. The House needs to act now. That is what this motion will attempt to do.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for bringing this bipartisan motion to recommit and giving us all an opportunity to correct some technical problems in Medicare that both parties have agreed to.

The physician payments were cut last year; and if nothing is done, they will be cut again. There is absolute agreement between the administration and those of us on the Subcommittee on Health of the Committee on Ways and Means that that was an error in the calculation formula and it must be fixed. There has been a great deal of gamesmanship over this area, but I think it is time to take care of it.

The Senate in its omnibus funding bill increased the Medicare payments for physicians and rural hospitals. This provision for physicians is temporary but would be in effect for the rest of this year.

□ 1815

I do not normally favor, much less encourage, legislating Medicare provisions in an appropriations bill; but it is clear that this is the only way to get this done in a timely fashion. The Senate has passed these provisions. And so it clearly need not hold up the CR. A few hours ago, in a hearing before the Committee on Ways and Means, when asked whether the President supports the Senate-passed physician fix, OMB Director Daniels testified that he did. In fact, he said yesterday that the President would support any number of measures to fix it.

I realize that the chairman of the Committee on Ways and Means may not be happy with this, but the Committee on Ways and Means has looked the other way when the leadership puts wage reclassifications and other targeted Medicare provisions in appropriations bills. So I would hope for those of you who come from rural districts, and we are only talking about $250 million for rural hospitals, it is a provision that was consistent with the nonpartisan adviser to the House, MedPAC, who recommended that we help these rural hospitals with this small amount. It is consistent with the Health and Human Services provision that we must change the physician reimbursement. It is not permanent. It helps cure the problem for the remainder of this year.

I hope that all Members will take this opportunity to see this as a carefully crafted way to help our physician community and to provide for the rural hospitals this small amount that is needed. There is no reason to oppose it. I know of no reasonable opposition. It has been passed in the Senate overwhelmingly, I think unanimously; and it is under the Republican leadership. With the White House supporting it, with Health and Human Services supporting it, who could be against it? I urge all my colleagues to accept the motion to recommit.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), well known for his objection to short debates.

Mr. MURTHA. Mr. Speaker, knowing that we are not going to vote before 6:30 regardless of the situation, I thought I would put my suggestion in about Medicare reimbursement. I see the chairman of the committee here, my good friend, the gentleman from California (Mr. THOMAS). There is no person that has more concern about the hospitals than him. In my latest campaign, all I heard from my hospitals, in a rural area, We need more reimbursement. I know this is not the right vehicle. I know the vehicle should be the Committee on Ways and Means. I understand that. But these hospitals are bleeding. They are losing money. The biggest employer in every single community that I have is the hospitals and people related to the hospitals. If we do not do something, and I do not have to tell the Members who are here on the floor, if we do not do something, the doctors' reimbursement is going to go down 4.4 percent.

This will raise, not a lot, but it will raise the percentage that rural hospitals get equal to the urban hospitals. There can be all kinds of excuses why urban hospitals ought to get better reimbursement, but their problem is, the facts of life, we are having a difficult time in Pennsylvania, in my district in western Pennsylvania. Because of malpractice, we are losing doctors. That has got nothing to do with this bill, but the other thing is reimbursement for small hospitals. I meet periodically, I would say every 6 months, with administrators from hospitals. These instructions do not mean anything. It is like some of the resolutions we pass. They do not mean a damn thing, and all of us know they do not mean anything; but the point is we would send a signal, hopefully, to the chairman of the Committee on Ways and Means that we have got to do something about this.

A lot of times we passed instructions by unanimous vote and we went into committee and we obviously had no jurisdiction; we did not do anything about it. But here where this is so serious and so many hospitals are suffering, we need to voice our concern about the reimbursement in rural hospitals. I would hope that my good friend, the chairman of the committee, would listen to us and when he comes into his first meeting, one of the first things that he does in the Committee on Ways and Means, and I hope he would join us today in urging that something be done about this. I know, I voted a lot against instructions, because I felt like we did not need to be instructed; but in this particular case, I think it is so important that I would hope that all the Members would join the gentleman from Wisconsin (Mr. OBEY) in passing this instruction to the conferees to do something about Medicare.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, this continuing resolution merely extends the date of the previous CR until February 20 to give us time to conclude the conference meetings. For those who were not on the floor when I made the point before, what I am holding in my hand here is not a copy of the bill. It is a copy of the thousands of differences that we have in this bill between the two bodies. We are closing in on this. We plan to have the conference meeting on Monday evening. I would really not like to interrupt the process that is ongoing now that looks like it might give us a successful conclusion. So when we get to the issue of the motion to recommit with instructions, I would hope that the membership would understand that we are at that delicate stage now. We are about to wrap up the fiscal year 2003 business. We are already beginning the fiscal year 2004 process. Let us defeat the motion to recommit with instructions.

I compliment my friend, the gentleman from Wisconsin (Mr. OBEY). Every one of his motions to instruct is really appetizing and they are really inviting and they are really votes that you would like to cast; and he works hard at developing these really good motions. I would make a deal with him if we cannot conclude this by the 20th, then I think we will give serious consideration to his next motion to instruct, but I really feel confident that we are going to conclude this with this last CR.

Mr. Speaker, I would ask that we defeat the motion to instruct and that we pass the CR; and hopefully the next time Members see me here at this microphone, I will be promoting a conference report that we will all love to hate. I do not think any of us are going to like it, but it will be a way to conclude the fiscal year 2003 appropriations bills.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to the previous order of today, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. Without the motion's adoption, Mr. Speaker, I certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. OBEY moves to recommit the joint resolution (H.J. Res. 18) to the Committee on Appropriations with instructions to report the same back promptly with an amendment further amending Section 101 of Public Law 107–229 to:
>
> 1. Maintain Medicare payment rates for physician services at FY 2002 levels; and
>
> 2. Set the base amount for computing Medicare payments to hospitals in small urban areas and rural areas equal to the higher base amount applicable to hospitals in large urban areas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Speaker, I will not take the 5 minutes. I have already explained the motion. Let me simply say I think the need for it is self-evident. It is certainly obvious that small rural hospitals are in a tough financial situation and need relief, and it is certainly obvious that if the scheduled reduction in physician payments under Medicare goes into effect that it will negatively affect many, many Medicare patients.

I might not offer this amendment if I thought that the conference was going more smoothly than it is, but certainly in a number of subcommittees there are raging controversies yet to be resolved, and I think under those circumstances it is important that we go on record in support of this proposition.

The SPEAKER pro tempore. Is the gentleman from Florida in opposition to the motion to recommit?

Mr. YOUNG of Florida. Mr. Speaker, I claim the time in opposition to the motion, and I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the chairman for yielding the time.

Well, here we go again. I heard the gentleman from Wisconsin say that he was opposed to the continuing resolution without the motion to recommit added to it. If you read the motion to recommit very carefully, it uses a word which, if that word is used and the motion to recommit passes, it will kill the continuing resolution. I know one word sometimes does not mean a lot. If you say "I you" and do not say "love" or "hate," you really do not get the meaning of what you are trying to say.

The word the gentleman from Wisconsin included in his motion to recommit is "promptly." What in the world is the difference between "promptly" or, let us choose another word, "forthwith"? The difference is the difference between "I love you" and "I hate you." Why? Because if you include "forthwith" in the bill, it means it would be immediately changed as the gentleman says he wants, it is reported right back on the floor, and we go forward. If you include the word "promptly," it kills the bill.

So do not pay attention to anything that is said after the word "promptly," because it does not mean anything. If you pass the motion to recommit with "promptly" in it, it kills the measure.

Let us examine what he says he wants. He has picked two items out of the motion to recommit. There are more provisions, you can imagine the Senate could not limit itself to two provisions, that they would want to try to legislate on an appropriations bill. They also said, Let's help Home Health Services, $40 million. Let's put $492 million in for bioterrorism. Let's put $120 million in for community access. Those are not in here.

So if you really want to help folks, they should have put everything in that the Senate did. The trouble is, it is all headed with "promptly," which means it does not make any difference what you put in here.

My friend and colleague, the chairman of the Committee on Appropriations, made an offer to my friend from Wisconsin about future motions to recommit. I will give you a flat-out promise. If you will change "promptly" to "forthwith" and if you will heed the advice of our friend, the gentleman from Pennsylvania (Mr. MURTHA), and say, Let's have malpractice reform, and you put that in your motion to recommit, the House has passed it a number of times; the Senate will not.

If we really wanted to make a difference, we would not stand up here with a motion that kills the bill and say, This is what we want. Let us get serious. Do we have to address problems in Medicare? Of course we do. Do we have to do something about the flawed physicians formula? Of course we do. Will we? Yes, we will.

What we should not be doing is holding out a false promise of part of what the Senate wants to do under a motion to recommit, that if you believe the promise is real and vote for the motion to recommit, you in fact kill the continuing resolution.

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. THOMAS. I yield briefly to the gentleman from Wisconsin.

□ 1830

Mr. OBEY. Mr. Speaker, tell me then, is the gentleman objecting to the fact that the Republican chairman of the Committee on the Budget and the Republican chairman of the Senate Finance Committee has asked us to take this action?

Mr. THOMAS. Mr. Speaker, reclaiming my time, if the term "promptly" is in a motion to recommit, you kill the CR. You do not help it. You do not nurture it. You do not defend positions that the Senate has placed in the appropriations. You kill it.

If the gentleman had put "forthwith," he would have been helping. I cannot believe, based upon the time and experience the gentleman from Wisconsin has had in this body, that he does not know that "promptly" kills it and "forthwith" helps it. That is the difference between "I love you" and "I hate you."

Mr. Speaker, I yield to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, this is a very important issue to Iowa and many States, but am I understanding the gentleman correctly? Not only will it kill this bill but does it not also shut down the government? So if I vote for this and it fails and the CR does not pass, it shuts down the government and we do not get anything we want?

Mr. THOMAS. The gentleman is absolutely correct. It not only kills the bill; it stops the government.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate on the motion to recommit has expired.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage and then on the question of adoption of H. Res. 51.

The vote was taken by electronic device, and there were—yeas 195, nays 215, not voting 24, as follows:

[Roll No. 18]

YEAS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Bono
Brady (TX)
Brown, Corrine
Burton (IN)
Costello
Cubin
DeGette
Doyle
Filner
Gallegly
Gephardt
Gilchrest
Gonzalez
Jefferson
Lipinski
McKeon
Miller, Gary
Ose
Rush
Ryan (WI)
Schiff
Scott (GA)
Sullivan
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that there are approximately 2 minutes remaining on this vote.

☐ 1849

Messrs. TANCREDO, WALSH, CRENSHAW, LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN and Ms. DUNN changed their vote from "yea" to "nay."

Mr. MATSUI changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SCOTT of Georgia. Mr. Speaker, on rollcall No. 18, the Obey motion to recommit with instructions, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall No. 18, due to the arrival of my first grandchild, Madeline, I missed the vote. Had I been present, I would have voted "yea."

Stated against:

Mr. OSE. Mr. Speaker, on rollcall No. 18, I was inadvertently detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW MEMBERS OF THE "COLUMBIA" SHUTTLE MISSION

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 51, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 30, as follows:

[Roll No. 19]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Ballenger
Beauprez
Bono
Brady (TX)
Brown, Corrine
Burton (IN)
Costello
Cubin
DeGette
Doyle
Filner
Gallegly
Gephardt
Gilchrest
Gonzalez
Gordon
Hefley
Jefferson
Lipinski
McKeon
Millender-McDonald
Miller, Gary
Nadler
Ose
Rush
Ryan (WI)
Schiff
Sullivan
Tanner
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair would announce to all Members there are 2 minutes remaining on this vote.

☐ 1856

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 19, had I been present, I would have voted "yea."

Mr. GALLEGLY. Mr. Speaker, on February 5, 2003, I was unavoidably detained and unable to vote on H. Res. 51. However, had I been here I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall No. 19, due to the arrival of my first grandchild, Madeline, I missed the vote. Had I been present, I would have voted "yea."

Mr. OSE. Mr. Speaker, on rollcall No. 19, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. BEAUPREZ. Mr. Speaker, on rollcall No. 19, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. BALLENGER. Mr. Speaker, on rollcall No. 19, had I been present, I would have voted "yea."

APPOINTMENT AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Pursuant to the provisions of Section 201 (a)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, the Speaker of the House of Representatives and the President pro tempore of the Senate hereby appoint Mr. Douglas Holtz-Eakin as Director of the Congressional

Budget Office for the term of office expiring on January 3, 2007.

J. DENNIS HASTERT,
Speaker of the House of Representatives.
TED STEVENS,
President pro tempore of the Senate.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following resignation as a member of the Committee on Resources:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
January 30, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives
Washington, DC.

DEAR SPEAKER HASTERT: Effective today, I resign from the House Committee on Resources. Thank you for your attention to this matter.

Sincerely,

JOEL HEFLEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER. Effective February 5, 2003, I hereby resign from the Committee on Resources.

Sincerely,

GEORGE MILLER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: In order to comply with the rules of the Democratic Caucus so that I may serve on the Committee on the Budget, I hereby take a leave of absence from the Committee on Science. Pursuant to the rules of the Democratic Caucus, I understand that my rights for seniority on the Science Committee will be preserved and that my seniority will continue to accrue.

Sincerely,

BRIAN BAIRD,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Agriculture Committee.

Sincerely,

LEONARD BOSWELL,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003 I hereby resign my position on the House Agriculture Committee. due to my permanent appointment to the House Armed Services Committee.

Thank you for your consideration of this matter.

Sincerely,

RICK LARSEN,
Member of Congress.

The SPEAKER pro tempore: Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Resources Committee due to my permanent appointment to the International Relations Committee.

Sincerely,

ADAM SMITH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Financial Services Committee due to an error in H. Res. 35 and my permanent appointment to the Transportation and Infrastructure Committee.

Sincerely,

LINCOLN DAVIS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Second District, New York, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Science Committee due to my permanent appointment to the Armed Services Committee.

Sincerely,

STEVE ISRAEL,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I will be taking a leave of absence from the Government Reform Committee due to my appointment as the Ranking Member of the Select Committee on Homeland Security.

Sincerely,

JIM TURNER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

☐ 1900

ELECTION OF MEMBERS AND DELEGATES TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 52) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Alexander, Mr. Ballance, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall, Mr. Case.

(2) COMMITTEE ON ARMED SERVICES: Mr. Israel, Mr. Larsen of Washington, Mr. Cooper, Mr. Marshall, Mr. Meek of Florida, Ms. Bordallo, Mr. Alexander.

(3) COMMITTEE ON THE BUDGET: Ms. Majette.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Case, Mr. Grijalva, Ms. Majette, Mr. Ryan of Ohio, Mr. Van Hollen.

(5) COMMITTEE ON FINANCIAL SERVICES: Mr. Emanuel (to rank immediately after Mr. Miller of North Carolina), Mr. Davis of Alabama.

(6) COMMITTEE ON GOVERNMENT REFORM: Mr. Van Hollen, Ms. Linda T. Sánchez, Mr. Ruppersberger.

(7) COMMITTEE ON HOUSE ADMINISTRATION: Mr. Larson of Connecticut, Ms. Millender-McDonald, Mr. Brady of Pennsylvania.

(8) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Smith of Washington, Ms. McCollum, Mr. Bell.

(9) COMMITTEE ON RESOURCES: Mr. Grijalva, Mr. Cardoza, Ms. Bordallo.

(10) COMMITTEE ON SCIENCE: Mr. Bell, Mr. Bishop of New York, Mr. Miller of North Carolina, Mr. Davis of Tennessee.

(11) COMMITTEE ON SMALL BUSINESS: Mr. Ballance, Mr. Ryan of Ohio.

(12) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Mr. Mollohan.

(13) COMMITTEE ON VETERANS' AFFAIRS: Mr. Michaud.

Mr. CLYBURN (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the distinguished majority leader the schedule for the coming week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Maryland yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules at that time. There will be no votes in the House before 6:30 p.m. next Tuesday.

On Wednesday, the House will meet at 10 a.m.; and we expect to consider H.R. 395, the Do-Not-Call Implementation Act, to restrain rampant telemarketers. Additionally, we hope to consider the conference report on House Joint Resolution 2, which will finish up the 2003 appropriations process. However, if the conference report is not ready for floor consideration, the House will need to consider another continuing resolution.

On Thursday, the House will meet at 10 a.m. We expect to consider the Welfare Reform Reauthorization Act.

I am happy to answer any questions the gentleman may have.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for the information. I would ask the distinguished majority leader, when does he expect the conferees will complete their work on the omnibus? Does the gentleman have any idea?

I notice the gentleman says, "if it is available." Does the gentleman have any information on when it may be available and completed?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, I have talked to the chairman of the Committee on Appropriations. He is working all through the weekend.

As the gentleman may know, the Republican Caucus is going to spend this weekend in retreat. The chairman and some of the conference members are not going on that retreat so they can work through the weekend. They hope to be able to have a formal conference meeting Monday, Monday evening, and start the formal process at that time, hopefully getting the conference report to the floor by Wednesday.

Mr. HOYER. I thank the gentleman for that answer.

Now, Mr. Speaker, I would like to know, and as I said last week, because of the process we are pursuing Members are not as knowledgeable, perhaps, as they otherwise would be on exactly what is going on. Can the majority leader inform me as to how much time he would expect to give Members, A, to review the conference report, and then to have consideration of it on the floor, and what procedures might be available to them on the floor?

Mr. DELAY. Mr. Speaker, I cannot advise the gentleman on what procedures may be available to them on the floor.

As the gentleman knows, the conference report is a privileged motion not subject to amendment. The Members, I do not know about the gentleman's side of the aisle, but my side of the aisle are very aware that the appropriations process is ongoing. I have been overwhelmed with requests and issues that are in that bill, as the chairman has, and Members are working as hard as they can to make sure their concerns are taken care of in the appropriations bill and in that process.

We are hoping that the Members will have sufficient time. This is, again, an unusual process, and the bill itself is huge, but we are hoping that we can give the Members sufficient time to review the bill. But if Members are interested, they ought to be consulting with the staff of the Committee on Appropriations right now as to what is in the bill and what might come to the bill so they might be prepared for voting on it on Wednesday.

Mr. HOYER. Reclaiming my time, Mr. Speaker, the staff of the Committee on Appropriations is now very upset with the gentleman for that recommendation.

Mr. DELAY. I retract that remark.

Mr. HOYER. The staff clearly is overwhelmed because they are trying to move ahead, covering 11 appropriation bills, in a short period of time.

I appreciate the gentleman's observation that there is going to be an attempt made to give the Members sufficient time when the report is issued, when the conference report is issued from the committee, to at least have 24 hours to review it and come to grips with what is in it. Because, again, the process has been one in which we have not had many of the bills, as the gentleman knows, on the floor for consideration in the House in the first instance, much less the conference reports, while the Senate, obviously, had a fuller debate on most of the pieces of legislation.

Mr. Speaker, I would ask the gentleman again, I would like to ask him about the Welfare Reform Reauthorization Act which he indicates may be on the floor next Thursday. If it comes on the floor next Thursday, can the gentleman tell me how whether it is going to go to committee, to the Committee on Ways and Means for consideration, or whether it will go directly to the Committee on Rules and be reported out by the Committee on Rules?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, we intend to use an unusual procedure to bring the bill straight to the floor because of many reasons, not the least of which is that reforming welfare, as the gentleman knows, has been an incredible success. The reauthorization was vitally important; and many of these programs, these successful programs, are working under short-term extensions. We think it is vitally important to get this program reauthorized and, most importantly, get to the Senate.

I might remind the gentleman that we passed the welfare reform I think 2 years ago and never got through the Senate and sat on the desk, and it never was considered by the Senate. That bill, by the way, has had more than 20 hearings and multiple markups, and we feel that Members have had plenty of opportunity to consider the bill. We want to expedite the process and not jeopardize the great success that we have seen over the time of the welfare reform.

As far as the Committee on Rules is concerned, if the gentleman will continue to yield, it will go straight to the Committee on Rules discharging from the committees. The chairman is standing right beside me. I would anticipate very soon that he will announce a filing deadline for amendments this evening and will meet sometime next week to consider those amendments.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the leader for that information with reference to how it is going to be considered.

As the gentleman, as the leader will recall, and I am sure the chairman of the Committee on Rules will recall, when last considered, the Democrats, the minority, was given a substitute, and a waiver was given with respect to that substitute as well. We would hope that that would be repeated again this year.

Again, notwithstanding the accelerated consideration, clearly we would hope that we would be able to offer, with an appropriate waiver, an alternative to the proposal that emanates from the Committee on Rules.

Could the leader tell me whether that is the intention?

Mr. DELAY. If the gentleman will yield further, Mr. Speaker, I have watched the chairman of the Committee on Rules work for many years now, going on 9 years as chairman of the Committee on Rules, I believe. The whole time that he has been chairman he has, I think, treated the minority with utmost and extreme fairness.

Mr. HOYER. Reclaiming my time just briefly, Mr. Leader, we do not have time to debate that issue; but I will yield back to the gentleman.

Mr. DELAY. I think that he is ultimately fair and will treat the minority fairly as it comes to the welfare reform bill.

To be serious about it, I think the minority deserves to be heard on welfare reform, especially welfare reform, and the chairman will treat them fairly.

Mr. HOYER. Reclaiming my time, Mr. Speaker, the last time this bill was considered the chairman will recall a waiver was given because of the budget objections that might lie.

Would the chairman contemplate a similar waiver being offered?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding, Mr. Speaker, and appreciate the kind remarks from the distinguished majority leader.

I just want to say that I am prepared, when this colloquy comes to an end, to make an announcement that we are going to be considering this. What I will tell the gentleman is that, while we cannot at this juncture anticipate exactly what the structure of the rule will be, we clearly do plan to offer the opportunity for Members to submit their amendments. I will say right now, as I will in the announcement, the formal announcement that I will make in a couple of minutes, that we will really have a preference for amendments in the nature of a substitute, which is what we have traditionally done on the issue of welfare reform.

Until our committee works its will on this issue it would be early to say, but as the majority leader has said, we clearly want to ensure that the minority has an opportunity to be heard on this question.

I am hoping very much that we will have strong bipartisan support at the end of the day for what will be truly an historic welfare reform measure that will do exactly what the leader has said; that is, to take advantage and encourage people to get into the work force and create a modicum of responsibility, which is what this is all about.

Mr. HOYER. I thank the gentleman for his comments.

Reclaiming my time, Mr. Speaker, as some know, I was one of those who voted for the welfare reform bill.

Mr. DREIER. I know the gentleman did.

Mr. HOYER. I believe that we have made great strides. I believe that there are, obviously, different times that confront us at this point in time; but I think, given where we are, that both sides may still be pretty much in the same position they were in last time.

I would, without asking further questions, urge my friends on the majority side to provide for that full and open debate and not allow a technicality which would result from a lack of waiver to preclude a substantive alternative to be debated on this floor and the different perspectives that Members might have being aired.

I think that is good for the American public, I think it is good for the House of Representatives, and I think it is good for the final product. I would hope that would be done. We certainly anticipated the gentleman's announcement, and we will be offering a substitute in a timely fashion on Tuesday next, as I understand the chairman will announce.

Mr. DREIER. By 5 p.m., Mr. Speaker.

Mr. HOYER. I do not want to announce it for the gentleman, but I appreciate it. I appreciate the comments of the leader and the chairman of the Committee on Rules.

ADJOURNMENT TO FRIDAY, FEBRUARY 7, 2003; AND ADJOURNMENT FROM FRIDAY, FEBRUARY 7, 2003 TO TUESDAY, FEBRUARY 11, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, February 7; and, further, that when the House adjourns on Friday, February 7, it adjourn to meet at 12:30 p.m. on Tuesday, February 11, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1915

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 4, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2003

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of February 10, although I think it is pretty obvious that we are anticipating our meeting in the week of February 10, to grant a rule which could limit the amendment process for floor consideration of H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by, as I said earlier, 5 p.m. on Tuesday, February 11.

Members should draft their amendments to the bill as it was introduced on February 4. Members should be aware that the Committee on Rules intends, as I said earlier, to give priority to amendments offered as complete substitutes.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

SALUTE TO ROBERT L. WALKER

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, I rise today to pay tribute to Robert L. Walker, who, after 4 years of outstanding service as chief counsel and staff director of the Committee on Standards of Official Conduct, is leaving to become chief counsel and staff director for the Senate Select Committee on Ethics.

Rob served the committee under two different chairmen, myself and my colleague, the gentleman from Texas (Mr. SMITH). I speak for the gentleman from Texas (Mr. SMITH), the ranking minority member, the gentleman from California (Mr. BERMAN), and all of my colleagues on the committee, past and present, in thanking Rob for his nonpartisan dedication to the committee and to the House. We express gratitude to Rob for his tireless work, his sense of fairness, his judiciousness and, most importantly, his impartiality.

Mr. Speaker, Rob Walker is the epitome of the nonpartisan professional staff required by the House and by the Committee on the Standards of Official Conduct for the important position he held. Rob advised the members of the committee and guided the staff in an impartial and absolutely fair manner.

As our counsel, in all aspects of his work Rob brought a profound sense of wisdom and respect for the history and precedents of the committee, the House and the American tradition of equal justice under the law. He carefully and faithfully balanced the rights of the committee and the House with the important due process rights of respondents and witnesses.

Mr. Speaker, Rob came to the committee from the Senate Ethics Committee, where he previously served as counsel. Prior to coming to Capitol Hill, he was a prosecutor at the U.S. Attorney's Office for the District of Columbia and at the public integrity section of the Department of Justice. He has both a bachelor's degree and a law degree from the University of Pennsylvania and a master's degree from Stanford University. Rob is married to Dr. Alice Weiss and they have three children: Aaron, Daniel, and Madeleine. Devotion to his family and his distinguished professional record have earned Rob the personal and professional respect and friendship of the members of the committee and his colleagues on the staff.

Mr. Speaker, we wish Rob Walker and his family well in his new position. Although this House and the Committee will miss him, we will long remember his distinguished service to the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE (at the request of Ms. PELOSI) for today on account of illness.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of attending a memorial service for *Columbia* shuttle astronaut Dr. Laurel Clark of Racine, Wisconsin.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 16. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Resolution 51, the House stands adjourned until 10 a.m. Friday, February 7, as a further mark of respect to the memory of the valiant crew members of the *Columbia* shuttle mission.

Thereupon (at 7 o'clock and 16 minutes p.m.), pursuant to House Resolution 51, the House adjourned as a further mark of respect to the memory of the valiant crew members of the *Columbia* shuttle mission until Friday, February 7, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

511. A letter from the Deputy Secretary, Department of Defense, transmitting notification of the transport of a chemical warfare agent, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

512. A letter from the Secretary of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

513. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of DoD Pilot Mentor-Protege Program [DFARS Case 2002-D029] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

514. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements Act — Exception for U.S.-Made End Products [DFARS Case 2002-D008] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

515. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children: Exclusion of Military Housing Payments (RIN: 0584-AD34) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

516. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Platform Lift Systems for Accessible Motor Vehicles Platform Lift Installations on Motor Vehicles [Docket No. NHTSA-02-13917; Notice 1] (RIN: 2127-AD50) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

517. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Emmetsburg, Sanborn and Sibly, Iowa and Brandon, South Dakota) [MM Docket No.01-65, RM-10078, RM-10188, RM-10189] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

518. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's three report on nuclear nonproliferation in South Asia for the period of April 1 to September 30, 2001, October 1, 2001 to March 31, 2002 and April 1 to September 30, 2002, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

519. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Government of Jordan (Transmittal No. 01-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

520. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 34-02 which informs you of our intent to sign a Memorandum of Understanding (MOU) between the United States, France the United Kingdom, and the NATO AEW&C Programme Management Organisation concerning Projects for the E-3 AEW&C Fleets, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

521. A letter from the Secretary, Department of Homeland Security, Department of Homeland Security, transmitting the Department's final rule — Production or Disclosure of Official Information in Connection with Legal Preceedings (RIN: 1601-AA01) received January 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

522. A letter from the Secretary, Department of Homeland Security, Department of Homeland Security, transmitting the Department's final rule — Freedom of Information Act and Privacy Act Procedures — received January 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

523. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

524. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's (ISOO) "Report to the President" for 2001; to the Committee on Government Reform.

525. A letter from the General Counsel, National Labor Relations Board, transmitting

the Board's inventory of inherently governmental and commercial activities; to the Committee on Government Reform.

526. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Retirement Coverage and Service Credit Elections Available to Current and Former Nonappropriated Fund Employees (RIN: 3206-AJ72) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

527. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2002, through December 31, 2002 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108 — 36); to the Committee on House Administration and ordered to be printed.

528. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [OK-028-FOR] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

529. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-234-FOR] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

530. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-240-FOR] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

531. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

532. A letter from the Deputy Assistant Attorney General, Department of Justice, transmitting the Department's final rule — Establishment of Minimum Safety and Security Standards for Private Companies That Transport Violent Prisoners [OAG 100F; AG Order No. 2640-2002] (RIN: 1105-AA77) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

533. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Premerger Notification; Reporting and Waiting Period Requirements — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

534. A letter from the Assistant Chief Counsel, TSA, Department of Transportation, transmitting the Department's final rule — Aviation Security: Private Charter Security Rules [Docket No. TSA-2002-12394; Amendment No. 1544-3] (RIN: 2110-AA05) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Ineligibility for an Airman Certificate Based on Security Grounds [Docket No.: FAA-2003-14293; Amendment Nos. 61-108, 63-32, 65-44] (RIN: 2120-AH84) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30348; Amdt. No. 3039] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico [CGD08-01-043] (RIN: 2115-AG31) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Houma, LA [CGD08-02-022] (RIN: 2115-AE47) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

539. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Standards, Requirements, and Penalties; Commercial Driver's License Program Improvements and Noncommercial Motor Vehicle Violations [Docket Nos. FMCSA-2001-9709 and FMCSA-00-7382] (RIN: 2126-AA60 and RIN: 2126-AA55) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters adjacent to Embarcadero Park and Campbell Shipyard, San Diego, CA [[COTP San Diego 03-002] (RIN: 2115-AA97) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

541. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Simplified Acquisition Procedures for Health-Care Resources (RIN: 2900-AI71) received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

542. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 6038 — Returns required with respect to controlled foreign partnerships [TD 9033] (RIN: 1545-BB36) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

543. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-18) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

544. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-17) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

545. A letter from the Secretary, Department of Defense, transmitting notification approving a payment to the Government of Tajikistan, pursuant to Public Law 107-206; jointly to the Committees on Armed Services and Appropriations.

546. A communication from the President of the United States, transmitting a report detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2002 in support of Plan Colombia, pursuant to Public Law 106 — 246, section 3204(e) (114 Stat. 576); (H. Doc. No. 108 — 35); jointly to the Committees on International Relations and Appropriations, and ordered to be printed.

547. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting notification of prospective funding obligations requiring special notification under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

548. A letter from the General Counsel, Office of Compliance, transmitting a copy of the Occupational Safety and Health Report for the 107th Congress, pursuant to Public Law 104 — 1, section 215(e) (109 Stat. 18); jointly to the Committees on House Administration and Education and the Workforce.

549. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal letter to OMB regarding the initial determination of the FY 2004 budget request, pursuant to 49 U.S.C. 1113; jointly to the Committees on Transportation and Infrastructure and Appropriations.

550. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GREENWOOD (for himself, Mr. MURTHA, Mr. COX, Mr. SENSENBRENNER, Mr. TAUZIN, Mr. THOMAS, Mr. GOODE, Mr. FERGUSON, Mr. GERLACH, Mrs. CAPITO, Mr. FEENEY, Mr. KIRK, Mrs. BIGGERT, Mr. PLATTS, Mr. SHAYS, Mr. FRELINGHUYSEN, Mr. MURPHY, Mr. PETERSON of Minnesota, Mr. LUCAS of Kentucky, Mr. STENHOLM, Mr. TAYLOR of Mississippi, Mr. HOBSON, Ms. GRANGER, Mrs. JOHNSON of Connecticut, Ms. DUNN, Mr. ROGERS of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. HAYES, Mr. LEACH, Mr. OTTER, Mr. GRAVES, Mr. LATOURETTE, Mr. FLETCHER, Mr. WELDON of Florida, Mr. TIBERI, Mr. HAYWORTH, Mr. CRANE, Mr. PORTMAN, Mr. SULLIVAN, Mr. SOUDER, Mr. CANNON, Mr. SHAW, Mr. MCHUGH, Mr. MCKEON, Mr. LEWIS of Kentucky, Mrs. NORTHUP, Mr. SESSIONS, Mr. HULSHOF, Mr. PUTNAM, Mr. GILCHREST, Mr. KNOLLENBERG, Mr. HOUGHTON, Mr. REGULA, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. PETERSON of Pennsylvania, Mr. LOBIONDO, Mr. BOEHLERT, Mr. NUSSLE, Mr. SHUSTER, Mr. TIAHRT, Mr. STEARNS, Mr. GILLMOR, Ms. HART, Mr. WALSH, Mr. CRENSHAW, Mr. BARTON of Texas, Mr. KELLER, and Mr. COLLINS):

H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN (for himself, Mr. Dingell, Mr. Bilirakis, Mr. Brown of Ohio, and Mr. Hill):

H.R. 531. A bill to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. LANTOS (for himself, Ms. Pelosi, Mr. George Miller of California, Ms. Eshoo, Ms. Lee, Mrs. Tauscher, Mr. Honda, Mr. Thompson of California, Mr. Stark, and Ms. Lofgren):

H.R. 532. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

By Mr. EVANS (for himself, Mr. Rodriguez, Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Snyder, Mr. McIntyre, Mr. Sanders, Mr. Serrano, and Mr. Waxman):

H.R. 533. A bill to amend title 38, United States Code, to provide for health benefits and certain other benefits to be furnished by the Department of Veterans Affairs to any individual who has spina bifida and is the natural child of a veteran who, while in military service, was exposed to a herbicide agent; to the Committee on Veterans' Affairs.

By Mr. WELDON of Florida (for himself, Mr. Stupak, Mr. Sensenbrenner, Mr. Smith of Texas, Mr. Chabot, Mr. Lucas of Kentucky, Mr. Cannon, Mr. Hall, Mr. Keller, Ms. Hart, Mr. Taylor of Mississippi, Mr. DeLay, Mrs. Myrick, Mr. Bachus, Mr. Blunt, Mr. Fletcher, Mr. Norwood, Mr. Pitts, Mr. Shimkus, Mr. Stearns, Mr. Smith of New Jersey, Mr. Vitter, Mr. Goode, Mr. Wolf, Mr. Brady of Texas, Mr. Hoekstra, Mr. Kildee, Mr. Aderholt, Mr. Wicker, Mr. Costello, Mr. Sam Johnson of Texas, Mr. Lewis of Kentucky, Mr. Shuster, Mr. Goodlatte, Mr. Pickering, Mr. Burton of Indiana, Mr. Hunter, Mr. Cantor, Mr. Gutknecht, Mr. Hayworth, Mr. Miller of Florida, Mr. McCrery, Mr. Ryun of Kansas, Mrs. Jo Ann Davis of Virginia, Mr. Wilson of South Carolina, Mr. Boozman, Mr. Linder, Mr. Mica, Mr. Shadegg, Mr. Terry, Mr. Collins, Mrs. Musgrave, Mr. Kennedy of Minnesota, Mr. Pence, Mr. Rogers of Michigan, Mr. Tiberi, Mr. Ryan of Wisconsin, Mr. Forbes, Mr. King of Iowa, Mr. Everett, Mr. Akin, Mr. Osborne, Mr. Tancredo, Mr. Camp, Mr. Duncan, Mr. Crenshaw, Mr. King of New York, Mr. Wamp, Mr. Fossella, Mr. Combest, Mr. Hayes, Mr. Tiahrt, Mr. Burns, Mr. Hostettler, Mrs. Emerson, Mr. Issa, Mr. Crane, Mr. Feeney, Mr. Buyer, Mr. Ferguson, Mr. Graves, Mr. Doolittle, Mr. Barrett of South Carolina, Mr. Green of Wisconsin, Mr. Sullivan, Mr. Rogers of Alabama, Mr. Brown of South Carolina, Mr. Kingston, Ms. Ros-Lehtinen, Mr. Pombo, Mr. Renzi, Mr. Hyde, Mr. Whitfield, Mr. Weller, Mr. Petri, Mr. Toomey, Mr. Burgess, Mr. DeMint, Mr. Herger, Mr. Ortiz, Mr. Reyes, Mr. Mollohan, Mr. Manzullo, Mr. Ney, and Mr. LaHood):

H.R. 534. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. ACEVEDO-VILÁ (for himself, Mrs. Christensen, Mr. Rangel, Mr. Towns, Ms. Velázquez, Mr. Baca, Mr. Serrano, Mr. Gutierrez, Ms. Bordallo, Ms. Solis, Mrs. Napolitano, Mr. Becerra, and Mr. Pastor):

H.R. 535. A bill to provide access to welfare tools to help Americans get back to work; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 536. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of States and political subdivisions of States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 537. A bill to authorize the grant program for elimination of the nationwide backlog in analyses of DNA samples at the level necessary to completely eliminate the backlog and obtain a DNA sample from every person convicted of a qualifying offense; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 538. A bill to amend the Federal Rules of Evidence to establish a parent-child privilege; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 539. A bill to amend the Immigration and Nationality Act to provide for the admission to the United States for permanent residence without numerical limitation of spouses of permanent resident aliens; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 540. A bill to amend title 9, United States Code, to allow employees the right to accept or reject the use of arbitration to resolve an employment controversy; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 541. A bill to amend the Internal Revenue Code of 1986 to provide for employee benefits for work site employees of certain corporations operating on a cooperative basis; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 542. A bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562; to the Committee on Resources.

By Mr. BAKER:

H.R. 543. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the determining the amount allowed as a deduction for a charitable contribution of apparently wholesome food which is inventory; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 544. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. Deutsch, Mr. Israel, Mr. Etheridge, and Mr. Weldon of Pennsylvania):

H.R. 545. A bill to provide for the establishment of a scientific basis for new firefighting technology standards, improve coordination among Federal, State, and local fire officials in training for and responding to terrorist attacks and other national emergencies, and for other purposes; to the Committee on Science.

By Mr. CASE (for himself and Mr. Abercrombie):

H.R. 546. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Resources.

By Mr. CASTLE:

H.R. 547. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself, Mr. Schrock, Mr. Moran of Virginia, Mr. Duncan, Mr. Saxton, Mr. Edwards, Mr. Israel, Mr. Holden, Mr. Lucas of Kentucky, Mr. Gibbons, Mr. Wilson of South Carolina, Mr. Paul, Mr. Vitter, Mr. Foley, Mr. Rodriguez, Mr. Whitfield, Mr. Mica, Mrs. Christensen, Mr. Aderholt, Mr. Manzullo, Mr. Lantos, Mr. Tiberi, Mr. Filner, Mr. Brown of South Carolina, Mr. Jefferson, Mr. McGovern, Mr. Wu, Mr. Smith of New Jersey, Mr. McInnis, Ms. Woolsey, Mr. Brown of Ohio, Mr. Lampson, Mr. Udall of New Mexico, Mr. Turner of Texas, Ms. Ros-Lehtinen, Ms. Hart, Mr. Petri, Mr. Sandlin, Mr. Carson of Oklahoma, Mr. Kingston, Mr. Lynch, Mr. Istook, Mr. Quinn, Mr. Baker, Ms. Corrine Brown of Florida, Mrs. Jones of Ohio, Mr. Walden of Oregon, Mr. Simmons, Mr. Davis of Florida, Mr. Boozman, Mr. Beauprez, Mr. Baca, Mr. Smith of Washington, Mr. Lincoln Diaz-Balart of Florida, Mr. Pickering, Ms. Carson of Indiana, Mr. Goode, Mr. McIntyre, Mr. Souder, Mr. Crenshaw, Mr. Rahall, Mr. Frost, Ms. Ginny Brown-Waite of Florida, Mr. Terry, Mr. Frank of Massachusetts, Mr. Jenkins, Mr. Olver, Mr. Green of Texas, Mr. Putnam, Mr. Green of Wisconsin, Mr. Grijalva, Mr. Boyd, Mr. Kennedy of Rhode Island, Mr. Pallone, Mr. Wynn, Mr. LaTourette, Mrs. Wilson of New Mexico, Mr. Bell, Mr. Jones of North Carolina, Mr. Tancredo, Mr. Tom Davis of Virginia, Mr. Cramer, Mrs. McCarthy of New York, Mr. Burr, Mr. Evans, Mr. Bilirakis, Mr. Cunningham, Ms. Norton, Mr. Goss, Mr. Honda, Ms. Hooley of Oregon, Ms. Berkley, Mr. LaHood, Mrs. Musgrave, Mr. Hinchey, Mr. Ross, Mrs. Emerson, Mr. Otter, Mr. Pastor, Ms. Solis, Mr. Combest, Mr. Kline, Mr. McCrery, Mr. Oberstar, Ms. Kilpatrick, Mr. Deutsch, Mr. Rothman, Mr. Pearce, Mr. Sanders, Mr. Wolf, Mr. Hayworth, Mr. Peterson of Pennsylvania, Mr. Costello, Ms. Kaptur, Ms. Harris, Mr. Royce, Mr. King of New York, Ms. Linda T. Sánchez of California, and Mr. Matheson):

H.R. 548. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Armed Services.

By Mr. DEMINT:

H.R. 549. A bill to suspend temporarily the duty on certain power weaving textile machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 550. A bill to suspend temporarily the duty on certain ink-jet textile printing machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 551. A bill to suspend temporarily the duty on certain other textile printing machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 552. A bill to suspend temporarily the duty on certain textile machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 553. A bill to suspend temporarily the duty on Chemical RH water-based (iron toluene sulfanate); to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 554. A bill to suspend temporarily the duty on Chemical NR Ethanol-based (iron toluene sulfanate); to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 555. A bill to suspend temporarily the duty on tantalum capacitor ink; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 556. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 557. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 558. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 559. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 560. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 561. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 562. A bill to suspend temporarily the duty on thermal release plastic film; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 563. A bill to suspend temporarily the duty on certain formulated silver paints and pastes to coat tantalum anodes colloidal precious metals; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 564. A bill to suspend temporarily the duty on polymer masking material for aluminum capacitors (UPICOAT); to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mr. SPRATT):

H.R. 565. A bill to provide emergency assistance to certain small business concerns that have suffered substantial economic injury from drought; to the Committee on Small Business.

By Mr. CUNNINGHAM (for himself and Mrs. DAVIS of California):

H.R. 566. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to clarify the formula used to compute payments to local educational agencies with respect to eligible federally connected children; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 567. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Resources.

By Mr. TOM DAVIS of Virginia (for himself, Mr. HOYER, Mr. GILCHREST, Mr. GREENWOOD, Mr. FORBES, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. WYNN, Mr. HOLDEN, Mr. HOEFFEL, Mr. HINCHEY, Mr. WOLF, Mr. GOODLATTE, Ms. NORTON, Mr. BARTLETT of Maryland, Mr. CARDIN, Mr. CUMMINGS, Mrs. JO ANN DAVIS of Virginia, Mr. HOUGHTON, Mr. PETERSON of Pennsylvania, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H.R. 568. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Transportation and Infrastructure.

By Ms. DUNN (for herself, Mr. MCDERMOTT, Mr. RAMSTAD, Mr. DEUTSCH, and Mr. FERGUSON):

H.R. 569. A bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. WELLER, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. MCCRERY, Mr. HAYWORTH, Mr. RAMSTAD, Mr. MCINNIS, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. BECERRA, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. STENHOLM, Mr. LEACH, Mrs. DAVIS of California, Mr. PAUL, Mr. WU, Mr. STUPAK, Mr. UDALL of New Mexico, Mr. LANGEVIN, Mr. WALDEN of Oregon, Mrs. TAUSCHER, Mr. HINCHEY, Mr. SANDERS, Mr. SHAYS, Mr. INSLEE, Mr. SNYDER, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. SIMPSON, Mr. OTTER, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. KENNEDY of Minnesota, Mr. EHLERS, Mr. GREEN of Wisconsin, Mr. SMITH of Washington, Mr. HOEFFEL, Mr. SHERMAN, Mr. DEUTSCH, Mr. DELAHUNT, Mr. GREENWOOD, Mr. LUCAS of Oklahoma, Mr. WELDON of Florida, Mr. GUTKNECHT, Mr. SIMMONS, Ms. WOOLSEY, Mr. BEREUTER, Mr. LATHAM, Mr. REHBERG, Mr. BOUCHER, Mr. FROST, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MORAN of Kansas):

H.R. 570. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. MCINNIS, Mr. HERGER, Mr. GIBBONS, Mr. MCHUGH, Mr. TIBERI, Mr. MILLER of Florida, Mr. ROGERS of Kentucky, Mr. CRENSHAW, Mr. GREEN of Wisconsin, Mr. SMITH of Michigan, and Mr. WELDON of Florida):

H.R. 571. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 572. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 573. A bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself and Mr. GIBBONS):

H.R. 574. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 575. A bill to expedite the process by which the Secretary of the Interior and the Secretary of Agriculture may utilize military aircraft to fight wildfires, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. QUINN, and Mr. REYNOLDS):

H.R. 576. A bill to provide for the transfer to the Secretary of Energy of title to, and full responsibility for the possession, transportation, and disposal of, radioactive waste associated with the West Valley Demonstration Project, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MCHUGH, Mr. WOLF, Mr. HOEFFEL, Mr. WAXMAN, Mr. HOLT, Mr. COSTELLO, Mr. LANTOS, Mr. RAHALL, Mr. VAN HOLLEN, Mr. FILNER, Mr. OLVER, Mr. HINCHEY, Mr. ISRAEL, Mr. HOLDEN, Mr. CONYERS, Mr. DEUTSCH, Mr. HYDE, Mr. PRICE of North Carolina, Mr. WYNN, Mr. FROST, Mr. MORAN of Virginia, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, and Mr. KILDEE):

H.R. 577. A bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance; to the Committee on Government Reform.

By Mr. HULSHOF (for himself, Mr. JEFFERSON, Mr. MCCRERY, and Mr. COLLINS):

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. PITTS, Mr. STEARNS, Mr. BOOZMAN, Mr. CRANE, Mr. RYUN of Kansas, Mr. DOOLITTLE, Mr. RENZI, Mr. HOSTETTLER, and Mr. FORBES):

H.R. 579. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person from the moment of fertilization; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 580. A bill to direct the Secretary of Transportation to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. MALONEY, Mr. SMITH of New Jersey, Mr. ROGERS of Michigan, Mr. SIMMONS, Mr. KILDEE, and Mr. POMEROY):

H.R. 581. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself and Mr. PRICE of North Carolina):

H.R. 582. A bill to amend the Packers and Stockyards Act, 1921, to provide the Secretary of Agriculture with administrative authority to investigate live poultry dealers, and for other purposes; to the Committee on Agriculture.

By Mr. KENNEDY of Minnesota (for himself, Mr. LIPINSKI, Mr. HAYES, Mr. GOODE, Mr. HASTINGS of Washington, Mr. FOSSELLA, Mr. LaTOURETTE, Mr. SENSENBRENNER, Mr. ENGLISH, Mr. SIMMONS, Mr. McHUGH, Mr. FORD, Mr. MARIO DIAZ-BALART of Florida, Mr. PETERSON of Minnesota, Mr. WELDON of Florida, Mr. CHOCOLA, and Mr. TOWNS):

H.R. 583. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. OBERSTAR, Mr. WICKER, Mr. McDERMOTT, Mr. OTTER, Mrs. McCARTHY of New York, Mr. WILSON of South Carolina, Ms. CORRINE BROWN of Florida, Mr. BEREUTER, Mr. BROWN of Ohio, Mr. QUINN, Mr. STRICKLAND, Mr. WOLF, Mr. McHUGH, Mr. TIBERI, Mr. LYNCH, Mr. HUNTER, Mr. REYNOLDS, Mr. SOUDER, Mr. COSTELLO, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. TIAHRT, Mr. SMITH of New Jersey, Mr. WALDEN of Oregon, Mr. BARTLETT of Maryland, Mr. SIMMONS, Mr. WAMP, Mr. GORDON, Ms. NORTON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FLETCHER):

H.R. 584. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 585. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on crude oil and products thereof; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. FORBES, Mr. WELDON of Pennsylvania, Ms. ESHOO, Mr. SCHROCK, Mr. HONDA, Mrs. JO ANN DAVIS of Virginia, Mr. McDERMOTT, Mr. SIMMONS, and Ms. WOOLSEY):

H.R. 586. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will enable future aircraft with significantly lower noise, emissions, and fuel consumption; to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Science.

By Mr. LaTOURETTE:

H.R. 587. A bill to amend title 40, United States Code, to add Ashtabula, Mahoning, and Trumbull Counties, Ohio, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. LaTOURETTE:

H.R. 588. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of immunosuppressive drugs for Medicare beneficiaries who receive an organ transplant without regard to when the transplant was received; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BACA, Mr. BALLANCE, Ms. BALDWIN, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. BURNS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. COOPER, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. JO ANN DAVIS of Virginia, Ms. DeLAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DUNCAN, Mr. ENGLISH, Mr. ETHERIDGE, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Wisconsin, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. HONDA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING of Iowa, Mr. LANGEVIN, Mr. LANTOS, Mr. LaTOURETTE, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. LYNCH, Ms. MAJETTE, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. McCARTHY of New York, Ms. McCOLLUM, Mr. McDERMOTT, Mr. McGOVERN, Mr. McNULTY, Mr. MEEHAN, Ms. MILLENDER-McDONALD, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mrs. NORTHUP, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PETRI, Mr. PLATTS, Mr. PORTMAN, Mr. RANGEL, Mr. REGULA, Mr. REYES, Mr. RODRIGUEZ, Mr. ROGERS of Alabama, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDERS, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SOUDER, Mr. SPRATT, Mr. STRICKLAND, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. UPTON, Mr. VAN HOLLEN, Mr. WAMP, Ms. WATSON, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 589. A bill to require the Secretary of the Treasury to mint coins in commemoration of Dr. Martin Luther King, Jr; to the Committee on Financial Services.

By Mr. LEACH (for himself and Mr. BOSWELL):

H.R. 590. A bill to direct the Secretary of the Army to convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself, Mr. HOEFFEL, Mr. OLVER, Mr. WEINER, Mr. McNULTY, Ms. SLAUGHTER, Ms. KAPTUR, Mr. WELDON of Pennsylvania, Mr. GUTIERREZ, Mr. QUINN, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. KILDEE, Mr. HINCHEY, Ms. BERKLEY, Mr. WOLF, Ms. WATSON, Mr. ENGEL, Ms. KILPATRICK, Mr. BERMAN, Mr. JEFFERSON, Mr. PAYNE, Mr. DOGGETT, Mr. LIPINSKI, Mr. HOLT, Mr. LANGEVIN, Mrs. LOWEY, Mr. KUCINICH, Mr. DAVIS of Illinois, and Mrs. MALONEY):

H.R. 591. A bill to authorize the Ukrainian Congress Committee of America to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932-1933; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Mr. DAVIS of Illinois, Mr. KIRK, Mr. COSTELLO, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. MANZULLO, Mr. SHIMKUS, Mr. JOHNSON of Illinois, Mr. EVANS, and Mr. BOSWELL):

H.R. 592. A bill to expand aviation capacity; to the Committee on Transportation and Infrastructure.

By Mr. LoBIONDO (for himself, Mr. CAPUANO, Mr. WILSON of South Carolina, Mrs. BONO, Mr. SCOTT of Virginia, Ms. DeLAURO, Mr. DOOLEY of California, and Mrs. CAPITO):

H.R. 593. A bill to correct certain inequities in the second round of designation of empowerment zones and enterprise communities; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself, Mr. LYNCH, Mr. FILNER, Mr. BOEHLERT, Mr. BERMAN, Mr. RODRIGUEZ, Mr. SIMMONS, Mr. BAIRD, Mr. McGOVERN, Mr. HOLDEN, Mr. STRICKLAND, Ms. WOOLSEY, Mr. FROST, Mr. HALL, Mr. SOUDER, Mr. LoBIONDO, Mr. STARK, Mr. GREEN of Texas, Mr. STUPAK, Mr. GEORGE MILLER of California, Mr. LIPINSKI, Mr. TURNER of Texas, Mr. COSTELLO, Mr. HINCHEY, Ms. SOLIS, Mr. GILLMOR, Ms. JACKSON-LEE of Texas, Mr. WELDON of Pennsylvania, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. JENKINS, Mr. McHUGH, Mrs. CAPPS, Mr. MARKEY, Mr. LANTOS, Mr. HINOJOSA, Mr. SCHIFF, Mr. WHITFIELD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHERMAN, Mr. BAKER, Mr. ISAKSON, Mr. LaHOOD, Mr. WELLER, Mr. SHIMKUS, Mr. PAUL, Mr. DOOLITTLE, Mr. CALVERT, Mr. WILSON of South Carolina, Mr. LATOURETTE, Mr. ABERCROMBIE, Ms. BALDWIN, Ms. MCCOLLUM, Mr. GIBBONS, Mr. PLATTS, Mr. ISRAEL, Mr. MICHAUD, Mr. COMBEST, Mr. BEREUTER, Mr. DOYLE, Mr. FRANK of Massachusetts, Ms. MCCARTHY of Missouri, Ms. WATSON, Mr. OLVER, Mr. CARSON of Oklahoma, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Mr. LAMPSON, Ms. HOOLEY of Oregon, Mr. STENHOLM, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Ms. HARMAN, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, Mr. WU, Mr. GORDON, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. HONDA, Ms. LEE, Mr. SANDLIN, Mr. LEWIS of California, Mr. ALLEN, Mr. LUCAS of Kentucky, Mrs. NAPOLITANO, Mr. BONILLA, Mr. BLUMENAUER, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, and Mrs. DAVIS of California):

H.R. 594. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 595. A bill to provide compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Armed Services.

By Mr. NORWOOD:

H.R. 596. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to exclude from preemption State causes of action to enforce determinations under group health plans based on medical necessity; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 597. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 598. A bill to establish a commission to study the establishment of a national education museum and archive for the United States; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 599. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 600. A bill to require disclosure of the sale of securities by insiders of issuers of the securities to be made available to the Commission and to the public in electronic form before the transaction is conducted, and for other purposes; to the Committee on Financial Services.

By Mr. OWENS:

H.R. 601. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on House Administration.

By Mr. OWENS:

H.R. 602. A bill to provide compensation for the families of noncombatants killed in United States military actions in Afghanistan after September 11, 2001; to the Committee on International Relations.

By Mr. OWENS:

H.R. 603. A bill to provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 604. A bill to amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 605. A bill to provide for permanent resident status for any alien orphan physically present in the United States who is less than 12 years of age and to provide for deferred enforced departure status for any alien physically present in the United States who is the natural and legal parent of a child born in the United States who is less than 18 years of age; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 606. A bill to amend title 49, United States Code, to provide that individuals who are eligible to join the Armed Forces of the United States are also eligible to be security screening personnel; to the Committee on Transportation and Infrastructure.

By Mr. OWENS:

H.R. 607. A bill to amend the Internal Revenue Code of 1986 to provide more revenue for the Social Security system by imposing a tax on certain unearned income and to provide tax relief for more than 80,000,000 individuals and families who pay more in Social Security taxes than income taxes by reducing the rate of the old age, survivors, and disability insurance Social Security payroll tax; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 608. A bill to provide for prices of pharmaceutical products that are fair to the producer and the consumer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 609. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of permanent resident status to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 610. A bill to amend the Internal Revenue Code of 1986 to reinstate the taxes funding the Hazardous Substance Superfund and the Oil Spill Liability Trust Fund and to extend the taxes funding the Leaking Underground Storage Tank Trust Fund; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, and Mr. NORWOOD):

H.R. 611. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts contributed to charitable organizations which provide elementary or secondary school scholarships and for contributions of, and for, instructional materials and materials for extracurricular activities; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. NORWOOD, Mr. RYUN of Kansas, and Mr. TANCREDO):

H.R. 612. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for public and nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BACHUS, and Mr. RYUN of Kansas):

H.R. 613. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. BACHUS):

H.R. 614. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to professional school personnel in grades K-12; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. NORWOOD, and Mr. TANCREDO):

H.R. 615. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to be used for elementary and secondary expenses; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 616. A bill to amend the Internal Revenue Code of 1986 with respect to the purchase of prescription drugs by individuals who have attained retirement age, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 617. A bill to amend title XVIII of the Social Security Act to remove the sunset and numerical limitation on Medicare participation in Medicare+Choice medical savings account (MSA) plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 618. A bill to establish a commission to study and make recommendations on marginal tax rates for the working poor; to the Committee on Ways and Means.

By Mr. POMBO:

H.R. 619. A bill to direct the Secretary of Transportation to conduct a study to determine the feasibility of constructing a highway in California connecting State Route 130 in Santa Clara County with Interstate Route 5 in San Joaquin County, and to determine the feasibility of constructing a fixed guideway system along the right-of-way of the highway; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 620. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 621. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to prohibit discrimination in the rental of housing to members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. RENZI (for himself and Mr. Hayworth):

H.R. 622. A bill to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself, Mr. Jackson of Illinois, and Mr. Bilirakis):

H.R. 623. A bill to amend the Public Health Service Act with respect to the shortage of medical laboratory personnel; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. Rangel, Mr. McDermott, Mr. Baca, Mr. Becerra, Ms. Corrine Brown of Florida, Mr. Davis of Illinois, Ms. DeLauro, Mr. Frank of Massachusetts, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Kucinich, Mr. Honda, Ms. Lee, Mr. Markey, Mr. Matsui, Mr. George Miller of California, Mr. Nadler, Ms. Norton, Mr. Payne, Ms. Schakowsky, Mr. Serrano, Ms. Watson, Mr. Waxman, Mr. Wexler, and Ms. Woolsey):

H.R. 624. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Rangel, Mr. Cardin, Mr. Levin, Mr. McDermott, Mr. George Miller of California, Mrs. Christensen, Mr. Cummings, Mr. Davis of Illinois, Ms. DeLauro, Ms. Eshoo, Mr. Ford, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mr. Kildee, Mr. Kucinich, Ms. Lee, Ms. McCarthy of Missouri, Mr. Becerra, Mr. McNulty, Mr. Markey, Mr. Matsui, Mr. Nadler, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rodriguez, Mr. Rush, Mr. Sanders, Ms. Schakowsky, Ms. Solis, Mr. Towns, Ms. Velázquez, Ms. Watson, and Mr. Waxman):

H.R. 625. A bill to expand the purposes of the program of block grants to States for temporary assistance for needy families to include poverty reduction, and to make grants available under the program for that purpose; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Pomeroy, Mr. Waxman, Mr. George Miller of California, Mr. Olver, Ms. Schakowsky, Mr. Lipinski, and Mr. Grijalva):

H.R. 626. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Mr. Berry, Mr. Baca, Mr. Brown of Ohio, Mr. Carson of Oklahoma, Mr. Hinchey, Mr. Inslee, Mrs. Jones of Ohio, Mr. LaTourette, Mrs. Lowey, Mr. McGovern, Ms. Norton, Mr. Paul, Mr. Sanders, Mr. Sandlin, Ms. Woolsey, Ms. Solis, Mr. Serrano, Mr. Whitfield, Mr. Pallone, Mr. Ney, Mr. Ackerman, Ms. Baldwin, Mr. McDermott, Mr. Mica, Mr. Grijalva, Mr. Frost, Mr. Crowley, Ms. McCollum, Mr. Kennedy of Rhode Island, Mr. Capuano, and Mr. Costello):

H.R. 627. A bill to amend title 38, United States Code, to suspend for five years the authority of the Secretary of Veterans Affairs to increase the copayment amount in effect for medication furnished by the Secretary on an outpatient basis for the treatment of non-service-connected disabilities and to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. LaTourette):

H.R. 628. A bill to prohibit the Secretary of Defense from purchasing certain steel or equipment, products, or systems made with steel that is not melted and poured in the United States; to the Committee on Armed Services.

By Mr. STUPAK (for himself and Mr. LaTourette):

H.R. 629. A bill to amend the Emergency Steel Loan Guarantee Act of 1999 to prohibit steel companies receiving loan guarantees from investing the loan proceeds in foreign steel companies and using the loan proceeds to import steel products from foreign countries that are subject to certain trade remedies; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 630. A bill to amend title 49, United States Code, to provide an apportionment to a primary airport that falls below 10,000 passenger boardings in a calendar year as a result of the discontinuance of air carrier service at the airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 631. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 632. A bill to amend title 38, United States Code, to provide that the rate of reimbursement for motor vehicle travel under the beneficiary travel program of the Department of Veterans Affairs shall be the same as the rate for private vehicle reimbursement for Federal employees; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 633. A bill to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility"; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 634. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 635. A bill to assure that enrollment in any Medicare prescription drug program is voluntary; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 636. A bill to repeal the provisions of the Private Securities Litigation Reform Act and the Securities Litigation Uniform Standards Act that limit private securities actions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 637. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. Hefley):

H.R. 638. A bill to clarify the authority of the Secretary of Defense to respond to environmental emergencies; to the Committee on Armed Services.

By Mr. UDALL of Colorado:

H.R. 639. A bill to amend the Act of March 3, 1875, to permit the State of Colorado to use land held in trust by the State as open space, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 640. A bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself and Mr. Beauprez):

H.R. 641. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Federal laboratories to aid surrounding communities in improving their efforts in science education; to the Committee on Science.

By Mr. VITTER:

H.R. 642. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus owner-operators shall be allowable in computing adjusted gross income; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. Leach, Mr. Frank of Massachusetts, and Ms. Lee):

H.R. 643. A bill to urge reforms of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative, and for other purposes; to the Committee on Financial Services.

By Mr. WELDON of Florida:

H.R. 644. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself and Mr. Saxton):

H.R. 645. A bill to amend title 36, United States Code, to designate the square dance as the national folk dance; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself and Mr. Tanner):

H.R. 646. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 647. A bill to increase the amount of student loan forgiveness and loan cancellation available to qualified teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WILSON of South Carolina:

H.R. 648. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself, Mr. Paul, Ms. Woolsey, Mr. Kucinich, Mr. McDermott, Mr. Sanders, Ms. Baldwin, Ms. Lee, Mr. Grijalva, Mr. Owens, Mrs. Jones of Ohio, Mr. Oberstar, Ms. Waters, Ms. Schakowsky, Ms. Carson of Indiana, Mr. Conyers, Mr. Towns, Mr. Farr, Mr. Olver, Ms. Norton, Mr. Serrano, Ms. Watson, Mr. Kleczka, Mr. Davis of Illinois, Mr. Filner, Mr. Frank of Massachusetts, Mr. Rush, Mr. Jackson of Illinois, Mr. Stark, and Mr. Capuano):

H.J. Res. 20. A joint resolution to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002; to the Committee on International Relations.

By Mr. LEACH:

H.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States regarding regulations on the amounts of expenditures of personal funds made by candidates for election for public office; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. Radanovich, Mr. Towns, Ms. Norton, Mr. Kildee, Mr. Smith of New Jersey, Mr. Wynn, Mr. Snyder, Mr. Lynch, Mr. Hastings of Florida, Mr. Waxman, Mr. Payne, Ms. Lee, Mr. Pallone, Mr. Hinchey, Mr. Boehlert, Mr. Owens, Ms. Schakowsky, Mr. Levin, Mr. LaTourette, Mrs. Christensen, Mr. Rush, Mr. McHugh, Ms. Corrine Brown of Florida, Mr. Reyes, Mr. Skelton, Ms. Ros-Lehtinen, Mr. Lipinski, Mr. Rangel, Mr. Davis of Illinois, Mr. Costello, and Mr. Price of North Carolina):

H. Con. Res. 30. Concurrent resolution expressing the sense of the Congress regarding scleroderma; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself and Mrs. Tauscher):

H. Con. Res. 31. Concurrent resolution welcoming His Majesty Shaikh Hamad bin Isa Al-Kalifa, King of the Kingdom of Bahrain, on his visit to the United States in February 2003; to the Committee on International Relations.

By Mr. DeLAY (for himself and Ms. Pelosi):

H. Res. 51. A resolution expressing the condolences of the House of Representatives to the families of the crew of the space shuttle Columbia, and for other purposes; considered and agreed to.

By Mr. CLYBURN:

H. Res. 52. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. DeLAURO (for herself, Mr. McDermott, Mr. Carson of Oklahoma, Ms. Woolsey, Ms. Slaughter, Mr. Frank of Massachusetts, Mr. Wamp, Mr. Holt, Mr. Pallone, and Mrs. Capps):

H. Res. 53. A resolution recognizing the importance of sports in fostering the leadership ability and success of women; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 54. A resolution expressing the sense of the House of Representatives in support of Federal and State funded in-home care for the elderly; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Res. 55. A resolution expressing the sense of the House of Representatives that United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002) and that the United States should seek a Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq; to the Committee on International Relations.

By Mr. HONDA (for himself, Ms. Eddie Bernice Johnson of Texas, Mr. Andrews, Mr. Abercrombie, Mr. Crowley, Ms. Lofgren, Mr. Wu, Mr. Matsui, Mr. Inslee, Mr. Kildee, Ms. Norton, Mr. Faleomavaega, Ms. Carson of Indiana, Ms. DeLauro, Mr. Foley, Mr. McDermott, Mr. Wexler, Mr. Baca, Ms. Berkley, and Ms. Lee):

H. Res. 56. A resolution supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself and Mrs. Biggert):

H. Res. 57. A resolution recognizing and supporting the goals and ideals of "National Runaway Prevention Month"; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Mr. McDermott, Mr. Smith of New Jersey, Mr. Lantos, and Mr. Brown of Ohio):

H. Res. 58. A resolution recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist and recognizing the 11th Anniversary of the return of his remains to Poland; to the Committee on International Relations.

By Mr. NEY (for himself, Mr. Gutknecht, Mr. Snyder, Mr. Cunningham, and Mr. Gibbons):

H. Res. 59. A resolution expressing the sense of the House of Representatives in support of the people of Iran and their legitimate quest for freedom and friendship with the people of the United States, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 649) for the relief of Web's Construction Company, Incorporated; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Frost, Ms. Hart, Mrs. Bono, Mrs. Davis of California, Ms. Eshoo, Mr. LoBiondo, Mr. Duncan, Mr. Cunningham, Mr. Skelton, Mr. Etheridge, Mr. Blumenauer, Mr. Boswell, Mr. Green of Wisconsin, Mrs. Napolitano, Ms. Watson, Mr. Lantos, Mr. Johnson of Illinois, Mr. Filner, Mr. Honda, Mr. Baca, Mr. Ballenger, Mr. Cardoza, Ms. Lofgren, Mr. Andrews, and Mr. Shimkus.

H.R. 14: Mr. LoBiondo and Ms. Hart.

H.R. 20: Mr. LoBiondo, Mr. McDermott, Ms. Ros-Lehtinen, Mr. Delahunt, Mr. McHugh, Ms. Millender-McDonald, Mr. Brady of Pennsylvania, Ms. Hart, Mr. Janklow, and Mr. Pastor.

H.R. 31: Mr. Isakson.

H.R. 44: Mr. Brown of South Carolina.

H.R. 47: Ms. Solis.

H.R. 57: Mr. LoBiondo, Mr. Janklow, Mr. Hefley, Mr. Isakson, Mr. Larsen of Washington, Mr. Boehlert, Mr. Tiahrt, Mr. Crenshaw, Mr. LaTourette, Mr. Feeney, Mr. Peterson of Pennsylvania, Mr. Weldon of Pennsylvania, Mr. Pombo, Mr. Osborne, Mr. Pearce, Mr. Kline, and Mr. Beauprez.

H.R. 80: Ms. Berkley.

H.R. 97: Mr. Gordon, Mr. Smith of Washington, Mr. Filner, Mr. Green of Wisconsin, Mr. McIntyre, and Mr. Schiff.

H.R. 105: Mr. Deutsch, Mr. Frost, and Mr. McIntyre.

H.R. 107: Mr. Janklow.

H.R. 108: Mr. Otter and Mr. Renzi.

H.R. 109: Mr. Case, Mr. Goode, Mr. Souder, Mrs. Jones of Ohio, Mr. Inslee, Mr. Faleomavaega, and Mr. Grijalva.

H.R. 111: Mr. Janklow, Mr. Langevin, Mr. Wynn, Mr. Bell, Ms. Loretta Sanchez of California, Mr. Van Hollen, Mr. Cooper, Mr. Hyde, Mr. Ballance, and Mr. Isakson.

H.R. 115: Mr. Udall of Colorado.

H.R. 119: Mr. Gibbons and Mr. Udall of Colorado.

H.R. 125: Mr. Honda, Mr. Towns, Ms. Lofgren; Mr. Serrano, Mr. Frost, Mr. Pascrell, Ms. Eddie Bernice Johnson of Texas, Ms. Harman, Mr. Capuano, Mr. Doyle, Ms. Millender-McDonald, Mr. Pallone, Mr. Moran of Virginia, Mr. Payne, Mr. Baird, Mrs. Davis of California, Mr. Filner, Mr. Neal of Massachusetts, Mr. Hoeffel, Mr. Boucher, Ms McCarthy of Missouri, Mr. Schiff, Ms. Roybal-Allard, Mr. Price of North Carolina, Mr. Udall of Colorado, and Mr. Spratt.

H.R. 126: Mr. Platts, Mr. George Miller of California, Mr. Andrews, Ms. Woolsey, Mr. Markey, Ms. Norton, Mr. Evans, Ms. Carson of Indiana, and Mr. Rush.

H.R. 167: Mr. Franks of Arizona, Mr. King of Iowa, Mr. Frost, Mr. Janklow, Mr. Pallone, Mr. Shays, Mr. Stearns, Mr. Michaud, Mr. Fossella, Mr. Kennedy of Minnesota, and Mr. Linder.

H.R. 173: Mr. Kildee, Mr. Davis of Illinois, Ms. Granger, Ms. Corrine Brown of Florida, Mr. Holden, Mr. Doolittle, Mr. Dicks, Mr. Foley, Mr. Acevedo-Vilá, Mr. Markey, Mr. Wilson of South Carolina, Mr. Wynn, Mr. Strickland, Mr. Tauzin, Mr. Waxman, Mr. McIntyre, Mr. Sessions, Mr. McKeon, Mr. Paul, Mr. Quinn, Mr. Wolf, Mr. Tiberi, Mr. Engel, Mr. Rogers of Michigan, Mr. Hinchey, Mr. Rush, Mr. Nussle, Mr. Baca, Mr. Moran of Virginia, Mr. Upton, Mr. Lantos, Mrs. Maloney, Mr. Oberstar, Mr. Lewis of California, Mrs. Davis of California, Mrs. Biggert, Mr. Blunt, Mr. Abercrombie, Mr. Allen, Mr. Latham, Mr. Baker, Mr.

McHugh, Mr. Frank of Massachusetts, Mr. Pastor, and Mr. Sensenbrenner.

H.R. 176: Mr. Terry.

H.R. 179: Mrs. Musgrave and Mr. Graves.

H.R. 182: Mr. Larsen of Washington and Mr. Snyder.

H.R. 192: Mrs. Wilson of New Mexico and Ms. Lee.

H.R. 193: Mr. Peterson of Pennsylvania, Mr. Ney, and Mr. Boucher.

H.R. 196: Mr. Watt.

H.R. 217: Mrs. McCarthy of New York, Mr. McDermott, Mr. Towns, Mr. Frost, Mr. Davis of Illinois, Mr. Green of Texas, Ms. Hooley of Oregon, Mr. Schrock.

H.R. 218: Mr. Barrett of South Carolina, Mr. Hulshof, Mr. Norwood, Mr. Tiahrt, Mr. Thomas, Ms. Hart, Mr. Jones of North Carolina, and Mr. LaHood.

H.R. 223: Mr. Shimkus, Mr. Gillmor, Mr. King of Iowa, Mr. Miller of Florida, Mr. Souder, Mr. Barrett of South Carolina, and Mrs. Musgrave.

H.R. 224: Mr. Franks of Arizona, Mr. LaTourette, Ms. Carson of Indiana, Mr. Akin, Mr. Platts, Mr. Kline, Mr. Tiberi, Ms. Ginny Brown-Waite of Florida, Mr. Forbes, Mr. Sensenbrenner, Mr. Rehberg, and Mr. Barrett of South Carolina.

H.R. 225: Mr. Shimkus.

H.R. 236: Ms. DeLauro, Mr. Payne, Mr. Wynn, Mr. Pascrell, Mr. Frost, Mr. Tierney, Mr. Hoyer, Ms. Carson of Indiana, Mr. Hastings of Florida, Mr. Berman, Mr. Waxman, Mr. Matsui, Mr. Visclosky, Mr. Nadler, Mr. Baca, Mr. Price of North Carolina, Mr. Meeks of New York, Mr. Becerra, Mr. Pallone, Mr. Hinojosa, Mr. Lantos, Mr. Rothman, Mr. Wexler, Ms. Solis, Mr. Stark, Mr. Capuano, Ms. McCollum, Mr. Pastor, Ms. Kilpatrick, Mr. Ackerman, Mr. Murtha, Mr. Grijalva, Ms. Loretta Sanchez of California, Mr. Lewis of Georgia, and Mr. Andrews.

H.R. 240: Mr. Miller of Florida, and Ms. Ros-Lehtinen.

H.R. 259: Mr. Davis of Alabama.

H.R. 260: Mr. Rangel, Ms. Solis, and Ms. Loretta Sanchez of California.

H.R. 283: Mr. Frost.

H.R. 300: Mrs. Musgrave, Mr. Calvert, Mr. Tiahrt, Mrs. Myrick, Mr. LaHood, Mr. Taylor of Mississippi, and Mr. Boozman.

H.R. 303: Ms. Loretta Sanchez of California, Mr. Jenkins, Mr. Gillmor, Mr. Ney, Ms. McCollum, Mr. Brown of Ohio, Mr. Boyd, Mr. Otter, Mr. Hyde, Mr. Leach, Mr. Combest, Mr. Wamp, Mr. Green of Texas, Mr. Brown of South Carolina, and Mr. Bachus.

H.R. 308: Mr. Gutierrez, Mr. McNulty, Mr. Clay, Mr. Rothman, Mr. Pallone, Mr. Matheson, Mr. Brown of Ohio, Mr. Rangel, and Mr. Lipinski.

H.R. 315: Mr. Fossella.

H.R. 316: Mr. Costello.

H.R. 318: Mr. Kennedy of Minnesota and Mr. Costello.

H.R. 319: Mr. Holden.

H.R. 328: Mr. Waxman, Mr. LaHood, Mr. Becerra, Mr. Lewis of Kentucky, Mr. Brown of Ohio, Mr. McKeon, Mr. Honda, Mrs. Bono, Mr. Strickland, Mr. Norwood, Mr. Stark, Mr. Hunter, Mr. Edwards, Mr. Hall, Mr. Rangel, Mr. Cunningham, Mr. Baca, Mr. Ney, Mr. Pallone, Mr. Boucher, Mr. Tiberi, Mr. Kildee, Mr. Lynch, Ms. Woolsey, Ms. Millender-McDonald, Mr. Farr, Mr. McIntyre, Mr. Grijalva, Mr. Rodriguez, Mr. Crowley, Mr. John, Mr. Costello, Mr. Lucas of Oklahoma, Mr. Carson of Oklahoma, Mr. Deutsch, Mr. Green of Texas, and Mr. Frost.

H.R. 332: Mr. DeMint, Mr. Barrett of South Carolina, Mr. Clyburn, and Mr. Spratt.

H.R. 333: Mr. McDermott, Mr. Scott of Virginia, Mr. Filner, Mr. Case, Ms. McCollum, and Ms. Solis.

H.R. 338: Mr. Boucher.

H.R. 339: Mr. Franks of Arizona, Mr. Wilson of South Carolina, and Mr. Osborne.

H.R. 342: Mr. Matheson, Mr. Gordon, Mr. Vitter, Mr. Smith of New Jersey, Mr. Davis of Illinois, Mr. McCotter, Mr. Frost, Mr. Ackerman, Mr. Sandlin, Mr. Taylor of Mississippi, Mr. Case, Mr. Hall, Mr. Ford, Mr. Tanner, Mr. Boyd, Mr. Kennedy of Rhode Island, and Mr. Turner of Texas.

H.R. 347: Ms. DeGette.

H.R. 348: Mr. Wexler.

H.R. 361: Mr. Udall of Colorado, Ms. Solis, Mr. Grijalva, Mr. Peterson of Minnesota, Mr. Stenholm, Mr. John, Mr. Ford, Mr. Royce, Mr. Tanner, Mr. Davis of Florida, Mr. Kind, Mr. Hayworth, Mr. Bachus, Mr. Keller, Mr. Platts, and Mrs. Biggert.

H.R. 362: Mr. Wilson of South Carolina, Mr. Rogers of Michigan, and Mr. Crane.

H.R. 377: Mr. Hefley, Mr. McInnis, Mr. Udall of Colorado, Mr. Beauprez, Mr. Frost, and Mr. Janklow.

H.R. 383: Mr. Smith of Washington, Mr. Gillmor, Mr. Cunningham, and Mr. McHugh.

H.R. 391: Mr. Souder, Mr. Feeney, Mr. Forbes, Mr. Barrett of South Carolina, and Mr. Radanovich.

H.R. 394: Mr. Pomeroy, Mr. Lynch, Ms. DeGette, and Mr. Kucinich.

H.R. 401: Mr. Toomey.

H.R. 412: Ms. Eshoo, Mrs. Wilson of New Mexico, Mr. Lynch, Mr. Visclosky, Mr. Ford, Mr. Faleomavaega, Mr. Hayworth,, Mr. Boozman, and Mr. Thompson of California.

H.R. 431: Mr. Young of Alaska and Mr. Hayworth.

H.R. 434: Mr. Forbes, Mr. Hoekstra, Mrs. Johnson of Connecticut, Mr. Gilchrest, Mr. Isakson, Mr. Crane, Mr. Green of Wisconsin, Mr. Bartlett of Maryland, Mrs. Jo Ann Davis of Virginia, Mr. Otter, Mr. Everett, Mr. Sensenbrenner, and Mrs. Capito.

H.R. 436: Mr. Stark.

H.R. 438: Mr. Shimkus.

H.R. 441: Mr. Andrews, Mr. Berman, Mr. Bilirakis, Mr. Goode, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Lantos, Ms. Ros-Lehtinen, Mr. Stearns, and Mr. Wu.

H.R. 444: Mr. Gillmor, Mr. Rogers of Alabama, Mr. Janklow, Mr. Baker, and Mrs. Myrick.

H.R. 445: Mr. Udall of Colorado and Mr. Gutierrez.

H.R. 449: Mr. Smith of Washington.

H.R. 457: Mr. Ryun of Kansas.

H.R. 459: Mrs. Musgrave, Mr. Tiahrt, Mr. Franks of Arizona, Mr. Peterson of Pennsylvania, and Mr. Bartlett of Maryland.

H.R. 460: Mrs. Musgrave and Mr. Pearce.

H.R. 463: Ms. Harman.

H.R. 466: Mr. Smith of Washington, Mr. Brady of Pennsylvania, Mr. Delahunt Mr. Dicks, Mr. Ferguson, Mr. Costello, Mr. Ramstad, Mr. Rothman, Mr. Fossella, Mr. Frank of Massachusetts, Mr. Menendez, Ms. Slaughter, Mr. Smith of New Jersey, Mr. Green of Wisconsin, and Mr. Larsen of Washington.

H.R. 490: Mr. Shays, Mr. Platts, Mr. Abercrombie, Mr. Kildee, Mr. Davis of Illinois, Mr. Kucinich, Mr. Lynch, Mr. Tiberi, Mr. Case, Ms. Kaptur, Mr. Holden, Mr. Nussle, Mr. Davis of Alabama, Mr. Markey, Ms. DeLauro, Mr. Latham, and Mr. Cannon.

H.R. 496: Mr. Bachus and Mr. Weldon of Florida.

H.R. 501: Mr. Ryan of Ohio, Mr. Wilson of South Carolina, Mrs. Christensen, Mr. Markey, Ms. Bordallo, Mr. Smith of Washington, Mr. Tiahrt, Mr. Souder, Mrs. Napolitano, Mr. Tiberi, Mr. Kildee, Mr. Frost, Mr. Waxman, Mr. McNulty, Ms. Norton, Mr. Serrano, Mr. Holden, Ms. Watson, and Mr. Gillmor.

H.R. 502: Mr. Sam Johnson of Texas, Mr. Burgess, Mr. Hunter, and Mr. Hayworth.

H.R. 503: Mr. Carson of Oklahoma, Mr. Hall, and Mr. Sessions.

H.R. 504: Ms. DeGette.

H.R. 519: Mr. Dreier and Mr. Honda.

H.J. Res. 3: Mr. Carson of Oklahoma and Mr. Beauprez.

H.J. Res. 4: Mr. Lynch, Mr. Bradley of New Hampshire, Mr. McHugh, and Mr. Wolf.

H. Con. Res. 15: Mrs. Kelly, Mrs. Biggert, and Mr. Filner.

H. Con. Res. 23: Mr. Hill.

H. Con. Res. 25: Mr. Hefley.

H. Con. Res. 29: Mr. Bereuter, Mrs. Blackburn, Mr. Renzi, Mr. Weiner, and Mr. Kennedy of Minnesota.

H. Res. 21: Mr. Udall of Colorado, Ms. McCollum, Mr. Grijalva, Mr. Tierney, Mr. McDermott, and Mr. Brown of Ohio.

H. Res. 43: Mr. Waxman.

H. Res. 49: Mr. Hinojosa, Mr. Rodriguez, Mr. Lampson, Mr. Bell, Ms. Jackson-Lee of Texas, Mr. Turner of Texas, Mr. Smith of Texas, Mr. Frost, Mr. Stenholm, Mr. Gonzalez, Mr. Bonilla, Mr. Combest, Ms. Eddie Bernice Johnson of Texas, and Mr. Reyes.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 497: Mr. Smith of Michigan.

SENATE—*Wednesday, February 5, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Frederick W. Pfotenhauer, of South Bend, IN.

PRAYER

The guest Chaplain offered the following prayer:

Creator God, Source of all that is, that has been, and that is yet to be.

We begin this new day with gratitude and thanksgiving for in You we live and move and have our being. Thus acknowledging our dependence on You, we can do no other than to thank You for our very lives and for the multiple blessings that come to us both as a nation and as individuals.

Knowing that You count us as Your precious children, we are bold to ask Your grace and further blessing on this new day, which is like no other day, for this day has not yet been lived. Enable each of us then, and in particular the women and men of the United States Senate, to live this day with the sure knowledge that Your presence is alive within us and Your Spirit is actively engaged in guiding us.

Touch our hearts that we may act in love. Touch our minds that we may act in wisdom. Touch our souls that we may act with tolerance. Touch our eyes that they may see Your will with clarity. Touch our ears that they may listen with understanding. Touch our tongues that they may speak with integrity.

And so, O God, on this new day, in these troubled times, let each one of us and especially these, our Nation's leaders, assume our responsibilities with courage, good hope and an abiding faith in You, our protector and preserver. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be in a period of morning business to allow Senators to make statements. Yesterday, along with Members from both sides of the aisle, we had the honor to lead a Senate delegation to Houston for the memorial service for the *Columbia* astronauts. It was a touching and fitting tribute to those proud pioneers, to those proud heroes, and today we continue to grieve along with their families and their friends—many of them we had the opportunity, as a delegation, to visit with yesterday.

Later today, the Senate will adopt a resolution that will express the Senate's gratitude and appreciation for these heroes. A rollcall vote is expected on that resolution at approximately 12:15 or 12:30 today.

Today, by previous consent, the Senate will begin debate on the nomination of Miguel Estrada to be a circuit judge for the DC court. Debate will begin at 2:15. I know a number of Senators are prepared to come to the floor to debate and discuss this nomination. I hope that we can, after a full debate, reach an agreement as to when the Senate can vote on that particular nomination. I will be working with the Democratic leader in an effort to find a time for that vote to occur.

As a reminder, the Senate will be in recess from 12:30 to 2:15 today for the weekly party caucuses to meet.

Finally, this week, the Senate will need to act on another continuing resolution. I anticipate that we will receive a continuing resolution tonight or tomorrow morning from the House. I am unaware of any requests for a rollcall vote, and we may be able to clear that continuing resolution by consent when it arrives.

I thank all Members.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have a couple of questions for the majority leader. Does the leader expect a vote on the resolution that is before the Senate today?

Mr. FRIST. Mr. President, I believe at this point we plan a rollcall vote between 12:15 and 12:30.

Mr. REID. The other question I have for Members is this. I spoke to the leader earlier this morning. There are a number of people who did not go to the memorial service yesterday and are going to go to one at the National Cathedral tomorrow. Does the leader expect any votes in the morning?

Mr. FRIST. No. In response to the question, we will be in session tomorrow. There are a number of memorial services that have been conducted over the last 3 days and will continue through the week. Out of respect, we did close down yesterday so that a number of people could go to Houston.

Tomorrow the Senate will be in session. We expect no rollcall votes, but we will be in session. We can talk about what time to come in tomorrow morning, but I think we will be in until about 12 noon tomorrow, and we will not be in for the remainder of Thursday or Friday.

Mr. REID. Mr. President, I have one additional question. We are in morning business now until 12:30, or whenever the leader calls for the vote. I am wondering—because yesterday it got a little awkward—if we can have an agreement that the time would alternate—one Republican, one Democrat, back and forth. That way people have an idea of what to do when they come here. If there are two Republicans here and no Democrats, OK. I don't think we need to do that in the form of an agreement, but at least the Chair would recognize we are going to do that.

Mr. FRIST. Mr. President, I think that would be very much something we will agree to and appreciate. We have a lot to do in morning business over the course of today and tomorrow. To be able to use that time efficiently, alternating back and forth is certainly fine.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business not to extend beyond the hour of 12:30 p.m., with the time to be equally divided between the two leaders or their designees.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE "COLUMBIA" ASTRONAUTS

Mrs. HUTCHISON. Mr. President, I send a resolution to the desk on behalf of myself, Senator NELSON of Florida, Senator FRIST of Tennessee, Senator

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

DASCHLE of South Dakota, Senator CORNYN of Texas, and Senator GRAHAM of Florida, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 45) commemorating the Columbia astronauts:

Whereas the United States of America and the world mourn the seven astronauts who perished aboard the Space Shuttle Columbia on February 1, 2003, as they re-entered Earth's atmosphere at the conclusion of their 16-day mission;

Whereas United States Air Force Colonel Rick D. Husband, Mission Commander; United States Navy Commander William "Willie" McCool, Pilot; United States Air Force Lieutenant Colonel Michael P. Anderson, Payload Commander/Mission Specialist; United States Navy Captain David M. Brown, Mission Specialist; United States Navy Commander Laurel Blair Salton Clark, Mission Specialist; Dr. Kalpana Chawla, Mission Specialist; and Israeli Air Force Colonel Ilan Ramon, Payload Specialist were killed in the line of duty during the 113th Space Shuttle Mission;

Whereas we stand in awe of the courage necessary to break the bonds of Earth and venture into space, with full knowledge of the perils and complexities inherent in such an endeavor;

Whereas the people of the United States and the world have enjoyed rich benefits from the space program including technological advances in medicine, communications, energy, agronomy, and astronomy;

Whereas we in the Congress of the United States recognize that curiosity, wonder and the desire to improve life on Earth has inspired our exploration of space and these traits epitomize the intrinsic dreams of the human race;

Whereas, despite these lofty goals, we realize that our reach for the stars will never be without risk or peril, and setbacks will always be a part of the human experience;

Whereas we recognize our solemn duty to devote our finest minds and resources toward minimizing these risks and protecting the remarkable men and women who are willing to risk their lives to serve mankind; and

Whereas we will always hold in our hearts the seven intrepid souls of Columbia, as well as those explorers who perished before, including those aboard Apollo I and the Space Shuttle Challenger: Now, therefore, be it

Resolved, That—

(1) the tragedy which befell the Space Shuttle Columbia shall not dissuade or discourage this Nation from venturing ever farther into the vastness of space;

(2) today we restate our firm commitment to exploring the planets and celestial bodies of our Solar System, and beyond;

(3) we express our eternal sorrow and heartfelt condolences to the families of the seven astronauts;

(4) we convey our condolences to our friends and allies in the state of Israel over the loss of Colonel Ilan Ramon, the first Israeli in space;

(5) we will never forget the sacrifices made by the seven heroes aboard Columbia; and

(6) we shall learn from this tragedy so that these sacrifices shall not have been in vain.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, today I rise to honor the memory and the sacrifice of the seven astronauts whose lives were tragically cut short in pursuit of the newest frontier—space.

America is a word, a country, and a people. America is also a spirit, an indomitable spirit of adventure and courage, one that defies complacency and accepts challenge. The American spirit knows no bounds.

Israeli astronaut Ilan Ramon also had that spirit, and so did Kalpana Chawla, who was born in India and made America her home. It is that spirit which President Kennedy harnessed in 1961 when he made the bold claim: Within a decade, America would put a man on the Moon and return him safely home.

That same spirit enabled us to fulfill a great mission and make space travel seem routine, although it was never routine.

It is that spirit which fueled the hearts and minds of those seven men and women who launched into the sky on January 6, 2003.

On Saturday, we were reminded of the high price we sometimes pay for reaching new horizons. Our thirst for knowledge led us to explore space. Our curiosity, sense of wonderment, and desire to improve life on Earth prompted us time and again to defy the odds. Those heroes did not take their task lightly, but they undertook it with joy.

Ilan Roman, the first Israeli astronaut, who was on that fated flight, wrote the following words from space:

> The world looks marvelous from up here, so peaceful, so wonderful and so fragile.

His serene vision came to a catastrophic end on Saturday morning, and that moment when the world awoke to the news that seven astronauts disappeared into the skies will be one etched in our collective memories forever.

In recent years, America has borne too much tragedy and experienced too much grief, but our collective loss still sears our souls and the pain is never easier to bear. Today, just 4 short days after they vanished into the crystal blue skies of Texas, we pause to remember them and thank them from our hearts: Rick Husband, Kalpana Chawla, Laurel Clark, Ilan Roman, William McCool, David Brown, and Michael Anderson.

And though the families' loss cannot be diminished, their pain and grief is shared around the world and our prayers are with them.

Their sacrifice will never be forgotten. Their lives were not lost in vain. We will send more brave astronauts into the cosmos to learn and discover. We will continue to explore the vast sky that envelops the Earth and their names will forever be etched into the history of space flight.

Rick Husband, a spiritual man, a Texan, the commander of the Space Shuttle *Columbia*, often signed photos referencing Proverbs 3:5–6:

> Trust in the Lord with all your heart and lean not on your own understanding; acknowledge Him in all your ways and He will direct your paths.

Throughout history, our young Nation has experienced great heartache and tragedy. Each time, we have overcome adversity with boldness and tenacity. We have come back stronger than ever.

With steely resolve and a firm determination, we rose from the ashes and embers of Ground Zero more resolute than ever before.

Christina Rossetti, the 18th century poet, wrote a poem called "Remember." She could never have envisioned what this poem would come to represent, but it did bring me some solace in this time of tragedy in my home State of Texas. She wrote:

> Remember me when I am gone away,
> Gone far away into the silent land;
> When you can no more hold me by the hand,
> Nor I half turn to go yet turning stay.
> Remember me when no more day by day
> You tell me of our future that you planned;
> Only remember me; you understand
> It will be late to counsel then or pray.
> Yet if you should forget me for a while
> And afterwards remember, do not grieve:
> For if the darkness and corruption leave
> A vestige of the thoughts that I once had,
> Better by far you should forget and smile
> Than that you should remember and be sad.

We will hold these seven souls in our hearts and eventually we will smile again. We will rise from the ashes in the fields of Texas, Louisiana, and Arkansas. The quest for space exploration will not end with this tragedy. It will live on, it will prosper, for it is our duty, our calling, and our destiny.

Yesterday, like so many Members of the Senate and House, along with the President of the United States and our First Lady, I attended a beautiful ceremony where we saw firsthand the families and the realization of their personal loss. We were uplifted by seeing the greatness of what these astronauts had done and what they are doing for the future of our country and our world. It is much bigger than just those seven astronauts, which I think their families and they themselves believed. They know this was a higher calling and that their sacrifices will lay the groundwork for a better space shuttle, a better space station, America staying preeminent in the world in national security and in medical research. I think they knew they were contributing to the future of our country.

The ceremony yesterday really began our time of closure, our time to pay the respects to those brave young men and women who were willing to make this sacrifice for their children and their future generations, and to say that America is going to renew our commitment. America is going to stay in the forefront, because we know if a

SENATE—*Wednesday, February 5, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Frederick W. Pfotenhauer, of South Bend, IN.

PRAYER

The guest Chaplain offered the following prayer:

Creator God, Source of all that is, that has been, and that is yet to be.

We begin this new day with gratitude and thanksgiving for in You we live and move and have our being. Thus acknowledging our dependence on You, we can do no other than to thank You for our very lives and for the multiple blessings that come to us both as a nation and as individuals.

Knowing that You count us as Your precious children, we are bold to ask Your grace and further blessing on this new day, which is like no other day, for this day has not yet been lived. Enable each of us then, and in particular the women and men of the United States Senate, to live this day with the sure knowledge that Your presence is alive within us and Your Spirit is actively engaged in guiding us.

Touch our hearts that we may act in love. Touch our minds that we may act in wisdom. Touch our souls that we may act with tolerance. Touch our eyes that they may see Your will with clarity. Touch our ears that they may listen with understanding. Touch our tongues that they may speak with integrity.

And so, O God, on this new day, in these troubled times, let each one of us and especially these, our Nation's leaders, assume our responsibilities with courage, good hope and an abiding faith in You, our protector and preserver. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be in a period of morning business to allow Senators to make statements. Yesterday, along with Members from both sides of the aisle, we had the honor to lead a Senate delegation to Houston for the memorial service for the *Columbia* astronauts. It was a touching and fitting tribute to those proud pioneers, to those proud heroes, and today we continue to grieve along with their families and their friends—many of them we had the opportunity, as a delegation, to visit with yesterday.

Later today, the Senate will adopt a resolution that will express the Senate's gratitude and appreciation for these heroes. A rollcall vote is expected on that resolution at approximately 12:15 or 12:30 today.

Today, by previous consent, the Senate will begin debate on the nomination of Miguel Estrada to be a circuit judge for the DC court. Debate will begin at 2:15. I know a number of Senators are prepared to come to the floor to debate and discuss this nomination. I hope that we can, after a full debate, reach an agreement as to when the Senate can vote on that particular nomination. I will be working with the Democratic leader in an effort to find a time for that vote to occur.

As a reminder, the Senate will be in recess from 12:30 to 2:15 today for the weekly party caucuses to meet.

Finally, this week, the Senate will need to act on another continuing resolution. I anticipate that we will receive a continuing resolution tonight or tomorrow morning from the House. I am unaware of any requests for a rollcall vote, and we may be able to clear that continuing resolution by consent when it arrives.

I thank all Members.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have a couple of questions for the majority leader. Does the leader expect a vote on the resolution that is before the Senate today?

Mr. FRIST. Mr. President, I believe at this point we plan a rollcall vote between 12:15 and 12:30.

Mr. REID. The other question I have for Members is this. I spoke to the leader earlier this morning. There are a number of people who did not go to the memorial service yesterday and are going to go to one at the National Cathedral tomorrow. Does the leader expect any votes in the morning?

Mr. FRIST. No. In response to the question, we will be in session tomorrow. There are a number of memorial services that have been conducted over the last 3 days and will continue through the week. Out of respect, we did close down yesterday so that a number of people could go to Houston.

Tomorrow the Senate will be in session. We expect no rollcall votes, but we will be in session. We can talk about what time to come in tomorrow morning, but I think we will be in until about 12 noon tomorrow, and we will not be in for the remainder of Thursday or Friday.

Mr. REID. Mr. President, I have one additional question. We are in morning business now until 12:30, or whenever the leader calls for the vote. I am wondering—because yesterday it got a little awkward—if we can have an agreement that the time would alternate—one Republican, one Democrat, back and forth. That way people have an idea of what to do when they come here. If there are two Republicans here and no Democrats, OK. I don't think we need to do that in the form of an agreement, but at least the Chair would recognize we are going to do that.

Mr. FRIST. Mr. President, I think that would be very much something we will agree to and appreciate. We have a lot to do in morning business over the course of today and tomorrow. To be able to use that time efficiently, alternating back and forth is certainly fine.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business not to extend beyond the hour of 12:30 p.m., with the time to be equally divided between the two leaders or their designees.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE "COLUMBIA" ASTRONAUTS

Mrs. HUTCHISON. Mr. President, I send a resolution to the desk on behalf of myself, Senator NELSON of Florida, Senator FRIST of Tennessee, Senator

DASCHLE of South Dakota, Senator CORNYN of Texas, and Senator GRAHAM of Florida, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 45) commemorating the Columbia astronauts:

Whereas the United States of America and the world mourn the seven astronauts who perished aboard the Space Shuttle Columbia on February 1, 2003, as they re-entered Earth's atmosphere at the conclusion of their 16-day mission;

Whereas United States Air Force Colonel Rick D. Husband, Mission Commander; United States Navy Commander William "Willie" McCool, Pilot; United States Air Force Lieutenant Colonel Michael P. Anderson, Payload Commander/Mission Specialist; United States Navy Captain David M. Brown, Mission Specialist; United States Navy Commander Laurel Blair Salton Clark, Mission Specialist; Dr. Kalpana Chawla, Mission Specialist; and Israeli Air Force Colonel Ilan Ramon, Payload Specialist were killed in the line of duty during the 113th Space Shuttle Mission;

Whereas we stand in awe of the courage necessary to break the bonds of Earth and venture into space, with full knowledge of the perils and complexities inherent in such an endeavor;

Whereas the people of the United States and the world have enjoyed rich benefits from the space program including technological advances in medicine, communications, energy, agronomy, and astronomy;

Whereas we in the Congress of the United States recognize that curiosity, wonder and the desire to improve life on Earth has inspired our exploration of space and these traits epitomize the intrinsic dreams of the human race;

Whereas, despite these lofty goals, we realize that our reach for the stars will never be without risk or peril, and setbacks will always be a part of the human experience;

Whereas we recognize our solemn duty to devote our finest minds and resources toward minimizing these risks and protecting the remarkable men and women who are willing to risk their lives to serve mankind; and

Whereas we will always hold in our hearts the seven intrepid souls of Columbia, as well as those explorers who perished before, including those aboard Apollo I and the Space Shuttle Challenger: Now, therefore, be it

Resolved, That—

(1) the tragedy which befell the Space Shuttle Columbia shall not dissuade or discourage this Nation from venturing ever farther into the vastness of space;

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(5) we will never forget the sacrifices made by the seven heroes aboard Columbia; and

(6) we shall learn from this tragedy so that these sacrifices shall not have been in vain.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, today I rise to honor the memory and the sacrifice of the seven astronauts whose lives were tragically cut short in pursuit of the newest frontier—space.

America is a word, a country, and a people. America is also a spirit, an indomitable spirit of adventure and courage, one that defies complacency and accepts challenge. The American spirit knows no bounds.

Israeli astronaut Ilan Ramon also had that spirit, and so did Kalpana Chawla, who was born in India and made America her home. It is that spirit which President Kennedy harnessed in 1961 when he made the bold claim: Within a decade, America would put a man on the Moon and return him safely home.

That same spirit enabled us to fulfill a great mission and make space travel seem routine, although it was never routine.

It is that spirit which fueled the hearts and minds of those seven men and women who launched into the sky on January 6, 2003.

On Saturday, we were reminded of the high price we sometimes pay for reaching new horizons. Our thirst for knowledge led us to explore space. Our curiosity, sense of wonderment, and desire to improve life on Earth prompted us time and again to defy the odds. Those heroes did not take their task lightly, but they undertook it with joy.

Ilan Roman, the first Israeli astronaut, who was on that fated flight, wrote the following words from space:

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Their sacrifice will never be forgotten. Their lives were not lost in vain. We will send more brave astronauts into the cosmos to learn and discover. We will continue to explore the vast sky that envelops the Earth and their names will forever be etched into the history of space flight.

Rick Husband, a spiritual man, a Texan, the commander of the Space Shuttle *Columbia*, often signed photos referencing Proverbs 3:5–6:

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Christina Rossetti, the 18th century poet, wrote a poem called "Remember." She could never have envisioned what this poem would come to represent, but it did bring me some solace in this time of tragedy in my home State of Texas. She wrote:

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Yesterday, like so many Members of the Senate and House, along with the President of the United States and our First Lady, I attended a beautiful ceremony where we saw firsthand the families and the realization of their personal loss. We were uplifted by seeing the greatness of what these astronauts had done and what they are doing for the future of our country and our world. It is much bigger than just those seven astronauts, which I think their families and they themselves believed. They know this was a higher calling and that their sacrifices will lay the groundwork for a better space shuttle, a better space station, America staying preeminent in the world in national security and in medical research. I think they knew they were contributing to the future of our country.

The ceremony yesterday really began our time of closure, our time to pay the respects to those brave young men and women who were willing to make this sacrifice for their children and their future generations, and to say that America is going to renew our commitment. America is going to stay in the forefront, because we know if a country is static it will begin to fall behind. We know we have been the first to reap so many benefits from space exploration, which we have shared with the world. We know there are many more innovations to come and that America will be there to find those discoveries.

On behalf of myself and Senator NELSON of Florida, who is the only Member of the Senate today who has been in space, he will come later to also make a statement and then we will look forward to having a vote on the resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, today I join my colleagues and millions around the world to express our enormous sorrow at the loss of the crew of the Space Shuttle *Columbia* and to extend sympathy to the crews' families and friends.

This tragedy, like the loss of the Space Shuttle *Challenger* 17 years ago, has left an empty space in our hearts. We struggle for the words that might help to make sense of the events we witnessed last Saturday.

A return to Earth that we have come to view as "routine," instead has reminded us of the fragility of life. We are all subject to the flaws of man and the vagaries of nature. Yet these seven brave men and women accepted great risk as they strove to expand the intellectual capital of all mankind.

For thousands of years, the heavens have inspired, intrigued, and called us to explore their boundaries. This unending quest for knowledge is the very essence of what makes us human. It is a flame that burns so bright. It burns so bright that not even the depth of this tragedy or the shock of our loss can quench the desire to learn, to seek and to explore.

There is no doubt in my mind that we will move forward to expand and strengthen America's space program. And through the investigation that has just begun, we will find out what caused this accident and then we will fix it. But today, we mourn for those whom we have lost and offer comfort to those who have been left behind.

The astronauts who fly the space shuttle are a unique and unparalleled breed of men and women. They inspire us with courage and intellect, and they sacrifice in service to their country and profession. But perhaps their greatest service of all is rendered when they reach out to future generations and plant the seeds of curiosity in a young student's mind.

I have visited classrooms in the company of astronauts to see faces of children alive with wonder and awe. Like any one of us, our children want to know what it is like in space, what it is like to be a scientist, what it is like to be an explorer.

Seventeen years ago when the *Challenger* was lost, among the seven astronauts was a teacher from New Hampshire, Christa McAuliffe, who was dedicated to nurturing and inspiring students not just in New Hampshire but all across the country. Her spirit and enthusiasm has been captured for future generations in the Christa McAuliffe Planetarium in Concord, NH.

Each time I visit the planetarium, I am reminded that a child's curiosity grows into a lifetime search for answers to the great questions of our age. As long as we have astronauts to engage this curiosity, the quest for knowledge will endure and our space program will thrive.

Generations of Americans have been inspired by their courage and vision, but today, thoughts and prayers of millions are with the families and friends of *Columbia*'s crew. The sadness of this moment may well one day fade, but the memory of these seven heroic figures will remain forever strong.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I ask unanimous consent during the allotted morning business period, the time used in quorum calls be charged evenly against each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, this morning's morning business has been dedicated to the *Columbia* tragedy which occurred over the weekend. I want to take a few moments to speak from the heart about my experience yesterday, traveling to Houston to be there for the service that honored these seven brave men and women who gave their lives in the *Columbia* tragedy.

It was a bright and sunny day in Houston, a day which brought out literally thousands of people as they stood at the Space Center on the grass and waited for hours for the moments of tribute to the fallen astronauts and to their families. It was a military service, as those who followed it on television know, in the tradition primarily of the Navy. There was that touching moment where the bell was struck seven times for the loss of seven lives.

It also was a service which brought out, I thought, the very best in our Nation in terms of coming together in the grief that has really clouded our lives since last Saturday morning.

There were moments yesterday which I will not forget. The most compelling moments involved the arrival of families. You come to realize that these astronauts leave behind husbands and wives, children, parents, and many who loved them who will struggle for a long time to understand what happened. Most of them, six of the seven, were in the military—of the United States and of Israel. They understood the risk that was involved in their service to our country, as did the seventh astronaut. But with the success of so many space missions, I am certain they went into this flight believing the odds were on their side—and they certainly were. But they knew the danger, too, that was associated with it.

I am sure most people can recall where they were when they heard of this tragedy. I was sitting with my wife in our kitchen in Springfield, IL, listening to NPR when they interrupted it and mentioned the shuttle radio transmission had been lost. It was clear something terrible may have occurred. Then, of course, in the moments following, we heard the details.

I ran into a number of people in Illinois, both downstate in Springfield and in Chicago, before I came back to Washington and then went off to Houston, and all of them were touched by this tragedy, as they should have been. Some of them said to me: Senator, don't forget also the four soldiers who lost their lives last week in a helicopter crash in Afghanistan—and they were right. Our prayers should be not just for the astronauts and their families but for all the men and women who have given their lives in service to this country. I know they are in our hearts and prayers.

A lot of hard questions will have to be asked and answered in the weeks ahead. We will have to find out what caused this crash, to make certain that it never happens again. There will be a lot of recriminations and people pointing fingers as to whether or not everyone did their job as they should have, including Congress, this President, and the previous President. But that is the nature of an open society—an open debate, an honest debate to try to come to some closure as to the reason for this tragedy.

Larger questions will be asked, and I hope answered, about the space program itself. This is a program which has been generally accepted by America as part of who we are and why we come together as a nation. We want to lead the world in the pursuit of science and knowledge and understanding. Our space program has been part of that. We will have to step back now and assess whether we are doing the right thing. We will have to ask and answer questions about manned space flight and the future of the space station, whether the shuttle is the best approach to serving that station, and our future needs. All of these are difficult but timely questions.

Having said all that, that is the working of government. That is the working of the people of the United States, responding to this disaster in a rational, measured, linear way.

But yesterday it was about much more. It was about these astronauts and their families.

Ilan Ramon was the first Israeli astronaut. I read about him. I have heard suggestions that he was a man who was destined to be part of the space program. No one in his country had ever done it. He is a great source of pride in Israel and to the people who followed his career.

Yesterday, some of the prayers delivered by the Rabbi and others were in Hebrew, as they should have been. They hearkened back to the origins of the Judeo-Christian culture that also contributed to this great man.

Also, Kalpana Chawla, Indian—the important thing to recall is not just how good she was—and that story was repeated over and over again—but to recall that she was an immigrant to this country.

I think that is something we should remind ourselves over and over. Immigrants to America throughout our history have made us a better and stronger Nation and have given us a special identity in the world. She contributed to that heritage, and her courage has to be recognized.

The list of the astronauts involved—those who had been on previous missions and those who were on their first—is a roster of excellence and courage. Now it is up to us not just to mourn their loss and to comfort their families but to remember why they made their sacrifice and why they were prepared to run this risk. They were prepared to do more than most of us do in our daily routines. But they understood it was to meet a calling—a calling to which, frankly, all of us should aspire, to show the courage and to step forward to look to the future, to say that we each have to do something that is risky and on the edge so that tomorrow may be better for our children, for their families. We extend not only our sympathy but also our pledge to stand by them at this time of loss because they are part of the American family, an American family deep in mourning over the loss of these great men and women.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

Mr. DASCHLE. Mr. President, in 1920, H.G. Wells wrote:

> Life, forever dying to be born afresh, forever young and eager, will presently stand upon this earth as upon a footstool, and stretch out its realm amidst the stars.

We have long since realized that vision, voyaging from our planet, putting men and women and machines beyond the reach of the Earth, traveling the "airless Saharas" of space, exploring new worlds.

What we have been able to do requires the best minds of science, an audacity of imagination, and people explorers of uncommon bravery.

Today, we mourn seven of those brave explorers. These men and women stood upon our Earth as a footstool, stretched out our realm amidst the stars, set out on a voyage of discovery—and did not return.

I can only hope that our words, our prayers, and a world's shared sorrow will help bring peace to their families and loved ones.

This space shuttle *Columbia*—like all space shuttles—was named for a sailing ship. The *Columbia* was the first American vessel to circumnavigate the globe.

The crew of this *Columbia* were pioneers of the first order as well.

There was Rick Husband, the Air Force Colonel and commander of the *Columbia*. He was dedicated to God, his family, and his crew. While in space, he sent an e-mail saying: "I'm so proud of my crew, I could pop."

There was William McCool, the man at the controls of *Columbia*. He was an Eagle Scout, second in his class at the Naval Academy. Friends describe him as someone who always did everything perfectly but never developed the arrogance that comes with such success.

There was Michael Anderson, who, as a child, dreamed of piloting his bunk bed to the moon. Michael Anderson never got to the moon, but he got a lot closer than most of us.

There was David Brown, a physician, gymnast, and one-time circus performer. For all of his many skills, as his mother said: "flying was his life."

There was Laurel Clark, the medical doctor and mission specialist who offered this advice for aspiring astronauts: "Do what it is you love to do. You'll do a really good job at it because you love it."

There was Ilan Ramon—the child and grandchild of Holocaust survivors—who rode into space carrying with him the hope of a war-weary country.

Sadly, most of us are getting to know most of them only now.

Back in Rapid City, SD, there are dozens of schoolchildren who got to know—and be inspired by—Kalpana Chawla.

Three years ago, I asked then-NASA Administrator Dan Goldin if he would be willing to keynote a technology exhibition in Rapid City.

At the last minute, NASA called to say that they would have to send a substitute. They said: "But the good news is she's even better. She's an astronaut, and she's brilliant."

Dr. Chawla enchanted everyone who listened to her that day.

She stayed for a long time after her talk to sign autographs and pose for pictures with children.

A lot of those children in South Dakota are probably looking at those pictures today—and looking at how she signed them, for above her name she wrote: "reach for the stars."

I can only hope that the excitement Dr. Chawla inspired in those children will never be diminished by her loss.

Inspiring the awe of discovery in others, that is what all of the members of the crew of *Columbia* lived for, and it is what they gave their lives for.

Yesterday, many of us were in Houston to honor their memories.

In the days ahead, I hope we can create a living memorial by continuing to strive for the stars.

In 1961, a satellite called Traac was launched from Cape Kennedy. Inscribed in an instrument panel of that satellite was a poem written by Professor Thomas Bergin, from Yale University. It was the first poem to be launched into orbit around the Earth.

I want to read a few lines of it now:

> And now 'tis man who dares assault the sky
> And as we come to claim our promised place,
> Aim only to repay the good you gave,
> And warm with human love the chill of space.

The seven astronauts of *Columbia* represented different races, different religions, different backgrounds, and, in one case, a different country. But they were united by their desire to solve the mysteries of the universe and to make life better for all people.

In living that hope—and dying with it—their lives will forever inspire us. And their memories will warm the chill of space.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to offer some comments in response to the *Columbia* shuttle disaster that we all learned about last Saturday. Since then, we Americans and most of the rest of the world really have been in a state of grief again, a state of mind and heart that many of us, of course, have experienced both personally and nationally before. Once again, in this case of public grief, television became our common touchstone, binding us through the ether, informing us with gripping yet familiar scenes and words.

And once again, we learned things we wished we had known and thought before the great loss. We learned of the astronaut whose aunt and uncle had lost a son on September 11 at the World Trade Center. Once again, they share a personal loss with the whole Nation. We learned of the Israeli astronaut who was part of the mission that destroyed an Iraqi nuclear reactor in 1981, an act that we now know saved the world from the menace of Saddam Hussein with his finger on a nuclear button.

We learned of a woman who emigrated from India to the United States, became an American citizen, and then an astronaut. Surely that is one of the most vibrant and exciting realizations of what we call the American dream I have ever heard.

I am sorry I did not know all this before the terrible news of last Saturday. That is both a testament to the success of the space program and a mark of how easy it is for all of us to forget the risks others have taken and are taking to advance the frontiers of our knowledge. The fact is, we take too much for granted, and it is sad it does take tragedy to shock us into an awareness of the sacrifices that are constantly being made by others on our behalf.

That was certainly true about the role of our firefighters and police and emergency medical and health personnel after September 11. It is true when our military men and women go into combat to protect our security. The loss of the Black Hawk crew in Afghanistan this past week is again a reminder of how much danger other Americans face on our behalf.

It is true also with regard to the *Columbia*, when the loss of that shuttle has caused us once again to stop and think about the men and women who climb on top of rockets and head into the coldness of outer space to advance the leading edge of human experience from which all of us benefit. We owe those seven brave souls our gratitude. We owe the same to those who fly today aboard the International Space Station and to those who are preparing to fly back and forth in the months and years to come.

Amidst the painful familiarity of the moment we are experiencing come the calls for a thorough accounting of what happened: how did it happen. There are some who say we should have done this and others who say we should not have done that. Others will say we should abandon space, echoing a refrain we have heard intermittently now for more than 4 decades. Skepticism about space exploration, combined with the economic restraints faced by our Nation for many of the years of the past 4 decades, has, in fact, lowered our sights and diminished our momentum in space.

We must and we will investigate what happened to *Columbia*. No holds should be barred and every step should be taken to discover exactly what went wrong and to set about making it right so people will never again look aloft to see a fiery comet signalling the destruction of a spacecraft with its historic crew.

Yet we must be realists. No human advance comes without risk. In the history of human space flight, in fact, we have lost the crew of *Apollo 1*, *Soyuz 1* and *11*, the *Challenger*, and now *Columbia*. This is the most difficult, dangerous, and daunting work I can imagine. That in part is why we do it.

President Kennedy said more than 40 years ago:

> We choose to go to the Moon in this decade and do the other things, not because they are easy but because they are hard.

There is no acceptable number of spacecraft lost in pursuit of what is hard and what is unknown. Obviously just one loss is too many. But we must recognize that the sacrifice of those who have died has not been in vain. The space program has yielded enormous results. It has also given our Nation and people throughout the world a sense of wonder that cannot be easily recounted in mere dollars and cents.

Our gross spiritual product, if you will, GSP, is higher than it would otherwise have been thanks to the efforts of the astronauts, the scientists, and all who make the exploration of space a noble part of our civilization.

We must emerge from this investigation of the *Columbia* tragedy and from our introspection about it resolved to do more, not less, to think bigger, not smaller, to aim higher, not lower. Just as we must build something great and beautiful where the World Trade Center towers once stood, a fitting tribute to the men and women of the *Columbia* is not really to fix what went wrong but to do what is right, to do what is characteristically American, to continue—indeed, to expand—their mission and to lift our sights to the heavens once again and pursue new missions—as Charles Krauthammer has written—"to the moon and beyond."

We should do so not because we know what knowledge and benefits that pursuit of those goals will achieve; we should do so because we do not know. Yet we can be confident, based on our experience, that the effort will prove more than worth our while.

That is the wonder of exploration, to go beyond the next bend in the river, over the next mountain, beyond the far horizon, not because we know what is there, but because we do not and want to find out.

Most great feats of exploration in human history have yielded benefits far in excess of what anyone could have predicted when they began. Surely we will find something on the Moon or Mars or elsewhere in the cosmos that will astonish us and transform the way we live. Surely we will discover things about ourselves in the process of mounting those great missions that will change our lives.

Spend the money here on Earth, some will say. Our problems are too great here to waste money in space or on the Moon or Mars.

First remember that not one single dollar will actually be left in space, on the Moon, or on the surface of the red planet. Every dollar invested in space is invested here on Earth, circulating throughout our economy, creating a multiplier effect as the jobs and discoveries associated with the space program lift in time our GDP, our gross domestic product.

Our new missions in space should be as the International Space Station is: American-led but international in scope. People and resources of many nations can and should be pooled to ensure that the great space missions of the 21st century are global projects that make sense, because success is more likely, of course, if we tap the best minds of the broad community of nations, not just our own. The investment needed can best be realized through contributions from many peoples, not just the American people.

Such a common venture also has other salutary effects. As President Clinton has said, We need a world with more friends and fewer terrorists. And what better way to expand our circle of friends than to invite them to join us on an inspiring voyage together into the unknown wonders of space. What better way to showcase our own unique values and technological advances than to lead a team of many nations whose citizens will share with us a stake in the outcome and a share of the pride.

Finally, embarking on a bold new age of discovery will help revive the American spirit. In the midst of terrorist threats from abroad, a shaken sense of security here at home, a troubled economy, and shocks to our system such as those we faced on September 11 and after from the anthrax and now from the loss of the *Columbia*, the American people may be feeling uncertain about our future. These have been tough times. But I am confident we are at heart an optimistic people and that for us the best truly is yet to come.

We have to find ways to strengthen our can-do spirit, to unleash our optimism and give us a stronger sense of national purpose and greater hope in a better future. No single enterprise can accomplish that goal. I do not mean to suggest that a visionary space program alone will turn the national tide. There are other missions to consider as well that are closer to Earth—great missions—which together we can accomplish to cure cancer, make our Nation energy independent, and defeat the scourge of AIDS.

But remember that the American dream is not a zero-sum game. We can do more than we realize. We can expand opportunity and vision and hope if we set our minds, our hearts, and our national will to the task.

We have all been reminded in recent days of all that President Kennedy set in motion with his brief words to the Congress in 1961 when he committed America to land a man on the Moon before that decade was out. We should remind ourselves, too, of how far we have come in the hundred years since the Wright Brothers flew at Kitty Hawk. We cannot know how far and how fast mankind, humankind, will travel across the country or the universe by this century's end. That is the wonder of it. But if we fail to heed the call to explore, we will only succeed in stifling an astounding revolution that is bound to occur sooner or later.

Centuries ago, William Shakespeare wrote:

> Our doubts are traitors and make us lose the good we oft might win by fearing to attempt.

We must not let our doubts make us lose the good we can win by venturing further into this special frontier in space of which we are aware.

In words that are more American than Shakespeare's, Mark Twain captured that same sensibility in one of the great American novels—maybe the greatest—"The Adventures of Huckleberry Finn," where Huck, with Jim, on the raft delighted always in approaching the next bend in the river, not knowing what they would find around the bend, but never fearful, always excited, and always confident of their ability to deal with whatever they found. In those last sentences of that great novel, Huck says:

> I reckon I got to light out for the Territory ahead of the rest.

So he did, and so have we Americans before and since. We will not—those of us who are blessed to be citizens of this great country now—reap all that we sow, not in our lifetimes. Yet we will find nourishment for our national spirit in the effort itself and from the knowledge that we are working to make a better tomorrow for those who will follow us as citizens of this country and the world, whose faces we will not live to see, whose names we cannot know, but whose lives we can touch for the better by what we do today.

We do know the names of Rick Husband, Will McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon. May God have mercy on them, their families, and friends, and may their souls be embraced in eternal life. May they, like modern-day angels, experience forever the peace, joy, and beauty of space flight. And may we never turn back from the journey of discovery that inspired these heroes and must still inspire our Nation and the world to ever greater heights.

Let's light out for the territory ahead of the rest, and today that territory is beyond the sky. For that is the stuff of the American dream and the heart of the human soul. It must be our choice today, for surely it is our destiny.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, it was my sad privilege to attend the memorial service for our great astronauts in Houston yesterday. As best I could, I carried the love and prayers of Minnesotans to that solemn occasion. It was heartbreaking; yet it was awe inspiring at the same time. There was a lot of love in Houston yesterday that surrounded the families of the brave astronauts.

I should note how blessed we are to have the President we have at times such as this. His words are good and true, but it is his heart that communicates to the hearts of Minnesotans.

How much we all owe to the explorers, the inventors and the pioneers. In Minnesota, we marvel at the thought that a Charles Lindberg from Little Falls, a small town on the Mississippi, was the one who opened a new door by traveling solo across the Atlantic. For almost every one of us, our presence in this country is a reality because some brave souls conquered their fears and headed off to an unknown place with the only hope that it meant a better life for their families.

The pain of this tragedy is made more acute because of the purity of the sacrifice of these seven extraordinary and ordinary folks. They did not climb into that rocket to get rich or to gain power or to become celebrities. They assumed the risk to their lives for science, for discovery, for the pushing out of the horizons of mankind.

As we mourn, may we in this Chamber and throughout this society seek that purity of motive and courage to take risks on behalf of others and in pursuit of a better future. May we express our appreciation far more freely for all those who take enormous risks on our behalf. May we embrace a spirit of service and sacrifice for others rather than idealize safety and security for ourselves.

Thousands of years ago, an ancient Hebrew writer put down these words, expressed as a prayer:

> Where can I go from your spirit?
> Where can I flee from your presence?
> If I go up to the heavens, you are there;
> If I make my bed in the depths, you are there.
> If I rise on the wings of the dawn,
> If I settle on the far side of the sea,
> Even there your hand will guide me,
> Your right hand will hold me fast.

We pray for that comfort, we pray for that embrace for the families who are enduring this loss and that encouragement for all as we move on from here.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, it is with an especially heavy heart that I join Senator HUTCHISON of Texas as a sponsor of S. Res. 45 commemorating the fallen astronauts on the *Columbia* mission and to express the Senate's support for continuing their legacy.

I, along with a number of other Senators and Members of the House and various parts of the NASA family, gathered yesterday in Houston. It is getting to be a gathering that is not pleasant, for we had a similar gathering 17 years ago—17 years ago, almost to the day—when we lost another space shuttle from a series of mistakes.

Oh, there were the technical reasons about why the Space Shuttle *Challenger* exploded, the technical reasons that the cold weather had stiffened the rubberized gaskets, called the O-rings, in the field joints of the solid rocket boosters, and that stiffened O-ring allowed the hot gases of the SRBs to pass through those creases—those field joints—of the SRBs. It just happened to burn out right where the strut was that held that SRB to the external tank. When that strut burned at the bottom, it caused that SRB to rotate and puncture the big external tank. Seventy minutes into the flight, miles high in the Florida sky, it was a shock to the Nation that the symbol of America's technological prowess would disintegrate right in front of our eyes through a television camera.

NASA realized its mistakes, and its mistakes were not only technical. Arrogance had set in at NASA.

A basic fundamental of information is that it should flow both ways, not only from the top to the bottom but from the bottom to the top. Because of arrogance it had not. As the count proceeded the night before, there were two engineers at Morton Thiokol in Utah who were begging their management to stop the count because they knew the frigid weather was going to stiffen those O-rings.

When we did the investigation, both in the Presidential Commission and in the committee I chaired at the time in the House of Representatives, the Space Subcommittee of the full committee, the Science, Space and Technology Committee, what we found was that although those engineers were begging their management to send this information along, the information never got passed on to the NASA management.

There were mistakes of communication, there were mistakes of attitude, and there were mistakes as a result of arrogance that caused the destruction of the Space Shuttle *Challenger*. The NASA family went to work and really started improving on that.

The fact is, space flight is a risky business. When I flew 17 years ago, our flight returned to Earth only 10 days before *Challenger* launched. When I flew, there were 1,500 parts on the space shuttle called "critical one" parts—any one of which, if it were to fail, would mean the end of the mission. It was catastrophe.

So when one goes through a very unforgiving environment and returns in an unforgiving environment, there is risk. Probably the riskiest part is all of those parts have to work on the ascent. The ascent is only 8½ minutes to orbit, but in order to defy the bounds of gravity and go Mach 25, 17,500 miles an hour, which is orbital velocity, and to have that energy that puts the spacecraft in a position to punch out of the Earth's atmosphere and insert into orbit, it is risky. So, too, upon reentering the Earth's atmosphere, that is risky.

About an hour before landing, the orbiter is turned around and a thrust for 4 minutes of the two OMS engines, not the main engines but the OMS engines, is given to slow the orbiter a little from Mach 25. That slowly allows gravity to start pulling the spacecraft back to Earth. For about the next half hour, the spacecraft is basically in freefall still going about 17,000 miles an hour, traveling about a third of the way around the Earth, and at 400,000 feet the spacecraft starts encountering the Earth's atmosphere.

At that point, the computers have to be working perfectly. The orbiter has been turned around and the angle of attack has to be exactly perfect in order that those silicon tiles on the bottom of the orbiter are repelling the heat which on the underside of the wings has risen to 2,000 degrees Fahrenheit and on the leading edge of the wing has raised to 3,000 degrees Fahrenheit.

If those computers are not working perfectly to keep that angle of attack so that the heat is repelled, the orbiter will burn up. If the nose gets too low, it will burn up. If the tail gets too low, it will burn up. Or if there is a ripping off of the aluminum skin, these protective tiles that have been put there with a very high technology type of glue—one or two tiles, the structure is going to be invaded but it is not going to cause a catastrophe for the mission, but if many tiles are ripped off or if tiles have been damaged so that they are not smooth on the surface and are now rough, causing new turbulence as the orbiter comes crashing through the Earth's denser atmosphere, as it gets lower and lower, turbulence will be created and there will be an additional opportunity for silicon tiles to rip off. If they rip off, there is going to be a catastrophe.

We still do not know what the initial cause was for the destruction of *Columbia*. We do know that one of the suspects is a piece of insulation came off of the huge external tank on launch. That insulation is like a foam, like a consistency of Styrofoam in a Styrofoam cooler and it could have been more hardened by ice having formed on the outside of that supercooled external tank which has the liquid hydrogen and the liquid oxygen that fuels the main engines. It could have been harder because of ice having formed on that Styrofoam-type mixture, and that could have caused the initial damage or roughing up of some tiles, but we do not know at this point.

Some event started to occur as the shuttle was over California for debris was first seen high in the skies coming off the shuttle over California and then over New Mexico before the shuttle started to come apart over Texas.

We will find the cause and we will fix it, and we will get back to flight. Lord help us that we are not down for 2½ years as we were after *Challenger* and it took us 2½ years to feel safe enough to fly the first flight. I say, "Lord help us" because we have two astronauts and a cosmonaut in the space station right now. They are safe. They have a lifeboat up there of a Russian Soyuz craft that can bring them home, but we do not want to have to bring them home. We want to send a replacement crew so we can keep science and experiments going in that magnificent structure of a laboratory in the heavens called the International Space Station.

We are going to find the problem, we are going to fix it, and hopefully we are going to be able to fix it soon. If it is a massive failure of a thermal protection system, which is the tiles, then it is going to take us awhile.

In the early 1980s, we even looked at the possibility of going out on an EVA—that is a space walk—to fix damaged tiles. It was concluded in the 1980s that it was too much of a risk. First, we did not have the kind of glue that, in the vacuum of space, could fix those tiles, and then the risks of an astronaut going over the side where there was no communication in sight were considered so high. Remember, all of our space walks are outside of the open cargo bay where we have instant communication and sight with our space walkers. The basic problem was the EVA suit weighs 300 pounds and the boots are another 15 or 20 pounds. What happens if that space walker gets out of control? He will damage the tiles already there on the underside.

We are going to see if technology has advanced enough so we can repair those delicate silicon tiles on the underside of the space shuttle if they are damaged on ascent and we can see significant damage. We will have to look at that. We did look at it in the early 1980s and we said we could not do it.

We were in Houston yesterday. NASA is a family. When a family member is taken, that family grieves. It was well known the commander of this mission, Rick Husband, had a deep and abiding faith. That had been spoken about quite a bit throughout the service, in sidebar conversations, in the remarks of the President, and today in a major feature article in the Washington Post. That does not help relieve or eliminate the grief. It does help console those who are grieving.

I saw a lot of macho, grizzled astronauts yesterday giving a lot of hugs. Those seven astronauts who died over Texas made the ultimate sacrifice in exchange for the benefits that their courageous exploration of the heavens will realize for all of mankind. It is with the greatest respect and gratitude to the families of those fallen that we say what we can—and we really cannot say anything that in the big picture is meaningful—to ensure their cause will continue.

To a man and a woman in this Senate, there is a determination that cause will continue. It will continue certainly as a memorial to those before them, all of those names that are on that significant astronaut memorial at the Kennedy Space Center, astronauts who have died in the line of duty—not just the ones you know about—the Apollo fire on the pad, the *Challenger 7*, and now the *Columbia 7*.

Not only will it continue as a memorial, but this program will continue because it is a reflection of the character of the American people. We are by nature explorers and adventurers. That is a part of our character. It began when Europeans left the continent and crossed the oceans. It is deep within our soul to be explorers and adventurers. When we settled this land known as New America, we had a frontier, and it was westward. We still have a frontier, and it is upward.

I believe in my lifetime we will see an international crew from planet Earth go to the planet Mars. We may well go back to the Moon and establish a lunar base. We might be mining things on the surface of the Moon, like helium 3. A cargo bay type load of helium 3 could generate the electrical power for the entire United States for 1 year. Those are the technologies that hold promise. We already see so many of the technologies developed in the space program, particularly when we went to the Moon. We had to have materials that were light in weight, small in volume, and highly reliable. In developing those for space exploration to go to the Moon, the spinoffs have been incredible. This watch is a part of the spinoff. So is an artificial heart. So is a kidney dialysis machine. So is much of our modern-day materials and alloys.

We will continue exploration, not only in the memory of our fallen comrades but for what it reflects as a character of the American people and the American spirit as well as the many benefits we derive from space exploration, not the least of which is to find out about that magnificent creation out there called the universe.

That is why I rise to join with Senator HUTCHISON in sponsoring this resolution commemorating our fallen brethren and sisters.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that the vote on adoption of the pending resolution on the *Columbia* occur at 2:20 today, with 5 minutes prior to the vote equally divided between Senators HUTCHISON and NELSON for closing remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I rise today to pay tribute to the seven men and women of the Space Shuttle *Columbia* who dedicated their lives to the future of this Nation and our Nation's space program. In particular, seven men and women who knew the risk of strapping themselves on top of a rocket, leaving the Earth behind and exploring the heavens. Seven men and women who knew what they were doing but, nevertheless, volunteered for an extremely dangerous but critically important mission: Shuttle Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist Kalpana Chawla, Mission Specialist David Brown, Mission Specialist Laurel Blair Salton Clark, and Payload Specialist Ilan Ramon.

These brave seven showed the Nation, indeed they showed the entire world that our thirst for knowledge and exploration is not yet quenched and, God willing, will never be. These brave seven are shining examples of the courage, enthusiasm, and awe that runs through the veins of all of the men and women associated with our space program, as well as the eager children across this Nation who look to the stars and see the beginning, not the end, of their dreams.

These brave seven and their colleagues throughout the space program inspire not only our Nation and our children, they inspire the entire world. Their actions, bravery, and achievement are a challenge to all humankind, a challenge to dream more, to achieve more, and to reach farther than ever thought possible.

As we know and as the President observed yesterday, high achievement is inseparable from great risk. These seven proved that in a terrible and tragic way.

I would also like to take a moment to honor the men and women in my State of Texas—the police, fire, and emergency services, as well as thousands of local volunteers who have worked so hard on the ground in the aftermath of this terrible disaster to prevent further tragedy. In addition, they are in the process of collecting important evidence that will ultimately, we trust, lead to determination of what caused this terrible tragedy so it will never ever happen again.

Literally within minutes of the tragedy, ordinary Texans did extraordinary things. By working together, they helped to ensure the safety of their neighbors, and they helped speed the investigation so that heroic astronauts on future space missions will return home safely. These volunteers are still on site working together with law enforcement personnel. I want to express my gratitude, as I know the Nation does, for their efforts.

The fact that America and the world delight in every takeoff and hold their collective breath at every landing is a testament to the power and hope embodied in our Nation's space program. The heroes who create, maintain, and fly these amazing machines are a testament to the fact that dreams are the beginning and not the end of the possible.

I would also like to remind my colleagues that more than one nation mourns this tragedy. The nations of Israel and India and the rest of the world share in our grief as they share in our hope for the future.

Our space program inspired a young girl in the small town of Karnal, India to look to the heavens and see her future. Kalpana Chawla came to the United States, studied hard, worked hard, and became part of the greatest exploration force in the history of the world. Her efforts have inspired thousands of schoolchildren, and her example will inspire countless more in the future. She, in particular, has inspired schoolchildren in her hometown to watch in awe as she achieved what they only dreamed.

In Israel, Ilan Ramon was the hope of a nation and the inspiration for the next generation of scientists, fliers, and adventurers in the nation of Israel. And he no doubt inspired many young people in that country to reach beyond what now seems impossible—to dream beyond the unrest in that troubled area of our world and to dream about achieving the impossible. He is a hero, there and here, and an inspiration to all who dream of the stars.

As we mourn these fallen heroes, let us also take the opportunity to look forward to the future when shuttle flights are as common as air travel and the marvels of the space program are missions the mind has yet to imagine.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I rise to pay tribute to the astronauts who perished aboard the Space Shuttle *Columbia* last Saturday, and to their families. It was a terrible tragedy we all suffered with the death of seven astronauts this last Saturday. We have heard many moving and eloquent tributes to those brave souls since the Columbia was lost. We have learned a great deal about the strength and courage and resourcefulness and humanity of each of those astronauts—Rick Husband, William McCool, David Brown, Kalpana Chawla, Michael Anderson, Laurel Clark, and Ilan Ramon. We have heard from the people who knew them best. Clearly, I and most of us here did not know them personally.

However, I want to take just a moment more to speak about one of those astronauts in particular—Laurel Salton Clark. She spent part of her youth in Albuquerque in my home State and she maintained roots there. Her father lives with his wife in Albuquerque. And Laurel's brother, John Salton, is an engineer at Sandia National Laboratories. Laurel attended Hodgin Elementary School and Monroe Middle School, and frequently returned to Albuquerque for visits with family. She was a stellar student throughout her life. Her only B, according to her father, was one she received in high school in the typing class. She was a medical doctor. She was a flight surgeon in the Navy. And she made the astronaut corps when she was 5 months pregnant.

She stood for what is best about our country. She was brave; she was strong; she was full of life. We are all diminished by her loss. We are, also, of course, all diminished by the loss of each of the other brave astronauts who perished in that terrible tragedy on Saturday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, at the height of the Renaissance, Leonardo da Vinci said: "When once you have tasted flight, you will forever walk the earth with your eyes turned skyward, for there you have been, and there you will always long to return."

From that day to this, men and women have toiled and sacrificed, even given their lives to the achievement of manned flight. Poems have been penned, speeches have been delivered, and history has been written honoring those men and women who have lived and some, unfortunately, who have died, to achieve our dreams—the dreams of all mankind.

To honor the memory of these gallant seven, we must devote the resources, and the far-reaching inquiry, needed to find out what happened on February 1, 2003, and achieve the remedy so that this tragic accident will never be repeated.

As a nation we mourn the loss of the crew of *Columbia*, but as members of the family of man, we should celebrate their courage, their dedication, and their desire to better us all.

To the families of these heroes, here and abroad, we pledge to preserve and nurture the enterprise of space exploration. Our quest will continue. They will guide us on our way.

I would like to close with an observation that speaks to the spirit of exploring the unknown. It is from another member of the NASA family, astronaut Michael Collins. He said: "It is human nature to stretch, to go, to see, to understand. Exploration is not a choice, really; it is an imperative."

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I and all of my colleagues, and I think, all Americans, have been in a period of mourning as a result of the situation that occurred about 9:15 or 9:16 this past Saturday, as many of us watched in horror, the Space Shuttle *Columbia* disintegrate over the continental United States.

All of us in the Senate have had the privilege over the years of meeting many of our astronauts, and certainly even serving with some of them right here in the Senate. We have known of the phenomenal dedication and commitment of these men and women who do this very important work. It is a life of pursuing a challenge, and the reward was the service itself. It was not financial, it was not a large trophy. It was the challenge of the service and what they could provide for our country and for all mankind. I think yesterday, as many witnessed the memorial service at the Johnson Space Center in Houston—I was unable to attend—we were reminded once again of the phenomenal caliber and capability of these seven people.

Barbara Morgan from my State has pursued being an astronaut for many years. She was, up until now—and may still be—scheduled to fly into space within the year. She was part of the original teacher's program—one of those on standby and ready to go up when the *Challenger* went up and was lost. I have seen the excitement of being an astronaut and of achieving as an astronaut—for herself, yes, but for the American people—through the eyes and enthusiasm of Ms. Morgan.

So I am reminded through her, and what I know of her, of the caliber and talent of these people who are selected to become our astronauts.

We will now set about trying to find out what went wrong, as we should, because one wonderful thing about our space program from the very beginning, is we always erred on the side of human safety. We were always extremely cautious and we built phenomenal systems of redundancy to assure that the primary role was to guarantee—or at least provide—the optimum safety that we were technologically capable of doing; and something clearly has gone wrong. It is now our job and the job of NASA to be able to find out and to rectify it for future space travel.

I just said future space travel. I am an enthusiast of the space program and always have been. In the 20-plus years I have served in Congress, I have always supported NASA and all of its efforts. It is within this country's capability, and it is within the full character of our country that we do as we have done in the space program, and that is push and explore the unknown. We were founded, we became a country, we discovered our landmass. Some people thought they might fall over the edge of the earth because some who were on that maiden voyage with Columbus thought the earth was flat and surely they would sail off into the unknown and go over the edge, never to be heard from again. It was that kind of daring that made us what we are.

Just a few weeks ago, my wife and I had the privilege of traveling to Monticello for the commencement program of the bicentennial of Lewis and Clark. Of course, I am from Idaho. In those days, they didn't know there was an Idaho; they just knew there was a wilderness out there that nobody had penetrated before. It was the wisdom of Thomas Jefferson on that day in 1803 to have written a letter to Congress asking for $2,500 to put a team together to explore the unknown. Did they ever think they would return? They didn't know it. There was no guarantee. The risks were high. Of course, all the rest is history.

What we witnessed last Saturday morning was a phenomenal reminder of the great spirit of adventure and the challenge that Americans have met for literally centuries. We are also reminded it is not just going down to the airport and getting on a shuttle. We have become relatively complacent that shuttles flew and there was an inherent amount of safety in them simply because they were flying so often—only to find out that simply was not the case. I hope—and I am confident of it—we will find remedies to the obvious problem that took the lives of seven wonderful human beings last Saturday and, in finding that, we will make another major step forward in allowing humans to travel into outer space and explore, or to allow their genius to travel into outer space and explore. For the adventure of it? Sure, but also for the applications of adventure and the tools of exploration that we then apply in our own lives—whether it is, in fact, velcro, or the miniaturization of the electronic equipment that is a direct result of space travel that we use in all of our lives today to allow us to live more efficiently and be more productive.

That is part of the total investment that is the space program—the ability of this great country to push the outer limits and allow the genius of our people the resources to do just that. So we stand in awe of those who travel in outer space. But Saturday and yesterday were reminders that they are human, and that it is a very dangerous and risky business we pursue in the business of adventure, the business of pushing the unknown, and the great reward for accomplishing and succeeding in doing so.

I yield the floor.

Mr. LEVIN. Mr. President, I join my Senate colleagues and our Nation in honoring the seven astronauts who lost their lives as Space Shuttle *Columbia* returned home last Saturday. These brave individuals flew into space in the name of all humanity, and together we mourn their loss.

Those who perished with *Columbia* represented not only the best of our Nation, but the best of humankind. On board was a crew of seven: COL Rick Husband; LTC Michael Anderson; CDR Laurel Clark; CAPT David Brown; CDR William McCool; Dr. Kalpana Chawla; and Ilan Ramon, a colonel in the Israeli Air Force. They left behind 12 children, their spouses, along with numerous family members and friends. The people of the State of Michigan and our Nation share the grief and the pride of those who lost a loved one aboard the shuttle.

When *Columbia* blasted off from the Kennedy Space Center at Cape Canaveral a few weeks ago, the astronauts aboard left earth in relative anonymity. In many ways this is a result of NASA's success: there have now been 144 manned space missions. Consequently, many have come to view spaceflight as routine.

However, the journey of exploration which they shared posed great risk. But the astronauts aboard *Columbia*, like those aboard *Challenger* and in *Apollo I* before them, understood those risks associated with their mission. Last Saturday, our Nation and the world once again received the ultimate and painful reminders that these are still our first steps into space. Nevertheless, space exploration will continue, for exploring our world and the heavens above has been a dream of humanity since long before the namesake of the *Columbia* set out across the Atlantic Ocean seeking a new route to India.

I am confident that in the coming months we will leave no stone unturned in the quest to find the causes of this catastrophe. I am sure the necessary changes will be made to safely transport the heroes of today and those of tomorrow.

A generation ago, the challenge of manned spaceflight inspired thousands of students to pursue careers in math, science and engineering. We are still benefitting from the innovations that this generation is responsible for. By rededicating ourselves to spaceflight and the wonders of science, we can produce another generation that will tackle new challenges and inspire us with their discoveries.

I believe the comment of my friend and our former colleague John Glenn summarizes it best. Following the tragedy of the Space Shuttle *Challenger*, he remarked, "they indeed carried our hopes and our dreams with them. Let us carry their memory with us." The men and women of the Space Shuttle *Columbia* carried with them the dreams of all of us and for that we thank them and hold them in our hearts.

Mr. ROCKEFELLER. Mr. President, this past Saturday, the world once again became painfully aware of the risks inherent in manned space travel. The *Columbia* tragedy has deeply wounded not only members of the NASA community, but also every American and indeed every person around the world who has ever looked up into the night sky and gazed in wonderment.

Of course, space exploration has always been a dangerous venture, and the seven astronauts who gave their lives on Saturday knew this full well and accepted their mission without reservation. Their long dedication to public service and their willingness to sacrifice, even at the risk of their own lives, in pursuit of knowledge and the betterment of mankind should be celebrated. We honor these American heroes.

At the same time, all of our thoughts and prayers are with the families of the crew during this terrible and difficult time. May they know that every American is forever indebted to their loved ones for their bravery and devotion to the American space program.

As we sort out the causes of this tragedy over the next several months and years, however, we must not fear the exploration of outer space. We must strive to return to space as soon as possible, maybe with different means, maybe unmanned, until we can be most assured of improved safety, for the benefits of the space program are innumerable and irrefutable.

Because of research performed in outer space, people all over the world now benefit from, among other things, improved water and air purification systems, kidney dialysis machines, more efficient solar collectors, artificial hearts and limbs, improved emergency rescue equipment, and fire retardant materials. In fact, more than 100 documented NASA technologies from the space shuttle are now incorporated into the tools we use, the foods we eat, and the biotechnology and medicines used to improved our health.

In addition to these immense practical benefits, we must not forget the power of space flight to inspire and motivate those who will eventually lead us in the future. In 1957, a group of six boys in my home State of West Virginia observed Sputnik flying high overhead and realized that rocketry was their calling in life. In the 45 years since, the group, now known as the Rocket Boys, has made space exploration a reality for countless children and adults in West Virginia. Early space flight inspired them, and it inspired space education in West Virginia.

As a result of this inspiration, West Virginia is now the proud home of the NASA Independent Identification and Validation Center in Fairmont where 150 NASA employees and contractors play a critical role in space shuttle mission control software. Our State is also the proud home of the Challenger Learning Center at Wheeling Jesuit University which provides schoolchildren and teachers the chance to experience space simulation and many opportunities for math, science, and technology education.

It is easy to support the space program during times of great success and spectacular achievement. But it is perhaps during times of tragedy and confusion that the program needs our support the most. Just yesterday, President Bush expressed his support for the continuation of the space shuttle program, declaring that the "American journey into space will go on."

NASA's remaining astronaut corps, as well as their flight directors and engineers, embody the very same bravery and dedication as their fallen colleagues. It is now up to all of us to echo support for our space program so that this bravery is not wasted, so that the immense benefits of the space program, as well as future astronauts, can be safely brought back to Earth.

● Mr. GRAHAM of South Carolina. Mr. President, all Americans were saddened by the terrible tragedy last weekend involving the Space Shuttle *Columbia*. The world has lost seven incredibly talented people who were striving to make this a better planet for us all. Our hearts go out to the families of the astronauts. I hope God will provide them comfort and healing during this difficult time.

For decades, Americans have been proud of our space program and the brave men and women who have led our explorations in space travel. They have been pioneers seeking a better understanding of our own planet and what lies in the deep, dark expanse of space.

In the coming days and weeks our Nation will mourn for the astronauts of the Space Shuttle *Columbia* as well as the friends and families they left behind. We will also mourn for the thousands of dedicated workers at NASA who are suffering from this painful loss. We will take our time to carefully study and examine what went wrong and then we'll make the necessary corrections and adjustments.

At the appropriate time, we will once again move forward into new frontiers and new missions for space exploration. It is who we are. It is what we do. It is why we are Americans.●

Mr. KENNEDY. Mr. President, together, as a nation, we mourn the loss of the seven extraordinary men and women of the *Columbia* shuttle who gave their lives so unselfishly and courageously for our country. They knew the dangers they faced, but they believed in their mission, and they represent the very best of America.

We know the great loss their families and the whole Nation have suffered, and they are very much in our thoughts and prayers. They were daring and brave explorers. Their extraordinary spirit and courage enabled them to reach for the stars and explore the universe and discover its truths. In serving America so well, they also served all humanity.

The best way for all of us to honor the memory and sacrifice of these brave young men and women is to carry on the work they were part of. The tragedy reminds us again that those who venture into space place their own lives at risk as they try to benefit us all. We can vindicate their faith by keeping faith with them. Those whom we have just lost would be the first to say to us, "persevere, go forward," because they were pioneers in the truest sense and in the greatest of American tradition. They were willing to take risks, even to risk their lives in order to benefit us all.

I know how deeply President Kennedy believed in the space program. He called it, "the vast ocean of space," and he set our Nation firmly on a course to explore it, understand it, and use it in ways that help and protect us all. When America first embarked more than 40 years ago on the great voyage into space, President Kennedy said, "It will not be one man going to the Moon: it will be an entire Nation."

He knew that when we reach for the stars, sometimes we fall short. But as he knew so well, the mission must go on. He would have been very proud of these seven astronauts, as all of us are today. Let us honor these seven inspiring heroes by continuing the great enduring mission they were part of, for the benefit of our country, our planet, and all peoples everywhere.

As my brother said on November 21, 1963, the day before he left us, "This Nation has tossed its cap over the wall of space, and we shall have no choice but to follow it." In the quintessential spirit of America, the crew of the *Columbia* have tossed their caps over that wall, too, and we shall never forget them.

I extend my deepest and heartfelt sympathy to the families who have so suddenly lost their loved ones. I ask unanimous consent to have printed in the RECORD an excerpt from President Kennedy's address to Congress on space in 1961, and the poem "High Flight" by John Gillespie Magee, Jr., which President Reagan read after the loss of the *Challenger* in 1986.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM ADDRESS OF PRESIDENT JOHN F. KENNEDY TO A SPECIAL JOINT SESSION OF CONGRESS (MAY 25, 1961)

. . . Now it is time to take longer strides—time for a great new American enterprise—time for this nation to take a clearly leading role in space achievement, which in many ways may hold the key to our future on earth.

I believe we possess all the resources and talents necessary. But the facts of the matter are that we have never made the national decisions or marshalled the national resources required for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to insure their fulfillment.

Recognizing the head start obtained by the Soviets with their large rocket engines, which gives them many months of lead-time, and recognizing the likelihood that they will exploit this lead for some time to come in still more impressive success, we nevertheless are required to make new efforts on our own. For while we cannot guarantee that we shall one day be first, we can guarantee that any failure to make this effort will make us last. We take an additional risk by making it in full view of the world, but as shown by the feat of astronaut Shepard, this very risk enhances our stature when we are successful. But this is not merely a race. Space is open to us now; and our eagerness to share its meaning is not governed by the efforts of others. We go into space because whatever mankind must undertake, free men must fully share.

I therefore ask the Congress, above and beyond the increases I have earlier requested for space activities, to provide the funds which are needed to meet the following national goals:

First, I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth. . . . But in a very real sense, it will not be one man going to the moon—if we make this judgment affirmatively, it will be an entire nation. For all of us must work to put him there . . .

HIGH FLIGHT

(By John Gillespie Magee, Jr.)

(Magee was a 19-year-old American volunteer with the Royal Canadian Air Force, who was killed in training December 11, 1941.)

Oh! I have slipped the surly bonds of Earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed, and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlight silence. Hov'ring there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air
Up, up the long, delirious, burning blue
I've topped the wind-swept heights with easy grace,
Where never lark, or even eagle, flew;
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

Mr. GRASSLEY. Mr. President. I rise today with a heavy heart to honor seven fallen astronauts, the adventurers aboard *Columbia*. On Saturday, February 1, after 16 days in space, their hero's homecoming abruptly turned into a national tragedy. As the space shuttle fell apart upon re-entry into Earth's atmosphere in the skies above Texas, the Nation once again fell into mourning.

Each of the seven astronauts leaves behind family and friends who now bear the burden of immense sorrow and grief. May they find peace in the days and years ahead. The loss of a spouse, father, mother, sibling, or child brings immeasurable anguish, especially under such tragic, public circumstances.

May they find comfort in the knowledge that their loved ones were pursuing their lifelong dreams. The dreams of individuals whose aspirations will benefit all of humanity. They leave behind for their children and grandchildren a legacy that will continue to inspire generations to come. The U.S. space program will continue. Their mission will not be forgotten.

In classrooms across America, Israel, India, and the world over, young impressionable minds can learn from these seven ambitious individuals the values inherent to the human spirit: courage, adventure, discipline, discovery, commitment, exploration, and risk-taking.

Each of the astronauts ought to be remembered in history for their willingness to risk it all in pursuit of scientific discovery. The *Columbia* crew carried out 90 experiments to help solve problems here on Earth, including science experiments developed by students from 9 States and 8 countries. Thanks to their selfless good work—ranging from tests developed to help fight cancer, improve crop yields, build earthquake-resistant buildings, and understand the effects of dust storms on weather—human civilization stands to gain from their labors above.

Like the explorers and frontiersman who traversed the unknown before them, these seven men and women responded to a similar calling. Their predecessors navigated uncharted territory by way of oceans and open prairie: Ferdinand Magellan, James Cook, Lewis and Clark. It is a timeless human quest to discover the undiscovered and to take risks.

These magnificent seven set out on heavenly horizons to explore, investigate, research, and navigate what for most of us Earth-bound folks will remain a mystery. We are indebted to their courage, commitment and contributions.

Mr. President, I would like to single out one member of the crew. One of seven U.S. astronauts with Iowa ties, Laurel Clark was born in Ames. She leaves behind some family members in Iowa, including her 96-year-old grandmother Mary Haviland and Doug and Betty Haviland, her aunt and uncle. For the second time in 16 months, Reverend and Mrs. Haviland are coming to grips with devastating grief. They also lost their son in the World Trade Center attacks on 9/11. Friends and family members recall Clark as a high-achiever committed to science and the space program. Last year, she visited an elementary school in Carroll, IA to educate a second-grade class about the space shuttle's mission. A wife and mother of an 8-year-old son, the 41-year-old Navy doctor was on her first space flight. In her e-mails from *Columbia*, Clark wrote about how "glorious" it was to see Earth from her position in space. May her loved ones find peace as she watches over them now from the heavens above. The necessary investigations are underway to discover what went so terribly wrong on that bright Saturday morning in February, just minutes before the crew's homecoming. May we fully ascertain what went wrong to bring closure to the loved ones left behind and avert another tragedy. Congress will need to continue strong oversight and consider NASA's budgeting needs to ensure an effective, efficient, and safe space program.

It is sadly ironic to consider that for many Americans, these highly-trained and dedicated astronauts would have remained to them anonymous if not for the tragedy that took their lives. Continuing and improving the space program would be the best way to honor the legacy of the fallen *Columbia* crew. Consider the discoveries waiting to be made in medicine, biology, physics, meteorology, and agro-sciences. Don't discount the advances already made in satellite communications and strategic military defense systems thanks to space exploration.

Four decades ago, the first American astronauts launched us into space. There is no turning back on destiny now.

Notwithstanding the loss of human life, I believe the *Columbia* crew, including Iowa-born Laurel Clark, would urge us to resume America's space odyssey and get back to the future.

Ms. CANTWELL. Mr. President, I rise today to honor the seven heroes lost in the tragic explosion of the space shuttle *Columbia* on February 1, 2003.

The seven members of the *Columbia* crew will be deeply missed by their families, NASA, our entire country, and others following this historic mission.

Though I could recite an astonishing list of accomplishments for each of the seven astronauts, their most important contribution was the example of bravery, courage, and excellence they set for men, women, and children across the land.

I am proud to say that one of these heroes, Air Force LTC Michael Anderson was a beloved son of the Spokane community and a cherished hero for men, women, and children in Washington. But Michael Anderson was a hero long before the accepted the challenge of the *Columbia* mission.

Lieutenant Colonel Anderson knew he wanted to be an astronaut at the early age of 3. This dream followed him to Washington, when he and his family moved to the Spokane area at age 11 after his father was assigned to the nearby Fairchild Air Force Base.

Throughout his early education in Spokane area public schools, Anderson remained focused on his goal of being an astronaut, becoming an exceptional science student, and overcoming all of the challenges facing a young African-American man in this country.

He graduated from Cheney High School in Cheney, WA, in 1977 and continued his science education with a bachelor of science degree in physics/astronomy from the University of Washington in 1981, when he was also commissioned as a second lieutenant of the Air Force. Anderson later completed a master of science degree in physics from Creighton University in 1990.

After becoming an astronaut in 1994, Michael Anderson took to heart his responsibility as a role model for children around the country and back home. After his 1998 flight on the space shuttle *Endeavor* to the *Mir* Space Station, Anderson visited his alma mater, Cheney High School.

With a crowd of enthralled students listening on, Anderson told the students that they could do what he had done if they set goals and worked hard.

Anderson also left the students a reminder of his achievement, returning a school pennant that he had taken to space with him on the mission. On display in the school's main entrance, this pennant, along with a mission patch and small flag that also went into space, continues to serve as an inspiration to the school's students.

LTC Anderson is an amazing story of courage, achievement against many odds, and sacrifice for this country. He provided a demonstration of excellence and offered a triumphant example of accomplishment for Americans of all color, race, and background. He will be missed, but he will never be forgotten.

The Washington family has also lost another friend in Navy CDR Willie McCool, who made Anacortes, WA, his home during two terms of service at Naval Air Station Whidbey Island.

Commander McCool was not only well regarded during his time at Whidbey, but he continued his tie to the community after he left. Community members remember him for his kindness and professionalism and his love of children; he often returned to Fidalgo Elementary School to discuss his work as an astronaut.

We lost a good friend in Commander McCool and also lost a piece of home; he brought a bit of Anacortes with him on *Columbia* in the form of a Douglas fir cone from the surrounding forest.

Though the loss of this crew is a sober reminder of the risks involved with human space flight, I join the President and many of my fellow Members of Congress in calling for the continued support of NASA's space shuttle program.

Critically, this support, together with a continued investigation of this tragedy, must be focused on ensuring the safety of future space shuttle flights.

The space shuttle program remains a leading force in scientific research and in stimualting public interest in space exploration.

This leadership is exemplified by the numerous experiments conducted by the *Columbia* crew before the tragic reentry, and the interest of scientists, schoolchildren, and people worldwide.

The space shuttle is also critical for the assembly and operation of the International Space Station.

Importantly, the benefits of the experiments conducted on the space shuttle and the International Space Station extend beyond the scientific community to directly enhance the lives of individuals across the globe, whether in finding cures to diseases or helping us understand the origin of the universe.

While the tremendous technical and scientific accomplishments of NASA demonstrate vividly that humans can achieve previously inconceivable feats, the exploration of space also humbles us by exhibiting the miracle of this tiny "blue marble" in the cosmos and the wonder and preciousness of human life.

Mr. BROWNBACK. Mr. President, on January 16 the crew of STS-107 launched from Cape Canaveral, FL through the skies to space. They were sent on a mission to further space exploration and had the work of more than 70 international scientists onboard. The *Columbia* crew of seven had a research mission in the space, physical, and life sciences. After a nearly flawless mission, the world witnessed their tragic death as the *Columbia* Space shuttle shattered above the Earth upon its return on February 1.

As is well known now, this crew, doing the work of international scientists, were quite international themselves. The diverse group of human researchers spanned the globe, hailing home to the United States, India, and Israel. Each country celebrated in their own way their national heroes upon the launch of *Columbia*. But now, these countries join together in sharing our sorrows with each other in the aftermath of such a heartbreaking tragedy.

These people each brought something special to the mission of NASA. CDR Rick Husband first dreamed of being an astronaut at the age of 4 and worked throughout his life to become an astronaut, fulfilling his dream in 1994 when he was selected by NASA. Pilot Willie McCool was the most steady and dependable of men; his friends considered themselves blessed to know him. Payload CDR Michael Anderson always wanted to fly and along the way of achieving his goals, he became a role model for African-American children across the United States. David Brown, mission specialist, probably most accurately said what we believe now, that, "This program will go on," no matter what happens. Kalpana Chawla traveled an arduous path to becoming an astronaut and represents so well the diversity aboard the *Columbia*. Born in India, she moved to the United States to fulfill her dream of reaching the stars. She has now done that and more. Laurel Clark was a physician and a flight surgeon who loved her work and her family. From aboard the shuttle Laurel said, "Life continues in a lot of places and life is a magical thing." She could not have captured the feelings of so many any more accurately. Ilan Ramon, who brought so much attention and pride to this mission, was the first Israeli astronaut. The son of a Holocaust survivor, he brought with him aboard the shuttle a picture that a Jewish boy had drawn before he died in the Holocaust.

The diversity of this crew so accurately represents the diversity in the missions of NASA. Even through the cold war era and into today aboard the International Space Station, NASA has been a leader in international relations. Taking giant steps for mankind, NASA often times set the example for the rest of the world to follow. It is in that spirit that we sent the *Columbia* crew to do their work, and it is in that spirit that we will continue their work.

NASA has, from its inception, been charged with making the impossible possible. From the early days of the Mercury Program, through the advancements in Gemini and the triumphant successes of Apollo, NASA has given us a sense of national pride. Yet we mustn't let our pride fool us into thinking that NASA's work is commonplace. Each time a shuttle launches and a mission is accomplished, it is a miraculous, humbling event.

The mission of these seven astronauts did not end when the *Columbia* went down. No. Their mission will go on. Space exploration is in our blood, a part of our national heritage. Manned space flight will continue, and these heroes would want it to. We will move on with space exploration and we will do so with pride, ensuring that these seven lives were not lost in vain.

America is strong. She is steadfast. And she is brave. God has called these mothers, fathers, sons, and daughters, but we will not forget them. We will never forget the inspiration they gave to so many hopeful citizens on Earth. We must persevere and we must move on, for the honor of these seven fallen heroes.

As chairman of the Science, Technology, and Space Subcommittee here in the Senate, I plan to take an active role in ensuring that the dreams of these seven astronauts are not forgotten. As NASA determines what went so terribly wrong, we will be diligent in doing everything we can in the Congress to give NASA the support it needs to make sure we press forward with scientific advances, and that nothing like this happens again.

Our next step will be to determine what the future of space exploration holds for Americans—what our goal is and how we get there. The tragedy that NASA is enduring will not dissuade or discourage America from venturing into space. Our commitment to space exploration is firm.

For the families of the seven, I send my prayers. As Psalm 19 states, "The heavens declare the glory of God . . .". The heavens are now declaring the glory of these seven heroes. There are seven more stars in the heavens tonight, and with each setting of the sun, the spirits of our seven heroes will shine brighter. Every time we look up into the starry night, we can remember the lives of the seven cherished heroes aboard the Space Shuttle *Columbia* and be proud, proud of their dedication, their diversity, and their dream.

I express my heartfelt sorrow and condolences to the families and friends of these seven astronauts. I will never forget the sacrifices they made in the name of exploration. May God bless them and their families.

Mr. KOHL. Mr. President, I rise today to honor the memory of Dr. Laurel Blair Salton Clark, one of the seven courageous astronauts tragically killed when the Space Shuttle *Columbia* disintegrated over Texas on Saturday, February 1.

Dr. Clark was born in 1961 in Ames, IA. She graduated in 1979 from Racine's William Horlick High School in Wisconsin. She received a bachelor's degree in zoology in 1983 and a doctorate in medicine in 1987 from the University of Wisconsin-Madison. Dr. Clark joined the Navy, in part to finance her college education.

A flight surgeon trained as a Navy undersea medical officer, Dr. Clark performed medical evacuations from submarines during assignment in Holy Loch, Scotland. She was assigned as a flight surgeon for a Marine Corps AV-8B Night Attack Harrier Squadron in Yuma, AZ, and for the Naval Flight Officer Advanced Training Squadron in Pensacola, FL. In April of 1996, Dr. Clark was selected by NASA, and she qualified for flight assignment as a mission specialist after completing 2 years of training and evaluation.

There were over 80 experiments conducted aboard *Columbia*, most dedicated to research investigating human physiology, fire suppression, drug delivery techniques, and space communication technology. The research conducted during the 16-day mission was sponsored by NASA and the European, Canadian, and German Space Agencies. Schools and universities around the world were involved in many of the experiments the crew performed in Spacehab, a facility which offers scientists access to microgravity aboard space shuttles.

Many have noted and applauded the diversity of the *Columbia's* crew, and Dr. Clark certainly hoped that the scientific experiments the crew conducted would benefit all mankind. In an e-mail sent to her family and friends on Friday, January 31, she spoke of feeling blessed to be representing the United States and "carrying out the research of scientists around the world."

Our thoughts and prayers are with Dr. Clark's 8-year-old son Ian and her husband Jonathan Clark. The loss of the space shuttle's crew is devastating, and my hope is that we can identify the cause of the *Columbia's* breakup and prevent such tragedies in the future.

Dr. Laurel Clark told her loved ones of the *Columbia* mission, "magically, the very first day we flew over Lake Michigan and I saw Wind Point clearly." Speaking on behalf of Wisconsin, we are honored that she considered Racine her hometown. Today, we celebrate the brave contributions Dr. Laurel Blair Salton Clark made during her life and career, and we honor her memory throughout the Nation.

I yield the floor.

Ms. MIKULSKI. Mr President, I rise to speak today on the *Columbia* tragedy. On Saturday, February 1, our Nation suffered a tragic loss. The seven astronauts of the Space Shuttle *Columbia* gave their lives in service of their country and all mankind. These brave men and women displayed a dedication to duty and scientific exploration that is an inspiration to all of us. India and Israel share in our shock and grief. Israel lost a national hero, their nation's first astronaut, Colonel Ilan Ramon. My thoughts and prayers are with all the families. They should know that the United States Senate shares their sorrow and will remember and honor the lives of their loved ones.

The best way to honor these seven brave men and women is to move forward with the space program. But first, there needs to be a thorough, rigorous and candid investigation of what went wrong. The issues confronting us are immediate and severe. Three American astronauts remain in space. The two investigative committees must gather the evidence, conduct their analysis and report to the Congress and to the American people with candor so the shuttle program can move forward in the safest way possible.

In my years as chair of the Appropriations Subcommittee, and now as its ranking member, shuttle safety has been my top priority. But, shuttle safety and astronaut safety have also been the priority of the committee—on a bipartisan basis. When I first joined the committee, Senator Jake Garn of Utah—himself a former astronaut—was my mentor. We worked together using the findings of the Challenger and Augustine Commissions as blueprints for NASA's future. The Augustine report gave us guiding principles for a balanced space program. The *Challenger* report told us what we needed to do on safety. Now, with my friend and colleague, Senator KIT BOND, I share the same bipartisan spirit. We have common goals and common values. He believes, as I do, that safety must come first. Over the last few years, no matter which of us was chair and which was ranking, safety was the number one priority.

There has never been any question that we would fully fund the shuttle program and shuttle safety initiatives. Year after year, Senator BOND and I worked together to make sure everything that NASA asked for was put in the Federal checkbook. But, we went even farther than that. For the last two years, while I was chair, I wrote into the report language that NASA must make the safety of the shuttle program and the safety of our astronauts its highest priority. Last year, I said in the committee's report that NASA's budget must reflect its long-term challenges. I asked for a detailed assessment of the agency's needs and an accounting of what funding was needed.

The immediate need facing NASA is the *Columbia* investigation. This report addresses an immediate problem for which there are immediate and severe consequences. Then the long range issues must be addressed. What does NASA do about its aging infrastructure and aging workforce? How are we going to have a balanced 21st century space program that includes human flight, space science and aeronautics?

To conclude, I salute the men and women of Texas and Louisiana. The local law enforcement, national guard, regular men and women who live in these small towns—everyone is pitching in to find fragments of the *Columbia*, to guard them, to make sure every piece gets to the NASA investigators. People are opening their homes to volunteers, cooking and delivering meals. Thank you for everything you are doing. You represent the best of the American spirit. Like we have seen after other tragedies—the rescue workers and volunteers at ground zero—in the face of tragedy, America stands united.

Mr. LOTT. Mr. President, I take this time to express my grief, as well as the grief of all Mississippians, over the loss of the crew of the Space Shuttle *Columbia*. Mississippians feel a strong bond to both the space program and the crew of the *Columbia*. One reason for this bond is NASA's John C. Stennis Space Center. The Stennis Space Center, which is located in Hancock County, MS, tests every space shuttle's main engine before it is installed for a launch. Also, the Stennis Space Center's remote sensing experts are currently assisting NASA in locating debris from the *Columbia*.

Another reason Mississippians feel closely connected to the *Columbia* tragedy is that Robert and Barbara Anderson, the parents of LTC Michael Anderson, were both born in Mississippi. While Mr. and Mrs. Anderson now live in Spokane, WA, they still have family members who reside in Madison County, MS. While these ties to the space program and the crew of the *Columbia* provide Mississippians with a source of great honor and pride, now that tragedy has struck, these ties make the loss of the seven *Columbia* astronauts that much more personal.

The loss of the *Columbia* crew was truly a national tragedy. While the United States has been blessed with many outstanding natural resources, no one will ever convince me that our most valuable resource is anything other than the outstanding individuals this country produces. Our NASA astronauts are outstanding individuals who represent the best of the best.

While I am sure that many here are familiar with the type of outstanding personal achievement that is required to become an astronaut, I would like to take a moment to give a brief synopsis of the accomplishments of the seven crew members of the *Columbia* shuttle.

COL Rick Husband, commander. Rick Husband, 45, was a test pilot in the U.S. Air Force. He received a bachelor of science degree in mechanical engineering from Texas Tech University in 1980 and a master of science degree in mechanical engineering from California State University-Fresno in 1990. Husband had already completed a space mission as the pilot of STS–96 in 1999, on which the first docking with the International Space Station was performed. Rick Husband leaves a wife and two children behind.

CDR William C. McCool, pilot. William C. McCool, 41, served as a commander in the U.S. Navy and was also a former test pilot. In 1983, McCool received a bachelor of science degree in applied science from the U.S. Naval Academy, where he graduated second in his class. He later received a master of science degree in computer science from the University of Maryland in 1985 and a master of science degree in aeronautical engineering from the U.S. Naval Postgraduate School in 1992. This was William McCool's first space flight. He leaves behind a wife and three children.

LTC Michael P. Anderson, payload commander. Michael Anderson, 43, was a lieutenant colonel in the U.S. Air Force, where he served as an instructor pilot and tactical officer. Anderson received a bachelor of science degree in physics/astronomy from University of Washington in 1981 and a master of science degree in physics from Creighton University in 1990. Selected by NASA in December of 1994, Anderson flew on STS–89 in 1998 and has logged over 211 hours in space. Anderson leaves behind a wife and two daughters.

CAPT David M. Brown, mission specialist 1. David Brown, 46, was a captain in the U.S. Navy and served as a naval aviator and flight surgeon. Brown received a bachelor of science degree in biology from the College of William and Mary in 1978 and a doctorate in medicine from Eastern Virginia Medical School in 1982. This was Brown's first space flight.

Dr. Kalpana Chawla, mission specialist 2. Kalpana Chawla was an aerospace engineer and an FAA certified flight instructor. She received a bachelor of science degree in aeronautical engineering from India's Punjab Engineering College in 1982, a master of science degree in aerospace engineering from the University of Texas-Arlington in 1984, and a doctorate in aerospace engineering from the University of Colorado-Boulder in 1988. Chawla was the prime robotic arm operator on STS–87 in 1997 and had logged more than 376 hours in space prior to the *Columbia* flight. Chawla was the first Indian-born woman in space and leaves a husband behind.

CDR Laurel Blair Salton Clark, mission specialist 4. Laurel Clark, 41, was a commander in the U.S. Navy and a naval flight surgeon. She received a bachelor of science degree in zoology from the University of Wisconsin-Madison in 1983 and a doctorate in medicine from the same school in 1987. The *Columbia* flight was Clark's first space flight. She leaves behind a husband and an 8-year-old son.

COL Ilan Ramon, payload specialist 1. Ilan Ramon, 48, was a colonel in the Israeli Air Force. Ramon received a bachelor of science degree in electronics and computer engineering from the University of Tel Aviv in 1987. He served as a fighter pilot during the 1970s, 80s, and 90s and was a veteran of the Yom Kippur War in 1973, as well as the 1982 war in Lebanon. The *Columbia* flight was Ramon's first, and with it he became the first Israeli in space. He leaves behind a wife and four children.

As you can see, this group of individuals would stand out in any company, and it is right that the country should mourn their loss. And as the country mourns, it is especially important that we remember the friends and family of the lost astronauts. If just their accomplishments and dedication to their countries can cause whole nations to mourn, I can only imagine the grief of those who knew them personally and lost not only a national hero, but a friend, or spouse, or parent. I can only hope the knowledge that the thoughts and prayers of entire Nations are with them will provide some small comfort.

While our Nation grieves deeply for these men and women who have made the ultimate sacrifice in the name of their countries, we take solace in the fact that we will benefit immeasurably for years to come from their dedication and hard work. The crew of the *Columbia* surely represented the best of this world. They entered space not just as members of one nationality, race, or religion, but as fellow human beings. The crew members risked and ultimately sacrificed their lives, not for personal gain, but for the advancement of science and the betterment of humankind. It is for these reasons that I want to say thank you to COL Rick Husband, CDR William C. McCool, LTC Michael P. Anderson, CAPT David M. Brown, Dr. Kalpana Chawla, CDR Laurel Blair Salton Clark, COL Ilan Ramon, and all their friends and family who have shared in their sacrifice.

Mr. SARBANES. Mr. President, we are deeply saddened by Saturday's loss of seven astronauts as they returned from a 16-day voyage aboard the space shuttle *Columbia*. The tragic loss of the crew of mission STS–107 touches not only all Americans, but also many members of our larger, global community. As we honor the courageous men and women of the *Columbia* and mourn their loss, our thoughts and prayers are with their families and loved ones.

The seven men and women aboard the *Columbia* were truly a select group of explorers. They represented the vast range and distinction of our nation's skills and achievements; all had extensive training in various fields of scientific inquiry. At the same time, they represented America's finest aspirations. Diverse in their origins, they shared a dream of space travel, and they lived and worked together in a common spirit of cooperation, curiosity, and courage.

Michael Anderson, *Columbia*'s payload commander, spoke for all the crew when he said the following, in an interview appearing in the Baltimore Sun this past Sunday:

> I take the risk because I think what we're doing is really important. For me, it's the fact that what I'm doing can have great consequences and great benefits for everyone, for mankind.

Research was the primary mission of STS-107. The *Columbia* carried 32 payloads with material for 59 separate investigations. Among these payloads were student experiments from Australia, China, Israel, Japan, Liechtenstein, and the United States. State-of-the-art communications equipment allowed earthbound researchers and the global public to witness experiments as they were being performed. To make the most of their 16 short days in space, the seven astronauts worked in two shifts, around the clock. We have suffered the grievous loss of our astronauts. But the astronauts completed much of their mission.

We can honor the crew of mission STS-107, Colonel Rick D. Husband, Commander William McCool, Lieutenant Colonel Michael P. Anderson, Captain David M. Brown, Dr. Kalpana Chawla, Commander Laurel Blair Salton Clark, and Colonel Ilan Ramon, by rededicating ourselves anew to the mission they so vigorously embraced. We must have a prompt and thorough account of the events that brought down the *Columbia*, but we must not let our great sense of loss deter us from continuing their work. For more than forty years, the space program has played a vital role in our broader national research efforts. Our space explorations have led to scores of new discoveries, which have given us not only better insights into the universe but also a better understanding of the earth, and of life here on earth. We will remain forever grateful to the crew of the *Columbia* for the legacy they have left us, and the example they set.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to join my colleagues and the country in remembering the seven brave crewmembers of the Space Shuttle *Columbia* who tragically lost their lives last Saturday morning, February 1, 2003.

Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David M. Brown, Laurel Blair Salton Clark, and Ilan Ramon gave their lives trying to expand our knowledge of science, advance our technology, and broaden the limits of our universe.

These seven courageous astronauts sacrificed their lives for our future. While this is a time of great sadness, it is also a time to take great pride in their achievements, their dedication, and their service to the Nation and to the world.

They were seven different people with various skills, many talents, and different backgrounds, and they all came to work together as a team. That is what most people believe America should be like: working together as a team to accomplish something greater than themselves. They could have had very comfortable jobs somewhere else, but they chose to risk their lives for the country. They have not only found a place in our hearts, but they have found a place in our imagination also because, for me, they represent what this country is all about. They came together. They came from modest circumstances. They used the power of education to prepare themselves not just for personal success but to contribute to the Nation and to contribute to the world. They exemplify the best of this Nation.

They understood that great accomplishment and great achievement bring great risk. They knew this, yet they valiantly accepted, in the name of science and exploration, all the risks. It is important we pay tribute to them and acknowledge the risks our astronauts take with every mission.

We tend to take these risks for granted and forget the extreme conditions and pressures these brave men and women face and will face in the future. In honor of the crew of *Columbia*, we must not take these risks for granted any longer.

In their honor, we must pledge to continue the peaceful exploration of space. We have forged international partnerships. We have been able to share the pride of an international space station. We must continue to fund NASA, continue our space programs, and continue in the tradition of American and human accomplishment.

Later this year, we will celebrate the 100th anniversary of the Wright brothers' monumental 59-second flight on December 17, 1903. That flight forever changed the world. Fifty-four years later, we were able to put a man in space.

The process of innovation and exploration must go on, and America must play its traditional significant, historic role.

We have in our process from the sands of Kitty Hawk to the stretches of the Moon experienced powerful joy and monumental success, and yet we have faced tremendous setbacks and extreme sorrow. But we have persevered, and we have continued our missions into the heavens.

From our colleague John Glenn and Allan Shepherd to Neil Armstrong to an international space station, and from the crew of *Challenger* and the crew of *Columbia*, we must continue to challenge ourselves as they challenged themselves. We must continue to better ourselves as a nation and continue to grow.

President Kennedy challenged America to send a man to the Moon. We have met that challenge and have gone far beyond.

As we continue with future missions, we must never forget these seven brave souls. They gave the ultimate sacrifice for a noble cause. My deepest condolences go out to their families and the Nation that mourns them and the country of Israel that mourns its lost astronaut. This is a time for mourning, but we must shortly move on and continue to run the great risks they took, in their memory, so we can build upon their sacrifice, so we continue to reach for the heavens and beyond.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate stand in recess for the policy lunches and that it reconvene at 2:15 p.m.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

COMMEMORATING THE "COLUMBIA" ASTRONAUTS—Continued

The PRESIDING OFFICER. There are now 5 minutes evenly divided.

Mrs. HUTCHISON. I yield 1½ minutes to Senator BENNETT from Utah.

Mr. BENNETT. Madam President, all that needs to be said has been said by the President and others about the shuttle disaster. I simply note the people of Utah are particularly distressed, not only with the human tragedy that affects all Americans but because the space program is very close to the hearts of all Utahans.

My predecessor in the Senate, Jake Garn, was an astronaut on the shuttle. The Jake Garn Space Center at Utah State University is named after the Senator. The schoolchildren of Utah assembled project "Star Shine," which was a school science project that was carried into space by the shuttle. So all Utahans join in expressing our condolences to the families, and our determination that space exploration by this country will nonetheless still go forward.

Mrs. HUTCHISON. Madam President, Senator NELSON and I attended, along with many other Senators, the beautiful service yesterday honoring these brave astronauts that we now know so much more about. Today the Senate is commemorating these *Columbia* astronauts and reconfirming the importance to our country that space research has been and will continue to be.

In the resolution we talk about U.S. Air Force COL Rick Husband, the mission commander, who was from Texas; U.S. Navy commander, William Willie McCool, the pilot; U.S. Air Force LTC Michael Anderson, payload commander, mission specialist; U.S. Navy CAPT David Brown, mission specialist; U.S. Navy commander Laurel Blair Salton Clark, mission specialist; Dr. Kalpana Chawla, mission specialist; and Israeli Air Force COL Ilan Ramon, payload specialist. They were killed in the line of duty. The Senate is honoring them today.

Debris has been recovered in 38 counties of my State, spreading over a surface area of 28,000 square miles, an area the size of West Virginia. The Space Shuttle *Columbia* broke up 40 miles above the ground.

It is my honor to cosponsor this resolution with Senator NELSON, the only Member of the Senate who has actually been on a manned space flight, and Senator Glenn, of course, before him. He has been a great resource on the committee.

Before turning it over to Senator NELSON of Florida, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, how much time remains in the debate?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. NELSON of Florida. Madam President, it is with sadness that I rise to join my colleague from Texas to support this resolution. So many of our colleagues have joined us. We thank you very much for joining us yesterday as we went to the space center in Houston.

This is a resolution that not only talks about the past, and about bravery, but it talks about the future. It talks not only about honoring the legacy and the lives and the sacrifice of these brave souls but also about fulfilling America's destiny as a nation of explorers and adventurers.

This resolution is about the vision that ignites the heart of almost every American, to think that we are pushing back the frontier. As we developed this country, we used to push westward. That was our frontier. Now we push upward and explore the heavens.

I urge our colleagues to join Senator HUTCHISON and me in supporting this resolution.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. MCCONNELL) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that if present and voting the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Georgia (Mr. MILLER) would each vote Aye.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Graham FL
Harkin
Lautenberg
McConnell
Miller

The resolution (S. Res. 45) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The majority leader.

MOMENT OF SILENCE

Mr. FRIST. Madam President, in response to the resolution, I ask unanimous consent that we have a moment of silence, here and in the Galleries as well, out of respect for the astronauts, their families, and the much larger NASA community who are mourning as we speak. A moment of silence, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The Senate observed a moment of silence.)

Mr. FRIST. Thank you.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Madam President, we will now be proceeding to the Estrada nomination. To my colleagues, I simply report that a little bit later in the day we will be announcing whether or not there will be further votes today. Later today, in our wrap-up, we will talk about the plans for tomorrow and on Monday, but I would suspect we will be in session tomorrow morning until approximately noon and that we will be in session on Monday.

It is important that we have the debate and discussion that will begin shortly on this particular nomination which is very important to this body and to the country. We anticipate a very good discussion as we go forward. It will be active and we want to give plenty of opportunity for both sides to be heard as we proceed to debate.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 21, which the clerk will report.

The assistant legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I am pleased that we have finally gotten to consider the nomination of Miguel Estrada to preside on the United States Court of Appeals for the District of Columbia Circuit, which has been pending before the Senate since May 9, 2001. I strongly support this nomination, and I hope we can vote on it soon. Also, I should say that I truly hope that news reports are inaccurate about efforts by my colleagues on the other side of the aisle to engage in a filibuster of this nominee in an effort to deny him a vote by the full Senate. To defeat this nominee in this manner would be unprecedented and a real shame for this body.

As many of us who are familiar with Mr. Estrada know, he represents a true American success story. His story can make us all proud to be members of this country, make us proud of our country. Born in Tegucigalpa, Honduras, his parents divorced when he was only 4 years old. Mr. Estrada remained in Honduras with his father while his sister emigrated to the United States with his mother. Years later, as a teenager, Mr. Estrada joined his mother in the United States. Although he had taken English classes during school in Honduras, he actually spoke very little English when he immigrated. He nevertheless taught himself the language well enough to earn a B- in his first college English course. In a matter of years, he not only perfected his English skills, but he exceeded the achievements of many persons for whom English is their native tongue. He graduated magna cum laude and Phi Beta Kappa in 1983 from Columbia College, then magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Those are really difficult achievements.

Mr. Estrada's professional career has been marked by one success after another. He clerked for Second Circuit Judge Amalya Kearse a Carter appointee—then Supreme Court Justice Anthony Kennedy. He worked as an associate at the law firm of Wachtell Lipton in New York City, one of the great law firms of this country. He then worked as a Federal prosecutor in Manhattan, rising to become deputy chief of the appellate division. In recognition of his appellate skills, in spite of the fact that he has a speech handicap, he was hired by the Solicitor General's Office during the first Bush administration. He stayed with the Solicitor General's Office for most of the Clinton administration. When he left that Office, he joined the Washington, DC, office of Gibson, Dunn & Crutcher, where he has continued to excel as a partner. And everybody knows that the law firm of Gibson, Dunn & Crutcher is one of the great law firms of this country.

Most lawyers are held in high esteem if they have argued even one case before the Supreme Court. Mr. Estrada has argued 15 cases before the United States Supreme Court. This is an impressive accomplishment by any standard, but it is particularly remarkable when you take two additional factors into consideration. First, as I have noted, English is not Mr. Estrada's native language. He has nevertheless mastered it to such a degree that he is considered to be one of the foremost appellate lawyers in our country. Second, his oral argument skills are even more extraordinary because, as I have mentioned, he has worked to overcome a speech impediment.

Despite this disability, Mr. Estrada has risen to the top of the ranks of oral advocates nationwide. People all over this country have admiration for him.

The legal bar's wide regard for Mr. Estrada is reflected in his evaluation by the American Bar Association. The American Bar Association evaluates judicial nominees based on their professional qualifications, their integrity, their professional competence, and their judicial temperament. They do not have an official role in the confirmation process, but Senate Democrats did identify the group's evaluations last year as the "gold standard."

They ask judges who have heard a nominee argue cases, lawyers on the other side of cases, and hundreds of lawyers with whom the nominee has worked. They also ask neighbors and friends and other critics, people who have axes to grind. They really go into a lot of things, but mainly with people in the profession.

Based on its exhaustive assessment of these factors, the ABA has bestowed upon Mr. Estrada its highest rating of unanimously well qualified. That is high praise indeed.

I have to say, as one who has been critical of the American Bar Association and their evaluation process in the past, in recent years I think they have been doing an excellent job. We are gaining by the work they are doing.

In the past I have seen them as a partisan organization that was not fair to Republican nominees, at least to some Republican nominees. But I don't find that bias any longer. I want to praise the American Bar Association for it.

I take the time to offer up this brief recitation of Mr. Estrada's personal and professional history because I think it illustrates that he is in fact far from some rightwing idealogue that some of the usual opposition groups have portrayed him to be. He clerked for Judge Kearse, a Carter appointee; then Justice Kennedy, a moderate by any standard. He joined the Solicitor General's office and stayed on through much of the Clinton administration. His supporters include a host of well-respected Clinton administration lawyers, including Ron Klain, former Vice President Gore's chief of staff and a former staffer on the Senate Judiciary Committee, a man we all respect; Robert Litt, head of the criminal division in the Reno Justice Department or the Clinton Justice Department; Randolph Moss, former assistant Attorney General; and Seth Waxman, former Solicitor General in the Clinton administration. All of these people are people we respect, we admire, all of them are Democrats, and all of them have been Democrat leaders, and all of them have had an awful lot of influence with the Senate Judiciary Committee and the Senate itself through the years.

Mr. Klain's letter to the committee in support of Mr. Estrada is particularly insightful. He wrote:

> Mr. Estrada will bring an independent streak to his judging, that may serve to surprise those who nominated him—and I think will give every litigant, from any point of view, a fair chance to persuade Mr. Estrada of the rightness of his or her case.

Another letter from more than a dozen of Mr. Estrada's former colleagues at the Solicitor General's office states that:

> . . . he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench.

I ask unanimous consent to print a copy of these letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

O'MELVENY & MYERS LLP,
Washington, DC, January 16, 2002.

HON. PATRICK LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: When we talked recently, I told you that I was supporting the nomination of Miguel Estrada to be a Judge of the U.S. Court of Appeals for the District of Columbia Circuit. Given that I did not have, at that time, a chance to explain the basis for my position in depth, I thought I might put my views in writing for your consideration.

At the outset, let me be clear that I write this letter with mixed emotions. Not mixed emotions about Miguel: if President Bush is to fill this seat on the D.C. Circuit, I believe Miguel is an outstanding candidate who merits confirmation. Rather, I think it is unfortunate that this vacancy exists at all due to the Senate's failure to confirm two outstanding, and well-qualified candidates for this court nominated by President Clinton. In this case, that unfairness is particularly ironic, as I met both Elena Kagan—President Clinton's nominee for this position—and Miguel Estrada—President Bush's nominee—when we were all law students. The federal judiciary would be better off if the Senate had confirmed Professor Kagan last year—and then, with a subsequent vacancy arising during the Bush administration, Mr. Estrada were nominated and confirmed. But unfortunately, that is not the way that things worked out.

That said, I would hope that Miguel Estrada would gain your support for confirmation this year. I believe that Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent. I have known Miguel for 15 years, and have seen him in a variety of contexts and circumstances. Though Miguel is politically conservative, I support his confirmation for three reasons that go beyond those factors that are obvious on their face; i.e., three reasons that go beyond his outstanding credentials, his intellect, and his incredible record of achievement as a lawyer.

First, Miguel is a serious lawyer who takes the law very seriously. Yes, Miguel has passionate views about legal policy and can be a strong advocate in a debate. But I have no doubt that, on the bench, Miguel will faithfully apply the precedents of his court, and the Supreme Court, without regard to his personal views or his political perspectives. His belief in the rule of law, in a limited judiciary, and in the separation of powers is too strong for him to act otherwise. He will not be one of those "conservatives" who gives speeches about judicial restraint, but then becomes an unabashed judicial activist on the bench. He will do his job as the law, the Constitution, and his duty requires. I do not think we can ask more of a judge on an intermediate appellate court.

Second, Miguel will rule justly toward all, without showing favor to any group or individual. When I worked on the Judiciary Committee staff, one of your colleagues once said to me, "Adversity in youth can affect potential judges one of two ways: it can make them compassionate towards those in need—feeling empathy for their plight—or it can make them cold-hearted—feeling as if 'I made it without help, so you can, too.'" Miguel is one of those individuals who falls firmly in the first category: the challenges that he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need. In the political arena, Miguel favors very different policies than you and I do to achieve these ends. But his commitment to them is without question—and the fact that he would bring this commitment with him to the bench, in the dispensation of justice to all, is also without question. Those without means or without advantage will get a fair hearing from Miguel Estrada.

Third, Miguel will bring an independent streak to this judging, that may serve to surprise those who have nominated him—and I think will give every litigant, from any point of view, a fair chance to persuade Miguel of the rightness of his or her case. Make no mistake about it, Miguel is conservative, and in cases where those sorts of labels matter, is more likely to rule "that way" than the judges nominated to the D.C. Circuit by President Clinton. Miguel Estrada will not be "the David Souter" of the D.C. Circuit. But I do think that Miguel will be more independent, more open-minded, more likely to "break ranks" than other potential nominees of this conservative President. Miguel is a rigorous skeptic—and I have seen him be as skeptical about conservative shibboleths as liberal ones. He will ask tough questions of both sides, and give both sides a chance to win him over. This powerful intellectual quality is not unhinged from a compassion for people—rather, it is harnessed by Miguel in service of that compassion. It is a quality that will make Miguel a very fair judge.

In closing, I appreciate your consideration of this letter and the views expressed here. I wish you the best in trying to untangle the difficult mess that the confirmation process has become. And I hope you will see fit to support Miguel Estrada's confirmation when the Committee acts on that nomination.

With best wishes,

Sincerely,

RONALD A. KLAIN,
O'Melveny & Myers LLP.

SEPTEMBER 19, 2002.

Re nomination of Miguel A. Estrada.

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. ORRIN G. HATCH,
Ranking Member, Senate Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR HATCH: We are writing to express our support for the nomination of Miguel A. Estrada to be a Judge of the United States Court of Appeals for the District of Columbia Circuit. We served with Mr. Estrada in the Office of the Solicitor General, and we know him to be a person of exceptional intellect, integrity, and professionalism who would make a superb Circuit Judge.

Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge of and appreciation for the law. Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench. In addition, Miguel has a deep and abiding love for his adopted country and the principles for which it stands, and in particular for the rule of law. We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints.

We also know Miguel to be a delightful and charming colleague, someone who can engage in open, honest, and respectful discussion of legal issues with others, regardless of their ideological perspectives. Based on our experience as his colleagues in the Solicitor General's office, we are confident that he possesses the temperament, character, and qualities of fairness and respect necessary to be an exemplary judge. In combination, Miguel's exceptional legal ability and talent, his character and integrity, and his deep and varied experiences as a public servant and in private practice make him an excellent candidate for service on the federal bench.

We hope this information will be of assistance to the Committee in its consideration of Mr. Estrada's nomination. He is superbly qualified to be a Circuit Judge for the District of Columbia Circuit, and we urge your favorable consideration of his nomination.

Very truly yours,

Thomas G. Hungar, Gibson, Dunn & Crutcher LLP; Richard P. Bress, Latham & Watkins; Edward C. DuMont, Wilmer, Cutler & Pickering; Paul A. Engelmayer, Esq., Wilmer, Cutler & Pickering; David C. Frederick, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C.; William K. Kelley, Notre Dame Law School; Paul J. Larkin, Jr., 1314 Cleveland Street; Maureen E. Mahoney, Latham & Watkins; Ronald J. Mann, Roy F. & Jean Humphrey Proffitt Research Professor of Law, University of Michigan Law School; John F. Manning, Columbia Law School; Jonathan E. Nuechterlein, Wilmer, Cutler & Pickering; Richard H. Seamon, Associate Professor, University of South Carolina; Amy L. Wax, Professor of Law, University of Pennsylvania Law School; Christopher J. Wright, Harris, Wiltshire & Grannis LLP.

Mr. HATCH. Mr. Estrada's supporters are not limited to prominent and well-connected Democrats and Republicans. We heard during his confirmation proceedings or hearings about Mr. Estrada's pro bono efforts before the Supreme Court to overturn the conviction of death row inmate Tommy David Strickler. His cocounsel in that case, Barbara Hartung, wrote the committee that Mr. Estrada:

> . . . values highly the just and proper application of the law. Mr. Estrada's respect for the Constitution and the law may explain why he took on Mr. Strickler's case, which at the bottom concerned the fundamental fairness of a capital trial and death sentence. I should note that Mr. Estrada and I have widely divergent political views and disagree strongly on important issues. However, I am confident that Mr. Estrada will be a distinguished, fair and honest member of the federal appellate bench.

Again, that is high praise from Barbara Hartung.

Another letter in support of Mr. Estrada came from Leonard Joy, attorney in charge of the Legal Aid Society, Federal Defender Division in New York City, which is the community defender organization appointed to represent indigent defendants in Federal court at the trial and appellate levels. Mr. Joy, who frequently represented defendants whom Mr. Estrada prosecuted while he was an assistant U.S. Attorney, wrote that:

> He clearly was one of the smartest attorneys in the office which prides itself in attracting the best and the brightest. Yet throughout he was eminently practical in the judgments he made and he had a down-to-earth approach to his cases. I found him to be a fair and straightforward prosecutor who did not treat defendants unduly harshly.
>
> It is fair to say that all lawyers in my office liked him. Many of them are liberal in their politics and it is a credit to Mr. Estrada that he was able to get along with people who may have had different views than he.

The letters the committee has received from lawyers who know Mr. Estrada both personally and professionally depict him as a brilliant yet fair attorney who is willing to listen to both sides of an issue before making a decision. Inherent in this description is the necessary conclusion that Mr. Estrada is not an idealogue but instead shows great respect for persons with divergent viewpoints. Indeed, as I noted at the hearing, Mr. Estrada placed phone calls to my office to support the confirmation of two Clinton judicial nominees: Adalberto Jose Jordan, who was confirmed to the Southern District of Florida, and Elena Kagan, nominated for the DC circuit.

Beyond the letters of support we have received for Mr. Estrada, the cases he has taken on as an attorney illustrate his commitment to following the law instead of imposing any political agenda. I know that the issue of reproductive choice is one that is very important to many of my Democratic colleagues, although it is one on which we disagree. I am not sure how many of them saw the portion of the hearing when Mr. Estrada was asked about his work on the NOW—National Organization for Women—case for the Clinton administration. Even if you assume that Mr. Estrada is pro-life as a matter of politics, which even I do not know, that representation illustrates his ability to put aside his personal convictions and follow the law as a good jurist has to do.

In addition, on the NOW web site there is an article by Vera Haller of

Women's E-news. Although this article criticizes several of President Bush's judicial nominees—unfairly, in my view—but that is a different story—it applauds the selection of Mr. Estrada, noting that "[h]is presence on the list . . . was seen by some as a sign that President Bush hoped to avoid contentious confirmation battles in the Senate."

I want to take a moment at the outset here to address a couple of issues that we are sure to hear more about as the discussion of Mr. Estrada's nomination progresses.

First, Mr. Estrada has been unfairly criticized by some for declining to answer questions at his hearing about whether particular Supreme Court cases were correctly decided. Lloyd Cutler, who was White House Counsel to both President Carter and President Clinton, put it best when he testified before a Judiciary Committee subcommittee in 2001. He said, "Candidates should decline to reply when efforts are made to find out how they would decide a particular case." He further explained, "What is most important is the appointment of judges who are learned in the law, who are conscientious in their work ethic, and who possess what lawyers describe as 'judicial temperament.'" Mr. Estrada's academic achievement, his professional accomplishments, and the letters of support we have received from his colleague all indicate that Mr. Estrada fits this description and deserves our vote of confirmation.

Second, several opponents of Mr. Estrada have attempted to block his confirmation by demanding that the Department of Justice release internal memoranda he authored while he was an assistant to the Solicitor General in the Solicitor General's office. First, it is important to note that Mr. Estrada told the committee that he does not object to the release of these documents. He is, rightfully, proud of his legal work. But there is a larger institutional problem. What the opponents of Mr. Estrada, or those who are continuing to demand these documents, apparently ignore is the fact that all seven living former Solicitors General—four Democrats and three Republicans—oppose this request. Their letter to the committee explains that the open exchange of ideas upon which they relied as Solicitors General "simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure." These seven former Solicitors General—four Democrats, three Republicans—concluded that "any attempt to intrude into the Office's highly privileged deliberations would come at a cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself."

The Wall Street Journal and the Washington Post have also criticized attempts to obtain these memoranda—and they should. The seven former Solicitors General of the United States are right, and their wise counsel should be followed.

I ask unanimous consent that the letter of the Solicitors General, as well as the Wall Street Journal and Washington Post editorials, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILMER, CUTLER & PICKERING,
Washington, DC, June 24, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our concern about your recent request that the Department of Justice turn over "appeal recommendations, certiorari recommendations, and amicus recommendations" that Miguel Estrada worked on while in the Office of the Solicitor General.

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decisionmaking process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review of adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the Executive Branch, but of the entire federal government, including Congress.

It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.

Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Sincerely,

On behalf of: Seth P. Waxman, Walter Dellinger, Drew S. Days, III, Kenneth W. Starr, Charles Fried, Robert H. Bork, Archibald Cox.

[From the Washington Post, May 28, 2002]

NOT FAIR GAME

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) recently sought a series of internal Justice Department memos in connection with the judicial nomination of Miguel Estrada. Mr. Estrada, whom President Bush has named to the D.C. Circuit Court of Appeals, is a conservative who served as a staff attorney in the Office of the Solicitor General, mostly during the Clinton administration. Although his former colleagues there generally speak highly of him, one, a man named Paul Bender, has suggested publicly that Mr. Estrada's conservatism would corrupt his judicial work. Apparently to see if Mr. Estrada's paper trail within the office would support this suggestion, Sen. Leahy has requested all of Mr. Estrada's written recommendations to the office concerning whether cases should be appealed and what positions the government should take as a friend of the court. Such a request for an attorney's work product would be unthinkable if the work had been done for a private client. The legal advice by a line attorney for the federal government is not fair game either.

The desire to evaluate Mr. Estrada's performance is understandable, and the problem of how to explore a nominee's views is not trivial. Mr. Estrada has no significant record of public statements or controversial writings, yet despite scant evidence, liberal groups are convinced that he threatens values they hold dear. Like most nominees, however, Mr. Estrada likely will decline to discuss specific issues that might come before him as a judge. So there is no good way of exploring whether he would respect and apply precedent faithfully or engage in judicial policymaking.

That said, there are plenty of bad ways, and few involve greater institutional risk for the Justice Department than letting appeals memos become fodder for wars about nominations. Particularly in elite government offices such as that of the solicitor general, lawyers need to be able to speak freely without worrying that the positions they are advocating today will be used against them if they ever get nominated for some other position. Says Walter Dellinger, one of President Clinton's solicitors general and one of Mr. Estrada's bosses in the office: "It would be very destructive of all of the purposes served by the attorney-client privilege to have attorneys in the solicitor general's office looking over their shoulders when they write memos." It is also needlessly destructive. A broad range of Clinton-era Justice Department political appointees are perfectly capable of describing Mr. Estrada's role at the solicitor general's office.

On several occasions in recent years, Congress recklessly has gone after work by line attorneys at the Justice Department. Importing these excesses into the confirmation process is a terrible idea. After a year of investigating, liberal activists have not been able to find much on Mr. Estrada, and the unfortunate result seems to be a fishing expedition. But there's no logical end to it. Mr. Estrada once clerked for Justice Anthony Kennedy, and it is perfectly possible that he made comments in some of his memos there that the Judiciary Committee might find interesting as well. Why not ask for those? There are some ponds in which activists—and Senators—should not fish.

[From the Wall Street Journal, May 24, 2002]

THE ESTRADA GAMBIT

Senate Judiciary Chairman Patrick Leahy keeps saying he's assessing judicial nominees on the merits, with political influence. So why does he keep getting caught with someone else's fingerprints on his press releases?

The latest episode involves Miguel Estrada, nominated more than a year ago by President Bush for the prestigious D.C. Circuit Court of Appeals. Mr. Estrada scares the legal briefs off liberal lobbies because he's young, smart and accomplished, having served in the Clinton Solicitor General's office, and especially because he's a conservative Hispanic. All of these things make him a potential candidate to be elevated to the U.S. Supreme Court down the road.

Sooner or later even Mr. Leahy has to grant the nominee a hearing, one would think. But maybe not, if he keeps taking orders from Ralph Neas at People for the American Way. On April 15, the Legal Times newspaper reported that a "leader" of the anti-Estrada liberal coalition was considering "launching an effort to obtain internal memos that Estrada wrote while at the SG's office, hoping they will shed light on the nominee's personal views."

Hmmm. Who could that leader be? Mr. Neas, perhaps, Whoever it is, Mr. Leahy seems to be following orders, because a month later, on May 15, Mr. Leahy sent a letter to Mr. Estrada requesting the "appeal recommendations, certiorari recommendations, and amicus recommendations you worked on while at the United States Department of Justice."

It's important to understand how outrageous this request is. Mr. Leahy is demanding pre-decision memorandums, the kind of internal deliberations that are almost by definition protected by executive privilege. No White House would disclose them, and the Bush Administration has already turned down a similar Senate request of memorandums in the case of EPA nominee Jeffrey Holmstead, who once worked in the White House counsel's office.

No legal fool, Mr. Leahy must understand this. So the question is what is he really up to? The answer is almost certainly one more attempt to delay giving Mr. Estrada a hearing and vote. A simple exchange of letters from lawyers can take weeks. And then if the White House turns Mr. Leahy down, he can claim lack of cooperation and use that as an excuse to delay still further.

Mr. Leahy is also playing star marionette to liberal Hispanic groups, which on May 1 wrote to Mr. Leahy urging that he delay the Estrada hearing until at least August in order to "allow sufficient time . . . to complete a thorough and comprehensive review of the nominee's record." We guess a year isn't adequate time and can only assume they need the labor-intensive summer months to complete their investigation. (Now there's a job for an intern.) On May 9, the one-year anniversary of Mr. Estrada's nomination, Mr. Leahy issued a statement justifying the delay in granting him a hearing by pointing to the Hispanic groups' letter.

These groups, by the way, deserve some greater exposure. They include the Mexican American Legal Defense and Educational Fund as well as La Raza, two lobbies that claim to represent the interests of Hispanics. Apparently they now believe their job is to help white liberals dig up dirt on a distinguished jurist who could be the first Hispanic on the U.S. Supreme Court.

The frustration among liberals in not being able to dig up anything on Mr. Estrada is obvious. Nan Aron, president of the Alliance for Justice, told Legal Times that "There is a dearth of information about Estrada's record, which places a responsibility on the part of Senators to develop a record at his hearing. There is much that he has done that is not apparent." Translation: We can't beat him yet.

Anywhere but Washington, Mr. Estrada would be considered a splendid nominee. The American Bar Association, whose recommendation Mr. Leahy once called the "gold standard by which judicial candidates have been judged," awarded Mr. Estrada its highest rating of unanimously well-qualified. There are even Democrats, such as Gore adviser Ron Klahin, who are as effusive as Republicans in singing the candidate's praises.

When Mr. Estrada worked in the Clinton-era Solicitor General's office, he wrote a friend-of-the-court brief in support of the National Organization of Women's position that anti-abortion protesters violated RICO. It's hard to paint a lawyer who's worked for Bill Clinton and supported NOW as a right-wing fanatic.

We report all of this because it reveals just how poison judicial politics have become, and how the Senate is perverting its advise and consent power. Yesterday the Judiciary Committee finally confirmed a Bush nominee, but only after Republican Arlen Specter went to extraordinary lengths to help fellow Pennsylvanian Brooks Smith.

Mr. Estrada doesn't have such a patron, so he's fated to endure the delay and document-fishing of liberal interests and the Senate chairman who takes their dictation.

[From the Wall Street Journal, June 11, 2002]

No Judicial Fishing

Senate Judiciary Chairman Patrick Leahy has just received the answer to his outrageous request for the private decision memos written by judicial nominee Miguel Estrada: No fishing now, or ever.

Last month Mr. Leahy followed orders from liberal interest groups (as reported in Legal Times) to ask the Department of Justice for all of the appeal recommendations, certiorari recommendations and amicus recommendations that Mr. Estrada worked on while at the Clinton-era Solicitor General's office.

Internal deliberations are highly confidential documents, protected by executive privilege. No White House would disclose them, and sure enough, the Bush Administration has now quickly refused to do so. Assistant Attorney General Daniel Bryant wrote Mr. Leahy last week that future Assistant Solicitors General would be "chilled" from providing "the candid and independent analysis that is essential to high-level decision-making."

The Justice Department "cannot function properly if our attorneys write these kinds of documents with one eye focused on the effect that their words, if made public, might have on their qualifications for future office," he added.

This is no surprise to anyone, certainly not to Mr. Leahy and his liberal minders. Their goal here is delay, trying to put off the day when Mr. Estrada takes a seat on the D.C. Circuit Court of Appeals, from which President Bush could promote him to become the first Hispanic-American on the U.S. Supreme Court. Mr. Estrada was nominated 13 months ago and hasn't even had a hearing yet.

In the meantime, the D.C. Circuit, like the federal judiciary overall, faces a severe vacancy crisis; four of its 12 seats are vacant. Mr. Leahy's ideological petulance grows more costly by the day.

Mr. HATCH. Madam President, let me say this to colleagues who insist upon seeking internal memoranda Mr. Estrada wrote during his tenure at the SG's office. During the last Congress, the Senate confirmed Jonathan Adelstein, whom I fully support, to an important position on the FCC. Mr. Adelstein is a former aide to the distinguished minority leader, but the Republicans did not demand all of Mr. Adelstein's memoranda to Senator DASCHLE on telecommunications issues before confirming him. This is despite the fact that such memoranda probably could have been useful in determining how Mr. Adelstein would have approached his decisions as a commissioner. The reason we did not seek them was because of the obvious: To do so would have intruded into the deliberative relationship between Mr. Adelstein and Senator DASCHLE. This would have been an inappropriate intrusion, as all of the Solicitors General, including President Clinton's Solicitors, have warned of the Judiciary Committee's request, regardless of how valuable the memoranda would have been in deciding whether to support Mr. Adelstein.

Along the same lines, I must note the American public would probably find insightful the internal memoranda written to any of my colleagues in the Senate by their staff. How would we feel about that? Do we think we would get the most candid advice if our top counsel knew their private advice is not really private? Let's get real here.

These misguided efforts should not prevent our confirmation of a highly qualified nominee who has pledged to be fair and impartial, and to uphold the law regardless of his personal convictions. I have no doubt Mr. Estrada will be one of the most brilliant Federal appellate judges of our time. This is a picture of Miguel Estrada, who was found by the American Bar Association—unanimously—well qualified, the highest rating given to any judicial nominee. I have no doubt Mr. Estrada will be one of the most brilliant Federal appellate judges of our time, and I urge every Member of this body to join me in voting to confirm him.

Madam President, let me say just a few more things about the significance of this nomination. There have been many people who have been waiting for the confirmation vote on this nominee, and many more people who are watching today for the first time as we display our American institutions and the value we give to the independence of our judiciary.

It was no small matter that at our hearing for Mr. Estrada, we had in the audience the Honorable Mario Canahuati, the Ambassador of Honduras to the United States. The Honduran community in this country, though centered in Louisiana, is scattered throughout the U.S., from North Carolina to New York to California.

We welcomed also to our hearing the leaders of the many Hispanic communities and organizations in the U.S.

who came to express support for this nomination.

In this context, I want to make a general comment on judicial confirmations. For over a year, we have had a very troubling debate over issues that we thought our Founding Fathers had settled long ago with our Constitution. I have been heartened to read the scores of editorials all across this country that have addressed the notion of injecting ideology into the judicial confirmation process, because this notion has been near universally rejected—except, of course, for a handful of well paid, special interest liberal lobbyists in Washington, and a few other diehards.

It seems to me the only way to make sense of the advise and consent role our Constitution's Framers envisioned for the Senate is to begin with the assumption that the President's constitutional power to nominate should be given a fair amount of deference, and that we should defeat nominees only where problems of character, qualifications, or inability to follow the law are evident.

As Alexander Hamilton recorded for us, the Senate's task of advise and consent is to advise and to query on the judiciousness and character of nominees, not to challenge, by our naked power, the people's will in electing who shall nominate.

To do otherwise, it seems to me, is to risk making the Federal courts an extension of this political body. This would threaten one of the cornerstones of this country's unique success—an independent judiciary. Let me say this again. Such political efforts would threaten one of the cornerstones of this country's unique success—an independent judiciary.

Let's not take my advice here, let's listen to Presidents Carter and Clinton's White House counsel, Lloyd Cutler, a person, though we disagree on many issues, for whom I have the highest regard and always have. He is a terrific human being and a wonderful lawyer, one of the best who has ever served his country.

Moreover, these are not just my views, this is our Anglo-American judicial tradition. It is reflected in everything that marks a good judge, not the least of which is Canon 5 of the Code of Judicial Conduct of the American Bar Association that expressly forbids nominees to judicial duty from making "pledges or promises of conduct in office [or] statements that commit or appear to commit the nominee with respect to cases, controversies, or issues that are likely to come before the courts."

I should expect no Senator would invite a nominee to breach this code of ethics, and it worries me that we are coming close, and that we now appear to complain that a nominee does not breach the code when we ask him to. I can honestly say I fear that we are getting to or crossing over dangerous lines here I have not witnessed in my 27 years in the U.S. Senate.

As I have indicated by reciting his stellar record, Miguel Estrada's nomination is before us today because it deserves to be here under any standard that any disinterested person could devise. He is qualified for the position for which President Bush has nominated him. I know it, and after our debate, I think the American people will know it as well.

But notwithstanding all of Mr. Estrada's hard work and unanimous rating of highly qualified by the ABA, he has been subjected, so far, to a pinata confirmation process with which we have all become very familiar. The extreme left-wing Washington groups go after judicial nominees like kids after a pinata. And it is not specific to Mr. Estrada. They beat it and they beat it until something comes out that they can then chew and distort.

In the case of Mr. Estrada, the ritual has been slightly different. They have been unable to find anything they can chew on and spit out to us, so they now say that we simply do not know enough about Mr. Estrada to confirm him. And that is after more than 640 days of delay.

Well, it is not that we do not know enough. We had a full-day hearing, conducted by Senator SCHUMER. It was a full hearing. I commend him for conducting and allowing all Senators the opportunity to ask any and all questions they wished to ask. I believe that was last September. Mr. Estrada's nomination has been pending before us for almost 2 years. We know as much about Mr. Estrada as we have known about any nominee. Their complaint is that we know all there is and the usual characters haven't found anything to distort.

But surely we should not expect to hear it suggested today that Mr. Estrada doesn't have enough judicial experience. Only 3 of the 18 judges appointed to the DC circuit by Democrats since President Carter had any prior judicial experience before their nominations.

These include Ruth Bader Ginsburg and Abner Mikva to select two. Likewise, judicial luminaries such as Louis Brandeis and Byron White had no judicial experience before being nominated to the Supreme Court. And Thurgood Marshall, the first African American on the Supreme Court, had no judicial experience before he was nominated to the Second Circuit. I could go on and on.

I wish to address another aspect of Mr. Estrada's background. I know Miguel Estrada and I know how proud he is, in ways that he is unable to express, about being the first Hispanic nominated to the D.C. Circuit Court of Appeals. So I will express it. This nomination is a matter of pride for him for the same reason that it is for any of us, not just because Mr. Estrada is a symbol for Latinos in America, but because Miguel Estrada's story is the best example of the American dream of all immigrants. He and I are proud because we love this great country and the future it continues to promise to young immigrants. Miguel Estrada's success can make each of us love this country all the more.

In fact, I have never seen any Hispanic nominee whose nomination has so resonated with the Latino community, except for the partisans—the partisan Democrats.

As I said earlier, Miguel Estrada was born in Honduras. He was so bright at an early age that he was enrolled at a Jesuit school at the age of 5. He was raised in a middle-class family. At age 17, he came to live with his mother who had immigrated to New York, knowing very little English. Today he sits before the Senate of the United States waiting to be confirmed to one of the greatest courts in the land.

I am embarrassed, therefore, by the new lows that some have gone to attack Mr. Estrada. Detractors have suggested that because he has been successful and has had the privilege of a fine education, he is somehow less than a fullblooded Hispanic. This is the most embarrassing tactic used against this nominee. I wonder if we would tolerate saying of a woman nominee that because of this or that, she is not really a woman, or of a male nominee that because he is this or that, he is not fully a man. We would not tolerate that here, and I do not think we should tolerate it in the case of Miguel Estrada.

Even more offensive, it seems to me, are the code words that some of his detractors use about him—code words which perpetuate terrible stereotypes about Latinos—used in effect to diminish Miguel Estrada's great accomplishment and the respect he has from colleagues of all political persuasions.

As chairman and founder 13 years ago of the nonpartisan Republican Hispanic Task Force which, despite the name, is made up of both Republicans and Democrats—I have tried to achieve greater inclusion of Hispanics in the Federal Government. I have worked hard to do that. I love the Hispanic people. They know it.

I am concerned by the obstacles they face. I fear that some Democrats are creating a new intellectual glass ceiling for Hispanics. If they do not think a certain liberal way that they do, then they are not good enough for upward mobility and advancement.

Let me say that again. If they do not think a certain liberal way that they do, then they are not good enough for upward mobility and advancement. That is wrong, and this body should not perpetuate that.

Many liberals in this town fear that there could be role models for Hispanics that might be moderate to conservative—despite the fact that polls show that the great majority of Hispanics are conservative. But surely, the advancement of an entire people should not be dependent on one party being in power.

This past year I met with a number of leaders of Hispanic organizations from all across the country. I asked them what they think about the subtle prejudices that Mr. Estrada is facing and they agree. Perhaps, they are more offended than I could ever be, but I doubt it.

The best expression of this outrage was shown just last week by Congressman Herman Badillo in an article in the Wall Street Journal.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 30, 2003]

QUÉ PASA, CHUCK?

(By Herman Badillo)

NEW YORK.—Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.

Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only."

But if their behavior is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corraling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.

When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.

But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr., Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.

It is hard to blame Democrats of course. They know how their bread is buttered and by whom—the monied special interest groups that have made a profitable business of opposing the nominations of President Bush. The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his nomination last September, are a different matter. They should be ashamed of themselves.

Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task Force, put it well when he said that these liberal Hispanic groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."

Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr. Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating—the highest possible rating—from the American Bar Association. The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by nonpartisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanics are most united in one thing—the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

Mr. HATCH. Mr. Badillo served four terms as a Democrat in the House of Representatives, as Deputy Mayor of New York City under Mayor Koch, as Bronx President and as Board Chairman of the City University of New York. He is the best known Hispanic public leader in New York State with five decades of public service to show for his efforts.

Mr. Badillo had this to say about how Mr. Estrada has been treated:

> [It is] demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Badillo notes that Mr. Estrada has had demands placed on him "never made before for a non-Hispanic nominee."

The Hispanic experience, in fact, sheds new light on the debate we have been having about ideology in judicial confirmations. Many new Hispanic Americans have left countries without independent judiciaries, and they are all too familiar with countries with political parties that claim cradle-to-grave rights over their allegiances and futures.

I have a special affinity for Hispanics and for the potential of the Latin culture in influencing the future of this country. Polls show that Latinos are among the hardest working Americans. That is because like many immigrant cultures in this country, Hispanics often have two and even three jobs. Surveys show they have strong family values and a real attachment to their faith traditions and they value education as the vehicle to success for their children.

In short, Hispanics have reinvigorated the American dream, and I expect they will bring new understandings of our nationhood, that some of us—some of us, Madam President—might not fully see with tired eyes.

Without trumpeting the overused word "diversity," I have made it my business to support the nominations of talented Hispanics for my entire career in the Senate. I hope that the desire for diversity that many of my Democrat colleagues say they share with me will trump the reckless and destructive pursuit of injecting ideology into the judicial confirmations process as we move forward on this particular nomination.

In Spanish-speaking churches all over this country and in every denomination, Hispanics sing a song called DE COLORES. This means OF MANY COLORS. It celebrates the many colors in which we all are created.

Hispanics know they come in many colors, with all kinds of backgrounds. They enjoy among themselves a wide diversity already. They left behind countries filled with ideologues that would chain them to single political parties. Latinos share a commonsense appreciation of each other's achievements in this country without any regard whatsoever to ideology, over which some Americans have the luxury of obsessing.

Congressman Herman Badillo said it well—in fact, he said it beautifully:

> [W]hether Puerto Rican, Dominican or Honduran, Hispanics are most united in one thing—the pride we take in our advancement as Americans regardless of where we started.

In fact, that is true for all of us.

It seems to me that any political party's attempt to control a group and to bar independent thought and belief, in effect to disallow diversity of thought within the Hispanic community, is simply wrong and no people should stand for that. That is what I have come to call and deplore as the "intellectual glass ceiling."

I have news for those engaging in this: Hispanic Americans—like all Americans—have liberals and conservatives. No one should be so arrogant as to demand that a whole community should think as they do. People who are demanding that all Hispanics should fit into one mold ought to be ashamed of themselves. They have sold out the aspirations of their people just to sit around schmoozing with Washington's liberal power elite.

Let's be clear, these liberal groups are only two or three in number, and they are basically surrogates for the Democrat Party. They are marginalized given the large number of Hispanic organizations that have come out in support of Mr. Estrada. I should note that Mr. Estrada's supporters include LULAC, the League of United Latin American Citizens—the largest and oldest Latino organization in this country.

Like President Bush—I have the same feelings—I think it is high time that a talented lawyer of Hispanic descent sits on the second most prestigious court in the land. Miguel Estrada is that man.

I wish to address one last thing. I noticed that the very liberal Puerto Rican Legal Defense Fund issued a report just last spring, arguing that there were too few Hispanics on the bench and challenging the Bush administration to nominate more.

I noticed, however, that they never mentioned Miguel Estrada's nomination. In fact, though they address all the other federal circuit courts, the DC Circuit Court for which Mr. Estrada is nominated is oddly missing from their analysis arguing for more Hispanic nominations.

In this respect, I want to commend President Bush. He has already sent us 9 since he began, and we expect by the end of this week to have altogether 12 well-qualified Hispanic nominees. At this rate, if he has 8 years to serve, President Bush will have nominated close to 40 Hispanic-American judges. This will be more than any other President before him, Democrat or Republican. Already, as this chart indicates, President Bush has a greater percentage of Hispanic nominations than any President before him.

Nevertheless, I too am concerned about the few Hispanic judges we have, especially given that Hispanics are now the largest minority group in America. And I am concerned by the obstacles they face. Congressman Badillo, himself a former Democrat, describes it this way: "Nothing" he says, makes some people "more frenzied than when Hispanics and African Americans go off the reservation." I hope that he is not talking about any Senators here.

Finally, I ask unanimous consent to have printed in the RECORD an editorial by The Washington Post that expresses their support for Mr. Estrada.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 29, 2002]

Exploiting Estrada

It is hard to image a worse parody of a judicial confirmation process than the unfolding drama of Miguel Estrada's nomination to the U.S. Court of Appeals for the D.C. Circuit. Opponents of Mr. Estrada, a well-regarded appellate lawyer who served a stint in the solicitor general's office, are convinced that the young, conservative Hispanic represents a grave threat to the republic. Yet Mr. Estrada has not done his foes the courtesy of leaving a lengthy paper trail of contentious statements. And this creates something of a problem for those bent on keeping him off the bench: There is no sound basis on which to oppose him. Mr. Estrada's other problem is that the White House does not merely want credit for appointing a first-rate lawyer to an important court but wants to use Mr. Estrada, who had a hearing last week before the Senate Judiciary Committee, to curry favor with Hispanic voters. As a result, Mr. Estrada's nomination has been turned into a political slugfest and discussed in the crudest of ethnic terms.

On one side of this degrading spectacle, Mr. Estrada's opponents question whether he is Hispanic enough, whether a middle-class Honduran immigrant who came to the Untied States to go to college can represent the concerns of "real" Latinos. The Puerto Rican Legal Defense and Education Fund, for example, complains that his "life experiences [have not] resembled . . . those of Latinos who have experienced discrimination or struggled with poverty, indifference, or unfairness." Such distasteful ethnic loyalty tests have no place in the discussion. Yet on the other side, Republicans have reduced Mr. Estrada to a kind of Horatio Alger story. White House counsel Alberto R. Gonzales, in an article on the opposite page on Thursday, described him as "an inspiration to Hispanics and to all Americans." But Mr. Estrada has not been nominated to the post of inspiration but that of judge. Both sides should remember that there is no Hispanic manner of deciding cases.

Lost in all of this is a highly qualified lawyer named Miguel Estrada. Democrats have suggested opposing him because of general concerns about the partisan "balance" on the D.C. Circuit or because they don't know enough about his views to trust him. They also continue to fish for dirt on him. Sen. Charles E. Schumer (D–NY.) grilled him at his hearing about questions that have been raised anonymously concerning his aid to Justice Anthony M. Kennedy in picking clerks. And Democrats are still pushing to see confidential memos Mr. Estrada wrote in the solicitor general's office and trumpeting criticism of him by a single supervisor in that office—criticism that has been discredited by that same colleague's written evaluations.

Seeking Mr. Estrada's work product as a government lawyer is beyond any reasonable inquiry into what sort of judge he would be. Nor is it fair to reject someone as a judge because that person's decision to practice law, rather than write articles or engage in politics, makes his views more opaque. And it is terribly wrong to demand that Mr. Estrada answer charges to which nobody is willing to attach his or her name.

Democrats have a legitimate grievance concerning the D.C. Circuit: Two excellent nominees of the previous administration were never acted upon by Senate Republicans. The White House is wrong to ignore this issue and does so at its peril. But the answer is not attacks on high-quality Bush administration nominees such as Mr. Estrada. At the end of the day, Mr. Estrada must be considered on his merits. His confirmation is an easy call.

Mr. HATCH. As one editorial puts it, his nomination is "an easy call."

The Post was right to point out that we who support Miguel Estrada should not do so simply because he is a Hispanic. As the Post points out there is no particularly "Hispanic manner of deciding cases." They reject the diversity argument.

I agree, and as I indicated Mr. Estrada has an exemplary record as a magna cum laude of both Columbia University and Harvard Law School graduate, and his extraordinary record of public service, including 15 cases argued before the Supreme Court. This record has not been met by many of the nominees of either party over the 27 years I have been here.

In addressing why he was before us at his hearing I did not say anything about confirming Miguel Estrada because he is Hispanic. I did not have to make that argument because, as The Post points out, his record makes his confirmation "an easy call."

But this fact should not diminish the pride, that I have addressed, that Miguel Estrada's supporters have in the compelling story of a young immigrant who arrives from Honduras at age 17 and rises to be nominated to the second most prestigious court in the land. This is a pride I hope we can all share, Democrats and Republicans, when this Senate confirms him. It is a non-partisan pride.

I disagree with The Post, however, to the extent they minimize the significance of confirming a well-qualified Hispanic.

Confirming minority candidates, provided they are also well-qualified as Mr. Estrada is, is a positive good, in and of itself. It is important to raise role models in high office for young Hispanics in this country, indeed for all immigrants, provided they are otherwise well qualified, or as in Miguel Estrada's case—unanimously well-qualified. Now, I will take a second with another chart because it is important to go through his qualifications. These are only a few qualifications, but they are very important.

Miguel Estrada not qualified? Give me a break. My friends on the other side have said the American Bar Association is the gold standard. I think the way they are doing it now is probably true. ABA rating: Unanimously well qualified.

He argued 15 cases before the U.S. Supreme Court, winning most of them; Columbia and Harvard Law, graduated magna cum laud; editor of the Harvard Law Review—there are a lot of lawyers in this body; I doubt if many have been editors of law reviews—law clerk for U.S. Supreme Court Justice Kennedy; assistant solicitor general for President Bush 1 and President Clinton.

Those are very important qualifications. There are not many who come before this body who have been confirmed, even to the prestigious Circuit Court of Appeals for the District of Columbia, that can match Miguel Estrada.

I believe he handled himself well before the committee, although some on the other side do not. Be that as it may, Miguel does work very hard with the speech impediment he has had all his life. In spite of that handicap or disability, he has argued 15 cases before the U.S. Supreme Court. It has been hardly a disability to him. He is a terrific human being. He is a very upright person. He is an example to all of what we can achieve in this great land. He certainly deserves confirmation by this body. I hope we can do that within a reasonable period of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent the call of the quorum be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, notwithstanding the misleading charts of my good friend from Utah—we will get to the numbers—there is an easy number for everyone to remember. There are 10 Hispanics on the circuit court of appeals today. Eight were nominated by President Clinton. There would actually be 13 on the circuit courts of appeals today except the Republican leadership in the last couple of Congresses blocked three of President Clinton's nominees for the court of appeals. President Clinton does have, by far, the record of having successfully appointed the highest number of Hispanics for circuit courts of appeals of either President of either party. As I said, it would be even larger if the Republican Party had not refused votes in committee on three nominations.

Madam President, in the wake of the tragic events of this week, all Americans are grieving with the families of the crew of the Space Shuttle *Columbia* and with the entire NASA community. The President acknowledged that loss with a prayerful statement Saturday afternoon and with his presence, and his eloquent words yesterday in Houston were joined by a number of Senators of both parties. Our Nation mourns the loss of another crew, the crew of the Black Hawk helicopter that went down east of Baghram, Afghanistan last Thursday.

Both were connected to important national missions, one the scientific quest into space, and the other part of the continuing struggle to secure Afghanistan from those who have made it a haven for international terrorism. These actions remind us all of the courage and sacrifice of those who serve the Nation in our armed services and on the frontiers of space. This week the Nation mourns, and much of the world grieves with us.

This morning, Secretary of State Powell spoke to the Security Council of the United Nations on the situation in Iraq as the administration moves forward with preparations for war, war that appears now inevitable. We know how precious to their families are each of the members of the Reserves and Armed Forces who may be about to take assignments in harm's way. In light of all these events, this week is really a poor time for the leadership of the Senate and the administration to force the Senate into an extended debate on the administration's controversial, divisive plan to pack the Federal court with activists. I had hoped the administration and the Republican leadership would reconsider that plan and the timing of this debate. I know the Democratic leader raised the matter with the Republican leadership. I thank Senator DASCHLE for having done so.

I thought the Senate was right to begin the week with unanimous Senate action on S. Res. 41, commemorating the devotion and regretting the fate of the *Columbia* space shuttle mission. Both the Republican leader and Democratic leader joined to put together that resolution. I commend both of them for doing it.

In fact, memorials are taking place around the country this week, in our hometowns and small towns, as well as the one in Houston yesterday, and here at the National Cathedral in Washington tomorrow, at Cape Canaveral in Florida, and elsewhere. Of course, there are memorials in other countries affected, especially Israel and India.

So this is not the time I would have chosen for this debate. The Senate should be finding matters of consensus on which we can all work together in unity in these difficult days of grieving. It would be good, just for once, to have things that could unite us rather than things that divide us.

Under Democratic Senate leadership in the difficult days following the terrorist attacks of 9/11, that is what we did. We joined together, Democrats and Republicans alike. We worked hard to put aside divisive issues. We focused exclusively on what America needed most in the aftermath of those attacks. I recall how hard some of us devoted ourselves to what became the USA Patriot Act; the hours, the days, the weeks we spent trying to forge consensus.

We also saw how the administration worked to demean that bipartisanship, and how during the election season it denigrated the work of Democrats trying to help the security of this country and began, once again, to divide, not unite.

It would be good to see national leaders in national campaigns seek to unite us and not to divide us. But it has been sometime since we have seen that.

So in the new 108th Congress, as we begin this initial nominations debate in the Senate Chamber, we see an emboldened executive branch wielding its rising influence over both Houses of Congress, and ever more determined to pack the Federal courts with activist allies, to turn this independent judiciary into a political judiciary.

That would be one of the greatest tragedies this Nation could face. Throughout the world, when people come to America they look at our Federal judiciary and say: This is a truly independent judiciary. Shouldn't we be working to do that?

In upholding our constitutional oath, shouldn't we, as Senators, be doing that? Shouldn't whoever is President be doing that?

I recall when the Soviet Union collapsed, Members of the new Russian Duma came here to the United States to see how we do it in a democracy. I recall sitting in my conference room with a number of people. I remember the Members of the Duma coming to my office. There were those who were going to have to oversee the new judiciary. One of the things that struck me is one of them said: We have heard that there are instances where American citizens go into a court and they bring suit against the American Government. Is that true?

I said: Yes, it happens all the time.

They said: We have also heard there were times when Americans bring suit against their Government and the individual citizen wins, the Government loses.

I said: That happens all the time.

And they said: You don't replace the judges if they rule with one of the citizens and rule against the U.S. Government?

I said: If the U.S. Government is in the wrong, of course they do, that's their duty. That is what we mean by judicial independence. That is how the same American citizen could come in on another issue and lose. The fact is, American citizens can come into our Federal courts and know they are going to be independent. They are going to know it doesn't make any difference whether they are Republicans or Democrats, whether they are rich or poor, no matter what their color, no matter what their religion, no matter whether they are liberal, conservative, moderate, or whatever part of the country they are from, when they go to the Federal courts they can see they are independent.

Now, in this attempt to change the ideology of all the Federal courts into one narrow ideological strata, we see an attempt not to unite Americans but to divide them. But worse than that, because these are lifetime appointments, we see an attempt to irrevocably damage the integrity and the independence of the Federal judiciary.

With unprecedented speed—certainly unprecedented in the last 15 or 20 years—the Democratic-controlled Senate moved through and, in 17 months, confirmed 100 of President Bush's nominees. The vast majority of them were conservative Republicans, and I voted for almost all of them because I thought, having listened to them, at least we knew enough about them to know that they could be impartial on the bench. There were some we did not take up because it was so obvious from their statements that they were there to take a political, ideological view. Then we find some, of course, who will not tell us at all what they are there for.

The fundamental checks and balances of our Federal system are at risk of being sacrificed to a one-party rule with the coequal branches of our Government collapsing into one.

The Senate should not abandon its critical role. I wish more people—I wish 100 Members of the Senate—would sit down and read history books and determine how we got here and what our advice and consent rule is. Look at the fact that even President George Washington had judges who were turned down by the Senate at that time.

This is a great institution. I have given 29 years of my life here. It is the main place of checks and balances in our Federal Government, especially when it comes to advising and consenting to appointees. We are not talking about an appointment to an assistant secretaryship, or administratorship somewhere in a job that may last for a couple of years, important though it may be; we are talking about lifetime appointments, appointments of judges who will be there long after all of us have left.

Defending and upholding the Constitution is what we Senators are sworn to do. I can remember every time I walked down the aisle of this Senate and up to the Presiding Officer and raised my hand to take my oath of office to begin another 6-year term. I can remember each one of those times as though it was in crystal, as though time stopped, because what I remember is not the fact that I have become a Senator again, or that my family may be in the Gallery, or that my friends are happy. What I remember is I am taking a very awesome oath. This oath says that I will uphold the Constitution, and I will uphold my duties as a U.S. Senator—not as a Democrat or as a Republican, and not even as a Vermonter but as a U.S. Senator. We are a nation of 275 million Americans. Only 100 of us get the opportunity to represent this country at any given time. And it is an awesome responsibility.

I see the administration trying to pack the Federal court with activists. I take that very seriously. I have voted against nominees of Republican Presidents and of Democratic Presidents if I believed it would not be upholding my duties as a Senator to vote for them. But, unfortunately, this debate will be contentious, and it may be split largely along party lines.

Already, Republicans have charged those who have spoken or voted against this nomination as motivated by racism. I do not know any racist in this body in either party, and I resent the fact that some Republicans have said those who have voted against this nominee in the committee were motivated by racism. There are none in this body.

The Associated Press reports that Republicans, last Thursday, charged those who opposed this nomination of doing so "because of ethnicity" and with wanting "to smear anyone who would be a positive role model for Hispanics." Those who made such statements should begin this debate by withdrawing those statements and disavowing that divisive rhetoric.

It is wrong for anybody to be declaring that Members of this body in either party are racists. I think it is wrong what has happened here.

Those who have done so should apologize to Democratic Senators on the Judiciary Committee who voted against this nomination, and also to the Hispanic leaders—very respected Hispanic leaders—in this country who showed the courage to examine this nomination, and, having examined the nomination of Mr. Estrada, decided to oppose it.

Last year, some Republicans made an outrageous and slanderous charge that religious bigotry motivated votes by the Democrats on the Senate Judiciary Committee—even going so far as to say no Christians should get a vote, and basically made it very clear because there are four Catholics and four Jews on that committee. As one of those Catholics, I resent that, and I resent that more than anything I have heard in 29 years in the U.S. Senate. We have not seen that outrageous and slanderous charge withdrawn.

Again, I have never met a Senator in either party who showed religious bigotry. But I have heard Senators accuse Democratic members of the Senate Judiciary Committee of that. It is wrong. It is absolutely wrong—and just as wrong to say if you vote against somebody it is out of racism. That is wrong.

I have voted on thousands upon thousands of nominees for Presidents of both parties. For most of them I had absolutely no idea what their race or religion was. And when I did, it never once entered into my thought. It may cause fundraising letters or cheap applause lines when speaking to different groups, but I must admit as a member of a religious minority that I find that it is something which I resent greatly.

I had hoped the administration and the Republican leadership would not do something so controversial and divisive with this nomination—not with all this Nation has gone through and continues to go through, with the tragedy of last weekend, and not knowing that we are coming to the final decision on going to war.

Just as the President has, once again, chosen to divide rather than unite by sending controversial judicial nominations in an effort to pack the courts, the Republican leadership in the Senate has chosen this time to force that controversy forward.

I made efforts over the last 2 years to try to work with the White House to confirm and appoint judges to the judicial vacancies, including a very large number of vacancies that are there because Republicans refused to allow a vote on nominations by President Clinton—moderate nominations by President Clinton. The vacancies remain year after year after year because the Senate does not allow a vote on the nominee.

As I said, during the last 17 months of the last Congress under Democratic leadership, the Senate confirmed 100 of President Bush's judicial nominees. Actually during that time, even though the Republicans were in charge for 6 months, they did not confirm a single one of President Bush's judicial nominees—but Democrats did, 100 of them. We worked at a rate almost twice that averaged during the preceding years when a Republican-led Senate was considering nominees of a Democratic President.

Consensus nominees were considered first and relatively quickly. Controversial nominees took more time but we considered many of them as well.

The last judicial nominee considered by the Senate last December was from the neighboring State of the distinguished Presiding Officer, Judge Dennis Shedd of South Carolina. Judge Shedd's nomination was chiefly supported by Senator Strom Thurmond. Despite his record—and certainly a record with which I disagree—in civil rights cases and his record on the bench, we proceeded. His record raised serious concerns among many—especially among African Americans living in the Fourth Circuit and across the Nation. But we brought the nominee forward. I do recall when we did that some Republicans said it would bring adversity to the bench. I am not sure what they meant by that. But we brought it forward, nonetheless, as I had agreed to. The Senate vote was 55 to 44 to confirm him.

Shortly thereafter, the Nation and the Senate were confronted by the controversy over the remarks of the former Republican leader, and people openly speculated whether the President would renominate that Senator's choice, Judge Charles Pickering. The nomination was defeated in our committee.

I do not know of any precedent for a President renominating a judicial nominee who was voted on and rejected by the Judiciary Committee. Yet this President has chosen to renominate—to go against precedent—both Judge Pickering and Justice Priscilla Owen, who both had been voted on by the Judiciary Committee and whose nominations were rejected last year.

I am over the fact that we haven't seen them on the agenda, in case Senators have second thoughts. But we will see. But now we have a different nomination before the Senate.

As I have said for some time, the Senate and the American people deserve to have an adequate record and strong confidence about the type of judge Mr. Estrada would be in order to support a favorable vote on this nomination. But we don't have that in the sparse record before the Senate on his nomination to the second highest court of the land, and as a Senator I certainly don't have confidence to support this nomination when basically all I can say about him is he is a pleasant person to be with. We have seen different sort of constantly changing biographies of him in the press—all impressive, whichever one is the latest one being used. But what I want to know is what is he going to be like in a court? You have to be concerned. Will he be an activist on the DC court?

Throughout our earlier proceedings, I repeatedly urged Mr. Estrada and the administration to be more forthcoming—certainly to be forthcoming at least to the extent that the five previous administrations I served with have been. But neither the nominee nor the administration has shown any interest—any interest whatsoever—in being more forthcoming.

So what do we have? We have before us for consideration a nominee with no judicial experience, and little relevant practical experience related to the jurisdiction of this court. He counts Justice Scalia, Kenneth Starr, and Ted Olson among his friends and mentors, but any information about how his decisionmaking would go or what he thinks is not there.

The Senator from New York, Mr. SCHUMER, asked him: Well, we are not going to ask you about a case that may actually be before the court. Senator SCHUMER said: We are not going to ask you how you would vote on the WorldCom case because that may well be there. But if you look at Supreme Court cases, for example, can you name any you disagree with? And that was just to get some idea of what he thinks. He asked him: Can you name any cases you disagree with? And he could not.

Even if you did not want to look at some very recent cases, I would think somebody would think of a case, such as the Dred Scott decision, or Plessy v. Ferguson. These are a couple cases that would come to mind that you might disagree with. I certainly would disagree with the court upholding, what everybody now realizes is unconstitutional, the locking up of Japanese Americans during World War II, the locking up of loyal American citizens absent any due process just because of where their ancestors came from, which was upheld by a very political Supreme Court. I could have disagreed with that.

There has to have been some cases—over all these years. Upholding slavery? Upholding separate but equal? Upholding the internment of Americans for no other reason than the color of their skin and where their parents or grandparents came from? That was a softball toss. We are not even going to be allowed to know what he thinks about that. Maybe he thinks those were good cases. But if that is the case, then say they are good cases, which actually is what he did. He said there were none he disagreed with.

So you have to think that maybe one of the reasons for the controversy over Mr. Estrada is because he appears to have been groomed to be an activist appellate judge and groomed by well-connected, ideologically driven legal activists.

For example, those who he declares are his friends—you can have friends whenever you want. I have friends who range across the political spectrum. But I think I also would be willing to state what my political philosophy is, or certainly what my judicial philosophy is if I am going to ask for a lifetime appointment to the bench, just as I have to state what my political philosophy is when I ask the people of Vermont to elect or reelect me.

Last week, the Congressional Hispanic Caucus and the Congressional Black Caucus restated their concerns, and the Puerto Rican Legal Defense and Education Fund, the Mexican American Legal Defense and Education Fund, and the Southwest Voter Registration and Education Project reiterated their concerns.

Some of the most respected Latino labor leaders, including Maria Elena Durazo of HEAR, Arturo S. Rodriguez of the UFW, Miguel Contreras of L.A. County Fed., Cristina Vazquez of UNITE, and Eliseo Medina of SEIU have indicated their strong opposition to this nomination.

Let me quote from the letter from Antonia Hernandez and Antonio Gonzalez:

> As a community, we recognize the importance of the judiciary, as it is the branch to which we have turned to seek protection when, because of our limited political power, we are not able to secure and protect our rights through the legislative process or with the executive branch. This has become perhaps even more true in light of some of the actions Congress and the executive branch have taken after 9/11, particularly as these actions affect immigrants.
>
> After an extensive review of the public record that was available to us, the testimony that Mr. Estrada provided before the Senate Judiciary Committee, and the written responses he provided to the committee, we have concluded at this time that Mr. Estrada would not fairly review issues that would come before him if he were to be confirmed to the D.C. Circuit Court of Appeals. As such, we oppose his nomination and urge you to do the same.

Two of the Nation's most respected Hispanic leaders.

They go on to analyze an array of issues that affect not only the Latino community but all Americans on which they find this nomination wanting. Of course, MALDEF outlined its concerns in advance of the hearing last fall in a memorandum to the White House. As their recent letter says:

> [T]he Judiciary Committee gave Mr. Estrada ample opportunity to address [their concerns]. Ultimately, Mr. Estrada had the affirmative obligation to show that he would be fair and impartial to all who would appear before him. After reviewing the public record, the transcript and the hearing, and all written responses submitted by Mr. Estrada, we conclude that he failed to meet this obligation. He chose one of two paths consistently at his hearing and in his written responses: either his responses confirmed our concerns, or he chose not to reveal his current views or positions.

My view of the record is similar to theirs. It is also shared by the respected Puerto Rican Legal Defense and Education Fund.

Senator SCHUMER chaired a fair hearing for Mr. Estrada last September. Every Senator—Republican and Democrat—had ample time to ask whatever questions they wanted. I was hoping that the hearing would allay concerns because I have been impressed with Mr. Estrada as a person in meeting with him. But what I wanted to know was not Mr. Estrada the person, somebody who lived next door to you, but what would a Judge Estrada—the person sitting up at the bench when you appear there—how would that person be?

When he avoided answering question after question after question, then I ended up with more questions than answers.

The recent statement from Latino labor leaders makes the following point:

> Mr. Estrada is a "stealth candidate" whose views and qualifications have been hidden from the American people and from the U.S. Senate. Since his nomination, Mr. Estrada has consistently refused to answer important questions about his views and his judicial philosophy.

These Latino leaders went on to say that it would be "simply irresponsible for the Senate to put him on the bench."

After a thorough review, the Puerto Rican Legal Defense and Education Fund concluded that Mr. Estrada was not sufficiently qualified for a lifetime seat on the Nation's second highest court and said that his "extreme views should be disqualifying; that he has not had a demonstrated interest in or any involvement with the Hispanic community or Hispanic activities of any kind; and that he lacks the maturity and judicial temperament necessary to be a circuit judge."

PRLDEF said Mr. Estrada has "made strong statements that have been interpreted as hostile to criminal defendants' rights, affirmative action and women's rights." They expressed concern about his temperament. People they interviewed about Mr. Estrada described him as "arrogant and elitist" and that he "'harangues his colleagues' and 'doesn't listen to other people,'" that he is not even tempered and he is "contentious, confrontational, aggressive and even offensive in his verbal exchanges" with them.

As I said before, some of his supporters have said, if a Senator opposes him, that Senator is racist or anti-Hispanic.

These claims are offensive and absurd. Well-respected leaders of the Hispanic community itself have raised very serious objections and concerns about his nomination. In fact, to say that those who vote against him are racist or anti-Hispanic is as false as the statements made last fall that those who voted against Judge Pickering were anti-Christian.

No one has worked harder to increase Hispanic representation on our courts than PRLDEF, MALDEF, and the congressional Hispanic caucus. In fact, they didn't begin their review of Mr. Estrada's record with the expectation of opposing his nomination. Instead, they started with their strong record of supporting more diversity on the Federal bench, something they have done for years, President after President, urging more diversity on the Federal bench. This was before the 10 Hispanics on the court of appeals. I know President Clinton listened to them because he appointed eight of those 10. They actually would have had three more had the Republican-controlled committee allowed them to come to a vote.

Now there is all this talk about how can we possibly be stopping President Bush when he is trying so hard to have Latinos on the bench. There are 42 vacancies that have existed in the 13 circuit courts of appeal during President Bush's tenure. Mr. Estrada is the only Hispanic he has nominated. Unlike the eight that were confirmed of President Clinton's and the other three that he had in there, 11 that he nominated, President Bush has nominated one, and he had 42 chances to nominate. Out of those 42 chances, the only one he nominates is not somebody who could form a consensus within the Hispanic or non-Hispanic community, but he has one that is rejected by much of the Hispanic community, is guaranteed to be divisive. And one more time—one more time but consistent as always—the administration seeks to divide, not to unite, something that has been their hallmark.

They didn't find any Hispanics to nominate for the four vacancies on the Tenth Circuit. That includes New Mexico and Colorado, both States with large Hispanic populations. They didn't find any Hispanics to nominate for the three vacancies in the Fifth Circuit, which includes Texas, certainly a State with a large Hispanic population, or the six vacancies on the Ninth Circuit. They couldn't find any Hispanics to nominate there, but that includes California and Arizona, certainly States with large Hispanic populations. There are three vacancies on the Second Circuit, no Hispanics, even though that includes New York and Puerto Rico. Certainly, they should have found some there. Or the Third Circuit, New Jersey and Pennsylvania, they couldn't find any Hispanics there to appoint.

And we know that there are some outstanding Hispanic lawyers in each of those circuits. Some are sitting on the State courts doing a superb job where there is a record and where there would be a consensus and where you would have somebody who would unite rather than divide.

In fact, there are more than 1,000 local, State, or Federal judges of Hispanic heritage, and out of those 1,000, for these 42 vacancies, the President finds one, and that one is there with no experience, no background as a judge, and is there solely because he has been put forward to carry on a particular judicial ideology.

I don't want to leave the impression that the President sent nobody up here of Latino descent. He did. And a Democratic-controlled Congress confirmed them all. Judge Christina Armijo of New Mexico, Judge Phillip Marinez, and Randy Crane of Texas, Judge Jose Martinez of Florida, Magistrate Judge Alia Ludlum, and Jose Linares of New Jersey—they were all nominated. We confirmed every one of them. In fact, we just held a hearing on Judge James Otero of California. I told him at the end of the hearing that I assumed we would be confirming him very quickly. Actually, we would have, had the nominee had his hearing last year, had his paperwork been completed.

But also, as I have said before, there are 10 Latino appellate judges currently seated in the Federal courts. Eighty percent of them were appointed by President Clinton. Even there, a number of them were denied Senate consideration for years while the Republicans controlled the Senate.

For example, the confirmation of Judge Richard Paez to the Ninth Circuit took more than 1,500 days, even though he was strongly supported by both his home State Senators. And after Republicans delayed Judge Paez for 5 years, 39 voted against him.

Judge Sonia Sotomayor is in the Second Circuit, my circuit; everybody agreed that she was a superb candidate, but then for month after month after month—we wanted to bring her up for a vote—an anonymous hold on the Republican side of the aisle blocked consideration—anonymous hold after anonymous hold.

The irony there is that she had a strong court record. She had first been appointed to the Federal bench by the first President Bush. He appointed her. She had this record. She had a unanimously well qualified, the highest rating possible. They stalled her and stalled her with an anonymous hold. Finally, the embarrassment got too much. And when it came to a vote, 29 Republicans voted against her.

Now a number of the circuit court nominees President Clinton sent up here never even received a hearing or vote. Jorge Rangel and Enrique Moreno of Texas were both nominated to the Court of Appeals for the Fifth Circuit. President Clinton was able to find qualified Hispanics for the Fifth Circuit, but the Republican leadership would not allow them to come to a vote. And Christine Arguello of Colorado was nominated to the Tenth Circuit. An awful lot of President Clinton's judicial nominees were never even given hearings or votes. Many of them were qualified Hispanics, African American, or women.

That is why during the past Congress, in the year and a half the Democrats were in control, we tried to restore fairness to the confirmation process. We tried to address the vacancies we had inherited. Even though those vacancies were caused because Republicans would not allow votes on Democratic nominees, we brought forward Republican nominees for the same places. Diversity has been the greatest strength of our Nation. That diversity of backgrounds should be reflected in our Federal courts, not just on the streets of our cities and towns. We also should accept the fact that race or ethnicity or gender are no substitute for the wisdom, experience, fairness, and impartiality that qualify someone to be a Federal judge—especially a Federal judge—entrusted with a lifetime appointment.

No potential candidate for a lifetime appointment to the Federal courts should get a presumption of competence or entitlement. You are not automatically competent or entitled simply because you are appointed. It makes no difference which party the President is from. If it were otherwise, we should do away with the advise and consent clause of the Constitution and change it to advise or rubber stamp, or something like that.

Nominees should be treated fairly, but the proof of suitability for a lifetime appointment rests on the nominee and on the administration. The Senate is not required to prove they are qualified for a lifetime appointment. We have to satisfy ourselves as individual Senators, as 100 Senators, that they are qualified and suitable for this lifetime appointment. It is up to the nominee himself or herself and the administration to make the case that allows us to reach the conclusion that they are qualified.

We have to look at their records, listen to their answers to the questions—if they will answer the questions—and if they refuse to answer the questions, I don't know why any Senator would think that he or she has an obligation to vote for this person if they will not even answer the question of why they are qualified, beyond a political connection, to a lifetime appointment on what is supposed to be an independent, nonpolitical Federal bench.

Certainly, we know the benefits of diversity and how it contributes to achieving and improving justice in America. That is fine. We should look at that and the President should. All of these questions should be looked at, and the answers to the questions should be looked at. But if all we have are questions and no answers, where do we go?

As Antonia Hernandez wrote in the Wall Street Journal:

> The fact that a nominee is Latino should not be a shield from full inquiry, particularly when a nominee's record is sparce, as in Mr. Estrada's case.

She continued:

> It is vital to know more about a nominee's philosophies for interpreting and applying the Constitution and the laws.

It was in connection with the nomination of Judge Dennis Shedd, a white male and former staffer to Senator Thurmond, that Republicans argued he would bring diversity to the Fourth Circuit. Maybe that is their sense of diversity. I suspect it is not the sense of many others. Be that as it may, each Senator has to make up his or her mind about the qualifications. I defy any Senator to make up his or her mind satisfactorily when they don't have a record before them or answers to questions.

The Fourth Circuit was a Federal circuit court that had the longest history without an African-American judge, speaking of diversity. It wasn't until President Clinton's recess appointment of Judge Roger Gregory that the Fourth Circuit was finally desegregated.

The reason we were not able to get him through before was the Republican majority used blue slips and secret objections to block the integration of that court for years during the Clinton administration as the Clinton administration nominated one qualified African American after another. He was accorded a hearing, but they did say Judge Shedd would bring diversity to that court. In that regard, I am glad that common sense came out, and I applaud the two Senators from Virginia—Republican Senators—for convincing the President to renominate Judge Gregory, this outstanding African-American jurist. I commend both Senator ALLEN and Senator WARNER for standing up for him. When he came to the Senate floor and we had a rollcall vote on him, every Senator, except one, voted for him. It shows the quality of the nominee, but also it is a strong signal to that court that here is a judge who has been looked at by both Republicans and Democrats in 1990, and 100 Senators came to the conclusion that he was qualified.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Congressional Hispanic Caucus and a CHC civil rights task force scorecard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 25, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Judiciary Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Congressional Hispanic Caucus (CHC), we wish to inform you that the CHC has decided to oppose Miguel Estrada's nomination to the United State Court of Appeals for the District of Columbia Circuit. After reviewing Mr. Estrada's record and meeting with him in person, we have concluded that he fails to meet the CHC's evaluation criteria for endorsing judicial nominees.

As you know, the judicial nomination process is important to the CHC because we believe that our nation's courts should reflect the diversity of thought and action that enrich America. Earlier this year, we launched the Hispanic Judiciary Initiative to further formalize our involvement in this issue by establishing a set of evaluation criteria and an internal process for endorsing nominees. We hope that this initiative will allow us to continue our work to ensure fair treatment of Latino judicial nominees and tackle the lack of diversity in the federal judiciary.

In evaluating Mr. Estrada, we considered not only his honesty, integrity, character, temperament, and intellect, but also his commitment to equal justice and advancement opportunities for Latinos working in the field of law. Because of the nature of the CHC's mission and the important role that the courts play in achieving that mission, in order to support a judicial nominee the CHC requires that he or she has a demonstrated commitment to protecting the rights of Latinos through his or her professional work, pro bono work, and volunteer activities; to preserving and expanding the progress that has been made on civil rights and individual liberties; and to expanding advancement opportunities for Latinos in the law profession. On this measure, Mr. Estrada fails to convince us that he would contribute under-represented perspectives to the U.S. Court of Appeals for the District of Columbia Circuit.

As stated by Mr. Estrada during his meeting with us, he has never provided any pro bono legal expertise to the Latino community or organizations. Nor has he ever joined, supported, volunteered for or participated in events of any organization dedicated to serving and advancing the Latino community. As an attorney working in government and the private sector, he has never made efforts to open doors of opportunity to Latino law students or junior lawyers through internships, mentoring or other means. While he has not been in the position to create internships or recruit new staff, he never appealed to his superiors about the importance of making such efforts on behalf of Latinos. Furthermore, Mr. Estrada declined to commit that he would be engaged in Hispanic community activities once appointed to the bench or that he would pro-actively seek to promote increased access to positions where Latinos have been traditionally under-represented, such as clerkships.

Mr. Estrada shared with us that he believes being Hispanic would be irrelevant in his day-to-duties on the court, which leads us to conclude that he does not see himself as being capable of bringing new perspectives to the bench. This is deeply troubling since the CHC's primary objective in increasing ethnic diversity of the courts is to increase the presence of under-presented perspectives.

Mr. Estrada's limited record makes it difficult to determine whether he would be a forceful voice on the bench for advancing civil rights and other protections for minorities. He has never served as a judge and has not written any substantive articles or publications. However, we did note that in responding to inquiries about case law, Mr. Estrada did not demonstrate a sense of inherent "unfairness" or "justice" in cases that have had a great impact on the Hispanic community.

The appointment of a Latino to reflect diversity is rendered meaningless unless the nominee can demonstrate an understanding of the historical role courts have played in the lives of minorities in extending equal protections and rights; has some involvement in the Latino community that provides insight into the values and mores of the Latino culture in order to understand the unique legal challenges facing Latinos; and recognizes both the role model responsibilities he or she assumes as well as having an appreciation for protecting and promoting the legal rights of minorities who historically have been the victims of discrimination.

Based on the totality of the nominee's available record and our meeting with him, Miguel Estrada fails to meet the CHC's criteria for endorsing a judicial nominee. In our opinion, his lack of judicial experience coupled with a failure to recognize or display an interest in the needs of the Hispanic community do not support an appointment to the federal judiciary. We respectfully urge you to take this into account as you consider his nomination to the U.S. Court of Appeals.

Sincerely,

SILVESTRE REYES,
Chair, Congressional Hispanic Caucus.
CHARLES A. GONZALEZ,
Chair, CHC Civil Rights Task Force.

CONGRESSIONAL HISPANIC CAUCUS HISPANIC JUDICIARY INITIATIVE—SCORECARD FOR CIRCUIT COURT NOMINEE MIGUEL ESTRADA

Evaluation criteria	Mr. Estrada's record	Conclusion
Commitment to equal justice for Latinos.	No record	
Commitment to protecting Latino interests in the courts.	None	Failed.
Support for Congress' right to pass civil rights law.	No record	
Support for individuals access to the courts.	Unclear	
Support for Latino organizations or causes through pro bono legal expertise.	No	Failed.

CONGRESSIONAL HISPANIC CAUCUS HISPANIC JUDICIARY INITIATIVE—SCORECARD FOR CIRCUIT COURT NOMINEE MIGUEL ESTRADA—Continued

Evaluation criteria	Mr. Estrada's record	Conclusion
Support for Latino organizations or causes through volunteerism.	No	Failed.
Support for Latino law students or young legal professionals through mentoring and increasing internship opportunities.	No	Failed.
Commitment to increase Latinos' access to clerkships once on the bench.	No	Failed.

Mr. LEAHY. Mr. President, before my voice goes, I see the distinguished Senator from Utah in the Chamber. Obviously, he will be recognized next. Then I hope we will go to Senator SCHUMER. I will have more to say, but the spirit is more willing than the vocal cords.

I yield the floor.

Mr. SCHUMER. Mr. President, will the Senator yield for a unanimous consent request?

Mr. HATCH. I yield to Senator SCHUMER for a unanimous consent request.

Mr. SCHUMER. Mr. President, I ask unanimous consent that immediately after Senator from Utah finishes, I be recognized for a period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I thought I would make some points here because the distinguished Senator from Vermont is mistaken in a number of accusations he makes.

I wish to list the following Hispanic groups or Hispanic-owned businesses that express their support for Miguel Estrada. One of the oldest Hispanic organizations in the country is the League of Latin American Citizens. It is well known, well respected, and bipartisan. They are firmly behind Miguel Estrada. Next is the U.S. Hispanic Chamber of Commerce; Hispanic National Bar Association; Hispanic Business Roundtable; National Association of Small Disadvantaged Business; Mexican American Grocers Association; ATL, Inc.; PlastiComm Industries, Inc.; Phoenix Construction Services; Hispanic Chamber of Commerce of Greater Kansas City; eHEBC Hispanic Engineers Business Corporation; Hispano Chamber of Commerce de Las Cruces; Casa Del Sinaloense; Republican National Hispanic Assembly; Hispanic Engineers Business Corporation; Hispanic Contractors of America, Inc.; and the Charo-Community Development Corporation.

That is to mention a few. There are dozens of organizations that support Miguel Estrada. As anybody would understand, there is a lot of pride in Hispanic organizations for this type of a nominee, who has achieved so much in his life, and has done it basically on his own and has achieved the heights that very few lawyers and people have achieved, who has not had a glove laid on him in our committee hearing—other than complaints that they don't know his philosophy. My goodness, they have had almost 2 years to learn his philosophy and they could have asked any question, and they did ask a lot of questions.

Let me say there is a double standard here on judicial qualifications. On January 30, 2003, the Senate Judiciary Committee voted 10 to 9 to approve the nomination of Miguel Estrada to the U.S. Court of Appeals for the DC Circuit. On January 24, 2003, Senator LEAHY questioned Mr. Estrada's qualifications, saying he "has no judicial experience. He has no publications since law school."

He is not a distinguished legal scholar or professor of law.

I might add that in 1997, the distinguished Senator from Vermont praised Merrick Garland—as did I, by the way; I supported him strongly; he was another DC Circuit nominee with no judicial experience, no professional experience, no publications—as "highly qualified for this appointment" and someone who would make "an outstanding Federal judge." That is in the CONGRESSIONAL RECORD of March 19, 1997, at S2518.

That is what was said about Merrick Garland. I agree with Senator LEAHY on that point. He was an excellent candidate, an excellent judge. I supported him strongly and broke down barriers to make sure he could become a judge on the Circuit Court of Appeals.

Mr. Estrada's and Mr. Garland's credentials, or should I say Judge Garland's credentials, were exactly the same at the time. Let me go down through a list of credentials.

The age of the nominee: Miguel Estrada was 41. That was 2 years ago almost; Merrick Garland was 44.

Phi Beta Kappa: Yes for Miguel Estrada; yes for Merrick Garland.

Harvard Law School, magna cum laude: Yes for Miguel Estrada; yes for Merrick Garland.

Editor of the Harvard Law Review: Yes for Miguel Estrada; yes for Merrick Garland.

Law clerk, U.S. Court of Appeals, the Second Circuit: Yes for Miguel Estrada; yes for Merrick Garland.

Law clerk of the U.S. Supreme Court: Yes for both of them.

Private practice: 7 years for Miguel Estrada; 7 years for Merrick Garland.

Assistant U.S. attorney: 2 years for Miguel Estrada; 3 years for Merrick Garland.

U.S. Department of Justice: From 1992 to 1997 for Miguel Estrada; from 1993 to 1997 for Merrick Garland who now sits on the DC Circuit Court of Appeals.

Bipartisan support: Yes for Miguel Estrada; yes for Merrick Garland.

Race: Miguel Estrada is Hispanic. Merrick Garland is white.

Days from nomination to Judiciary Committee approval: 631 days for Miguel Estrada; only 100 for Merrick Garland. They are not quite equal there.

Seven current Judiciary Committee Democrats served in the Senate in 1997. Seven of them are current Democrats on the committee. Every one of those Democrats voted for Merrick Garland, and every one of them voted against Miguel Estrada—all seven of them.

Let me say that the statement of Senator KENNEDY, our distinguished former chairman of the committee way back when, about Merrick Garland in the CONGRESSIONAL RECORD of March 19, 1997 at S2518 I think applies to Miguel Estrada. This is our distinguished colleague from Massachusetts:

> No one can question Mr. Garland's qualifications and fitness to serve on the DC Circuit. He is a respected lawyer, a former Supreme Court law clerk, a partner at a prestigious law firm, and has served with distinction in the Department of Justice under both Republican and Democratic administrations. Support for him is bipartisan.

I think that statement in every detail applies to Miguel Estrada. I do not think there is any question about it.

What is going on here? What is wrong with this tremendous lawyer who has made it on his own under very trying circumstances; who has an ABA rating of unanimously well qualified; who has argued 15 cases before the U.S. Supreme Court—I am not sure Merrick Garland did that, although I think Merrick Garland is a terrific individual—Columbia and Harvard Law, magna cum laude; editor of the Harvard Law Review, something that is about as prestigious as it gets in law school; a law clerk for U.S. Supreme Court Justice Kennedy; Assistant Solicitor General not only for George Bush I, but for President Clinton as well, praised by the person who supervised him, who later, not knowing we had all of those praises, besmirched him. But it is pretty hard to go against what he put in writing way back when, and I will get into that before we are through.

I have been listening very carefully to some of the comments of my distinguished friend from Vermont, and I do not believe that bringing up the names of Clinton nominees who happen to be of Hispanic descent has anything to do with how this Senate should treat Mr. Estrada. However, since my Democratic colleagues have criticized my treatment of these nominees when I was chairman, I feel compelled to set the record straight.

The fact is, under Republican leadership, most of President Clinton's Hispanic nominees—14, to be exact—were, indeed, confirmed. Although my Democratic colleagues would have you believe something more nefarious was at work, the fact is the nominations of Jorge Rangel and Enrique Moreno for the Fifth Circuit stalled because there was an utter failure of consultation by the Clinton White House. There is no question about that. And neither sitting Senator in Texas was willing to return their blue slips because there was no consultation, which is a requisite.

My colleagues on the other side are certainly raising consultation questions all the time about this White House, and we have directed the White House to consult. Unfortunately, some of them, I think, take the attitude that unless the White House chooses who they want, it is not consultation. That is not a good definition of consultation.

Tenth Circuit nominee Christine Arguello has been brought up. She was not nominated until July of 2000. It was way too late in the session to effectively move her nomination under those circumstances. We did not receive her questionnaire until August of 2000 and, if my records are correct, I do not believe we ever did receive her FBI file. So to raise that is sophistry at best.

It is unfortunate for the nominee when he or she is not confirmed because of these obstacles, but none of these face Mr. Estrada. As we all know, he has been pending for 2 years now and has been rated unanimously well qualified, the highest rating by the American Bar Association.

As for Ninth Circuit Court nominee Richard Paez, I was a vocal supporter of Judge Paez in the face of harsh criticism from some in my own party. I was one of two Republicans to vote for him in this committee, and I led the effort on the Republican side to get him confirmed on the floor. I believe my Democratic colleagues know this, so I take exception when they cite his name as an example of my alleged stonewalling on Clinton nominees. There was none.

Let me talk about the hearing testimony of Mr. Estrada. Mr. Estrada repeatedly answered the questions that were put to him. Let me give some examples.

Mr. Estrada testified he was committed to following the precedents of higher courts faithfully and giving them full force and effect, even if he disagrees with them and even if he believes such precedents are erroneous. That is pretty important testimony, and it is testimony that should be in his favor.

When asked how he would decide cases presenting an issue for which there was no controlling authority, Mr. Estrada testified:

> When facing a problem for which there is not a decisive answer from a higher court, my cardinal rule would be to seize aid from anyplace I could get it.

He testified this would include related case law and other areas of legislative history and views of academics.

When asked if he sees the local process as a political game, Mr. Estrada testified: The first duty of a judge is to self-consciously put that aside and look at each case by withholding judgment, with an open mind, and listening to the points. I think the job of a judge is to put all that aside and to the best of his human capacity to give a judgment based solely on the arguments on the law.

Miguel Estrada said: I will follow binding case law on every case, and I don't even know if I can say whether I concur in the case or not without actually having gone through all the work of doing it from scratch. He further says: I may have a personal moral philosophical view on the subject matter, but I undertake to you that I would put all that aside and decide cases in accordance with binding case law, and even in accordance with the case law that is not binding but seems instructive on the area, without any influence whatsoever from a personal view I may have about that subject matter.

Mr. President, I could go on and on. What is clear from this testimony is Mr. Estrada will be a judge who sets aside his personal convictions, whatever they may be, and follow the law. This is precisely the type of a person we want on the Federal bench.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the senior Senator from New York for permitting me to go for 5 minutes.

Mr. SCHUMER. Mr. President, I ask unanimous consent before I speak the Senator from Pennsylvania be given 5 minutes. I also ask unanimous consent Senator KENNEDY be allowed to speak at 5:40.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to support the nomination of Miguel Estrada. We have heard a lot about his academic record. The Senator from New York knows what a taste of being magna cum laude at Harvard is like. He is a Harvard graduate himself. I know what it is like to be magna cum laude of Harvard, too, and the Phi Beta Kappa standing from Columbia and magna cum laude there, and editor of the Harvard Law Review.

These academic credentials are unsurpassable. Fifteen cases argued before the Supreme Court, extraordinary. Clerk for the U.S. Supreme Court Justice—again, an "A+" rating. There could be no doubt about the qualifications of this man.

Now, there is an objection raised that not enough is known about his philosophy. What is really being attempted here is to impose a test that you have to be in philosophical agreement in order to get the vote of a Senator for confirmation. I suggest that is an inappropriate test. It is not the traditional test. It is going much too far.

When Justice Scalia was confirmed, he would not even give his opinion on whether he would uphold *Marbury* v. *Madison*. There have been many Supreme Court nominees and circuit court nominees with whom I have disagreed philosophically on major points, but I have not withheld my vote in confirmation for Chief Justice Rehnquist, Justice Scalia, Justice Kennedy and Justice Thomas because I did not like their views on the issue of choice.

If a nominee is outside of the mainstream, that is one thing. I did not hesitated to oppose the nomination of Judge Robert Bork, where he was outside of the mainstream, even though he was nominated by my party, where he articulated the view of original intent, which simply could not be comprehended, and did not accept judicial review. He said absent original intent, there is no judicial legitimacy, and absent judicial legitimacy there cannot be judicial review. That is beyond the mainstream.

No one can contend Miguel Estrada is beyond the mainstream. If there are specific objections, let's hear them. But we have not heard them.

Then you have the business about the refusal to turn over his memoranda when he was in Solicitor General general's office, and you have the letter from seven ex-Solicitors General, which I ask unanimous consent to have printed in the RECORD—both Democrat and Republicans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILMER, CUTLER & PICKERING,
Washington, DC, June 24, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our concern about your recent request that the Department of Justice turn over "appeal recommendations, certiorari recommendations, and amicus recommendations" that Miguel Estrada worked on while in the Office of the Solicitor General.

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decisionmaking process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review of adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the Executive Branch, but of the entire federal government, including Congress.

It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis, if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.

Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Sincerely,

SETH P. WAXMAN,
On behalf of
WALTER DELLINGER,
DREW S. DAYS, III,
KENNETH W. STARR,
CHARLES FRIED,
ROBERT H. BORK,
ARCHIBALD COX.

Mr. SPECTER. It is absolutely chilling to the operation of the Solicitor General's office or the operation of any governmental office with lawyers working to say their work product, their views, will be subject to review and scrutiny if they are later nominated to some judicial position.

I think it boils down to—I will not call the request for the opinions of the Solicitor General's office a red herring; that could be a little too harsh—it certainly is a subterfuge. It is not what they are really looking for. They are looking for an excuse.

The news reports today are that the Democrats plan a filibuster. That is the headline: "Democrats Plan Filibuster on Estrada Nomination." If that is so, the Senate is going to come to a grinding halt. If Miguel Estrada cannot be confirmed, then I doubt that anybody can be confirmed. We may be locked in debate on this matter—I heard an estimate of 3 months at lunch; that may be an understatement.

I don't think the American people are going to tolerate this. There has been much too much judicial politics. Republicans are as guilty of it as are the Democrats. When President Clinton was in office and Republicans controlled the Senate, nominations were blocked inappropriately. I was prepared to cross party lines where I thought it was justified. Now that we have a Republican in the White House and the Democrats have controlled the Judiciary Committee for most of the last 2 years, the shoe is on the other foot and there have been inappropriate blocking of nominees.

The only filibuster which we can find is the one on Abe Fortis for Chief Justice of the United States Supreme Court, which is hardly a judgeship for the court of appeals.

I say to my colleagues on the other side of the aisle, the Democrats on the Judiciary Committee, and the Democrats generally, we have to come to some accommodation. We have to come to a judicial protocol so we consider the issues on the basis of merit and qualification without politicizing and without looking for people who agree with us philosophically.

I may come back to speak later, but I wanted to speak at an early point in this proceeding because of my participation in the confirmation hearings of some seven Supreme Court nominees and hundreds of lower Federal court nominees. I hope we will take Estrada out of politics and confirm him.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this is going to be a long debate, whatever happens. I very much appreciate the sincere concerns of my colleagues from Utah and Pennsylvania.

I say to my friend from Pennsylvania before he leaves, he asked, if Miguel Estrada cannot get confirmed, who can? I, for one, have voted for 96 of the 102 judges President Bush has nominated. We passed over 100 of them.

There seems to be an idea on the other side if we oppose a single judge we are totally blocking the President's program. I argue just the opposite. I argue to my friend, as he well knows because he knows the Constitution better than just about anyone else in this Chamber, with maybe the exception of our good friend from West Virginia, the Founding Fathers wanted debate. They wanted the Senate to have a role. Read the Federalist Papers. That is how it was for many years.

To sum up, the White House has started to nominate ideological nominees—not like President Clinton, not like the first President Bush—but when we try to examine the ideology of these nominees, that is wrong. We do virtually no moderates before us. Everyone is from conservative, to way out of the mainstream, and we have voted for most of the conservative judges. Let's be honest about it. This debate was not started by Democrats in the Senate. This debate was started by a White House that is intent on changing the character of the Federal bench, to go way beyond what is the mainstream of America. Everyone will agree, Justice Scalia and Justice Thomas are the two most conservative judges on the court. President Bush said it in his campaign. He said: I will nominate Justices like Scalia and Thomas.

That is not saying moderation. He promised the American people moderation when he ran. But when it comes to the article III section of Government, we don't see a drop of moderation.

We will continue to make this argument because we believe we are defending the Constitution. We are doing just what James Madison and John Jay and Alexander Hamilton and all of the great writers of this Constitution wanted us to do, which is have some influence on the article III section of Government.

I am going to speak at some length, which is not what I usually do here. I usually say I think you can say everything in 5 or 10 minutes. But this issue is so important to me that I intend to be on the floor here today for a period of time, and regularly after that.

I rise in opposition to the nomination before us today. Mr. Estrada has been nominated to a lifetime appointment, a lifetime seat on the DC Circuit, the Nation's second most important court. If confirmed, this 42-year-old man will spend the next half century making important decisions that will affect our children, our grandchildren, our great-grandchildren, and generations beyond. If we vote to confirm Mr. Estrada, there is no going back. There is no opportunity to look at what he does in his first years as judge and reconsider. The vote here is final. If he is confirmed, we are all going to have to live with the consequences for decades to come.

So this is not a trivial matter. This is not a trifling matter. This is one of the most important matters that comes before us. The ability to ratify or reject a President's nomination to a lifetime appointment in article III, the third branch of Government, is a solemn obligation. It is one that should not be taken lightly. To rush through the nomination, to not have questions fully answered and explored, does violation to the very Constitution that we all revere. Yet that is what the other side is asking us to do.

The Senate has a solemn, almost sacred duty when evaluating applicants for such powerful posts. I will quote my good friend from Utah, Senator HATCH:

> The Senate has a duty not to be a rubberstamp.

Those are his words. That is every bit as true today as it was when he uttered them.

The Founding Fathers, in my opinion—not just mine, almost everybody's—were really quite brilliant in devising a system of checks and balances. When it came to judicial nominations, they had a robust debate. For a good period of time at the Constitutional Convention they were considering vesting all the power in the Senate. There was a period where they considered vesting all the power in the President. They realized, as they did with most matters, that our country was best off with a system of shared power.

The Framers gave the President the power to select nominees but gave the Senate coordinate responsibilities to advise the President on whom to nominate, and to decide whether the nominees deserve confirmation. By and large, the system has worked well for over 200 years. For those of us who revere the Constitution and who believe in the rule of law, it is a beautiful work of art.

I believe to this day what was said when America was founded, that we are God's noble experiment. We still are. That is why the debate today and in the following weeks has so much vitality. For this beautiful work of art to maintain its beauty and brilliance, the Senate must hold up its end of the bargain. We have a duty, a responsibility, an obligation to the judiciary, to the Constitution, and, yes, to the American people, to carefully evaluate these nominees and decide whether they merit confirmation.

This cannot be a rote process where the President sends us names and we just say "OK," without undertaking an independent evaluation. As we hear so often from Senator BYRD, the keeper of tradition in this body, we have a duty to be vigilant defenders of constitutional principles and the Senate's role in checking executive power. For the Senate to retain its historical role in our system of government, we must live up to the standards set by those who came before us and ensure that we have balance in Government.

Too often, debates around here devolve into rancor and partisan backbiting. Too often in the past, debates involved personal attacks on people. Because we don't like a nominee, someone goes back and finds they smoked marijuana when they were in college, or they took out the wrong kind of movie when they were a young man or woman. That demeans the process.

To have a full debate and a fulsome discussion with the nominee about how he or she feels about important issues such as the first amendment and the second and the fourth and the commerce clause and the sovereignty clause and the right to privacy is not simply fun. It is not simply optional. It is deeply and solemnly necessary to uphold the will of the Founding Fathers, to uphold the very structure of the Government we revere. We should focus on facts in what we do and, equally important, on what we know and, equally important to this debate, what we don't know about this nominee.

When a nominee is seeking such a powerful post, this lifetime position on the Nation's second highest court, I believe the nominee has an obligation to answer questions. I believe the nominee has a duty to tell us what he thinks about the law, how he views vexing legal questions of the day, and to share with us his approach to the Constitution and his judicial philosophy. These are not only reasonable areas of inquiry, they are urgent and important areas of inquiry. We cannot be expected to undertake our constitutional duties without answers to these questions.

In the words of Mr. DOOLEY, "this ain't beanbag." This isn't fun or a political game. This isn't trying one-upmanship. This goes to the very sacred obligation each of us has, when we take that oath of office upon our election or our reelection.

I know my friends on the other side of the aisle agree with me on this fundamental view. While I expect they will take to the floor and denounce the inquiries we have made, if we go back and look at the questions they asked—my friend from Utah and all the members of the Judiciary Committee, the questions they asked of President Clinton's nominees—they will see our questions pale in comparison. The questions we asked were exactly the kinds of questions the Founding Fathers expected us to ask to ensure balance in our system of government and justice. We asked nearly 100 questions of this nominee and he refused to answer all too many of them. He refused to answer most of the important ones. It is his right to duck or dodge or hide behind legal subterfuge. That he can do. But that doesn't mean we have to confirm him, plain and simple.

I have sat through a good number of judicial hearings in my years in the Senate. I followed many more in my career in the House. I have never seen such an incredible sense of avoidance and of ultimate stonewalling in any confirmation process as I saw when Miguel Estrada came before our committee. I chaired that hearing, as my good friend from Utah will remember, and one exchange we had was particularly memorable to me. Mr. Estrada kept saying, when we asked him about his views, that he didn't want to discuss it because future cases might come before him.

I'm a lawyer. Many of us are lawyers. We know, when you are asked what's your view of the first amendment, and you say: Well, a case might come before me on the first amendment and I can't discuss it, that is not the appropriate response. Certainly, if we were to ask Mr. Estrada how he might rule on, say, WorldCom and the suits against WorldCom, or on an existing case before the lower courts, he would have a right and an obligation not to answer that question. But to say he cannot discuss his views of the expansiveness or the narrowness of the commerce clause because eventually he will have to rule on the commerce clause makes a mockery of every judicial hearing we have had or will have.

But I kept trying. I decided if Mr. Estrada would answer nothing about his prospective views, why not look at what happened in the past.

So I asked him to discuss cases that by definition could never come before him if he were confirmed to a lifetime seat on the District of Columbia Circuit. I asked him about Supreme Court cases which are already decided. These cases are already the law of the land and can be reconsidered only by the Supreme Court. So there is no fear that a nominee would be doing something unethical by taking such a position. There is not only nothing wrong with discussing these cases, but there is a lot right about discussing these cases.

Answers to these questions will give us insight as to what kind of judge he will be:

Whether the nominee will fairly assess the claims of average people who want their basic rights vindicated in Federal courts;

Whether the nominee will approve the administration's environmental rollbacks against the interests of people who would protect the environment;

Whether the nominee has a general inclination to side with business interests or labor interests;

And whether this nominee basically supports States' rights or the rights of individuals within those States.

We have seen in the Supreme Court in the last decade these decisions being carefully discussed by the Justices with great differences of opinion.

These are the things the public wants to know. These are the things that determine, in my judgment, whether somebody should become a judge.

Everyone in this Chamber will come to a different conclusion once they know those answers. People will weigh answers differently. That is fair, and that is good.

But there is no question, my colleagues, that we should know something about how this nominee views the first amendment, the second amendment, the fourth amendment, the 11th amendment, and the 14th amendment before we just hand him such an important job.

We should know whether the nominee has an expansive view of the commerce clause or a narrow view; an expansive right to privacy or a narrow view.

These are the issues that are the sinew, that are the warp and woof of what our Republic is about. When the Founding Fathers in their beautiful and infinite wisdom decided that they would be careful with the one unelected branch of government—article III section of Government, the Judiciary—they knew what they were doing. They didn't want to vest too much power in any one person—the President, any Member of this body—and simply appoint judges, because they knew with a lifetime appointment, which in its wisdom insulates people from the vicissitudes of political pressures—that was too serious and solemn a happening to just pass off to one person.

So the questions we hoped Mr. Estrada would answer honestly and forthrightly are the kinds of questions the American people depend on us to ask. These are the kinds of questions that should be answered before we vote on a nominee. Realizing Mr. Estrada would not answer anything about the future, despite the fact that countless others have—it hasn't interfered with their ability to be fine judges—I went back and asked him, Mr. Estrada, to answer questions about the past so we might get some feeling for his views. I asked him to name any one Supreme Court case from the history of all Supreme Court jurisprudence he was critical of. To the surprise of myself and some on the committee, he even declined to do that.

I asked him to tell me his views on a particular case I disagree with, Buckley v. Valeo. I don't think a millionaire has an absolute first amendment right to spend all the money he or she wants on putting on the same political commercial 411 times. I don't think it is what the Founding Fathers intended. There are two views on that. The Court disagrees with me. But I wanted to know Mr. Estrada's view. No matter how many times I tried, no matter how many opportunities he was given, Mr. Estrada insisted he could not state a view on a single court case—not Korematsu, not Dred Scott, not Plessy 1v. Ferguson, not Brown v. Board of Education, not Miranda v. Arizona, not Griswold v. Connecticut, not Roe v. Wade, not a single case.

Mr. HATCH. Mr. President, will the Senator yield for one question?

Mr. SCHUMER. I would be happy to yield.

Mr. HATCH. Is it not true that the question the Senator asked was whether he could name three cases in the last 40 years and not in all of jurisprudence? The specific question was in the last 3 years, and he said there were cases. But that is a little different than saying in all the jurisprudence.

Mr. SCHUMER. I say to my colleague, if I might reclaim my time, I first asked him about the first 40 years. And when he refused to answer that, frustrated as I was, I said, How about in all of jurisprudence?

Mr. HATCH. Could I just ask the question again? All I wanted to make sure of was the Senator said, Please tell us what three cases from the last 40 years of the Supreme Court jurisprudence you are most critical of, and just give me all of the sentences and as to why for each one. Then Mr. Estrada said, Senator, I think there are cases that I have been critical of that I can think of—and then he goes on to say more. Then you asked again on page 210, With all your legal background and legal work, you can't think of three or even one single case that the Supreme Court has decided that you disagree with. And then Mr. Estrada said he wasn't sure he was even in a position to disagree, et cetera. Then on page 211, you then asked this question.

Mr. SCHUMER. Could I reclaim my time?

Mr. HATCH. Let me finish this one last question. You don't know a single case in the last 40 years? I will tell you that for me, I think Buckley v. Valeo. But all I am trying to say is, Isn't it true that in the last 40 years, not in all jurisprudence.

Mr. SCHUMER. I will say to my colleague, reading from the transcript, I asked 40 years first. And then I said to him, So with all of your legal background and your immersion in the legal world, you can't think of three or even one single case that the Supreme Court has decided that you disagree with? I didn't say in the last 40 years at that point.

Mr. HATCH. On the next page, 40 years.

Mr. SCHUMER. I asked both, as I said to my colleague. And he didn't say. And I will argue to my colleague—I will not yield on that point—I asked him about 40 years. And then I asked him about it permanently on page 211. But I will say this.

Mr. HATCH. Will the Senator yield again?

Mr. SCHUMER. I will say this. I think it is amazing he couldn't name a case he disagreed with in 40 years alone. I don't think that is really the point here, whether it is 40 years or all the way back in jurisprudence. But I will continue with my remarks, and then I will yield for a question.

(Ms. COLLINS assumed the chair.)

Mr. HATCH. Will the Senator yield for one last question?

Mr. SCHUMER. I will yield for one last question.

Mr. HATCH. That is on the one page, the first page limited to 40 years, and on the second page it was more broad. But it wasn't clear that it meant all of jurisprudence. On the next page, again, 40 years.

That is just my point. All I am saying is in the heat of the moment someone may not be able to conjure up some cases. But be that as it may, he indicated he had some he was critical of. But I think the Supreme Court advocate, not knowing whether he will be confirmed, he probably wasn't about to antagonize anyone on the Court.

Mr. SCHUMER. That is for each of us to judge, whether a nominee who is worried about his confirmation should not speak about any case he might disagree with, whether it be 40 years or in all of jurisprudence.

But I just wanted to say, if you look at the record, it is clear. I gave him many different opportunities to answer that question. I asked the question in different ways. I came back to it. And Mr. Estrada didn't answer. To the average citizen who looked at it, he was stonewalling. He was just not giving answers that every law professor, or law student, or lawyer when asked would venture a guess at.

Let me tell you why many of us think he refused to answer the question. I would like my colleagues to hear this, because I don't think this has come out. Mr. Estrada stonewalled because that is the game plan he was given by the Justice Department and the White House. They told him not to answer questions. That was what they told him to do. Because again, they know Mr. Estrada's views. They do not want anybody else to know, because I believe if they were revealed, they are so far out of the mainstream he would not be approved. I don't know if that prediction will prove to be true. Maybe we will know, if we find the views on the issue.

But there is no secret to this. This has been the game plan of those who have sought to stack the judiciary to the far right side for years.

Let me review with my colleagues an article in the Legal Times which talked about a meeting that Judge Laurence Silberman—a leading conservative judge, a very erudite man, but he shared his strategy with prospective judicial nominees at a Federalist Society meeting just last year.

The Federalist Society is the breeding ground for most of the States rights agenda, supporting nominees the administration is sending us. It is no secret that Federalist Society members are among the most active in the White House and Justice Department in choosing judges. I will let the American people judge for themselves, but most believe the Federalist Society is not moderate and not conservative but way over to the hard right.

Judge Silberman appeared along with Senator KYL and Fred Fielding, President Reagan's counsel, to discuss with the group how to get these out-of-the-mainstream nominees on the bench, because they realized if they told the truth, they would have a difficult time because America is not far left or far right but moderate.

If President Clinton tried to stack the bench with far left nominees, we heard howls. He did not. But that is just what President Bush is trying to do. President Clinton, as I mentioned, nominated mostly partners in law firms and prosecutors, not many legal aid society people, not many ACLU advocates. President Bush is not doing the mirror image himself.

In any case, this is what was reported about that meeting. And I am quoting from an article in the Legal Times:

> President George W. Bush's judicial nominees received some very specific confirmation advice last week:

This is the article, not me—

> "Keep your mouths shut."
>
> The warning came from someone who has been a part of the process. Laurence Silberman, a senior judge on the U.S. Court of Appeals for the D.C. Circuit—

The very court we are talking about—

> Told an audience of 150 at a Federalist Society luncheon that he served as an informal adviser to his then-D.C. Circuit colleague Antonin Scalia when Scalia was nominated to the Supreme Court in 1986.

This is a quote from the article:

> "I was his counsel, and I counseled him to say nothing [at his confirmation hearings] concerning any matter that could be thought to bear on any cases coming before the Court," Silberman said.
>
> Silberman said his advice led to Scalia's speedy confirmation by keeping the nominee out of trouble on Capitol Hill. He also explained that the advice was intended to be rather far-reaching.
>
> Scalia called Silberman at one point, the latter recalled, and told him he was about to be questioned about his views about Marbury v. Madison, the nearly 200-year-old case that established the principle of judicial review.
>
> "I told him that as a matter of principle, he shouldn't answer that question either," Silberman said. He explained that once a prospective judge discusses any case at all, the floodgates open and he would be forced to discuss other cases.

Does that help shed some light on why this nominee refused to discuss and answer an innocuous softball of a question: to name a case—whether it be in the last 40 years or all the way back—with which you disagree?

My colleagues, is the idea that a nominee to a powerful lifetime post on the Federal bench would be "forced" to discuss with the Senate his or her views on important historical cases really so terrifying?

If we cannot talk about Marbury v. Madison with nominees, if we cannot discuss the case that provides the foundation for jurisprudence in America, we are in pretty bad shape.

I was not in the Senate at the time of Justice Scalia's confirmation hearing, but I cannot imagine us confirming any nominee refusing to discuss a case that is 200 years old, a case that establishes the judiciary's power.

I do not think there was a philosophical reason by Judge Silberman. I think he thought that if the nominee's real views were known, many of the American people would rise up and say: This is not the kind of nominee we want. This is the kind of nominee who will not just interpret the laws as the Constitution calls for but make law.

It so happens judges on the far right and on the far left have a proclivity to want to make law because they feel things are so bad that they have to change them on their own.

I have to tell you that a nominee who refuses to discuss the single most important case in the history of the Supreme Court will have a hard time winning many Senators' votes. Confirming such a nominee would confirm that the Senate's role is nothing more than a mere formality. If the President picks you, and we cannot find something in your ancient past, some little personal transgression, then you go to the bench.

Balance becomes the baby that gets thrown out with the bath water. Our system of government gets thrown out of whack.

It is very interesting that Mr. Estrada seems to be executing the Federalist Society's game plan, remaining silent and stonewalling, while other nominees, who are generating less opposition, are simply answering questions.

There were five district court nominees at the hearing where Mr. Estrada testified. Because we spent so much time trying to get answers out of Mr. Estrada, we had little time to question each of them. So I asked each of them to answer, in writing, the very same question I asked of Mr. Estrada. I asked them to identify three Supreme Court cases with which they disagree. And do you know what? Each of them answered. Each was able to give me three cases with which they disagreed.

Some of them picked obvious cases, such as Korematsu, the Supreme Court case upholding the Government's power to put Japanese-American citizens into interment camps, a case which has been thoroughly discredited; cases such as Plessy v. Ferguson which held that separate was equal, a case that was later overruled by Brown v. Board of Education. But many of these nominees picked cases that have not been overruled.

Judge Linda Reade, a judge who I voted for in committee and on the floor—one of 96 judicial nominees by President Bush that I have supported so far, and who we unanimously confirmed to a district court judgeship in Iowa—gave some particularly interesting answers.

Judge Reade was critical of two Supreme Court cases that expanded police powers and diminished privacy rights under the fourth amendment.

One of the these cases, United States v. Rabinowitz, held that police had the power to search someone's office when he was arrested with an arrest warrant but without a search warrant.

The other case was Harris v. United States, where the court held, again, that a search of an arrestee's entire four-bedroom apartment was constitutional despite the fact that the police did not have a search warrant.

Her concerns about these cases reflected a heightened sensitivity to privacy rights protected by the fourth amendment. I do not want judges who read the fourth amendment so expansively that the police are handcuffed and unable to do their jobs. I want judges who will balance privacy rights with law enforcement interests.

Her answers suggested to me that Judge Reade would be attuned to the privacy side of the argument. I may not have fully agreed with her—I tend to be more conservative on these criminal justice issues—but I appreciated her candor and her forthrightness. I appreciated her straightforwardness. She was not hiding a thing. She was telling us what she thinks. And I voted for her.

Obviously, there is not a single Senator in this body who thinks Judge Reade's answers disqualify her for a Federal judgeship. Not a single one of us objected to her nomination or voted against her. And the same is true of the four other nominees we asked questions of the day of Mr. Estrada's hearing. They answered the questions forthrightly. They didn't hide the ball. They appeared to be within the mainstream. We confirmed them all quickly.

Just last week we held a confirmation hearing for Jeffrey Sutton, a very controversial nominee to the Sixth Circuit.

He is one of the leaders in the States rights movement. He has argued many of the seminal cases, and clearly he evokes much controversy. As my good friend from Utah will recall, the disabled community was so upset that they came out in large numbers, and we had to move the hearing room to a larger room, to which my friend from Utah graciously acceded.

I haven't decided how I will vote on Mr. Sutton's nomination, and there are still questions I have asked him to answer. But I will say this about him: He started on the right foot with me by at least telling us what he thinks of some cases. Twice Jeffrey Sutton told us on his own, without being asked, that he was critical of Supreme Court cases Buck v. Bell and Kiryas Joel.

When I asked him about other cases he was critical of, he said he had problems with Korematsu and Plessy v. Ferguson. I will grant these are not hard cases to be critical of, and I will repeat that there is still ground to cover with Mr. Sutton, but at least Mr. Sutton said that much and was committed to discussing other cases in writing.

Mr. Estrada told us nothing, not a single thing. This is reminiscent of what I thought was one of the least fine moments of the Judiciary Committee. It is reminiscent of Clarence Thomas telling America that he had never discussed Roe v. Wade and had no views on the case whatsoever. How many of us believed him then? How many of us believe him now? It is simply not credible. It is totally unbelievable that this nominee, Mr. Estrada, had no critical views on any Supreme Court case in history. Every lawyer in America, and most nonlawyers in America, can point to one Supreme Court case he or she is critical of. Of course, we all know Mr. Estrada has thoughts on the subject. Every single person, ask every one of the 100 Senators to bet all their money on whether Estrada has opinions on certain cases. We would all bet he does.

The bottom line is simple: If we confirm Miguel Estrada, we are ratifying a "don't ask, don't tell" policy for judicial nominees. Mr. Estrada sat there and said nothing, believing if he didn't say a word, we would rubberstamp him. By remaining silent, Mr. Estrada only buttressed the fear that he is a far-right stealth nominee, a sphinx-like candidate who will drive the Nation's second most important court way out of the mainstream. I had hoped he would choose candor over secrecy. He refused to do so. All he said is: I will follow the law.

In my book, that doesn't explain much.

There is a myth that the law is something automatic, that the facts of a case, the applicable statutes can be dumped into a computer, and the right answer will just pop out, that a person's philosophy and ideology have nothing to do with determining how they vote when they get to be a judge. We all know that is poppycock. Anyone who studied the system knows that is not how the law works. If we did, we would have IBM build a computer, put some black robes on the computer, and obviate the need for these confirmation hearings or any judges. But we all know there is more to judging than that. We all know judges bring their experiences, their values, their judgment and, yes, their ideology to the bench with them.

If ideology didn't matter, both Republican and Democratic Presidents would nominate judges from across the political spectrum. Instead, Democrats tend to nominate Democrats; Republicans tend to nominate Republicans. That is fine. I know that as long as President Bush is President, I will be voting on mainly Republican nominees. I still voted for 96 out of 102, as did most of my colleagues. But that doesn't mean we have to rubberstamp each one. And certainly it doesn't mean that ideology is in play. If ideology was not in play, if we were just relying on the legal quality of the mind, then Estrada's mind is of good legal quality, excellent legal quality. But then the appointees of Democratic Presidents to the Supreme Court and other courts and the appointees of Republican Presidents to the Supreme Court and the other courts would be scattered all over the lot when it came to rendering decisions.

We know that is not true. There are always exceptions. Earl Warren became a very liberal Chief Justice although he was nominated by President Eisenhower. But by and large, the ideology matters. And that is why Democratic nominees tend to support different opinions and decisions than Republican nominees. That is our system, and that is great.

But to say ideology doesn't matter would mean President Bush would be nominating a whole lot of Democrats for judge and a whole lot of moderate Republicans. He has hardly nominated any of either category. The best you get is someone who is a conservative, not a hard right conservative.

Now let's go back to Mr. Estrada. There are some other ways to get at what Mr. Estrada actually believes and how he will act as a judge. By the way, this is all we have. If he refuses to answer questions at a hearing, and he doesn't, he is not a judge and he is not a law professor who opines on these issues.

Mr. DOMENICI. Might I inquire from the Senator, how much longer do you think you will be?

Mr. SCHUMER. I would say to my colleague, I will probably be another 15 minutes. I appreciate it. I rarely speak on the floor very long. I speak often, but usually for 5 or 10-minute amounts. But as my good friend from New Mexico knows, I feel very strongly about this issue.

Mr. DOMENICI. I had assumed your usual.

Mr. SCHUMER. I will try to finish as quickly as possible, in deference to my good friend from New Mexico.

So we don't have much on the record about Mr. Estrada. That is why his papers as Solicitor General mean so much. Because when Mr. Estrada worked in the Justice Department, he looked at cases and analyzed them and assessed the constitutionality of laws. That is, for all intents and purposes, what appellate judges do. Unlike a lawyer in a law firm who is looking out for a client with a vested interest, Mr. Estrada was working for the Government. His client was the Constitution. His memos would help show how he interprets the Constitution. Similar memoranda have been requested and produced when Congress was evaluating other nominees, both to the executive and judicial branches, creating ample precedent for such a request.

I know there has been a series of letters that have gone back and forth. I know we have differing views about the propriety of sharing these memoranda. But one thing is clear, there is precedent because others, including Bradford Reynolds and Justice Rehnquist, submitted those papers. It is clear there is no privilege. And it is clear these memos are needed to lift the veil covering whatever it is Mr. Estrada wants to remain covered.

So, in other words, because we have so little information on how Mr. Estrada thinks, these memos are more important to understand his thinking than they would be for the typical judicial nominees.

Mr. Estrada did work that was quintessentially judge-like, but we are being denied the opportunity to examine it, evaluate it, and assess for ourselves what kind of judge he would be. That doesn't seem right. A former supervisor has charged that Mr. Estrada advocated extreme positions, more aligned with his own interests than the Government's interest, when he was Solicitor General.

My friend from Utah said at a hearing that he had backed off those positions. He has not backed off those positions.

Many have said: Well, his evaluations were excellent.

We have talked to Mr. Bender, and he has said, first, when you look at those evaluations, they don't talk about his views and whether he would have fidelity to the Constitution or try to impose his own views. They talk about whether he was a hard worker. But what Mr. Bender said is: Everyone gets checked off excellent on those—we will have to check the record there—because it helps them get merit advancements.

So here you have the supervisor saying he was extreme, saying he would take his own views and not follow the law. Guess what the best way is to disprove that supervisor. Make the memos public. If the memos prove the supervisor wrong, Mr. Estrada has nothing to fear from their disclosure. If the memos prove the supervisor is right, this is someone no one in the Senate should want on the DC Circuit.

Mr. President, I have always used three criteria in evaluating judicial nominees. I call them excellence, moderation, and diversity.

Excellence is legal excellence, the quality of the mind. We don't want political hacks on these important courts. No one disputes that Mr. Estrada passes this point with flying colors. He comes highly recommended in this regard. When the ABA recommends him, that is all they are evaluating.

My second criteria is diversity. Clearly, he passes on this point. I have fought for as long as I have been in public service to promote diversity. A principal goal of mine in New York is to put more people of color on the Federal bench—and I have, as my record shows. We are going to talk a lot about the push for diversity, and we are going to see Mr. Estrada is the only Hispanic nominee of President Bush. Diversity seems to be limited at this point to Mr. Estrada when it comes to the court of appeals; whereas, those of us on this side, in the Hispanic caucus and others who oppose the nomination, have done far more for diversity than those who claim they are moving its cause forward today. In any case, I am for diversity. I will not talk more about that today. I will give that part of the speech next week.

The third factor forces me to take the floor today, and that is moderation. I don't like judges too far to the right, and I don't like them too far to the left. To be honest with you, when my judicial committee sends me recommendations, those are their instructions. I think judges too far left, as well as those too far right, want to make the law, not interpret it. I think they don't belong on the bench, with certain exceptions—rare, but certain.

So is Mr. Estrada moderate? Is he even a moderate conservative? Well, he gives every appearance of being extreme. People who know him say that, people who have talked to him about his views. That is one of the reasons, again, many of us feel he doesn't want to speak out, because if we knew his real views, he might well be rejected. Why has the Congressional Hispanic Caucus, the Puerto Rican Legal Defense and Education Fund, and the Mexican American Legal Defense Fund opposed Mr. Estrada? These groups have acted courageously in opposing him because they share my commitment to promoting Latinos on the Federal judiciary. I have worked with them for years to diversify the bench. But the concerns about his views are overwhelming.

Let me tell you what Mr. Paul Bender had to say. He oversaw Mr. Estrada's work in the Solicitor General's office. He said he was too much of an ideologue to serve as a Federal judge. Mr. Bender said Mr. Estrada would bring his own personal agenda—an extreme agenda—to the courts if we confirm him.

My friend from Utah suggested Professor Bender has backed off. I assure my colleagues that is not the case. He stands by them 100 percent.

Again, my friends on the other side have suggested Bender is not credible because he gave Mr. Estrada high marks on his work evaluations. Every one of those evaluations went to legal excellence. I am not disputing that. Those evaluations did not deal with Mr. Estrada's potential extreme ideological nature. But don't take Professor Bender's word for it. Here is what Ann Coulter, the conservative pundit and Mr. Estrada's close friend, said about him this week:

> The second [Mr. Estrada] gets in there, he'll overrule everything you love.

This is a close friend of Mr. Estrada's, a conservative columnist. What was Ms. Coulter talking about? She was talking to Paul Begala. Was she saying Mr. Estrada will approve the Bush administration's rollback of environmental protections? Was she saying he would side with big business and special interests against the rights of labor and workers every time?

When Ms. Coulter says Miguel Estrada will overrule everything Mr. Begala cares about, it is not hard to worry that he will be another in a long line of rightwing judicial activists who prioritize States' rights over people's rights.

This is a lifetime appointment. Once it is done, it cannot be undone. If we approve Mr. Estrada, he is there for life and his decisions will affect all of us for generations to come. This Senate deserves a full and open debate. This Senate deserves answers to questions that may sound esoteric but will affect the lives of every single American. The people of this country, the American people, deserve these answers. They are so important to the future of this country.

When you have judges who try to make law, they make this Senate, the House, and the President—the elected branches of Government—less significant and less important. I say to my colleagues, many of us on this side of the aisle feel very strongly about this issue. We urge Mr. Estrada and the administration to reconsider. We urge them to give a fulsome view of how Mr. Estrada feels on the important issues of the day, and not simply to say he has a good legal mind, not simply to talk about the fact he has a nice history—which he does, and I give him credit for it—but to talk about the main thing that will influence what he does when he becomes a judge—his views.

We will continue this debate over the next few weeks and it could be one of the Senate's finest moments. I hope—no, I pray—we will rise to the occasion.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, anyone who doubted whether or not there were certain Democrats who intend to filibuster this nomination just heard a leading Senator who is going to espouse that. Two weeks of debate, he said; he hopes we will still be discussing this nomination then. It is the desire of at least one Senator, the Senator from New York, that this nominee not be approved, and that we will not have the opportunity to vote because they will not give us time.

Madam President, I come from a State, New Mexico, where 42 percent of the people are from what we generally call Hispanic descent—42 percent. Some people wonder why the Senator from New Mexico has different views than some of you around here. Well, we have 8 to 10 percent Native American Indians. If my arithmetic is right, when you add the two, there is about 51 percent either Hispanics or Native American Indians in my State.

I say right up front, I am not afraid of the views of a Hispanic whether he is a Democrat or a Republican. I don't niche Hispanics because they are Democrats and say they must be liberals who I would not approve for anything. Neither do I niche Republican Hispanics and say because they are Republicans—there is an implication they should not be, they should be Democrats—but if they are, they obviously should not be on the bench because they are obviously too conservative, or they would not be Hispanic Republicans.

I believe we are perilously close to determining it is OK to discriminate against Hispanics if they are conservative. I don't even know how conservative Mr. Estrada is, but the allegation is he is too conservative. He happens to also be Hispanic.

Just imagine, Madam President, if there was a Democrat nominee with the name Espinoza—I just picked one that came to mind—and Republicans found something wrong with him as a candidate—imagine what they might be saying: Republicans oppose a Hispanic for the circuit court of the United States. They don't want people of color on the circuit court of appeals.

I have not said that of the Democrats yet, but I am getting perilously close to wondering why, if he does not know enough about this nominee, he would call him unqualified for the bench in the circuit court. Is it because of his color? Is it because of from where he came? He epitomizes the American dream beyond what anyone in this Senate would probably epitomize. Coming here at 17 years of age and speaking no English; in a short period of time he learned the English language; graduated magna cum laude from law school, none other than Harvard—and we have people here wondering whether he is qualified.

In New Mexico, nobody would say of that man, Miguel Estrada: He is not qualified because he probably is too conservative, because he joined the Republican Party or, at least, he is one of them. I believe that would be wrong.

Again, I want to make sure everybody understands that I am doing my very best to tell it like I see it, but I am also doing a bit of surmising because my good friend from New York has not been here very long, and we welcome him. But there is no doubt in my mind that if they ever get a nominee on their side of the aisle who is a Hispanic Democrat for the circuit court of the United States and a Republican or a group of them are against that nominee, they might say the Republicans do not want to put a Hispanic on the bench.

Mr. SCHUMER. Will my colleague yield?

Mr. DOMENICI. I sat here for 30 minutes. I am very sorry.

Mr. SCHUMER. There were Hispanic nominees opposed by your side, and we never raised the issue because they were Hispanic—Paez, Rangel, Moreno.

Mr. DOMENICI. Madam President, I have the floor.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. I did not interrupt his comments when there was tremendous opportunity to point out inconsistencies. I made only five notes and I could have stopped and asked him if something he said is really what he meant, but I chose not to. I am going to finish my few remarks. I will not be much longer.

I did not say that would happen, nor that they were discriminating against him, but the implication is clearly that it is kind of strange that this bright Hispanic young man is a Republican. I believe that is in the marketplace of ideas on the Democratic side.

I suggest there are some things happening in our country. In my own

State, a young Hispanic came up to me the other day from a very large family—young people, middle-age people, grandmas, grandpas. They all have very beautiful Spanish names for all of those categories of people. He put his arm around me and he said: We have all been Democrats. There are probably 200 people in my family. We have all been Democrats. But you know, I am wondering if I should not join with you and become a Republican. It seems like you think like we do, and wouldn't it be something if I did and my whole family decided that I was right?

I said to him: I believe there are thousands like you who feel that way in New Mexico and in our country, and we welcome you.

If this young man, Miguel Estrada, when he became a citizen, became a Republican—and I do not know that, but there is an implication he is one of us or he is conservative—I welcome him. I am proud of him. I am glad he did it. I do not believe he ought to be eliminated from consideration on the circuit court of appeals or even a higher court because of that issue. I honestly believe it takes people of diversity in our country to join both parties and speak through their ideology and their feelings about what they think of our country.

I am not at all sure the argument being made today by the distinguished Senator from New York is anything other than "we are afraid of this guy; we're not so sure he should be on the bench," but they really do not know why.

I hope that many Republicans join with Democrats and decide that if the distinguished Senator from New York wants to speak and wants to be joined for 2 weeks, that we will do him the favor and let him talk for 2 weeks. I am not sure our leader will do that because maybe we should shut off debate, but maybe it would be doing a favor for America and Hispanics across this country if we let him speak for 2 weeks. I do not think their cause will get any better. I think it might get even worse with the passage of time.

This young man went through all this effort thinking that he might complete the American dream. What must it have been like for this young man who learned English so quickly, went on to school and law school at Harvard? He must have thought the American dream for him might mean fulfillment as a judge.

He was appointed by the President of the United States more than 630 days ago, and instead of a dream, he has had a nightmare. I think it should end. The nightmare should be over. If they would like to make it 2 weeks longer and want to talk that long in the Senate, I hope the Senate insists that those who want to talk long on the Senate floor can talk long.

Certainly I am a very knowledgeable Senator about the institution. I love it, where some Senators do not even like to hear people say that. They think we waste too much time; we do this, that, and the other. I really love it. I did not at first, but I do now. I do not believe the other side will spend 2 weeks talking about this man unless they clearly do not want him to be on the bench, perhaps because of what I have said here; that maybe he does not belong as a Hispanic because, after all, he is conservative. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I am one who really cares for the distinguished Senator from New York. I understand him. I know him very well, and I care a great deal for him. He is just totally wrong.

For instance, Senator SCHUMER, the distinguished Senator from New York, submitted no written questions to Mr. Estrada. We waited 631 days to have a hearing. They conducted the hearing. The distinguished Senator from New York conducted the hearing. He could have asked any questions he wanted. He is saying he did not get good answers. I think some are interpreting that to mean he—or other Democrats as well—did not get the answers he wanted and he could not get anything on this man.

Following Mr. Estrada's hearing, the distinguished Senator from New York did not submit any questions. That is his right. I think sometimes we do submit too many written questions, and I respect him for not doing that. In fact, only two of my Democratic colleagues submitted any written questions at all to Mr. Estrada, which, of course, he answered immediately.

I find it amusing that the Senator from New York now claims he has questions for Mr. Estrada. If he did, why not write some questions? He certainly had a right to do that. With regard to the hearing testimony, Mr. Estrada repeatedly answered the questions put to him.

Let me give some examples. Mr. Estrada testified he is committed to following the precedents of higher courts faithfully and giving them full force and effect, even if he disagrees and even if he believes the precedents are erroneous. He will follow them. That is mainstream. That is not out of the mainstream. That is mainstream. I would not support anyone who would not answer the question that way.

When asked how he would decide cases presenting an issue with no controlling authority, Mr. Estrada testified: When facing a problem to which there is not a decisive answer from a higher court, my cardinal rule would be to seize it from any place I could get it. He testified this would include related case law and other areas, legislative history and views of academics.

How do you answer better than that? I guess you can using semantics that might be better than that, but I don't think you can do so.

When asked if he sees the legal process as a political game, Mr. Estrada testified: The first duty of a judge is to self-consciously put that aside and look at each case by withholding judgment with an open mind and listening to the parties. So I think that the job of a judge is to put all that aside and, to the best of his human capacity, give a judgment based solely on the arguments on the law.

Mr. Estrada also said: I will follow binding case law in every case. I don't even know that I can say whether I concur in the case or not without actually having gone through the work of doing it from scratch. I may have a personal, moral, philosophical view on the subject matter, but I undertake to you I would put all that aside and decide cases in accordance with binding case law and even in accordance with the case law that is not binding but seems instructive on the area without any influence whatever from any personal view I may have about the subject matter.

That is a pretty good answer. I could go on and on.

What is clear from his testimony is that Mr. Estrada will be a judge who will set aside his personal convictions, whatever they may be, and will follow the law. This is precisely the type of person we want to be a Federal judge.

I have heard the comments about the Federalist Society for years. The Federalist Society does not take positions in the law, but they put on the best seminars and conferences in the country today. And in every conference they have put on that I know of since I am a member of the board of advisers, along with a lot of other very distinguished people, far more important than I am, who have been mainstream thinkers through all the years, they put on these conferences with both sides being fully represented—plenty of Democrats representing the liberal side, to be brutally honest about it.

Now, let me just put one other thing to bed. I am so doggone tired of hearing about this Professor Bender. I ask unanimous consent I be permitted to talk about Professor Bender for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. As far as I can tell, Mr. Estrada's primary critic is Paul Bender, who supervised Mr. Estrada at the Clinton Solicitor General's office. I caution my Democratic colleagues that, before they rely too heavily on Mr. Bender to make their case against Mr. Estrada, there are many reasons why Mr. Bender's allegations lack credibility.

According to published reports, Mr. Bender himself was the source of much conflict during his tenure at the Clinton Solicitor General's office.

According to published reports, while Mr. Bender was serving as the principal deputy from 1993 to 1996, about 1/3 of the assistants, including one 16-year career veteran, left the office.

Mr. Bender is an extremist by even the most liberal standards, as his 30-year history of hostility to Federal efforts to regulate pornography illustrates.

Mr. Bender has stated publicly that sexually explicit material should not be banned "any more than material about war, crime, housing, poetry and music."

In 1993, Mr. Bender pressed his agenda on pornography while serving as principal deputy Solicitor General, forcing President Clinton and the United States Congress—including 9 of my 10 Democratic colleagues on the Committee—to publicly reject his views.

In a case which became a political embarrassment for the Clinton Administration and the Reno Justice Department, Mr. Bender approved a brief filed with the U.S. Supreme Court in September 1993 which sought to overturn the conviction of a repeat child pornographer and known pedophile.

The facts of the Knox case are straightforward. Stephen Knox was convicted of receiving and possessing child pornography under the Child Protection Act after the U.S. Customs Service found in Knox's apartment several videotapes of partially-clad girls—some as young as age ten—wearing bathing suits, leotards, or underwear in sexually seductive poses.

The brief that Mr. Bender approved sought to reverse the previous Bush Administration's policy of liberally interpreting the Child Protection Act to define as child pornography any materials which showed clothed but suggestively posed young children.

In response, on November 3, 1993, the United States Senate voted 100–0 for a resolution to reject Mr. Bender's position in the case.

Upon learning of the Justice Department's position in the case, and after the Senate's unanimous vote denouncing it, President Clinton wrote to Attorney General Reno in November 1993 to argue that the Department's new interpretation of the Child Protection Act left the child pornography law too narrow and emphasized that he wanted "the broadest possible protections against child pornography and exploitation."

In 1994, the House voted 425–3 to condemn the Department's position, finding that Mr. Bender's argument would "bring back commercial child pornography and lead to a substantial increase of sexual exploitation of children."

Each of my Democratic colleague on the Committee who were Members of Congress at the time voted for either the Senate or House resolutions.

Bowing to congressional pressure and the rebuke by President Clinton, Attorney General Reno reversed Mr. Bender's position and filed her own brief, which restored the first Bush Administration's interpretation of the Child Protection Act.

My democratic colleagues who once condemned Mr. Bender now appear to rely on his views of Mr. Estrada's qualifications for the federal bench and continue to repeat his description of Mr. Estrada as "an ideologue." I find this illogical, given that their determination in the past that Mr. Bender's views were out of the mainstream.

The Knox case is only one example of Mr. Bender's extremism.

In 1977, he testified before the Committee against tough anti-child pornography laws in a hearing entitled "Protection of Children Against Sexual Children Against Sexual Exploitation."

According to Mr. Bender's testimony, he rejected the notion that Congress could prohibit child pornography in order to protect children from harm because "the conclusion that child pornography causes child abuse involves too much speculation in view of the social situation as we know it, and the fact that it seems that most kids who act in these films probably are doing these acts aside from the films anyway. . . ."

This is the hero they are quoting?

Mr. Bender testified that in order to prohibit child pornography and not run afoul of the First Amendment, "you would have to have a finding, based on evidence, that in fact, the distribution of this type of film substantially increases the incidence of child abuse before you could possibly support the constitutionality" of new laws prohibiting child pornography.

He noted that, in his experience, "the estimates of the size of the pornography problem are usually much, much too large."

Tell that to the millions of people who see child pornography all over the internet.

Mr. Bender concluded that he "could not find any discernible harm to children from being exposed to explicit sexual materials as children . . . the harms that we found to children who were exposed to these things were harms that flowed, not from the materials, but from the social settings in which they saw them."

Mr. Bender's testimony before this Committee exposes his ultra-liberal, pro-pornography views that are difficult to characterize as anything but out of the mainstream.

From 1968 to 1979, Mr. Bender served as the controversial Chief Counsel to the President's Commission on Obscenity and Pornography. Once again, his views were roundly rejected by the Senate.

Mr. Bender was the architect of the commission's report recommending the abolishment of all federal, state, and local laws interfering with the rights of adults to obtain and view any type of pornography, including hard-core pornography.

Dissenting members of the commission described the Bender Report as a "Magna Carta for the pornographer."

In 1970, the Senate vote 60–5 for a resolution rejecting the Commission's report and recommendations, with nine additional Senators announcing that if they had been present they would have supported the resolution.

No current member of the Senate supported Mr. Bender's views.

One Democratic Senator noted during the debate on the resolution that:

> The Congress might just as well have asked the pornographers to write the report, although I doubt that even they would have had the temerity and effrontery to make the ludicrous recommendations that were made by the Commission.

Mr. Bender's extreme views aren't limited to pornography. In 1998, he argued that convicted murderer James Hamm should be admitted to the Arizona bar. Hamm was convicted in 1974 and sentenced to 25 years to life after pleading guilty to killing a Tucson, AZ man during a drug deal. Mr. Bender, who taught Hamm constitutional law at Arizona State Law School, called him "a poster boy for rehabilitation in prison" and argued that he should be admitted to the bar because "he's not going to steal from clients or file frivolous suits."

Mr. Bender's views are certainly out of the mainstream of society in general. What's more, he appears to be out of the mainstream even among former members of the Clinton administration—hardly a conservative bunch—when it comes to Mr. Estrada.

Ron Klain, former chief of staff to Vice President Gore, praised Mr. Estrada, saying that he would be able to "faithfully follow the law." Ron Klain was a former member of the Judiciary Committee. He is a wonderful Democrat and, no question, he's a wonderful attorney. We all know him and appreciate him and respect him.

Former Solicitor General Drew Days opined of Mr. Estrada, "I think he's a superb lawyer."

Another Clinton era Solicitor General, Seth Waxman, called Mr. Estrada an "exceptionally well-qualified appellate advocate." Seth Waxman was a great Solicitor General. We all respect him. I know him personally. He's a very fine lawyer and a wonderful Democrat. I'm not calling him a wonderful Democrat because he's on our side with Estrada. I am calling him that because that's the way he is. He's a great attorney. I strongly supported him at that time.

Randolph Moss, former Chief of the Justice Department's Office of Legal Counsel, wrote the Committee:

> to express my strong support for the nomination of Miguel Estrada . . . . Although I am

> Democrat and Miguel and I do not see eye-to-eye on every issue, I hold Miguel in the highest regard, and I urge the Committee to give favorable consideration to his nomination.

These are people who know him forward and backwards, who know what a great lawyer he is. These are mainstream Democrats calling him a mainstream person, we ought to listen to them.

And Robert Litt, Deputy Assistant Attorney General in the Clinton Justice Department, said:

> Miguel has an absolutely brilliant mind. He is a superb analytical lawyer and he's an outstanding oral advocate.

With all of this glowing support from former high-ranking, well respected Clinton administration lawyers, you have to wonder why my Democratic colleagues choose to listen instead to the unsubstantiated criticisms of Mr. Bender, a liberal extremist whose out-of-the-mainstream views have been twice condemned by the U.S. Senate.

There are many reasons to discredit Paul Bender's criticisms of Mr. Estrada. That is why I am taking this time to do it and I will try to finish so the distinguished Senator from Massachusetts can have the floor.

There are many reasons to discredit Paul Bender's criticisms of Mr. Estrada, not the least of which is the fact that he is the lone voice of criticism amid a sea of admiration and praise for Mr. Estrada.

One of Mr. Estrada's most ardent supporters from the Clinton administration is Seth Waxman, who specifically disputed Mr. Bender's criticisms of Mr. Estrada, yet they are being brought up on the floor again. There is a time to quit bringing these types of people to try to hurt Mr. Estrada. Let me read you what Mr. Waxman said in a letter to the Committee dated September 17, 2001.

> I understand from published reports that . . . Paul Bender[] has criticized Mr. Estrada's professional conduct while in the Solicitor General's Office. I do not share those criticisms at all. During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views—or indeed that they reflected any consideration other than the long-term interests of the United States. I greatly enjoyed working with Miguel, profited from our interaction, and was genuinely sorry when he decided to leave the office in favor of private practice.
>
> Much has been said about Mr. Estrada's views regarding policy and social issues. I have never had a conversation with Mr. Estrada about either. To my mind—and I believe Mr. Estrada's as well—those views were entirely irrelevant to the work we had before us in the Solicitor General's office. I have great respect both for Mr. Estrada's intellect and for his integrity.

Now, this is not some right-wing fanatic who is praising Mr. Estrada's intellect and integrity. This is former Clinton Solicitor General Seth Waxman. Can there be any genuine doubt about his sincerity? The answer is no.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILMER, CUTLER & PICKERING,
Washington, DC, September 17, 2001.

Chairman PATRICK J. LEAHY,
Senate Judiciary Committee, Washington, DC.
Senator ORRIN G. HATCH,
Senate Judiciary Committee, Washington, DC.
Re: Miguel Estrada

DEAR CHAIRMAN LEAHY AND SENATOR HATCH: During much of the year in which I served as Principal Deputy Solicitor General (1996–1997), Miguel Estrada and I were colleagues. I understand from published reports that my predecessor, Paul Bender, has criticized Mr. Estrada's professional conduct while in the Solicitor General's Office. I do not share those criticisms at all. During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views—or indeed that they reflected any consideration other than the long-term interests of the United States. I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice.

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Yours sincerely,

SETH P. WAXMAN.

Mr. HATCH. I will put Seth Waxman up against Paul Bender any day, any time, anywhere. This is not some right-wing fanatic.

Mr. KENNEDY. Mr. President, I want to permit my friend and colleague to complete his thought, but we are trying to get some idea—

Mr. HATCH. I think I will only be a few more minutes.

Mr. KENNEDY. I believe there was an order before the Senate that I be recognized at 5:40, as I understood it?

Mr. HATCH. As I understand it, you were not here at the time and I had to make these points.

Mr. KENNEDY. I believe I was in the Chamber at 5:40. I heard the Senator speak at that time.

Mr. HATCH. I will try to finish as soon as I can. As I understand it, I have the floor.

The PRESIDING OFFICER. The Senator from Utah does have the floor.

Mr. HATCH. I will certainly try—

Mr. KENNEDY. Just as an parliamentary inquiry, what was the understanding?

The PRESIDING OFFICER. The order was to recognize the Senator from Massachusetts at 5:40. But the Senator was not present at that time.

Mr. KENNEDY. And what is the time now?

The PRESIDING OFFICER. The time is 5:56.

Mr. KENNEDY. Fine. I wasn't here at 5:40. I think I was at the entrance to the Chamber when the Senator asked consent to be able to proceed. If he wants to take advantage of that, so be it. But I think that it is unfortunate and unfair.

Mr. HATCH. If I might remark, I have been a friend of the Senator from Massachusetts for a long time.

Mr. KENNEDY. I just stated that—

Mr. HATCH. Who has the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. KENNEDY. You have the floor.

Mr. HATCH. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I have been his friend for a long time, and I am going to finish this very quickly in deference to him. But he wasn't here. I did not see him at the door. And I had to make these comments because of some of the comments that were made that I thought were improper, against Mr. Estrada. And I am going to defend Mr. Estrada on the floor when these kinds of comments are made. I think it is the right thing to do. I am certainly not trying to take advantage of the distinguished Senator from Massachusetts, but I exercise my rights as a coequal Senator. Let me just finish this, and I will do it as quickly as I can.

Mr. President, at the request of the Committee, Mr. Estrada provided copies of his annual performance evaluations during this tenure at the Solicitor General's office. These documents cast serious doubt on Mr. Bender's allegations about Mr. Estrada.

The evaluations show that during each year that Mr. Estrada worked at the SG's Office, he received the highest possible rating of "outstanding" in every job performance category.

The rating official who prepared and signed the performance reviews for 1994 to 1996 was none other than Paul Bender.

Let me read a few excerpts from the evaluations that Mr. Bender signed. They say that Mr. Estrada:

> States the operative facts and applicable law completely and persuasively, with record citations, and in conformance with court and office rules, and with concern for fairness, clarity, simplicity, and conciseness. . .
>
> Is extremely knowledgeable of resource materials and uses them expertly; acting independently, goes directly to point of the matter and gives reliable, accurate, responsive information in communicating positions to others. . .
>
> All dealings, oral, and written, with the courts, clients, and others are conducted in a diplomatic, cooperative, and candid manner.

I might add this doesn't sound like some radical rightwing fanatic some would portray Mr. Estrada as.

He goes on to say:

> All briefs, motions or memoranda reviewed consistently reflect no policies at variance with Departmental or Governmental policies, or fails to discuss and analyze relevant authorities. . .
>
> Is constantly sought for advice and counsel. Inspires co-workers by example.

These comments represent Mr. Bender's contemporaneous evaluation of Mr. Estrada's legal ability, judgment, temperament, and reputation for fairness and integrity.

In short, these comments unmask Mr. Bender's more recent statements, made after Mr. Estrada's nomination, for what they are: A politically motivated effort to smear Mr. Estrada and hurt his chances for confirmation.

The performance evaluations confirm what other Clinton Administration lawyers, and virtually every other lawyer who knows Mr. Estrada, have said about him: That is he a brilliant attorney who will make a fine federal judge.

Having said all that, I apologize to my colleague from Massachusetts for having to make these comments after the comments made by the distinguished Senator from New York. But I think I would have been remiss had I not made those comments to correct the Record to show this man Bender may be a law professor at an institution in the West, but he certainly has not been very fair to Mr. Estrada. And his own reputation would lead one to believe he is not worth listening to with regard to his opinion, which I believe and I think any fair person would believe was nothing but a politically motivated smear.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New York is recognized.

Mr. KENNEDY. Mr. President, first of all, as I stated at the hearing, the personal attacks on Paul Bender are really beneath this body. Paul Bender has a long and esteemed history in public and private practice. He clerked for Felix Frankfurter on the Supreme Court. He argued dozens of cases before the Supreme Court. He taught constitutional law at the University of Pennsylvania and the University of Arizona. To criticize Paul Bender because you disagree with his statements is also chilling to anyone who wishes to express their personal opinions about a nominee. I really hope we can talk about the issues without resorting to personal attacks.

Others as well have echoed the Bender criticism.

Among the great debates at the Constitutional Convention two centuries ago was the issue of judicial appointments. Initially, there was broad agreement among the delegates that either the Senate alone or the legislature as a whole should appoint federal judges, and in June of 1787, the delegates tentatively adopted a proposal to give the appointment power to the Senate. But opposition soon arose. The delegates re-opened the issue and considered alternatives such as giving the power of appointment to both the Senate and the House, or to the President with the advice and consent of Congress, or to the President alone.

After months of debate, the issue was finally resolved in September. It was decided the President was to nominate, and the Senate would be asked to concur before the appointment could be made. The Framers believed that one person should have the responsibility for nominating judges, but they clearly wanted to avoid vesting too much power on this issue in the President. The Senate would have the power to prevent the President from shaping a judiciary in his own image. As Alexander Hamilton said in Federalist No. 77, "If by influencing the President meant restraining him, this is precisely what must have been intended."

By requiring the President and the Senate to share the responsibility of appointing federal judges, the Framers created one of the most important checks and balances in the Constitution and laid a solid foundation for the independence of the judiciary that has served the Nation so well.

In keeping with this shared responsibility, the Senate must fulfill its constitutional duty to review the nominations sent to us by President Bush—including the nomination of Miguel Estrada. We must assure ourselves that every nominee has the qualifications, temperament, and commitment to enforcing the constitutional and federal statutory protections that are central to our American democracy.

This is not a role we take lightly. At stake are lifetime appointments to courts that have the power to make far-reaching decisions affecting the lives of our people and the life of our Nation. The D.C. Circuit is one of the most important courts in the country—second only to the Supreme Court. It is particularly important to workers, immigrants, and those seeking to enforce their civil rights. It has a unique and prominent role among the Federal courts of appeals, particularly in the area of administrative law, and has exclusive jurisdiction over many workplace, environmental, civil rights, and consumer protection statutes.

If confirmed, Mr. Estrada would make decisions about the rights of workers. He would decide cases involving the right to form a union without intimidation by an employer and cases that affect health and safety rules and regulations—regulations affecting workers exposed to tuberculosis, and dangerous, even toxic, chemicals. These problems aren't going away—they are increasing. The administration continues to issue anti-worker Executive Orders and undermine the labor rights of airline workers. It refuses to put a plan in place to address the serious problem of ergonomic injuries in the workplace. We need judges who will interpret the law fairly—not judges tied to special interests that drive the administration's agenda.

In recent years, the D.C. Circuit has become a safe haven for employers eager to defy the orders of the National Labor Relations Board. In 1980, 83 percent of all NLRB decisions were enforced in full by the D.C. Circuit. Deference was given to the Board by the court. In 2000, however, only 57 percent of NLRB decisions were enforced in full. Time after time, the closely-divided D.C. Circuit has refused to defer to the NLRB's expertise.

Jose Castro knows that one judge's vote can make a difference. A few years ago, the Hoffman Plastics Company fired workers in retaliation for their attempts to organize a union. In response, the National Labor Relations Board ordered reinstatement and backpay for the workers affected. The board later denied reinstatement and granted only limited backpay to Mr. Castro, an undocumented worker. When Hoffman Plastics challenged the board's decision, the D.C. Circuit—in a 5 to 4 decision—rejected the employer's argument and enforced the board's order. The court determined that the board had appropriately crafted its order to take into account the policies underlying both the National Labor Relations Act and the Immigration Reform and Control Act.

Last year, however, the Supreme Court reversed the board and the D.C. Circuit and held—in a 5 to 4 decision—that many immigrant workers are not entitled to backpay remedies under the National Labor Relations Act. The Supreme Court's decision affects as many as 6 million immigrant workers across the United States, and employers have used it to claim that those workers have no labor protections.

If confirmed, Mr. Estrada would make decisions about our environmental laws—such as challenges to clean water regulations, Superfund clean-up of toxic sites, and Clean Air Act regulations. He will decide cases such as American Trucking Associations v. EPA, which denied EPA the authority to establish health standards for smog and soot. The issue in that case directly affects the thousands of children who suffer and die from asthma every year.

Mr. Estrada will be making these decisions as the Bush administration takes dramatic steps to curtail enforcement of our environmental laws. The administration has proposed rules to remove 20 million acres of wetlands from Federal protection, new regulations to weaken national forest protections enacted by the Reagan administration, approved natural gas drilling in Texas along the Nation's longest stretch of undeveloped beach, and proposed to scale back environmental reviews and judicial oversight over national forests and public lands.

Mr. Estrada will also make decisions about the enforcement of our nation's civil rights laws when he reviews race, gender, and disability discrimination cases like Kolstad v. American Dental Association. Carole Kolstad sued her employer for gender discrimination, and a one-vote majority of the D.C. Circuit upheld a very high standard for the collection of punitive damages. The Supreme Court later vacated the D.C. Circuit's decision, but once again it is clear that one vote can make a difference on the D.C. Circuit.

The question before the Senate is what role Mr. Estrada will play on this important court and in the lives of the American people. Will he be a fair and impartial advocate for the law and the Constitution, or will he be at the forefront of efforts to deny basic rights and protections for those who need them?

Mr. Estrada's record and his testimony before the Judiciary Committee provides little information and even less assurance that he is the right person for this important position. It is difficult—if not impossible—for us to exercise our constitutional duty of advice and consent, and to satisfy ourselves that Mr. Estrada is fit for a lifetime appointment without full information. Yet, Mr. Estrada remains a mystery. He refused to provide candid answers to questions during his hearing or in writing to the committee. And the Justice Department refuses to provide memoranda produced by Mr. Estrada when he served in the Solicitor General's office.

These Solicitor General memoranda would be helpful in understanding Mr. Estrada's fitness for a judgeship. They would aid us in determining how he would approach the complex task of judging, and whether he would be able to separate his own personal views from an objective analysis of the law. This administration and previous administrations have provided us with this kind of information in the past, and it is incumbent upon the administration to provide the Senate with the information necessary to evaluate nominees to our Nation's Federal courts.

The little we do know of Mr. Estrada's record raises grave concerns. In fact, his direct supervisor in the Office of the Solicitor General has raised questions about whether Mr. Estrada has the temperament and requisite moderation to sit on the D.C. Circuit. The supervisor, Mr. Bender, has expressed his belief that Mr. Estrada would have difficulty separating himself from his personal ideological views.

It has been reported, for instance, that some of Mr. Estrada's colleagues have said that he is not openminded and that he "does not listen to other people." After an in-depth meeting with Mr. Estrada, a member of the Congressional Hispanic Caucus stated that Mr. Estrada appeared to have a "very short fuse" and that he did not "have the judicial temperament that is necessary to be a judge." According to the Puerto Rican Legal Defense Fund, with whom Mr. Estrada met, he was not "even-tempered"—he became angry during their meetings with him, and he even threatened the group with legal action because they had raised concerns about his record.

These reports are very troubling. What we seek in our judges is a quality that makes them more than just talented lawyers or advocates. We want to know that a judge is openminded and fair. I am not persuaded that Mr. Estrada possesses the key qualities of moderation, openness and fairness required of our judges.

The cases that Mr. Estrada has made the primary focus of his pro bono activity also raise concerns about whether he will be fair in the wide range of cases that come before him. In two cases, Mr. Estrada tried to limit the first amendment rights of minorities to congregate and associate on public streets. He also sits on the board of the Center for Community Interest, which advocates the kind of police tactics that have often led to harassment and racial profiling in minority communities.

Mr. Estrada's single-minded focus on justifying such ordinances is cause for great concern. Even after the clear rebuke from the Supreme Court about the Chicago ordinance, he devoted many hours to defending the City of Annapolis against challenges to the constitutionality of its own antiloitering ordinance. When the NAACP challenged the ordinance, Mr. Estrada "offered to take the city's case all the way to the U.S. Supreme Court, if necessary, free of charge." Mr. Estrada lost that case, too, however, when a Federal district court struck down the law as unconstitutional.

We know that decades of important civil rights precedents may well be at stake in coming years. These issues raise very serious concerns about Mr. Estrada's nomination. He is an intelligent and talented lawyer. But that is not enough. To serve as a Federal judge—particularly on the second most important court in the land requires a commitment to the core constitutional values of our democracy. It requires the special qualities that enable judges to meet their own important responsibilities—fairness, impartiality, and openmindedness.

There is nothing anti-Latino about our objections to Mr. Estrada. President Bush has nominated five Latinos to the Federal courts, four of whom were confirmed last year, when the Democrats controlled the Senate. It is the Democrats who have taken the lead in appointing Latinos to the Federal courts. During the Clinton administration, 23 Latino nominees were confirmed to the Federal courts—more than in any previous administration, Republican or Democrat. More Latinos would have been confirmed had it not been for the unfair tactics of Senate Republicans.

In fact, five Latino nominees sent to the Senate by President Clinton were not confirmed by the Republican-controlled Senate. Two of them, nominated to the Fifth Circuit Court of Appeals from Texas, were not even given hearings. One waited more than a year in the Senate before his nomination was returned to the President because of inaction by the Judiciary Committee. The other waited more than a year, and was then renominated by President Clinton in January of 2001, but President Bush withdrew it.

All five Latino nominees blocked by Senate Republicans had the full support of the Latino community—but the same cannot be said of Mr. Estrada. The major Latino organizations have raised strong concerns about Mr. Estrada. The Congressional Hispanic Caucus has opposed his nomination. The Latino organizations opposing or raising concerns about Mr. Estrada include: the Mexican American Legal Defense Fund, the Puerto Rican Legal Defense Fund, the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, the California La Raza Lawyers, the Southwest Voter Registration Project, and the Illinois Puerto Rican Bar Association.

The Congressional Hispanic Caucus has told the Senate Judiciary Committee that Mr. Estrada does not meet their criteria for endorsement of a nominee. As the letter they sent to the committee states:

> The appointment of a Latino to reflect diversity is rendered meaningless unless the nominee can demonstrate an understanding of the historical role courts have played in the lives of minorities in extending equal protections and rights; has some involvement in the Latino community that provides insight into the values and mores of the Latino culture in order to understand the unique legal challenges facing Latinos; and recognizes both the role model responsibilities he or she assumes as well as having an appreciation for protecting and promoting the legal rights of minorities who historically have been the victims of discrimination.
>
> Based on the totality of the nominee's available record and our meeting with him, Mr. Estrada fails to meet the CHC's criteria for endorsing a nominee.

The Mexican American Legal Defense Fund opposes Mr. Estrada as well. According to their statement:

> The most difficult situation for any Latino organization is when a President nominates a Latino who does not reflect, resonate or associate with the Latino community, and who comes with a predisposition to view claims

of racial discrimination and unfair treatment with suspicion and doubt instead of with an open mind. Unfortunately, the only Latino whom President Bush has nominated in two years to any Federal circuit court in the country is such a person. President Bush nominated Mr. Estrada to the D.C. Circuit Court of Appeals.

After a thorough examination of his record, his confirmation hearing testimony, and his written answers to the U.S. Senate, we announce today our formal opposition to his nomination. We cannot in good conscience stand on the sideline and be neutral on his nomination or others like his. We oppose his nomination and that of others that will prevent the courts from serving as the check and balance so desperately needed by our community to the actions being taken by the executive and legislative branches.

Recently, the Puerto Rican Legal Defense Fund also issued a statement reaffirming its opposition to Mr. Estrada's nomination.

Many of us have deep concerns about Mr. Estrada's record and his unwillingness to supplement the record with answers to important questions or production of the memoranda from his days in the Solicitor General's office.

I urge the Senate to reject this nomination. A lifetime appointment to a court so important in deciding so many basic issues should not be given to a nominee about whom we know so little.

The basic values of our society—whether we will continue to be committed to equality, opportunity, freedom of expression, the right to privacy, and many other fundamental rights—are at stake in all of these nominations. On the role of the Senate in the appointment process, the genius of the Constitution is the clear system of checks and balances that it provides. The Constitution says "advice and consent"—not "rubber stamp." When this or any other administration nominates judges who would weaken the core values of our country and roll back the basic rights that make our country a genuine democracy, the Senate should reject them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, today I rise in support of Miguel Estrada, the nominee for the 12th Circuit Court of Appeals.

It is an honor to serve my State of Georgia in this great institution, and I am pleased that the work we are undertaking today pertains to such an important issue for our country—filling the vacancies in our courts with good and honorable judges.

One of the most important burdens that has been placed on the shoulders of the Senate is the sanction of Federal judges. I relish this task because it grants us an opportunity to have a hand in the future of the laws that govern this great land. And there is no better way to help craft the America of the next generation, the America to be served by our children and our grandchildren.

Before I came to Congress, I practiced law for 26 years and I can say that it is rare to meet someone as qualified for the bench as Miguel Estrada. The American Bar Association unanimously rated Mr. Estrada as "well qualified." I understand that some of my colleagues in the past have referred to this rating as the "gold standard" for judicial nominees. It seems then that a unanimous "well qualified" rating should speak volumes about Mr. Estrada's merit.

Some critics have said that Mr. Estrada should not be confirmed because he lacks judicial experience. I would simply highlight the examples of Justice White and Chief Justice Rehnquist. Both men had no prior judicial experience when they were appointed to the Supreme Court. Also on the same court that Mr. Estrada would join, five of the eight sitting judges had no prior judicial experienced, two of which were nominated by President Clinton.

Mr. Estrada, however, has had exceptional experience both in the government and in private practice. From 1992 to 1997, he served in the Clinton administration as Assistant to the Solicitor General in the Department of Justice. He has argued 15 cases before the Supreme Court and is widely regarded as one of America's leading appellate advocates. He is currently a partner for a leading law firm with their appellate and constitutional law practice group. I believe that this represents sufficient experience for his nomination.

Another argument made by some is that Mr. Estrada has refused to produce confidential memoranda that he wrote when he was with the Solicitor General's office. I would argue that this request, if met, would have a debilitating effect on the ability of the Department of Justice to represent the United States before the Supreme Court and I have a letter signed by every living former Solicitor General—Democrat and Republican alike—saying the same. I would ask unanimous consent to print this letter in the RECORD.

There being no objection, the letter ordered to be printed in the RECORD, as follows:

WILMER, CUTLER & PICKERING,
WASHINGTON, DC,
June 24, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our concern about your recent request that the Department of Justice turn over "appeal recommendations, certiorari recommendations, and amicus recommendations" that Miguel Estrada worked on while in the Office of the Solicitor General.

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decisionmaking process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review of adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the Executive Branch, but of the entire federal government, including Congress.

It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.

Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Sincerely,

On behalf of: Seth P. Waxman, Walter Dellinger, Drew S. Days, III, Kenneth W. Starr, Charles Fried, Robert H. Bork, Archibald Cox.

Mr. CHAMBLISS. Also, as we have heard, Mr. Estrada has a great story; he is accomplished, competent, and experienced. This man came to America to seek the American Dream and he is now living that dream. He came to the United States from Honduras when he was seventeen years old and has spent his life gaining credibility as a Hispanic man of distinction. If confirmed, Mr. Estrada would break a glass ceiling by being the first Latino judge to serve on the DC Court of Appeals. However, if he is not confirmed, it would not just be terrible for the District of Columbia, but it would send the wrong message to Hispanic communities in my home state of Georgia and across the nation. But I would say to my colleagues that you should not vote for Miguel Estrada because he is Hispanic, you should vote to confirm him because he is a world-class laywer and he will make a world-class judge.

Mr. Estrada is a great lawyer and will make a superb judge. He has the qualifications, the capacity, the integrity, and the temperament to serve on the federal bench. I was happy to support his nomination last week in the Judiciary Committee and I urge my colleagues to join me in supporting the

President's nominee for this important position.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, just a few remarks. The distinguished Senator from Massachusetts is very concerned about this court and how judges function on it, as am I. It is a very important court. In fact, next to the Supreme Court, it is the next most important court in the country—no question about it—because the decisions they make affect almost every American in many instances.

In terms of straightforward application of the law, the DC Circuit is one of the best functioning courts in the country. Recent years have seen DC circuit judges agreeing in the overwhelming majority of cases, including ones of great political significance, even when Republicans outnumbered Democrats six to four.

I might also add that the DC Circuit is in the midst of a vacancy crisis unseen in recent memory. Only eight of the court's 12 authorized judgeships currently are filled. In the past 2 years, two of the court's judges have taken senior status.

The DC Circuit has not been down to eight active judges since 1980. It is a crisis situation because it is extremely important. The vacancy crisis is substantially interfering with the DC Circuit's ability to decide cases in a timely fashion. As a result, litigants find themselves waiting longer and longer for the court to resolve their disputes. Because so many DC Circuit Court cases involve constitutional and administrative law, this means that the validity of challenged government policies is likely to remain in legal limbo.

In the 2001–2002 term, the court had to cancel several scheduled days of oral argument. As a result, cases that would have been heard in 2001–2002 will not be heard until September of 2002 at the earliest. For the 2002–2003 term, the court will be able to hear cases on just 96 days and will be able to schedule just 336 cases. Because of the limited number of sitting days, the court's oral argument calendar is already nearly full through March of 2003.

The vacancy crisis is also interfering with the operation of the court's emergency panel which hears emergency cases and various motions. Because only seven judges are now available for emergency panels, each one has to serve 6 weeks of overtime emergency duty on top of the 16 weeks he or she ordinarily serves throughout the year.

The court often has been forced to constitute emergency panels with fewer than the usual complement of three judges.

The chief judge of the DC Circuit, at a recent circuit conference said:

> If the court does not have additional judges soon, our ability to manage our workload in a timely fashion will be seriously compromised.

He further explained that:

> . . . it is clear that the Senate's inaction is coming to jeopardize the administration of justice in this Circuit.

That is important stuff. It is really important that we put Miguel Estrada on the court.

We have had some comments about a few Latino groups that are known for liberal politics and have been opposed to Miguel Estrada. Let me list a few groups that support him. The following groups are just some that have announced support for him: League of United Latin American Citizens, LULAC, the Nation's oldest and largest Hispanic civil rights organization; U.S. Hispanic Chamber of Commerce; Hispanic National Bar Association; Hispanic Association of Corporate Responsibility; Association for the Advancement of Mexican Americans; MANA, a national Latina organization; Cuban American National Council; U.S.-Mexico Chamber of Commerce; Hispanic Business Roundtable; The Latino Coalition; National Association of Small Disadvantaged Businesses; Mexican American Grocers Association; Phoenix Construction Services; Hispanic Chamber of Commerce of Greater Kansas City; HEBC, Hispanic Engineers Business Corporation; Hispano Chamber of Commerce de Las Cruces; Casa Del Sinaloense; Republican National Hispanic Assembly; Hispanic Engineers Business Corporation; Hispanic Contractors of America; Charo, Community Development Corporation; Cuban American National Foundation.

The League of United Latin American Citizens is the oldest Hispanic civil rights organization. Established in 1927, it has more than 700 councils and more than 120,000 individual members.

The U.S. Hispanic Chamber of Commerce was established in 1979, with a network of more than 200 local chambers across the country, and it advocates on behalf of the 1.8 million Hispanic-owned businesses in the country.

The Hispanics National Bar Association was established in 1972 and has more than 25,000 members, consisting of lawyers and judges.

MANA, a national Latino organization, was established in 1974 to give a voice to the more than 20 million Hispanic women of all backgrounds and professions across the U.S.

The AAMA, Association for the Advancement of Mexican Americans, with over 30 years of service to the community, has been ranked the ninth largest Hispanic nonprofit in the country, providing education, employment and training, health care, and related services to more than 30,000 people annually.

The Cuban American National Council has served the Cuban American community of Florida for the past 23 years, through education, housing, health and human services, and employment and training.

I just thought the record needed to show that Miguel Estrada has tremendous support among Hispanic people. Now, things we've heard in the debate against Miguel have been some of the saddest things I have ever witnessed. It is akin to the lioness eating her cubs—Democratic Latino community leaders turning on one of their own because he doesn't fit their definition of "Latino."

Among their concerns is he is a recent immigrant, he hasn't lived in this country long enough to understand the plight of Hispanic Americans, he wasn't poor enough, his family was middle class and he attended private schools, he speaks English too well, he speaks Spanish too well—these are comments made by some of the liberal Latino groups. He is not from Mexico or Puerto Rico, he is from Honduras; he didn't do the right kind of pro bono work; he sought to protect victims of crime, not criminals. Jeepers.

His critics would have you believe that to be Hispanic you have to be poor, attend only inner city schools, work for the public defenders office, and never aspire to work for the Department of Justice, or to clerk for the U.S. Supreme Court. I don't think the vast majority of Hispanic people think that way. I think they are proud of Miguel Estrada, and they ought to be because he is a man who has really made something of his life, and he is still a very young man.

Miguel Estrada is the American dream incarnate. I think this should be celebrated by all Americans, but certainly by Hispanic Americans, and especially Hispanic mothers and fathers who dream of a bright future for their children. Tell those mothers and fathers that in order to be considered Hispanic, your children have to remain poor, forgo a quality education, and give up their dreams of succeeding in the legal profession. That is pure bunk and everybody knows it. But these are some of the arguments that have been made against Miguel Estrada.

Lest anybody think I am just saying these things because I am supporting Miguel Estrada, I have spent most of my Senate career working very closely with the Hispanic community in the United States, getting to know the issues and addressing the community's concerns through legislation. In fact, in 1986, I started the U.S. Senate Republican Conference Task Force on Hispanic Affairs to ensure that the Hispanic community had a strong voice in the Senate. Over my lifetime, I have grown to love the Hispanic culture, their people, and their history. I believe their values and culture have infused and invigorated the American dream. The Latinos I have come to know over the past 26-plus years tell me it is all about heart. It is the "corazon." Frankly, I have come to feel like I personally have a Latino heart beating in my breast. That is how important this community is to me. That is how close I feel to my Hispanic brothers and sisters. I have the credentials to make that case. I happen to know Miguel Estrada. He, too, has "corazon."

The Hispanic community leaders I respect and admire have dedicated themselves to ensuring that people such as Miguel have the very opportunity Miguel has used to his advantage. They want Hispanics to succeed. They are not trying to force all Latinos into cookie cutter shapes. They want Hispanics to be as free to find their own way as American citizens. Organizations such as the League of United Latin American Citizens, the oldest Hispanic civil rights organization in the country, and the United States Hispanic Chamber of Commerce have existed for decades. Their mission has been to ensure that the downtrodden, the poor, the recent immigrant, and his heirs have an opportunity to succeed absent discrimination.

Hector Flores, president of LULAC, and George Herrera, the Hispanic Chamber's President, work hard to get more Hispanic kids into Columbia and Harvard, more Latino youth to clerk in at the U.S. Supreme Court, to work at the Department of Justice, and to become partners of a prestigious law firm. Miguel Estrada deserves credit, rather than this constant worry that he might be too conservative, or he might be too conservative than some of these liberal groups would like.

I have a lot more to say, but I will yield the floor at this point.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I didn't want the night to go by without commenting on some remarks made by two Senators on the other side, the majority, who have suggested that those who oppose Miguel Estrada are doing it on the basis of his ethnicity. In fact, one Senator said it was anti-Hispanic. The Congressional Hispanic Caucus, which is in existence here in Congress and consists of Hispanic members of Congress who have been elected by people from congressional districts all around the country, was formed many years ago. The Congressional Hispanic Caucus has taken a position against the nomination of Miguel Estrada. I hope nobody would suggest that the Congressional Hispanic Caucus is not Hispanic.

In fact, the Congressional Hispanic Caucus was so concerned about the fact there are not enough Hispanics in the judiciary that they formed in the last Congress the Congressional Hispanic Caucus Hispanic Judiciary Initiative to assure fair treatment of judicial nominees and to promote diversity.

While the Congressional Hispanic Caucus has endorsed other Bush judicial nominees who are Hispanic, such as Jose Linares, Mr. Estrada failed most of the factors in their evaluation. Therefore, they oppose his nomination.

The Congressional Hispanic Caucus sent a letter to the Judiciary Committee late last year. It was signed by Congressmen SILVESTRE REYES and CHARLES GONZALEZ on behalf of the entire Hispanic caucus. The letter was based on the review of his qualifications and their interview with him.

I am certainly not a member of the Judiciary Committee, and I am not here to debate the issue with the learned chairman of the committee, but I want everyone within the sound of my voice to understand that someone can opposes this nomination and not do it based on anti-Hispanic grounds. There is no better logic than to look at the Congressional Hispanic Caucus which opposes this nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I wish to make a few points. Some of my colleagues are suggesting that we are playing what amounts to the race card on this nominee. That is ludicrous. Personally, I resent it.

Let me make one point clear: No one is suggesting that anyone in the Senate has a bigoted bone in his or her body. No one is suggesting that for a minute. No one is suggesting Mr. Estrada is being opposed because he is a Hispanic. That is just a red herring. It is a shame on anyone who is arguing that carbuncle.

What I have suggested is exactly what Herman Badillo, a former Democratic Congressman, has written publicly. Some liberal, and, yes, Democrats, show increasing intolerance to Hispanics and African Americans who do not subscribe to their left of mainstream ideology. Their intolerance is not because they are Hispanic or African American but because they are Hispanic or African American and not liberals. That is where the intolerance is.

Some people will simply not accept a Hispanic, African American, or even women who do not toe the line of the radical left of special interest groups. We are finding that all over this instance.

Herman Badillo, a former Democratic Congressman, for whom I have always had respect, has written:

> Liberals and their special interest groups want to force these minorities into one monolithic intellectual ghetto demanding that they be of one mind.

I would think that every minority, whether liberal or conservative, would find such patronizing thought, control, and elitism demeaning and insulting. It amounts to an intellectual glass ceiling for minorities, and that is, to a degree, what is happening here.

In the hearing we held last September and in the follow-up questions, I have not heard one argument against Miguel Estrada—not one, not one valid argument. I have not heard one person make a case that the American Bar Association was wrong when they gave Miguel Estrada a unanimously well-qualified rating, the highest rating that the American Bar Association can give.

I have not heard one person indicate that this man is not of the highest intellect, the highest moral purpose, the highest qualifications, except for Paul Bender, who I think we more than explained away a few minutes ago, and it had to be done because for some reason they keep bringing up this man who has been very unfair and for partisan, cheap political reasons apparently, after having given the highest, most glowing recommendations for Mr. Estrada when he worked for him at the Justice Department.

They try to explain it away: Well, he was not talking about his ideology. Of course, he was. If there had been one indication of bad ideology or too much extreme ideology, I can guarantee you Paul Bender would never have given those glowing performance evaluations.

It is offensive. This man is a law professor in this country and, unfortunately, I hate to say it, but the law professors in this country, as a whole, are extremely to the left, and that is not too far different from many of the political science professors in this country.

I remember I went to one of the major universities a few years ago, and of the 41 members of the faculty, only one claimed to maybe be a moderate. All the rest admitted they were left wing, and yet these are the people teaching our children. That is not bad. They have a right to hear left-wing ideology and more liberal teachers, but I think they also have a right to hear people who are on the other side of the equation who may be right in many ways, not just right ideologically.

To be honest, I get a little tired of this business that we Democrats are the ones who have really done more appointments for Hispanics. Republican Presidents altogether in recent years have appointed 25 Hispanic judges. Sonia Sotomayor of New York was appointed by the first President Bush and was subsequently nominated to the Second Circuit by President Clinton and was confirmed.

The second President Bush has already nominated nine Hispanics, with three more coming up, according to press reports, for a total of 12. His chief counsel in the White House is Hispanic. There is no question he is reaching out and doing a good job. It is one of the things I love about him.

At the current rate of second President Bush, we can expect in 8 years President Bush I think will probably appoint at least 36 to 40 Hispanic judges on his own, more than all the past Republican Presidents put together and more than any single Democratic President.

To try to make the case only Democrats care for Hispanics is just ludicrous. I will say this, my colleagues on the other side are good people. I believe they are sincere in working for minorities as they have done, and I appreciate them personally, but to try to imply we are not I think is hitting below the belt in ways that should not happen on the Senate floor.

In all honesty—and I have heard arguments today that would cause anybody—I mean the bad arguments—the arguments against Miguel Estrada would cause people to vote for him. Miguel Estrada is a fine man. Miguel Estrada has made it to the top of his profession even with a disability. There are not many people who have argued 15 cases before the Supreme Court or who have the unanimously well-qualified American Bar Association rating or who have been the editor in chief of the Harvard Law Review, who have served various Federal judges.

I am a little surprised about some of my colleagues' confusion as to why Mr. Estrada, they claimed, did not address policy questions put to him. It is quite understandable. Would we policymakers want another public official, in this case a judicial nominee, to answer policy questions? A judicial nominee is not applying for a job as a policymaker. He or she is going to be a judge. Judges are not in the business of answering policy questions. It is just that simple.

When one asks the question, What is your view of the first amendment, my gosh, how does one answer that question? It is easy to say: I believe in it. I guess that is what Miguel Estrada could have said. Or if one asks, Are you going to overturn all of the environmental laws of our country, or words to that effect I heard on the floor today, first, it is offensive to ask that kind of question and, second, nobody in his or her right mind as a judicial nominee would want to give an opinion on a broad issue that might foreclose them from sitting on important cases that would come before the court later.

Yes, nominees are told on both sides, whether it is a Clinton judge or George W. Bush judge, that you should not be giving opinions that might involve what you might later have to judge when you get on the bench.

So it is a fine line and it is not an easy thing for witnesses, and frankly especially those who have not served on the Judiciary Committee and have not been through it for a long time. And even if they have, it is not easy.

The important realization in regard to Miguel Estrada is they had every opportunity to ask him any questions they wanted. They were in the majority. They held the committee hearings. I have heard Democrats on the committee say those hearings were conducted fairly and responsibly. Afterwards they had a right to submit any written questions they wanted to submit, and only two Senators submitted them and they were answered. So some of these arguments I have heard today are not arguments at all.

I think it was Walter Mondale who said: Where is the beef? What is it that makes Miguel Estrada unqualified to be on the Circuit Court of Appeals for the District of Columbia? I do not think there has been even the slightest case made against him.

Then what is it? What is against him? What is against this fine Hispanic man who has made it on his own? I do not see any reason. Maybe we will get some in the next few days, but I do not see any reason. And I sure as heck would not rely on Paul Bender, not after what we all know he has done. He gave glowing performance evaluations when he really had the power—as an honest liberal, which we believed him to be at the time—he gave glowing performance evaluations and then later when this fine person, Miguel Estrada, is offered up as a judicial nominee by the President of the United States, he comes out and says he is an ideologue.

Who are you going to believe? I do not think I would believe Paul Bender on that issue, and I do not think anybody else should, either.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there have been too many protests on the other side. The majority has said time and time again that they, the Republicans, treat the Hispanics well. I do not know why they have to keep saying that. The record speaks for itself. This side need not do so because our record does speak for itself. And that is the reason, as I said earlier, when people come—one Senator did come and talk about words to the effect I am not anti-Hispanic and then proceeded to lay out everything that was. That is why I thought I would come forward and talk about the fact that the Hispanic Caucus, which certainly could never be judged to be anti-Hispanic, has come out against this nomination, as have numerous other organizations: the Congressional Hispanic Caucus, the Congressional Black Caucus, and Hispanic organizations such as the Puerto Rican Legal Defense and Education Fund, Juan Figuera, President and General Counsel, the Mexican American Legal Defense and Education Fund, National Association of Latino Elected and Appointed Officials, National Council of La Raza, NCLR, National Puerto Rican Coalition, California La Raza Lawyers, Puerto Rican Bar Association of Illinois, Southwest Voter Registration Education Project, Labor Council for Latin American Advancement, Linda Chavez Thompson, AFL–CIO, 52 different Latino labor leaders, including people from all over the country from California to New York and places in between.

There are civil rights and other organizations that oppose this nomination: the American Federation of Labor and Congress of Industrial Organizations, AFL–CIO, Sierra Club, Leadership Conference on Civil Rights and Alliance for Justice, Leadership Conference on Civil Rights, National Association for the Advancement of Colored People, National Organization for Women, National Black Women's Health Project, Mexican American Legal Defense and Education Fund, Lawyers' Committee for Civil Rights Under Law, National Association for the Advancement of Colored People, Alliance for Justice, People for the American Way, National Council of Jewish Women, National Family Planning and Reproductive Health Association, Feminist Majority, National Association for the Advancement of Colored People, People for the American Way, Planned Parenthood Federation of America, NARAL Pro-Choice, National Family Planning and Reproductive Health Association, and scores of other organizations.

I think the debate at this stage is being framed improperly. There are people on this side who have not made up their mind what they are going to do, but the way the debate is going forward, it does give me some concern. I hope the debate in during the next whatever period of time it goes forward, we can talk about the man's judicial qualifications and not berate people who say for one reason or another he is not qualified, such as Mr. Bender. I have never met Mr. Bender, but I think he has taken enough lashes today that we should drop the subject. He has a right, in my opinion, to oppose someone. These organizations have a right to oppose him. The organizations who support him have every right to come forward and support him. It should be on the basis of this man's qualifications, whatever they might be, and not on ethnicity and on whether or not groups support people because they are for the poor.

I made some notes here that someone suggested Latinos only support those lawyers who work for the poor or for the public defender's office. I really do believe this debate would be much more structured, civil, and productive if we dealt with Miguel Estrada's qualifications and not berate people who are for or against him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Let me say about Mr. Bender, I was criticized by the distinguished Senator from Massachusetts for pointing out the biases of Mr. Bender. I was accused of finding fault with him. Well, what about Mr. Bender dishonestly finding fault with Miguel Estrada? I think I more than made a case that this man has done it for partisan political purposes, and I am going to make that case over and over. If they want to keep bringing up Paul Bender, then I am going to make the case that Paul Bender has done a very bigoted, rotten thing, after having given the greatest performance reviews one could get in the Solicitor General's office.

So who would you believe? I think it is important to point that out and not let anybody get away with that.

I will mention one group because it has been mentioned by my friend—and he is my friend—the distinguished Senator from Nevada. A review of the Congressional Hispanic Caucus' statement in opposition is most disappointing to me. It was issued in advance of Miguel's hearing. They did not even listen to him, and they issued it. My colleagues in the House, who have argued persuasively for a fair process, decided Miguel was not so entitled. They did not even wait until he testified to condemn him. They pronounced judgment beforehand. But that should not surprise us because the Democrat Congressional Hispanic Caucus is exactly that. It is a Democrat machine. The Republican members of the caucus who were members at one time were forced out because they did not think and act like their Democrat counterparts. There are no Republican members of the Congressional Hispanic Caucus, not one. They were forced out. The Democrat Congressional Hispanic Caucus may oppose Miguel Estrada, but the Republican Congressional Hispanic members, LINCOLN DIAZ-BALART, ILEANA ROS-LEHTINEN, HENRY BONILLA, MARIO DIAZ-BALART, all support his confirmation.

Again, I say to my colleagues on the other side, where is the beef? All this speculation about what they think that Miguel Estrada will be on the court, where is the proof? There is not any. In fact, there is proof to the contrary.

So that is one reason why I have been a little bit upset today, and I think I am going to continue to be upset if these types of approaches are taken against this really fine man. We are going to defend him. We are going to defend him as the good person he is.

I ask unanimous consent that the Senate now return to legislative session and that it proceed to a period for morning business.

Mr. REID. Mr. President, I object at this time.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I will respond very briefly.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I am happy to yield to the distinguished Senator.

Mr. REID. I was involved in a long conference with the Hispanic caucus yesterday. This organization met long and hard with Miguel Estrada. They met for 3 hours on one occasion, and based upon that and other issues they raised in their letter, they thought they could not support him.

As I stated earlier today, the Congressional Hispanic Caucus has supported, and will continue to support, other Bush judicial nominees who are Hispanic, and they have already done so.

I mentioned a number of names earlier. They can speak for themselves. They are Members of the other body and do not have authority to speak here, but if they could speak, they would speak loudly, with a lot of articulation, about the fact that this man is not qualified, in their opinion. They are entitled to that opinion.

This is a body that is not known for its radicalism; it is a body known for its stability, having a long line of very prominent chairmen.

Maybe with Mr. Bender I should have said he needs to be beaten up some more and he would not have been, but I think the record is replete that those on the other side think Mr. Bender's evaluation of Miguel Estrada is wrong. He has a right to do that. He was his supervisor. He has made and continues to make known his opinion that he is not temperamentally qualified for this job as a circuit court judge. That is what he said.

This debate should focus on the qualifications of this man. That is what this letter to the Senate Judiciary Committee consists of, from the Hispanic caucus, to Senator LEAHY. They say that the man is not qualified. He is not qualified based upon his past experience. They are entitled to that opinion.

As the debate proceeds, a decision will have to be made in this body as to whether people agree with the Hispanic caucus about the qualifications of persons before this body. Debate that has taken place and will take place in the future will be productive in that regard. That is why we have a Senate. That is why we are not limited, as in the House of Representatives, with, on many occasions, 1 minute and sometimes no minutes. We can talk here as long as we want about the qualifications of this man. I hope we do not have to talk a long time about this man's qualifications. We should talk long enough that full debate on his qualifications takes place.

I am happy now to have my friend reoffer his unanimous consent request.

Mr. HATCH. I add one thing. I believe they are entitled to their opinion but they are not entitled to their own facts. They have to live with the facts that exist.

I don't see a fairness in this process. It has not been fair. It has been quite partisan, especially on Mr. Bender's part.

I have been told by those who know, by my Hispanic friends, that the Congressional Democratic Hispanic Caucus was pretty split. But the majority prevailed. There was a real split over whether they should do this to Miguel Estrada. I personally believe that all these liberal groups persuaded them.

I point out, where are the arguments? To say he is not qualified, when their own gold standard, the American Bar Association, says he is unanimously well qualified flies in the face of any facts. That is just my point. Where are the facts?

I ask unanimous consent that a letter from HENRY BONILLA, LINCOLN DIAZ-BALART, and ILEANA ROS-LEHTINEN be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 23, 2002.

DEAR SENATORS DASCHLE, LOTT, LEAHY, AND HATCH: We are Hispanic Members of the United States House of Representatives who write to strongly support Miguel Estrada, President Bush's nominee to be a judge on the United States Court of Appeals for the District of Columbia Circuit. If confirmed, Miguel would be the first Hispanic judge on what is widely recognized as the nation's second highest federal court. President Bush made an historic decision by nominating Miguel Estrada, and we urge the Senate to promptly confirm this outstanding Hispanic-American.

Miguel Estrada is an American success story. He immigrated to the United States as a teenager from Honduras speaking little English. He attended Columbia College and Harvard Law School, graduating magna cum laude from both. He clerked for Judge Amalya Kearse on the Second Circuit and Justice Anthony Kennedy on the Supreme Court. Miguel is one of the few Hispanics ever to serve as a law clerk on the Supreme Court of the United States. Miguel worked as an Assistant United States Attorney in the Southern District of New York, and both tried cases in federal district court and argued appeals before the Second Circuit on behalf of the United States. He has worked twice in private practice at leading law firms, in New York at Wachtell, Lipton, Rosen & Katz and in Washington at Gibson, Dunn & Crutcher.

Miguel also served for five years in the Office of Solicitor General at the United States Department of Justice. In that capacity, Miguel argued 14 cases before the Supreme Court and wrote numerous briefs on behalf of the United States. He is widely recognized as a brilliant lawyer and oral advocate, and his official performance reviews noted that he "inspired co-workers by example."

As demonstrated during his service as Assistant to the Solicitor General, Assistant United States Attorney, and law clerk on the Supreme Court, Miguel Estrada believes in the integrity of the courts and the law. He appreciates the difference between law and policy, between the judicial task and the legislative task.

Based on his qualifications, intellect, judgment, and temperament, it is no surprise that Miguel Estrada received a unanimous "well qualified" rating—the highest possible rating—from the American Bar Association Standing Committee on Federal Judiciary. As Hispanic Members of Congress, we are very proud that the American Bar Association gave this outstanding Hispanic-American its highest possible rating.

Miguel has performed significant public service beyond his work in government. Most notably, while in private practice, he represented pro bono a capital defendant before the Supreme Court. Capital cases are very difficult legally and emotionally for the lawyers representing the capital defendants. Miguel's decision to involve himself in a difficult capital case speaks volumes about his integrity and devotion to the legal system, and his willingness to perform difficult public service. He also assisted the former United States Attorney in New York, who was appointed by President Clinton, in discussing how to ensure that more federal prosecutors are Hispanic.

Miguel is widely supported by Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce. He also is supported by prominent Democrat lawyers, such as Ronald Klain, who served as Counsel to Vice President Gore, Robert Litt, who served as Assistant Attorney General for the Criminal Division under President Clinton, and Randy Moss, who served as Assistant Attorney General for the Office of Legal Counsel under President Clinton. Furthermore, Seth Waxman, who served as Solicitor General under President Clinton, has written to the Judiciary Committee that he has "great respect both for Mr. Estrada's intellect and for his integrity' and that Miguel was "a model of professionalism and competence."

Miguel Estrada would be the first Hispanic judge on the United States Court of Appeals for the District of Columbia Circuit. You and your colleagues have spoken often about the need for balance on the courts. It is past time that an Hispanic judge serve on this important court. Confirmation of Miguel Estrada would provide balance. We urge you to treat Miguel Estrada with fairness and to confirm him promptly.

Thank you for your consideration of our views.

Sincerely,

Henry Bonilla,
Lincoln Diaz-Balart,
Ileana Ros-Lehtinen,
Members of Congress.

Mr. REID. I ask unanimous consent that a letter to Pat Leahy from the Hispanic caucus signed by Silvestre Reyes and Charles Gonzalez be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Congress of the United States,
Washington, DC, September 25, 2002.

Hon. Patrick J. Leahy,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: On behalf of the Congressional Hispanic Caucus (CHC), we wish to inform you that the CHC has decided to oppose Miguel Estrada's nomination to the United States Court of Appeals for the District of Columbia Circuit. After reviewing Mr. Estrada's record and meeting with him in person, we have concluded that he fails to meet the CHC's evaluation criteria for endorsing judicial nominees.

As you know, the judicial nomination process is important to the CHC because we believe that our Nation's courts should reflect the diversity of thought and action that enrich America. Earlier this year, we launched the Hispanic Judiciary Initiative to further formalize our involvement in this issue by establishing a set of evaluation criteria and an internal process for endorsing nominees. We hope that this initiative will allow us to continue our work to ensure fair treatment of Latino judicial nominees and tackle the lack of diversity in the federal judiciary.

In evaluating Mr. Estrada, we considered not only his honesty, integrity, character, temperament, and intellect, but also his commitment to equal justice and advancement opportunities for Latinos working in the field of law. Because of the nature of the CHC's mission and the important role that the courts play in achieving that mission, in order to support a judicial nominee the CHC requires that he or she has a demonstrated commitment to protecting the rights of Latinos through his or her professional work, pro bono work, and volunteer activities; to preserving and expanding the progress that has been made on civil rights and individual liberties; and to expanding advancement opportunities for Latinos in the law profession. On this measure, Mr. Estrada fails to convince us that he would contribute under-represented perspectives to the U.S. Court of Appeals for the District of Columbia Circuit.

As stated by Mr. Estrada during his meeting with us, he has never provided any pro bono legal expertise to the Latino community or organizations. Nor has he ever joined, supported, volunteered for or participated in events of any organization dedicated to serving and advancing the Latino community. As an attorney working in government and the private sector, he has never made efforts to open doors of opportunity to Latino law students or junior lawyers through internships, mentoring or other means. While he has not been in the position to create internships or recruit new staff, he never appealed to his superiors about the importance of making such efforts on behalf of Latinos. Furthermore, Mr. Estrada declined to commit that he would be engaged in Hispanic community activities once appointed to the bench or that he would pro-actively seek to promote increased access to positions where Latinos have been traditionally under-represented, such as clerkships.

Mr. Estrada shared with us that he believes being Hispanic would be irrelevant in his day-to-day duties on the court, which leads us to conclude that he does not see himself as being capable of bringing new perspectives to the bench. This is deeply troubling since the CHC's primary objective in increasing ethnic diversity of the courts is to increase the presence of under-represented perspectives.

Mr. Estrada's limited record makes it difficult to determine whether he would be a forceful voice on the bench for advancing civil rights and other protections for minorities. He has never served as a judge and has not written any substantive articles or publications. However, we did note that in responding to inquiries about case law, Mr. Estrada did not demonstrate a sense of inherent "unfairness" or "justice" in cases that have had a great impact on the Hispanic community.

The appointment of a Latino to reflect diversity is rendered meaningless unless the nominee can demonstrate an understanding of the historical role courts have played in the lives of minorities in extending equal protections and rights; has some involvement in the Latino community that provides insight into the values and mores of the Latino culture in order to understand the unique legal challenges facing Latinos; and recognizes both the role model responsibilities he or she assumes as well as having an appreciation for protecting and promoting the legal rights of minorities who historically have been the victims of discrimination.

Based on the totality of the nominee's available record and our meeting with him, Miguel Estrada fails to meet the CHC's criteria for endorsing a judicial nominee. In our opinion, his lack of judicial experience coupled with a failure to recognize or display an interest in the needs of the Hispanic community do not support an appointment to the federal judiciary. We respectfully urge you to take this into account as you consider his nomination to the U.S. Court of Appeals.

Sincerely,

Silvestre Reyes,
Chair, Congressional Hispanic Caucus.
Charles A. Gonzalez,
Chair, CHC Civil Rights Task Force.

Mr. REID. And I say that the final two sentences of this letter be read:

> In our opinion, his lack of judicial experience coupled with a failure to recognize or display an interest in the needs of the Hispanic community do not support an appointment to the federal judiciary.

The Hispanic caucus unanimously opposed the nomination.

Mr. HATCH. I cannot let that go. If they are saying because he lacks judicial experience he should not be on the court—which is what it appears to me they are saying—they are just condemning almost every nonjudge Hispanic to never have a chance to be a Federal district or circuit court of appeals judge. That is ridiculous. Every Democrat President I have served with—President Carter and President Clinton—have appointed a wide variety of people who never served on the bench but who are highly qualified and are doing a good job as judges now.

It may be helpful to have some judicial experience, but not having judicial experience does not mean you cannot serve. If that were the case, some of the greatest judges in the history of the world would never have had a chance.

But if you interpret what they say, that means that any Hispanic who has not had judicial experience really should not be supported. That is ridiculous. That is caving in to the liberal special interest groups in this town with which they continually spend time, and is to the detriment of the Hispanic community. I say that as a chairman of the Republican senatorial Hispanic task force who has worked for the last 13 years to try to solve these problems.

I don't take second seat to anyone with regard to my love for the Hispanic community or my work on their behalf.

LEGISLATIVE SESSION

Mr. HATCH. We have had enough debate. I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HATCH. I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAID REFORM

Mr. BINGAMAN. Mr. President, I want to speak for just a few minutes on the Senate floor about the proposal made last Friday by the Bush administration regarding Medicaid. The proposal was a disturbing one, in my view. It was to reform the Medicaid program by shifting to a block grant to the States. That is a recycled proposal, one we have seen before. It was touted, when described last Friday, as giving the States flexibility. It would give them flexibility.

It would give them flexibility to drop benefits to low-income children, to drop benefits to pregnant women, to people with disabilities, and to the elderly. And it would give them flexibility to dramatically increase the cost sharing for those vulnerable populations. With over 41 million Americans who are currently uninsured, in my view, we should be trying to find ways to expand health coverage rather than finding new ways to reduce it.

Unfortunately, the proposal allows States to continue Medicaid as it is or to convert the program into a block grant. This was tried in 1981 and again in 1996. The administration would encourage States to take the latter option: that is, to move to receipt of a block grant by encouragement of being temporarily offered increased dollars. That would be coupled with this offer of added flexibility to be able to reduce the benefits for their Medicaid beneficiaries and increase the costs being charged to those low-income and vulnerable populations. Secretary Thompson notes the proposal would clearly save the States money. This would only happen if the States decided to do what would almost certainly occur; that is, to cut benefits and increase cost sharing.

Also, this proposal takes the Federal Government off the hook for helping States address their uninsured problems because under the proposal there would be no additional Federal money available to States if they attempted to expand coverage in the future. In order to expand coverage, the only option States would have would be to essentially rob Peter to pay Paul. In short, they could cut benefits or increase cost sharing for certain populations if they wanted to expand coverage to any others.

The proposal is ostensibly based on the success of the State Children's Health Insurance Program, the S-CHIP Program. Secretary Thompson said in his press conference that the proposal works by "taking the principles of S-CHIP and applying them to Medicaid."

It is ironic that the proposal actually eliminates CHIP by wrapping it into this block grant with Medicaid and with the Disproportionate Share Hospital Program, the DSH Program. It is surprising and disappointing to me that the administration is proposing to radically transform the identity and the nature of the Children's Health Insurance Program while also praising that program. It is a program that just about everyone lauds as having been quite successful at reducing the number of uninsured children in our country.

So this new proposal by the administration has strong elements of the old bait-and-switch ploy that all of us see from time to time. It advertises that there will be more money available to States—the exact amount is $12.7 billion during the first 7 years—but then, after that first 7 years, it yanks away all that money, starting in the year 2011.

Secretary Thompson noted at the press conference that he is not planning to be around at the time the $12.7 billion in reductions occurs 8 years from now. And the plan, I would say, clearly also counts on the fact that most of our current group of Governors who would be asked to make these changes will not be around either. However, that is exactly the time, 2011, when our Nation's baby boomers hit retirement age in much larger numbers. The long-term care costs within Medicaid will increase significantly during that period. Therefore, the Federal Government, under this proposal, would be dramatically stepping away from its commitment to help States and to help with the Nation's health safety net at a time when the demand for those services will obviously be increasing.

The proposal is counting on the fact that the Governors will jump at the $12.7 billion that is being offered during these initial years and will let future Governors deal with the problem later on. It is my hope and my belief that the Nation's Governors will see this nonoffer for what it is; and that is, a very shortsighted effort to limit the Federal Government's role in Medicaid that will lead to cuts in access to care for those most in need of that care.

In fact, under the proposal, States are left with nothing less than a Hobson's choice of alternatives. Both of the choices they would have would substantially weaken health insurance for low-income Medicaid beneficiaries. Under the first option that States would have, they would be allowed to continue to operate Medicaid without any financial relief from the Federal Government to help them get through the current fiscal crisis. States would have no option but to make deep cuts in their Medicaid Program during the next few years, if they choose that option.

Under the second option, the States would get a fixed amount of Federal money for the millions of people who States have voluntarily decided to cover under Medicaid, and, as a result, Federal funding would be limited and not responsive to those items that it is now responsive to, such as economic recessions, epidemics, terrorist attacks, population growth, changes in the State's health care environment, or the growth in our Nation's elderly that we expect in the next decade. Nor would it be available to States wishing to expand coverage, as I indicated before, States wishing to reduce the uninsured rate.

Although the administration's proposal advertises improved health, just as one would expect with a bait-and-switch proposal, it fails the test when you look at the details. I ask, How does the health of Medicaid beneficiaries improve by eliminating their entitlement to coverage and by allowing States the dramatic ability to reduce benefits and increase the costs that are shifted to those vulnerable populations? I am talking here about 85-year-old widows with incomes of just $800 a month. I am talking about pregnant women with incomes of $15,000 per year, or an 8-year-old boy from a family of three with an income of $19,000 per year or less.

According to Karen Davis, Cathy Schoen, Michelle Doty, and Katie Tenney—all from the Commonwealth Fund—the two main purposes of health insurance are, first, "assuring access to needed health care services and," secondly, "preventing financial burdens from medical bills." When you propose, as this proposal last Friday does, to reduce benefits and increase cost sharing on low-income beneficiaries, clearly you fail in trying to accomplish either of these two main purposes.

Just over a week ago, it was discovered that the Bush administration was allowing States to limit the number of emergency room visits to Medicaid beneficiaries regardless of whether the care sought was an emergency. That proposal allowed States to establish arbitrary limits, such as three visits per year. There was a huge hue and cry and the administration reversed this policy shift, but it is back in full force under this proposal related to Medicaid, as benefits would decrease and cost sharing would dramatically increase for Medicaid beneficiaries.

This is not to state that our Governors are malevolent in their intent.

Their goal is to do the best they can for their citizens. It is only to say that many States are facing unprecedented fiscal crises that force them into impossible choices, choices between health care coverage and other needed services. In fact, the States already have substantial flexibility in the Medicaid Program. About 65 percent of spending in that program is for either optional populations or for optional benefits that they have chosen to pay for.

Instead, for some Governors, it may not be the flexibility they are seeking to exploit but the proposal's other aspects that eliminate the limitations on how States spend their Medicaid dollars. On several occasions in recent years, certain States worked to "game" the Federal dollars through a variety of mechanisms, such as provider taxes and donations, excessive payments to certain health providers that would be returned to the State via intergovernmental transfers or other mechanisms. These mechanisms to which I am referring largely benefited the budgets of the individual States and did not benefit anyone's health.

Both the first Bush administration and the Clinton administration and the current Bush administration should be applauded for working hard to deal with those problems in the Medicaid system. However, it was revealed at the press conference that those mechanisms would once again be allowed if this newly presented proposal is adopted.

Via these mechanisms, the Medicaid Program can be rapidly turned into nothing more than a giant revenuesharing program. Again, it is hard to see how such so-called innovation would improve health coverage for low-income Americans.

Instead, there is a better approach to the problem, on which I have been working with Congressman JOHN DINGELL; we are preparing legislation to introduce in the next few weeks. Our Medicaid reform proposal will be based on the knowledge that States are facing both short-term and long-term problems with their Medicaid programs, and those problems need to be addressed. As such, our initiative would have the Federal Government step up rather than shirk its commitment to the States.

In exchange, it will ask the States not to reduce their commitment to the Nation's poorest and neediest citizens. It does several things. Let me briefly outline them.

First, it will provide States with much needed short-term and long-term fiscal relief.

Secondly, it will increase Federal responsibility for Federal initiatives and for populations that are paid for by the Medicaid Program.

Third, it will protect States against economic downturns and epidemics and health care inflation and demographic changes.

Fourth, it will provide States with expanded coverage options, with real Federal fiscal support as opposed to this block grant proposal we have seen now from the administration.

And, fifth, it will increase State flexibility in ways to improve the health of Medicaid beneficiaries rather than options to weaken their health as under the administration's proposal.

The administration's proposal will fail in each of these regards. Let me describe them in a little more detail.

First, we will propose a package that will give States both short- and long-term fiscal relief. This is in sharp contrast to the administration's block grant proposal that would leave States with no additional Federal commitment or help during economic downturns. Block grants do not adjust to problems such as downturns and epidemics and natural disasters and demographic changes, and they do not adjust for the very substantial health care inflation that we have been experiencing.

Second, our proposal takes significant steps to properly assume Federal responsibility for Federal initiatives and for populations that are paid for under the Medicaid Program. This includes assumption of 100 percent of the cost for the premiums and cost sharing that the Medicaid Program provides for low-income Medicare beneficiaries. Medicare is a Federal responsibility, and these costs should be the Federal Government's responsibility.

The same is true for a variety of other payments within Medicaid, including payments to urban Indian health organizations, to outstationed workers, to the breast and cervical cancer program, and payments to federally qualified health centers.

Third, the administration claims its proposal gives States the ability to expand coverage to more people, including the mentally ill, chronically ill, those with HIV/AIDS, and those with substance abuse problems. The difficulty is the administration's proposal gives States the ability to do that but gives them no dollars with which to do it. States are given the ability to do this by robbing Peter to pay Paul.

In sharp contrast, our proposal will give States new options to expand coverage and benefits in Medicare and CHIP, and States choosing to do so will have the Federal Government's commitment to participate with a financial commitment for more than half of those costs, as opposed to no commitment to participate under the administration's proposal.

A fourth aspect of what we are going to propose is that we will grant States the flexibility they have been seeking to provide more efficient and improved health services for these low-income Medicaid beneficiaries. This includes allowing States to simplify eligibility, to emphasize home and community-based care rather than institutional care, and a number of other options. Our proposal specifically chooses not to take the course that the administration is pursuing in several areas.

Unlike the administration, we do not grant States additional flexibility to cut benefits and eliminate quality protections and increase cost sharing on our Nation's most vulnerable populations. We do not propose to eliminate fiscal integrity standards such as those intended to ensure that Medicaid dollars are spent on health care and not on other purposes.

And we do not, as the administration's proposal does, allow for the elimination of the CHIP program, the Children's Health Insurance Program, or the Disproportionate Share Hospital Program, the DSHP program.

Finally, unlike the administration's efforts, our plan does not lock in interstate inequities and disparities on a permanent basis. In fact, the administration's proposal, as I understand it, as it was presented Friday, is particularly devastating to a State such as New Mexico. Our State currently has the highest rate of uninsured in the Nation. It is one of the fastest growing States in the country as well. It has per capita Medicaid expenditures that are well below the national average. The administration's proposal would therefore be a lose/lose/lose proposition for our State.

First, it would prevent us from seeking additional Federal assistance for proposed expansions of coverage including the recently approved Federal waiver by the Federal Government to New Mexico that is so highly touted by the administration.

Second, the block grant often fails to take into account differences in population growth, and we have a rapidly growing population.

Finally, we would be forever locked in at an expenditure level way below the national average under this block grant proposal.

During his State of the Union address this last week, the President said, "Medicare is the binding commitment of a caring society." That is a noble concept. But I would suggest that just as Medicare is the binding commitment of a caring society, Medicaid is as well. For this reason, the Federal Government should not step away from it or abandon its commitment to States or to the 43 million vulnerable citizens currently served by the Medicaid Program.

Particularly, the Federal Government should not do this at a time of growing numbers of uninsured and just before the Nation's baby boomers begin to retire in large numbers.

In the name of increasing personal responsibility of our Nation's neediest and sickest citizens, the administration is proposing that we at the Federal level shirk our responsibility. Rather than abandoning the poor at this critical time, we should be reconsidering the proposed tax breaks that we have been sent intending to help our wealthiest citizens.

We need to be sure our priorities are in line with the priorities of the American people. The proposal we have received from the administration to block grant Medicaid clearly does not reflect the priorities the American people have.

RULES OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, pursuant to the requirements of Rule XXVI, Sec. 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Governmental Affairs for the 108th Congress adopted by the Committee on February 5, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within 3 calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour.

Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee: provided, further, that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a) (1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee member has been informed of the matter on which he is being recorded and his affirmatively requested that he be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote.

(1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling.

(1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the chairman, or a Committee member or staff officer designated by him, may undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the ranking majority member present shall preside until the chairman's arrival. If there is no member of the majority present, the ranking minority member present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; provided, further, that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing rules of the Senate.)

C. Full Committee subpoenas. The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee or Subcommittee shall be entitled, upon request to the chairman by a majority of the minority members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority members as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee member or members or staff officer or officers who will take the deposition. Unless otherwise—specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee member or members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee member or members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The chairman or a staff officer designated by him may stipulate with the witness to changes in the procedure, deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI Sec. 20(b), Standing Rules of the Senate.)

B. Supplemental, minority, and additional views. A member of the Committee who gives notice of his intention to file supplemental minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views, (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee chairmen. The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the record keeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows: Permanent Subcommittee on Investigations, Oversight of Government Management, the Federal Workforce and the District of Columbia, Financial Management, the Budget, and International Security

B. Ad hoc Subcommittees. Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48-hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information Concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104-1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, today the Committee on Agriculture, Nutrition and Forestry conducted a business meeting and approved the subcommittee membership of the committee along with the rules of the committee. I ask unanimous consent that they be printed in today's RECORD. The committee also reported it's funding resolution for fiscal year 2003, fiscal year 2004 and fiscal year 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE 1—MEETINGS

1.1 REGULAR MEETINGS.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 ADDITIONAL MEETINGS.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 NOTIFICATION.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 CALLED MEETING.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 ADJOURNMENT OF MEETINGS.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 OPEN SESSIONS.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 TRANSCRIPTS.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 REPORTS.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 ATTENDANCE.—(a) MEETINGS. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) HEARINGS. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 NOTICE.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 WITNESS STATEMENTS.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 MINORITY WITNESSES.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 SWEARING IN OF WITNESSES.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 LIMITATION.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 ASSIGNMENT.—All nominations shall be considered by the full committee.

4.2 STANDARDS.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 INFORMATION.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 HEARINGS.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 ACTION ON CONFIRMATION.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 TESTIMONY—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 BUSINESS.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 REPORTING.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 ROLLCALLS.—A roll call vote of the members shall be taken upon the request of any member.

6.2 PROXIES.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 POLLING.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 ASSIGNMENTS.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 ATTENDANCE.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 EX OFFICIO MEMBERS.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 SCHEDULING.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 DISCHARGE.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 APPLICATION OF COMMITTEE RULES TO SUBCOMMITTEES.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 INVESTIGATIONS.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 SUBPOENAS.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 NOTICE FOR TAKING DEPOSITIONS.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 PROCEDURE FOR TAKING DEPOSITIONS.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the CONGRESSIONAL RECORD. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the CONGRESSIONAL RECORD, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Thad Cochran, MS, Chairman, Richard G. Lugar, IN, Mitch McConnell, KY, Pat Roberts, KS, Peter Fitzgerald, IL, Saxby Chambliss, GA, Norm Coleman, MN, Mike Crapo, ID, James M. Talent, MO, Elizabeth Dole, NC, Charles E. Grassley, IA, Tom Harkin, IA, Ranking Democratic Member, Patrick J. Leahy, VT, Kent Conrad, ND, Thomas A. Daschle, SD, Max Baucus, MT, Blanche L. Lincoln, AR, Zell Miller, GA, Debbie Stabenow, MI, E. Benjamin Nelson, NE, Mark Dayton, MN.

JURISDICTION OF THE SUBCOMMITTEES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY (108TH)

PRODUCTION AND PRICE COMPETITIVENESS

Jurisdiction over legislation on agricultural commodities, including cotton, dairy products, feed grains, wheat, tobacco, peanuts, sugar, wool, rice, oilseeds, and soybeans; price and income support programs.

Elizabeth Dole, Chair, Mitch McConnell, Pat Roberts, Saxby Chambliss, Norm Coleman, Charles E. Grassley, Kent Conrad, Ranking Democrat, Thomas A. Daschle, Zell Miller, Max Baucus, Blanche L. Lincoln.

MARKETING, INSPECTION, AND PRODUCT PROMOTION

Jurisdiction over legislation on foreign agricultural trade; foreign market development; agriculture product promotion and domestic marketing programs; oversight of international commodity agreements and export controls on agricultural commodities; foreign assistance programs and Food for Peace; marketing orders; inspection and certification of meat, flowers, fruit, vegetables, and livestock.

James M. Talent, Chair, Pat Roberts, Peter Fitzgerald, Saxby Chambliss, Charles E. Grassley, Max Baucus, Ranking Democrat, E. Benjamin Nelson, Kent Conrad, Debbie Stabenow.

FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Jurisdiction over rural development legislation and rural electrification legislation; oversight of rural electrification, agricultural credit, the Farm Credit System, the Farm Credit Administration, and the Farmers Home Administration and its successor agencies; and crop insurance; forestry in general and forest reserves that were acquired from state, local, or private sources, soil conservation, stream channelization, watershed and flood control programs involving structures of less than 4,000 acre-feet storage capacity.

Mike Crapo, Chair, Richard G. Lugar, Norm Coleman, James M. Talent, Mitch McConnell, Pat Roberts, Blanche L. Lincoln, Ranking Democrat, Mark Dayton, Patrick J. Leahy, Thomas A. Daschle, E. Benjamin Nelson.

RESEARCH, NUTRITION, AND GENERAL LEGISLATION

Jurisdiction over legislation on agricultural education and research; animal welfare; legislation on or relating to food, nutrition and hunger; commodity donations; food stamps; national school lunch program; school breakfast program; summer food service program; special milk program for children; special supplemental nutrition program for women, infants and children; nutritional programs for the elderly; Commodity Futures Trading Commission and Federal Insecticide Fungicide and Rodenticide Act; and general legislation.

Peter Fitzgerald, Chair, Richard G. Lugar, Mitch McConnell, Mike Crapo, Elizabeth Dole, Patrick J. Leahy, Ranking Democrat, Debbie Stabenow, Zell Miller, Mark Dayton.

LOCAL LAW ENFORCEMENT ACT

Mr. SMITH. Mr. President, I rise today to speak about my friend Chad Debnam and the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would expand current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Each day since the introduction of the Local Law Enforcement Enhancement Act, I have detailed for the RECORD a hate crime that has affected our fellow citizens. Today, I would like to describe a terrible crime that occurred very recently, on January 19, 2003, in my home State of Oregon. Four young men went on a shooting spree through Northeast Portland because, according to police, they thought the neighborhood was predominantly African American. The four fired shots into cars and homes as they drove down the street. Although no one was physically injured, the incident opened painful wounds in a community that, like so many others, has seen hate crimes before.

For Chad Debnam, the shooting was particularly difficult. 23 years earlier, his brother, Clarence Debnam, an African American college student, was shot through the back by a white sailor. The shooting "affected us so deeply, our family was never the same," Chad, now 52, said. "And then it comes to visit me again."

As Chad and his neighbors understand all too well, hate crimes cause harm above and beyond the effects produced by random acts of violence, because when such a wrong is perpetrated, the intended victim is not just a single person, but an entire community. And it creates within that community a sense of alienation, and the very real fear that other members may be future targets of similar violence.

This weekend, Chad Debnam and others will be marching down the streets of Northeast Portland in a united front against hate. The Federal Government should be there with them. Passing the Local Law Enforcement Enhancement Act will demonstrate to our fellow citizens that, in the words of Dr. Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere." The victims of hate, in Portland and elsewhere, need to know that their Federal Government stands with them, and will help them create a nationwide community of hope and healing, where intolerance has no place. I believe that by passing the Local Law Enforcement Enhancement Act we will not only change the law, but hearts and minds as well.

FMLA

Mr. SARBANES. Mr. President, I rise today to join with Marylanders and all Americans in celebrating the anniversary of the Family and Medical Leave Act of 1993, FMLA. The FMLA was passed 10 years ago today on February 5, 1993. It addressed one of the most pressing issues of the time: how to help parents and other family members balance the demands of work and family. Balancing these demands has always been difficult, but the last few decades have seen an increase in working mothers, single parents and working families who are caring for elderly relatives. Trying to cope with the dual burdens of work and family left many families and individuals unable to meet all the demands placed on them.

The FMLA was designed to help ease the burden on many of these families. The FMLA requires private employers with at least 50 employees, and public employers, to give unpaid leave to employees who meet the eligibility requirements for such leave. To be eligible, the FMLA requires that employees have worked for the employer for at least 12 months, and have worked a minimum of 1,250 hours. The employee, if eligible, is entitled to up to 12 weeks of unpaid, job-protected leave per 12-month period. FMLA leave can be taken to care for the "serious health condition" of the employee, a child of the employee or a parent of the employee, or for an employee to care for a newborn, newly adopted child or newly placed foster child. Employees are not required to take the leave in one block, and are entitled to receive health benefits during their FMLA leave.

In 2001 the Department of Labor commissioned a report to study the impact of the FMLA. The report found that almost 62 percent of public and private employees are covered by the FMLA. The benefits of the FMLA have thus been applied to the majority of American workers, a significant accomplishment. In addition, the FMLA seems to be working. A significant majority of employers report that the FMLA has no effect on their company's performance: 76.5 percent of employers say that the FMLA has no effect on productivity, 87.6 percent say that the FMLA has no effect on profitability, and 87.7 percent report that the FMLA has no effect on their company's growth. A majority of employers also report that the FMLA has little to no effect on the individual employee's performance. And most of the 23.8 million employees who used FMLA leave in 1999–2000 reported that their experience was positive.

Beyond these raw numbers, the FMLA has had a profound effect on the lives of many American workers. Working mothers and fathers are able to take time to care for their sick children, sons and daughters are able to care for aging parents, and new mothers and fathers are able to spend precious time bonding with their newborns or newly adopted babies during the first weeks of life. The FMLA does not force workers to choose between family and work. No amount of statistics can quantify the value of the days and hours family members get to spend helping one another during these crucial times.

But we should look at ways to make this very successful program available to more American workers and bring the benefits of this important legislation to more who need it. To this end, I am a cosponsor of a bill that would provide wage replacement for eligible individuals who have taken FMLA leave for the birth or adoption of a son or daughter or other family care giving needs. The bill would also amend the FMLA to extend coverage to employees at worksites of at least 25 employees, a decrease from the current 50-employee requirement. And the bill would entitle employees who must address the effects of domestic violence to take FMLA leave. I urge my colleagues to work with me to ensure the passage and enactment of this important legislation.

On the 10th anniversary of the FMLA legislation, let us remember the success of this program, and let us also focus on ways in which we can make improvements to the program so that it can benefit all American workers.

U.N. WEAPONS INSPECTORS

Mr. FEINGOLD. Mr. President, I commend Senator BYRD for introducing a very sensible resolution, S. Res. 28, expressing the sense of the Senate that the United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 of 2002 and that the United States should seek a United Nations Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq. I am pleased to join several colleagues in cosponsoring it.

I want to be clear about one point on which I may disagree with Senator BYRD. S. Res. 28 states that U.N. weapons inspectors have failed to obtain evidence that would prove that Iraq is in breach of the terms of the United Nations Security Council Resolution 1441. While there is little public information suggesting that weapons inspectors have turned up much in the way of evidence of any kind, they have made some important disclosures in their recent report, and it is clear that Iraq has failed to meet Resolution 1441's requirement that Iraq make a complete declaration of all aspects of its chemical, biological, and nuclear weapons programs, as well as information about its ballistic missiles and other delivery systems. The report that was submitted by the Government of Iraq omitted a great deal of information, and the "unknowns" left for the international community to consider are very serious matters. Iraq is not in compliance with Resolution 1441.

But this issue does not dissuade me from supporting Senator Byrd's admirable resolution. Fundamentally, this resolution recognizes that the threshold for starting a war through unilateral military action should be very high. It should require the presence of an imminent threat, or a solid connection to al-Qaida, in which case unambiguous U.S. action is already, and rightly, authorized. Based on the information available to me, I have determined that we have not reached that point.

I wholeheartedly agree with the resolution's assertion that the U.S. and others should work to exhaust all peaceful and diplomatic means of disarming Iraq. I also agree that the U.S. should seek authorization from the Security Council before pursuing the last resort of military action in Iraq. Should we reach a point at which the use of force appears to be the only option, we should try to increase the legitimacy of any action and decrease the potential costs pursuing this multilateral approach.

While calling for exhaustive diplomatic efforts,, ongoing inspections work, and a multilateral approach, S. Res 28 also asserts that the United States should continue to actively seek to bring peace to the Israeli and Palestinian peoples, and notes that the United States should redouble its efforts to reduce our vulnerability to terrorist attack. These are important issues to keep at the forefront of U.S. policy in the weeks and months ahead.

Overall, the resolution presents a reasonable approach to a difficult issue, and I believe that it reflects many of the concerns that I am hearing from my constituents in Wisconsin. Their voices and their questions belong at the center of our discussion about Iraq. I believe that this resolution helps to move my constituents' very serious concerns closer to that central role.

AFRICAN-AMERICAN HISTORY MONTH

Mr. SARBANES. Mr. President, I am pleased to join with my Maryland constituents and millions of Americans in celebrating African-American History Month this February.

Dr. Carter Godwin Woodson founded the Association for the Study of Negro Life and History in 1915. Shortly after its creation, the Association began a campaign to establish Negro History Week to highlight the many accomplishments of African Americans. Dr. Woodson achieved this goal in 1926, and the second week of February was chosen to recognize the contributions of African Americans to American society. In 1976, this week of observance was expanded to a month and became African-American History Month. This month of observance is a time to recognize a crucial part of our diversity: the vast history and legacy that African Americans have contributed to the founding and building of our Nation. While we have much to celebrate in the achievements of many African Americans and the great strides this country has made towards true equality, there is also much work to be done.

Each year, the Association for the Study of African American Life and History, ASALH, designates a theme for the Black History Month observance, and this year it is "The Souls of Black Folk: Centennial Reflections." This year's theme focuses on the past contributions of African Americans and the many significant ways in which African Americans have made our Nation better.

At the beginning of the last century, our Nation was a vastly different place than it is today. The country was divided along racial lines and racism was accepted and institutionalized. African Americans were not allowed to vote, and the opportunities available to African Americans were few. Today, thanks to the visions of a few and the sacrifices of many, that situation has changed.

Much of the last century was filled with hardship for African Americans. Despite this, African Americans made great strides in many areas and participated in every sector of our society. Throughout the past 100 years, African Americans have made remarkable contributions to our society as mathematicians, scientists, novelists, poets, politicians, and members of the armed services.

Regrettably, just this year we lost two Marylanders who contributed much to African-American and American history in the last century, Du Burns and Bea Gaddy. Du Burns was the first African-American mayor of Baltimore. He brought the city together and although he ultimately became mayor, he never forgot his humble beginnings, including a job as a locker room attendant at Dunbar High School. Bea Gaddy was an advocate for the homeless and a Baltimore City Council member who devoted her life to feeding hungry Baltimoreans and making Baltimore a better place to live. We will forever remember the sacrifices and achievements of these two remarkable people.

No discussion of the last century in the lives of African Americans could be complete without a tribute to Martin Luther King, Jr., whose birthday we recently celebrated. His teachings and the example of his life offer much for us to be hopeful about in the coming century. We must look to his words and deeds to remind ourselves of his great vision and must never forget the profound change he helped bring about in this country. His teachings transcend race, and we have much to learn from him about humanity as we confront the challenges of the new century. And the challenges are many. We must continue to work to eliminate racism and inequality, and we must work to combat intolerance, not just in our own country, but throughout the world.

Last year, the theme of African-American History Month posed the question, Is Racism Dead? Unfortunately, the answer is still no. There is much that we in Congress can do to continue to meet the challenges of inequality in our country. We can help the parents of working families by raising the minimum wage. We have already passed the Leave No Child Behind education reform bill that will provide new standards for schools and teachers and will help make quality education available to all Americans. We have passed an election reform bill to ensure that all voters are properly registered and every vote is counted. We must now fully fund these initiatives that have successfully passed Congress. And we need to make health care available and affordable for African Americans and all Americans.

Through the lessons and struggles of the last century and the trying first few years of this century, Americans have shown the world how people of all races, colors, religions and nationalities create the fabric of our Nation, a fabric that is richer because of our differences. This month, we honor the special contribution African Americans have made to that fabric. Through African-American History Month, we celebrate how far this country has come and remind ourselves of how far we have to go.

THE PRESIDENT'S HIV/AIDS INITIATIVE

Mr. FEINGOLD. Mr. President, I commend our President for the historic commitment to fighting the HIV/AIDS pandemic that he articulated in the State of the Union address.

As a 10-year member of the Senate Subcommittee on African Affairs—and over half of those years have been as either the ranking minority member or the chairman—I have seen the terrible unfolding of the pandemic. I have read and repeated the numbing statistics that grow more horrifying every year. I have met with orphans, the sick, the dying, the mourning. I have met with doctors and nurses overwhelmed by the task before them, public health officials impassioned in their pleas for more assistance, volunteers aching for the plight of the children they care for each day.

I believe that I understand the magnitude of this crisis as well as anyone can comprehend something so big and so devastating.

And I also understand that what the President promised to do is a vast leap forward, a truly visionary step toward doing what is right. It is in our interest, and in the interest of global stability. But it is also simply the right thing to do, to refuse to turn away from human suffering on a grand scale, to take action, to set meaningful goals and provide the resources and the will to achieve them. This is a noble undertaking. It is a constructive and humane act at a time when, too often, we feel surrounded by the forces of destruction. The President deserves our praise. I hope that his words will be transformed into action soon.

Congress certainly will be interested in understanding how the Administration plans to phase in additional spending, because the need is urgent and we cannot keep pushing our responsibility off into the future. It is critically important that pressing humanitarian and development priorities will not be robbed to finance this important initiative. And I hope that we take greater advantage of the Global Fund to fight AIDS, TB and malaria than we have in the past so that we can leverage our dollars for maximum impact.

But the bottom line is that this is a truly historic step, which is the only appropriate response to a historic crisis. We should celebrate this initiative. And then we should roll up our sleeves get to work on making it as effective as possible.

ADDITIONAL STATEMENTS

BURN AWARENESS WEEK

• Mr. BREAUX. Mr. President, I ask our colleagues to join me in recognizing the importance of National Burn Awareness Week, February 2 to 8. This week provides an opportunity to educate children and families about the risks that lead to unfortunate and tragic accidents.

Unfortunately our most vulnerable, infants and young children, face greater risks from burn injuries than adults or older children. They rely on the adults around them to ensure their environment is safe and free from potential burn-causing hazards. That is why in addition to treating over 20 percent of all pediatric burns in the Nation at their four national burn centers in Boston, Galveston, Cincinnati, and Sacramento, Shriners Hospitals focus on education and prevention of burn injuries.

The Shriners Hospitals for Children is a unique charitable organization that has never sought nor received Federal, State, local, or third-party funding of any kind. Additionally, Shriners Hospitals are distinctive in that they offer full physical, psychological, and emotional care to all the children they treat.

The annual budget for the 22 orthopedic and burn hospitals totals over half a billion dollars and has an active patient roster of over 156,000 children. It is obvious how important the Shriners Hospitals are to the health of our children. The Shriners Hospitals are completely free to victims, despite the fact that they will spend $1.5 million on children every day this year.

In recognition of Burn Awareness Week, I ask my colleagues to commend such charitable organizations as the Shriners Hospitals that contribute to the care, education, and research necessary to treat and work to prevent children's burn accidents.•

CARROLL COLLEGE WINS NATIONAL FOOTBALL CHAMPIONSHIP

• Mr. BURNS. Mr. President, I rise today to pay tribute to a great bunch of college athletes from one of the best colleges in the Northwest. On December 21, the Carroll College Fighting Saints from Helena, MT, defeated the Georgetown Tigers of Georgetown, KY, to win Carroll's first NAIA national football championship.

The Fighting Saints scored 21 points in the first half, leading the Tigers 21 to 7. These 21 points were the most the

Tiger defense had given up all season. Additionally, this was the first time they had trailed at halftime all season. During the second half, the Saints scored their fourth touchdown. This touchdown went unanswered by the Tigers, and the Fighting Saints won their first NAIA title by a score of 28 to 7.

The 2002 Carroll team is truly one of the best to play in the Frontier Conference, and I can personally attest to that since I had the pleasure of watching this fine team play last year. However, this is not by any means the first time this school has had an outstanding football team. Carroll College has a long tradition of outstanding coaches and student athletes. One noteworthy team was the 1931 Mount Saint Charles College football squad. It wasn't until the next year that Mount Saint Charles became Carroll College. This 1931 team went 6 and 0, beating Montana State University twice. Incidentally, these football players were unscored upon during that year. This team was the Carroll College team of the 20th century, and the 2002 Fighting Saints are truly the team of the 21st century.

The 2002 national championship team had four players named to the NAIA All American football team, a great honor for any program. While these are outstanding athletes, they are not alone. Every member of this team played an important role in winning this national championship. That is why, at this time, I would like to submit a full Fighting Saints roster to be printed in the RECORD of the Senate following my statement. I would also like to commend Coach Mike Van Diest and his coaching staff for putting together and leading such a fine team.

Carroll College has long been known for quality athletic programs, but its academic reputation is one that receives national attention year after year. In the fall of 2002, U.S. News and World Report ranked Carroll as the fourth best comprehensive college in the West. This is Carroll's ninth year in the top 10 in this category. The premed class of 2002 had a 100-percent acceptance rate at prestigious medical schools all across the country. Carroll's accounting students achieve a first-time CPA exam passage rate three times the national average. The Carroll College Talking Saints forensics team ranks among the best in the Nation year after year. In 1999, the Talking Saints won the National Parliamentary Debate Associations national championship.

Today, I congratulate the student athletes and coaches of the 2002 NAIA national championship football team, but would also like to commend the many fine accomplishments of the students and faculty of Carroll College.

The roster follows:

Bryan Chase, Mike Miller, Heath Wall, Zach Bumgarner, Matt Garreffa, Nick Garreffa, Bryce Doak, Cory Perzinski, Dustin Michaelis, John Klaboe, Mark Esponda, Travis Bradshaw, Marcus Atkinson, Jeremy Pantoja, Tom Boyle, Devin Wolf, Mike Maddox, Sheridan Jones, Kyle Baker, Buck Bower, D.J. Dearcorn, Dustin Barber, Arnie Bloomquist, Jason Ostler, Regan Mack, Matt Slingsby, Nate Chiovaro, Rhett Crites, Joey Stuart, Darold Debolt, Mike Pancich, Chris Ramstead, Casey Glenn, Shawn Wanderaas, Jarrod Wirt, A.J. Porrini, Chris Jones, Gary Cooper, Jared Petrino, Matt Thomas, Nick Porrini, Quinn Erwin, Scott Wunderlich, Tyler Emmert, Brett Bermingham, John Forba, Justin Wigen, Spencer Schmitz, Tyler Maxwell, Kevin McCutcheon, Paul Barnett, Jeff Pasha, Curtis Lineweaver, Matt Peterson, James Grimes, Tim Bowman, Luke Lagomasino, Shane Larson, Nick Hammond, Robb Latrielle, Brad Grutsch, Matt Ventresca, Jeremy Grove, Mike Ward, Pat Womac, Kyle East, Nick Colasurdo, Zack Zawacki, Gary Hiner, Casey FitzSimmons, Sam Morton, Brandon Sheahan, Josh Schmidt, Mark Gallik, Jeff Shirley, Mike Donovan, Andrew Hunter, Ben Shapiro, Jeff Michelson, Zac Titus, Mike Kuhnly, Jessie King, Phillip Wilson •

HONORING DR. JOSETTE LINDAHL

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Dr. Josette Lindahl of Vermillion, SD, for being named one of six National Institute of Mental Health Outstanding Psychiatry Residents and South Dakota's first recipient of a National Institute of Health grant.

A third-year psychiatry resident at the University of South Dakota School of Medicine, Josette will use the 3-year National Institute of Health grant, which is awarded to physicians who have the desire to perform research, to study glutamate receptor subunit function and schizophrenia. Josette hopes her research will lead to a better understanding of schizophrenia and more effective treatments. She has also received a grant from Avera McKennan Hospital to study brain receptors and their role in the etiology of schizophrenia.

In 1982, Josette received her bachelor's degree from the University of South Dakota where she was a Presidential Alumni Scholar. Three years after graduating, she opened her own business in Vermillion and performed veterinary diagnostic tests. Josette's company became the first joint venture between a State agency and a private high-tech corporation. In 1996, she received a Ph.D., from the University of South Dakota, and in 2000 earned her medical degree. Today, Josette sees patients 2 days a week at Lewis and Clark Mental Health Center in Yankton, as well as being on call at hospitals in Sioux Falls.

Josette's medical and research talents have enhanced the lives of countless South Dakotans and will lead to important developments in the future care of mental health patients. Her hard work and determination serves as a model for other talented health care professionals to emulate. I am pleased to be able to share her accomplishments with my colleagues and to be able to publicly commend her work.•

REPORT ON A LEGISLATIVE PROPOSAL TO ESTABLISH THE MILLENNIUM CHALLENGE ACCOUNT AND THE MILLENNIUM CHALLENGE CORPORATION—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit a legislative proposal to establish the Millennium Challenge Account and the Millennium Challenge Corporation. Also transmitted is a section-by-section analysis.

The Millennium Challenge Account (MCA) represents a new approach to providing and delivering development assistance. This new compact for development breaks with the past by tying increased assistance to performance and creating new accountability for all nations. This proposal implements my commitment to increase current levels of core development assistance by 50 percent over the next 3 years, thus providing an annual increase of $5 billion by fiscal year 2006. To be eligible for this new assistance, countries must demonstrate commitment to three standards—ruling justly, investing in their people, and encouraging economic freedom. Given this commitment, and the link between financial accountability and development success, special attention will be given to fighting corruption.

The goal of the Millennium Challenge Account initiative is to reduce poverty by significantly increasing economic growth in recipient countries through a variety of targeted investments. The MCA will be administered by a new, small Government corporation, called the Millennium Challenge Corporation, designed to support innovative strategies and to ensure accountability for measurable results. The Corporation will be supervised by a Board of Directors chaired by the Secretary of State and composed of other Cabinet-level officials. The Corporation will be led by a Chief Executive Officer appointed by the President, by and with the advice and consent of the Senate. This proposal provides the Corporation with flexible authorities to optimize program implementation, contracting, and personnel selection while pursuing innovative strategies.

The Millennium Challenge Account initiative recognizes the need for country ownership, financial oversight, and accountability for results to ensure effective assistance. We cannot accept permanent poverty in a world of progress. The MCA will provide people in developing nations the tools they need to seize the opportunities of the global economy. I urge the prompt and favorable consideration of this legislation.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 5, 2003.*

REPORT OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE KINGDOM OF NORWAY ON SOCIAL SECURITY, WITH RELATED ADMINISTRATIVE AGREEMENTS, INTENDED TO MODIFY CERTAIN PROVISIONS OF THE AGREEMENT THAT WAS SIGNED ON JANUARY 13, 1983—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1), I transmit herewith the Agreement Between the United States of America and the Kingdom of Norway on Social Security, with a related administrative agreement, both signed at Oslo on November 30, 2001. This revised Agreement is intended to modify certain provisions of the original United States and Norwegian Agreement, which was signed in Washington on January 13, 1983, and, upon its entry into force, will replace the 1983 Agreement.

The revised United States-Norwegian Agreement is similar in objective to the other social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, The Netherlands, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The revised United States-Norwegian Agreement contains all provisions mandated by section 233 and other provisions, which I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the administrative agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the United States Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Norwegian Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 5, 2003.*

MESSAGES FROM THE HOUSE

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Niland, one of its reading clerks, announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 2) entitled "Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes"; Mr. LEWIS of California and Mr. HOYER of Maryland.

ENROLLED BILL SIGNED

At 5:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 16. To authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

At 7:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 18. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–33. A resolution adopted by the Legislature of the State of California relative to military reserve personnel; to the Committee on Armed Services.

JOINT RESOLUTION NO. 26

Whereas, The military reserve forces of the United States provide a valuable service to the citizens of the United States; and

Whereas, Military reserve personnel make up 60 percent of the total armed forces of the United States; and

Whereas, The reserve forces of the United States military provide for the continuing freedom and pursuit of democracy throughout the world; and

Whereas, The military reserve upholds our values and beliefs in times of peace as well as war; and

Whereas, Evidence suggests the members of the military reserve may be discriminated against due to their reserve status when applying for financing; and

Whereas, The discrimination results in members of the military reserve being charged higher interest rates for loans due to their reserve status; and

Whereas, This discrimination is an attempt to circumvent the Soldiers and Sailors Relief Act of 1940; and

Whereas, The Soldiers and Sailors Relief Act of 1940 specifies that should a member of the military reserve be called to active duty, that person's outstanding loans shall be capped at a 6 percent interest rate should the soldier prove that his or her active duty status would put him or her in financial hardship; and

Whereas, The practice of subprime lending based on reserve status is not prohibited by federal law; and

Whereas, California has taken the lead in protecting the military reserve and the National Guard in California through Assembly Bill 120 of the 2001–02 Regular Session; and

Whereas, We must protect the interest of our military reserve personnel in order to preserve military readiness and morale; and

Whereas, The federal government must stand firm in upholding the rights and duties of the military reserve and continue to demonstrate leadership in the implementation of a strong military force: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to do all of the following:

(a) Stand firm in protecting the financial interest of military reserve personnel.

(b) Enact new legislation that strengthens the provisions of the Soldiers and Sailors Relief Act of 1940.

(c) Look into the practice of predatory lending against military reservists based on their reserve status.

(d) Enact legislation that makes it a crime to discriminate against military reserve personnel based on reserve status when applying for financing; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States and to all members of Congress of the United States.

POM–34. A resolution adopted by the Legislature of the State of California relative to the reunification of Cyprus and its accession to the European Union; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 48

Whereas, For 27 years Turkey has illegally occupied 37 percent of the territory of the Republic of Cyprus and during that time has continually violated the will of the international community, including the United States and the United Nations, that Turkey cease its illegal occupation of Cyprus; and

Whereas, It is the position of the United States government that a political settlement to the Cyprus problem should be based on United Nations Security Council Resolutions; and

Whereas, These resolutions provide that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicommunal and bizonal federation; and

Whereas, The resumption of direct talks in January 2002, in the context of the Good Offices of the Secretary General, to find a just and viable solution to the Cyprus problem is an encouraging development that should be sustained and intensified in order to arrive, by the target date of June 2002, to an agreement; and

Whereas, The members of the Security Council, reiterated, on April 4, 2002, their full support for the negotiating process and for the Secretary General's mission entrusted to him by the Security Council in Security Council Resolution 1250, which was adopted on June 29, 1999, and urged the leaders to work for reaching a comprehensive settlement and takes full consideration of the relevant United Nations Resolutions and Treaties; and

Whereas, A peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey, and will serve the interests of the United States in the region; and

Whereas, Security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots; and

Whereas, The prospect of Cyprus' accession to the European Union has acted as a catalyst for the resumption of the talks aimed at reaching a solution of the Cyprus problem: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature calls upon the President of the United States to increase the administration's efforts to encourage initiatives that will help promote and achieve reunification, reconciliation, stability, and prosperity in Cyprus within the context of the ongoing efforts under the United Nations Secretary General's auspices and on the basis of the relevant United Nations Security Council Resolutions; and be it further

Resolved, That the Assembly and Senate of the State of California, jointly, request the United States government to continue to strongly support the accession of Cyprus to the European Union, without a settlement of the Cyprus problem being a precondition for accession; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative in the Congress of the United States.

POM–35. A resolution adopted by the Legislature of the State of California relative to disabled military retirees; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 34

Whereas, A penalty is imposed against disabled military retirees for concurrent receipt of retirement and disability compensation; and

Whereas, If a member of the armed forces retires with 20 or more year of service to this country, earning retirement compensation, and this same retiree has a major disability resulting from wounds or service connected activities, $1 from his or her retirement check is deducted for each dollar of disability payment received; and

Whereas, This law requires retired military personnel to do something no one else in America is obligated to do—pay for their own disability; and

Whereas, For many years, veterans' organizations and disabled veterans battled to change this law; and

Whereas, Last year, Congress recognized that disabled military retirees had a legitimate complaint and introduced legislation that was designed to correct this policy; and

Whereas, Included within the National Defense Authorization Act For Fiscal Year of 2002 is legislation that will end this discriminatory practice of deducting disability compensation from retirement pay. However, the legislation will be effective only if the President requests money to cover its costs in his next budget; and

Whereas, These disabled military retirees fought in World War II, Korea, Vietnam, the Persian Gulf and a dozen brush fire wars in unremembered countries, risking everything for our country. They gave of their youth and health, only to be retired with a disability that they are forced to pay for out of their own pockets; and

Whereas, The discrimination our country has displayed for its disabled military retirees should not be passed on to those young people who are now fighting our War Against Terrorism: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to urge the Congress of the United States to fund the National Defense Authorization Act For Fiscal Year of 2002, to eliminate the penalty imposed against disabled military retirees for concurrent receipt of retirement and disability compensation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives, the President of the Senate; and each Member in the Congress of the United States.

POM–36. A resolution adopted by the Legislature of the State of California relative to the extradition of Criminals; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 63

Whereas, The Mexican Supreme Court ruled in October 2001 that Mexico will not extradite criminals who face life sentences in the United States; and

Whereas, The United States Constitution prohibits states from entering into treaties with foreign governments to protect their citizens and arrange extradition for criminals; and

Whereas, The person or persons responsible for the April 29, 2002, murder of Los Angeles County Sheriff Deputy David March is believed to have fled to Mexico to avoid prosecution; and

Whereas, California and other states must rely upon the federal government to resolve this issue of national importance; and

Whereas, The Attorney General from each of the 50 states has asked United States Attorney General John Ashcroft and United States Secretary of State Colin Powell to address this extradition issue with their counterparts in Mexico: Now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly. That the extradition from Mexico of all criminals who face life sentences is a matter of urgent and enduring importance to the State of California; and be it further.

Resolved, That. California's Senators and Members of the House of Representatives should take all prudent and necessary steps to ensure that this matter is addressed at the highest levels of our federal government; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, the United States Attorney General, the United States Secretary of State, and to each member of the Congress of the United States.

POM–37. A resolution adopted by the Legislature of the State of California relative to the Armenian Genocide; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION NO. 44

Whereas, One and one-half million men, women, and children of Armenian descent were victims of the brutal genocide perpetrated by the Ottoman Empire from 1915 to 1923; and

Whereas, The Armenian Genocide and massacre of the Armenian people have been recognized as an attempt to eliminate all traces of a thriving and noble civilization over 3,000 years old; and

Whereas, To this day revisionists still inexplicably deny the existence of these horrific events; and

Whereas, By consistently remembering and openly condemning the atrocities committed against the Armenians, California residents demonstrate their sensitivity to the need for constant vigilance to prevent similar atrocities in the future; and

Whereas, Recognition of the 87th anniversary of this genocide is crucial to preventing the repetition of future genocides and educating people about the atrocities connected to these tragic events; and

Whereas, Armenia is now a free and independent republic, having embraced democracy following the dissolution of the Soviet Union; and

Whereas, California is home to the largest population of Armenians in the United States, and those citizens have enriched our state through their leadership in the fields of business, agriculture, academia, medicine, government, and the arts and are proud and patriotic practitioners of American citizenship: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby designates April 24, 2002, as "California Day of Remembrance for the Armenian Genocide of 1915–1923"; and be it further

Resolved, That the State of California respectfully memorializes the Congress of the United States to likewise act to commemorate the Armenian Genocide; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, Members of the United States Congress, the Governor, and Armenian churches and commemorative organizations in California.

POM–38. A resolution adopted by the Legislature of the State of California relative to commending Title IX of the Education Amendments of 1972; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 47

Whereas, June 23, 2002, marks the celebration of the 30th anniversary of Title IX of the Education Amendments enacted by the United States Congress and signed into law in 1972, and upon this occasion, it is deserving of special public commendations; and

Whereas, Title IX of the Education Amendments of 1972, which is one of the most significant pieces of federal legislation passed in the 20th century, prohibits discrimination on the basis of sex in education programs and activities at education institutions that receive federal funds, and it is an omnibus education law affecting all curricular and extracurricular offerings, from medicine, law, and science to drama, dance, and athletics; and

Whereas, Girls and women throughout the ages that participated in a variety of sports and physical activities in school, community, and club programs; and

Whereas, Prior to the passage of Title IX, there were few opportunities for girls and women to participate in high school or college athletics; and

Whereas, Participation in sports in acknowledged as a positive force in developing and promoting physical, mental, moral, social, and emotional well-being, and it is well-established that participation in athletics builds self-esteem, communication skills, discipline, and perserverance, all qualities that make a positive and significant difference in the quality of life and in the level of accomplishment; and

Whereas, Participation in girls youth and high school sports leagues has risen to a record level, and participation by female collegiate athletes now represents 41 percent of all varsity athletes; and

Whereas, Girls who participate in sports have the opportunity to develop strong interpersonal relationships while learning teamwork, goal-setting, and other achievement-oriented behaviors; and

Whereas, Participation in athletics strengthens family bonds between young women and their parents who may have participated in athletics themselves, and engaging in physical activities and sporting events as a family unit further enhances family bonds; and

Whereas, Teenage female athletes are less likely to use marijuana, cocaine, or other illicit drugs, less likely to be suicidal, less likely to smoke, and more likely to have positive body images than female nonathletes, and women student athletes graduate at a significantly higher rate than women students in general; and

Whereas, Teenage female athletes are 50 percent less likely to become pregnant as female nonathletes, less likely to have sex as teenagers than female nonathletes, and more likely to postpone their first sexual experience than female nonathletes; and

Whereas, Many female athletes have distinguished themselves as representatives of California and the nation in international competition and the Olympic Games, and during the 2000 Summer Olympics, women competed for the first time in the same number of team sports as men; and

Whereas, Professional female athletes now compete in leagues such as the Women's United Soccer Association, the Women's National Basketball Association, the Women's Tennis Association, the Ladies Professional Golf Association, Women's Professional Softball League, and the Women's Professional Football League, and the United States Professional Volleyball League will launch in 2002; and

Whereas, The increased visibility of female athletes provide people, young and old, female and male, with positive role models, and many women agree that seeing successful female athletes make them feel great pride as women; and

Whereas, Title IX continues to break down the gender barriers in educational institutions, giving women the opportunity to strive and achieve for excellence and realize the best with themselves; and

Whereas, Women of all ages should be encouraged to compete and contribute to sports at all levels of competition and to ensure opportunity for the next generation of female athletes and sports leaders as we enter the new millennium: Now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to do all of the following:

(1) Stand firm in their resolve to uphold the intent and substance of the current provision of Title IX of the Education Amendments of 1972.

(2) Pursue a strong enforcement policy for Title IX of the Education Amendments of 1972 and strengthen the compliance and enforcement policies of the U.S. Department of Education's Office for Civil Rights (OCR).

(3) Support the continuation of the strong compliance standards that are currently in place for Title IX of the Education Amendments of 1972.

(4) Encourage all Americans to participate in the national celebration, "Celebrating 30 Years of Title IX"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to all Members of Congress of the United States.

POM-39. A joint resolution adopted by the Senate of the State of California relative to stem cell research; to the Committee on Health, Education, Labor, and Pensions.

Senate Joint Resolution No. 38

Whereas, The United States is a world leader in the discovery and invention of technology that improves the health and quality of lives of individuals; and

Whereas, California is a state whose scientific achievements and research regarding recombinant DNA outstrip the rest of the country; and

Whereas, California's success with respect to biotechnology is largely attributable to the freedom of researchers to perform pioneering work at the frontiers of scientific discovery; and

Whereas, The biotechnology industry contributes to the growth of the state and national economy, and produces a significant amount of jobs and revenue; and

Whereas, Therapeutic cloning promises to be the next field of rapid progress in the realm of biotechnology; and

Whereas, Scientists confirm that embryonic stems cells hold far more potential than adult stem cells as to the development of treatments and cures for disease; and

Whereas, A prohibition on stem cell research would stifle scientific innovation, diminish the ability of biomedical companies to maintain the nation's role as the reigning world leader in biotechnology and biomedicine, drive talented scientists outside the country, and set the United States decades behind other nations in the development of medical therapies; and

Whereas, An estimated 128 million Americans suffer the debilitating physiological, economic, and emotional burdens of chronic and degenerative diseases, including diabetes, heart disease, Parkinson's disease, spinal cord injury, cancer, and Alzheimer's disease; and

Whereas, The cost of treatment for these diseases and of lost productivity totals hundreds of billions of dollars every year; and

Whereas, Stem cell research provides a critical means to unlock fundamental questions of cellular biology that are key to curing cancer; and

Whereas, Stem cell research has immense potential to provide medical therapies to cure and treat many other debilitating diseases; and

Whereas, A prohibition on stem cell research and therapeutic cloning will deny over one-third of Americans their foremost opportunity for a cure or effective treatment for disease, by denying scientists the chance to develop efficient medications and therapies; and

Whereas, The United States has historically been a haven for scientific inquiry and technological innovation, and this environment of scientific openness, coupled with a commitment of public and private resources, has made this country the reigning leader in the fields of biomedicine and biotechnology; and

Whereas, California's biomedical industry constitutes a significant portion of the state's economy, employing over 225,000 Californians in over 2,500 companies, investing more than $2.1 billion in research, and creating $12.8 billion in wages and salaries worldwide as well as revenues of nearly $7.8 billion; and

Whereas, The biomedical industry would be considerably harmed by a prohibition of stem cell research and therapeutic cloning; and

Whereas, Proposed federal legislation that imposes barriers to this research prioritizes the religious values of a national minority ahead of the public health interests of Californians and all Americans, criminalizes the legitimate pursuit of effective medical therapy, and prevents physicians from fulfilling their moral and professional obligation to offer patients the best treatment available: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to reject legislation that inappropriately impedes the progress of medical science by impeding stem cell and therapeutic cloning research, and denies Americans legal access to effective medical therapies; and be it further

Resolved, That the Legislature memorializes the President and Congress of the United States to enact legislation that would do all of the following:

(1) Impose a ban on reproductive cloning.

(2) Permit research involving therapeutic cloning, including the derivation of or use of stem cells from any source.

(3) Establish a process to facilitate the donation of material containing stem cells to researchers and ensure this material is donated by informed participants who provide written consent.

(4) Establish guidelines to oversee stem cell research conducted in the United States to ensure that this research is safe and is conducted within appropriate medical, ethical, and moral parameters; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Senate Committee on Rules, the Speaker of the Assembly, the Chair of the Senate Committee on Health and Human Services, and the Chair of the Assembly Committee on Health, and to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-40. A joint resolution adopted by the Senate of the State of California relative to Trade with Cuba; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 39

Whereas, The relationship between the United States and Cuba has long been marked by tension and confrontation; and

Whereas, Further heightening this hostility is the 40-year-old United States trade embargo against the island nation, which remains the longest-standing embargo in modern history; and

Whereas, Cuba imports nearly a billion dollars' worth of food every year, including approximately 1,100,000 tons of wheat, 420,000 tons of rice, 37,000 tons of poultry, and 60,000 tons of dairy products; and

Whereas, These amounts are expected to grow significantly in coming years as Cuba slowly recovers from the severe economic recession it has endured following the withdrawal of subsidies from the former Soviet Union in the last decade; and

Whereas, California is the top agricultural producer and exporter in the Nation, a position it has held for 50 years, with an enormous variety of crops and great growing conditions; and

Whereas, California's production values are more than $26 billion annually; and

Whereas, California is, therefore, ideally positioned to benefit from the market opportunities that free trade with Cuba would provide; and

Whereas, Rather than depriving Cuba of agricultural products, the United States embargo succeeds only in driving sales to competitors in other countries that have no such restrictions; and

Whereas, In recent years, Cuba has developed important pharmaceutical products, namely, a new meningitis-B vaccine that has virtually eliminated the disease in Cuba; and

Whereas, These products have the potential to protect Americans against diseases that continue to threaten large populations around the world; and

Whereas, Cuba's potential oil reserves have attracted the interest of numerous other countries that have been helping Cuba develop its existing wells and search for new reserves, and Cuba's oil output has increased more than 400 percent over the last decade; and

Whereas, The United States' trade, financial, and travel restrictions against Cuba hinder California's exports of agricultural and food products and our ability to import critical energy products, the treatment of illnesses experienced by Californians, and the right of Californians to travel freely: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully urges the President and Congress of the United States to consider the removal of trade, financial, and travel restrictions relating to Cuba; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–41. A joint resolution adopted by the Senate of the State of California relative to international investment agreements; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 40

Whereas, The United States government, through the United States Trade Representative, is negotiating to create or interpret investment agreements under the proposed Free Trade Area of the Americas (FTAA), bilateral agreements such as the United States-Chile agreement, the investment chapter of the North American Free Trade Agreement (NAFTA), and potentially under the World Trade Organization (WTO); and

Whereas, Investment agreements affect state and local powers, including, but not limited to, zoning, protection of groundwater and other natural resources, corporate ownership of land and casinos, law enforcement by courts, public services, and sovereign immunity; and

Whereas, Investment rules under these agreements deviate from United states legal precedents on takings law and deference to legislative determinations on protecting the public interest; and

Whereas, Investment rules do not safeguard any category of law from investor complaints, including, but not limited to, laws, passed in the interest of protecting human or animal health, environmental resources, humans rights, and labor rights; and

Whereas, Foreign investors have used the provisions of NAFTA's investment chapter to challenge core powers of state and local government, including, but not limited to, regulatory power to protect groundwater in California; the power of civil juries to use punitive damages to deter corporate fraud in Mississippi; the ability of states to invoke sovereign immunity in Massachusetts; and a decision by local government to deny a zoning permit for construction of a hazardous waste dump in Guadalcazar, Mexico; and

Whereas, Serious concerns about international investment agreements have been expressed by national government associations, including the National Conference of State Legislatures, which urged federal trade negotiators not to commit the United States to further investor-to-state dispute provisions such as those pending under NAFTA; the National League of Cities, which has expressed concern that expansion of investment rules could undermine the successful effort by state and local governments to defeat legislation to expand compensation for takings in the 104th Congress; and the National Association of Attorneys General, which has encouraged Congress to ensure that foreign investors receive no greater rights to financial compensation than those afforded our citizens in any new international trade agreements: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States that the Congress and the United States Trade Representative should preserve the traditional powers of state and local governments by requiring that negotiators of international investment agreements do all of the following:

(a) Either carve out state and local governments from the scope of future investment agreements or exclude investor-to-state disputes from investment agreements.

(b) Ensure that international investment rules do not give greater rights to foreign investors than United States investors enjoy under the United States Constitution.

(c) Ensure that international investment rules do not undermine traditional police powers of state and local governments to protect public health, conserve environmental resources, and regulate fair competition.

(d) Ensure that all proceedings are open to the public and that all submissions, findings, and decisions are promptly made public, consistent with the need to protect classified information, and that amicus briefs will be accepted and considered by investment tribunals.

(e) Provide that an investors' home government must consent to the investor's claim against its host government, if investor-to-state disputes are retained; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United states, to the United States Trade Representative, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–42. A joint resolution adopted by the Senate of the State of California relative to permanent resident alien airport security screeners; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 41

Whereas, On November 19, 2002, all airport security screeners become federal employees and must become United States citizens or lose their jobs; and

Whereas, Almost 80 percent of the current security screeners at the San Francisco International Airport are noncitizens; and

Whereas, Many of these employees are well trained and have years of experience as airport security screeners; and

Whereas, San Mateo and San Francisco Counties are already reeling from the economic recession and termination of qualified airport security screeners would cause further disruption to the local economy; and

Whereas, On December 14, 2001, and December 17, 2001, respectively, S. 1829 and H.R. 3505, two identical measures both titled the Airport Security Personnel Protection Act, were introduced in the United States Senate and the United States House of Representatives; and

Whereas, These measures provide for transitional employment for qualified lawful permanent resident alien airport security screeners until their naturalization processes are completed on an expedited basis as required by the measures: Now therefore, be it

Resolved by the Senate and assembly of the State of California, jointly, That the Legislature of the State of California hereby urges the Congress of the United States to enact either S. 1829 or H.R. 3505, or both, without the provisions that provide for an expedited naturalization process, as the Airport Security Personnel Protection Act; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Speaker of the House of Representatives, and to each Senator and Representative from California in the United States Congress.

POM–43. A joint resolution adopted by the Senate of the State of California relative to child care and development block grant; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 42

Whereas, The United States Congress enacted the Child Care and Development Block Grant Act of 1990, now known as the Child Care and Development Block Grant (CCDBG), pursuant to the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508), to provide federal funding for child care subsidies for low-income families and for initiatives to improve the quality of child care; and

Whereas, Congress set up the block grant in its current form in 1996 when it passed the

Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104-193), often referred to as "welfare reform," and authorized federal funding for the CCDBG only through fiscal year 2002; and

Whereas, Congress will be considering this year a reauthorization of funding for the CCDBG; and

Whereas, Making more quality child care available will help support a vibrant economy, allow families to find and keep jobs, and prepare the workforce of the future; and

Whereas, Studies repeatedly have shown that good quality child care, which provides a loving, safe, and stable environment, helps children enter school ready to succeed, improve their skills, and stay safe while their parents work; and

Whereas, The positive impact of good quality child care is even greater for low-income children, yet in many communities, families cannot find adequate and affordable care; and

Whereas, Child care is unaffordable for many families, and many low-income parents who are unable to obtain help paying for child care are forced to make impossible choices, including whether to pay rent, food or child care or whether to choose less expensive, but potentially detrimental, care for their children, and, for some parents, having no choice but to return to welfare; and

Whereas, The CCDBG is the primary source of support for families who cannot afford the quality child care that is critical to their ability to find and keep a job and to prepare their children to succeed in school; and

Whereas, Through the CCDBG, each state, including California, receives both "mandatory" funds, which are automatically available each year although states must contribute a match to receive these funds, and "discretionary" funds, which are available without a match but must be appropriated by Congress each year; and

Whereas, The reauthorization of the CCDBG offers an opportunity to continue state child care assistance efforts and to increase both mandatory funding for the next five years and discretionary funding for fiscal year 2003: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the United States Congress to approve legislation that increases and reauthorizes funding for the Child Care and Development Block Grant; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM-44. A joint resolution adopted by the Senate of the State of California relative to California fire service terrorism preparedness; to the Committee on Appropriations.

Senate Joint Resolution No. 48

Whereas, California has experienced numerous large-scale disasters including fires, earthquakes, floods, and landslides, to which the California Fire Service has responded and mitigated further destruction in their mission as first responders; and

Whereas, Following the events of September 11, 2001, the threat of terrorism adds critical new dimensions to the preparedness for first responders responsible for the rescue and safety of California citizens; and

Whereas, The California Metropolitan Fire Chiefs have compiled a comprehensive inventory, totaling $200,000,000, in training and equipment needs necessary to elevate the capabilities of the state's Fire Service to an appropriate level in order to meet current requirements for readiness, including the bolstering of fire department resources and training throughout the state; and

Whereas, It is imperative that all Statewide Fire Service first responders have available to them personal protection equipment in the event their duties require exposure to incidents involving nuclear, biological, or chemical devices designed as tools of terrorism or weapons of mass destruction; and

Whereas, It is critical that all Statewide Fire Service first responders receive training that is specially designed to adequately prepare them for weapons of mass destruction events: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California requests the President and Congress of the United States to make sufficient funds available to California to support the state's Fire Service first responder preparedness needs; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to Senate Majority Leader Tom Daschle, to Senate Minority Leader Trent Lott, to House Speaker J. Dennis Hastert, to House Minority Leader Richard Gephardt, and to each Senator and Representative from California in the Congress of the United States.

POM-45. A joint resolution adopted by the Senate of the State of California relative to human exposure to environmental chemicals; to the Committee on Health, Education, Labor, and Pensions.

Senate Joint Resolution No. 49

Whereas, In 1999, the federal Centers for Disease Control and Prevention (CDC) issued its first National Report on Human Exposure to Environmental Chemicals, a new publication that provides an ongoing assessment of the United States population's exposure to environmental chemicals using biomonitoring; and

Whereas, "Environmental chemical" means a chemical compound or chemical element present in air, water, soil, dust, food, or other environmental media, and "biomonitoring" is the assessment of human exposure to chemicals by measuring the chemicals or their metabolites in human specimens, such as blood or urine collected in the representative survey known as the National Health and Nutrition Examination Survey (NHANES); and

Whereas, It is important to know which chemicals are stored in the body because they act as a "reservoir" for continued exposure, with potentially serious health consequences, since a chemical that accumulates in the body over time can increase the potential for disease to occur; and

Whereas, The first edition of the National Report on Human Exposure to Environmental Chemicals presents levels of 27 environmental chemicals measured in the United States population, including metals such as lead, mercury, uranium, cotinine, a marker of tobacco smoke exposure, and organophosphate pesticide metabolites, as well as phthalates; and

Whereas, The National Report on Human Exposure to Environmental Chemicals determines the toxic substances to which Americans are exposed, as well as populations at risk, volumes of toxic substances used, and exposure trends; and

Whereas, The National Report on Human Exposure to Environmental Chemicals determines whether interventions to reduce exposure have been effective; and

Whereas, In collaboration with other federal agencies, the National Report on Human Exposure to Environmental Chemicals provides additional information on interpreting lab measurements, including potential sources of exposure and human toxicity; and

Whereas, The next National Report on Human Exposure to Environmental Chemicals is due to be issued by December 2002 and will analyze 75 chemicals; and

Whereas, The National Report on Human Exposure to Environmental Chemicals' findings, organized by state and demographics, were to be made available in January of 2002; and

Whereas, California is a world leader in clean air and water standards, often improving upon federal standards; and

Whereas, The California survey within the National Report on Human Exposure to Environmental Chemicals constitutes a valid sample in its own right; and

Whereas, The National Report on Human Exposure to Environmental Chemicals' specific findings for the State of California will help the State Department of Health Services, the Legislature, and the Governor's office to address California's environmental health needs; and

Whereas, The State Department of Health Services is responsible for developing a plan to establish an environmental health tracking system by 2003, a project that requires collation of all available data sets; and

Whereas, The National Report on Human Exposure to Environmental Chemicals will inform the planning process as California builds capacity at state biomonitoring facilities; and

Whereas, The State Department of Health Services needs to make a budgetary commitment to addition biomonitoring to augment CDC findings; and

Whereas, The California public has the right to information regarding regional exposures to particular chemicals; and

Whereas, California findings on particular chemicals will serve as an information base for populations concerned about decreasing chemical risks in their communities: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States, the United States Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and the California Congressional delegation to seek the immediate release to the State Department of Health Services, and thereby to the California public, of the California-specific findings from the 1999 CDC National Report on Human Exposure to Environmental Chemicals; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Director of the Centers for Disease Control and Prevention to release to the State Department of Health Services all California-specific findings from the National Report on Human Exposure to Environmental Chemicals that is due to be issued by December 2002, at the time that report is issued; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the

President and Vice President of the United States, the United States Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and to each Senator and Representative from California in the Congress of the United States.

POM–46. A joint resolution adopted by the Senate of the State of California relative to the bicentennial anniversary of the United States Military Academy at West Point; to the Committee on Armed Services.

Senate Joint Resolution No. 50

Whereas, This year the United States Military Academy at West Point celebrates 200 years of providing leaders of character for our Army and a lifetime of selfless service to the nation; and

Whereas, On March 16, 1802, President Thomas Jefferson signed into law a bill of the United States Congress authorizing the establishment of "a military academy to be located at West Point in the State of New York"; and

Whereas, West Point was originally created as an academic institution devoted to the arts and sciences of warfare, and later emphasizing engineering to serve the needs of the nation and to eliminate the country's reliance on foreign engineers and artillerists; and

Whereas, West Point graduates were responsible for the construction of many of the nation's initial railway lines, bridges, harbors, and roads that were the vital infrastructure of our great nation; and

Whereas, The list of graduates representing the Long Gray Line is distinguished and includes two American Presidents, Ulysses S. Grant and Dwight D. Eisenhower; and

Whereas, West Point graduates have led our nation's Armed Forces from the birth of our nation to the present, many of them giving their lives as the ultimate sacrifice to preserve our freedom; and

Whereas, In addition to Ulysses S. Grant, who led the Union Army in the Civil War, General Robert E. Lee, leader of Confederate troops, graduated from the United States Military Academy; and

Whereas, Other graduates with notable military careers include Generals Philip Sheridan, William T. Sherman, George S. Patton, Douglas MacArthur, and H. Norman Schwarzkopf; and

Whereas, West Point graduates have distinguished themselves in countless ways, from Olympic glory to receiving the Heisman Trophy, from receiving scores of Rhodes Scholarships to serving as some of the nation's pioneering astronauts; and

Whereas, The academy is preparing for its third century of service to our nation, a future in which fighting and winning our nation's wars remains the Army's primary focus; and

Whereas, The academy must also prepare officers for peacekeeping duties as part of an every complex world; and

Whereas, The academy remains today an energetic, vibrant institution that attracts some of the nation's best and brightest young men and women who, in the next 200 years of service to this nation, will face challenges different from those that have gone before them to make up the storied Long Gray Line; and

Whereas, The academy continues its lasting commitment to its motto of duty, honor, and country: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California recognizes that the United States Military Academy at West Point is a living testament to the accomplishments of the United States throughout its history; and be it further

Resolved, That the legislature of the State of California honors the United States Military Academy at West Point and its graduates as they move forward into the academy's third century of service to the nation; and be it further

Resolved, That the Legislature of the State of California respectfully requests the United States Congress to recognize the 200th anniversary of the United States Military Academy; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–47. A joint resolution adopted by the Senate of the State of California relative to the California wild heritage act of 2002; to the Committee on Energy and Natural Resources.

Senate Joint Resolution No. 52

Whereas, California's public lands contain an invaluable and irreplaceable diversity of ecosystems; and

Whereas, Increasing population growth and expansion of urban and suburban developments threaten the integrity of many of these ecosystems; and

Whereas, These ecosystems provide critical habitat to native flora and fauna, 293 of which are listed as rare, threatened, or endangered; and

Whereas, Protection and maintenance of these wildlands preserves the health of watersheds essential to safe and good quality water for agricultural uses and human consumption; and

Whereas, Many of California's wild lands include sites, including flora and fauna sacred and spiritually valuable to Native American tribes; and

Whereas, The deserts, coasts, riparian areas, mountains, valleys, and chaparral of California have shaped the history and the cultural heritage of California; and

Whereas, Protection and maintenance of California's wild and scenic rivers is an essential component of the survival and recovery of threatened salmon and other fish species; and

Whereas, Conservation and restoration of California's natural resources also benefits our recreation and tourism industries; and

Whereas, Senator Barbara Boxer has authored the California Wild Heritage Act of 2002 to protect 81 areas, totaling 2.5 million publicly held acres of the State scattered throughout 36 counties; and

Whereas, The California Wild Heritage Act of 2002 designates 22 wild and scenic rivers totaling 440 miles of riparian systems; and

Whereas, The California Wild Heritage Act of 2002 protects the ancient Bristlecone Pine Forest where the oldest living trees have flourished in the harsh environment of the White-Inyo Mountain range for over 4,000 years; and

Whereas, The California Wild Heritage Act of 2002 provides enhanced protections critical for the continued conservation of unique and fragile areas of coastal, chaparral, pinon-juniper, mountain, forest and desert habitat currently classified as National Forest, National Park, or Bureau of Land Management Lands; and

Whereas, The California Wild Heritage Act of 2002 designates Cache Creek and the East Fork of the Carson River as "Wild and Scenic Rivers Study Areas"; and

Whereas, The California Wild Heritage Act of 2002 establishes the "Sacramento River National Conservation Area"; and

Whereas, The California Wild Heritage Act of 2002 balances the needs of the military, agricultural, law enforcement, firefighting, and recreational use communities with the intrinsic environmental value of the wilderness areas: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, that the Legislature respectfully memorializes the President and the United States Congress to enact S. 2535, the California Wild Heritage Act of 2002, as introduced by Senator Barbara Boxer, and to be introduced by Representatives Hilda Solis and Mike Thompson; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Speaker of the House of Representatives, the Chairpersons of the House and Senate Taxation Committees, and to each Senator and Representative from California in the Congress of the United States.

POM–48. A joint resolution adopted by the Senate of the State of California relative to the United Nation's Population Fund; to the Committee on Appropriations.

Senate Joint Resolution No. 51

Whereas, The Bush Administration has determined that the $34 million appropriated by Congress shall not be provided at this time to the United Nations Population Fund (UNFPA) due to the Kemp-Kasten Amendment, which provides that none of the funds made available under the Foreign Assistance and Related Programs Appropriations Act of 1985 "may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization"; and

Whereas, The UNFPA strives to establish universal access to reproductive health, promote awareness of population and human development issues, and support population and human development; and

Whereas, The UNFPA provides 142 countries with health services during pregnancy and birth, voluntary family planning, teen-pregnancy prevention, and services to protect women and families from HIV/AIDS and other sexually transmitted infections; and

Whereas, The UNFPA addresses the issues of population, family planning, women's empowerment, and HIV intervention; and

Whereas, These issues are paramount to the United Nations' goals of reducing poverty, increasing global stability and prosperity, and creating a sustainable population; and

Whereas, The UNFPA programs not only provide benefits to women, but also their families, their communities, and their nations; and

Whereas, The UNFPA is committed to a voluntary, human rights-based approach to reproductive health and family planning stipulated by the 1994 Cairo International Conference on Population and Development; and

Whereas, A fact-finding mission to China conducted by the United States found no evidence that the UNFPA had supported or participated in programs involving coercive abortion or involuntary sterilization in China; and

Whereas, Past funds to the UNFPA from the United States were restricted so that they did not fund programs in China; and

Whereas, Congress had already approved sending $34 million to the UNFPA in 2002: and

Whereas, The United States funding, estimated by the UNFPA, would be enough to prevent 2 million unwanted pregnancies, nearly 800,000 induced abortions, 4,700 maternal deaths, nearly 60,000 cases of serious maternal illness, and over 77,000 infant and child deaths: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to reinstate the $34 million in funding for the United Nations Population Fund; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, without amendment:

S. Res. 47. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection it is so ordered.

*Foreign Service nominations beginning Russell J. Nicely and ending George Adams Moore, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

*Foreign Service nominations beginning Nicholas R. Kuckova and ending Richard W. Johnston, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 301. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 302. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mrs. Feinstein, Mr. Specter, Mr. Kennedy, Mr. Harkin, and Mr. Miller):

S. 303. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Inouye, Mr. Akaka, Mr. Corzine, Mrs. Murray, Ms. Mikulski, Mr. Kerry, Mrs. Clinton, and Mr. Lautenberg):

S. 304. A bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. Hatch):

S. 305. A bill to amend the Internal Revenue Code of 1986 to include in the criteria for selecting any project for the low-income housing credit whether such project has high-speed Internet infrastructure; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Reid, Mr. Wyden, Mr. Ensign, Mrs. Clinton, Mr. Schumer, Mrs. Boxer, Mrs. Feinstein, Ms. Cantwell, and Mrs. Murray):

S. 306. A bill to amend part C of title XVIII of the Social Security Act to consolidate and restate the Federal laws relating to the social health maintenance organization projects, to make such projects permanent, to require the Medicare Payment Advisory Commission to conduct a study on ways to expand such projects, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. Voinovich):

S. 307. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. LOTT:

S. 308. A bill to impose greater accountability on the Tennessee Valley Authority with respect to capital investment decisions and financing operations by increasing Congressional and Executive Branch oversight; to the Committee on Environment and Public Works.

By Mr. ALLEN (for himself and Mr. Dodd):

S. 309. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS (for himself, Mrs. Lincoln, Ms. Cantwell, Mr. Inhofe, Ms. Landrieu, Mr. Johnson, and Mrs. Boxer):

S. 310. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. Schumer):

S. 311. A bill to direct the Secretary of Transportation to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. Chafee, Mr. Kennedy, Ms. Snowe, Mr. Baucus, Mr. Grassley, Mr. Corzine, Mr. Warner, Mrs. Clinton, Ms. Collins, Mr. Bingaman, Mr. McCain, Mr. Bayh, Mr . DeWine, Mrs. Hutchison, Mrs. Lincoln, Mr. Hatch, Mr. Lautenberg, and Ms. Mikulski):

S. 312. A bill to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. Harkin, Mr. Gregg, and Mr. Kennedy):

S. 313. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. Gregg, Mr. Frist, and Mr. Bingaman):

S. 314. A bill to make improvements in the Foundation for the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. Daschle, and Mr. Reid):

S. 315. A bill to support first responders to protect homeland security and prevent and respond to acts of terrorism; to the Committee on the Judiciary.

By Mr. CORZINE (for himself and Mr. Kennedy):

S. 316. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. Sessions, and Mr. Enzi):

S. 317. A bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs for work and family, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. Bond, Ms. Landrieu, Mr. Edwards, Mr. Johnson, Mr. Bingaman, Mr. Levin, Mr. Baucus, Mr. Daschle, Mr. Hollings, Mr. Lieberman, Mr. Warner, Mr. Crapo, Mr. Harkin, and Mr. Reid):

S. 318. A bill to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought; to the Committee on Small Business and Entrepreneurship.

By Ms. MIKULSKI (for herself and Mr. Sarbanes):

S. 319. A bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance; to the Committee on Governmental Affairs.

By Mr. GREGG:

S. 320. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. BIDEN, Mr. DEWINE, and Ms. CANTWELL):

S. 321. A bill to provide for the establishment of a scientific basis for new firefighting technology standards, improve coordination among Federal, State, and local fire officials in training for and responding to terrorist attacks and other national emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 322. A bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 323. A bill to establish the Atchafalaya National Heritage Area, Louisiana; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. NELSON of Florida, Mr. FRIST, Mr. DASCHLE, Mr. CORNYN, Mr. GRAHAM of Florida, Mr. ALEXANDER, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mr. BINGAMAN, Mr. BROWNBACK, Mrs. BOXER, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CHAFEE, Mr. CARPER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CONRAD, Mr. COLEMAN, Mr. CORZINE, Ms. COLLINS, Mr. DAYTON, Mr. CRAIG, Mr . DODD, Mr. CRAPO, Mr. DORGAN, Mr. DEWINE, Mr. DURBIN, Mrs. DOLE, Mr. EDWARDS, Mr. DOMENICI, Mr. FEINGOLD, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. ENZI, Mr. HARKIN, Mr. FITZGERALD, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. INOUYE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. GREGG, Mr. JOHNSON, Mr. HAGEL, Mr. KENNEDY, Mr. HATCH, Mr. KERRY, Mr. INHOFE, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr . LOTT, Mr. LAUTENBERG, Mr. LUGAR, Mr. LEAHY, Mr. MCCAIN, Mr. LEVIN, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. MURKOWSKI, Mrs. LINCOLN, Mr. NICKLES, Ms. MIKULSKI, Mr. ROBERTS, Mr. MILLER, Mr. SANTORUM, Mrs. MURRAY, Mr. SESSIONS, Mr. NELSON of Nebraska, Mr. SHELBY, Mr. PRYOR, Mr. SMITH, Mr. REED, Ms. SNOWE, Mr. REID, Mr. SPECTER, Mr. ROCKEFELLER, Mr. STEVENS, Mr. SARBANES, Mr. SUNUNU, Mr. SCHUMER, Mr. TALENT, Ms. STABENOW, Mr. THOMAS, Mr. WYDEN, Mr. VOINOVICH, and Mr. WARNER):

S. Res. 45. A resolution commemorating the Columbia Astronauts; considered and agreed to.

By Mr. BINGAMAN (for himself, Mr. BOND, Mr. LUGAR, Mr. DEWINE, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. Res. 46. A resolution designating March 31, 2003, as "National Civilian Conservation Corps Day"; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. Res. 47. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. CORZINE, Mr . JOHNSON, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. Res. 48. A resolution designating April 2003 as "Financial Literacy for Youth Month"; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. Res. 49. A resolution designating February 11, 2003, as "National Inventors' Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 83

At the request of Mr. DURBIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 219

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 219, a bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price.

S. 239

At the request of Mr. FRIST, the names of the Senator from New York (Mrs. CLINTON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 239, a bill to amend the Public Health Services Act to add requirements regarding trauma care, and for other purposes.

S. 240

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 240, a bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes.

S. 245

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 253

At the request of Mr. CAMPBELL, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 287

At the request of Mr. LEAHY, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 287, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 295

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 295, a bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska.

S.J. RES. 2

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget and protect Social Security surpluses.

S. RES. 28

At the request of Mr. BYRD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 28, a resolution expressing the sense of the Senate that the United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002) and that the United States should seek a United Nations Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S: 301. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today that would increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, the mileage reimbursement level currently permitted for businesses is 36 cents per mile.

At the time when government is asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, the 14 cents per mile limit is posing a very real hardship on charitable organizations and other nonprofit groups. I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit.

At a listening session I held last summer, one organization, the Portage County Department on Aging, explained just how important volunteer drivers are to their ability to provide services to seniors in that county. The Department on Aging reported that in 2001, 54 volunteer drivers delivered meals to homes and transported people to medical appointments, meal sites, and other essential services. The Department noted that their volunteer drivers provided 4,676 rides, and drove nearly 126,000 miles. They also delivered 9,385 home-delivered meals, and nearly two-thirds of the drivers logged more than 100 miles per month in providing these needed services. Together, volunteers donated over 5,200 hours last year, and as the Department notes, at the rate of minimum wage, that amounts to over $27,000, not including other benefits.

As many of my colleagues know, the senior meals program is one of the most vital services provided under the Older Americans Act, and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years. This has increased pressure on local programs to leverage more volunteer services to make up for lagging federal support. The 14 cents per mile reimbursement limit, though, increasingly poses a barrier to obtaining those contributions. Portage County reports that many of their volunteers cannot afford to offer their services under such a restriction. And if volunteers cannot be found, their services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services.

By contrast, businesses do not face this restrictive mileage reimbursement limit. The comparable mileage rate for someone who works for a business is currently 36 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees over double the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today is identical to a measure I introduced in the 107th Congress. It raises the limit on volunteer mileage reimbursement to the level permitted to businesses. It is essentially the same provision passed by the Senate as part of a tax bill passed in 1999 that was vetoed by President Clinton. At the time of the 1999 measure, the Joint Committee on Taxation, JCT, estimated that the mileage reimbursement provision would result in the loss of $1 million over the five-year fiscal period from 1999 to 2004. The revenue loss was so small that the JCT did not make the estimate on a year by year basis.

Though the revenue loss is small, it is vital that we do everything we can to move toward a balanced budget, and to that end I have included a provision to fully offset the cost of the measure and make it deficit neutral. The offset provision would impose a civil penalty of up to $5,000 on failure to report interest in foreign financial transactions. During the 107th Congress, that provision was included in the CARE Act legislation by the Senate Finance Committee.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers that play such a critical role in helping to deliver services and it will simplify the tax code both for nonprofit groups and the volunteers themselves.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139 the following new section:

"SEC. 139A. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

"(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a)."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139 and inserting the following new item:

"Sec. 139A. Reimbursement for use of passenger automobile for charity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) AMOUNT OF PENALTY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 302. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this legislation today with Senator BOXER to allow the National Park Service to extend the boundaries of the Golden Gate National Recreation Area, GGNRA, by acquiring critical natural landscapes and scenic vistas. Last year, this bill was successfully passed out of the Senate, but was not passed by the House before the 107th Congress adjourned.

This bill meets two distinct needs in California by adding 4,700 acres of pristine natural land to the boundary of the Golden Golden Gate Recreation Area, GGNRA, and by extending the Golden Gate National Recreational Area, GGNRA, Advisory Commission for ten more years.

A key component of this legislation is that about half of the total cost of purchasing these lands will be donated by the local community. This legislation specifically provides that all land transactions involve a willing seller and willing buyer.

Furthermore, this bill has the strong support of the local environmental and preservation groups, the Point Reyes National Seashore Advisory Commission, and the National Park Service. I know of no opposition to this bill.

The three Marin County properties lie in the Marin headlands. Preservation of these lands will protect habitat, ridge-top trails and scenic views of San Francisco Bay and the Pacific Ocean.

The city of San Francisco would like to donate to the Federal Government the San Francisco land along the Pacific coastline, and has authorized $100,000 for the restoration of the site.

The addition of the Rancho Corral de Tierra property will protect sweeping views of the San Mateo Coast and ensure the protection of rich farmland, several miles of public trails, and an incredible array of wildlife and vegetation. All or part of four watersheds, and several endangered species such as the peregrine falcon, San Bruno elfin butterfly, San Francisco garter snake and the red-legged grog. Moreover, due to the coastal marine influence and dramatic altitude changes, plants grow on the property that are found nowhere else in the world.

The second component of this bill extends the advisory commission of the Golden Gate National Recreation Area for ten more years.

This commission has an active committee that represents a wide range of user groups from bicyclists to bird watchers to outdoor enthusiasts. It provides a vital communications link between the Park Service and the surrounding communities that enjoy the attractions that this national site has to offer. Without this commission, the Park Service would be hard pressed to provide the same level of service and attention to the broad interests and diverse communities that it serves.

I continue to be a strong advocate for public involvement in Park Service decisions. I believe that this commission has been essential in ensuring that the Park Service upholds its commitment to allow community participation in its decision making process, particularly when it comes to contentious issues.

California's national parks are truly invaluable and the park that this bill supports offers an opportunity for visitors and residents to enjoy unique national habitats and open spaces. This legislation continues the legacy that enables the Park Service and the community to work together, not only to protect the environment, but also the interests of the nearby communities.

This bill enjoys strong support from local and State officials and I hope that it will have as much strong bipartisan support this Congress, as it did last Congress. Congressman TOM LANTOS plans to introduce companion legislation for this bill in the House and I applaud his leadership on this issue.

I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

SEC. 2. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) INITIAL LANDS.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

"(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

"(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

"(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980.

"(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

"(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

"(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS-80,079C and dated January 2003, except that lands and interests in lands constituting the Devil's Slide Tunnel alternative are not included in the recreation area. The Secretary shall modify the boundary map referred to in this subparagraph to reflect the exclusion of such lands and interests in lands.

"(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.".

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Effective as of October 26, 2002, section 5(g) of Public Law 92-589 (16 U.S.C. 460bb-4(g)) is amended by striking "cease to exist thirty years after the enactment of this Act" and inserting "terminate at the end of the 10-year period beginning on the date of the enactment of the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

By Mr. DODD (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. AKAKA, Mr. CORZINE, Mrs. MURRAY, Ms. MIKULSKI, Mr. KERRY, Mrs. CLINTON, and Mr. LAUTENBERG):

S. 304. A bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. DODD. Mr. President, I am pleased to join with my colleagues Senator KENNEDY, Senator INOUYE, Senator AKAKA, Senator CORZINE, Senator MURRAY, and Senator MIKULSKI, to introduce the Family and Medical Leave Expansion Act. Today marks the 10th anniversary of the enactment of the Family and Medical Leave Act. This landmark legislation was nearly a decade in the making, but today, a decade after enactment, more than 35 million Americans have taken leave under FMLA.

Despite the many Americans the Family and Medical Leave Act has helped, too many continue to be left behind. Too many continue to have to choose between job and family. The facts are clear: millions of Americans remain uncovered by the Family and Medical Leave Act. And, too many who are eligible for the Family and Medical Leave Act cannot afford to take unpaid leave from work. The "Family and Medical Leave Expansion Act", which we are introducing today addresses both these problems.

The "Family and Medical Leave Expansion Act" would expand the scope and coverage of FMLA. It would fund pilot programs at the State level to offer partial or full wage replacement programs to ensure that employees do not háve to choose between job and family.

Times have changed over the years. More and more mothers are working. While only 27 percent of mothers with infants were in the labor force in 1960, by 1999 that percentage rose to nearly 60 percent. Even as employment rates within this group rises, family responsibilities remain constant, a reality that lies at the core of the FMLA. According to an employee survey by the Department of Labor, about one fifth of US workers have a need for some form of leave covered under the FMLA, and about 40 percent of all employees think they will need FMLA-covered leave within the next five years.

According to a Department of Labor study in 2000, leave to care for one's own health or for the health of a seriously ill child, spouse or parent, together account for almost 80 percent of all FMLA leave. Approximately 52 percent of the leave taken is due to employees' own serious health problems, while 26 percent of the leave is taken by young parents caring for their children at birth or adoption.

The FMLA requires that all public sector employers and private employers of 50 or more employees provide up to twelve weeks of unpaid leave for medical and family care reasons for eligible employees. About 77 percent of employees, in the private and public sector, currently work in FMLA-covered sites, although only 62 percent of employees are actually eligible for leave.

However, only 11 percent of private sector work sites are covered under FMLA. Individuals working for small private employers deserve the same work protections afforded to other employees. As a step toward expanding protection to all hard-working Americans, this bill would extend FMLA coverage to all private sector worksites with 25 or more employees within a 75-mile radius. This would mean that an additional 13 million Americans would be eligible for leave under the Act, roughly 240,000 in my own State of Connecticut.

Mothers and fathers, sons and daughters have the same family responsibilities and personal health problems, regardless of whether they work for the government, a large private enterprise, or a small private business. Expanding the FMLA to businesses with 25 or more employees is a crucial acknowledgment of this reality.

The bill recognizes the enormous physical and emotional toll domestic violence takes on victims. The bill expands the scope of FMLA to include leave for individuals to care for themselves or to care for a daughter, son, or parent suffering from domestic violence.

Expanding the scope and coverage of FMLA is a positive step for many Americans. But, alone, it is not enough. According to a Department of Labor study, 3.5 million covered Americans needed leave but, without wage replacement, could not afford to take leave. Over four-fifths of those who needed leave but did not take it said they could not afford unpaid leave. Others cut their leave short, with the average duration of FMLA leave being 10 days. Of those individuals taking leave under the Family and Medical Leave Act, nearly three-quarters had incomes above $30,000.

While the financial sacrifice is often enormous, the need for leave can be even more so. Every year, many Americans bite the bullet and accept unpaid leave. As a result, nine percent of leave takers go on public assistance to cover their lost wages. Almost twelve percent of fèmale leave takers use public assistance for this reason. These individuals are far from being unwilling to work. Instead, they are trying to balance work with family, often during a crisis, too often with inadequate means to get by.

Other major industrialized nations have implemented policies far more family-friendly to promote early childhood development and family caregiving. At least 128 countries provide paid and job-protected maternity leave, with sixteen weeks the average basic paid leave. In 1992, before we enacted the Family and Medical Leave Act, the European Union mandated a paid fourteen week maternity leave as a health and safety measure. Among the 29 Organization for Economic Cooperation and Development, OECD, countries, the average childbirth-related leave is 44 weeks, while the average duration of paid leave is 36 weeks.

Compared to these other developed nations, the United States is far behind in efforts to promote worker welfare and productivity. The "Family and Medical Leave Expansion Act" builds on current law to provide pilot programs for States and the Federal Government to provide for partial or full wage replacement for 6 weeks. At a minimum, this will ensure that parents can continue to make ends meet while taking family and medical leave.

When we talk about a more compassionate America, no where is that more evident than in our caregiving leave policies. No one should have to choose between work and family. Women and men deserve to take leave when family or health conditions require it without fear of losing their job or livelihood. We must not simply pay lip service to family integrity and the promotion of a healthy workplace. Instead, we must actively work to reduce workplace barriers.

We talk often of our need to strengthen family values. We cite studies about the importance of the first few months of a newborn's life. This is our chance to offer more parents the opportunity to spend more time with their families, to help fulfill the call to provide a more compassionate America.

I urge my colleagues to support the "Family and Medical Leave Expansion Act" to promote our family values and ensure the welfare and health of hard-working Americans.

I ask unanimous consent that a copy of the summary of the Family and Medical Leave Expansion Act be printed in the RECORD.

THE FAMILY AND MEDICAL LEAVE EXPANSION ACT

BRIEF SUMMARY

Background: Since enactment in 1993, more than 35 million employees have taken leave under the Family and Medical Leave Act. Under current law, an employee is eligible for 12 weeks of unpaid leave if she or he has worked for an employer for at least 12 months; has worked for 1,250 hours over the 12 months before leave is needed; and works at a location with 50 or more employees within 75 miles. About 11 percent of private sector businesses are covered under FMLA; 77 percent of employees work in these covered businesses (although about 62 percent of employees are eligible for FMLA).

According to the most recent data, 52 percent of leave-takers have taken time off to care for their own serious illness; 26 percent of leave-takers have taken time off to care for a new child or for maternity disability reasons; 13 percent have taken time off to care for a seriously ill parent; 12 percent have taken time off to care for a seriously ill child; and 6 percent have taken time off to care for a seriously ill spouse. About 42 percent of leave takers are men; about 58 percent of leave-takers are women. The median length of leave is 10 days; 80% of leaves are for 40 days or fewer. About 73 percent of leave-takers earn $30,000 or more.

The Family and Medical Leave Expansion Act would expand the scope and coverage of FMLA to ensure that even more American workers do not have to choose between job and family. Too many eligible individuals simply cannot afford unpaid leave. Many forgo leave or take the shortest amount of time possible because the current FMLA law requires only unpaid leave. The Family and Medical Leave Expansion Act would:

Establish a pilot program to allocate grants to states to provide paid leave for 6 weeks to eligible employees responding to caregiving needs resulting from the birth or adoption of a child or family illness. States may provide for wage replacement directly or through an insurance program, such as a state temporary disability program or a state unemployment compensation program, or other mechanism. Such paid leave shall count toward an eligible employee's 12 weeks of leave under FMLA.

Expand the number of individuals eligible for FMLA by covering employers with 25 or more employees (to enable 13 million more Americans to take FMLA).

Expand the reasons for leave to include eligible employees addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee or, to care for the son, daughter, or parent of the employee, if such individual is addressing domestic violence and its effects.

Establish a pilot program within the federal government for the Office of Personnel

Management (OPM) to administer a partial or full wage replacement for 6 weeks to eligible employees responding to caregiving needs resulting from the birth or adoption of a child or other family caregiving needs. Such paid leave shall count toward an eligible employee's 12 weeks of leave under FMLA.

Allows employees to use a total of 24 hours during any 12 month period to participate in a school activity of a son or daughter, such as parent-teacher conference, or to participate in literacy training under a family literacy program.

By Mr. SMITH (for himself, Mr. REID, Mr. WYDEN, Mr. ENSIGN, Mrs. CLINTON, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Ms. CANTWELL, and Mrs. MURRAY):

S. 306. A bill to amend part C of title XVIII of the Social Security Act to consolidate and restate the Federal laws relating to the social health maintenance organization projects, to make such projects permanent, to require the Medicare Payment Advisory Commission to conduct a study on ways to expand such projects, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce a bill that will make Medicare's Social Health Maintenance Organization, SHMO, demonstration a permanent part of the Medicare+Choice program. In this effort, I am joined by my colleagues from Oregon, New York, Arizona, California, and Washington.

The Social HMO demonstration was authorized 18 years ago to test models for improving health care for frail seniors, expanding access to social and supportive services, and integrating these expanded benefits with medical services better. My colleagues and I feel that an eighteen-year test is long enough, it is time for this successful program to become a permanent choice for Medicare beneficiaries.

Close to 80 percent of national health care expenditures are for people with chronic conditions. Medicare beneficiaries are disproportionately affected by chronic illness. About 85 percent of people who are 65 and older have one chronic condition, and two thirds have two or more. Fully a third of Medicare beneficiaries have four or more chronic conditions. This group accounts for more than three quarters of all Medicare spending. Yet, despite the predominance of chronic illness among seniors, Medicare continues to operate as an acute care model. So many of the services that are central to the health care needs of seniors are not covered by Medicare, including a number of preventive services, care coordination and disease management services, and home and community-based support services.

Social HMOs provide the care coordination and disease management services so critically important to frail and at-risk seniors with multiple chronic conditions and complex care needs. Social HMOs are required to provide expanded care benefits such as prescription drugs, ancillary services such as eyeglasses and hearing aids, and community-based services such as personal care, homemaker services, adult day care, meals, and transportation. These services meet the chronic health care needs of seniors, helping them remain independent, while reducing Medicaid expenditures by avoiding or delaying nursing home placement.

Several recent studies have shown that Social HMO members are 40 percent to 50 percent less likely to have long-term nursing home placements than similar seniors. Further, in a recent survey of Social HMO beneficiaries, over three-quarters of respondents indicated that the special services offered by their Social HMO were critical in allowing them to continue living at home. Enhanced Social HMO services, such as early detection of illness, development of coordinated care plans to address problems identified during routine assessments, screening, and ongoing monitoring of care, has paid off in improved health outcomes for beneficiaries. One study submitted to CMS by the University of California at San Francisco and the University of Minnesota showed that the Social HMO chronic care interventions decreased inpatient hospital and emergency room use up to 57 percent and 47 percent, respectively, while improving beneficiaries' functional capacity.

Last year, Medicaid spending increased by over 13 percent. More than half of this growth was in programs serving the elderly and disabled. At a time when the Federal deficit is increasing and States are facing unprecedented budget shortfalls, it is incumbent upon us to take measures to reduce, not increase, the Medicaid burden, which constitutes a major component of State expenditures.

My legislation provides a critical opportunity to address the States' large and growing fiscal crises. In the short-term we can prevent an exacerbation of States' budget woes by making the Social HMOs permanent. Preliminary estimates of first year costs for terminating the Social HMO program range from about $100 to $300 million for increased nursing home and home care expenditures under Medicaid. Remember that these estimates relate to only four existing plans serving about 110,000 beneficiaries and do not even include prescription drugs and other ancillary services provided by the plans. Long-term cost savings associated with reduced health care expenditures and keeping enrollees from spending down to Medicaid would be even more significant—especially if the MedPAC study required by our bill validates that these programs are cost-effective and recommends to Congress that we expand this option. For states facing huge shortfalls, the cost to absorb these SHMO beneficiaries if the program were to terminate would be substantial.

I am fortunate that one of the four original Social HMOs is in Oregon. Senior Advantage II, offered by Kaiser Permanente's Northwest Division, currently serves about 4,300 Medicare beneficiaries from Salem, OR to Longview, Washington, with its primary service area in Portland, OR. Since Kaiser opened its Social HMO program, it has served close to 15,000 beneficiaries with its enhanced benefits and special geriatric programs, which have led to fewer overall nursing home care days and a more consumer-oriented approach to care for frail or ill seniors.

The legislation I am introducing with my distinguished colleagues today would make permanent the existing Social HMO plans, like Kaiser, and would lay the ground work for evaluating whether to expand and replicate this model. Our bill requires the Secretary to conduct a comparative study of beneficiary and family member satisfaction to see how Social HMOs compare to Medicare + Choice and fee-for-service Medicare. It also requires MedPAC to evaluate the cost-effectiveness of Social HMOs with respect to reduced nursing home admissions, reduced incidence of Medicaid spend-down, and other aspects of the model that represent potential cost-savings. If MedPAC finds that Social HMOs are cost-effective, it must make recommendations to Congress on expanding and replicating this model.

To ensure that beneficiaries continue to receive the value added they have come to enjoy under this program, the Social HMOs must continue to provide the expanded benefit package currently offered under this legislation. Further, this benefit could not be changed by the Secretary without notification of Congress. Finally, to ensure that Social HMOs can continue to finance a high level of benefits, any changes in plans' existing payments would need to go through a formal rulemaking process.

The Social HMO demonstration project has been re-validated by six acts of Congress since its creation. It is time to make this program permanent and lend a measure of stability to the plans and beneficiaries served by this innovative model. This program represents a fiscally sound approach to helping manage the chronic health care needs of our nation's seniors, and I urge all of my colleagues to join with me and the rest of this bill's cosponsors in support of this important legislation.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 307. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Ohio, Senator GEORGE VOINOVICH, to introduce a bill to name the Federal building and United States courthouse in Dayton, Ohio, after Congressman Tony Hall.

This bill is a fitting tribute to Tony Hall, a tireless and dedicated public servant, who we greatly miss since his retirement from the United States Congress. He is continuing his commitment to public service as our U.S. Ambassador to the UN's food and agriculture agencies.

The people of Ohio and the American people can be proud of and thankful for the many years Tony Hall has served in the United States Congress. I've had the privilege of working closely with him since my early days in the House nearly 20 years ago. He has been a valuable legislator and a real statesman. Over the years, he has worked tirelessly on behalf of the people of Montgomery County and throughout Ohio.

Tony Hall comes from a family rich in devotion to public service and dedication to Ohio. His father, in fact, once served as Dayton's Republican Mayor. A graduate of Fairmont High School in Kettering and Denison University in Granville, where he was an all-star tailback on the football team, Tony served in the Ohio House from 1969–1972, in the Ohio Senate from 1973–1978, and as Dayton's Congressman since January 1979.

A devoted husband to his wife, Janet, and a dedicated father to Jyl and Matt, the entire Hall family struggled valiantly alongside Matt as he fought an unsuccessful battle against leukemia that ended in 1996.

My wife, Fran, and I are proud to have worked over two decades with Tony and Janet on humanitarian efforts and other causes that bridge across the political aisle. Tony, who served in the Peace Corps in 1966 and 1967, has been an unmatched advocate for the needy, the poor, the hungry, and the oppressed across Ohio, our Nation, and the world.

Tony has been singularly responsible for much of the world's continued, focused attention on the serious hunger issues worldwide. His involvement in a 22-day hunger strike in 1989, forced the Department of Agriculture and the World Bank to call conferences on hunger, which ultimately resulted in the creation of the Congressional Hunger Center. I'm proud to have worked with Tony on several humanitarian initiatives through the years from Africa Seeds of Hope to the Global Food for Education Act to the Microenterprise for Self-Reliance Act to the Clean Diamond Act of 2001.

We also share a commitment to the yet unborn. A staunch pro-life Democrat, Congressman Hall was responsible for language in the Democratic National Committee platform respecting the beliefs of those within his party who wished to protect the sanctity of life.

I also have had the pleasure of working with Tony Hall on several projects important to the Miami Valley area of Ohio. We share a passion for the aviation heritage of the Wright Brothers in Dayton and have worked together to protect and preserve the monuments to the Wright Brothers legacy. And, we've also worked together on issues to help build the unique resources of Wright Patterson Air Force base.

Today, it is a pleasure to take this opportunity to join Senator VOINOVICH to honor Tony Hall's many legislative efforts and achievements and to thank him for his commitment to the people of Ohio and this Nation. I urge my colleagues to support this bill to honor our good friend and statesman, Tony Hall.

By Mr. LOTT:

S. 308. A bill to impose greater accountability on the Tennessee Valley Authority with respect to capital investment decisions and financing operations by increasing Congressional and Executive Branch oversight; to the Committee on Environment and Public Works.

Mr. LOTT. Mr. President, the Tennessee Valley Authority has long served as an engine for economic development in my part of the country and has enjoyed widespread support for its efforts to provide power that is needed to fuel the economy and enhance the quality of life of those it serves. It is my desire to assist the TVA in continuing its legacy and carrying out its mission. To provide that assistance, the Congress, the Administration, and the TVA itself must determine whether TVA's policies, practices, and long-term strategies are consistent with the realities of today's marketplace.

The TVA is at a crossroads in its illustrious history. The United States taxpayer and the power consumers in the TVA service area have provided the capital necessary to develop, finance, and operate one of the largest, if not the largest, public power systems in history. The TVA is now facing a number of challenges with respect to its existing generating system in the form of environmental compliance, aging and obsolete plants, and the urgent need to provide additional generating capacity to meet the demands of the future. It is my belief that the United States taxpayer is unwilling and unable to continue to bear the financial burden and risks associated with addressing these challenges.

The reality of the marketplace for energy and the political imperatives with which we are confronted mandate that any new financing strategies and supplemental sources of capital be considered and utilized by the TVA. Likewise, we need to review and analyze the short-term and long-term financing and risk management strategies employed by the TVA with respect to its almost $26 billion of debt.

Last year, we witnessed the results of risky and sometimes corrupt corporate financing and management practices. Although I have no reason to believe that TVA has been involved in any such practices, I believe we have a responsibility to the taxpayers to examine the financing and disclosure practices of the TVA to ensure that their investment is being protected. I note that TVA has utilized short-term financing facilities and derivative securities as hedging and interest rate management techniques. We need to better understand the risks and rewards associated with these strategies.

The legislation that I am introducing today would require that the TVA provide the Congress and the Administration with a 10-year business outlook and strategic plan with respect to its development and financing needs, as well as an analysis of its ongoing financing and risk management strategies. During the period in which the TVA is responding to this Congressional mandate, the TVA would be required to cease and desist from incurring new obligations or entering into any arrangements for the development or financing of new, additional, or replacement plant, equipment, or capacity. Likewise, during this period the TVA would be required to gain the concurrence of the Director of the Office of Management and Budget and the appropriate Senate and House Committee leaders before undertaking any additional financing or refinancing activities. The legislation specifically provides for the necessary flexibility for the TVA to continue normal operations and fund necessary maintenance activities while complying with this Congressional mandate.

I strongly support the TVA and I recognize its importance to the economic health of several States in the southeastern United States, including my own. Indeed, the TVA is a critical component of the infrastructure that supports the economy of the entire United States. It is my desire in introducing this legislation that the TVA be positioned to meet the challenges of the 21st Century. Introduction of this legislation is the first step to help the TVA achieve that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TENNESSEE VALLEY AUTHORITY.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term "Authority" means the Tennessee Valley Authority.

(2) BOARD.—The term "Board" means the Board of Directors of the Authority.

(3) COMMITTEE LEADER.—The term "Committee leader" means the chairman and ranking member of each of the Committee on Appropriations and the Committee on the Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(5) PLAN.—The term "Plan" means the Ten-Year Business Outlook and Strategic Plan submitted under subsection (b).

(b) PLAN.—Not later than 90 days after the effective date of this section, the Authority shall submit to the Director and each of the Committee leaders, for their concurrence, a Ten-Year Business Outlook and Strategic Plan for the Authority that includes, at a minimum—

(1) estimates of—

(A) the power demand in the service area of the Authority during the 10-year period following the date of the plan;

(B) the assets that the Authority anticipates will be available to meet that demand; and

(C) capital expenditures that will be required to meet that demand;

(2) a strategy and criteria for the development and financing of new nuclear and nonnuclear power supply sources, including a strategy for competitive sourcing and partnering with the private sector for the development and financing of new nuclear and nonnuclear power facilities; and

(3) a strategy for managing the financing, refinancing, and repayment of the existing indebtedness of the Authority, including a specific debt repayment schedule to which the Board is specifically committed.

(c) FINANCING STRATEGIES.—The provisions of the Plan relating to financing strategies under subsection (b)(3) shall include a recitation of the policies of the Board with respect to—

(1) the use of short-term and long-term debt;

(2) the use of derivative or other financing instruments; and

(3) risk management strategies.

(d) LIMITATIONS.—

(1) IN GENERAL.—The Authority shall not, until the date, if any, on which the Director and each of the Committee leaders issue a written concurrence to the Plan—

(A) expend any internally generated capital or otherwise undertake any investment in, or enter into any arrangement that would result in the development or financing of, new, additional, or replacement plant, equipment, or capacity; or

(B) without the written concurrence of the Director and each of the Committee leaders, undertake any financing of additional indebtedness or refinancing of debt of the Authority in any public or private market.

(2) EFFECT.—This subsection does not preclude the Authority from expending available funds, in the exercise of the independent judgment of the Authority, for the repair, maintenance, or necessary renovation to preserve the operating capacity and efficiency of existing units and related facilities.

(e) EFFECTIVE DATE.—This section takes effect on January 31, 2003.

By Mr. ALLEN (for himself and Mr. DODD):

S. 309. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, I am most pleased to be joined by our esteemed colleague, Senator DODD of Connecticut, to introduce the Aeronautics Research and Development Revitalization Act. This legislation is the foundation for ensuring that the United States remains the preeminent Nation in the design, engineering and production of military and civilian aircraft.

The last 5 years have seen the NASA budget for aeronautics research and development literally cut in half from $1 billion to its current level of $500 million. In making these cuts, the United States has been rendered more vulnerable to foreign competition in the field of aeronautics. The nations of Europe have moved in the exact opposite direction—dramatically increasing such funding in an effort to control the world's aviation market. A recent article in the Wall Street Journal documents the rise of Airbus as the largest producer of civilian aircraft in the world. If forecasts for this year hold true, Airbus will deliver more aircraft than Boeing for the first time. In light of these disturbing developments it is obvious that the U.S. is in grave danger of losing its position as the world leader in aeronautics and aviation.

It is important to note that throughout the history of aeronautics and aviation that this country has been at the forefront of discovery and innovation. It began with the First Flight of the Wright Brothers on December 17, 1903 in Kitty Hawk, NC, followed by the historic flight of Charles Lindbergh from New York to Paris in May of 1927. U.S. companies have led the aviation and aeronautics industry from the propeller era into the jet engine era. The research and innovation of the U.S. has been the primary reason the world enjoys the convenience and safety of air travel today.

Our military has seen the benefits from the progress made in aeronautics research. The significant improvements made from World War I to World War II directly impacted the Allies ability to establish air superiority. The numerous advances made in U.S. aircraft design greatly increased the top speed and altitude of bombers and fighters during crucial years of the war. Since then, our country's aeronautics research has made it the dominant air power in the world, with technologies years in advance of its closest pursuers. As a result of these advancements, U.S. troops are placed in far less harm and more precise strikes against enemy targets can be made while avoiding non-targeted civilians.

Fortunately NASA has recognized the emergence of international competition and the need for the U.S. to reassert itself as the lead nation in aeronautics research technology and innovation. The recently published "The NASA Aeronautics Blueprint—Toward a Bold Era of Aviation" is an excellent report on the problems facing American aviation and aeronautics. It also provides an exciting vision of what can be achieved by investing in aeronautics research and development. However NASA has not provided a program or plan for how to achieve this vision nor funding levels that would be required to attain the goals laid out in the Blueprint. Thus without a plan or funding, it is unlikely this report would ever be acted upon.

In an effort to tackle the major initiatives of the NASA Blueprint headon, we are introducing the Aeronautics Research and Development Revitalization Act. The legislation will provide aggressive funding authorizations to provide the NASA aeronautics program with the resources it needs to keep the United States on the cutting edge of all aspects of aeronautics and aviation. Our complacency must change now to prevent further damage to our competitiveness in aviation. The U.S. aviation industry is the largest contributor to the U.S. balance of trade and directly accounts for $343 billion to the U.S. economy and 4.2 million positions to our job market.

First, consider the impact of aviation on our communities. As air travel becomes more commonplace, increased aircraft noise will place a strain on both the citizens and businesses living and operating in the areas surrounding our nation's airports. The effect on property values and quality of life can be enormous, so it will be important to pursue technologies that reduce the level of noise emitted from aircraft. We also must acknowledge the rising emissions levels that are the result of increased air travel as well as the fuel consumption required to meet the growing number of planes in the air. The instability of oil prices and the growing effect of fuel emission on our atmosphere make it necessary to find improvement in fuel efficiency. These environmental factors must be addressed, or the American people will certainly face fewer choices and higher prices. To meet these needs, our legislation provides significant funding to be used for research, much of which will be designated for universities, industrial research facilities and not-for-profit research entities. The impacts of aviation are beginning to negatively impact the lives of many Americans; this initiative will make aircraft more environmentally friendly.

Additionally, strides also need to be made in rotorcraft technology. This legislation authorizes funding for, and tasks NASA with, improving the noise and vibration levels of helicopters, as well as improving the predicted accident rate to make it equivalent to that of fixed-wing aircraft. Helicopters are indispensable for our military and provide great convenience for the civilians. Making them safer and quieter is a worthwhile effort that should be pursued.

The promise of civil supersonic travel has been on the horizon for some time. However it has been difficult to perfect the technology for a civilian supersonic aircraft and the costs associated with such a program are high. The legislation we have introduced would required NASA to develop a road map for achieving the flight of a supersonic civil transport aircraft that can reach a speed of Mach 1.6, travel at least 4,000 nautical miles, and carry one hundred fifty passengers. If these goals can be met over the next twenty years, the U.S. aviation industry will be revolutionized. Achieving such speeds would change business and personal travel as it is known today. To bring this initiative forward, this legislation would authorize $110 million for the next five years. This should provide a good start in the effort to bring civilian air travel into the twenty-first century.

At the core of U.S. aeronautics and aviation superiority are men and women performing the research and development necessary for technological breakthroughs. The U.S. has seen a disturbing decline in the number of aeronautical engineers graduating from its universities. It is important to encourage American students to consider these fields. We need to make sure the best and the brightest are properly trained so they can make their creative ideas and theories a reality. This current trend is a leading reason the U.S. is losing ground in aeronautics research. To combat the dearth of aeronautics engineers, this legislation would authorize NASA to establish a generous scholarship program for those students seeking a Masters Degree in the field of aeronautics.

As air travel becomes more prevalent, it becomes more important that air traffic management and control are operating in the most effective and safe manner. This bill includes a measure that requires the Administrator of NASA to work with the Federal Aviation Association Administrator to develop a national initiative with the objective of defining and developing an air traffic management system designed to meet the national long-term aviation security needs, along with safety, security and capacity needs. These provisions will hopefully result in a new, more streamlined method for directing air traffic around our busiest airports and cities.

The measures and funding authorizations in this legislation are aggressive. However when considering the state of both the aeronautics and aviation industries. I believe it is time to take decisive action to ensure the long-term competitive supremacy of both our military and civilization aviation programs.

The majority of military aircraft technology was developed to some degree by NASA's aeronautics program. To make sure those risking their lives in the service of the country are afforded the best possible equipment in performing their duties, the U.S. government has the responsibility to make the necessary investments in research and development. In recent years we have seen a drastic cuts in the programs designed for this purpose. Technology and innovation are always moving forward, the government needs to expend the resources to keep the U.S. at the forefront of those efforts.

The civilian airline and aeronautics industry has largely been dominated by the United States since its beginning. Recent news reports have shown however that this phenomenon is changing. Countries around the world are making great progress in building larger, more efficient commuter airlines at a cheaper price. This new competition has jeopardized the jobs of thousands of highly trained engineers and works in this country. Keeping pace with the competition and working to maintain the lead over other aircraft providers is essential if we want to keep this important segment of the work force employed. Losing global contracts means job cuts. To turn this trend around we must commit to the research and development that leads to innovation in commercial aviation. Only then will we secure the existing jobs in this country and build the need for more jobs.

To make this legislation law we will have to make some difficult choices and priorities. Current economic conditions dictate that we cannot fund every desirable program. However, even in the face of the circumstances, I feel strongly that we can no longer complacently wait to make the changes outlined in this legislation. Making the United States the unquestioned leader in aeronautics research and development is in the best interest of our military, our civilian airline industry, quality jobs and balance of trade. The aviation industry affects the lives of almost all Americans. For these reasons, we ask our colleagues to carefully review the current condition of U.S. aeronautics and the implications of its continued decline. I am confident they will concur that this legislation is needed now without delay. Our security, competitive position, jobs and future are sitting on the runway needing our fuel for the aeronautics industry to take off into the future.

Mr. President I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aeronautics Research and Development Revitalization Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is in the national interest to maintain leadership in aeronautics and aviation.

(2) The United States is in danger of losing its leadership in aeronautics and aviation to international competitors.

(3) Past Federal investments in aeronautics research and development have benefited the economy and national security of the United States and the quality of life of its citizens.

(4) Future growth in aviation increasingly will be constrained by concerns related to aircraft noise, emissions, fuel consumption, and air transportation system congestion.

(5) Current and projected levels of Federal investment in aeronautics research and development are not sufficient to address concerns related to the growth of aviation.

(6) International competitors have recognized the importance of noise, emissions, fuel consumption, and air transportation system congestion in limiting the future growth of aviation and have established aggressive agendas for addressing each of these concerns.

(7) An aggressive initiative by the Federal Government to develop technologies that would significantly reduce aircraft noise, harmful emissions, and fuel consumption would benefit the United States by—

(A) improving the competitiveness of the United States aviation industry through the development of new markets for aviation services and the development of superior aircraft for existing markets:

(B) improving the quality of life for our citizens by drastically reducing the level of noise due to aircraft operations;

(C) reducing the congestion of the air transportation system by allowing departures and arrivals at currently under utilized airports through the use of environmentally compatible aircraft;

(D) reducing the rate at which fossil fuels are consumed;

(E) reducing the rate at which greenhouse gases and other harmful gases and particulates are added to the atmosphere by aircraft; and

(F) reinvigorating the human capital needed to maintain international leadership in aeronautics and aviation by providing a set of extremely challenging and socially beneficial goals to the next generation of engineers and scientists.

(8) Long-term progress in aeronautics and aviation will require continued Federal investment in fundamental aeronautical research.

(9) The European competitors of United States aircraft companies have invested heavily in new wind tunnels. These new tunnels are better than their older United

States counterparts and give European aircraft manufacturers an advantage over United States aircraft manufacturers in the highly competitive civil aircraft sales business. As a result, United States aircraft companies are forced to perform tests in Europe's superior wind tunnels. The security of United States data obtained in these and other foreign test facilities can easily be compromised. New and upgraded United States aeronautical test facilities are needed to support a revitalized aeronautics research and development program, and should be a high national priority.

(10) Continued research is needed into the flight crew and controller training needed to accommodate new aircraft and air transportation system technologies and procedures.

(11) It is in the interest of the United States to maintain a vigorous capability in basic and applied research and development of technologies related to rotorcraft.

(12) Maintenance of United States leadership in aeronautics and aviation will require the productive collaboration of NASA, the Department of Defense, the FAA, the aviation industry, and the Nation's universities.

(13) Improvements to our understanding of convective weather phenomena and of aircraft wake turbulence would significantly improve the performance of the Nation's air transportation system.

(14) The terrorist attacks of September 11, 2001, have imposed new requirements for research on aviation security. NASA's aviation safety research must be expanded to include methods that provide for an air transportation system that is both safe and secure from terrorist attacks.

(15) It is important for NASA to continue at a healthy level its cooperative research efforts with the Department of Defense regarding military aviation technologies. These efforts have been all but eliminated in recent years and must be restored. The Nation must take advantage of the synergy between civil and military aviation research.

(16) The report entitled "The NASA Aeronautics Blueprint—Toward a Bold New Era of Aviation" provides an excellent statement of the problems facing aviation today, and presents an exciting vision of what can be achieved by investments in aeronautics research and technology. It does not, however, provide a program plan to actually achieve the vision, nor does it address the huge mismatch between current NASA aeronautics funding and what is required to realize the vision.

SEC. 3. DEFINITIONS.

In this Act:

(1) FAA.—The term "FAA" means the Federal Aviation Administration.

(2) FAA ADMINISTRATOR.—The term "FAA Administrator" means the Administrator of the FAA.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(5) NASA ADMINISTRATOR.—The term "NASA Administrator" means the Administrator of NASA.

TITLE I—NASA AERONAUTICS RESEARCH AND DEVELOPMENT

SEC. 101. ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—Not later than 10 years after the date of enactment of this Act, the NASA Administrator shall develop and demonstrate, in a relevant environment, technologies that result in the following commercial aircraft performance characteristics:

(1) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) FUEL EFFICIENCY.—A 10 percent improvement in fuel efficiency, compared to aircraft in commercial service as of the date of enactment of this Act, in each of the following:

(A) Specific fuel consumption.

(B) Lift to drag ratio.

(C) Structural weight fraction.

(3) EMISSIONS.—Nitrogen oxides at less than 5 grams per kilogram of fuel burned.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the NASA Administrator shall provide to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the implementation of the initiative described in subsection (a). Such implementation plan shall include—

(1) technological roadmaps for achieving each of the performance characteristics specified in subsection (a);

(2) an estimate of the 10-year funding profile required to achieve the objective specified in subsection (a);

(3) a plan for carrying out a formal quantification of the estimated costs and benefits of each technological option selected for development beyond the initial concept definition phase; and

(4) a plan for transferring the technologies to industry, including the identification of requirements for prototype demonstrations, as appropriate.

(c) REVIEW.—Not later than 1 year after the date of enactment of this Act, the NASA Administrator shall enter into an arrangement with the National Research Council to review the adequacy of the implementation plan provided under subsection (b) to achieve the objective described in subsection (a). In addition, the NASA Administrator shall enter into an arrangement with the National Research Council for the review, every 3 years after the initial review under this subsection, of NASA's progress in achieving the objective described in subsection (a), including recommendations for changes to NASA's research and development program. The results of each review shall be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 30 days after the review is completed.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under section 107, there are authorized to be appropriated to the NASA Administrator to carry out this section—

(A) $125,000,000 for fiscal year 2004;

(B) $150,000,000 for fiscal year 2005;

(C) $175,000,000 for fiscal year 2006;

(D) $200,000,000 for fiscal year 2007; and

(E) $225,000,000 for fiscal year 2008.

(2) AMOUNTS TO CERTAIN ENTITIES.—Of the amounts authorized to be appropriated in paragraph (1), the percentage of the annual appropriation that shall be used to fund research and development conducted at universities, industrial research entities, and not-for-profit research consortia is—

(A) 20 percent for fiscal year 2004;

(B) 30 percent for fiscal year 2005;

(C) 40 percent for fiscal year 2006; and

(D) 50 percent for fiscal years 2007 and 2008.

SEC. 102. ROTORCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—Not later than 10 years after the date of enactment of this Act, the NASA Administrator shall develop and demonstrate, in a relevant environment, technologies that result in rotorcraft with the following improvements compared to rotorcraft operating on the date of enactment of this Act:

(1) 80 percent reduction in noise levels on takeoff and on approach and landing as perceived by a human observer.

(2) Factor of 10 percent reduction in vibration.

(3) 30 percent reduction in empty weight.

(4) Predicted accident rate equivalent to that of fixed-wing aircraft in commercial service.

(5) Capability for zero-ceiling, zero-visibility operations.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the NASA Administrator shall provide a plan to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate for the implementation of the initiative described in subsection (a). The implementation plan shall include—

(1) technological roadmaps for achieving each of the improvements specified in subsection (a);

(2) an estimate of the 10-year funding profile required to achieve the objective specified in subsection (a);

(3) a plan for carrying out a formal quantification of the estimated costs and benefits of each technological option selected for development beyond the initial concept definition phase; and

(4) a plan for transferring the technologies to industry, including the identification of requirements for prototype demonstrations, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 107, there are authorized to be appropriated to the NASA Administrator to carry out this section—

(1) $40,000,000 for fiscal year 2004;

(2) $40,000,000 for fiscal year 2005;

(3) $40,000,000 for fiscal year 2006;

(4) $50,000,000 for fiscal year 2007; and

(5) $70,000,000 for fiscal year 2008.

SEC. 103. CIVIL SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—Not later than 20 years after the date of enactment of this Act, the NASA Administrator shall develop and demonstrate, in a relevant environment, technologies to enable overland flight of supersonic civil transport aircraft with at least the following performance characteristics:

(1) Mach number of at least 1.6.

(2) Range of at least 4,000 nautical miles.

(3) Payload of at least 150 passengers.

(4) Lift to drag ratio of at least 9.0.

(5) Noise levels on takeoff and on airport approach and landing that meet community noise standards in place at airports from which such commercial supersonic aircraft would normally operate at the time the aircraft would enter commercial service.

(6) Shaped signature sonic boom overpressure of less than 1.0 pounds per square foot.

(7) Nitrogen oxide emissions of less than 15 grams per kilogram of fuel burned.

(8) Water vapor emissions for stratospheric flight of no greater than 1,400 grams per kilogram of fuel burned.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the NASA Administrator shall provide to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a plan for the implementation of the initiative described in subsection (a). Such implementation plan shall include—

(1) technological roadmaps for achieving each of the performance characteristics specified in subsection (a);

(2) an estimate of the 10-year funding profile required to achieve the objective specified in subsection (a);

(3) a plan for carrying out a formal quantification of the estimated costs and benefits of each technological option selected for development beyond the initial concept definition phase;

(4) a plan for transferring the technologies to industry, including the identification of requirements for prototype demonstrations, as appropriate;

(5) a plan for research to quantify, within 3 years after the date of enactment of this Act, the limits on sonic boom parameters, such as overpressure and rise time, that would be acceptable to the general public; and

(6) a plan for adjusting the noise reduction research and development activities as needed to accommodate changes in community noise standards that may occur over the lifetime of the initiative.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 107, there are authorized to be appropriated to the NASA Administrator to carry out this section—

(1) $15,000,000 for fiscal year 2004;

(2) $20,000,000 for fiscal year 2005;

(3) $30,000,000 for fiscal year 2006;

(4) $30,000,000 for fiscal year 2007; and

(5) $30,000,000 for fiscal year 2008.

SEC. 104. NASA AERONAUTICS SCHOLARSHIPS.

(a) OBJECTIVE.—The NASA Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the NASA Administrator shall publish regulations governing the scholarship program.

(c) COOPERATIVE TRAINING OPPORTUNITIES.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 107, there are authorized to be appropriated to the NASA Administrator to carry out this section—

(1) $500,000 for fiscal year 2004;

(2) $750,000 for fiscal year 2005;

(3) $1,000,000 for fiscal year 2006;

(4) $1,000,000 for fiscal year 2007; and

(5) $1,000,000 for fiscal year 2008.

SEC. 105. AVIATION WEATHER RESEARCH.

There are authorized to be appropriated to the NASA Administrator $10,000,000 for each of the fiscal years 2004 through 2008 for collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of improving the reliability of 2- to 6-hour aviation weather forecasts to a level of at least 0.75.

SEC. 106. AIR TRAFFIC MANAGEMENT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—The FAA Administrator and the NASA Administrator shall participate in a national initiative with the objective of defining and developing an air traffic management system designed to meet national long-term aviation security, safety, and capacity needs. The initiative should result in a multiagency blueprint for acquisition and implementation of an air traffic management system that would—

(1) build upon current air traffic management and infrastructure initiatives;

(2) improve the security, safety, quality, and affordability of aviation services;

(3) utilize a system of systems approach;

(4) develop a highly integrated, secure common information network to enable common situational awareness for all appropriate system users; and

(5) ensure seamless global operations for system users.

(b) IMPLEMENTATION.—In implementing subsection (a), the FAA Administrator and the NASA Administrator shall work with other appropriate Government agencies and industry to—

(1) develop system performance requirements;

(2) determine an optimal operational concept and system architecture to meet such requirements;

(3) utilize new modeling, simulation, and analysis tools to quantify and validate system performance and benefits;

(4) ensure the readiness of enabling technologies; and

(5) develop a transition plan for successful implementation into the National Airspace System.

(c) AUTHORIZATION.—Of the amounts authorized to be appropriated under section 107—

(1) there are authorized to be appropriated to the NASA Aerospace Technology Program to carry out this section—

(A) $50,000,000 in fiscal year 2004;

(B) $50,000,000 in fiscal year 2005;

(C) $100,000,000 in fiscal year 2006;

(D) $100,000,000 in fiscal year 2007; and

(E) $50,000,000 in fiscal year 2008; and

(2) there are authorized to be appropriated to the FAA Research, Engineering, and Development account to carry out this section—

(A) $20,000,000 in fiscal year 2004;

(B) $30,000,000 in fiscal year 2005;

(C) $40,000,000 in fiscal year 2006;

(D) $40,000,000 in fiscal year 2007; and

(E) $20,000,000 in fiscal year 2008.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—The total amounts authorized to be appropriated for aeronautics research, development, and demonstration activities at NASA, including the amounts authorized by sections 101 through 106 of this Act, are—

(1) $675,000,000 for fiscal year 2004;

(2) $750,000,000 for fiscal year 2005;

(3) $900,000,000 for fiscal year 2006;

(4) $1,050,000,000 for fiscal year 2007; and

(5) $1,150,000,000 for fiscal year 2008.

(b) LIMITATION.—All amounts authorized to be appropriated by this title are for research and development activities and do not include amounts required to support the labor, travel, environmental compliance, and nonprogrammatic construction of facilities activities of the Office of Aeronautics.

TITLE II—FEDERAL AVIATION ADMINISTRATION RESEARCH AND DEVELOPMENT

SEC. 201. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44921. Grants for university-based centers for research on aviation training

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall award grants to institutions of higher education (or consortia thereof) to establish 1 or more Centers for Research on Aviation Training.

"(b) PURPOSE.—The purpose of the Centers for Research on Aviation Training shall be to investigate the impact of new technologies and procedures, particularly those related to the aircraft flight deck and to the air traffic management functions, on training requirements for pilots and air traffic controllers.

"(c) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator of the Federal Aviation Administration at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

"(d) AWARD DURATION.—An award made by the Administrator of the Federal Aviation Administration under this section shall be for a period of 5 years and may be renewed on the basis of—

"(1) satisfactory performance in meeting the goals of the research plan proposed by the Center for Research on Aviation Training in its application under subsection (c); and

"(2) other requirements as specified by the Administrator.

"(e) INSTITUTION OF HIGHER EDUCATION.—In this section, the term 'institution of higher education' has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) CHAPTER 449 TABLE OF SECTIONS.—The table of sections at the beginning of subchapter I of chapter 449 of such title is amended by adding at the end the following:

"44921. Grants for university-based centers for research on aviation training.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the FAA Administrator to carry out this section $5,000,000 for each of the fiscal years 2004 through 2008.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS AUTHORIZED.—Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for fiscal year 2004, $366,100,000, including—

"(A) $25,500,000 for weather projects and activities;

"(B) $81,600,000 for aircraft safety technology projects and activities;

"(C) $27,300,000 for human factors and aviation medicine projects and activities; and

"(D) $30,000,000 for environment and energy projects and activities;

"(10) for fiscal year 2005, $410,000,000, including—

"(A) $30,600,000 for weather projects and activities;

"(B) $90,100,000 for aircraft safety technology projects and activities;

"(C) $30,200,000 for human factors and aviation medicine projects and activities; and

"(D) $37,500,000 for environment and energy projects and activities;

"(11) for fiscal year 2006, $462,000,000, including—

"(A) $37,000,000 for weather projects and activities;

"(B) $99,800,000 for aircraft safety technology projects and activities;

"(C) $33,500,000 for human factors and aviation medicine projects and activities; and

"(D) $47,000,000 for environment and energy projects and activities;

"(12) for fiscal year 2007, $520,000,000; and

"(13) for fiscal year 2008, $550,000,000.".

(b) RESEARCH PRIORITIES.—Section 48102(b) of title 49, United States Code, is amended by adding at the end the following new paragraphs:

"(4) Of the amount authorized under subsection (a)(9)—

"(A) $2,000,000 shall be made available for wake turbulence research; and

"(B) $10,000,000 shall be made available for information security research.

"(5) Of the amount authorized under subsection (a)(10)—

"(A) $3,000,000 shall be made available for wake turbulence research; and

"(B) $12,000,000 shall be made available for information security research.

"(6) Of the amount authorized under subsection (a)(11)—

"(A) $4,000,000 shall be made available for wake turbulence research; and

"(B) $13,200,000 shall be made available for information security research.

"(7) The Administrator is authorized to use amounts authorized under subsection (a), regardless of the appropriations account through which the amounts may be provided, for making grant awards for support of research and development activities.".

TITLE III—STUDIES

SEC. 301. STUDY OF MARKETS ENABLED BY ENVIRONMENTAL TECHNOLOGIES FOR FUTURE AIRCRAFT.

(a) OBJECTIVE.—The NASA Administrator shall conduct a study to identify and quantify new markets that would be created, as well as existing markets that would be expanded, by the incorporation of the technologies developed pursuant to section 101 into future commercial aircraft. As part of the study, the NASA Administrator shall identify whether any of the performance characteristics specified in section 101(a) would need to be made more stringent in order to create new markets or expand existing markets. The NASA Administrator shall seek input from at least the aircraft manufacturing industry, academia, and the airlines in carrying out the study.

(b) REPORT.—A report containing the results of the study shall be provided to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate within 18 months after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the NASA Administrator $500,000 to carry out this section.

SEC. 302. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The FAA Administrator shall enter into an arrangement with the National Research Council for an assessment of the FAA's proposed wake turbulence research and development program. The assessment shall include—

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives should be included in the program;

(3) any modifications that will be necessary for the program to achieve the program's goals and objectives on schedule and within the proposed level of resources; and

(4) an evaluation of the roles, if any, that should be played by other Federal agencies, such as NASA and the National Oceanic and Atmospheric Administration, in wake turbulence research and development, and how those efforts could be coordinated.

(b) REPORT.—A report containing the results of the assessment shall be provided to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the FAA Administrator for fiscal year 2004, $500,000 to carry out this section.

SEC. 303. ASSESSMENT OF FUNDAMENTAL AERONAUTICS RESEARCH CAPABILITIES.

(a) ASSESSMENT.—In order to ensure that the Nation retains needed capabilities in fundamental aerodynamics and other areas of fundamental aeronautics research, the NASA Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and the Nation's needs for a skilled research workforce and research facilities commensurate with the requirements. The assessment shall include an identification of any projected gaps and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.

(b) REPORT.—The NASA Administrator shall transmit the assessment described in subsection (a), along with NASA's response to the assessment, to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 2 years after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the NASA Administrator $500,000 for fiscal year 2004 to carry out this section.

By Mr. THOMAS (for himself, Mrs. LINCOLN, Ms. CANTWELL, Mr. INHOFE, Ms. LANDRIEU, Mr. JOHNSON, and Mrs. BOXER):

S. 310. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the "Seniors Mental Health Access Improvement Act of 2003" with my distinguished colleague from Arkansas, Mrs. LINCOLN. Specifically, the "Seniors Mental Health Access Improvement Act of 2003" permits mental health counselors and marriage and family therapists to bill Medicare for services provided to seniors. This will result in an increased choice of mental health providers for seniors and enhance their ability to access mental health services in their communities.

This legislation is especially crucial to rural seniors who are often forced to travel long distances to utilize the services of mental health providers currently recognized by the Medicare program. Rural communities have difficulty recruiting and retaining providers, especially mental health providers. In many small towns, a mental health counselor or a marriage and family therapist is the only mental health care provider in the area. Medicare law—as it exists today-compounds the situation because only psychiatrists, clinical psychologists, clinical social workers and clinical nurse specialists are able to bill Medicare for their services.

It is time the Medicare program recognized the qualifications of mental health counselors and marriage and family therapists as well as the critical role they play in the mental health care infrastructure. These providers go through rigorous training, similar to the curriculum of masters level social workers, and yet are excluded from the Medicare program.

Particularly troubling to me is the fact that seniors have disproportionately higher rates of depression and suicide than other populations. Additionally, 75 percent of the 518 nationally designated Mental Health Professional Shortage Areas are located in rural areas and one-fifth of all rural counties have "no" mental health services of any kind. Frontier counties have even more drastic numbers as 95 percent do not have a psychiatrist, 68 percent do not have a psychologist and 78 percent do not have a social worker. It is quite obvious we have an enormous task ahead of us to reduce these staggering statistics. providing mental health counselors and marriage and family therapists the ability to bill Medicare for their services is a key part of the solution.

Virtually all of Wyoming is designated a mental health professional shortage area and will greatly benefit from this legislation. Wyoming has 174 psychologists, 37 psychiatrists and 263 clinical social workers for a total of 474 Medicare eligible mental health providers. Enactment of the "Seniors Mental Health Access Improvement Act of 2001" will more than double the number of mental health providers available to seniors in my State with the addition of 528 mental health counselors and 61 marriage and family therapists currently licensed in the state.

I believe this legislation is critically important to the health and well-being of our Nation's seniors and I strongly urge all my colleagues to become a cosponsor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Seniors Mental Health Access Improvement Act of 2003".

SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (U), by striking "and" after the semicolon at the end;

(B) in subparagraph (V)(iii), by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(W) marriage and family therapist services (as defined in subsection (ww)(1)) and mental health counselor services (as defined in subsection (ww)(3));".

(2) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

"(ww)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

"(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(4) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree in mental health counseling or a related field;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.".

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services and mental health counselor services;".

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395*l*(a)(1)) is amended—

(A) by striking "and (U)" and inserting "(U)"; and

(B) by inserting before the semicolon at the end the following: ", and (V) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(W), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended in section 301(a), is amended by inserting "marriage and family therapist services (as defined in subsection (ww)(1)), mental health counselor services (as defined in section 1861(ww)(3))," after "qualified psychologist services,".

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

"(vii) A marriage and family therapist (as defined in section 1861(ww)(2)).

"(viii) A mental health counselor (as defined in section 1861(ww)(4)).".

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1)),," and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (ww)(2)), or by a mental health counselor (as defined in subsection (ww)(4)),".

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting "or a marriage and family therapist (as defined in subsection (ww)(2))" after "social worker".

(c) AUTHORIZATION OF MARRIAGE AND FAMILY THERAPISTS TO DEVELOP DISCHARGE PLANS FOR POST-HOSPITAL SERVICES.—Section 1861(ee)(2)(G) of the Social Security Act (42 U.S.C. 1395x(ee)(2)(G)) is amended by inserting "marriage and family therapist (as defined in subsection (ww)(2))," after "social worker,".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2004.

Mrs. LINCOLN. Mr. President, I am pleased to join my colleague Senator CRAIG THOMAS today in introducing the "Seniors Mental Health Access Improvement Act of 2003."

This bill would expand Medicare coverage to Licensed Professional Counselors and Licensed Marriage and Family Therapists. One result of this expanded coverage will be to increase seniors' access to mental health services, especially in rural and underserved areas.

Licensed Professional Counselors and Marriage and Family Therapist are currently excluded from Medicare coverage even though they meet the same education, training, and examination requirements that clinical social workers do. The only difference is that clinical social workers have been covered under Medicare for over a decade.

Why do we need this legislation? The mental health needs of older Americans are not being met. Although the rate of suicide among older Americans is higher than for any other age group, less than three percent of older Americans report seeing mental health professionals for treatment. And going to their primary care physician is simply not enough. Research shows that most primary care providers receive inadequate mental health training, particularly in geriatrics.

Lack of access to mental health providers is one of the primary reasons why older Americans don't get the mental health treatment they need. Not surprisingly, this problem is exacerbated in rural and underserved areas.

Licensed Professional Counselors are often the only mental health specialists available in rural and underserved communities. This is true in my home state of Arkansas, where 91 percent of Arkansans reside in a mental health professional shortage area.

Since there are more Licensed Professional Counselors practicing in my state than any other mental health professional, this legislation will significantly increase the number of Medicare-eligible mental health providers in Arkansas. Licensed Professional Counselors are already serving patients who have private insurance or Medicaid. It is time for Medicare patients to also have access to these professionals.

The bill we are introducing today is an important first step in expanding access to good mental health. By including Licensed Professional Counselors and licensed Marriage and Family Therapists among the list of providers who deliver mental health services to Medicare beneficiaries, we will help ensure that all seniors, no matter where they live, have the opportunity to receive mental health treatment.

By Mrs. BOXER (for herself and Mr. SCHUMER):

S. 311. A bill to direct the Secretary of Transportation to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am introducing a bill that could have a significant impact on reducing the threat of terrorism towards our commercial airlines.

Last November, two shoulder-fired SA–7 missiles were launched at an Israeli airliner as it took off from a Kenyan airport. While these missiles missed their target, they are a clear example of an ever-growing threat to all air travel. A similar incident occurred last May when a U.S. military aircraft in Saudi Arabia was believed to be fired upon, also with an SA–7 missile. Saudi authorities later found an empty launch tube near an airbase used by American aircraft. In both cases, al Qaeda remains the primary suspect.

This is a very real and recognized threat. It is estimated that thousands of shoulder-fired missiles are in the hands of non-state actors, rebel groups, terrorists, and other armed non-military factions. Last May, the FBI warned that given al Qaeda's targeting of the U.S. airline industry and its access to these weapons, airlines and law enforcement agencies should remain alert to the potential use of shoulder-fired missiles against commercial aircraft in the United States.

We all know that terrorists will continue to try to attack us at our weakest points. As we continue to increase the screening and security processes for those boarding our airplanes, it is becoming clear that terrorists will need to find another avenue to attack us. These shoulder-fired missiles may be that next avenue.

The bill I am introducing today would equip all turbojet aircraft used by American aircarriers with missile defense systems. These devices involve a series of sensors that identify an incoming missile and a laser or lamp to fool the missile's guidance system. The work automatically without any action by the pilot.

The U.S. government would pay for the devices for the current turbojet fleet, approximately 6,800 aircraft, at an estimated cost of $1 million per plane.

In the meantime, the bill directs the President to use the National Guard and Coast Guard to patrol areas surrounding airports in order to prevent attacks by shoulder-fired missiles. Because these are heat-seeking missiles, aircraft are most vulnerable at lower levels and when their engines are hottest.

Aircraft missile defense systems work. Countermeasures are already in place on many U.S. military aircraft, where they have proven effective.

Shoulder-fired missiles are a serious threat to our airlines, our economy, and the personal safety of every American airline passenger. With a relatively small investment in proven technology to counter that threat, we can provide further protection to air travellers.

I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Airline Missile Defense Act".

SEC. 2. REGULATIONS REQUIRING MISSILE DEFENSE SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations that require all turbojet aircraft used by an air carrier for scheduled air service to be equipped with a missile defense system.

(b) SCHEDULE FOR INSTALLATION.—The regulations shall establish a schedule for the purchase and installation of such systems on turbojet aircraft currently in service and turbojet aircraft contracted for before the date of issuance of the regulations.

(c) NEW AIRCRAFT.—The regulations shall also require that all turbojet aircraft contracted for on or after the date of issuance of the regulations by an air carrier for scheduled air service be equipped with a missile defense system.

(d) DEADLINES FOR COMMENCEMENT OF INSTALLATION.—The regulations shall require that installation and operation of missile defense systems under the regulations begin no later than December 31, 2003.

SEC. 3. PURCHASE OF MISSILE DEFENSE SYSTEMS BY THE SECRETARY.

The Secretary of Transportation shall purchase and make available to an air carrier such missile defense systems as may be necessary for the air carrier to comply with the regulations issued under section 2 (other than subsection (c)) with respect to turbojet aircraft used by the air carrier for scheduled air service.

SEC. 4. RESPONSIBILITY OF AIR CARRIER.

Under the regulations issued under section 2, an air carrier shall be responsible for installing and operating a missile defense system purchased and made available by the Secretary of Transportation under section 3.

SEC. 5. PROGRESS REPORTS.

Not later than January 1, 2004, and each July 1 and January 1 thereafter, the Secretary of Transportation shall transmit to Congress a report on the progress being made in implementation of this Act, including the regulations issued to carry out this Act.

SEC. 6. INTERIM SECURITY MEASURES

(a) IN GENERAL.—In order to provide interim security before the deployment of missile defense systems for turbojet aircraft required under section 2, the President shall—

(1) exercise the President's authority under title 32, United States Code, to elevate National Guard units to Federal status for the purpose of patrolling areas surrounding airports to protect against the threat posed by missiles and other ordnance to commercial aircraft; and

(2) deploy units of the United States Coast Guard, in coordination with the Secretary of Transportation and the Secretary of Homeland Security, for the purpose of patrolling areas surrounding airports to protect against the threat posed by missiles and other ordnance to commercial aircraft.

(b) PROGRESS REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report on the progress being made to implement this section.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) AIRCRAFT AND AIR CARRIER.—The terms "aircraft" and "air carrier" have the meaning such terms have under section 40102 of title 49, United States Code.

(2) MISSILE DEFENSE SYSTEM.—The term "missile defense system" means an appropriate (as certified by the Secretary of Transportation) electronic system that would automatically—

(A) identify when the aircraft is threatened by an incoming missile or other ordnance;

(B) detect the source of the threat; and

(C) disrupt the guidance system of the incoming missile or other ordnance, which is intended to result in the incoming missile or other ordnance being diverted off course and missing the aircraft.

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. KENNEDY, Ms. SNOWE, Mr. BAUCUS, Mr. GRASSLEY Mr. CORZINE, Mr. WARNER, Mrs. CLINTON, Ms. COLLINS, Mr. BINGAMAN, Mr. MCCAIN, Mr. BAYH, Mr. DEWINE, Mrs. HUTCHISON, Mrs. LINCOLN, Mr. HATCH, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 312. A bill to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a bill that would promote the health and well-being of America's children by restoring funds to the Children's Health Insurance Program, known as CHIP. CHIP has been an unqualified success, helping millions of children. The program has the potential to help millions more. However, it is only as effective as we make it.

In 1997, I was joined by Senator CHAFEE in introducing the Children's Health Insurance Program as part of the Balanced Budget Act. At that time, 10 million children were uninsured. Today, 4.6 million have coverage; this includes over 21,000 children in the State of West Virginia. I believe the families touched by this program would agree it serves its purpose well.

Unfortunately, this purpose may be seriously undermined. On September 30, 2002, $1.2 billion in unspent CHIP funds reverted back to the national treasury because of a budget compromise. On September 30, 2003, an additional $1.5 billion will be returned to the treasury. This combined $2.7 billion loss will serve a huge blow to the program. As a result of it, States may be forced to stop accepting new children and may have to cut current participants from their rolls. In the meanwhile, money intended for the care of children will be spent on other initiatives. Healthy kids will go without preventative care, and sick kids will go without treatment or medicine.

However, such a tragedy is preventable. Today, I am joined by Senators CHAFEE, KENNEDY, SNOWE, and others in introducing a bill that would restore full CHIP funding over 2 years and allow the program to continue its enormously important work without cutting the benefits of a single child.

I am pleased to tell you that our legislation enjoys bicameral, bipartisan support and is endorsed by the National Governors Association, NGA. Though it is not a permanent solution to the problems faced by CHIP, this proposal would go far in addressing them. Most notably, it would provide real relief to States struggling to cover beneficiaries under Medicaid and would allow them to offer the care that every child needs and deserves.

In order to achieve this, we must provide States with the resources they need. Today, we have introduced a bill which will do just that. However, this body must make its enactment a priority. The children we serve deserve nothing less.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.

(a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking "fiscal year 2002" and inserting "fiscal year 2004".

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking "AND 1999" and inserting "THROUGH 2000"; and

(ii) by adding at the end of subparagraph (A) the following:

"(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.".

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting "or for fiscal year 2000 by the end of fiscal year 2002," after "fiscal year 2001,";

(ii) in subparagraph (A), by striking "1998 or 1999" and inserting "1998, 1999, or 2000";

(iii) in subparagraph (A)(i)—

(I) by striking "or" at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting "; or"; and

(III) by adding at the end the following new subclause:

"(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).";

(iv) in subparagraph (A)(ii), by striking "or 1999" and inserting ", 1999, or 2000";

(v) in subparagraph (B), by striking "with respect to fiscal year 1998 or 1999";

(vi) in subparagraph (B)(ii)—

(I) by inserting "with respect to fiscal year 1998, 1999, or 2000," after "subsection (e),"; and

(II) by striking "2002" and inserting "2004"; and

(vii) by adding at the end the following new subparagraph:

"(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).".

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking "AND 1999" and inserting ", 1999, AND 2000"; and

(ii) in paragraph (3)—

(I) by striking "or fiscal year 1999" and inserting ", fiscal year 1999, or fiscal year 2000"; and

(II) by striking "or November 30, 2001" and inserting "November 30, 2001, or November 30, 2002", respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking "2000" and inserting "2001"; and

(ii) by adding at the end of subparagraph (A) the following:

"(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.".

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting "or for fiscal year 2001 by the end of fiscal year 2003," after "fiscal year 2002,";

(ii) in subparagraph (A), by striking "1999, or 2000" and inserting "1999, 2000, or 2001";

(iii) in subparagraph (A)(i)—

(I) by striking "or" at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting "; or"; and

(III) by adding at the end the following new subclause:

"(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).";

(iv) in subparagraph (A)(ii), by striking "or 2000" and inserting "2000, or 2001";

(v) in subparagraph (B)—

(I) by striking "and" at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following new clause:

"(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and"; and

(vi) by adding at the end the following new subparagraph:

"(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allotment for fiscal year 2001 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).".

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking "AND 2000" and inserting "2000, AND 2001"; and

(ii) in paragraph (3)—

(I) by striking "or fiscal year 2000" and inserting "fiscal year 2000, or fiscal year 2001"; and

(II) by striking "or November 30, 2002," and inserting "November 30, 2002, or November 30, 2003,", respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social

Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(g) Authority for Qualifying States To Use Certain Funds for Medicaid Expenditures.—

"(1) State option.—

"(A) In general.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

"(B) Payments to states.—

"(i) In general.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

"(ii) Expenditures described.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

"(iii) No impact on determination of budget neutrality for waivers.—In the case of a qualifying State that uses amounts paid under this subsection for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.

"(2) Qualifying state.—In this subsection, the term 'qualifying State' means a State that—

"(A) as of April 15, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is up to 185 percent of the poverty line or above; and

"(B) satisfies the requirements described in paragraph (3).

"(3) Requirements.—The requirements described in this paragraph are the following:

"(A) SCHIP income eligibility.—The State has a State child health plan that (whether implemented under title XIX or this title)—

"(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child's lack of health insurance;

"(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

"(B) No waiting list imposed.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

"(C) Additional requirements.—The State has implemented at least 3 of the following policies and procedures (relating to coverage of children under title XIX and this title):

"(i) Uniform, simplified application form.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

"(ii) Elimination of asset test.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

"(iii) Adoption of 12-month continuous enrollment.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

"(iv) Same verification and redetermination policies; automatic reassessment of eligibility.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

"(v) Outstationing enrollment staff.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).".

Mr. CHAFFEE. Mr. President, I am pleased to join Senator ROCKEFELLER and others today in introducing a bipartisan compromise proposal to extend expiring State Children's Health Insurance Program, SCHIP, funds. I am pleased that we recently secured the commitment of Budget Chairman NICKLES to include funding in the fiscal year 2004 budget resolution for this important proposal, as well as the commitment of Finance Chairman GRASSLEY to address this issue quickly in the Finance Committee.

This legislation will allow States to continue using $1.2 billion in funds through fiscal year 2004 that were originally allocated for fiscal years 1998 and 1999, and that reverted to the Federal Treasury on September 30, 2002. This provision extends for one additional year the availability of $1.5 billion in SCHIP funds that are scheduled to expire by the end of fiscal year 2003. This legislation also applies a redistribution formula to the unspent fiscal year 2000 and 2001 allotments, allowing 50 percent of each year's unspent money to be retained by states that have not used their entire allotment, with the remaining 50 percent of unspent money being redistributed to states that have spent all of the respective year's allotment.

This compromise will prevent States from losing their unexpended SCHIP allotments and will allow other States, such as Rhode Island, to receive redistributed funds they need to continue providing health insurance to children. Without this compromise, the result could be a reduction of up to $2.7 billion for children's health programs throughout the United States. This would undermine the overwhelming success of state SCHIP programs in providing quality health coverage to millions of uninsured children. Starting this year, States would have no choice but to begin imposing severe enrollment cutbacks; eligible children who are not yet enrolled in the program would continue to go without health insurance.

Preserving the expiring funds is essential to guaranteeing that nearly one million children will not lose their health insurance. The Office of Management and Budget recently projected that the number of children insured through SCHIP will fall by 900,000 between Fiscal Years 2003 and 2006 unless appropriate congressional action is taken to restore the expiring funds.

At a time when our Nation's uninsured rate continues to climb above 40 million, it makes little sense to take away Federal funding from States that are desperately trying to find and enroll needy children. This legislation is crucial to many States, including my state of Rhode Island. Without this remedy, Rhode Island is set to run out of SCHIP funds by fiscal year 2004. At 4.5 percent, Rhode Island currently has the lowest uninsured rate of any State in the Nation for children. This bill will enable Rhode Island to continue offering health coverage to this vulnerable population.

I urge my colleagues to join Senator ROCKEFELLER and me in supporting this important legislation. It is a crucial step toward ensuring that our Nation's children will have long-term access to quality health insurance.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing a bipartisan bill to extend the availability of the unused funds in the Children's Health Insurance Program, so that hundreds of thousands of children can retain their health coverage, and so that the CHIP program can continue to grow.

We recently celebrated the fifth anniversary of the CHIP program. Over its relatively short life, the program has served children across America, providing health coverage for those who would be otherwise uninsured. Last year, over 4.5 million children received health insurance through CHIP or through Medicaid expansions under CHIP, including 105,000 children in Massachusetts. Health insurance provides children with a healthy start in life, and CHIP is important in providing that healthy start for millions of children in moderate-income working families.

Unfortunately, because of a technical provision in the law, $1.2 billion in unspent CHIP funds reverted to the Treasury last October. Another $1.5 billion will revert to the Treasury this October if Congress fails to act. We know that 20 States are projected to run out of CHIP funds soon, including 5 States—Alaska, Arizona, Maryland, New Jersey, and Rhode Island—that are projected to run out of money as early as next year.

It makes no sense to allow funds to revert to the Treasury when there is so much unmet need. Some States have not been able to use all their CHIP funds within the allotted period in current law. Yet some of these same States will run short of funds in the very near future, forcing them to drop children from their programs. One of our Nation's most fundamental principles should be to give every child the opportunity to succeed in life. But that principle rings hollow if children must fact a lifetime of disability and illness because they did not have needed health care in their early years.

That is why this bill we introduce today is so important. It enables States to maintain and expand their CHIP programs. It lets States keep a portion of their unspent funds that would otherwise expire. It reallocates the rest of the funds to States that have already used their original allocation to enroll children in their program and are ready, willing, and able to enroll even more children. This reallocation is vital to enrolling the highest possible number of children in CHIP. The retention and reallocation of these funds will prevent an unacceptable loss of coverage for the Nation's children.

Our legislation moves us one step closer to fulfilling the promise that all children should have adequate health insurance coverage. I urge my colleagues to support this bipartisan legislation, so that we can give the Nation's children the healthy start they deserve.

Ms. SNOWE. Mr. President, I am pleased to join with my colleagues today in introducing our legislation restoring funding for the State Children's Health Insurance Program, SCHIP. I would like to thank my colleagues for their willingness to work with me to secure the deal that has led to the introduction of this legislation and ultimately its signature into law. SCHIP is essential to ensuring continued health care coverage for America's children.

During debate over the Omnibus appropriations bill, I worked with my colleagues to secure an agreement that will restore $2.7 billion in expired, or soon to expire, SCHIP funding. This compromise has the support of our Nation's governors and will ensure that this funding remains in the program and continues to provide children with access to the care that is vital to their healthy development.

I especially appreciate the willingness of Majority Leader FRIST, Finance Committee Chairman GRASSLEY and Budget Committee Chairman NICKLES to work with us during the omnibus debate to develop the agreement. Because of their commitment to finding a solution, we are able to move forward with this important policy, the first step being introduction of this bill.

I believe the agreement that I was able to craft with my colleagues is the most appropriate way to restore the SCHIP funding. Because the budget resolution adopted by the House of Representatives does not include adequate budget authority to restore this funding, the floor amendment that I planned to offer to the omnibus appropriations bill would have been subject to a budget point of order in the House. Given that this point of order would have laid against the provision, the likelihood that the House would have stripped the provision during conference was great. In light of those circumstances, I believe that the agreement I negotiated is the most appropriate way to ensure that this funding is restored.

The agreement that was struck would, in exchange for withdrawing the amendment that filed to the omnibus appropriations bill to restore SCHIP funding, provide the support of the Majority Leader and Chairmen GRASSLEY and NICKELS to make necessary changes to remove the budget hurdles that have prevented this legislation from being enacted.

Specifically, Senator NICKLES has provided his commitment to reallocate through the Fiscal Year 04 budget process additional budget authority for SCHIP in Fiscal Year 03 and Fiscal Year 04. I am confident that under Senator NICKLES' leadership, the budget process will move smoothly and expeditiously and that we will be able to speed the adoption of this proposal in both the Senate and House and Representatives.

Further, Chairman GRASSLEY has agreed that as soon as the necessary budget adjustments are made he will move this bill through his committee. Again, under his strong leadership I am confident that we will get this done.

Finally, Majority Leader FRIST has agreed to place the legislation on the Senate calendar as soon as it is reported from the Finance Committee.

I might add that while I am aware that this agreement was forged in the Senate, the underlying policy contained in this bill was developed through a bipartisan, bicameral process led by Senators GRASSLEY and BAUCUS last fall. I hope that the House of Representatives will work with us to make the necessary changes to the Fiscal Year 03 and Fiscal Year 04 budget allocations and to see this legislation enacted into law in a timely manner.

How it works is this, once passed, our legislation will restore $2.7 billion in SCHIP funding that has either reverted to the treasury or is scheduled to revert to HHS for redistribution. On October 1, 2002, $1.2 billion reverted to the treasury in unspent SCHIP funding from 1998 and 1999. If we do not recapture this funding, it will be lost to the program. Our agreement allows the states to reclaim this unspent money and provides until the end of Fiscal Year 04 to spend it on health insurance provided by SCHIP.

The policy contained in this legislation also strikes a compromise between States that have spent all of their 2000 and 2001 allotments, and those that have not, by dividing the funding evenly between them. Those States that have not spent all of their allocations will be able to retain half of their funding, while the remaining States will receive additional allotments from the redistributed funding.

It also rewards those States that used Medicaid to expand access to health care for low income children prior to the creation of SCHIP, by allowing them to access 20 percent of their SCHIP funding to serve this population. this compromise has the endorsement of the National Governors Association and children's health advocates from across the country.

In my home State of Maine, where we are using SCHIP to insure over 14,500 children, this proposal will allow the State to keep $13.24 million in SCHIP funding and will provide until the end of Fiscal Year 04 to spend it. In Maine, $13.24 million will help provide health care assistance to a lot of children, children who otherwise would not have access to immunizations, well-baby visits and yearly check-ups.

While I agreed to forgo the appropriations process to enact this policy change, I certainly have not abandoned my effort to restore the funding. If in fact, the introduction of this legislation should demonstrate that I am more committed than ever to seeing the SCHIP funding restored. What's more, the Majority Leader and Chairs of the Finance and Budget Committees have provided their support to see this important legislation enacted into law. Adding their endorsement to this effort, which already has garnered strong bipartisan support, certainly will speed its passage.

Again, I appreciate the support of my colleagues and look forward to working together to advance this critical policy.

Mrs. CLINTON. Mr. President, today, we need to address the impending crisis that may leave thousands of children in New York and around the country without health insurance or access to health care.

The State Children's Health Insurance Program, or SCHIP, has been remarkably successful in providing for the health of needy children whose parents would otherwise be unable to afford health insurance. New York has been on the frontlines of this effort, implementing its Child Health Plus program even before the Federal Government recognized the promise of CHIP and began committing Federal funds. Thanks to those Federal funds, New York has been able to expand its program. I'm proud to say that as of November 2002, we have been able to enroll 475,000 children and thereby make a significant dent in the number of uninsured children in my State.

Those accomplishments aside, we still have much work to do. Estimates of the number of SCHIP or Medicaid eligible children in New York who are not currently enrolled range from 200,000 to 400,000. As the economy continues to slip, and more hardworking Americans lose their jobs or their benefits, I fear that these numbers will only increase. Now more than ever, children across our Nation depend on SCHIP to help them obtain the health care they need.

I had hoped that the recent Senate passed omnibus appropriations bill would act to preserve SCHIP. Incredibly, just when the uninsured are increasing, SCHIP funding is being cut. Just when State budgets are disintegrating, $2.7 billion of previously allocated SCHIP money is flowing out of states and back to the Federal treasury. Indeed, the Office of Management and Budget projected earlier this year that the number of children insured through SCHIP will fall by 900,000 between Fiscal Years 2003 and 2006 unless appropriate congressional action is taken to restore the expiring funds.

This is why I support the bill introduced by my colleagues, Senator ROCKEFELLER and Senator CHAFEE. Their legislation would sustain SCHIP programs throughout the country, and save New York from losing $526 million in unspent 1998/1999 funds. This bill extends the deadline for States set to return funds to the Federal treasury another two years. I also support the measure to redistribute the portion of unspent funds to States. This year, New York's annual allotment will not cover one-half of the Federal share of its program expenditures. New York is counting on those redistributed funds to make up the shortfall.

In the last Congress, I had supported measures to fix SCHIP so that States could continue to take care of their children. I was proud to co-sponor Senate bill 2860, also introduced by Senator ROCKEFELLER. And in the waning days of the last session, we were very close to a solution. We had a good proposal supported by members of both parties, in both houses of Congress, to help States in their efforts to insure their children. Unfortunately, because of the objections of a few, we were unable to accomplish our goal before the session ended. Without changes in the SCHIP program, I fear that many children in New York and around the country will be left without adequate health care.

Our support of SCHIP will make a critical difference in the health of our children, and that support must come now. Already, nearly $1.2 billion in Federal funds have expired and reverted to the treasury on September 30. What's more, CMS is delaying redistribution of unspent 2000 funds because it is unsure of what formula we in Congress will ultimately set. State governments are being forced to draft their budgets without knowing what Federal funds will be available. The time has come to fix this problem, and I strongly urge my colleagues to support this bill.

Additionally, in the long term, we must make a commitment to strengthen SCHIP which has already proven so effective in insuring so many of our Nation's children. The initial formula that set each State's annual allotment has left many States with money that they will never spend, while shortchanging States that have a higher burden of uninsured children. While the redistribution of funds has helped mitigate this inequity somewhat, we need to improve the primary allocation formula to more accurately account for each State's uninsured populations.

Looking further ahead, as SCHIP enrollment increases, more States will exhaust their yearly allotments, as New York does now. This will mean smaller amounts of unspent funds to be distributed to a larger pool of States. Without significant changes, the long-term health of the program is in jeopardy. I look forward to working with my colleagues in the future to address these fundamental issues, but until then, I urge all of my colleagues to support this bill.

Mr. MCCAIN. Mr. President, I am pleased to join Senators ROCKEFELLER, CHAFEE and a bipartisan group of my colleagues in introducing a bill to restore funding which was previously allocated to the State Children's Health Insurance Program, SCHIP.

Established in 1997 as part of the Balanced Budget Act, SCHIP was developed as a means for states to provide basic health coverage for uninsured children of low income families, who are not eligible for coverage under Medicaid. Through the Fedeal-State matching program, SCHIP has provided coverage for millions of uninsured children. In fiscal year 2001, 4.4 million children were enrolled in SCHIP. Today every State in the country, five territories, and the District of Columbia are using SCHIP to develop innovative programs to expand health coverage to even more children.

In my home State of Arizona, our SCHIP program, KidsCare, was developed to provide low income children with medical, dental, and vision coverage. KidsCare has successfully enrolled almost 50,000 uninsured children and is anticipating reaching 60,000 by fiscal year 2004. When Arizona found that children are more likely to receive health care if their parents also have access, and the flexibility of SCHIP enabled Arizona to expand its program. Last October Arizona began covering not just children, but also their parents. Arizona now provides health coverage to almost 8,000 uninsured parents. Although a substantial number of eligible children and parents still need coverage, I believe this relatively young program is nothing short of a success.

Due to Congressional inaction, approximately $2.7 billion of unspent SCHIP funding reverted to the Treasury at the end of last year. The bill we are introducing today would return that money to SCHIP, ensuring that funds are allocated to States that need more funding to continue existing programs, while allowing other States to develop new and innovative programs to help our Nation's children get access to health care.

The number of uninsured Americans reached 41 million in 2001 and continues to rise. However SCHIP is successfully reducing those numbers for one of the most vulnerable populations in our Nation, our children. I hope the Senate will act expeditiously on this important legislation to return the funds that belong in SCHIP and to ensure that we are expanding, not reducing, the number of children covered through this innovative program.

By Mr. KENNEDY (for himself, Mr. GREGG, Mr. FRIST, and Mr. BINGAMAN):

S. 314. A bill to make improvements in the Foundation for the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GREGG, Senator FRIST, and Senator BINGAMAN in introducing legislation to improve the role of the Foundation for the National Institutes of Health.

The Foundation for the National Institutes of Health Improvement Act that we introduce today makes several improvements in the 1990 law that established the Foundation. Most significantly, the bill assures that the Foundation will receive $500,000 from the NIH to support its administrative and operating expenses. These funds will enable the Foundation to use its resources for the actual support of projects to strengthen NIH programs, rather than raise money for its own expenses. In addition, the bill makes clear that the NIH Director and the

Commissioner of Food and Drugs are ex officio members of the Foundation's board of directors.

Congress established the Foundation to raise private funds to support the research of the NIH. Since its incorporation as a private, nonprofit organization in Maryland 7 years ago, for every $1 that the Foundation has received in support from the NIH, it has raised $13 in private funds to support the work of NIH.

By last fall, the Foundation was managing 20 programs with multi-year revenue and funding goals of over $45 million. For example, the Edmond J. Safra Family Lodge on the NIH campus will be completed in the summer of 2004 using private funds donated through the Foundation, with services and land donated by the NIH. Families of patients receiving in-patient cancer treatment at the NIH Clinical Center will have the Lodge as a place to stay, at no cost to them.

In addition, the Foundation has formed partnerships with the NIH to develop new cancer treatments, to identify biomarkers for osteoarthritis, and to build on the promise of genomics. Through a public-private partnership, the Foundation helped accelerate the sequencing of the mouse genome. The Foundation is also collecting private funds to study drugs in children. On January 26, 2003, Bill Gates announced a gift to the NIH through the Foundation of $200 million over the next 10 years to support research on global health priorities. Clearly, the Foundation's role with the NIH will grow productively in the coming years.

I urge my colleagues in the Senate to support this legislation, so that the Foundation can continue its effective support of the work and mission of the NIH. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foundation for the National Institutes of Health Improvement Act".

SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISHMENT AND DUTIES.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

"(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board."; and

(ii) in subparagraph (G), by inserting "appointed" after "that the number of";

(B) by amending paragraph (3)(B) to read as follows:

"(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board."; and

(C) in paragraph (5), by inserting "appointed" after "majority of the";

(2) in subsection (j)—

(A) in paragraph (2), by striking "(d)(2)(B)(i)(II)" and inserting "(d)(6)"; and

(B) in paragraph (10), by striking "of Health." and inserting "of Health and the National Institutes of Health may accept transfers of funds from the Foundation."; and

(3) by striking subsection (l) and inserting the following:

"(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer $500,000 to the Foundation.".

By Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. REID):

S. 315. A bill to support first responders to protect homeland security and prevent and respond to acts of terrorism; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the First Responders Partnership Grant Act of 2003. I thank the Democratic Leader, Senator DASCHLE, and Assistant Democratic Leader, Senator REID, for joining me as original cosponsors of this legislation that will supply our nation's first responders with the support they so desperately need to protect homeland security and prevent and respond to acts of terrorism.

I want to begin by thanking each of our Nation's brave firefighters, emergency rescuers, law enforcement officers, and other first responder personnel for the jobs they do for the American public day in and day out. Our public safety officers are often the first to respond to any crime or emergency situation. On September 11, the Nation saw that the first on the scene at the World Trade Center were the heroic firefighters, police officers and emergency personnel of New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local public safety partners.

But while we ask our Nation's first responders to defend us as never before on the front lines against the dark menace of domestic terrorism, we have failed to supply them with the Federal support they need and deserve to protect us, as we expect and need them to protect us.

Since March 12, 2002, the Federal Homeland Security Advisory System has kept State and local first responders on Yellow Alert, an "elevated" threat level declared when there is a significant risk of terrorist attacks, requiring increased surveillance of critical locations. On top of this, from September 10 to September 24 last year, Attorney General Ashcroft declared our country at Orange Threat level, a "high" condition indicating a high probability of a terrorist attack and when additional precautions by first responders are necessary at public events. Only hours ago, in fact, counterterrorism officials warned that the threat of terrorist attacks on U.S. soil is at a higher level than in previous months due to the possibility of impending military action against Iraq. Debate has already begun at the new Department of Homeland Defense on whether to put out an alert warning or to actually raise the national threat level to Orange again.

Counties, cities and towns in my home state of Vermont and across the U.S. find themselves overwhelmed by increasing homeland security costs required by the Federal government. Indeed, the National Governors Association estimates that states incurred around $7 billion in security costs over the past year alone. As a result, the national threat alerts and other Federal homeland security requirements have become unfunded Federal mandates on our State and local governments. Rutland County Sheriff R.J. Elrick, President of the Vermont Sheriffs' Association, recently wrote to me, "We are in dire need of financial support to keep our personnel trained and equipped to meet the challenges here at home as we continue our vigilant commitment to fight terrorism."

I will ask unanimous consent to place after my remarks in the RECORD the letter from the Vermont Sheriffs' Association, as well as letters from the Professional Firefighters of Vermont, the Vermont Ambulance Association, and the Vermont Association of Police Chiefs, and Chief Doug Hoyt of Montpelier, Chief Anthony Bossi of Rutland City, Chief David Demag of Essex, and Chief Jeffery Whitesell of Winhall.

When terrorists strike, first responders are and will always be the first people we turn to for help. We place our lives and the lives of our families and friends in the hands of these officers, trusting that when called upon they will protect and save us.

Just how, without supplying them with the necessary resources, do we expect our Nation's first responders to realistically carry out their duties?

Our State and local law enforcement officers, firefighters and emergency personnel are full partners in preventing, investigating and responding to terrorist acts. They need and deserve the full collaboration of the Federal government to meet these new national responsibilities.

Washington is buzzing about the literally hundreds of billions of additional dollars the President plans to ask Congress to provide for our military services to fight the war on terrorism abroad. The same cannot be said for helping security here at home, which is shamefully overlooked. For a year and a half I have been working hard to remedy that, with allies like our distinguished Democratic Leader and Assistant Democratic Leader, and New York Senators SCHUMER and CLINTON. As former chair and now ranking member of the Judiciary Committee, I have made it a high priority to evaluate and meet the needs of our first responders.

For these reasons, I am proud to introduce the First Responders Partnership Grant Act to give our nation's law enforcement officers, firefighters and emergency personnel the resources they need to do their jobs. Our legislation will establish a grant program at the Department of Justice to provide $4 billion nationwide in annual Federal funds to support State and local public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

Similar to the highly successful Department of Justice Community Oriented Policing Services and the Bulletproof Vest Partnership Grant Programs, the First Responder Grants will be made directly to State and local government units for overtime, equipment, training and facility expenses to support our law enforcement officers, firefighters and emergency personnel.

The First Responder Grants may be used to pay up to 90 percent of the cost of the overtime, equipment, training or facility. In cases of fiscal hardship, the Justice Department can waive the local match requirement of 10 percent to provide federal funds for communities that cannot afford the local match.

In a world shaped by the violent events of September 11, day after day we call upon our public safety officers to remain vigilant. We not only ask them to put their lives at risk in the line of duty, but also, if need be, give their lives to protect us.

If we take time to listen to our Nation's State and local public safety partners, they will tell us that they welcome the challenge to join in our national mission to protect our homeland security. But we cannot ask our firefighters, emergency personnel, and law enforcement officers to assume these new national responsibilities without also providing new federal support.

The First Responders Partnership Grant Program will provide the necessary federal support for our state and public safety officers to serve as full partners in the fight to protect our homeland security. We need our first responders for the security and the lifesaving help they bring to our communities. All they ask is for the tools they need to do their jobs for us. And for the sake of our own security, that is not too much to ask.

I ask unanimous consent that the letters I referred to be printed in the RECORD.

There being no objection, the letters was ordered to be printed in the RECORD, as follows:

RUTLAND COUNTY
SHERIFF'S DEPARTMENT,
Rutland, VT, January 31, 2003.

Senator PATRICK LEAHY,
U.S. Senate, Dirksen Office Building,
Washington, DC.

SENATOR LEAHY: I am responding on behalf of the Vermont Sheriffs' Association, having reviewed your current proposed bill entitled, "First Responders Partnership Grant Program".

The Vermont Sheriffs have unanimously voted to endorse your proposed bill as written. As you know all too well, we are being asked to perform on the front lines at a level never before seen, and with fewer resources at the local level. We are in dire need of financial support to keep our personnel trained and equipped to meet the challenges here at home as we continue our vigilant commitment to fight terrorism.

Your continued commitment to the men and women in the trenches is applauded and appreciated. We remain supportive of your efforts and look forward to hearing more as the bill progresses in Congress.

Sincerely,

R.J. ELRICK,
Sheriff,
President—Vermont Sheriffs' Association.

PROFESSIONAL FIREFIGHTERS
OF VERMONT,
White River Jct., VT, January 17, 2003.

Hon. PATRICK LEAHY,
Federal Building,
Montpelier, VT.

DEAR SENATOR LEAHY: I am writing to express my support for the proposed First Responder Partnership Grant Act of 2003.

As you are well aware it is the local public safety officers who are our Nations first line of defense whenever tragedy strikes. Since we are this vital link in protecting homeland security it is extremely important that we have the resources needed to safely complete this task. The First Responders Grant Act provides the financial assistance that local public safety officers need so greatly.

In closing I wish to thank you for your efforts, and once again express my support and gratitude for the First Responders Grant Act of 2003. If I can be of any further assistance please feel free to contact me.

Sincerely,

STEVEN LOCKE,
President.

VERMONT AMBULANCE ASSOCIATION,
Rutland, VT, January 29, 2003.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR LEAHY: The Vermont Ambulance Association and it's membership strongly support The First Responders Partnership Grant Act to be introduced in the United States Senate.

This legislation will bring much needed dollars into local emergency response systems to be better prepared to respond to acts of terrorism and serve our communities in homeland security. We very much appreciate your support of Emergency Services. Particularly important in this bill is the fact that it recognizes there are multiple types of public and private departments and services that protect and serve communities and they all will be eligible for funding.

Again, we support and thank you for your commitment to Vermont's Emergency Services and to the safety and security of the citizens we serve.

Sincerely,

JAMES A. FINGER,
President V.A.A.

VERMONT ASSOCIATION OF
CHIEFS OF POLICE,
January 31, 2003.

Senator PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: Having been informed of "The Leahy First Responders Partnership Grant Act", I would like you to know that Vermont Chief's of Police Association wholeheartedly supports the concept. Public safety officials throughout the nation have been required to address a whole new set of issues since September 11, 2001. These issues have required the need for new training, changes in priorities and thoughts towards security and safety of first responders, often without the addition of any new resources. A grant program of this nature will greatly enhance the ability of law enforcement, and other first responders, to continue to pursue their individual missions and to preserve the individual freedom and security that everyone deserves.

I must add that I feel that it would be beneficial to afford local entities the opportunity to apply directly to the government for these grants due to the fact each entity would have the best knowledge of what their individual needs are.

If the Vermont Association of Chiefs of Police can be of any assistance in this endeavor, please feel free to contact me at anytime.

Sincerely,

BRETT R. VAN NOORDT,
President.

MONTPELIER POLICE DEPARTMENT,
Montpelier, VT, January 22, 2003.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your staff's notification of the First Responder Partnership Grant Program For Public Safety Officers. Jessica has been very helpful in providing details of your introduction of this legislation.

I know that you are keenly aware of the need for local government to be able to access funding in the area of homeland security. Montpelier as well as select larger communities based on location and function have greater responsibilities in this new age of defense. At the same time the State of Vermont is no different from many other states in the country that are experiencing critical financial decisions to meet the "normal" demands of government. Shouldering the burden for national defense only adds to the critical needs.

The current administration cannot realistically believe that a DOJ funding program that goes to the State of Vermont which result in a trickle of $3,000 to the Montpelier Police Department for a radio actually meets the response needs for government in the Capital City of Vermont.

In support of this legislative initiative I would encourage your office to advocate strongly for the local units of government to have a larger role and voice in the distribution of these funds. In Vermont, as you well know, the State Government generally controls what occurs on the local level and the temptation with such a large amount of money is too great to have local communities excluded.

Again, thank you for your efforts and those of your staff on behalf of law enforcement and the City of Montpelier. It is always a pleasure when I call your office. I hope to be in the Washington area between March 29 and April 1 and hope that I will be able to stop and visit and perhaps we can talk about this and other matters important to Montpelier and the State of Vermont.

Sincerely,
DOUGLAS S. HOYT,
Chief of Police.

RUTLAND POLICE DEPARTMENT,
Rutland, VT, January 30, 2003.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: As the Chief of Police of The City of Rutland, Vermont and the immediate past president of the Vermont Association of Chiefs of Police I am writing this letter to support your efforts to introduce and pass the "First Responders Partnership Grant Act of 2003."

This grant program will help us at a local level to be able to have the resources we need to do our jobs in protecting the citizens of Rutland and Vermont.

Thank you for your strong support of Law Enforcement and everything you have done for Rutland Police Department. As always please feel free to contact me if there is anything more I can do to help you.

Sincerely,
ANTHONY L. BOSSI,
Chief of Police.

ESSEX POLICE DEPARTMENT,
Essex Junction, VT, January 23, 2003.

Senator PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: Having been informed of "The Leahy First Responders Partnership Grant Act", I would like you to know that I wholeheartedly support the concept. Public safety officials throughout the nation have been required to address a whole new set of issues since September 11, 2001. These issues have required the need for new training, changes in priorities and thoughts towards security and safety of first responders, often without the addition of any new resources. A grant program of this nature will greatly enhance the ability of law enforcement, and other first responders, to continue to pursue their individual missions and to preserve the individual freedom and security that everyone deserves.

I must add that I feel that it would be beneficial to afford local entities the opportunity to apply directly to the government for these grants due to the fact each entity would have the best knowledge of what their individual needs are.

If I can be of any assistance in the endeavor, please feel free to contact me at anytime.

Sincerely,
DAVID E. DEMAG,
Chief of Police.

WINHALL POLICE & RESCUE,
Bondville, VT, January 22, 2003.

Senator PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I have read and understand the "Leahy First Responders Partnership Grant Program." The legislation as proposed will greatly assist local and state agencies combat terrorism and educate our citizens. I am in support of this legislative initiative. Local first responders are a very valuable entity in this war on terrorism. Thank you for not forgetting us.

Sincerely,
JEFFERY L. WHITESELL,
Chief of Police & Rescue.

By Mr. CORZINE (for himself and Mr. KENNEDY):

S. 316. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. CORZINE. Mr. President, I am honored and pleased to introduce legislation today that Senator KENNEDY and I introduced with Senator Wellstone in the 107th Congress. Today, Senator KENNEDY and I reintroduce the Chance to Succeed Act, legislation that will give TANF recipients with barriers to employment the tools they need to address these issues and move into employment.

Studies show that between 44 and 64 percent of TANF recipients have multiple barriers to employment. These barriers range from mental health issues and substance abuse problems to learning disabilities, limited English proficiency and homelessness. We must assist TANF families in meeting their work and parenting obligations, while at the same time addressing the multiple barriers undermining their economic security.

The Chance to Succeed Act encourages states to better serve the needs of TANF recipients with barriers to employment by giving States broad flexibility to place TANF recipients in barrier-removal activities and count recipients participating in such activities toward Federal work participation rates for at least six months. In addition to providing families the time they need to seek services, the legislation would assist States in developing a screening, assessment and service delivery system. This includes providing funding for State-level advisory panels to improve state policies and procedures for assisting families with barriers to work.

Additionally, under the Chance to Succeed Act, States would create personal responsibility plans, a proposal endorsed by the Senate Finance Committee in the 107th Congress, that outline an employment goal for moving an individual into stable employment, the obligations of the individual to work toward becoming and remaining employed in the private sector, the individual's long-term career goals and the specific work experience, education, or training needed to reach them, and the services the State will offer based on screening and assessment.

Finally, the Chance to Succeed Act would bar States from inappropriately sanctioning families with barriers to work. As many as one-half of parents who were sanctioned off of welfare for failure to comply with state welfare rules, were unable to comply because of their disability, health condition or illness. Under this legislation, states would be prohibited from imposing sanctions on individuals for whom the appropriate screening, assessment, or services are unavailable.

Some States, including New Jersey, have already taken many of these steps, however, they have done so at their own expense. Last November, New Jersey granted an extension of benefits to 900 TANF recipients whose benefits were about to expire. Most of these families are too sick or disabled to work. Rather than forcing them off assistance, the state has recognized that these recipients need help. The Chance to Succeed Act will help states like New Jersey to identify these recipients and provide them supportive services to give them the tools they need to live independently. Ultimately, this will help states move this hard-to-serve group one step closer to self-sufficiency. Simply ignoring the needs of these families and sanctioning them off assistance will neither help them achieve independence, nor will it reduce their burden on the states or federal government.

Thank you. I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chance to Succeed Act of 2003".

SEC. 2. INCLUSION OF EFFORTS TO ADDRESS BARRIERS TO EMPLOYMENT AS A WORK ACTIVITY UNDER TANF.

Section 407 of the Social Security Act (42 U.S.C. 607) is amended—

(1) in subparagraphs (A) and (B) of subsection (c), by striking "or (12)" each place it appears and inserting "(12), or (13)";

(2) in subsection (d)—

(A) in paragraph (11), by striking "and" at the end;

(B) in paragraph (12), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(13) subject to subsection (j), 6 months of satisfactory participation (as determined by the State) in services to address barriers that are designed to improve future employment opportunities, including substance abuse treatment, occupational therapy, and physical rehabilitation, mental health, and mental retardation and developmental disabilities services."; and

(3) by adding at the end the following:

"(j) STATE OPTION TO EXTEND PERIOD FOR PARTICIPATION IN SERVICES TO ADDRESS BARRIERS.—

"(1) IN GENERAL.—With respect to an individual, a State may extend the 6-month period referred to in subsection (d)(13) for an additional period determined by the State so long as the State periodically reassesses the appropriateness of the activities referred to in such subsection for the individual.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or subsection (d)(13) shall be construed to limit the amount of time an individual may require, or a State may provide, services to address barriers that are designed to improve future employment opportunities.”.

SEC. 3. CREATION OF A SCREENING, ASSESSMENT, AND SERVICES PROCESS TO ADDRESS BARRIERS TO EMPLOYMENT.

(a) ASSESSMENTS.—Section 408(b) of the Social Security Act (42 U.S.C. 608(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) ASSESSMENT PROVIDED FOR EACH INDIVIDUAL WHO RECEIVES ASSISTANCE.—

“(A) IN GENERAL.—The State agency responsible for administering the State program funded under this part shall make an initial assessment of each adult individual who receives assistance under the program (and, in the case of a State program that requires an individual who is a caretaker for an individual who receives such assistance to engage in work, an initial assessment of the caretaker individual) to determine whether the individual has any barriers to employment or program compliance.

“(B) 2-PART PROCESS.—The assessment under subparagraph (A) shall consist of the following 2 parts:

“(i) INITIAL SCREENING.—

“(I) IN GENERAL.—An initial screening which shall evaluate an individual's employability, educational capacity, and other related circumstances, such as the child support status, housing needs, and transportation needs of the individual and the individual's family.

“(II) REQUIRED FACTORS TO BE ASSESSED.—A trained caseworker shall screen the individual for conditions such as physical or mental impairments, substance abuse, domestic or sexual violence, learning disabilities, limited English proficiency, limited literacy in a primary language, and need to care for a child with a disability or health condition which may interfere with work or other program requirements.

“(III) OPTIONAL ASSESSMENT OF CHILD CARE NEEDS.—At the option of the individual, the State shall, before assigning the individual to a work activity under the State program funded under this part, perform an assessment of the individual's child care needs, and guarantee safe, appropriate, affordable quality child care to any such individual who needs child care.

“(IV) OPTIONAL ASSESSMENT OF JOB PREPARATION.—At the option of the individual, the State shall, before assigning the individual to a work activity under the State program funded under this part, perform an individual assessment for the preparation that is needed for the individual to obtain and maintain a job at a monthly wage that is at least 200 percent of the poverty line applicable to the family of the individual.

“(ii) COMPREHENSIVE ASSESSMENT.—If an initial screening under clause (i) suggests the existence of potential barriers to work or program compliance, the individual may elect to participate in a comprehensive assessment conducted by a qualified professional to confirm the existence of the barriers, determine the extent of the barriers, and develop recommendations about appropriate services and activities for the individual.

“(C) FAMILY MEMBERS.—At the discretion of an individual who receives assistance under the State program funded under this part, a member of the individual's family also may be afforded an assessment in accordance with this paragraph.

“(D) NOT CONSIDERED A PROGRAM REQUIREMENT.—Participation by an individual or by a member of the individual's family in an assessment under this paragraph shall not be considered a program requirement for the individual or the individual's family.

“(E) INCLUSION OF CASEWORKERS.—Nothing in subparagraph (B)(ii) shall be construed as prohibiting a caseworker from being a qualified professional for purposes of that subparagraph if the caseworker satisfies the requirements for being considered a qualified professional.”; and

(2) by striking paragraph (4).

(b) REVIEW AND CONCILIATION PROCESS.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) REVIEW AND CONCILIATION PROCESS.—

“(A) IN GENERAL.—A State to which a grant is made under section 403 shall not impose a sanction against an individual or family under the State program funded under this part on the basis of noncompliance by an individual or family with a program requirement, unless the State satisfies the following requirements:

“(i) NOTICE.—The State has attempted, at least twice (using at least 2 different communication methods, 1 of which shall be in writing) to notify the individual or family, in the individual's or family's native language, of—

“(I) the impending imposition of the sanction;

“(II) the reason for the proposed sanction;

“(III) the amount of the sanction;

“(IV) the length of time during which the proposed sanction would be in effect; and

“(V) the steps required to come into compliance or to show good cause for noncompliance.

“(ii) REVIEW.—The State has afforded the individual or family an opportunity to meet with personnel outside the agency that administers the State program funded under this part who the State has contracted with to make a determination regarding why the individual or family did not comply with the program requirement, that is to be the basis on which the sanction is to be imposed, and that includes—

“(I) consideration of whether certain barriers to compliance exist that contributed to the noncompliance of the individual or family, such as a physical or mental impairment, including a mental health or substance abuse disorder or mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, or the need to care for a child with a disability or health condition;

“(II) consideration of whether the individual or family has good cause for failing to meet program requirements;

“(III) consideration of whether an additional assessment would assist in identifying reasons for noncompliance;

“(IV) consideration of whether support services or changes to the program requirements or activities to which the individual or family has been assigned are necessary in order for the individual or family to comply with program requirements; and

“(V) ensuring that the State's sanction policies have been applied properly.

“(B) SANCTION LIMITATIONS.—

“(i) BAN ON IMPOSITION OF SANCTION IF NEEDED SCREENING, ASSESSMENT, OR SERVICES WERE UNAVAILABLE.—A State may not impose a sanction against an individual or family under the State program funded under this part on the basis of noncompliance by an individual or family with a program requirement if the individual whose conduct is the basis of the sanction is in the process of being screened or assessed for a mental health problem, disability, substance abuse problem, or sexual or domestic violence situation but the screening or assessment has not been completed, or if services outlined in the service plan developed for the individual or family were not offered, available, and accessible to the individual or family at the time of the noncompliance.

“(ii) NO BAN ON SANCTION IF INDIVIDUAL OR FAMILY FAILS TO TAKE ADVANTAGE OF ASSESSMENT OR SERVICES AND DOES NOT COMPLY WITH WORK REQUIREMENTS.—Nothing in this paragraph shall be construed as prohibiting a State that has complied with the requirements of this paragraph and section 408(b)(1) from imposing a sanction for noncompliance with work requirements against an individual or family who opts to not take full advantage of the opportunity for assessment or the services and supports made available to ensure that the individual or family can comply with program requirements if such an individual or family is not complying with the State's work requirements.

“(C) SANCTION FOLLOW-UP REQUIREMENTS.—

“(i) IN GENERAL.—If a State imposes a sanction on an individual or family for failing to comply with program requirements, the State shall—

“(I) provide, at the time the sanction is imposed and periodically thereafter for at least 6 months, notice (in at least 2 different forms) to the individual or family of the reason for the sanction and the steps the individual or family must take to end the sanction;

“(II) reinstate the individual's or family's full benefits if the individual or family member who failed to meet the program requirements that led to the sanction complies with program requirements for a reasonable period of time and the individual or family is otherwise eligible; and

“(III) if the sanction is time-limited, notify the individual or family at least 10 days before the expiration of the sanction of the date when the individual or family will no longer be in sanction status and inform the individual or family how assistance will be reinstated.

“(ii) OUTREACH TO INDIVIDUALS AND FAMILIES SANCTIONED WHO HAVE NOT RESUMED RECEIVING CASH ASSISTANCE.—If, during the 5-year period that ended on the date of enactment of the Chance to Succeed Act of 2003, a State imposed a sanction against an individual or family that resulted in the individual or family losing all cash assistance under the State program funded under this part, and the individual or family did not resume receiving cash assistance at the end of the sanction period, the State shall make reasonable efforts to identify such individuals and families and notify them, using at least 2 methods of communication, 1 of which is written, of the assistance, services, and support they may be eligible to receive.

“(D) CONFIDENTIALITY.—The State, and any individuals or entities acting as agents of the State, shall not disclose any identifying information obtained through any process or procedure instituted pursuant to this paragraph unless required or permitted to do so by law.

“(E) DEVELOPMENT OF STANDARDS, PROCEDURES, TRAINING, AND SCREENING TOOLS.—

States and local governments shall, in consultation with Federal, State, tribal, or local experts in the different barriers to employment, develop standards, procedures, training, and screening tools for use in carrying out this paragraph.".

(c) Plan Requirements for Individual Responsibility Plans.—Section 408(b)(2)(A) of the Social Security Act (42 U.S.C. 608(b)(2)(A)) is amended to read as follows:

"(A) Requirements.—

"(i) In general.—From the assessment described in paragraph (1), the State, in consultation with the individual who is the subject of the assessment, shall develop a personal responsibility plan, that—

"(I) sets forth an employment goal to move the individual into stable employment;

"(II) sets forth the obligations of the individual that will help the individual become and remain employed in the private sector;

"(III) describes the individual's long-term career goals and the specific work experience, education, or training needed to reach them; and

"(IV) identifies the services the State will offer the individual's family based upon the assessment and evaluation described in this section.

"(ii) Modification.—If the State is unable to provide needed services to the individual or the individual's family, the State shall modify the personal responsibility plan to be consistent with the needs of the individual, the family, and the capacity of the State.".

(d) Technical Assistance.—The Secretary shall coordinate with Federal, State, and tribal experts and qualified professionals to determine, develop, and disseminate to States, and provide technical assistance with respect to, model practices, standards, and procedures for screening, assessment, addressing barriers, including multiple barriers, in a comprehensive manner, and moving individuals and families with barriers into employment, as well as model training materials for caseworkers.

(e) State Plan Requirement.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Identify and serve individuals and families with barriers to employment as described in section 408(b)(1).".

(f) Coordinating Exemptions From Work Requirements.—Section 408(a)(7)(C) of the Social Security Act (42 U.S.C. 608(a)(7)(C)) is amended by adding at the end the following:

"(iv) Families exempted from work requirements by reason of barrier to work by family member.—The State shall exempt a family from the application of subparagraph (A) of this paragraph if the State permits a member of the family (or, in the case of a State that requires a caretaker for an individual who receives assistance to engage in work, a caretaker) to engage in activities to address barriers, pursuant to section 407(d)(13), so long as the State determines that the individual is satisfactorily participating in such activities.".

(g) Advisory Panel To Improve State Policies and Procedures for Assisting Individuals and Families With Barriers To Work.—

(1) Membership; chair.—

(A) Membership.—Each State that receives a State family assistance grant under section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) shall establish an advisory panel consisting of representatives of the following:

(i) The State agency responsible for administering the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this subsection referred to as the "TANF program").

(ii) Professionals from other State agencies with expertise in barriers that interfere with an individual's or family's ability to work, such as physical or mental impairments, substance abuse, domestic or sexual violence, learning disabilities, limited English proficiency, limited literacy in a primary language, and need to care for a child with a disability or health condition.

(iii) Organizations representing individuals and families with such barriers.

(iv) Professionals with expertise in designing and implementing policies and programs to successfully serve individuals and families with such barriers.

(v) Individuals and families with such barriers who are recipients of cash assistance or support services under the TANF program.

(B) Chair.—The chief executive officer of the State shall appoint an individual who is not a State employee to serve as chair of the advisory panel.

(2) Duties.—

(A) In general.—The advisory panel shall review the efficacy of each program described in subparagraph (B) to determine—

(i) the amount of funds spent on services under the program;

(ii) the referral process for participation in the program, including whether individuals and families received referrals and services;

(iii) the effect services provided under the program had on an individual's and family's economic status; and

(iv) ways in which the State can improve the effectiveness of its policies and procedures to serve individuals and families with barriers to work or program compliance.

(B) Programs described.—For purposes of subparagraph (A), a program described in this subparagraph, is a program that—

(i) is funded under the TANF program;

(ii) receives funding from amounts made available under the State family assistance grant made under section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)); or

(iii) is funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i))).

(C) Development of mechanism for review and reports by local units of government.—In the case of a State in which significant policy or spending decisions are made in the State with respect to a program described in subparagraph (B) at the county or other local unit of government, then the advisory panel shall develop a mechanism that requires each county or other local unit of government to—

(i) review its policies and procedures with respect to that program and file a written report with the advisory panel regarding how the policies and procedures for the program are designed to assist individuals and families with barriers to work; and

(ii) respond to any other requests for information from the advisory panel regarding the TANF program.

(D) Additional authority.—In order to carry out the duties described in this paragraph, the advisory panel may hold such meetings (in addition to the regular meetings required under paragraph (3)(C)) and such public hearings, hire such staff, enter into the contract required under paragraph (4)(B), and travel to such locations of programs described in subparagraph (B), as the panel determines to be appropriate.

(3) Duration; meetings.—

(A) Duration.—An advisory panel established in accordance with this subsection shall remain in effect for at least 3 years from the date of the initial meeting of the panel.

(B) Deadline for initial meeting.—Not later than the end of the first Federal fiscal year quarter that begins on or after the date of enactment of this Act, the advisory panel shall meet for its initial meeting.

(C) Regular meetings.—The advisory panel shall meet on a regular basis.

(4) Reports.—

(A) In general.—Each advisory panel established in accordance with this subsection shall file the following reports with the Secretary of Health and Human Services:

(i) Not later than 12 months after the initial meeting of the advisory panel, an interim report identifying areas where improvement is needed with respect to State policies and procedures to serve individuals with barriers to work and the steps the State is taking or plans to take to make those improvements.

(ii) Not later than 24 months after such initial meeting, a progress report on how the improvements identified in the report required under clause (i) are being made, whether additional improvements are needed, including plans to make those improvements, and that includes the report of the independent evaluation entity required under subparagraph (B).

(iii) Not later than 36 months after such initial meeting, a final report that describes how the programs described in subparagraph (B) have been improved to assist individuals and families with barriers to work and identifies ongoing work that will be needed to maintain the improvements made.

(B) Requirements for progress report.—In preparation for the progress report required under subparagraph (A)(ii), the advisory panel shall hire an independent evaluation entity to assess the State's progress in meeting the goals set forth by the advisory panel. In States described in paragraph (2)(C), the independent evaluation entity shall also assess the progress being made at the county level or appropriate other unit of local government.

(C) Reports to congress.—The Secretary of Health and Human Services shall compile the reports submitted under subparagraph (A) and shall submit such compilations to Congress as part of any annual report to Congress on the TANF program.

(5) Public access.—

(A) In general.—All materials collected by or provided to the advisory panel and all reports submitted by the advisory panel to the State or the Secretary of Health and Human Services shall be publicly available.

(B) Opportunity for public comment.—The advisory panel shall create opportunities to secure public comments on a draft of each report to be submitted to the State or the Secretary of Health and Human Services and shall submit a summary of such comments with the final draft of the report.

(6) Funding.—Out of funds made available to carry out this subsection, the Secretary of Health and Human Services shall pay each State that establishes an advisory panel in accordance with this subsection, $1,500,000, for the period of fiscal years 2004 through 2006.

(7) Rule of construction.—Nothing in this paragraph shall be construed as authorizing an advisory review panel established under this paragraph to resolve complaints filed by individuals or entities related to possible violations of laws protecting civil rights.

(8) Authorization of Appropriations.—There is authorized to be appropriated to the

Secretary of Health and Human Services to carry out this subsection, such sums as are necessary for each of fiscal years 2004 through 2007.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator CORZINE in introducing the Chance to Succeed Act, which will benefit the most vulnerable families across the Nation. I'm concerned that the Administration's proposal on welfare reform fails to give States the flexibility needed to assist families who face serious barriers to employment. The Chance to Succeed Act provides this essential flexibility.

Many of the individuals still remaining on welfare face significant and real barriers to finding and keeping jobs. These barriers include physical or mental disabilities, substance abuse, domestic or sexual violence, learning disabilities, problems with literacy or English proficiency, or the need to care for a sick or disabled child. These recipients are less likely to find jobs or earn adequate wages, and they are more likely to lose public assistance due to sanctions for noncompliance.

It makes sense to assist these families on the road to self-sufficiency by enabling states to do what is necessary to provide them with adequate work supports and needed services. This approach works, I've seen it in Massachusetts, which has been highly successful in serving its neediest families. In fact, even before the 1996 welfare reform, the state had developed a welfare program in which all recipients are screened for barriers to employment. We've successfully helped families without major barriers to obtain employment, and we've reduced our caseload by over 64 percent in five years. We've also been able, consistently and effectively, to serve families facing barriers and provide educational, rehabilitative, and other services appropriate for their situations. We have a socially and fiscally responsible welfare policy.

The Chance to Succeed Act will encourage all states to take such steps. It will facilitate the development of screening, assessment, and service delivery procedures that enable states to identify these individuals and provide appropriate support and services. It will provide funding and technical assistance for state advisory panels, model practices, and more effective standards and procedures to help individuals find employment.

This bill also helps the many persons who are unable to comply with current work requirements because of previously unidentified barriers to employment. It will enable each family to develop its own plan that includes career goals and private sector employment. It provides flexibility to states to design plans that meet families' unique needs. Activities essential to reducing and eliminating barriers can be counted as work. It will enable states to establish conciliation and follow-up procedures to remove barriers and improve compliance, so that fewer families are needlessly penalized and left vulnerable.

Individuals with barriers to employment are an important part of genuine welfare reform, and it is long past time for Congress to include them. The Chance to Succeed Act is a first step in helping the many families who face barriers to become more self-sufficient.

By Mr. GREGG (for himself, Mr. SESSIONS, and Mr. ENZI):

S. 317. A bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs for work and family, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, I rise today to introduce legislation that, if enacted, could have a monumental impact on the lives of thousands of working men, women and families in America. Today, along with Senators ENZI, and SESSIONS, I am pleased to reintroduce the Family Time and Workplace Flexibility Act. The primary purpose of this legislation is to give families and employers greater flexibility in meeting and balancing the demands of work and family.

The demand for family time is evident. Let me give you some of the latest statistics. Seventy percent of employees don't think there is a healthy balance between work and personal life. Seventy percent of employees today say that family is their most important priority. This compares to 54 percent in 2000. Forty six percent of employees either feel overworked, overwhelmed by the quantity of their work, or lack the time to step back and reflect on their work. Sixty one percent of adults say they would give up some of their pay for more time with their family. Employees say that finding time for family is a more pressing concern than layoffs, 32 percent vs 22 percent. This compares to 25 percent in 1999.

In light of the cry of America's workers for more family time, and in honor of today's 10-year anniversary of the Family Medical Leave Act, I am introducing the Family Time and Workplace Flexibility Act, which will build upon the spirit of the FMLA, by updating federal law to allow a more flexible workplace. This legislation is not a total solution: there are many other provisions under the 64-year-old Fair Labor Standards Act that need our attention. But the legislation I am introducing today is an important part of the solution. It gives working families a choice.

The Family Time and Workplace Flexibility Act in a nutshell consists of three main provisions. The first allows employees the option of taking time off in lieu of overtime pay. The second gives employees the option of "flexing" their schedules over a two week period. In other words, employees would have 10 "flexible" hours that they could work in one week in order to take 10 hours off in the next week. The third provision gives employees the option of a "flexible credit hour program," under which the employer and employee can agree to allow the employee to work excess hours in his schedule in order to accrue hours to be taken off at a later time. The flexible credit hour option is for employees who do not get the opportunity to work overtime, but still want a way to build up hours to take off later.

Flexible work arrangements have been available in the Federal Government since 1978. For over three decades, federal workers have had this special privilege. The federal program was so successful in fact, that in 1994 President Clinton issued an Executive Order extending it to parts of the Federal government that had not yet had the benefits of the program. The President stated that: "Broad use of flexible arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism." I couldn't agree more.

While Federal employees enjoy the benefits of flexible workplace arrangements, members of the private sector do not have such options. The Family Time and Workplace Flexibility Act corrects this and extends this option to all businesses covered by the Fair Labor Standards Act.

So, who are these workers who are currently covered by the FLSA but do not have the ability to exercise workplace flexibility? They are some of the hardest working Americans. Sixty percent of these workers have only a high school education. Eighty percent of them make less than $28,000. A great percentage of them are single mothers with children. They are working hard to meet their family's economic needs as well as their emotional needs. And while government can't mandate love and nurture, it can get out of the way and eliminate barriers to opportunities for love and nurture. That is what the Family Time and Workplace Flexibility Act does.

In the subsequent weeks and months we will undoubtedly hear from some that what working families really need is more money. They need their overtime pay. That may well be true for some families, and this bill does not affect them in any way. But for other families, for families who want to choose to take time off with pay to attend a child's school play or PTA meeting, the issue is time, not money. The point is this the family should have the right to choose. Washington should not decide for them which priority is important for their family.

I am one who believes in the working men and women of America and in their ability to know what is best for their families. It is time for Congress to give families what they want, and not what Congress thinks they need. It's time to give working families what Federal employees have already—workplace flexibility.

I ask unanimous consent that the text of the legislation, a bill summary, and an article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Time and Workplace Flexibility Act".

SEC. 2. WORKPLACE FLEXIBILITY OPTIONS.

(a) COMPENSATORY TIME OFF.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r)(1)(A) Except as provided in subparagraph (B), no employee may be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation. The acceptance of compensatory time off in lieu of monetary overtime compensation may not be a condition of employment or of working overtime.

"(B) In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation in accordance with the agreement.

"(2)(A) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

"(B) In this subsection:

"(i) The term 'employee' means an individual—

"(I) who is an employee (as defined in section 3);

"(II) who is not an employee of a public agency; and

"(III) to whom subsection (a) applies.

"(ii) The term 'employer' does not include a public agency.

"(3) An employer may provide compensatory time off to employees under paragraph (2)(A) only pursuant to the following:

"(A) The compensatory time off may be provided only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) The compensatory time off may only be provided to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time off in lieu of monetary overtime compensation.

"(C) No employee may receive, or agree to receive, the compensatory time off unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(D) An employee shall be eligible to accrue compensatory time off if such employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by paragraph (4).

"(4)(A) An employee may accrue not more than 160 hours of compensatory time off.

"(B) Not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (8). An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

"(C) The employer may provide monetary compensation for an employee's unused compensatory time off in excess of 80 hours at any time after providing the employee with at least 30 days' written notice. The compensation shall be provided at the rate prescribed by paragraph (8).

"(5)(A) An employer that has adopted a policy offering compensatory time off to employees may discontinue the policy for employees described in paragraph (3)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (3)(A)(ii).

"(B) An employee may withdraw an agreement described in paragraph (3)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time off accrued that has not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (8).

"(6)(A)(i) An employer that provides compensatory time off under paragraph (2) to an employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

"(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

"(III) requiring the employee to use the compensatory time off.

"(ii) In clause (i), the term 'intimidate, threaten, or coerce' has the meaning given the term in section 13A(d)(2).

"(B) An agreement that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

"(i) the payment of monetary overtime compensation for the workweek; or

"(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.".

(b) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) In addition to any amount that an employer is liable under subsection (b) for a violation of a provision of section 7, an employer that violates section 7(r)(6)(A) shall be liable to the employee affected in an amount equal to—

"(A) the product of—

"(i) the rate of compensation (determined in accordance with section 7(r)(8)(A)); and

"(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

"(II) the number of such hours used by the employee; and

"(B) as liquidated damages, the product of—

"(i) such rate of compensation; and

"(ii) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).".

(c) CALCULATIONS AND SPECIAL RULES.—Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by subsection (a), is further amended by adding at the end the following:

"(7) An employee who has accrued compensatory time off authorized to be provided under paragraph (2) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time off in accordance with paragraph (8).

"(8)(A) If compensation is to be paid to an employee for accrued compensatory time off, the compensation shall be paid at a rate of compensation not less than—

"(i) the regular rate received by such employee when the compensatory time off was earned; or

"(ii) the final regular rate received by such employee;

whichever is higher.

"(B) Any payment owed to an employee under this subsection for unused compensatory time off shall be considered unpaid monetary overtime compensation.

"(9) An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (2); and

"(B) who has requested the use of the accrued compensatory time off;

shall be permitted by the employer of the employee to use the accrued compensatory time off within a reasonable period after making the request if the use of the accrued compensatory time off does not unduly disrupt the operations of the employer.

"(10) The terms 'monetary overtime compensation' and 'compensatory time off' shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7).".

(d) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 3. BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

"(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

"(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

"(c) FLEXIBLE CREDIT HOUR PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish flexible credit hour programs, under which, at the election of an employee, the employer and the employee jointly designate hours for the employee to work that are in excess of the basic work requirement of the employee so that the employee can accrue flexible credit hours to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

"(2) CONDITIONS.—An employer may carry out a flexible credit hour program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(D) HOURS.—An agreement that is entered into under subparagraph (A) shall provide that, at the election of an employee, the employer and the employee will jointly designate, for an applicable workweek, flexible credit hours for the employee to work.

"(E) LIMIT.—An employee shall be eligible to accrue flexible credit hours if the employee has not accrued flexible credit hours in excess of the limit applicable to the employee prescribed by paragraph (3).

"(3) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee who is participating in such a flexible credit hour program may accrue not more than 50 flexible credit hours.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employer of an employee who is participating in such a flexible credit hour program shall provide monetary compensation for any flexible credit hours accrued during the preceding calendar year that were not used prior to December 31 of the preceding calendar year at a rate not less than the regular rate at which the employee is employed on the date the employee receives the compensation. An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

"(4) COMPENSATION FOR FLEXIBLE CREDIT HOURS.—Notwithstanding section 7, in the case of an employee participating in such a flexible credit hour program, the employee shall be compensated for each flexible credit hour at a rate not less than the regular rate at which the employee is employed.

"(5) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of 40 hours in a week that are requested in advance by the employer, other than flexible credit hours, shall be overtime hours.

"(6) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(7) USE OF TIME.—An employee—

"(A) who has accrued flexible credit hours; and

"(B) who has requested the use of the accrued flexible credit hours,

shall be permitted by the employer of the employee to use the accrued flexible credit hours within a reasonable period after making the request if the use of the accrued flexible credit hours does not unduly disrupt the operations of the employer.

"(8) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a flexible credit hour program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

"(B). WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all flexible credit hours accrued that have not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due at a rate not less than the regular rate at which the employee is employed on the date the employee receives the compensation.

"(d) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(A) interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule;

"(B) interfering with the rights of the employee under this section to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours (including working flexible credit hours in lieu of overtime hours);

"(C) interfering with the rights of the employee under this section to use accrued flexible credit hours in accordance with subsection (c)(7); or

"(D) requiring the employee to use the flexible credit hours.

"(2) Definition.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(e) Definitions.—In this section:

"(1) Basic work requirement.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) Collective bargaining.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) Collective bargaining agreement.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) Election.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

"(5) Employee.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(6) Employer.—The term 'employer' does not include a public agency.

"(7) Flexible credit hours.—The term 'flexible credit hours' means any hours, within a flexible credit hour program established under subsection (c), that are in excess of the basic work requirement of an employee and that, at the election of the employee, the employer and the employee jointly designate for the employee to work so as to reduce the hours worked in a week on a day subsequent to the day on which the flexible credit hours are worked.

"(8) Overtime hours.—The term 'overtime hours'—

"(A) when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer; or

"(B) when used with respect to flexible credit hour programs under subsection (c), means all hours worked in excess of 40 hours in a week that are requested in advance by an employer, but does not include flexible credit hours.

"(9) Regular rate.—The term 'regular rate' has the meaning given the term in section 7(e).".

(b) Remedies.—

(1) Prohibitions.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(2) Remedies and sanctions.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216), as amended in section 2(b), is further amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(II) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(ii) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(iii) in the third sentence—

(I) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(II) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or";

(B) in subsection (e)—

(i) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(ii) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or"; and

(C) by adding at the end the following:

"(g)(1) In addition to any amount that an employer is liable under the second sentence of subsection (b) for a violation of a provision of section 13A, an employer that violates section 13A(d) shall be liable to the employee affected for an additional sum equal to that amount.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17.".

(c) Notice to Employees.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 4. PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF IN BANKRUPTCY PROCEEDINGS.

Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "for—" and inserting the following: "on the condition that all accrued compensatory time off (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(2) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time off (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))".

SEC. 5. CONGRESSIONAL COVERAGE.

Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and section 12(c)" and inserting "section 12(c), and section 13A"; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking "The remedy" and inserting the following:

"(1) In general.—Except as provided in paragraphs (2) and (3), the remedy"; and

(B) by adding at the end the following:

"(2) Compensatory time.—The remedy for a violation of subsection (a) relating to the requirements of section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)) shall be such remedy as would be appropriate if awarded under subsection (b) or (f) of section 16 of such Act (29 U.S.C. 216).

"(3) Biweekly work programs and flexible credit hours programs.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation."; and

(3) in subsection (c), by striking paragraph (4).

SEC. 6. TERMINATION.

The authority provided by this Act and the amendments made by this Act terminates 5 years after the date of enactment of this Act.

LEGISLATIVE SUMMARY

THE FAMILY TIME AND WORKPLACE FLEXIBILITY ACT

Section 2, Comp Time

Gives employers and employees (who have been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period) the option of comp time in lieu of monetary overtime compensation, at the rate of 1 and ½ hours of comp time for each hour of overtime worked.

Where a collective bargaining agreement is in place, an employer would have to work within that context in shaping any comp time program.

Where there is no collective bargaining agreement in place, the employer and the individual employee would be allowed to enter into a "written agreement" with respect to comp time. Such an agreement must be completely voluntary and must be arrived at before the performance of the work.

The employer is prohibited from directly or indirectly intimidating, threatening, coercing or attempting to intimidate, threaten or coerce any employee in agreeing to the comp time option nor may acceptance of comp time be a condition of employment or of working overtime.

Employees may not accrue more than 160 hours of comp time. If unused, such hours must be cashed out at the end of the preceding calendar year or not later than 31 days after the end of an alternative 12-month period designated by the employer. An employer may, upon 30 days written notice to the employee, cash-out all hours banked in excess of 80. Employees who terminate their employment either voluntarily or involuntarily must be paid for any unused comp time.

An employee may withdraw an agreement at any time by submitting a written notice of withdrawal to the employer and an employer must, within 30 days after receiving the written request, provide the employee the monetary compensation due.

An employer may discontinue offering comp time after providing 30 days' notice.

Comp time may be used upon request by a worker within a reasonable period after making the request if it does not unduly disrupt the operations of the employer.

Section 3, Bi-Weekly Work and Flexible Credit Hour Programs

Gives employers and employees the option of a 2-week 80 hour work period during which, without incurring an overtime penalty, up to 10 hours could be "flexed" between the two week period. Employees could, if agreed upon by their employers, choose to work 2 weeks of 40 hours each, 50 hours in one week and 30 in another, etc. Employers would not be required to pay overtime rates (time-and-a-half) until 80 hours had been worked in 2 calendar weeks. For hours worked in excess of 80 in a 2 week period, a worker would have to be compensated either in cash or in paid comp time (if the employer has agreed to a comp time option)—each at not less than a time-and-a-half-basis.

Gives employers and employees the option of a "flexible credit hour program," under which the employer and employee can agree to allow the employee to work excess hours in his schedule in order to accrue hours to be taken off at a later time. The employee would receive one hour of time off for every excess hour worked.

The flexible credit hour option is for employees who do not get the opportunity to work overtime, but still want a way to build up hours to take off later.

Employees may accrue up to 50 flexible credit hours.

Like comp time, these programs are completely voluntary and may not affect collective bargaining agreements that are in force.

Discontinuance rules for these programs are similar to rules for comp time.

Section 4, Protections in Cases of Bankruptcy

Amends the Federal bankruptcy code to grant third priority (allowed unsecured claims for wages, salaries, or commissions) in bankruptcy proceedings to claims relating to compensatory time off.

Section 5, Congressional Coverage

Congressional employees would have access to comp time, biweekly work programs, and flexible credit hours.

Section 6, Termination

The provisions sunset after 5 years.

[From the Washington Post, Feb. 4, 2003]

THE REGULATORS

(By Cindy Skrzycki)

BUSINESSES SORE ABOUT MEDICAL LEAVE

It was the Labor Department's 1996 ruling that counted the common cold, flu, earaches, headaches and other routine ailments as "serious health conditions" that put many employers in a swivet over benefits offered under the Family and Medical Leave Act.

The business community, fearing employees would be absent from work for minor ailments, geared up almost immediately to press Congress and the Labor Department for "technical corrections" to the rules.

The law, passed a decade ago, provides workers at companies with more than 50 employees up to 12 weeks or unpaid leave and job protection for the birth or adoption of a child, to care for an immediate family member, or to tend to a serious health condition. Businesses felt so strongly about the need to "fix" some of the rules that they created the FMLA Technical Corrections Coalition in 1997, and about 300 companies and trade associations joined. They testified, lobbied and complained about problems with the rules, especially the guidance on what constitutes a serious health condition. The Clinton administration, which viewed the law as a signature piece of legislation, was not disposed to change the rules. In surveys done for the Labor Department, Clinton regulators insisted that companies were not finding it onerous to comply. A Labor survey in 2000, for example, said millions of workers have taken the leave, using it "infrequently and for relatively short periods of time."

The Bush administration has been more receptive to industry complaints and is talking to business groups, AARP, unions and women's advocacy groups about what works and doesn't work with the regulations.

"The employer community has come in with very specific, very targeted issues in very specific areas of the regulations," said Victoria A. Lipnic, assistant secretary for the Employment Standards Administration. "These are listening sessions on our part. The biggest thing we hear is the chronic use of unforeseen, intermittent leave."

Lipnic said the department hopes to reorganize the rules and eliminate some of the complexity to make them more efficient for employers and employees alike. She added that the department has to change some of the notification requirements that employers have to abide by because a recent Supreme Court decision found employers did not have to offer 12 weeks of family leave on top of other, more generous leave policies.

"No one debates the 12-week leave or the family-leave part of the legislation," said Randel Johnson, vice president of labor, immigration and employee benefits at the U.S. Chamber of Commerce. "It's the medical leave part that causes the problem."

Johnson, who was the staff aide who wrote the minority views when the original legislation passed the House, predicted at the time that administration would be unworkable and lead to extensive litigation. For some companies, those problems have come to pass and so has the litigation. There have been some 1,300 federal cases dealing with various aspects of the law, according to the Labor Department.

Though Congress made it clear that the leave was to be applied to "serious medical conditions," such as cancer, surgeries and pregnancy-related issues, the rules were interpreted otherwise.

The 1996 opinion letter that triggered business outrage said an employee is eligible for leave if he is out for more than three days and is receiving treatment, such as antibiotics for the flu. That interpretation followed an opinion from the department the year before that said exactly the opposite.

"Whenever we have seminar or a breakout session [on the law] at a conference, it's packed to capacity," said Deron Zeppelin, director of governmental affairs for the Society for Human Resource Management, a group of business benefits managers. "When you're dealing with the realities of the workplace, the law becomes more difficult. No one thought when it was passed that people would get [medical] certification to take off time whenever they want."

One large corporation, which asked not to be named, said 90 percent of the leave its workers take falls into the "serious medical condition" category, not the care of family members. Company officials said the leave has been taken for pinkeye, poison ivy, stress and tooth extraction. "People use this as a way to get additional sick leave without any repercussions," said a company official.

Business lobbyists want to tighten the definition of what constitutes a serious health condition. The also want to restrict employees to taking the leave in half-day chunks—now, it can be taken in the smallest increments their payroll systems can track, and that can be minutes. They also want employees to be responsible for requesting leave under the act, instead of requiring that companies tell them about it.

Labor unions and women's groups who fought for passage of the law have been watching warily, especially since the Bush administration recently threw out a Clinton-era rule that allowed states to pay for family leave through their unemployment funds. They would like to see the law expanded to cover other absences, such as teacher conferences or to allow employees to take a sick parent to a doctor's appointment. They also would like the leave to be paid, which would require new legislation, and cover more employees.

Christine Owens, director of public policy for the AFL–CIO, said business is overstating the seriousness of the problems and they probably could be fixed with "modest tinkering." Judith L. Lichtman, president of the National Partnership for Women & Families, said the problems employers are complaining about are of "questionable merit."

"If the Bush administration wants to think of itself as family-friendly, it should put its policies where its rhetoric is—expand on existing FMLA rights," Lichtman said. "It's an incredibly popular program that has made a difference in the lives of working people."

By Mr. KERRY (for himself, Mr. BOND, Ms. LANDRIEU, Mr. EDWARDS, Mr. JOHNSON, Mr. BINGAMAN, Mr. LEVIN, Mr. BAUCUS, Mr. DASCHLE, Mr. HOLLINGS, Mr. LIEBERMAN, Mr. WARNER, Mr. CRAPO, Mr. HARKIN, and Mr REID):

S. 318. A bill to provide emergency assistance to nonfarm-related, small business concerns that have suffered substantial economic harm from drought; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, drought continues to be a serious problem for many States in this country, and I rise to re-introduce legislation to help small businesses that need disaster assistance but can't get it through the Small Business Administration's disaster loan program.

You see, the SBA doesn't treat all drought victims the same. The Agency only helps those small businesses whose income is tied to farming and agriculture. However, farmers and ranchers are not the only small businesses owners whose livelihoods are at risk when drought hits their communities. The impact can be just as devastating to the owners of rafting businesses, marinas, and bait and tackle shops. Sadly, these small businesses cannot get help through the SBA's disaster loan program because of something taxpayers hate about government, bureaucracy.

The SBA denies these businesses access to disaster loans because its lawyers say drought is not a sudden event and therefore it is not a disaster by definition. However, contrary to the Agency's position that drought is not a disaster, as of July 16, 2002, the day this legislation was introduced last year, the SBA had in effect drought disaster declarations in 36 States. And adding insult to injury, in those States where the Agency declared drought disasters, it limited assistance to only farm-related small businesses.

My friends, the SBA has the authority to help all small businesses hurt by drought in declared disaster areas, but the Agency won't do it. For years the Agency has been applying the law unfairly, helping some and not others, and it is out of compliance with the law. The Small Business Drought Relief Act of 2003 would force SBA to comply with existing law, restoring fairness to an unfair system, and get help to small business drought victims that need it.

This bill deserves quick consideration. Time is of the essence for drought victims. This legislation has been through a thorough review, and there is no reason to duplicate our efforts. The Committee considered virtually identical legislation last year and voted unanimously to pass it. In addition to approval by the committee of jurisdiction, OMB approved identical legislation last year. The bill I am introducing today includes those changes we worked out with the Administration, and I see no reason to delay passage.

Senator BOND has been a real champion on this issue, and I thank him. I look forward to having a similar partnership with Senator SNOWE. I thank all my colleagues who are cosponsors, Senators BOND, LANDRIEU, EDWARDS, JOHNSON, BINGAMAN, LEVIN, BAUCUS, DASCHLE, HOLLINGS, LIEBERMAN, WARNER, CRAPO, HARKIN, and REID.

I ask unanimous consent that the text of the bill, and letters of support from governors who advocated prompt passage of this legislation last year, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOANS TO SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Drought Relief Act of 2003".

(b) FINDINGS.—Congress finds that—

(1) as of July 2002, more than 36 States (including Massachusetts, South Carolina, and Louisiana) have suffered from continuing drought conditions;

(2) droughts have a negative effect on State and regional economies;

(3) many small businesses in the United States sell, distribute, market, or otherwise engage in commerce related to water and water sources, such as lakes, rivers, and streams;

(4) many small businesses in the United States suffer economic injury from drought conditions, leading to revenue losses, job layoffs, and bankruptcies;

(5) these small businesses need access to low-interest loans for business-related purposes, including paying their bills and making payroll until business returns to normal:

(6) absent a legislative change, the practice of the Small Business Administration of permitting only agriculture and agriculture-related businesses to be eligible for Federal disaster loan assistance as a result of drought conditions would likely continue;

(7) during the past several years small businesses that rely on the Great Lakes have suffered economic injury as a result of lower than average water levels, resulting from low precipitation and increased evaporation, and there are concerns that small businesses in other regions could suffer similar hardships beyond their control and that they should also be eligible for assistance; and

(8) it is necessary to amend the Small Business Act to clarify that nonfarm-related small businesses that have suffered economic injury from drought are eligible to receive financial assistance through Small Business Administration Economic Injury Disaster Loans.

(c) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting "(1)" after "(k)"; and

(B) by adding at the end the following:

"(2) For purposes of section 7(b)(2), the term 'disaster' includes—

"(A) drought; and

"(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.".

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting "including drought, with respect to both farm-related and nonfarm-related small business concerns affected by drought," before "if the Administration"; and

(B) in subparagraph (B), by striking "the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)" and inserting the following: "section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph".

(d) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking "Upon receipt of such certification, the Administration may" and inserting "Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may".

(e) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during fiscal year 2003 to provide drought disaster loans to non-farm related small business concerns.

(f) RULEMAKING.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this Act and the amendments made by this Act.

SOUTHERN GOVERNORS' ASSOCIATION,
August 19, 2002.

Hon. JOHN KERRY,
U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: We are deeply concerned that small businesses in states experiencing drought are being devastated by drought conditions that are expected to continue through the end of the summer. We urge you to support legislation that would allow small businesses to protect themselves against the detrimental effects of drought.

Much like other natural disasters, the effects of drought on local economies can be crippling. Farmers and farm-related businesses can turn in times of drought to the U.S. Department of Agriculture. However, non-farm small businesses have nowhere to go, not even the Small Business Administration (SBA), because their disaster loans are not made available for damage due to drought.

To remedy this omission, Sen. John Kerry (D–Mass.) introduced the Small Business Drought Relief Act (S. 2734) on July 16, 2002, to make SBA disaster loans available to those small businesses debilitated by prolonged drought conditions. This bill was passed by the Senate Small Business Committee just eight days later. Also, the companion legislation (H.R. 5197) was introduced by Rep. Jim DeMint (R–S.C.) on July 24, 2002. Both bills are gaining bipartisan support, and we hope you will cosponsor this important legislation and push for its rapid enactment in the 107th Congress.

As 11 southern states are presently experiencing moderate to exceptional drought conditions this summer, we cannot afford to wait to act. We urge you to cosponsor the Small Business Drought Relief Act and push for its consideration as soon as possible.

Sincerely,

Gov. Don Siegelman of Alabama; Gov. Mike Huckabee of Arkansas; Gov. Roy E. Barnes of Georgia; Gov. M.J. "Mike" Foster, Jr. of Louisiana; Gov. Ronnie Musgrove of Mississippi; Gov. Michael F. Easley of North Carolina; Gov. Jim Hodges of South Carolina; Gov. Rick Perry of Texas; Gov. Bob Wise of West Virginia; Gov. Paul E. Patton of Kentucky; Gov. Parris N. Glendening of Maryland; Gov. Bob Holden of Missouri; Gov. Frank Keating of Oklahoma; Gov. Don Sundquist of Tennessee; and Gov. Mark Warner of Virginia.

OFICE OF THE GOVERNOR,
July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Committee on Small Business, Washington, DC.

DEAR SENATORS KERRY AND BOND: Much of Nevada and the Nation have been experiencing extreme drought over the past several years. In Nevada we have seen the effects of this situation through catastrophic range and forest fires, insect infestations and loss of crops and livestock.

Prolonged drought causes a drastic reduction in stream and river flow levels. This can cause the level of lakes to drop so significantly that existing docks and boat ramps cannot provide access to boats. In the case of range and forest fires we have seen small innkeepers and hunting and fishing related businesses that have their entire season wiped out in a matter of a few hours.

Unfortunately for some small businesses, drought assistance is available only for agriculture related small businesses, such as feed and seed stores. For businesses that are based on tourism around lakes and rivers, there is currently no drought assistance available.

The Small Business Administration (SBA) is not currently authorized to help these businesses because a drought is not a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that causes great damage to these small businesses.

I would like to lend my support to S. 2734, The Small Business Drought Relief Act. This bill would amend the guidelines and authorize the SBA to offer assistance to small businesses affected by prolonged drought. With passage of this bill, Governors would be allowed to ask SBA for an administrative declarations of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain economically viable for future operation.

Sincerely,

KENNY C. GUINN,
Governor.

STATE OF NORTH CAROLINA, OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.

Hon. JOHN EDWARDS,
U.S. Senate, Washington, DC.

DEAR SENATOR EDWARDS: I am writing to thank you for your support for legislation introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, July 9, 2002.

Hon. JOHN KERRY,
U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: The State of South Carolina is in its fifth year of drought status, the worst in over fifty years. Some parts of the state are in extreme drought status and the rest if in severe drought status.

Ninety-nine percent of our streams are flowing at less than 10 percent of their average flow for this time of year. 60 percent of those same streams are running at lowest flow on record for this date. The levels of South Carolina's lakes have dropped anywhere from five feet to twenty feet. Some lakes have experienced a drop in water level so significant that tourist and recreational use has diminished.

State and national climatologists are not hopeful that we will receive any significant rainfall in the near future. To end our current drought, we would need an extended period of average to above average rainfall.

Droughts, particularly prolonged ones such as we are experiencing now, have extensive economic effects. For farmers who experience the economic effects of such a drought, assistance is available through the USDA. For small businesses, assistance is available only for agriculture related small businesses, i.e., feed and seed stores. For businesses that are based on tourism around Lakes and Rivers, there is currently no assistance available.

We have reports of lake and river tourism dependent businesses experiencing 17 percent to 80 percent declines in revenue. The average decline in revenue is probably near 50 percent across the board.

My staff has contacted Small Business Administration and they are not authorized to offer assistance to these businesses because a drought is not defined as a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that is causing great economic damage to these small business owners.

I am requesting that you assist us in this situation by proposing that the Small Business and Entrepreneurship Committee take action to at least temporarily amend the SBA authorizing language and allow them to offer assistance to small businesses affected by prolonged drought. This would allow Governors to ask SBA for an administrative declaration of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain in business for the long run.

My staff has also been in contact with Senator Hollings' legislative staff. I hope together, we can find an expedient solution to the plight of these small business owners. Short of finding a way to control the weather, this may be our only option to help their dire situation.

Sincerely,

JIM HODGES,
Governor.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 319. A bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Federal Employees Health Benefits Improvement Act of 2003 along with my colleague from Maryland, Senator SARBANES. This bill would reduce the employee portion of premiums costs under the Federal Employee Health Benefits Plan.

Our Federal employees work hard for the American people and they deserve quality benefits.

Why is this legislation important?

Health insurance premiums for Federal employees and retirees rose an average of 11.2 percent this year. In contrast, Federal worker's wages are expected to rise by 4.1 percent in the Washington-Baltimore area once the fiscal year 2003 Omnibus Appropriations bill is approved. This follows a 13.3 percent increase last year, and an increase of 10.5 percent for 2001. As a result, premiums are nearly 50 percent greater than they were just 5 years ago.

The Federal program provides health insurance coverage to about 9 million government workers, retirees and family members. More than 800,000 of these workers live in the DC metro area.

Health insurance costs are skyrocketing, and Federal employees are paying a greater share of their take home pay for health care each year. Currently, Federal employees pay anywhere between 28 percent to 30 percent of premiums. In the private sector, other large employers pay at least 80 percent of premiums and employees pay 20 percent, according to recent data published by the Bureau of Labor Statistics and the Kaiser Family Foundation.

How would this bill help solve this problem?

This bill would change the financing formula for Federal Employees Health Benefits Program, FEHBP. Under this approach, the federal agencies would pay 80 percent of the weighted average for premiums. This would help reduce the out-of-pocket health care costs for federal employees and improve the affordability of FEHBP immensely.

What would this mean to Federal employees?

My bill would help improve the affordability of health care insurance for all 9 million. Currently, about 250,000 federal employees do not have health insurance. Many of them cannot afford health care insurance at the current rates. My proposal would improve the affordability of health care insurance so that many of these workers would be able to afford coverage.

For example, under Blue Cross Blue Shield's Standard Option Plan, an individual would save almost $400, and a family would save about $925 this year.

Providing quality benefits for federal employees is also an important tool in helping recruit and retain a high quality workforce and compete with the private sector and other State and local governments.

This bill would have an enormous impact in my State, Maryland, but would also benefit Federal workers nationally. Under this proposal, the percent that a Federal employee pays in health insurance premiums would decline, putting more money into Federal employees pockets each pay period.

This bill improves benefits for our hardworking Federal Employees.

I urge my colleagues to join me in expressing support for this bill.

By Mr. GREGG.

S. 320. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, the Family and Medical Leave Act was intended to be used by families for critical periods such as after the birth or adoption of a child and leave to care for a child, spouse, or one's own "serious medical condition."

Since its passage, the Family and Medical Leave Act has had a significant impact on employers' leave practices and policies. According to the Commission on Family and Medical Leave, two-thirds of covered work sites have changed some aspect of their policies in order to comply with the Act.

Unfortunately, the Department of Labor's implementation of certain provisions of the Act has resulted in significant unintended administrative burden and costs on employers; resentment by co-workers when the Act is misapplied; invasions of privacy by requiring employers to ask deeply personal questions about employees and family members when employees plan to take FMLA leave; disruptions to the workplace due to increased unscheduled and unplanned absences; unnecessary record keeping; unworkable notice requirements; and conflicts with existing policies. These problems have been well documented in six separate congressional hearings, including one I chaired and a House hearing where I testified.

Problems with the FMLA implementation have been documented in the courts. The validity of 13 different Department of Labor regulations relating to the Act has been challenged in 64 reported court decisions. Included in this, of course, is the Supreme Court's invalidation of one of the Department's regulations in the 2002 case of Ragsdale v. Wolverine Worldwide Inc. And, yesterday's Washington Post reported that there have been some 1,300 Federal cases dealing with various aspects of the law, according to the Department of Labor.

The Department of Labor's vague and confusing implementing regulations and interpretations have resulted in the FMLA being misapplied, misunderstood and mistakenly ignored. Employers aren't sure if situations like pink eye, ingrown toenails and even the common cold will be considered by the regulators and the courts to be serious health conditions. Because of these concerns and well-documented problems with the Act, today I am introducing the Family and Medical Leave Clarification Act to make reasonable and much needed technical corrections to the Family and Medical Leave Act and restore it to its original congressional intent.

The need for FMLA technical corrections has been confirmed and strengthened by six congressional hearings and by the recent release of key surveys. Conclusive evidence of the need for corrections has now been established. The Congressional hearings demonstrated that the FMLA's definition of serious health condition is vague and overly broad due to the Department of Labor's interpretations. Additionally, the hearings documented that the intermittent leave provisions, notification, and certification problems are causing many serious workplace problems. In addition, some companies testified that Congress should consider allowing employers to permit employees to take either a paid leave package under an existing collective bargaining agreement or the 12 weeks of FMLA protected leave, whichever is greater.

I am concerned that a recent decrease in paid leave for employees has been attributed to the administration's problematic FMLA interpretations. Some research shows a decline in voluntarily provided paid sick leave and vacation leave by the private sector. The 2000 Society for Human Resource Management Benefits Survey found that paid vacation was provided by 87 percent of companies in the year 2000 while the year before it was 94 percent. Paid sick leave was at 85 percent in 1999, and decreased to 74 percent the following year.

A recent survey conducted by former President Clinton's Department of Labor confirmed FMLA implementation problems. The Labor Department report found that the share of covered establishments reporting that it was somewhat or very easy to comply with the FMLA has declined 21.5 percent from 1995 to 2000.

The recent release of the Society for Human Resource Management, SHRM, 2003 FMLA Survey strongly reinforces the need for FMLA technical corrections. Respondents to the SHRM survey stated that, on average, more than half, or 52 percent, of employees who take FMLA leave do not schedule the leave in advance. Consequently, managers often do not have the ability to plan for work disruptions. Yesterday's Washington Post article reported that the biggest thing the Department of Labor hears about is the "chronic use of unforseen, intermittent leave." Respondents to the SHRM survey also reported that, in most cases, the burden of the workload from the employee on leave falls to employees who are not on leave. When asked whether they have had to grant FMLA requests they felt were not legitimate, 50 percent said they had. Additionally, more than one-third, or 34 percent, of respondents said they were aware of employee complaints over the past year regarding a co-worker's questionable use of FMLA leave.

The issue of intermittent leave also continues to be extremely difficult. SHRM's 2000 FMLA survey showed that three-quarters, or 76 percent, of respondents said they would find compliance easier if the Department of Labor allowed FMLA leave to be offered and tracked in half-day increments rather than by minutes.

I am very concerned that both the SHRM and the Labor Department surveys show that FMLA implementation is becoming more difficult, not easier, ten years after it has been in place. I am hopeful that the Family and Medical Leave Clarification Act will advance in the 108th Congress on a bipartisan basis to address this problem.

The FMLA Clarification Act has the strong support of the Society for Human Resource Management, the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Society of Healthcare Human Resources Professionals, and close to 300 other leading companies and associations that make up the Family and Medical Leave Act Technical Corrections Coalition. This broad-based coalition shares my belief that both employers and employees would benefit from making certain technical corrections to the FMLA, corrections that are needed to restore congressional intent and to reduce administrative and compliance problems experienced by employers who are making a good faith effort to comply with the Act.

The bill I am introducing today does several important things:

First, it repeals the Department of Labor's current regulations for "serious health condition" and includes language from the Democrats' own original Committee Report on what types of medical conditions, such as heart attacks, strokes, spinal injuries, etc., were intended to be covered. In passing the FMLA, Congress stated that the term "serious health condition" is not intended to cover short-term conditions, for which treatment and recovery are very brief, recognizing that "it is expected that such condition will fall within the most modest sick leave policies."

On the other hand, the Department of Labor's current regulations are extremely confusing and expansive, defining the term "serious health condition" as including, among other things, any absence of more than 3 days in which the employee sees any health care provider and receives any type of continuing treatment, including a second doctor's visit, or a prescription, or a referral to a physical therapist. Such a broad definition potentially mandates FMLA leave where an employee sees a health care provider once, receives a prescription drug, and is instructed to call the health care provider back if the symptoms do not improve. The regulations also define as a "serious health condition" any absence for a chronic health problem, such as arthritis, asthma, diabetes, etc., even if the employee does not see a doctor for that absence and is absent for less than three days.

Second, the bill amends the act's provisions relating to intermittent leave to allow employers to require that intermittent leave be taken in minimum blocks of 4 hours. This would minimize the misuse of FMLA by employees who use FMLA as an excuse for regular tardiness and routine justification for early departures.

Third, the bill shifts to the employee the responsibility to request that leave be designated as FMLA leave, and requires the employee to provide written application within 5 working days of providing notice to the employer for foreseeable leave.

With respect to unforeseeable leave, the bill requires the employee to provide, at a minimum, oral notification of the need for the leave not later than the date the leave commences unless the employee is physically or mentally incapable of providing notice or submitting the application. Under that circumstance the employee is provided such additional time as necessary to provide notice.

Shifting the burden to the employee to request that leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee's and the employee's family's private matters, as required under current law, and helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding.

Under current law, it is the employer's responsibility in all circumstances to designate leave, paid or unpaid, as FMLA-qualifying. Failure to do so in a timely manner or to inform an employee that a specific event does not qualify as FMLA leave may result in that unqualified leave becoming qualified leave under FMLA. In addition, the courts have held that there is personal liability for employers under the FMLA and that an individual manager may be sued and held individually liable for acts taken based upon or relating to the FMLA. For example, in the 1995 case of Freemon v. Foley, in the Northern District of Illinois, the court stated, "We believe the FMLA extends to all those who controlled 'in whole or in part' [plaintiff's] ability to take leave of absence and return to her position."

Fourth, with respect to leave because of the employee's own serious health condition, the bill permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer's collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer. This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering getting rid of such employee-friendly plans, including those negotiated by the employer and the employee's union representative. Paid leave would be subject to the employer's normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

The FMLA Clarification Act is a reasonable response to the concerns that have been raised about the Act. It leaves in place the fundamental protections of the law while attempting to make changes necessary to restore FMLA to its original intent and to respond to the very legitimate concerns that have been raised. I urge my colleagues to restore the FMLA to its original Congressional intent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Clarification Act".

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Family and Medical Leave Act of 1993 (referred to in this section as the "Act") is not working as Congress intended when Congress passed the Act in 1993. Many employers, including those employers that are nationally recognized as having generous family-friendly benefit and leave programs, are experiencing serious problems complying with the Act.

(2) The Department of Labor's overly broad regulations and interpretations have caused many of those problems by greatly expanding the Act's coverage to apply to many non-serious health conditions.

(3) Those problems are also documented in a review of litigation under the Act. The validity of 13 different Department of Labor regulations relating to the Act has been challenged in 64 reported court decisions.

(4) From 1996 through 2002, 6 congressional hearings (2 in the Senate and 4 in the House of Representatives) documented numerous implementation problems with the Act due to the Department of Labor's misapplication of the Act through some of its regulations and interpretations.

(5) Documented problems generated by the Act include significant new administrative and personnel costs, loss of productivity, scheduling difficulties, unnecessary paperwork and recordkeeping, and other compliance problems.

(6) The Act often conflicts with employers' paid sick leave policies, prevents employers from managing absences through their absence control plans, and results in most leave under the Act becoming paid leave.

(7) Administrative problems associated with the use of intermittent leave under the Act are a well-documented issue. Approximately ¾ (76 percent) of the respondents to a 2000 survey by the Society for Human Resource Management said they would find compliance easier if the Department of Labor allowed covered leave to be offered and tracked in increments of half days rather than minutes.

(8) The Commission on Leave, established in title III of the Act (29 U.S.C. 2631 et seq.) which in 1996 reported few difficulties with compliance with the Act, failed to identify many of the problems with compliance because the survey on which the report was based was conducted too soon after the date of enactment of the Act and the most significant problems with compliance arose only when employers later sought to comply with the Act's final regulations and interpretations.

(9) A more recent Department of Labor survey, released in January 2001 as an update requested by Congress to the 1996 Commission on Leave report, found that between 1995 and 2000, there had been a 21.5 percent decline in the share of covered establishments reporting that it was somewhat easy or very easy to comply with the Act.

(10) According to the Society for Human Resource Management 2003 FMLA Survey, 50 percent of human resource professionals indicated that they have had to grant leave requests under the Act that they did not believe were legitimate because of the Department of Labor's interpretations, and 34 percent of human resource professionals were aware of employee complaints in the past 12 months due to coworkers' questionable use of leave under the Act.

SEC. 3. DEFINITION OF SERIOUS HEALTH CONDITION.

Section 101(11) (29 U.S.C. 2611(11)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by aligning the margins of those clauses with the margins of clause (i) of paragraph (4)(A);

(3) by inserting before "The" the following: "(A) IN GENERAL.—"; and

(4) by adding at the end the following:

"(B) EXCLUSIONS.—The term does not include a short-term illness, injury, impairment, or condition, for which treatment and recovery are very brief.

"(C) EXAMPLES.—The term includes an illness, injury, impairment, or physical or mental condition such as a heart attack, a heart condition requiring a heart bypass or valve operation, a back condition requiring extensive therapy or a surgical procedure, a stroke, a severe respiratory condition, a spinal injury, appendicitis, pneumonia, emphysema, severe arthritis, a severe nervous disorder, an injury caused by a serious accident on or off the job, an ongoing pregnancy, a miscarriage, a complication or illness related to pregnancy (such as severe morning sickness), a need for prenatal care, childbirth, and recovery from childbirth, that involves care or treatment described in subparagraph (A).".

SEC. 4. INTERMITTENT LEAVE.

Section 102(b)(1) (29 U.S.C. 2612(b)(1)) is amended by striking the period at the end of the second sentence and inserting the following: ", as certified under section 103 by the health care provider involved after each leave occurrence. An employer may require an employee to take intermittent leave under this Act in increments of up to (and including) ½ of a workday. An employer may require an employee who travels as part of the normal day-to-day work or duty assignment of the employee and who requests intermittent leave or leave on a reduced leave schedule under this Act to take leave for the duration of the work or assignment involved, if the employer cannot reasonably accommodate the employee's request.".

SEC. 5. REQUEST FOR LEAVE.

Section 102(e) (29 U.S.C. 2612(e)) is amended by inserting after paragraph (2) the following:

"(3) REQUEST FOR LEAVE.—If an employer does not exercise, under subsection (d)(2), the right to require an employee to substitute other employer-provided leave for leave under this title, the employer may require the employee who wants leave under this title to request the leave in a timely manner. If an employer requires a timely request under this paragraph, an employee who fails to make a timely request may be denied leave under this title.

"(4) TIMELINESS OF REQUEST FOR LEAVE.—For purposes of paragraph (3), a request for leave shall be considered to be timely if—

"(A) in the case of foreseeable leave, the employee—

"(i) provides the applicable advance notice required by paragraphs (1) and (2); and

"(ii) submits any written application required by the employer for the leave not later than 5 working days after providing the notice to the employer; and

"(B) in the case of unforeseeable leave, the employee—

"(i) notifies the employer orally of the need for the leave—

"(I) not later than the date the leave commences; or

"(II) during such additional period as may be necessary, if the employer is physically or mentally incapable of providing the notification; and

"(ii) submits any written application required by the employer for the leave—

"(I) not later than 5 working days after providing the notice to the employer; or

"(II) during such additional period as may be necessary, if the employee is physically or mentally incapable of submitting the application.".

SEC. 6. SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2) (29 U.S.C. 2612(d)(2)) is amended by adding at the end the following:

"(C) PAID ABSENCE.—Notwithstanding subparagraphs (A) and (B), with respect to leave provided under subsection (a)(1)(D), if an employer provides a paid absence under the employer's collective bargaining agreement, an employee welfare benefit plan under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), or under any other sick leave, sick pay, or disability plan, program, or policy of the employer, the employer may require the employee to choose between the paid absence and unpaid leave provided under this title.".

SEC. 7. REGULATIONS.

(a) EXISTING REGULATIONS.—

(1) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall review all regulations issued before that date to implement the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), including the regulations published in sections 825.114 and 825.115 of title 29, Code of Federal Regulations.

(2) TERMINATION.—The regulations described in paragraph (1), and opinions letters promulgated under the regulations, cease to be effective on the effective date of final regulations issued under subsection (b)(2)(B), except as described in subsection (c).

(b) REVISED REGULATIONS.—

(1) IN GENERAL.—The Secretary of Labor shall issue revised regulations implementing the Family and Medical Leave Act of 1993 that reflect the amendments made by this Act.

(2) NEW REGULATIONS.—The Secretary of Labor shall issue—

(A) proposed regulations described in paragraph (1) not later than 90 days after the date of enactment of this Act; and

(B) final regulations described in paragraph (1) not later than 180 days after that date of enactment.

(3) EFFECTIVE DATE.—The final regulations take effect 90 days after the date on which the regulations are issued.

(c) TRANSITION.—The regulations described in subsection (a) shall apply to actions taken by an employer prior to the effective date of final regulations issued under subsection (b)(2)(B), with respect to leave under the Family and Medical Leave Act of 1993.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act take effect 180 days after the date of enactment of this Act.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. BIDEN, Mr. DEWINE, and Ms. CANTWELL):

S. 321. A bill to provide for the establishment of a scientific basis for new firefighting technology standards, improve coordination among Federal, State, and local fire officials in training for and responding to terrorist attacks and other national emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I am pleased to be joined by Senators HOLLINGS, BIDEN, DEWINE, and CANTWELL in introducing the Firefighting Research and Coordination Act. This legislation would provide for the establishment of a scientific basis for new firefighting technology standards; improved coordination between Federal, State, and local fire officials in training and response to a terrorist attack or a national emergency; and authorize the National Fire Academy to offer training to improve the ability of firefighters to respond to events such as the tragedy of September 11, 2001. Representatives CAMP, DEUTSCH, ISRAEL, ETHERIDGE, and WELDON are introducing companion legislation. Similar legislation was approved by the Senate Commerce Committee last September.

The purpose of this legislation is to act upon some of the lessons learned from the tragic terrorist attacks, and also address other problems faced by the fire services. On September 11, the New York City firefighters and emergency service personnel acted with great heroism in selflessly rushing to the World Trade Center and saving the lives of many Americans. Tragically, 343 firefighters and EMS technicians paid the ultimate price in the service of their country.

While we strive to prevent any future attack in the United States, it is our duty to ensure that we are adequately prepared to respond to any future catastrophic act of terrorism. In addition, we must recognize that many of the preparations we make to improve the response to national emergencies also will aid our firefighters for their everyday role in protecting our families and homes.

Today's firefighters use a variety of technologies including thermal imaging equipment, devices for locating firefighters and victims, and state-of-the-art protective suits to fight fires, clean up chemical or hazardous waste spills, and contend with potential terrorist devices. The Federal Government's Firefighter Investment and Response Enhancement, FIRE, program is authorized for $900 million for Fiscal Year 2004 to assist local fire departments in purchasing this high-tech equipment. It is important that the American taxpayers' money is used to buy equipment that will effectively protect our local communities and the responders.

Unfortunately, there are no uniform technical standards for new equipment used in combating fires. Without such standards, local fire companies may purchase equipment that does not satisfy their needs, or even purchase faulty equipment. A January 2003 Consumer Reports article states that much of the emergency equipment sold today is not tested or certified by the government or independent labs. The article states that "the confusion will get worse, emergency departments say, as new equipment floods the market in response to increased government funding." The lives of professional and volunteer emergency personnel, and the citizens they protect, are at risk from untested equipment.

This bill seeks to address the need for new equipment standards by establishing a scientific basis for voluntary consensus standards. It would authorize the U.S. Fire Administrator to work with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, other federal, state, and local agencies, national voluntary consensus standards development organizations, and other interested parties to establish measurement techniques and testing methodologies for new firefighting equipment. These new techniques and methodologies will act as a scientific basis for the development of voluntary consensus standards. This bill would allow the federal government to work with the private sector in developing the basic uniform performance criteria and technical standards to ensure the effectiveness and compatibility of these new technologies. The bill would authorize

$2.2 million in Fiscal Year 2004 for these efforts.

As my colleagues know, many issues regarding coordination surfaced on September 11. Titan Systems Corporation recently issued an after-action report, on behalf of the fire department of Arlington County, VA, which highlighted problems between the coordination of Washington D.C., and Arlington County fire departments. The report cited the confusion caused by a large influx of self-dispatched volunteers, and increased risk faced by the "bonafide responders." These conclusions are consistent with an article by the current U.S. Fire Administrator, R. David Paulison, in the June 1993 issue of Fire Chief magazine, where he described being overwhelmed by the number of uncoordinated volunteer efforts that poured into Florida after Hurricane Andrew. Additionally, many fire officials and the General Accounting Office, GAO, have highlighted the duplicative nature of many Federal programs and the need for better coordination between Federal, State, and local officials.

The bill seeks to address these problems by directing the U.S. Fire Administrator to provide technical assistance and training for state and local fire service officials to establish nationwide and state mutual aid systems for responding to national emergencies. These mutual aid plans would include collection of accurate asset and resource information to ensure that local fire services could work together to deploy equipment and personnel effectively during an emergency. The bill also would direct the U.S. Fire Administrator to report on the need for a strategy for deploying volunteers, including the use of a national credentialing system. This legislation also would authorize the Director of the Federal Emergency Management Agency to update the Federal Response Plan to incorporate plans for responding to terrorist attacks, especially events in urban areas. This update would include fire detection, suppression, and related emergency services.

The bill would improve the training of State and local firefighters. It would authorize the National Fire Academy to offer courses in building collapse rescue; the use of technology in response to fires caused by terrorist attacks and other national emergencies; leadership and strategic skills including integrated management systems operations; deployment of new technology for fighting forest and wild fires; fighting fires at ports; and other courses related to tactics and strategies for responding to terrorist incidents and other fire services' needs.

Finally, this bill would also direct the U.S. Fire Administrator to coordinate the National Fire Academy's training programs with the Attorney General, Secretary of Health and Human Services and other federal agencies to prevent and eliminate the duplication in training programs that has been identified by the GAO.

In 2001, we were caught unprepared and paid a terrible price as a result. While we will never be able to prevent firefighter deaths because of the risks involved, it is our obligation to help ensure that future firefighters are adequately equipped and trained, and are working in coordination to respond to any future national emergencies.

I am pleased to announce that this legislation is supported by the National Volunteer Fire Council; the Congressional Fire Services Institute; the National Fire Protection Association; the International Association of Fire Chiefs; the International Association of Fire Fighters; the International Association of Arson Investigators; International Society of Fire Service Instructors; North American Fire Training Directors and the International Fire Service Training Association. I ask unanimous consent that the letter of endorsement be printed in the RECORD. I also ask unanimous consent that the text of the bill also be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

S. 321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firefighting Research and Coordination Act".

SEC. 2. NEW FIREFIGHTING TECHNOLOGY.

(a) IN GENERAL.—Section 8 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) DEVELOPMENT OF NEW TECHNOLOGY.—

"(1) IN GENERAL.—In addition to, or as part of, the program conducted under subsection (a), the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

"(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

"(i) personal protection equipment;

"(ii) devices for advance warning of extreme hazard;

"(iii) equipment for enhanced vision;

"(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;

"(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;

"(vi) equipment and methods for training, especially for virtual reality training; and

"(vii) robotics and other remote-controlled devices;

"(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

"(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

"(2) NEW EQUIPMENT MUST MEET STANDARDS.—For equipment for which applicable voluntary consensus standards have been established, the Administrator shall, by regulation, require that equipment or systems purchased through the assistance program established by section 33 meet or exceed applicable voluntary consensus standards.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by adding at the end the following:

"(i) DEVELOPMENT OF NEW TECHNOLOGY.—There are authorized to be appropriated to the Administrator to carry out section 8(e) $2,200,000 for fiscal year 2004.".

SEC. 3. COORDINATION OF RESPONSE TO NATIONAL EMERGENCY.

(a) IN GENERAL.—Section 10 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) MUTUAL AID SYSTEMS.—

"(1) IN GENERAL.—The Administrator, after consultation with the Director of the Federal Emergency Management Agency, shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—

"(A) include threat assessment and equipment deployment strategies;

"(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and

"(C) are consistent with the Federal Emergency Management Agency's Federal Response Plan.

"(2) MODEL MUTUAL AID PLANS.—The Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.".

(b) REPORT ON STRATEGIC NEEDS.—Within 90 days after the date of enactment of this Act, the Administrator of the United States Fire Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the need for a strategy concerning deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters' Safety Study Act (15 U.S.C. 2223e), including a national credentialing system, in the event of a national emergency.

(c) UPDATE OF FEDERAL RESPONSE PLAN.—Within 180 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall—

(1) revise that Agency's Federal Response Plan to incorporate plans for responding to terrorist attacks, particularly in urban areas, including fire detection and suppression and related emergency services; and

(2) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the action taken to comply with paragraph (1).

SEC. 4. TRAINING.

(a) In General.—Section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by striking "and" after the semicolon in subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (N); and

(3) by inserting after subparagraph (E) the following:

"(F) strategies for building collapse rescue;

"(G) the use of technology in response to fires, including terrorist incidents and other national emergencies;

"(H) response, tactics, and strategies for dealing with terrorist-caused national catastrophes;

"(I) use of and familiarity with the Federal Emergency Management Agency's Federal Response Plan;

"(J) leadership and strategic skills, including integrated management systems operations and integrated response;

"(K) applying new technology and developing strategies and tactics for fighting forest fires;

"(L) integrating terrorism response agencies into the national terrorism incident response system;

"(M) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels; and".

(b) Consultation on Fire Academy Classes.—The Superintendent of the National Fire Academy may consult with other Federal, State, and local agency officials in developing curricula for classes offered by the Academy.

(c) Coordination With Other Programs To Avoid Duplication.—The Administrator of the United States Fire Administration shall coordinate training provided under section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies—

(1) to ensure that such training does not duplicate existing courses available to fire service personnel; and

(2) to establish a mechanism for eliminating duplicative training programs.

Statement of Senator John McCain, Chairman, Senate Committee on Commerce, Science, and Transportation on the Firefighting Research and Coordination Act

Mr. President, I am pleased to be joined by Senators Hollings, Biden, DeWine and Cantwell in introducing the Firefighting Research and Coordination Act. This legislation would provide for the establishment of a scientific basis for new firefighting technology standards; improved coordination between Federal, state, and local fire officials in training and response to a terrorist attack or a national emergency; and authorize the National Fire Academy to offer training to improve the ability of firefighters to respond to events such as the tragedy of September 11, 2001. Representatives Camp, Deutsch, Israel, Etheridge and Weldon are introducing companion legislation. Similar legislation was approved by the Senate Commerce Committee last September.

The purpose of this legislation is to act upon some of the lessons learned from the tragic terrorist attacks, and also address other problems faced by the fire services. On September 11, the New York City firefighters and emergency service personnel acted with great heroism in selflessly rushing to the World Trade Center and saving the lives of many Americans. Tragically, 343 firefighters and EMS technicians paid the ultimate price in the service of their country.

While we strive to prevent any future attack in the United States, it is our duty to ensure that we are adequately prepared to respond to any future catastrophic act of terrorism. In addition, we must recognize that many of the preparations we make to improve the response to national emergencies also will aid our firefighters for their everyday role in protecting our families and homes.

Today's firefighters use a variety of technologies including thermal imaging equipment, devices for locating firefighters and victims, and state-of-the-art protective suits to fight fires, clean up chemical or hazardous waste spills, and contend with potential terrorist devices. The federal government's Firefighter Investment and Response Enhancement (FIRE) program is authorized for $900 million for Fiscal Year 2004 to assist local fire departments in purchasing this high-tech equipment. It is important that the American taxpayers' money is used to buy equipment that will effectively protect our local communities and the responders.

Unfortunately, there are no uniform technical standards for new equipment used in combating fires. Without such standards, local fire companies may purchase equipment that does not satisfy their needs, or even purchase faulty equipment. A January 2003 Consumer Reports article states that much of the emergency equipment sold today is not tested or certified by the government or independent labs. The article states that "the confusion will get worse, emergency departments say, as new equipment floods the market in response to increase government funding." The lives of professional and volunteer emergency personnel—and the citizens they protect—are at risk from untested equipment.

This bill seeks to address the need for new equipment standards by establishing a scientific basis for voluntary consensus standards. It would authorize the U.S. Fire Administrator to work with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, other federal, state, and local agencies, national voluntary consensus standards development organizations, and other interested parties to establish measurement techniques and testing methodologies for new firefighting equipment. These new techniques and methodologies will act as a scientific basis for the development of voluntary consensus standards. This bill would allow the federal government to work with the private sector in developing the basic uniform performance criteria and technical standards to ensure the effectiveness and compatibility of these new technologies. The bill would authorize $2.2 million in Fiscal Year 2004 for these efforts.

As my colleagues know, many issues regarding coordination surfaced on September 11. Titan Systems Corporation recently issued an after-action report, on behalf of the fire department of Arlington County, Virginia, which highlighted problems between the coordination of Washington D.C., and Arlington County fire departments. The report cited the confusion caused by a large influx of self-dispatched volunteers, and increased risk faced by the "bonafide responders." These conclusions are consistent with an article by the current U.S. Fire Administrator, R. David Paulison, in the June 1993 issue of Fire Chief magazine, where he described being overwhelmed by the number of uncoordinated volunteer efforts that poured into Florida after Hurricane Andrew. Additionally, many fire officials and the General Accounting Office (GAO) have highlighted the duplicative nature of many Federal programs and the need for better coordination between federal, state, and local officials.

The bill seeks to address these problems by directing the U.S. Fire Administrator to provide technical assistance and training for state and local fire service officials to establish nationwide and state mutual aid systems for responding to national emergencies. These mutual aid plans would include collection of accurate asset and resource information to ensure that local fire services could work together to deploy equipment and personnel effectively during an emergency. The bill also would direct the U.S. Fire Administrator to report on the need for a strategy for deploying volunteers, including the use of a national credentialing system. This legislation also would authorize the Director of the Federal Emergency Management Agency to update the Federal Response Plan to incorporate plans for responding to terrorist attacks, especially events in urban areas. This update would include fire detection, suppression, and related emergency services.

The bill would improve the training of state and local firefighters. It would authorize the National Fire Academy to offer courses in building collapse rescue; the use of technology in response to fires caused by terrorist attacks and other national emergencies; leadership and strategic skills including integrated management systems operations; deployment of new technology for fighting forest and wild fires; fighting fires at ports; and other courses related to tactics and strategies for responding to terrorist incidents and other fire services' needs.

Finally, this bill would also direct the U.S. Fire Administrator to coordinate the National Fire Academy's training programs with the Attorney General, Secretary of Health and Human Services and other federal agencies to prevent and eliminate the duplication in training programs that has been identified by the GAO.

In 2001, we were caught unprepared and paid a terrible price as a result. While we will never be able to prevent firefighter deaths because of the risks involved, it is our obligation to help ensure that future firefighters are adequately equipped and trained, and are working in coordination to respond to any future national emergencies.

Mr. President, I am pleased to announce that this legislation is supported by the National Volunteer Fire Council; the Congressional Fire Services Institute; the National Fire Protection Association; the International Association of Fire Chiefs; the International Association of Fire Fighters; the International Association of Arson Investigators; International Society of Fire Service Instructors; North American Fire Training Directors and the International Fire Service Training Association.

January 31, 2003.

Hon. John McCain,
Russell Senate Office Building,
Washington, DC.

Dear Senator McCain: The tragic events of September 11th certainly underscored the important need for additional training and advanced technologies for our nation's fire and emergency services. They are equal components in our efforts to prepare our nation for future large-scale emergencies that require rapid deployment of local first responders.

In the area of technology, we have witnessed an emergence of new technologies designed to improve our level of readiness to future terrorist events and other large-scale disasters. Many of these new technologies have the potential to improve the capabilities of our first responders, however we must ensure that these technologies serve their intended purpose and protect our firefighters and emergency medical personnel. What's most important is to ensure local response agencies quick access to new technologies while guaranteeing that they meet minimum safety standards.

We extend our appreciation for your interest in this matter and for introducing the Firefighter Research and Coordination Act. We support this legislation as a crucial step towards developing and deploying advanced technologies our nation's first responders need in this period of heightened risk and security.

The legislation directs certain federal agencies and other interested parties, including the National Fire Protection Association, to develop a scientific basis for the private sector development of standards for new fire fighting technology. Your legislation will not undermine or duplicate the standards-making process that has served the fire service for over a hundred years, but rather strengthen it in areas of new technologies necessitated by the events of September 11th.

We also support the other sections of your legislation calling for coordination of response to national emergencies and for increased training. These are critical to the effective deployment and safety of first responders at major incidents. By calling upon the United States Fire Administration to provide technical assistance and training to state and local jurisdictions in developing state, regional and national mutual aide agreements, the legislation addresses the appropriate role for USFA in this process. In addition, we certainly support authorizing the National Fire Academy more latitude in the types of terrorism training programs it conducts for our nation's first responders. And lastly, we express our full support for authorizing USFA to address the issue of a national credentialing system. It is imperative that we establish the most effective credentialing process to improve the accountability of firefighter skill levels at major events.

We look forward to working with you in advancing this legislation through Congress. Again, we thank you for your continued support.

Sincerely,

Congressional Fire Services Institute, International Association of Arson Investigators, International Association of Fire Chiefs, International Association of Fire Fighters, International Fire Service Training Association, International Society of Fire Service Instructors, National Fire Protection Association, National Volunteer Fire Council, North American Fire Training Directors.

By Mr. INOUYE:

S. 322. A bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce a bill that would amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from the air transportation excise tax. A clarifying amendment to the tax code is needed due to a problem that exists in the application of the excise tax.

In 1986, the Internal Revenue Services, IRS, issued a Private Letter Ruling in which it exempted one Hawaii-based air tour operator from paying the air passenger transportation excise tax, but has not applied equal treatment to other similarly situated aerial sightseeing tour operators. It is my belief that the IRS should be consistent in its application of this excise tax.

Under current law, a variety of excise taxes on air transportation are imposed to finance the Airport and Airway Trust Funds program that is administered by the Federal Aviation Administration. For example, an air passenger transportation excise tax is imposed on users of our nation's airports and airways. The Congress intended that the tax be levied on passengers traveling on scheduled commercial airlines. In addition, for the most part, the tax is imposed on each flight segment.

The Congress did not intend to have the tax applied to air tour operators, who utilize our system of airways differently. Our national transportation system receives little or no benefit from aerial sightseeing operations. Air tour operations are not scheduled commercial airlines. They are for entertainment purposes and are circular, in that they begin and end at the same destination point.

Hawaii is among a small handful of States where our citizens can enjoy aerial tours of sights that are remote or difficult to reach by land. Aerial sightseeing tours are also enjoyed in Alaska, California, Washington, Arizona, and even New York City. The imposition of the air transportation excise tax on aerial sightseeing flights will significantly raise the consumer price on air tours. Doing so will cause many small aerial sightseeing tour operators, especially in my home state, to lose customers. Many of these small companies have struggled to stay in business after incurring significant losses in the months following September 11, 2001, when our government imposed flight restrictions across the nation. Those flight restrictions prevented many flight operations in all segments of the general aviation industry for many months into early 2002.

Accordingly, I urge my colleagues to support my bill, which would amend the Internal Revenue Code of 1986 to exempt certain sightseeing trips from the air transportation excise tax. Under my bill, air tour operations would still be subject to the aviation fuel excise tax.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN SIGHTSEEING FLIGHTS EXEMPT FROM TAXES ON AIR TRANSPORTATION.

(a) IN GENERAL.—Section 4281 of the Internal Revenue Code of 1986 (relating to small aircraft on nonestablished lines) is amended by adding at the end the following new sentence: "For purposes of this section, an aircraft shall not be considered as operated on an established line if such aircraft is operated on a flight the sole purpose of which is sightseeing.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to transportation beginning on or after the date of the enactment of this Act, but shall not apply to any amount paid before such date.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 323. A bill to establish the Atchafalaya National Heritage Area, Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I rise, along with Senator BREAUX to introduce a bill to establish the Atchafalaya National Heritage Area in Louisiana. This legislation has particularly special meaning to those of us from Louisiana because of the importance of the cultural and natural resources of the Atchafalaya region to the Nation.

This legislation, reported by the Energy and Natural Resources Committee and unanimously passed by the full Senate during the 107th Congress, would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region.

Specifically, the legislation would establish a National Heritage Area in Louisiana that encompasses thirteen parishes in and around the Atchafalaya Basin swamp, America's largest river swamp. The heritage area in south-central Louisiana stretches from Concordia parish to the north, where the Mississippi River begins to partially flow into the Atchafalaya River, all the way to the Gulf of Mexico in the south. The thirteen parishes are: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge. This boundary is the same area covered by the existing Atchafalaya Trace State Heritage Area.

This measure will appoint the existing Atchafalaya Trace Commission as the federally recognized "local coordinating entity." The commission is composed of thirteen members with one representative appointed by each parish in the heritage area. Both the

Atchafalaya Trace Commission and the Atchafalaya Trace State Heritage Area were created by the Louisiana Legislature a number of years ago. The Atchafalaya Trace State Heritage Area program currently receives some State funding, and already has staff working at the Louisiana Department of Culture, Recreation & Tourism, DCRT, under Lieutenant Governor Kathleen Blanco. State funds were used to create the management plan for the heritage area, which followed "feasibility analysis" guidelines as recommended by the National Park Service. Therefore, the recently-completed management plan need only be submitted to the Secretary of the Interior for approval as this legislation would recognize an existing local coordinating entity that will oversee the implementation of this plan. We are very proud that this state heritage area has already completed the complicated planning process, with participation of local National Park Service representatives, while using a standard of planning quality equal to that of existing national heritage areas. All at no cost to the Federal Government.

Please let me also emphasize that this legislation protects existing private property rights. It will not interfere with local land use ordinances or regulations, as it is specifically prohibited from doing so. Nor does this legislation grant any powers of real property acquisition to the local coordinating entity or heritage area program. In addition, the legislation does not impose any environmental rule or process or cause any change in Federal environmental quality standards different from those already in effect.

Heritage areas are based on cooperation and collaboration at all levels. This legislation remains true to the core concept behind heritage areas. The heritage area concept has been used successfully in various parts of our Nation to promote historic preservation, natural and cultural resource protection, heritage tourism and sustainable economic revitalization for both urban and rural areas. Heritage areas provide a flexible framework for government agencies, private organizations and businesses and landowners to work together on a coordinated regional basis. The Atchafalaya National Heritage Area will join the Cane River National Heritage Area to become the second National Heritage Area in Louisiana, ultimately joining the 23 existing National Heritage Areas around the Nation.

The initiative to develop the Atchafalaya National Heritage Area is an outgrowth of a grassroots effort to achieve multiple goals of this region. Most important among these is providing opportunities for the future, while at the same time not losing anything that makes this place so special. Residents from all over the region, local tourism agencies, State agencies such as the DCRT and the Department of Natural Resources, the State legislature, Federal agencies including the National Park Service and U.S. Army Corps of Engineers, parish governments, conservation and preservation groups, local businesses and local landowners have all participated in this endeavor to make it the strong initiative it is today. These groups have been very supportive of the heritage area effort, and as time moves on, the heritage area will continue to involve more and more of the area's most important resource, its people.

I would also like to give you a brief overview of the resources that make this place significant to the entire country. Not only is it important to our Nation's history, but it is also critical to understanding America's future. The name of the place itself, Atchafalaya, comes from the American Indians and means "long river." This name signifies the first settlers of the region, descendants of whom still live there today.

Other words come to mind in describing the Atchafalaya: mysterious, dynamic, multi-cultural, enchanting, bountiful, threatened and undiscovered. This region is one of the most complex and least understood places in Louisiana and the Nation. Yet, the stories of the Atchafalaya Heritage Area are emblematic of the broader American experience. Here there are opportunities to understand and witness the complicated, sometimes harmonious, sometimes adversarial interplay between nature and culture. The history of the United States has been shaped by the complex dance of its people working with, against, and for, nature. Within the Atchafalaya a penchant for adventure, adaptation, ingenuity, and exploitation has created a cultural legacy unlike anywhere else in the world.

The heart of the heritage area is the Atchafalaya Basin. It is the largest river swamp in the United States, larger than the more widely known Everglades or Okefenokee Swamp. The Atchafalaya is characterized by a maze of streams, and at one time was thickly forested with old-growth cypress and tupelo trees. The Basin provides outstanding habitat for a remarkably diverse array of wildlife, including the endangered American bald eagle and Louisiana black bear. The region's unique ecology teems with life. More than 85 species of fish; crustaceans, such as crawfish; wildlife, including alligators; an astonishing array of well over 200 species of birds, from waterfowl to songbirds; forest-dwelling mammals such as deer, squirrel, beaver and other commercially important furbearers all make their home here. Bottomland hardwood-dependent bird species breed here in some of the highest densities ever recorded in annual North American Breeding Bird Surveys. The Basin also forms part of the Mississippi Valley Flyway for migratory waterfowl and is a major wintering ground for thousands of these geese and ducks. In general, the Atchafalaya Basin has a significant proportion of North America's breeding wading birds, such as herons, egrets, ibises, and spoonbills. Some of the largest flocks of Wood Storks in North America summer here, and the southern part of the Basin has a healthy population of Bald Eagles nesting every winter.

The region's dynamic system of waterways, geology, and massive earthen guide levees reveals a landscape that is at once fragile and awesome. The geology and natural systems of the Atchafalaya Heritage Area have fueled the economy of the region for centuries. For decades the harvest of cypress, cotton, sugar cane, crawfish, salt, oil, gas, and Spanish moss, have been important sources of income for the region's residents. The crawfish industry has been particularly important to the lives of Atchafalaya residents and Louisiana has become the largest crawfish producer in the United States. Sport fishing and other forms of commercial fishing are important here, too, but unfortunately, natural resource extraction and a changing environment have drastically depleted many of these resources and forced residents to find new ways to make a living.

Over the past century, the Atchafalaya Basin has become a study of man's monumental effort to control nature. After the catastrophic Mississippi River flood of 1927 left thousands dead and millions displaced, the U.S. Congress decreed that the U.S. Army Corps of Engineers should develop an intricate system of levees to protect human settlements, particularly New Orleans. Today, the Mississippi River is caged within the walls of earthen and concrete levees and manipulated with a complex system of locks, barrages and floodgates. The Atchafalaya River runs parallel to the Mississippi and through the center of the Basin. In times of flooding the river basin serves as the key floodway in controlling floodwaters headed for the large population centers of Baton Rouge and New Orleans by diverting water from the Mississippi River to the Gulf of Mexico. This system was sorely tested in 1973 when floodwaters threatened to break through the floodgates and permanently divert the Mississippi River into the Atchafalaya. However, after this massive flood event, new land started forming off the coast. These new land formations make up the Atchafalaya Delta, and is the only significant area of new land being built in the United States. These vast amounts of Mississippi River sediment are also rapidly filling in the Basin itself, raising the level of land in certain areas of the basin and filling in lakes and waterways. And to demonstrate just how complex this ecosystem is, one only needs to realize that just to the East of the Delta, Terrebonne parish, also in the heritage area, is experiencing some of the most significant coastal land loss in the country.

Over the centuries, the ever-changing natural environment has shaped the lives of the people living in the Basin. Residents have profited from and been imperiled by nature. The popular cultural identity of the region is strongly associated with the Cajuns, descendants of the French-speaking Acadians who settled in south Louisiana after being deported by the British from Nova Scotia, formerly known as Acadia. Twenty-five hundred to three thousand exiled Acadians repatriated in Louisiana where they proceeded to re-establish their former society. Today, in spite of complex social, cultural, and demographic transformations, Cajuns maintain a sense of group identity and continue to display a distinctive set of cultural expressions nearly two-hundred-and-fifty years after their exile from Acadia. Cajun culture has become increasingly popular outside of Louisiana. Culinary specialties adapted from France and Acadia such as etouffee, boudin, andouille, crepes, beignets and sauces thickened with roux, delight food lovers well beyond Louisiana's borders. Cajun music has also "gone mainstream" with its blend of French folk songs and ballads and instrumental dance music, and more recently popular by country, rhythm-and-blues, and rock music influences. While the growing interest in Cajun culture has raised appreciation for its unique traditions, many of the region's residents are concerned about the growing commercialization and stereotyping that threatens to diminish the authentic Cajun ways of life.

While the Atchafalaya Heritage Area may be well known for its Cajun culture, there is an astonishing array of other cultures within these parishes. Outside of New Orleans, the Atchafalaya Heritage Area is the most racially and ethnically complex region of Louisiana, and has been so for many years. A long legacy of multiculturalism presents interesting opportunities to examine how so many distinct cultures have survived in relative harmony. There may be interesting lessons to learn from here as our Nation becomes increasingly heterogeneous. The cultural complexity of this region has created a rich tapestry of history and traditions, evidenced by the architecture, music, language, food and festivals unlike any place else. Ethnic groups of the Atchafalaya include: African-Americans, Black Creoles, Asians, Chinese, Filipinos, Vietnamese, Lebanese, Cajuns, Spanish Islenos, Italians, Scotch-Irish, and American Indian tribes such as the Attakapa, Chitimacha, Coushatta, Houma, Opelousa and Tunica-Biloxi.

This heritage area has a wealth of existing cultural, historic, natural, scenic, recreational and visitor resources on which to build. Scenic resources include numerous State Wildlife Management Areas and National Wildlife Refuges, as well as ten designated state scenic byways that fall partially or entirely within the heritage area. The Office of State Parks operates three historic sites in the heritage area, and numerous historic districts and buildings can be found in the region. There are also nine Main Street communities in the heritage area. Outdoor recreational resources include two State Parks and a multitude of waterways and bayous. Hunting, fishing, boating, and canoeing, and more recently birdwatching and cycling, are popular ways to experience the region. Various visitor attractions, interpretive centers and visitor information centers exist to help residents and tourists alike better understand and navigate many of the resources in the heritage area. Major roads link the heritage area's central visitor entrance points and large population centers, especially New Orleans. Much of the hospitality industry servicing the Atchafalaya exists around the larger cities of Baton Rouge, Lafayette and Houma. However, more and more bed and breakfasts and heritage accommodations, such as houseboat rentals, are becoming more numerous in the smaller towns and rural areas.

These are just some of the examples of the richness and significance of this region. This legislation will assist communities throughout this heritage area who are committed to the conservation and appropriate development of these assets. Furthermore, this legislation will bring a level of prestige and national and international recognition that this most special of places certainly deserves.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atchafalaya National Heritage Area Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Atchafalaya Basin area of Louisiana, designated by the Louisiana Legislature as the "Atchafalaya Trace State Heritage Area" and consisting of the area described in section 5(b), is an area in which natural, scenic, cultural, and historic resources form a cohesive and nationally distinctive landscape arising from patterns of human activity shaped by geography;

(2) the significance of the area is enhanced by the continued use of the area by people whose traditions have helped shape the landscape;

(3) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the area for the residents of, and visitors to, the area;

(4) the area represents an assemblage of rich and varied resources forming a unique aspect of the heritage of the United States;

(5) the area reflects a complex mixture of people and their origins, traditions, customs, beliefs, and folkways of interest to the public;

(6) the land and water of the area offer outstanding recreational opportunities, educational experiences, and potential for interpretation and scientific research; and

(7) local governments of the area support the establishment of a national heritage area.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to protect, preserve, conserve, restore, promote, and interpret the significant resource values and functions of the Atchafalaya Basin area and advance sustainable economic development of the area;

(2) to foster a close working relationship with all levels of government, the private sector, and the local communities in the area so as to enable those communities to conserve their heritage while continuing to pursue economic opportunities; and

(3) to establish, in partnership with the State, local communities, preservation organizations, private corporations, and landowners in the Heritage Area, the Atchafalaya Trace State Heritage Area, as designated by the Louisiana Legislature, as the Atchafalaya National Heritage Area.

SEC. 4. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 5(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 5(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 7.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Louisiana.

SEC. 5. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this Act, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this Act, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this Act;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this Act shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 8. EFFECT OF ACT.

Nothing in this Act or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 9. REPORTS.

For any year in which Federal funds have been made available under this Act, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

SEC. 11. TERMINATION OF AUTHORITY.

The Secretary shall not provide any assistance under this Act after September 30, 2017.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 45—COMMEMORATING THE "COLUMBIA" ASTRONAUTS

Mrs. HUTCHISON (for herself, Mr. NELSON of Florida, Mr. FRIST, Mr. DASCHLE, Mr. CORNYN, Mr. GRAHAM of Florida, Mr. ALEXANDER, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mr. BINGAMAN, Mr. BROWNBACK, Mrs. BOXER, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CHAFEE, Mr. CARPER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CONRAD, Mr. COLEMAN, Mr. CORZINE, Ms. COLLINS, Mr. DAYTON, Mr. CRAIG, Mr. DODD, Mr. CRAPO, Mr. DORGAN, Mr. DEWINE, Mr. DURBIN, Mrs. DOLE, Mr. EDWARDS, Mr. DOMENICI, Mr. FEINGOLD, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. ENZI, Mr. HARKIN, Mr. FITZGERALD, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. INOUYE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. GREGG, Mr. JOHNSON, Mr. HAGEL, Mr. KENNEDY, Mr. HATCH, Mr. KERRY, Mr. INHOFE, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LOTT, Mr. LAUTENBERG, Mr. LUGAR, Mr. LEAHY, Mr. MCCAIN, Mr. LEVIN, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. MURKOWSKI, Mrs. LINCOLN, Mr. NICKLES, Ms. MIKULSKI, Mr. ROBERTS, Mr. MILLER, Mr. SANTORUM, Mrs. MURRAY, Mr. SESSIONS, Mr. NELSON of Nebraska, Mr. SHELBY, Mr. PRYOR, Mr. SMITH, Mr. REED, Ms. SNOWE, Mr. REID, Mr. SPECTER, Mr. ROCKEFELLER, Mr. STEVENS, Mr. SARBANES, Mr. SUNUNU, Mr. SCHUMER, Mr. TALENT, Ms. STABENOW, Mr. THOMAS, Mr. WYDEN, Mr. VOINOVICH, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 45

Whereas the United States of America and the world mourn the seven astronauts who perished aboard the Space Shuttle Columbia on February 1, 2003, as they re-entered Earth's atmosphere at the conclusion of their 16-day mission;

Whereas United States Air Force Colonel Rick D. Husband, Mission Commander; United States Navy Commander William "Willie" McCool, Pilot; United States Air Force Lieutenant Colonel Michael P. Anderson, Payload Commander/Mission Specialist; United States Navy Captain David M. Brown, Mission Specialist; United States Navy Commander Laurel Blair Salton Clark, Mission Specialist; Dr. Kalpana Chawla, Mission Specialist; and Israeli Air Force Colonel Ilan Ramon, Payload Specialist were killed in the line of duty during the 113th Space Shuttle Mission;

Whereas we stand in awe of the courage necessary to break the bonds of Earth and venture into space, with full knowledge of the perils and complexities inherent in such an endeavor;

Whereas the people of the United States and the world have enjoyed rich benefits from the space program including technological advances in medicine, communications, energy, agronomy, and astronomy;

Whereas we in the Congress of the United States recognize that curiosity, wonder and the desire to improve life on Earth has inspired our exploration of space and these traits epitomize the intrinsic dreams of the human race;

Whereas, despite these lofty goals, we realize that our reach for the stars will never be without risk or peril, and setbacks will always be a part of the human experience;

Whereas we recognize our solemn duty to devote our finest minds and resources toward minimizing these risks and protecting the remarkable men and women who are willing to risk their lives to serve mankind; and

Whereas we will always hold in our hearts the seven intrepid souls of Columbia, as well as those explorers who perished before, including those aboard Apollo I and the Space Shuttle Challenger: Now, therefore, be it

Resolved, That—

(1) the tragedy which befell the Space Shuttle Columbia shall not dissuade or discourage this Nation from venturing ever farther into the vastness of space;

(2) today we restate our firm commitment to exploring the planets and celestial bodies of our Solar System, and beyond;

(3) we express our eternal sorrow and heartfelt condolences to the families of the seven astronauts;

(4) we convey our condolences to our friends and allies in the state of Israel over the loss of Colonel Ilan Ramon, the first Israeli in space;

(5) we will never forget the sacrifices made by the seven heroes aboard Columbia; and

(6) we shall learn from this tragedy so that these sacrifices shall not have been in vain.

SENATE RESOLUTION 46—DESIGNATING MARCH 31, 2003, AS "NATIONAL CIVILIAN CONSERVATION CORPS DAY"

Mr. BINGAMAN (for himself, Mr. BOND, Mr. LUGAR, Mr. DEWINE, Mrs. FEINSTEIN, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 46

Whereas the Civilian Conservation Corps, commonly known as the CCC, was an independent Federal agency that deserves recognition for its lasting contribution to natural resources conservation and infrastructure improvements on public lands in the United States and for its outstanding success in providing employment and training to thousands of Americans;

Whereas March 31, 2003, is the 70th anniversary of the signing by President Franklin D. Roosevelt of the law historically known as the Emergency Conservation Work Act, a precursor to the 1937 law that established the Civilian Conservation Corps;

Whereas, between 1933 and 1942, the CCC provided employment and vocational training in the conservation and development of natural resources, the protection of forests, and the construction and maintenance of military reservations to more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish-American War and World War I, and more than 80,000 Native Americans;

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

Whereas the CCC managed more than 4,500 camps in each of the then 48 States and Hawaii, Alaska, Puerto Rico, and the Virgin Islands;

Whereas the CCC left a legacy of natural resources and infrastructure improvements that included 3,000,000,000 new trees, 46,854 bridges, 3,980 restored historical structures, more than 800 state parks, 3,462 improved beaches, 405,037 signs, markers, and monuments, 8,045 wells and pump houses, and 63,256 other structures;

Whereas the benefits of many CCC projects are still enjoyed by Americans today in national and state parks, forests, and other lands, including the National Arboretum in the District of Columbia, Bandelier National Monument in New Mexico, Great Smoky Mountains National Park in North Carolina and Tennessee, Yosemite National Park in California, Acadia National Park in Maine, Rocky Mountain National Park in Colorado, and Vicksburg National Military Park in Mississippi;

Whereas the CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, communication, and leadership for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC;

Whereas the CCC demonstrated the commitment of the United States to the conservation of land, water, and natural resources on a national level and to leadership in the world on public conservation efforts; and

Whereas the conservation of the Nation's land, water, and natural resources is still an important goal of the American people: Now, therefore, be it

Resolved, That the Senate requests the President to issue a proclamation—

(1) designating March 31, 2003, as "National Civilian Conservation Corps Day"; and

(2) calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. BINGAMAN. Mr. President, I am pleased to submit a resolution today with Senators BOND, LUGAR, DEWINE, FEINSTEIN, and KENNEDY, designating March 31, 2003 as "National Civilian Conservation Corps Day". This day will mark the 70th anniversary of the signing of the Act that created the Civilian Conservation Corps, or CCC.

In 1933, with our country in the grip of the Depression, President Franklin D. Roosevelt created the CCC to provide work and training for the many young men who so needed it, and to achieve the goal of protecting our Nation's precious natural resources. The program continued until 1942, when resources were shifted to support efforts in World War II and an estimated 75 percent of ex-CCCers joined the military.

The accomplishments of the CCC between 1933 and 1942 are amazing by any standard. The program put over 3 million young men to work on natural resources conservation and public lands infrastructure improvements in camps in every State and the then-territories of Alaska and Hawaii, planting more than 3 billion trees, and developing more than 800 State parks.

As importantly, the lives of these young men were often dramatically changed for the better by their enrollment. Many traveled for the first time, learned new trades, and developed self-confidence and discipline, while sending much-needed money home. Thousands of alumni remain active in 167 local chapters of the National Association of Civilian Conservation Corps Alumni Association, including the Roadrunner Chapter in my home State. They still meet and share the bonds of friendship and hard work they forged during their time in the CCC.

This resolution would pay tribute to the lasting contribution of the CCC to natural resources conservation and infrastructure improvements, and to its outstanding success in providing employment and training to millions of Americans. I was pleased that the Senate commemorated the 69th anniversary of the creation of the Civilian Conservation Corps last year, and I hope the Senate will again honor the CCC on its 70th anniversary.

SENATE RESOLUTION 47—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 47

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, to September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the

Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $1,949,860, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $3,431,602, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $1,462,700, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005 to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 48—DESIGNATING APRIL 2003 AS "FINANCIAL LITERACY FOR YOUTH MONTH"

Mr. AKAKA (for himself, Mr. COCHRAN, Mr. CORZINE, Mr. JOHNSON, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 48

Whereas the percentage of income used for household debt payments, including mortgages, credit cards, and student loans, rose to the highest level in more than a decade in 2001 and remained at 14 percent in 2002;

Whereas consumer bankruptcies in 2001 increased 19 percent over those in the previous year, exceeding the previous high reached in 1998, and the rate of filings did not slacken during the first 9 months of 2002;

Whereas personal savings as a percentage of Gross Domestic Product decreased from 7.5 percent in the early 1980s to 2.4 percent in 2002;

Whereas approximately 40,000,000 Americans, the "unbanked", are not using mainstream, insured financial institutions;

Whereas home foreclosures in 2002 reached the highest rate in 30 years;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 83 percent of college students have at least 1 credit card;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2002 study by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know even less about credit cards, retirement funds, insurance, and other personal finance basics than seniors did 5 years ago;

Whereas a 2002 survey by the National Council on Economic Education found that a decreasing number of States include personal finance in their education standards for students in grades K–12;

Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas personal financial management skills and long-lived habits develop during childhood;

Whereas personal financial education is essential to ensure that our youth are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated each April as "Financial Literacy for Youth Month", the goal of which is to educate the public about the need for increased financial literacy for youth in America: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2003 as "Financial Literacy for Youth Month" to raise public awareness about the need for increased financial literacy in our schools and the serious problems that may be associated with a lack of understanding about personal finances; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

Mr. AKAKA. Mr. President, I am pleased to submit, along with my colleagues Senators COCHRAN, CORZINE, JOHNSON, SARBANES, SCHUMER, and STABENOW, a resolution designating April of this year as Financial Literacy for Youth Month. This resolution seeks to honor the many activities that take place across the country every April, which recognize the importance of increased financial and economic literacy for all Americans, particularly our children.

As detailed in the resolution, more Americans are using a greater proportion of their income to pay down their debt. In 2002, home foreclosures were the highest rate in 30 years. Consumer bankruptcies in 2001 reached an all-time high in more than a decade, and filings did not slacken in 2002. Personal savings as a percentage of GDP have decreased from 7.5 percent in the early '80s to 2.4 percent last year. Unfortunately, the modern economy is extremely complex and many parents are often unable to teach their children about money management. According to the Jump$tart Coalition, only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money.

As noted by the Treasury Department, nearly 40 million Americans are "unbanked," which means that they do not have a formal relationship with a mainstream financial institution. The unbanked are unable to take advantage of saving and borrowing opportunities offered by banks and credit unions. Unbanked individuals are susceptible to being taken advantage of by check cashers, payday lenders, and refund anticipation loan providers. Personal financial education can empower the unbanked to participate in and benefit from services of mainstream financial service providers.

While various financial institutions, non-profit organizations, and consumer groups are trying to educate Americans about their finances, we are still not doing enough. I was disturbed to see the results of a 2002 study by the Jump$tart Coalition for Personal Financial Literacy showing that high school seniors knew even less about credit cards, retirement funds, insurance, and other personal finance fundamentals, than did seniors five years ago. Perhaps this is why almost half of college students with credit cards have been assessed fees for late payment. In addition, the 2000 National Postsecondary Student Aid Study reported that nearly three-quarters of the college students owned a credit card in their own name. Of these students, 45 percent carried a credit card debt balance of $3,066. I was further troubled to see a 2002 survey by the National Council on Economic Education showing a decrease in the number of states that include personal finance in their education standards for grades K- through-12. At a time when we should be emphasizing the importance of financial literacy, school-based efforts in this area are actually being de-emphasized.

This is why it is imperative for us to designate a month to serve as the focus for increasing awareness about the need for financial literacy. It is also important to encourage innovative, interactive, and quality events with long-lasting impact that will bring the point home to our children about the importance of financial literacy. I would like to commend those individuals, many of whom are members of the Jump$tart Coalition, for the activities that they already sponsor to increase the level of financial literacy in our country.

For example, the American Bankers Association Education Foundation sponsors National Teach Children to Save Day, which involves thousands of bankers visiting classrooms nationwide to help students in K-through-12 with their "financial ABC's." NASDAQ Stock Market Educational Foundation and the National Council on Economic Education recognize 25 teachers for their innovative approaches to economic education. Last year during Financial Literacy for Youth Month, Junior Achievement paired up with The Goldman Sachs Foundation to create Internet-driven instructional strategies and hands-on, interactive instructional techniques to teach students and parents about everyday personal financial decisions and investment strategies. Credit unions across the nation have engaged in a variety of activities, including financial management classes and the distribution of literature, to increase the financial literacy of youth and their parents. There are many, many other activities that take place during this month, and I congratulate organizations sponsoring them for keeping the needs of America's youth close at heart. A strong show of support from this body and the Administration for Financial Literacy for Youth Month will go a long way toward ensuring that our students will benefit from an increased level of financial literacy through similar activities in 2003.

Many parents fail to speak to their children about credit and debt management or ways to live within limited resources, likely because they did not receive education in these matters themselves. My colleagues and I will work to address the myriad financial and economic literacy needs of these individuals and families. However, we must emphasize the importance of helping those who are children now. Those who are still going through their formative years of schooling. Those who can learn and put into practice good personal financial management skills and lifelong habits that will stay with them, throughout their lives. Perhaps then, these students will grow into adults who will avoid skyrocketing levels of debt, the pitfalls that could cause them to file bankruptcy, or being taken advantage of by unscrupulous or opportunistic lenders. Perhaps then, they will be able to pass along similar wisdom to their children at an even earlier age, and better equip their children with the tools necessary to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens.

I encourage my colleagues to support this resolution.

SENATE RESOLUTION 49—DESIGNATING FEBRUARY 11, 2003, AS "NATIONAL INVENTORS' DAY"

Mr. HATCH (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 49

Whereas the American people and the world have benefited from the creations and discoveries of America's inventors; and

Whereas the patents that protect those creations and discoveries spur technological progress, improve the quality of life, stimulate the economy, and create jobs for Americans: Now, therefore, be it

Resolved, That the Senate—

(1) honors the important role played by inventors in promoting progress in the useful arts;

(2) recognizes the invaluable contribution of inventors to the welfare of the people of the United States;

(3) designates February 11, 2003, as "National Inventors' Day"; and

(4) requests the President to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to submit a resolution to designate February 11, 2003, as "National Inventors' Day," together with my colleague, the Ranking Minority Member of the Judiciary Committee, Senator LEAHY. The Ranking Minority Member and I have worked together on many issues related to intellectual property, and I am pleased to be joined by him in offering this resolution designating the anniversary of perhaps America's greatest inventor, Thomas Edison, as a day to honor all of America's inventors.

Doing so is particularly fitting this year. Exactly one hundred years ago this year, on the shores of Kitty Hawk, NC, Orville and Wilbur Wright achieved what mankind had dreamed of for centuries: the first heavier-than-air, machine-powered flight in the world. While that flight covered only 120 feet and lasted only 12 seconds, it launched a revolution in air travel that continues to this day.

Throughout history, inventions have helped people discover new worlds, build communities, and cure sickness and disease. From the Wright Brothers to Philo Farnsworth, from Thomas Edison to today's high tech entrepreneurs, America's inventors have immeasurably enriched our lives. America's technological prowess and high standard of living all stems from the creativity, determination, and entrepreneurial drive of men and women who turned dreams into realities.

It is no coincidence that the United States is the most powerful technological force in history. Nor is it a coincidence that creative people from all over the world flock to our shores to pursue their dreams.

Our Founding Fathers understood that an agrarian Nation would never grow to be an economic and technological giant unless there was an incentive for inventors to create and for other inventors to study and improve upon the creations. From this foresight, enshrined in Article 1 section 8 of our Constitution, came the American system of intellectual property protection, which give inventors and authors the ability to enjoy, for a limited period of time, the exclusive economic benefits of their genius.

One of the most significant results of the Founders' foresight was the creation of the U.S. patent system, which today has issued over six million patents—from the light bulb to life-saving pharmaceuticals. What the patent system really comes down to is what President Lincoln, a patent holder himself, noted many years ago: it "adds the fuel of interest to the spark of genius."

Today intellectual property-based enterprises, patents, trademarks, and copyrights, represent the largest single sector of the American economy—almost 5 percent of the Gross Domestic Product—and employ over 4 million Americans. More than 50 percent of U.S. exports now depend on some form of IP protection.

America is forever indebted to our inventors. So this year, on the centennial of mankind's first flight, I hope my colleagues will join me in recognizing February 11 as "National Inventors' Day."

Mr. LEAHY. Mr. President, more than 200 years ago, on July 30, 1790, Samuel Hopkins, a resident of Vermont, was granted the first United States patent. He had discovered a process for making potash, and was awarded his patent by President George Washington, Attorney General Edmund Randolph and Secretary of State Thomas Jefferson.

Samuel Hopkins is just one of the many resourceful and creative inventors from Vermont. The town of Brandon can boast Thomas Davenport, a self-educated blacksmith interested in electricity and magnetism. Through hands-on experiments with electromagnets, he built the first true electric motor in 1834. Initially, his patent request was denied because there was no prior patent on electric machinery. But he garnered the support of numerous professors and philosophers who examined his invention and endorsed his right to a patent on his novel device. In 1837, his determinism paid off, and he secured a patent.

John Deere was born in Rutland, VT and spent most of his early life in Middlebury. After moving out West, John Deere realized the cast-iron plows he and other settlers brought with them were not going to work in the Midwest soil. He studied the problem and developed the first successful steel plow using steel from a broken saw blade. This new steel plow became the key for successful farming in the West, and "John Deere" is still synonymous with farming equipment today.

Vermont continues to be a leader in inventing and obtaining patents. My State ranks fourth in the Nation for number of patents issued. IBM's Essex Junction Plant, which designs and makes computer technology for a wide range of products, received 411 patents from the U.S. Patent & Trademark Office in 2002. Vermont's plant also has 18 inventors who together have earned more than 600 patents. One of those inventors is Steve Voldman, the top patent winner. Over the past 10 years, he has received 110 patents. In 2002, he received 29. Many of his 2002 patents had to do with silicon germanium, a new technology that has produced the world's fastest chip.

Today's inventors are individuals in a shop, garage or home lab. They are teams of scientists working in our largest corporations or at our colleges and universities. In the spirit of independent inventors, small businesses, venture capitalists and larger corporations in Vermont and all over the United States, I would like to recognize February 11, 2003, as National Inventors' Day.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a business meeting on Wednesday February 5, 2003 at 10:00 a.m. in SD–124. The purpose of this meeting will be to discuss and vote on the following: Committee funding resolution, subcommittee assignments, and committee rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 5, 2003, at 10:00 a.m. to conduct a hearing on the nomination of Mr. William H. Donaldson to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 5, 2003, at 9:30 a.m. on the state of professional boxing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATIONAL RESOURCES

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, February 5, 2003, at 10 a.m. to consider pending calendar business.

AGENDA

On Wednesday, February 5, at 10 a.m., the Committee will hold a Business Meeting in Room SD–366 to consider the following items on the Agenda:

Agenda Item #1: S. 111—A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System.

Agenda Item #2: S. 117—A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

Agenda Item #3: S. 144—A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entries to control or eradicate harmful, nonnative weeds on public and private land.

Agenda Item #5: S. 210—A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

Agenda Item #9: S. 214—A bill to designate For Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

Agenda Item #10: S. 233—A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

Agenda Item #11: S. 254—A bill to revise the boundary of the Kaloko-Honkōhau National Historical Park in the State of Hawaii, and for other purposes.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, February 5, 2003, at 2:15 p.m., to hear testimony on Revenue Proposals in the President's FY 2004 Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, February 5, 2003, at 10:00 a.m., to mark up original bills, entitled, the Armed Forces Tax Fairness Act of 2003 and the CARE Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 5, 2003 at 10 a.m. to hold a committee business meeting.

Agenda

The Committee will consider and vote on the following agenda items:

TREATY: Treaty Doc. 107-8, Treaty Between U.S. and Russian Federation on Strategic Offensive Reductions ("Moscow Treaty")

LEGISLATION: S. , an original bill, the U.S. Leadership Against HIV/AIDS Tuberculosis and Malaria Act of 2003 (tentative)

S. , an original resolution regarding committee funding for the 108th Congress

COMMITTEE ORGANIZATION MATTER: 1. Sub-commitee Membership for the 108th Congress

NOMINATIONS: 1. FSO Promotion List, Nicely, et al dated January 15, 2003

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a judicial nominations hearing on Wednesday, February 5, 2003, in Dirksen Room 226 at 9:30 a.m.

TENTATIVE AGENDA

Panel I: the Honorable Paul Sarbanes; the Honorable Barbara Mikulski; the Honorable Byron Dorgan; the Honorable Mike DeWine; the Honorable John Ensign, and the Honorable Earl Pomeroy.

Panel II: Jay S. Bybee to be U.S. Court of Appeals Judge for the Ninth Circuit.

Panel III: Ralph R. Erickson to be United States District Judge for the District of North Dakota; William D. Quarles, Jr. to be United States District Judge for the District of Maryland; Gregory L. Frost to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Small Business Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "The Small Business Healthcare Crisis: Possible Solutions" and other matters on Wednesday, February 5, 2003, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. KYL. Mr. President, I ask unanimous consent that the subcommittee on Aviation of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 5, 2003, at 2:30 p.m. on aviation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following members of my staff, Camila McLean and Jim Irwin, during the pendency of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. Res. 18

Mr. HATCH. I ask unanimous consent that when the Senate receives H.J. Res. 18, the continuing resolution, if it is the same text as the resolution I send to the desk, it be read the third time and passed, that the motion to reconsider be laid upon the table, and any statements relating to it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

The PRESIDING OFFICER. The Chair announces that the Senate has received H.J. Res. 18 in the form contemplated by the agreement and, therefore, the joint resolution is read the third time and passed.

The joint resolution (H.J. Res.18) was read the third time and passed, as follows:

H.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "February 20, 2003".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–924. A communication from the Assistant Secretary, Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Emergency Evacuations; Emergency Temporary Standard (1219–AB33)" received on January 21, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–925. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the allocating of $200 million in Low-Income Home Energy Assistance Program (LIHEAP) supplemental contingency funds, received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–926. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States with Japan, Sri Lanka and Armenia, received on January 27, 2003; to the Committee on Foreign Relations.

EC–927. A communication from the President of the United States, transmitting, pursuant to law, the report that provides "the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Columbia" received on January 16, 2003; to the Committee on Foreign Relations.

EC–928. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the status of the efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council, received on January 21, 2003; to the Committee on Foreign Relations.

EC–929. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the "Presidential Determination on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia" received on January 23, 2003; to the Committee on Foreign Relations.

EC–930. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to the export of Defense articles or Defense services sold commercially under a contract in the amount of 50,000,000 or more to Russia related to Proton Space Launch Vehicle; to the Committee on Foreign Relations.

EC–931. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to the export of Defense articles or Defense services sold commercially under a contract in the amount of 50,000,000 concerning Japan and the Galaxy Express; to the Committee on Foreign Relations.

EC–932. A communication from the Deputy General Council, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Enrollment—Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Annual Enrollment Level Decision (2900–AL51)" received on January 27, 2003; to the Committee on Veterans' Affairs.

EC–933. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Semiannual report of the Inspector General for the period of April 1, 2002 to September 30, 2002; to the Committee on Governmental Affairs.

EC–934. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report relative to new mileage reimbursement rates for Federal employees who use privately owned vehicle while on official travel; to the Committee on Governmental Affairs.

EC–935. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, Department of Labor, transmitting, pursuant to law, the Semiannual report of the Inspector General for the period from April 1, 2003 to September 30, 2002; to the Committee on Governmental Affairs.

EC–936. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report relative to the Nuclear Regulatory Commission fiscal Year 2002, Performance and Accountability Report and the Inspector General's Fiscal Year 2002 Performance Report; to the Committee on Governmental Affairs.

EC–937. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Nuclear Regulatory Commission Fiscal Year Budget Estimates and Performance Plah; to the Committee on Governmental Affairs.

EC–938. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Performance and Accountability Report of the Department of Housing and Urban Development; to the Committee on Governmental Affairs.

EC–939. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–482 "Inheritance and Estate Tax Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–940. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–470 "Freedom Forum Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–941. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–472 "Council Review of Existing Convention Center Site Redevelopment Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–942. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–471 "Transfer of Jurisdiction of Reservation 19 and 124 Temporary Act 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–943. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–468 "Washington Metropolitan Area Transit Authority Property Dedication Transfer Tax Exemption Temporary" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–944. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–469 "Motor Vehicle Registration and Operator's Permit Issuance Enhancement Temporary Amendment Act 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-945. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-466 "Ward Redistricting Residential Permit Parking Extension Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-946. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-467 "Other-Type Funds Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-947. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-543 "Fiscal Year 2003 Budget Support Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-948. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-463 "Mobile Telecommunications Sourcing Conformity Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-949. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-464 "Religious Organization Exemption Amendment Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-950. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-462 "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-951. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-560 "Closing of a Public Alley in Square 2857 S.O. 02-1463. Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-952. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-562 "Make a Difference Temporary Amendment Act of 2002" received on February 2, 2003; to the Committee on Governmental Affairs.

EC-953. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-561 "Producer Licensing act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-954. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-559 "Special Education Task Force Expansion Temporary Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-955. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-558 "Noise Control Clarification Temporary Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-956. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-557 "Southeast Neighborhood House Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-957. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-556 "Uniform Controlled Substances Temporary Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-958. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-555 "Broadbased Industry Contracting Freedom Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-959. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-552 "Annual Audited Financial Reports Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-960. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-551 "Insurance Fraud Prevention and Detection Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-961. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-550 "DC Teachers Federal Credit Union Real Property Tax Exemption Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-962. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-549 "Health Maintenance Organization Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-963. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT "Homeowner's Insurance Availability Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-964. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-465 "Department of Insurance and Securities Regulation Merger Review Temporary Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-965. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-474 "Automated Traffic Enforcement Fund Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-966. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-473 "Capitol Hill Business Improvement District Temporary Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC-967. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-486 "Solid Waste Transfer Station Service and Settlement Agreements Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-968. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-483 "Tax Clarity and Related Amendments Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-969. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-489 "Mandarin Oriental Hotel Project Tax Deferral Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-970. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C ACT 14-487 "Solid Waste Facility Permit Phase-Out Extension Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-971. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-488 "Government Sport Utility Vehicle Purchasing Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-972. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-491 "Prostate Cancer Screening Insurance Coverage Requirement Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-973. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-492 "Square 456 Payment in Lieu of Taxes Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-974. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-497 "Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-975. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-515 "Department of Insurance and Securities Regulation Procurement Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-976. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-517 "Medical Support Establishment and Enforcement Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-977. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-545 "Treatment Instead of Jail for Certain Non-Violent Drug Offenders Initiative of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC-978. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14-516 "District of Columbia Flag Adoption and Design Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–979. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–532 "Board of Education Campaign Contribution Clarification Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–980. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–521 "Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–981. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–522 "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–982. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–523 "Cooperative Purchasing Agreement Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–983. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–524 "Income from Discrimination Exclusion Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–984. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–524 "Income from Discrimination Exclusion Temporary Amendment Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–985. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–530 "Operation Enduring Freedom Active Duty Pay Differential Extension Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–986. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–529 "Carefirst Economic Assistance Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–987. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–531 "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–526 "Parking Meter Fee Moratorium Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. ACT 14–525 "Cady's Alley Designation Temporary Act of 2002" received on January 31, 2003; to the Committee on Governmental Affairs.

EC–990. A communication from the Director, Office of Personnel Management, "Prevailing Rate Systems; Redefinition of the Scranton-Wilkes-Barre, PA, Appropriated Fund Wage Area (3206–AJ06)" received on January 21, 2003; to the Committee on Governmental Affairs.

ORDERS FOR THURSDAY, FEBRUARY 6, 2003

Mr. HATCH. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. Thursday, February 6. I further ask unanimous consent that on Thursday, following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session to resume the consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

Mr. REID. Reserving the right to object, I say for the information of all Members, the unanimous consent request that was granted a brief minute ago was the continuing resolution for another week, a week and a half.

I spoke to Senator STEVENS today and my clerk on the Energy and Water Subcommittee. We are really moving along well in the conference. I hope that matter can be completed. Senator STEVENS hoped we could get together on Monday for that.

Finally, I know I cannot get the last word, but I will try anyway; that is, the letter I submitted on behalf of the Hispanic caucus just a couple of minutes ago contains more than his lack of judicial experience.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. HATCH. I can live with that. But the letter speaks for itself and shows a lack of support for a Hispanic person who is fully qualified.

PROGRAM

Mr. HATCH. For the information of Senators, tomorrow the Senate will resume debate on the nomination of Miguel Estrada. We have had a productive debate on the Estrada nomination this afternoon, but it is my hope that we will be able to proceed to a final vote on the nomination soon. As announced earlier today, there will be no rollcall votes tomorrow, and it is anticipated that the Senate will adjourn around 12 noon. Therefore, Senators who wish to speak on the Estrada nomination during tomorrow's session are encouraged to make arrangements to do so early in the day.

Mr. REID. If I could ask the acting majority leader, are we going to have votes in the morning? I don't think that is clear. The question is directed to the Chair. We have had a number of calls this afternoon. It is pretty clear from what I see here that there will be no votes tomorrow, but I want to be sure that is valid.

Mr. HATCH. That is my understanding.

Mr. REID. Pardon me?

Mr. HATCH. That is my understanding.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Thursday, February 6, 2003, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE HONORABLE PATRICIA BLEVINS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the Honorable Patricia Blevins of the Delaware State Senate, this year's recipient of Special Recognition from the Delaware Small Business Development Center Network for her efforts to champion small business growth in Delaware.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through Senator Blevins' efforts and guidance, she has distinguished herself as a leader in the promotion of small business growth in Delaware.

Throughout my years in public service I have consistently counted Delaware's small business community to be amongst the very best in the Country, and recognition of Senator Blevins by the Delaware SBDC Network, in my mind, confirms this belief.

Senator Blevins' accomplishments and innovative leadership in the small business community have placed Delaware's business community in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and wish her continued success in her efforts.

HONORING ANNE TRAFICANTE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mrs. Anne Traficante, a great Floridian, a caring wife and mother, and a noted political activist. Mrs. Traficante was no stranger to the political arena, and her contributions on behalf of the citizens of Sunrise and all of South Florida will not be forgotten.

Traficante first got involved in local advocacy in the mid-1970s when she and her husband first relocated to the South Florida region. A dedicated activist, Traficante steadfastly worked to fight for important measures that were of great concern to her and her community. In a 1992 interview, she said, "I have to get up and chastise and criticize and fight for I what I believe is right. It's something that has to be done, and I get up to do it."

Many of Mrs. Traficante's efforts focused on aiding her fellow senior citizens. She successfully fought for weather shelters at bus stops in Sunrise, lobbied the city to create a senior living center, and in the wake of Hurricane Andrew's destruction she went so far as to criticize city commissioners for allotting $44,806 in the budget for senior citizen parties. In addition, Mrs. Traficante volunteered her time and resources by opening a distribution center in Sunrise where hurricane victims could receive free food, baby supplies, and other items.

Mr. Speaker, it is indeed an honor to stand here today and remember the life of an exemplary citizen of South Florida, one who remained devoted to her fellow neighbors and sought a better quality of life for her community. Her legacy as an ardent and accomplished political activist will last for many years to come. Mrs. Traficante is survived by her daughter, Joyce Shepard of Queens, NY, along with 3 grandchildren and 3 great grandchildren.

TRIBUTE TO JOHN O'DOHERTY, PRESIDENT, CORONA CHAMBER OF COMMERCE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the city of Corona, CA are exceptional. Corona has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. John O'Doherty is one of these individuals. On January 11, 2003, the Corona Chamber of Commerce hosted an Installation and Awards Banquet in celebration of John's year as president.

John has been an invaluable member of the Corona Chamber of Commerce, having served as Treasurer, 2nd Vice President, 1st Vice President, president Elect and currently, as President. His commitment to involvement has set a benchmark for those who follow him. During the past year, John has presided over Board, Executive and membership meetings as well as attending almost every after-hours activity. He prides himself on being involved beyond his direct duties as President. In addition to this extensive Chamber event involvement, John became a regular at the city council meetings giving a Chamber update to the mayor and council members.

As his tenure as President, John had several noteworthy accomplishments. The Chamber grew in membership from 780 members to over 900. He also encouraged and participated in the growth and expansion of Chamber events such as Good Morning Corona which grew to an average attendance in excess of 100 and quarterly Membership Meeting Luncheons, which hit the all time high this year with over 320 members in attendance. Committee growth was also a legacy of this fine leader and under his tutelage, many Committees were motivated to reach landmark performance goals. The Chamber also reintroduced the Five P.M. Christmas Holiday, expanded the scope of the Business Expo and finely tuned the Ambassadors, who assisted many businesses in grand openings, open houses and ground breaking ceremonies.

Under John's exemplary leadership, the Chamber was a visible participant in the annual Corona Beautiful program, run through the City of Corona's Economic and Redevelopment Department. He also oversaw a very successful Casino Night which raised proceeds that went to scholarships for high school students in the local area. The Chamber also hosted a very successful 13th Annual Corona Night with the Anaheim Angels.

John has set a standard for excellence and commitment that will be difficult to duplicate. John's diligent work as the President of the Corona Chamber of Commerce has contributed unmeasurably to the betterment of the city of Corona. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that all of the members of the Chamber are grateful for his service and salute him as his term comes to an end. I look forward to working with him in the future for the good of our community.

INTRODUCING A RESOLUTION TO EXPRESS THE SENSE OF THE HOUSE OF REPRESENTATIVES IN SUPPORT OF FEDERAL AND STATE FUNDED IN-HOME CARE FOR THE ELDERLY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my support of Federal and State funded in-home care for the elderly. This legislation essentially highlights the inadequacies seniors face with electing in-home care. By increasing financial assistance for inhome care, establishing fee payment guidelines, implementing better schooling for inhome aides, and assembling a supervisory board of care givers, we can help to ensure that the quality of care elderly receive in home is as adequate as hospitalized attention.

Mr. Speaker, this is an important resolution for two crucial reasons. First, it allows the elderly to remain independent and sustain viability during the last years of their life. Supporting studies show that seniors who receive inhome care have greater life expectancies than

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

seniors who are moved from everything that is familiar to them and placed in nursing homes. Second, this resolution would encourage increase employment opportunities in the nursing and in-home care industries. By implementing government funded in-home care to equal that of nursing home care, more seniors will elect being nursed a home, which in turn increases job opportunities. All of which we can achieve through raising the quality of in-home care.

Mr. Speaker, I urge my colleagues to support this legislation. As members of Congress we have a great opportunity to make a positive impact on this issue, an issue that is of concern to many of our grandparents, parents, and will be of concern to us. I look forward to working with my colleagues and moving this resolution forward.

IN HONOR OF BANK ONE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Bank One, this year's recipient of the Delaware Small Business Champion Award from the Delaware Small Business Development Center Network.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through Bank One's teamwork and guidance, it has distinguished itself as a leader in the promotion of small business growth in Delaware by offering a valuable service and maintaining a high level of customer satisfaction.

Throughout my years in public service I have consistently counted Delaware's small business community to be amongst the very best in the Country, and recognition of Bank One by the Delaware SBDC Network, in my mind, confirms this belief.

Bank One's accomplishments and innovative leadership in the small business community have placed this institution in a position to rise above and meet the challenges of the future; I commend Bank One on its receipt of this award and wish it continued success.

HONORING ANTHONY CANNESTRO

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mr. Anthony Cannestro, an effective union leader, a loving family man, and a great citizen of Florida. Born originally in Newark, NJ, Cannestro entered the U.S. Navy and later became a machinist. In 1958, Cannestro and his wife of 49 years, Mary, relocated to South Florida.

Mr. Cannestro will long be remembered for his tireless efforts in establishing and running Teamsters Local 769. Cannestro was a key member of the original group that first organized workers, and he soon became the Local's vice president. In 1973, as a resident of the Fort Lauderdale and Cooper City area, he was asked to assume the presidency of the union by his fellow Teamsters, and he remained the union's boss until he retired in 1999.

Mr. Cannestro was often regarded as one of Florida's more powerful voices in the organized labor movement for the better part of 40 years, wielding his influence from the state capital on down to local city councils. During his time as president of Local 769, the Teamsters successfully unionized local government employees, construction and building employees, airline workers, and more employees from numerous trades. Cannestro's effective organizing tactics landed him a post on the Georgia-Florida Conference of Teamsters where he contributed to an important regional dialogue on the Teamsters and its presence in the Southeastern portion of the country.

In addition to his work with the Teamsters, Mr. Cannestro volunteered his time to many charitable groups, including serving as general chairman of the Boys Town of Italy. He also served locally for the American Red Cross and raising awareness for Cerebral Palsy.

Mr. Speaker, it is truly a special occasion to honor Mr. Cannestro. His earnest efforts in South Florida to afford his fellow union members common sense worker protections and to raise the standard of living serves as an example to us all.

Mr. Cannestro is survived by his wife Mary, of Lady Lake, and four children, Ginny of Dania Beach, Anthony Jr. of Navarre Beach, Michael of West Palm Beach, and Nicholas of Dania Beach. Mr. Cannestro also is survived by 10 grandchildren and one great-grandchild.

EDUCATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. OWENS. Mr. Speaker, the White House has abruptly ended the brief era of bi-partisan cooperation on the vital issue of education. In his recent budget message the President halts the six year pattern of increases for education. Private school vouchers are returned to the federal policy agenda through the proposal of a 75 million dollar funding initiative. HeadStart is threatened with obliteration through the combination of a freeze on funding and the transfer of this successful child development program to the limited confines of the Department of Education. And finally, the administration has not continued the 1.2 billion dollars in funding for school repairs which was introduced in the last year of the Clinton administration. Only for charter schools is there a recognized need for school construction and modernization—100 million dollars is provided. Meanwhile, the overcrowding and unhealthy conditions persist in schools serving the poorest children throughout the nation. Without adequate facilities and other vital education resources, No Child Left Behind becomes a fraudulent and deceptive piece of legislation. The following rap poem sums up the spirit of this rapidly deteriorating situation.

CROWD THE CHILDREN IN

No Child Left Behind,
Crowd them in,
Construction dollars
Never win.
No Child Left Behind
The budget is unkind
An increase of billions
They promised—
A bold elephant fable,
A decrease by millions
Placed on the table.
Under funding catastrophe
Lurking in the wind,
Carefully covered sin,
Regally wrapped spin,
Cutbacks cover the table.
On the made in White House label
Read progress,
Camouflage the big mess,
Public relations success.
No Child Left Behind,
Crowd them in,
Construction dollars
Never Win.

TRIBUTE TO DAVID P. ZAPPE, CIVIL ENGINEER OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Riverside County are exceptional. Riverside County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. David Zappe is one of these individuals. This year David will retire from the Riverside County Flood Control and Water Conservation District after providing more than 33 years of loyal, consciences and outstanding engineering and management service period.

A native born Californian, David attended public schools in Riverside and Palm Springs, California. In 1969 he graduated from California State Polytechnic College in Pomona, California with a Bachelor of Science in Civil Engineering. As a student he was a member of the Engineer Honorary Fraternity, Sigma Phi Alpha.

After his graduation David was employed by the Riverside County Flood Control and Water Conservation District as a Junior Engineer. He was quickly promoted to Associate Civil and Senior Civil Engineer position. As Senior Civil Engineer, David supervised the District's Project Planning Section. In 1983 David was promoted to the position of Flood Control Principal Engineer, with the responsibility for management of the Administrative Division, one of five divisions in the District. In 1992, he was promoted to the position of Assistant Chief Engineer and was responsible for coordination of

District activities involving the District's six division and other governmental and private entities in the execution of the District's mission. In 1996 David was promoted to the position of General Manager-Chief Engineer.

The Riverside County Flood and Water Conservation District presently employees a staff of approximately 175, forty of which are graduate engineers and thirty eight are registered civil engineers in the State of California. Under David's exemplary leadership the District continues to pursue an aggressive effort to design and construct needed flood control infrastructure.

In addition to his degree in Civil Engineering, David completed the Advanced Management Program and the Executive Management Program at the University of California, Riverside. He has been a registered Civil Engineer in the State of California since 1972. He also is a member of ASCE and APWA.

David's tireless work and unwavering loyalty will long be remembered. His commitment to the excellence of the District has contributed immeasurably to the betterment of Riverside County. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that the District and many community members are grateful for his service and salute him as he retires.

CONGRATULATING THE TAMPA BAY BUCCANEERS FOR WINNING SUPER BOWL XXXVII

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I dare not say that it is with great pride that I rise today in support of the resolution offered by my good friend from Tampa, Mr. DAVIS. After all, I am a Miami Dolphins fan. However, it is with high regard, as well as a bit of shock, that I rise today to honor the Super Bowl XXXVII champion Tampa Bay Buccaneers. As a Floridian, I share in Mr. DAVIS' excitement. For who would have ever thought that the Buccaneers would ever make it to the Super Bowl, let alone win it?

But seriously, Mr. Speaker, all of us need to tip our hats in admiration of the accomplishments made by the 2002–2003 Buccaneer team. As I said to one of my staffers on Monday morning, "Yeah, Oakland didn't really show up to play, but could you believe the Bucs' defense?" Not since the Steelers' Iron Curtain defense of the 1970s has the National Football League seen a defense as dominating as the Tampa Bay defenses of the late 1990s through this past season. Credit must be given to those who deserve it, and the Buccaneer defense is where credit is due. The team's defensive leaders such as Warren Sapp, Simeon Rice, Greg Spires, Ronde Barber, John Lynch, Dwight Smith, and the Super Bowl Most Valuable Player, Dexter Jackson, are to be truly credited for leading the team that everyone wanted to win, but no one thought could, to a Super Bowl championship.

No pun intended, Mr. Speaker, but the buck didn't stop at Tampa's defense. The team's offense was equally impressive. Quarterback Brad Johnson, running backs Michael Pittman, Mike Alstott, and wide receivers Keenan McCardell, Joe Jurevicius, and Keyshawn Johnson were virtually unstoppable. Who would have ever thought that a team like the Buccaneers, built for defense but capable of an offensive explosion, would ever register 48 points against a relatively good Oakland Raider defense? I certainly didn't.

Additionally, I commend Tampa head coach Jon Gruden and his entire coaching staff, especially longtime Tampa Defensive Coordinator Monte Kiffin, for a job well done. As a Miami fan, I hope that Coach Kiffin finds his way into a head-coaching job out of the state of Florida. Frankly, the Dolphins and Jacksonville Jaguars are itching to regain the title of "Florida's Best NFL Team." Finally, I would be remiss if I sit down before honoring the work that had been done by Tampa's previous coach, Tony Dungy. Coach Dungy built the Tampa team that won last weekend, and he is as deserving as anyone of credit for the Super Bowl victory.

In closing, Mr. Speaker, I remind the gentleman from Tampa, Mr. DAVIS, that the greatest team in NFL history was a team that went 17–0 from a little city in South Florida that we call Miami. The 1972 Dolphins, now that team was perfect. Nonetheless, today is about the Buccaneers. Therefore, today, I congratulate the Tampa Bay Buccaneers for winning Super Bowl XXXVII. As for tomorrow, Mr. Speaker, well, go Dolphins!

IN HONOR OF DR. MARY EMILY MILLER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Dr. Mary Emily Miller of The Miller Farm, this year's recipient of the Special Family Business Longevity Award from the Delaware Small Business Development Center Network.

As you know, small businesses such as The Miller Farm, have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through Dr. Miller's guidance, The Miller Farm has distinguished itself as a leader amongst small businesses in Delaware by offering a valuable service and maintaining a high level of customer satisfaction.

Throughout my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country, and recognition of The Miller Farm by the Delaware SBDC Network, in my mind, confirms this belief.

Dr. Miller's accomplishments and innovative leadership in the small business community have placed The Miller Farm in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and wish her continued success.

HONORING J. "RICK" RICCIARDELLI

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mr. J. "Rick" Ricciardelli, a former North Miami councilman, civic leader, and a great Floridian. Born in 1923, Ricciardelli joined the marines where he fought in World War II as a young man. Soon after returning from Europe, he became commander of the North Miami AMVETS, the first chapter in South Florida, and later became vice commander of the national veterans organization.

Arriving in North Miami with his family in 1947, Ricciardelli became involved in local community projects and was elected to the North Miami Council in 1950. In addition to being an active council member, Ricciardelli also served as city judge and police commissioner. As a result of his dedication to his community, the bridge on Northwest 125th Street now bears his name due to his efforts in helping to build it.

In his professional life, Ricciardelli managed two very successful insurance companies, Underwriters Financial of Florida and Specialty Insurance Underwriters. In 1977, he served as chair to the Florida Insurance Fraud Committee, where he led a statewide operation to protect consumers and halt the practice of insurance fraud.

Not to be forgotten, Mr. Ricciardelli was devoted to his family and community. He was known to raise money for various charitable groups, and he was involved with the Boys Town of Italy. His exemplary work and his kind generosity afforded him the distinction of being knighted by the Italian government.

Mr. Speaker, it is indeed a special occasion to stand here and honor Mr. Ricciardelli. His commitment to the people of North Miami and to all Floridians serves as an example to us all.

Mr. Ricciardelli is survived by his wife Debbie, and daughters Peggy Appler, Nancy Corbin, Vikki McGowan, Denice Strniste, and Rikki Southworth. He is also survived by sisters Mary Webb, Gloria Fusco, and Virginia Papale.

WELCOMING HIS MAJESTY KING HAMAD BIN ISA AL-KHALIFA ON THE OCCASION OF HIS VISIT TO THE UNITED STATES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I would like to extend a warm welcome to His Majesty Shaikh Hamad bin Isa Al-Khalifa, King of the Kingdom of Bahrain, on the occasion of his visit to the United States.

The ties between our countries have spanned more than a century, beginning with the establishment of the first American hospital in the region at the turn of the 20th century. When Bahrain became the first Gulf Cooperation Council member to discover oil, it was with the aid of American technology and expertise.

On January 1, 1949, an important alliance began between the United States and Bahrain with the establishment of the Navy's first command in the Middle East—Persian Gulf Area Command. On August 16, 1949, this command was renamed the Middle East Force. This was a vital outpost throughout the cold war and contributed to the success of democracy over communism. The Middle East Force ships were the first United States military units to take action following the August 1990 invasion of Kuwait when they began Maritime Interception Operations in support of United Nations Sanctions against Iraq.

In January 1991, with the beginning of Operation Desert Storm, the Middle East Force was absorbed into United States Naval Forces Central Command, which is responsible for all United States Military activity in the Middle East and Eastern Africa. Today, United States Naval Forces Central Command and the United States Fifth Fleet consist of as many as 25 ships and 15,000 sailors and Marines.

I commend Bahrain for its demonstrated commitment to both regional and international peace and stability. I recently visited Bahrain with a congressional delegation led by Congressman DARRELL ISSA, and I found that this cooperative spirit is still evident in the Kingdom's support for U.S. Armed Forces serving in Bahrain.

Since King Hamad assumed the throne in 1999, he has steered Bahrain toward developing a diversified economy and transforming the country into a constitutional monarchy. The amended Constitution of Bahrain reinforces and guarantees the political equality of women and freedom of religion. Municipal elections were revived in May 2002, and a democratically elected parliament was formed in October of the same year. Significantly, women were for the first time active participants in these elections as both voters and candidates.

On the economic front, Bahrain has demonstrated a strong commitment to free trade, privatization, and a free market economy. This is reflected in its membership in the World Trade Organization. Over the past four decades, Bahrain has actively pursued an economic policy based on diversification that has led this country to prosper. Bahrain's success has earned its recognition around the world, and the country has been accorded the rank of freest economy in the Arab world by the Heritage Foundation's 2003 Index of Economic Freedom report, and 16th worldwide.

The success of these economic policies enables Bahrain to boast a variety of industries ranging from petrochemicals, refining, aluminum, and ship repair, to investment banking and international trade. Today, Bahrain is the regional base for various inter- and multinational firms and is the financial hub of the Arab world.

I commend King Hamad and the people of Bahrain for their considerable success, and for their strong support for our men and women in uniform. I look forward to continued strong relations between the United States and Bahrain.

CORPORATE ACCOUNTABILITY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. OWENS. Mr. Speaker, it appears that the Congressional investigating and hearing process is over for the racketeering corporations of the nation. With all three branches of the government now controlled by Republicans, the world's most costly coverup can be finalized. Enron, Worldcom, and all of the rest have proved that crime can pay huge profits. As a member of the 108th Congress I beg that we at least be allowed to discuss these serious thefts on the floor of the House. But, alas, the Republican majority through a tyranny of rules changes has cut off the opportunity for free speech on the floor. We are forced to keep the dialogue alive through "guerrilla" communications among ourselves. The following two poems comment on corporate morality.

CORPORATE CREDO 1

Greed is great,
Less harmful than hate,
Not the business of the state,
Each sucker deserves fat bait.
For the economy's sake
Protect our freedom to take
From any investor on the make.
Pension funds we can feed
To the belly of great greed,
Old guys never really need
Too much green evil weed;
It's a handout risk free;
Social Security we guarantee—
401K's must take a chance,
The market is the ultimate romance.
Greed is great,
Not the business of the state,
Each sucker deserves fat bait.

CORPORATE CREDO 2

The corporate board meeting fee—
A check to cash with greedy glee,
Payment for presence at a silent tea,
Reward for stuff you didn't see;
All the bored can cop a plea:
Shareholder swindling is a shame,
Good members just sign their name,
Accountant culprits bear all the blame,
The SEC behaves too tame.
The corporate board meeting fee—
A check to cash with greedy glee.

TRIBUTE TO TIDAL WAVES

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BERMAN. Mr. Speaker, I rise today to congratulate the AYSO, Culver City, Region 19, Boys U12 Division team, Tidal Waves. Headed by the superb leadership of Coach Steve Salazar and Assistant Coach Alfonso Espinoza, Tidal Waves finished the season undefeated. Coach Salazar and Assistant Coach Espinoza knew how to get things done. Their tireless commitment, boundless energy, no nonsense coaching and clear sense of direction are responsible in a large measure for the Tidal Waves success.

Team members Austin Mott, Gregory Salazar, Henry Best, Joe Best, Mychal Cooper, Matthew Galvan, Austin Brasher, Giovanni Espinoza and Robin Clarkson played hard, tough competitive soccer. They gave their best effort at every practice. The players displayed a passion about improving their individual skills equal only to their determination to improve as a team. With every game played, they exceeded the skill of the game before. Tidal Waves always demonstrated good sportsmanship.

The enthusiasm and zest for soccer expressed by the team was matched by the commitment and support of the parents. The parents of Tidal Waves dedicated time and energy and keep the team's spirit high.

I ask my colleagues to join me today in saluting Tidal Waves for their outstanding achievement in the 2002, AYSO Region 19, Boys U12 Division, Culver City.

THE POVERTY TRAP STUDY ACT OF 2003

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PETRI. Mr. Speaker, today I am introducing the Poverty Trap Study Act of 2003. Although we have moved millions of families off welfare and into work, the road to advancement and self-sufficiency remains a difficult challenge. For a long time I have been concerned by the disincentives to working hard, earning more money, and even getting married, that we have created over time through the many support programs that provide assistance to lower income families. Too often a low-income household will find that, despite a rise in earnings, the family is actually worse off than it was beforehand.

One by one over the decades we have created programs to help the poor as we have perceived needs for housing assistance, nutritional assistance, health care, etc. At some income level these programs had to be eliminated or phased out. Unfortunately, as each program was designed individually without regard for the cumulative effects, we ended up phasing out all of them over the same income range, generally just above the poverty level. Tax liability also begins around the same income level. As a result, many working families in the income range of about $12,000–$30,000 lose a dollar or close to it in taxes and lost welfare benefits for each additional dollar income they earn—a combined marginal tax rate over 100 percent! Specifically, a family with two children in this income range pays 30 percent of income as rent if they are in subsidized housing, loses 21 percent of additional income to the EITC phaseout, 24 percent to the food stamp phaseout, 15 percent to the federal income tax, 7.65 percent to the employee share of FICA and, depending on the state, around 3 percent state income tax.

It's time for Congress to look at welfare and tax policy for low income families in a coherent fashion instead of the hit or miss piecemeal approach we have been employing. My legislation would create a commission to examine the cumulative effective marginal tax rates for low income families with children in a cross section of states, measure the effects, and make recommendations to fix the problem.

HONORING FRANK A. URSOMARSO, SR. AND FRANK A. URSOMARSO, JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Frank A. Ursomarso, Sr. and Frank A. Ursomarso, Jr. of Union Park Automotive Group, Inc., this year's recipients of the Family Business of the Year Award from the Delaware Small Business Development Center Network.

As you know, small businesses such as Union Park Automotive Group, Inc., have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through Frank, Sr. and Frank, Jr.'s teamwork and guidance, Union Park Automotive Group, Inc. has distinguished itself as a leader amongst small businesses in Delaware by offering a valuable service and maintaining a high level of customer satisfaction.

Through out my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country, and recognition of Union Park Automotive Group, Inc. by the Delaware SBDC Network, in my mind, confirms this belief.

Frank, Sr. and Frank Jr.'s accomplishments and innovative leadership in the small business community have placed Union Park Automotive Group, Inc. in a position to rise above and meet the challenges of the future; I commend them on their receipt of this award and wish them continued success.

HONORING LEON BERMAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mr. Leon Berman, a loving husband and father, a devoted community leader, and a great Floridian. Born in Paris in 1910 to his Jewish parents who escaped Russia, the family soon left France for the United States.

This difficult journey at so young an age marked the beginning of a remarkable life for Leon Berman, one that embodied service to the community and pride for his country. Berman will be best remembered for his unparalleled passion for life. Mr. Berman's daughter, Hollywood Mayor Mara Giulianti said, "He never wanted to die. He loved life until the very last second."

A Hollywood resident since the mid-1970s, Berman along with his wife Bertha helped many important causes in South Florida, and Berman is responsible for mobilizing numerous in the community to become involved in local politics. Berman founded the Hills Democratic Club, and was a key member of the Broward County Democratic Executive Committee.

As father to Mayor Mara Giulianti, Berman was her biggest supporter and most ardent campaigner, believing that his tireless work on the campaign trail could mean the difference between her election or defeat. As a highly regarded political activist in the area, Leon Berman was known to support and assist many Democratic and judicial candidates in South Florida.

Mr. Speaker, it is indeed a great honor to stand here today and honor this individual. Berman's devotion to his wife Bertha of 67 years, his commitment to family, and his involvement in the local community truly serve as an example to us all.

Mr. Berman is survived by his wife Bertha, his daughter Mara of Hollywood and daughter Arlene Berman of New York City. Mr. Berman also had two grandchildren and three great-grandchildren.

RECOGNIZING ALFRED A. EDMOND, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend of the Sixth District of New Jersey. Mr. Alfred A. Edmond, Jr. is the Senior Vice President and Editor in Chief of "Black Enterprise" Magazine—a premier source of business, investment, entrepreneurship, careers and financial management information for African Americans, as well as other racial and ethnic groups. I am pleased that he is the guest speaker at the Communications-Electronics Command and Fort Monmouth, New Jersey's annual Black History Month Luncheon on February 5, 2003. This year's Black History Month theme is "The Souls of Black Folk—100th Anniversary" in commemoration of the publication of the book by the noted author, newspaper and publications editor, historian and professor Dr. W.E.B. DuBois.

Mr. Edmond, a native of Long Branch, New Jersey, who currently resides in Brooklyn, New York, will be honored today for his accomplishments as a business and financial editor and leader. As Senior Vice President and Editor in Chief, Mr. Edmond oversees the research, planning, development and publication of information on entrepreneurship, leadership, careers, professional development and financial management to 4.1 million readers monthly. A talented and highly motivated individual, Mr. Edmond also provides motivational and self-development "words of wisdom" to the magazines' readers. An award-winning reporter and editor, Mr. Edmond was selected for three consecutive years (1998–2000) by TJFR Business News Reporter as one of the 100 Most Influential Financial Journalists in the country.

Mr. Edmond attended Long Branch High School where he was inducted into its Distinguished Alumni Academic Hall of Fame in 1996. He graduated in 1983 from Rutgers College at Rutgers, the State University of New Jersey in New Brunswick with a degree in studio art and a minor in economics. Mr. Edmond led a Steering Committee in establishing the Rutgers University African American Alumni Alliance in 1990. He also served as an adjunct professor in the journalism department at Rutgers University.

Ms. Nancey Jackson-Johnson, a native of Newark, New Jersey who now resides in Freehold, New Jersey will perform as guest soloist and be recognized at this luncheon for her talent and accomplishments. In 1997, Ms. Jackson-Johnson recorded her debut album entitled "Free, Yes I'm Free." With the success of her debut album she released her sophomore project entitled "Relationship" in 1999. She was also a 1999 Stella Award Nominee for Contemporary Female Artist of the Year. Ms. Nancey Jackson-Johnson was the guest soloist at the Communications-Electronics Command and Fort Monmouth's Reverend Dr. Martin Luther King Birthday Observance in January of 2003 and received rave reviews.

On this day we celebrate and honor the distinguished Mr. Alfred A. Edmond for his extensive accomplishments as a business editor and leader. I ask my colleagues to join with me in commending him in his dedication to his magazine and its readers.

REMARKS ON INTRODUCTION OF BILL TO PROVIDE PNTR TO ARMENIA

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KNOLLENBERG. Mr. Speaker, today I am introducing legislation to provide permanent normal trade relations to our ally Armenia. I hope colleagues will join me in passing this bill at the earliest opportunity.

Since declaring its independence from the Soviet Union in 1991, Armenia has made great strides in developing a stable democratic and open society. This includes an adherence to the fundamental principle free emigration. I am pleased that Armenia has been found to be in full compliance with the Jackson-Vanik requirements regarding free emigration under title IV of the Trade Act of 1974. The time has now come for Armenia to be graduated from this annual review.

In 2002, despite the dual blockades by Turkey and Azerbaijan, Armenia was ranked 44th on the Heritage Foundation and Wall Street

Journal's Index of Economic Freedom. According to this study, Armenia remains the most economically free country in the region, including all countries of the Commonwealth of Independent States. Armenia is poised to play a pivotal role as a commercial hub and has established a positive legal, regulatory and tax climate for foreign investment, reflecting the country's commitment to open and free trade.

Armenia's strategic location at the crossroads of Europe and Asia, democratic stability, entrepreneurial spirit and western value system make Armenia an increasingly important partner for the United States in the Caucasus region. Total United States-Armenia bilateral trade for 2002 amounted to more than $134,200,000.

An indication of the progress Armenia has made is its success in pursuing membership in the World Trade Organization. On December 10, 2002, the World Trade Organization's General Assembly unanimously voted to approve Armenia's full accession to the Organization.

Armenia's accession to the WTO is a momentous event for this proud country that has worked hard to enact free-market reforms within a stable democratic framework. However, the full benefits of accession will not be realized unless Permanent Normal Trade Relations is granted to Armenia. Passing this bill will result in tangible benefits for Armenia and the United States and an even stronger relationship between our two countries.

I look forward to working with my colleagues to pass this bill into law.

IN HONOR OF GREG BUCKLEY, STEVE BUCKLEY, AND MICHELE CRANER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Greg Buckley, Steve Buckley and Michele Craner of Buckley's Auto Care, this year's recipients of the Delaware Small Business Development Center Network Diamond Award.

As you know, small businesses such as Buckley's Auto Care, have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through Greg, Steve and Michele's teamwork and guidance, Buckley's Auto Care has distinguished itself as a leader amongst small businesses in Delaware by offering a valuable service and maintaining a high level of customer satisfaction.

Through out my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country, and recognition of Buckley's Auto Care by the Delaware SBDC Network, in my mind, confirms this belief.

Greg, Steve and Michele's accomplishments and innovative leadership in the small business community have placed Buckley's Auto Care in a position to rise above and meet the challenges of the future; I commend them on their receipt of this award and wish them continued success.

TRIBUTE TO ST. THOMAS THE APOSTLE CHURCH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an organization whose dedication and contributions to Riverside County are exceptional. Riverside County has been fortunate to have dynamic and dedicated community organizations who willingly and unselfishly give time and talent to making their communities a better place to live and work. St. Thomas the apostle church is one of those organization. This January, St. Thomas the Apostle Church celebrates its 100th year anniversary.

The history of St. Thomas the Apostle Church includes service by the Jesuits, Franciscans and Diocesan priests as well as several communities of religious women. The Church has had the honor to have one of the newly named American saints work within the church community. St. Katharine Drexel and her order, the Sisters of the Blessed Sacrament, served the religious needs of the children at the Indian schools in the Southwest.

In 1903, St. Thomas the Apostle Church's path began as Father O'Brien celebrated his first Mass to a church paced with Indian students using a kitchen table as an alter. In the 1940's, the church experienced many changes as the pews began to fill with Army personnel during World War II. Father Edmund Krolicki of the Conventual Franciscans, with the help of parishioner volunteers, worked to build the first school buildings at St. Thomas the Apostle. In the late 1950's the parish faced more challenges when the church was lost to an arson fire. The commitment of service and faith would see the church through these difficult times and the community quickly united in the effort of re-building the church.

The new millennium has brought the parishioners of St. Thomas the Apostle great spiritual and structural growth under the care and guidance of Fr. Joseph Felker. Since his arrival in 2000, the parish has enjoyed a renewed sense of community as the parish joins in the collaborative effort of renovating the parish site as well as building a new ministry center. The Katharine Drexel Ministry Center is a dream being actualized as a legacy for the next generation.

St. Thomas the Apostle continues to illustrate what a church community should strive for; a community of prayer, a place for families to be blessed; a place to celebrate the sacraments; and where God's live is at work. St. Thomas the Apostle's tireless work in their community and among their members has contributed immeasurably to the betterment of Riverside county. I congratulate St. Thomas the Apostle on 100 years of service and worship.

ALLOTTING SUFFICIENT TIME FOR UNITED NATIONS WEAPONS INSPECTORS FOR A THOROUGH ASSESSMENT OF THE LEVEL OF COMPLIANCE BY THE GOVERNMENT OF IRAQ WITH U.N. RESOLUTION 1441 (2002)

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a Resolution that mirrors the sentiments expressed by the Honorable Senator BYRD, and key members of the United Nations Security Counsel.

The United Nations weapons inspectors must be given more time to continue their work in Iraq.

Further, if the weapons inspectors are able to present evidence that the Government of Iraq has revived its nuclear weapons program, and is in material breach of U.N. Security Counsel Resolution 1441, we must seek another Security Counsel Resolution authorizing the use of force against the Government of Iraq.

Although progress is slow in Iraq, it is progress. I believe that with continued pressure from international emissaries, Saddam Hussein will soon have no choice but to relinquish power voluntarily. We must continue to work together to exhaust peaceful and diplomatic means for disarming Saddam Hussein, because we have little to gain and much to lose in a unilateral preemptive strike against Iraq.

First and foremost, the men and women of our Armed Forces are already fully engaged in a war on terrorism. This must remain our highest priority.

Second, it stands to reason that the more aggressive and belligerent our posture as a nation becomes, the more we invite another terrorist attack. Make no mistake, passing a bill to create a Department of Homeland Security did little to make our homeland more secure, and we are woefully unprepared for another terrorist attack on our soil.

Third, even though the administration has tried to play down the looming crisis in North Korea, last week, the top military commander in the Pacific requested an additional 2,000 more troops to join the 37,000 already in South Korea.

And fourth, when I rose to speak against the Iraq Resolution five months ago, I voiced concerns that the Administration did not have any post-invasion plans in place yet. There is no doubt in my mind that the United States, alone, or as part of a coalition, can prosecute a war to a successful conclusion, but the question is—and then what? We still haven't been provided with any estimates on how long our troops would be engaged in peacekeeping or peace enforcement operations in the Middle East, or what the estimated costs will be for humanitarian assistance and reconstruction.

On January 24th, I joined 129 Members of the House in signing a letter to the President urging him to make every attempt to achieve Iraq's disarmament through diplomatic means and with the full support of our allies. Toady, I urge your support in sending the same message to the President with this Resolution.

TRIBUTE TO THE BEREAN INSTITUTE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to acknowledge the contributions of Philadelphia's own Berean Institute. Celebrating their 104th year, their unwavering commitment has served countless aspiring youth by preparing students for the world of work or continued education.

Berean Institute is a nonprofit, state-aided and nonsectarian post-secondary institution providing affordable, high-quality educational, vocational and technological training. It is "a place to be somebody, where you learn to earn."

Founded in 1899 by Reverend Dr. Matthew Anderson and his wife Dr. Caroline Still Anderson, Berean continues to provide a solid foundation that assures its students the opportunity to choose a great career and acquire the marketable skills to meet and compete in the ever-changing demands to today's workforce.

Mr. Speaker, the Berean Institute remains a beacon of hope to the lives of many brilliant, young minds whose opportunities may not have been paralleled to their potential. I hope that all of my distinguished colleagues will join me in recognizing their contributions to the citizens of Philadelphia, to Pennsylvania and to our great nation.

WASHINGTON POST EDITORIAL ON IRAQ

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I would like to call attention to an excellent editorial in today's Washington Post, written by the newspaper's editorial staff. They have presented a definitive summary of why we must act to disarm Iraq in preserving the safety of Americans.

THE CASE FOR ACTION

Even before Secretary of State Colin L. Powell's presentation to the United Nations Security Council today, it is clear that Iraq has not complied with Resolution 1441, which offered it a "final opportunity" to voluntarily disarm. Neither the U.N. weapons inspectors nor any permanent member of the council contends that Iraq has "fully" cooperated, as the resolution requires. Barring a dramatic change of behavior by Saddam Hussein in the coming weeks, that means a military intervention to disarm Iraq would be justified, even if the council passed no further resolutions. Still, there is a larger question that the United States and its allies must answer, and that underlies the debate that will begin: Even if it is lawful, is war the right course? The threshold for deciding on military action must be high, and there are legitimate questions to answer: Is Iraq genuinely a threat to U.S. security, and must it be dealt with now? Given the suffering that every war brings, the potential economic and political costs, and the likelihood of unforeseen consequences, would it be better to settle for a strategy of containing Saddam Hussein through continued U.N. sanctions and inspections? This would involve abandoning the tougher course the Security Council approved by a unanimous vote just 12 weeks ago; but if the Bush administration endorsed it, much of the country—and the world—would approve.

Yet we believe that it would be a mistake for the United States and its allies, confronted with continued intransigence, to shrink again from decisive action in Iraq. Unless unexpected change takes place in Baghdad, the United States should lead a force to remove Saddam Hussein's dictatorship and locate and destroy its chemical and biological weapons and its nuclear program. The Iraqi regime poses a threat not just to the United States but to global order. The removal of Saddam Hussein would advance the task of containing the spread of weapons of mass destruction to rogue states. It also would free millions of Iraqis from deprivation and oppression and make possible a broader movement to reshape the Arab Middle East, where political and economic backwardness have done much to spawn extremists such as al Qaeda. In contrast, a continued failure to act would send dictators and terrorists a devastating message about the impotence of the United States and the United Nations. It would encourage extremists in their rush for nuclear, chemical and biological weapons.

That Iraq has the capacity to threaten vital U.S. interests has been clear at least since 1990, when Saddam Hussein's army invaded Kuwait, seized its oil fields and stood ready to move on to Saudi Arabia. Had Saddam Hussein waited the few months that his scientists then needed to complete a nuclear weapon, the United States might not have reversed the invasion; should he acquire them and again seek domination of the Middle East, the West would face a challenge like that now posed by North Korea, with far higher stakes. The 1991 Persian Gulf War did not eliminate the Iraqi threat, because Saddam Hussein and most of his army and arsenal survived; so the first Bush administration and the Security Council adopted a strategy of containment. This involved ordering Iraq to give up chemical, biological and nuclear weapons, dispatching inspectors to verify that process, and indefinitely extending sanctions that crippled Iraq's economy.

Those who advocate containment through inspections ignore that strategy's costly failure during the 1990s. Inspectors traipsed through Iraq for seven years as Baghdad defied or ignored one Security Council resolution after the next. The most dangerous chemical and biological weapons were not discovered for four years, and then only with the help of a defector. After that, Iraq stepped up its concealment operation, leaving thousands of tons of chemical and biological materiel and dozens of missiles missing; as inspector Hans Blix reported last week, they are still unaccounted for. Meanwhile, the Iraqi people suffered terribly, even as Saddam Hussein built new palaces. There were widespread reports of deaths through malnutrition and lack of medicine, and many Arab extremists, including Osama bin Laden, reaped political capital by blaming the United States. Eventually, the Security Council's will to maintain the containment regime collapsed, and in 1998 Saddam Hussein was able to drive out the inspectors.

At the time, there was broad consensus about the lessons and consequences of what had happened. Congress passed, and President Clinton endorsed, a resolution shifting U.S. policy in Iraq from containment to regime change. "In this century, we learned through harsh experience that the only answer to aggression and illegal behavior is firmness," Mr. Clinton said while he still occupied the White House. "If we fall to respond today, Saddam, and all those who would follow in his footsteps, will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council."

Yet Mr. Clinton did fall to respond. Saddam Hussein had four years to strengthen his arsenal, even as the sanctions effectively collapsed. According to Mr. Blix and Western intelligence agencies, he illegally imported hundreds of new missile engines and rebuilt production facilities. He created drones and mobile biological laboratories and sought nuclear material from several nations. Mr. Powell probably will add more to that indictment today. The Bush administration promised a tougher response, but only after Sept. 11, 2001, was it able to summon the will. President Bush, along with most of Congress and the American public, was driven to accept the point made by President Clinton: that the United States, and the world, cannot allow rogue regimes to build deadly weapons in open defiance of international law and the United Nations. The fresh documentation of al Qaeda's hunt for weapons of mass destruction, and the danger that it has or might acquire such weapons from Saddam Hussein, have only sharpened that point.

The people of Iraq and its region would benefit from an end to the tyranny of Saddam Hussein, who is guilty of some of the most terrible war crimes and human rights violations of the past 50 years. He has tortured, gassed and slaughtered his people and has invaded two neighboring nations. The liberation of Iraq's people would present the United States and its allies with a difficult and prolonged challenge of nation-building. If poorly handled—and reports of the administration's planning so far do not inspire confidence—the postwar era could inject serious new problems into a troubled region. But if the goal of preserving a unified Iraq under the administration of a democratic regime were achieved, it could give decisive impetus to nascent movements for reform that exist throughout the Middle East.

In the end, though, a war in Iraq would not be primarily a humanitarian exercise but an operation essential to American security. President Bush's move toward action on Iraq has not been a bolt from the blue or a departure from past U.S. policy, though the administration's clumsy handling of its arguments and allies has sometimes made it look that way. Nor must it be seen as an exercise in Mr. Bush's new doctrine of preemption, though ideologues on both sides would portray it as such. Rather, it is the completion of a vital mission of international security repeatedly confirmed by the U.N. Security Council, by a Democratic president and by bipartisan majorities of Congress. War is never to be welcomed. But a decade of failed diplomacy and containment has brought the nation and its allies to a point where war may soon be the only credible option for ending the threat of Saddam Hussein.

TRIBUTE TO MICHAEL DEAN, POSTMASTER OF HUNTINGTOWN POST OFFICE IN MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HOYER. Mr. Speaker, a few weeks ago, the Huntingtown community in my district experienced a tragic and untimely loss, a loss to the U.S. Postal Service, a loss to the 5th District of Maryland, a loss to a community, and a loss to many close family and friends. I wish to take a moment today to pay tribute to the memory of Michael Dean, Postmaster of the Huntingtown Post Office in Huntingtown, MD.

Mike Dean tragically died following a motorcycle accident on January 9, 2003. He was a highly respected Postmaster who had been recognized on numerous occasions for his outstanding work with the Postal Service. On many occasions, he was given the opportunity to advance his career by accepting a well-deserved promotion. He always refused, preferring to stay and serve the community of his beloved "Downtown Huntingtown."

His accomplishments within the Postal Service, within his community, and within his church are so numerous that it is impossible to list them all. For the Postal Service, Mike will be remembered as a loyal and trusted coworker. He was a teacher and mentor to newly appointed Postmasters. He was a person his manager or a fellow Postmaster could call upon when help was needed anywhere, at any time. He was active for many years in the National Association of Postmasters of the United States. To his employees at the Huntingtown Post Office, he was much more than just "the boss." He was a friend, advisor, teacher, and a leader by example.

Mike was appointed Postmaster of Huntingtown 24 years ago, and he grew along with the town. Until his death, the bond between Mike Dean and his community seemed unbreakable. He served people in every way imaginable with grace, humor, and always with a sense of selflessness. Mike served on the board of directors of the United Way of Calvert County, and was a long-time volunteer with the Meals on Wheels program. He was active with local schools, serving on the PTA and establishing a "Wee Deliver" program to promote reading and writing skills. When a neighbor was ill, Mike was there to cut his grass. When a local farmer needed help, Mike was there to help strip tobacco.

As a member of St. John Vianney Catholic Church in Prince Frederick, he served enthusiastically as president of the Men's Club, raising funds for the parish for numerous projects. When the parish grew so large that it became necessary to create a new parish, he took a leadership role in the formation and development of Jesus the Divine Word Catholic Church. He leaves behind family, many friends, neighbors, and coworkers who mourn his loss deeply.

Michael Dean's own life was not without sorrow and loss, but he had the ability to work his way through the pain and difficulty, and to emerge from difficult times still strong in his faith, and ready to serve his fellow man. In this way, I would like to take a moment to honor the memory of a colleague, a dear friend, and beloved family member to so many.

AUTHORIZING EXPANSION OF KALOKO-HONKŌHAU NATIONAL HISTORICAL PARK, KONA, HAWAI‘I

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CASE. Mr. Speaker, I rise today to introduce a bill to authorize expansion of the Kaloko-Honokōhau National Historical Park, located on the Kona Coast of the Island of Hawai‘i.

This bill would authorize expansion of the park boundaries to allow the National Park Service to purchase a 2.14-acre parcel with an existing building to serve as a park headquarters. The park has been without a permanent headquarters since its establishment in 1978, and is now renting space some distance from the park.

Kaloko-Honokōhau National Historical Park was created for the national preservation, protection and interpretation of traditional native Hawaiian activities and culture. This 1,160-acre park is remarkable not only for its cultural and historical attributes, but as an incredibly beautiful, unspoiled natural treasure. The park is the site of an ancient Hawaiian settlement, which encompasses portions of four different ahupua‘a, or traditional sea-to-mountain land divisions. Its resources include ancient fishponds, kahua (house site platforms), ki‘i pohaku (petroglyphs), a holua (stone slide), and heiau (religious sites). The park is of tremendous significance to the people of Hawai‘i, and especially to indigenous Native Hawaiians.

The National Park Service is currently renting space for its headquarters at a cost of $150,000 a year. The current headquarters only has parking for three to four visitors at a time, which is woefully inadequate to accommodate the growing number of visitors to the park. Visitors increased from 54,000 in 2001 to 70,000 in 2002. The proposed acquisition has plenty of parking for visitors and park vehicles. And the existing building has more than adequate space for the park's administrative needs and interpretive mission. The already-developed parcel has the additional benefit of being right next to the park; therefore, the fragile resources within the current park boundaries will not be adversely affected.

I urge my colleagues to support this legislation and to come to my birthplace, the Big Island of Hawai‘i, to visit this magnificent national treasure. Aloha!

CENTRAL NEW JERSEY HONORS HARRY WOSKE FOR HIS YEARS OF PUBLIC SERVICE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HOLT. Mr. Speaker, I rise today to recognize the career of Harry Woske, MD, of Hunterdon County NJ. Dr. Woske is one of the county's leading physicians and has been serving our community for more than four decades.

Along with his commitment to his patients he has been a teacher and mentor to his fellow doctors. He has received numerous honors recognizing his work, including the Hunterdon Medical Center's "Teacher of the Year" award in 1978 and New Jersey Magazine's "Top Doc" award in 1998. Dr. Woske served as the Chief of Internal Medicine at Hunterdon Medical Center from 1960 to 1969 and the Chief of Medical Services at Raritan Valley Hospital from 1973 to 1976.

Dr. Woske returned to Hunterdon Medical Center, where he has been the Chief of Cardiology since 1977. He is a member of the New Jersey Department of Health and Senior Services' Cardiovascular Health Advisory Panel. Throughout his career, he has been a member of more than twenty professional and scientific societies, including the American Medical Association, the American College of Physicians, and the New Jersey State Society of Medicine.

As an inspiration to physicians throughout the county of Hunterdon and the state of New Jersey, and as an active member of the Rotary Club, Dr. Woske has contributed significantly to the life of his community. He has earned our heartfelt appreciation for his efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 6, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 11

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Federal Aviation Administration reauthorization.

SR–253

Foreign Relations

To hold hearings to examine a post Saddam Iraq.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Semi-Annual Monetary Policy Report of the Federal Reserve.

SH–216

Budget

To hold hearings to examine the President's International Affairs Budget.

SD–608

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of the Interior.

SD–366

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission.

SH–216

Health, Education, Labor, and Pensions

Judiciary

To hold joint hearings to examine patient access crisis, focusing on the role of medical litigation.

SD–106

FEBRUARY 12

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States; to be followed by a closed meeting to be held in SH-219.

SH–216

Commerce, Science, and Transportation

To hold hearings to examine the Columbia Space Shuttle.

Room to be announced

Commerce, Science, and Transportation

To hold joint hearings with the House Science Subcommittee on Space and Aeronautics to examine the recent space shuttle Columbia accident.

Room to be announced

Foreign Relations

To hold hearings to examine a post conflict Iraq.

SD–419

Judiciary

To hold hearings to examine judicial nominations.

SD–226

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider committee's rules of procedure for the 108th Congress, subcommittee assignments, S. 239, to amend the Public Health Services Act to add requirements regarding trauma care, proposed legislation entitled "Keeping Children and Families Safe Act of 2003", proposed legislation concerning NIH Foundation, proposed legislation concerning birth defects, and proposed legislation entitled "Animal Drug User Fee Act".

SD–430

Indian Affairs

To hold hearings to examine the nomination Ross O. Swimmer, to be Special Trustee—American Indians, Department of the Interior.

SR–485

FEBRUARY 13

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program.

SH–216

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program.

SH–216

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Forest Service of the Department of Agriculture.

SD–366

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on oil supply and prices.

SD–366

FEBRUARY 25

9:30 a.m.

Foreign Relations

To hold hearings to examine world food aid.

SH–216

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of Energy.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine terrorism, focusing on state and local response.

SD–430

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Disabled American Veterans.

SH–216

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on gas supply and prices.

SD–366

FEBRUARY 26

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

FEBRUARY 27

9:30 a.m.

Foreign Relations

To hold hearings to examine proposed legislation authorizing funds for the Department of State.

SD–419

10 a.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, hydrogen, and conservation, focusing on energy production on federal lands.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine the Workforce Investment Act.

SD–340

MARCH 4

10 a.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on financial conditions of the electricity market.

SD–366

MARCH 6

10 a.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on energy use in the transportation sector.

SD–366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Veterans Association, and the Non-Commissioned Officers Association.

345 Cannon Building

MARCH 11

10 a.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on federal programs for energy efficiency and conservation.

SD–366

MARCH 12

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 13

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reseve Association, and the Air Force Sargents Association.

345 Cannon Building

MARCH 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, the Military Officers Association of America, and the National Association of State Directors of Veterans' Affairs.

345 Cannon Building

SENATE—*Thursday, February 6, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who never sends tragedies or trouble but is with us in the midst of nerve-stretching times to give us courage, we fall on the knees of our hearts seeking the peace and hope only You can provide. When there is nowhere else to turn it's time to return to You. With the untimely death of the heroic astronauts, we are reminded of the shortness of our lives and the length of eternity.

Yesterday we listened to Secretary of State Colin Powell and realized again that we face a treacherous enemy with formidable, destructive power. For the sake of the safety of humankind and the world, grant the President, his advisors, and this Senate Your strategy and strength for the crucial decisions confronting them.

And now for the work of this day, keep the Senators and all of us who work with and for them mindful that You are Sovereign of this land, and that we are accountable to You for all that is said and done. May the bond of patriotism that binds us together always be stronger than any issue that threatens to divide us. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, on behalf of the majority leader, I have some information for Senators. The Senate will resume debate on the nomination of Miguel Estrada this morning. We had a productive debate on the Estrada nomination on yesterday afternoon, and it is the majority leader's objective to arrive at an agreement with the other side of the aisle regarding the consideration and vote on the nomination in the near future.

As previously announced, there will be no rollcall votes today. It is anticipated that the Senate will adjourn around noon. Therefore, Senators who wish to speak on the Estrada nomination are encouraged to make arrangements to do so earlier in the day.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, the Senate will return to executive session to resume consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, it is ironic that one of the arguments against Miguel Estrada, the President's nominee for the D.C. Circuit Court, center around prior judicial experience. This argument is nothing but hollow political rhetoric aimed at obstructing the Senate's constitutional duty to confirm judges. It is also a double standard of the highest order. To illustrate this point, I bring a Colorado legend to the attention of my colleagues. Byron "Whizzer" White may have passed away almost a year ago, but the Centennial State will forever feel his commanding presence. Mr. White was born in Fort Collins, CO, not far from where I live and where my family lives, and was raised in nearby Wellington. He went on to become his high school's valedictorian, All-American football star, college valedictorian, Rhodes scholar, professional football player, and a decorated World War II soldier. Noting his many significant achievements, President John F. Kennedy nominated him to the Supreme Court in 1962, saying, Byron White "excelled at everything he has ever attempted." White, at only 44 years of age, ascended to the bench of our Nation's highest court and went on to serve for three decades.

Why is this significant? It is significant because had President Kennedy adhered to such a rigid litmus test, Byron White would never have been seated on the bench of the United States Supreme Court. Adherence to the experience litmus test would mean that five of the eight judges currently serving on the D.C. Circuit would not have been confirmed because they had no previous judicial experience—including two of President Clinton's nominees, Merrick Garland and David Tatel, and one appointed by President Carter, Judge Harry Edwards, who was younger than Mr. Estrada currently is.

It is obvious that the opposition to Miguel Estrada is not concerned with merit or intellect. They are more concerned with partisan politics. Their work is concentrated on holding our Nation hostage to their rigid ideology, unprecedented in the consideration of judges. While caseloads in the Federal courts continue to increase dramatically and filings reach all-time highs, the opposition pursues an agenda of obstruction, aimed at disrupting the justice that is guaranteed by our Constitution, and creating a vacancy crisis in the Federal courts. Chief Justice William Rehnquist recently warned that the current number of vacancies, combined with the rising caseloads, threatens the proper functioning of the Federal courts.

This is a time in our Nation's history when our courts ought to be fully up and functioning. It is a time when there are lots of national security concerns centered around terrorist threats. These extraordinary delays must end. Miguel Estrada is a highly qualified and respected individual who deserves the Senate's consideration.

Mr. Estrada is a man of legal experience, a man of keen intellect and strong character. He has argued 15 cases before the Supreme Court and has served both as a Federal prosecutor and Assistant United States Solicitor General. If confirmed, he will be the first Hispanic to serve on the DC Circuit. I think that is significant. And he will be a principal asset to our system of justice.

Miguel Estrada has received the highest rating from the American Bar Association. He has received strong support from those who know him the best—the Hispanic legal community, including the Hispanic National Bar Association. I believe he has earned a vote in the Senate. He has earned my respect and my support, and I plan to vote for Miguel Estrada.

I thank the Chair.

I suggest the absence of a quorum.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that I be able to proceed for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I am happy to be able to take the floor this morning to argue in favor of Miguel Estrada. Miguel is one of the finest lawyers in the country. He has arrived at this position and status, where he is approved by the American Bar Association as "unanimously well qualified," the highest rating that the American Bar Association can give. He has had his critics, but only in generalized terms. He has had his critics who I don't think have a leg to stand on in the criticism they are raising.

One of the more ridiculous assertions that I have heard about Miguel is that he was not especially or sufficiently responsive at his hearing and therefore we need to have a second hearing to evaluate him. Keep in mind, the Democrats were in control of the Judiciary Committee. They called the hearing, they controlled the hearing, they controlled the timing of the hearing, they controlled the time for questions by Senators. And at least one Democrat said the hearing was conducted in a fair and responsible manner, and I personally agree with that. Senator SCHUMER was the person who chaired that particular hearing. I give him a lot of credit because it was a fair hearing and they asked every question they wanted to ask.

Secondly, after the hearing, on the Judiciary Committee we have a right to ask questions in writing. Only two Democrats asked questions in writing. Miguel Estrada had waited 631 days before he was given the privilege of having a hearing. Then the hearing was held.

Now we are hearing the same old wornout complaints that he wasn't sufficiently responsive and that, therefore, we need a second hearing to evaluate him.

Since Mr. Estrada didn't say anything at the hearing that could be used to besmirch him—that is the real problem; they could not find anything wrong with him; there is not one thing that anybody has said, other than generalizations, that has any merit at all—since they could not find anything at his hearing that could be used to criticize him, his opponents resorted to the tactic of alleging that he did not say enough. That is ridiculous. They controlled everything. They could have asked him anything, and I think they did. Now, he didn't say enough.

The fact is that Mr. Estrada correctly refused to answer questions that called upon him to prejudge issues that may very well come before him as a judge. That is what every nominee with any brains has done from time immemorial. No nominee wants to have to recuse himself in a serious case later because of something he said before the Senate Judiciary Committee. Well, let me repeat that. The fact is that Mr. Estrada correctly refused to answer questions that called upon him to prejudge issues that may very well come before him as a judge. This includes his opinion on whether established precedent was correctly decided and how he would decide these cases if he were working from a clean slate.

Lloyd Cutler, who was the White House chief counsel in both the Carter and Clinton administrations, and one of the premier lawyers in the country—certainly in this town—and one of the great public servants of all time, in my opinion, put it best when he said:

> [I]t would be a tragic development if ideology became an increasingly important consideration in the future. To make ideology an issue in the confirmation process is to suggest that the legal process is and should be a political one. This is not only wrong as a matter of political science; it also serves to weaken public confidence in the courts. Just as candidates should put aside their partisan political views when appointed to the bench, so too should they put aside ideology.

This is Lloyd Cutler, who was chief White House counsel for Presidents Carter and Clinton. He goes on to say:

> To retain either is to betray dedication to the process of impartial judging. Men and women qualified by training to be judges generally do not wish to and do not indulge in partisan or ideological approaches to their work.

Mr. Cutler concluded:

> Candidates should decline to reply when efforts are made to find out how they would decide a particular case.

I agree with him, and so did all the Democrats on the committee when President Clinton's nominees came before the committee. Now all of a sudden, they are applying a double standard or a different standard to Miguel Estrada and, I might add, other Republican nominees who are coming before the committee.

We should be commending Mr. Estrada for refusing to take the bait and answer these questions. Instead he is being criticized for it and, I think, in the view of any impartial observer, is being criticized unfairly for one reason: They just do not want a Republican conservative Hispanic to sit on the Circuit Court of Appeals in this country. That is wrong. We all know it is wrong, and yet that is what is behind much of the antagonism toward Mr. Estrada.

As a fundamental matter, I am perplexed by the charges that Mr. Estrada's record is blank. That is what we call bullcorn out in Utah. The truth is, Mr. Estrada's record is replete with material we used to evaluate his qualifications for the bench and how he would go about deciding cases. He has written numerous complex and thorough briefs for the courts, and he has argued on a wide range of subjects.

His briefs, all of which are publicly available—and I know the Democrat staffers have pored over every one of them—provide tremendous insight into his legal reasoning and thinking on constitutional and statutory interpretation. His achievement of having argued 15 cases before the U.S. Supreme Court provides a record of how he has responded to focused interrogation on the most important matters to America's highest court. The transcripts from these oral arguments are also publicly available. Where is the legitimate complaint by the other side about this blank-slate business?

Still further, Mr. Estrada not only said at his hearing he would support established law, but he proved this when he wrote an amicus brief at the Solicitor General's office in support of the National Organization for Women. I do not hear any compliments from the other side on his work there. His support of a law that backed a reproductive choice side in that case indicates there is no reason to expect he would not follow Roe and Casey as a DC Circuit Court judge, and yet that has underlined many of the complaints by my friends on the other side. They are so afraid that somebody on these Circuit Courts of Appeals might possibly do something to overrule Roe v. Wade or Planned Parenthood v. Casey, two very important abortion cases.

I have not heard one President Bush nominee say he or she will not uphold the laws of this land, including Roe v. Wade and Planned Parenthood v. Casey. The truth is, many on the other side have not even liked Planned Parenthood v. Casey because it does take a more moderate position with regard to abortion. Now it is the law of the land and, of course, it is one of the cases they certainly do not want to have overruled.

Mr. Estrada's opponents are so eager to distort his record that they do not mention this case or any one of many other cases which reveal his legal reasoning and willingness to follow the law.

It needs to be explained to everybody that not only do they have access to all these briefs he has written, both in the Supreme Court and other courts of the land, but they could have asked any question they wanted of Mr. Estrada. Any member of the committee can do that. Some may be ill-advised and not very fair, but we allow them to ask any questions they want. Then they can ask any questions in writing. In almost every case, Mr. Estrada asked to meet with individual Senators beforehand so they could meet privately and ask any questions they had.

Mr. Estrada today is known all over the country by those who really understand important lawyers and understand the success of lawyers—working with one of the most important law firms in the country as a full partner, and he has both Democrat and Republican partners. I might add, some of the leading people in support of Mr. Estrada today are Democratic attorneys—not just attorneys, but top attorneys—and we have mentioned them, from Ron Klain to Seth Waxman. Klain having been Vice President Gore's chief counsel, both as Vice President and in his campaigns. Ron Klain used to work on the Judiciary Committee as one of the top judiciary staff people. He is an excellent lawyer and a wonderful person. We all care for him. I personally care for him, and one reason I do is because he is honest, not just honest enough to say how good Miguel Estrada is and to back him, but honest in his dealings in legal matters as well. I have a lot of respect for him. Seth Waxman is one of the premier lawyers in the country, no question about it. He knows I have a lot of respect for him, and it is not just because of work on the Judiciary Committee. He is a fine lawyer, one of the best and former Solicitors General of the United States in the Clinton administration.

Some have advanced the preposterous argument that Miguel Estrada is not qualified to serve on the DC Circuit because he has no prior judicial experience. That is one of the most ridiculous arguments of all. Of all the ridiculous arguments his opponents have drummed up, to me this is the most ludicrous. There are literally hundreds of examples of judicial nominees who have gone on to serve as great Federal judges at both the Court of Appeals and Supreme Court levels despite having no prior judicial experience.

Chief Justice Rehnquist in his 2001 yearend report on the Federal judiciary noted:

> The Federal judiciary has traditionally drawn from a wide diversity of professional backgrounds with many of our well-respected judges coming from private practice.

Such Justices included Louis Brandeis, who spent his whole career in private practice before he was named to the U.S. Supreme Court in 1916 and came to be known as "the people's attorney" for his pro bono work.

Supreme Court Justice Byron White—I knew Byron White very well. He was very friendly to me throughout my career. He spent 14 years in private practice and 2 years at the Justice Department before his appointment to the Court by President Kennedy in 1962. He is a wonderful man. Byron White served this country well and his memory will always be a good memory. Byron White moved from the left to the center to even a little bit to the right on the Court, and that did not please a lot of our friends on the other side.

Supreme Court Justice Thurgood Marshall had no judicial experience when President Kennedy recess-appointed him to his first judgeship in the Second Circuit Court of Appeals in 1961. Justice Marshall had served in private practice and as special counsel and director of the NAACP prior to his appointment. I do not think anybody would doubt he made a very important contribution to the jurisprudence of this country.

Several well-respected members of the DC Circuit, including two of President Clinton's three appointments to that court, arrived with no prior judicial experience.

Merrick Garland: I have a lot of regard for Merrick Garland. I helped to see him get through when there was some opposition to him. He was a Clinton appointee. He served at the Department of Justice and was in private practice. He was never on the bench prior to his appointment.

David Tatel, also a Clinton appointee, had served in private practice for 15 years prior to his appointment. In fact, only three of 18 judges confirmed to the DC Circuit before President Carter's term began in 1977 previously served as judges.

For example, Abner Mikva, appointed by President Carter, was in private practice for 16 years in Chicago, served in the Illinois Legislature and in the U.S. Congress and had no judicial experience prior to his appointment in 1979 to the Circuit Court of Appeals for the District of Columbia.

Other Democrat-appointed DC Circuit judges with no prior judicial experience include Harry Edwards, Patricia Wald, and notably Ruth Bader Ginsburg, now sitting on the Supreme Court.

Several other Clinton appointees to the Courts of Appeals received their appointments despite having no prior judicial experience: Ninth Circuit appointees Richard Tallman, Marsha Berzon, Ronald Gould, Raymond Fisher, William Fletcher—who was a law professor at Boalt Hall at Berkeley—Margaret McKeown, Sidney Thomas, and Michael Hawkins all had no judicial experience prior to taking the bench.

Seven of these eight, all but Fletcher, were in private practice when they were nominated by President Clinton.

Second Circuit appointees Robert Katzmann, Robert David Sack, and Chester Straub had no judicial experience prior to their appointments. Third circuit nominee Thomas Ambro, Fourth Circuit nominees Robert King and Blane Michael, and Sixth Circuit nominee Eric Clay and Karen Moore also had no prior judicial experience.

What is the point? Is it that it is all right for Democrat Presidents to appoint people without prior judicial experience, who become very good judges on the bench, but it is not all right for Republican Presidents to do so? Is it all right to have more moderate-to-liberal appointees who have never had any judicial experience, but it is not all right to have moderate-to-conservative appointees appointed by a Republican President? It is all right to have liberal Hispanics appointed to the courts—I agree with that—but it is not all right to have a Republican Hispanic who, perish the thought, Democrats think may be conservative?

Given this illustrious group of former practitioners like Mr. Estrada, who were not Federal judges, I find it hard to swallow that Mr. Estrada's lack of prior judicial service should somehow be counted as a strike against him.

I noticed this morning in the New York Times—now, I read the New York Times regularly. It is a very important paper in this country, and I have a great deal of respect for most of the people who work at the New York Times, but their editorial department has been almost amazingly inaccurate—not almost amazingly, it has been amazingly inaccurate.

Today, they have an editorial dated February 6, 2003, entitled "Steamrolling Judicial Nominees." They say:

> The new Senate Republican majority is ushering in an era of conveyer-belt confirmations of Bush administration judicial nominations. No matter which party holds the gavel, the Federal courts are too important for the Senate to give short shrift to its constitutional role of advice and consent.

I agree with that. I do not think we should give short shrift to any degree. These are important positions. They are lifetime appointments. We ought to do a thorough examination of them.

So everybody understands, and I want the New York Times editorial board to understand, before a person even comes up to the Senate, that person has been evaluated by the White House, by the White House Counsel's Office, by the Justice Department. There has been a complete FBI review of that person's life. The FBI interviews just about everybody who wants to be interviewed and some who do not want to be interviewed. The interviews range from people who love the candidate or the nominee to people who hate his or her guts.

There are people who make scurrilous comments, all kinds of anonymous things. These are raw reports that come into the FBI file. They report it all. Then it comes to the Judiciary Committee, and the chairman and ranking member and our staffs go through those FBI reports with a fine-tooth comb.

To the credit of both the Republicans and Democrats—or Democrats and Republicans, I should say—both sides have worked very well to get rid of the chaff and to do what is in the best interest of this country and to be fair to these nominees. That is a very arduous process. The minute they decide to pick one of these people, or even maybe before sometimes, they then tell the American Bar Association—not because they have a formal role in the process but because we want to have the leading bar association in the country involved. At least the Democrats have always wanted to have them involved. I have to admit I did not want to have them involved when they were not being very fair, when there was bias and bigotry, but there is none of that now. I think they are doing a terrific job now, and as long as they do it fairly and down the middle, without bias and without being political, they are going to have my support, and I support them right now. But we then have the American Bar Association look into these people and they go right into the person's hometown. They talk to the attorneys who know him. They talk to their top attorneys whom they know are people of integrity and ability and leaders in the bar in their community. They talk to just about everybody who has any interest in the nominee, and this has all been done for Mr. Estrada. Then they sit down and they have their standing committee make an evaluation of these nominees.

These evaluations are tough evaluations, especially on those who do not come out of them very well. In this case, Mr. Estrada has a "unanimously well-qualified" rating from the Standing Committee of the American Bar Association—I should say from the American Bar Association because they represent the whole bar. That is something that does not always happen. In fact, it does not happen very often, to have "unanimously well-qualified."

All of that is unbelievably difficult for the nominee. The nominee has to sign a disclosure form that just about lays bare everything in that nominee's life. One can see why some people do not even want to become judges anymore. Some of the greatest lawyers in the country, who would serve on the bench, do not want to go through this process. The investigation of the nominee includes Finances and everything, it is all laid out; cases are laid out. They are asked questions that are very intrusive into their lives. I think the questionnaire is too strong, but it has been very difficult to change over the years. That is what they go through. Then they are nominated. The Judiciary Committee then starts its work, and we go through every one of these documents.

We go through that FBI report with a fine-tooth comb. If there is anything left undone, we then ask the FBI to follow up. We do not leave anything undone to the extent that we can. If there are some particular problems, we bring both sides of the Judiciary Committee together and tell them these are problems. We disclose it to the members of the Judiciary Committee. The ranking member will disclose it to his side. The Chairman discloses it to his or her side.

Once that is done, then we set it for a hearing. The hearings usually do not last days at a time for circuit court nominees or district court nominees. They are generally a 1-day affair, as they should be, because we have all this information. Anybody can cull through all that information, and their staffs really do. Sometimes they are looking for dirt, looking for things they can raise that might make the process better in some cases or that might scuttle a President's nominee in other cases. There is a lot of partisanship sometimes. That is not all bad because we want the best people we can get to serve on the Federal bench in this country.

This editorial indicates this is just a steamrolling of nominees. Now, that is crazy. In the case of Estrada, his nomination has been pending for 631 days, having had every aspect of his life combed over and because they cannot find anything to smear him with or find fault with—it depends on who the person is—or to criticize, all of a sudden he is being steamrolled.

Well, 631 days is almost 2 years. It is way too long. I have to admit, there were some mistakes when I was chairman during the Clinton years, but nobody should doubt for a minute that President Clinton was treated fairly. President Reagan was the all-time confirmation champion with 382 judges confirmed in his 8 years, and he had a Republican Senate to help him do it. President Clinton had virtually the same number, 377, as the all-time champion, and he had 6 years of an opposition party to help him do it. I know. I was the chairman during that time, and I did everything I could personally to help the President because he was our President. There was only one person voted down in that whole time, and I have to admit I do not feel good about that. And there were less people left holding at the end than there were when Democrats had control of the committee.

Going back to this editorial, because I want to help my friends at the New York Times to be a little more accurate—frankly, I think they can use some help because their editorials, especially in this area, have been awful. And this is a perfect illustration.

Going to the second paragraph:

> Republicans on the Judiciary Committee held a single hearing last week for three controversial appeals court nominees.

Just for information, that was Jeffrey Sutton. That was John Roberts, and a wonderful woman named Cook—Sutton and Cook and Bill Roberts from DC Court of Appeals.

By the way, all three are well known. Sutton is one of the top appellate lawyers in the country; Roberts, who was considered if not the top, one of the two top appellate lawyers before the Supreme Court of the United States; and Cook is a Supreme Court justice in Ohio.

> Republicans on the Judiciary Committee held a single hearing last week for three controversial appeals court nominees. There was no way, given the format, for Senators to consider each nominee with care.

We held one of the longest hearings ever on record, from 9:30 in the morning until 9:30 that night. I was willing to stay longer. I told the Committee we would finish that hearing that day and I would stay as long as it took.

> There was no way, given the format, for senators to consider each nominee with care. A fourth nominee had a hearing yesterday, and a fifth is likely to have one next week.

What is wrong with that? They have been sitting there for months and months and they are high-quality people. They have gone through this horrendous process to get to where they have a hearing.

> During the Clinton years, the committee took six months or more to consider the number of appeals court nominees this committee is hearing from in two weeks.

I would add that many nominees have been waiting longer, not 6 months or more, 2 years, in the ones we have called up.

By the way, Mr. Roberts had been sitting there since 1990 or 1991 or 1992. I know he has been sitting there for at least 11 years. He has been nominated three times. This is too much of a rush? Give me a break. They took a lot longer than 6 months to consider the Bush nominees.

> The nominees being whisked through all have records that cry out for greater scrutiny.

I have covered how scrutinizing we are in the committee. We do not miss anything. My friends on the other side do not miss anything. We don't either.

> One, Jeffrey Sutton, is a leading states' rights advocate who in 2001 persuaded the Supreme Court to rule against a nurse with breast cancer on the ground that the Americans With Disabilities Act does not apply to state employers.

I was one of the authors of the Americans with Disabilities Act. I was not enthused about that case. But the fact is, it was a legitimate legal matter and he had every right to represent the States in that matter. The attitude around here is, if he represented the States, it must have been wrong. Or, if he represents big corporations, he must be wrong.

Sometimes the States are right. Sometimes the corporations are right.

Mr. SESSIONS. Will the Senator yield?

There is some statement in there that sounds odd to me. They criticize Mr. Sutton for persuading the Supreme Court, like it is something bad. And I make a note that the Supreme Court ruled with him and agreed with his position.

I know the Senator is so knowledgeable about these issues. I just ask, Is there something wrong, is it disqualifying for an attorney to prevail on the Supreme Court?

Mr. HATCH. Apparently to the New York Times. The fact is, that case was written by the Supreme Court. He advocated, as any advocate, and he was representing, as I recall, one of the States.

> Another, Deborah Cook, regularly sides, as a state judge, with corporations.

Oh, my goodness. You mean we have somebody who will be on the Federal bench who occasionally finds corporations might be right? What a terrible thing that must be, that corporations are right? Let's be honest about it. A lot of employment cases, almost every one that is good, is settled before it gets to court. It is only the hard cases that basically have to be tried. And in many instances, those cases are not good cases. Some on the other side seem to think, well, she sides with corporations. My gosh, she sides with who is right. And that is what we should do.

Admittedly, sometimes it was a dissent, and she was known for the dissent. That is not bad. Dissenting judges play a noble role. You can disagree with cases but you cannot disagree with her integrity. No one would attack her integrity.

> In one case she maintained that a worker whose employer lied to him about his exposure to dangerous chemicals should not be able to sue for his injuries.

That is the most oversimplification I have ever seen. It is wrong.

> Jay Bybee, who was heard from yesterday, has argued that United States senators should be elected by state legislators, not the voters.

That is purely wrong; it is bunk. The fact is, this system we have is a good system. But we know one time Senators were elected by State legislatures. He has expounded on that.

> Questions have also been raised about whether, as a White House aide, Mr. Bybee attempted to suppress a criminal investigation of financing of Iraqi weapons purchases.

Come on. That is totally bunk. They have not talked to Mr. Bybee and given him any consideration. That, first, should never have been disclosed. But it was. And not one person asked a question about it. I am sure they will say they were watching Colin Powell's speech. I was not. I was sitting there in committee, making sure they had a chance to ask any questions they wanted. We delayed the committee until after Colin Powell finished to enable any Democrat to come, and at least two said they would come, to come back and question. They did not come back.

> The committee's new leadership showed similar recklessness when it waved Miguel Estrada through on a straight party-line vote.

What are we suppose to do if the other side plays politics with the judges? They did not have one good argument through the whole process, and we have had a horrendous process to begin with that took 631 days before he came to the committee. The only reason he came then was because the Republicans took control of the Senate. Thank goodness for that or he would never have come up. He would never have had a chance. We all know it around here.

"Mr. Estrada, a conservative lawyer"—who knows if he is. I don't know his ideology. I know he is a great lawyer. And I presume, as I am sure the President does, that he is probably moderate to conservative.

"Mr. Estrada, a conservative lawyer with 'almost no paper trail,'"—I just made the case there is a paper trail on him—"refused to answer senators' questions on crucial issues like abortion." Give me a break. He did answer. He said that he would apply the law regardless of his personal viewpoints.

This is a man who argued the case for NOW. Who knows where he stands—I don't know. All I can say is that is a ridiculous statement. I guess editorials can be ridiculous, but this one is particularly.

> Meanwhile, the White House refused to hand over memos Mr. Estrada wrote as a government lawyer that could have shed light on his beliefs.

They wanted memos on that side because they could not find anything else to give him a rough time about. They wanted memos on that side from the Solicitor General's office and seven former Solicitors General, four of whom are Democrats, came in and said that would be a very inadvisable thing to do because it would chill the work of the Solicitor General's office. People would not give their honest opinions if they knew that later they would be pilloried with those in the Senate of the United States.

> Meanwhile, the White House refused to hand over memos Mr. Estrada wrote as a government lawyer that could shed light on his beliefs.

Mr. Estrada said it would have been all right with him. He is proud of his work.

I have to say that the greater approach would be to recognize that there are some things that have to be privileged. As I say, all seven living former Solicitors General have said that.

"The Bush administration is naturally going to nominate candidates for the bench who are more conservative than some Democrats would like,"—that is fair—"and the Republican majority in the Senate is going to approve them." That is fair. "That does not mean, however, that the administration should be allowed to act without scrutiny,"—that is not fair, because it is tremendously scrutinized—"and pack the courts with new judges who hold views that are out of whack with those of the vast majority of Americans."

Now, come on.

> We fear that that is what the hasty hearing process is trying to—

Come on. Hasty—631 days before he even gets a hearing with all of that scrutinization that has gone on? It is not fair. This editorial is not fair.

I call on my friends at the New York Times: be fair about the judges. I know the paper is more liberal than I, and I expect you to be more liberal. But I expect you to be fair. This business about three judges being called at one time—they have been sitting there for 631 days or more; actually more. They have been sitting there since May 9, 2001. They have been scrutinized to death. We gave every opportunity to question and every opportunity to file additional questions.

By the way, I remember during the Carter years, when Senator KENNEDY was chairman of the committee, if I recall correctly we had seven circuit nominees on one hearing. Is it wrong for Republicans to try to move these judges after all of these delays when they have the opportunity to do so, but not wrong for the Democrats to move the judges they want moved when they have control of the White House and the Judiciary Committee? I don't think there should be a double standard. I wanted to move as many of those May 9 judges as we could. If you will take note, the next week we had only one and that was Jay Bybee. That was this week. And next week we will probably only have one more.

We are doing the best we can to try help solve judicial problems in this country. Just for the information of the New York Times, there are around 25 judicial emergencies in this country—emergencies. The Circuit Court of Appeals for the District of Columbia is one. The Sixth Circuit Court of Appeals in Ohio is another. We need to do something about that if we want justice in this country, if we want to have cases heard and tried and resolved—and that is what we want. That is what good lawyers want, fair judges who will fairly listen to their case and give them a fair trial. And these judges will. That is why they are so highly rated by the American Bar Association and that is why Miguel Estrada has the highest rating possible.

I think it is time for the New York Times to be more fair in its reporting on these judges. I noticed the day before they were reporting as though Paul Bender's opinion really amounted to something. It may in some areas, but certainly I think the opinions he gave at the Solicitor's office are more important than politically motivated opinions that he gives later as a liberal Democrat—and, I might add, a very liberal Democrat.

I have taken enough time. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business for 25 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Madam President, reserving the right to object, I assume the Senator will be speaking on a subject other than the Estrada nomination?

Mrs. MURRAY. That is correct.

Mr. SESSIONS. I will say, I was down here to speak on the Estrada nomination. I think the individuals who oppose him say they want to talk about it. I would like to hear what they have to say. This morning there is nobody down from the other side, the opposition, to speak against him. I don't know what they could say if they came. So it is frustrating to me.

I know the Senator has some issues she cares about deeply and wants to talk. I suppose that is appropriate at this time, although in reality I think we ought to be engaged in a debate about this nomination and why it should be held up, why he does not qualify for the bench, and why there is something wrong with an individual who was given the highest possible rating, unanimously, by the American Bar Association.

Having said that, I withdraw my objection to the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington.

(The remarks of Mrs. MURRAY are printed in today's RECORD under "Morning Business.")

Mrs. MURRAY. I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I assume we are on the business of the Estrada nomination.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, that is the pending business before the Senate today. It is a matter of importance. The Court of Appeals of the United States are important judicial offices. We need good people for those offices.

There is no doubt in my mind that Miguel Estrada is one of the finest nominees we have seen in years. He has an impeccable record, with extreme capability, and wonderful integrity. He had a great demeanor in the committee when he testified. So I am very impressed with him.

It is very disturbing to me that we would have a blockage, an obstruction being carried on here by the members of the Democratic Party. They stalled him in committee. They failed to give him and several other superb President Bush nominees to the court of appeals a hearing at all—over 600 days. It would have been 2 years in May since they were nominated, and there was not a hearing even held.

So when the majority switched, Senator HATCH had hearings on Mr. Estrada. I thought he testified just superbly, with such a winning manner. He is a low-key person, but he has a brilliant mind. He analyzed the questions carefully, and gave responsible answers time and again in a way that few could disagree with, in my view.

If we are going to slow down the work of the Senate, if we are going to stop what we are doing to talk about a nominee for the court of appeals, I would like to hear people step up to the plate and talk about that nominee. Let's see what the problems are. I haven't seen them. We have had two speakers today from the other side who talked about asbestos and hydrogen automobiles, not the subject at hand. We have agreed to that. I don't know how long we ought to agree to that. Maybe we should just say, if you want to slow down the Senate, then so be it. We will just talk about that day after day. I am concerned about that.

I did misspeak in saying that Estrada didn't have a nomination hearing under the Democratic majority. He did get a hearing late in the process. Three of the nominees we had last week who were nominated with him in May 2 years ago got their first hearing just last week. He was not part of that group.

Mr. Estrada came to this country at 17. He went to Columbia College where he graduated with honors magna cum laude. Then he went on to Harvard Law School. He grew up in Honduras. His mother came here. She could not speak English. He has done exceedingly well. He is a tremendous American success story. He is a great American, the kind of person we all respect because of his merit, his humility, his strength of character, his hard work, and his intellect.

After going to the Harvard Law School, which many consider the most prestigious law school in the world, he not only finished at the top of his class, he was chosen to be editor of the Harvard Law Review. The editor of the Harvard Law Review or any law review at a good law school is considered to be one of the most outstanding honors a graduate can have. It is probably more significant in the minds of many people than who had the highest grade point average, who finished No. 1 in the class. Being editor of the law review is something you are chosen for by your classmates and the faculty. It is a great honor. It requires exceptional academic excellence. He finished magna cum laude at Harvard. It also requires leadership skills and analysis, the kind of skills that most people think make a good lawyer. He was successful in that.

After doing that, he was an assistant U.S. attorney in the Southern District of New York. I was an assistant U.S. attorney in my prior life, and a U.S. attorney. But those in the Southern District of New York, rightly or wrongly, considers themselves to be the premier U.S. attorney's office in the country. They hire only the highest achieving assistant U.S. attorneys. They are very proud of that. Just being chosen at that office is a great honor. I would suspect there are more than 100 applicants for every vacancy they have. It is an office that handles complex matters. Some of the biggest financial and international matters often get handled in the Southern District of New York.

While he was there, he became active in and chairman of the appellate litigation section. That means he wrote briefs that would be presented to the Second Circuit Court of Appeals in New York. The Second Circuit is considered one of the great circuits in America. So he was chosen to represent the United States in the attorney's office, to write their appellate briefs before one of the great circuit courts.

One reason he was chosen for that is that Miguel Estrada, after graduating from Harvard, clerked for a U.S. Court of Appeals judge for the Second Circuit there in New York and had a good record. After having clerked for the Second Circuit, he was chosen to be a clerk for the U.S. Supreme Court, Justice Anthony Kennedy.

For lawyers graduating from Harvard, or from any law school in America, being chosen to be a law clerk for a Justice on the Supreme Court is an exceedingly great honor. It is sought by thousands and thousands, and very few are selected. He was selected because of his excellent record, his background, and expertise. It is a great compliment to him that he was chosen to clerk for Justice Anthony Kennedy, who is considered to be a swing Justice on the Court.

After that, he went to the U.S. attorney's office, where they prosecute criminal cases and work on the appeals that arise from those kind of cases and other matters relating to U.S. litigation in court. That is what they do there. He did a good job there.

Then he was chosen to come to the Solicitor General's Office of the U.S. Department of Justice. Inside the Department of Justice, one of the oldest Cabinet positions in our Government, one of the founding Cabinet positions, there is the Litigation Division. Inside the appellate litigation section is the Solicitor General's Office. The Solicitor General has often been referred to as the Government's lawyer. The position of Solicitor General has been called one of the finest lawyer jobs in the world, because the Solicitor General and his team get to appear before the Supreme Court and represent the United States.

I used to be thrilled when I could stand in a courtroom in the Southern District of Alabama and say: I represent the United States of America. The United States is ready, Your Honor.

That was a great honor for me. To be able to do that in the highest court in the land and represent the United States before the Supreme Court is a premier honor for any lawyer.

Miguel Estrada was chosen for that. He served over 5 years in that capacity. During that time, overwhelmingly, he served in the Clinton Department of Justice. During that time, every single year while he served in the Department of Justice, he got the highest possible evaluation that the Department of Justice evaluators give—year after year. They said he was cooperative, a leader; he inspired other lawyers to do their best. They said he followed the policies of the Department of Justice, not someone running off doing independent things and nutty things.

He was a solid, committed attorney to the Solicitor General's Office, to the ideals of the Solicitor General's Office. He was commended in his evaluations for following the policies of that office.

That is quite an achievement. He left there and joined the prestigious law firm of Gibson, Dunn & Crutcher, one of the great law firms in the world, no doubt. He has been highly successful there, and the President has now nominated him for the court of appeals.

He has, in the course of his career, argued 15 cases before the U.S. Supreme Court. You could count on both hands probably the number of practicing lawyers today who have ever argued 15 cases before the Supreme Court.

That is a reflection of the confidence that clients and his law firm had in him. This isn't politics. When you have a big case before the Supreme Court of the United States and you have to have somebody there arguing that case, you don't want second rate, you want the best person you can get. The Supreme Court hears less than 100 cases per year. They select only a very few. Whenever your case is chosen for the Supreme Court, there is no doubt about it, the clients start looking around for superior appellate lawyers to represent their interests in a case that may set national policy for generations to come. We still cite many of those Supreme Court cases time and again to indicate the importance of them and how much they impact our daily lives. So he was chosen 15 times to appear before the Supreme Court. I think that is a tremendous testament to his merit, his capability.

I will tell you something else. You don't hotdog before the Supreme Court of the United States. You have to know what you are talking about. You have to be disciplined and you must understand the rulings of the Supreme Court, how they impact the case at hand, and you have to argue to the Justices within the realm of their existing philosophy and the existing status of the case law as to why you think your client should prevail or why the opponent should not prevail. That is a great compliment to him.

Now, for some time, our Democratic colleagues have complained we did not give enough prominence to the opinions of the American Bar Association. They evaluate judges. They are not any official body. The American Bar Association is just an institution out there that does legal matters and represents lawyers as a group. They evaluate these judges. So they want to do it and they do it. They have every right to do it. I, frankly, value their opinions. I have always thought they were good. Some have felt they were biased a bit to the left. The positions the ABA takes at conferences consistently are liberal positions, which irritates a lot of lawyers and conservatives in the country. They have felt the ABA could not be trusted to evaluate judges objectively. In fact, I have noted some tendency to be less favorable to conservative judges than to liberal judges, but I feel their contributions are valuable—I always have—and I continue to believe they are valuable. So that was a complaint from our friends on the other side of the aisle, that we ought to listen to them more.

The ABA has reviewed Miguel Estrada's nomination. They have conducted a thorough review of it. They give several different kinds of ratings. They give ratings of nonqualified, unqualified, qualified, and a well-qualified rating. Very few people get the well-qualified rating. This is what it requires to get it, according to the ABA manual:

> To merit a rating of well qualified, the nominee must be at the top of the legal profession in his or her legal community . . .

The "top" of the profession . . .

> . . . have outstanding legal ability, breadth of experience, the highest reputation for integrity, and either have demonstrated or exhibited the capacity for judicial temperament.

That is what is required for a person to get the well-qualified rating. They have 15 or so lawyers study and talk to judges and to the lawyers in the firm with the person, and they talk to lawyers on the other side of cases from the nominee; they make the nominee list the top 10 or so cases they have handled, and they talk to the lawyers and judges to see how well they performed in handling those cases, and so forth. When all of that was done, Miguel Estrada was unanimously voted well qualified, which is the highest possible rating for the court of appeals. In fact, he is one of the finest young lawyers in America today, a man of extraordinary capabilities, and I think a man who would be perfect for the court of appeals. He will be handling cases in a number of different aspects. These will be the kinds of matters he has spent his life handling, because the kinds of cases they have here in DC are cases he has worked with both as an Assistant U.S. Attorney when he represented the United States of America, and at the Solicitor General's office, and also the kind of appellate cases he has had in private practice before the Supreme Court. I am proud of him. I have observed no complaint that in any way damages his qualities and capabilities.

Miguel Estrada has support across the aisle from Democrats and Republicans. He is the kind of person who ought to move forward. I remain utterly baffled about why such a fine nominee would be given the kind of grief he has gotten so far, and to be held up the way he has been held up, and how people say they are going to fight it for weeks, perhaps. I hope that is not so. I hope we don't have a filibuster. At the time the Republicans had the majority in the Senate, and when President Clinton was nominating judges, we never had a filibuster. During that time, we confirmed 377 of President Clinton's nominees and voted only one down. Not one nominee was ever blocked in committee, and in less than 2 years we have had two nominees blocked in the committee already, when the Democrats had the majority.

Regardless of that, this nominee ought to move forward. He is the kind of person we need on the bench. We should celebrate the fact that an individual of his quality, with his potential to create high income in one of the finest law firms in the country, right here in one of the most prestigious practices in the country, is willing to give that up for public service because he loves his country and the principles of our country.

I think he is the kind of person we need on the bench, and I think it is time for us to give him a vote. I am sure we will and, when we do, I believe he will be confirmed.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have been an observer of all of these debates about judges because I am not a lawyer and I don't sit on the Judiciary Committee, but I have been interested to note that when President Bush became the President, he announced he would not allow the American Bar Association to, in effect, veto Presidential nominees. He said the Constitution doesn't give the American Bar Association any right to determine who should be on the Federal bench and who should not, and that he would not bow to the American Bar Association for their recommendations.

Our friends on the Democratic side of the aisle, in the popular phrase of the teenagers, went ballistic. They said the American Bar Association was the gold standard by which everybody should be judged. And Senator LEAHY, when he was chairman of the Judiciary Committee, made it very clear that even though a recommendation from the American Bar Association is extraconstitutional, he would apply that extraconstitutional test to everyone who came up; and if they did not pass that test—extraconstitutional though it is—they could not be confirmed. He made that very clear. I am grateful to him for his candor. I appreciate the fact he was open with this body and the American public that that particular test was being added to the constitutional test that a nominee should pass.

Now we have someone before us who passes not only the constitutional test but the extraconstitutional test laid down by the Democrats. He is not only qualified—according to the American Bar Association, "well qualified"—he was found unanimously well qualified by the American Bar Association. Yet Senator LEAHY is leading a form of filibuster against this nominee that gives rise to this question, which I have asked on the floor before and, undoubtedly, in this extended debate I will ask again. I would ask Senator LEAHY, Senator KENNEDY, and the others: What additional, extraconstitutional test have you devised that you are applying to nominees for the judiciary? You have told us the first one. You have been very up front about it and tell us what additional, extraconstitutional test you have determined must be passed by a nominee because there is no obvious reason this nominee should be objected to; there is no obvious reason every single Democrat on the Judiciary Committee should have voted against him and we should see the coming of a filibuster against his nomination.

The Senators are exercising their rights. I do not object to them exercising their rights, but I do ask them very respectfully to tell us the nature of the test they are applying to these nominees so that we can know in advance in future circumstances which nominees will not pass their test, which nominees will fail that test. In order to do that, we need to know what that test is.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I ask unanimous consent that further materials be printed in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUNNING. I thank the Chair.

Mr. President, today I rise in support of the nomination of Miguel Estrada to sit on the DC Circuit Court of Appeals. As has been said many times in this Chamber, Mr. Estrada is highly qualified to sit on this court and deserves a fair hearing and a vote in the Senate.

There are four vacancies on the DC Circuit's 12 seats. Most lawyers consider the DC Circuit to be the second most important court in the United States. That means the court is missing one-third of its judges.

That is alarming. The seat for which Mr. Estrada has been nominated has been designated as a judicial emergency by the Judicial Conference of the United States. To leave the seat empty for any longer is unacceptable and dangerous.

In Kentucky, we know a little bit about vacancies. We are part of the Sixth Circuit Court of Appeals, and that panel has 6 vacancies right now out of 16 total seats. That is a little better from not too long ago when we had 8 openings, but it is not much better. In all, the U.S. Courts of Appeals have 25 vacancies, totaling 15 percent of the entire system.

The situation is so bad the American Bar Association has described it as an emergency. Fortunately, the Judiciary Committee held hearings on four appellate court nominees recently, and one of those nominees is now before the Senate. At least we are starting to see some progress.

Recently, Chief Justice Rehnquist delivered his annual report on the state of the Federal judiciary. One of the key points he emphasized was promptly filling vacancies. With this nomination, we have the opportunity to begin filling empty seats on the bench.

Case filings in the Federal court system hit a new record high last year, and I believe that trend will continue this year also. The record number of cases in the court system, combined with judicial vacancies, led the Chief Justice to warn Congress that proper functioning of the court system is in jeopardy. The Senate cannot and must not allow that to happen.

In concluding his remarks on judicial vacancies, the Chief Justice said:

> We simply ask that the President nominate qualified candidates with reasonable promptness and that the Senate act within a reasonable time to confirm or reject them.

I cannot imagine a clearer signal to the Senate to fulfill its responsibility to confirm judges.

President Bush has done his part in nominating candidates of the highest moral integrity and legal expertise. Each of his nominees has been carefully selected, and each deserves a hearing and a vote, which leads us to the nomination before us today.

Mr. Estrada was nominated by President Bush in early 2001. Although he did get a hearing in the Judiciary Committee after well over a year, he was not granted a vote. It took almost 2 years for him just to get his day in court. In fact, when the 107th Congress ended last year, 31 nominees were still waiting in committee for a vote. We had not even had hearings in the Judiciary Committee.

Twelve of the 14 pending nominees for the court of appeals were nominated in 2001, and six of them, including Miguel Estrada, were among the first group of nominees submitted to the Senate nearly 2 years ago.

The judicial nomination situation in the Senate is totally unacceptable. Fifteen of President Bush's appellate nominees have had to wait more than a year for a hearing—not even a vote, just a hearing. According to the Justice Department, 15 of President Bush's appellate court nominees have had to wait over a year for a hearing. This is a higher total than the combined total that had to wait over a year for the past 50 years.

Almost 90 percent of the appellate court nominees made in the first 2 years of the Reagan, George H. W. Bush, and Clinton administrations were confirmed by the Senate. But in the first 2 years of this administration, only 54 percent were confirmed.

Chief Justice Rehnquist is not exaggerating when he says the status of judicial nominations threatens the very function of our court system and justice itself.

As for Mr. Estrada, he is a fitting nominee to break this logjam. Mr. Estrada is an inspiration. He has lived the American dream. He will become the first Hispanic to serve on that prestigious court. He is a fine example of the quality nominees President Bush has sent to the Senate.

Mr. Estrada came to the United States when he was 17 years old, growing up in Honduras. He spoke little English when he arrived in America, but that did not keep him from graduating magna cum laude from Columbia College and Harvard Law School. He is no stranger to the appellate court system.

After law school, he clerked for a judge at the Second Circuit Court of Appeals. After that, he was a clerk for Justice Kennedy at the Supreme Court. Mr. Estrada then served as an assistant U.S. attorney in New York and a deputy chief of the appellate section of the U.S. Attorney's Office. Those jobs required him to try cases in the district courts and argue before the Second Circuit Court of Appeals.

Next, he served in the Office of the Solicitor General during William Jefferson Clinton's administration. Now he is a partner in the Washington, DC, law firm of Gibson, Dunn, & Crutcher.

It has been said many times, but I think it is worth repeating, Mr. Estrada earned the American Bar Association's highest rating for a nominee, a "unanimously well-qualified" rating.

He has been endorsed by a long list of political, business, and civil rights organizations. I have yet to hear any detractors make credible arguments that he is not qualified. I can see no obstacle to his being confirmed. He is supported by Seth Waxman, a Solicitor General under former President Clinton, as well as the former chief legal counsel to Vice President Gore. There is no question in my mind that Mr. Estrada will make a fine judge once confirmed. His life story is an inspiration for minorities, and all of us, throughout America. His hard work and dedication is obvious. His academic and legal achievements cannot be denied.

I urge the Senate to quickly hold a vote on this nomination, and I urge my colleagues to support Miguel Estrada.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, February 4, 2003.

DEAR COLLEAGUE: I write to urge you to support the confirmation of Miguel A. Estrada, who has been nominated for a seat on the United States Court of Appeals for the District of Columbia Circuit. If he is confirmed, he will be the first Hispanic to sit on this court, which is widely considered to be the second most important court in the country.

Mr. Estrada represents an immigrant success story. Born in Tegucigalpa, Honduras, his parents divorced when he was only four years old. Mr. Estrada remained in Honduras with his father while his sister immigrated to the United States with his mother. Years later, as a teenager, Mr. Estrada joined his mother in the United States. Although he had taken English classes during school in Honduras, he actually spoke very little English when he immigrated. He nevertheless taught himself the language well enough to earn a B− in his first college English course. In a matter of years, he not only perfected his English skills, but he exceeded the achievements of many persons for whom English is their native tongue. He graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, then received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review.

Mr. Estrada's professional career has been marked by one success after another. He clerked for Second Circuit Judge Amalya Kearse—a Carter appointee—then Supreme Court Justice Anthony Kennedy. He worked as an associate at Wachtell Lipton in New York—as high powered a law firm as they come. He then worked as a federal prosecutor in Manhattan, rising to become deputy chief of the appellate division. In recognition of his appellate skills, he was hired by the Department of Justice Solicitor General's Office in 1992. He stayed with that office for most of the Clinton Administration. When he left that office in 1997, he joined the Washington, D.C., office of Gibson, Dunn & Crutcher, where he has continued to excel as a partner. He has argued an impressive 15 cases before the United States Supreme Court, and the non-partisan American Bar Association has bestowed upon him its highest rating of Unanimously Well Qualified.

I take the time to offer up this brief recitation of Mr. Estrada's personal and professional history because I think it illustrates that he is, in fact, far from the right-wing ideologue that some have portrayed him to be. He clerked for Judge Kearse, a Carter appointee, then Justice Kennedy, a moderate by any standard. He joined the Solicitor General's Office during the first Bush Administration, but stayed on through much of the Clinton Administration. His supporters include a host of well-respected Clinton Administration lawyers, including Ron Klain, former Vice President Gore's Chief of Staff; Robert Litt, head of the Criminal Division in the Reno Justice Department; Randolph Moss, former Assistant Attorney General; and Seth Waxman, former Solicitor General for President Clinton. He has defended pro bono convicted criminals, including a death row inmate whom he represented before the Supreme Court in an effort to overturn his death sentence. He has broad support from the Hispanic community, including the endorsement of the League of United Latin American Citizens (which is the country's oldest Hispanic civil rights organization), the Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, the Hispanic Business Roundtable, the Latino Coalition, and many others.

Mr. Estrada has been unfairly criticized by some for declining to answer questions at his hearing about whether particular Supreme Court cases were correctly decided. Lloyd Cutler, who was White House counsel to both President Carter and President Clinton, put it best when he testified before a Judiciary Committee subcommittee in 2001. He said, "Candidates should decline to reply when efforts are made to find out how they would decide a particular case." He further explained, "What is most important is the appointment of judges who are learned in the law, who are conscientious in their work ethic, and who possess what lawyers describe as 'judicial temperament.'" Mr. Estrada's academic achievement, his professional accomplishments, and the letters of bipartisan support we have received from his colleagues all indicate that Mr. Estrada fits this description.

Several opponents of Mr. Estrada have attempted to block his confirmation by boldly demanding that the Department of Justice release internal memoranda he authored while he was an Assistant to the Solicitor General. All seven living former Solicitors General—four Democrats and three Republicans—oppose this request. Their letter to the Committee explains that the open exchange of ideas upon which they relied as Solicitors General "simply cannot take place if attorneys have reasons to fear that their private recommendations are not private at all, but vulnerable to public disclosure." They concluded that "any attempt to intrude into the Office's highly privileged deliberations would come at a cost of the Solicitor General's ability to defend vigorously the United States' litigation interests cost that also would be borne by Congress itself." The Wall Street Journal and the Washington Post have also criticized the attempts to obtain these memoranda.

These misguided efforts should not prevent our confirmation of a well-qualified nominee who has pledged to be fair and impartial, and to uphold the law regardless of his personal convictions. I have no doubt that Mr. Estrada will be one of the most brilliant federal appellate judges of our time, and I urge you to join me in voting to confirm him.

Sincerely,

ORRIN G. HATCH,
Chairman.

LATINO COALITION
FOR MIGUEL ESTRADA,
Washington, DC, February 5, 2003.

Hon. JIM BUNNING,
Member, U.S. Senate,
Washington, DC.

DEAR SENATOR BUNNING: At a time of a serious judicial vacancy crisis in our country, it is simply disingenuous that the Senate Democratic leadership is threatening to filibuster a nominee to the U.S. Court of Appeals, with impeccable credentials and a unanimous "well qualified" rating from the American Bar Association.

On May 9, 2001, President Bush nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals for the District of Columbia Circuit. Mr. Estrada would be the first Hispanic in history to sit on that court, which is widely viewed as the most important and prestigious Court of Appeals in the nation. No wonder George Herrera, President and Chief Executive Officer of the United States Hispanic Chamber of Commerce, concludes that "Estrada's nomination can be a historic event for the Hispanic community. Latinos in this country have worked hard to break the barriers and obstacles that have stood in our way for too long and we now have the opportunity to do so. Estrada's appointment will also be a role model for Latino youth by demonstrating that a Latino can be appointed to one of the highest courts in the nation." He is just one of the overwhelming majority of national Hispanic grassroots organizations that are enthusiastically supporting his nomination, not just because he is Hispanic, but because he is superbly qualified.

Mr. Estrada is unique in another respect, too. As his colleagues can attest, both conservatives and liberals alike, Mr. Estrada is one of the most brilliant and effective appellate lawyers in the country. Having worked at the Justice Department under Republican and Democratic Administrations, he has demonstrated a commitment to upholding the integrity of the law and a dedication to public service. During his career, he has argued fifteen cases before the Supreme Court—all before reaching the age of 40. He richly deserves the unanimous "well qualified" rating the American Bar Association bestowed on him—the organization's highest possible evaluation.

Miguel Estrada is more than just a talented lawyer. He represents the potential of a growing population and what is possible in the United States. A native of Honduras, Mr. Estrada arrived in the United States at age 17, unable to speak much English. Yet he graduated magna cum laude from Columbia University and magna cum laude from Harvard Law School, where he was an editor of the Harvard Law Review. He clerked for Supreme Court Justice Anthony Kennedy—one of the more moderate Republican appointees who continues to be Estrada's mentor. Mr. Estrada's own journey from immigrant to successful attorney has inspired him to devote much of his career to serving his fellow Americans. Both in government service and in private practice, he has sought to ensure that all citizens receive the law's fullest protections and benefits, whether they are death-row inmates or abortion clinics targeted by violent protestors.

Never has a judicial nominee that has been voted out of the Judiciary Committee been successfully filibustered in the Senate. Estrada's opponents argue that he is a Hispanic in name only and is an ideologue. This is absolute non-sense.

Miguel Estrada is considered by all who have worked with him to be a brilliant attorney who has demonstrated the ability to set aside any personal beliefs he may have and effectively argue cases based on the US constitution and the law. Perhaps the most compelling praise in support of Mr. Estrada's nomination has come from Democratic political appointees who worked with him in the Clinton Administration.

Prominent Democrats including Ron Klain, the former Chief of Staff of Vice President Gore; Seth Waxman, Clinton's Solicitor General; Robert Litt, Associate Deputy Attorney General in the Criminal Division; Drew Days III, Solicitor General; and Randolph Moss, Assistant Attorney General in the Office of Legal Counsel have all praised Miguel Estrada for his brilliance, compassion, fairness and respect for precedent (quotes attached).

It would be an ironic travesty of justice for any member of the US Senate—a body without a single Hispanic member—to vote against Mr. Estrada with the excuse that he is a Hispanic in name only or that he does not understand or represent the values of our community? Under normal circumstances, this argument would be so absurd that we would have ignored it. But under the current partisan environment, we cannot stand by and allow Mr. Estrada's ethnic background to be used against him.

Miguel Estrada was nominated on May 9, 2001. He did not receive his first hearing until September 26, 2002, 16 months after his nomination. Now his opponents complain that they have not enough time to evaluate his record and that his nomination should not be rushed to a vote. We believe that a nominee should not have to wait for 21 months for a vote and that the Senate has had plenty of opportunity to consider Miguel Estrada's qualifications. This same tactic was used to delay Richard Paez's nomination for more than 4 years. It was unfair then and it is unfair now.

Any attorney who has argued 15 cases before the US Supreme Court has an extensive legal track record that can be analyzed for accuracy, quality, effectiveness and bias. Yet, incredibly, Mr. Estrada's detractors claim that his legal record is too skimpy for them to make an informed decision on his nomination. This ridiculous claim underscores the opposition's real problem . . . that there is nothing in Miguel Estrada's record that would lead a reasonable person to conclude anything other than this nominee is an exceptionally well qualified, highly principled attorney, who will make a fine judge on the DC Circuit.

The Hispanic National Bar Association, the League of United Latin American Citizens (LULAC), The Latino Coalition, the United States Hispanic Chamber of Commerce, the American Association for the Advancement of Mexican Americans, MANA—a national Latina organization, and the Mexican American Grocers Association are among the many Hispanic organizations supporting the nomination of Miguel Estrada.

Miguel Estrada is a perfect example of an American success story, who deserves an up or down vote on the Senate floor. He brings to the court a distinguished and extensive legal record based on his many years of work in the public and private sector. Mr. Estrada also brings unique perspective and human experience understood only by those who have migrated to a foreign land.

It is for this cultural depth and his unique legal qualifications that on behalf of an overwhelming majority of Hispanics in this country, we urge the leadership of both parties in the U.S. Senate to put partisan politics aside so that Hispanics are no longer denied representation in one of the most prestigious courts in the land.

Sincerely,

League of United Latin Americans Citizens, the Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, the Association for the Advancement of Mexican Americans, The Latino Coalition, Mexican American Grocers Association, the Hispanic Contractors Association, the Interamerican College of Physicians & Surgeons, the American G.I. Forum, the Federation of Mayors of Puerto Rico, the Casa De Sinaloense, the Cuban American National Foundation, the Hispanic Business Roundtable, the Cuban Liberty Council, the Congregacion Cristiana y Misionera "Fe y Alabanza", the MANA, a National Latina Organization, theNueva Esperanza Inc. Cuban American Voters National Community, the Puerto Rican American Foundations

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I compliment the Senator from Kentucky for his excellent remarks. He said much of what I wanted to say, outlining the extraordinary qualifications of Miguel Estrada. He very clearly laid out the case that there is no legitimate reason to filibuster his nomination, but that appears to be the tactic that is being contemplated and maybe even being engaged in by many on the other side of the aisle, certainly not all on the other side of the aisle. We are certainly grateful for Members who are discerning enough to understand, as has been quoted many times—the Washington Post has suggested that filibustering this nomination would be unjustifiable, I think is their term, and certainly beneath the standards in the Senate. The standard is that we do not filibuster judges for the circuit courts, that it would be an unprecedented move to filibuster a judge.

In the 220-odd-year history of the Senate, what makes this judge so unique? And that is what it would be, it would be unique because it is the first time in the history of this country a filibuster would be conducted on a circuit court nominee.

What makes this nominee so unique to warrant—and I am not using this term in a pejorative sense but in a factual context—an extreme reaction, extreme by the definition that it is the first time in almost 230 years of American history that this would occur, that this would be an extreme reaction because it has never been done before.

What has this nominee done, or what about this nominee causes such an overreaction, or extreme reaction, that raises the bar to this high level?

Let's look at this nominee. The Senator from Kentucky noted he is intellectually clearly qualified. He got into colleges I was not able to get into, I can say that. As the Senator from Kentucky said, he is a man who was raised in Honduras. English was not his first language. He was able to perform at the highest levels at some of the most rigorous universities in the country, Columbia and then Harvard Law School. He was on Law Review, it is my understanding, at Harvard Law School. These are truly lofty attainments and a demonstration of not only a powerful intellect but a rigorous attitude toward his studies and a commitment to excellence.

He clerked for the appellate court, which is a high honor very rarely bestowed upon graduates of law school, and even a more rare honor is to clerk for a Supreme Court Justice. He obviously has the intellectual capability, even at a young age; that was established. He has gone on with a distinguished career in law, public service, and in the private sector. He has argued numerous cases before the Supreme Court, which, frankly, standing up before a panel of Supreme Court Justices is hard enough but, in all candor, standing up when you have a speech impediment has to be a thoroughly paralyzing experience. To have the courage to persuasively make arguments, nonetheless, and deal with the bench under this context is a testament not only to his intellectual capability and to the hard work he puts into his job but to the personal courage and determination this man has.

So we have in this nominee someone who has overcome adversity in language, adversity in disability, and performed at the highest levels of the legal profession in this country.

As the Senator from Kentucky mentioned, he has a unanimous well-qualified rating. I am sure this has been repeated many times, but the other side has said this is the gold standard, this is the stamp of approval, getting a qualified rating from the American Bar Association.

This was not a qualified rating. This was not a well-qualified rating. This was a unanimously well-qualified rating.

So what is it? What could it possibly be that this nominee has done in his life to potentially warrant the first ever filibuster of a circuit court judge in the history of the Senate? What has he done? What are the arguments on the other side?

One of the arguments on the other side is he does not have sufficient experience. Well, I am a lawyer, and I can say I do not have near the experience Miguel Estrada has. I have not performed nearly in the arena of the law he has. His experience is abundant.

He has never been a judge. He is being nominated for a position on a court where there are eight judges right now. Five of the eight confirmed by this Senate had no prior judicial experience. So if judicial experience was so important for this court, then why do over half the members on this court have no prior judicial experience? One could make that argument, but the cup the water is being held in is as empty as the top. It flows straight through. It does not hold any water.

He has refused to disclose his judicial philosophy. Since when do we expect people who are applying for judicial nominations to tell us how they would rule on future cases? That would truly be an extreme view, an unprecedented view, for the consideration of judges in the Senate. We do not require people to prejudge cases. In fact, part of the canons is one does not prejudge cases. So to ask a judge-nominee how he would rule or what his feeling is on these matters is inappropriate and that is why most judges, if not—well, maybe some give opinions, but most nominees who come before the Senate for confirmation do not answer that question. They can talk general judicial philosophy, but to go through and talk about how they would rule on certain cases is something that is an inappropriate question, in my mind, and should not be answered.

The other side is saying he did not turn over his work papers. Now, I did practice a little bit of law, and there is a privileged work product of lawyers that is not available to the other side in a case. Generally speaking, it is not available for discovery. Why? Because when you are working on a case—having worked in my capacity for a senior partner in most cases, as is the case here, because Miguel Estrada was an Assistant Solicitor; he was not the Solicitor General; he was working for someone in the capacity of the Solicitor's office—you are preparing the case and trying to share his opinions, his candid opinions about what his boss should do.

His boss may make a different decision, but his boss needs, as my senior partner needed, my candid opinion about what I thought of the merits of our argument or the facts in the case or whatever the case may be. He needed my candid assessment. Why? Because I understood the issue better than he or she did. That work product was essential for coming to the decisionmaking with all the best information that decisionmaker needed to make the property assessment of the case and to move forward.

Mr. BENNETT. Will the Senator yield?

Mr. SANTORUM. I am happy to yield.

Mr. BENNETT. It is my understanding that Mr. Estrada was employed during the Reno Justice Department; is that the Senator's understanding?

Mr. SANTORUM. That is correct.

Mr. BENNETT. Is it not then the case that some of these papers the committee is demanding are papers that were submitted to a Clinton Presidential appointee who acted as Solicitor General; is that not the case?

Mr. SANTORUM. That is correct.

Mr. BENNETT. So is it not true that it is a Clinton appointee, former Solicitor General, who is now saying it would be inappropriate for Mr. Estrada's material to be made public?

Mr. SANTORUM. That is correct, including, I believe, six other Solicitor Generals who have said it would threaten the viability of the Solicitor General's office if this information were discoverable through this nomination process.

Mr. BENNETT. If I could comment on the question, I find it interesting for those who supported Janet Reno for Attorney General and supported President Clinton's Presidential nominees in that office, which nominees, after confirmed, are saying Estrada's notes should not be made public, are saying those nominees are wrong.

Mr. SANTORUM. I find that incongruous. I find, frankly, all of the arguments to be specious, at best.

What is confounding is that such an extreme measure appears to be in the offing, which is a filibuster, on such a pathetically weak case against this nominee.

So one has to step back and ask, Why? What is going on here? Why is this nominee being singled out? What is it about this nominee that is unusual, that has raised the fear or the ire of so many in this Chamber?

Mr. BENNETT. Will the Senator yield?

Mr. SANTORUM. I am happy to yield.

Mr. BENNETT. I recall in the last Congress where the Democratic members of the Judiciary Committee, and particularly the Democratic leader, then majority leader, along with the then-chairman of that committee, Senator LEAHY, attacked Republicans for being insufficiently supportive of nominees who were women or members of minorities. We were given quotas, if you will, at least the language of quotas, that we should have so many women and so many minorities, and we were attacked in the strongest possible language. Indeed, it came close to violating Senate rules, of implying that everyone on this side of the aisle was either sexist or racist because we did not support a sufficient number of minority nominees or female nominees.

Mr. SANTORUM. I suggest it went further. We were accused, if we voted against any minority—they would single out any negative vote against any minority member—it was the equivalent of having some sort of antiracial agenda; that somehow we harbored ill feelings toward whatever particular race or gender happened to be the subject of that nominee.

Mr. BENNETT. The Senator's memory is correct. We were told if we voted against any nominee who happens to be either a woman or a minority, we were, indeed, guilty.

Now we have one who happens to be a minority. I do not believe nominations should be made on the basis of gender or minority status. But when we have a nominee based on quality, who happens to be in a minority status, I find it disingenuous of those who made the point of the minority status. We didn't; they did. Those who made the point of the minority status now are insisting that the minority status should not be considered. I wish they would be consistent. Either minority status does not matter or it does, and if it does, as they insist, it should be a reason for them to vote for this nominee.

Mr. SANTORUM. I stand here, as the Senator from Kentucky and the Senator from Utah, and ask the question, Why this nominee? The Senator may have—I hope he has not—may have uncovered what may be the underlying cause of this obstruction. We have passed and considered judges who, through their nominating process, have disclosed their conservative ideology equal to Miguel Estrada. It is accepted that Miguel Estrada is conservative in answering his questions and how he interprets the law. It seems to be consistent with, frankly, most if not all of President Bush's nominees. President Bush believes in commonsense judges who take the Constitution for what it says and who follow the law.

As Miguel Estrada has said in his testimony, he would follow the law. The Supreme Court says this is the law; he will follow the law. That is all this President wants. That is all most Members, certainly on our side, would like to see—which is, judges now, who are not Supreme Court Judges now, because they are making more law than following law—judges on the district court and appellate courts and their responsibility to follow the higher court. Miguel Estrada said, without question, he will do so.

It is not that he will not follow precedent. The objection must be philosophy. If it is philosophy, look at all the nominees of this President. They are overwhelmingly almost universally more conservative than they are liberal. I don't know how you measure conservatism, but certainly they are almost all generally right around where Miguel Estrada is as far as his philosophy is concerned of government and of jurisprudence. Yet none of them have been filibustered on the floor of the Senate.

So, again, you come back: What is different about Miguel Estrada than all the other conservative district court judges, appellate court judges, who have been confirmed by the Senate? They have been given a vote. I won't even go to confirmed. They have just been given the opportunity for a vote.

I can speak from personal experience, one I know very well. We had probably the most contentious nominee to hit the floor the last session of Congress, a judge from Pennsylvania, Judge Brooks Smith. He was from the western district of Pennsylvania. Judge

Brooks Smith is a conservative judge, very much in the mainstream of ideology on the court and America. But he tracks more conservatively in his opinions than those more activist in nature, or more liberal.

Did they oppose him on that? No, they found a few issues having to do with him being involved with a club, years ago, that excluded women. So they began to make this case that he was antiwoman. So that was the reason for this whole thing, even though we had the local chapter of NOW in his own county come out and suggest this is a good guy. It didn't matter. They had a hook. So they stuck the hook in. But they gave him a vote. They reported him out of committee and we gave him a vote on the Senate floor and he passed with 60-plus votes here on the floor of the Senate.

I know Judge Smith well and have tremendous respect for him. But I suggest Judge Smith and Miguel Estrada, when it comes to judicial philosophy, are pretty much two peas in a pod. It's pretty hard to tell the difference between how they would approach the issues. Judge Smith got a vote, even though, arguably—even though I think it was a red herring—he had some other issue out there that could have been used to discolor or discredit him.

What issue does Miguel Estrada have that could potentially disqualify him? What has he done in his legal career that could be used against him? I have not heard anything that, through his experience or education or actions, has disqualified him from this position. I haven't heard of any clubs he belonged to. He is a minority, so it's hard to belong to a club that excluded minorities, if he was one, so we can't run into that problem.

Maybe that is the problem. Maybe that is the problem, that we have someone who is a conservative and a minority. Is that the combination that is lethal?

Mr. BENNETT. Will the Senator yield?

Mr. SANTORUM. I am happy to yield.

Mr. BENNETT. As the Senator from Pennsylvania seeks to find a reason for opposing Mr. Miguel Estrada, I suggest to him one that comes out of yesterday's editorial in the Washington Post, as the Washington Post points out that Mr. Estrada did not cooperate with the Democrats in producing a case against him. Then it says,

> Because it stems from his own and the administration's discourteous refusal to arm Democrats with examples of the extremism that would justify their opposition, they are opposed to him.

The editorial concludes:

> Such circular logic should not stall Mr. Estrada's confirmation any longer.

I agree with the Washington Post in this circumstance. It may be they were hoping he would be cooperative enough to give them something to use against him and when he refused to do that, and indeed his background says there is nothing in there he could have given them, in anger they decided to turn against him.

As the Senator looks for some reason why they are opposed to him, maybe they are just disappointed over the fact he passed?

Mr. SANTORUM. I know when you try to bully someone into doing something and they don't do it, it can be pretty frustrating. But that is no reason to go to such an extreme unprecedented measure of filibustering an obviously competent, well-qualified—unanimously supported by the American Bar Association—nominee for the circuit court.

I would just say this in closing. It is my intention as a Senator to see this nominee through to a vote. I think this nominee deserves a vote. There has been no reason, no legitimate judicial reason why this nominee should not be given an opportunity to be voted on. So I will make this statement. It is this Senator's intention to do everything I can do to keep the Senate on this issue for as long as it takes for a vote to occur.

When I say "as long as it takes," let me underscore what I mean: As long as it takes.

If the other side likes to stand up and criticize Miguel Estrada and wants to filibuster his nomination, let me assure you, we will provide you plenty of opportunity and time to do that if that is what you want to do. If you want to make the next days, weeks, months, years an opportunity to talk about Judge Estrada's qualifications for this job, it is this Senator's intention to give you the opportunity to do that. He deserves, through his outstanding record of accomplishment, overcoming language, disability, and prejudice heretofore and potentially now, to get this vote.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Nevada.

Mr. REID. Mr. President, because of the statements made by my friends on the other side of the aisle relative to Mr. Estrada, I would like to take a few minutes and rebut some of what they have stated during today's session of the Senate.

It is true there is a conflict in our country as to whether or not he should be approved by the Senate. We have newspapers saying yes, newspapers saying no. My friend from Pennsylvania, the junior Senator from Pennsylvania, who stated he could not understand why there was a filibuster, first has to understand there has never been a statement on the floor to the effect there is a filibuster. A decision has not been made by the leadership on this side as to whether or not there will be a filibuster. But let me just say I think something as controversial as this nomination should have some consideration.

We just started this process at 2:45 p.m. yesterday. There was good debate on Wednesday. We had a memorial service for the *Columbia* this week in Houston. We had another one this morning. Many Senators attended the two services. There is no session this afternoon or Friday because of the majority being engaged in a retreat. There is nothing wrong with having a retreat. We are going to have one in May. We will have to take some time off.

But we should not rush to judgment. There will be a decision made as to whether or not there will be a filibuster, but that decision has not been made, to my knowledge.

Let me say there are people who care a great deal about our country who oppose this nomination. There are people who care a great deal about our country who favor this nomination. That is the reason our Founding Fathers established the Senate of the United States.

We do not live in a dictatorship. President Bush is President Bush, not King George. He knows that, I hope, and I am confident he does.

Take, for example, the New York Times which said, among other things:

> The Senate Judiciary Committee is scheduled to vote tomorrow on Miguel Estrada, a nominee to the D.C. Circuit Court of Appeals. Mr. Estrada comes with a scant paper trail but a reputation for taking extreme positions on important legal questions. He stonewalled when he was asked at his confirmation hearings last fall to address concerns about his views. Given these concerns, and given the thinness of the record he and his sponsors in the administration have chosen to make available, the Senate should vote to reject his nomination.

Mr. President, this is the New York Times. It is a newspaper that has circulation not in the tens of thousands or hundreds of thousands but in the millions.

Among other things, this editorial states:

> Mr. Estrada has put few of his views in the public record. One way to begin to fill this gap, and give the Senate something to work with, would be to make available the numerous memorandums of law that Mr. Estrada wrote when he worked for the solicitor general's office, as other nominees have done. But the White House has refused senators' reasonable requests to review these documents.
>
> Mr. Estrada, now a lawyer in Washington, also had an opportunity to elaborate on his views, and assuage senators' concerns, at his confirmation hearing, but he failed to do so. When asked his opinion about important legal questions, he dodged. Asked his views of Roe v. Wade, the landmark abortion case, Mr. Estrada responded implausibly that he had not given enough thought to the question. Mr. Estrada's case is particularly troubling because the administration has more information about his views, in the form of his solicitor general memos, but is refusing to share it with the Senate.

Finally, the article says:

> The very absence of a paper trail on matters like abortion and civil liberties may be one reason the administration chose him. It is also a compelling—indeed necessary—reason to reject him.

It is not as if the objection to this man is out of nowhere. We have editorials and newspapers that are transmitted to millions of people every day that take the position this man shouldn't be confirmed as a circuit court judge. We can't discount those opinions, or think there are some left-wing kooks who have decided for reasons which are not substantive not to go with this man.

I would also say that there have been a number of Senators talking about how unusual it is—how unusual it is—that we are talking about a judge's qualifications. I think if there is anything in the extreme, all we need to do is look at the newspaper of today—the Roll Call: "GOP Calls on K Street to Boost Estrada."

What this is all about is getting the lobbyists involved—to put pressure on Senators to move forward on this nomination and approve him. This Roll Call story documents special interests being told by members of the Republican leadership that they have a stake in this nomination process.

I think if there is anything untoward, it is the pressure being put on these people.

I also note that one of the Senators in the majority complained today about vacancies in the Federal court system. We are talking about the D.C. Court of Appeals. We Democrats tried to fill those. We were not allowed to do so. Why? Among other reasons, we were told by the majority that the D.C. Court of Appeals was too big and the people we wanted to put on would be just unnecessary baggage; that it wasn't necessary to fill those vacancies.

What our friend on the other side of the aisle complained about was OK, but he failed to explain that the vacancies on the two courts he mentioned—the D.C. Court of Appeals and the Sixth Circuit—were caused by the Republicans' failure to act, or their success in blocking nominees to the DC court.

Allen Snyder, who was a nominee voted qualified by the ABA, was never given a hearing, and never had a committee vote for a seat on the District of Columbia Circuit.

Elena Kagan, a well-respected law professor, was never given a hearing and was never given a committee vote for her nomination to the District of Columbia Circuit Court.

On the Sixth Circuit, Kathleen McCree Lewis—I am only giving you examples—waited for more than a year, was never given a hearing, and was never given a committee vote on the Sixth Circuit.

Kent Markus—no hearing and no vote; Helene White waited 4 years—no hearing and no vote.

We have said here—Senator DASCHLE when he was majority leader and I have said—that this isn't get even time for when we were in the majority. We tried to treat the minority then as we wanted to be treated when we were in the minority. We expect to be treated as we treated the minority when we were in the majority for approximately 18 months. That is what we are asking.

Mr. President, the majority leader is on the floor. I would be happy to yield to the majority leader and then would retain the floor when the majority leader completes his statement.

The PRESIDING OFFICER. Without objection, the majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday there be an additional 6 hours for debate on the Estrada nomination: provided further that the time be equally divided between the chairman and ranking member or their designees, and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Given the objection, Mr. President, I ask my colleagues on the other side of the aisle if they need additional time, which I assume they do? And if so, would they be willing for me to modify the request to 8 hours or 10 hours or 12 hours?

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I would be happy to respond to the distinguished Republican leader, the majority leader. As he knows, we began this debate yesterday afternoon. We had a good debate yesterday, I think, for 3 or 4 hours. I thought it was a constructive debate.

There are strong feelings on both sides of the aisle with regard to this nomination. I think our colleagues, of course, would have been prepared to continue the debate this week, and, for good reason, we are unable to do that because of the Republican conference. Our conference is later on this spring. Theirs is now. That precludes our opportunity to continue the debate. But clearly, very few Senators have had a chance to be heard. Few Senators have had the occasion to look more carefully at these facts.

We cannot prescribe a particular time, at least at this point. We will continue to discuss this matter with our colleagues, and I will be in touch with the distinguished Republican leader at a later date. But clearly this nomination deserves careful consideration, with ample time for debate.

I would hope colleagues on both sides of the aisle could be afforded their chance to speak to this nomination. It is a controversial nomination and, therefore, requires perhaps more time than others. So for that reason, I object.

I, of course, would not be able to say how much additional time we would require, but certainly some time next week will be required.

Mr. REID. Will the majority leader yield so I can ask a question of the Democratic leader?

Mr. FRIST. I am happy to yield, Mr. President.

Mr. REID. I say to the distinguished Senator from South Dakota, there has been talk here by the majority that there is a filibuster taking place. I said, just a few minutes ago, unless I missed something you said, there has been no decision made from you as to whether or not there is going to be a filibuster. Is that a fair statement?

Mr. DASCHLE. I say to the Senator from Nevada, that is correct. As I said, I think I recall there were only three or four Senators who were able to speak yesterday. There are many others who wish to have the opportunity to speak. And certainly to cut off debate prior to the time they have had that occasion, especially with a nomination of this import, would be unwise. But there is no filibuster as we speak.

Mr. FRIST. Mr. President, I very much appreciate the comments made by the assistant Democratic leader and the Democratic leader on the importance of this nomination and the importance of having adequate time for debate and discussion, in part because this is the first judge to come through in this Congress, and it is important that it be handled well and it be handled fairly and it be handled in a cooperative spirit, which has been demonstrated over the last 2 days.

The reason for extending the unanimous consent request for Monday, which was objected to—I do want to state very clearly we need to have people on the floor talking and debating and discussing as much as possible for the times that are made available. I will shortly announce we will come back Monday. I would hope we could go through Monday and Monday evening, if necessary, and use that time effectively so we do have adequate discussion and debate.

This is an important nomination. There has been good debate to date. I encourage all of our colleagues to take advantage of the opportunity we are making available. We will extend the hours, starting earlier and going later, in order to make sure people do have that ample opportunity.

In terms of the allegations of a filibuster—and certainly even the use of the term yet—individual Senators can express themselves, but I think it does show the desire to have good debate, useful debate, to have the points made on both sides of the aisle, and then to allow an up-or-down vote on this nominee. I think we are on course for that.

I would appreciate, in the early part of next week—after checking with your side of the aisle; and I will do likewise—for us to try to get some sort of time certain so we can further plan the business of the Senate.

Mr. REID. Mr. President, can I ask the distinguished majority leader a couple questions?

Mr. FRIST. Yes.

Mr. REID. First question. I believe you will announce it later. Do you expect any votes on Monday?

Mr. FRIST. Yes. We will have votes on Monday.

Mr. REID. Second question: Let's say there is something worked out and we have a vote on this on Tuesday. What are we going to take up after that?

Mr. FRIST. We will have other judges we will go to, and there are a number of bills that are being considered. There is a children's bill that is related to pornography we will be taking up at some point. There are other bills that have come through. There is an antitheft bill that is being considered right now we might be able to take up on Monday.

Mr. REID. Those bills have been reported out of committee?

Mr. FRIST. The military tax bill has been reported out. We have the Moscow treaty, which is very important, that we passed through the Foreign Relations Committee. We would like to address that as soon as possible. There are other pieces of legislation that are being looked at now. So we do have a number of items we can go to.

Mr. REID. One final question, Mr. President: What time do you expect the vote to be on Monday? We have people on our side, and I am sure on your side, who are interested in that.

Mr. FRIST. Approximately 5 o'clock.

Mr. REID. I would just say, if we could make that 5:15, it helps one of our Senators.

Mr. DASCHLE. Mr. President, I thank the distinguished assistant Democratic leader. I know that our Republican colleagues are hoping to adjourn shortly so they can accommodate their schedule. I want to respect that, but I know Senator BIDEN also wanted to come to the floor for some brief remarks with regard to North Korea, which is why I originally came to the floor.

I wish to comment for a moment and thank the distinguished Senator from Nevada for his comments on the Estrada nomination. I think it may arguably be the most serious of all nominations which has been presented to the Senate by this administration—the seriousness of knowing so little with so little information having been provided, and with so significant a level of intransigency with regard to a willingness to provide the information we seek. We have a constitutional obligation to advise and consent.

For the life of me, I don't understand how anybody could be called upon to vote on the qualifications of this or any other individual with so little information provided, and with the arrogance demonstrated by this nominee and in this case by the administration with regard to our right to that information.

I am very troubled. I know when you look at the array of Hispanic organizations that have now publicly declared their opposition to a Hispanic nominee, you get some appreciation of the depth of feeling about this issue, about this candidate, about his qualifications, and about the stakes as we consider filling a position in the second highest court in the land.

I will have a lot more to say about this next week.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session and proceed to a period for morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, I know Senator BIDEN had hoped to be heard.

Mr. FRIST. Mr. President, if the Democratic leader will hold it for just one second, we will allow plenty of opportunity. Be thinking of the time that you need.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ONGOING CRISIS IN NORTH KOREA

Mr. DASCHLE. Mr. President, I commend the Secretary of State for the strong presentation to the United Nations Security Council that he made yesterday. He confirmed what many of us already knew—that Saddam Hussein is a threat who has, once again, failed to live up to his commitments to the international community.

And he did it at a place many of us had been pressing him and the administration to do it—at the United Nations.

I hope that President Bush will use Secretary Powell's presentation to build a broad international coalition to confront Iraq. Our national security is better served if he does.

But, as the world's attention was focused on Secretary Powell and his presentation, an even more ominous development regarding weapons of mass destruction was taking place in North Korea.

Yesterday, North Korea announced that it had flipped the switch and restarted a power plant that can be used to produce plutonium for nuclear weapons.

This is but the latest in a series of aggressive steps North Korea has taken to kick into gear its programs to develop weapons of mass destruction and the means to deliver them—steps that our intelligence community believes indicate that Iraq is months, if not years, away from being able to take.

At the U.N., Colin Powell talked about the potential that Iraq may build a missile that could travel 1,200 kilometers. In 1998, North Korea fired a multi-stage rocket over Japan, proving they are capable of hitting one of America's closest allies—and soon, America itself.

In November 2001, intelligence analysts presented a report to senior administration officials that concluded North Korea had begun construction of a plant to enrich uranium for use in nuclear weapons.

In October 2002, North Korea informed visiting U.S. officials that it had a covert nuclear weapons program.

In December 2002, North Korea turned off cameras that were being used to ensure that 8,000 spent nuclear fuel rods were not being converted into weapons-grade material.

Days later, North Korea kicked out an international team of weapons inspectors.

And, within the past week, the administration confirmed that North Korea has begun moving these fuel rods to an undisclosed location.

On Tuesday, former Assistant Secretary of Defense and Korea expert Ashton Carter called these events "a huge foreign policy defeat for the United States and a setback for decades of U.S. non-proliferation policy."

He is right. But it is potentially even worse. North Korea could have six to eight additional nuclear weapons before autumn.

And we know, when it comes to nuclear weapons—it only takes one. Remember, everything North Korea makes, North Korea sells.

Those scuds we intercepted on a ship to Yemen—and then inexplicably returned—weren't a gift. They were an example of business as usual from what even this administration has acknowledged is the world's worst proliferator.

As alarming as this information is, the administration's reaction is even more troubling. The President said in the State of the Union:

> the gravest danger in the war on terror . . . is outlaw regimes that seek and possess nuclear, chemical, and biological weapons.

As the chronology of events I detailed above indicates, the administration knew about North Korea's plans on enriching uranium as early as November 2001, and yet it has said little, and done less, to stop these plans.

We have heard the administration—through leaks in the press from unnamed sources—suggest that we cannot focus on North Korea because it will distract attention from Iraq.

And we have even heard—and this is on the record—that some in the administration believe that North Korea's expansion of its nuclear arsenal is not even necessarily a problem.

Proliferators with nuclear weapons are a problem—a serious one. And our attention should be focused on all the threats we face. It is well past time that the administration develop a clear policy on North Korea.

Earlier this week, an administration official testified before the Senate that we will have to talk directly to the North Koreans. But he went on to say that the administration had not reached out to the North Koreans to schedule talks and did not know when that might happen.

In the State of the Union, the President stated that the United States is "working with the countries of the region . . . to find a peaceful solution." All indications, however, suggest that the countries in the region appear to be taking a course directly at odds with the administration's latest pronouncements.

North Korea is a grave threat that seems to grow with each day that passes without high-level U.S. engagement. It is one the President must redouble his efforts to confront.

The President should stop downplaying this threat, start paying more attention to it, and immediately engage the North Koreans in direct talks.

Secretary Powell was very effective in outlining the threats Iraq poses. But we need a comprehensive strategy to effectively deal with "all" the threats we face.

Given the stakes of this situation and the ongoing confusion about the President's and the administration's policy, we should expect no less.

ENERGY POLICY

Mr. DORGAN. Mr. President, midday today President Bush is going to give a speech here in Washington, DC, on the subject of the development of fuel cell vehicles and moving to a hydrogen economy.

I was glad to hear the President express support for the concept of hydrogen and fuel cells in his State of the Union Address. After his speech, I gave him credit for discussing that with the American people.

Since last year, I have made a number of presentations on the Senate floor about fuel cells. Today, I would like to share with my colleagues my thoughts about the development of a hydrogen economy and the use of fuel cells in our future.

I have told all my colleagues previously that my first vehicle when I was a kid was an antique car I purchased for $25. It was a 1924 Model T Ford. I am sure people are tired of hearing me talk about it. I was 16 years old, and I was the owner of an antique 1924 Model T Ford. I restored it. It took me a year and a half to 2 years to do that. I lovingly restored this old Model T. Then I sold it. I discovered, later in high school, that I wanted to date, and a Model T was not exactly a modern way to date.

The point of the story is, when I was a kid I put gasoline in a Model T Ford—a 1924 Model T Ford—the same way you put gasoline in a 2003 Ford. Nothing has changed in three-quarters of a century. You pull up to a pump. You pull the hose and put the nozzle in the tank and pump gas. The core technology has not changed.

Over the years, however, our dependence on a foreign source of that petroleum has worsened, and become very dangerous for our economy.

Yesterday, the Secretary of State made a presentation at the United Nations about the country of Iraq. Frankly, Iraq produces a lot of oil. So do other countries in that region.

It is a very troubled region. Yet our economy is dependent on foreign sources of energy, much of it from that region. Is that something that makes sense for us, for the American economy, for the American people? The answer is no.

By talking about a technological change to a hydrogen economy and to the use of fuel cells, I am not suggesting we should not and will not mine for coal, drill for oil and natural gas. I believe we will continue to use fossil fuel in our economy for a long while. And I believe we need to do that.

But we also need to understand that it is time to change. After a century of running gasoline through the carburetors of our vehicles, it is time for our country to think in different ways, about how can technology change our energy future. I would like to talk a bit about that.

Again, let me say that I credit the President for talking about it in his State of the Union Address. I think this is a step forward on the part of the administration—a baby step to be sure—but an important step.

Mr. President, $1.2 billion is what the President announced last week and is talking about today. That is not all new money. In fact, the majority of it is not new money. So it is a timid, small step forward, but, nonetheless, a step in the right direction, for which I give this President credit.

Let me talk a bit about why we need to take strong action. I have in the Chamber a chart that shows oil consumption—in millions of barrels per day. This shows total demand, and you see the line going up, up, up, and up. It also shows transportation demand, and that growth in transportation demand is the bulk of the growth in energy needs and energy usage in our country.

As you can see from the chart, shown here is domestic production. Domestic production does not come close to meeting the demand that exists in our country. So what do we do to meet the difference? What we do is we import oil from other parts of the world.

The issue of energy security is a significant issue for all of us. The White House issued a press release on that subject in connection with its hydrogen proposal, noting the gap between our projected demand for oil and our domestic supply. And that gap is going to increase, not decrease—even if we would drill in ANWR, which I do not think this Congress will decide to do.

This is what the White House had to say in proposing development of fuel cells:

> America's energy security is threatened by our dependence on foreign oil.

Absolutely. There is no question about that.

> America imports 55 percent of the oil it consumes; that is expected to grow to 68 percent by the year 2025. Nearly all of our cars and trucks run on gasoline. They are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil Americans use each day is used for transportation.

The President went on to say:

> Fuel cell vehicles offer the best hope of dramatically reducing our dependence on foreign oil.

If tonight, God forbid, a network of terrorists interrupted the supply of imported oil to this country, tomorrow morning this economy would be in desperate, desperate trouble. That is the jeopardy we have in this country with our dependence—overdependence—on foreign sources of energy.

Let me describe where this dependence resides. And one can make one's own judgment about the stability of it all.

Our top supplier of oil is Saudi Arabia. That is not exactly describing a region of stability. Saudi Arabia is our top supplier. And then you have Mexico, Canada, Venezuela, Nigeria, Iraq, Angola, Norway, Colombia. Mr. President, 3.4 million barrels are imported into this country from these countries. And you understand—everyone understands—that Venezuela is in trouble. There is enormous turmoil in the country of Venezuela. Saudi Arabia, Iraq—these are areas of the world where there is not great stability.

It makes no sense to continue along, merrily whistling our way into the future, believing that our country will be just fine even as our economy is so dependent on sources of oil from outside our borders.

One-third of our oil comes from the Middle East. Iraq is the sixth largest supplier of oil; Venezuela is the fourth; Angola and Colombia, the seventh and ninth—both countries are also plagued with difficulties.

Hydrogen fuels offer a way out. The supply of hydrogen is inexhaustible. It is everywhere. It is in water. The issue of hydrogen fuels is an interesting one. The notion of using hydrogen and the development of fuel cells is not new. In fact, a man named William Robert Grove was one of those larger-than-life characters who in the 19th century could do almost anything. He studied law at Oxford, became a barrister and a judge. In his spare time, he was also a professor of physics. He ran into a patch of ill health and had his legal career interrupted, so he turned to science to occupy his time, and he developed what he called a gas voltaic battery, the forerunner of modern fuel cells.

He based his experiment on the notion that sending an electric current through water splits water into oxygen and hydrogen. He figured if you could reverse the reaction, combining hydrogen and oxygen, you can produce electricity and water. In effect, he burned the hydrogen to produce electricity.

Hydrogen can be derived from all sorts of energy sources. You take the hydrogen from water and use it to move through a fuel cell and use it to power an automobile and out the back tailpipe, you get water vapor. What a wonderful thing.

This is a picture of a Daimler-Chrysler fuel cell vehicle that in June of last year went from San Francisco to Washington, DC. This technology exists. It is being perfected.

The next chart shows a Ford fuel cell vehicle ready for production, a prototype, in autumn 2002. This is not a futuristic technology; there are fuel cell cars on the road today. I have driven a fuel cell car out in front of the Capitol Building, a car that is run by batteries powered by a fuel cell, that is using hydrogen as a fuel source.

The challenge is to make this technology cost effective. I have been meeting with the CEOs and representatives of companies, Shell Hydrogen, Methenex, UTC Fuel Cells, Union of Concerned Scientists, Siemens Westinghouse, just to name a few, to get their ideas. A broad coalition of interests is coming together because they recognize the promise of a hydrogen technology, going to a hydrogen economy using fuel cells in our future.

I mentioned a Ford Focus fuel cell car. Here is a picture of Ford Focus fuel cell car that is being filled at a hydrogen fuel station. If we were to convert the automobile fleet to fuel cells, what would we have to do? We would have to build vehicles with fuel cells. We would have to find a reliable supply of hydrogen, determine how we will get the hydrogen, and then we have to have the infrastructure, fueling infrastructure and stations and technology to make this a commercial reality. That is one of the issues we have to deal with.

Fuel cell cars don't have to be limited in size to a Ford Focus. For example, Nissan has another fuel cell prototype car—we are seeing more and more companies involved in this—the Nissan Xterra, fueled by compressed hydrogen, tested on California roads in the year 2000.

General Motors now has an innovative prototype called the Hy-wire. This particular car has a detachable exterior so you can buy multiple exteriors with one chassis so you can switch between an SUV or sedan. It has no steering wheel or pedal. It is operated with a joystick. This is a fuel-cell-powered vehicle.

To make this vision a reality, the private sector is going to need public investment. You might ask, why is that the case? Virtually all of the new technologies, the pole vaulting to new technologies, requires Federal involvement, requires governmental involvement. People these days forget, when they go on their computers and on to the Internet, they don't remember that the Internet exists because the Government developed a project to create the Internet. Otherwise, the Internet would not exist. That was a government creation that then became privatized, democratized, and is now a ubiquitous presence all around the world.

If we are going to change the basic construct of our vehicle fleet—and yes, stationary engines and other approaches to the use of power as well—but especially with respect to vehicles, because of what I described with the increased use of oil in our transportation fleet, the only way that will happen is if we do what we have done in other major technological challenges: We need to think big. We need to be bold.

When we decided we were going to explore space, President John F. Kennedy said, we will put a man on the Moon, and he set a time deadline. America is going to put a man on the Moon.

We need an Apollo-type project with respect to the development of a hydrogen-based economy and the use of fuel cells, especially in our transportation fleet.

We need an Apollo-type project—not timid, not baby steps, bold, big steps—that says: Here is our goal. Here is what our country intends to do, and here is how.

The President has proposed $1.2 billion over 5 years for this fuel cell initiative. About $700 million at most is new spending. And his proposal has substantial redirection of funds from a range of other technologies we also need to be developing: solar energy, wind energy, biomass, and the other renewable and limitless sources of energy that exist. We need to continue to fund the research that is so important on those limitless sources.

This initiative—one the President supports, one I credit him for supporting—in my judgment deserves a strong financial commitment and aggressive and strong goals to be set. It should not come at the expense of research into other renewable sources of energy.

The Europeans are investing big in hydrogen. As discussed in a New York Times article in October, the European Commission has committed $2 billion over 5 years. They want to have a hydrogen economy. The Japanese are betting big on hydrogen, as discussed in a Business Week article. The Business Week article says that:

> Tokyo's fuel cell initiative has all the hallmarks of a farsighted strategy and calls to mind Tokyo's blossoming success in hybrids. Americans are snapping up these fuel-efficient, environmentally friendly cars. Fuel cells could turn out to be a bigger, more important chapter in the same book.

I propose legislation that is bold. It is an Apollo-type project that says: Let's set bold goals, $6.5 billion in a 10-year program for hydrogen fuel cell research, development, and infrastructure. I have been working with a number of industry leaders in natural gas, oil, energy, methanol renewables, and fuel cell industries. Interestingly enough, the very companies that are now involved in the development of oil and natural gas and electricity are the companies that are going to be involved in this technology. They are the ones on the leading edge, involved in cutting-edge technology with respect to a hydrogen economy.

This initiative will not displace current energy firms. They will be very actively involved in the creation and development of this new future.

What I propose is a substantial boost over what the President is proposing to date, saying it is the right direction, but it is many steps short. Let's do this and do it boldly. We need to fund infrastructure, fund research, and set goals. R&D funding, pilot projects, yes, tax incentives for consumers who buy fuel cell vehicles, all of that is necessary. But it needs to be broad, bold, new money, not reprogrammed money, something that catches the imagination of the American people that we can make a change and decide our country will not be held hostage by oil coming from unstable regions of the world.

Is $6.5 billion a significant investment? Absolutely. But over 10 years, my plan would cost an amount equal to less than 1 percent of the President's proposed $675 billion tax cut.

Now, in our debate over energy, there will be discussion about where we should drill for oil. As I said before, my State produces oil, coal, and natural gas. I believe we are going to continue to do that, and we should. But if our strategy in energy is only to dig and drill, then our strategy should be called "yesterday forever." And that is not going to solve the problem of dependence on foreign oil.

In 2000, the president of Shell Oil attended the World Petroleum Congress, and this is what he said:

> If the world thinks that carbon dioxide emissions should be reduced, I see this as an opportunity. The stone age didn't end because they ran out of stones, but as a result of competition from the bronze tools which better meet people's needs. I feel there is something in the air. People are ready to say this is something we should do.

You know, that is what our charge is at this point—to think ahead. We should not develop a policy and debate a policy that is simply "yesterday forever," and not to ignore the needs of those that produce coal, natural gas, and oil. We need to work with industry leaders to make them part of the solution, part of the answer, part of the cutting-edge change that will lead us to a hydrogen-based economy, with fuel cells powering not only stationary engines, but especially that part of our energy usage that is growing so rapidly, transportation.

I started by talking about my old Model T that I bought as a young boy. I am hoping that in years to come, someone walking into a showroom to buy a new car will be able to buy a really "new" vehicle, powered by fuel cells, a vehicle that is part of a new hydrogen-based economy, one that can move this country into the future, strengthen its economy, and rescue us from dependence on a supply of oil from such enormously troubled parts of our world.

Will Rogers used to say:

> When there is no place left to spit, you either have to swallow your tobacco juice or change with the times.

On energy, there is "no place left to spit," in the vernacular. We have to change. We need to move beyond the same tired debate of where are we going to dig and drill. Let's work with those that produce fossil fuels and say you are valuable to this country and to our economy and will always be. Let's work with them to say you will also be the pioneers in the development of a hydrogen economy, developing fuel cells for our future. We can do that. This President says, let's move in that direction. I say, absolutely, good for you. But I say let's do more than just move. Let's be bold, establish a national goal, and make this happen.

ASBESTOS IN ATTIC INSULATION

Mrs. MURRAY. Mr. President, I rise today to share a story with my colleagues. It's a true story about a family who happened to live in a neighborhood in Spokane, WA. They could have easily been in Memphis or Minneapolis or Midland as well. But they lived in my State, in Spokane, a typical American city in Eastern Washington.

Mr. President, as part of realizing their American dream, Ralph Busch and his wife Donna bought a house. They were newlyweds, and this was the home they bought after getting married. They soon discovered that it needed roof repairs, and so Ralph spent quite a bit of time in the attic, working on his roof.

The following year they found they had to renovate an addition that was put on the house in the 1950s.

They both had full-time jobs, so they spent many nights and weekends working on their home. They knocked down walls and tore through the old insulation, drywall and wood. They sanded and hammered and spent two entire years fixing up the place.

One morning, Ralph was reading the newspaper. Just by chance, he came across a story about a company that manufactured a household insulation called Zonolite. This insulation, he read, was tainted with deadly asbestos.

Ralph suddenly realized that Zonolite was in his home.

Ralph Busch was stunned as it dawned on him. He had just spent two years in his own home handling Zonolite insulation and he and his wife may have unknowingly been exposed to deadly asbestos.

What would happen from his and his wife's exposure?

How come no one had told him he had asbestos in his attic?

The Zonolite insulation was a product from the little town of Libby, MT. It was produced by the W.R. Grace Company.

W.R. Grace mined vermiculite from the hillside near Libby. The company turned the ore into insulation known as Zonolite by heating vermiculite to expand it into light granules.

The process was similar to popping popcorn. After sorting the popped vermiculite, W.R. Grace poured it into bags and sold it to use as insulation.

The company marketed Zonolite as "perfectly safe". . .

But laced throughout the vermiculite in the ground near Libby, another mineral was present: asbestos. W.R. Grace's process to make Zonolite and other products could not, and did not, remove all the asbestos from the end product. Zonolite insulation contains between .5 percent and 8 percent asbestos.

The community of Libby has suffered immensely from decades of mining the deadly vermiculite ore used to make Zonolite insulation and other consumer products.

At least 200 men and women from Libby have died from diseases caused by exposure to asbestos-tainted vermiculite, and hundreds more people from the town are sick.

When inhaled, asbestos can cause deadly diseases, from asbestosis to mesothelioma, a deadly cancer of the lining of the lung that is almost always fatal. In fact, mesothelioma kills at least 2,000 people each year and is caused only by asbestos.

The diseases induced by exposure to asbestos result in horrible deaths and they are nearly always fatal. Treatment is harsh and debilitating.

These diseases can take years to strike. The late Congressman Bruce Vento and the father of the modern Navy, Admiral Elmo Zumwalt both died from asbestos they had been exposed to years earlier.

The asbestos-tainted insulation manufactured by the W.R. Grace Company was used in homes throughout the country for decades.

Vermiculite from Libby first started being sold commercially in 1921, and W.R. Grace bought the mine in 1963. Reviews of invoices indicate that more than 6 million tons of Libby ore was shipped to hundreds of sites nationwide for processing over the decades.

This chart behind me shows more than 300 sites across the Nation, where ore was processed, in many cases to make Zonolite insulation.

In internal memos and e-mails, the Environmental Protection Agency has estimated that as many as 35 million homes, schools and businesses may still contain this insulation. Moreover, W.R. Grace knew the Libby mine contained asbestos when the company purchased it in 1963. But Grace made millions of tons of Zonolite anyway and unabashedly marketed it as "safe."

If the manufacturer of this insulation knew it was contaminated with asbestos, why didn't it or the Federal Government make sure that Ralph Busch and millions of others across the country knew to leave it alone?

The answer to the first question is that W.R. Grace still claims its product isn't harmful. The answer to the second question is more complicated.

According to published reports and internal EPA documents, the EPA was preparing to tell the American people about the dangers of Zonolite insulation. But it didn't happen.

An investigation by Pulitzer Prize-winning reporter Andrew Schneider found that last spring while it was addressing the public health crisis in Libby, MT, the EPA was preparing to tell the American people about the dangers of Zonolite insulation in millions of homes across this country. But first, EPA had to deal with Libby. EPA decided it needed to minimize the exposure of Libby residents to asbestos-contaminated vermiculite, and the agency drafted a press release announcing its decision.

This document said that EPA:

> . . . will spend $34 million to remove dangerous asbestos-contaminated vermiculite insulation from 70 percent of residential and commercial buildings in Libby.

I am glad that EPA has taken aggressive steps to protect people in that small Montana town.

Senator BAUCUS deserves tremendous credit for the work he has done to bring Federal resources to Montana to help people in Libby.

And EPA deserves credit for doing the right thing, and going in to remove the insulation from Libby.

But what about the rest of the country? What about the millions of other homes with Zonolite insulation?

Since EPA decided to help Libby, the agency anticipated the logical follow-up question of what about the millions of homes nationwide that contain the same Zonolite insulation as homes in Libby.

According to the St. Louis Post-Dispatch, the EPA had drafted news releases, and drawn up lists of public officials to notify. The agency was preparing to embark on an outreach and education campaign to let people know about this hazard in their homes.

But what stopped EPA from following through with its warning?

It may have been the same person or people who blocked another government health agency from warning workers about asbestos exposure.

Last April, the National Institute for Occupational Safety and Health—NIOSH—was preparing to release new guidance for workers who come into contact with insulation in the course of their daily work.

NIOSH was preparing to alert workers, such as electricians, plumbers and maintenance workers, about how they can better protect themselves from exposure to asbestos in Zonolite insulation.

These materials were prepared last April, but they still have not been released.

Let me read from a "Pre-Decisional Draft" of a NIOSH Fact Sheet dated April 11, 2002.

I ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NIOSH RECOMMENDATIONS FOR REDUCING RISK OF WORKER EXPOSURES TO VERMICULITE THAT MAY BE CONTAMINATED WITH ASBESTOS

A vermiculite deposit formerly mined in Libby, Montana was contaminated with asbestos, raising concerns about occupational and public health risks to former miners, residents of Libby, and to workers and consumers who come in contact with vermiculite end-products, such as insulation and potting soil. This fact sheet summarizes existing recommendations by the U.S. Centers for Disease Control's (CDC) National Institute for Occupational Safety and Health (NIOSH) for reducing risk of worker exposures to asbestos or to materials that may be contaminated with asbestos. These recommendations serve as interim guidance from NIOSH for employers and workers involved at sites where vermiculite used as attic insulation or for other purposes may be contaminated with asbestos. NIOSH is conducting further research on vermiculite to provide more information on exposures that may pose the highest risks to workers.

How can a worker or an employer know if vermiculite they have is contaminated with asbestos?

The only way to determine conclusively whether vermiculite is contaminated is to have it analyzed by a trained microscopist. (Any suggestions by NIOSH beyond OSHA 1910 regarding methods for bulk analysis would be extremely helpful and reduce much of the confusion we are seeing as polarized light microscopy (PLM) has not been useful in evaluating and predicting airborne levels generated from VAI).

As a rule, we believe that any vermiculite that originated in Libby, Montana, before 1990 should be regarded as potentially contaminated. It is known that vermiculite from Libby was sold as attic insulation under the product name Zonolite Attic Insulation, and that this product is still in homes throughout the United States.

(Comment: WR Grace estimates several million homes contain VAI, which is most likely very conservative. If we don't wish to provide any indication of the magnitude of the potential VAI exposure in number of homes, we should be clear about the potential situation to provide a more accurate picture and warning. Also, it is uncertain whether other vermiculite products not originating in Libby contain potentially hazardous concentrations of asbestos, until we have definitive information to the contrary these materials should also be treated with caution)

How can workers be protected from asbestos-contaminated vermiculite?

They should isolate the work area from other areas in order to avoid spreading fibers, use local exhaust ventilation to reduce dust exposures, and use appropriate respiratory protection. If the employer or worker is concerned about potential exposure, and if at all possible, the vermiculite should not be disturbed.

Which respirators are appropriate to protect workers from asbestos exposure?

If asbestos cannot be contained to below 0.1 fibers per cubic centimeter of air (fiber/cm^3) by engineering controls and good work practices, or when engineering controls are being installed or maintained, appropriate respirators should be provided to workers. When respirators are worn, it is advisable to wear a fit-tested, tight fitting half-mask air-purifying particulate respirator (not a disposable dust mask) equipped with an N–100 filter or better, because of the potential for episodic exposure to 1 fiber/cm^3. A tight-fitting powered air-purifying respirator should be provided instead of a negative-pressure respirator whenever an employee chooses to use this type of respirator. Tight fitting respirators should be used in conjunction with a comprehensive respiratory protection program under the direction of a health and safety professional. Further information concerning respirator selection can be found on the NIOSH web site at: http://www.cdc.gov/niosh; or the OSHA web site at: http://www.osha.gov.

What can workers do to protect themselves from exposure to asbestos-contaminated vermiculite?

If at all possible, avoid handling or disturbing loose vermiculite that is not contained in a manner that will prevent the release of airborne dust.

Workers should guard against bringing dust home to the family on clothes by using disposable protective clothing or clothing that is left in the workplace. Do not launder work clothing with family clothing.

Some measures can be used to avoid spreading potentially contaminated dusts:

Use vacuum cleaners equipped with High-Efficiency Particulate Air (HEPA) filters to collect asbestos-containing debris and dust;

Employ wet methods or wetting agents, unless wetting is not feasible or creates a greater hazard (wetting absorbent vermiculite materials in an attic may not be feasible or advisable);

Use negative pressure air units, which are large mobile units that combine a fan and a HEPA filter critical for preventing other exposures to non-workers, to keep airborne asbestos levels to a minimum. Combined with temporary barriers or enclosures, they can be set up to make sure fibers do not contaminate other areas.

Dispose of wastes and debris contaminated with asbestos in leak-tight containers;

Never use compressed air to remove asbestos-containing materials;

Avoid dry sweeping, shoveling, or other dry clean-up methods for dust and debris containing vermiculite that is potentially contaminated with asbestos without environmental controls to avoid spreading contamination;

Use proper respiratory protection.

Are there regulations that pertain to asbestos-contaminated vermiculite?

Yes, the Occupational Safety and Health Administration (OSHA) asbestos regulations (29 CFR 1910.1001 and 1926.1101) for general industry and construction should be consulted to determine if there are specific requirements that need to be followed when handling asbestos-contaminated materials or potential asbestos-containing materials. Relevant information is posted on the OSHA Internet page at: http://www.osha.gov/SLTC/asbestos/index.html.

What should you do if you believe you have been exposed to asbestos-containing vermiculite?

Workers who believe they have had significant past exposure to asbestos-containing vermiculite, should consider getting an appropriate medical check up. The appendices to the OSHA asbestos standard describe the types of tests a physician will need to provide.

What did NIOSH find from past studies at Libby, Montana?

NIOSH has responded to past and current concerns about worker health by conducting needed research and disseminating its findings. In the 1980s, NIOSH conducted research and communicated findings about job-related exposures and health effects among workers employed in mining and milling vermiculite in Libby, Montana.

Our past studies identified asbestos contamination in the vermiculite mined and milled in Libby.

We determined, from examination of x-rays of Libby miners, that the miners showed evidence of adverse health effects associated with asbestos exposure.

In a review of death certificates of former Libby vermiculite miners, we identified an excess of deaths from lung cancer, and other lung diseases that are known to be related to asbestos exposure.

We made our findings available in 1985 through meetings in Libby with workers and their representatives, employer representatives, and members of the community. We also published the results in peer-reviewed scientific journals.

Is NIOSH planning further occupational health research on vermiculite?

NIOSH is currently conducting research to help determine whether the processing of vermiculite produced by mines other than the Libby mine results in workplace exposure to asbestos. Vermiculite is used in a variety of occupational settings including construction, agriculture, horticulture, and for miscellaneous industrial applications. Through carefully designed sampling, NIOSH will be better able to define the extent to

> which workers may be occupationally exposed to vermiculite that may be contaminated with asbestos. Current plans are to: (1) conclude field exposure sampling, (2) send company-specific reports to each of the surveyed sites, and (3) prepare a summary of the overall result of exposure assessments.
>
> (Question will NIOSH be performing any field investigations to evaluate the occupational exposures to airborne asbestos associated with Vermiculite Attic Insulation among commonly exposed workers (i.e. home reconstruction workers, electricians, cable TV workers) ?)
>
> Has NIOSH been involved in the public health response for Libby community?
>
> NIOSH has been providing technical assistance to the U.S. Environmental Protection Agency (EPA) and the Agency for Toxic Substances and Disease Registry (ATSDR) which are the lead agencies for the Federal government in assessing current concerns about potential community health risks from asbestos exposures in Libby.

Mrs. MURRAY. Mr. President, NIOSH recommended that workers:

> . . . should isolate the work area from other areas in order to avoid spreading fibers, use local exhaust ventilation to reduce dust exposures, and use appropriate respiratory protection.
>
> If the employer or worker is concerned about potential exposure, and if at all possible, the vermiculite should not be disturbed.

But, astonishingly, this guidance was never released. How many of the construction workers, maintenance people, electricians, plumbers and homeowners across the country know they should "avoid spreading fibers, use local exhaust ventilation or appropriate respiratory protection?"

I suspect that like Mr. Ralph Busch, thousands of people across the U.S. are not taking these important precautions because they are simply unaware of the danger.

I would like to read to my colleagues another section from the never-released NIOSH Fact Sheet. This was in response to the question about how workers can know if the vermiculite they have is contaminated with asbestos. It says:

> As a rule, we believe that any vermiculite that originated in Libby, Montana, before 1990 should be regarded as potentially contaminated . . .
>
> It is known that vermiculite from Libby was sold as attic insulation under the product name Zonolite Attic Insulation and that this product is still in homes throughout the United States.

But especially interesting is the next section, which is in parentheses as a comment by the author:

> W.R. Grace estimates several million homes contain "vermiculite attic insulation," which is most likely very conservative.
>
> If we don't wish to provide any indication of the magnitude of the potential VAI (or vermiculite attic insulation) exposure in number of homes, we should be clear about the potential situation to provide a more accurate picture and warning.

I must ask my colleagues, why wouldn't NIOSH or others in the Administration—when they are taking great pains to do the job right in Libby—want to share with workers and the public an indication of the magnitude of the number of homes with asbestos-tainted vermiculite?

Isn't it our government's job to protect people from risks associated with hazardous substances such as asbestos?

Don't we need to know the scope of the problem in order to help gauge the extent of the potential risks?

Why aren't we warning workers and giving them the new guidance that has already been drafted by NIOSH?

Interestingly enough, on April 10, 2002, the day before the date on this NIOSH Fact Sheet, EPA received a letter from W.R. Grace defending their harmful product.

The letter read:

> Zonolite Attic Insulation (ZAI) has been insulating homes for over 60 years and there is no credible reason to believe that ZAI has ever caused an asbestos-related disease in anyone who has used it in his/her home.

How then does Grace explain the fact that the company has settled at least 25 bodily injury claims caused by exposure to Zonolite?

Make no mistake. W.R. Grace is a company with one of the worst public health and environmental records in America. I draw my colleague's attention to a 1998 article by Dr. David Egilman, Wes Wallace and Candace Hom published in the journal Accountability in Research entitled "Corporate Corruption of Medical Literature: Asbestos Studies Concealed by W.R. Grace & Co."

I will read briefly from the abstract of this article:

> In 1963, W.R. Grace acquired the mine (in Libby) and employee health problems at the mine became known to W.R. Grace executives and to Grace's insurance company, Maryland Casualty.
>
> In 1976, in response to tighter federal regulation of asbestos and asbestos-containing products, W.R. Grace funded an animal study of tremolite toxicity.
>
> They hoped to prove that tremolite did not cause mesothelioma, the cancer uniquely associated with asbestos exposure. However, the study showed that tremolite did cause mesothelioma.
>
> W.R. Grace never disclosed the results of this animal study, nor did they disclose their knowledge of lung disease in the Libby workers, either to the workers themselves or to regulatory agencies.
>
> These actions were intentional, and were motivated by Grace's conscious decision to prioritize corporate profit over human health.

Given the facts that W.R. Grace has knowingly manufactured and sold an asbestos-tainted product, has suppressed research findings showing that tremolite asbestos causes cancer, and has denied that their product is potentially dangerous, the company is woefully lacking for credibility.

Which brings us to our question: If EPA was planning to warn the American public about the dangers of Zonolite insulation, what stopped EPA from following through with its plan?

Why aren't we warning homeowners nationwide about Zonolite insulation?

Why aren't we warning workers and giving them new safety guidelines?

The answers might lie, not with the EPA, but with the White House Office of Management and Budget, OMB.

An internal e-mail from John F. Wood, the Deputy General Counsel at OMB, to staff at EPA contained details about finalizing the Action Memo for Libby.

Also copied on the e-mail were OMB Deputy Director Nancy Dorn and Associate Director of Natural Resources Programs Marcus Peacock.

Here's what OMB's lawyer wrote to EPA. I ask unanimous consent that this e-mail be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> John—thank you for your efforts to alleviate my concerns. Here are just a few edits, which are necessary to avoid the problems we discussed earlier. Please be sure to observe the deletion of the citation of Sect. 104(a)(4).

Mrs. MURRAY. Mr. President, it says:

> Thank you for your efforts to alleviate my concerns. Here are just a few edits, which are necessary to avoid the problems we discussed earlier. Please be sure to observe the deletion of the citation of Sect. 104 (a) (4).

What is Section 104 (a) (4)?

It is a clause in the Superfund law, which enables the EPA to declare a public health emergency.

And why did OMB tell the EPA to "delete the citation" to Section 104 (a) (4)?

We don't know for sure, but if EPA had issued the public health emergency for Libby under Superfund, then the agency would have had to answer questions about asbestos-tainted insulation from every other homeowner in the country.

Here is what the St. Louis Post-Dispatch investigation concluded:

> The Environmental Protection Agency was on the verge of warning millions of Americans that their attics and walls might contain asbestos-contaminated insulation. But, at the last minute, the White House intervened, and the warning has never been issued.

The Post-Dispatch got reaction from an EPA staffer about OMB's intervention:

> It was like a gut shot," said one of those senior staffers involved in the decision. "It wasn't like they ordered us not to make the declaration, they just really, really strongly suggested against it. Really strongly. There was no choice left.

Mr. President, I ask unanimous consent that the St. Louis Post-Dispatch article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Dec. 29, 2002]

WHITE HOUSE OFFICE BLOCKED EPA'S ASBESTOS CLEANUP PLAN

(By Andrew Schneider)

WASHINGTON.—The Environmental Protection Agency was on the verge of warning millions of Americans that their attics and walls might contain asbestos-contaminated insulation. But, at the last minute, the White House intervened, and the warning has never been issued.

The agency's refusal to share its knowledge of what is believed to be a widespread health risk has been criticized by a former EPA administrator under two Republican presidents, a Democratic U.S. senator and physicians and scientists who have treated victims of the contamination.

The announcement to warn the public was expected in April. It was to accompany a declaration by the EPA of a public health emergency in Libby, Mont. In that town near the Canadian border, ore from a vermiculite mine was contaminated with an extremely lethal asbestos fiber called tremolite that has killed or sickened thousands of miners and their families.

Ore from the Libby mine was shipped across the nation and around the world, ending up in insulation called Zonolite that was used in millions of homes, businesses and schools across America.

A public health emergency declaration had never been issued by any agency. It would have authorized the removal of the disease-causing insulation from homes in Libby and also provided long-term medical care for those made sick. Additionally, it would have triggered notification of property owners elsewhere who might be exposed to the contaminated insulation.

Zonolite insulation was sold throughout North America from the 1940s through the 1990s. Almost all of the vermiculite used in the insulation came from the Libby mine, last owned by W.R. Grace & Co.

In a meeting in mid-March, EPA Administrator Christie Todd Whitman and Marianne Horinko, head of the Superfund program, met with Paul Peronard, the EPA coordinator of the Libby cleanup and his team of health specialists. Whitman and Horinko asked tough questions, and apparently got the answers they needed. They agreed they had to move ahead on a declaration, said a participant in the meeting.

By early April, the declaration was ready to go. News releases had been written and rewritten. Lists of governors to call and politicians to notify had been compiled. Internal e-mail shows that discussions had even been held on whether Whitman would go to Libby for the announcement.

But the declaration was never made.

DERAILED BY WHITE HOUSE

Interviews and documents show that just days before the EPA was set to make the declaration, the plan was thwarted by the White House Office of Management and Budget, which had been told of the proposal months earlier.

Both the budget office and the EPA acknowledge that the White House agency was actively involved, but neither agency would discuss how or why.

The EPA's chief spokesman Joe Martyak said, "Contact OMB for the details."

Budget office spokesperson Amy Call said, "Those questions will have to be addressed to the EPA."

Call said the budget office provided wording for the EPA to use, but she declined to say why the White House opposed the declaration and the public notification.

"These are part of our internal discussions with EPA, and we don't discuss predecisional deliberations," Call said.

Both agencies refused Freedom of Information Act requests for documents to and from the White House Office of Management and Budget.

The budget office was created in 1970 to evaluate all budget, policy, legislative, regulatory, procurement and management issues on behalf of the president.

OFFICE INTERFERED BEFORE

Former EPA administrator William Ruckelshaus, who worked for Presidents Richard Nixon and Ronald Reagan, called the decision not to notify homeowners of the dangers posed by Zonolite insulation "the wrong thing to do."

"When the government comes across this kind of information and doesn't tell people about it, I just think it's wrong, unconscionable, not to do that," he said. "Your first obligation is to tell the people living in these homes of the possible danger. They need the information so they can decide what actions are best for their family. What right does the government have to conceal these dangers? It just doesn't make sense."

But, he added, pressure on the EPA from the budget office or the White House is not unprecedented.

Ruckelshaus, who became the EPA's first administrator when the agency was created by Nixon in 1970, said he never was called by the president directly to discuss agency decisions. He said the same held true when he was called back to lead the EPA by Reagan after Anne Gorsuch Burford's scandal-plagued tenure.

Calls from a White House staff member or the Office of Management and Budget were another matter.

"The pressure could come from industry pressuring OMB or if someone could find a friendly ear in the White House to get them to intervene," Ruckelshaus said. "These issues like asbestos are so technical, often so convoluted, that industry's best chance to stop us or modify what we wanted to do would come from OMB."

The question about what to do about Zonolite insulation was not the only asbestos-related issue in which the White House intervened.

In January, in an internal EPA report on problems with the agency's much-criticized response to the terrorist attacks in New York City, a section on "lessons learned" said there was a need to release public health and emergency information without having it reviewed and delayed by the White House.

"We cannot delay releasing important public health information," said the report. "The political consequences of delaying information are greater than the benefit of centralized information management."

It was the White House budget office's Office of Information and Regulatory Affairs that derailed the Libby declaration. The regulatory affairs office is headed by John Graham, who formerly ran the Harvard Center for Risk Analysis.

His appointment last year was denounced by environmental, health and public advocacy groups, who claimed his ties to industry were too strong. Graham passes judgment over all major national health, safety and environmental standards.

Sen. Dick Durbin, D–Ill., urged colleagues to vote against Graham's appointment, saying Graham would have to recuse himself from reviewing many rules because affected industries donated to the Harvard University Center.

Thirty physicians, 10 of them from Harvard, according to The Washington Post, wrote the committee asking that Graham not be confirmed because of "a persistent pattern of conflict of interest, of obscuring and minimizing dangers to human health with questionable cost-benefit analyses, and of hostility to governmental regulation in general."

Repeated requests for interviews with Graham or anyone else involved in the White House budget office decision were denied.

"IT WAS LIKE A GUT SHOT"

Whitman, Horinko and some members of their top staff were said to have been outraged at the White House intervention.

"It was like a gut shot," said one of those senior staffers involved in the decision. "It wasn't that they ordered us not to make the declaration, they just really, really strongly suggested against it. Really strongly. There was no choice left."

She and other staff members said Whitman was personally interested in Libby and the national problems spawned by its asbestos-tainted ore. The EPA's inspector general had reported that the agency hadn't taken action more than two decades earlier when it had proof that the people of Libby and those using asbestos-tainted Zonolite products were in danger.

Whitman went to Libby in early September 2001 and promised the people it would never happen again.

"We want everyone who comes in contact with vermiculite—from homeowners to handymen—to have the information to protect themselves and their families," Whitman promised.

SUITS, BANKRUPTCIES GROW

Political pragmatists in the agency knew the administration was angered that a flood of lawsuits had caused more than a dozen major corporations—including W.R. Grace—to file for bankruptcy protection. The suits sought billions of dollars on behalf of people injured or killed from exposure to asbestos in their products or workplaces.

Republicans on Capitol Hill crafted legislation—expected to be introduced next month—to stem the flow of these suits.

Nevertheless, Whitman told her people to move forward with the emergency declaration. Those in the EPA who respect their boss fear that Whitman may quit.

She has taken heat for other White House decisions such as a controversial decision on levels of arsenic in drinking water, easing regulations to allow 50-year-old power plants to operate without implementing modern pollution controls and a dozen other actions which environmentalists say favor industry over health.

Newspapers in her home state of New Jersey ran front page stories this month saying Whitman had told Bush she wanted to leave the agency.

Spokesman Martyak said his boss is staying on the job.

EPA WAS POISED TO ACT

In October, the EPA complied with a freedom of Information Act request and gave the Post-Dispatch access to thousands of documents—in nine large file boxes. There were hundreds of e-mails, scores of "action memos" describing the declaration and piles of "communication strategies" for how the announcement would be made.

The documents illustrated the internal and external battle over getting the declaration and announcement released.

One of the most contentious concerns was the anticipated national backlash from the Libby declaration. EPA officials knew that if the agency announced that the insulation in Montana was so dangerous that an emergency had to be declared, people elsewhere whose homes contained the same contaminated Zonolite would want answers or perhaps demand to have their homes cleaned.

The language of the declaration was molded to stress how unique Libby was and to play down the national problem.

But many in the agency's headquarters and regional offices didn't buy it.

In a Feb. 22 memo, the EPA's Office of Pollution Prevention and Toxics said "the national ramifications are enormous" and estimated that if only 1 million homes have Zonolite "(are) we not put in a position to remove their (insulation) at a national cost of over $10 billion?"

The memo also questioned the agency's claim that the age of Libby's homes and severe winter conditions in Montana required a higher level of maintenance, which in turn meant increased disturbance of the insulation in the homes there.

It's "a shallow argument," the memo said. "There are older homes which exist in harsh or harsher conditions across the country. Residents in Maine and Michigan might find this argument flawed."

No one knows precisely how many dwellings are insulated with Zonolite. Memos from the EPA and the Agency for Toxic Substances and Disease Registry repeatedly cite an estimate of between 15 million and 35 million homes.

A government analysis of shipping records from W.R. Grace show that at least 15.6 billion pounds of vermiculite ore was shipped from Libby to 750 plants and factories throughout North America.

Between a third and half of that ore was popped into insulation and usually sold in 3-foot-high kraft paper bags.

Government extrapolations and interviews with former W.R. Grace Zonolite salesmen indicate that Illinois may have as many as 800,000 homes with Zonolite, Michigan as many as 700,000. Missouri is likely to have Zonolite in 380,000 homes.

With four processing plants in St. Louis, it is estimated that more than 60,000 homes, offices and schools were insulated with Zonolite in the St. Louis area alone.

Eventually, the internal documents show, acceptance grew that the agency should declare a public health emergency.

In a confidential memo dated March 28, an EPA official said the declaration was tentatively set for April 5.

But the declaration never came. Instead, Superfund boss Horinko on May 9 quietly ordered that asbestos be removed from contaminated homes in Libby. There was no national warning of potential dangers from Zonolite. And there was no promise of long-term medical care for Libby's ill and dying. The presence of the White House budget office is noted throughout the documents. The press announcement of the watered-down decision was rewritten five times the day before it was released to accommodate budget office wording changes that played down the changes that played down the dangers.

DANGERS OF ZONOLITE

The asbestos in Zonolite, like all asbestos products, is believed to be either a minimal risk or no risk if it is not disturbed. The asbestos fibers must be airborne to be inhaled. The fibers then become trapped in the lungs, where they may cause asbestosis, lung cancer and mesothelioma, a fast-moving cancer of the lung's lining.

The EPA's files are filled with studies documenting the toxicity of tremolite, how even minor disruptions of the material by moving boxes, sweeping the floor or doing repairs in attics can generate asbestos fibers.

This also has been confirmed by simulations W.R. Grace ran in Weed-sport, N.Y. in July 1977; by 1997 studies by the Canadian Department of National Defense; and by the U.S. Public Health Service, which reported in 2000, that "even minimal handling by workers or residents poses a substantial health risk."

Last December, a study by Christopher Weis, the EPA's senior toxicologist supporting the Libby project, reported that "the concentrations of asbestos fibers that occur in air following disturbance of (insulation) may reach levels of potential human health concerns."

Most of those who have studied the needle-sharp tremolite fibers in the Libby ore consider them far more dangerous than other asbestos fibers.

In October, the EPA team leading the cleanup of lower Manhattan after the attacks of Sept. 11 went to Libby to meet with Peronard and his crew. The EPA had reversed an early decision and announced that it would be cleaning asbestos from city apartments.

Libby has been a laboratory for doing just that.

Peronard told the visitors from New York just how dangerous tremolite is. He talked about the hands-on research in Libby of Dr. Alan Whitehouse, a pulmonologist who had worked for NASA and the Air Force on earlier projects before moving to Spokane, Wash.

"Whitehouse's research on the people here gave us our first solid lead of how bad this tremolite is," Peronard said.

Whitehouse has not only treated 500 people from Libby who are sick and dying from exposure to tremolite. The chest specialist also has almost 300 patients from Washington shipyards and the Hanford, Wash., nuclear facility who are suffering health effects from exposure to the more prevalent chrysotile asbestos.

Comparing the two groups, Whitehouse has demonstrated that the tremolite from Libby is 10 times as carcinogenic as chrysotile and probably 100 times more likely to produce mesothelioma than chrysotile.

W.R. Grace has maintained that its insulation is safe. On April 3 of this year, the company wrote a letter to Whitman again insisting its product was safe and that no public health declaration or nationwide warning was warranted.

Dr. Brad Black, who runs the asbestos clinic in Libby and acts as health officer for Montana's Lincoln County, says "people have a right to be warned of the potential danger they may face if they disturb that stuff."

Marytak, chief EPA spokesman, argues that the agency has informed the public of the potential dangers. "It's on our Web site," he said.

Sen. Patty Murray, D-Wash., is sponsoring legislation to ban asbestos in the United States. She said the Web site warning is a joke.

"EPA's answer that people have been warned because it's on their Web site is ridiculous," she said. "If you have a computer, and you just happened to think about what's in your attic, and you happen to be on EPA's Web page, then you get to know. This is not the way the safety of the public is handled.

"We, the government, the EPA, the administration have a responsibility to at least let people know the information so they can protect themselves if they go into those attics," she said.

Mrs. MURRAY. Mr. President, because of OMB's involvement, EPA never conducted the planned outreach to warn people about Zonolite. NIOSH's guidance to workers about how to protect themselves was never finalized.

In response to these shocking reports, on January 3, 2003, I wrote to EPA Administrator Whitman and OMB Director Daniels to get some answers.

Mr. Daniels has not yet responded to the allegations that his office blocked the announcement.

Ms. Whitman wrote that she is responding on behalf of OMB. I can only ascribe this to OMB's desire to remain unaccountable and to hide the role it played in these decisions.

Ms. Whitman's response was woefully inadequate. She failed to explain the nature or the substance of OMB's involvement. She also wrote that it is not possible to know how many homes contain vermiculite insulation even though HER OWN AGENCY has estimated it may be between 15 and 35 million homes, schools, and businesses.

Mr. President, I ask unanimous consent that Administrator Whitman's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, January 16, 2003.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURRAY: Thank, you for your letters dated January 3, 2003, to me and Mitch Daniels, Director of the Office of Management and Budget (OMB), regarding EPA's efforts to address asbestos contamination in the town of Libby, Montana. I am responding for both OMB and the Environmental Protection Agency (EPA).

I assure you that since my tenure at the Agency, every action regarding Libby, Montana has been taken with the goal of protecting the health of Libby residents from further harm. After visiting with the residents of Libby Montana in September 2001, I committed to have EPA do everything as quickly and comprehensively as possible to remove the multiple sources of asbestos exposure of Libby residents. The Action Memo signed on May 9, 2002, authorized significant additional measures in Libby, including the removal of attic insulation. Cleanup work has proceeded at an aggressive pace and substantial sources of exposure have already been removed.

While enclosed are EPA's Office of Solid Waste and Emergency Response detailed responses to your questions, I want to make it clear that neither OMB nor any other Federal agencies directed EPA to take a specific course of action regarding whether to employ the public health emergency provision of the Comprehensive Environmental Response and Liability Act ("CERCLA", or the Superfund Law). The Agency made its decision regarding the removal of asbestos contaminated vermiculite attic insulation from Libby homes in order to reduce the cumulative exposure to residents as quickly as possible. EPA based this decision on many factors, including legal, scientific, and practical considerations. The Agency concluded that asbestos contaminated vermiculite insulation found in homes in Libby could be removed without a public health emergency. Ultimately, EPA chose not to rely upon CERCLA's health emergency provision, in part, to minimize the possibility of removal work being delayed by possible legal challenges to this untested approach, and instead relied upon more traditional removal authorities.

Additional, I want to clarify that the decision to proceed with the cleanup in Libby is unrelated to the larger issue of whether asbestos contaminated vermiculite insulation poses a risk outside of Libby, Montana. Several questions in your letter imply that invoking the public health provision in CERCLA for the situation in Libby would give the Agency additional authority or impose additional requirements to inform the public nationwide about the health risks associated with asbestos contaminated vermiculite attic insulation. This is not the case. While the experience and data collected in Libby are important to a larger national evaluation, the Libby cleanup and the Agency's national evaluation of the potential risks of asbestos contaminated attic insulation are on parallel but different tracks.

Again, thank you for your support of EPA's cleanup efforts in Libby, Montana and your commitment to making sure that people nationwide are not at risk from asbestos. The Agency looks forward to working with you and your staff to continue our mutual goal to protect the health and welfare of the residents of Libby, Montana, and of the United States. If you have further questions or concerns, please contact me, or your staff may contact Betsy Henry in the Office of Congressional and Intergovernmental Relations at (202) 564–7222.

Sincerely yours,

CHRISTINE TODD WHITMAN.

ENCLOSURE: EPA OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE AND OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

DETAILED RESPONSES TO SENATOR PATTY MURRAY'S QUESTIONS ON VERMICULITE ATTIC INSULATION AND THE LIBBY, MONTANA CLEANUP

1. *What were EPA's recommendations on formation of a policy to inform consumers of potential dangers from exposure to Zonolite insulation?*

The Agency's activity in Libby reflects a unique situation where citizens have been exposed for many years to widespread, high levels of asbestos contamination, and suffer unprecedented rates of asbestos related illness. After extensive consideration of scientific and health-related information, the Agency concluded that residents in Libby were a sensitive population, and asbestos exposure which would otherwise present an acceptable risk to a healthy population may cause an increase in disease for a highly impacted community like Libby. EPA decided to remove all potential sources of exposure to asbestos in Libby, including asbestos contamination in yards, playgrounds, parks, industrial sites, the interiors of homes and businesses, and vermiculite attic insulation.

The Agency's guidance to consumers outside of Libby has consistently been to manage in place asbestos or asbestos containing products found in the home. Based on currently available information and studies the Agency continues to believe that, absent the unique conditions present at Libby, vermiculite insulation poses minimal risk if left undisturbed. If removal of the insulation is desired, the Agency recommends that this work be done professionally.

To better understand the potential risks of asbestos contaminated vermiculite attic insulation, EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) initiated the first phase of a limited study to evaluate the level of asbestos in vermiculite attic insulation in homes in the Spring of 2001. The study included six homes in Vermont and simulations in an enclosure. This preliminary study will be used to help the Agency design the next phase of a more comprehensive study and to help determine whether the Agency's guidance in place for many years—to manage asbestos contaminated material in place or hire professionals to conduct removals—is still appropriate or should be revised. Formal external peer review is finished for the first phase of the study. The Agency's Office of Research and Development (ORD), as well as others, are currently reviewing the preliminary study.

Based on the findings from this study, EPA will revise or supplement the existing guidance and outreach materials as necessary, and further inform the public about how best to manage vermiculite attic insulation.

2. *To what extent were OMB and other federal agencies and departments involved in the decision whether to declare a public health emergency in Libby or to notify people nationwide of the dangers potentially posed by exposure to Zonolite?*

EPA consulted extensively with other federal and state partners in determining the best course of action to address all sources of asbestos contamination in Libby. This included the Office of Management and Budget (OMB), the Department of Health and Human Services, the Center for Disease Control, the Agency for Toxic Substances and Disease Registry, U.S. Geological Survey, Occupational Safety and Health Administration, the State of Montana, and many others. These consultations focused on scientific issues associated with asbestos contaminated vermiculite exposure, not to discuss public health emergency declarations. The Agency was also contacted by several members of Congress who wished to express the depth of their concern and share their views regarding this matter. In general, EPA tries to share information and discuss potential response decisions with interested parties, especially those with expertise in the area, so it can make the most informed decision.

After consulting broadly with experts in the field, the Agency determined a course of action regarding both the removal of asbestos contaminated vermiculite attic insulation and the public outreach to be conducted beyond Libby, Montana. These decisions were made by the Administrator, in close consultation with the Office of Solid Waste and Emergency Response, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, the Office of Prevention, Pesticides and Toxic Substances, and EPA Region 8.

3. *What process did the Administration use in making these decisions? Specifically what roles did individual agencies play and who in these agencies was involved in the process?*

EPA's primary focus was on protecting the residents of Libby by removing the multiple sources of asbestos exposure as quickly as possible. EPA considered many factors, including the National Oil and Hazardous Substances Pollution Contingency Plan. Ultimately, the Agency chose not to rely upon CERCLA's health emergency provision, in part, to minimize the possibility of removal work being delayed by possible legal challenges to this novel approach, and instead relied upon more traditional removal authorities. EPA concluded that homes in Libby contained vermiculite attic insulation that did not constitute a "product." The Agency therefore could clean up the insulation without addressing the question of whether it constituted a public health emergency.

In making its response decisions in Libby, EPA engaged in a major effort to discuss and consider the issues associated with its approach to cleaning up asbestos contamination, both in Libby and at more than 20 contaminated sites out of the 241 domestic vermiculite processing facilities. Although 175 of these sites had processed Libby vermiculite, EPA's sampling confirmed that contamination only remained at 22 sites. To date, EPA or the responsible parties have cleaned up or have cleanup underway at 10 of these sites and the remaining 12 sites are either being addressed or are under further investigation and response planning. This effort has been one of the most significant actions ever taken under the Superfund program, and has involved the participation and collaboration of a great many people and organizations at the local, state and federal level.

4. *Which outside parties, such as corporations, non-governmental organizations or associations, did EPA consult with on these decisions?*

During the more than two years in which EPA has been working on Libby, Agency officials have met with the Libby community and its Technical Assistance Group, other agencies, businesses in Libby and international corporations, various associations, the State and subcommittees of both houses of the U.S. Congress. Community members, the Vermiculite Association, and W.R. Grace Corporation have all corresponded with the Agency to state their opinions or to ask for information about our work at the site.

5. *What was OMB's final recommendation to EPA? What recommendations, if any, did EPA receive from other federal agencies and departments?*

Neither OMB, nor any other federal agency directed EPA to use a specific course of action regarding whether to employ the health emergency provision of CERCLA. As stated previously, EPA consulted extensively with other federal partners, including OMB, in determining the best course of action to address all sources of asbestos contamination.

6. *Who ultimately directed EPA not to issue a public health emergency in Libby last spring nor to proactively notify the public in a proper manner?*

No one directed the Agency. The decision was made by EPA. After searching broadly for input from the many agencies within the Executive Branch with expertise to inform our thinking, the Agency decided to perform the cleanup under traditional Superfund program removal authorities. Furthermore, regarding outreach on the Libby decision, the Agency has conducted many public meetings concerning the Libby cleanup, and testified before Congress in July, 2001. Since the Agency's first removal actions, the On-Scene Coordinator in Libby has been in regular contact with the citizens of Libby discussing the progress of the cleanup and communicating about the issues of the vermiculite attic insulation. The Administrator also spoke extensively on issues concerning vermiculite contamination during her visit to Libby, Montana in September of 2001.

7. *What are EPA's most current estimates of how many homes, businesses and schools still contain Zonolite? How did EPA derive these numbers?*

Over the years several attempts have been made to estimate the number of homes that may contain vermiculite attic insulation. While numbers have been included in at least one study conducted for the Agency in 1985, the Agency does not believe that these estimates are reliable. EPA recently again tried to estimate the number of homes, businesses and schools that may still contain vermiculite attic insulation but again determined that this task was virtually impossible to complete because there is little information about how many homes contain vermiculite insulation (outside of Libby) as well as little data about what happens to homes after they are built. Any numbers derived from such an effort would be inaccurate and misleading.

In the Libby valley, the Agency is identifying which homes contain asbestos contaminated vermiculite insulation in the attic and wall space by visually inspecting homes. The good news is that EPA is finding vermiculite insulation in fewer homes than the Agency anticipated in this region.

Mrs. MURRAY. Mr. President, my colleagues may be curious about why I am so interested in EPA's decisions regarding vermiculite from Libby.

This issue is important to me because residents in my State are being exposed to asbestos from Zonolite.

And, Mr. President, constituents in your state and every other State in America may also have this insulation.

I am deeply concerned that most people with Zonolite in their homes are completely unaware of this problem. I am afraid most will not learn of it until they have already been exposed to dangerous levels of asbestos. And I am most concerned that this administration may be stifling EPA's efforts to warn homeowners, consumers, and workers because of pressure from W.R. Grace.

And I must remind my colleagues: there is no safe known level of exposure to asbestos. Deadly diseases such as asbestosis, lung cancer and mesothelioma can develop decades after just brief exposures to high concentrations of asbestos.

Ultimately, I believe Administrator Whitman wanted to do the right thing by warning homeowners nationwide to be careful if they have Zonolite in their homes when the agency began removing Zonolite from homes in Libby, MT. But she was stopped. The reasons may never be known—the excuse may be buried in "executive privilege."

So where do we go from here?

First, I hope my colleagues will support efforts to get to the bottom of what stopped the EPA from warning the public. We have to increase pressure on EPA, NIOSH, and other public health agencies to raise public awareness about Zonolite.

Second, I hope my colleagues will support legislation to ban asbestos in America and to warn people about the potential dangers posed by Zonolite insulation.

I appreciate the support for this legislation I have received from Senators BAUCUS, CANTWELL, DAYTON, and our late colleague, Senator Wellstone, who were original cosponsors.

I have been working to raise awareness about the current dangers of asbestos for over 2 years.

In July of 2001, I chaired a Senate Health, Education, Labor and Pensions Committee hearing on asbestos and workplace safety.

In June of 2002, 2 days after introducing the Ban Asbestos in America Act, I testified at a Senate Environment and Public Works Committee hearing on Libby held by Senator BAUCUS.

My colleagues may wonder whatever happened to Ralph Busch and his wife Donna.

After reading about Zonolite in the Seattle Post-Intelligencer, Mr. Busch went to get the asbestos removed from his home. He learned it would cost $32,000 to do so.

When he tried to secure compensation from his homeowners insurance to pay to clean up the contamination, his insurance company rejected the claim.

He got nowhere with the company that had inspected the home before he purchased it. They hadn't known about Zonolite, either.

When he talked to his realtor about trying to sell his house, Mr. Busch's realtor emphasized that Mr. Busch and his wife would be responsible under the law for disclosing the presence of Zonolite to any potential buyer.

According to Mr. Busch, even his realtor—and I quote—". . . expressed apprehension over entering the house saying he has young children and was fearful of asbestos exposure without a proper respirator . . . this about a house we were living in every day."

In the end, having exhausted all of his options, Ralph Busch and his wife Donna sacrificed their home to foreclosure, having lost thousands of dollars and their good credit rating. They didn't feel that it was safe to live there anymore, or to bring other people into their home. Finally, they decided to move out of their "dream house" in Spokane. To this day, that home remains vacant.

Apart from the tremendous economic loss, Mr. Busch and his wife are concerned for their health. They are left wondering what long-term negative health effects they may suffer as a result of their exposure to asbestos fibers from the insulation.

Mr. Busch has told me, "I feel like the poster-child for the unsuspecting homeowner who unknowingly set off a time bomb in the process of remodeling his home."

To this day, Mr. Busch is haunted by words he read in the Spokesman-Review almost three years ago. The March 12, 2000, article, entitled, "Zonolite's Effects Outlive Plant," said this about mesothelioma.

> [The disease] inflicts one of the most torturous deaths known to humankind. Some people require intravenous morphine to numb mesothelioma's pain. Some need part of their spinal cord severed. Some are driven to suicide.

If there is a role for Government in people's lives, then it should include protecting the public health. We have an opportunity to protect the public's health so that Ralph Busch and thousands—perhaps millions—of other Americans won't have to be needlessly exposed to the time bomb sitting in their homes, schools, and businesses.

And meanwhile, if you are planning to do work in your attic, look at your insulation carefully first to see if it is vermiculite. You can see pictures of what this insulation looks like by going to EPA's web site, which is www.epa.gov/asbestos/insulation.html.

If you think you have Zonolite, immediately contact EPA to get additional advice about how to handle it. According to EPA's web site, if you think you have Zonolite insulation, leave it alone and not disturb it. And then contact your Representative in Congress and ask him or her to pass legislation to ban asbestos, something we all should have done decades ago. We can make a difference, but we must act today.

Mr. BAUCUS. Mr. President, I would just like to follow up on the statements regarding asbestos-contaminated insulation made by my good friend from Washington, Senator MURRAY. The issues she raises are extremely important, and I applaud her for her determined efforts on behalf of her constituents, and her dedication to raising the profile of the continued hazards associated with asbestos.

I was very moved by Senator MURRAY's description of what happened to her constituent in Spokane, WA. I agree with her 100 percent that the Government should not be in the business of keeping important health-related information from the public, including information about the health risks posed by Zonolite insulation. Again, I commend the Senator from Washington for her leadership in championing this important public health and safety issue.

I just believe it is important for me to speak directly to the experience of my constituents in Libby, MT, to put some of this into perspective.

The experience of the residents of Libby is truly, tragically, unique. This little town in northwestern Montana, surrounded by millions of acres of Federal forest lands, has lost over 200 people to asbestos-related diseases and cancers. Hundreds more are sick, and thousands more may become sick. Libby doesn't have that many people.

The magnitude of this tragedy is staggering.

The vermiculite mining and milling operations of W.R. Grace belched thousands and thousands of pounds of asbestos-contaminated dust into the air in and around Libby, coating the town and its inhabitants with the deadly substance. Folks used raw vermiculite ore or expanded vermiculite to fill their gardens, their driveways, the high school track, the little league field, in their homes and attics. W.R. Grace mineworkers brought the dust home with them on their clothing and contaminated their own families, without knowing the dust was poison. Asbestos was absolutely everywhere in Libby, for decades.

It is also becoming more and more clear that the fibers unique to Libby, including tremolite asbestos fibers, are particularly deadly—more so than other forms of asbestos, such as chrysotile asbestos. Senator MURRAY is absolutely right to be concerned about insulation manufactured from vermiculite ore mined and milled in Libby.

But let me also be clear, that the situation in Libby demanded a unique, determined, and coordinated response from the Environmental Protection Agency, other Federal agencies, the State, and the community itself just to address the enormous task of cleaning up the town because, as I just mentioned, the contaminated vermiculite was everywhere.

Because of the extraordinary levels of asbestos contamination in Libby, an important part of this clean-up effort included removing asbestos-contaminated materials from Libby homes. People in Libby used vermiculite insulation, raw vermiculite tailings, or other vermiculite material that they brought home from W.R. Grace to fill their walls and attics.

Last year, I personally urged the EPA to leave no stone unturned as it sought to determine how to best begin an expeditious removal of contaminated materials from homes in Libby, in an effort to continue to reduce the exposure of Libby residents to deadly tremolite asbestos. The EPA responded admirably to my requests, and as Senator MURRAY mentioned, the agency is currently removing asbestos-contaminated vermiculite material from homes in Libby.

I only highlight these issues because I believe the timing and scope of the EPA's decision to go into Libby homes and remove the vermiculite in their walls and ceilings was absolutely appropriate and necessary given the sheer volume of asbestos to which the people in Libby have been exposed.

Should the EPA have issued a public health emergency declaration in Libby prior to taking that action? I don't know. What I do know is that the decision was made and the correct on-the-ground result is happening in Libby. I have recently written to Administrator Whitman asking her to explain to me any health care benefits that may or may not be available to the people of Libby in the event that a public health emergency is declared in Libby. At this point, that is the most important issue to the people in Libby.

In fact, the Montana delegation, the State of Montana, the community of Libby, and many concerned private citizens have been working hard to bring new economic development and much-needed health care resources to Libby. It is amazing to see how everyone has come together to create something positive from a terrible situation.

The people in Libby are proud folks. They have had more than their share of hard knocks, and they just keep on going—getting up and trying. They are survivors, and I am privileged to know them so well. In January of 2000, I traveled to Libby to meet with 25 extremely ill people for the first time.

I had been briefed a number of times on what I might expect to hear that night. These kind men and women—some whom are no longer with us—gathered to share huckleberry pie and coffee in the home of Gayla Benefield. They opened their hearts and poured out unimaginable stories of suffering and tragedy on a scale I was absolutely stunned and unprepared to hear: entire families—fathers, mothers, uncles, aunts, sons, and daughters all dead and all bound by their exposure to tremolite asbestos, mined by W.R. Grace in this isolated, community of several thousand—located as far away from Washington, DC, as one can be, with a foot still in Montana.

I will never forget meeting another gentleman who has become my dear friend, Les Skramstad. Les watched me closely all evening. He was wary and approached me after his friends and neighbors had finished speaking. He said to me, Senator, a lot of people have come to Libby and told us they would help, then they leave and we never hear from them again.

"Max," he said, "please, as a man like me—as someone's father too, as someone's husband, as someone's son, help me. Help us. Help us make this town safe for Libby's sons and daughters not even born yet. They should not suffer my fate too. I was a miner and breathed that dust in. And what happened to me and all the other men who mined wasn't right—but what has happened to the others is a sin.

"Every day, I carried that deadly dust home on my clothes. I took it into our house, and I contaminated my own wife and each of my babies with it, too. Just like me, they are sick, and we will each die the same way. I just don't know how to live with the pain of what I have done to them. If we can make something good come of this, maybe I'll stick around to see that, maybe that could make this worthwhile.

"Find someone to use me, to study me, to learn something about this dust that is still in my lungs right now." I told him I would do all that I could and that I wouldn't back down and that I wouldn't give up. Les accepted my offer and then pointed his finger and said to me, "I'll be watching Senator."

Les is my inspiration. He is the face of hundreds and thousands of sick and exposed folks in this tiny Montana community. When I get tired, I think of Les, and I can't shake what he asked me to do. In all of my years as an elected official, this issue of doing what is right for Libby is among the most personally compelling things I have ever been called on to do.

Doing what is right for the community and making something good come of it, is my mission in Libby, and I thank Les Skramstad every day for handing me out my marching orders. My staff and I have worked tirelessly in Libby—not for thanks or recognition but because the tragedy is just that gripping.

The "something good," Les challenged me to deliver keeps our eye on the ball. I secured the first dollars from HHS 3 years ago to establish the Clinic for Asbestos Related to Disease, to allow the Agency for Toxic Substances and Disease Registry to begin the necessary screening of folks who had been exposed to Libby's asbestos. Federal dollars have flowed to Libby for cleanup, healthcare, and revitalizing the economy.

Last Congress, I was pleased to introduce the Libby Health Care Act, to secure longterm health funding for sick people in Libby, and I will introduce similar legislation this year. We seek ongoing funding for asbestos patient care and continue to closely monitor and support asbestos cleanup efforts by the Environmental Protection Agency.

At the first field hearing I held in Libby of the Committee for Environment and Public Works, Dr. Blad Black, now the director of the Libby Clinic for Asbestos Related Disease, called for developing a research facility so that Libby's tragedy could be used to protect the health of men, women, and children.

The wheels are on the cleanup and health screening, and the time for making Brad's vision a reality is here. Working together with Montana Congressional delegation and our State's Governor to develop a leading edge, world class research facility with the mission of one day developing cures for asbestos-related disease is exactly what Les called for that evening more than 3 years ago as well. He and the hundreds and thousands who suffer like Les and his family have my commitment.

EXPLANATION OF ABSENCE

Mr. DASCHLE. Mr. President, on behalf of Senator GRAHAM, I ask unanimous consent that a letter from Senator GRAHAM to Senator FRIST and myself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 31, 2003.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.
Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST AND SENATOR DASCHLE: The purpose of this letter is to share with you and my colleagues a development regarding my health.

This morning at the National Naval Medical Center in Bethesda, Maryland, I underwent successful surgery to replace the aortic valve in my heart. My doctors advised me to have this procedure now to correct a deteriorating condition that could have led to permanent damage of my heart muscle.

Accordingly, under Senate Rule VI(2), I will be necessarily absent from the floor and committee activities until my doctors clear me for a return to work. I ask that this letter be inserted in the Congressional Record of this date to explain my absence.

Given the overall excellent state of my health, the doctors tell me that I should have renewed vigor and energy following a short hospitalization and recovery period.

With the extremely competent medical care I am receiving, as well as the loving support of my wife Adele and our family, I am confident that my absence will be brief. I look forward to rejoining you in the very near future to resume work on the agenda that is so important to my state of Florida, our nation and the world.

Thank you for your good wishes, your understanding and your support.

With kind regards,
Sincerely,

BOB GRAHAM,
U.S. Senator.

REMEMBERING ASTRONAUT WILLIAM McCOOL

Mr. ENSIGN. Mr. President, I rise today to extend my deepest condolences to the families of the seven astronauts whose lives were lost on February 1. To Nevadans Audrey and Barry McCool, whose son William piloted the final *Columbia* mission, I offer my sympathy and the sincere gratitude of an entire nation.

You raised an incredible human being. William McCool represented the best and the brightest of this country. Though his life was taken prematurely, his legacy will be felt indefinitely.

William was incredibly smart, a talented athlete, and a true patriot. The combination of these traits, along with devoted parents and religious conviction, produced an American hero. We mourn that hero today, as Audrey and Barry McCool mourn their son. And while we stand with them in grief, we should also express our admiration for the type of son they raised.

Many children dream of one day becoming an astronaut. A very elite few ever make that dream a reality. For William McCool, his dream was his destiny. As a child, he looked up to his Marine and Navy pilot father, built model airplanes, and became an Eagle Scout. As a young man, he excelled by graduating second in his class at the Naval Academy, maintaining a 4.0 grade point average, and earning advanced degrees in computer science and aeronautical engineering. Not applying to be an astronaut until his thirties, by the time of his last mission William had logged more than 2,800 hours of flight experience in 24 aircraft, including more than 400 landings on aircraft-carrier decks.

As a pilot, William McCool risked his life often for this country. On January 16, he left his wife, sons, parents, and siblings grounded on Earth while he soared toward his lifetime dream among the stars. William was kept from completing his journey home, but our gratitude for his service must not be short lived.

We must ensure that these 7 astronauts, and the 10 other NASA astronauts who died in pursuit of knowledge, did not do so in vain. We ow it to their children to continue the quest of space science, and we owe it to all our children to continue reaching for the stars.

TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Mr. BAUCUS. Mr. President, I rise today to express my disappointment and dismay that the Secretary of Agriculture has failed to meet the deadline mandated by Congress to establish a program of Trade Adjustment Assistance for Farmers.

In the Trade Act of 2002, Congress directed the Secretary to get this program running by no later than this week, February 3, 2003.

It is running? No. Is it even close to running? No.

In fact, the Department of Agriculture tells me that their anticipated startup date is still another six months away. Meanwhile, the $90 million that Congress set aside for this program in fiscal year 2003 has no way of reaching its intended beneficiaries. This is simply unacceptable.

Senators GRASSLEY and CONRAD recently joined me in a letter making this very point to Secretary Veneman. We told her then—and I repeat it now—that we hold her personally accountable for dropping the ball on TAA for Farmers. Frankly, I expected better.

The Trade Act of 2002 renewed the President's trade promotion authority after a lapse of 8 years. In exchange for Congress', and the Nation's, renewed commitment to trade liberalization, the President agreed to expand the trade adjustment assistance program to better meet the needs of those who might be negatively impacted by trade.

A critical part of the President's commitment was the creation of a trade adjustment assistance program for farmers, ranchers, and other agricultural producers.

We all know that opening foreign markets to American agricultural products can provide great advantages to U.S. farmers and ranchers. Already, nearly one-fifth of Montana's agricultural production is exported. For Montana wheat, a full two-thirds is exported. And opening foreign markets is the best way to create new opportunities for our farmers and ranchers.

This is one reason I have always been a strong supporter of trade liberalization and an equally strong advocate for a level playing field for our farmers in world markets.

But trade liberalization can have a downside as well. It can leave our farmers and ranchers more vulnerable to sudden import surges, devastating commodity price swings, and other countries' unfair trading practices. That is why they need this TAA program.

The Department of Labor's TAA program for workers has nominally covered family farmers, ranchers, and fishermen all along. But hardly any have participated. They usually can't qualify because they don't become unemployed in the traditional sense.

After decades of trying without success to squeeze farmers into eligibility rules designed for manufacturing workers, it was time to try something new, something that would help farmers adjust to import competition before they lost their farms.

What the Trade Act does is create a TAA program tailored to the needs of farmers, ranchers, and fishermen. Basically, the program creates a new trigger for eligibility. Instead of having to show a layoff, the farmer, rancher, or fisherman has to show commodity price declines related to imports.

The trigger is different, but the program serves the same purpose as all our trade adjustment programs. It assists the farmer, rancher, or fisherman to adjust to import competition, to retrain, to obtain technical assistance, and to have access to income support to tide them over during the process. And the income support is capped to make sure that the program is not being abused.

So last summer the President made a commitment—to the Congress and to the American agricultural community—to make this program a reality. I think it is fair to say that this was one of just a few key elements that got the President those critical few votes he needed to pass TPA in the House and to pass it with a strong bipartisan vote in the Senate.

And now I say to the President, and to Secretary Veneman: the farmers and ranchers of Montana—and indeed throughout America—continue to wait for your administration to fulfill this commitment.

I hope this will happen sooner, rather than later.

Indeed, there is absolutely no excuse for a 6-month delay in getting this program off the ground. There certainly wasn't a 6-month delay in launching negotiations for four new free-trade agreements under TPA. There shouldn't be a delay here either.

My staff and I stand ready to assist in any way we can to kick start this process. But Secretary Veneman needs to do the heavy lifting here. And that is my challenge to her today.

BLACK HISTORY MONTH

Mr. SMITH. Mr. President, each year I come to the floor during the month of February to celebrate Black History Month and to discuss many of the contributions made by Black Americans to my home State of Oregon. Today, at the beginning of this year's celebration of Black History Month, I would like to begin another series of floor statements with a short discussion of a significant event in Oregon's history, the Vanport flood.

In 1929, Dr. DeNorval Unthank moved to Portland, OR from Pennsylvania, becoming one of the city's first black physicians. When he moved into a segregated, nearly all-White neighborhood, he and his family were greeted by rocks thrown through the windows of his home. When he replaced those windows, more rocks were thrown. Phone calls threatening his family were also common. Ultimately, Dr. Unthank was forced to move to another part of town.

The city of Portland was highly segregated in its early history, and, although experiences like Dr. Unthank's were not uncommon, there were very few Black Portlanders. World War II changed all that. Between 1941 and 1943, the African-American population in Portland increased tenfold, from roughly 2,000 to over 20,000. People came from all over the country to work in Portland's shipyards, and to accommodate this influx of labor, the city of Vanport—a combination of the names Vancouver and Portland—was built. At the time, it was the largest public housing project in the Nation, and it became home to thousands of Black Oregonians.

Due to the housing shortage in Portland after the war, the temporary housing at Vanport was allowed to linger on long past its original intended purpose. Restrictive policies of the local real estate industry, as well the hostility to be found in Portland's White neighborhoods, kept Black residents largely confined to Vanport. On Memorial Day 1948, the Columbia River overflowed its banks and washed away Vanport City, leaving behind a large lake and thousands of homeless people. White residents of Vanport could be fairly easily absorbed into the larger fabric of the White community with minimal disruption; however, the response to the plight of Vanport's Black residents presented a dramatic challenge to the previous patterns of racial thought and action in the city.

According to Dr. Darrell Millner, professor at Portland State University, Portland generally rose to meet the challenge of the flood in a display of admirable humanitarianism. While some distinctions related to color were made in the aftermath of the disaster, other new interracial dynamics emerged from the event that, in the long term, helped change the course of Portland race relations.

H.J. Belton Hamilton, a former chair of the Urban League of Portland's board, recalls, "A lot of people got to know each other then." Many White families took displaced Vanport Blacks into their homes after the flood, and the old artificial boundaries of the African-American community were stretched to accommodate the relocation of residents. "The Vanport flood had a major impact on Portland," said Bobbie Nunn, and early activist in the NAACP and Urban League. The city of Portland had to accommodate its Black citizens, and the movement for positive racial change was on the rise.

We can see the changes in Portland by looking back again on the life of Dr. Unthank. Not only did Dr. Unthank cofound the Urban League of Portland, but by 1958, the Oregon State Medical Society named him Doctor of the Year. Four years later, he was named Citizen of the Year by the Portland Chapter of the National Conference of Christians and Jews. In 1969, DeNorval Unthank Park was dedicated in Portland. Forty years before, rocks had been thrown through the windows of his Portland home.

Portland and the entire State of Oregon went through as many changes in the middle part of the 20th century as did most other parts of our country. In the case of Portland, it was a major catastrophe, the Vanport flood, that served as one of the major catalysts for positive change. During Black History Month, I think it is important that we remember the people and events, like Dr. Unthank and the Vanport flood, that helped shape the history of Oregon. I will come back to the floor each week this month to talk more about why Black History Month is important to Oregonians.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 26, 2001, in Los Angeles, CA. A college student assaulted a police officer outside a fraternity. The student, Adam Guerrero, 23, threw objects and shouted racial slurs at a Black traffic officer who was standing outside the fraternity house. The student was charged with counts of committing a hate crime, battery on a peace officer, and assault on a peace officer.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

RULES OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY. Mr. President, in accordance with Rule XXVI.2. of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Banking, Housing, and Urban Affairs, as unanimously adopted by the committee on January 30, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

[Adopted in executive session, January 30, 2003]

RULE 1. REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2. COMMITTEE

[a] Investigations. No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings. No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses. Committee interrogation of a witness shall be conducted

only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions. No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments. It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3. SUBCOMMITTEES

[a] Authorization for. A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations. No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings. No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses. Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings. If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting. No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4. WITNESSES

[a] Filing of statements.—Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements. Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration. Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses. Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted. Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses. No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions. Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5. VOTING

[a] Vote to report a measure or matter. No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6. QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE—RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

HEALTH CARE IN THE 108TH CONGRESS

Mr. SMITH. Mr. President, this Congress will address a number of very serious issues this year, but there is perhaps no issue we will discuss with greater long-term implications than health care.

Last year, my colleagues and I came to the Senate floor to talk about and debate the pressing need for an affordable, universal, and voluntary prescription drug benefit for America's seniors. Unfortunately, our efforts were not successful, and our Nation's seniors continue to live in fear that the loss of their health could lead to the loss of their homes.

For the past several years, I have also tried to address the growing problem of the uninsured: Every day, 41 million Americans live, work, and go to school without health coverage. While the economic downturn this past year has caused many families to tighten their belts, it has had more serious results for almost 2 million men, women, and children who have lost their health insurance along with their jobs.

Last year, the Senate Budget Committee chairman's mark included a $500 billion health fund, to be used to modernize Medicare with the addition of a prescription drug benefit, and to reduce the number of uninsured in this country. With annual prescription drug cost inflation, any legislation to address the long-neglected need of Medicare seniors for an affordable prescription drug benefit this year will consume at least as much. Additionally, growing State fiscal woes coupled with the increase in the number of uninsured Americans will require a substantial Federal response.

With the threat of war and ongoing economic downturn, it may be difficult to consider new initiatives this year. But we must. The current economic climate is all the more reason to focus attention and resources on covering the uninsured now, when the need is great. In addition, every year that passes without adding a prescription drug benefit to Medicare, seniors continue to suffer, and the cost of adding such a benefit increases substantially. We must make every effort to provide a very real benefit for our Nation's seniors and uninsured, and I urge my colleagues to support a sufficient sum to make these goals a reality this year.

TAX CUTS AND JOBS

Mr. HATCH. Mr. President, I rise today to make a suggestion about how we can work more effectively to get the engine of our economy running on all of its cylinders again.

We have heard a great deal this week about the current state of our economy and whether the President's growth plan, which he released this past Monday, will be effective in putting Americans who have lost their jobs back to work. Many of my colleagues on the other side of the aisle are questioning whether there is a link between high taxes and jobs.

The current debate has featured quotations and commentary from some of the most prominent economists and tax experts in America. Both sides rely on knowledgeable and learned authorities to make their case that the Bush growth plan will or will not be effective in creating jobs. And, as the old saying goes, you can find an expert to prove any point you wish.

But too often, I think we tend to overlook the wisdom of people on the front lines of the U.S. economy. Sometimes these people can provide answers with clarity and common sense.

A few months ago, a small business owner in Moab, UT, Jeffrey Davis, sent me a very heartfelt letter, and his sentiment has stuck in my mind. I want to share it with my colleagues here today.

Moab is a relatively small town in southeastern Utah whose economy is greatly dependent on tourism. Within just a few miles of this town lies some of the most spectacular scenery on Earth. However, the people who make Moab their home face the same economic realities with which everyone else in America deals.

Mr. Davis owns and operates a restaurant in Moab, and over the years he has tried his hand at a few other retail businesses as well. From his letter, it is obvious he has faced both good times and bad times with his businesses. Unfortunately, the recent trends have not been positive. He currently employs between 13 and 20 people, depending upon the season, and he worries that these people, who depend on him, might find themselves out of a job if conditions do not soon improve. Mr. Davis understands all too well the pressures that face all small business owners.

In his letter to me, Mr. Davis makes a point that is extremely important to the current debate on taxes and jobs—that if high taxes force the small business person to go out of business, the U.S. Government will not get any tax money.

As simple and obvious as that concept sounds, I fear it might be one who is sometimes lost on those of us in Congress. Taxes and other government requirements have a real cost on small businesses in this country, many of which are right at the edge of viability. In the case of businesses in many towns in Utah and around the country, things have been really tough for the past couple of years. The one-two punch of a slowing economy and the greatly reduced travel resulting from the events of September 11 have moved many thousands of small businesses in Utah and around the Nation right to the edge of going out of business. This is especially true of businesses in towns that depend heavily on tourism, such as Moab.

Tax cuts, such as the President is proposing, can make the difference between a small business surviving and it closing its doors. We must keep in mind that a high percentage of small businesses pay taxes at the individual rates.

As we debate the best way to deal with our slow recovery over the next weeks, we will surely hear a great deal more from economists and experts on the macro effect of various plans and how gross domestic product will be affected by enacting one idea or another.

These opinions and analyses are a very much needed and welcome part of the political process. But I urge my colleagues to not forget to also consider the wisdom of those back home in their States, who, like Jeffrey Davis of Moab, UT, face the real world effects of our decisions.

ADDITIONAL STATEMENTS

30TH ANNIVERSARY OF THE TURTLE MOUNTAIN COMMUNITY COLLEGE

• Mr. CONRAD. Mr. President, I rise today to congratulate the Turtle Mountain Community College located on the Turtle Mountain Indian Reservation in my State of North Dakota on its 30th anniversary.

Turtle Mountain Community College was one of the six original tribal colleges formed to meet the higher education needs of American Indians. Without the college, the dream of a college education would have been out of reach for so many on the reservation.

It is quite exciting to see how this college has evolved over the past 30 years. The college started from very humble beginnings. On the third floor of an abandoned Catholic convent, with fewer than 60 students and only 3 full-time faculty members, the college offered its first course to those on the reservation. Today, the college has grown to serve over 650 students, with more than 150 courses and 65 full- and part-time faculty members. Additionally, the college serves more than 250 adults who are working to earn their general equivalency degree.

Turtle Mountain Community College was the first tribal college to be granted 10-year accreditation by the North Central Association of Colleges and Schools and was the one of the first to fully integrate traditional culture throughout the curriculum.

By far one of the largest accomplishments for the college was the opening of its new campus building in 1999. The college worked for years to raise the needed funds to construct this facility. Located on a 234-acre site, the 105,000-square-foot facility includes state-of-the art technology, general classroom space, science and engineering labs, a library, learning resource center, and a gymnasium.

Over 2,000 tribal members have graduated from the college since its creation, a truly commendable accomplishment. Nearly half of the graduates have gone on to other institutions to earn a 4-year degree. Last spring, the college graduated the first group of students to earn a bachelor of science degree in elementary education.

For the past 30 years, the college has also played a critical role in reservation life, supporting tribal business development, worker training to meet the needs of local industries, and year-round activities for elementary, middle, and high school students.

I congratulate the college, its faculty, and students on this momentous occasion and wish them much success in the next 30 years.•

ARTHUR ASHE

• Mrs. CLINTON. Mr. President, Arthur Ashe said: "True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost." This is more than an eloquent definition of heroism; it was how Arthur Ashe lived his life.

Ashe emerged from segregated Richmond, VA, to become one of the finest individuals to play the game of tennis. He shattered barrier after barrier and showed the world that anyone who worked hard enough and trained could rise to the top. Ashe's triumphs began in Maryland in 1957 when he was the first African American to ever participate in the Maryland boy's tennis championships. After graduating first in his high school class, he attended UCLA. At UCLA, he helped his team win the NCAA Championship in 1965 by winning the individual championship. Ashe became the first African American ever to be appointed to the Davis Cup Team and played for the team from 1963 to 1970, and also in 1975, 1976, and 1978, and served as captain in 1980.

The world also admired Ashe for his great individual victories. He won the U.S. Open in 1968, the Australian Open in 1970, the French Open in 1971, and no one can forget his victory over Jimmy Connors in the Wimbledon Championship of 1975. Each victory, from the Maryland boy's championship to the triumph at Wimbledon, earned Arthur Ashe a spot in the International Tennis Hall of Fame in 1985.

But tennis is just one part of Ashe's legacy. He was in the military. He was an author, a husband, and a father. He understood that with great success came even greater responsibility. And in the early 1970s he denounced apartheid and worked tirelessly for South Africa's expulsion from the International Lawn Tennis Association. Ashe was the first African-American professional to play in South Africa's national tennis championships. He seized that moment in the spotlight to highlight the struggle of the South African people against the terrible oppression of apartheid. And when the South African Government refused reforms, Ashe refused to play and was even arrested in 1985 outside the South African Embassy while protesting apartheid.

Ashe never wavered in his commitment to use his position to help further important causes. Whether it was the plight of Haitian refugees or creating the USTA National Junior Tennis League to help young inner-city athletes, each effort was a measure of a man determined to make this world a better place.

Then the news came in 1992 that Ashe was HIV positive. As the news traveled to all who were inspired by Ashe, sadness spanned the globe. But once again, Ashe used his position in the world to further one last cause. He went before the General Assembly of the United Nations and called for an increase in AIDS funding and research, and he started the Arthur Ashe foundation to promote these and other causes. Arthur Ashe passed away on February 6, 1993, but his legacy continues thanks to his dedicated wife Jeanne who serves as the chairperson of the Arthur Ashe Endowment for the Defeat of AIDS, his daughter Camera, and all of those who admired this truly heroic individual.

A decade ago, the world lost one of its great heroes. And on this day, in recognition of all of his accomplishment for athletes, and the exemplary role he fulfilled as activist, author, husband, father, and individual, we salute Arthur Robert Ashe, Jr.•

RETIREMENT OF MR. DAVID B. HARRITY

• Mr. SUNUNU. Mr. President, I rise today on behalf of myself and my good friend and colleague, the senior Senator from New Hampshire, JUDD GREGG, to extend our congratulations to Mr. David B. Harrity on the occasion of his retirement from the U.S. Department of Housing and Urban Development.

Dave has had an exemplary career in Federal service, devoting more than 34 years to our Nation. Because of his dedication to duty, Dave rose through the ranks at HUD and retires today as director of the New Hampshire field office. Dave's accomplishments are not limited to his decades of Federal service, but extend to the difference he has made in the lives of countless citizens. His years of leadership and generosity have helped make Manchester, NH, the strong and vibrant community it is today.

Dave began his service with HUD at its inception in 1965, starting in the Philadelphia field office where he provided assistance to the people of Pennsylvania and southern New Jersey. From there, Dave moved to HUD's Boston regional office where, in 1971, he became the first low-rent housing specialist in New England and worked in close concert with all of the local housing authorities in each of the six New England States.

When HUD created the Executive Identification and Development Program in 1974, Dave was one of only 21 individuals selected from a national competition of more than 700 to participate in the leadership training. After completing and receiving a certificate from the Urban Executive Program of the Sloan Management School at the Massachusetts Institute of Technology, Dave was appointed special assistant to the Regional Administrator in 1975.

In 1978, Dave was tapped to serve as the director of the Housing Development and Management Divisions of the Hartford, CT, HUD Field Office. Dave's team of staff professionals worked closely with HUD customers, providing mortgage insurance, housing subsidies, and management oversight of federally assisted housing. In 1988, Dave moved on to an opportunity with the State of Connecticut's Department of Housing. In this position, he administered HUD's Section 8 Existing Certificate and the Small Cities Community Development Block Grant Programs.

In October of 1992, Dave was appointed Manager of HUD's Manchester office by then-Secretary Jack Kemp. Dave's managerial style has been and continues to be, one of working with, and in support of, local officials to ensure that each city and town in New Hampshire receives the maximum benefit from HUD's programs. While protecting the Federal Government's interests, Dave has instilled in his staff a willingness to find ways to allow local officials to administer HUD's programs in a manner which best meets the specific needs of New Hampshire's residents. Because of Dave's leadership skills, a recent Quality Management Review of the Manchester office resulted in one of the highest overall ratings of any HUD office in the Nation.

Besides the help he provides the men and women of New Hampshire through his service at HUD, Dave's philosophy of giving is reflected in a number of other community activities. He is president of the board of directors of "The CareGivers, Inc." a nonprofit organization serving the Manchester and Nashua areas of the Granite State and whose mission is "helping the frail, elderly and disabled to maintain their independence and dignity." He is also the past president of the New Hampshire Federal Executive Association and is a leader within the Greater Manchester Chamber of Commerce. As another part of his community participation, Dave serves as a "Granite State Ambassador," greeting visitors to New Hampshire at information kiosks in both the airport and downtown Manchester. He is also a member of the board of directors of the Manchester Rotary Club.

Dave's career has truly been an inspiration to those who look to form a better future through active participation in the community. While Senator GREGG and I trust Dave will enjoy his retirement with his wife Patricia, and being able to spend more time with his daughters Suzanne and Tracey and his grandsons Ryan and Thomas, we also know he will not cease giving of himself in service to his fellow man.

On behalf of the citizens of Manchester and of the Granite State, Senator GREGG and I congratulate David Harrity and thank him for all he has done for his community, the State of New Hampshire, and the Nation.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:15 a.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 18. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–991. A communication from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule "Endangered and Threatened wildlife and plants : final designation or non designation of critical habitat for 95 plant species from the islands of Kauai and Niihau, Hawaii; final rule (RIN1018-AG71)" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–992. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Nutrient Criteria Technical Guidance Manual: Estuarine and Coastal Marine Waters" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–994. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ambient Water Quality Criteria Recommendations: Rivers and Streams in Ecoregion V" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–995. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Amboemt Water Quality Criteria Recommendation: Rivers and Streams in Ecoregion I" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–996. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Method for Evaluating Wetland Condition: #10 Using Vegetation to Assess Environment Conditions in Wetlands" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–997. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Method for Evaluating Wetlands Conditions: #1 Introduction to Wetland Biological Assessment" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–998. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Method for Evaluating Wetlands Condition: #4 Study Design for Monitoring Wetlands" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–999. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Method for Evaluating Wetlands Condition: #9 Developing an Invertebrate Index of Biological Integrity" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1000. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating Condition: #12 Using Amphibians in Bioassessments of Wetlands" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1001. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating Wetlands Condition: #16 Vegetation-Based Indicators of Wetland Nutrient Enrichment" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1002. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating Wetlands Condition: #17 Land-Use Characterization for Nutrient and Sediment Risk Assessment" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1003. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating Wetlands Condition: #11 Using Algae to Assess Environmental Conditions in Wetlands" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1004. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating Wetlands Condition: #13 Biological Assessment for Birds" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1005. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating Wetlands Condition: #6 Developing Metrics and Indexes of Biological Integrity" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1006. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating Wetlands Conditions: #8 Volunteers and Wetland Biomonitoring" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1007. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Methods for Evaluating wetlands Conditions: #7 Wetlands Classification" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1008. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion IV" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1009. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion V" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1010. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion XIV" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1011. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ambient Water Quality Criteria Recommendations: Rivers and Stream in Ecoregion VIII" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1012. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ambient Water Quality Criteria Recommendations: Rivers and Streams in Ecoregion X" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1013. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion III" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1014. A communication from the Assistant Secretary, Fish and Wildlife Service , Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants ; Designation of Critical Habitat for the Rio Grande Silvery Minnow (RIN1018-AH91)" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1015. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: New Hampshire; Plan for Controlling emmissions from Existing Commercial and Industrial Solid Waste Incinerators (FRL7447-6)" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1016. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emmission from New Marine Compression-Ignition Engines at or Above Liters per Cylinder (FRL7448-9)" received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1017. A communication from the Administrator, Environmental Protection Agency , transmitting, pursuant to law, the Fiscal Year 2002 Annual Report of the Environmental Protection Agency, received on February 1, 2003; to the Committee on Environment and Public Works.

EC–1018. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D .C. ACT 14-89 "Independence of the Chief Financial Officer Establishment Act of 2001" received on February 1, 2003; to the Committee on Governmental Affairs.

EC–1019. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense Fiscal Year (FY) 2002 Performance and Accountability Report, received on January 31, 2003; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, without amendment and with a preamble:

S. Res. 49. A resolution designating February 11, 2003, as "National Inventors' Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

John R. Adams, of Ohio, to be United States District Judge for the Northern District of Ohio.

S. James Otero, of California, to be United States District Judge for the Central District of California.

Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. SCHUMER):

S. 324. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails

System; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 325. A bill to amend the Agricultural Marketing Act of 1946 to increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida:

S. 326. A bill to amend the Uniform Code of Military Justice to apply to prosecutions of child abuse cases in courts-martial an extended statute of limitations applicable to prosecutions of child abuse cases in United States District Courts, and for other purposes; to the Committee on Armed Services.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 327. A bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 328. A bill to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area," and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 329. A bill to assist the Neighborhood Watch program to empower communities and citizens to enhance awareness about threats from terrorism and weapons of mass destruction, and encourage local communities to better prepare to respond to terrorist attacks; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. COCHRAN, Mr. MILLER, Mr. JOHNSON, Mr. INOUYE, Mr. CONRAD, Mr. BINGAMAN, Mr. LEAHY, Mr. BUNNING, Mr. DOMENICI, Ms. MURKOWSKI, and Mr. CRAIG):

S. 330. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. BAUCUS, Mr. JOHNSON, Mr. DOMENICI, Mr. BINGAMAN, Mr. COCHRAN, and Ms. STABENOW):

S. 331. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, and Mr. CONRAD):

S. 332. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 113

At the request of Mr. KYL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 113, a bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

S. 150

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 196

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 205

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 205, a bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

S. 207

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind.

S. 245

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 250

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 250, a bill to address the international HIV/AIDS pandemic.

S. 287

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 300

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 303

At the request of Mr. HATCH, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 303, a bill to prohibit human cloning and protect stem cell research.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 48, A resolution designating April 2003 as "Financial Literacy for Youth Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. SCHUMER):

S. 324. A bill acquisition from willing sellers for certain trails in the National Trails System; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Willing Seller bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL TRAILS SYSTEM.

(a) ACQUISITION OF LAND FROM WILLING SELLERS.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) in paragraph (8), by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail without the consent of the owner of the land or interest.";

(2) in paragraph (10), by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail without the consent of the owner of the land or interest."; and

(3) in the fourth sentence of paragraph (11)—

(A) by striking "No lands or interests therein outside the exterior" and inserting "No land or interest in land outside the exterior"; and

(B) by inserting before the period at the end the following: "without the consent of the owner of the land or interest".

(b) CONFORMING AMENDMENT.—Section 10(c)(1) of the National Trails System Act (16 U.S.C. 1249(c)(1)) is amended by striking "the North Country National Scenic Trail, The Ice Age National Scenic Trail,".

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 325. A bill to amend the Agricultural Marketing Act of 1946 to increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, during the last Congress Senator FEINGOLD and I sponsored the Transparency for Independent Livestock Producers Act, or what we have generally referred to as the "Transparency Act". Today we are once again working together in a bipartisan fashion to re-introduce this important legislation.

As everyone knows, I introduced the packer ban this Congress because I want more competition in the marketplace. While I don't think packers should be in the same business as independent livestock producers, it's not the fact that the packers own the livestock that bothers me as much as the fact that the packers' livestock competes for shackle space and adversely impacts the price independent producers receive.

My sponsorship of the packer ban is based on the belief that independent producers should have the opportunity to receive a fair price for their livestock. The last few years have led to widespread consolidation and concentration in the packing industry. Add on the trend toward vertical integration among packers and there is no question why independent producers are losing the opportunity to market their own livestock during profitable cycles in the live meat markets.

The past CEO of IBP in 1994 explained that the reason packers own livestock is that when the price is high the packers use their own livestock for the lines and when the price is low the packers buy livestock. This means that independent producers are most likely being limited from participating in the most profitable ranges of the live market. This is not good for the survival of the independent producer.

This bipartisan legislation would guarantee that independent producers have a share in the market place while assisting the Mandatory Price Reporting system. The proposal would require that 25 percent of a packer's daily kill comes from the spot market. By requiring a 25 percent spot market purchase daily, the mandatory price reporting system, which has been criticized due to reporting and accuracy problems, would have consistent, reliable numbers being purchased from the spot market, improving the accuracy and transparency of daily prices. In addition, independent livestock producers would be guaranteed a competitive position due to the packers need to fill the daily 25 percent spot/cash market requirement.

The packs required to comply would be the same packs required to report under the Mandatory Price Reporting system. Those are packs that kill either 125,000 head of cattle, 100,000 head of hogs, or 75,000 lambs annually, over a 5 year average.

Packers are arguing that this will hurt their ability to offer contracts to producers, but the fact of the matter is that the majority of livestock contracts pay out on a calculation incorporating Mandatory Price Reporting data. If the Mandatory Price Reporting data is not accurate, or open to possible manipulation because of low numbers on the spot market, contracts are not beneficial tools for producers to manage their risk. This legislative proposal will hopefully give confidence to independent livestock producers by improving the accuracy and viability of the Mandatory Price reporting system and secure fair prices for contracts based on that data.

It's just common sense, when there aren't a lot of cattle and pigs being purchased on the cash market, it's easier for the Mandatory Price reporting data to be inaccurate or manipulated. The majority of livestock production contracts are based on that data, so if that information is wrong the contract producers suffer.

This legislation will guarantee independent livestock producers market access and a fair price. It will accomplish these goals by making it more difficult for the Mandatory Price Reporting System to be manipulated because of low numbers being reported by the packs. The Transparency Act is crucial legislation to guarantee livestock producers receive a fair shake at the farm gate and I am looking forward to working on this legislation in a bipartisan fashion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following:

"SEC. 260. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

"(a) DEFINITIONS.—In this section:

"(1) COOPERATIVE ASSOCIATION OF PRODUCERS.—The term 'cooperative association of producers' has the meaning given the term in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

"(2) COVERED PACKER.—

"(A) IN GENERAL.—The term 'covered packer' means a packer that is required under this subtitle to report to the Secretary each reporting day information on the price and quantity of livestock purchased by the packer.

"(B) EXCLUSION.—The term 'covered packer' does not include a packer that owns only 1 livestock processing plant.

"(3) NONAFFILIATED PRODUCER.—The term 'nonaffiliated producer' means a producer of livestock—

"(A) that sells livestock to a packer;

"(B) that has less than 1 percent equity interest in the packer, which packer has less than 1 percent equity interest in the producer;

"(C) that has no officers, directors, employees, or owners that are officers, directors, employees, or owners of the packer;

"(D) that has no fiduciary responsibility to the packer; and

"(E) in which the packer has no equity interest.

"(4) SPOT MARKET SALE.—

"(A) IN GENERAL.—The term 'spot market sale' means a purchase and sale of livestock by a packer from a producer—

"(i) under an agreement that specifies a firm base price that may be equated with a fixed dollar amount on the date the agreement is entered into;

"(ii) under which the livestock are slaughtered not more than 7 days after the date on which the agreement is entered into; and

"(iii) under circumstances in which a reasonable competitive bidding opportunity exists on the date on which the agreement is entered into.

"(B) REASONABLE COMPETITIVE BIDDING OPPORTUNITY.—For the purposes of subparagraph (A)(iii), circumstances in which a reasonable competitive bidding opportunity shall be considered to exist if—

"(i) no written or oral agreement precludes the producer from soliciting or receiving bids from other packers; and

"(ii) no circumstance, custom, or practice exists that—

"(I) establishes the existence of an implied contract (as determined in accordance with the Uniform Commercial Code); and

"(II) precludes the producer from soliciting or receiving bids from other packers.

"(b) GENERAL RULE.—Of the quantity of livestock that is slaughtered by a covered packer during each reporting day in each plant, the covered packer shall slaughter not less than the applicable percentage specified in subsection (c) of the quantity through spot market sales from nonaffiliated producers.

"(c) APPLICABLE PERCENTAGES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage shall be—

"(A) in the case of a covered packer that is not a cooperative association, 25 percent; and

"(B) in the case of a covered packer that is a cooperative association, 12.5 percent.

"(2) EXCEPTIONS.—

"(A) COVERED PACKERS WITH A HIGH PERCENTAGE OF CAPTIVE SUPPLY CATTLE.—In the case of a covered packer (other than a covered packer described in subparagraph (B)) that reported to the Secretary in the 2001 annual report that more than 75 percent of the cattle of the covered packer were captive supply cattle, the applicable percentage shall be the greater of—

"(i) the difference between the percentage of captive supply so reported and 100 percent; and

"(ii)(I) during each of calendar years 2004 and 2005, 5 percent;

"(II) during each of calendar years 2006 and 2007, 15 percent; and

"(III) during calendar year 2008 and each calendar year thereafter, 25 percent.

"(B) COOPERATIVE ASSOCIATIONS WITH HIGH PERCENTAGE OF CAPTIVE SUPPLY CATTLE.—In the case of a covered packer that is a cooperative association and that reported to the Secretary in the 2001 annual report that more than 87.5 percent of the cattle of the covered packer were captive supply cattle, the applicable percentage shall be the greater of—

"(i) the difference between the percentage of captive supply so reported and 100 percent; and

"(ii)(I) during each of calendar years of 2004 and 2005, 5 percent;

"(II) during each of calendar years of 2006 and 2007, 7.5 percent; and

"(III) during calendar year 2008 and each calendar year thereafter, 12.5 percent.

"(d) NONPREEMPTION.—Notwithstanding section 259, this section does not preempt any requirement of a State or political subdivision of a State that requires a covered packer to purchase on the spot market a greater percentage of the livestock purchased by the covered packer than is required under this section.

"(e) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section affects the interpretation of any other provision of this Act, including section 202.".

By Mr. NELSON of Florida:

S. 326. A bill to amend the Uniform Code of Military Justice to apply to prosecutions of child abuse cases in courts-martial an extended statute of limitations applicable to prosecutions of child abuse cases in United States District Courts, and for other purposes; to the Committee on Armed Forces.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation to close a gaping loophole in the Victims of Child Abuse Act that currently ties the hands of military prosecutors.

Congress passed the Victims of Child Abuse Act to extend the statute of limitations for prosecuting offenses involving the sexual or physical abuse of minor children. But the military's highest court recently said the VCCA's extended statute of limitations doesn't apply to courts martial.

Because Congress did not expressly address the relationship of this provision to the Uniform Code of Military Justice serious crimes against children are now out of military prosecutors' reach.

This loophole became tragically apparent to me after I was contacted by the father of a young girl who was sexually abused by a member of the military. The victim's father called my office to express his frustration that the Air Force couldn't properly prosecute the man for molesting his daughter over a 7-year period. The military couldn't convict the offender on the worst counts levied against him because of the insufficient 5-year statute of limitations provided by the Uniform Code of Military Justice.

Air Force prosecutors originally used the extended statute of limitations provided by the Victims of Child Abuse Act to convict the defendant of several crimes, but the most serious convictions were overturned by the U.S. Court of Appeals for the Armed Forces which determined that the shorter statute of limitations provided by the UCMJ applied to the case instead of the extended prosecution period provided by the VCAA.

The Court's narrow interpretation of the VCAA means this sex offender will do a very short sentence at best, even though he abused this young girl for years.

The bill I introduce today is designed to ensure that kids aren't denied justice just because the defendant happens to be a member of the military. Military prosecutors need the power to put these criminals away for a long time.

The statute of limitations provided by the VCAA allows prosecutions until the victim's 25th birthday. My bill clarifies that the VCAA's statute of limitations applies to courts martial whenever a case arises involving the sexual or physical abuse of a child.

Child victims of sexual crimes sometimes struggle to come to terms with the crimes committed against them and often are not willing, or able, to bring the crime to the attention of authorities until they are much older. Applying the longer statute of limitations provided by the VCAA to courts martial will allow military prosecutors to throw the book at sexual predators.

I strongly urge my colleagues to support this simple, but very important, change to the law. Our kids deserve this protection and we should give it to them without delay.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.

Section 843(b) of title 10, United States Code (article 43 of the Uniform Code of Military Justice, is amended by adding at the end the following new paragraph:

"(3) Section 3283 of title 18, relating to an extension of a period of limitation for prosecution of an offense involving sexual or physical abuse of a child under the age of 18 years, shall apply to liability of a person for trial for such an offense by a court-martial and liability of a person for punishment for such an offense under section 815 of this title (article 15).".

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 327. A bill to amend part A of title IV of the Social Security Act to allow up to 2 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am pleased to be joined by Senator JEFFORDS in reintroducing legislation that seeks to add an important measure of flexibility to a provision of the Temporary Assistance for Needy Families program, TANF, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The legislation we are introducing increases from 12 to 24 months the limit on the amount of vocational education training that a State can count towards meeting its work participation rate.

Under the pre-1996 Aid to Families with Dependent Children program, welfare recipients could participate in post-secondary vocational training or community college programs for up to 24 months while receiving assistance. While I support TANF's emphasis on moving welfare recipients into jobs, I am troubled by the restriction on post-secondary education training, limiting it to 12 months. Only one year of vocational education counts as an approved work activity. The second year of post-secondary education study does not.

The limitation on post-secondary education and training raises a number of concerns, not the least of which is whether individuals may be forced into low-paying, short-term employment that will lead them back onto public assistance because they are unable to support themselves or their families. According to recent studies, this is exactly what has happened in far too many cases.

A March 13, 2001, report of the Congressional Research Service, indicates that the average hourly wage for these former welfare recipients ranged from $5.50 to $8.80 per hour. According to the U.S. Census Bureau, the mean earnings of adults with an associate degree are 20 percent higher than adults who have not achieved such a degree.

A majority of the Senate has previously voted to make 24 months of post-secondary education a permissible work activity under TANF. The Levin-Jeffords amendment to the 1997 Reconciliation bill, permitting up to 24 months of post-secondary education, received 55 votes—falling five votes short of the required procedural vote of 60. I must note the efforts of our dear friend and colleague Senator Paul Wellstone who was committed to this issue and who subsequently, in 1998, offered similar legislation as an amendment to the Higher Education Act reauthorization, which I cosponsored. The Senate adopted his amendment, however, the amendment was dropped during conference negotiations.

In June of last year, Senator JEFFORDS and I were very pleased that our proposal was included in the Senate Finance Committee reported bill reauthorizing TANF. It is our hope that the Senate will again act favorably and expeditiously on this legislation and that the House will support this much-needed state flexibility. We must do what is necessary to achieve TANF's intended goal of getting families permanently off of welfare and onto self-sufficiency.

Finally, I would like to share with my colleagues some examples of the difference that completion of two years of vocational or community college can make. The following are jobs that an individual could prepare for in a structured two-year training or community college program, including the average starting salary, as provided by the Bureau of Labor Statistics.

AVERAGE STARTING SALARY NATIONWIDE

Respiratory Therapist	$29,700
Occupational Therapy Assistant	25,220
Electrician	24,230
Physical Therapy Assistant	23,590
Computer Support Specialist	22,710
Interior Designer	21,490
Legal Secretary	22,360
Food Service Manager	20,370

We must ensure that all citizens have the opportunity to become productive and successful members of the workforce. Again, I urge my colleagues to act with haste on this legislation. This modification will give the states the flexibility they need to improve the economic status of families across America.

I ask unanimous consent that the text of the legislation Senator JEFFORDS and I are introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN NUMBER OF MONTHS OF VOCATIONAL EDUCATIONAL TRAINING COUNTED AS A WORK ACTIVITY UNDER THE TANF PROGRAM.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended by striking "12" and inserting "24".

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 328. A bill to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area," and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today I am re-introducing legislation, together with my colleague Senator MIKULSKI, to re-designate Catoctin Mountain Park as the Catoctin Mountain National Recreation Area. I first introduced this measure in October 2002, but unfortunately it was not acted upon during the closing days of the 107th Congress. It is my hope that the legislation will receive full and prompt consideration this year.

I spoke last year about the need for this legislation and would like to underscore the principal arguments today. Catoctin Mountain Park is a hidden gem in our National Park System. Home to Camp David, the Presidential retreat, it has been aptly described as "America's most famous unknown park." Comprising nearly 6000 acres of the eastern reach of the Appalachian Mountains in Maryland, the park is rich in history as well as outdoor recreation opportunities. Visitors can enjoy camping, picnicking, cross-country skiing, fishing, as well as the solitude and beauty of the woodland mountain and streams in the park.

Catoctin Mountain Park had its origins during the Great Depression as one of 46 Recreational Demonstration Areas, RDA, established under the authority of the National Industrial Recovery Act. The Federal Government purchased more than 10,000 acres of mountain land that had been heavily logged and was no longer productive to demonstrate how sub-marginal land could be turned into a productive recreational area and help put people back to work. From 1936 through 1941, hundreds of workers under the Works Progress Administration and later the Civilian Conservation Corps were employed in reforestation activities and in the construction of a number of camps, roads and other facilities, including the camp now known as Camp David, and one of the earliest—if not the oldest—camp for disabled individuals. In November 1936, administrative authority for the Catoctin RDA was transferred to the National Park Service by Executive Order.

In 1942, concern about President Roosevelt's health and safety led to the selection of Catoctin Mountain, and specifically Camp Hi-Catoctin as the location for the President's new retreat. Subsequently approximately 5,000 acres of the area was transferred to the State of Maryland, becoming Cunningham Falls State Park in 1954. The remaining 5,770 acres of the Catoctin Recreation Demonstration Area was renamed Catoctin Mountain Park by the Director of the National Park Service in 1954. Unfortunately, the Director failed to include the term "National" in the title and the park today remains one of 17 units in the entire National Park System and one of 9 units in the National Capital Region that does not have this designation. Those units include four parkways, four wild and scenic rivers, the White House and Wolf Trap Farm Park for the Performing Arts.

The proximity of Catoctin Mountain Park, Camp David, and Cunningham Falls State Park, and the differences between national and state park management, has caused longstanding confusion for visitors to the area. Catoctin Mountain Park is continually misidentified by the public as containing lake and beach areas associated with Cunningham Falls State Park, being operated by the State of Maryland, or being closed to the public because of the presence of Camp David. National Park employees spend countless hours explaining, assisting and redirecting visitors to their desired destinations.

My legislation would help to address this situation and clearly identify this park as a unit of the National Park System by renaming it the Catoctin Mountain National Recreation Area. The mission and characteristics of this park—which include the preservation of significant historic resources and important natural areas in locations that provide outdoor recreation for large numbers of people—make this designation appropriate. This measure would not change access requirements or current recreational uses occurring within the park. But it would assist the visiting public in distinguishing between the many units of the State and Federal systems. It will also, in my judgment, help promote tourism by enhancing public awareness of the National Park unit.

The legislation is supported by the Board of County Commissioners and Tourism Council of Frederick County. I urge approval of this legislation.

By Mr. CAMPBELL (for himself, Mr. COCHRAN, Mr. MILLER, Mr. JOHNSON, Mr. INOUYE, Mr. CONRAD, Mr. BINGAMAN, Mr. LEAHY, Mr. BUNNING, Mr. DOMENICI, Ms. MURKOWSKI, and Mr. CRAIG):

S. 330. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce legislation that would recognize and protect the sanctity of veterans' memorials standing tributes to the brave American men and women who have fought for our enduring freedom. I am pleased to be joined by eleven of my colleagues, who are original cosponsors of this bill, the "Veterans' Memorial Preservation and Recognition Act of 2003."

This bill is based on legislation which passed the Senate in the 107th Congress, S. 1644. When I introduced S. 1644, it was four days before Veterans' Day—an appropriate marker to honor those who so admirably served our country. Under my bill, someone who willfully destroys any type of monument commemorating those in the Armed Services on Federal property would be fined or put in jail. The violator would be subject to a civil penalty in addition to a fine, equal to the cost of repairing the damage.

The second part of this bill would permit states to place supplemental guide signs for veterans' cemeteries on Federal-aid highways. By allowing signs to be posted on well-traveled roads, these sites will gain the recognition they deserve. It is my goal to make cemeteries easily accessible to those who want to pay their respect there. Many Americans do stop and recognize the sacrifice so many have made for our freedom, and I am convinced many more would if they were aware of where our memorials are located.

Our veterans, living and lost, are reminders of our national unity. Those who have served in our Armed Services remind us of freedom and justice in the midst of conflict and during times of peace. We are losing thousands of them forever, each year, as the veteran population ages. We have to honor their sacrifices by protecting those sites that recognize them. There are hundreds of veterans' memorials, on Federal property, where we go to heal and to remember. As a veteran myself, I am committed to seeing that not a single one is stripped of its dignity.

I learned that approximately one month before introducing my bill, vandals in Mead, CO, had stolen four headstones and shattered another at a local cemetery. One of those headstones belonged to a Civil War veteran. I commend the Weld County Sheriff's office for their work on the ongoing investigation into the crime, as well as local residents who have volunteered their time to rebuild the site.

This was a local cemetery, which received overwhelming local support. Unfortunately, when heartbreaking incidents like this happen on Federal land, there currently is no comprehensive law to protect the site nor to punish the perpetrators.

I encourage my colleagues to work together for swift consideration of this important legislation. It doesn't cost the taxpayers a thing, but it could save the American people from the injustices of thoughtless vandalism. I have the support of several veterans' organizations who have offered words of encouragement for this bill. These Americans know, first hand, the concept of service. Let's honor what they and thousands of others have done so bravely to preserve our freedom.

I ask unanimous consent that the bill and letters of support be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Memorial Preservation and Recognition Act of 2003".

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"§ 1369. Destruction of veterans' memorials

"(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) A circumstance described in this subsection is that—

"(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

"(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"1369. Destruction of veterans' memorials.".

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

THE AMERICAN LEGION,
Washington, DC, January 27, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the 2.9 million members of The American Legion, I would like to express full support for the Veterans' Memorial Preservation and Recognition Act. We applaud your effort to prohibit the desecration of veterans' memorials, and to permit guide signs to veterans cemeteries on federal highways.

The American Legion recognizes the need to preserve the sanctity and solemnity of veterans' memorials. These historic monuments serve not only to honor the men and women of the Nation's armed services, but to educate future generations of the sacrifices endured to preserve the freedoms and liberties enjoyed by all Americans.

Once again, The American Legion fully supports the Veterans' Memorial Preservation and Recognition Act. We appreciate your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

AMVETS,
Lanham, MD, January 14, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of AMVETS, I am writing to commend your introduction of legislation to ban desecration of veterans' memorials, provide for timely repair of memorials, and ensure appropriate placement of guide signs to veterans' cemeteries along federal highways.

Our nation's veterans' memorials are national shrines to the bravery and dedication of the men and women who have served in our Armed Forces. It is hard to believe that certain individuals within our communities would even consider the desecration of a memorial to those who defended freedom. Yet, it unfortunately occurs.

AMVETS strongly supports the goals of your legislative proposal and endorses your effort to do more to protect our veterans' memorials and honor the memory of their military service. We also give strong backing to the provision in your proposal that identifies the need and importance of providing information to travelers on our Nation's highways about the location of these beautiful memorials.

We appreciate your steadfast support on issues important to the men and women who have served in our Armed Forces. And, again, thank you for the leadership on veterans' issues.

Sincerely,

RICHARD "RICK" JONES,
National Legislative Director.

PARALYZED VETERANS OF AMERICA,
Washington, DC, January 8, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support of the "Veterans' Memorial Preservation and Recognition Act of 2003."

Memorials to the men and women who have served this Nation, in times of war and in times of peace, are tokens of our gratitude for this service, and their sacrifice. They are tangible reminders of our past, and an inspiration for our future. For this reason they are well worth protecting and preserving. This legislation addresses both of these goals.

Again, thank you for introducing the "Veterans' Memorial Preservation and Recognition Act of 2003."

Sincerely,

RICHARD B. FULLER,
National Legislative Director.

ROLLING THUNDER®, INC,
NATIONAL CHAPTER 1,
Neshanic Station, NJ, January 8, 2003.

Senator BEN "NIGHTHORSE" CAMPBELL,
Russell Senate Office Building,
Washington, DC.

HONORABLE BEN CAMPBELL: I am sending this letter in support of Bill, "Veterans Memorial Preservation and Recognition Act of 2003.

Rolling Thunder National and our members are in full support of this bill. Those who destroy and deface any Veterans Memorial should be punished and made to pay full restitution for the damages they have caused. Many Americans have fought and died for the Freedom of all Americans and their Memorials should be honored and respected by all.

I thank you for all your help and support to all American Veterans.

Sincerely,

SGT. ARTIE MULLER,
National President.

By Mr. DASCHLE (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. BAUCUS, Mr. JOHNSON, Mr. DOMENICI, Mr. BINGAMAN, Mr. COCHRAN, and Ms. STABENOW):

S. 331. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

Mr. DASCHLE. Mr. President, today I am reintroducing legislation to correct an inequity in the laws affecting many Native American children. I am joined by Senators MCCAIN, INOUYE, BAUCUS, JOHNSON, DOMENICI, BINGAMAN, COCHRAN and STABENOW, in sponsoring this important piece of legislation. This effort is also supported by the National Indian Child Welfare Association, the American Public Human Services Association, and the National Congress of American Indians.

Every year, for a variety of often tragic reasons, thousands of children across the country are placed in foster care. To assist with the cost of food, shelter, clothing, daily supervision and school supplies, foster parents of children who have come to their homes through state court placement receive financial assistance through Title IV–E of the Social Security Act. Additionally, States receive funding for administrative training and data collection to support this program. Unfortunately, because of a legislative oversight, many Native American children who are placed in foster care by tribal courts do not receive foster care and adoptive services and assistance to which all other income-eligible children are entitled.

Not only are otherwise eligible Native children denied foster care maintenance payments, but this inequity also extends to children who are adopted through tribal placements. Currently, the IV–E program offers limited assistance for expenses associated with adoption and the training of professional staff and parents involved in the adoption. These circumstances, sadly, have made it even harder for Indian children to attain the permanency they need and deserve.

In many instances, these children face insurmountable odds. Many come from abusive homes. Foster parents who open their doors to care for these special children deserve our help. These generous people should not have to worry about whether they have the resources to provide nourishing food or a warm coat, or even adequate shelter for these children. This legislation will go a long way to ease their concerns.

Currntly, some tribes and states have entered into IV–E agreements, but these arrangements are the exception. They also, by and large, do not include funds to train tribal social workers and foster and adoptive parents. This bill would make it clear that tribes would be treated like a state when they choose to run their own programs under the IV–E program.

The bill we are introducing today would: extend the Title IV–E entitlement programs to children placed by tribal agencies in foster and adoptive homes; authorize tribal governments to receive direct funding from the Department of Health and Human Services for administration of IV–E programs (tribes must have HHS-approved programs); allow the Secretary flexibility to modify the requirements of the IV–E law for tribes if those requirements are not in the best interest of Native children; and allow continuation of tribal-State IV–E agreements.

In a 1994 report, HHS found that the best way to serve this underfunded group is to provide direct assistance to tribal governments qualified tribal families. This bill would not result in reduced funding for the States, as they would continue to be reimbursed for their expenses under the law.

I strongly believe Congress should address this oversight and provide equitable benefits to native American children who are under the jurisdiction of their tribal governments, and I urge my colleagues to support this bill.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, and Mr. CONRAD):

S. 332. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Today I am introducing legislation to correct a longstanding inequity that has caused hardship for American farmers. That inequity is the pricing of agricultural pesticides for American producers in relationship to Canadian pesticide pricing. My bill would solve this inequity by allowing individual States to label Canadian pesticides that have the same formula as those used in the U.S. for use by American farmers.

Farmers combine land, water, commercial inputs, labor, and their management skills into practices and systems to produce food and fiber. To sustain production over time, farmers must make a profit and preserve their resource and financial assets. Society wants food and fiber products that are low-cost, safe to consume, and aesthetically pleasing, and wants production systems that preserve or enhance the environment. These often competing goals and pressures are reflected not only in the inputs made available for production, but also in how the inputs are selected, combined, and managed at the farm level.

Time and time again I have come to Senate floor to point out the stark realities of free trade. I have talked at length about the flood of imported grain that streams across our border. Come to my State of North Dakota. Every day truckload after truckload of Canadian commodities, wheat, barley, durum, come across our border to compete with commodities grown here at home. These Canadian imports are grown with the aid of pesticides, pesticides of the same makeup and composition as those purchased in the United States. Yet Canadian producers have the luxury of buying those same chemicals at prices substantially lower than those American farmers have to pay.

Why? The answer is simple; pesticide manufacturers charge American farmers more because they can. In agricultural policy, benefits from the North American Free Trade Agreement flow the same direction as the Red River of my State, north. This is especially true of pesticide pricing.

A recent survey completed by North Dakota State University surveyed 15 different pesticides commonly used in both Canada and North Dakota. All would qualify for registration in North Dakota under this bill. Of the 15, not one, not one, had a price differential in favor of the American farmer. When you totaled it all out, those 15 chemicals cost, in North Dakota alone, $23.7 million more, in 1 year, for the American producer. That's just not right.

If we're going to have free trade, let's make it fair trade. If we are going to open our borders to Canadian grain grown with Canadian pesticides, we ought to open our borders to similar pesticides for U.S. producers at the same cost. It's time to level the playing field for American farmers, we must give them the same advantages that Canadian producers have enjoyed for years. If we're going to have a free trade agreement with Canada, let's all sing from the same page, using the same music. Because putting American farmers at a disadvantage in the world marketplace over pesticide prices that are not in harmony with our competitors is a practice that must be stopped. It must be stopped now.

Nothing in this legislation harms the environment, unless you're in the environment of profits. This legislation would create a procedure whereby individual states could apply and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States.

The new labels for the chemicals would still be under the strict scrutiny of the Environmental Protection Agency as would their use. This would continue to insure safety in the food supply. Food safety is a number one priority for all of us. Chemical safety is a number one priority for all of us. This bill keeps those priorities intact.

It is impossible to defend chemical price imbalance. You can't defend it to the growers, you can't defend it to the chemical distributor, and you can't defend it to the chemical retailer. Most importantly, you can't defend it to the American consumer, who ultimately pays the tab.

Let's be clear, this is not the end of the journey but the beginning. We have a long way to go to cure the imbalances of trade between our nations. If we don't begin the journey, we can't end it. This bill is a step in the right direction.

I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

"(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

"(1) DEFINITIONS.—In this subsection:

"(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

"(i) is registered for use as a pesticide in Canada;

"(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under section 3; and

"(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

"(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide—

"(i) that is registered under section 3;

"(ii) the registration of which is not under suspension;

"(iii) that is not subject to—

"(I) a notice of intent to cancel or suspend under any provision of this Act;

"(II) a notice for voluntary cancellation under section 6(f); or

"(III) an enforcement action under any provision of this Act;

"(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

"(v) that is registered for use on each site of application for which registration is sought under this subsection;

"(vi) for which no use is the subject of a pending interim administrative review under section 3(c)(8);

"(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

"(viii) that is not classified as a restricted use pesticide under section 3(d).

"(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

"(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration—

"(i) complies with this subsection;

"(ii) is consistent with this Act; and

"(iii) has not previously been disapproved by the Administrator.

"(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under section 3 or subsection (c).

"(C) EFFECT OF REGISTRATION.—A registration of a Canadian pesticide by a State under this subsection—

"(i) shall be deemed to be a registration under section 3 for all purposes of this Act; and

"(ii) shall authorize distribution and use only within that State.

"(D) REGISTRANT.—

"(i) IN GENERAL.—A State may register a Canadian pesticide under this subsection on its own motion or on application of any person.

"(ii) STATE OR APPLICANT AS REGISTRANT.—

"(I) STATE.—If a State registers a Canadian pesticide under this subsection on its own motion, the State shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

"(II) APPLICANT.—If a State registers a Canadian pesticide under this subsection on application of any person, the person shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

"(3) REQUIREMENTS FOR REGISTRATION SOUGHT BY PERSON.—A person seeking registration by a State of a Canadian pesticide in a State under this subsection shall—

"(A) demonstrate to the State that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

"(B) submit to the State a copy of—

"(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

"(ii) the label approved by the Administrator for the comparable domestic pesticide.

"(4) STATE REQUIREMENTS FOR REGISTRATION.—A State may register a Canadian pesticide under this subsection if the State—

"(A) obtains the confidential statement of formula for the Canadian pesticide;

"(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

"(C) for each food or feed use authorized by the registration—

"(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

"(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

"(D) obtains a label approved by the Administrator that—

"(i)(I) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the State; and

"(II) excludes all labeling statements relating to uses that are not registered by the State;

"(ii) identifies the State in which the product may be used;

"(iii) prohibits sale and use outside the State identified under clause (ii);

"(iv) includes a statement indicating that it is unlawful to use the Canadian pesticide in the State in a manner that is inconsistent with the labeling approved by the Administrator under this subsection; and

"(v) identifies the establishment number of the establishment in which the labeling approved by the Administrator will be affixed to each container of the Canadian pesticide; and

"(E) not later than 10 business days after the issuance by the State of the registration, submit to the Administrator a written notification of the action of the State that includes—

"(i) a description of the determination made under this paragraph;

"(ii) a statement of the effective date of the registration;

"(iii) a confidential statement of the formula of the registered pesticide; and

"(iv) a final printed copy of the labeling approved by the Administrator.

"(5) DISAPPROVAL OF REGISTRATION BY ADMINISTRATOR.—

"(A) IN GENERAL.—The Administrator may disapprove the registration of a Canadian pesticide by a State under this subsection if the Administrator determines that the registration of the Canadian pesticide by the State—

"(i) does not comply with this subsection or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

"(ii) is inconsistent with this Act.

"(B) EFFECTIVE PERIOD.—If the Administrator disapproves a registration by a State under this subsection by the date that is 90 days after the date on which the State issues the registration, the registration shall be ineffective after the 90th day.

"(6) LABELING OF CANADIAN PESTICIDES.—

"(A) IN GENERAL.—Each container containing a Canadian pesticide registered by a State shall bear the label that is approved by the Administrator under this subsection.

"(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

"(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

"(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

"(i) prepare labels approved by the Administrator for the Canadian pesticide; and

"(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

"(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

"(7) REVOCATION.—

"(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

"(B) TERMS OF ORDER.—The order—

"(i) shall be effective immediately;

"(ii) may prohibit the sale, distribution, and use of the Canadian pesticide; and

"(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

"(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

"(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

"(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

"(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

"(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

"(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection, other provisions of this Act, or the

Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or has failed to exercise adequate controls of 1 or more Canadian pesticides registered under this subsection, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

"(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

"(i) notify the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

"(ii) before taking final action to suspend authority under this subsection, provide the State an opportunity to respond to the proposal to suspend within 30 calendar days after the State receives notice under clause (i).

"(9) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal court against—

"(A) a State acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the State under this subsection; or

"(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

"(10) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the Administrator that the State can and will maintain the confidentiality of any trade secrets and commercial or financial information provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

"(11) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—

"(A) IN GENERAL.—On request by a State, the registrant of a comparable domestic pesticide shall provide to the State that is seeking to register a Canadian pesticide in the State under this subsection information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the registrant that the State can and will maintain the confidentiality of any trade secrets and commercial and financial information provided by the registrant to the State under this subsection to the same extent as is required under section 10.

"(B) PENALTY FOR NONCOMPLIANCE.—

"(i) IN GENERAL.—If the registrant of a comparable domestic pesticide fails to provide to the State, not later than 15 days after receipt of a written request by the State, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable domestic pesticide.

"(ii) AMOUNT.—The amount of the penalty shall be equal to the product obtained by multiplying—

"(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

"(II) the number of acres in the State devoted to the commodity for which the State registration is sought.

"(C) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

"(D) ISSUES AT HEARING.—The only issues for resolution at the hearing shall be—

"(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the State the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

"(ii) the amount of the penalty.

"(12) PENALTY FOR DISCLOSURE BY STATE.—

"(A) IN GENERAL.—The State shall not make public information obtained under paragraph (10) or (11) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

"(B) DISCLOSURE.—Any State employee who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

"(13) DATA COMPENSATION.—A State or person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

"(14) FORMULATION CHANGES.—

"(A) IN GENERAL.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

"(B) STATEMENT OF FORMULA.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

"(C) SUSPENSION OF REGISTRATION FOR NONCOMPLIANCE.—

"(i) IN GENERAL.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

"(ii) EFFECTIVE DATE.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

"(iii) HEARING PROCEDURE.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

"(iv) ISSUES.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v(c)) is amended—

(A) in paragraph (1), by inserting "IN GENERAL.—" after "(1)";

(B) in paragraph (2), by inserting "DISAPPROVAL.—" after "(2)";

(C) in paragraph (3), by inserting "CONSISTENCY WITH FEDERAL FOOD, DRUG, AND COSMETIC ACT.—" after "(3)"; and

(D) by striking "(4) If the Administrator" and inserting the following:

"(4) SUSPENSION OF AUTHORITY TO REGISTER PESTICIDES.—Except as provided in subsection (d)(8), if the Administrator".

(2) The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the item relating to section 24(c) and inserting the following:

"(c) Additional uses.
  "(1) In general.
  "(2) Disapproval.
  "(3) Consistency with Federal Food, Drug, and Cosmetic Act.
  "(4) Suspension of authority to register pesticides.
"(d) Registration of Canadian pesticides by States.
  "(1) Definitions.
  "(2) Authority to register Canadian pesticides.
  "(3) Requirements for registration sought by person.
  "(4) State requirements for registration.
  "(5) Disapproval of registration by Administrator.
  "(6) Labeling of Canadian pesticides.
  "(7) Revocation.
  "(8) Suspension of State authority to register Canadian pesticides.
  "(9) Limits on liability.
  "(10) Disclosure of information by Administrator to the State.
  "(11) Provision of information by registrants of comparable domestic pesticides.
  "(12) Penalty for disclosure by State.
  "(13) Data compensation.
  "(14) Formulation changes.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 6, 2003, at 9:30 a.m., to hold a hearing on the foreign affairs budget.

Witness: The Honorable Colin L. Powell, Secretary, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 6, 2003, at 11:30 a.m., in Dirksen Room 226.

(Tentative) Agenda

I. Nominations

Deborah Cook to be U.S. Court of Appeals Judge for the Sixth Circuit; John Roberts to be U.S. Court of Appeals Judge for the D.C. Circuit; Jeffrey Sutton to be U.S. Court of Appeals Judge for the Sixth Circuit; John Adams to be U.S. District Court Judge for the Northern District of Ohio; Robert Junell to be U.S. District Court Judge for the Western District of Texas; and S. James Otero to be U.S. District Court Judge for the Central District of California.

II. Bills

S. 253, A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns. [Campbell/Leahy/Hatch/Grassley/DeWine/Kyl/Sessions/Craig/Cornyn/Graham/Feinstein/Schumer]

S. 113, A bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism. [Kyl/Hatch/DeWine/Schumer/Chambliss]

III. Resolutions

S. , National Inventor's Day [Hatch/Leahy]

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 93-642, appoints the Senator from Washington (Mrs. MURRAY) to be a member of the Harry S Truman Scholarship Foundation Board of Trustees, vice the former Senator from Missouri (Mrs. Carnahan).

ORDERS FOR MONDAY, FEBRUARY 10, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m., Monday, February 10. I further ask unanimous consent that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session to resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of Senators, on Monday, the Senate will resume debate on the nomination of Miguel Estrada. We have had a number of Senators speak on the nomination over the past 2 days. The debate has been productive. I will continue to try to reach agreement with my colleagues on the other side of the aisle to set a time certain for a vote on the confirmation of this very important nomination.

In addition, I understand three additional district court judges were reported by the Judiciary Committee today. We are also attempting to clear several important pieces of legislation that may require a small amount of debate and a rollcall vote. If we are still unable to vote on the Estrada nomination on Monday, it would be my hope and expectation to vote on a district judge or one of the bills we are working towards clearing. Therefore, Members should be on notice that the next rollcall vote can be expected approximately at 5:15 on Monday. We will alert Members to the precise timing, but it won't be any earlier than 5:15 on Monday.

Mr. REID. If I could interrupt the majority leader, I wish to speak for up to 15 minutes, and then Senator BIDEN wishes to speak for up to 15 minutes.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business, I ask unanimous consent that the Senate resume executive session, and that following the remarks of the assistant Democratic leader for 15 minutes and the Senator from Delaware for up to 15 minutes, the Senate then stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I apologize to the Chair. I know the Chair has things to do. We have been in the same position. We know that it is not convenient sometimes to preside, but we were kind of dared to come out here today, even though there are a lot of things going on. We had a number of people who went to the memorial. Senators from the other side said: I am amazed there are no Democrats here to debate Estrada. We recognize there is going to be other time to debate, but we do not want the record to appear that we are not interested. That is the reason I came down here, to offer my opinion.

Migrada Estrada has literally had no paper trail. Despite what some of my colleagues have said on the other side of the aisle, it is indisputable that Solicitor General memoranda have been turned over in the past. For example, the Department of Justice turned over Solicitor General memoranda for Bork, Rehnquist, and Easterbrook. On executive branch appointments, the Department of Justice turned over memoranda for Benjamin Civiletti.

While my colleagues may note that former Solicitors General have written a letter opposing the release of these memos, they cite no legal authority for keeping these memos secret. Basically what they say is it would impede these people from writing their opinions. It doesn't happen very often that these people are asked to serve on the second highest court of the land. It is not often they are asked to serve on the U.S. Supreme Court. But in cases in the past when that has occurred, with Rehnquist, Bork and, of course, another important appointment, Easterbrook, they were made available. And they should be made available here.

There is no attorney-client privilege at work here. The courts have determined that applying that privilege to Congress would impede our work. Both the House and the Senate have refused to recognize the privilege in their rules. Former Solicitors argue that the policy considerations of ensuring candid advice outweighs the Senate's interest in examining this nominee. I don't think that is valid.

As I mentioned, the precedent supports release of these memos to the Senate. Further, the United States' own Department of Justice guidelines from 2000 state:

> Our experience indicates that the Justice Department can develop accommodations with congressional committees that satisfy their needs for the information that may be obtained in deliberative material while at the same time protecting the Department's interest in avoiding a chill in the candor of future deliberations.

It is my understanding the Department of Justice has made no attempt to reach such an accommodation with the Judiciary Committee. The stonewalling on the Estrada nomination is part of a larger systematic effort by this administration to disable the Senate, to govern in secret, to advance the interests of big business over the public interests.

I joined an amicus curiae brief in a matter where Vice President CHENEY had all these meetings with big oil companies. It was determined that there should be some divulging of whom he met with, when he met with them, and what they talked about. Litigation had to be filed on that, and I joined in that litigation, filing a friend of the court brief. It is not right that there be stonewalling. Here is another example of what has happened in this administration.

My colleague and a dear friend, the chairman of the Judiciary Committee, Senator HATCH, has called the Democratic calls for more information about Estrada "silly." Well, we have a role as Members of the Senate to advise and give consent to nominations forwarded to us by the White House. I don't think what we are asking is silly.

My friend may not agree with our position, but it is not a silly position. Here is a person about whom the Hispanic caucus of the Congress unanimously said: We don't want him.

Here is a person about whom I put in the RECORD over 50 organizations yesterday saying: We don't want him.

There are lots of different reasons organizations give based on his qualifications, his temperament. We have one of his former employers who said his temperament, demeanor is not appropriate to serve on a circuit court. In fact, he said he was an ideologue.

That is not silly. People may disagree with our position, but it is not a silly position. The Constitution's consent requirement is not just a rubberstamp requirement, as my colleague himself once observed. When a Democratic President sat in the White House, my Republican colleagues called for voluminous document presentations from his judicial nominees, and they got them.

Judge Paez, I talked to his mother, trying to get him confirmed, and we finally did. Senator HATCH knows this. I had his mother talk to Senator HATCH. He was held up for 4 years. He was asked to provide documentation of every instance during his tenure as a lower court judge where he reduced a sentence downward from Federal sentencing guidelines. I had no problem with their asking for them. Why did he do it? Was his judicial temperament, his activism, as it is called by my friend from Utah, so much that he couldn't vote to confirm? That is a right that he has.

Judge Marcia Berzon was required to provide the minutes from every single California ACLU meeting that occurred while she was a member, regardless of whether she had even attended the meeting.

At that time, Chairman HATCH stated:

> [T]he Senate can and should do what it can to ascertain the jurisprudential views a nominee will bring to the bench in order to prevent the confirmation of those who are likely to be judicial activists.

That is not a "silly" thing he is doing. He has a right to do that. Senator HATCH continued:

> Determining which of President Clinton's nominees will become activists is complicated and it will require the Senate to be more diligent and extensive in its questioning of nominees' jurisprudential views.

He had a right to do that. I think the Senate should be similarly diligent and probing in its review of Mr. Estrada's record. Basically, the Judiciary Committee asked him roughly 80 questions and he didn't give any answers. He gave answers such as "I have not read the briefs;" "I wasn't present during arguments;" "I have to independently research the issue." He was asked to name three cases from the last 40 years—Supreme Court cases—of which he was critical. He didn't have any.

Even Chief Justice Rehnquist, who presided in the Senate during the impeachment trial—and the Presiding Officer was one of the prosecutors—and, I thought, handled that impeachment proceeding with great solemnity—he was diligent and fair. I may not agree with all of his legal opinions, but what a nice man. I was chairman of the Democratic Policy Committee, and I called the Chief Justice and said: Come visit with us at election time; would you do that? He did that. He answered questions, was real funny, and he had a great sense of humor. So Chief Justice Rehnquist, a person I have great respect for, said:

> Since most justices come to this bench no earlier than their middle years, it would be unusual if they had not by that time formulated at least some tentative notions that would influence them in their interpretation of the sweeping clauses of the Constitution and their interaction with one another.

This nominee doesn't fall under that. He also commented:

> It would not merely be unusual, but extraordinary if they had not at least given opinions as to Constitutional issues in their previous legal careers.

They are asking that the man be on the second highest court in this land and he doesn't have any opinion about other opinions written by judges. I think that really says it all—why there are questions being raised.

I am going to bring in here—I was hoping to do it today. Everybody brings in visual aids to the Senate, and there have been efforts to cut the size of them, or to cut them out. Anyway, that has not been done. Let's assume we had a chart back here, a big white piece of cardboard, or posterboard, and we had here the judicial experience of Mr. Estrada. It would be blank. There would not be anything on it. We would bring out another chart and on that it would have Miguel Estrada and it would have there the questions he answered for the Judiciary Committee. It would be blank. There would be nothing on it.

Does it seem "silly" that we are asking questions about this man? I don't think so. So I would say that we have a right and an obligation to move forward the way we are.

The administration's secrecy is deeply disturbing in all these areas. It is more so in the case of Miguel Estrada. I have talked about Vice President CHENEY not giving us information about the oil companies, and this nomination is also very troubling to me. If I could file another court brief in this instance, I would. It is not available. This is a different type of proceeding.

Senators have a constitutional duty to evaluate this nominee. This nominee has stayed silent, refusing the American people a window into his views, judicial philosophy, and his manner of thinking. The administration has similarly refused to turn over documents that would illustrate those things to the Senate.

Should we approve this nomination, the Senate would be setting a dangerous precedent that would greatly narrow the scope of the important power vested in us by our Founding Fathers.

It would serve neither the Senate, the people of Nevada, nor the rest of the American people to confer such a rubber stamp on this or any administration, Republican or Democrat.

The Founders carefully balanced the powers of each branch of government, and the Senate's role in approving a President's nominee is a critical part of that balance, this separation of powers.

I submit that the examples I have provided show that this administration has forgotten, or ignored, the importance of that balance.

There is no more important a time to remind this administration of the importance of that balance than in the case of a person who is nominated for a lifetime judicial appointment to the second highest court in our land.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

LEGISLATIVE SESSION

Mr. BIDEN. I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN NORTH KOREA

Mr. BIDEN. Mr. President, I thank the majority leader, Senator FRIST, for accommodating my being able to speak at this moment.

I rise today, after coming from a hearing of my Foreign Relations Committee, where Secretary Powell has just testified. I note at the outset that I, for one—and I think my view is shared by many—think Secretary Powell made a compelling and irrefutable case yesterday about Saddam Hussein's possession of and continued effort to hide his weapons of mass destruction and his desire to gain more. But I am fearful—that is the wrong word—I am concerned that our understandable focus on Iraq at this moment is taking focus off of what I believe to be an equal, if not more immediate, threat to U.S. interests and those of our allies. I speak of Korea.

Last week we learned that North Korea has moved plutonium fuel rods out of storage and possibly towards a production—for everybody listening, this is complicated stuff and I will explain what I mean. They announced today they are beginning their 5 megawatt nuclear powerplant. What happens with that type of nuclear powerplant—which we, until now, had them shut down with the IAEA, when there were cameras and inspectors making sure it was shut down. What happens is they have fuel rods—as my friend knows well, fuel is a nuclear power, produces nuclear power. That spent rod—in other words, the byproduct of that process of generating electricity through nuclear power—that so-called spent rod is then taken out of that reactor and, because of the type of reactor this is, it is the byproduct of that reactor. It is a spent rod that has plutonium in it. Plutonium—and I am giving an unscientific analysis. Not that the American public could not understand it, but this is an unscientific analysis of how it works.

That spent rod is then stored somewhere because it has a radioactive half life that is longer than any of us, or our grandchildren, or great-grandchildren are going to have. What we have always worried about is they would take that spent rod and move it to a plant not far from the reactor that generates electricity, such as the lights that are on in this Chamber, and they are put in a reprocessing plant.

The reprocessing plant is another process by which that spent rod that no longer generates electricity, that has the fissile material in it, essentially takes that rod—it is a long rod and it looks like a big pole, sort of. When it is put in that reprocessing plant, within 1 month there would be enough plutonium—figuratively—that comes out of that rod that is in a different form—enough plutonium to construct one additional nuclear bomb. That material does not lend itself to easy detection. Geiger counters don't click when it passes through a detection area. It is very hard to pick up, like we pick up knives in suitcases going through at the airport. That plutonium is exportable and hardly detectable. It is the stuff of which a nuclear bomb is made.

If you have a piece of plutonium that has a base bigger in circumference than the bottom of the jar I am holding up and about as half as thick and you have the right instrument, the right rifling effect—you know how a bullet that has gunpowder in it and a piece of metal at the end of it, the stuff that goes through your body, the bullet has to be directed some way; it has to be, in effect, ignited some way.

What happens is you have a rifle with a firing pin. It has a long tube. You hit the back of it, and it explodes the gunpowder, fires this projectile through the rifle, through the long muzzle, and it goes certain distances based on its configuration.

That is what happens when you have these two pieces of plutonium, if you can get your hands on them, and you put it in a nuclear device they call a rifle device. If you can smash those two pieces of plutonium together at the appropriate speed in the appropriate sphere, you can have, with just those two small pieces, a 1-kiloton bomb. A nuclear chain reaction starts when those pieces collide in the right circumstances.

If one of those weapons is homemade—it does not have to be put in a missile. Because it is classified, I am not able to tell you, but I know my friend knows because he has full access, as I do. If we put that so-called rifle device which is, like that old saying, bigger than a bread box but smaller than a Mack truck—it is somewhere in between—if you put that in place in a stationary position and detonate it, you would have been able to take down the World Trade Towers in, I believe it was 3 seconds—do not hold me to that, but very few seconds—and kill about 100,000 people according to our experts. Because this material is highly undetectable and moveable, it is of considerable concern.

What does this have to do with anything? Why am I standing here when we may be able to go to war in Iraq if Saddam does not make the right choice? Why am I talking about this?

What happened is, the North Koreans, who are trying to blackmail us and the world, who are the bad guys, who are doing the wrong thing and are doing it on their own—I am not suggesting anything we did produced that or made them do that—they are saying: We are going forward, and we just turned the light switch on in our 5-megawatt nuclear reactor that will only produce more spent rods—follow me?—the stuff from which you get plutonium, but we have 8,000 of these spent rods sitting in another location. But all we have to do is take these spent rods or the new ones we get and take them over to that reprocessing plant. We have not clicked the light switch on in that plant yet, but we promised you we would not switch the light on in our nuclear powerplant, and we are saying: No, we are out; we are out of the arms control regime; we are going ahead and switching the light on, and if you do not talk to us—basically, blackmail—we are going ahead and switching the light on in the reprocessing facility.

That puts the President in a very difficult position, and I am not suggesting this is an easy call. At the end of December, the administration indicated that it intended to take a careful and deliberative approach to the emerging crisis on the peninsula.

The emerging crisis occurred when they blocked the cameras of the IAEA, kicked the inspectors out, and they went dark; we did not know what they were doing. Fortunately, we have COMINT and HUMINT, my friend knows, a fancy way of saying human intelligence on the ground and satellites above, that give us a pretty good idea what they are doing because we know where the reprocessing plant and nuclear plant are.

I think the administration took a fairly reasoned approach. They declared:

> We have months to watch this unfold and see what happens.

Other administration officials, including the President, conveyed the importance of patience in assessing and responding to North Korean threats. Were North Korea 3 to 5 years away from acquiring additional nuclear weapons, this patience in diplomacy would be very appropriate. However, there are 8,000 spent-fuel rods in North Korea, which may now be moving out of storage, that can yield enough fissile material for five or six additional nuclear weapons.

The time line for reprocessing this spent fuel is a mere 5 to 6 months, but it gets worse. The North Koreans are likely to reprocess plutonium from spent-fuel rods in small batches. They do not have to take the 8,000 spent-fuel rods and start to reprocess them, meaning that the plutonium emerges a few grams at a time. Enough plutonium to produce one nuclear weapon can be ready in less than 5 weeks, according to our intelligence people and our scientists at the laboratories, after the initial spent fuel—those 8,000 rods—enter the reprocessing plant, not 8,000 of them but some of them.

The clock is already ticking, and I think it is important that the administration's assessment of the recent reports that North Korea has begun removing some or all of those 8,000 spent-fuel rods from those storage facilities—tell us how this development will impact on the overall policy of the administration in terms of patience.

Just restarting this reactor could produce another 6 kilograms of plutonium, in addition to those that are sitting in these rods right now. If Pyongyang completes construction of two unfinished, but much larger nuclear reactors, it could produce as much as 275 kilograms of weapons-grade plutonium each year.

When the administration says North Korea's reprocessing, if they started, is not a crisis, it seems to me it makes a very unhealthy suggestion, and that is that the only use of this reprocessed plutonium, the stuff that can go right into a bomb, a nuclear weapon, that the only use they will use it for is to make another six or eight nuclear weapons.

They have, we think, one or two nuclear bombs now, from the time we shut down the process. We worked out an agreement that they shut down the process, and everybody agrees it was shut down in 1994.

I would have to agree with the administration because I think deterrence works. They seem to have a dual standard here. They say the reason we have to build a national missile defense is if deterrence does not work, and now they tell us basically: Do not worry, it does not materially change the situation on the peninsula if they get another three, four, five, or eight nuclear weapons. I think it does. Apparently they agree deterrence does work somehow or they would be much more worried about it.

I then ask the question, What happens if they do not take this spent fuel? What happens if they do not take it and put it in a weapon? What happens if they take this plutonium from the spent fuel and put it in a little canister? I am told by my staff who is expert on Korea that their total trade surplus is about $400 million a year.

If they have this spent fuel, I cannot imagine they would not be able to find buyers where they could pick up maybe $200 million for this. What would Iran pay for this spent fuel? They are trying to now generate the ability to reprocess their own fissile material.

What about al-Qaida, who I might note is alive and well, unfortunately? Damaged but well, damaged but in business. Remember when we saw those pictures as we took Kandahar, when we invaded Afghanistan with the multilateral force? Remember a reporter—I forget which news organization it was, but I think it was one of the weekly magazines. I will not say which one. I remember clearly, and everyone else will remember when I say it, they went into a safe house, I believe it was in Kandahar, and came out with a diagram—a safe house meaning a house occupied by al-Qaida—of an attempt at what looked like how to produce a nuclear weapon. Then we got further information saying there was clear evidence that al-Qaida had been talking to two Pakistani nuclear scientists who know how to and have made nuclear weapons. So obviously these boys are trying to figure out how to make a homemade nuclear device.

So I would like to think, and I agree the probability is North Korea is not likely to sell this—I should not say not likely—may not sell this plutonium. They may use it all for their own purposes.

What if we are wrong and the ability to account for this material is virtually nonexistent, because it is so difficult to discern and determine where it is? The reason why our intelligence service, even after the agreed framework, is saying we think they have enough fuel, enough fissile material, plutonium from the past to have made one or two nuclear bombs by 1994, we do not know that. So what happens if we do not resolve this crisis, draw some red lines, make it clear what our intention is and talk with these guys? What happens if 6 months down the road they have started up the reprocessing plant and we know they have enough plutonium for 6 new nuclear weapons, and then we get an agreement? They are going to say we did not really produce X amount, we produced Y amount, or X minus whatever. Are we ever going to know where this material is? This is dangerous stuff.

As I understand it, the Bush administration says—which is the preferred course—we do not want to be blackmailed. We have to put this into a multilateral context. Again, I find it interesting they never wanted to do anything multilateral but now with regard to Korea they want to be multilateral, which is a good idea. They say China, Russia, South Korea, and Japan have as much at stake as we do, even more.

So what we are going to do—and it is correct if we can get it done—we are going to say we will negotiate or talk with North Korea only under the umbrella of a multilateral meeting called by the community I just named, where we are one of the parties.

What are the North Koreans saying? They are saying it does not matter what the rest of these guys think. We want to know what you think. We know if we do not get a nonaggression agreement in some form from you, our legitimacy continues to be at stake.

Do we want to legitimize this illegitimate regime? No. But here is the horns of the dilemma. If we do not talk to them about what it is we insist on in order to suggest we get a nonaggression pact or some version of it, if we do not let it be known, we will never know whether there could have been an agreement, and we almost certainly know that in the near term there will be plutonium that is unaccounted for coming out of that country.

My colleagues might say, oh, that is not true, Joe. All we have to do is we can take out those reprocessing plants—and we can, by the way. We can take them out in a heartbeat. We have the capacity. We know where they are. We can blow them up with our missiles, our jets, our standoff bombers.

Guess what. There are roughly 8,000 pieces of artillery they have sitting within range of Seoul. One of our South Korean friends told us, we do not support you using force against the North.

How can we go to war with the North when the South will not support us? Kind of fascinating, isn't it?

China says they are prepared to talk with North Korea but you should not waste any more time. Talk to them. South Korea is saying you should talk to them. In a sense, the President is put on the horns of another dilemma. One says we should talk multilateral because that is the best way to deal with this, and all our multilateral partners whom we say should be part of the discussion say, no, you talk, which is unfair because China will not step up to its obligations and its own interest, in my humble opinion. So much is at stake for South Korea in terms of the potential carnage that would occur to South Koreans, in addition to the 37,000 American forces on the peninsula. They are saying, whoa, we are not for you taking out those reactors. We are not ready to have you call the bluff of the North.

So what does the President do? Imagine being President of the United States and having to make the decision between shutting down a reactor you believe to be inimicable to your security interests, and knowing if you do, you may very well be in a position of starting a war—justified in literal terms, in my view—that would cause such overwhelming damage to the—and we would win the war, by the way, but it would cause such overwhelming damage to the very people we went to Korea in the first place to protect, the South Koreans.

What do we do? I suggest the members of this administration have the answer if they listen to the people who are now in their administration. The Bush administration claims the ball is in North Korea's court. North Korea says the ball is in our court. From where I sit, the ball is stuck somewhere in the net, or not even in the net. You know how once in awhile when you were a kid you would fake a jumpshot from the corner and it would get wedged between the back corner and the rim? That is where the ball is right now. Somebody has to jump up and put the ball back in play.

How does the ball get put back in play? There was a report written not long ago called The Armitage Report. He happens to be the No. 2 guy at the State Department now. In that report, Mr. Armitage and others—including the following people: Paul Wolfowitz, the No. 2 guy at Defense; the former Deputy Assistant Secretary of Defense, Peter Brookes; current Assistant Secretary of Intelligence and Research, Carl Ford, among others. They are all part of this Armitage Report filed before President Bush became President—called for a policy of hardheaded engagement, developing close coordination with our allies and backed by a credible threat of military force. Their prescription was remarkably close to that offered by former Secretary of Defense Perry, but has the tremendous political advantage of having been embraced by so many leading figures on the Bush foreign policy team, the people running the show now.

What did Armitage advocate? Here are the key recommendations.

First, regain the diplomatic initiative. U.S. policy toward North Korea has "become largely reactive and predictable with U.S. diplomacy characterized by a cycle of North Korea provocation or demand and an American response."

Good idea. Now the Bush administration claims the ball is in their court, as I said.

The second recommendation was "a new approach must treat the agreed framework as the beginning of a policy toward North Korea, not as an end to the problem. It should clearly formulate answers to two key questions. First, what precisely do we want from North Korea and what price are we prepared to pay for it."

I am quoting from the Armitage report that Wolfowitz signed off on and Carl Ford signed off on, major players in this administration.

They said, "Are we prepared to take a different course if, after exhausting all reasonable diplomatic efforts, we conclude that no worthwhile court is possible?"

What diplomatic efforts have we exhausted? These are great questions, but the administration has yet to answer them. Indeed, the administration cannot seem to decide what it is about the north that bothers it the most. Is it human rights abuses or past support of terrorism, export of missiles, its military threat, or its nuclear program?

To me, the priority must be a verifiable ending of North Korea's weapons program, particularly nuclear weapons. Everything else must be put off for another day.

The third recommendation of the Armitage report: A U.S. point person should be designated by the President in consultation with congressional leaders and should report directly to the President.

We have a fine man named Kelly out of the State Department, but he has no direct access to the President. This has not been raised up to that level because we are being told—I don't know why—that this is not a crisis.

I think the American people and this Congress are fully capable of handling more than one crisis at a time. Iraq is a crisis. So we are told. Well, it is. But not in my view in terms of the immediate threat to the United States. Or the crisis could be in North Korea. Why can't we do both?

President Bush has downgraded the special envoy position, thereby assuring that we cannot gain access to Kim Chong-il, the only man in North Korea with whom we can get a deal, or at least figure out what he is about.

Fourth recommendation: Offer Pyongyang clear choices in regard to the future. On the one hand, economic benefits, security assurances, political legitimization. On the other hand, the certainty of enhanced military deterrence.

For the United States and its allies, the package, as a whole, means we are prepared, if Pyongyang meets our concerns, to accept North Korea as a legitimate actor up to and including full normalization of relations.

This is not JOE BIDEN writing this recommendation; it is Paul Wolfowitz. It is the Assistant Secretary of State, Mr. Armitage. What happened in a year and a half? What happened to change their mind?

The good idea of the administration almost seems ready to be embraced. The President has spoken about bold initiatives toward the north but talk of carrots still has been undermined by the Bush administration's insistence that incentives are the equivalent to appeasement.

Before my committee today, the Secretary of State says we have no intention to go to war with the north, et cetera, et cetera. The right words, right phraseology. The Secretary of Defense walked out of a hearing yesterday with the House Armed Services Committee and said this is an evil empire, something much more provocative. Accurate but provocative.

The fifth recommendation by this committee that the notion of buying time works in our favor is increasingly dubious. Let me reiterate the fifth point of the report signed by Carl Ford, No. 2, over at CIA, Wolfowitz, No. 2 at Defense, Armitage, No. 2 at State: The notion that buying time works in our favor is increasingly dubious.

President Bush, please, even if you don't want to enunciate it, in your mind, treat this as a crisis because, if it is not contained now, our options are only diminished as time goes by, not increased.

Correct, and prophetic! How then, do we explain the administration's muted response to the world's worst proliferator taking concrete steps that could permit it to build a nuclear arsenal?

We can't afford to put this problem on the back burner just because we are preoccupied with Iraq and the war on terrorism. The administration needs to demonstrate the ability to walk, chew tobacco, and spit at the same time.

If we follow the hard-headed engagement prescription, will it work? Will the North change course?

I don't know. It's impossible to know for sure unless we try. I say the odds, frankly, are stacked against us, and would have been stacked against us even if we hadn't wasted the last 2 years.

Pyongyang says it wants to resolve all of the United States' security concerns, including the "nuclear issue," and will do so if the United States formally assures the DPRK of nonaggression. Is this price too high? Can the North be counted on to fulfill its side of the bargain?

Prior to his departure for Pyongyang in 1994, President Carter was briefed by the State Department on the current situation in North Korea—its economy, military capabilities, diplomatic initiatives. He kept coming back to one question, "What does North Korea want?"

He answered the question himself with one word: RESPECT. The underlying cause of the 1994 crisis and the current one are the same.

North Korea is weak, isolated, and incapable of rescuing itself. Largely cut off from Chinese and Russian support, the DPRK is profoundly insecure. South Korea's economy has made possible a revolution in military affairs, and U.S. military prowess has been proved repeatedly in the Gulf, the Balkans, and most recently in Afghanistan. By contrast the North's conventional military forces are obsolete, its training budget minuscule.

The North is one of the obvious targets of a new so-called "preemptive" military doctrine, and it is witnessing a military buildup in the Persian Gulf designed to oust Saddam Hussein from power in the very near future.

The message to Pyongyang could not be more clear: "Be afraid. Be very afraid."

Fine, Deterrence works, up to a point, and I am not against reminding North Korea of our military prowess.

But only comprehensive negotiations have a change to move Pyongyang back from the precipice it is approaching.

The administration should overcome its distaste for dealing with Kim Chong-Il and engage the North in serious, high level, bilateral discussions to end the North's nuclear program once and for all.

Demanding that Pyongyang unconditionally surrender before the United States will engage in talks is a nice fantasy policy, but it has absolutely no hope in the real world.

We should instead adopt a posture of "more for more." The President is right when he resists "paying" North Korea to abide by the agreements it has already signed. But that is not what I'm talking about. The agreed framework left too much undone. Our objective should not be to restore the status quo ante.

Rather, we need to seek the removal of all of the spent fuel rods from the Yongbyon nuclear reactor. We need verifiably to dismantle the North's highly enriched uranium program. We need to account for the 8–9 kilograms of plutonium "missing" since 1994, and do so sooner, rather than later. We need to get North Korea back inside the Nuclear Non-proliferation Treaty and return the inspectors to monitor the North's conduct.

Long term, we need to address the North's development and export of ballistic missiles and its abominable human rights records.

To get there, we must bring something to the table other than threats and insults.

The North isn't looking for money from us. That can come from South Korea, Japan, our allies, in the form of trade, aid, investment, and war reparations.

The North is looking for respect and security. These are precious commodities. The North must earn them. But in the end, it seems a small price to pay if the outcome is a denuclearized Peninsula with North and South living in peace.

ADJOURNMENT UNTIL 11 A.M. MONDAY, FEBRUARY 10, 2003

The **PRESIDING OFFICER**. Under the previous order, the Senate stands in adjournment until 11 a.m, Monday, February 10, 2003.

Thereupon, the Senate, at 1:15 p.m., adjourned until Monday, February 10, 2003, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 6, 2003:

THE JUDICIARY

EDWARD C. PRADO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE ROBERT M. PARKER, RETIRED.

ROBERT ALLEN WHERRY, JR., OF COLORADO, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE LAURENCE J. WHALEN, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211, TITLE 14, U.S. CODE:

To be lieutenant

SCOTT ATEN, 3271

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN J. HASHEM, 9921

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ALBERT A. RUBINO, 7419

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES L. WILLIAMS, 0353

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WAYMON J. JACKSON, 5399

EXTENSIONS OF REMARKS

CITY OF MILWAUKIE, OREGON CENTENNIAL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BLUMENAUER. Mr. Speaker, I would like to recognize the city of Milwaukie, OR, on the 100th anniversary of its incorporation. This is a community in my district that has played an important role in Oregon's history.

While incorporated for 100 years it was actually founded in 1840. Milwaukie began to play an important role in riverfront shipping with the advent of docks on the Willamette River. The commerce from these docks served to link the Willamette Valley's pioneers with goods from the Hudson Bay Trading Company and beyond. Oregon's founder, Doctor John McLaughlin, often supervised commerce on those docks when he visited from his nearby home a mile away.

Oregon's third newspaper, The Western Star, was founded in Milwaukie in 1850. It quickly became Oregon's premier newspaper up and down the Willamette Valley for settlers as far south as Eugene. It gave the pioneers their only information on the Oregon Territory, the coming statehood, events at Champoeg, and the Civil War.

Reaching beyond Oregon's borders and to the rest of the world is Milwaukie's contribution to the American Produce market. A little known fact is that the Bing Cherry was first cultivated in Milwaukie. It was named after a Manchurian Chinese immigrant who worked for the Lewelling Family Orchards, in what is now the Lewelling Neighborhood.

Today, Milwaukie is the second largest city in Clackamas County with a population of 20,470. Its large employers include United Grocers, Oregon Cutting Systems, Dark Horse Comics, Warn Industries and Providence Milwaukie Hospital. It serves the Portland region as a transportation crossroads, hosting the intersection of two State highways, two freight lines, and hopefully a future light rail line.

I am proud to represent the "City of Dogwoods"—Milwaukie, OR.

IN HONOR OF SCOTT MASON AND RITA THOMAS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Scott Mason and Rita Thomas of Mason Building Group, Inc., this year's recipients of the Government Market Assistance Program Delaware Diamond Award from the Delaware Small Business Development Center Network.

As you know, small businesses such as Mason Building Group, Inc., have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through Scott and Rita's teamwork and guidance, Mason Building Group, Inc. has distinguished itself as a leader amongst small businesses in Delaware by offering a valuable service and maintaining a high level of customer satisfaction.

Through out my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country, and recognition of Mason Building Group, Inc. by the Delaware SBDC Network, in my mind, confirms this belief.

Scott and Rita's accomplishments and innovative leadership in the small business community have placed Mason Building Group, Inc., in a position to rise above and meet the challenges of the future; I commend them on their receipt of this award and wish them continued success.

LET'S FIND A CURE FOR SCLERODERMA

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. GUTIERREZ. Mr. Speaker, today I am introducing a bill to help the more than 300,000 Americans who suffer from scleroderma. Scleroderma is a chronic, often progressive autoimmune disease in which the body's immune system attacks its own tissues.

The disease manifests itself in two forms: localized scleroderma, effecting the skin and underlying tissue; and systemic scleroderma, also known as systemic sclerosis, a potentially life-threatening disease that attacks internal organs, including the lungs, heart, kidneys, esophagus and gastrointestinal tract.

Scleroderma can vary a great deal in terms of severity. While for a few individuals it is merely a nuisance, for many it is a life-threatening illness. For most, it is a disease that affects how they live their daily lives.

The wide range of symptoms and localized and systemic variations of the disease make it especially hard to diagnose. The average diagnosis is made five years after the onset of symptoms. Once diagnosed, however, people with Scleroderma can only look forward to symptomatic relief, as there is no known cure.

Symptoms may include swelling, hardening and thickening of the skin, blood vessel spasms with severe discomfort in the fingers and toes, weight loss, joint pain, swallowing difficulties, nonhealing ulcerations on the fingertips and extreme fatigue. In its more advanced forms, Scleroderma can prevent patients from performing even the simplest tasks.

Among the goals of my legislation is to help adequately fund research projects regarding Scleroderma; hold a Scleroderma symposium that would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in Scleroderma research; and to establish a national epidemiological study to better track the incidence of this disease.

Mr. Speaker, I urge my colleagues to join me in bringing awareness and to help find a cure for this devastating disease.

RECOGNIZING OSCAR DE LA HOYA FOR HIS CONTRIBUTIONS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. REYES. Mr. Speaker, I would like to take this opportunity to recognize and salute a proud and distinguished individual for his many accomplishments and contributions to the Latino community and our country.

Oscar De La Hoya began his successful boxing career at the young age of 6 when he began training to box at the Eastside Boxing Club in Los Angeles, CA. From there he made his way through the ranks and divisions of professional boxing, winning five world titles in different weight divisions. Along the way, he also triumphed at the 1992 Olympics, winning a gold medal in boxing.

As if a successful boxing career were not enough, in October of 2000, he began his musical career, releasing his first self-titled album of popular music.

Besides his many accomplishments, his commitment to his community has remained steadfast. In 1995, he created the Oscar De La Hoya Foundation as a tribute to his mother Celia. Its goal is to provide educational and athletic opportunities for the young people of the East Los Angeles community. In keeping with this mission, he established an academic scholarship fund for low-income students and opened the Oscar De La Hoya Youth Center. The Youth Center today provides a safe and positive environment where local area youth receive help with their schoolwork, develop computer skills, and participate in athletic training programs.

In memory of his mother, he also made a generous donation to the East L.A. White Memorial Medical Center. This donation served as the foundation from which the Celia Gonzalez De La Hoya Cancer Center was created.

Oscar knows the importance of being a good role model. Professionally, he has been

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a testament to the ideals of hard work and perseverance. Outside of the boxing arena, he has demonstrated what it means to truly give back to one's community. The positive impact of Oscar De La Hoya reaches far beyond the state of California. Next week he will visit El Paso, in my district, and be warmly received by an admiring community. He is a young man, who while especially appealing to Latino youth, stands as an inspiration to all.

TRIBUTE TO STUART E. GLICKMAN, RIVERSIDE SUPERIOR COURT COMMISSIONER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the County of Riverside are exceptional. Riverside County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Stuart Glickman is one of these individuals. On January 10, 2003, Stuart was honored as he retired as a Riverside Superior Court Commissioner.

A native born Southern Californian, Stuart was born and raised in Los Angeles. He was educated by Los Angeles public schools and was admitted to the State Bar in 1971. He went on to serve as Deputy District Attorney for Riverside County from 1971 to 1988. He was the Deputy in charge of the Corona Branch Office for ten years and assisted the Corona Police Department with training in the areas of search warrants and report writing. He also conducted courtroom training for police officers. He worked in the Riverside Superior and Municipal Courts, Corona Municipal Court and Hemet Municipal Court, handling both felony and misdemeanor cases.

In 1988 he was appointed a Municipal Court Commissioner in the Corona Municipal Court. In 1992 he was appointed a Superior Court Commissioner and oversaw assignments that included criminal, civil, family law, traffic, small claims, and unlawful detainers.

Stuart currently lives in Corona, California with his wife Ann of 43 years. He has two daughters, Marsha and Deborah, and is a proud grandfather of five.

Stuart has been actively involved in the community as a member and past president of the United States Navy League of Corona. He is also a member and past president of the Corona Breakfast Lions Club and a member of the Temescal Palms Masonic Lodge in Corona.

Stuart's tireless work as a Deputy District Attorney and a Superior Court Commissioner has contributed unmeasurably to the betterment of Riverside County. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that the residents of Riverside County are grateful for his service and salute him as he retires. I look forward to continuing to work with him in the future for the good of our community.

TRIBUTE TO DOCTOR FRANCINE RATNER KAUFMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to our good friend, Doctor Francine Ratner Kaufman, recently named as the Woman of Valor for 2003 by the American Diabetes Association. During the past two decades, we have had the pleasure of working with Dr. Kaufman on numerous issues relating to health policy and we are delighted she has been chosen to receive this prestigious award.

Dr. Kaufman has devoted her clinical and research career to improving the lives of those afflicted with diabetes. She is a clinician who heads the Division of Endocrinology and Metabolism at Children's Hospital Los Angeles; a scholar who is a Professor of Pediatrics at the Keck School of Medicine at USC; a researcher who has received NIH funding for over twenty years and a leader who is currently serving as the National American Diabetes Association President. In short, she is a remarkable woman with an extensive and diverse history of accomplishments.

Dr. Kaufman, the principal investigator for several nationwide efforts to mitigate or eliminate the impact of diabetes, holds numerous patents on the formulation of ExtendBar, a snack bar designed to reduce glycemic excursion and episodes of hypoglycemia in diabetics. She has even developed an interactive, educational CD–ROM game designed for children with diabetes in collaboration with the Starbright Foundation.

Dedicated to helping others, Dr. Kaufman served as the medical director at a summer camp for children with diabetes in the San Bernardino Mountains of Southern California for more than twenty years. She also helped establish standards of care for the American Diabetes Association. Using her influence to help in her cause, she has led many advocacy efforts at the local and national levels to increase insurance benefits and to reduce discrimination against people with diabetes.

We ask our colleagues to join us today saluting our friend Doctor Francine Ratner Kaufman for her service and commitment to our community.

HONORING MARGARET "PEGGY" STILLMAN ON BECOMING SELECTED WOMAN OF THE YEAR BY THE HAMPTON ROADS CHAMBER OF COMMERCE-CHESAPEAKE

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to honor a woman who leads her community in advocating reading and education, and has spent thirty years building an exemplary library system in her community.

Since 1973, Margaret "Peggy" Stillman of Chesapeake, Virginia, has worked to improve the quality of life for the citizens of Hampton Roads as a librarian at the Chesapeake Public Library. Ms. Stillman's dedication to enhancing her community's joy of reading and access to information and resources is outstanding.

In addition to her service to the library, Ms. Stillman chairs the Library of Virginia Board, and serves as the Chairman of the Library of Virginia Building Committee. Ms. Stillman has also dedicated time and service on the local boards of the American Cancer Society, American Red Cross, and Chesapeake Chamber of Commerce.

Amidst all of her obligations, Ms. Stilhnan is known for her love of and commitment to her wonderful children, Lindsay and Walker.

Her loyalty and willingness to do all she can to help everyone is unfailing. No one deserves the distinguished honor of being named Woman of the Year for the Women's Division of the Hampton Roads Chamber of Commerce-Chesapeake more than Peggy Stillman.

Mr. Speaker, please join me in honoring Margaret "Peggy" Stillman, for her commitment to literacy, service, and compassion for her community.

PAYING TRIBUTE TO MAJOR GENERAL E. GORDON STUMP, ADJUTANT GENERAL AND DIRECTOR OF THE DEPARTMENT OF MILITARY AFFAIRS FOR MICHIGAN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Major General E. Gordon Stump who is retiring as the Adjutant General of Michigan and Director of the Department of Military Affairs for Michigan.

General Stump's distinguished military career and his leadership skills led to his appointment by Governor John Engler as Adjutant General and Director of Military Affairs in 1991. He has commanded the 150 units of the Michigan Army National Guard and Michigan Air National Guard, as well as directed two veterans' nursing homes and administered grants to a dozen veterans' service organizations.

Decorated many times for his service, General Stump served his nation with valor in the Vietnam War, in South Korea during the U.S.S. *Pueblo* crisis, and in various assignments throughout his more than 37 years of active and reserve duty.

Today, as America engages in a war on terrorism, General Stump is a role model for the young men and women around the globe who stand in harms way, defending our nation and the free world.

General Stump's devotion and commitment to this nation and the state of Michigan, and his leadership of the men and women of Michigan's National Guard and Air National Guard, and his service to the state's veterans organizations have earned him great respect.

On February 15, 2003, General Stump and his wife, Marie, will be honored by family, friends, associates, and Michigan leaders at a special farewell reception and dinner in East Lansing, Michigan.

Mr. Speaker, we wish to extend congratulations to General E. Gordon Stump on the occasion of his retirement. We are honored to recognize his many accomplishments and ask that our colleagues in the U.S. House of Representatives join in recognizing his very worthy achievements.

A TRIBUTE TO BOOKER T. WASHINGTON HIGH SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I ask my colleagues to join me in honoring an educational success story within the Dallas Independent School District. The Booker T. Washington High School was built in 1922 as the first African American high school in Dallas. For the past 81 years, Booker T. Washington High School has provided hundreds of central city youngsters with an academic foundation that has allowed them to reach their potential.

The school's story began in 1922 with the dream of an African-American-owned school emphasizing the basics through creative instructional programs, coupled with a strong multicultural development. The school's success story can be attributed to incredible commitment on the part of the school's parents, administrators, and teachers because of their love for kids and crafts.

The Booker T. Washington High School, after gallery space and studios were added in 1976, was designated as the arts "magnet" high school. Since its inception, Booker T. Washington High School has received national acclaim as a prototype for subsequent magnet schools throughout the United States and Canada.

The Booker T. Washington High School community has pulled together for the children of Dallas's central city. The school currently serves over 700 students from 66 different zip codes in grades 9 through 12. All students are selected through auditions, interviews, portfolios, or other demonstration of artistic and academic aptitudes.

Booker T. Washington High School students distinguish themselves by receiving a variety of prestigious awards and honors including thirteen Presidential Scholar Awards—the nation's highest accolade for excellence in arts and academics.

On average, 163 graduating seniors boast $5 million in college scholarship offers both in arts and academic majors. Noted graduates include Grammy winners such as R & B vocalist Erykah Badu, jazz trumpeter Roy Hargove, singer Norah Jones, dancer Jay Franke, cellist John Koen, visual artists Christian Schumann and Chris Arnold, drummer Aaron Comess, Edie Brickell of the New Bohemians, and members of the gospel group God's Property.

Booker T. Washington High School, a pride of our community, has been a success story because of its distinguished faculty. The instructional staff consists of 60 full time teachers and 24 part-time teachers and consultants. Approximately 83 percent of the faculty has advance degrees and 88 percent have more than 10 years of teaching experience.

Booker T. Washington High School is a national model for educational quality, innovation, and commitment in the face of adversity. I ask my colleagues to join me in recognizing this fine institution.

INTRODUCING THE ENDING THE DOUBLE STANDARD FOR STOCK OPTIONS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. STARK. Mr. Speaker, I rise today to reintroduce legislation to require accuracy in the way corporations report profits and account for stock options on their Security and Exchange Commission (SEC) earnings reports. I'm pleased to be joined by Representatives Earl Pomeroy, Henry Waxman, George Miller, John Olver, Jan Schakowsky, Bernie Sanders, Bill Lipinski, and Raul Grijalva in introducing this important bill. Senators Levin and McCain recently introduced companion legislation in the Senate.

Under current law, companies can deduct stock option expenses from their income taxes as a cost of doing business, just like they deduct employee wages. However, companies are not required to similarly report stock option expenses on their SEC financial statements to stockholders. Therefore, SEC reports don't accurately reflect a company's actual earnings because there is an outstanding compensation liability that is not accounted for in the earnings statement. This misleads employees and investors on the financial standing of their investment.

My bill, Ending the Double Standard for Stock Options Act, would help institute accuracy in the reporting of corporate profits. It would require corporations to report stock options as expenses on their SEC earnings statements in order to receive a tax deduction for stock option compensation on the IRS income statement.

Last year, employees and investors faced an onslaught of accounting scandals that led to bankrupt corporations, diminished pension funds and mass lay-offs. While Congress addressed many of the accounting problems that led to the deluge of scandals, the treatment of stock option expensing has not been addressed. Without this reform, corporations will continue to mislead investors on the real value of their investments and undermine the integrity of the market.

The Financial Accounting Standards Board or FASB is the self-regulated accounting board that oversees SEC reporting. FASB recommends that companies record stock options as an expense on their SEC financial earnings statement, but does not require that stock options be treated as an earnings expense. In fact, stock options are the only form of compensation not treated as an earnings expense at any time. FASB is currently rethinking this standard due to pressure from investors and its international counterpart, the International Accounting Standards Board or IASB.

At the end of this year, IASB will issue new accounting standards requiring companies to expense stock options. The FASB is expected to announce in the next month whether it too will issue new stock option accounting standards similar to those of IASB.

It is my hope that FASB will come out with a decision to require expensing of stock options. But as we've seen in the past, political and corporate pressure may dissuade FASB from providing more transparency to earnings report requirements. I hope the introduction of this bill will help encourage FASB to do the right thing and require companies to account for stock options. However, if they succumb to industry pressure, Congress should enact this bill and fix the problem once and for all.

Prior to last year's scandals, nearly all companies relegated their stock option expenses to merely a footnote in their SEC report. Yet, these expenses were not reflected in their bottom line earnings. Since last year's scandals, many more companies have responded to investors' demands that stock options be expensed in earnings reports. Over 120 companies, including Amazon.com, Coca-Cola, and General Motors, have announced that they will voluntarily expense stock options on their SEC earnings reports in 2003. They should be commended. Nonetheless, many other companies have claimed that they will not expense stock options until forced to do so.

Again, Congress took important steps last year to address statutory flaws relating to corporate governance and the accounting industry. My legislation, "Ending the Double Standard for Stock Options" is another needed step to help prevent companies from misrepresenting their value to their investors and employees. I urge my colleagues from both sides of the aisle to join me in supporting the efforts of the IASB. Congress ought to heed the call of investors and ordinary Americans to ensure accurate reporting of profits and stock options expensing. I hope my colleagues will join me in passing this bill this year.

PAYING TRIBUTE TO MR. DALTON PAUL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the outstanding career of Mr. Dalton Paul, a very special individual from my district. Mr. Paul has been a resident of Chambersburg, Pennsylvania for more than 37 years. During that time he has dedicated himself to the noble pursuit of educating others. Mr. Paul has recently retired from his position as executive director of the Franklin County Career and Technology Center from which he has served since July of 1975. For four years prior to that, he also served as the school's assistant director. Upon his retirement, he has earned the distinction of being the longest-tenured executive director of a vocational school in the state of Pennsylvania.

Mr. Paul earned a very impressive record during his time as executive director. Under his leadership, 96 percent of the students from the Franklin County Career and Technology Center went on to be part of the local work force. This impressive statistic is just one of the many reasons why Mr. Paul's school has been named the best vocational-technical school in the state of Pennsylvania for a number of years. In addition to his work at the career center, Mr. Paul is also affiliated with at least 30 different community clubs and organizations. A few examples of these organizations are: Boy Scout Troop 128 Committee, Greene Township Lions Club, Pennsylvania Association of School Administrators, the Pennsylvania Vocational Association, and the Pennsylvania District Governor's Council for the Lions Club. Mr. Paul will continue many of his memberships and serve his community in numerous capacities.

Mr. Speaker, I am honored to have the opportunity to pay tribute to Mr. Dalton Paul for his noteworthy career and his impressive accomplishments at the Franklin County Career and Technology Center. His students, colleagues, and community will greatly miss his experience and leadership in the areas of vocational education. I wish him the very best in all of his future endeavors.

RECOGNIZING MS. AMANDA BENNETT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Amanda Bennett, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part as a volunteer for synergy services' S.T.O.P. (Synergy Teen Outreach Program) Group.

Amanda was one of the founding members of S.T.O.P. who eagerly volunteered to be a part of Synergy's Youth Development Leadership Program. As a part of this important program, Amanda and other high school students have learned about Synergy's Mission to stop domestic violence and abuse and to help those that are in shelters. Among her many activities with the organization, Amanda has organized cookie decorating nights for the Children's Center, free haircuts for teens at the emergency shelter, and taking small children from the shelter to toy stores and dinner. Her accomplishments have had a profound effect on those who are in great need.

Most recently, Amanda received the National Network Youth Leadership Award. As the only youth to receive this prestigious award at the National Symposium Conference, I would like to commend Amanda on her sincere dedication to Synergy Services'. She is an excellent example of someone who is using their passion, motivation and skills to make their community a better place.

Mr. Speaker, I proudly ask you to join me in commending Ms. Amanda Bennett for her many important contributions to Synergy Services, her community and the 6th District of Missouri.

YOSEMITE NATIONAL PARK EDUCATION IMPROVEMENT ACT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. RADANOVICH. Mr. Speaker, I submitted the Yosemite National Park Education Improvement Act in the House of Representatives. The bill authorizes the Secretary of Interior to make available supplemental funding to assist local school districts in providing educational services for students attending three schools located within Yosemite National Park.

Since the devastating 1997 Merced River flood, there has been a dramatic reduction in the number of employees in Yosemite National Park, and thus fewer school children attending these schools. With fewer and fewer children attending these schools, state dollars are reduced. The result is that the Park is attracting less than qualified candidates to work in the Park because families are not provided with adequate schools.

Furthermore, other existing federal funding sources are inadequate to meet the needs of the schools. PILT, payment in lieu of taxes, is available in both Mariposa and Madera counties where these schools exist and Impact Aid is accessible in Madera County, but—pursuant to current law—very few dollars actually are used to fund the classroom needs.

The situation is so bad for the schools that both the Superintendent of Yosemite National Park and the President of the Park concessionaire have pulled their children from the schools.

Mr. Speaker, I don't think we should stand by and permit children of Park Service and concessionaire employees from being deprived of their education simply because their parents have been asked by our government to work in Yosemite National Park. Precedence for assistance to schools located in national parks does exist. Yellowstone National Park had such a program established in the 1940's to ensure children of Park employees receive a quality education.

In addition to the language for Yosemite schools, the bill includes a provision to authorize the Yosemite Area Regional Transportation System, YARTS, facility outside of Yosemite National Park. This noncontroversial provision was added to the bill last Congress prior to passage in the in the Senate.

In closing, I believe the best long-term approach to the Yosemite schools' funding problems is the legislation I have proposed. The bill was approved by this body during the 107th Congress, and I look forward to working with my colleagues in the 108th Congress to once again approve the measure.

TRIBUTE TO GWENN KLINGLER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Representative Gwenn Klingler a resident of Springfield; she is married to Dr. Gerald Klingler and has two grown, married children and one grandson; she graduated from Ohio Wesleyan University and later received a master's degree in biology from the University of Michigan; she went on to receive a law degree with honors from George Washington University.

Representative Klingler served as an alderman on the Springfield City Council from 1991 to 1995 where she was chairman of the Public Safety Committee; she was twice elected to the Springfield District 186 School Board where she served from 1987 to 1991; she served as Board President in 1988.

Since first being elected to the House of Representatives in 1994, Representative Klingler has been regarded as a child's advocate; in 1998, she received the Daycare Action Award; she helped to pass the Foster Parents Bill of Rights; she has served as the Spokesperson for the Children and Youth Committee of the House of Representatives; she was chief sponsor of the Sex Offender Registration bill and Public Act 92–137 ("Heather's Law") as well as House Resolution 63, which created the Illinois After School Initiative; she donated legislative scholarships to DCFS for foster children who are wards of the court.

Representative Klingler worked hard for State employees; she cosponsored the Early Retirement Plan for State Employees, which enabled State employees to retire as early as 50 years old, saving jobs and State money.

Representative Klingler consistently worked to bring State money to the 100th district; she sponsored the Springfield Medical District bill, which established a commission to create a master plan to redevelop the medical district neighborhood and expand existing healthcare facilities as well as attract new facilities.

Representative Klingler was instrumental in securing funding for a new classroom at the University of Illinois at Springfield; she was a major supporter of the construction process of the new Lincoln Presidential Library.

Representative Klingler has received community honors in recognition of her work; she received the Charlotte Danstron Award from Women-In-Management for the Women of Achievement in Government Award in 1994, and in 1996 received the Distinguished Leadership Award from Leadership Springfield that is sponsored by the Greater Springfield Chamber of Commerce; she received the 1999 Legislative Leadership Award from the Illinois Alcoholism and Drug Dependence Association; further, she received the 1999 Goodwill, SPARC, and National Association for the Mentally Ill Award, the 2001 Anti-Hunger Advocate Award, and the 2002 Illinois Women in Government Award.

Representative Klingler remains active in the community and serves on a number of Springfield area community committees; she is a member of the Human Values and Ethics Committee at Memorial Hospital, the Chancellor's Advisory Committee at the University of Illinois at Springfield, and the Central Illinois Blood Bank Board; she is a member of The Greater Springfield Chamber of Commerce, Women-In-Management, Springfield Rotary International, and the Sangamon County Medical Alliance.

We congratulate Representative Gwenn Klingler on a job well done and wish her and her family well in all of their future endeavors.

IN HONOR OF BISHOP BERTHA MABLE MASSEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Bishop Bertha Mable Massey, resident Of Cleveland, on the joyous occasion of the celebration of her 106th birthday.

For over a century, Bishop Massey has devoted her life to her family, her faith, and her community. Well ahead of her time, Bishop Massey paved the way for women within the hierarchy of organized religion. She is the presiding Bishop of The House of God, and has jurisdiction over two states—Ohio and New Jersey.

While committing herself to helping others in rural and urban America, Bishop Massey also kept focused on her studies. At Trinity College in Springfield, IL, Bishop Massey earned her Doctorate degree. In 1976, Bishop Massey was appointed presiding Bishop over New Jersey and Ohio. Her passion for spirituality, faith, history and community has not faltered with the passing years. Rather, her devotion has grown stronger.

Mr. Speaker and Colleagues, please join me in honor and recognition of Bishop Bertha Mable Massey—a remarkable woman, leader, and spiritual guide. Bishop Massey's work and service continues to give hope, faith, wisdom and comfort to countless individuals and families, and serves to uplift our entire Cleveland community. Together we wish Bishop Bertha Mable Massey a wonderful 106th Birthday, and many more to come.

HONORING MARY HARRIS FOR HER THIRTY-ONE YEARS OF SERVICE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to honor and congratulate Mary Harris, who recently retired from Greater Boston Catholic Charities. In her 31 years of service Ms. Harris worked tirelessly to better the lives of those around her.

During her tenure at Catholic Charities, Ms. Harris worked with children in day care, foster care and adoption. She also worked with families wishing to adopt and families interested in foster care. For the past 12 years she served as the Director of the Eastern Middlesex County Foster Grandparent Program. This program has a multitude of benefits for both seniors and children. Seniors volunteer in schools and daycare centers, help with fundraisers, promote the Foster Grandparent Program, and learn about children from a variety of educators. Seniors also gain the knowledge that they are needed and can make a difference in the lives of children. The children get the privilege of having more people in their lives who care about them and are exposed to different perspectives and wisdom.

Ms. Harris has not only administered the program, but also shown the participants how much she values them. She makes sure that ill Foster Grandparents are taken care of, helping however she can. She often helps with shopping and getting medications.

Running the Foster Grandparent Program is not all Ms. Harris does for her community. She also manages the St. Gerard Thrift Store in Somerville and worked to make the holiday season more pleasant for families in need. She worked with the Christ Child Society to purchase over 400 jackets for children. She also helped to put together food baskets for needy families and distributed Christmas toys.

A lifelong resident of Cambridge and Somerville, Mary Harris is a true credit to her community and to the 8th District. Her work has improved the lives of both young and old. Her dedication is worthy of praise and her works of heartfelt appreciation. People like Ms. Harris are examples to others and proof that one person can make a difference. I wish her a relaxing and fulfilling retirement.

A SPECIAL TRIBUTE TO BARBARA BLACKFORD FOR HER DEDICATED SERVICE TO CRAWFORD COUNTY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding lady from Ohio. Barbara Blackford was born in Crawford County and has lived there all her life. She was raised on a farm in Liberty Township and graduated from Sulphur Springs High School.

Barbara worked in the accounting department of the Shelby Depot, at the Bucyrus Telegraph Forum, and at the Crawford County Board of Elections before becoming a county commissioner.

As a county commissioner, Barb served on the CCAO Legislation Committee and the Ag and Rural Affairs Committee. Locally, Barb represented the commissioners on the Regional Planning Commission, the Erie Basin Resources Conservation & Development Committee, the Community Improvement Corporation, was an alternate for issue 11, served on the Personnel Committee, the Microfilm Board, and was on the MARC Board of Governors.

Barbara did an outstanding job as a Crawford Community Commissioner. She has always enjoyed the small town atmosphere and has always respected and appreciated working with the people of Crawford County. Barbara practiced an opendoor policy and believed that local government should always be there to serve and to keep the best interests of its constituency in mind. Barbara Blackford did just that.

Barbara is a devoted mother of four children and the proud grandmother of six grandchildren. She and her husband, Lloyd, attend the St. Paul Lutheran Church in North Robinson, Ohio.

Mr. Speaker, Barbara Blackford will leave big shoes to fill as she leaves her post as Crawford County Commissioner. Her wisdom, honesty and forthrightness are attributes to which all public servants should aspire. She has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Barbara Blackford. Our communities are served well by having such honorable and giving citizens, like Barbara, who care about their well being and stability. We wish Barbara, her husband, Lloyd, and their family all the best as we pay tribute to one of our State's finest citizens.

TRIBUTE TO JOE WARNER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the life of Joe Warner, who tragically passed away in a plane crash shortly after takeoff from Central Illinois Regional Airport on July 22.

Many of our Nation's greatest servants have never been elected to public office. They silently and humbly transform communities out of the kindness of their hearts, selfless generosity, and a dedication to improving the welfare of loved ones and those whom he had never met. Joe Warner was one of these servants, and serves as an inspiration to us all.

Joe Warner was born on July 3, 1942, in DeKalb, IL, to Paul and Doris Walkey Warner. He attended Northern Illinois University, and then received his MBA from the University of Illinois. Mr. Warner went on to become president and chief executive officer of Heritage Enterprises, a long term care corporation, which is located in Bloomington, IL.

The frail elderly of Illinois have benefited greatly from the leadership and dedication of Joe Warner. Whether it was in his capacity as president and chief executive officer of Heritage Enterprises, or president of the Illinois Health Care Association, Mr. Warner tirelessly advocated on behalf of Illinois' seniors to ensure they were afforded the highest quality of care. He considered anything less as unacceptable, because his residents were our fathers, mothers, wives, and husbands.

Joe Warner's generosity was not limited to the elderly. Illinois' youth have also lost a friend. Prior to his passing, he had taken on the role of planner and fundraiser for the $3 million Challenger Learning Center, which will be an educational site for children to learn more about math and science. Memorial contributions are being made to the learning center, to ensure that Mr. Warner's vision is realized.

The towns of Normal and Bloomington are better places to work and live because of Joe Warner. In 1987 he conducted a $2 million renovation in Bloomington which served as a catalyst in the town's revitalization program. In addition, he served on Normal's 2025 Committee, which planned for the city's future, as well as its Downtown Advisory Commission.

Joe Warner was involved in scores of organizations, and knew the importance of investment in his community. Mr. Warner was the dedicated head of the McLean County GOP for ten years. He served his country in the army. He was on the legislative committee of the board of directors of the Illinois State University Foundation. He was the past-president of the Redbird Education and Scholarship Fund at Illinois State University, past-chairman of the McLean County American Heart Association, past-director of the Bloomington Occupational Development Center, past-director of the United Campus Christian Church Foundation; past ruling elder of the First United Presbyterian Church, past director of the Illinois Wesleyan University Association, and past director of the Illinois Restaurant Association.

Along with his cherished wife, Rose Stadel, Joe Warner was a loving and devoted father to his children Jeff, and Jennifer. His son is a pilot and introduced him to flying, which became his passion.

The memory of Joe Warner will continue through his numerous contributions to his community. On July 22, Illinois lost a respected and admired friend. He will be missed. On behalf of my colleagues, I salute the rich legacy and the spirit of Joe Warner.

IN HONOR OF THE CLEVELAND CHAPTER OF THE WORLD FEDERATION OF HUNGARIAN VETERANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Cleveland Chapter of the World Federation of Hungarian Veterans, on the occasion of their 50th Annual Charity Ball.

U.S. veterans of Hungarian heritage founded the organization in 1946, just after WWII. A Cleveland Chapter was formed in 1951, with objectives mirroring those of the national organization—to promote patriotism, and to honor and keep alive the memories of those who suffered and gave their lives to preserve our freedoms and democratic ideals.

Additionally, the Cleveland Chapter has focused on the preservation of the Hungarian culture, customs and history for the younger members of our community, and for generations to come. Moreover, the membership has consistently demonstrated a willingness to lend a helping hand. Over the years, the Cleveland Chapter of the World Federation of Hungarian Veterans has assisted other members and their families with moral and financial support whenever needed.

Mr. Speaker and Colleagues, please join me in tribute and recognition of the Cleveland Chapter of the World Federation of Hungarian Veterans as they celebrate their culture once again at the 50th Annual Charity Ball. Today we honor the significant sacrifices each of you has made to preserve our freedoms, and we also pay tribute to your organization for preserving the rich fabric of Hungarian culture and tradition within our community.

INTRODUCTION OF THE ROUND II EZ/EC FLEXIBILITY ACT

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CAPUANO. Mr. Speaker, I rise in support of the Round II EZ/EC Flexibility Act of 2003, bipartisan legislation I introduced today with my colleague from New Jersey, Mr. LoBIONDO.

The bill we introduced makes a number of small changes to the EZ/EC program that will provide these communities with greater flexibility in administering their economic development plans. Specifically, the bill authorizes $100 million in appropriations for each of the fifteen urban Empowerment Zones, $40 million for each of the five rural Empowerment Zones, and $3 million for each of the twenty rural Enterprise Communities.

The legislation also ensures that Empowerment Zones and Enterprise Communities that apply for one of the new Renewal Community designations will continue to receive the EZ/EC funding they were promised in 1999. Finally, the bill allows these communities to use their funding as the local match for receiving grants from other federal programs. This will help EZ/EC communities leverage additional resources to undertake economic development initiatives and provide job training and other vital social services.

Mr. LoBIONDO and I have worked hard over the last several years to secure funding for the communities across the nation that were designated as Round II Empowerment Zones and Enterprise Communities. We both know first hand the successes of the EZ/EC program, and we will continue to work together in a bipartisan manner to ensure that these communities are allocated the resources they need to bring economic opportunity to all Americans.

A SPECIAL TRIBUTE TO CHARLES L. DODGE FOR HIS DEDICATED SERVICE TO THE CITY OF FOSTORIA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Ohio. Charles L. Dodge began his employment with the City of Fostoria on October 21, 1974, as a laborer in the water distribution facility. He served under the leadership of Mayor Ken Beier and was appointed Superintendent of Utilities on January 1, 1980.

Charles' career with the City of Fostoria grew rapidly. He was a very dedicated, knowledgeable employee who aspired to do his best, no matter what was asked of him. Under the leadership of Mayor James Bailey, Charlie was named to the position of Assistant to the Mayor on June 1, 1996.

Mr. Speaker, Charlie's position advanced once again because of his experience and knowledge. He was named the Compliance, Records, Economic Development & Infrastructure Administrator, thus working with managed compliance issues, i.e. OSHA, EPA, ADA, Enterprise Zone Manager, State Issue II (infrastructure) and Project Manager.

During his employment with the City of Fostoria, Charles also had a very dedicated military career with the United States Army. Mr. Dodge served in the Army from 1970–1973 in the Clerk General Course, taking him to the Republic of Vietnam and many other areas. His military career ended in 1993; he retired as the First Sergeant in his Army National Guard Medical Corps unit.

Charles L. Dodge is a devoted father of three children: Laura, Kevin and Matthew. A man committed to his country and community; Charlie was an outstanding employee and contributor to the City of Fostoria.

Mr. Speaker, Charles Dodge will leave big shoes to fill as he enters into retirement. His wisdom, honesty and forthrightness are attributes to which all public servants should aspire. He has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Charles L. Dodge. Our communities are served well by having such honorable and giving citizens, like Charlie, who care about their well being and stability. We wish Charles, his wife, Deborah, and their family all the best as we pay tribute to one of our state's finest citizens.

HONORING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE NILES LIBRARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the historic Niles Library, located in Fremont, California, on its 75th anniversary.

Although the library as we know it today was officially dedicated in 1928, the first Niles Library actually opened its doors 38 years earlier in the back of Mr. Dickey's general store. In 1900, the growing book collection became incorporated as the Niles Free Public Library Association and was given a permanent home in Niles' former Southern Pacific Railway station.

In 1927, Mr. and Mrs. William H. Ford donated $30,000 to construct a new building for the library. On January 14, 1928, the library was dedicated in honor of Mrs. Ford's mother, Jane R. Clough. Future Supreme Court Chief Justice Earl Warren, who was then Alameda County District Attorney, was present at the dedication. In 1936, the Niles Free Public Library Association transferred ownership of the Jane R. Clough Memorial Library to the Alameda County Library system.

In recent years, the library's collection has grown, but it remains a small and friendly neighborhood library. Today, the library's collection boasts over 11,000 items, including books, magazines, newspapers, videos, CDs, audiocassettes, and several important pieces of artwork. In 1970, John E. Kimber donated Poppy Nymph, a statue by renowned California artist Jo Mora. For the library's 50th anniversary, the Fremont Friends of the Library commissioned Fremont artist Hal Booth to create a commemorative painting, which is still on display at the library.

This year marks the 75th anniversary of the historic library's dedication. A ceremony featuring a speech by California State Librarian Kevin Starr and entertainment from Niles Elementary School students will be held on February 8, 2003 in celebration of this significant milestone.

TRIBUTE TO DUANE NOLAND

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Senator N. Duane Noland. He has served in the Illinois General Assembly since 1990, serving eight years in the House of Representatives and four years in the Senate.

He served with distinction and honor in both chambers, most recently being selected as Assistant Majority Leader in the Senate.

He graduated from Blue Mound public schools and the University of Illinois where he earned a Bachelor of Science degree in Agriculture Education/Economics.

In his non-legislative life, Senator Noland spends many hours helping farm his family's seventh generation centennial farm.

Senator Noland also works as assistant vice president/marketing specialist with Hickory Point Bank & Trust in Decatur.

Senator Noland has worked to ensure state government lives within its means, promote a strong agricultural economy while balancing the needs of rural and urban residents, and preserve quality of life through safe schools legislation, tough anti-crime measures and bills to help senior citizens remain independent.

He has helped pass such significant legislation for our rural communities as the ban on MTBE, the establishment of drummer silty clay loam as our state soil, the AgriFIRST value-added agriculture incentives, and Route 51 expansion.

He is a board member for the American Red Cross, a former board member of the Illinois Farm Bureau, the Illinois Corn Growers Association, and the Lincoln Trails Council of the Boy Scouts of America, and a member of the Millikin University Board of Trustees.

He has been honored by numerous organizations including the Illinois Health Care Association, Baby Talk, Illinois Farm Bureau, ABATE, Jaycees, Chamber of Commerce for Decatur and Macon County, and the American Soybean Association.

Senator Noland was born and raised in Blue Mound, Illinois where he met his wife, Tina Beckett Noland, and where they now raise their sons Grant and Blake.

N. Duane Noland will be sorely missed and we wish him all the best in his future endeavors.

SMALL BUSINESS AND THE PRESIDENT'S ECONOMIC GROWTH PACKAGE

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. MANZULLO. Mr. Speaker, yesterday the House Small Business Committee held a roundtable with sixteen small business owners and representatives on the President's Economic Growth Package. The small business groups were unanimous in their support for the small business provisions of the President's proposal.

Specifically, the small business groups cited the acceleration of the tax rate reductions enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the expansion of the small business expensing provisions for new investment as vital. According to the participants, the President's proposal would enable them to purchase more equipment immediately. In addition, the capital freed up by the acceleration of the tax rate reductions would permit the vast majority of small businesses to reinvest that money into their businesses.

At the roundtable, we were honored to have the Honorable Hector V. Barreto, Administrator of the U.S. Small Business Administration, present the President's Economic Growth Package. In my opinion, Administrator Barreto's statement was an exemplary testament on the state of small business in our economy today and a compelling account of why small businesses need economic growth assistance. Small business creates jobs. The President's proposal will ensure short-term and long-term growth for small business and ensure sustained growth for our economy.

The Administrator's statement was so compelling that I wish to share it with my colleagues.

STATEMENT OF HECTOR V. BARRETO, ADMINISTRATOR U.S. SMALL BUSINESS ADMINISTRATION

Good Morning, Chairman Manzullo and distinguished Members of the Committee. I am pleased to be here this morning to participate with all of you in this roundtable discussion on the small business provisions of the President''s economic growth package. It's good to be among so many friends who share the President's views on these important changes.

Small businesses are the backbone of our economy—they employ more than half the private work force, generate about 50% of the nation's gross domestic product, and create two-thirds to three-fourths of the net new jobs. And research shows that the vast majority of these new jobs are established in the first two years of the business. Small business entrepreneurs are key to our economic vitality, and the President's plan offers specific relief and the opportunity for them to grow and create more jobs for American workers.

This roundtable is a perfect way to talk about the President's plan and narrow in on making sure government policy helps small business. This format is one that the President personally believes in. I have been with the President quite a few times over the past year at roundtables where the President solicits feedback and support from the small employer community. From the economic summit in Waco, TX, to Louisville, KY, to St. Louis, MO, to Alexandria, VA—the President's purpose is clear—to hear from the employer community about what will work best for this country.

The President has called on Congress to act swiftly to pass his economic growth package. Your voice will be critical to this effort and we thank you for your commitment and active participation in these deliberations.

Through a combination of income tax rate reductions, an increase in allowable deductions for expenses and the permanent repeal of the estate tax, American small business owners and their families will get to keep more of what they earn. The President has pointed out that under his plan, "a family of four with an income of $40,000 will receive a 96 percent reduction in federal income taxes."

That's nearly a complete elimination of that family's federal income tax burden and translates to more disposable income to be invested, saved or spent.

For small business owners, many of whom are subject to personal income tax rates on their business, the reduction in rates will mean an increase in capital to expand their business, hire new workers and provide new or improved products. As proposed, the reduction in the top marginal rate scheduled to take effect in 2006 (to 35 percent) would take place retroactively in 2003, resulting in tax cuts averaging $2,042 for some 23 million small business owners. These hardworking entrepreneurs would receive 79 percent (about $10.4 billion) of the $13.3 billion in tax relief from accelerating the reduction in the top tax bracket. Since small business owners are so closely tied to the personal tax rates, lowering individual marginal rates will have a positive affect on the ability of many entrepreneurs to expand. As Princeton University Economist Harvey Rosen stated in a May 2001 report to the SBA, "Taxes matter. As tax rates go up, entrepreneurial enterprises grow at a slower rate, they buy less capital, and they are less likely to hire workers."

Additionally, a proposed 200% increase in year one expensing deduction for new investments—"Section 179 expensing"—would encourage small business owners to purchase the technology, machinery and other capital equipment they need to expand. The amount of investments that may be immediately deducted—beginning in 2003—by small businesses would increase from $25,000 to $75,000. This new amount is permanent and indexed to inflation.

Expanding the eligible write-offs for small business investments has strong support in the small business community. All White House Conferences on Small Business have recommended increases in direct expensing. Moreover, SBA's Office of Advocacy has long supported proposals to increase such write-offs and testified in support of this change before the Senate Finance Committee in March of 2001.

From an economic development perspective, this is more than a simple tax code change. There have been several studies that have found links between taxation and investment. A 1998 Bureau of Economic Research paper concluded that marginal tax rate changes significantly change investment spending patterns. The study suggested that tax rate changes would alter the cost of capital for new investment decisions, and that the lower tax rates would make more projects viable. And by making this change permanent and predictable for small businesses, it will yield greater results as capital spending patterns rise from year to year.

According to SBA's Office of Advocacy, there are over 22 million small businesses in the United States. [Note that of these about 16 million have no employees.]

If, with the President's plan, on average, they increased their equipment purchases by only $10,000, almost $230 billion would be pumped into the economy annually, creating jobs and expanding the tax base. As the President stated in his recent visit with me to a flag manufacturing company in Alexandria, VA, "this is a plan that says if you're willing to take risk and invest more, that there's a benefit for doing so. It's an incentive for small business to increase."

The President has also proposed the permanent repeal of the estate tax so small business owners will no longer be faced with the prospect of leaving their family an insurmountable tax bill along with the family business—and the difficult decision of whether or not to sell the business to pay the tax. Instead of forcing their heirs to sell the business to pay the government, the repeal will provide certainty for family-owned small businesses that want to transfer the business to the next generation of entrepreneurs.

And finally, the President's plan to abolish the double tax on dividends will help businesses to grow and create jobs by reducing the cost of capital. Most dividends received by shareholders will be tax free. Small businesses that retain corporate earnings will not face capital gains taxes on the increase in the value of the firm from retained earnings that could have been distributed as dividends. This will benefit the owners of 2 million "C" corporations, including many small corporations.

Our President and Administration are strongly committed to helping small business by removing or reducing barriers that stand in the way of faster economic growth. Besides the significant changes outlined in the plan, let me take this opportunity to mention a couple of other items the President talks about in his agenda for small business—streamlining small business regulations and the need for tort reform to curtail frivolous lawsuits.

We know that small businesses are hardest hit by regulations. Firms employing fewer than 20 employees face an annual regulatory burden of $6,975 per worker—60 percent more than a firm employing 500 or more people. And tax compliance costs are twice as burdensome on small businesses compared with their larger counterparts. The Federal government has a new web site—www.regulations.gov that makes it easier to participate in Federal rulemaking. Small businesses can review and submit comments on proposed regulations that are published in the Federal Register. Americans spend nearly a trillion dollars a year complying with state and federal regulations, so having this website provides an opportunity to hear from those unfairly burdened.

Tomorrow, I will be testifying before the Senate Committee on Small Business and Entrepreneurship on another Administration priority—the need for Congress to pass Association Health Plan (AHP) legislation to help small business have access to affordable health care for their employees. Another issue that the community has been very proactive in pursuing.

Taken together, these changes send a strong signal that this Administration understands that our economy can thrive only if our small businesses thrive. As the economy continues to trend upward, America's small businesses can be counted on to continue to provide strength, resilience and optimism. Thanks to the President's aggressive agenda, small business owners can count on an environment in which their efforts will be encouraged and their success will be sustained.

Thank you again for including me in today's discussion, and I look forward to working with you in the months ahead to achieve passage of the President's economic growth plan.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to submit for the RECORD how I would have voted on those measures from the week of January 27, 2003. I was in Albuquerque, NM, last week as a family member underwent surgery and unable to make it to Washington, DC.

On rollcall 13, with regard to H.J. Res. 26, Honoring the contributions of Catholic schools, offered on January 27, 2002, had I been present I would have voted in favor of the motion to suspend the rules and pass the bill.

On rollcall 14, with regard to H.J. Res. 25, Supporting efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring, offered on January 27, 2002, had I been present I would have voted in favor of the motion to suspend the rules and pass the bill.

On rollcall 15, with regard to H.J. Res. 13, , Making further continuing appropriations for the fiscal year 2003, and for other purposes, offered on January 28, 2002, had I been present I would have voted in favor of the motion to table the appeal of the ruling of the chair.

On rollcall 16, with regard to H.J. Res. 13, Making further continuing appropriations for the fiscal year 2003, and for other purposes, offered on January 28, 2002, had I been present I would have voted for the motion to recommit with instructions.

On rollcall 17, with regard to H.J. Res. 2, Making further continuing appropriations for the fiscal year 2003, and for other purposes, offered on January 29, 2002, had I been present I would have voted for the motion to instruct conferees.

IN HONOR OF THE SISTERS OF THE HOLY SPIRIT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Sisters of the Holy Spirit, as they celebrate their 70th anniversary in holy ministry and service to others.

Founded in 1932 by Mother Josephine Finatowicz, the Sisters of the Holy Spirit began their legacy of caring for our most vulnerable citizens in two humble homes. Within those walls, the Sisters lovingly cared for the parentless children of our community. Later, the Catholic Diocese of Cleveland approached the Sisters with a request to provide a home for older adults who could not afford adequate housing.

This vision was the dream of Monsignor Gilbert Jennings, who left his specific request on the pages of his last will and testament. After his death, the Sisters agreed to fulfill his vision of the creation of a caring home for seniors. The 13 dedicated women of the Sisters of the Holy Spirit moved from their Cleveland neighborhood to their new convent built on the rolling farmland of Granger Road in Garfield Heights.

The Jennings Center for Older adults has evolved from a single story wood frame building to an extensive senior housing campus. From the beginning, the Sisters ran everything from the cooking to the nursing, to the administrative work. As in years past, the Sisters of the Holy Spirit continue to heal the hearts and souls of the residents of the Jennings Center.

Mr. Speaker and Colleagues, please join me in honor of the Sisters of the Holy Spirit. Their commitment, kindness and caring for our children and our elderly have served to lift the spirits of countless individuals, families, and our entire community. We are blessed to have these angels—the Sisters of the Holy Spirit, bringing us light and hope, and asking nothing in return.

IN REMEMBRANCE OF JULIAN FRANCIS DEPREE, JR.

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KIRK. Mr. Speaker, it is with great sadness that I rise today to say a few words about the life of Julian Francis DePree, Jr. (Jeff) who died suddenly over the weekend from natural causes. He proudly served his country, was a successful and ethical businessman, a loyal husband, and a devoted father.

Jeff DePree, in the eyes of his family and friends, had a "larger than life" personality, but, first and foremost, he was a caring father to his four children and a devoted husband to his wife Joan. Jeff was born on March 9, 1944, in Mt. Kisco, New York. He later graduated from Trinity College in Hartford, Connecticut, and received his Masters degree from Columbia University in New York City.

Jeff served his country in Vietnam as an Intelligence Officer in the 199th Infantry Brigade. He survived two tours of duty and was awarded two Bronze Stars for his service as well as an Air Medal. Jeff was also an avid sportsman and conservationist enjoying golf, boating, fishing, and racquet sports, a love for which he passed onto his children.

Jeff was also a keen businessman. He was co-founder of a financial services company that specialized in leasing and equity financing for major industrial projects. He became an industry leader among structured finance specialists and advised many of the nations largest finance companies on their investments. Jeff was very active in local community affairs, having served on the Lake Forest Hospital Board, as well as the City's Cemetery Commission.

Most of all, Jeff brought great fun to everyone. He was an excellent storyteller, singer, guitar player and dancer. When in the company of Jeff, his engaging and entertaining personality was infectious. Jeff was indicative of thousands of Americans who quietly go about their daily lives contributing to the greatness of our nation through their personal character and conduct.

Jeff's passing is an immense loss to his family and his community. His life was cut short, but I am certain his children will carry on his legacy in a way that would make their father very proud. I offer my condolences to his wife Joan, and his children Katie (Jess), Austin, Randy, Spencer and his grandson, William. May they take comfort in knowing they have been blessed to have had such a wonderful person in their lives. He will be greatly missed.

TRIBUTE TO WILLIAM L. "BILL" O'DANIEL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to honor William L. "Bill" O'Daniel of Mt. Vernon was appointed to the Illinois Senate in 1985 and was elected by an overwhelming margin in 1986 and has served this body with distinction throughout his eighteen years as a member.

During his five terms in the Senate, Senator O'Daniel, served as chairman of the Senate Agriculture and Conservation Committee, as Democratic Caucus Chair, and most recently as Democratic spokesperson of the Senate Agriculture and Conservation Committee.

Senator O'Daniel has also served on the Committees on Appropriations I, Elections and Reapportionment, Revenue, Transportation, and State Government Operations, the Joint Committee on Administrative Rules, the Illinois Forestry Development Council, the Swine Disease Control Advisory Committee, the Agricultural Export Advisory Committee, the Interagency Rail Passenger Advisory Council, and the Board of State Fair Advisors.

Senator O'Daniel has amassed numerous legislative accomplishments which have enhanced the quality of life for the people of his southern Illinois district and all of the people of the State of Illinois, including State sales tax exemptions for farm machinery and oil field equipment, creating tax increment financing and enterprise zone designations to spur job creation and economic development, promoting sustainable agriculture and ethanol as an alternative energy source, and enacting tough penalties against persons who sell drugs on or near the grounds of places of worship.

Senator O'Daniel built a solid reputation as one of Illinois' foremost authorities on agricultural issues, he was appointed in 1977 by President Jimmy Carter to serve as state executive director of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

Prior to his appointment by President Carter, Senator O'Daniel served as a member of the Illinois House from 1974–77.

As a longtime farmer and businessman, a decorated World War II veteran and devoted family man, Senator O'Daniel brought to the Senate a common sense, bi-partisan approach to the business of the body that shall be remembered fondly by those who served with him.

We offer our best wishes to Senator William L. "Bill" O'Daniel upon his retirement from the Senate; we offer hope for a rewarding future with his wife, Norma, their five children and eight grandchildren, and one great-grand child.

TRIBUTE TO GEORGE DODSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. DUNCAN. Mr. Speaker, I rise to pay tribute to George Dodson, a good friend and beloved retired Capitol Police officer, who passed away last summer.

George was one of the finest men I ever knew. He was on the Capitol Police force for over 30 years. Most of that time he worked as a plain-clothed detective. He was known all over the Capitol because of his professionalism, courtesy and friendliness. He later went on to help organize the Retired Capitol Police Officers Association.

George was close friends with many Members, including Bill Natcher of Kentucky and Speaker Jim Wright. He was always friendly to all Members and the many visitors who traveled to the Capitol each year.

George spent many years in the military prior to joining the Capitol Police force. He spent three years in the Air Force and five years in the Air National Guard. He was honorably discharged in 1967 at the rank of Master Sergeant.

George Dodson was a family man. He was married to his beloved wife Pat and enjoyed spending time with her whenever possible.

George was a life-long resident of Washington, D.C. and graduated from Armstrong High School in 1947. He was also very active in his church.

Over the years, George developed a love of trains and spent a great deal of time with his grandchildren sharing that love and interest.

He also was very interested in the new convention center being built downtown. He would spend a great deal of time downtown observing the progress of the convention center. In fact, many of the workers at the site got together and gave George his own hard hat.

George passed away on June 8, 2002. He was a great American who loved his family and Country very much. Mr. Speaker, this Country would be a much better place if there were more people here like George Dodson.

HONORING DRUG FREE WEEK ESSAY WINNER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize a special student from Gladewater, TX, Brittany Linder, who was a grand prize winner in the Red Ribbon Week "I am drug-free because . . ." essay contest sponsored last fall by the city of Longview Partners in Prevention. Brittany represents Weldon Intermediate school in the Gladewater independent school district and is a fourth-grade student of Mrs. Cathy Bedair. She is the daughter of John and Blane Linder and the granddaughter of my longtime friend, Carolyn Linder.

According to the White House Office of National Drug Control Policy, although recent trends in youth drug use have stabilized, the rates of use remain at high levels. Youth substance abuse, as we know, can lead to many other problems, including the development of delinquent behavior, anti-social attitudes and numerous health risks. These problems not only impact the child but also the child's family, friends, community and ultimately society as a whole.

Brittany speaks to this issue in her essay: "I am drug free because if I take drugs, I would not be able to realize my dreams. I would not be able to be a good teacher, or mother. If I take drugs, I would hurt valuable brain cells and when I found my dreams, I would not be able to do it."

The essay entries from area fourth-graders were judged by LeTourneau University students. Throughout our Nation, dedicated teachers, parents, clergy, law enforcement officers, healthcare providers, local government officials and community volunteers are involved in various drug-prevention programs that raise awareness among our young people of the dangers of drug use. Beginning these programs at a young age is one key to their success, and I commend programs such as the Red Ribbon Week that seek to instruct and involve our young people in this issue.

Mr. Speaker, I want to congratulate Brittany on her winning essay and commend her for taking a strong stand against the use of drugs.

HONORING THE VIETNAMESE NEW YEAR: TET, 2003

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Vietnamese New Year: Tet, 2003—Year of the Goat. In celebration of the new year, the Vietnamese Community in Greater Cleveland, Inc., will gather at St. Helena Catholic Church to rejoice with family and friends and enjoy Vietnamese culture and performances.

The Tet celebration will include recognition of volunteer leaders, Vietnamese food, and dancing and entertainment by the Vietnamese youth of Cleveland. As Tet is the time of year to pay homage to ancestors, visit with friends and family, and celebrate, it is with great honor that I pay tribute to the Vietnamese Community of Greater Cleveland.

This year marks the 27th year of the Vietnamese Community in Greater Cleveland's outstanding service to the Vietnamese community in my hometown of Cleveland, Ohio. Vietnamese heritage has long been important to Cleveland, and the Vietnamese Community in Greater Cleveland has played a vital role in ensuring that important cultural traditions continue to be embraced.

Mr. Speaker, I would also like to take this opportunity to honor and thank Le Nguyen, President of the Vietnamese Community in Greater Cleveland, for coordinating this wonderful evening of festivities. I would also like to honor the members of the Vietnamese Community in Greater Cleveland for their dedication to the Cleveland area.

Best wishes to all celebrating the Vietnamese Lunar New Year: Tet, 2003—Year of the Goat. I wish everyone a joyous and prosperous new year.

TRIBUTE TO REAR ADMIRAL JOHN P. DAVIS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor Rear Admiral (Upper Half) John P. Davis, a native of Shelter Island, New York, who will retire from the U.S. Navy on February 1, 2003 after 35 years of distinguished service to the U.S. Navy and to our nation.

Rear Admiral Davis is well known to many members of this body. He has been the Program Executive Officer for Submarines since 1997. In 1998 he also becomes the Deputy Commander, Submarines, helping launch Team Submarine, an innovative organizational structure that unified many submarine-related acquisition and life cycle support entities into a single "submarine-centric" organization. The Team Submarine concept of operations is dedicated to eliminating the traditional "stovepipe" structures and processes that create impediments and inefficiencies in submarine research, development and acquisition, ensuring that the operational needs of the fleet are met, today and in the decades to come, in an effective and affordable way.

Under Admiral Davis' watch, Team Submarine has delivered two *Seawolf* class submarines and redesigned a third to expand its mission capabilities; started construction of four *Virginia* class submarines; and brought the transformational SSGN program from concept to full up-and-running program in two years time. He has also overseen the overhaul of over one-third of our submarine fleet, and directed the modernization of submarine warfare systems with economical and easily upgradeable commercial-off-the-shelf (COTS)-based units. Additionally, Admiral Davis has acted as an emissary to allied nations, most notably Australia, and he has helped forge strong relationships with friendly navies to enhance U.S. national security.

Admiral Davis began his Navy career in 1964 when he entered the U.S. Naval Academy. Upon his graduation from Annapolis in 1968, Admiral Davis entered the Naval Postgraduate School, where he earned a Master of Science degree in 1969.

Following nuclear power training, Admiral Davis held many critical assignments. He served on the USS *Pogy* (SSN 647) and the USS *Daniel Webster* (SSBN 626). He also served as the department head and post department head detailer in the Submarine Officer Assignment Office of the Bureau of Naval Personnel. He subsequently returned to sea duty as Executive Officer of the USS *Memphis* (SSN 691) and later, as Commanding Officer of the USS *Jacksonville* (SSN 699), which deployed to the Atlantic, Mediterranean, and Indian Oceans. He went on to serve as Deputy Commander of Submarine Squadron Six, during which he also served as Commanding Officer of the USS *Glendard P. Lipscomb* (SSN 685) for three months during a Mediterranean deployment.

From 1989 to 1991, Admiral Davis served as Head, Undersea, and Arctic Warfare Branch in the Office of the Chief of Naval Operations. Following completion of the Program Managers Course at the Defense Systems Management College in 1991, he became the Director of Advanced Submarine Research and Development. In September 1992, Admiral Davis became Program Manager of the MK48 ADCAP Advanced Capability Torpedo Program. In July 1996, Admiral Davis became Program Manager for the Undersea Weapons Program Office.

Admiral Davis was selected to Flag rank in 1996. In December 1996 he became the Director, Submarine Technology at Naval Sea Systems Command. In August 1997 he was assigned to his current post of Program Executive Office, Submarines. In October 1998 he assumed additional duties as Deputy Commander, Submarines.

Admiral Davis was promoted to Rear Admiral (Upper Half) in 1999. He has received numerous military awards including the Legion of Merit with two Gold Stars and the Meritorious Service Medal with one Gold Star.

Mr. Speaker, for 35 years the Department of the Navy, the Congress, and the American people have been well served by this dedicated naval officer. Admiral Davis has been instrumental in ensuring that the U.S. submarine force is, and will remain, the world's most preeminent submarine force in the 21st Century. Thus, he leaves an enduring legacy.

I am honored to rise today to express appreciation to Admiral Davis for his outstanding service to the nation. I also want to recognize his wife Nancy and his daughters Kate and Tricia for their loyalty and support, which are so necessary in the life of a career naval officer.

Mr. Speaker, I know my colleagues join me in wishing Rear Admiral Davis "fair winds and following seas" as he concludes a most honorable and distinguished career.

TRIBUTE TO GARY WHYTE ON BEHALF OF WHITNEY WELDON

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today on behalf of 10-year-old Whitney Weldon of Westfield, New Jersey. Whitney is a wonderful, happy, and active child who was diagnosed in April 2001 with a disease called Fibrodysplasia Ossificans Progressiva (FOP).

FOP is a rare genetic disorder in which bone forms in muscles, tendons, ligaments and other connective tissues forming a second skeleton that immobilizes the joints of the body. With so few people afflicted by the disease, there is little attention being paid to this illness.

For the past fifteen months, Gary Whyte, of Mountainside, New Jersey, has been going non-stop, doing everything he can, to raise awareness and help spread news about FOP through countless efforts speaking before clubs, churches, synagogues and organizations and hosting events to raise money for the Weldon FOP Research Fund.

Mr. Speaker, I stand before you on behalf of Whitney Weldon and the 200 other Americans suffering from FOP to praise the efforts of these dedicated people who are staging a campaign to increase awareness of and find a cure for a disease that few people know about. Gary has shown that education about FOP is the first step toward working to get a cure. Little by little, with more awareness comes more action.

INTRODUCTION OF LEGISLATION TO BAN HOUSING DISCRIMINATION AGAINST MEMBERS OF THE MILITARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. RANGEL. Mr. Speaker, I rise to call to the attention of my colleagues a bill I have introduced today to prohibit discrimination in the rental of housing to members of the armed forces.

It has been reported in the press that managers of certain apartment properties in my home state of New York have required renters to sign an affidavit stating that they are not in the military. This practice, aimed at members of the armed forces who might be called off to war, is an outrageous form of discrimination, particularly at a time when young Americans are on their way overseas to defend our country.

This legislation is meant as a deterrent to this kind of practice by any landlord or property management company anywhere in the country. The bill would make it a federal crime to discriminate in rentals to members of the armed forces with a penalty of up to a year imprisonment.

The reason mentioned for requiring the affidavit is to relieve landlords of the potential need to seek court orders to evict military families who may have defaulted on their rent.

I have never before heard this concern raised by a landlord. But the bottom line is that discrimination against individuals or an entire class of people cannot be defended under any circumstance. In New York City, this practice is already outlawed under local anti-discrimination laws. However, there remains a glaring absence in federal and state law of the protections provided for in my bill, thus leaving members of the military in most of New York State and the rest of the country vulnerable.

At this time of crisis in our country, in which we are asking so much of our military, the governing principle should be one of shared sacrifice—and certainly not discrimination.

TRIBUTE TO LAURA KENT DONAHUE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Laura Kent Donahue who has dedicated her life to serving the people of western Illinois.

Laura had the privilege of serving in the same area her mother, Mary Lou Kent, represented. She began her legislative service in the State Senate in 1981.

She was appointed an Assistant Majority Leader in the Illinois State Senate in 1997 after serving as Majority Caucus Chairman for four years.

As a lawmaker, Laura secured nearly $1 billion for road and bridge improvements in her district since 1981.

Her dedication to improving the funding process for downstate nursing homes and hospitals has earned her numerous legislative awards from the Illinois Association of Homes for the Aging, the Illinois Hospital Association, the Illinois Association of Rehabilitation Facilities and the Illinois Healthcare Association.

She has devoted much of her time and energy toward finding a resolution to the education funding issue in Illinois.

Laura was instrumental in bringing a juvenile prison facility to Rushville, adult prison facilities to Mt. Sterling and Canton and work camps to Clayton and Pittsfield.

She is a member of the Vermont Street Methodist Church in Quincy.

She is a member of the Daughters of the American Revolution, the Lincoln Club of Adams County and the PEO Chapter MK.

She graduated with a bachelor's degree from Stephens College in Columbia, Missouri.

She is respected by her colleagues from both political parties for her honesty and integrity.

Laura will be remembered as a Senator who took her responsibility as an advocate for her district seriously.

Therefore we recognize Laura Kent Donahue for her accomplishments as she leaves the Illinois Senate and wish her success in her future endeavors.

IN HONOR AND REMEMBRANCE OF LIBERA PILLA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Libera Pilla—beloved mother, grandmother, great-grandmother, and friend to many.

For forty-nine years, Mrs. Pilla was the devoted wife of George Pilla, who died in 1978. Together they raised their two sons, Bishop Anthony Pilla and Joe Pilla. As immigrants from Italy, Mr. and Mrs. Pilla understood the importance of family, faith, and hard work. Although they were not formally educated, Mr. and Mrs. Pilla coveted the educational opportunities for their sons, and ensured that they both received an excellent education. Moreover, they instilled in their sons the value of service and compassion toward others—clearly evidenced in their sons' chosen vocations—Bishop Anthony Pilla's vocation of spiritual leader; and Joe Pilla's commitment to public service in law enforcement.

Mrs. Pilla was the light, warmth and center of the Pilla family. Mrs. Pilla was known for her deep sense of compassion and concern for others, and she consistently reached out to others with grace, kindness and dignity. Mrs. Pilla took great pride and joy in caring for her family and friends, especially through her culinary talents. She delighted many with her wonderful recipes from her Italian homeland, and enjoyed planning and preparing for family and friends during the holiday season.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Libera Pilla—a remarkable woman who, along with her dear husband George, rose above the hardships of assimilating into American culture, sculpting a wonderful life for herself and her family, filled with love, warmth, encouragement and support. Although Mrs. Pilla will be deeply missed, her life was joyously lived—and is a life worthy of celebration. I offer my deepest condolences to Mrs. Pilla's sons, Bishop Anthony Pilla and Joe Pilla; to her grandchildren and great-grandchildren; and to her extended family and many friends. The light and love that Mrs. Pilla so freely gave to others, especially to her family, will live on forever in the hearts of those who knew and loved her well.

HONORING GLORIA STRAIT FOR 50 YEARS OF SERVICE TO THE CAPITOL HILL CLUB

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Gloria Strait for the fifty years of service, dedication, and loyalty she has given to the Capitol Hill Club.

Gloria moved from Syracuse, New York to Capitol Hill in 1952. She began her tenure at the Capitol Hill Club on February 5, 1953, when it was located at 214 First Street. Although she was hired as a cook, she worked as a dishwasher when business was slow. For close to twenty years, Gloria cooked breakfast, lunch, and dinner for the numerous Members of Congress and guests of the Club. During this time, the majority of which was spent in the Club's second home at 75 C Street, she also supervised the kitchen, managed menus, and handled orders. When the Club moved to its current location at 300 First Street in 1972, Gloria was promoted to Purchasing Manager and took on responsibility for handling inventory and vendor relations.

Since a child in New York, Gloria has had the opportunity to meet innumerable celebrities through her involvement in the restaurant industry. And in the fifty years of her employment at Capitol Hill Club, she has met six United States presidents, one dozen governors, countless Congressmen and women, and renown business leaders. She keeps a scrapbook to remember her many friends.

Gloria has helped countless Members of Congress who were far from home to feel at home by cooking favorite meals or baking birthday cakes. It is that type of personal attention and commitment to her job that makes Gloria a vital and welcomed part of the Capitol Hill Club family. For fifty years, Gloria has brightened the Club with her youthful vigor and soaring spirit. As a member of the Club, I thank her for being a part of our extended family and look forward to seeing her in the many years to come.

BEST WISHES TO SALT RIVER PROJECT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KOLBE. Mr. Speaker, I would like to congratulate a venerable Arizona institution that celebrates this month its 100th anniversary as the nation's oldest multi-purpose reclamation project. I speak of the Salt River Project, an organization with nearly 800,000 electric customers and responsibilities for supplying water to some 1.5 million people in the Phoenix metro area.

While my own Congressional District 8 spans areas outside of SRP's service territory, one cannot live long in Arizona without learning something of the history of this unique public power and water utility. Founded on February 7, 1903, SRP marked the formalization of hopes for transforming a fierce desert into a productive agricultural area.

Eight months earlier, the Reclamation Act of 1902 had been signed into law by President Theodore Roosevelt. Critics maintained the act would be a boondoggle, saddling the federal government with useless burdens. But Roosevelt and his supporters were optimists and had faith in the American spirit of determination.

The fruits of their convictions were borne out.

A federal reclamation loan was approved to help SRP and central Arizona's landowners build a great water storage system to supplement the area's small and unreliable system of ditches and canals. By 1911, using horses, hawsers and hand-tools, workers had completed Roosevelt Dam—then the largest masonry dam in the world.

With new and dependable sources of water, farms flourished. Local towns and cities grew. More dams were built. And, by the 1930s, SRP with state enabling legislation entered into the power business to ensure repayment of its federal loan obligations.

Today, SRP ranks among the largest public power providers in the nation and an authority on water management. And, at the core of the company's culture is the same durable spirit of community partnership and involvement that was there a century ago.

Mr. Speaker, I offer best wishes to the Salt River Project as it moves ahead in its second hundred years of service—a century certain to bring many new benefits and progress.

FIREFIGHTING RESEARCH AND COORDINATION ACT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CAMP. Mr. Speaker, I rise today to introduce the Firefighting Research and Coordination Act. I am proud of this legislation for what it seeks to accomplish on behalf of our Nation's firefighters. This bill has three primary objectives: support the development of voluntary consensus standards for firefighting equipment and technology, establish nationwide and State mutual aid systems for dealing with national emergencies, and authorize the National Fire Academy to train firefighters to respond to acts of terrorism and other national emergencies.

In large part, the genesis of the Firefighting Research and Coordination Act came after the September 11th attacks. After the tragic events of that day, fire departments throughout America began to grapple with new concerns over how to best train for and respond to terrorist acts. The needs of the fire service continue to grow as new threats emerge. As a result, Congress has a responsibility to assist and protect our firefighters. That is the goal of the Firefighting Research and Coordination Act.

The first objective of the bill focuses on equipment and technology standards. The bill would allow the U.S. Fire Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties to develop measurement techniques and testing methodologies, and support development of voluntary consensus standards through national standards development organizations, for evaluating the performance and compatibility of new fire fighting technology. Examples of new technologies include: personal protection equipment, devices for advance warning of extreme hazard, equipment for enhanced vision, and robotics and other remote-controlled devices, among others. Equipment purchased under the Assistance to Firefighters grant program must meet or exceed voluntary consensus standards.

Establishing standards for firefighting equipment and technologies will help safeguard the lives of firefighters. At present, manufacturers of emergency equipment can sell their products with no government testing or certification requirements to ensure their product meets the needs of firefighters. A January 2003 Consumer Reports article, "Safeguards Lacking for Emergency Equipment," highlights the lack of standards problem. The article reports "Firefighter organizations, which also represent most of the Nation's emergency medical technicians, say they worry that no law requires fire departments to buy equipment certified for use against chemical or biological agents." In a September 10, 2002 story in The, Washington Post Arlington County, Virginia Chief raised concerns about the lack of equipment standards, as well as the lack of guidelines for training the workers charged with responding to future terrorist attacks. Plaugher stated, "Without clear goals, we risk undermining ourselves while wasting precious resources."

The second objective of the bill addresses mutual aid systems. The Firefighting Research and Coordination Act directs the Administrator of the U.S. Fire Administration, in consultation with the Federal Emergency Management Agency (FEMA) Director, to provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for responding to national emergencies. The Administrator, in consultation with the FEMA Director, will also, develop model mutual aid plans for both intrastate and interstate assistance. An important example of why model mutual aid systems are important to establish comes in part, as a response to the September 11th attacks and to wildfires that have raged in the west.

On July 23, 2002, Titan Systems Corporation issued a report on behalf of the Arlington County, Virginia fire department. The report found that self-dispatching fire and emergency crews were favorable in some respects, but were also detrimental. For example, the report states that the Arlington County fire department "faced the monumental challenge of gaining control of the resources already onsite and those arriving minute-by-minute." The report goes on to say that, "firefighters and other personnel came and went from other Pentagon entrances with little or no control. Thus, had there been a second attack, as occurred at the World Trade Center, it would have been virtually impossible for the Incident Commander to determine quickly who might have been lost."

The third objective of the legislation permits the Superintendent of the National Fire Academy to coordinate with other Federal, State, and local officials in developing curricula for classes offered by the Academy. This section of the bill illustrates what new classes and training opportunities the Academy is authorized to offer its students. For example, the Academy will now be able to train fire personnel in: strategies for building collapse rescue, the use of technology in response to fires; including terrorist incidents and other national emergencies; response, tactics, and strategies for dealing with terrorist-caused national catastrophes; applying new technology and developing strategies and tactics for fighting forest fires, and other important response strategies.

Over one million students have received training at the National Fire Academy. Since its inception in 1975, the Academy has helped firefighters gain vital education and training to the benefit of the American public. The Academy's courses are taught at a facility in Emmitsburg, Maryland. Its online courses and cooperation with local colleges and universities expand the reach of the Academy to thousands of firefighters across the Nation.

With the Nation recovering from acts of terrorism, mammoth wildfires, and the possibility that other national emergencies may arise in the future, America's firefighters deserve nothing less than quality educational opportunities and training to prepare for these, and other types of disasters. We saw with the World Trade Center that building collapse rescue is a critical component of a firefighters job. In a December 1, 2001 article that appeared in Fire Chief magazine, a member of the Michigan Urban Search and Rescue team stated that while the Federal government has spent millions of dollars to train local first responders with weapons of mass destruction, little if any focus has been placed on building collapse rescue. "For some time now, I have advocated that every State should have a structural-collapse response that includes an Urban Search and Rescue (US&R) task force system," stated the Michigan firefighter. The firefighter went on to say that, "The FEMA US&R system does little to help with the initial response to structural collapse incidents." This example offers another reason why the curricula at the National Fire Academy should be expanded to include courses on building-collapse rescue and other strategies.

Mr. Speaker, my legislation enjoys wide support among many of this Nation's fire groups and bipartisan support here in the House of Representatives. My colleague in the Senate, Senator McCain will introduce companion legislation today in the United States Senate. I am hopeful that this important bill will be swiftly enacted in the 108th Congress.

TRIBUTE TO EVELYN BOWLES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Evelyn Bowles of Ewardsville who was appointed to the Illinois State Senate in May of 1994 and was elected by an overwhelming margin in November of 1994; she has served this body with distinction throughout her 8½ years as a member.

During her terms in the Senate, Senator Bowles served as the Democratic spokesperson of the Senate Environment and Energy Committee, the Local Government and Elections Committee, the Licensed Activities Committee and the State Government Operations Committee.

Senator Bowles has also served on the Committees on Agriculture and Conservation, Executive, Transportation, the Legislative Information System, the Legislative Printing Unit, and the Legislative Research Unit.

Senator Bowles has amassed numerous legislative accomplishments which have enhanced the quality of life for the people of her Metro East district and all of the people of the State of Illinois, including new penalties for individuals convicted of illegally possessing the chemicals used to manufacture methamphetamine, the regulation of reprocessing certain single-use surgical devices, more funds for the Spinal Cord Injury Paralysis Research Fund, and the requirement of coverage for the replacement of child safety seats if those seats were in use at the time of an accident.

Senator Bowles will long be remembered for her commitment to the success of Illinois' agriculture community; in an effort to find a "third crop" to insert into our traditional corn and soybean rotation, she sponsored legislation directing the University of Illinois to study the reintroduction of industrial hemp in Illinois, a once important crop in Illinois because of its versatility.

Senator Bowles was elected to five consecutive terms as the Madison County Clerk and brought to the Senate knowledge and expertise that was often called upon when questions arose concerning local government and election laws in Illinois. It was in that office which I worked with her closely. Her countless appearances at the office counter gave constituents a real glimpse of personal service by their elected officials. In her dealings with me, a member of the opposition party, she was always professional, courteous, and determined to place the best interests of the citizens first.

Senator Bowles served her nation as a member of the United States Coast Guard Women's Reserve Intelligence Division during the Second World War and is a member of the American Legion Post #199 and The Auxiliary. She was also a former teacher.

We offer our best wishes to Senator Evelyn Bowles upon her retirement from the Senate and we offer her hope for a rewarding future.

INTRODUCTION OF LEGISLATION TO FACILITATE LAND EXCHANGES IN ARIZONA'S FIRST CONGRESSIONAL DISTRICT

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. RENZI. Mr. Speaker, on behalf of Congressman J.D. HAYWORTH and myself, I rise today to introduce legislation to facilitate two land exchanges in the Tonto and Coconino National Forests in Arizona's First Congressional District. Congressman J.D. HAYWORTH sponsored similar legislation in the 107th Congress that unanimously passed the House.

The legislation authorizes the Montezuma Castle land exchange and the Diamond Point land exchange. In the Montezuma Castle land exchange, the Forest Service will acquire a 157-acre parcel of private land adjacent to Montezuma Castle National Monument and the 108-acre Double Cabin Park parcel, both in the Coconino National Forest.

An Arizona partnership, the Montezuma Castle Land Exchange Joint Venture, will acquire approximately 122 acres of National Forest System land adjacent to the town of Payson's municipal airport. The town of Payson has entered into an agreement to purchase a portion of this land to create private sector business development and job opportunities.

Mr. Speaker, this exchange will protect riparian areas along Beaver Creek, the viewshed for the Montezuma Castle National Monument, and it will transfer Double Cabin Park to Federal ownership.

In addition to the Payson land, this legislation facilitates the Diamond Point land exchange. The Forest Service will acquire a 495-acre parcel, known as the Q Ranch, in an area where previous acquisitions have been completed and Federal land has been consolidated.

In exchange, the Diamond Point Summer Homes Association will acquire 108 acres of Federal land that have been occupied since the 1950's by the association's 45 residential cabins.

The land exchanges in this legislation are supported by the town of Payson, the Gila County Board of Supervisors, the Rim County Regional Chamber of Commerce, the Payson Regional Economic Development Corporation and the National Park Service.

Mr. Speaker, this legislation benefits local communities, the Federal Government and the American taxpayer. I urge my colleagues to support this important legislation for the First District of Arizona.

RIGHT TO LIFE ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HUNTER. Mr. Speaker, today I am introducing legislation that, if passed, will once and for all protect our unborn children from harm. Over 1.3 million abortions are performed in the United States each year and over 38 million have been performed since abortion was legalized in 1973. This is a national tragedy. It is the duty of all Americans to protect our children—born and unborn. This bill, the Right to Life Act, would provide blanket protection to all unborn children from the moment of conception.

In 1973, the United States Supreme Court, in the landmark case of Roe v. Wade, refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, "If the suggestion of personhood is established, the appellants' case, of course, collapses, for the fetus' right to life would be guaranteed specifically by the Amendment." Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

The Right to Life Act does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: (1) Sec. 1 of the Fourteenth Amendment prohibiting states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provision of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the federal government from depriving any person of life; and (4) Article I, Section 8, giving Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

This legislation will protect millions of future children by prohibiting any state or federal law that denies the personhood of the unborn, thereby effectively overturning Roe v. Wade. I firmly believe that life begins at conception and that the preborn child deserves all the rights and protections afforded an American citizen. This measure will recognize the unborn child as a human being and protect the fetus from harm. The Right to Life Act will finally put our unborn children on the same legal footing as all other persons. I hope my colleagues will join me in support of this important effort.

CONGRATULATING COLONEL FRANK STEER

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. ABERCROMBIE. Mr. Speaker, it is a pleasure to extend my heartfelt aloha and congratulations to Colonel Frank Steer, United States Army, retired.

Colonel Steer, 102 years young, is a member of the United States Military Academy Class of 1925 and holds the distinction of being the oldest living graduate of West Point.

Frank Steer has a long record of outstanding service to the United States. He enlisted in the Army in World War 1, attained a commission after the war, and served as Provost Marshal of the Army's Hawaiian Department during World War II. Having responsibility for enforcing martial law in Hawaii, he is widely credited with a human touch and sense of fairness during that difficult time.

Having been commissioned an honorary major general in the Association of Washington Generals, Frank Steer is eminently qualified for honorary promotion to provost marshal of the United States Army and United States Air Force, and I am delighted to extend such recognition to him.

Frank Steer is one of Hawaii's living treasures. He is part of our island history and played a major role in making our state a unique and special place. I join Frank Steer's legion of friends and admirers in congratulating him on a life well lived and for his unparalleled service to our nation.

KEEPING SADDAM HUSSEIN IN A BOX

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, I have a great deal of respect for the intellectual capacity of those making policy in the Bush administration—so much respect that I find it very hard to believe that they themselves really believe the rationales they have put forward for their two current major policy initiatives: a major tax cut, including an abolition of the tax on some dividends, and a war in Iraq.

Specifically, I do not believe that the top economists in the Bush administration really think that enactment of his latest tax relief package will have any significant near term stimulus effect on our sputtering economy. Similarly, I do not think that the administration's foreign policy and defense experts really believe that Iraq is a significant threat to the United States. There are broader, philosophical, ideological and political reasons behind both proposals.

In an extremely well argued, comprehensive essay published in the New York Times for February 2, John Mearsheimer and Stephen Walt very forcefully refute the argument that we must to war with Iraq because it is a threat to our security, and point our cogently what the negative effects of such a war will be on us.

Because Mr. Mearsheimer and Mr. Walt do a very good job of making clear a case against going to war in Iraq, and because that is the single most important question now facing this country and this Congress, I ask that this essay be printed here.

[From the New York Times, Feb. 2, 2003]

KEEPING SADDAM HUSSEIN IN A BOX

(By John J. Mearsheimer and Stephen M. Walt)

The United States faces a clear choice on Iraq: containment or preventive war. President Bush insists that containment has failed and we must prepare for war. In fact, war is not necessary. Containment has worked in the past and can work in the future, even when dealing with Saddam Hussein.

The case for preventive war rests on the claim that Mr. Hussein is a reckless expansionist bent on dominating the Middle East. Indeed, he is often compared to Adolf Hitler, modern history's exemplar of serial aggression. The facts, however, tell a different story.

During the 30 years that Mr. Hussein has dominated Iraq, he has initiated two wars. Iraq invaded Iran in 1980, but only after Iran's revolutionary government tried to assassinate Iraqi officials, conducted repeated border raids and tried to topple Mr. Hussein by fomenting unrest within Iraq. His decision to attack was not reckless, because Iran was isolated and widely seen as militarily weak. The war proved costly, but it ended Iran's regional ambitions and kept Mr. Hussein in power.

Iraq's invasion of Kuwait in 1990 arose from a serious dispute over oil prices and war debts and occurred only after efforts to court Mr. Hussein led the first Bush administration unwittingly to signal that Washington would not oppose an attack. Containment did not fail the first time around—it was never tried.

Thus, Mr. Hussein has gone to war when he was threatened and when he thought he had a window of opportunity. These considerations do not justify Iraq's actions, but they show that Mr. Hussein is hardly a reckless aggressor who cannot be contained. In fact, Iraq has never gone to war in the face of a clear deterrent threat.

But what about the Iraqi regime's weapons of mass destruction? Those who reject containment point to Iraq's past use of chemical weapons against the Kurds and Iran. They also warn that he will eventually get nuclear weapons. According to President Bush, a nuclear arsenal would enable Mr. Hussein to "blackmail the world." And the real nightmare is that he will give chemical, biological or nuclear weapons to Al Qaeda.

These possibilities sound alarming, but the dangers they pose do not justify war.

Mr. Hussein's use of poison gas was despicable, but it tells us nothing about what he might do against the United States or its allies. He could use chemical weapons against the Kurds and Iranians because they could not retaliate in kind. The United States, by contrast, can retaliate with overwhelming force, including weapons of mass destruction. This is why Mr. Hussein did not use chemical or biological weapons against American forces or Israel during the 1991 Persian Gulf War. Nor has he used such weapons since, even though the United States has bombed Iraq repeatedly over the past decade.

The same logic explains why Mr. Hussein cannot blackmail us. Nuclear blackmail works only if the blackmailer's threat might actually be carried out. But if the intended target can retaliate in kind, carrying out the threat causes the blackmailer's own destruction. This is why the Soviet Union, which was far stronger than Iraq and led by men of equal ruthlessness, never tried blackmailing the United States.

Oddly enough, the Bush administration seems to understand that America is not vulnerable to nuclear blackmail. For example, Condoleezza Rice, the national security adviser, has written that Iraqi weapons of mass destruction "will be unusable because any attempt to use them will bring national obliteration." Similarly, President Bush declared last week in his State of the Union Address that the United States "would not be blackmailed" by North Korea, which administration officials believe has nuclear weapons. If Iraq's chemical, biological and nuclear arsenal is "unusable" and North Korea's weapons cannot be used for blackmail, why do the President and Ms. Rice favor war?

But isn't the possibility that the Iraqi regime would give weapons of mass destruction to Al Qaeda reason enough to topple it? No—unless the administration isn't telling us something. Advocates of preventive war have made Herculean efforts to uncover evidence of active cooperation between Iraq and Al Qaeda, and senior administration officials have put great pressure on American intelligence agencies to find convincing evidence. But these efforts have borne little fruit, and we should view the latest reports of alleged links with skepticism. No country should weave a case for war with such slender threads.

Given the deep antipathy between fundamentalists like Osama bin Laden and secular rulers like Saddam Hussein, the lack of evidence linking them is not surprising. But even if American pressure brings these unlikely bedfellows together, Mr. Hussein is not going to give Al Qaeda weapons of mass destruction. He would have little to gain and everything to lose since he could never be sure that American surveillance would not detect the handoff. If it did, the United States response would be swift and devastating.

The Iraqi dictator might believe he could slip Al Qaeda dangerous weapons covertly, but he would still have to worry that we would destroy him if we merely suspected that he had aided an attack on the United States. He need not be certain we would retaliate, he merely has to think that we might.

Thus, logic and evidence suggest that Iraq can be contained, even if it possesses weapons of mass destruction. Moreover, Mr. Hussein's nuclear ambitions—the ones that concern us most—are unlikely to be realized in his lifetime, especially with inspections under way. Iraq has pursued nuclear weapons since the 1970's, but it has never produced a bomb, United Nations inspectors destroyed Iraq's nuclear program between 1991 and 1998, and Iraq has not rebuilt it. With an embargo in place and inspectors at work, Iraq is further from a nuclear capacity than at any time in recent memory. Again, why the rush to war?

War may not be necessary to deny Iraq nuclear weapons, but it is likely to spur proliferation elsewhere. The Bush administration's contrasting approaches to Iraq and North Korea send a clear signal: we negotiate with states that have nuclear weapons, but we threaten states that don't. Iran and North Korea will be even more committed to having a nuclear deterrent after watching the American military conquer Iraq. Countries like Japan, South Korea and Saudi Arabia will then think about following suit. Stopping the spread of nuclear weapons will be difficult in any case, but overthrowing Mr. Hussein would make it harder.

Preventive war entails other costs as well. In addition to the lives lost, toppling Saddam Hussein would cost at least $50 billion to $100 billion, at a time when our economy is sluggish and huge budget deficits are predicted for years. Because the United States would have to occupy Iraq for years, the actual cost of this war would most likely be much larger. And because most of the world thinks war is a mistake, we would get little help from other countries.

Finally, attacking Iraq would undermine the war on terrorism, diverting manpower, money and attention from the fight against Al Qaeda. Every dollar spent occupying Iraq is a dollar not spent dismantling terrorist networks abroad or improving security at home. Invasion and occupation would increase anti-Americanism in the Islamic world and help Osama bin Laden win more followers. Preventive war would also reinforce the growing perception that the United States is a bully, thereby jeopardizing the international unity necessary to defeat global terrorism.

Although the Bush administration maintains that war is necessary, there is a better option. Today, Iraq is weakened, its pursuit of nuclear weapons has been frustrated, and any regional ambitions it may once have cherished have been thwarted. We should perpetuate this state of affairs by maintaining vigilant containment, a policy the rest of the world regards as preferable and effective. Saddam Hussein needs to remain in his box—but we don't need a war to keep him there.

PAYING TRIBUTE TO JAY DIX

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the memory of one of Colorado's accomplished sons, Dr. Jay D. Dix. A former resident of Pueblo, Colorado, Jay Dix recently passed away, leaving behind a legacy as one of our country's leading pathologists. As his family mourns their loss, I would like to take this time to highlight his life before this body of Congress and this nation.

Born in Germany to Harold Leon and Faith Louise Pfeffer Dix, Jay was raised in Pueblo, Colorado, where he graduated from Centennial High School in 1966. In 1969, he married Mary Jay Stewart and started a two-year stint in the U.S. Army. After his service, Jay went on to graduate from Ohio Wesleyan University in 1973 and then, in 1977, from the University of Missouri School of Medicine. In 1980, Jay received his certification from the American Board of Pathology and started working as the medical examiner of Missouri's Boone and Callaway counties. He also taught at the University of Missouri as an assistant professor of pathology and, in 1990, spent a year in New York City as its chief deputy medical examiner.

Beyond the recognition, education, and experience, Jay stood out for his professionalism and expertise. Investigators and law enforcement professionals credit him as a great team member, one who contributed objectively to investigations. Perhaps it was his reputation for solid work that helped make him a key player in Missouri's first criminal investigation that relied almost entirely on DNA evidence.

Mr. Speaker, I stand today to honor Dr. Jay D. Dix's memory before this body of Congress and this nation. Jay has made many contributions to our community. His work as an instructor and as a medical examiner has touched thousands of lives and brought closure to many cases. I extend my sincere condolences to his wife Mary, their daughters Kelsey and Melissa, and his mother Faith. Jay's lifetime of contributions to this nation and to the communities he has served is worthy of our praise, and I am proud to honor him today.

TRIBUTE TO DR. FLORINE RAITANO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I rise to honor Dr. Florine Raitano for her outstanding contributions to rural Colorado. Flo will be stepping down as the Executive Director of the Colorado Rural Development Council (CRDC) at the end of January. She has been a leader in this organization for 10 years bringing new ideas and innovative solutions to Colorado's rural communities.

At this position, Flo has been a tireless advocate as working on such diverse issues as renewable energy, telecommunications, and teenage health, to name a few, in an effort to improve rural living.

Rural communities often are many miles away from urban areas and lack much of the basic infrastructure and services most of us take for granted. One of the biggest needs in these areas include access to adult education opportunities for rural citizens so that they can enhance their skills and improve the quality of their lives. Most urban residents can find classes on almost anything, from cosmetology to computer science. These opportunities are rare for rural communities whose population are spread out over wide distances. Even online computer courses can be difficult if users haven't had training on how to use computers and the Internet.

Living in Dillon, Colorado, Flo understands first hand the needs of these rural citizens and communities. Her work with the CRDC created a new volunteer program with Colorado State University Cooperative Extension to help residents learn how to use the Internet. Bringing rural areas up to speed on the information highway is critical if we are going to make sure that nobody is left behind. However, many rural areas are stuck on the information dirt road. Flo has worked with the state government to raise awareness and look for innovative solutions to ensure these communities keep pace with the rest of Colorado.

Colorado has a rich and vibrant farming and ranching history, which is also still an important part of its economy. Looking forward, Flo has seen the possibility of how biofuels can stimulate rural economies. New fuels developed from crops could provide us with a renewable and sustainable energy supply and move our country beyond oil dependence—while also creating new markets for these crops.

Flo worked to bring "Opening Windows," a unique theater and human services project that addresses adolescent health and behavior issues from a rural perspective, to Colorado. This entertaining, provocative and value-neutral program deals with such issues as substance abuse, domestic violence, teen pregnancy, eating disorders, sexually transmitted diseases and suicide, and is based on extensive interviews with rural adolescent teenagers and their families. Each performance is followed by a facilitated dialogue involving the cast, local resource personnel, and the audience. This interactive program helps communities understand some of the dilemmas today's adolescents are trying to deal with, as new ways to approach these issues.

Flo will be missed at the CRDC, but I know she will continue to be a strong force working to improve Colorado. I urge my colleagues to join me in thanking Flo for her years of dedicated service to Colorado, and to rural residents and communities throughout our nation.

EXPAND MEDICARE MSA PROGRAM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce legislation which enhances senior citizens' ability to control their health care and use Medicare money to pay for prescription drugs. This legislation accomplishes these important goals by removing the numerical limitations and sunset provisions in the Medicare Medical Savings Account (MSAs) program so that all seniors can take advantage of the Medicare MSA option.

Medicare MSAs consist of a special savings account containing Medicare funds for seniors to use for their routine medical expenses, including prescription drug costs. Seniors in a Medicare MSA program are also provided with a catastrophic insurance policy to cover non-routine expenses such as major surgery. Under an MSA plan, the choice of whether to use Medicare funds for prescription drug costs, or other services not available under traditional Medicare such as mammograms, are made by the senior, not by bureaucrats and politicians.

One of the major weaknesses of the Medicare program is that seniors do not have the ability to use Medicare dollars to cover the costs of prescription medicines, even though prescription drugs represent the major health care expenditure for many seniors. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors who currently have prescription drug coverage into a federal one-size-fits-all program.

Medicare MSAs will also ensure seniors access to a wide variety of health care services by minimizing the role of the federal bureaucracy. As many of my colleagues know, an increasing number of health care providers have withdrawn from the Medicare program because of the paperwork burden and constant interference with their practice by bureaucrats from the Center for Medicare and Medicaid Services (previously known as the Health Care Financing Administration). The MSA program frees seniors and providers from this burden thus making it more likely that quality providers will remain in the Medicare program!

Mr. Speaker, the most important reason to enact this legislation is seniors should not be treated like children and told what health care services they can and cannot have by the federal government. We in Congress have a duty to preserve and protect the Medicare trust fund and keep the promise to America's seniors and working Americans, whose taxes finance Medicare, that they will have quality health care in their golden years.

However, we also have a duty to make sure that seniors can get the health care that suits their needs, instead of being forced into a cookie cutter program designed by Washington-DC-based bureaucrats! Medicare MSAs are a good first step toward allowing seniors the freedom to control their own health care.

In conclusion, Mr. Speaker, I urge my colleagues to provide our senior citizens greater control of their health care, including the ability to use Medicare money to purchase prescription drugs by cosponsoring my legislation to expand the Medicare MSA program.

RECOGNIZING SERGEANT GREGORY W. VERBECK

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. SOLIS. Mr. Speaker, I rise today to acknowledge the life and career of one of the Monterey Park Police Department's finest officers, Sergeant Gregory W. Verbeck.

Sergeant Verbeck graduated from the Southern California Peace Officers Academy at Riverside City College in 1971. That same year, Sergeant Gregory W. Verbeck began his 31-year career with the Monterey Park Police Department. Sergeant Verbeck rose quickly in the force and on September 21, 1974, he was promoted to the rank of Police Agent. From 1978 to 1980, he was assigned to the Investigations Bureau working juvenile investigations and on January 24, 1980, he was promoted to Sergeant. Sergeant Verbeck also served as a K–9 Handler, a department firearms instructor, the department's fleet manager and the Monterey Park Emergency Communications Coordinator.

Outside of his official duties on the force, Sergeant Verbeck was a member and served as President of the Monterey Park Police Officers Association. He has also been active in the community as a member of the Eastside Optimist Club, as a board member of the Japanese Amateur Radio Society and Chair of the Community Relations Commission.

During his career, Sergeant Verbeck received over fifty letters and commendations for his unwavering commitment to service. These awards included Basic, Intermediate, Advanced, and Supervisory Police Certificates. In 1996, Sergeant Verbeck's excellence earned him the Public Safety Employee of the Year Award.

Sergeant Verbeck has been a true professional, mentor and a friend to our community. He will be greatly missed by his many friends at the Monterey Park Police Department and the community. Mr. Speaker, I ask you to join me in expressing my appreciation for Sergeant Verbeck's lifetime of service and commitment to our community.

TRIBUTE TO SHERIFF BILL BLAIR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Sheriff Bill Blair of Delta County, Colorado. Bill Blair has been the Sheriff of Delta County for the past fourteen years where he has faithfully served his constituents with the honor, courage, and integrity that Americans have come to expect from their elected officials. Recently, Sheriff Blair has announced his retirement and, as he leaves office this January, I would like to pay tribute to his career and accomplishments before this body of Congress and this nation.

Throughout his life, Sheriff Blair has proven himself to be a dedicated American, committed to the service of his community and country. At age seventeen, Bill Blair joined the United States Navy where he faithfully served his country for twenty years. During his career in the military, Bill was an aircraft firefighter while on four aircraft carriers. Bill also served in the Vietnam War, where he received the Navy's Professional Service Award for meritorious service in both 1968 and 1972.

Soon after leaving the military, Bill Blair began his career in law enforcement, where he served the Delta County Sheriff's office as a reserve deputy and later as a deputy sheriff. He was promoted again as the department's first non-uniformed investigator for the Delta County Sheriff's Office. Sheriff Blair was later appointed Undersheriff by then Sheriff Richard Miklich, a position that he held for two years. From there, Bill was appointed Sheriff in the middle of Miklich's final term of office.

As a former law enforcement officer, I am well aware of the dangers and hazards our police officers face today. These individuals work long hours, weekends, and holidays to guarantee their fellow citizens rights and protections. They work tirelessly and with great sacrifice to their personal and family lives to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserves the recognition and thanks of this body of Congress, and that is why I am so honored to celebrate the retirement of a man who has given so much to his community and country.

Mr. Speaker, it is with sincere gratitude that I recognize Sheriff Bill Blair of Delta County, Colorado before this body of Congress and this nation. Sheriff Blair has served the citizens of Delta County with great character and integrity, and it is an honor to represent such an outstanding American in this Congress. I wish Bill all the best in his retirement.

INTRODUCTION OF ABANDONED HARDROCK MINES RECLAMATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Abandoned Hardrock Mines Reclamation Act. This bill is designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the West. I introduced a similar bill in the 107th Congress. This bill contains a number of changes that were developed in consultation with interested parties, including representatives of the Western Governors' Association, the hardrock mining industry, and environmental groups. More detail regarding these changes is included at the end of this statement.

THE BACKGROUND

For over one hundred years, miners and prospectors have searched for and developed valuable "hardrock" minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other States, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been marked by a series of "boom" times followed by a "bust" when mines were no longer profitable. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

THE PROBLEMS

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels, heavy metals leaching into streams, killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous, dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

OBSTACLES TO CLEANUP

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal. While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be "good Samaritans" understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the Nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources. In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

WESTERN GOVERNORS WANT ACTION

For years, the Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject. The most recent, adopted in August of 2001, was entitled "Cleaning Up Abandoned Mines" and was proposed by Governor Bill Owens of Colorado along with Governors Guinn of Nevada, Janklow of South Dakota, and Johnson of New Mexico. The bill I am introducing today is based directly on those recommendations by the Western Governors. It addresses both the lack of resources and the liability risks to those doing cleanups.

OUTLINE OF THE BILL

TITLE I. FUNDS FOR CLEANUPS

Title I addresses the lack of resources. It would create a reclamation fund paid for by a modest fee applied to existing hardrock mining operations. The fund would be used by the Secretary of the Interior to assist projects to reclaim and restore lands and waters adversely affected by abandoned or inactive hardrock mines.

A similar method already exists to fund clean up of abandoned coal mines. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides for fees on coal production.

Similarly, my bill provides for fees on mineral production from producing hardrock mines on Federal lands or lands that were Federal before issuance of a mining-law patent. Fees would be paid to the Secretary of the Interior and would be deposited in a new Abandoned Minerals Mine Reclamation Fund in the U.S. Treasury. Money in that fund would earn interest and would be available for reclamation of abandoned hardrock mines. The method of calculating fees is similar to that used by the State of Nevada, which collects production-based fees from mines in that State. Because over the years there have been proposals to establish royalties for hardrock production, in order to provide a greater return to the American people, they would require the Secretary of the Interior to reduce payments under this title so as to offset any royalties hardrock producers may pay in the future. This is intended to avoid possible inequitable treatment of a producer covered by both the royalty and Title I of this bill.

Funds in the new reclamation fund would be available for appropriation for grants to eligible States to complete inventories of abandoned hardrock mine sites, as mentioned above. A State with sites covered by the bill could receive a grant of up to $2 million annually for this purpose. In addition, money from the fund would be available for cleanup work at eligible sites. To be eligible, a site would have to be within a State subject to operation of the general mining laws that has completed its Statewide inventory. Within those States, eligible sites would be those—(1) where former hardrock-mining activities had permanently ceased as of the date of the bill's enactment; (2) that are not on the National Priorities List under the Superfund law; (3) for which there are no identifiable owners or operators; and (4) that lack sufficient minerals to make further mining, remining, or reprocessing of minerals economically feasible. Sites designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 or subject to planned or ongoing response or natural resource damage action under the Superfund law would not be eligible for cleanup funding from the new reclamation fund. The Interior Department could use money from the fund to do cleanup work itself or could authorize use of the money for cleanup work by a holder of one of the new "good Samaritan" permits provided for in Title II of the bill.

TITLE II. PROTECTION FOR "GOOD SAMARITANS"

Title II addresses the threat of long-term liability. To help encourage the efforts of "good Samaritans," the bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements. The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source ("NPDES") permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control.

Together, these two parts of the bill could help us begin to address a problem that has frustrated Federal and State agencies throughout the country and make progress in cleaning up from an unwelcome legacy of our mining history.

DIFFERENCES BETWEEN THIS BILL AND THE PREVIOUS VERSION

Since the introduction of my original bill in the 107th Congress, I have been working with a variety of people interested in this subject. My staff joined discussions with a group that included representation of the western States through the auspices of the Western Governors' Association, the mining industry (including hardrock mining companies in Colorado and the Colorado and national mining associations), the environmental community, and relevant State and Federal agencies. The discussions were very productive, and led to much progress toward developing consensus solutions to a variety of concerns. This revised version of the bill reflects those discussions and I wish to express my personal thanks to those who participated. The significant changes in this version of the bill include the following:

TITLE I

Use of existing administrative system to disperse fees. At the request of the States, the bill requires the Secretary of the Interior to use the existing mine cleanup fund disbursement system under the Surface Mining Control and Reclamation Act (SMCRA). This will help facilitate the administration of the fund under the bill, reduced duplication and improve efficiency. For States that do not have a program under SMCRA, the Secretary is authorized to disperse funds in those eligible States as long as those States have a State-authorized abandoned mine cleanup program."

Allocation of funds to the States. The bill specifies that 25 percent of the funds collected by the fee shall go back to the States where such fees originated; 50 percent of the funds collected annually will be expended in eligible States in relation to the extent of mining activity that occurred in those States during the years 1900 to 1980 (that is, from the turn of the last century until enactment of Superfund (more formally, the Comprehensive Environmental Response, Compensation, and Liability Act (CRCLA)); and the balance of the fund will be used elsewhere at the discretion of the Secretary.

Fee Off-set in case a royalty is applied. During the discussions over the bill, the mining industry expressed concerns regarding the fee title provision. They indicated that, as a general matter, the industry is not opposed to helping fund the cleanup of abandoned mines, but they were concerned that in the context of any potential reform of the General Mining Law of 1872, miners may be required to pay a royalty for hardrock minerals extracted from public lands in addition to the fee imposed in this bill and thus subjecting them to paying twice. This bill addresses that concern by providing that a fee collected under this bill would be reduced by an amount equal to any royalty established in the future that is credited to the hardrock reclamation fund.

TITLE II

Delegation to the States. The bill expressly authorizes the EPA to delegate the authority to issue "good Samaritan" reclamation permits to eligible States. This was done at the request of the States.

Cooperating Parties. At the request of mining community representatives, the bill adds new provisions for "cooperating parties" that would be authorized to assist remediating parties with cleanup work under "good Samaritan" permits. These cooperating parties would also enjoy the liability protections afforded to full remediating parties. This will enable the mining industry to employ its expertise and capabilities to assist in the cleanups.

Long-term Protection. The bill requires that cleanup plans include an obligation that the cleanup efforts will be maintained and operated to ensure continued long-term benefits from work accomplished at each site.

Recoverable Value. At the request of many of the parties in the discussions, the bill allows remediating parties to beneficially use any materials found at the site during the cleanup. These materials could include any residual hardrock minerals that are present at the site. However, any value recouped from any sale of these materials would have to be used to defray the costs of the cleanup or to help cleanup of other abandoned hardrock mines.

I think these changes are improvements that will further facilitate the cleanup of thousands of abandoned hardrock mines in the West.

FAMILY EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PAUL. Mr. Speaker, I rise today to introduce the Family Education Freedom Act, a bill to empower millions of working and middle-class Americans to choose a non-public education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes its goals by allowing American parents a tax credit of up to $3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to American's education system: what the great economist Ludwig von Mises called "consumer sovereignty". Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the federal government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of federal "educrats" while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Loss of control is a key reason why so many of America's parents express dissatisfaction with the educational system.

According to a study by The Polling Company, over 70 percent of all Americans support education tax credits! This is just one of numerous studies and public opinion polls showing that Americans want Congress to get the federal bureaucracy out of the schoolroom and give parents more control over their children's education.

Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to sent it to Washington to support education programs reflective only of the values and priorities of Congress and the federal bureaucracy.

The $3,000 tax credit will make a better education affordable for millions of parents. Mr. Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Parents of children in public schools may use this credit to help improve their local schools by helping finance the purchase of educational tools such as computers or to ensure their local schools can offer enriching extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services, such as tutoring, for their children.

Increasing parental control of education is superior to funneling more federal tax dollars, followed by greater federal control, into the schools. According to a Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests.

Clearly, enactment of the Family Education Freedom Act is the best thing this Congress could do to improve public education. Furthermore, a greater reliance on parental expenditures rather than government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aid those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful, method of educating children. Home schooled children out-perform their public school peers by 30 to 37 percentile points across all subjects on nationally standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages forgone by the spouse who forgoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Mr. Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No nation can remain free when the state has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful Washington bureaucracy by supporting the Family Education Freedom Act.

RECOGNIZING THE 40TH ANNIVERSARY OF THE MEXICAN AMERICAN OPPORTUNITY FOUNDATION AND THE DEDICATION OF THE DIONICIO MORALES MEXICAN AMERICAN HALL OF FAME

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize the 40th anniversary of the Mexican American Opportunity Foundation (MAOF) and the dedication of the Dionicio Morales Mexican American Hall of Fame.

The Mexican American Opportunity Foundation is the largest Latino social-service agency in the United States, and with the leadership of Mr. Dionicio Morales has helped improve the life of thousands of people through essential services ranging from job training and childcare to naturalization services.

In 1963, the Mexican American Opportunity Foundation offered its services to the community of East Los Angeles. Forty years later, this far-reaching program serves families from our San Diego border through Central California.

In celebrating the 40th anniversary, it is appropriate that the Dionicio Morales Mexican American Hall of Fame is committed to Mr. Morales' desire to have Mexican American leaders and other pacesetters recognized for their contributions and plaace in history. The Dionicio Morales Mexican American Hall of Fame honors those individuals who made the growth of MAOF possible and other Mexican Americans whose leadership has contributed to the rich culture and history of the United States.

Today, I congratulate the Mexican American Opportunity Foundation for forty years of tireless service to our community and honor the noble efforts of Dionicio Morales.

PAYING TRIBUTE TO JAN LEMON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with deep sadness that I rise today to recognize the life and passing of Jan Lemon of Norwood, Colorado. Sadly, Jan passed away in October and, as her family mourns their loss, I would like to pay tribute to her life and the wonderful memories she has left behind.

Jan Lemon was born on November 27, 1960 in Yakima, Washington, where she grew up and graduated High School. After graduating from college in Cheyenne, Wyoming, Jan moved to Ridgway, Colorado, where she made her home and married her husband Dale in 1991. Jan was a Coloradan who loved the land and all the opportunities that our mountains had to offer. She was an avid horsewoman who became a skilled rider, rancher, and roper. She loved spending time with friends and family, and contributed greatly to the quality of life throughout the Norwood community.

Mr. Speaker, it is with earnest respect that I recognize the life and passing of Jan Lemon before this body of Congress and this nation. I extend my sincere condolences to her parents, Daniel and Marguerite, husband Dale, and daughter Cortney. Jan lived her life to the fullest and was loved and admired throughout the Norwood community. Her loss will be deeply felt and her memory will live on for years to come.

IN MEMORY OF JOHN WELLES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the public service of a fine Coloradan, John Welles, who passed away on December 18, 2002. Mr. Welles had a long and distinguished record of public service to Colorado and he will be dearly missed.

John Welles served as the regional administrator for the Environmental Protection Agency for six years under President Reagan. He was a principled public servant who always worked in a bipartisan manner and in a way that respected those with whom he disagreed.

I had the good fortune to know Mr. Welles when I was the executive director of the Colorado Outward Bound School. Among the many qualities that I admired in John, I will most remember his gentle, wise demeanor. He was a kind and public-spirited man whose good work for Colorado will not soon be forgotten. I ask my colleagues to join me in paying tribute to John Welles, a fine public servant and a great Coloradan.

Attached is an article which ran in the Rocky Mountain News on December 20, 2002.

[From the Rocky Mountain News, Dec. 20, 2002]

FORMER EPA AND MUSEUM OFFICIAL JOHN WELLES DIES

(By Erika Gonzalez)

Holly Welles' childhood was filled with an unusual family ritual—each night her father, John, would bring a stack of articles to the dinner table.

"We would go around the table and talk about what we did that day and then he would talk about some key event—something out of a science magazine that he thought was amazing," she said. "Sometimes it was a little much. But he loved to learn and he loved to share."

That zeal for science fueled a remarkable career, including an appointment as regional administrator for the Environmental Protection Agency and a six-year post as executive director of the Denver Museum of Natural History, now the Denver Museum of Nature & Science.

Mr. Welles died Wednesday after a long bout with various illnesses. He was 77. A memorial service will be held at 11 a.m. Jan. 3 at St. John's Cathedral.

Born in Lexington, VA., Mr. Welles attended Yale university, earning a degree in electrical engineering in 1946. After serving in the U.S. Marine Corps, he returned to the University of Pennsylvania, where he received a master's degree in business.

Mr. Welles began his career in the private sector, but in 1956, he joined the Denver Research Institute at the University of Denver, heading up the institute's Industrial Economics Division.

During a sabbatical from DU in 1971, Mr. Welles took his family to Geneva to help plan the first United Nations Conference on the Human Environment. "He was always concerned about air pollution and population problems," his daughter Holly explained.

Those interests hit home locally, when Mr. Welles worked with Gov. Richard Lamm on the Front Range Project, a process to protect Colorado's quality of life in the face of rapid population growth. Later, at this EPA post. Mr. Welles helped resolve conflicts concerning the Rocky Mountain Arsenal and Rocky Flats.

Though Mr. Welles also served as vice president of planning and public affairs for the Colorado School of Mines. Holly says her father enjoyed his tenure at the museum most. Under his leadership, the Museum landed one of its most popular traveling exhibits ever, "Ramses II: The Pharoah and His Time." Mr. Welles also created the permanent Prehistoric Journey exhibit before retiring in 1994.

"He enjoyed discussing scientific elements and he enjoyed engaging and challenging the scientists," said museum board member Chuck Hazelrigg.

Surviving, including his wife, Barbara, are children Ginny Welles of Lincoln, Mass, Deborah Welles of Denver, Barton Welles of Ross, Calif., and Holly Welles of Mill Valley, Calif.; and six grandchildren.

Contributions can be made to the Hemlock Society, P.O. Box 101810, Denver, CO. 80250; and the John Welles Memorial Fund at the Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver.

TEACHER TAX CUT ACT AND PROFESSIONAL EDUCATORS TAX RELIEF ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PAUL. Mr. Speaker, I am pleased to introduce two pieces of legislation that raise the pay of teachers and other educators by cutting their taxes. I am sure that all my colleagues agree that it is long past time to begin treating those who have dedicated their lives to educating America's children with the respect they deserve. Compared to other professionals, educators are underappreciated and underpaid. This must change if America is to have the finest education system in the world!

Quality education is impossible without quality teaching. If we continue to undervalue educators, it will become harder to attract, and keep, good people in the education profession. While educators' pay is primarily a local issue, Congress can, and should, help raise educators' take home pay by reducing educators' taxes.

This is why I am introducing the Teacher Tax Cut Act. This legislation provides every teacher in America with a $1,000 tax credit. I am also introducing the Professional Educators Tax Relief Act, which extends the $1,000 tax credit to counselors, librarians, and all school personnel involved in any aspect of the K–12 academic program.

The Teacher Tax Cut Act and the Professional Educators Tax Relief Act increase the salaries of teachers and other education professionals without raising federal expenditures. By raising the take-home pay of professional educators, these bills encourage highly qualified people to enter, and remain in, education. These bills also let America's professional educators know that the American people and the Congress respect their work.

I hope all my colleagues join me in supporting our nation's teachers and other professional educators by cosponsoring the Teacher Tax Cut Act and the Professional Educators Tax Relief Act.

RECOGNIZING AMELIA M. ORTIZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. SOLIS. Mr. Speaker, on January 13, 2003, a woman whom I was personally very close to, Amelia Martinez Ortiz passed away, leaving behind a legacy of service to the community. I rise today to honor the impressive contributions Amelia Martinez Ortiz made to her community and to this nation.

Amelia M. Ortiz was born in Mason City, Arizona, on February 9, 1929. She lived for over 48 years at the same house on Shadydale Avenue in the City of La Puente, in the San Gabriel Valley of California.

With the passing of her beloved husband, Jesus Ortiz, 27 years ago, Amelia became the sole provider for her family. Armed with only a second grade education, she was able to provide for her children—Martha, Andres, Diana, and Gloria—through her gift with the needle and thread. As a seamstress, Amelia created many wonderful designs, bringing joy to her clients, including myself. She helped them prepare for some of the most important days of their lives, like their weddings and quinceañeras. With her tenacity and talent, Amelia's success as an entrepreneur helped open doors for other Latinas throughout the community during a time when very few role models existed.

In addition, Amelia was a long-standing, dedicated parishioner of the St. Louis of France Catholic Church in La Puente. She was a member of the Legion of Mary, participating and organizing events that recognized the contributions of Mary, the mother of Jesus. Amelia also helped the parish raise funds for community events and assisted in organizing the traveling Virgin Mary for all in the community to enjoy.

Although Amelia has passed, her spirit remains in my heart and in many others. Through her dedication, hard work, and commitment to overcoming overwhelming obstacles in the hopes of providing for her family and community, Amelia Ortiz exemplified all that is possible in our country. A wife, a mother to four, a grandmother to 13, a great-grandmother to one, a friend to many, and my madrina (godmother), Amelia M. Ortiz will be greatly missed.

PAYING TRIBUTE TO SHERIFF JOHN EBERLY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize John Eberly of La Junta, Colorado. Mr. Eberly has been the Sheriff of Otero County for the past 31 years, where he has served his fellow citizens with the honesty, courage, and integrity that Coloradans have come to expect from their law enforcement officers. Sheriff Eberly has recently retired, so I would like to reflect upon his extraordinary career and accomplishments.

Growing up in La Junta offered Sheriff Eberly the opportunity to know and understand the community in which he served. Throughout his eight terms in office, Sheriff Eberly has received broad support from the residents of Otero County who have reelected him repeatedly since 1970. Over the years, Sheriff Eberly has gained a reputation as a working sheriff who holds himself to the same standards as his deputies, never asking anything of anyone that he wouldn't ask of himself. Eberly has always led by example and has worked hard to protect his fellow citizens.

As a former law enforcement officer, I am well aware of the dangers and hazards our police officers face today. These individuals work long hours, weekends, and holidays to guarantee the safety of their fellow citizens. They work tirelessly, with great sacrifice to their personal and family lives, to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserve the recognition and thanks of this body of Congress, and that is why I bring the name of Sheriff John Eberly to light today.

Mr. Speaker, it is with earnest respect that I recognize Sheriff John Eberly before this body of Congress and this nation. Sheriff Eberly has served his constituents with honor and integrity, qualities that will be his legacy. I commend John for his service and dedication, and I wish him all the best in his retirement.

GUEST CHAPLAIN FROM 19TH DISTRICT OF PENNSYLVANIA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PLATTS. Mr. Speaker, I rise today to welcome as Guest Chaplain on the floor of the House of Representatives an outstanding constituent and religious leader in my 19th Congressional District of Pennsylvania. The Reverend Sara "Sally" Gausmann. "Pastor Sally," joined by her husband, Reverend Paul Gausmann, represent a thriving religious community, Saint Paul Lutheran Church in York, Pennsylvania. Together, pastor Sally and Pastor Paul successfully aid in the needs of their congregation and I am pleased to thank them for their exemplary status as role models in my district.

Pastor Sally received her bachelor's degree from Indiana University of Pennsylvania in 1981, before attending the Lutheran Theological Seminary at Gettysburg in 1991. She then served at several churches including Grade Lutheran Church in Rochester, Pennsylvania from 1991–1993 and Faith Lutheran Church in Shell Rock, Iowa from 1993–1999 before serving as co-pastor of Saint Paul Lutheran Church. During her time at the Saint Paul Lutheran Church, Pastor Sally was the chaplain at the Pennsylvania State Sheriff's Convention in 2001 and is currently a member of the Global Mission Task Force for the Lower Susquehanna Synod of the Evangelical Lutheran Church of America. As a husband and wife team, Sally and Paul Gausmann offer a united approach to their religious teachings that has flourished within this congregation. They have two children, a son, William, who is age 17 and a daughter, Laura, who is age 15.

I am pleased to welcome Pastor Sally to the House Floor and would like to thank her for the inspirational prayer she presented this afternoon that reinforces the importance that our great nation exists as one "under God."

INTRODUCING THE COMMERCIAL AIRLINE MISSILE DEFENSE ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to introduce a bill that will correct a glaring vulnerability in our homeland defense. The "Commercial Airline Missile Defense Act" will fully fund the addition of electronic surface-to-air missile defense systems on all commercially scheduled flights on United States aircrafts.

Protecting American lives is the most fundamental job of the Federal Government. We must therefore eliminate every weakness that we see in our country's homeland defense. The vulnerability of our commercial air fleet to terrorist missile attack is not a hysterical hypothetical. It is a real and present danger.

Last November there was attempted missile attack on an Israeli airliner taking off from an airport in Kenya. Two surface-to-air missiles, also known SAMs, which can bring down large airplanes—commercial as well as military—from up to 30 miles from an airport were launched against an Israeli chartered jet airliner. It was only profound good luck—likely a flawed missile batch—that saved the plane and its hundreds of innocent passengers. Thankfully, last November's attack on the Israeli jetliner failed. We need to keep in mind, however, that the missile used in the Israeli attack one of the least sophisticated of the several types of SAMs that exist in the world today. It was a Soviet-era SA7, which was been sold globally since the end of the cold war. The other types of SAMs are much more advanced and much more effective.

SAMs were designed to be highly portable and are easily disassembled. As such, they are relatively easy to transport and smuggle. Terrorist could launch this five-foot long missile from near an airport and flee before anyone can detect them. Airplanes taking off with full and highly combustible fuel tanks are the most likely and deadly targets. The U.S. government must equip all its aircrafts with a defense system to protect and defend against this threat.

The United States provided Stingers—a type of SAM—to the Mujahadeen in the 1980s in Afghanistan. They were used with devastating affect against the Soviets. The Mujahadeen, who subsequently splintered into the Taliban and Al Qaeda, possessed at least a thousand Stingers that were never accounted for after the war ended in 1989. Soviet shoulder armed missiles, like the ones used in Kenya against the Israeli jetliner, are even far more abundant.

Tens of thousands of these missiles are out there. Although most are in state arsenals, thousands—including U.S. Stingers and Russian SA7s—are unaccounted for and feared to be in the hands of terrorists.

Few doubt that Al Qaeda does not possess large quantities of Russian SA7s and even more effective U.S. Stingers. A successful attack against a Boeing 747–400 with full capacity could cost almost five hundred lives. Aside from large-scale casualties, such a successful attack would have a devastating impact on the U.S. Aircraft industry, on travel and tourism, and on the entire economy. It would be a multifaceted catastrophe.

Now that we understand that planes are vulnerable, the United States Government must take every step to protect and defend American citizens. The advanced technology needed to protect American commercial airplanes exists and is operation on U.S. military transports. The new system are advanced and are much more successful than the previous system of diversionary flares. The most modern systems, such as those installed on U.S. C17s and C5As, identify when a plane is threatened, detect the source of the threat, jam the guidance system of the incoming missiles and steer it off its flight path. Similar systems are currently used on low-altitude military aircrafts.

The rapid deployment of this system is essential for the safety of U.S. commercial flyers and is the clear responsibility of the U.S. Government to implement. I propose fully funding the retrofitting of SAM defensive systems and beginning that process this year.

No one in this body would question that preserving and protecting the people of the United States is our most important and sacred constitutional responsibility. At this critical time in our Nation's history we have two simultaneous crises and concerns: national security and economic security. The bill I introduce today addresses both of these issues. This legislation would take the preventive step of reducing risk to millions of travelers and create thousands of jobs through the retrofitting of the defensive technologies.

Additionally, this bill will boost our airline industry. Recent surveys have shown that between one-fifth to one-third of Americans are restricting their flying because of fears of terrorism. Our government and the airline industry are working closely together to restore full consumer confidence in the safety of our commercial air system. Implementing a robust and effective defense system for our commercial jet fleet would further accelerate the process of making Americans feel safer when they fly, and help the economic recovery of U.S. air carriers. The estimated cost of $10.2 billion for a system of 6,800 commercial jets at a unit price of $1.5 million will be offset by these economic benefits. The unit cost could drop even lower in mass production.

Mr. Speaker, I fully realize that a ten billion expenditure is significant. But it is not prohibitive. The only thing that would be prohibitive would be for this Congress to be negligent in our responsibility to protect the people of our great Nation. Let us not gather together in grief the morning after a catastrophe and wonder what we could have done to prevent it. We know what can be done. Let's do it.

HOPE PLUS SCHOLARSHIP ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Hope Plus Scholarship Act, which extends the HOPE scholarship tax credit to K–12 education expenses. Under this bill, parents could use the HOPE Scholarship to pay for private or religious school tuition or to offset the cost of home schooling. In addition, under the bill, all Americans could use the Hope Scholarship to make cash or in-kind donations to public schools. Thus, the Hope Scholarship could help working parents finally afford to send their child to a private school, while other parents could take advantage of the Hope credit to help purchase new computers for their children's school. I urge my colleagues to join with me in returning education resources to the American people by cosponsoring my Hope Plus Scholarship Act.

INTRODUCTION OF INTERNATIONAL ENVIRONMENTAL DEFENSE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the International Environmental Defense Act of 2003.

The purpose of this bill is to clarify the authority of the Secretary of Defense to respond to environmental emergencies. It is cosponsored by my colleague from Colorado, Representative JOEL HEFLEY. I greatly appreciate his support.

In times of natural disaster or other emergencies, the United States for decades has come to the aid of those in need—whether the crisis is the result of an earthquake in Turkey, an erupting volcano in South America, or deadly floods in some other part of the world.

When the need arises, the U.S. Government provides humanitarian assistance through the U.S. Agency for International Development, the State Department, the Defense Department, and other federal agencies. It also contracts with private voluntary agencies to provide such assistance and coordinates the U.S. response with that of other countries.

The American military has an outstanding record of participation in these activities. All Americans take pride in the humanitarian assistance provided by the men and women of our armed services.

I strongly support this policy. It is the right thing to do, and in the best interests of our country as well as of people everywhere. Humanitarian assistance is critical to help communities or regions or whole countries recover from devastating natural or man-made events.

But global emergencies come in other forms as well—including environmental emergencies such as oil or chemical spills or other similar occurrences. They may not have the immediate impact on people of homes destroyed in an earthquake or of crops lost to drought. But by polluting waterways, killing fish or other species, or contaminating the air, water, or land, environmental disasters can have devastating effects on the health and well-being of people, wildlife, and ecosystems.

So, wherever they occur, environmental emergencies have the potential to affect the national interest of the United States. And our government—including our military forces—should have the same ability to respond as in the case of other emergencies.

Current law authorizes the Department of Defense to use its funds for the transport of humanitarian relief, allowing U.S. military personnel to help provide foreign countries with emergency assistance such as helicopter transport, temporary water supplies, and road and bridge repair. For example, U.S. military personnel were part of the U.S. response to Hurricane Mitch in Central America and recent earthquakes in El Salvador and India.

But when it comes to environmental emergencies, under current law the military now has less ability to help. Those are the situations that are addressed by the bill I am introducing today.

The International Environmental Defense Act would fill a gap in current law so U.S. military transport could be used not only for humanitarian, but also for environmental emergencies. The bill does not require that this be done—but it would authorize the Defense Department to do so, just as current law authorizes but does not require the transport of humanitarian assistance to respond to other emergencies.

As an illustration of the limitations of the current law, consider a recent case about which I have first-hand knowledge.

In 2001, there was a very serious oil spill in the Pacific Ocean that threatened to contaminate the Galapagos Islands. The government of Ecuador and people everywhere were very concerned that this could imperil the world-famous wildlife of the islands and the rest of that unique ecosystem. They hastened to organize a response.

As part of that response, the Ecuadoran Government was in contact with a company in Colorado that makes a product to absorb oil from sea water. But complications arose, and the company contacted my office to see if we could help resolve them.

As we explored the situation, we learned that while the government of Ecuador was interested in acquiring the Colorado company's product, they also wanted to arrange for the United States to transport it to Ecuador by military aircraft, because that would be quicker and cheaper than other alternatives. But when we contacted the Defense Department to see if there was a possibility that could be arranged, we learned about the limitations of current law. In short, we learned that while military transport might be possible to provide humanitarian relief, that option was not available to respond to an environmental emergency.

The bill I am introducing today would change that—not by requiring the military to provide transport in such a case, but by providing that option in case the U.S. Government should decide it would be appropriate. Perhaps this would have been useful authority for the military to have when the Prestige broke up off the northwest coast of Spain in November 2002.

Mr. Speaker, this is not a far-reaching bill. But I think it would provide useful authority for our country to respond to environmental problems that, ultimately, can affect us and the rest of the world.

PAYING TRIBUTE TO JANET IRVINE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Janet Irvine of Fruita, Colorado. Through a program called Adopt-a-Platoon, Janet has adopted three platoons of our nation's soldiers in Afganistan that she corresponds with on a regular basis. Today, I would like to pay tribute to Janet's efforts and goodwill before this body of Congress and this nation.

The Adopt-a-Platoon program was first established in 1998 as a way for citizens to boost moral and show encouragement for American soldiers serving in Bosnia. Today, Adopt-a-Platoon is playing an integral role in boosting the morale of over 12,000 soldiers that are currently fighting the war on terrorism in Afganistan. Over the past year, Janet has become one of the organizations most loyal volunteers, mailing countless letters and baking innumerable batches of cookies to show her grateful appreciation for our soldiers serving abroad.

Although Janet dedicates much of her own personal time and energy toward supporting our nation's military, she has also encouraged others to assist in her efforts. The Fruita Monument High School's Interact Club and the students of Sue Chamberlain's and Marty Hardrick's classes at Shelby Elementary have also assisted in the effort, writing scores of letters showing their support and appreciation. The significance of her efforts have not gone unnoticed by the soldiers she writes to, and many have written back to express their personal gratitude.

Mr. Speaker, it is with great appreciation that I recognize Janet Irvine before this body of Congress and this nation. Janet's selfless support and encouragement of the men and women serving overseas in our nation's military is making a very personal contribution to our effort to rid the world of terrorism. Her commitment and dedication has served as an inspiration to us all, and it is and honor to represent such an outstanding American in this Congress. Keep up the good work, Janet.

INTRODUCING A RESOLUTION CONCERNING NATIONAL RUNAWAY PREVENTION MONTH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to reintroduce a resolution that recognizes the goals and ideals of National Runaway Prevention Month, which is sponsored by two organizations that work with runaway youth: the National Network for Youth and the National Runaway Switchboard.

This resolution will bring national attention to the important issue of runaway kids and remind parents of the importance of effectively communicating with their children. All of the conditions that lead young people to leave their homes are preventable when families are strong and when young people can find the support they need.

Runaway situations among our nation's young people are a widespread problem. One out of every seven children and youth in the United States runs away from home at some time before the age of 18. Although some return home after a short time, others remain on the streets and never go home. Studies have shown that 1.3 million runaway youth are on the streets each day.

Because today's young people are tomorrow's adults, preventing youth from running away is a family, community and national priority. Our country needs an educated workforce, charismatic leaders and a stable society.

Each November, nationwide activities take place to increase public awareness of the life circumstances of at risk youth. This resolution will show that Congress supports those educational activities aimed at ensuring safe, healthy and productive youth. I am hopeful that recognition of this issue will prevent other young people from running away and stress the importance of families and communities.

EDUCATION IMPROVEMENT TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Education Improvement Tax Cut Act. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a $3,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a $3,000 tax credit for cash or in-kind donations to public schools to support academic or extra curricular programs.

I need not remind my colleagues that education is one of the top priorities of the American people. After all, many members of Congress have proposed education reforms and a great deal of time is spent debating these proposals. However, most of these proposals either expand federal control over education or engage in the pseudo-federalism of block grants. Many proposals that claim to increase local control over education actually extend federal power by holding schools "accountable" to federal bureaucrats and politicians. Of course, schools should be held accountable for their results, but they should be held accountable to parents and school boards not to federal officials. Therefore, I propose we move in a different direction and embrace true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America. Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends.

Returning control over the education dollar for tax credits for parents and for other concerned citizens returns control over both the means and ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private, parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality of education for all children. Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers.

There is no doubt that Americans will always spend generously on education, the question is, "who should control the education dollar—politicians and bureaucrats or the American people?" Mr. Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act.

INTRODUCTION OF FEDERAL LABORATORY EDUCATIONAL PARTNERS ACT OF 2003

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Federal Laboratory Educational Partners Act of 2003, a bill that would permit the National Renewable Energy Laboratory (NREL) and other Department of Energy laboratories to use revenue from their inventions to support science education activities. The bill is cosponsored by my colleague from Colorado, Representative BOB BEAUPREZ. I greatly appreciate his support.

The Federal Laboratory Educational Partners Act would amend the Stevenson-Wydler Technology Innovation Act of 1980. Under the Stevenson-Wydler Act, federal labs can use licensing royalties, sometimes called Bayh-Dole revenues, for five purposes. These include rewarding laboratories' scientific employees; furthering scientific exchange among laboratories; educating and training laboratories' employees consistent with the labs' research and development missions; covering expenses incidental to the laboratories' administration and licensing of intellectual property; and conducting scientific research and development, again consistent with the labs' research and development missions.

My bill would amend the fifth purpose to add educational assistance as another permitted use of licensing royalties.

Federal laboratories, especially the Department of Energy's national laboratories, with their high concentrations of scientists and engineers, are uniquely positioned to aid surrounding communities in improving the learning experience of their students. Currently, NREL conducts some science education activities using funds provided by private sources, including funds from companies that operate the lab—the midwest Research Institute, Battelle, and Bechtel. But enabling NREL to use licensing revenues would give the lab greater flexibility.

Even without the expansion of permitted uses of licensing revenues that this bill would enable, NREL has conducted a number of science education programs with private funds and some funds from the Department of Energy and other federal agencies.

For instance, NREL initiated the Coalition for Learning Opportunities and United Tutors (CLOUT) program in 1998. CLOUT began as a pilot program matching 200 volunteers with fourth graders in 17 Denver public schools who needed help with reading. The program has grown to be a great success.

Another example is NREL's Junior Solar Sprint, which celebrated its twelfth year in 2002. This annual event gives students the chance to design, build, and race vehicles whose only energy source is sunlight. Each team starts with a motor and a silicon solar cell, and teams are awarded design trophies based on technology, craftsmanship, and innovation.

A third example is NREL's Columbine Spirit Scholarship at the Colorado School of Mines.

It was established in 1999 by the contractors that operate NREL, MRI, Battelle and Bechtel. The three companies gave an initial $25,000 to endow the fund, which is used to award scholarships to graduates of Columbine and other Jefferson County high schools through the Colorado School of Mines Foundation. The scholarship is offered first to Columbine graduates who are pursuing degrees in disciplines related to the laboratory's research and development mission.

These three examples help us understand the importance of science education activities associated with federal laboratories and what they can mean for their surrounding communities. But because of the narrowness of current provisions in law, NREL and other labs are not able to utilize licensing revenues to support any of the activities outlined above or any other science education programs. As a result, NREL and other labs must depend on private funds for the bulk of its science education activities, which unnecessarily restricts what these labs can do in this area. My bill would expand the law to allow greater flexibility.

Licensing revenues have grown markedly over the years as the technologies NREL has created have gained wide acceptance. It makes sense to me that we should give the labs a bit more freedom to spend these funds, especially on pursuits as worthwhile as science education which can expose young people to the excitement and relevance of careers in science and technology.

Research is an investment in the future. I believe the integration of research and science education to take advantage of the unique resources and facilities of the Department of Energy's national laboratories and research facilities should be a high priority.

PAYING TRIBUTE TO WILLIAM PRESCOTT ALLEN, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the memory of an accomplished Colorado publisher, William Prescott Allen, Jr., of Montrose. Mr. Allen recently passed away, leaving behind a legacy of business and community leadership. As his family mourns his loss, I would like to take this time to highlight his life before this body of Congress and this nation.

Raised in Texas, William and his wife, Grace, relocated to Montrose, Colorado after he returned home from the Army during World War II. In 1944, the Allen family bought the local paper, the Montrose Daily Press. After gaining experience as a reporter and working at other family-owned newspapers, William became publisher of the Daily Press in 1948, a position he would hold for 38 years. Then, in 1997, William sold the paper after 53 years of Allen family ownership.

William remained active in the community during his lifetime. He served as a charter member in several local organizations, including the Montrose Industrial Development Corporation, the Montrose Kiwanis Club, the Ute Indian Museum, and the Uncompahgre Knife and Fork Club. William will be remembered for his contributions in the community and his leadership of the Daily Press.

Mr. Speaker, I stand today to honor William Allen Jr.'s memory before this body of Congress and this nation. I extend my sincere condolences to his wife and family. William Allen was a great contributor to the state of Colorado and the community of Montrose and he will be greatly missed.

HONORING BOB DURAND, FORMER MASSACHUSETTS SECRETARY OF THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to join the citizens of Massachusetts in honoring Mr. Bob Durand, former Secretary of the Executive Office of Environmental Affairs for the Commonwealth of Massachusetts.

Mr. Durand has been an environment lover his entire life. He has proven his love of the environment as a member of the Massachusetts Legislature and as the Secretary of Environmental Affairs. Before, during, and after his appointment to the Executive Office of Environmental Affairs by long time friend and former Governor Paul Cellucci, Mr. Durand worked on a myriad of environmental improvements solutions.

Mr. Durand has worked closely with groups like MassPIRG, the Audubon Society, and the Environmental League of Massachusetts. He was a powerful environmental advocate during his tenure as a member of the Massachusetts State Senate. His accomplishments are vast in number. The two that I find most important are the "open space bond bill" and the "brownfields bill." Mr. Durand was also the author of the Community Preservation Act. After only two years as Secretary of Environmental Affairs, Mr. Durand used the limited financial resources at hand with unprecedented innovation to protect more than 100,000 acres of open space. He introduced a biodiversity program to help protect both open space and the Commonwealth's animal and plant species. Mr. Durand also initiated an environmental education program in elementary and secondary schools throughout Massachusetts, while taking the time to visit many of the schools himself.

One of Mr. Durand's more famous accomplishments was the River Protection Act, which protects over 9,000 miles of rivers and streams. After working on this extensive protective measure for seven years, Mr. Durand saw his bill signed into law in 1996. As a celebration, Mr. Durand and then Governor William F. Weld jumped into the Charles River, a delightful moment not soon forgotten.

Mr. Speaker, I commend Mr. Durand for the many years he has spent preserving the environment of Massachusetts. I have enjoyed working with Mr. Durand on environmental issues throughout the years, and look forward to working with him in the future, as we seek ways to further protect Massachusetts' environment. I am sure that the entire House of Representatives joins me in thanking Mr. Durand for many years of hard work in protecting our environment.

HONORING THE 10TH ANNIVERSARY OF THE EAST BAY CONVERSION AND REINVESTMENT COMMISSION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. LEE. Mr. Speaker, I rise today to honor the East Bay Conversion and Reinversion Commission for its great contributions to Alameda County for the past 10 years.

In 1993, Congress authorized four pilot projects charged with seeking ways to improve the defense conversion process. Then-Congressman Ronald V. Dellums of California's Ninth District convened the EBCRC to manage one project in Alameda County, California. Members included elected officials, as well as representatives of public agencies, community groups, labor unions, educational institutions, business organizations, environmental advocacy groups and the military.

Since its inception, the EBCRC has had an impressive track record in assisting base closure communities locally and nationally. It has developed sound economic strategies to replace lost jobs and reuse dormant facilities. Under contract with the Department of Defense, the EBCRC has conducted two national studies examining the challenges and difficulties that accompany the base closure process and have published two internationally acclaimed reports, Defense Conversion: A Road Map for Communities, and The Upside of Base Closure: Tools for Reinvesting in Communities.

The East Bay Conversion and Reinvestment Commission has helped bring over $50 million of Federal support into Alameda County since 1993. These monies have gone to successfully close the bases and spur economic redevelopment on these former military facilities. In this vein, the EBCRC launched a small business development and assistance program to aid former base employees start their own businesses. The Workers to Business Owners National Demonstration Project has generated millions of dollars in economic activity and created hundreds of new jobs.

To further assist small businesses, The EBCRC established the Defense Conversion Revolving Loan Fund to provide access to capital to businesses unable to secure loans from traditional lenders. With $1 million currently in the fund and expected growth to $20 million, the fund targets financially disadvantaged businesses and provides pre- and post-loan technical assistance to help its customers. As a result of these efforts, the EBCRC has made loans to eight small businesses totaling $1,046,000. These eight companies will precipitate $24 million in business activity, create more than 75 new jobs, and support several hundred direct and indirect jobs.

To date, the EBCRC has introduced new economic activity and jobs to six former military bases in Alameda County. It has reached out to nearly 250 businesses and provided support to more than half of those. Reporting businesses indicated nearly $9 million in new contracts, millions in lease revenues for the cities of Alameda and Oakland, and nearly $7 million in Local, State/Federal taxes. Redevelopment at these bases is accelerating and more than 2700 units of new housing is being built, 25 percent of which will be affordable units. Soon, the EBCRC will begin making First Time Home Buyer Home Mortgages to low- and moderate-income-families.

I ask Congress to join me and the constituents of the 9th Congressional District in celebrating the 10th Anniversary of the East Bay Conversion and Reinvestment Commission and wishing them many more years of success and affirmative developments.

REINTRODUCTION OF THE AERONAUTICS RESEARCH AND DEVELOPMENT REVITALIZATION ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. LARSON of Connecticut. Mr. Speaker, today the Distinguished Gentleman from Virginia Mr. J. RANDY FORBES and I reintroduced bi-partisan legislation designed to revitalize an industry that is essential to maintaining this country's economic growth, technological superiority, and military preeminence.

Since Orville and Wilbur Wright pioneering flight almost 100 years ago, aviation technology in the United States has reached a level of success and development unparalleled in world history. According to a recent report on "The National Economic Impact of Civil Aviation," the total economic impact of civil aviation exceeded more than $900 billion and 11 million jobs to the U.S. economy in the year 2000, roughly 9 percent of the total U.S. gross domestic product. However, despite the historical strength of this industry, it is clear that the United States is involved in a difficult struggle to maintain our preeminence in the aerospace field, both commercially and militarily.

In January of 2001, the European Union unveiled its plan for gaining dominance in the global aerospace market entitled, "European Aeronautics: A Vision for 2020." This plan lays out an ambitious, $93 billion, 20-year agenda for winning global leadership in aeronautics and aviation. In stark contrast to the vision set by the Europeans, the U.S. has cut by half its expenditures on aeronautics research & development (R&D) over the past two decades. This downward trend has coincided with a similar trend in the U.S. share of the world aerospace market, which declined from about 70 percent of the global market to less than 50 percent now. In fact, the recently completed report of the Presidential Commission on the Future of the Aerospace Industry echoed these concerns and stated that "The United States must maintain its preeminence in aerospace research and innovation to be a global aerospace leader in the 21st century," and that "government policies and investments in long-term research have not kept pace with the changing world." In fact, the Commission recommended that "the federal government significantly increase its investment in basic aerospace research, which enhances U.S. national security, enables breakthrough capabilities, and fosters an efficient, secure and safe aerospace transportation system".

It was as a result of these negative trends and the importance for the long-term economic and security interest of the United States, that Mr. FORBES and I joined with a bipartisan group of my colleagues to introduce the Aeronautics Research and Development Revitalization Act of 2003. This bill, which last year received strong support in the other body as well as in the House, establishes a broad-based agenda to reinvigorate America's aeronautics and aviation R&D enterprise and maintain America's competitive leadership in aviation by:

Reversing the trend of declining Federal investments in aeronautics and aviation R&D by doubling funding over five years. Funding is increased to $900 million in 2006 (approximately the level they were in 1998), and $1.15 billion in 2008.

Following the recommendations of the FAA's Research, Engineering and Development Advisory Committee, doubling funding over 5 years to $550 million in 2008.

Establishing a focal point for aeronautics R&D by re-establishing an Office of Aeronautics reporting directly to the NASA Administrator.

Establishing an R&D initiative to develop technologies within a decade to build commercial no-noise, low-emissions, and be highly-energy efficient.

Establishing an R&D initiative directed at reinvigorating the nation's rotorcraft R&D that will address the nation's civil and military needs for decades to come.

Addressing the need for a long-term Federal R&D effort to develop technologies for an environmentally-friendly, commercially-viable supersonic transport capable of flight over land.

Including independent review mechanisms to ensure that the agency is pursuing technology concepts in a cost-effective manner.

Authorizing the establishment of one or more university-based centers for research in aviation training for flight crews and air traffic controllers as new technology and procedures are added to the nation's infrastructures.

Establishing a program of scholarships to help replenish the nation's pool of aeronautical engineers.

Tackling the problem of delays in and unreliability of the air transportations system directly by authorizing funds for NASA to work with NOAA on research to improve significantly the reliability of 2 to 6 hour aviation weather forecasts.

Providing a significant funding to allow increased attention to environment and energy-related projects and for research on increasing the capacity, efficiency and safety of the air traffic system.

The basic premise of the legislation is that the U.S. can best meet the R&D challenge mounted by the Europeans and others through focused R&D investments that will enable future aircraft and rotorcraft technologies that are extremely quiet, fuel-efficient, and low in emissions of carbon dioxide and nitrogen oxides. The development of such aircraft will enable the U.S. aviation industry to dominate anticipated aviation markets, as well as create new markets in cities and regions whose airports have been underutilized because of perceived negative environmental impacts. In addition, the new aviation capabilities could allow innovative approaches to meeting the future demand for travel by the American public, open up new possibilities for the future national air traffic management system, and make aerospace technologies more environmentally friendly.

This year marks the 100th anniversary of Ohio's own Wilbur and Orville Wright achieving the world's first successful powered flight, thus leading the way for 100 years of American domination in aviation. But now, facing new and serious challenges, leadership will be required to sustain our aerospace industry to make it as vibrant a symbol of America's might in the 21st century as it was in the 20th. This legislation is an opportunity for the country to signal its commitment to a strong and robust aviation sector and its intent to revitalize it in the face of new global challenges. America has long recognized that its long-term strength and security, and its ability to reach and sustain high levels of economic growth, depends on maintaining its edge in scientific achievement and technological innovation. If we lose our edge in the areas where we are most vibrant, as it is happening now, our economic prospects will be dimmed and our security will be threatened. Aviation was born in America nearly 100 years ago; it is not slipping to number 2 on our watch.

PAYING TRIBUTE TO JOSEPH HANNIGAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this moment to pay tribute to an outstanding Coloradan who has given countless volunteer hours in support of the National Weather Service Cooperative Weather Observer Program. Joseph Hannigan of Norwood, Colorado has consistently contributed his time and efforts to his country by carefully collecting and reporting weather data for his area. It is with great respect that I stand to honor a man who has dedicated so much of his own time to such a selfless service.

The National Weather Service collects and maintains a database of daily climate reports that is among the best in the world. National Weather Service uses the data from that record to help forecast climate and weather changes and issue weather warnings. The National Oceanic and Atmospheric Administration also uses the data to understand and predict climate trends. Estimates suggest that such climate predictions helped prevent up to one billion dollars in damage from the devastating effects of El Nino in California alone.

But such an extensive and accurate database cannot be created overnight. Our country relies on dedicated volunteers like Joseph who take the time to make and report their weather observations as part of the Cooperative Weather Observer program. The roots of the program reach as far back as 1644, when Reverend John Campanius Holm recorded the American Colonies' first known weather observations. Then, in 1891, the Weather Bureau tackled the challenge given them to document climate conditions in the United States. For over one hundred years, the Weather Service has called on volunteers to gather the necessary measurements on weather factors such as temperature and precipitation. With over 11,000 volunteer observers contributing over one million service hours, it is significant to note that the National Weather Service has chosen to recognize Joseph Hannigan with their most prestigious recognition, the John Campanius Holm Award. Considering Joseph's 42 years of consistent service, he is deserving of an award named after the very first volunteer weather observer in the American Colonies. –Mr. Speaker, it is my privilege to rise today to praise Joseph Hannigan for his dedicated service to the National Weather Service before this body of Congress and this nation. He stands out as an example of the cooperative spirit that has helped make this country great. From his efforts, combined with the work of countless others, our communities enjoy the economic, recreational, and safety benefits that an accurate and timely weather forecast affords them. I am honored to extend my gratitude to Joseph and the many other volunteers for what they have accomplished. Keep up the good work!

HONORING THE McALLEN MEMORIAL HIGH SCHOOL CONSTITUTION TEAM

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HINOJOSA. Mr. Speaker, I rise today to acknowledge an outstanding group of young scholars from my Congressional district. The McAllen Memorial High School Constitution team recently won the Texas state title at the "We The People, The Citizen and the Constitution" annual competition. Remarkably, this is the McAllen team's 10th State win in 13 years. They have also been successful nationally, finishing among the top ten finalists in 4 out of 10 appearances.

I am proud to represent a community that produces students with such a passion for learning the democratic principles and foundation of our government. I congratulate the team members and their parents for this extraordinary achievement. I congratulate the team members and their parents for this extraordinary achievement. The members of the team are thirteen high school seniors; Erika Garcia, Brian Trautman, Victoria Montemayor, Allison Glass, Gregory Goldsmith, Danessa Litam, Gisela Medina, Edwin Monroy, Kelly Monroy, Jeffrey Murray, Steffy Phillip, Sabrina Tully, Brian Van Burkleo. Ms. LeAnna Morse coached the team. I wish these students success when they compete at the national competition in April, here in Washington, DC.

In closing, I would like to share with my colleagues an article that ran in the McAllen Monitor highlighting the accomplishment of these young constitutional scholars.

McALLEN CONSTITUTION TEAM WINS 10TH STATE TITLE

(By Juan Ozuna)

McALLEN.—Hamilton, Madison and Franklin would be impressed with the McAllen Memorial High School Constitution team.

The 13-member team comprised of high school seniors was named state champion in the We The People, The Citizen and the Constitution competition in Austin Jan. 4.

It is the 10th time in 13 years the group has won the competition, sponsored by the State Bar of Texas.

"They really demonstrated an ability to think on their feet," said LeAnna Morse, a government teacher and the team's coach. "I'm really proud of them."

During the competition, each team is divided into groups of three. These trios each face a panel of attorneys, educators and community leaders and make a three-minute presentation on the Constitution. They answer questions asked by the panel of judges and are awarded points for their answers.

"This was a small team, so they had to carry extra weight, and they really rose to the occasion," Morse said.

Teams usually have 15 members. To help train the group, Morse asked some friends and other community people to come in to the class to act as judges for her team.

"We'd have practices and invite attorneys and academics to judge them so they could have the full experience," Morse said. "When you practice, you always try to anticipate what questions you'll be asked in the follow-up."

Mick West, history coordinator for McAllen school district and a sponsor of the team, accompanied the students to the competition, which he said was extremely competitive.

"They did an outstanding job," he said. "It was very close. They have a great reputation."

Team member Erika Garcia said there was a lot of pressure on the students to perform well because of their reputation.

"It's good to know that we fulfilled that tradition one more year," Garcia said. "Our sponsors have prepared us very well."

Teammate Brain Trautman said he also felt the heat of the competition, calling the win "a relief."

"I'm really excited," he said. "I can't wait to go to nationals to compete."

As the winning team, the McAllen Memorial High School students will be sent to Washington, D.C., in April to compete against the top team from each state.

Though Morse's teams have seen top-10 finishes at the national level, the highest they ever placed is fourth.

Though also excited about being able to attend the national Constitution competition, Victoria Montemayor said she would be more focused on the sights.

"I just want to see the actual documents," Montemayor said. "I want to see the monuments, see all the places you see in the books."

Other students on the team include Allison Glass, Gregory Goldsmith, Danessa Litam, Gisela Medina,. Edwin Monroy, Kelly Monroy, Jeffrey Murray, Steffy Phillip, Sabrina Tully and Brian van Burkleo.

REINTRODUCTION OF ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to designate as wilderness most of the lands within the Rocky Mountain National Park, in Colorado.

This legislation will provide important protection and management direction for some truly remarkable country, adding nearly 250,000 acres in the park to the National Wilderness Preservation System. The bill is essentially identical to one previously introduced by my predecessor, Representative David Skaggs, and one I introduced in the 107th Congress. Those bills in turn were based on similar measures earlier proposed, including some by former Senator Bill Armstrong and others.

Over a number of years my predecessor and I have worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation and consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations provided the basis for many of the provisions of the bill I am introducing today, particularly regarding the status of existing water facilities.

Covering some 94 percent of the park, the new wilderness will include Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in the wilderness that would be designated by this bill.

The features of these lands and waters that make Rocky Mountain National Park a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries are carefully located to assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continued use of existing water facilities.

This bill is based on National Park Service recommendations, prepared more than 25 years ago and presented to Congress by President Richard Nixon. It seems to me that, in that time, there has been sufficient study, consideration, and refinement of those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted in this form.

It took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho, Roosevelt National Forests.

We now need to continue making progress regarding wilderness designations for deserving lands, including other public lands in our state that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in the bill I am introducing today.

All Coloradans know that the question of possible impacts on water rights can be a primary point of contention in Congressional debates over designating wilderness areas. So, it's very important to understand that the question of water rights for Rocky Mountain National Park Wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions. And it's important to emphasize that in any event water rights associated with wilderness would amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use.

The bottom line is that once water leaves the park, it will continue to be available for diversion and use under Colorado law regardless of whether or not lands within the park are designated as wilderness.

These legal and practical realities are reflected in my bill—as in my predecessor's—by inclusion of a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation of such right, and an explicit disclaimer that the bill affects any such reservation.

Some may ask, why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good? The answer is that the wilderness designation will give an important additional level of protection to most of the park.

Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development with the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

So, Mr. Speaker, this bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live. So, I think the bill deserves prompt enactment.

I am attaching a fact sheet that outlines the main provisions of this bill:

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

Rocky Mountain National Park

Rocky Mountain National Park, one of the nation's most visited parks, possesses some of the most pristine and striking alpine ecosystems and natural landscapes in the continental United States. This park straddles the Continental Divide along Colorado's northern Front Range. It contains high altitude lakes, herds of bighorn sheep and elk, glacial cirques and snow fields, broad expanses of alpine tundra, old-growth forests and thundering rivers. It also contains Longs Peak, one of Colorado's 54 fourteen thousand-foot peaks.

The Bill

The bill is based on one introduced by Rep. UDALL in the 106th and 107th Congresses and similar legislation proposed by former Congressman David Skaggs and others previously. It would:

designate about 249,562 acres within Rocky Mountain National Park, or about 94 percent of the Park, as wilderness, including Longs Peak—the areas included is based on the recommendations prepared over 25 years ago by President Nixon with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted

designate about 1,000-acres as potential wilderness until non-conforming structures are removed

provide that if non-federal inholdings within the wilderness boundaries are acquired by the United States, they will become part of the wilderness and managed accordingly

The bill would NOT:

create a new federal reserved water right; instead, it includes a finding that the Park's existing federal reserved water rights, as decided by the Colorado courts, are sufficient

include certain lands in the Park as wilderness, including Trail Ridge and other roads used for motorized travel, water storage and conveyance structures, buildings, developed areas of the Park, some private inholdings

Existing Water Facilities

Boundaries for the wilderness are drawn to exclude existing storage and conveyance structures assuring continued use of the Grand River Ditch and its right-of-way, the east and west portals of the Adams Tunnel and gauging stations of the Colorado-Big Thompson Project, Long Draw Reservoir, and lands owned by the St. Vrain & Left Hand Water Conservancy District—including Copeland Reservoir.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already allowed activities for the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated by the bill) or other Colorado-Big Thompson Project facilities, and that additional activities for these purposes will be allowed should they be necessary to respond to emergencies and subject to reasonable restrictions.

RECOGNITION OF J. MICHAEL DORSEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. NEY. Mr. Speaker, we rise to thank and recognize J. Michael Dorsey for his outstanding service and contributions to the House community during his tenure beginning January 1, 1995.

Because of his distinguished legal career, Mike was asked to serve as the first Administrative Counsel in the Office of the Chief Administrative Officer when the new House organization was created in 1995. An ambitious agenda to change the way the House operated was proposed, and Mike was instrumental in accomplishing many of those goals.

A solid leader, Mike demonstrated the ability to effectively juggle many competing priorities. In addition to keeping the CAO legally and ethically pure, he also served as interim Associate Administrator for the Office of Procurement and Human Resources. He initiated and contributed to business process improvements, provided legal guidance to House staff, developed policies, and applied his expertise in the areas of contracting, negotiation, and legal disputes.

Most recently, Mike's professionalism, patriotism, and steadfastness served the House well under historic and trying times. He met the challenges of September 11, 2001, the subsequent anthrax evacuation of House offices, and on-going mail process activities with patience, excellence, and reasoned judgment.

Mike is a team player, known for his integrity, fairness, principles, dedication, and solid steady demeanor. He has made a difference—he has made the House a better place. As he leaves us on February 14, he will continue to serve our nation in areas of critical importance. He has served the House and our country as a true patriot, and we extend our thanks to him for his service, and wish him all the best for continued success.

HONORING MR. DAVID SEIM

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. COMBEST. Mr. Speaker, I rise today to call my colleagues' attention to an honor recently bestowed on my constituent and friend, Mr. David Seim.

Recently, David was awarded the Rita Harmon Volunteer Service Award from the Lubbock Area United Way in recognition of his lifetime of community service. David's work with various organizations such as the South Plains Council of the Boy Scouts of America, the Lubbock Country Club, the Southwest Lubbock Rotary Club, YWCA, Covenant Health System and Trinity Church exemplify his selfless nature and dedication to the public good. Through his hard work and giving nature, the Lubbock community has benefited immensely.

David attended Texas Tech and graduated from the Southern Methodist University's Graduate School of Banking. While he works for Plains Capitol Corp. in Dallas, he still lives in Lubbock and continues to serve as a board member of the Lubbock Area United Way.

It is with great pleasure, Mr. Speaker, that I honor this dedicated man for his commitment to give back to his community. David Seim has given much of his life to serving his community, and his efforts are greatly appreciated. I wish to congratulate David on his recent award and thank him for his continuing dedication to the public good.

VACCINE INGREDIENT PROVISIONS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BLUNT. Mr. Speaker, the Homeland Security Act of 2002 included provisions related to vaccine injuries that have been misunderstood and misconstrued. I believed then and now that these provisions are good public policy: they clarify that vaccine injury claims involving vaccine ingredients, such as preservatives, are subject to the same no-fault compensation system as other vaccine-related injuries established by the National Childhood Vaccine Injury Act of 1986. The alternative is needless, time consuming, and expensive litigation that is not in the best interests of those who believe they have been injured.

Congress established the Vaccine Program in 1986 for two reasons. The first was to provide definite, speedy, and generous compensation for those who suffer from vaccine-related injuries. The second was to address litigation and insurance costs that were spiraling out of control, which forced current manufacturers to leave the industry and discouraging others from developing important life-saving vaccines.

Now, of all times, is not the moment to allow the Vaccine Program to be dismantled. When our enemies are engaged and determined to develop and expand their supply of chemical weapons, when we continue to face a terrorists threat at home, and when more and more of our troops are stationed oversees, we need effective vaccine production. We cannot afford to slow research and development, or experience a critical shortage of vaccines.

But this is precisely what is occurring today. Personal injury lawyers, who would like the larger fee that they might receive through litigation, are chipping away at the Vaccine Act in our Nation's courtrooms. They are trying to distinguish injuries allegedly related to ingredients contained in vaccines, such as preservatives, from the vaccine itself, in order to escape the no-fault system. The courts have done a good job at rejecting these attempts. The provisions in the Homeland Security Act simply sought to codify these decisions, preserve the intent of Congress in establishing the Vaccine Program, and ensure that the injured receive speedy and fair compensation.

I continue to support the vaccine ingredient provisions in the Homeland Security Act. I understand the provisions are being repealed without prejudice and not because of the substance. I am confident that these provisions will proceed through the House and be enacted. By reenacting the provisions, I believe Congress will address the issue in a manner that ensures the broad availability of vaccines for the American people.

PAYING TRIBUTE TO WAYNE HARRISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Major Wayne Harrison of Dolores, Colorado. Recently, Major Harrison was recognized for his years of service in the Civil Air Patrol and awarded a Springfield M-14 rifle. Today, I would like to pay tribute to Major Harrison's career and accomplishments before this body of Congress and this nation.

Major Harrison began his career in the Civil Air Service as a cadet and moved up through the ranks to eventually teach cadets, passing on his knowledge of airplanes and flying. In fact, Wayne Harrison's superiors were so impressed with his abilities that he was promoted to the position of aerospace officer only a short time after joining the Civil Air Patrol. Serving in the position for three years, Wayne was then asked to become the commander of his squadron and he accepted.

Although the new position and added responsibility would be a challenge, Major Harrison also saw the promotion as an opportunity to help his fellow cadets. Over the years, Major Harrison used his position to serve as a role model to his cadets and helped many of them go on to colleges, military academies, and into the armed forces.

Mr. Speaker, it is with great pride that I recognize Major Wayne Harrison before this body of Congress and this nation. Major Harrison has served with the diligence, honor and integrity that Amercans have come to expect from the Civil Air Patrol, and it is an honor to represent such an outstanding American in this Congress.

RECOGNIZING THE AMERICAN FROZEN FOOD INSTITUTE ON THE OCCASION OF ITS 60TH ANNIVERSARY

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. OTTER. Mr. Speaker, I rise today to recognize the American Frozen Food Institute (AFFI) on the occasion of its 60th Anniversary of service to the food industry. AFFI is the only national trade association representing the entire spectrum of frozen food professionals, including processors, suppliers of goods and services, transporters and marketers.

Like other complex enterprises, the frozen food industry benefits not only from competition, but also from cooperative, coordinated action. Launched in 1942 by 19 frozen fruit and vegetable packers, the National Association of Frozen Food Packers went on to become today's American Frozen Food Institute. AFFI's more than 500 member companies account for over 90 percent of the total annual production of frozen food in the United States, valued at more than $60 billion.

AFFI works to ensure that nourishing and convenient frozen foods are continually abundant, reliable, varied, satisfying and economical. During its years of growing use and popularity, the technology of frozen foods has earned its place among modern America's constructive innovations.

When Clarence Birdseye, one March morning in 1930, optimistically combined an inventor's creativity with a salesman's confidence and arrayed his selection of neatly packaged, quick-frozen foods into a grocery store display case in Springfield, Massachusetts, he inaugurated an industry that would forever change the way the world eats.

The industry's momentum initially was driven by the economy and convenience of frozen foods. However, a further reality ultimately would ensure their enthusiastic endorsement by health experts: frozen foods supply superior nutrition. Following years of scientific studies at the University of Illinois, the U.S. Food and Drug Administration concluded in 1998 that fruits and vegetables picked at peak freshness and immediately frozen contain as many, and often more, nutrients than their raw equivalents. Moreover, for food of all kinds, modern freezing and packaging means unsurpassed food safety, reliable product consistency, and year-round availability anywhere.

In addition, I would invite my colleagues to join Congressman CAL DOOLEY and me on September 25 at the Frozen Food Filibuster, a reception showcasing the variety of frozen foods here in the Cannon Caucus Room. Congressman DOOLEY and I are co-chairmen of the frozen food caucus on Capitol Hill. Caucus participants are Members of Congress who have AFFI member companies' headquarters or plants located within their district, or an interest in the food industry in general. The Institute briefs the membership periodically on issues that affect their constituents who work in the frozen food industry. Our goal is to ensure the caucus is as active and innovative as the nation's frozen food companies.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the American Frozen Food Institute. Our democratic institutions are served well by having responsible industry associations, who care about the active participation of their companies in the legislative and regulatory process. I am confident that AFFI will continue to serve the food community for many years, well into the future. We wish them the very best on this special occasion.

TRIBUTE TO UPSTATE NEW YORKERS ON THE 140TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BOEHLERT. Mr. Speaker, I rise today in honor of the 140th anniversary of the Emancipation Proclamation celebrated on January 1, of this year. I would like to take this opportunity to recognize the integral work of Central New Yorkers in the struggle to end slavery.

During the troubled decades just before our Civil War, many citizens of what is now New York's 24th District joined, and led, fellow abolitionists across the nation to help slaves gain the freedom due to all Americans. Whether they offered hounded refugees a place to hide for the night, educated former slaves, published activist newspapers, or spoke out in the chambers of Congress, these men and women live on in the collective memory of our nation as brave champions of basic human rights and dignity.

En route to Canada, houses and churches throughout Central New York formed some of the main lines of the Underground Railroad. One heavily trafficked depot in Madison County was the home of Garrett Smith, a philanthropist who gave much of his time, money, and energy to the anti-slavery cause. I'm glad to have had the opportunity to dedicate Smith's estate as a National Historic Landmark last spring. Thanks to legislation signed by our distinguished Governor of New York, George Pataki, in tandem with the Network to Freedom Act, passed by Congress and signed by the president in 1998, many other stops along the Underground Railroad in Upstate New York have recently been brought to light and preserved.

Garrett Smith, who was born in my own hometown of Utica and lived most of his life in Peterboro, was elected president of the nationally prominent New York State Anti-Slavery Society on October 22, 1835, at the organization's founding convention. A dedicated group successfully launched the Society that day at the Peterboro Presbyterian Church after their meeting had been broken up by a hostile mob the previous day. A few streets away from the convention site in Peterboro lived James Caleb Jackson, the editor of several abolitionist newspapers. Beriah Green, another founding member of the New York Anti-Slavery Society, came from nearby Whitesboro where he served as president of the Oneida Institute, an interracial college. Green's Institute turned out noted abolitionists such as Jermain Loguen, a former slave lauded for his influential autobiography, To Set the Captives Free. Loguen was later chosen to act as Stationmaster of Syracuse's Underground Railroad. Another escaped slave who became a renowned abolitionist, Frederick Douglass, lived in Rochester, New York, where he published his newspaper, The North Star.

William Seward, former senator of New York, governor of New York, and Secretary of State, remains one of the best-known abolitionists to hail from New York's 24th Congressional District. Born and raised in the area, Seward gave voice to his constituents' outcry against slavery. He and his wife, Frances, opened their home in Auburn, NY to fugitive slaves moving north along the Underground Railroad, and they became the personal friends of Harriet "Moses" Tubman, the iconic leader of the slave exodus to Canada. As a lawyer, Seward defended fugitive slaves in court. During his early career in Congress he led the anti-slavery wing of the Whig party.

Many credit Seward's radical statement that Congress had to answer to a moral law "higher than the Constitution" as disqualifying him from running for President in 1860. When it became clear that Lincoln would win the ticket of the Grand Old Party, then a grand young party, Seward campaigned tirelessly for Lincoln, and was soon appointed Secretary of State under the new president. In that office, Seward played a crucial role in the formation of Lincoln's anti-slavery policy. He drafted the Emancipation Proclamation alongside the President, and the final document now bears his signature.

Before the Civil War, Harriet Tubman bought a house from Seward in his hometown of Auburn, NY, where she continued to conduct for the Underground Railroad despite the $40,000 reward posted for her capture. After the Emancipation Proclamation, with the Promised Land a little closer, Ms. Tubman settled down to a quieter life in Auburn.

Those who fought to end slavery and so extend the rights of life, liberty, and the pursuit of happiness to truly all Americans won a great victory with the issuance of the Emancipation Proclamation, but the struggle did not end there. Amy Post, Martha Wright, Lucretia Mott, Susan B. Anthony, and other abolitionists and women's rights activities, many of them from Upstate New York, organized a petition drive to gain the signatures of hundreds of thousands of women calling for a constitutional amendment to end slavery. When the petition was first presented to the Senate in February of 1864, nearly one-fifth of the signatures came from New York State. By the end of 1865 the Thirteenth Amendment was law.

I hope my colleagues will join me in applauding the historic legacy of freedom and human rights left by the good people of Upstate New York.

I would like to thank Peter A. Wisbey, Executive Director of the William Seward House, Anne M. Derousie, a historian with the Women's Rights National Historical Park, Michael J. Caddy, Jr., historian, and Milton C. Sernett, Professor of History at Syracuse University for the information they provided me for this occasion. I would also like to insert into the CONGRESSIONAL RECORD essays about the Emancipation Proclamation and the abolitionist movement in New York's 24th Congressional District written by students from Letizia Magats' class at Owasco Elementary and Jacquelyn Aversa's class at Casey Park Elementary School in Auburn, NY.

While reading the work of these children I was delighted to find that many of the students had been inspired by their history lessons to dream of a future America that continues to embrace the values of Upstate New York abolitionists, in new contexts. The hope of Auburn's youngest generation of thinkers reminded me of these words of Abraham Lincoln, spoken in 1865 at his second inaugural address, and still relevant today: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds."

A Collective Essay From Fifth Graders at Owasco Elementary School in Auburn, NY

The Emancipation Proclamation was a solution to the problem of slavery in the United States. President Abraham Lincoln was influenced to write this document by abolitionists who wanted to see the system of slavery come to an end. This new Law passed during the Civil War. Many of the abolitionists who influenced President Lincoln were from the area that is today a part of the 24th Congressional District of New York State. Several of these abolitionists were William Seward, Harriet Tubman, Emily Howland, Martha Coffin Wright, and Lucretia Coffin Mott.

William Seward helped the cause of the Emancipation Proclamation by persuading President Lincoln to be more involved with abolishing slavery. As Lincoln's Secretary of State, he helped Lincoln write it. Seward was active in his belief that slavery must be abolished, he was a leader of the Anti-slavery wing of the Whig party, used his home on South Street in Auburn, New York, as a way station for the Underground Railroad and as a publishing center for anti-slavery literature. He became a good friend of Harriet Tubman, a conductor on the Underground Railroad. Harriet Tubman, called the "Moses of her people", dedicated her life to the belief that all people were equal and that slavery was evil. As a runaway slave, she showed great courage and dedication to her beliefs by leading more than three hundred slaves to their freedom. Eventually Harriet Tubman bought a home in Auburn, New York and used it to care for the elderly and needy people. The dedication of Quakers to the abolition of slavery was also important in bringing about change. Emily Howland lived in Sherwood, Cayuga County, New York. She was an educator who started schools in the South for freed slaves and used her home as a way station for the Underground Railroad. Her beliefs that all were equal saw her turn to the cause of women's suffrage. She worked closely with Lucretia Mott and Susan B. Anthony in the fight for equality for women.

Lucretia Coffin Mott and her sister Martha Coffin Wright, a resident of Auburn, New York, were also Quakers, who belonged to the American Anti-slavery Society and formed the Female Anti-Slavery Society. After the Civil War they co-founded the American Equal Rights Association and the National Women's Suffrage Association. They made a difference in the abolition of slavery and women getting the right to vote. They were courageous in the fight for civil rights for all people regardless of their color or gender.

As you can see, many citizens of Cayuga County not only believed in equal rights for all people, but also actively worked to bring about the change that resulted in the end of slavery and giving all people their civil rights.

(By Timothy Berry, Ashley King, Jamie Bruno, Marissa Rescott, Christina Granato, S. Michael Watson, Maura Bradley, Kelsey Helinski, Mary Doyle, Colleen Cregg, Olivia Perek, Breanna Handley, Alaina Schoonmaker, and Connor Entenmann.)

ESSAYS FROM FOURTH GRADERS AT CASEY PARK ELEMENTARY SCHOOL IN AUBURN, NY

The young dreamers have a goal that one day the world will be a better place for everyone in our country. The young dreamers celebrate the anniversary of the Emancipation Proclamation so they can continue to dream. After all, the young dreamers future goals are in your hands.

(By Sydnee Lawson, David Clark, and Brianna Hotaling.)

The torch of freedom has passed from time to time to generation to generation and it must be kept and honored as it was all those years ago. It shouldn't be thrown away because of dishonor and terrorism.

(By Dominika Donch, Noah Donch, Makrina Donch, and Nathaniel Donch.)

We are fortunate to have the freedom we have. Some countries do not have as much freedom as we have. Now we have a lot to worry about. We are so fortunate that President Abraham Lincoln issued the Emancipation Proclamation. Today we have the joy of freedom.

(By Stephanie Leontovich, Tyler VanTassell, Amber Foster, Anthony Jesmer and Scott Blauvelt.)

We believe all people are created equal and need to live in unity and peace.

(By Diamoneek Wingate, Loretta Holbert, Sarah Lowe, Tina Horsford, Beth Harvey, Tony Frazier, Brandon Crawford, and Andre Thomas.)

I have a dream, that one day all people of the world, Iraqis, Afghanis, Russians, and any other culture will come together and act fairly to one and another. I have a dream of no terrorism. I have a dream of no violence but coming out and talking it over like men. I have a dream of living in a society with no prejudice. I have a dream of no racism. I have a dream of no fighting over religion but having peace and love. I have a dream that this world will help one and another of different culture and religions. I have a dream.

(By Jared Ford.)

ATTORNEY MURRAY UFBERG CHOSEN FOR B'NAI B'RITH COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the selection of my good friend Attorney Murray Ufberg for the prestigious Community Service Award by the Seligman J. Strauss Lodge of B'nai B'rith of Wilkes-Barre. He will be presented with the award at the lodge's 57th annual Lincoln Day Dinner on February 9, 2003.

Murray is a very fitting choice for this award. In addition to his active role in local government and economic development, his deep commitment to Northeastern Pennsylvania and his leadership in one of the most prominent and well-respected law firms in the area, he is a leader in the region's Jewish community.

I have known Murray for more than 30 years and have enormous respect for his legal ability as well as his dedication to improving the community.

He was born July 30, 1943, in Danville, Pennsylvania. He graduated from Wyoming Seminary in 1960, earned a bachelor of arts from Bucknell University in 1964 and graduated with a juris doctor degree from the Duquesne University School of Law in 1968.

Murray has risen to the rank of managing partner with Rosenn, Jenkins & Greenwald in Wilkes-Barre. From 1991 to 1994, he served as chairman of the hearing committee of the disciplinary board of the Pennsylvania Supreme Court.

Examples of his dedication to community service abound. They include his service as chairman of the Greater Wilkes-Barre Partnership, Inc., from 2000 to the present; and chairman of the Community Relations Council of the Jewish Federation of Greater Wilkes-Barre, 1993 to 1997 and from 2000 to the present; and a member of the board of trustees of College Misericordia and the board of directors of the Jewish Federation of Greater Wilkes-Barre, the Jewish Community Center of the Wyoming Valley, and WVIA–TV/FM/HDTV.

Murray is also past chairman of the board of directors of the United Way of the Wyoming Valley, from 1992 to 1994, and its general campaign in 1990. He is also past president of the Ohav Zedek Synagogue in Wilkes-Barre, from 1986 to 1988; the Jewish Community Center of the Wyoming Valley, from 1982 to 1983; the Seligman J. Strauss Lodge of B'nai B'rith, from 1970 to 1974; and the Duquesne University School of Law Alumni Association of Northeastern Pennsylvania, from 1997 to 1999.

He and his beautiful and gracious wife Margery have three children, Aaron, Joshua and Rachel.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the well-deserved selection of Attorney Murray Ufberg for the Community Service Award, and I wish him and his family all the best.

PAYING TRIBUTE TO JAMIE LEVIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I rise today to recognize Jamie Levin of Telluride, Colorado. Jamie is a slalom snowboard racer for the Telluride Ski and Snowboard team and has been setting the standard for speed throughout Colorado and the nation. Jamie represented the United States at Canada's World Cup Snowboard Races last December. In recognition of her success and accomplishments on the slopes, I would like to pay tribute to Jamie before this body of Congress and this nation.

As the Congressman who represents many of Colorado's ski areas, I understand the significance that Coloradans place upon their winter sports. Colorado is the home to many skiers and snowboarders who train year round to remain in top physical condition. Competition throughout the state is fierce, and there is little room for mistakes or miscalculations.

Competition at the national level only becomes more difficult, and yet Jamie Levin has risen to the challenge and is currently ranked 11th in the United States. Over the summer, Jamie has maintained a rigorous training schedule at Mt. Hood and looks forward to competing internationally this winter. Jamie is the first member of the Telluride team to qualify for international competition, and citizens throughout the Western Slope will be following her races with great anticipation.

Mr. Speaker, it is with great pride that I recognize Jamie Levin of Telluride, Colorado before this body of Congress and this nation. To excel in a sport as mentally and physically demanding as slalom snowboarding takes great courage, commitment and discipline. Jamie's competitive spirit and determination serves as an inspiration to us all, and it is an honor to represent such an outstanding American in this Congress. I wish her all the best with the rest of her season.

INTRODUCTION OF COLORADO SCHOOL LANDS BILL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. UDALL. Mr. Speaker, I am today again introducing a bill to modify the 1875 Act—usually referred to as the Colorado Enabling Act—that provided for admission of Colorado to the Union.

The bill is similar to one I introduced in the 107th Congress. Its purpose is to remove any possible conflict between a decision of the people of Colorado and that original federal legislation under which some 3 million acres of federal lands were granted to our state.

In granting the lands to Colorado, Congress provided that they were to be used as a source of revenue for the public schools—and for many years they were managed for that purpose.

However, over the years the revenue derived from these lands has become a less and less significant part of the funding for Colorado's schools, while there has been an increasing appreciation of the other values of these lands.

As a result, in 1996 the people of Colorado voted to amend our state constitution to permit part of these school trust lands to be set aside in a "stewardship trust" and managed to preserve their open space, wildlife and other natural qualities.

To assure that this decision of the voters can be implemented, my bill would amend the original Colorado Enabling Act to modify the requirement that the state must raise revenue from the school-trust lands that are set aside for their natural resource values and qualities. Specifically, it would amend the 1875 Act to clearly allow the lands to be used for "open space, wildlife habitat, scenic value, or other natural values," while still requiring that "any income received for such uses or any other uses" of the lands will be used only for the public schools.

The bill does not include a specific limit on the acreage that could be placed in the stewardship trust, although the 1996 state legislation does set such a limit. I supported that part of the state legislation, but I think that whether that limit should be retained or revised should be decided solely by the people of Colorado, and not determined by Congress. So, under the bill I am introducing today that would be left to Colorado law to control.

Mr. Speaker, Colorado has been experiencing rapid population growth. That is putting increasing pressure on all our undeveloped lands. In response, the people of Colorado have voted to allow some of these school-grant lands to remain as open spaces to be managed for their wildlife and other natural resources and values. This bill will keep faith with that decision by our voters by removing any conflict with federal law. I will do all I can to press for its speedy enactment.

HONORING DR. SHIRLEY KENNEDY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mrs. CAPPS. Mr. Speaker, today I would like to rise in tribute to the memory of a wonderful friend and resident of Santa Barbara, California, Dr. Shirley Kennedy. Dr. Kennedy passed away on January 20, 2003, leaving a void in the Santa Barbara community that will be felt by many.

Dr. Kennedy, a long-time resident of Santa Barbara, was well-known for her dedication to political, cultural, and social causes. Born in Chicago in 1926, Dr. Kennedy and her husband, Jim, moved to the Santa Barbara area in 1972. It did not take long for Dr. Kennedy to become a dynamic presence in the community. In 1986 Dr. Kennedy completed her doctorate at Claremont Graduate University and worked as a lecturer at UCSB, teaching classes in political science, black studies, and constitutional law. In addition to teaching, she was also involved in founding the Black Studies department, as well as the Black Cultural Festival which brings art, plays, and other exhibits to the university.

Dr. Kennedy was a devoted political activist as well. In 1988 she ran Rev. Jesse Jackson's local presidential campaign, and served as a delegate to the party's national convention. Dr. Kennedy has also dedicated countless hours of volunteer time to numerous local, state, and federal campaigns. She was a longtime member of the NAACP and created two local organizations, Not in Our Town and the Building Bridges Community Coalition, both dedicated to fighting racism and building tolerance.

In 2002, through the Building Bridges Coalition, Dr. Kennedy was able to bring an exhibit on a slave ship, the *Henrietta Marie,* to a local museum in Santa Barbara. This exhibit was visited by hundreds of local schoolchildren and residents, and brought a new understanding of the slave trade to thousands of people. It was her dedication to education and community involvement that made Dr. Kennedy such a special person and I am confident that her legacy will live on for many years to come.

The Santa Barbara community suffered a great loss with Dr. Kennedy's passing last month, yet because of her activism and involvement in the community Dr. Kennedy's spirit and teachings will remain among us forever. Dr. Kennedy was a wonderful woman and an inspiration to us all and I am fortunate that this special individual touched my life in so many ways.

HONORING ELIZABETH HESTER RIDDLE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Ms. Elizabeth Hester Riddle. Ms. Riddle was born on November 29, 1902, on the Eastside of Chicago, Illinois. Born to William and Sarah Hester she is the oldest of 7 children and enjoys spending time with her remaining younger siblings Mary and Sally. Ms. Riddle has survived her husband Walter Riddle, son Robert Riddle, and her eldest grandson Robert Riddle, Jr. She is also the grandmother of Karen Appleson, Cindy Petro, and Allison Gunner, and the great-grandmother of two with more on the way.

As the Matriarch of the Hester family and known to her many nephews and nieces as "Aunt Bea", she is generous to a fault. Ms. Riddle has lived her 100 years of life on the Eastside of Chicago, Illinois as a proud American, committed Catholic and a lifetime member of the St. Francis de Sales Parish. She is known for her sharp mind, happy personality, and love of all her friends and family. So we wish her a Happy 100th Birthday and reflect on how she lived through a century of changes and a lifetime of memories as a model of charity and compassion and all around wonderful person.

PAYING TRIBUTE TO BARBRA REMMENGA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with great admiration that I rise today to recognize Barbra Remmenga of Montrose, Colorado. Barbra is a guardian ad litem attorney who is appointed by the courts to represent the best interests of children involved in dependency and neglect proceedings. Recently, Barbra was named Guardian Ad Litem Attorney of the Year by the Colorado Court Appointed Special Advocates. In recognition of her success, I would like to pay tribute to Barbra's career and accomplishments before this body of Congress and this nation.

Barbra has been serving as a guardian ad litem attorney for the Seventh Judicial District of Colorado for the past 11 years. She began her career as a social worker doing child protection casework when she realized the amount of difference she could make as an attorney fighting and defending those in need. Remmenga represents children of all ages in cases that involve physical abuse, neglect, and custody disputes. She views her job as a huge responsibility because she is representing such a vulnerable and defenseless segment of the population. In recognition of her commitment to children's well-being last December, Barbra was honored in Denver at the Seventh Annual CASA Training Conference for her outstanding service.

Mr. Speaker, it is with great pride that I recognize Barbra Remmenga before this body of Congress and this nation. Barbra has served her community with great honor and integrity. Barbra demonstrates genuine concern for the children she represents and always looks out for their best interest. Her commitment and dedication serve as an inspiration to us all, and it is an honor to represent such an outstanding Coloradan in this Congress. Keep up the good work, Barbra.

ON THE RETIREMENT OF MR. EDWARD D. CASEY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. HOYER. Mr. Speaker, I rise today to congratulate Mr. Edward D. Casey on his retirement from the Capital-Gazette Newspapers, and his election to the Maryland press association's hall of fame. I would also like to thank him for his years of service to our community.

For 30 years, Mr. Casey has been the editorial voice of the Capital. In March when he is officially inducted, he will join 35 other outstanding newspaper men and women who have been similarly honored over the years by the Maryland-Delaware-D.C. Press Association.

Mr. Casey is respected throughout Maryland for being a pioneer and effective advocate for the freedom of information project, especially during his service as president of the Maryland-Delaware-D.C. Press Association.

Prior to joining the Capital, Mr. Casey was editor of the Daily Advance in Dover, NJ for six years. He began working in newspapers as a sports editor in 1957 at the Binghamton Press in New York. He also worked as a sports editor for the Endicott Bulletin in New York and managing editor of the Binghamton Sun-Bulletin.

I congratulate Mr. Casey in his retirement, and I wish him every success in his future endeavors.

ASYLUM: AN IDEA IN SEARCH OF A STRATEGY

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. LEACH. Mr. Speaker, below are two op-ed articles written on the subject of possible abdication and asylum for Saddam Hussein and his cohorts.

ASYLUM: AN IDEA IN SEARCH OF A STRATEGY

(By Representative James A. Leach)

Monday Hans Blix will present the report of the U.N. weapons inspectors in Iraq to the U.N. Security Council. Absent a surprise, the report is likely to offer a mixed judgment: no smoking gun, but no assumption that Saddam Hussein has sincerely cooperated with the inspectors or provided credible rationale for his nuclear program or convincing evidence of disarming once held bio-chemical weapons.

Tuesday evening the President will give his annual State of the Union address in which he will undoubtedly make his case for why the U.S. military may be called upon to intervene in Iraq—with or without further U.N. approval.

At this juncture there appears to be only one scenario which has the potential of being a win/win situation for America, the Iraqi people and the world community. That is for Saddam Hussein, his family and cohorts to abdicate power and accept asylum outside Iraq.

The possibility of such an outcome was implicitly contemplated by Secretary Rumsfeld last week when he said that the United States would not seek a trial before a war crimes tribunal if Saddam steps aside peacefully.

There are three existing precedents for such a course. The Ethiopian war lord Mengestu Haile Mariam agreed to asylum and is currently living in Zimbabwe; the notorious African Dictator Idi Amin is currently living in exile in Saudi Arabia; and the former Haitian dictator Jean-Claude "Baby Doc" Duvalier is living in the south of France.

The possibility that Saddam Hussein would find attractive a life of ease in a dacha on the Black Sea or in a villa on the French Riviera may seem improbable. On the other hand, in the face of the overwhelming force being marshaled against his regime, a survivalist might conclude that abdication could be rationalized for the good of his people and for the good life the resources he has absconded with would make possible.

From America's perspective five central conditions for asylum would have to be met: (1) That Saddam's abdication be permanent; (2) that his extended family and cohorts go with him; (3) that he and they commit themselves to abstaining from complicity in future anarchistic or terrorist acts in or outside Iraq; (4) that processes be established for the creation of a more benign, democratic government in Iraq; and (5) that, following the Ferdinand Marcos asylum model, no commitment be made precluding a successor Iraqi government from seeking international legal recourse to recover Saddam's kleptocratic wealth.

From a humanitarian perspective the choice would seem to be a no-brainer. While the motivations of individuals are always difficult to fathom, clearly a U.S.-led intervention would imply a short life expectancy for Saddam, as well as the potential of loss of life for innocent civilians and military personnel on both sides. Equally clearly, Saddam faces the possibility of an embarrassing erosion of his personal power base, with a castle coup increasingly conceivable.

The question with which Saddam is confronted is whether he would rather be a survivor or a failed martyr, whether his legacy in the end will include sacrificing power for his people or sacrificing his people and national spirit on the altar of his egomania.

To increase the possibility that a rational choice be made by an irrational leader, the United States should precipitate the presentation of an abdication option in a carefully modulated way. Asylum must be more than an abstract concept. There must be a strategy, public and private, for its presentation and implementation.

As distrustful as this Administration is of the U.N., there is no more appropriate figure than U.N. Secretary General Kofi Annan to speak on behalf of the world community regarding such a prospect. The Security Council should ask Annan to make a formal offer to Saddam to accept asylum with clear conditions and possibly alternative destinations. Preferably the request should be made with the active support of the Arab League and a commitment of financial support (already hinted at) from countries like Saudi Arabia to fund asylum for the coterie of regime insiders, some of whom might find attractive different destinations than Saddam.

Such as approach may be the only way to avoid a potentially catastrophic conflict while bringing about progressive change in Iraq and the region. It is the only strategy in which the world community and the American government may at this time find common ground. While the chance of Saddam's acquiescence to the asylum concept may be limited (perhaps 10 to 20 percent), failure to press the offer would unconscionable.

ASYLUM II: AN IDEA STILL IN SEARCH OF A STRATEGY

(By Representative James A. Leach)

Now that Secretary Powell has laid down convincing evidence of the Iraqi weapons program and the United States and Britain have massed a significant force in the Middle East to address the threat these weapons represent, it is apparent that the only way the bloodshed of war and the countervailing possibility of terrorist reaction can be avoided is if Saddam Hussein abdicates and accepts an offer of asylum.

Absent the will to use force, asylum is conceptually a non-starter. With the mobilization that has occurred and the case that Secretary Powell has presented to the U.N., Saddam must understand that he has a narrow window, a week or two at most, in which to decide whether he would rather be a survivor or a humiliated military leader subject to a war crimes tribunal in the unlikely event he lives through the next month.

The prospect of asylum may seem unlikely, but it nonetheless deserves pursuing. What is needed is a precise presentation and implementation strategy. Otherwise asylum will remain an abstract concept, unaccepted because it has never been appropriately developed and proffered.

Substantively, asylum demands a host country and a series of quid pro quos, the most important being an agreement of the international community not to prosecute in return for peaceful abdication and credible assurances of non-participation in future violence in or outside Iraq. Initiative for a proposal at this time would, most appropriately, come from the Secretary General of the U.N., preferably with Arab League support.

Given that American military leaders assume a short, decisive conflict, it is fair to ask why a U.S. strategist should not prefer a military to a diplomatic victory. The answer relates precisely to the case Secretary Powell presented to the Security Council. The assumption in Washington that I find credible is that Iraq is unlikely to be the kind of conventional warfare quagmire Vietnam was. The assumption, however, that is more conjectural is the belief of many that Iraq will react to American intervention in 2003 similarly to the hapless defensive way it did in the 1991 Gulf War.

In 1991 Saddam survived by failing to mount much more than token resistance. He recognized that allied goals were limited to rolling back Iraqi aggression in Kuwait. Now our goals are different and his non-conventional war capacities enhance. When a cornered tyrant is confronted with a "lose or use" option with his weapons of mass destruction, and in the Arab world is isolated unless he launches a "jihad" against Israel, we must assume that more than a slight possibility exists that he may consider unleashing bio-chemical weapons against Israel or even American troops or an American city. We also must assume that Moslem radicals around the world might view an American-led intervention against a state that has not attacked us or a neighbor as the opening shot of a war between the Judeo-Christian and Moslem civilizations. The implications, short and long-term, for terrorism against American interests could be large.

Precision of strategy is in order. What is at issue are four goals: (1) The removal of Saddam Hussein and his cohorts; (2) the elimination of weapons of mass destruction in Iraq; (3) the building of a stable Iraqi government capable of being a model civil society in the region; and (4) the continuing effort to thwart terrorism around the globe.

While military intervention may accomplish these purposes, it might also precipitate great loss of life in Iraq and elsewhere. A wiser approach would be to incentivize Saddam to step aside. The challenge is to put as much effort into causing this to happen as we have to preparing for war itself.

INTRODUCTION OF THE RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. LANTOS. Mr. Speaker, today I introduced H.R. 532, the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act" to improve the world's largest urban park.

One of the nation's most visited national parks, Golden Gate National GGNRA comprises numerous sites, including Alcatraz, Marin Headlands, Fort Funston, Fort Mason, as well as Muir Woods National Monument, Fort Point National Historic Site, and the Presidio of San Francisco.

The Rancho Corral de Tierra addition to the GGNRA includes one of the largest undeveloped parcels on the San Mateo coast south of San Francisco, and it contains rugged land that is unparalleled in other areas of the park. These lands consist of some of the last undeveloped acreage adjacent to existing parkland in the Bay Area. Permanent protection of these open spaces will protect and preserve unique coastal habitats of threatened, rare and endangered plant and animal species, curb future disruptive development along the coast, and provide important scenic and recreation opportunities for Bay Area residents and visitors to our area.

This important land conservation legislation was near enactment in the last Congress. In fact both Houses of Congress approved this legislation, but because our bill was included in a package with other unrelated provisions it was not approved in the same form by both Houses.

Mr. Speaker, I urge my colleagues to join me in seizing this unique, exciting and significant opportunity for a public-private-partnership to preserve open space. Companion legislation is being introduced today in the Senate by Senator Dianne Feinstein and Senator Barbara Boxer.

H.R. 532, the "Rancho Corral de Tierra Golden Gate Boundary Adjustment Act" will add three new areas to the GGNRA. These lands are critically situated between existing parkland and would connect national parklands with State parkland and San Mateo County parklands. Adding these lands to park areas in the City of Pacifica would help round out the uneven boundary along the Pacific coast and create a logical and appropriate entrance to the GGNRA for visitors from the south. The lands will also provide important regional trail links between the existing parklands, and would link the congressionally mandated Bay Area Ridge Trail with the California Coastal Trail. The lands would also provide a wildlife corridor for the diverse array of wildlife that inhabit Montara Mountain.

Mr. Speaker, the largest parcel of land included in this bill is comprised of 4,262 acres, and is known as the Rancho Corral de Tierra. This parcel shares three miles of boundary with the GGNRA as well as with a California state park and a San Mateo County park. Its relatively untouched upper elevations preserve habitat for several threatened and endangered plant and animal species. This property also contains four important coastal watersheds, which provide riparian corridors for steel head trout, coho salmon and other aquatic species.

When the owner of Rancho Corral de Tierra recently put this property on the market the Peninsula Open Space Trust (POST) negotiated to purchase the property. POST acquired the site for $29.75 million to save the site from development, to preserve this important natural area, and to donate, through private contributions, a substantial amount for the federal acquisition of Rancho Corral de Tierra.

Mr. Speaker, POST is a local land conservancy trust in the San Francisco Bay Area. It has a remarkable track record in working with and assisting the federal government with the protection of other important open space in the Bay Area. In 1994, POST negotiated acquisition of the Phleger Estate in Woodside and its inclusion in the GGNRA. This provided local residents some 1,300 acres of pristine second-growth redwood forest, and the area has become a primary hiking destination in the mid-Peninsula area. I introduced the legislation that added this important parcel to the GGNRA, and I worked closely with my neighbor and colleague, Congresswoman Anna Eshoo, who took the lead in securing the federal funding of one-half of the purchase price. In this case, POST also provided one half of the purchase price through private donations. POST also assisted the federal government with the protection and acquisition of Bair Island, an important wildlife refuge in San Francisco Bay, which is now managed by the U.S. Fish and Wildlife Service. Congresswoman Eshoo played a key role in the Bair Island acquisition. H.R. 532 also authorizes the National Park Service to include within its boundaries an additional 525 acres of land in the Devil's Slide section of Coastal Highway 1, which is the scenic highway that winds its way along the entire California coast. The Devil's Slide properties are also adjacent to the Rancho Corral de Tierra property. It is my understanding that the California Department of Transportation (Caltrans) will acquire these lands when it builds the Devil's Slide tunnel. This legislation includes the five properties that border the highway alignment and will be abandoned when the tunnel is completed. Since these properties will have no access once the Devil's Slide road is abandoned, Caltrans will purchase these properties from their current owners. It is my understanding that Caltrans will donate these properties to a state park agency for open space use. Caltrans will also relinquish the abandoned Highway 1 alignment to San Mateo County, which will transfer these properties to a park agency after the tunnel is completed. I want to make something particularly clear, Mr. Speaker. It is not the intention of this legislation to give the federal government any responsibility for the acquisition of land or the construction or completion of the Devil's Slide tunnel. This legislation has nothing to do with the matter of the highway and tunnel construction. This legislation will simply make it possible for Caltrans to donate these properties to the National Park Service when the Devil's Slide tunnel is completed and when the National Park Service has determined the acquisition of these lands is appropriate. Mr. Speaker, H.R. 532 also includes within the GGNRA boundary the Caltrans-owned Martini Creek-Devil's Slide Bypass right-of-way, which was originally purchased by Caltrans for the purpose of building a highway across Montara Mountain. When San Mateo County voters overwhelmingly decided in a local referendum in favor of the Devil's Slide tunnel rather than the Martini Creek Bypass in 1996, this right-of-way became obsolete. This property, which covers approximately 300 acres, bisects the proposed additions to the GGNRA and will provide important recreation access to the surrounding parklands. It is my understanding that once the GGNRA boundary is adjusted to include this right-of-way, Caltrans will be able to donate this property to the National Park Service. Mr. Speaker, H.R. 532 will also reauthorize the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission for 10 years. The GGNRA and Point Reyes Advisory Commission was established by Congress in 1972 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice from members of the public on problems pertinent to the National Park Service Parks or sites in Marin, San Francisco, and San Mateo Counties. The Advisory Commission holds open and accessible public meetings monthly at which the public has an opportunity to comment on park-related issues. The Advisory Commission is an invaluable resource for park management. It provides an important forum for the gathering and receipt of public input, public opinion and public comment and allows the park to maintain constructive and informal contacts with both the private sector and other federal, state and local public agencies. The Advisory Commission aids in strengthening the spirit of cooperation between the National Park Service and the public, encourages private cooperation with other public agencies, and assists in developing and ensuring that the park's general management plan is implemented. As part of its regular monthly hearing process, the Advisory Commission held public hearings on this legislation in Half Moon Bay, California. Advisory Commission members heard overwhelming public support for the boundary study for "Rancho Corral de Tierra GGNRA Boundary Adjustment Act" that was produced by Peninsula Open Space Trust in consultation with the National Park Service. All Advisory Commission meetings are open to the public and an official transcript of each meeting is on record and available to the public. The activities and contributions of the Advisory Commission are critical to the efficient operation and management of the two adjoining national park units of Point Reyes National Seashore and the GGNRA. Mr. Speaker, preserving our country's unique natural areas must be one of our highest national priorities, and it is one of my highest priorities as a Member of Congress. We must preserve and protect these areas for our children and grandchildren today or they will be lost forever. Adding these new lands in San Mateo County to the GGNRA will allow us to protect these fragile areas from development or other inappropriate use that would destroy the scenic beauty and natural character of this key part of the Bay Area.

Mr. Speaker, this bill was agreed to by both Houses in the 107th Congress and should have been enacted, but issues unrelated to the Golden Gate National Recreation Area precluded its final passage. I am hopeful that the House will take up this bill where we left off last year, complete legislative action, and enact H.R. 532 expeditiously. The Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act has the support of the Bay Area Congressional Delegation. Joining me as co-sponsors are my distinguished colleagues, NANCY PELOSI, GEORGE MILLER, ANNA ESHOO, BARBARA LEE, ELLEN TAUSCHER, MIKE HONDA, MIKE THOMPSON, PETE STARK, and ZOE LOFGREN. I urge my colleagues to take advantage of this unique opportunity to preserve these important lands for addition to our national parks and support passage of H.R. 532, the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act.

HOUSE OF REPRESENTATIVES—*Friday, February 7, 2003*

Friday, February 7, 2003

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 7, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Barry Cook, Ambassador Family Church, Oceanside, California, offered the following prayer:

Father God, we welcome You in the name of Your only son, Jesus Christ, to make petition before You on behalf of this great Nation.

We pray first for our Armed Forces. Thank You for providing America with the best-trained and -led military force in the world today. May You guide and protect those engaged in conflict. Give wisdom to everyone involved in the elimination of terrorism. Provide insight to our national authorities on ways to guard and defend the safety of all Americans, both home and abroad. Bring comfort to all those who are suffering loss as a result of various national crises.

For these Representatives today, give them wisdom to make decisions to strengthen and prosper our Nation. Cause Congress to be motivated more by Your hand than partisan or personal concern. Let all those who hear Your word turn to You for guidance, courage, and hope.

Lord, we again pray the words of George Bush, our 41st U.S. President: Be with us, as You were with our fathers. May You not leave us or forsake us, so that we may incline our hearts to You, to walk in all your ways, that all peoples of the Earth may know that the Lord is God. There is no other.

In Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2003.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2003 at 9:10 a.m.

That the Senate passed without amendment H.J. Res. 18.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
(For Jeff Trandahl, Clerk of the House).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, February 6, 2003:

House Joint Resolution 18, making further continuing appropriations for the fiscal year 2003, and for other purposes.

COMMUNICATION FROM ASSOCIATE ADMINISTRATOR, OFFICE OF HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Office of Human Resources, Office of the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2003.

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Payroll Office has been served with a civil subpoena for documents issued by the Circuit Court for Cook County, Illinois.

After consulting with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator,
Office of Human Resources.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 18. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 6, 2003 he presented to the President of the United States, for his approval, the following bills:

H.J. Res 18. Making further continuing appropriations for the new fiscal year 2003, and for other purposes.

H.R. 16. To authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, February 11, 2003, for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, February 11, 2003, at 12:30 p.m., for morning hour debates.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Anibal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J.D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. "Buck" McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C.L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W.J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

551. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Reporting and Disclosure Requirements for State Member Banks with Securities Registered Under the Securities Exchange Act of 1934 [Regulation H: Docket No. R-1129] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-582, "Closing of a Drainage Alley and Portions of Burns Place, S.E., and C Street, S.E., and the Dedication of Burns Court, S.E., and Cape Drive, S.E., S.O. 01-2143, Act of 2002" received Feburary 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

553. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-583, "Closing of Portions of Virginia Avenue, S.E., K Street, S.E., L Street, S.E., and 7th Street, S.E., and Transfer of Jurisdiction of Reservations 19 and 124, S.O. 02-2677, Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

554. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-584, "Cady's Alley Designation Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

555. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-585, "Closing of a Public Alley in Square 484, S.O. 02-601, Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

556. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-586, "Closing of a Portion of a Public Alley in Square 209, S.O. 02-1019 Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

557. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-587, "Real Property Classification Clarification Temporary Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

558. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-588, "Eastern Avenue Tour Bus Parking Temporary Amendment Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

559. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-589, "Towing Vehicles Rulemaking Authority Continuation Temporary Act of 2002" received February 6, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

560. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-590, "Standard Valuation and Nonforfeiture Temporary Amendment Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

561. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-591, "Unemployment Compensation Services Temporary Act of 2002" received February 6, 2003, pursuant to

D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

562. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-577, "Hotel Development Projects Labor Peace Agreement Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

563. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-579, "Vacant and Abandoned Properties Community Development and Disapproval of Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

564. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-580, "Establishment of the Capitol Hill Business Improvement District Amendment Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

565. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-581, "Closing of a 18.08 Foot Wide Public Alley in Square 4543, S.O. 01-3587 Act of 2002" received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

566. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — U.S. source income effectively connected with U.S. business (Rev. Rul. 2003-17) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

567. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule — Forms and instructions (Rev. Proc. 2003-21, 2003-6 I.R.B.) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 650. A bill to amend the Real Estate Settlement Procedures Act of 1974 to provide for homeowners to recover treble damages from mortgage escrow servicers for failures by such servicers to make timely payments from escrow accounts for homeowners insurance, taxes, or other charges, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 651. A bill to amend the Internal Revenue Code of 1986 to allow married individuals who are legally separated and living apart to exclude from gross income the income from United States savings bonds used to pay higher education tuition and fees; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 652. A bill to assure that the American people have large areas of land in healthy natural condition throughout the country to maximize wildland recreational opportunities for people, maximize habitat protection for native wildlife and natural plant communities, and to contribute to a preservation of water for use by downstream metropolitan communities and other users, through the establishment of a National Forest Ecosystem Protection Program composed of lands within existing wilderness areas and adjacent primitive areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 653. A bill to establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 654. A bill to require the head of each Federal agency in the Department of the Interior to consider whether actions of the agency have any disparate impact on any member of a racial, ethnic, or religious minority; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. Green of Wisconsin, Mr. Castle, Mr. Kennedy of Minnesota, Mr. Miller of Florida, Mr. Pitts, Mr. Jones of North Carolina, Ms. Hart, Mr. Sam Johnson of Texas, Mr. Bereuter, Mr. Terry, Mr. Bachus, and Mr. Burton of Indiana):

H.R. 655. A bill to bar Federal agencies from accepting for any identification-related purpose a State-issued driver's license, or other comparable identification document, unless the State requires a license or comparable document issued to a nonimmigrant alien to expire upon the expiration of the alien's authorized period of stay in the United States, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 656. A bill to establish the National Commission on Youth Crime and School Violence; to the Committee on Education and the Workforce.

By Mr. BAKER (for himself, Mr. Frank of Massachusetts, Mr. Green of Wisconsin, Ms. Norton, Mr. Foley, Mrs. Maloney, Mr. Weldon of Florida, Mr. Hoeffel, Mr. Frost, Mr. Kildee, Mr. McGovern, Mr. LaTourette, Mr. Rahall, Mr. Hinchey, Mr. Boehlert, Mr. Hayes, Mr. Smith of New Jersey, Mr. Doyle, and Mr. Goode):

H. Res. 60. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued on the subject of autism awareness; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Waxman, Mr. Gillmor, Mr. Simmons, Ms. McCollum, Mr. Schrock, Mr. Hinchey, and Ms. Roybal-Allard.

H.R. 63: Mr. Filner.

H.R. 66: Mr. Filner.

H.R. 120: Mr. Tiahrt, Mrs. Musgrave, and Mr. Gillmor.

H.R. 155: Mr. Baker.

H.R. 193: Mr. Burton of Indiana.

H.R. 195: Ms. Berkley.

H.R. 219: Mr. LaHood.

H.R. 220: Mr. Beauprez and Mr. Kildee.

H.R. 282: Mr. Gillmor, Mrs. Musgrave, Mr. Tiahrt, Mr. Lipinski, and Mr. Burton of Indiana.

H.R. 307: Mr. Tiahrt.

H.R. 383: Mr. Souder.

H.R. 414: Mr. Emanuel.

H.R. 483: Mr. Janklow.

H.R. 487: Mr. Nadler.

H.R. 488: Mr. Peterson of Pennsylvania.

H.R. 521: Mr. Davis of Illinois.

H.R. 594: Mr. Thompson of California, Mr. King of New York, Ms. Eshoo, Mr. Dooley of California, and Mr. Clay.

H.R. 643: Mr. Bachus, Mr. Lantos, and Mrs. Maloney.

H.J. Res. 6: Mr. Tiberi.

H. Res. 32: Mr. Case, Mr. Kleczka, Mr. Clay, Mr. Stark, Mr. Frank of Massachusetts, Ms. Waters, Mrs. Maloney, Ms. Schakowsky, Mr. Ford, Mr. Gutierrez, Mr. Kucinich, Ms. Roybal-Allard, Mr. Crowley, and Mr. Watt.

EXTENSIONS OF REMARKS

TRIBUTE TO MICHAEL WAYNE MARRIOT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Michael Wayne Marriott, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 120, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in Scout activities like Camp Geiger. Over the 9 years he has been involved in Scouting, he has held numerous leadership positions, serving as Librarian, Den Chief, Patrol Leader and Junior Assistant Scoutmaster. Michael also has been honored for his numerous Scouting achievements with the award of the Warrior in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Michael constructed picnic tables for the Missouri Department of Conservation for use by the public at the Poosey Conservation Area near Chillicothe, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Michael Wayne Marriott for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INDIA EXPELS MISSIONARY AFTER HE IS SEVERELY BEATEN BY HINDU RADICALS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. TOWNS. Mr. Speaker, I was outraged to learn that a Christian missionary, Joseph Cooper, an American, was recently expelled from India. You see, Mr. Cooper came to the Indian government's attention after its radical, violent Hindu nationalist allies beat him so badly that he spent a week in an Indian hospital. He was expelled from the country on leaving the hospital.

Mr. Cooper was expelled simply for preaching, in another demonstration of the religious intolerance that characterizes India's "secular democracy." India has also demonstrated its secularism and tolerance when states ruled by the ruling BJP, such as Gujarat and Tamil Nadu, enacted laws prohibiting anyone from changing his or her religion, unless the person is changing to Hinduism. A Cabinet minister said that everyone who lives in India must either be Hindu or be subservient to Hindus.

The expulsion of Mr. Cooper brings to mind the disturbing case of Graham Staines, an Australian missionary who was burned to death along with his two young sons while they slept in their jeep. After this murder, Mr. Staines's widow was also expelled from India. A mob set fire to the jeep and chanted "Victory to Hannuman," a Hindu god. Since Christmas 1998, nuns have been raped, priests have been murdered, churches have been burned, schools and prayer halls have been attacked, and other acts of violence against Christians have been committed. Over 200,000 Christians in predominantly Christian Nagaland have been murdered by the Indian government.

It would be bad enough if Christians were the only victims of this violent radicalism, Mr. Speaker, but they are not. Sikhs, Muslims, and other minorities are also being victimized and terrorized. More than 250,000 Sikhs have been murdered by the Indian government since 1984. Two reports have confirmed that Indian forces killed 35 Sikhs in the village of Chithisinghpora in March 2000. Indian forces were caught red-handed trying to burn down a Gurdwara (a Sikh place of worship) and some Sikh homes in a village in Kashmir. 52,268 Sikhs are being held as political prisoners, according to a report by the Movement Against State Repression (MASR.) Some of them have been in this illegal detention since 1984! I am proud to have been a signer and sponsor of a letter to President Bush last year asking him to help free these political prisoners. In addition to over 52,000 Sikhs, tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International.

Between 2,000 and 5,000 Muslims were murdered in Gujarat last spring. According to Indian newspapers, the police were ordered to stand aside and do nothing to stop the massacre, in an eerie parallel to the 1984 Delhi massacre of Sikhs. The Indian press also reported that the Indian government planned the Gujarat massacre in advance. Over 85,000 Muslims have been murdered in Kashmir. In addition, tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities have been killed by the Indian government.

Mr. Speaker, all of these acts have either been carried out by government forces or by radical Hindu nationalists who are part of the umbrella organization known as the RSS, which was formed in support of the Fascists. The ruling BJP is the political arm of the RSS. This is unacceptable. America must take a stand. We must work to stop these killings and attacks and to get all political prisoners freed. It is time to cut off our aid and trade with India and we should pass a resolution in support of self-determination for the Sikh homeland of Punjab, Khalistan, for Kashmir, Nagaland, and everyone else seeking freedom from radical Hindu repression. The essence of democracy is the right to self-determination. As the leader of the democratic world, we must hold India to these standards of true democracy. Only then will everyone in South Asia live in freedom, dignity, prosperity, and peace.

Mr. Speaker, I would like to place an article from The Hindu on Mr. Cooper into the RECORD at this time.

U.S. MISSIONARY ATTACKED

THIRUVANANTHAPURAM, Jan. 14.—A 60-year-old American national and Protestant missionary, Joseph Cooper, was grievously injured when he was attacked by a 10-member armed gang of suspected RSS activists near a gospel convention venue at the Koppam Harijan colony in the Kilimanoor police station limits near here late on Monday night.

Police said that seven other persons, including a preacher and his family accompanying Mr. Cooper, were also injured in the attack. Mr. Cooper, hailing from New Castle in the U.S., sustained a deep cut on his right palm. He is under treatment at a private hospital here.

Mr. Cooper had come to Kilimanoor to speak at the Koppam Protestant Convention organised by the Puliyam Friends Bible Church. He and his fellow church members were waylaid by the armed gang while they were being escorted back to their vehicles from the convention venue at around 9:45 p.m., police said.

The assailants first exploded a cracker to create panic. They detained the missionary and other preachers for a few minutes before attacking them with short sticks, swords and crowbars.

Among those injured are the preacher Benson (37), his wife, Sali Benson, children Joy and Judith, Jayakumar and Mercy Christudas. Police said the attackers fled when other church members rushed to the rescue of Mr. Cooper. The injured were rushed to the Medical College Hospital.

In a statement to police, Mr. Benson alleged that the attack was carried out by local RSS workers led by an autorickshaw driver. Police have arrested Raju (34), a former Kilimanoor RSS functionary.

The Circle-Inspector (Kilimanoor), D. Rajagopal, said there was no history of communal discord at the Koppam Harijan colony where about 60 families lived. Some of the families practised both the Christian and Hindu faith.

When contacted, the SP (Rural), T.K. Vinod Kumar, said that police raids were on to arrest the rest of the accused. RSS and BJP workers, meanwhile, took out a march to the Kilimanoor police station demanding the release of those arrested. When contacted, the RSS Jilla saha karyavah, R. Santhosh, said that his organisation had nothing to do with the attack. He alleged that the speeches made by the U.S. missionary and other preachers at the convention were "communally inflammatory" and "insulting to practitioners of the Hindu faith."

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. BACA. Mr. Speaker, our Nation and the entire world mourn the passing of the crew of the Space Shuttle *Columbia*. They were brave individuals committed to challenging the limits of our knowledge and to the advancement of humanity. These brave souls have left us, but their spirit will remain forever.

Our Nation will always remember these heroes—Commander Rick D. Husband, Pilot William C. McCool, Payload Commander Michael P. Anderson, Mission Specialist David M. Brown, Mission Specialist Kalpana Chawla, Mission Specialist Laurel Blair Salton Clark, and Payload Specialist Ilan Ramon. I ask the Almighty to guard the souls of these greatest examples of humanity, and that they be loved and remembered with the deepest of gratitude and admiration for their dedication to advancing our understanding of the universe and discovering ways that science can improve our lives.

Thanks to missions like that of the Space Shuttle *Columbia*, we live, you might say, in a completely different universe than we did a generation ago, and our children will live in a totally different universe in their adulthood than we do now. We forge this path of progress from the sacrifices of brave souls like the crew of the *Columbia*. It is at times of grief that we find the higher purpose in our lives—our faith in God, love of family, and a dedication to the advancement of humanity.

We find ourselves conflicted by the pain of losing some of the greatest examples of humanity and overcoming our fear of breaking from the shell of our known universe and receiving with open arms the wealth of knowledge that awaits us. In the end, we must surrender to our scientific impulse and our restless, altogether human curiosity about the physical universe. We are incapable of nothing, and, like the universe and the love in our hearts, our future is without limits.

TRIBUTE TO NICHOLAS JORDAN HAGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nicholas Jordan Hager, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 120, and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in such Scout activities as Camp Geiger, Cosmosphere and the Philmont Scout Ranch, the Atikokan Canoe Base in Canada and the National Scouting Museum. Over the 9 years he has been involved in Scouting, he has held numerous leadership positions, serving as assistant patrol leader, patrol leader troop guide, assistant senior patrol leader and junior assistant scoutmaster. Nicholas also has been honored for his numerous Scouting achievements with such awards as the 50 Miler Award and the Firebuilder in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Nicholas constructed an ornamental garden wall at the west side of the south entrance of Danner Park in Chillicothe, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Nicholas Jordan Hager for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. KUCINICH. Mr. Speaker, these brave men and women, representing the best of America and the world, gave the greatest sacrifice for the betterment of humanity. They knew the risks of their heroic enterprise. Their courage is the finest example of human aspirations, of reaching up to create an undreamed-of future. They are true heroes. They pushed the limits of technological and human potential and in doing so inspired our Nation and the world. Their memories will long endure.

Imagine a world with less air pollution, less dependence on oil, new fire suppression technologies, better earthquake resistant buildings, better weather prediction models, and better medical techniques to fight cancer, diabetes, and antibiotic resistance. This is the world the astronauts aboard *Columbia* were striving for. By carrying out more than 80 scientific experiments to expand our knowledge in these and other fields, the seven astronauts were tackling today's big issues with big science. They were pushing scientific boundaries to provide clues to issues we have been unable to resolve here on Earth.

In my district resides the NASA Glenn Research Center, whose scientists were well acquainted with the seven shuttle astronauts who we lost in this tragedy. The crewmembers had traveled to Glenn several times a year for training on the scientific experiments. They were family to our NASA researchers in Cleveland.

In their memory, we will push forward. We will continue to apply big science to resolve our big challenges. The scientists in Cleveland's NASA Glenn Research Center and across the Nation will strive for better solutions out of respect for the crew of *Columbia*. May they rest in peace.

SIKH LAWYER'S REFUSAL TO REMOVE TURBAN HELPS TO EXPAND CIVIL RIGHTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. TOWNS. Mr. Speaker, on January 28, the New York Times ran an article about New Jersey lawyer Ravinder Singh Bhalla. Mr. Bhalla won a significant victory for civil rights when he got the rules changed regarding searches at our prisons.

Mr. Bhalla went to visit a client at the Metropolitan Detention Center in Brooklyn, where I am from. The guards would not let him in because he refused to remove his turban. Mr. Bhalla informed the guards that the turban is not a hat, but is a religious symbol required of all observant Sikhs. Mr. Bhalla is of the Sikhs faith. He cited his first amendment right to practice his religion and his fourth amendment protection against unreasonable searches, noting that he had already passed through the metal detector. He also cited his client's sixth amendment right to see his lawyer, a right that could not be exercised unless Mr. Bhalla was allowed into the prison.

Mr. Bhalla took his case to the Federal District Court in Newark. Then on January 17, the Federal Bureau of Prisons changed the policy, saying that turbans, prayer shawls, yarmulkes, and other religious items do not have to be searched. I commend the Bureau of Prisons for this enlightened decision, and I commend Mr. Bhalla for taking a stand on principle. By doing so, he has raised awareness of the rights of the Sikhs in this country and made all Americans more conscious of civil rights for all members of our diverse society.

Sikhs have been subjected to attacks and violence in the wake of the horrible September 11 attacks. A Sikh gas station operator was murdered in his gas station in Arizona simply because he wore a turban. All in all, there have been over 300 attacks on Sikhs. These attacks stem mostly from ignorance coupled with Americans' legitimate anger at the events of September 11. Because Osama bin Laden wears a turban, some ignorant people assume that anyone who wears a turban is a terrorist and an enemy of this county. Nothing could be further from the truth, as Mr. Bhalla showed us. There are over 500,000 Sikhs in this country and they are proud Americans who contribute in all walks of life from law and medicine to farming. One Sikh American, Dalip Singh Saund, served two terms in the House in the late fifties and early sixties.

African-Americans have been through the civil rights struggle; in some ways we are still fighting it. As Mr. Bhalla says, Sikhs are going through many of the same things. By taking a stand for his rights, Mr. Bhalla has expanded Americans' awareness of Sikhs and expanded our tolerance as a society, something that benefits us all.

Mr. Speaker, I would like to place the New York Times article on Mr. Bhalla into the RECORD.

[From the New York Times, Jan. 28, 2003]

HOW ONE MAN TOOK A STAND AND CHANGED FEDERAL POLICY TOWARD THE SIKH COMMUNITY

(By Ronald Smothers)

NEWARK, Jan. 27.—When guards at Brooklyn's Metropolitan Detention Center demanded last September that a Newark lawyer let them search his turban before being admitted to visit a client, they may have not have known much about the traditions of his Sikh faith.

"To a Sikh, removing his turban in public is the same as a strip-search and as intrusive as asking a woman to remove her blouse," said the lawyer, Ravinder Singh Bhalla.

But Mr. Bhalla, 29, knew quite a bit about the traditions of American law. Born in New Jersey of immigrant parents and educated at the University of California, the London School of Economics and Tulane University Law School, he knew his rights and was not afraid to list them, one by one.

There was his First Amendment right to practice his religion, including the ritual public wearing of the head covering, he told the guards. Then he expounded on his Fourth Amendment right against unreasonable searches, since he had already passed through the metal detector without setting off alarms. Finally there was his client's Sixth Amendment right to the lawyer of his choice—a right that could be exercised only if Mr. Bhalla forfeited his own rights.

Mr. Bhalla refused to remove his turban, and the guards refused to let him in. But on Jan. 17, the federal Bureau of Prisons issued a clarification of its search policy, after Mr. Bhalla asserted all of these rights in Federal District Court here, before the Office of the Inspector General of the Department of Justice in Washington and, armed with letters of support from a host of Sikh groups, directly to the Bureau of Prisons hierarchy.

Dan Dunn, a spokesman for the bureau, said that religious garments like turbans, prayer shawls or yarmulkes need not be considered part of the routine searches of personal effects that prison guards must make of visitors. They could be searched, he said, if there is a "reasonable suspicion that the person is about to engage in or is engaging in criminal activity."

What Mr. Dunn described as a simple clarification of policy is being hailed as a milestone by Mr. Bhalla and others. They say that by treating searches of religious garments as distinct from other personal-effects searches and subjecting them to stricter requirements, the agency is recognizing their intrusiveness.

"This marks a significant improvement in agency policy," said Harpreet Singh, the director of the Sikh Coalition, an amalgam of groups representing the nation's estimated 500,000 Sikhs. The group was founded just after Sept. 11, 2001, when many Sikhs found themselves the objects of suspicion at airports and elsewhere.

Since the terror attacks, he said, his group has won concessions from the federal Department of Transportation on airport security searches of Sikhs, given the faith's prohibitions against removing turbans, as well as the requirement among the more devout that they carry a "kirpan," or dagger.

Under the department's revised procedures, turbans will not be searched unless there is a positive reading on a metal detector. For their part, Sikh groups have agreed that it is legitimate to require those carrying daggers to secure the items in their checked luggage.

"But the broader significance of all of this is that we are educating a broader range of people about Sikhs and our rights," Mr. Singh said.

Sikhism, a monotheistic religion, dates back to the 15th century in the Punjab region of what is now India. Its doctrine has evolved through a succession of prophets or gurus, and in an atmosphere of persecution by the larger numbers of Hindus and Muslims in South Asia. One of Sikhism's main requirements is that adherents not cut their hair, which is considered a visible testament to their connection with their creator, especially in times of persecution.

Mr. Bhalla said many people mistakenly believe that the Sikh turban is a hatlike garment molded in one piece. It is actually a long swath of cotton, 3 feet by more than 15 feet, which takes Mr. Bhalla 15 minutes each morning to fold and carefully wind onto his head.

In taking on Mr. Bhalla at the gates of the Metropolitan Detention Center, guards may have picked the wrong person, said Gerald Krovatin, a New Jersey criminal lawyer in whose firm Mr. Bhalla works. Mr. Krovatin said that last November his colleague was one of the founding members of the national Sikh Bar Association and the only one among the estimated 50 Sikh lawyers in the country who is a criminal litigator.

Perhaps the seminal moment for Mr. Bhalla came in a federal courtroom in Newark when he was just 13. He and his father were attending a hearing for two Sikh community leaders whom the United States attorney's office was trying to extradite to India as suspected terrorists.

Mr. Bhalla recalled that SWAT teams and snipers were stationed outside the court, and plainclothes agents shadowed his and his father's every step because the judge and the prosecutor had reported receiving death threats. It turned out that the prosecutor in the case was the one sending the death threats, apparently in an effort to heighten the sense of danger.

Mr. Bhalla said the incident taught him how "ridiculous" sterotyping and prejudice could be.

"Right now Sikhs are going through some of the same things that African-Americans went through, and like them we are learning the importance of having some political power and knowing how the system works," he said. "But we are just starting."

TRIBUTE TO AARON MARK DUNN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Aaron Mark Dunn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, troop 120, and in earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in such Scout activities as Camp Geiger, Cosmosphere and the Philmont Scout Ranch and the Atikokan Canoe Base in Canada. Over the 6 years he has been involved in Scouting, he has held numerous leadership positions, serving as assistant patrol leader, patrol leader troop guide and junior assistant scoutmaster. Aaron also has been honored for his numerous Scouting achievements with such awards as the 50 Miler Award and the Firebuilder in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Aaron renovated, repaired and painted the Wheeling Municipal Ball Park in Wheeling, Missouri. Mr. Speaker, I proudly ask you to join me in commending Aaron Mark Dunn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING GUEST CHAPLAIN, PASTOR BARRY COOK, AMBASSADOR FAMILY CHURCH, OCEANSIDE, CA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. ISSA. Mr. Speaker, it is my privilege to introduce our guest chaplain, Senior Pastor Barry Cook, of the Ambassador Family Church in Oceanside, California.

Pastor Barry Cook was born in Salisbury, North Carolina. He attended Logos Christian College and has a doctorate in Ministry, Christian Leadership, and Church Growth. Dr. Cook has been a full-time minister for almost 20 years.

Pastor Cook is joined today by his wife Terri, whom he has been married to for 13 years. He is also joined by his daughter, Joy, who is a fourth grader at Vista Christian School.

After opening its doors seven years ago, Ambassador Family Church has quickly grown to approximately 800 attending members. Pastor Cook has been very active in outreach efforts to the community through local food and clothing distribution, financial recovery seminars, leadership classes and marriage and family counseling.

Mr. Speaker, I would like to thank Chaplain Coughlin for his invitation to Pastor Cook to offer the invocation. I would also like to thank the Cooks for traveling to our Nation's capital to be with us today.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I join my colleagues and all America in extending heartfelt sympathy and sincere appreciation to the families of the Space Shuttle *Columbia* crew and the entire NASA family. We are honored by the sacrifices these families have made supporting their loved ones in the space program.

When the *Columbia* did not return as scheduled on February 1, 2003, the former employees of a now closed aerospace plant, as well as the local residents, felt a particularly painful loss. Key portions of the mighty Space Shuttle *Columbia* were built in my Congressional District at the former Rockwell International plant in the City of Downey.

Years before most Americans would become familiar with NASA's space shuttle program, construction of *Columbia* was in full swing at the Rockwell plant in Downey. The crew modules, the rear fuselage and the forward reaction control system were all constructed locally with dozens of subcontractors contributing to the effort. At its peak, the project employed 14,000 local residents.

The men and women who helped build the *Columbia* took great pride in their labor and in each of the shuttle's successful flights. It was their work that built the shuttle, that put it and its crew in space and that safely brought them all home again. For them, the *Columbia* truly was a labor of both love and pride.

Losing the *Columbia* was a particularly emotional blow for workers of the former shuttle-manufacturing plant since they had also worked on the Space Shuttle *Challenger*. For the people of Downey and the former employees of Rockwell, the crews of the *Columbia* and the *Challenger* will forever have a special place in their hearts and in the history of the city.

I commend Downey's civic and business leaders for their current efforts to utilize the now-empty birthplace of the early shuttles as the linchpin of their economic revitalization efforts. Their plans to include a space museum and learning center on this site to honor the crew of the *Columbia* and to remember the important role this great city played in the history of our Nation's aerospace program is now all the more appropriate and poignant. The *Columbia* and the *Challenger* will live on for local residents and visitors alike when the space museum is built.

Mr. Speaker, today we are all humbled by the ultimate sacrifice the courageous men and women of the *Columbia* made on behalf of their Nation. I salute the crew of *Columbia* and the men and women of my district who helped build the shuttle and deliver it into space and into history.

TRIBUTE TO CHRISTOPHER PHILLIP THISTLETHWAITE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Phillip Thistlethwaite, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 120, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in such Scout activities as Camp Geiger, Cosmosphere, the National Scouting Museum, Atikokan Canoe Base in Canada and the Philmont Scout Ranch. Over the 11 years he has been involved in Scouting, he has held numerous leadership positions, serving as librarian, quartermaster, assistant patrol leader, assistant senior patrol leader, senior patrol leader and the junior assistant scoutmaster. Christopher also has been honored for his numerous Scouting achievements with the awards of the Tom-Tom Beater in the Tribe of Mic-O-Say Award and the 50 Miler Award.

For his Eagle Scout project, Christopher constructed an ornamental garden and wall at the east side of the south entrance of Danner Park in Chillicothe, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Christopher Phillip Thistlethwaite for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

BURN AWARENESS WEEK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. TOWNS. Mr. Speaker, I ask our colleagues to join me in recognizing the importance of National Burn Awareness Week. Burn Awareness Week is February 2–8, and provides an opportunity to educate children and families about the risks that lead to unfortunate and tragic accidents, particularly for the youngest and most vulnerable—our babies and children.

Unfortunately, infants and young children face greater risks from burn injuries than adults or older children. They rely more on the adults around them to ensure their environment is safe and free from potential burn-causing hazards. That is why in addition to treating over 20 percent of all pediatric burns in the Nation at their four national burn centers in Boston, Galveston, Cincinnati and Sacramento, Shriners Hospitals focus on education and prevention of burn injuries.

The Shriners Hospitals for Children is a unique charitable organization that has never sought nor received federal, state, local or third party funding of any kind. Additionally, Shriners Hospitals are distinctive in that they offer full physical, psychological, and emotional care to all the children they treat.

The annual budget for the 22 orthopaedic and burn hospitals totals over half a billion dollars, and has an active patient roster of over 156,000 children. It is obvious how important the Shriners Hospitals are to the health of our children. The Shriners Hospitals are 100 percent free, despite the fact that they will spend $1.5 million dollars on children every 24 hours in 2003.

In recognition of Burn Awareness Week, Mr. Speaker, I ask my colleagues to commend such charitable organizations as the Shriners Hospitals that contribute greatly to the care, education, and research necessary to treat and work to prevent children's burn accidents. I also intend to support the Shriners Hospitals' efforts by sponsoring a bill that will help to prevent burn accidents by strengthening the flammability standards for children's sleepwear. I hope my colleagues will help to support me in this effort.

HONORING WILLARD HUNTER, HUMBOLDT COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Willard Hunter, M.D., Clinical Director of Open Door Community Health Centers, Humboldt County, California, honoring 25 years dedicated to family practice medicine in Northern California.

Dr. Hunter received his BA with honors in Economics from Harvard University in 1970. In 1974 he graduated from the medical school of the University of California, Los Angeles and went on to complete his residency in Family Practice medicine at the University of California, Davis. He is Board Certified in Family Practice and Geriatric Medicine.

In an outstanding career dedicated to patient care, Bill Hunter has served as Medical Director, Redwoods Rural Health Center; Chief of Staff, Southern Humboldt Community Hospital and Clinical Director, Open Door Community Health Centers. In addition, he conducted teaching preceptorships for students of the University of California at Davis, Santa Rosa Community Hospital and Stanford University Medical Center.

Through his leadership and medical direction, Dr. Hunter plays a role in the care of one out of every four residents of the North Coast. During his career, he has personally provided more than 100,000 medical visits to 10,000 individuals. In addition to his medical skills, he is a fine athlete, a great fiddle player and a devoted father.

Dr. Hunter is widely admired and respected by his colleagues, patients and co-workers for his professional knowledge and skill and his open and friendly manner.

Mr. Speaker, it is appropriate at this time that we recognize Dr. Willard Hunter for his devotion to the practice of medicine and for his exceptional contributions and service to the people of California.

TRIBUTE TO LUCAS JAMES CAVIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lucas James Cavin, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 120, and in earning the most prestigious award of Eagle Scout.

Lucas has been very active with his troop, participating in such Scout Activities as Camp Geiger, Cosmosphere and the Philmont Scout Ranch. Over the 9 years he has been involved in Scouting, he has held numerous leadership positions, serving as assistant patrol leader, patrol leader troop guide, assistant senior patrol leader, senior patrol leader, troop guide and junior assistant scoutmaster. Lucas also has been honored for his numerous Scouting achievements with such awards as the 50 Miler Award and the Warrior in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Lucas chose to complete an outside accessible enclosed break area for the staff and visitors of Hedrick Medical Center in Chillicothe, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Lucas James Cavin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mrs. McCARTHY of New York. Mr. Speaker, as the Nation mourns the loss of seven brave men and women, I rise in support of H. Res. 51, a resolution expressing condolences to the families of the crew of the *Columbia* space shuttle, who perished this past weekend.

On February 1, 2003, the country watched in horror as the space shuttle *Columbia* broke up over Texas. Astronauts have a special dedication to their jobs, community and fellow man. They go up into space to meet scientific challenges for all of us here on Earth, in spite of the risks. To do this, they train hard physically, mentally and emotionally—they are the consummate professionals. They are fearless men and women.

Space shuttle mission STS–107 was the 28th flight of the shuttle *Columbia,* and the 113th shuttle mission to date. Its mission was to provide 70 international scientists access to both the environment of space, and set of seven human researchers for 16 days. The astronauts on board worked 24 hours a day in alternating shifts, to carry out important experiments in the areas of astronaut health and safety, advanced technology development and Earth and space sciences. The work the astronauts were doing included experiments to help further progress in combating prostate cancer, to develop techniques to improve efficiency of anti-cancer drugs, to strengthen construction techniques for structures in areas where earthquakes are common, testing technology to recycle water, and to improve crop yield.

On February 1, 2003, we began the day awaiting the return of the *Columbia* shuttle. We could not wait to congratulate the crew of seven on their performances and achievements. These men and women made an excellent effort on this extremely important mission. They made America proud. We all held our breaths when we lost contact with the shuttle, and then watched in disbelief and horror when we saw the remnants of the shuttle over the skies of Texas.

I support this Resolution, which reminds us all of what a difficult job astronauts have, and the sacrifices their families make. I am proud to honor the lives lost, as well as those who continue to work tirelessly and courageously, as well as their families. The prayers of the Nation are with our lost seven and their families.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. HARMAN. Mr. Speaker, the tragic loss of the Shuttle *Columbia* is a sobering reminder of the risks of space exploration. We mourn the loss of the dedicated crew, but are grateful for their courage and commitment to exploring new frontiers.

As we search for answers, we must keep in mind that the U.S. space program has had many successes. In little more than a generation, we have pursued some of humankind's grandest dreams.

Space exploration has always been a source of excitement and awe. It has allowed us to marshal our Nation's determination, resources and tremendous talents—nowhere more so than in Southern California's South Bay, which I proudly represent.

Thousands of scientists, engineers, technicians and others in my district have dedicated their lives—first to President Kennedy's goal of sending a person to the moon and back—and then to the myriad of inhabited-flight, satellite and space exploration programs.

Having dedicated such talent and ingenuity, my constituents are all the more heartbroken when the space program suffers such a shocking and sudden loss. Poignant is the fact that one of the astronauts aboard the ill-fated *Challenger* in 1986 was a resident of Hermosa Beach, in my district. Such events make the sky a lot darker.

Shakespeare wrote in "Romeo and Juliet:"

> When he shall die take him and cut him out into stars
> and he shall make the face of heaven so fine that all
> the world will be in love with night and pay no worship
> to the garish sun.

The Shuttle *Columbia* astronauts undoubtedly would have urged us to carry on—neither disheartened nor undaunted. To their family, friends and space community colleagues, my staff and I extend our heartfelt condolences. In the same spirit in which they carried out their mission, we rededicate ourselves to the goal of the peaceful exploration of space—to the technological and intellectual challenge it presents—and to the benefits such adventure brings all human kind.

TRIBUTE TO CLINTON PAUL MACOUBRIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Clinton Paul Macoubrie, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 120, and in earning the most prestigious award of Eagle Scout.

Clinton has been very active with his troop, participating in such Scout activities as Camp Geiger and Cosmosphere. Over the 8 years he has been involved in Scouting, he has held numerous leadership positions, serving as patrol leader, assistant senior patrol leader and junior assistant scoutmaster. Clinton also has been honored for his numerous Scouting achievements with the award of the Firebuilder in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Clinton constructed an ornamental garden and flower bed at the main entrance of Simpson Park in Chillicothe, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Clinton Paul Macoubrie for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INDIAN GOVERNMENT HARASSES WEBSITE THAT EXPOSED CORRUPTION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 7, 2003

Mr. TOWNS. Mr. Speaker, in 2000, the website www.tehelka.com exposed the fundamental corruption of the Indian government. They did a video expose showing high-ranking government officials, including the Defense Minister, as well as the President of the ruling BJP, taking bribes. At that time, it was recording 30 million hits a week. It was quite embarrassing for the Indian government.

On January 6, The Guardian reported that the Indian government has struck back at tehelka.com. It has harassed their contributors. It sent its agents to investigate tehelka, searching its offices and harassing its workers. The website has had to reduce the staff from 120 people to four. All the office furniture has been sold and the site is scraping for money. Clearly the government has set out to destroy tehelka.com, and it appears to be succeeding. Meanwhile, the corrupt officials they exposed are still in their posts.

This shows that India is intolerant of free speech and free journalism. It reminds me of the old joke; "You have every right to your own opinion as long as it agrees with mine." That's the state of free speech and the free press in India. Freedom of speech and freedom of the press are cornerstones of a democracy, along with the right to self-determination. The government campaign to shut down tehelka.com is another piece of evidence that India, despite its claims, is not a democracy but an authoritarian police state.

Mr. Speaker, why are U.S. taxpayers—your constituents and mine—being asked to pay taxes to support this kind of radical, fundamentalist tyranny? We should stop our aid to India until real freedom exists there, including the right of a free press, the right to freely practice any religion a person chooses without the threat of being killed by the government and without anti-conversion laws, and the right of all the peoples of the subcontinent to decide their futures in a free and fair vote. We should work for self-determination, which is a basic right, by promoting a plebiscite on the question of independence in Christian Nagaland, Muslim Kashmir, the Sikh homeland of Punjab, Khalistan, and wherever else it is sought. And we should demand the release of all political prisoners in India and an end to its sponsorship of cross-border terrorism. America is a free country. We seek freedom not just for ourselves, but for all people of the world. These measures will help secure the blessings of liberty to all the people of the world's most troubled region and allow them to enjoy the glow of freedom.

Mr. Speaker, I am inserting the Guardian article on the tehelka situation into the RECORD at this time.

[From the Guardian, Jan. 6, 2003]

WEBSITE PAYS PRICE FOR INDIAN BRIBERY EXPOSÉ

(By Luke Harding)

Tarun Tejpal is sitting amid the ruins of his office. There is not much left—a few dusty chairs, three computers and a forlorn air-conditioning unit. "We have sold virtually every thing. I've even flogged the air conditioner," he says dolefully.

Twenty months ago Tejpal, editor in chief of tehelka.com, an investigative website, was the most feted journalist in India. He had just broken one of the biggest stories in the country's history—an exposé of corruption at the highest levels of government.

His reporters, posing as arms salesmen, had bribed their way into the home of the defence minister, George Fernandes, and handed over £3,000 to one of the minister's colleagues. The journalists found many other people prepared to take money—senior army officers, bureaucrats, even the president of the ruling Bharatiya Janata party, who was filmed shovelling the cash into his desk.

The scandal was deeply embarrassing for the BJP prime minister, Atal Bihari Vajpayee. Mr. Vajpayee sacked Mr. Fernandes and ordered a commission of inquiry.

The scandal promoted a mood of national catharsis, and congratulations poured in from ordinary Indians tired of official corruption. Tehelka, which had only been launched in June 2000, was receiving 30 million hits a week. But the glory did not last.

"I had expected a battle. But we had not anticipated its scale," Tejpal said yesterday. "The propaganda was started the next day."

Nearly two years later, he has been forced to lay off all but four of his 120 staff. He has got deeply into debt, sold the office furniture and scrounged money from friends. "They drop by for dinner and leave a cheque behind."

The website, which once boasted sites on news, literature, sport and erotica, is "virtually defunct". George Fernandes, meanwhile, is again the defence minister.

The saga is a depressing example of how the Kafkaesque weight of government can be used to crush those who challenge its methods.

In the aftermath of the scandal, the Hindu nationalist-led government "unleashed" the inland revenue, the enforcement directorate and the intelligence bureau, India's answer to M15, on Tehelka's office in suburban south Delhi.

They did not find anything. Frustrated, the officials started tearing apart the website's investors. Tehelka's financial backer, Shanker Sharma, was thrown in jail without charge. Detectives also held Aniruddha Bahal, the reporter who carried out the exposé, and a colleague, Kumar Badal. Badal is still in prison.

"It got to the stage that I used to count the number of booze bottles in my house to make sure there wasn't one more than the legal quota," Tejpal recalls.

The government commission set up to investigate Operation West-End. Tehelka's sting, meanwhile, started behaving very strangely. "The commission didn't cross-examine a single person found guilty of corruption. It was astonishing," said Tejpal. Instead, it spent its days rubbishing Tehelka's journalistic methods.

The official campaign of vilification against the website has attracted protests from a few of India's prominent liberal commentators, such as the veteran diplomat Kuldip Nayar and the respected columnist Tavleen Singh. Tehelka's literary supporters, who include Salman Rushdie, Amitav Ghosh and VS Naipaul, Tejpal: Kafkaesque situation have also expressed their outrage. But in general, India's civil society has reacted with awkwardness and embarrassment to the website's plight.

"I read all of Franz Kafka when I was 19 and 20, but I only understand him now," Tejpal wrote in a recent essay in the magazine Seminar. "He accurately intuited that all power is essentially implacable and malign."

The treatment of the web-site's investors has scared away anybody else from pumping money into Tehelka. The company owes £620,000.

Mr. Vajpayee's rightwing government has bounced back from the scandal and is expected to win the next general election in 2004. Last month, it won a landslide victory in elections in the riot-hit western state of Gujarat after campaigning on a virtually fascist anti-Muslim platform.

The murky world of arms dealing goes on. Tony Blair and his ministers are still trying to persuade the Indian government to buy 77 British-made Hawk jet trainers, but the billion-pound deal remains mysteriously stuck over the price.

Tehelka's exposé was not about "individuals", but about "systemic corruption", Tejpal insists. He admits that his sting operation would have gone down badly with any government, but says that the BJP's response was venomous.

"The degree of pettiness has been extraordinary. They have a crude understanding of power and a lot of that stems from the fact they are in power for the first time. Our struggle is emblematic of a wider issue: can media organizations be killed off when they criticize governments."

The gloomy answer appears to be yes.

Last night Balbir Punj, a leading BJP member of parliament, claimed the government had nothing to do with the website's collapse. "Just because you do a story exposing the government doesn't mean the gods make you immortal," he said. "Many other [internet] portals have closed down. The boom is over."

SENATE—*Monday, February 10, 2003*

Monday, February 10, 2003

The Senate met at 11 a.m. and was called to order by the Honorable NORM COLEMAN, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, who knows our needs before we ask You for Your help, and has plans for us and our Nation ready to reveal to leaders who humble themselves and seek Your guidance, we praise You for the privilege of being alive and the delight of serving You.

Give us a positive attitude for the challenges and problems of this day. Help us utilize Your divinely inspired gift of imagination to energize our vision of Your very best for the individuals, concerns, and complicated issues we must creatively confront today. Empower us to prayerfully picture Your solutions and direction and speak with the tone of Your articulated inspiration in our souls. Help us not to go it alone today on our own limited resources but draw on the inspiration of the vivid images You play on the screen of our inner eye of vision.

Today we pray for all in the Senate family who are ill or recovering from surgery. Especially we pray for Senators ROBERT GRAHAM and MITCH MCCONNELL, two distinguished Senators who are recovering from heart surgeries and procedures. Infuse Your healing power into their bodies and give them strength and renewed resiliency. We thank You for these two great leaders.

We expect great things from You today, dear God, and we will attempt great things for You throughout this new week. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable NORM COLEMAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS.)

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 10, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable NORM COLEMAN, a Senator from the State of Minnesota, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. COLEMAN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

On Thursday we attempted to reach a consent agreement which would have allowed for a vote on that nomination during today's session. Unfortunately, that consent was not granted last Thursday. However, it is still my hope to work with my colleagues on the other side of the aisle to set a time certain for a vote on the confirmation of this important nomination. I know there are additional Members who want to speak on the nomination, and I hope they do so today, that they take advantage of the opportunity, beginning in a few minutes, over the course of today.

I do want to express our willingness to go as long as necessary tonight to allow for that open discussion, that open debate, so colleagues do have the opportunity to express their wishes.

I do want to make sure my colleagues understand it is our intent to finish this nomination and vote on this nomination as early as possible this week. I would love to have that opportunity to do so either later tonight or tomorrow—again recognizing that it is important people have the opportunity to speak. Again, we are perfectly happy to stay here as long as necessary tonight.

In addition, three district court judges were reported by the Judiciary Committee on Thursday. We are working towards an agreement for a vote on one of those nominations this evening, or possibly all three nominations this evening. We will report shortly after discussion with the leadership on both sides of the aisle, but we expect the first vote to be at 5:15 this afternoon.

Also, as a reminder, the current continuing resolution is set to expire on Friday of this week. We are still hoping the appropriators will complete their work on the conference report and therefore the Senate would consider the conference report later this week, as soon as it becomes available.

We are also attempting to clear several important items that are on the Legislative Calendar. Each may require a short period of debate this week and a rollcall vote. Thus, we have a very full week over the next 5 days. Senators should expect a busy session this week and, indeed, as I mentioned earlier, late nights are possible. It is likely that there will be several late nights this week, including tonight if people will take advantage of that, in terms of discussing and bringing their views to the floor.

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. If I could, while the majority leader is in the Chamber, first, on the vote on the judges, the ranking member of the committee, Senator LEAHY, has said he is aware of the three judges and he would like a rollcall vote on each of the three and that you and Senator DASCHLE can work on the time of when at least the first will occur this evening.

Mr. FRIST. Let me remind the Senator, I would like to do all three this evening. We can plan on having the first vote at 5:15 and then we can discuss about the other two. I think it would be our intent to have all three tonight.

Mr. REID. Fine.

I also say to the distinguished Senator from Tennessee, the majority leader, last week there were a number of problems, as the leader is aware. There were memorial services—it was difficult to have people speak. Also, it was difficult to get some Democrats to speak because the distinguished chairman took a lot of time speaking. It was hard to work in other people.

With that in mind, and with the distinguished chairman of the committee in the Chamber, what I would like to do is arrange some times for people to speak today so we do not have people waiting around and so the chairman of the committee and ranking member know who is planning on coming. If it is appropriate, I will give those times to both the leader and to the chairman. The ranking member, Senator LEAHY, is here and he is available all of the day, of course, if necessary.

But from 1 to 2, Senator FEINSTEIN would like to be able to speak; from 2

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to 2:45, Senator KENNEDY would like to speak; from 3 to 4 o'clock, Senator SCHUMER would like to speak; and Senator LEVIN would like to speak after that until the vote. And then Senator FEINGOLD would like to speak at 5:30. They may not use all this time.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Let me say, first, I appreciate the assistant Democratic leader outlining that. It is very important that we hear from people who have very important things to say. It is really a matter of time management at this juncture, so I very much appreciate it. If we could just have a gentleman's agreement for those times without locking it in, and then allowing the chairman and ranking member to determine the specifics of those times, but it sounds agreeable to me.

Mr. REID. That sounds like a good idea.

Mr. FRIST. Again, it is not our side of the aisle I think at this point that will do the majority of talking. We have a number of Members who want to speak as well. But our goal is to have an up-or-down vote on this important nomination after sufficient time as judged by the other side of the aisle and our side of the aisle.

I encourage, once again, the Senator to continue scheduling just as he has done, which I appreciate, but to go as long today as he is comfortable doing because we want to make sure he has that opportunity. But it is my intention to bring this matter to a vote as soon as practical as we go forward.

Mr. REID. I also say to the distinguished majority leader and the distinguished Chair of the committee that one of the things we are concerned about—and we know there has been very little time used on the debate so far, as the Senator knows, and as Senator DASCHLE stated publicly, the Democrats have not decided whether there is going to be a filibuster. That is something the majority leader and Senator DASCHLE can speak about later today. But I ask for the cooperation of the majority; that, in effect—and I don't mean this to be a derogatory term—no games be played. If somebody steps off the floor in the next few hours, I hope the question would not be called on this nomination until we get into a more—I want to use the right word. Until we get into a more competitive phase of this debate, I hope there would not be anything like that done.

Could I have the assurance of the chairman of the committee that in fact would be the case?

Mr. FRIST. Mr. President, I think for today, of course, we will agree to that. But again, I want to come back to the fact of whether it is competitive and the accusations of a filibuster going back and forth. That is going to sort of occur.

Let me just say on the part of the chairman and myself that as long as we are having good participation, it is important—not just listening to people because they want to get out and talk for an hour, which looks like a filibuster—to the American people that we work in good faith to come to what I hope will be a fair up-or-down vote in a reasonable period of time, and games are not in order and are not to be played. At the end of the day, we expect no filibuster—again, that is a decision which will be made on your side—because the American people deserve better. If there is insistence on a filibuster, we will use everything within our power being in the majority under the Senate rules to bring this to an up-or-down vote.

Mr. REID. One last thing I would like to say is we are having, as the majority leader knows, a conference committee meeting of the Appropriations Committee at 6:30 this evening. There are still a number of open issues. We will hear from Senator STEVENS and others. But this thing has moved along significantly over the weekend.

Mr. FRIST. Mr. President, I will close.

We have the opportunity of a very productive and very useful week. When you look at the continuing resolution and completing the appropriations bills with the omnibus package and the three judges tonight, if we can finish the Estrada nomination early enough in the week, there are two other bills we are working on, including the Moscow treaty. There is other legislation that is to follow. We have the opportunity of a very productive week before going out on recess. We have to keep the train moving.

The reason why I mention that is, if members want to talk on the other for 30 minutes or 45 minutes each tonight, we want to make that opportunity available, and we hope the other side will seize that opportunity since we express that willingness.

Thank you, Mr. President.

Mr. LEAHY. Mr. President, will the Senator from Tennessee yield for just a moment, the distinguished majority leader?

Mr. FRIST. I yield to the Senator.

Mr. LEAHY. A couple of things should be mentioned.

As the distinguished senior Senator from Nevada has noted, we have a committee of conference on the appropriations this evening, which is a very significant one because of the level of appropriations bills being rolled into one. A number of us who might speak on the floor are also on that committee. Senior members of the Appropriations Committee have to be at the meeting. Some have said and others have commented about games-playing here. I don't think the distinguished majority leader or the distinguished acting Democratic leader would want to do that. I would suggest just for my friend—looking around the floor—having been here longer than anybody else on the floor right now, in the majority four or five times, and four or five times in the minority with very distinguished majority leaders, Senator Mansfield, Senator BYRD, Senator Baker, Senator LOTT, Senator DASCHLE, Senator Mitchell—

Mr. REID. Senator Dole.

Mr. LEAHY. And Senator Dole, and also having served as minority leader back and forth—all of them realized that anyone can come down at any moment of inattention and, using the rules, gain a one-time advantage. With all the distinguished leaders, I never saw a single one of them do that, even when over and over again they had an opportunity to do it. Many times when I was chairman of the Agriculture Committee, when I was chairman of Judiciary Committee, when I was chairman of the Foreign Operations Committee, and when I was chairman of a number of others, we would have hotly contested issues and cases where the ranking Member, the only other person on the floor, had to leave the floor for a phone call or something like that. And, of course, I always protected their rights. That is something that has been done. It is the role of the majority leader, of course, to try to move legislation forward. It has always been my feeling, whether being in the majority or in the minority, that the majority leader should do that. I think we can. But I also think everybody should realize that last week was a rather extraordinary week with, first, the services in Houston, and then the services at the National Cathedral, and then the Republicans had a conference where they had to go on Friday. A lot was chopped into that week.

I have already said the three judges which are on the Executive Calendar—those which were actually going to be put over by the Republicans initially in the executive markup—I said to the distinguished Senator from Utah, let us go ahead and vote them out so we can get them on the floor. But also the majority leader may not be aware of the fact—at least from some of his statements—that during 17 months we did get through 100 of President Bush's judges and got all of them confirmed on the floor. I know the distinguished Senator from Utah would like to come close to that record, a record that was not achieved when the Republicans were chairing that committee and when President Clinton was here. I know he would want to try for that now. Of course, I would be happy to go forward on those and vote those three out. There will be rollcall votes. I realize that last year sometimes we had 10 or 12 at a time by voice vote. I think that escaped the attention of the press, the White House, the Republican Senate campaign committee, and others.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore. The Senate will now resume executive session and the consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Mr. HATCH. Mr. President, of course, there are not going to be any games played. Nobody on this side wants to play games. This is important stuff. We understand there are those on the minority side who do not agree with this nomination. They have a right to not agree. But they have a right to vote against Miguel Estrada if that is what they really think is right.

On the other hand, should there be a filibuster it will be the first filibuster in history against an inferior court, the circuit court of appeals or the district court.

With regard to the 100 nominees that made it through in the last few years, that was a very good record, primarily just for judges. I am more interested in how many are left over. I am more interested in how we reduce the number of holdovers. Let us hope we can do that. I am going to do everything in my power to do it, and I hope I will have the cooperation of those on the minority side in trying to do what is really our job; that is, to put the President's—whoever the President is—nominees through. We always have someone on both sides who wants to slow the process down. We understand that. But hopefully we can get people of goodwill to not slow the process down and to not filibuster this wonderful Hispanic judge named Miguel Estrada.

Mr. President, in that regard, I ask unanimous consent that a Washington Post editorial entitled "Filibustering Judges" be printed in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

[From the Washington Post, Feb. 5, 2003]

FILIBUSTERING JUDGES

"Tell Senators: Filibuster the Estrada Nomination!" cries the Web site of People for the American Way. The subject is President Bush's nomination of Miguel A. Estrada to a seat on the U.S. Court of Appeals for the DC Circuit. Democratic senators may not need much encouragement. With the Estrada nomination due to come to the Senate floor today, they are contemplating a dramatic escalation of the judicial nomination wars. They should stand down. Mr. Estrada, who is well qualified for the bench, should not be a tough case for confirmation. Democrats who disagree may vote against him. They should not deny him a vote.

Senators have on occasion staged filibusters on judicial nominees, but none has ever prevented a lower-court nominee's confirmation, the White House says. And that's good, It's hard enough to get swift Judiciary Committee action and floor votes for judicial nominees. The possibility of a filibuster probably checks rash or overly partisan nominations; one can imagine candidates so wrong or offensive that the tactic would be justified. but a world in which filibusters serve as an active instrument of nomination politics is not the either party should want.

Mr. Estrada's nomination in no way justifies a filibuster. The case against him is that he is a conservative who was publicly criticized by a former supervisor in the Office of the Solicitor General, where he once worked. He was not forthcoming with the committee in its efforts to discern his personal views on controversial issues—as many nominees are not—and the administration has (rightly) declined to provide copies of his confidential memos from his service in government. Having failed to assemble a plausible case against him, Democrats are now arguing that this failure is itself grounds for his rejection—because it stems from his own and the administration's discourteous refusal to arm Democrats with examples of the extremism that would justify their opposition. Such circular logic should not stall Mr. Estrada's nomination any longer. It certainly doesn't warrant further escalating a war that long ago got out of hand.

Mr. HATCH. I would like to take a few moments this morning to respond to some of the allegations that Miguel Estrada lacks support in the Hispanic community. Nothing could be further from the truth.

Young men and women from Mexico, Central and South America, who come to the United States—sometimes with their parents, sometimes without—have helped to build this country. There is no question about it. They have mined our mines. They have built our railroads. They have worked on the roads. They have advanced themselves in education. They are now doctors, lawyers, and filling positions in virtually every walk of life in this country, and rightly so.

They struggled in a foreign country to make a better life, and the gifts they have brought to this Nation are what has made this Nation a great nation. And they still do today. The Hispanic community leaders I have worked with over the years consider Miguel's success as their success. And they know that all young Latinos across the country—whether they live in border town colonia, a barrio in Chicago, or Miami's Calle Ocho—need role models such as Miguel to emulate.

Miguel arrived in this country with his mother at age 14. He lived in a modest home, and his parents worked hard to send him to private schools. There is no crime in that. In fact, many Latino families work two and three jobs just to be able to send their children to private schools, which are usually Catholic schools. That is no crime. In fact, the Catholic schools are among the best schools in this country. I do not blame any parent for wanting to send their children to Catholic schools. They learn a lot of important things in Catholic schools. It is a sign of a Hispanic parent's love and dedication, and it is a manifestation of Latino values at their best.

Latino groups that oppose Miguel's confirmation—notably, the Mexican American Legal Defense and Education Fund, the Puerto Rican Legal Defense and Education Fund, and the Democratic Congressional Hispanic Caucus—argue that the courts lack Hispanic representation. That is always interesting to me. They are constantly arguing that there are not enough Hispanics on our Federal courts, but they are not looking for diversity—these three groups. They only want Hispanic judges who look, think, and act like them. That is pretty apparent in this case.

A good judge is one who understands that there are competing interests which must be balanced within the rule of law. Miguel Estrada is exceedingly capable of making that assessment. And every Latino in this country—and every person in this country—ought to appreciate that fact and ought to be very proud of what this young man has done with his life. Of course, he wants to administer the law fairly. And I know he will.

A review of the Congressional Hispanic Caucus's statement in opposition is most disappointing to me. It was issued in advance of Miguel Estrada's hearing. My colleagues in the House, who have argued persuasively for a fair process, decided that Miguel Estrada was not so entitled. They pronounced judgment beforehand. But that should not surprise us. That caucus is a Democratic machine, or a Democratic Party machine, to be a little more accurate.

The Republican members of the caucus were forced out because they did not think and act like their Democratic counterparts. So you have a purely partisan Democrat Party machine over in the House that did not even listen to Estrada before they made this pronouncement and this judgment.

There are no Republican members of the Congressional Hispanic Caucus. You would think they would want to get together with Republicans and, in a joint way, in a bipartisan way, work not only for and on behalf of the Hispanic community, but for and on behalf of everybody in this country.

The Democrat Congressional Hispanic Caucus may oppose Miguel Estrada, but the Republican Congressional Hispanic members—LINCOLN DIAZ-BALART, ILEANA ROS-LEHTINEN, HENRY BONILLA, MARIO DIAZ-BALART—they all support his confirmation, and they support him very strongly, as they should—and so should our Democratic friends in the House.

Ordinarily, I would think they would come out of their chairs in leading the charge to try to help Miguel Estrada, but, for some reason, they are not doing it. And I suspect that the reason is Miguel does not look, think, and act like they do.

There is a lesson in this, and it is a hard one to take. Hispanic Americans have fought hard to counter injustices, to demand respect and equality of opportunity. They have fought hard all these years they have been in this country. Indeed, the second oldest Hispanic organization in the country, the American GI Forum, came into existence in 1948, when a fallen war hero was refused a proper burial in Texas because he was a Mexican. Similarly, LULAC, established in 1927, and the National Council of La Raza, established in 1968, came into existence to ensure equality of opportunity for all Hispanic Americans, leaving a legacy for generations to come.

But today that legacy is threatened as this community, once united by a common vision and a shared experience—sadly, one of discrimination—finds itself divided along party lines in what appears to be purely political purposes—at least on the side of those who oppose Miguel Estrada. In the process, it is subjecting one of their own, Miguel Estrada, to a "Latino" litmus test, and subjecting him to the very type of discrimination they have fought so hard to eradicate. There is no place in the judicial nomination process for single litmus tests.

I have taken that position the whole time I have been on the Senate Judiciary Committee, or at least have tried to. Others may disagree with me, but I do not believe any single litmus test should stop a person who is otherwise qualified. And Miguel Estrada is not only qualified, Miguel Estrada is one of the most qualified people we have ever seen to come before the Judiciary Committee.

I think the judicial process is one that must remain free of single-issue litmus tests and politicization, in particular. I urge groups such as MALDEF and the Congressional Hispanic Caucus to think back a couple of years to the pending nomination of Richard Paez. I was not happy with the way that was handled, and I was the one who was trying to get him through.

As chairman of the Judiciary Committee, I worked hard to ensure the process was fair. In the early stages it was not fair, in my opinion. He deserved a vote, and I made sure he got one. It took years to get it. And there were some reasons—some legitimate reasons—why some opposed Paez. I do not see one legitimate reason why anybody would oppose Miguel Estrada. Miguel deserves a vote.

Reasonable people can disagree on how one might vote in this instance, but I call upon these organizations to step forward with the same fervor and intensity that drove their campaigns to call for a vote for Richard Paez. I urge them and my colleagues to recommit to a process that is fair, that is free from double standards and partisan politics.

Look at this I have in the Chamber. Yes, there are three organizations—and there may be a few more; they are certainly all the left-wing anti-Bush judge organizations that crop up on every circuit court of appeals nominee—that are opposed to Miguel Estrada. But the Latino people are for him, and they do not like these games being played.

Some have suggested he is not Hispanic enough. That is a joke: He is not Hispanic enough; he has not been in this country long enough—even though he has been here since he was 14 years of age, and earned his way, and graduated with honors from Columbia University, and in the highest part of his class in law school at Harvard University. Not many people can claim that.

He worked for two judges, and yet one of the arguments is that he does not have any judicial experience. We, more or less, blew that away last week when we brought out how many judges, great judges in our country's history, never were judges before they were nominated and confirmed.

But what they ignore is that Miguel Estrada has been a clerk for two judges. His judicial experience is a lot more than that of most people who come through the Judiciary Committee, I will tell you that right now. But it is not critical that a person have judicial experience. It may be helpful in certain cases, but it is not critical. Some of the greatest judges in history—and I will just cite Brandeis as an illustration—never had prior judicial experience other than peripherally. And in Miguel's case, he was actually a law clerk for two major Federal judges.

He clerked for the U.S. Supreme Court. Talk about judicial experience. How many have clerked for the U.S. Supreme Court? Not very many. You can go down through the ridiculous arguments they are using against him, and it is pitiful. This man has the highest rating—I might add it is unanimously the highest rating—of the American Bar Association, which, according to my colleagues on the other side when they were upset about some of the others, was their gold standard.

I have to admit I did not think the American Bar Association did a very good job in bygone days. I have to admit today I think they are doing a better job, and I support them for it. I applaud them for it. But it is not easy to get a unanimously well-qualified, highest rating from the ABA, and that is a lot more than some of the critics would ever get.

Let's go to the Clinton circuit judges with no prior judicial experience:

Judge David Tatel, Judge Merrick Garland, both on the DC Circuit, where Miguel Estrada will go; Sandra Lynch, First Circuit; Guido Calabresi, Second Circuit Court of Appeals; Robert Sack, Second Circuit; Sonia Sotomayor, Second Circuit; Robert Katzman, Second Circuit—these are all pretty darn good judges—Thomas Ambro, Third Circuit; Blane Michel, Fourth Circuit; Robert King, Fourth Circuit; Karen Nelson Moore, Sixth Circuit; Eric L. Clay; Dianne Wood; Kermit Buye; Eighth Circuit; Sidney Thomas; M. Margaret McKowen, Ninth Circuit; William Fletcher, Ninth Circuit; Raymond Fisher, Ninth Circuit; Ronald Gould; Marcia Berzon; Richard Talman, Ninth Circuit; John E. Rawlinson, Ninth Circuit; B. Robert Henry; Carlos Lucero; William Bryce on Federal Circuit; Arthur Gajarsa; Richard Lynn; Anthony B. Dyk.

Many of these judges were appointed by Democratic Presidents—all without judicial experience and serving well in the circuit courts of this country. That is not even talking about the Judge Brandeis, and others who have served with such distinction throughout the years.

I would like to go to the other chart. I will make one or two points there. I want to talk about those who support Miguel Estrada. These are great organizations:

League of United Latin American Citizens, the oldest Hispanic organization in the country; Hispanic National Bar Association, which works very hard to try to get good Hispanics nominated in both parties; U.S. Hispanic Chamber of Commerce, one of the oldest and most prestigious Hispanic associations in the country; Association for the Advancement of Mexican Americans—they are all important to associations—the Latino Coalition; Mexican American Grocers Association; Hispanic Contractors Association; IntraAmerican College of Physicians and Surgeons; Congregacion Cristiana y Misionera "Fey Alabanza"; American GI Forum; Casa De Sinaloense; Cuban American National Foundation; Hispanics Business Roundtable; Nueva Esperanza, Inc.; MANA, a national Latino organization; Cuban American Voters National Community; Cuban Liberty Council; Federation of Mayors of Puerto Rico; Puerto Rican American Foundation.

I wonder why there is one Puerto Rican organization that is not for him when the rest are. It is not hard to see why the Democrat-controlled Hispanic Caucus in the House is not for him—because they are partisan, and they are controlled, in large measure, in these matters by left-wing groups in Washington and are continually unfairly interfering with President Bush's nominees. They are against everybody President Bush nominates for the circuit court of appeals—or at least almost everybody. So far, my impression is that they are against every one of his circuit court nominees, unless they have been Democrats.

This President has nominated more Democrats, as I understand it, than any Republican President in recent years, in order to reach out to Democrats and try to bring them along. They have been good people, and I have certainly supported them, as have I think all of my colleagues.

Now, it is outrageous for some of these partisan Hispanic leaders to say that Miguel Estrada is "not Hispanic enough" or that he has no judicial experience and therefore he should not serve. Let's just think about that. He has no judicial experience; therefore, he should not serve. What does that say to all of the Hispanic lawyers in this country who don't have any judicial experience and might want to serve in the Federal circuit courts someday? It basically says you don't have a chance, in the eyes of the people who take that attitude, because you don't have any judicial experience—in spite of the fact that many Federal judges didn't have any experience and some of the greatest judges in history have not had judicial experience.

Miguel Estrada had judicial experience in serving two Federal judges, one a Supreme Court Justice. I get a little tired of some of this "anti-Miguel-Estrada syndrome" that seems to be going on. I know Miguel Estrada. He is a terrific human being, and he is qualified. He has been given the highest rating the ABA gives. He has the support of virtually all the Hispanic groups in the country, except for the few I have mentioned. Miguel Estrada would make a wonderful Federal Circuit Court of Appeals judge. He would add a great deal to the Circuit Court of Appeals for the District of Columbia, which only has 8 judges of the 12 seats there right now, and they cannot keep up with the workload.

We ought to all be working hard to put Miguel Estrada on the bench. I am afraid there are those who don't want him there because they are afraid he would be on the fast track to the Supreme Court. That may be, but the fact is we are talking right now of the Circuit Court of Appeals for the District of Columbia.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I have listened with interest as my friend from Utah has made arguments against the Democrats using the old thing of the straw man debate. I have heard a lot of arguments the Senator from Utah says we make against Mr. Estrada, but I have not heard them from us. I did hear some interesting things. He has expressed his support for Judge Richard Paez. After blocking it for several years, the Senator from Utah did vote for him. I commend him for that. It is interesting, however, that he does not speak of the strong opposition to Judge Paez by the Republicans. A very large number of their votes were against him, and the fact that he was blocked by the Republicans year after year after year, while the nominee was here, that, the Senator from Utah suggests, is legitimate; whereas there seems to be a strong suggestion that if Democrats were to talk only a few days about Mr. Estrada, and some may even vote against him, that is not legitimate.

I also note that it is easy to accept the arguments if you don't put all the facts forth. For example, the charge of the distinguished Senator from Utah—take one judge, Sonia Sotomayor of the Second Circuit. He puts her down as a Clinton circuit judge with no prior judicial experience. In fact, she did have prior judicial experience. She had been appointed originally by the first President Bush as a Federal court judge.

In an example, when time and time and time again President Clinton nominated people for the court of appeals and other judicial nominees who had been appointed by Republican Presidents—something we have never seen in this administration and probably won't—but I know of at least three members of the Second Circuit Court of Appeals who were appointed by Republican Presidents versus district court judges, two by President Bush, one by President Reagan. All were then elevated to the court of appeals by President Clinton.

Judge Sotomayor, of course, was held up by Republicans for a considerable period of time, even though she had originally been appointed to be a Federal judge by President Bush, contrary to what the chart of my friends, the Republicans, says. It is in absolute contradiction to what they said. She was blocked for a very long time by Republicans, and when she finally was able to get a vote, 29 voted against her.

Let's be honest about what happened. Judge Sotomayor, a superb judge, was appointed first by a Republican to the district court bench, not, as my friends say, someone with no experience, and President Clinton nominated her to the Second Circuit Court of Appeals. She was blocked initially by the Republicans, and they finally allowed it through, but 29 voted against her.

With Judge Paez, 39 voted against him. In fact—this is an interesting fact on Judge Paez. I wonder if everybody is aware of the fact that initially Republicans filibustered a motion to proceed to his appointment to the Circuit Court of Appeals. I heard mention somewhere that this never happened, that there were not any kind of delaying tactics on district court or Circuit Court of Appeals nominees, but on a motion to proceed, something Democrats did not block in any way with Judge Estrada, Republicans did. Fifty-three of them voted against that motion. I am surprised the Senator from Utah does not remember that fact because he is one of the 53 who voted against proceeding to bring up Judge Paez. I say this just to make sure we have accuracy in our debate.

Debate on this nomination began last week on Wednesday, within seconds of the Senate adopting S. Res. 45, to honor the Space Shuttle Columbia astronauts, and after we observed a moment of silence. Many of us were not on the floor Thursday because we were attending a memorial for the space shuttle astronauts at the National Cathedral.

I thank those who did participate in the debate last week. I commend to the Senate and to the American people the remarks of Senator REID, Senator KENNEDY, and Senator SCHUMER, each of whom added important dimensions and perspectives to this debate.

I also wish to take a personal moment to commend the senior Senator from Nevada, HARRY REID. While he is not a member of the Judiciary Committee, he spoke so eloquently on this subject and was able to carry on the debate while others of us, as I said, had to be at the very sorrowful memorial service for our astronauts.

I had hoped that at some point in the last 2 years or so we would have seen an effort on the part of the President and others to seek to unite rather than divide. Instead, we see a continuation of dividing the American people, as deeply as we have seen the 19 members of the Judiciary Committee divided. Many of us would like to know the record, would like to have a strong confidence in the type of judge Mr. Estrada will be, and be able to vote in favor of this nomination.

Since I have been in the Senate, I have voted on hundreds of nominees—Republican nominees—to the Federal judiciary. I suspect I have voted for more Republican nominees to the Federal judiciary than most of my friends on the other side of the aisle have voted for Democratic nominees. I do not need any lectures on how we should be bipartisan. In fact, when I was chairman, we were able to get 100 nominations through the committee and to the floor, any one of which of President Bush's nominees could have been stopped simply by not bringing the person up for a vote. We got through 100. Whether I agreed with or was against the person, I felt that at least we had a record so we knew what this person thought. We are being asked, after all, to uphold our oath of office and vote to confirm somebody to a lifetime position. The reason we are asked to do that is the judiciary is supposed to be outside the political realm. The judiciary is supposed to be independent and is supposed to be for all Americans and is supposed to be lifetime positions, positions for which most of us who vote on them will not be in the Senate for the full terms of these judges. So we have to at least look at the nominees if we are going to answer to the American people. There are 275 million Americans. They expect an independent Federal judiciary. They know this country has a reputation of having the most independent Federal judiciary, and there are only 100 of us, however, who can represent those 275 million Americans and use our imprimatur and our vote to confirm. We put forth an imprimatur for the whole country that this is somebody who will maintain the independence of the judiciary and will not be somebody who comes to the Federal bench with an ideological agenda, and we say that because we have looked at the people.

That is not the record before the Judiciary Committee, and it is not the record before the Senate on Miguel Estrada. I remain concerned he is going to be an activist on the court, especially when one looks at the very determined efforts, not only of the nominee but of the administration, to keep information from the Senate. It is typical of so many of these nominees. The White House has made absolutely no effort—absolutely no effort—to try to work out any kind of a bipartisan understanding on these judges. In fact, it has done just the opposite. They have stonewalled any request for information.

Frankly, I am sorry my friends on the other side of the aisle are willing to accept this with absolutely no information, even to having a vote in the committee with several members of the committee never even having sat in on what hearing there was on Miguel Estrada. It is a case of "don't ask because we know you won't tell, so we will just go along with it." "Don't ask, you're not going to tell, we'll just go along with it."

There was an interesting editorial cartoon in Roll Call this morning showing, like a meatpacking business, Federal judges coming down this assembly line and the Republicans on the Senate Judiciary Committee stamping OK, OK, OK, similar to the way beef is stamped for the USDA.

Unfortunately, that does not help the American public. People can vote for or against Mr. Estrada as they want, but they should at least have some idea of on what they are voting, not this "don't ask because we won't tell."

We are being asked to consider a nominee with no judicial experience, with little relevant practical experience, who is opposed by many Hispanic leaders and organizations and many other Americans.

While he counts Justice Scalia, former Judge Kenneth Starr, and Ted Olson among his friends and mentors, information about his decisionmaking or what his values are, what he brings to this court, are locked away from any Senate consideration.

Last week I met with leaders of the Congressional Hispanic Caucus, the Mexican American Legal Defense and Education Fund, the Puerto Rican Legal Defense and Education Fund, Hispanic labor leaders, and they all told me they oppose this nomination. I was impressed by that because these are leaders who have come to me and other Senators over the years and have strongly backed Hispanic judicial nominees.

We have 10 Hispanic judges on the courts of appeals now. Eight of them were appointed by President Clinton. I know they were all backed by these Hispanic leaders. In fact, there were a number of other Hispanic judges who were also nominated by President Clinton who were also backed by the organizations, and unfortunately, the Republicans would not allow them to even come to a vote in the committee, say nothing about coming to a vote on the floor of the Senate.

Notwithstanding the number who were blocked by Republicans from ever even coming to a vote, President Clinton did appoint more Hispanics to the Federal bench than any President before him.

I ask unanimous consent to print in the RECORD letters in opposition to Mr. Estrada from MALDEF and other Hispanic organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND AND
SOUTHWEST VOTER REGISTRATION
AND EDUCATION PROJECT,
January 29, 2003.

Re opposition to the nomination of Miguel Estrada to the D.C. Circuit Court of Appeals.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF) and Southwest Vote Registration and Education Project (SVREP), we write you on a matter of great importance to not only the Latino community but all Americans—the nomination of Miguel Estrada to the D.C. Circuit Court of Appeals. As you may know, our organizations weigh in on judicial nominations with varying frequency; although we are consistently and firmly committed to the view that the selection of federal judges for life-long appointments who will serve as the balance to the legislative and executive branches is critically important to our community. As a community, we recognize the importance of the judiciary, as it is the branch to which we have turned to seek protection when, because of our limited political power, we are not able to secure and protect our rights through the legislative process or with the executive branch. This has become perhaps even more true in light of some of the actions Congress and the executive branch have taken after 9/11, particularly as these actions affect immigrants.

After an extensive review of the public record that was available to us, the testimony that Mr. Estrada provided before the Senate Judiciary Committee, and the written responses he provided to the Committee, we have concluded at this time that Mr. Estrada would not fairly review issues that would come before him if he were to be confirmed to the D.C. Circuit Court of Appeals. As such, we oppose his nomination and urge you to do the same.

While the appointment to any Federal bench is important to our community, appointments to circuit courts become even more important when the Supreme Court accepts fewer than 100 cases a year to hear. Thus, circuit courts are often the last arbiters on determining the rights of individuals and communities. The D.C. Circuit is perhaps even more important than the other circuit courts because of the role it plays in reviewing an extensive amount of Federal agency actions, from regulatory actions to the orders and decisions of various Commissions and Boards. It has been reported that nearly half of the D.C. Circuit's caseload consists of appeals from federal regulations or decisions.

In the memorandum attached, we outline a number of the areas which lead us to oppose Mr. Estrada's nomination. Our research and analysis cover a wide array of constitutional legal issues that affect not only the Latino community, but all Americans, including the First Amendment, the Fourth Amendment, the Fifth Amendment (Miranda), and due process clauses of the U.S. Constitution. Our review also covers such additional issues as racial profiling, affirmative action programs, immigration, and abusive or improper police practices, particularly when those practices are adopted under the "broken windows" theory of law enforcement. Finally, our critique of Estrada includes an analysis of his views on such issues as standing for organizations representing minority interests, claims by low-income consumers, labor rights or immigrant workers, and the right of minority voters under the Voting Rights Act.

MALDEF sent the full Senate Judiciary Committee and the White House a memorandum outlining these concerns prior to Mr. Estrada's hearing. We believe the burden to address the concerns we raised rested with the nominee, Mr. Estrada, and the Judiciary Committee gave Mr. Estrada ample opportunity to address them. Ultimately, Mr. Estrada had the affirmative obligation to show that he would be fair and impartial to all who would appear before him. After reviewing the public record, the transcript of the hearing, and all written responses submitted by Mr. Estrada, we conclude that he failed to meet this obligation. He chose one of two paths consistently at his hearing and in his written responses: either his responses confirmed our concerns, or he chose not to reveal his current views or positions.

We must in good conscience oppose the nomination of Miguel Estrada to the D.C.

Circuit Court of Appeals. Based on the record available, we conclude that he would not fairly review matters before him as a judge in a number of areas that will have a great impact on our community. We urge you to oppose this nomination to a life-long appointment to the second most important court in the country. The power is too great to place in the hands of someone who has not shown that he would be fair in all cases that come before him.

Sincerely,

ANTONIO GONZÁLEZ,
President, Southwest Voter Registration and Education Project.
ANTONIA HERNÁNDEZ,
President and General Counsel, Mexican American Legal Defense and Education Fund.

MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND,
Washington, DC, January 27, 2003.

PRESS STATEMENT BY MARISA J. DEMEO,
REGIONAL COUNSEL, DC

MALDEF EXPRESSES SERIOUS CONCERNS ABOUT STATE OF FEDERAL JUDICIAL NOMINATIONS—ANNOUNCES OPPOSITION TO NOMINATION OF MIGUEL ESTRADA TO THE DC CIRCUIT COURT OF APPEALS

(WASHINGTON, DC).—The U.S. government system is set up as a checks and balances system, among the executive, legislative and judicial branches of our government. Since the founding of this country, the interests and rights of minorities, whether they be religious minorities, racial minorities, or other groups of people who do not have the power of the majority on their side, have been difficult to protect. During the civil rights struggle in this country, it was the courts which ensured that the values contained in our Constitution were preserved even for those who did not have equal representation or an equal voice in the legislative or executive process.

Today, Latinos number 37 million residents in the U.S. Despite this growing demographic presence, we have never had someone serve as the President of this country, and we remain the only minority group that is underrepresented in our federal work force. We have no Latinos serving in the Senate, and only twenty-two Latinos in the House of Representatives. At the state level, we have a little more representation but still are significantly underrepresented. For example, out of all the Governors in this country, only one is Latino.

MALDEF serves as the lawyer for the Latino community across this country in our courts. As such, we have established two major goals for our community to shape the federal judiciary—often, the only place where we have a chance to be heard and have our rights protected. The first goal is to increase the presence of Latino lawyers on the federal bench. Only about 5% of those serving as judges in our federal courts are of Hispanic background. When we number 12.5% of the population, there is a lot of room for improvement. On this score, President Bush has to do a better job.

Our second goal, which is as important as the first, is that we want judges appointed to the federal courts who will be fair to our community and the issues we must bring before the courts. The issues we must bring to the court are often complex and controversial—including such issues as discrimination, affirmative action, racial profiling, and use of excessive force by law enforcement. We need judges who will approach these issues by objectively and fairly evaluating the law and the facts, and not judges who come to the courtroom already convinced that our arguments are without merit. President Bush has failed our community on this score as well, as too many of his nominees come to the process with set ideological beliefs that they cannot set aside.

The most difficult situation for an organization like mine is when a President nominates a Latino who does not reflect, resonate or associate with the Latino community, and who comes with a predisposition to view claims of racial discrimination and unfair treatment with suspicion and doubt instead of with an open mind. Unfortunately, the only Latino who President Bush has nominated in two years to any federal circuit court in the country is such a person. President Bush nominated Miguel Estrada to the D.C. Circuit Court of Appeals. After a thorough examination of his record, his confirmation hearing testimony, and his written answers to the U.S. Senate, we announce today our formal opposition to his nomination. We cannot in good conscience stand on the sideline and be neutral on his nomination or others like his. We oppose his nomination and that of others that will prevent the courts from serving as the check and balance so desperately needed by our community to the actions being taken by the executive and legislative branches.

WASHINGTON, DC, *May 1, 2002.*

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As national Latino civil rights organizations, we write on a matter of great importance to U.S. Latinos, and all Americans—the nomination of Miguel Estrada to the D.C. Circuit Court of Appeals. Although historically we have expressed our views on judicial nominees with different levels of frequency, we are united in our view that all federal judicial appointments are important because they are life-long appointments, because they are positions of great symbolism, and because federal judges interpret the U.S. Constitution and federal laws serving as the balance to the legislative and executive branches of the federal government. While the Supreme Court is the highest court, the appellate courts wield considerable power. During its most recent term, the Supreme Court heard only 83 cases, while the circuit courts decided 57,000 cases. As a practical matter, circuit courts set the precedent in most areas of federal law.

We are united at this time around our belief that Mr. Estrada's nomination deserves full, thoughtful, and deliberate consideration. The President proposes to place Mr. Estrada, who has no judicial experience, on arguably the single most important federal appeals court to decide a myriad of statutory and regulatory issues that directly affect the Latino community. Every appointment to a powerful court is important as we recently witnessed in the Supreme Court's 5-4 decision in Hoffman Plastics that stripped undocumented workers of certain labor law protections. This decision, which inevitably will result in increased exploitation of the undocumented, as well as weaker labor standards for all low-wage workers, underscores the importance of nominations such as this one, not just to Hispanics, but all Americans.

This decision comes on the heels of a series of Supreme Court decisions which, in our view, have unnecessarily and incorrectly narrowed civil rights and other protections for Latinos. While we look to see if judicial nominees meet certain basic requirements such as honesty, integrity, character, temperament, and intellect, we also look for qualities that go beyond the minimum requirements. We look to see if a nominee, regardless of race or ethnicity, has a demonstrated commitment to protecting the rights of ordinary U.S. residents and to preserving and expanding the progress that has been made on civil rights, including rights protected through core provisions in the Constitution, such as the Equal Protection Clause and Due Process Clause, as well as through the statutory provisions that protect our legal rights.

We are aware that some are demanding a commitment from you and the Judiciary Committee to announce a date certain for action on Mr. Estrada's nomination. We agree with the proposition that every nominee deserves timely consideration. For this reason, we urged the Senate to act on the nomination of Judge Richard Paez to the Ninth Circuit Court of Appeals, who was forced to wait for four years before being confirmed. We also believe, however, that if a nominee's record is sparse the Judiciary Committee should allow sufficient time for those interested in evaluating his record, including the U.S. Senate, to complete a thorough and comprehensive review of the nominee's record. We therefore respectfully request that you consider scheduling a hearing no earlier than August, prior to the scheduled recess. This leaves sufficient time for action prior to adjournment if his record is strong enough to receive substantial bipartisan support.

In the interim, we pledge to conduct a fair and thoughtful assessment of Mr. Estrada's record, and to communicate our views on his nomination to you, Ranking Member Hatch, and other Committee members in a timely manner.

Sincerely,

ANTONIA HERNANDEZ,
President and General Counsel, Mexican American Legal Defense and Educational Fund.
MANUEL MIRABAL,
President, National Puerto Rican Coalition.
RAUL YZAGUIRRE,
President, National Council of LaRaza.
JUAN FIGUEROA,
President and General Counsel, Puerto Rican Legal Defense and Education Fund.
ARTURO VARGAS,
Executive Director, National Association of Latino Elected and Appointed Officials.

CALIFORNIA LARAZA LAWYERS & MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND,
September 24, 2002.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of Latino legal and civil rights organizations, we write you on a matter of great importance to not only the Latino community but all Americans—the nomination of Miguel Estrada to the D.C. Circuit Court of Appeals. As you may know, our organizations weigh in on judicial nominations with a variety of frequency; however, we are all firmly committed to the view that the selection of federal judges for life-long appointments who will serve as the balance to the legislative and executive branches is critically important to our community. As a community, we recognize the importance of the judiciary, as it is the branch to which we have turned to seek protection when, because of our limited political power, we are not able to secure and protect our rights through the legislative process or with the executive branch. This has become even more true in light of some of the actions of the legislative and executive branches after 9/11 as these actions affect immigrants in particular.

After an extensive review of the public record that was available to us, we have concluded at this time that we have serious concerns about whether Mr. Estrada would fairly review issues that would come before him if he were to be confirmed to the D.C. Circuit Court of Appeals. While the appointment to any federal bench is important to our community, appointments to circuit courts become even more important when the Supreme Court accepts fewer than 100 cases a year to hear. Thus, circuit courts are often the last arbiters on determining the rights of individuals and communities. The D.C. Circuit is perhaps even more important than the other circuit courts because of the role it plays in reviewing an extensive amount of federal agency actions, from regulatory actions to the orders and decisions of various Commissions and Boards. It has been reported that nearly half of the D.C. Circuit's caseload consists of appeals from federal regulations or decisions.

Some of us have stated during the previous Administration that we believe in a nominee's right to have a hearing. Many of us pushed in the past for hearings, with mixed success, for such Latino nominees as Richard Paez, Sonia Sotomayor, Enrique Moreno and Jorge Rangel. We still believe it is right to give a nominee a hearing once his or her public record has been explored to the fullest extent possible. That is why we support the Judiciary Committee's decision to have a hearing on Mr. Estrada. This public hearing will give Mr. Estrada, the Senate and the public a chance to hear from Mr. Estrada himself about the concerns that we and others have about his nomination.

In the memorandum attached, we outline a number of the areas which lead us to have our grave concerns about Mr. Estrada's nomination. Based on our research, but is unclear whether he would be fair to Latino plaintiffs as well as others who would appear before him with claims under the First Amendment, the Fourth Amendment, the Fifth Amendment (Miranda), and the process clauses of the U.S. Constitution. Further, we found evidence that suggests that he may not serve as a fair and impartial jurist on allegations brought before him in the areas of racial profiling, immigration, and abusive or improper police practices where those practices are adopted under the "broken window theory" of law enforcement. We also have concerns about whether he would fairly review standing issues for organizations representing minority interests, affirmative action programs, or claims by low-income consumers. We are also unsure, after a careful review of his record, whether he would fairly protect the labor rights of immigrant workers or the rights of minority voters under the Voting Rights Act.

We believe the burden to address these concerns lies with the nominee, Mr. Estrada. The Judiciary Committee should ask questions about these issues and give Mr. Estrada an opportunity to address the concerns. Ultimately, Mr. Estrada has the affirmative obligation to show that he would be fair and impartial to all who would appear before him. We hope you will be able to gather information at the hearing as to whether he meets this affirmative burden.

We look forward to the hearing and anticipate we could have further recommendations to you once we have had a chance to fully evaluate the answers that Mr. Estrada provides to the Committee at the hearing and afterward.

Sincerely,

CHRISTOPHER ARRIOLA,
California LaRaza Lawyers.
ANTONIA HERNANDEZ,
Mexican American Legal Defense and Educational Fund.

Mr. LEAHY. Latino labor leaders made this point: They say Mr. Estrada is a stealth candidate whose views and qualifications have been hidden from the American people and from the Senate. He has refused to answer important questions about his views and his judicial philosophy. They say it would be simply irresponsible to put him on the bench, and that is true.

To go back to some of the judges my good friend from Utah, the senior Senator from Utah, has talked about, Judge Richard Paez was a man strongly supported by his home State Senators. He was supported by every single Hispanic organization, and he was made to wait 1,500 days for a vote. I think a lesser person would have said: I am not going to stand, I am not going to do it. But with the very strong support he had from the Hispanic community, he did not want to let them down. He did not want to let down his family.

I talked with him many times during that time and encouraged him to stay with it. Elections came and went and he held on. Finally, he was given a vote. President Clinton had to get reelected as President to have this happen. When we hear how great it was that they put him through finally, after 5 years of total humiliation, and that is 5 years during which he was endorsed by every single Hispanic organization that spoke, he was allowed to come to a vote, but almost 40 Republicans voted against him.

I talked about Judge Sonia Sotomayor. This is somebody who had a unanimous well-qualified rating from the ABA, the highest rating possible. One would think this would have been a slam dunk. She was supported by every Hispanic organization. She had first been appointed to the Federal bench by the first President Bush. This should have been very easy, but every time we wanted to bring her up for a vote on the floor, there was an anonymous hold on the Republican side. Nobody wanted to step forward.

I will step up and state my opposition to Miguel Estrada. I feel that is only fair. I do not believe in anonymous holds. But every time we tried to bring up Sonia Sotomayor, a person who is listed by my friend from Utah as being one of the marks of excellence, a Republican would put on an anonymous hold, not even come forward and say, look, I want a debate against this person.

She finally came to a vote. Twenty-nine Republicans voted against this outstanding person. To his credit, my friend from Utah voted for her. I do appreciate that, and I complimented him at that time.

Even though President Clinton appointed 80 percent of the Hispanic circuit judges that are now on the court, there would have been more. He appointed two from Texas to the Court of Appeals for the Fifth Circuit, Jorge Rangel and Enrique Moreno of Texas. What happened? No Republican voted against them, to their credit. But why? They never received a hearing or a vote. They were never allowed to come to a vote. So nobody had to vote against them. They were backed by every single Hispanic group that I know of.

Before we say, oh, my gosh, what are we doing to this poor Hispanic American, here are two who were backed by every single Hispanic group, had high ratings, nominated to the Court of Appeals for the Fifth Circuit, and they were never allowed to have a vote.

Christine Arguello of Colorado was nominated to the Tenth Circuit. As I recall, she was backed by every single Hispanic group there was. She was never allowed to have a vote.

What I tried to do during the slightly over a year I was able to be chairman of the Judiciary Committee, I wanted to bring back some fairness to the confirmation process. I tried to address the vacancies we inherited as a result of a refusal to have votes on President Clinton's nominees. I brought a number of them forward. I also said I would not agree to this idea of anonymous holds, something that had blocked so many of these Hispanic judges.

Late last week President Bush nominated one more Hispanic American to the Fifth Circuit. That is good; he has now nominated two, which is, of course, a fraction, two-thirds, of those who were blocked from votes during the last administration.

It is not Senate Democrats who have created a confrontation over the Estrada nomination. It begins on the other end of Pennsylvania Avenue. I told this to the distinguished majority leader again this morning, that I have tried to work with the White House to see if there is some way we might move this process back to the kind of bipartisan process it was when I first came to the Senate, and that it was under both Republican and Democratic leadership for a long time but which it is not now.

I have urged the White House to make an effort to unite rather than divide and then we might go somewhere, but there is a deafening silence from the other side of the Pennsylvania Avenue. I do not think they really care. I think they see court packing as being an answer to right-wing ideologues. I think they see that there should be a political move on the major Federal courts that, even though that would destroy their independence, even though that would diminish substantially the integrity of the Federal courts, they think it should be an ideological court packing.

We see this coordinated effort to impose a narrow ideology on our Federal courts. The President campaigned saying that Justices Scalia and Thomas are his model nominees, and that is what he would use as a model for whomever he appoints. The Estrada nomination is evidence of that. Justice Scalia particularly was a nominee who is not only strident in his views but refused to share them with the Senate before his confirmation. Senators on both sides of the aisle stood up and said they were concerned with this stonewalling and they would not stand for it in the future. At least one side of the aisle has stuck with that.

Now, last year there was a panel discussion at the Federalist Society luncheon in which Lawrence Silberman and others discussed the strategy of saying nothing in confirmation hearings. The report was that Judge Silberman offered the same advice he had given Antonin Scalia when Scalia was nominated to the Supreme Court in 1986: Keep your mouth shut. Mr. Estrada has followed that to the letter.

I ask, why is the record for the Senate's consideration being kept so thin? The answer is, so the White House can have it both ways. They choose nominees based on narrow judicial ideology but insist the Senate proceed without considering it and, if possible, without knowing it. Secrecy and intimidation are the preferred methods of operation.

Anyone who had any remaining doubt about the criteria used by the White House to select judicial nominees need only consider the admissions, including news reports over the last couple of weeks following the reports in late January of Robert Novak and White House Counsel Alberto Gonzales's role in crafting the administration's brief opposing the University of Michigan affirmative action case. There have been a series of reports of a "loud whispering campaign" in which right-wing conservatives touted Miguel Estrada as a safer, more reliable, conservative Hispanic for the President to nominate to the Supreme Court in lieu of Alberto Gonzales.

Why? Pure and simple: Ideology; and a belief that you can nominate somebody who will vote not as an independent member of the Judiciary but as a Republican and—more than that—be part of the small, very conservative coterie of the Republican Party, and do it consistently and predictably.

I went to law school. As a lawyer, I argued a lot of cases before Federal courts. You assume the judge will be independent and will not treat anyone one way or the other depending upon their political party, but that he or she will decide the case based on the facts. This apparently is no longer enough for this administration. They want a Republican judge who will vote as a Republican who will be consistent and predictable. In other words, if you are a Democrat coming before the Federal court or if you do not eschew a particular Republican ideology when you come before that court, you are not going to get independent treatment. That is wrong.

USA Today noted that when the Bush administration did not go as far as GOP hardliners wanted in opposing the University of Michigan's affirmative action program, some blamed Gonzales. That has led to an unusually aggressive whispering campaign. Conservative activists have been successful in persuading President Bush to nominate hardline candidates, but lower courts made it clear to reporters that George W. Bush and others do not believe Gonzales is Supreme Court material. They go on to report conservatives also touting Miguel Estrada, native of Honduras and former Justice Department lawyer, who has been nominated by President Bush to serve on the U.S. appeals court in Washington, DC.

The administration seeks to have it both ways. They want to take credit with the Federalist Society when they nominate ideological nominees, but they also want to pretend to the American public that ideology does not matter.

I ask this: If ideology does not matter to the Republicans, why did they obstruct scores of President Clinton's nominees to the courts, including several to the DC Circuit? If ideology does not matter, why did Republicans vote in lockstep against Justice Ronnie White of Missouri to be confirmed to the district court? If ideology does not matter, why did Republicans filibuster the nominations of Justice Rosemary Barkett to the Fifth Circuit, Judge H. Lee Sarokin to the Third Circuit in 1994, Judge Richard Paez and Marsha Berzon to the Ninth Circuit in 2000? To say we would never do this obscures the record and blurs the rationale.

Let me share with the Senate an account of Republican use of ideology in connection with judicial nominations. There was a column in the Wall Street Journal in the summer of 1998 explaining the anonymous Republican holds on the nomination of Judge Sonia Sotomayor to the Second Circuit Court of Appeals. I worked hard for 2 years on that nomination. It is my circuit. It is the circuit court I argued in front of when I was in private practice. I was astounded when Republicans held her up for months without a vote. I could not understand why such an outstanding nominee was being stalled by Republicans. After all, she initially was appointed to the Federal bench by a Republican President. Not only that, she had an outstanding record as a judge and, before that, an outstanding record in private practice and an outstanding record as a prosecutor.

What was not to like about this Hispanic woman appointed initially by a Republican and now nominated by a Democrat? She had been confirmed by the Senate to the U.S. District Court for the Southern District of New York in 1992 after being nominated by the first President Bush. She started in a housing project in the Bronx. She then attended Princeton University and Yale Law School. She worked for more than 4 years at the New York District Attorney's Office as assistant district attorney. She was in private practice in New York.

So then Mr. Gigot explained to all what was the problem behind the closed doors of the Republican Cloakroom. Republicans were fearful, if she were confirmed quickly, she could be in line to be nominated to the U.S. Supreme Court. Mr. Gigot wrote:

> If liberals do prevail, the president could turn to 43-year-old district court judge Sonia Sotomayor. She's every Republican's confirmation nightmare—a liberal Hispanic woman put on the district bench by George Bush.

That was what the Republicans and the Wall Street Journal editorial writers said.

Then the Wall Street Journal followed up, based on what they had been told by the Republican Cloakroom. They editorialized a few days later and issued these instructions. I recall, when we were issued instructions and the majority leader, George Mitchell, put together a plan that brought about a balanced budget, they said it would bring about economic ruin. We then had 8 years of the most spectacular rise in our economy and the highest employment we ever had.

They issued instructions on June 8, 1998. We would like to think the Republicans may be having second thoughts and are deliberately delaying her confirmation to see whether Justice Stevens announces his retirement when the current Court term ends this month.

The reason for the delay was confirmed by a subsequent report in the New York Times. That is just one of scores of nominations the Republicans have delayed or stalled or defeated because of ideology in recent years.

I ask unanimous consent to have printed in the RECORD the May 29, 1998, column and the June 8, 1998, editorial in the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 18, 2002]

VISIBLE ABSENCE OF LATINOS ON FEDERAL COURTS

(By Antonia Hernandez, President and General Counsel, Mexican American Legal Defense and Education Fund, Los Angeles

Your editorials claim that Senate Judiciary Chairman Patrick Leahy is taking too long to confirm Miguel Estrada to the D.C. Circuit Court of Appeals position that is often viewed as a stepping stone to the Supreme Court ("No Judicial Fishing," June 11 and "The Estrada Gambit," May 24).

Yet no mention was made of the delays for Latino-nominated judicial candidates to the circuit courts during the Clinton administration under a Republican-controlled Senate. It took four years to confirm the nomination of Judge Richard Paez to the Ninth Circuit Court of Appeals, and he had to be nominated three times. In two instances, the Senate did not even schedule a hearing for two eminently qualified Latinos to the Fifth Circuit Court of Appeals: Enrique Moreno and Jorge Rangel, whose nominations languished and died in the Judiciary Committee.

The Mexican American Legal Defense and Education Fund (MALDEF) believes it is unfortunate the federal judiciary remains predominantly white and male. Latinos are visibly absent from the Supreme Court and many of the federal appellate courts. but just being Latino is not enough. At the end of the day, the decisions made by these individuals apply to all regardless of race, ethnicity, gender or immigrant status.

The fact that a nominee is Latino should not be a shield from full inquiry, particularly when a nominee's record is sparse, as in Mr. Estrada's case. It is vital to know more about a nominee's philosophies for interpreting and applying the Constitution and laws.

It is also important for Latinos to raise questions about how a nominee's views might affect our community. MALDEF is not seeking to stall Republican nominees. During President Bush's first year, two Latinos whom MALDEF supported were nominated and have been confirmed. We have met with White House officials and asked them to nominate more Latinos. To date, President Bush has nominated only one Latino to the circuit court.

We firmly believe that all judicial nominees should have hearings once their records have been adequately examined in a fair and impartial manner.

Individuals appointed to the federal bench, a lifetime appointment, must meet basic requirements such as honesty, integrity, character and temperament.

But the inquire must not stop there. We must also look to the nominee's record as it reflects his/her demonstrated understanding and commitment to protecting the rights of ordinary residents and to preserving and expanding the progress that has been made on civil rights, including rights protected through core provisions in the Constitution, such as the equal protection clause and the due process clause, as well as through the statutory provisions that protect our legal rights.

Since 9/11, America has been embroiled in a serious public debate about who we are as Americans and what are the limits of our freedoms, who should enjoy the protections of our laws, and what rights are to be extended or denied to Latinos.

When the Supreme Court recently stripped immigrant workers of important employee protections (*Hoffman Plastics*), Latinos inquired why their voices mattered so little when so much was at stake. Many asked why Latinos have had so little representation in a judiciary that has the power to shape their lives. Legitimate debate is integral to the judicial selection process, and therefore it is legitimate to have this debate within the context of confirming individuals who are supposed to serve as impartial referees in this public debate.

[From the Wall Street Journal, May 29, 1998]

SUPREME POLITICS: WHO'D REPLACE JUSTICE STEVENS?

(By Paul A. Gigot)

President Clinton could soon make his third Supreme Court appointment, and his political play will be to trump Senate Republicans by naming the first Hispanic justice.

Such speculation is in high gear among Republicans because the White House is already floating the names of potential replacements should Justice John Paul Stevens pack it in when the high court's term ends in the next month.

Retirement for the flinty, independent 78-year-old justice is no sure thing. Merely hearing such speculation could cause him to stay on, and by all accounts he's in good mental and physical health. It's also clear from his Clinton v. Jones opinion that he's no great admirer of this president.

But friends who've spoken with Justice Stevens say that for the first time he seems like a man seriously contemplating retirement. He already spends much of his time in Florida, where his wife wouldn't mind seeing him more. He's also talked about the subject with more than one of his bench colleagues.

The timing would certainly make ideological sense for the court's ranking liberal. By retiring this year, he'd shelter his successor's confirmation from the presidential politics that will be going strong next summer. A Clinton nominee next year would also probably face a Senate with even more Republicans than the current 55.

If Mr. Stevens waits until the summer of 2000, he'd run the risk that his successor would be named by a conservative president. While the justice appointed by Gerald Ford likes to claim GOP credentials, you can bet he doesn't want to be replaced by another Antonin Scalia. If he wants to preserve the current court's precarious liberal-conservative balance, this is the year to depart.

The biggest beneficiary would be Mr. Clinton, who is eager to pad his lackluster legacy. That argues for naming the first Hispanic justice, an act of symbolic politics that would enhance Democratic ties to the nation's fastest growing ethnic group.

The move would also mousetrap Senate Republicans, who will be loathe to oppose anyone with a Hispanic surname. Still smarting from the backlash against their anti-immigration idiocy of 1994–96, some Republicans would vote to confirm Geraldo Rivera.

And the problem is, they might have to vote on the judicial equivalent. The lineup of qualified Hispanic Democratic judges is shorter than admirers of Monica Lewinsky's lawyer William Ginsburg. A list submitted to the White House (and delivered in person to Vice President Al Gore) by the Hispanic National Bar Association contains only six mostly minor-league names.

Voters recalled Cruz Reynosos from the California bench along with Rose Bird in 1986. Vilma Martinez has been a liberal civil-rights litigator. Gilbert Casellas ran the Equal Employment Opportunity Commission but has been passed over by Mr. Clinton for the appellate bench.

The list's one genuine legal heavyweight is Jose Cabranes, a Puerto Rican immigrant named to the federal Second Circuit by Mr. Clinton in 1994. A former Yale general counsel, Judge Cabranes was advertised as a finalist when the president made his last Supreme Court pick. He's a judicial moderate and his confirmation would be a bipartisan breeze.

But his very moderation is making him less acceptable to many Clintonites this time. White House aides are already telling Senate sources and others that Mr. Cabranes isn't reliably liberal enough to replace Justice Stevens. He's especially suspect on the liberal orthodoxy of classifying everyone by racial and ethnic identity. He's no conservative, but he's spoken out publicly for the "Western civilization curriculum" attacked by the left.

Liberals also fret about the influence of Mr. Cabranes's daughter, whose sin is to have belonged to the Federalist Society and to have clerked for Judge Ralph Winter, a Reagan appointee. It may seem odd to blame a father for the beliefs of his daughter, but Clinton liberals believe in guilt by conservative association.

If liberals do prevail, the president could turn to 43-year-old New York district court judge Sonia Sotomayor. She's every Republican's confirmation nightmare—a liberal Hispanic woman put on the district bench by George Bush (at the request of Democratic Sen. Pat Moynihan).

Her willingness to legislate from the bench was apparent in her recent decision that a private group giving work experience to the homeless must pay the minimum wage. Never mind if this makes them that much harder to employ. Mr. Clinton has nominated Judge Sotomayor to join Mr. Cabranes on the Second Circuit, and she's said to be a favorite of Hillary Rodham Clinton.

All of which means that a Stevens retirement would put a large political burden on the protean shoulders of Judiciary Chairman Orrin Hatch. His own choice would probably be Judge Cabranes. And the Utah Republican has privately explained his brisk approval of Clinton lower-court nominees as a way to gain leverage and credibility for the more significant Supreme Court pick. But Mr. Clinton has fooled Republicans before. Maybe Republicans are better off begging Justice Stevens to stay.

Mr. LEAHY. When the Republicans now protest that the Senate can only look at where a person went to school, and the rating the newly compliant ABA provides, they are disregarding their own past practices. A young conservative activist spilled the beans quite explicitly recently on the "Crossfire" television program in which he said:

> . . . the second [he] gets in there he'll overrule everything you love—

Everything moderates have worked to enact over the years.

That seems to be the badly kept secret, as to why the White House chose Mr. Estrada for this nomination—precisely because of his ideology. Keeping that secret is apparently what motivated the strategy that resulted in his extraordinary lack of responsiveness to substantive questions regarding his views and judicial philosophy.

Nobody can look at opinions of the Supreme Court and believe that Justice Scalia and Justice Thomas do not have an agenda, the two stated by the President to be his model for nominees. But I am left with a fear that Mr. Estrada, likewise, comes to this nomination with a hidden agenda.

Maybe it is the nature of the beast, but I have never seen so many crocodile tears in my life from the other side of the aisle as they ask: Why are we asking these questions? How can you possibly question this man? How can you possibly question this man?

I am going to tell the Senate a secret as to why it is we asked for this. I know my friends on the other side may not want to let this out, so I will tell it just to those in this room where we learned to look into this. We heard it from a speech given to the Federalist Society in which the Senator speaking said:

> [T]he Senate can and should do what it can to ascertain the jurisprudential views a nominee will bring to the bench in order to prevent the confirmation of those who are likely to be judicial activists. Determining who will become activists is not easy since many of President Clinton's nominees tend to have limited paper trails . . . Determining which of the President's nominees will become activists is complicated and it will require the Senate to be more diligent and extensive in its questioning of a nominee's jurisprudential views.

I read that speech. In a sense of bipartisanship, I want you to know that I agree exactly with what Senator HATCH said in Utah when he gave that speech to the Utah branch of the Federalist Society. When Senator HATCH said that we have to prevent the confirmation of those who are likely to be judicial activists; the Senate must be more diligent and extensive in its questioning of nominees' jurisprudential views, I think my friend from Utah had it absolutely right and, guess what, that is exactly what we are doing here.

In fact, when a Democratic President was sending judicial nominees to the Senate, the man who would later become the principal Deputy White House Counsel for the President, the man who played a significant role in the selection of President Bush's judicial nominees, Tim Flanigan, said, the Judiciary Committee and the Senate must be extraordinarily diligent in examining the judicial philosophy of judicial nominees.

This man, who went on to help the current President Bush pick judicial nominees, said:

> In evaluating judicial nominees, the Senate has often been stymied by its inability to obtain evidence of a nominee's judicial philosophy. In the absence of such evidence, the Senate has often confirmed a nominee on the theory they could find no fault with the nominee. I would reverse the presumption and place the burden squarely on the judicial nominee to prove that he or she has a well-thought-out judicial philosophy, one that recognizes the limited role of Federal judges. Such a burden is appropriately borne by one seeking life tenure to wield the awesome judicial power of the United States.

I agree with that. What I do not agree with is that we say we must have a standard of impartiality on judges, that they cannot be activists, that they must answer their questions—we can say that is the standard if it is a Democrat referring them to the Judiciary Committee, but that all goes out the window when it is a Republican.

I agree that we must ask what their judicial philosophy is and they must answer the questions. That is the standard that the Republicans set over and over again, both those who went on to serve in the White House and my friend from Utah when he was chairman of the Senate Judiciary Committee. It is a standard on which we should all agree.

But what I do not agree on is when it is a Republican making the nomination, no standards are required—no standards are required. We can't ask about philosophy. We can't ask about temperament. We can't ask what they are going to do with this lifetime appointment.

In this case specifically, Mr. Estrada refused to provide us the answers about the types of jurisprudential views that Chairman HATCH and Mr. Flanigan said they must—they must—answer. At least they said they must answer when it was a Democrat nominating them. But I guess if it is a Republican nominating them we get kind of a pass; that there is going to be jurisprudential purity.

Extensive questioning of this nominee's jurisprudential views have been forestalled and short circuited. He does have a paper trail but it has been kept secret by the White House. There is a paper trail that says what his jurisprudential views are, but the White House has kept it secret.

We want judges to be fair and impartial. That is what I believe most Americans want. An independent judiciary is a bulwark against us losing our rights and our freedoms. I say it again. The vast majority of people, if they go into Federal court, want to be treated fairly. They want to look at that judge and say, it doesn't make a difference whether I am Democratic or Republican, conservative, liberal, rich, poor, what my color is, or what my creed is, or anything else; I am now before the Federal courts, the most respected judicial system in the world, and I am going to be treated fairly.

But, whether they know it or not, whether they think of it or not, they have that sense that it is going to be a fair treatment because historically the Senate has maintained that integrity and independence of the Federal judiciary.

From the first part of our Nation's history when the Senate even turned down judges nominated by President George Washington, the most popular President in our history, the Senate has maintained the integrity and independence of the Federal judiciary.

As I said before, I have voted on hundreds of judges. I voted for hundreds of judges of Republican Presidents—President Ford, President Reagan, former President Bush, and the current President Bush, just as I have for Democratic Presidents. I have also voted against judges, those nominated by Democratic Presidents as well as by Republican Presidents. I do this because I know it is a lifetime appointment and we want to make sure of what we do. Most I voted for confirmation.

As I said before, we set an all-time record—certainly the record for the last 10 or 15 years—during the year and a half or so that I was chairman of the Senate Judiciary Committee, sending out 100 Federal judges, both circuit and district, including, I say to the Senator from Alabama and the Senator from Utah who is in the Chamber, judges from their States—not Democrats. They were Republicans. I think a lot of their philosophy is different than mine. I trusted their integrity, and they answered the questions.

But here, the little record we have calls into question whether this person can be a neutral referee or an advocate and activist from the bench. That is really where we are.

We have a duty to the American public to say when we give our imprimatur by voting to confirm somebody to a lifetime position on the Federal courts that we have made every effort possible to make sure we are going to maintain the integrity and the independence of the Federal judiciary; that we are not going to turn the Federal judiciary into a political arm.

We elect Presidents. In electing them, we say they can be political. I said I wish Presidents would be uniters and not dividers. In this case, they have been a divider and not a uniter—but the nature of it is they are expected to be political.

We elect men and women to the House of Representatives and to the Senate to carry a political agenda, but we put people on the Federal judiciary to be independent and nonpolitical. Here we are being told that we are going to fill out a political agenda.

My friend from Alabama wishes to speak. I will speak further but give him a chance to speak.

Mr. President, I ask unanimous consent that several editorials and letters opposing Mr. Estrada's nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 29, 2003]

AN UNACCEPTABLE NOMINEE

The Senate Judiciary Committee is scheduled to vote tomorrow on Miguel Estrada, a nominee to the D.C. Circuit Court of Appeals. Mr. Estrada comes with a scant paper trail but a reputation for taking extreme positions on important legal questions. He stonewalled when he was asked at his confirmation hearings last fall to address concerns about his views. Given these concerns, and given the thinness of the record he and his sponsors in the administration have chosen to make available, the Senate should vote to reject his nomination.

Mr. Estrada, a native of Honduras and graduate of Harvard Law School, has a strong legal resume. But people who have worked with him over the years, at the solicitor general's office and elsewhere, report that his interpretation of the law is driven by an unusually conservative agenda. Paul Bender, a law professor and former deputy solicitor general, has called Mr. Estrada an ideologue, and said he "could not rely on his written work as a neutral statement of the law." In private practice, Mr. Estrada defended anti-loitering laws that civil rights and groups have attacked as racist.

Unlike many nominees who are named to an appeals court after years as a trial judge or professor, Mr. Estrada has put few of his views in the public record. One way to begin to fill this gap, and give the Senate something to work with, would be to make available the numerous memorandums of law that Mr. Estrada wrote when he worked for the solicitor general's office, as other nominees have done. But the White House has refused senators' reasonable requests to review these documents.

Mr. Estrada, now a lawyer in Washington, also had an opportunity to elaborate on his views, and assuage senator's concerns, at his confirmation hearing, but he failed to do so. When asked his opinion about important legal questions, he dodged. Asked his views of Roe v. Wade, the landmark abortion case, Mr. Estrada responded implausibly that he had not given enough thought to the question.

Senators have a constitutional duty to weight the qualifications of nominees for the federal judiciary. But they cannot perform this duty when the White House sends them candidates whose record is a black hole. Mr. Estrada's case is particularly troubling because the administration has more information about his views, in the form of his solicitor general memos, but is refusing to share it with the Senate.

If Mr. Estrada is confirmed, he is likely to be high on the administration's list for the next Supreme Court vacancy. The D.C. circuit is a traditional feeder to the Supreme Court, and it is widely thought that for political reasons the administration would like to name a Hispanic.

The very absence of a paper trail on matters like abortion and civil liberties may be one reason the administration chose him. It is also a compelling—indeed necessary—reason to reject him.

[From the Los Angeles Times, Jan. 13, 2003]

Bush's Full-Court Press

There are at least two explanations—one even more cynical than the other—for President Bush's renomination last week of Judge Charles W. Pickering, a man the Senate rightly rejected last year for a seat on the federal appeals court.

Perhaps Bush really didn't mean it last month when he denounced as "offensive . . and wrong" Mississippi Sen. Trent Lott's nostalgic musings about the segregated South. The Republican Party has long tried to have it both ways on race: ardently courting minority voters while winking at party stalwarts who consistently fight policies to establish fairness and opportunity for minorities. Even Bush has not always been above such doublespeak, encouraging African Americans to vote GOP and touting his Spanish-language facility on the campaign trail as a come-on to Latino votes even as he dropped in at Bob Jones University, which, until three years ago, barred interracial couples from sharing a pizza.

Bush's renomination of Pickering, a man whose law career is unremarkable but for his longtime friendship with Lott and his dogged defense of Mississippi's anti-miscegenation laws, throws another steak to the far right and sand in the eyes of most Americans.

There could be another explanation for Bush's decision, just weeks after denouncing Lott, to again shove Pickering on the American people. Perhaps the president doesn't really care whether Pickering, Whom he's indignantly defended as "a fine jurist . . . a man of quality and integrity," is confirmed.

Maybe Bush calculates that Sens. Edward M. Kennedy (D–Mass.), Charles E. Schumer (D–N.Y.) and others, justly incensed that the judge is back before them, will embarrass a Republican or two into joining them and defeat his nomination a second time. The president may be figuring that if they can call in enough chits on Pickering, the Democrats won't have the votes to stop the many other men and women he hopes to place in these powerful, lifetime seats on the federal bench.

None of those nominees can be tarred with Pickering's in-your-face defense of segregation. But many, including Texas Supreme Court Justice Priscilla Owen, lawyers Miguel Estrada and Jay S. Bybee, North Carolina Judge Terrence Boyle and Los Angeles Superior Court Judge Carolyn B. Kuhl, share a disdain for workers' rights, civil liberties guarantees and abortion rights. Their confirmations would be no less a disservice to the American people than that of Pickering, who now has been nominated two times too many.

[From the Los Angeles Times, Feb. 5, 2003]

Latino Would Set Back Latinos

(By Antonia Hernandez)

It is ironic the President Bush, whose lawyers excoriated affirmative action at the University of Michigan, would nominate Miguel Estrada, an unqualified Latino, to the U.S. Court of Appeals for the District of Columbia in order to achieve diversity. The full Senate takes up the nomination this week.

The Mexican American Legal Defense and Educational Fund, or MALDEF, and other Latino and civil rights organizations believe that in a nation of more than 37 million Latinos, the federal judiciary should not remain overwhelmingly white and male. The nation needs judges who understand us, the Latinos are visibly absent from the Supreme Court and many of the federal appellate courts. The judiciary is the branch of government to which we have turned to seek protection when, because of our limited political power, we are not able to secure and protect our rights through the legislative process or the executive branch.

However, Estrada has neither demonstrated that he understands the needs of Latino Americans nor expressed interest in the Latino community. A thorough review of his sparse record indicates he would probably make rulings that roll back the civil rights of Latinos. Simply being a Latino does not make one qualified to be a judge.

The decisions made by judges apply to all, regardless of race, ethnicity, gender or immigrant status. Individuals appointed to the federal branch, a lifetime appointment, must meet basic requirements such as honesty, open-mindedness, integrity, character and temperament. They must also go a step beyond that and affirmatively demonstrate that they will be fair to all who appear before them in court.

Estrada's lack of qualifications has prompted many prominent Latino organizations and others to oppose him, including MALDEF, the Puerto Rican Legal Defense and Education Fund, the Southwest Voter Registration and Education Project, Latino union leaders, the Leadership Conference on Civil Rights and Congress' Hispanic and Black causes.

The available record of Estrada's legal positions raises grave concerns about how he might rule on constitutional matters affecting Latinos. For example, his work in the area of criminal justice raises serious doubts as to whether he would recognize the 1st Amendment rights of Latino urban youths and day laborers, and it casts serious doubt on whether he would fairly review Latino allegations of racial profiling.

In 1977 he worked pro bono to defend the city of Chicago's ban on loitering, which was designed to curb gangs and drug activity. Instead, the ban resulted in police harrassment of Latino and African American youths. After the Supreme Court struck down the ordinance as unconstitutional, Estrada volunteered to defend a similar one in Annapolis, Md., which was also found to be unconstitutional.

As a government attorney, he argued that police discretion was wide, that officers could execute a search warrant in a felony drug investigation without knocking and announcing who they were. This indicates his disdain for the protections of the 4th Amendment.

In other areas, Estrada has stated that he has never raised the issue of diversity in any of his workplaces and that he would not seek to help Latinos by hiring them as clerks, and he dismissed concerns about the lack of diversity among Supreme Court law clerks. In 2001, in the Annapolis anti-loitering case, Estrada argued that the NAACP had no standing to represent the interests of African Americans. This indicates he probably would question the right of access to the courts of groups that have historically represented the interests of Latinos.

Our opposition is not partisan. MALDEF has supported President Bush's nomination of well-qualified Latinos who are conservative and will continue to do so. However, when a nominee, like Estrada, is an ideologue who hides his views and who is so lacking in experience, we have little choice but to oppose the nomination. The courts and the job of justice are too important.

Mr. LEAHY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I believe Senator KYL was in the line to speak next. I think probably he will be here shortly.

I would like to say one thing about this issue of ideology. We had hearings on it. I know Senator SCHUMER advocated that we ought to consider ideology—I guess he meant politics—of the nominee. Some of my friends across the aisle asked: Why do Republicans nominate Republicans and

Democrats Democrats, if ideology doesn't matter?

We voted for those nominees. President Clinton had confirmed during his tenure as President of the United States 377 Federal judges. This Senate voted down one judge. That is all we voted down on the floor of the Senate. None were blocked in committee. All were voted out of committee, unless they had objections from home State Senators and came up until the last of the administration. And 41 judges had been nominated and were pending either in committee or on the floor when President Clinton left office. Comparing that to when President Bush left office and the Democrats controlled the Senate, there were 54 nominees pending and unconfirmed.

I think all of us need to take a deep breath and to remember that the judiciary is made up of human beings. They are appointed by the President. Our President believes in judicial restraint. He believes that judges should not enact political agendas from the bench. That is the criteria he has used—that and excellence and integrity. Miguel Estrada, probably as much as any nominee we have ever had, represents excellence, integrity, and experience that would qualify him for the job. Indeed, he unanimously won the highest rating from the American Bar Association, "well qualified."

But I will just say that we did, in fact, vote overwhelmingly for President Clinton's judges—377, and one we voted down. Only 41 were left pending when he left office, which is well within the tradition of this Senate.

Frankly, if people get nominated late, they don't have time for hearings. Sometimes the Senate will think, let's see how the election comes out and leave some hanging. That has always happened here. That can be criticized. But we do that. What we are seeing now is a slowdown of nominees at the beginning of the process.

I also note that as we considered these nominees we had hearings on the burden of proof. A group of liberal professors met with the Democratic leadership soon after President Bush was elected President. They made a proposal that the ground rules of judicial nominations should be changed. They didn't propose it while President Clinton was nominating his nominees, many of which were ACLU members, and many of which were strongly proabortion, and those kinds of things. They didn't raise that then. But as soon as the election was over, they proposed changing the ground rules, according to the New York Times report of that event. One of the things was that they would consider ideology. Another one was that they would change the burden of proof—that for the first time in history the burden would be on the nominee to somehow prove that they were worthy of the appointment instead of having the Senate review the presumptive power of the President to make the nominee and then if disagreeing object to them. That was a big deal. We had hearings on that in the court subcommittee of the Judiciary, of which I am a member.

Senator SCHUMER was an advocate of both of these positions. But the hearings he held were fair, and we had an interesting debate about it.

I will just say, being the ranking Republican during that time, that the witnesses and the evidence we took to me clearly did not support changing the ground rules. People such as Lloyd Cutler, who was counsel to the White House under Presidents Carter and Clinton, opposed that. He believed that nominees should be given also the presumption of confirmation. I thought it was pretty successful in how we handled it, and that the evaluations we considered on the issue should not be changed. The rules ought not to be changed to going to a different way of considering nominations.

Senator HATCH—I have to agree, and I think my colleague, Senator LEAHY, would agree with this—set forth a principal position for evaluating judges. He said we should consider judicial philosophy. He did not say we should consider their politics. He talked about judicial philosophy and the danger. The issue that concerned him and concerned most Americans was the question of judicial activism. This was a philosophy taught in law school for many years. I think maybe hopefully that it is a little less prominent today than it was 15 or 20 years ago—that good judges shove the envelope, good judges should be activists, they should promote good causes and use the power of their office to further causes which they believe are just and to strike blows for the poor, and that kind of thing. It was a strong philosophy.

But the truth is that is a dangerous philosophy. When you are talking about a lifetime appointment of a person to the Federal bench, they should understand that they are not empowered to render rulings that go beyond the plain meaning of the law. They should not render rulings that twist the meaning of words—giving words new and different meanings than were intended when the Congress passed legislation, or when the Constitution was written. That is a very important issue to me.

On this question of activism, when you give an unelected judge and an unelected court lifetime appointments with no accountability to the people, the power to redefine the meaning of words and to change historic understandings of our clauses and phrases in our statutes and in our Constitution, we have diminished democracy because they are democratically accountable. If we changed the law, they can vote us out of office. The next group of Senators or Congressmen can change the law if we vote badly. But if they declare that the Constitution says you can't do this or you must do that, then it is much, much more difficult to deal with.

Certainly, in this Congress we do not want to impeach judges because we disagree with their opinion. What we need are judges on the bench who are honorable, intelligent, capable, and who understand their role, which is to enforce the law as written. And that is the kind of judge we ought not have fear of, as one witness said.

Why should we fear a judge who shows restraint? Our liberties are not at risk by a judge who shows restraint. Our liberties are at risk when we have a judge who believes they have the ability to go beyond what statutes say and to do what they think is right. You have heard them say: Well, the legislature would not act, so the judges had to act. That is not legitimate. If the legislature did not act, that is a decision of the legislature, a decision not to act. It is no less valid than a decision by a legislature to act on a matter.

Judges ought to follow the law as written. They ought to understand the great power of that branch of Government. They ought to be independent. They should strike down laws that are unconstitutional. That is not being activist. If a law is in violation of the Constitution, a conservative or liberal judge, I hope, will strike it down. We have accepted that since Marbury v. Madison, since virtually the beginning of this country. But that is not activist.

What is activist is to misrepresent what the Congress intended, to twist the meaning of the words of the Congress, or to alter the meaning of the words of the Constitution to promote a short-term political agenda. I really think that is our problem. Activism can be defined in a number of ways, but it is quite different from a person's political philosophy.

To me, the high water mark of judicial activism was when we had two members of the U.S. Supreme Court dissent on every single death penalty case. Their dissent was, they believed the death penalty was cruel and unusual punishment and the Constitution prohibits the imposition of cruel and unusual punishment. They said, according to the changing standards they live in today, this was no longer compatible with humane or legal systems or modern thought, and therefore they just found it cruel and unusual to execute anyone by any means, and therefore the whole death penalty statute should be struck down.

The reason that was particularly ill advised, in my view, is that at the time the Constitution was adopted, it had the cruel and unusual punishment language in it but it also had six or eight references in an approving way to a death penalty. They talked about capital crimes and what the rules should be in a capital crime. And capital crimes are death penalty cases. They said life, liberty, and property cannot be taken without due process of law—you can't take life. That means a death penalty.

Every State in the Union at the time the Constitution was written had a death penalty, and so did the Federal Government have death penalties. So for those two judges to actually dissent in case after case after case, to me, was merely imposing their personal views at one moment in time over the established will of the legal system that had been from the beginning. It is also contrary to the views of the majority of the States in the United States. And the polls have shown—if they want to go to evolving standards of decency that the American people oppose the death penalty—that, in fact, overwhelmingly they favor the death penalty. So I think we do need to watch that.

(Mr. CHAMBLISS assumed the chair.)

Mr. SESSIONS. One of the big issues we have before us, as we consider President Bush's nominees, is: Are we looking to have people on the bench to further our political agenda, or are we just looking for a neutral arbiter, someone who can evaluate the cases between litigants and make a fair and just rendering of an opinion on it? That is what it is all about.

One of the things that was raised in complaint about Miguel Estrada was he would not answer all their questions about his views on cases and lawsuits, and so forth. They said he would not produce his internal memoranda when he was a part of the Solicitor General's Office of the Department of Justice. Every living former Solicitor General of the United States, Republican and Democrat, to my knowledge, has written that he ought not to do that. Lawyers ought to be encouraged to write to their clients, the Department of Justice superiors, and give their opinions.

Let me add one thing about that issue. The memoranda that he wrote were not to John Mitchell. The memoranda that he wrote were for Janet Reno and the Clinton Department of Justice. He was in the Solicitor General's Office during that time. And he was evaluated and given the highest possible evaluation by the Clinton Department of Justice attorneys. One of them specifically noted in that evaluation that he followed the procedures and policies of the Clinton Department of Justice. So I do not see how it can be suspected that he was writing right-wing extremist memoranda within that Department of Justice while having the kind of respect and high evaluations that he had. So I believe that is important.

There is a real reason that judicial nominees—and I know the Presiding Officer is a lawyer and understands these issues—why someone thrown into a hearing ought to be reluctant to answer questions about complex cases when we have a hearing on the confirmation of a nominee to the Federal courts of the United States. If they are confirmed, they will be given important cases on which to rule. I hope and I pray they will spend many hours reading the briefs of the parties, reading personally the major cases in the country that deal with that issue, and they give it sincere thought and prayerful consideration before they render a verdict. That is what we want.

To throw somebody in a hearing and to start asking them how they are going to rule on this matter or that matter is improper. And asking them that would bind them, if they got in. In other words, let's say that they said: Well, I favor this, Mr. Senator; I hope that makes you happy; and I agree with you. And then they become a judge, and they get a stack of briefs, and they start reading the opinions, and they come back out with the belief that that is wrong. What have they done then? No. The history of our confirmation process and the strong opinion of the American Bar Association, an independent arbiter in these matters, is that they should not be lured into expressing opinions on cases that are likely to come before them on the bench. That is so fundamental and so sound a principle that I cannot imagine anyone would suggest it be changed.

Lloyd Cutler, White House Counsel to Presidents Clinton and Carter, wrote this:

> Candidates should decline to reply when efforts are made to find out how they would decide a particular case.

That was his testimony in our hearing as we discussed these issues in the Judiciary Committee. That certainly is correct to me. I believe that is sound policy, whether we have a Republican President or a Democratic President. I do not recall that Senator HATCH ever insisted a judge tell him how he was going to rule.

My good friend Senator LEAHY, he likes to talk about the Federalist Society and Senator HATCH making a speech at the Federalist Society. They take no position over any of these legal issues. They are a forum for debate. Most of the members, perhaps, believe in a restrained judiciary, but they have a lot of different ideas and vigorous debate, and they publish articles that disagree with one another.

But we confirmed a host of Federal judges under President Clinton who were members of the American Civil Liberties Union. You may say: Well, you know the American Civil Liberties Union. They do some good work. I don't think we should just vote against them for that reason. And we didn't. We confirmed almost all of them. As a matter of fact, I am not sure any of them who were members did not get confirmed.

Look at the Web site of the ACLU. It takes positions on issues. The ACLU believes there should be total separation of church and State. I am sure they agree with the proposal that we ought to take "under God" out of the Pledge of Allegiance. They believe in the legalization of drugs. They believe pornography laws should not be on the books and are unconstitutional. They believe even that child pornography laws are unconstitutional. That is a stated position.

Out of deference to President Clinton's nominees and his power and prerogative of appointment, we confirmed a bunch of them who were members of the ACLU, one of whom was a litigation committee chairman for the ACLU. Others had been State directors of the ACLU.

What did we do? We asked them in the hearing: Do you personally support all those views? They would usually say they didn't.

We would say: Well, whether you agree or not on drug legalization, let me ask you this: If we pass a law that says drugs are illegal, will you enforce it? Will you take your office as judge and use it to undermine the established law of the land? And they would all say: We will enforce the law.

That is how they came to be confirmed. I hope and trust to this day they are complying with that. Our system would not work were it otherwise.

I reiterate my growing admiration for Miguel Estrada's capabilities. He came here as a teenager, was an honors graduate, the highest possible honors at Columbia College. He went to Harvard Law School where he finished at the top of his class and was chosen editor of the Harvard Law Review. For a graduating law senior from a law school to be editor of the Law Review is one of the highest, probably the highest, honor that can be received. He was chosen that by his fellow members.

He didn't clerk for a Second Circuit Court of Appeals judge. They say he doesn't have judicial experience. He sat at the right hand of a Federal circuit judge, doing the kind of work he will be doing as a judge today, for 2 years. Not only that, he was such an astoundingly qualified and capable young lawyer, he was chosen to be a law clerk for Justice Anthony Kennedy on the Supreme Court of the United States. Anybody who knows anything about the legal profession knows being chosen as a law clerk by a Supreme Court judge is a great honor, something very few people ever get the opportunity to do. It is considered a matter of great significance.

Of course, Justice Kennedy is considered one of the swing justices on the Supreme Court, not one my colleagues like to talk about as an extreme conservative. That is who he clerked for, and remains close to Justice Kennedy to this day. He is admired by him.

Then he went to the Department of Justice to the Solicitor General's office. The Solicitor General's office is the law firm for the United States before the Supreme Court. It is within the Department of Justice. They prepare the arguments before the Supreme Court, the appellate courts. Of course, that is what Miguel Estrada will be considered for, an appellate court judge, not a trial judge, but an appellate court judge. He did a remarkable job there, receiving the highest possible evaluations by the Department of Justice.

After that, he went into practice with one of the premier law firms in the world in Washington, DC, and was evaluated by the American Bar Association. The American Bar Association takes its evaluation seriously. They do an independent background check. They make the nominee submit a list of their most significant cases. They have to give the names and addresses of the judge who tried the case, names and addresses of the opposing counsel, and maybe even cocounsel, and to summarize the case.

When that is done, the ABA interviews them. They don't interview just their friends. They interview the lawyers on the other side of the cases. They want to know, was this person a fair litigator; did he understand the law; were his arguments coherent; did he have integrity; did you respect him in the course of this litigation. Out of that evaluation, the American Bar Association unanimously voted he was well qualified for the court of appeals, and "well qualified" is the highest evaluation given.

We are proud of his achievements. President Bush has nominated an extraordinary judge. As I study more about Miguel Estrada and see more of his record, the more confident I am he will be not just a good justice but a great one. I believe that strongly.

I see Senator KYL is here. We have been going back and forth, so if you were able to allow him to speak at this time, that would be good.

Mr. LEAHY. Mr. President, if the Senator from Arizona has something else, of course, I will be here a lot longer, I believe. If it would accommodate him, I would be more than happy to do that. And then if we could go back to this side, I would appreciate it.

Mr. SESSIONS. I thank Senator LEAHY. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank Senator LEAHY. I was hoping I would be able to speak a little bit earlier because there are specifically some things the Senator from Vermont said, so I am pleased he is here and I can respond to couple of comments he made. He is someone who, as chairman of the committee and now as ranking member, has important remarks about this process. I want to specifically relate to some of the things he did have to say.

There are two aspects of this nomination of Miguel Estrada that should catch our attention. The first has to do with the qualifications of this extraordinary American. The second has to do with the process by which he is being considered. If we are not careful, this body could set a very bad precedent. If Senators actually decide to filibuster the nomination of Miguel Estrada, something I understand is being considered by the leadership on the other side, if the decision were made to filibuster him and his nomination failed as a result, it would be the first time in the history of the Senate. It would drastically change the way nominations for high judicial office are considered by the Senate, essentially substituting a 60-vote majority required for confirmation for the 50-vote majority that has heretofore been the standard.

We can talk later about situations in which motions for cloture have been filed for one reason or another, but there has only been one real filibuster in the Senate in the past, and that was the filibuster of Justice Abe Fortas. His nomination was withdrawn after a cloture petition failed. In other words, debate was not cut off. The filibuster did continue. But that was a bipartisan filibuster, almost evenly divided between Republicans and Democrats. It was not a concerted effort by one side or the other to galvanize their members into speaking as long as it took to cause the withdrawal of the nomination by the leader.

If the minority leadership decides to engage in that tactic with respect to Miguel Estrada, it would be not just unfortunate but permanently damaging to the relationship between the Senate and the executive and to the process by which we confirm nominations.

It is both a matter of tradition and comity. I know there are some who make the argument that there is a requirement the Senate's confirmation process be by majority vote. I don't think that case has been definitively established, but it certainly has been a matter of tradition.

There is a reason for it. That goes to the second. It has been a matter of comity. The way our separation of powers works is each branch respects the power of the other.

Now, when the Founding Fathers set it up, they were clear to provide jurisdiction, but they left a lot of gray area between the jurisdiction of the three branches; and over the course of 200-plus years, the three branches of Government have accommodated to each other's jurisdiction in a way with which the Supreme Court has infrequently, but importantly, dealt.

The Supreme Court, as a matter of fact, exercising that degree of judgment and comity, generally has stayed out of what it calls political issues, for example. Part of that comity is that the Senate has always believed it important to consider the most important nominees of a President and that the votes on those nominees be determined by a majority vote rather than extraordinary majorities or special procedures of the Senate.

That is because, in the modern idiom, "what goes around comes around," which is a crude way of saying we know that, over the long haul, all of us are going to be in the majority and in the minority and each will serve under Presidents of different parties. If we are to cooperate over the long haul in the Government to ensure that the judiciary is made up of people who are the very best qualified candidates and that we respect the judgment of the American people in electing a President, the Senate is required to give those nominees its very best judgment, thorough consideration, but at the end of the day a vote to confirm by 51 rather than a supermajority.

In fact, no less an expert in the area than the distinguished Senator from Vermont, the former chairman and now ranking member of the committee has been among what I would call the very responsible members of his party who have spoken out on this issue in the past and have urged against the use of filibuster as a technique for holding up the nomination of judicial nominees; in fact, have even voted for cloture but against the nominee on the merits. I have done the same thing with respect to two nominees President Clinton nominated. It is quite possible to oppose someone on the floor but to understand that we should never get the Senate in a position where filibustering a judge is the order of the day and, therefore, a 60-vote majority is required for confirmation.

Since Senator LEAHY is here, because I think he said it very well, in two different contexts, I will quote his own words on the subject. On June 18, 1998, Senator LEAHY said:

> I have stated over and over again on this floor that I would object and fight against any filibuster on a judge, whether it is somebody I have opposed or supported.

I think that is the essence of the tradition of this body: That while we may have disagreements sometimes and we are each free to cast a vote against a nominee, we understand that a filibuster to prevent a nominee from being voted on would be very wrong; it would set a very bad precedent.

I think Senator LEAHY was exactly correct when he uttered those words. In fact, he also said a year later, on September 16, 1999:

> I do not want to get into having to invoke cloture on judicial nominations. I think it is a bad precedent.

He said it more succinctly than I have tried to say it here, but I agree with the distinguished ranking member of the committee that a filibuster on a judge, whether you oppose or support a nominee, is wrong and it should be fought. I hope Senator LEAHY will fight it. Many in his party would like to see a filibuster. Nobody disagrees that everybody should have a complete say on the matter. I agree with that. We are willing to talk about Miguel Estrada for as long as it takes. Because he is so well qualified, it is fun to talk about him, and it is going to be good to get him confirmed. When the talking is over, we need to have a vote up or down.

May I also turn to a couple of other things the Senator from Vermont said. He talked about uniting and not dividing. I don't think there is anything divisive about Miguel Estrada. He is one of the kindest appearing people you can ask for. The ABA has given him a unanimous well-qualified rating. They take into account judicial temperament as well as qualifications. He has a great life story. He is certainly not a controversial person. So I personally don't think words such as "narrow, ideological court-packing" and the like are the way to describe the President's approach to this.

The President is certainly not trying to divide the country in nominating a very well qualified Hispanic judge such as Miguel Estrada. Actually, I think the concern is more to another point the Senator from Vermont made, which is that, in some people's view, there is not enough of a record on Miguel Estrada, that maybe he is a closet ideologue. I have heard that phrase bandied about. Again, the ABA's rating—considered to be the gold standard by many colleagues—would demonstrate that he is not an ideologue. There is no evidence of that. I think some are searching for that evidence, and they don't have anything against him, so they are saying the record is incomplete. So it is a catch-22.

I also note that the Judiciary Committee itself, then including under the leadership of the Senator from Vermont, has always submitted a questionnaire to our judicial nominees. One of the questions goes right to the point of trying to determine whether or not anybody is applying a litmus test to the nominee. I can remember back in Ronald Reagan's days there were opponents of President Reagan who said: You are applying a litmus test on the abortion issue. Reagan said: I never asked anybody their view on the question.

The Judiciary Committee wanted to make sure nobody was trying to find out what a nominee's positions were on issues they would be confronting on the court. That would be wrong. Therefore, one of our questions to every judicial nominee is: Has anybody ever asked you about your specific views on issues or about cases and how you might rule on cases that might come before you? And, if so, please state the circumstances and the names.

The committee, in other words, wanted to make sure nobody was trying to find out from candidates how they would rule on particular issues, or what their particular ideology was, because we didn't believe that to be appropriate in judging nominees. Now it appears that there are some who believe exactly the opposite, that indeed we must find out everything we can about the ideology of a candidate, and if it is not considered "mainstream enough" by some, that would be grounds for denying the confirmation of the candidate. That has never been the test and should not be now.

I hope we can continue to apply the questionnaire from the Judiciary Committee and ensure that candidates are not punished for not answering questions that we ourselves don't think it appropriate to ask.

The Senator from Vermont made one rather astonishing claim, and that was that—I believe I have the quotation—Miguel Estrada has had "little relevant experience." My goodness, if it hasn't been put in the RECORD, I ask unanimous consent that the op-ed in the New York Post today by Rudolph Giuliani be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Post, Feb. 10, 2003]

AN UGLY STALL

(By Rudolph Giuliani)

A 17-year-old named Miguel Estrada immigrates to this country from Honduras, speaking only a few words of English. He attends Columbia College, making Phi Beta Kappa and graduating magna cum laude, then Harvard Law School, becoming editor of the Law Review.

Next, he serves as a clerk first to U.S. Court of Appeals Judge Amalya L. Kearse (a President Carter appointee), and then to Supreme Court Justice Anthony M. Kennedy. From there, he joins the Solicitor General's Office, serving as assistant to the solicitor general of the United States for a year under President George H.W. Bush and for four years under President Clinton.

Then Estrada becomes a partner in a prestigious private law practice—yet finds the time to perform significant pro bono service, including some four hundred hours representing a death row inmate before the Supreme Court.

In recognition of his special abilities and achievements, President Bush nominates Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit. He is supported by no fewer than 16 Hispanic groups, who express enormous pride at the prospect of the first Hispanic joining one of America's most prestigious courts. Also supporting him are numerous prominent Democrats, including President Clinton's solicitor general and Vice President Gore's counselor and chief of Staff.

Sounds pretty good? Well, here's where this story run the risk of a most unhappy—and unfair—ending.

For nearly two years, Senate Democrats have delayed action on the nomination of Miguel Estrada.

Citing no specific issues, Democratic senators vaguely alluded to Estrada being "way out of the mainstream." Others raised equally hollow charges—all of which have not only kept Estrada from getting the vote he deserves, but denied the American people of a talented and effective jurist.

Obviously, the fact that the Judiciary Committee was controlled by the Democrats until this year helped delay action. Last week, the committee finally voted to approve Estrada's nomination, hewing strictly to party lines. But now a few Democratic senators want to prevent a vote before the full Senate by way of a filibuster.

Despite all the racket, the knocks against Estrada are so easily dismissed that it is difficult to see them as anything other than a thin veil disguising his detractors' true motives. Let's take a look at them:

Some note that Estrada lacks judicial experience. Yet five of the eight judges now on the D.C. circuit had no previous judicial experience—including Chief Judge Harry Edwards, who when President Carter appointed him in 1979 was even younger than Estrada is now. Indeed, several Supreme Court justices—including Byron White and Chief Justice William Rehnquist—had never been judges when they were named to the land's highest court.

Estrada is no rookie. He has argued 15 cases before the Supreme Court and was a highly respected Assistant U.S. Attorney in my old office, the Southern District of New York. And the American Bar Association unanimously gave him its highest rating—"well qualified," a designation that some of the very senators who now oppose him have called the "gold standard."

Some object that the Bush administration won't produce memoranda from Estrada in the Solicitor General's Office. Bear in mind the Solicitor General's function: His office represents the United States in court—in other words, the government is his client. Why would a client or his attorney choose to reveal their private and privileged communications?

The zeal to read a nominee's private memoranda seems to apply only to this nominee. Seven past nominees to the Courts of Appeals had worked in the Solicitor General's office—yet not one was asked to disclose attorney-client memoranda. And every living former Solicitor General—including Democrats Archibald Cox, Seth Waxman and Walter Dellinger—signed a letter to the Judiciary Committee stating that sharing these confidential memos would damage the Justice Department's ability to represent the United States before the Supreme Court.

Some civil-rights groups complain that in private practice, Estrada defended anti-loitering laws. In truth, he was retained by the Democratic City Solicitor of Chicago to defend the constitutionality of the anti-gang ordinances of Democratic Mayor Richard M. Daley.

Miguel Estrada brings a proven ability to work with others in a fair and constructive way, and his appeal is not limited to any set of ideological backers. President Clinton's Solicitor General, Seth Waxman, called his former colleague a "model of professionalism and competence" and described his "great respect both for Mr. Estrada's intellect and for his integrity." Ronald Klain, former Counselor to Vice President Gore, wrote: "Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent."

The Senate must fulfill its duty to consider the appropriateness of judicial nominees. But that "advice and consent" was never meant to empower special-interest groups to hijack the appointments of abundantly qualified, eminently decent nominees.

If senators who feel it's their right to let special-interest agendas derail Estrada, the judiciary will lose a wonderful opportunity. Far worse, the entire system will have fallen victim to narrow and misguided attempts to thwart the Constitution.

The stalling of Miguel Estrada's confirmation has been not only unseemly and demeaning, but a perversion of the system of judicial selection. It is also the escalation of a dangerous trend. In their first two years in office, Presidents Bill Clinton, George H.W. Bush and Ronald Reagan saw more than 90 percent of their nominees to federal appeals courts confirmed. In the first two years of this administration, the figure is barely 50 percent.

Some say that's because President Bush isn't nominating qualified individuals. But Miguel Estrada clearly puts the lie to that suggestion.

I urge the Senate to allow this worthy man a vote. I urge the Senate not to underestimate what a fair vote will mean to Hispanic all across America.

I feel certain the result will be a confirmation—another wonderful chapter in a true American success story.

Mr. KYL. Mr. President, in this wonderfully written piece, Rudy Giuliani talks about the astonishing record of this immigrant from Honduras, speaking only a few words of English, who attended Columbia, made Phi Beta Kappa, graduated magna cum laude, then went to Harvard Law School, and became editor of the Law Review. He clerked on the U.S. Court of Appeals and then for Justice Kennedy on the U.S. Supreme Court. He joined the Solicitor General's Office, serving as an assistant under two Presidents, a Republican and a Democrat, and he was a partner in a prestigious law firm. He has argued 15 cases before the Supreme Court. And he has "little relevant experience"?

The courts are full of judges who were not judges before they were appointed to the court. At some point, a person has to go from being a lawyer to a judge before he can be a judge. Certainly, there are a lot of non-lower-court judges, district court judges, who have been appointed not only to the circuit court of appeals to which this nominee is nominated, but also even to the U.S. Supreme Court. In fact, I believe that in this piece Giuliani points out that on this very circuit, Chief Judge Harry Edwards who, when President Carter appointed him—and he was even younger than Miguel Estrada—did not have previous judicial experience, nor did five of the eight justices now on the court. So that is not a predicate for serving on this court.

This is hardly a rookie candidate. I think you carry this argument too far. I urge my colleagues to consider this. With respect to many minorities, they are almost saying, you are not going to get a chance because we don't have that many minorities who serve on courts today. If the requirement for service on a higher court is that you already are a judge, we are going to cut off a lot of minorities from consideration. That is a glass ceiling, Mr. President, which we should not impose.

Finally, the Senator from Vermont talked about a lot of candidates he supported who had not been confirmed. But that is not relevant to Miguel Estrada. The question before us today is: should Miguel Estrada be confirmed? I know the Senator from Vermont is not saying he opposes Mr. Estrada for spite or for retribution because of candidates he supported. That would not be appropriate. I know the Senator does not mean that.

Let's get back to Miguel Estrada and talk about his qualifications. It boils down to two things, it seems to me: Is this person qualified to serve on the DC Circuit Court of Appeals? To that, there can be no answer but as the American Bar Association unanimously said, he is very well qualified. To the second point, after we are done talking about Miguel Estrada, after everything has been said, should we call for an up-or-down vote, or is this going to be the first time in the history of the Senate where we kill a nominee for circuit court by a partisan filibuster? That would be, as the Senator from Vermont pointed out, a very bad precedent, and I hope all the rest of my colleagues join the Senator from Vermont in objecting and fighting against any filibuster on a judge, whether it is somebody they oppose or support.

If we approach this nominee in this way, I think we will confirm Miguel Estrada, and it will do the Senate proud and it will do the Nation proud.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if the Senator will withhold for a moment, I ask unanimous consent to print in the RECORD a number of items.

The PRESIDING OFFICER. Does the Senator want to say what they are?

Mr. LEAHY. Why don't I read them into the RECORD? I will read them and there will be no question. Will Senator GRASSLEY yield time? It will take 15 minutes to read them.

The PRESIDING OFFICER. The Chair will be glad to insert them without objection. The Chair thought the Senator would want to identify them.

Mr. LEAHY. I am sorry, Mr. President, I was following the procedure followed by the other side this morning of putting items in the RECORD without identifying them.

Why don't I read them all so there will be no question, if the Senator from Iowa does not mind waiting 20, 30, 40 minutes for me to do that, or if there is no objection, I will renew my request that the Puerto Rican Legal Defense and Education Fund position statements regarding Mr. Estrada be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOR IMMEDIATE RELEASE, JANUARY 27, 2003

Puerto Rican Legal Defense and Education Fund—Reissues Its Position Statement Opposing the Nomination of Miguel A. Estrada to the United States Court of Appeals for the District of Columbia Circuit

We previously expressed our strong opposition to the candidacy of Miguel Estrada for a Judgeship on the D.C. Circuit Court of Appeals. The hearing which Mr. Estrada was given by the Senate Judiciary Committee in September 2002 did nothing to address our grave concerns about his fitness to serve as an Appellate Judge. In fact, the hearing raised more questions then it answered. Accordingly, we are reissuing our position statement in strong opposition to Mr. Estrada's nomination. In our review, it is clearly not in the best interests of Hispanic Americans or for that matter all Americans, to appoint an individual about whom there are serious and for that matter unanswered doubts concerning his ability to render justice in a fair and impartial manner.

PIERRE M. LARAMÉE,
Executive Vice President.

Reissued: January 27, 2003.

POSITION STATEMENT ON THE NOMINATION OF MIGUEL A. ESTRADA TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

I. BACKGROUND

On May 9, 2001, Miguel A. Estrada was nominated by President George W. Bush to the United States Court of Appeals for the District of Columbia Circuit. That court is widely considered to be the second most powerful court in the nation and traditionally has served as a launching pad for judges to be appointed to the United States Supreme Court. Mr. Estrada has been touted as the first Hispanic-American nominated to the DC Circuit, and many believe that he is being groomed to be the first Hispanic-American Supreme Court Justice. Because of the tremendous importance of this nomination to our nation's nearly 40 million Latinos, and to all Americans in general, the Puerto Rican Legal Defense & Education Fund (PRLDEF), has decided to take a position on his nomination.

Since Mr. Estrada was nominated, PRLDEF has sought to learn as much as it could about his background and qualifications for the important, life-tenured position of Circuit Judge. Because our offices are located seven blocks away from "Ground Zero" in New York City, our diligent efforts were interrupted by a six-month delay to mourn, reflect, and recover after the tragic events of September 11. Thereafter, we resumed our extensive examination of Mr. Estrada's history and record. We reviewed his available writings, although such writings are extremely limited. We conducted dozens of interviews with individuals familiar with Mr. Estrada, including those who have studied and worked with him as well as those who have lived in the same communities with him. We also surveyed all available news media reports and other public materials concerning Mr. Estrada. Finally, we interviewed Mr. Estrada himself.

As a national civil rights organization primarily concerned with advancing and protecting the civil and human rights of the Latino community and all Americans through litigation, policy analysis, and education, we sought to answer several questions in evaluating Mr. Estrada's nomination. First and foremost, is Mr. Estrada sufficiently qualified? Second, are or should Mr. Estrada's reportedly extreme views by disqualifying? third, would Mr. Estrada's life experiences bring to the D.C. Circuit the unique sensitivities and perspectives of Hispanic-Americans? Finally, does Mr. Estrada possess the proper judicial temperament required for appeals court nominees?

For the reasons stated below, we believe that Mr. Estrada is not sufficiently qualified; that his reportedly extreme views should be disqualifying; that he has not had a demonstrated interest in or any involvement with the organized Hispanic community or Hispanic activities of any kind; and that he lacks the maturity and judicial temperament necessary to be a circuit court judge. Accordingly, we oppose his nomination and urge the United States Senate Judiciary Committee to reject his nomination.

II. CONCERNS ABOUT HIS QUALIFICATIONS

While the positions Mr. Estrada has held and his intellectual abilities may initially appear impressive, they are neither as complete nor as impressive in depth and scope as those of many others who have been or could be appointed to the elevated position of Circuit Judge. Mr. Estrada seems to us to have had insufficient experience for the position of United States Circuit Judge, especially in the powerful D.C. Circuit. His experience is not as extensive as that of others who have been appointed to the federal appellate courts and have had greater depth and breadth of experience.

Historically, both judicial experience and academic experience have been given great weight in considering nominations for circuit court judgeships. Perhaps most due to his relatively young age of 39 when he was nominated, however, Mr. Estrada had not had any judicial experience whatsoever. Nor has he had any academic or teaching experience. Much of his legal experience has been devoted to handling criminal law matters. In addition, he simply has not developed a sufficient record upon which one could fairly evaluate his positions, fairness and reasoning skills.

Traditionally, the written record from either scholarly works or judicial opinions has historically served as the best basis upon which candidates for appellate courts have been evaluated. Where a written record does not exist, life experiences and activities have been relied upon to help measure fairness and reasoning skills. Mr. Estrada's record provides a wholly inadequate basis upon which to conclude that he can be a fair and impartial court judge. This is especially relevant and important given the fact that a number of his colleagues have said unequivocally that Mr. Estrada has expressed extreme views that they believe to be outside the mainstream of legal and political thought. Unfortunately, we could not fully test these strong impressions against Mr. Estrada's very limited record. If Mr. Estrada first served as a district court judge or in another judicial capacity, we would have a much more complete record upon which to assess his later nomination to the court of appeals.

III. CONCERNS ABOUT HIS VIEWS

Despite the absence of a written record of Mr. Estrada's views, concerns over whether Mr. Estrada could impartially serve on an appellate court have been heightened because individuals who have worked with and even supervised him have both privately and publicly stated that he is an ideologue with extremely strong ideological views, and would have difficulty keeping those views from affecting his judgment when deciding cases as an appellate judge. He has reportedly made strong statements that have been interpreted as hostile to criminal defendants' rights, affirmative action and women's rights. Additionally, he has clearly chosen to be actively engaged principally with ideological causes and organizations, such as the Federalist Society and the Center for the Community Interest. Members of these groups have been outspoken on the issues we believe are of concern to minorities, the very groups Mr. Estrada should be sensitive to. It is also particularly noteworthy that some of the most ideologically extreme organizations in our nation have endorsed his nomination.

Because of Mr. Estrada's very limited written record, coupled with his refusal to answer detailed questions about his ideological views, the public and private reports of his extreme ideological views were not effectively rebutted, and should therefore be disqualifying.

The Senate Judiciary Committee asked Mr. Estrada to provide information on the ten most significant litigated matters that he personally handled and whether he had played any role in a political campaign. Curiously, Mr. Estrada failed to include two important activities in his response. He neglected to mention that he participated in the preparation of a brief in the Bush v. Gore election recount litigation, and that he served on the Bush Department of Justice Transition Team.

When questioned on whether the Supreme Court has hired enough minority law clerks, Mr. Estrada's response was "if there was some reason for underrepresentation, it would be something to look into . . . but I don't have any reason to think it's anything other than a reflection of trends in society." He said that he does not know whether he has been a beneficiary of affirmative action or not. He explained that he may be for or against affirmative action depending upon the particular issues at hand.

Bush Administration supporters of Mr. Estrada tout his nomination by stressing that he is the first Hispanic to be nominated to the D.C. Circuit Court of Appeals, and could become the first Hispanic Supreme Court Justice. This "Hispanic" touting is at odds with Mr. Estrada's clearly expressed desire to be judged only "on the merits." Mr. Estrada's views on the ethnic dimension of his candidacy notwithstanding, it is clear that the Bush Administration fully intends this to be a "Hispanic" nomination to the Court. This intent is what compels our interest in and underscores both the importance of this nomination and the relevance of this issue to the Hispanic community.

IV. CONCERNS OF THE HISPANIC-AMERICAN COMMUNITY

Of greatest concern to the Latino community is Mr. Estrada's clear lack of any connection whatsoever to the issues, needs, and concerns of the organized Hispanic community. It is indeed ironic that someone promoted as a Hispanic has neither shown any demonstrated interest in, nor has had any involvement with many Hispanic organizations or activities throughout his entire life in the United States. Nor has he been involved with, supportive of, or responsive to issues of concern to Latinos.

Some have attempted to portray his story as a compelling one of a Hispanic who came to this country speaking little to no English. In stark contrast with this story, however, the reality is that Mr. Estrada appears to have come from a privileged background and received English training and education prior to his arrival in the United States. This training enabled Mr. Estrada to participate fully in the educational opportunities afforded to him in the United States. As the son of a lawyer and a bank vice president who had the resources to finance superior educational opportunities for him, Mr. Estrada has not lived the educationally or economically disadvantaged life his proponents would have others believe. Nor have Mr. Estrada's life experience resembled or been shared with those of Latinos who have experienced discrimination or struggled with poverty, indifference or unfairness.

Knowledge of people and of their aspirations for fairness and justice should be possessed by all candidates for judicial office. Mr. Estrada has lived a very different life from that of most Latinos—a life isolated from their experience and concerns. Once he made it, he both disappeared from and never became connected or committed to the Hispanic community. As a result, we believe that he lacks the sensitivity and perspectives shared by the majority of Hispanic-Americans in our country. During our interview with him, he took offense at the view that he is disconnected from the Hispanic community, but he countered those concerns merely by asserting that he listens to Hispanic music and reads Spanish language books. We believe that he is disconnected from the real-world activities that would enable him to contribute uniquely to the development of the law and the enhancement of the administration of justice, as have other Hispanics who have served as judges before him.

V. CONCERNS ABOUT HIS JUDICIAL TEMPERAMENT

We have serious concerns about Mr. Estrada's judicial temperament. Simply put, he has been described as one who is arrogant and elitist. It has been reported that he "harangues his colleagues" and "doesn't listen to other people." We witnessed these qualities first-hand during our interview.

Based largely on our personal observations, we now firmly believe that Mr. Estrada lacks the maturity and temperament that a candidate for high judicial office should possess. In our view, he does not have the humility or the demeanor typical of worthy nominees to our nation's federal bench. He does not appear to us to be even-tempered. While Mr. Estrada may have been understandably apprehensive about the opportunity to meet with PRLDEF to allay its concerns, he was surprisingly contentious, confrontational, aggressive and even offensive in his verbal exchanges with us.

He made several inappropriately judgmental and immature comments about PRLDEF. He characterized some of PRLDEF's president's comments as "boneheaded." He indicated that were it not for his quasi-public status as a judicial nominee, our comments might otherwise be actionable. He stated that we "had probably already made up [our] minds to oppose his nomination because the person [we] had supported had lost the presidential election." In fact, PRLDEF had not made up its mind nor had it endorsed any presidential candidate. Mr. Estrada also made a fleeting reference to "[our] Democratic senator friends on the

Hill." In fact, PRLDEF has Republican senator friends on the Hill as well. He also challenged PRLDEF's board chair on how [we] could say that "there is a strong consensus among Hispanic attorneys and Hispanics in general that they do not want to see a Hispanic Clarence Thomas on the U.S. Supreme Court."

VI. CONCLUSION

For all of the above reasons, we strongly believe that Mr. Estrada's nomination should be opposed and rejected. Potential nominees who aspire to such important positions as circuit judges should be better qualified and possess the unquestioned ability to be fair, open-minded and committed to equal justice for all Americans. They should be connected to the real-world concerns of the people who will be governed by their decisions. They should also be even-tempered. In our view, Mr. Estrada clearly does not possess the qualities necessary to be placed in such an important position of trust—for a lifetime—interpreting and guarding the rights of ordinary Americans.

For more information contact the offices of Pierre M. LaRamée, Executive Vice President Puerto Rican Legal Defense and Education Fund.

Mr. LEAHY. Mr. President, very briefly, we were going back and forth. I agreed to let the Senator from Arizona go out of order. I see the Senator from Iowa waiting, and he will also be out of order. I know the Senator from California is coming to the Chamber. Will the Senator from Iowa give me some idea how much time he wants? I have no objection to him going out of order.

Mr. GRASSLEY. I have no objection coming back at 5:30 p.m.

Mr. LEAHY. The Senator from Iowa is here, and the Senator from California is not here. Why doesn't the Senator from Iowa go forward and then yield to the Senator from California after she arrives? Will the Senator from Iowa have any objection to that?

Mr. GRASSLEY. In other words, if she comes in, I would stop and let her speak?

Mr. LEAHY. How much time?

Mr. GRASSLEY. I think 20 minutes.

Mr. LEAHY. Mr. President, why doesn't the Senator just go ahead.

Mr. GRASSLEY. Like I said, I can come back at 5:30 p.m.

Mr. LEAHY. The Senator should feel free to go ahead. When he is finished, then if the Senator from California can be recognized next.

I might also note the Senator from Arizona was speaking of stopping a filibuster; otherwise stopping somebody from being heard on the floor. I note there are many ways of doing this. For example, the Senator from Arizona is one who voted against even the motion to proceed on Judge Richard Paez and then also voted against him. That is one of the many well-qualified or highest qualification nominees of President Clinton's against whom he voted. That is one of the many ways of stopping a nomination.

Mr. KYL. Mr. President, since the Senator from Vermont just mentioned my name, may I briefly respond?

Mr. LEAHY. Mr. President, the Senator from Arizona mentioned my name about 20 different times. If we are going to respond to each one, I will be glad to do it. I am trying to yield so the Senator from Iowa can have the floor.

Mr. KYL. Mr. President, will the Senator from Iowa give me 15 seconds, and I will be happy to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I voted for invoking cloture on the Paez nomination because, of course, I agree with Senator LEAHY that we should not filibuster a judge nominated by the President.

Mr. LEAHY. As I recall, we all voted for cloture. The motion to proceed to even get there was the crucial vote when the Senator from Arizona voted against the motion to proceed.

I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KYL. Will the Senator yield me 10 seconds?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. There were several votes against cloture that did not pass unanimously.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair. Mr. President, I thank Senator LEAHY for his consideration. Obviously, since I voted for this nomination out of committee and I argued last year that the nomination should have come up last year, I am strongly in support of President Bush's nominee, Miguel Estrada. I think he is a very qualified judicial nominee and will make an excellent member of the U.S. Court of Appeals for the DC Circuit.

Not only is he regarded as one of the Nation's top appellate lawyers, but the American Bar Association, which I think Democrats consider the gold standard of determination of a person's qualifications to be a judicial nominee, has given him a unanimous rating of, in their words, "well qualified." This happens to be the highest American Bar Association rating. It is a rating they would not give to just any lawyer who comes up the pike. According to the American Bar Association, quoting from their standard:

> To merit a rating of well qualified, the nominee must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity and either have demonstrated or exhibited the capacity for judicial temperament.

Just think of some of those words: "The highest reputation for integrity" and having "demonstrated or exhibited the capacity for judicial temperament." This was from the American Bar Association's rating of well qualified.

We ought to demand that more of these people be appointed to the bench rather than fighting their nomination. Mr. Estrada then certainly deserves the American Bar Association's most qualified rating.

As my colleagues know, I am not a lawyer. There is nothing wrong with going to law school, but I did not. I have been on the Judiciary Committee my entire time in the Senate. I know some of the qualifications that are needed to be a Federal judge and particularly a Federal judge on this DC Circuit that handles so many appeals from administrative agencies and is often considered, by legal experts, to be the second highest court of our land.

Mr. Estrada's academic credentials are stellar. He earned his juris doctorate from Harvard University, magna cum laude, where he was editor of the Harvard Law Review. Mr. Estrada did not just attend Harvard Law School; he graduated with honors. He also served as the editor of the Harvard Law Review.

To be selected as the editor of a law review is a feat that only the most exceptional of law students attain. Not only did he excel in law school, but he graduated from Columbia University with his bachelor's degree magna cum laude and was also a member of Phi Beta Kappa.

Mr. Estrada certainly has the intellect required to be a Federal Court of Appeals judge. His professional background also gives testament to his being qualified for a Federal Court of Appeals judgeship as opposed to just any judgeship.

After law school, Mr. Estrada served as a law clerk to the Second Circuit Court of Appeals, and to Justice Kennedy, on the United States Supreme Court. Subsequently, he served as an Assistant U.S. Attorney and Deputy Chief of the appellate section of the U.S. Attorney's Office of the Southern District of New York, and then as assistant to the Solicitor General of the United States of America, officed in Washington, DC.

Mr. Estrada has been in the private sector as well. He is a partner with the Washington, DC, office of the law firm of Gibson, Dunn & Crutcher. So for a very young lawyer, I think I can give my colleagues a person who can truly be labeled an American success story. In fact, instead of downgrading his ability to serve as a circuit court judge, we should all be proud of Mr. Estrada's many accomplishments.

We are hearing that the Democrats are considering a filibuster of this exceptionally qualified lawyer. In all my years on the Judiciary Committee—and that has been my entire tenure in the Senate—Republicans never once filibustered a Democratic President's nominee to the Federal bench. There are many I may have wanted to filibuster, but I did not do it—we did not do it—because it is not right.

This nominee, like all nominees, deserves an up-or-down vote. Anything less is absolutely unfair. I hope my colleagues on the other side of the aisle will strongly consider this proposed filibuster before they cross this Rubicon and establish new precedent for confirmation.

Mr. Estrada's opponents claim he has not answered questions or produced documentation, and so he should not be confirmed to the Federal bench. I can think of a number of Democratic nominees who did not sufficiently answer even my questions, but that did not lead me to filibuster. As far as I know, Mr. Estrada has answered all questions posed to him by the Judiciary Committee members, and that the Justice Department has directed certain inhouse memos not be turned over because this is the policy of the Department and this documentation has never been produced to the Judiciary Committee. This is not just the policy of this administration, the Bush administration, a Republican administration. This has also been the policy under Democratic Presidents.

So once more, we see a coalescing of liberal activists circling the wagon around a very talented, very principled, highly qualified legal mind to defeat Mr. Estrada's nomination solely because these activists have determined that he may not comply with some sort of liberal ideological agenda. These liberal interests only want the Senate to confirm judicial nominees who will be sure to implement a leftwing agenda, and if there is any question they will not do their bidding, then those judges and those nominees better watch out.

As far as I can see, the concerns raised about Mr. Estrada are pure speculation and, most importantly, highly politically motivated. This is a disgrace. It is an outrage, but we must put a stop to these unfounded political attacks and get on with the business of confirming to the Federal bench good men and women who are committed to doing what judges should do, interpret law as opposed to those who make law from the bench, because it is our responsibility to make law as members of the legislative branch.

Additionally, we have concerns materializing out of thin air that Mr. Estrada may not have the right judicial temperament for the job. Of course, that goes contrary to the analysis made by the American Bar Association committee which gave him a well-qualified determination, and that well-qualified determination only goes to those people who have judicial temperament.

This determination against Mr. Estrada, by these activists, goes to the point that he is some right-wing ideologue who will impose his own views and cannot be trusted to follow the law written by Congress. In my opinion, these concerns and these allegations are fabrication and pure speculation. They have no basis in fact. To the contrary, numerous present and former coworkers, as well as individuals who know Mr. Estrada and his work very well, have written letters to the Judiciary Committee expressing strong support for Mr. Estrada. They go on to say he will take the law seriously, apply Supreme Court precedent faithfully, and not rule based upon personal views and political perspectives.

If a judge has the law in front of him, if a judge is willing to follow the interpretation of the Supreme Court, and if a judge leaves out his personal views and leaves out his own political perspectives, then what he has in front of him is only the language of the law and the precedent. That is what a judge is supposed to make his decision on. That is what he said he would do. More importantly, people who have known him over a long period of time are convinced he will so do.

Letters from Republicans and Democrats have highly praised Mr. Estrada's intellect, judgment, integrity, and ethics. Yet we still have some who are quick to lend credence to unfounded attacks which appear to have been generated primarily by Paul Bender, a former politically appointed supervisor in the Solicitor General's Office during the Clinton administration.

Clearly, Mr. Bender's allegations are politically motivated. Not only is Mr. Bender a liberal activist, his own out-of-the-mainstream views on matters such as pornography cast serious doubts on his ability to fairly judge Mr. Estrada's qualifications. Need I remind my colleagues of the Clinton administration where they had a flip-flop fiasco in the Knox case, where Mr. Bender had a heavy hand in formulating a very extremist position that directly ran counter to a child pornography statute and to clear congressional intent about that child pornography statute.

Need I remind my colleagues that Mr. Bender's position would have resulted in the freeing of a twice-convicted child pornographer who had demonstrated a tendency to lure underage girls into criminal relationships. Need I remind my colleagues of the resolution they themselves voted on in the House and Senate that soundly rejected Mr. Bender's position in the Knox brief? I highly doubt Mr. Bender's own judgment is unbiased enough to provide an accurate recommendation of Mr. Estrada's ability to be a judge on the DC Circuit, particularly when these statements contradict Mr. Bender's own contemporaneous, glowing evaluations of Mr. Estrada when Mr. Estrada was one of those he supervised at the Solicitor General's office. Mr. Estrada was given glowing evaluations by Mr. Bender.

I also point out that Mr. Bender appears to be the only one of Mr. Estrada's former colleagues at the Department of Justice that now questions Mr. Estrada's ability to be a good judge. In fact, as far as I know, everyone else who has worked with Mr. Estrada has praised his record to the high heavens and believes he is more than qualified for this judgeship. It is obvious that Mr. Estrada's record and his integrity have been unfairly and baselessly attacked by a political hatchet person.

To whom are we going to listen? To whom do we 100 Senators listen? The American Bar Association, which interviewed scores of people and gave Mr. Estrada a unanimous "well-qualified" rating. The colleagues who know and who have observed Mr. Estrada's work over the years? Or are we going to listen to an advocate for freeing child pornographers, a man who is so extreme that his outrageous legal views were universally condemned in that vote on child pornography in the House and Senate?

In addition, last week, in a Democratic caucus press conference held by the Senator minority leader, a representative of the Mexican American Legal Defense and Education Fund criticized the statement that I made in the Judiciary Committee's consideration of Mr. Estrada when I was speaking for his name to be voted out of committee. This is what I said: If we deny Miguel Estrada this position on the DC Circuit, it would be to shut the door on the American dream for Hispanic Americans everywhere.

I said that because I believe it. Mr. Estrada is an example and a role model for all Americans, but he is a particularly bright and shining light for the Hispanic and immigrant communities in the United States of America. I don't happen to be alone in that belief. The League of United Latin American Citizens agrees with me because in a letter to Senator LEAHY, the League of United Latin American Citizens expressed its strong support for Mr. Estrada, saying: Few Hispanic attorneys have as strong educational credentials as Mr. Estrada, who graduated Phi Beta Kappa from Columbia College and magnum cum laude from Harvard, where he was editor of the Harvard Law Review.

Continuing: He also served as a law clerk to the Honorable Anthony M. Kennedy in the U.S. Supreme Court, making him only one of a handful of Hispanic attorneys to have had this opportunity. He is truly one of the rising stars in the Hispanic community and a role model for our youth. That is from the League of United Latin American Citizens.

The Latino Coalition, a national Latino organization, also agrees that Mr. Estrada should be approved. They expressed in a press release last April that "to deny Latinos, the Nation's largest minority, the opportunity to have one of our own serve on this court in the Nation's Capital is unforgivable." I agree.

We also have the National Association of Small Disadvantaged Businesses. In another letter to Senator LEAHY, the president of the National Association of Small Disadvantaged Businesses said: Mr. Estrada's appointment as a first Hispanic member of the DC Circuit will be a benefit to us in further illustrating the wide range of talent in the minority community just waiting to be effectively and fully used.

Mr. Estrada was not nominated just because he is Hispanic. The President nominated him because he is one of the most qualified lawyers in the country to serve in this position, not one of the most qualified Hispanic lawyers. However, because he is Hispanic, his nomination sends the clear message that with hard work anyone can achieve success. It speaks all about opportunity, the offering of opportunity for all kinds of people in America. In this case, especially, to Hispanics. He absolutely is the kind of role model that Hispanic youth should look up to, and we ought to encourage that opportunity.

Unfortunately, some in the Hispanic community do not believe Mr. Estrada is Hispanic enough. I don't know where they are coming from—Hispanic enough? What does that mean? According to the National Review at last week's Democratic press conference, representatives of the Congressional Hispanic Caucus, an organization I referred to before with the acronym MALDEF, and then another organization, the Puerto Rican Legal Defense and Education Fund, criticized Mr. Estrada for not being authentically Hispanic. If you are Hispanic, who is going to say whether or not you are authentically Hispanic? He is Hispanic as a result of his birth and the background of generations before him. Is that somehow supposed to fit people into a class that you isolate yourself and you have to have certain aspects about you that are uncompromising, or is it OK in America, whether you are German, Italian, African American, Hispanic, don't you have a right to be an individual? Can't you just be Mary Smith and Joe Smith and Mr. Estrada and anybody else you want to be as an individual? What is there about being authentically Hispanic?

I ask unanimous consent that an article from the National Review entitled "Dems to Miguel Estrada: You're not Hispanic Enough" be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Also at that press conference, remarks were made that one had to have more than a Hispanic surname to be considered Hispanic. I find these remarks do not make any sense. What they are saying is, unless you think as they do, you are not really Hispanic. In other words, if you do not think as they do, you cannot possibly be Hispanic. What an outrageous idea in 21st century America. The tag line that Mr. Estrada "isn't Hispanic enough" is code words for "he isn't liberal enough." Yet at this Democratic press conference, participants describe the underrepresentation of Hispanics in the legislative and executive branches of the Federal Government.

The President has nominated one of the most qualified attorneys in the country to be a judge on the second highest court of the land, and this person, of outstanding capabilities, with degrees from Columbia and Harvard, happens to be a Hispanic. Not only is he Hispanic, but he is an immigrant to this country who at the age of 17 came here from Honduras speaking little English. He learned the language, worked hard, rose to the top of his legal profession. One would think these groups would be happy with this nomination. But no, they stand in firm opposition to Mr. Estrada. You see, these groups believe a person is only Hispanic when he or she believes what these groups believe.

That is intellectual prejudice. I urge my colleagues to resist the rhetoric of ideological prejudice and to overwhelmingly support the confirmation of Miguel Estrada to the U.S. Court for the DC Circuit.

I yield the floor.

EXHIBIT 1

[From the National Review, Feb. 6, 2003]

DEMS TO MIGUEL ESTRADA: YOU'RE NOT HISPANIC ENOUGH

(By Byron York)

The headline from Senate Minority Leader Tom Daschle's news conference Wednesday was his threat to filibuster the appeals-court nomination of Miguel Estrada. "There is overwhelming opposition within our caucus to Mr. Estrada," Daschle said. "Because we're in the minority, we have no other option in some cases . . . than to filibuster nominations. We don't take that responsibility lightly, but we hold it to be an important tool that we will use." Daschle said he will make the filibuster decision next week.

But the more interesting story from Daschle's appearance was the strange disconnect between the reasons he gave to oppose Estrada and the reasons cited by a number of Hispanic interest-group leaders who appeared with Daschle.

To hear Daschle tell it, Estrada's alleged refusal to answer questions at his confirmation hearing had virtually forced Democrats to vote against him, and perhaps to filibuster the nomination. Democratic senators take their advise-and-consent role very seriously, Daschle said, and, "In our view, we have been thwarted from fulfilling our constitutional obligation."

But to hear representatives from the Congressional Hispanic Caucus, the Mexican American Legal Defense and Education Fund, the Puerto Rican Legal Defense and Education Fund, and others tell it, the Estrada nomination should be killed not because of Estrada's alleged refusal to answer questions or because of constitutional obligations but because Estrada, who was born and raised in Honduras before coming to the United States and learning English at the age of 17, is simply not authentically Hispanic.

"Being Hispanic for us means much more than having a surname," said New Jersey Rep. Bob Menendez, a member of the Congressional Hispanic Caucus. "It means having some relationship with the reality of what it is to live in this country as a Hispanic American." Even though Estrada is of Hispanic origin, and even though he lives in this country, Menendez argued, he falls short of being a true Hispanic. "Mr. Estrada told us that him being Hispanic he sees having absolutely nothing to do with his experience or his role as a federal court judge. That's what he said to us." Menendez found that deeply troubling.

But Menendez was relatively kind to Estrada compared to the representatives of Hispanic interest groups. Angelo Falcon, an official of the Puerto Rican Legal Defense and Education Fund, railed about the "Latino Horatio Alger story that's been concocted" about Estrada's success and, more generally, about the "concocted, invented Latino imagery" of Estrada's life.

"As the Latino community becomes larger and larger in the country, as we gain more political influence, as we become more diverse, the issue of what is a Hispanic becomes more problematic," Falcon explained. "It's not good enough to simply say that because of someone's genetics or surname that they should be considered Hispanic."

Marisa Demeo from the Mexican American Legal Defense and Education Fund went even farther. Not only is Estrada not authentically Hispanic, Demeo argued, but his elevation to the federal bench would "crush" the American dream for millions of genuine Hispanics in the United States.

Demeo was particularly angry at Republican Judiciary Committee member Sen. Charles Grassley, who last week said that, "If we deny Mr. Estrada a position on the D.C. Circuit, it will be to shut the door on the American dream of Hispanic Americans everywhere." "Actually, the reverse is true," Demeo said. "If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions."

Through it all, Daschle stood by impassively. He couldn't very well cite Estrada's alleged lack of authentic Hispanic-ness as a reason to filibuster and kill the nomination; even the most partisan Democratic senator would have a hard time making that argument. Yet he remained quiet while his allies bashed Estrada in the most personal terms.

It made some observers question just why Democrats are opposing Estrada. Do they really believe their words about their "constitutional obligations," or are they going along with the angry interest groups who are pushing them to do it?

The PRESIDING OFFICER. The Senator from California.

Mr. GRASSLEY. Mr. President, could I read something for the administrative staff?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I assume this is without objection from the other side. I thank the Senator from California.

I ask unanimous consent that at 5 o'clock today the Senate proceed to the consideration of the following nominations en bloc: Executive Calendar Nos. 28, 29, 30; provided further that there be 15 minutes of debate equally divided between the chairman and ranking member. I further ask unanimous consent that following that debate, the Senate then immediately proceed to three consecutive votes on the confirmation of the nominations, with no intervening action or debate; provided further that, following those votes, the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to explain my position on the nomination of Miguel Estrada and to speak more generally on the state of the nomination process in today's Senate.

This is a difficult time for all of us in the Senate and, indeed, the Nation. We stand on the brink of war, with an economy that is sputtering, and the threat of international terrorism as close at hand as it has ever been. These are serious issues, issues the American people have sent us here to debate and to try to solve. In doing so, it is vital we come together as a Government, not as Democrats versus Republicans, or Congress versus the White House, but as one Government and one Nation. As best we can, we should work together, consult each other, debate the issues forthrightly and with strength of purpose, and then come to agreement on how to solve the problems that confront us.

One of the reasons this issue is so important is because the judges we confirm over the next few years will help decide whether acts of Congress will stand or will be struck down. They will decide how far the law will go to protect the safety and rights of the American people. They will have the power to limit or expand civil rights protections. They will have great leeway to interpret the laws protecting or limiting a woman's right to choose. They will be able to expand or limit gun control laws, laws against child pornography, campaign finance laws, and many more. In a real sense, these judges will have as much power, or more, than any of us in this body. Clearly, the court with the biggest impact will be the Supreme Court. But the District of Columbia Circuit Court is a close second and is often cited as the most powerful court in the Nation. It is no coincidence that the DC Circuit has produced more Supreme Court Justices than any other circuit. Three of the nine current Justices—Justice Scalia, Justice Thomas, and Justice Ginsburg sat on the DC Circuit. In fact, it is hard to overstate the importance of an appointment to the United States Circuit Court of Appeals and particularly the DC Circuit.

The Supreme Court of the United States is our Nation's court of last resort. But it heard less than 80 cases in the 2000–2001 session. In contrast, the Federal courts of appeal considered over 27,000 cases during the same period. For so many of the legal injuries for which people seek redress, the courts of appeal are the last stop, the ultimate decisionmaker. And the DC Circuit is the most important of all circuit courts because it is the court that most closely oversees the actions of Federal agencies; actions that have real, everyday impact on the lives of all Americans. The DC Circuit reviews appeals regarding decisions by the Federal Communications Commission, the National Labor Relations Board, the Federal Election Commission, the Americans With Disabilities Act, the Federal Energy Regulatory Commission, the Endangered Species Act, and the Environmental Protection Act, including the Resource Conservation and Recovery Act; the Superfund, the Clean Water Act, the Clean Air Act, and countless other agencies and statutes.

Because the Supreme Court reviews so few cases, the DC Circuit essentially has the last say on whether decisions by these agencies will stand or will not stand. In recent years, the DC Circuit has become a hostile forum for environmental protections. Since 1990, the DC Circuit has struck down or hindered a long list of crucial environmental protections, including clean air protections for soot and smog, habitat protection under the Endangered Species Act, clean water protection for millions of acres of wetlands, fuel efficiency standards known as CAFE standards, designation of sites on the Superfund National Priorities List, and guidelines on treatment of petroleum wastewater.

As Senator KENNEDY pointed out in Miguel Estrada's hearing, the recent case of Maryland/DC/Delaware Broadcasters Association v. the FCC, the DC Circuit found a portion of the FCC's equal opportunity policy unconstitutional. Specifically, the court struck down a policy of broad outreach for minority broadcasters. This decision, right or wrong, will have a significant impact on the ability of the FCC to encourage minority participation in the broadcast industry.

Incidentally, Mr. Estrada essentially refused to comment on this case when asked to do so.

Steffan v. Perry involved a young man at the U.S. Naval academy, Joseph Steffan, who admitted to two of his classmates that he was gay, although he never admitted actually performing any homosexual acts. Steffan was discharged under Department of Defense regulations indicating that homosexuality is incompatible with military service. Steffan argued his dismissal was impermissible, as it was based on status—being gay—not conduct. The DC Circuit held, in 1994, that the Defense Department regulations were permissible, however, and that the Steffan dismissal would stand.

I could go on and on with cases—United States v. Bailey, for instance. Or AKA v. Washington Hospital Center, where the court ruled in favor of an orderly who, after 19 years of work, was forced to have heart surgery and who was then denied the right to transfer to another job within the hospital that would not require the same level of physical activity.

The District of Columbia Circuit is also the court that most often reviews terrorism cases on appeal.

All in all, it is quite clear that the District of Columbia Circuit is constantly at the center of complex key issues of the day.

Currently, there is a delicate balance on this court. There are four Republican appointees, four Democratic appointees, and four vacancies. Therefore, this nominee effectively tilts the balance on that court. That is why many of us believe it is so important to learn how this nominee thinks, what his judicial temperament would be, and so on.

During the last several years of the Clinton administration, two highly qualified Clinton nominees were blocked permanently. Some believe its purpose was to initiate a concerted, planned effort to keep vacancies open on that court so they could be filled with conservatives in the event of a Republican President.

When President Bush took office, he sent us two nominees for the district circuit. One of them is Miguel Estrada. I don't believe it is appropriate for us to simply block all nominees to the District of Columbia Circuit in retaliation for that having been done to Democratic nominees. That is not why I am here today. But at the same time, we cannot ignore the fact that this important circuit is now so closely divided. In deciding whether to confirm a given nominee to such a delicately balanced court, we must ensure that the judges we send to the court can administer the law fairly and impartially. That is the case before us today: Can Miguel Estrada administer the law fairly and impartially?

We have before us a 41-year-old nominee about whom we know very little. To properly discharge our constitutionally derived advise and consent function, the Members of the Senate must be given enough information to make the right decision about a given nominee.

In this case, I have heard many comments on this nominee as a very bright but ideologically driven young attorney, one who would put his beliefs ahead of the law if confirmed to the

Federal bench. So I want to try to figure out whether or not that is true. Many who knew him, know him, have supervised him, or have spoken to him believe strongly that he does not have the temperament or impartiality necessary to fairly administer the law.

My office has received literally thousands of calls about this nomination—more than 7,900 phone calls, to be exact. Fewer than 300 of those 7,900 calls were in favor of Miguel Estrada's nomination.

To counteract serious concerns from those who know him and from those whom we represent, we need evidence that would contradict these opinions. Quite frankly, we do not have that evidence.

Miguel Estrada has never been a judge. So we have no record of judicial decision-making to examine. This is not dispositive in itself, but it is the first area where we find no record to help us in our decision.

Mr. Estrada is not a prolific writer. So we have no real record of writing to examine. Again, this alone would not be dispositive, but it is strike 2 in terms of where we can get information about this nominee.

We have not been granted access to the memos he wrote at the Department of Justice. So we can only take the word of the man who supervised him that those memos were ideologically driven and that he could not be trusted.

Mr. Estrada refused to adequately participate in his own confirmation hearings, which I will comment on as a great surprise to me and the reason I changed my view. So we have no real answers to our questions.

Let me expand on this last point because I think it is instructive to examine and contrast our experience with Mr. Estrada and our experience with one other nominee.

At last week's markup, I was struck by the lack of information about this nominee. Yet, as I said, I liked him very much when I met with him personally. But I was startled by his performance at the public hearing.

So I got the transcripts, and I reread the transcripts to try to see if there was anything I missed—something I could zero in on that would let me know he would in fact be fair and impartial.

What came to my mind was the real contrast with another nominee. That nominee is a man by the name of Jeffrey Sutton. He also was controversial. The disabilities community had a lot of concerns about him. But Mr. Sutton at his hearing answered every question put to him intelligently, in a fulsome way, and I thought forthrightly. So I could tell how he would act as an appellate court judge. The committee was able to gauge his intelligence, his manner of thinking, and we can use that back-and-forth to help us predict whether Mr. Sutton would be a good and fair judge or whether he would skew outcomes of cases to meet his own ideological goals.

Mr. Estrada, on the other hand, did his best to keep from putting himself on the record on any issue of real substance. For instance, when Senator SCHUMER asked Mr. Estrada to name three Supreme Court cases in the last 40 years with which he disagreed, Mr. Estrada simply refused to answer.

When I asked him whether he believed Roe v. Wade was correctly decided, he declined to answer on the basis that he had not done what the "judicial function would require" to determine whether the Court correctly decided the case.

When Senator LEAHY asked him what he thought of the decision in Romer v. Evans, a case involving discrimination against homosexuals, Estrada responded "I can't know because I was not a judge in the case."

When Senator KENNEDY asked Mr. Estrada a written question about a union retaliation case decided by the DC Circuit in 2001 and reversed by the Supreme Court last term, Estrada responded "Although I have read the Supreme Court's opinion . . . I have not read the briefs in the case, was not present at the oral argument, and have not independently researched the issue decided by the Court. For those reasons, I am not in a position to know how I might have resolved the issue . . . nor am I in a position to answer the question whether the Supreme Court acted appropriately."

When Senator KENNEDY asked him in writing whether another case involving diversity outreach had been decided correctly, Estrada again fell back on the argument that because he had not heard oral arguments and had not read the briefs, he could not answer.

When Senator KENNEDY asked Estrada about yet another Supreme Court case, American Trucking v. EPA, where the Supreme Court reversed the District of Columbia Circuit, Estrada again fell back on the argument that he had not been present for oral arguments and could not, therefore, comment on whether the case had been correctly decided.

That kind of answer makes it truly difficult to get a sense of where a nominee is coming from in terms of thoughtful process, analysis, and legal expertise.

When it comes to the most important circuit court in the Nation and there is no record and there is no writing, the Senate of the United States is entitled to know these answers.

It strains credibility that a nominee for the circuit court of appeals would still have no opinion on whether a case such as Roe was correctly decided or whether any case in the last 40 years was incorrectly decided.

Finally, it is troubling to get these answers from a nominee about whom we know so little and who is nominated to a court that will decide so much for so many.

Taken as a whole, I could not, in good conscience, vote for this nominee, with so little information, recommending him to such an important lifetime appointment. And I cannot help but wonder: Why didn't the President appoint him to a District court? He is younger than my daughter. Give him an opportunity to produce a record and then move him on to an appellate court when that record could, in fact, be examined.

A few days after I cast my committee vote against Mr. Estrada, White House Counsel Al Gonzales sent a letter addressed to me personally criticizing my vote and asking me to reconsider. Because Judge Gonzales has made the letter available to others, and it has now appeared in the press, I find it necessary that I correct the record. And I would like to do so.

Mr. President, I ask unanimous consent that this letter from White House Counsel Alberto Gonzales, dated February 3, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 3, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I write in response to your vote in the Judiciary Committee on the nomination of Miguel Estrada and to respectfully urge that you reconsider this important nomination when you vote on it in the full Senate. I write in particular because it appears from your statement in the Committee (and on your web site) that you may possess inaccurate or incomplete information on certain issues that you have deemed important to the Estrada nomination.

First, it appears you relied on the fact that Estrada has no previous judicial service. But five of the eight judges currently serving on the D.C. Circuit had no previous judicial experience when appointed. That includes two of President Clinton's nominees, Merrick Garland, whose Justice Department record was quite similar to that of Miguel Estrada, and David Tatel. In addition, Judge Harry Edwards had no prior judicial experience when he was nominated by President Carter in 1979, and he was younger than Estrada. In addition, several Ninth Circuit judges from California who were appointed by President Clinton, and had your support, had no prior judicial experience. That includes Judge William Fletcher, Judge Raymond Fisher, and Judge Marsha Berzon.

The American Bar Association, which Democrat Senators Leahy and Schumer have referred to as the "gold standard," unanimously rated Estrada "well qualified" for the D.C. Circuit, the ABA's highest possible rating. We think the ABA rating was quite appropriate in light of Estrada's excellent record, including his work as an Assistant Solicitor General in the Clinton and Bush Administrations, his record as a federal prosecutor in New York, his service as a law clerk to Justice Kennedy, and his pro bono work including his volunteer representation of a death row inmate before the Supreme Court. He has argued 15 cases before the Supreme Court of the United States, a figure that few lawyers can match, and particularly impressive for someone who immigrated to this country at age 17 speaking little English.

Second, you also referenced a news report quoting the views of Paul Bender, a former Deputy Solicitor General. Mr. Bender has not written a letter to the Committee or otherwise publicly explained his views, so we are unclear whether this news report was accurate. But more important, as I explained in a September 17, 2002, letter to then-Chairman Leahy and Senator Hatch, Paul Bender in fact signed the performance reviews of Miguel Estrada for the two years that they worked together. The performance reviews for those years gave Estrada the highest possible rating of "outstanding" in every possible category. Significantly, the performance reviews that Bender signed also stated the following to support the judgment that Estrada's performance was "outstanding."

"States the operative facts and applicable law completely and persuasively, with record citations, and in conformation with court and office rules, and with concern for fairness, clarity, simplicity, and conciseness."

"[I]s extremely knowledgeable of resource materials and uses them expertly; acting independently, goes directly to point of the matter and gives reliable, accurate, responsive information in communicating position to others."

"[A]ll dealings, oral and written, with the courts, clients, and others are conducted in a diplomatic, cooperative, and candid manner."

"[A]ll briefs, motions or memoranda reviewed consistently reflect no policies at variance with Department or Governmental policies, or fails to discuss and analyze relevant authorities."

"[i]s constantly sought for advice and counsel. Inspires co-workers by example."

Apart from the contemporaneous reviews that Mr. Bender himself signed, it also bears mention that the Committee has received letters from Seth Waxman, President Clinton's Solicitor General, and a bipartisan group of 14 former colleagues of Mr. Estrada in the Solicitor General's office. Seth Waxman wrote to the Committee that Estrada is a "model of professionalism and competence" and that he has "great respect both for Mr. Estrada's intellect and for his integrity." He continued: "In no way did I ever discern that the recommendations Mr. Estrada made or the views he propounded were colored in any way by his personnel views—or indeed that they reflected anything other than the long-term interests of the United States." And the bipartisan group of former colleagues from the Office of Solicitor General wrote to the Committee that Estrada "would be a fair and honest judge who would decide cases in accordance with applicable legal principles and precedents." Finally, to the extent Mr. Bender's own personal political and ideological views are relevant, we call your attention to Senator Hatch's opening statement at the hearing on September 26, 2002.

Third, you referenced the fact that Miguel Estrada has been 'accused" of using an ideological litmus test when assisting Justice Kennedy in the selection of his law clerks. We respectfully do not think this "accusation" is credible or supported. In fact, Mr. Estrada explained at his hearing that he in fact has been very supportive, for example, of the hiring of one law clerk for Justice Kennedy who at the time worked for President Clinton, is a strong Democrat, and now works for Senator Leahy on the Judiciary Committee.

Fourth, you noted concern among "Hispanic organizations." In fact, the overwhelming majority of national Hispanic organizations have supported Mr. Estrada. That includes the Hispanic National Bar Association, the League of United Latin American Citizens, the U.S. Hispanic Chamber of Commerce, the Hispanic Business Roundtable, and the Latino Coalition, among many others. To be sure, MALDEF and PRLDEF do oppose Mr. Estrada. As to Hispanic members of the House, we understand that all of the Republican Hispanics support him while the Democrat Hispanics do not. In any event, LULAC's statement is noteworthy, as it states: "[Estrada] is truly one of the rising stars in the Hispanic community and a role model for our youth."

Thank you for considering this nominee in light of the above information. This is an historic nomination, as Miguel Estrada would be the first Hispanic to serve on the D.C. Circuit. We urge you to vote to confirm him.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mrs. FEINSTEIN. Mr. President, in his letter, Judge Gonzales suggested I based my decision to vote against Mr. Estrada on "inaccurate or incomplete information on certain issues that you have deemed important to the Estrada nomination."

Needless to say, I disagree with that assessment. It is not because I was misinformed that I voted against this nominee. It is because this nominee did not inform the committee enough. Simply put, Mr. Estrada did not adequately answer the questions put to him in his hearing.

Particularly with a nominee who is so young, has such a very limited or nonexistent written record, and has been accused by so many of being too ideologically driven to serve impartially on the second highest court in the land, it is incumbent on each Member of the Senate, in our advise and consent role, to thoroughly examine the nominee's thought processes and to determine whether the nominee can and will be an impartial judge.

In this case, it was impossible to make such an assessment because the nominee himself would not let us.

Judge Gonzales raised four specific issues in his letter. I would like to take some time to go through the Gonzales charges and to answer them one by one.

First, Judge Gonzales stated in his letter to me "[I]t appears that you relied on the fact that Estrada has no previous judicial service."

It is true that Mr. Estrada has no previous judicial experience, but I did not rely on Mr. Estrada's lack of judicial experience, at least not exclusively.

I said in my statement before the committee "[i]n this case, it is truly difficult to make this decision, because we have before us a fairly young nominee—just 41 years old—who has never been a judge, has little written record to speak of, and who has not given us a real sense of what kind of judge he would be. He, essentially, is a blank slate. And if confirmed, he could serve for 30, 40 or even 50 years on one of the highest courts in this nation. We had better be right about this decision."

I truly believe this. This is a big decision, as are all our decisions to place nominees in lifetime positions of such power and influence over the lives of people.

I was concerned, and I remain concerned, that given Mr. Estrada's lack of judicial experience, the Judiciary Committee needed to turn to other sources of information to get a better sense—any sense, really—of the kind of judge he would be.

Unfortunately, we had few other sources of information to which we could turn. With so few writings, no record as a professor, no access to legal memos he wrote while at the Department of Justice, our committee was left with little to go on as we contemplated this nominee.

Mr. Estrada's lack of judicial experience was just one factor that made it more difficult to review his way of thinking and to determine what kind of judge he would become if confirmed.

I have supported nominees without judicial experience in the past—I don't want anyone to get the wrong idea—and I would not hesitate to do so again when appropriate. Although I think it preferable, if possible, to have nominees with judicial experience, I also recognize that many brilliant lawyers with no such experience have become excellent and, in fact, even legendary judges.

In this case, it was not the lack of judicial experience itself that concerned me but the fact that this lack of experience, when combined with the lack of information from other sources, left the committee with no real basis to evaluate this nominee.

In his letter to me, Judge Gonzales mentioned a number of specific individuals nominated to the Ninth Circuit by President Clinton, nominees I supported despite their lack of judicial experience. These nominees—Judges William Fletcher, Marsha Berzon, and Raymond Fisher—all had distinguished backgrounds and a wealth of background materials for the committee to review, but no judicial experience.

Since these specific nominees were mentioned, I thought it would be interesting to note the paths they took to confirmation because the nature of the deliberative process the Senate was able to undertake with these nominees is in striking contrast to what we are confronted with today.

William Fletcher, for instance, was nominated on April 25, 1995. His first hearing came on December 19, 1995, about 8 months later. Dr. Fletcher had been a prolific academic writer and a distinguished law professor at the University of California at Berkeley for almost 20 years by the time he was nominated. At his hearing, he had the opportunity—and he took it—to discuss articles he had written that were critical of certain Supreme Court decisions and to explain and discuss other articles he had written on a variety of subjects. The Judiciary Committee had access to a wide range of written materials about or written by Dr. Fletcher. And just as importantly, the committee members also had the opportunity to engage in a back and forth with the nominee to learn about his thought process.

In contrast to the Estrada hearing, Professor Fletcher answered every question forthrightly and fully. Where Estrada stated he could not answer, Fletcher engaged in real discussion.

Despite this, however, William Fletcher's nomination sat without action until April of 1998, 3 years after his first hearing. And after those 3 years, he was not yet given a vote. Instead, he was given a second hearing.

Finally, on October 8, 1998, almost 3½ years after he was first nominated, William Fletcher was finally confirmed. Judge Fletcher, at the time of his nomination, had no judicial experience, but the committee had a wealth of other information about him and written by him to properly gauge his suitability for the Ninth Circuit.

Furthermore, it has been reported that his nomination finally moved forward only after Dr. Fletcher's mother, a Federal judge herself, agreed to take senior status, and after President Clinton and the Republican leadership agreed to appoint a judge, named by Republicans, to a vacancy on the Ninth Circuit. That is a good example of communication and even negotiation between the White House and the Senate on the issue of judicial nominations. I remember it well. And I thank those leaders of our committee who engaged in those discussions.

I am not saying that I believe Judge Fletcher's nomination path should become the norm, but since Judge Gonzales mentioned Judge Fletcher by name, it is interesting to note how that nominee, with no judicial experience, fared under the Republican-controlled Senate back then.

Marsha Berzon, another nominee mentioned in Judge Gonzales' letter, was nominated on January 27, 1998. Her first hearing came 6 months later—not bad—on July 30, 1998. Again, at that hearing Mrs. Berzon answered every conceivable question about her background, her thought process, and her other issues. Right, she had no prior judicial experience. Then almost a year went by with no further action until she underwent a second hearing and again submitted herself to questioning by the committee.

Just to cite one example from that second hearing, Senator SESSIONS asked Mrs. Berzon to expand upon an answer she had given at her first hearing about the death penalty. Quoting Senator SESSIONS now:

> I remember I asked you about Justice Brennan's decision on the unconstitutionality of the death penalty. He believed that the death penalty was unconstitutional. . . . [a]nd I asked you . . . .how you felt about Justice Brennan's view, and you said you did not like to say what you agree with and what you do not agree with when you haven't had time to think about it. Fair enough. Have you had time now and would you like to comment now?

In her response, Mrs. Berzon stated:

> . . . I certainly have had a chance to think about it and go back and look at the Constitution. And having done so, I would certainly agree that the indications of that document are that the Framers of the Constitution understood that capital punishment would be permitted under the Constitution. . . . I was a law clerk to Justice Brennan, as you know, I admire him enormously as a man and a mentor. I did not agree with everything that he said, and I think in particular that I intend to take a more literal view to statutes and to constitutional provisions than he does. It makes me more comfortable, and it is the way I tend to think.

It is this back and forth that gives committee members a sense of how nominees think and, therefore, how they will approach the duties confronting them as Federal judges.

By the time Marsha Berzon was finally confirmed on March 9, 2000, more than 2 years and two hearings after she had been nominated, the Judiciary Committee and the Senate had more than enough of a record to judge her nomination, despite her lack of judicial experience. This information is simply not there for Miguel Estrada.

Raymond Fisher was the third Ninth Circuit nominee mentioned in the Gonzales letter. Here again is a nominee with no judicial experience but, here again, unlike Mr. Estrada, Raymond Fisher had a depth and breath of other experiences that allowed the committee to fully examine the nominee and his nomination and come to an informed decision.

Raymond Fisher proved himself in many different functions to be impartial, to gain the respect of his peers, and to evidence the temperament required to be a Federal judge. From serving as a Supreme Court clerk to working in private practice, to serving as the head of the Los Angeles Police Department's civilian oversight panel, Fisher was often in the public eye and continuously showed an evenhandedness and ability to work through complex issues that would clearly serve him well from the bench.

Then-mayor Richard Riordan of Los Angeles, a Republican, said that he chose Fisher for the police commission job "because he did not have a political agenda and called the facts as he saw them."

That is exactly what we look for in a nominee. And in the case of Miguel Estrada, I am not convinced that we have it.

Additionally, in the Fisher, Berzon, and Fletcher cases, we had volumes of support letters from every conceivable source of every political background and, most importantly, there was not significant opposition as exists in the Estrada case.

Quite frankly, if everyone who knows a nominee comes to the committee with glowing praise and statements that the nominee has perfect knowledge, experience, and temperament to be a judge, it is obviously easier to feel comfortable confirming that nominee regardless of the level of actual judicial experience. Likewise, even a nominee with overwhelming judicial experience might face trouble if a large number of people who had worked with or for that nominee expressed strong concerns about his or her impartiality.

Here, with Miguel Estrada, we have a man with no judicial experience and who has been the subject of a large volume of concern about his temperament and his ability to fairly and impartially judge a given situation. This, in my opinion, presents a problem.

The second issue raised in the Gonzales letter involves Professor Paul Bender, Mr. Estrada's direct supervisor at the Solicitor General's office. Specifically, I mentioned in my committee statement on the Estrada nomination that I was concerned about a statement Professor Bender had made in the press that Miguel Estrada is so "ideologically driven that he couldn't be trusted to state the law in a fair, neutral way."

In response to this quote from me, Judge Gonzales cited a number of internal Justice Department evaluations indicating that Professor Bender had given Mr. Estrada positive reviews while at the Justice Department. It is relevant to the decisionmaking process when a nominee's former supervisor feels compelled to comment that he is too ideologically driven to be a fair judge, and it is certainly possible at the very least that an attorney could be both an excellent legal scholar and an excellent advocate but be ill-suited for the judiciary, as suggested by Professor Bender.

In any event, I recently asked my staff to contact Professor Bender by telephone and ask him about his comments to the press and his past evaluations of Miguel Estrada. In doing so, my staff discovered some interesting facts. First, I am told that Professor Bender stands by his statements to the press "100 percent" and would say so if asked.

Second, according to Professor Bender, the positive evaluations that Judge Gonzales and others cited consisted merely of boilerplate language next to check marks. He stated every employee received the highest evaluation automatically.

And perhaps of most relevance, Professor Bender indicated to my staff that he was already so concerned about Mr. Estrada's ideological bent while supervising him at the Department of Justice that he learned not to rely on his memos and in fact stopped assigning him important work. In other words, as an employee of the Justice Department whose job it was to advocate to the best of his ability, Miguel Estrada's direct supervisor did not trust him to be fair and impartial.

I asked my staff to call Professor Bender and read this to him, and he stands by it. This was not a last-minute conversion as some have suggested but an ongoing concern.

I have listened to some of the attacks on Mr. Bender. I don't think they reflect well on the Senate. I may not agree with everything Professor Bender has done or advocated within his lifetime, but this is a man with very impressive credentials.

Paul Bender graduated magna cum laude from Harvard Law School in 1957.

He served as a law clerk to Judge Learned Hand of the U.S. Court of Appeals for the Second Circuit and then was a law clerk to Supreme Court Justice Felix Frankfurter before embarking on a distinguished career as a professor and in the U.S. Solicitor General's Office. He spent 24 years as a faculty member at the University of Pennsylvania Law School, and he also served as dean of the Arizona State College of Law. He has argued more than 20 cases before the U.S. Supreme Court.

As a result, I think it is worth taking his comment into consideration as one of many factors we must look at when trying to determine whether Mr. Estrada can be a fair and impartial judge.

The third issue raised in the letter sent to me and published by White House counsel is the fact that I "referenced the fact that Miguel Estrada has been 'accused' of using an ideological litmus test when assisting Justice Kennedy in the selection of his law clerks."

This is true. Specifically, I was concerned that two individuals who had tried to get a clerkship with Justice Kennedy believed very strongly that they had been subjected to a litmus test for being too liberal and had been rejected out of hand as a result. Both individuals had been quoted in the press, and while these accusations were by no means dispositive in my decisionmaking, they were yet another example of comments made by those who know Mr. Estrada, or worked with him, that he is simply too ideological for the bench.

When I first heard about these comments, I was concerned but also wary. Because the quotes we were given came from anonymous sources in a news article, I wanted to be sure they were accurate.

But having done a bit more research on the subject, I am confident these two individuals truly believe that a litmus test was applied to them.

Without countervailing evidence, such as a written record or substantive responses to committee questioning, it is difficult to assuage the concerns raised by these applicants and others.

Now that I have outlined some of my concerns about Miguel Estrada, I want to take a few moments to talk about the general state of the nominations process and what I see as a real lack of consultation between the White House and many Members of the Senate in making these nominations. It is this lack of consultation in the nominations process that has led, I think, many in the minority party to become increasingly concerned about individual nominees, about scheduling, and whether or not there will be any real advice and consent for the Senate.

Early on in the Bush Presidency, I sat down with representatives from the White House and we worked out together a system for nominating district court judges in California that works, and works well. Essentially, we set up one nominating committee for each district in California. Each committee is made up of six members, three chosen by the White House and one chosen by me, one chosen by Senator BOXER, and then Senator BOXER and I choose the third representative together. In other words, each committee is made up of three Democrats and three Republicans, an even number. No name can be forwarded to the President for nomination unless a majority of the commission members agree. So this means that at least one member of each party must consent to every name forwarded to the President for consideration. For each vacancy, the commission submits several names, so the President may still choose the particular nominee. But we have agreed that no individual will be nominated without first receiving at least a majority vote.

This has really worked, Mr. President, and worked well. It is producing well-qualified, nonideological judges for California district courts. These commissions have already worked to produce eight highly qualified, noncontroversial nominees. Five of those have already been confirmed, one more was voted out of committee, and two more were only recently received by the Senate.

Here is the point: The five judges now confirmed spent an average of only 93 days—about 3 months—from the day they were nominated to the day they were confirmed. The process is working.

It was my hope when we established this process that the White House would move quickly to establish similar agreements with other States. After all, the Constitution gives the Senate the responsibility of advising the President on his or her nominees, and consenting or declining to consent to those nominations. It is thus our duty to work with each President in helping to select and to judge the qualifications of nominees to the Federal bench.

This advise and consent role should not be taken lightly. Helping to shape the Federal judiciary may well be one of the most important things any Senator will do during his or her term. The quality and nature of the nominees we pass through the Senate will alter the makeup of the courts for years to come, often long after we have retired from this body.

Too many of my colleagues have found themselves with no ability to consult on nominees to the district court, or even the circuit court. Indeed, in some instances the White House has completely disregarded the advice or even nominated the candidate most opposed by a home State Senator. In other instances, vacancies kept open by the deliberate inaction of the Republican-controlled Senate of recent years may now be filled en masse, with far more ideological nominees, artificially skewing these courts to the right. This is the environment surrounding the nomination of Miguel Estrada. We have before us a nominee who was controversial from the very start.

When the Judiciary Committee tried to find out more about him, we were stymied at every turn: No written record, no work product, and unresponsive answers to our questions at the hearing.

The Constitution established a system of checks and balances, one that has served this Nation well for more than two centuries. The President is the Commander in Chief, but the Congress declares war and funds the military. The President signs treaties, the Senate ratifies them. The President makes nominations, but we advise him in that role and consent to the nominees themselves.

Without any prior advice role, it sometimes becomes necessary for the consent process to become more confrontational, as it has recently. But it is my hope that in coming months we will come together as a Senate—not as Democrats or Republicans, but one body—to work through the nomination issues that have so torn us apart over the last decade.

It is also my hope that this President will work with all Senators, as he has worked with me, to establish a framework for producing moderate, qualified judges for every district court in the Nation. It is my hope that we can make these debates about substance and qualifications, not about ideology or partnership.

I cannot at this time support Miguel Estrada for the D.C. Circuit court. As I pointed out earlier, I might very well support him for a district court position. He is 41. This is a 40- or 50-year position.

This is a debate that will not end today or tomorrow or in the coming months, unless we can all calm the rhetoric, sit down, and discuss how we can move through the process with greater consultation, greater fairness, and a greater respect for the constitutional role of the Senate.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend my friend and colleague from California for an excellent presentation to the Senate outlining the historic responsibilities that the executive and the Senate have in meeting all of our responsibilities to ensure we have qualified members on the courts of this country. She gave an excellent analysis of both the past activities of the court and rebutting a number of the misrepresentations that have been made about those who have raised serious questions about this nominee.

I thought the Senator from California summarized in an important way the compelling reasons why many of us have reservations about this nominee. I thank her very much for the statement, and I hope our colleagues will pay close attention to it.

One of the most important functions of the Senate is its constitutionally mandated advise-and-consent role in the selection of judges. This role is meant to ensure the appointees to the Federal courts are independent and fair judges, who hear all cases with an open mind, independent of the political process but also of personal ideology.

We have all asked at one time or another what is the criteria we use in the advise-and-consent role. I have over time supported the idea that, obviously, enormous deference is given at the time a President is elected to the fact that he or she ought to be able to have the advisers of their choice. That is a period of time, before the President's term expires, when there ought to be at least a willingness to give any benefit of the doubt to those nominees.

Then we have independent agencies which go on for a period of time beyond the time of a given President, and we advise and consent on those nominees. And then we have the Federal courts. If we make a mistake in terms of a particular judge, we have the circuit courts to which matters can be appealed, and then ultimately the Supreme Court. Our highest value is focused on the Supreme Court—lifetime appointments, and under the distribution of powers defined in the Constitution, a shared power with the President appointing and the Senate giving its advice and consent. It is a shared power.

Many assume the Senate of the United States should rubberstamp a nominee; if we cannot find something wrong with a nominee, that we should give our stamped approval. That clearly is in conflict with the views of our Founding Fathers and in conflict with the great traditions of this institution.

We have a very high standard when it comes to this particular court because, although it is not the Supreme Court, it is a lesser court, of the very special responsibilities and unique responsibilities it has. Therefore, we have a duty to find out the views and commitments of a nominee to the core values of the Constitution, not expecting that a nominee is going to answer a question about a particular case or a particular outcome, but talk about their views, their developed views, their mature views about constitutional values, issues on civil rights, issues on the first amendment, on the role of the Congress in terms of our responsibilities in meeting the general welfare clause, the separation of church and State, the issues of privacy and other civil rights issues—all of these matters which are of enormous importance and consequence to the people of this country in which we have seen a generation struggle and individuals in a number of instances give their lives to these causes.

We have a very special and important responsibility to make sure those words that are above the Justice Department, "Equal Justice Under Law," are going to be equal justice under law for every person in this country.

There is, I believe, a responsibility, not just to any member of the Judiciary Committee, not just to the Judiciary Committee, but to the American people, that a nominee has because we act as their agents in terms of our votes, and there is a responsibility to the American people that a nominee will at least talk about the Constitution and talk about these fundamental values and what the Constitution means. That has been the time-honored tradition of a nominee, going back for pretty much the history of this country.

In this instance, there is such a complete contrast. There is an individual who will not give any information, or respond to any of the constitutional issues he was asked, not just by any single member, but by all the members, and also a refusal to provide the material which other nominees for other positions have provided in the past. Judge Bork provided material when he was a nominee for the Supreme Court; Brad Reynolds, when he was being considered as head of the Civil Rights Division, and other nominees, Republicans and Democrats alike. With Mr. Estrada, no; no, we are not going to provide that information to the Judiciary Committee. No, we are not going to answer questions about views on the Constitution. No, we are not going to provide past work. No, we are not going to provide that. No, we are not going to give that information. And yet we expect somehow the Senate will go ahead and give its approval to a nominee who comes to this nomination.

I congratulate Mr. Estrada. He comes to this position on the basis of very humble roots and a life of personal achievement. Does that guarantee one will hold a position on the district court because one has had that experience? Should that entitle someone? Should one think of serving on the courts as an entitlement or as a reward? Clearly not. There are too many issues involving the everyday life experience of American citizens that are being decided by that court and that will affect the lives of individuals in this country. Therefore, this is too important a position for anyone, as talented as they are and as unique as their past experience, to expect they are just going to be in a privileged position and not have to be responsive to the inquiries of the members of the committee.

That is the dilemma in which we find ourselves with this particular nominee. The Senator from California reviewed the facts, and I wish to address them as well this afternoon:

Mr. President, we also heard important testimony about the judgment, temperament, and the commitment to statutory projections and core constitutional values that are necessary to serve as a Federal judge, especially on a court as important as the U.S. Court of Appeals for the DC Circuit. Then we have had the assault and attack on those who question his core commitment to the values of the Constitution, but the fact is, we do not know because he refused to answer the most basic questions.

We heard the pillorying by many who expressed opinions in opposition to Mr. Estrada, and their characters were assaulted as well, I think unfairly and unjustly. We would not have to resort to the opinions of others if Mr. Estrada had been willing to respond to the questions.

Mr. Estrada has refused to answer the basic questions posed to him in the confirmation process. As I mentioned, the White House refused to release the materials necessary for a full review of his qualifications.

With this troubling and inadequate record, I do not believe Mr. Estrada should be confirmed to this important court, the second most powerful court in the Nation.

The Federal courts have the power to make far-reaching decisions affecting lives of people and the life of our Nation. We have the responsibility to ensure that the people who serve on the courts will protect important constitutional and statutory rights. I do not believe Mr. Estrada is such a person.

Although he is a distinguished legal advocate, his commitment to core constitutional values is far from clear. Mr. Estrada prevented us from learning much at all about his legal and constitutional philosophy, and throughout this process he has evaded even the most basic questions concerning how he would serve as a judge. In addition, Mr. Estrada and the administration refused to produce the documents from Mr. Estrada's time in government practice that might have helped us answer questions. So these are very serious problems, and they would require this body to reject any nominee who came before it.

Unfortunately, some of our Republican colleagues have decided it is in their best interest to claim that we are opposing Mr. Estrada because he is Latino. This irresponsible accusation is absurd. It is belied by the strong history of those who are members of our party who have fought for opening the doors for all minorities in America, including Latinos. The Republican accusation is also dangerous and destructive. It has even been said that if we did not confirm Mr. Estrada to the DC Circuit, we would shut the door on the American dream of Hispanic Americans everywhere. Nothing could be further from the truth. As they say in sports, let's look at the record. In fact, President Clinton nominated 11 Latinos to the Nation's most powerful courts. He nominated 21 Latinos to the district courts. For these nominees, achieving the American dream meant being sensitive to the core values that make this country strong, that are embodied in the words at the entrance to the Supreme Court: "Equal justice under law."

Nonetheless, Republicans unfairly blocked many of these nominees. Not only these nominees, but I remember Bill Lann Lee who was an Asian American, who was denied the opportunity to have a vote. He was absolutely an extraordinary and distinguished nominee whose life experience in many respects was similar, if not more compelling, in terms of his own personal success. He came from extraordinarily humble beginnings. He did not speak the language. He worked his way through school, was able to get a scholarship, I believe to Yale University. He had an absolutely distinguished record, went on as a lawyer to help knock down the walls of discrimination. He was selected as the head of the Civil Rights Division. He had just about every defendant against whom he had tried a case over the period of his career—a young man came before the committee and said: Look, we differed with Bill Lann Lee on the issues of the facts, but we want to tell this committee that this was an extraordinary lawyer who did a lawyer's job in understanding the law when arguing his case. We had nothing but the highest regard and respect for his presentation, his ability, and the way he conducted himself. Senators testified to this before the Judiciary Committee.

But was Bill Lann Lee able to get a vote in the Judiciary Committee? No, absolutely not. Do you think he was able to get consideration on the floor of the Senate? No, he was denied that. With all of the hopes and dreams there were for hundreds of thousands, or even millions, of Asian Americans and the hopes and dreams of all of his family and relatives, he was denied confirmation and turned back. We will let the other side give the explanations for that. But this outstanding nominee, who eventually had a temporary appointment to the Justice Department and did an extraordinary job, was denied the opportunity to be voted on.

The Bush White House, by contrast, until a short time ago, has nominated only one Latino to the court of appeals, and that is Mr. Estrada.

One of the most important functions of the Senate is constitutional advice and consent. We cannot perform this function if we are not allowed access to the nominee's record, and by refusing to provide the Senate with the most important memoranda produced by Mr. Estrada when he was in the Solicitor's Office, the administration is trying to prevent us from performing our constitutional duty.

The administration's refusal to provide these memoranda is not based in law or precedent. Past administrations have disclosed the legal memos in connection with both judicial and executive nominations. We have repeatedly made the administration aware of the clear precedence on the disclosure of confidential internal documents relating to the nominations of several judges, including Robert Bork to become Associate Justice on the Supreme Court, Brad Reynolds as Assistant Attorney General, Benjamin Civiletti to become Attorney General, Stephen Trott to become a judge on the Ninth Circuit, Justice Rehnquist to become Chief Justice.

In some of those instances, they made those memoranda available only to the members of the committee, and then they asked us for the memoranda back. Agreements were worked out with the members of the Judiciary Committee. But not with regard to this nominee. We were effectively denied all of this. Justice Rehnquist, Bradford Reynolds, Assistant Attorney General for Civil Rights Benjamin Civiletti to become Attorney General, Robert Bork to become an Associate Justice of the Supreme Court—we were able to get those memoranda. But not from Mr. Estrada. They told us: You cannot have the memoranda. And we have a nominee who will not answer any questions on this. Then Members are asked why they are concerned about this process.

Indeed, the administration has itself disclosed the past memoranda for purposes of evaluating its nominees. The Bush White House disclosed legal memoranda written by an attorney in the White House Counsel's Office in connection with the nomination of Jeffrey Holmstead for the position of assistant administrator at the Environmental Protection Agency. They are prepared to give all of the memoranda to the appropriate committees for Jeffrey Holmstead, when he was in the White House Counsel's Office in connection with a position as assistant administrator of the Environmental Protection Agency, but they will not give it to the Senate for a nominee for the DC Circuit in our Nation's Capital. Why is that? Why do they give it on the one hand and refuse to give it on the other? What is the justification that they do not have to do it?

Then they list a number of prominent figures, many of them Democrats, who say they are under no obligation to do it. But clearly, in the past, under Republicans and Democrats, when there has been an interest in trying to reach accommodation and to have an understanding about the nominees, there has been a willingness to do it. But, no, they are not going to do it.

We can only assume that the Administration's inconsistent position means that it has something to hide in Mr. Estrada's memoranda.

Given the administration's recalcitrance about providing the Estrada memoranda, the Senate is left with very little to review to assure ourselves that Mr. Estrada has the commitment to constitutional and statutory protections necessary to serve on the DC Circuit. What little we do know is very troubling because Mr. Estrada's direct supervisor in the office has raised questions about whether Mr. Estrada had the necessary temperament to sit on the DC Circuit.

As my friend and colleague from California has pointed out, Mr. Bender has stated that those statements he made were entirely true and he still stands by them. We will hear a brutal assault on Mr. Bender and his character. We have heard it previously in the Judiciary Committee, and we have heard it here. He is an outstanding individual, a former clerk to Justice Frankfurter. He argued before the Supreme Court, had an extraordinary and distinguished record, but we will hear him assaulted because he has questioned the temperament of Mr. Estrada.

These serious allegations require some response on the merits and some evidence to the contrary. Instead, some of my colleagues in the Senate have responded by attacking Mr. Bender.

Mr. Bender is not alone in the assessment of Mr. Estrada. It has been reported that some of Mr. Estrada's colleagues have said he is not open-minded and he "does not listen to other people."

After an in-depth meeting with Mr. Estrada, a member of the Congressional Hispanic Caucus said he appeared to have a short fuse and did not have the judicial temperament necessary to be a judge. According to the Puerto Rican Legal Defense Fund, with whom Mr. Estrada met, he is not even-tempered and he became angry during their meetings with him and even threatened the group with legal action because they raised concerns about his record.

Now, we have that information, but we are denied any information on the other side. Anyone who has questioned Mr. Estrada finds they are questioned themselves. But we are denied the information that may reflect an entirely different temperament.

Some of our Republican colleagues have said Democrats who oppose Mr. Estrada's nomination are motivated by his ethnic background, but these reports that raise serious concern about Mr. Estrada come from some of the most important Latino organizations in the country. These groups correctly point out that Mr. Estrada had not taken any steps to reflect or serve his community and has never provided any pro bono legal expertise, supported or joined or participated in events of any organization dedicated to serving or advancing the Latino community, never made any efforts to open the doors of opportunity for Latino law students or junior lawyers. Mr. Estrada appears to be committed neither to his community nor to an open, fair, and impartial judicial process.

Mr. Estrada has attempted in the past to limit the first amendment rights of minorities. I have inquired about his standing in this particular case. He sits on the board of the Center for Community Interest which advocates for police tactics that have often led to harassment and racial profiling, and his efforts reflect a lack of concern for important American ideals.

In a case heard by the Supreme Court, Chicago v. Morales, he represented the U.S. Conference of Mayors in an amicus brief defending a tenant-loitering ordinance in Chicago. The Center for Community Interest also submitted a brief in support of the ordinance. The Chicago antiloitering ordinance applied to any group of two or more individuals who gather, with no apparent purpose, in any public place, including streets, parks, restaurants, or any other location open to the public, and mandated if a police officer reasonably believed any of the individuals to be a gang member, he could order all of the individuals, including those not suspected of gang membership, to disperse and remove themselves from the area. The Supreme Court found the ordinance violated the due process clause of the 14th amendment. It held the ordinance was unconstitutionally vague because it did not provide adequate notice of the proscribed conduct and did not set minimum guidelines for law enforcement.

At his hearing, Mr. Estrada suggested that minority lawmakers supported the antiloitering ordinance. This is false. In fact, the ordinance was initiated by residents in a predominantly white neighborhood, and drawn up by several white aldermen. The majority of the African American aldermen on the Chicago City Council voted against it. Several aldermen compared it to an apartheid-era law in South Africa. When the case came before the Supreme Court, many of the civil rights minority groups joined amicus briefs against the ordinance, including the National Council of La Raza, Mexican American Legal Defense, and the NAACP.

Before I come back to that issue, I take a moment to discuss the opposition to Mr. Estrada's nomination that has been voiced by some of these groups. Let me finish with the legal defense. Now we had the holding by the Supreme Court in finding that the Chicago ordinance was unconstitutional. The Supreme Court said the broad antiloitering ordinance in the Chicago-Morales case was unconstitutional. Mr. Estrada devoted man-hours in defending the City of Annapolis following this against the challenges to the Constitution of a similar antiloitering ordinance. When the NAACP challenged the ordinance, he would take the city's case all the way to the Supreme Court, if necessary, free of charge. Mr. Estrada lost that case, too, however, after a district court struck down the law as unconstitutional.

Here he went all the way to the Supreme Court on the antiloitering. The Supreme Court made a finding, and then he takes the time to go right back to another antiloitering ordinance and insists on taking all of that and it was struck down in the district. It is difficult to understand on an issue such as that why he would have been so involved in that kind of continued activity when it reaches issues involving the first amendment.

I am deeply concerned by Mr. Estrada's intense focus on enforcing an antiloitering ordinance. As MALDEF noted, many of the individuals who are targeted under such ordinances are minorities. Often Latino urban youth are harassed by police enforcing such ordinances, and day laborers—most often newly arrived immigrants—congregating on particular streets waiting to be offered a manual labor job are often targeted. Mr. Estrada does not seem to appreciate this effect on the minority population and did not let it affect his defense of those statutes.

Other statements by Mr. Estrada raise additional concern about his commitment to civil rights, expressing skepticism about affirmative action. The DC Circuit has become closely divided on affirmative action and public employment programs, and a narrow majority of the DC Circuit held the Federal Government cannot require broadcasters to conduct targeted outreach to minorities and women even for the purpose of increasing the pool of qualified applicants.

According to MALDEF, in meetings where Mr. Estrada has answered questions, he has made statements about affirmative action, calling into question whether he would find a compelling interest to justify such programs. Mr. Estrada indicated he has not raised the issue of diversity in places where he has worked and he would not be particularly vigilant about giving opportunities to Hispanic clerks. Mr. Estrada was asked about the possible reason for the lack of minority law clerks by a reporter for USA Today. According to the article, Mr. Estrada dismissed statistics showing little representation of minorities and indicated if there was some reason for underrepresentation, it would be something to look into, but I don't have any reason to see it as other than a trend in society. This is contrasted with quotes of others saying there are a variety of reasons for the lack of minority clerks.

All of these aspects of Mr. Estrada's prior work indicate he would not bring a fair and open mind and sensible judicial temperament and commitment to civil rights and equal opportunity to the bench.

During the course of the hearing on Mr. Estrada, he did little to allay our concerns about his record. In fact, many concerns were actually intensified by Mr. Estrada's unwillingness to respond to even the most basic and innocuous questions about his views. For instance, Mr. Estrada refused to name a single Supreme Court case of which he was critical.

In addition, Chairman LEAHY asked Mr. Estrada whether an employer or school could take race or ethnicity into consideration in hiring admissions and Mr. Estrada refused to give any opinion on the matter. Chairman LEAHY asked Mr. Estrada what he thought about the Supreme Court decision in Romer v. Evans, a decision he was purported to criticize, and he refused to agree whether he agreed with the decision, stating because he did not hear the arguments he could not have an opinion. At the same time, Mr. Estrada gave contradictory answers in response to a series of questions about whether he had an applied ideological litmus test to clerks.

I take a moment or two again to underline the importance of the DC Circuit Court. Mr. Estrada's nomination is particularly troubling, given the importance of the DC Circuit to issues of concerns for a broad range of Americans seeking to enforce their basic rights. The DC Circuit is widely regarded as the second most important court in the United States, behind only the Supreme Court. With a unique and prominent role among the Federal Courts of Appeal, particularly in the area of administrative law, it has exclusive jurisdiction over many workplace, environmental, civil rights, and consumer protection statutes. Because the Supreme Court grants reviews of only a small number of lower court decisions, most administrative law is established by the DC Circuit. Despite the importance of the DC Circuit to a broad array of Americans, some Republicans have worked to undo any balance on the court. During the Clinton administration, the Senate, controlled by Republicans, refused to approve two of President Clinton's nominees to the DC Circuit, Elena Kagan and Allan Snyder.

Last fall's hearing for Mr. Estrada was the first hearing for a nominee to the DC Circuit in 5 years. No questions were raised about the qualifications of either Ms. Kagan or Mr. Snyder. Both had stellar qualifications. Nevertheless, hearings for these nominations were delayed. After they finally received hearings, they were refused a vote in the committee or on the floor. Many Republicans argued that the DC Circuit did not need any more judges. Yet shortly after President Bush was elected, two judges were nominated for the court.

I see my good friend and colleague from New York here, Senator SCHUMER. I know others want to speak about this important issue.

The DC Circuit Court has a major influence on decisions involving the National Labor Relations Board. The National Labor Relations Board is the arbiter of disputes between workers and employers. We have a process where that board is to work and work effectively. There has been enormous deference given to administrative boards by the circuits generally, and by the DC Circuit in particular, but that is no longer the case. We are finding increasing numbers of decisions that are made by the National Labor Relations Board appealed to the DC Circuit and effectively overturned. This has an enormous impact and affect on workers' rights, with all of the implications that workers' rights have in terms of health care policy, in terms of wages, and in terms of pensions.

This DC Circuit Court has great influence on whether our occupational health and safety laws are going to be enforced.

We have seen over the period of recent times a reduction in funding for the enforcement of these laws. That has been true. But, nonetheless, some of these find their way on up to the DC Circuit Court. Having someone there who is going to understand the law, understand the importance of that legislation, and who can interpret that legislation in a fair and reasonable way is going to be enormously important if we want safety in the workplace. The DC Circuit Court is the court that makes those judgments and decisions.

We have seen what has happened, even since OSHA has been enacted. We have reduced the number of deaths in the workplace by half.

We see a number of other new challenges coming in the workplace in more recent times. Nonetheless, it has been effective legislation.

Do you care about wetlands, do you care about clean air, do you care about clean water? The D.C. Circuit Court is the final court that is going to be making judgments on these environmental issues. We have seen where the administration has gone ahead and cut back on the protection of those environmental issues. We have already seen the appeals working their way through the courts and they are going to end up to the DC Circuit courts. Do you care about clean air? Do you care about clean water? Do you care about the environment? The DC Circuit Court is where these matters are going to be decided.

Do we have anything from Mr. Estrada to indicate whether he has any interest at all in protecting the environment? Whether he has any interest at all in workplace justice? Any interest at all in workplace safety? It just goes on from there.

The D.C. Circuit will also hear cases on civil liberties. In the past, the wiretap issue has come up in the appeals process. Are we going to be a country that protects its Constitution?

The list goes on, issue after issue, defining what this country stands for. In terms of protecting rights, the D.C. Court is the court. To stonewall the committee on each and every one of these subjects, as the nominee has done, refusing to talk about any of them, I think reflects a contemptuous attitude towards the whole nomination process. In that way, he is not worthy to receive the support of the Senate of the United States.

To reiterate, one of the most important functions of the Senate is its constitutionally mandated advice and consent role in the selection of Federal judges. This role is meant to ensure that appointees to the federal courts are independent and fair judges who hear all cases with an open mind, independent not only of the political process but also of personal ideology.

Miguel Estrada does not fit this model. He lacks the judgment, temperament, and commitment to statutory protections and core constitutional values that are necessary to serve as a Federal judge, especially on a court as important as the United States Court of Appeals for the D.C. Circuit. He has refused to answer many basic questions posed to him in the confirmation process, and the White House has refused to release the materials necessary for a full review of his qualifications. On this troubling and inadequate record, Mr. Estrada should not be confirmed to this important court, the second most powerful court in the nation.

We cannot stand by and allow a Republican White House and Republican-controlled Senate to steamroll the confirmation of controversial nominees like Mr. Estrada, who would undermine the important role of the Federal courts as a place for a full, fair, and impartial hearing. The Federal courts have the power to make far-reaching decisions affecting the lives of our people and the life of our Nation. We have the responsibility to ensure that the people who serve on these courts will protect important constitutional and statutory rights.

Mr. Estrada is not such a person. Although he is a distinguished legal advocate, his commitment to core constitutional values is far from clear. Mr. Estrada has prevented us from learning much at all about his legal or constitutional philosophy. Throughout this process, he has evaded even the most basic questions concerning how he would serve as a judge. In addition, Mr. Estrada and the administration have refused to produce documents from Mr. Estrada's time in government practice that might help us answer questions about his record and the approach he would bring to judging.

These are very serious problems, and they would require this body to reject any nominee who came before it. Some of our Republican colleagues, unfortunately, have decided it is in their interest to claim that we are opposing Mr. Estrada because he is Latino. This irresponsible accusation is absurd. It is belied by a strong history in the Democratic Party of opening doors for all minorities in America, including Latinos. The Republicans' accusation is also dangerous and destructive.

It has even been said that if we do not confirm Mr. Estrada to the D.C. Circuit, we would "shut the door on the American dream of Hispanic-Americans everywhere." Nothing could be further from the truth. In fact, President Clinton nominated 11 Latinos to the Nation's powerful appellate courts. He nominated 21 Latinos to the district courts. For these nominees, achieving the American dream meant being sensitive to the core values that make this country strong, and that are embodied by the words above the entrance to the Supreme Court: "equal justice under law." Nonetheless, Republicans unfairly blocked many of these nominees.

The Bush White House, by contrast, has, until last week, nominated only one Latino to the courts of appeals: Mr. Estrada.

The White House and some Senate Republicans have complained that Senate Democrats have not supported Mr. Estrada because he is Latino. We should not lightly accuse other Members of this body of such prejudice, but make no mistake: That is exactly what some Republicans are accusing Democrats of. The record belies this accusation.

Until last week, President Bush had nominated 130 people to the Federal courts. Out of those 130 nominees, there were only 8 Latinos. Six of these Latino nominees were confirmed last session when Democrats controlled the Senate. The record is clear that Senate Democrats are eager to see the diversity of the Federal bench increased by confirming Latino nominees, even when those nominees come from a Republican White House.

Senate Democrats have eagerly confirmed Latino nominees, even when those Latino nominees are relatively conservative. So when some Members of the Senate say that Democrats have a different standard for Latino nominees, that accusation is unfounded.

Nonetheless, these accusations have continued. It is a dangerous and irresponsible attempt to play politics with important issues of race, and frankly it is beneath the dignity of this body. For example, Senator LOTT has said quite bluntly that Democrats "don't want Miguel Estrada because he's Hispanic."

Senator HATCH has said that Democrats are creating a glass ceiling for Latinos, so that "if they do not think a certain liberal way . . . then they are not good enough."

Senator DOMENICI has said that he is perilously close to saying our opposition to Miguel Estrada's nomination is because of his race. Senator DOMENICI is right about one thing, these statements are perilous.

They are also just plain wrong. During the last Democratic administration, 23 Latino nominees were confirmed to the Federal court—more than in any prior administration, Republican or Democrat.

It has been Senate Republicans who have unfairly blocked the confirmation of Latino nominees. The Republican-controlled Senate refused to confirm eight Latino nominees. No one accused Republicans of prejudice. Jorge Rangel and Enrique Moreno, both nominated to the Fifth Circuit Court of Appeals from Texas, were not even afforded hearings by the Republicans. Still, no one cried prejudice.

Mr. Rangel and Mr. Moreno each waited more than a year in the Senate. When Senate Republicans refused to give these nominees a hearing, their nominations were returned to the White House. President Clinton renominated Enrique Moreno, but President Bush withdrew his nomination. In his place, President Bush nominated Judge Pickering and Justice Owen, two divisive and controversial nominees with very troubling records on issues such as civil rights.

Just as disturbing, Senate Republicans expressed the notion that Mr. Moreno may not have been qualified for the position. Mr. Moreno, like Mr. Estrada, was a Harvard-educated lawyer who was adjudged well-qualified by the American Bar Association. Mr. Moreno was eminently qualified for the position, but Senate Republicans disparaged him without even affording him a hearing. Still, we did not say this was the result of bigotry.

Other Hispanic-Americans who were never confirmed by the Republican-controlled Senate include Christine Arguello, nominated to the Tenth Circuit Court of Appeals from Colorado; Ricardo Morado, nominated to the District Court in Texas; and Anabelle Rodriguez, nominated twice to the District Court in Puerto Rico. None of these qualified individuals were confirmed by the Republicans.

Mr. Estrada, on the other hand, received a hearing from the Democratic-controlled Senate. We wanted to look into his record and see what kind of judge he would be. But we were blocked at every turn. The Bush administration refused to let us look at some of Mr. Estrada's most important work as a Deputy Solicitor General in the Justice Department. Mr. Estrada himself has refused to answer questions about his views on the law and the courts.

We have serious concerns about Mr. Estrada that have nothing to do with his ethnic background. We have been prevented from learning anything about him. We certainly have not been allowed to learn enough to justify support for this nomination.

Our Republican colleagues also claim that Mr. Estrada "has tremendous support among Hispanic people." In fact, major Latino organizations have raised strong concerns about Mr. Estrada. The Congressional Hispanic Caucus has opposed his nomination. Other Latino organizations that have opposed or raised concerns about Mr. Estrada include: the Mexican American Legal Defense Fund, the Puerto Rican Legal Defense Fund, the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, the California La Raza Lawyers, the Southwest Voter Registration Project and the Illinois Puerto Rican Bar Association.

These groups represent a wide array of views and the broad diversity of the Latino community. Listen to what they say about him, and why they oppose him. The Congressional Hispanic Caucus has said:

> The appointment of a Latino to reflect diversity is rendered meaningless unless the nominee can demonstrate an understanding of the historical role courts have played in the lives of minorities in extending equal protections and rights; has some involvement in the Latino community that provides insight into the values and mores of the Latino culture in order to understand the unique legal challenges facing Latinos; and recognizes both the role model responsibilities he or she assumes as well as having an appreciation for protecting and promoting the legal rights of minorities who historically have been the victims of discrimination.
>
> Based on the totality of the nominee's available record and our meeting with him, Mr. Estrada fails to meet the CHCs criteria for endorsing a nominee.
>
> In our opinion, his lack of judicial experience coupled with a failure to recognize or display an interest in the needs of the Hispanic community do not support an appointment to the federal judiciary.

There is no mention of the fact that Mr. Estrada is conservative. The Congressional Hispanic Caucus did not come out against the other Latino nominees put forward by the Bush administration. Their opposition is grounded in the fact that Mr. Estrada himself does not reflect the views of the Latino community, and that he has shown to be unable or unwilling to set aside his conservative ideology in his legal analysis.

The Mexican American Legal Defense Fund issued a statement opposing Mr. Estrada last Monday, stating:

> The most difficult situation for any Latino organization is when a President nominates a Latino who does not reflect, resonate or associate with the Latino community, and who comes with a predisposition to view claims of racial discrimination and unfair treatment with suspicion and doubt instead of with an open mind. Unfortunately, the only Latino who President Bush has nominated in two years to any federal circuit court in the county is such a person. President Bush nominated Mr. Estrada to the D.C. Circuit Court of Appeals.
>
> After a thorough examination of his record, his confirmation hearing testimony, and his written answers to the U.S. Senate, we announce today our formal opposition to his nomination.

Is this the racism that Senator DOMENICI is perilously close to claiming? No. These groups and others raise serious concerns about Mr. Estrada's ability or willingness to be sensitive to the needs Latino and other minority communities.

Other groups have echoed these concerns. The Puerto Rican Legal Defense Fund also oppose his nomination. They have stated:

> We strongly believe that Mr. Estrada's nomination should be opposed and rejected. Potential nominees who aspire to such important positions as circuit judges should be better qualified and possess the unquestioned ability to be fair, open-minded and committed to equal justice for all Americans. They should be connected to the real-world concerns of the people who will be governed by their decisions. They should also be even-tempered. In our view, Mr. Estrada clearly does not possess the qualities necessary to be placed in such an important position of trust—for a lifetime—interpreting and guarding the rights of ordinary Americans.

These groups and others like them raise serious concerns about this nominee. They certainly are not opposed to Mr. Estrada because of his race, and neither are the Senate Democrats who feel that this nominee lacks the judgment and temperament to serve on the Court of Appeals for the D.C. Circuit.

One of the most important functions of the Senate is our constitutional advice and consent role. We cannot perform this function, however, when we are not allowed access to a nominee's record. By refusing to provide the Senate with the important memoranda produced by Mr. Estrada when he was in the Solicitor General's office, the administration is trying to prevent us from performing our constitutional duty.

The administration's refusal to provide these memoranda is not based in law or precedent. Past administrations have disclosed legal memos in connection with both judicial and executive nominations, including the nominations of justice Rehnquist to be Chief Justice of the United States, and of Stephen Trott to be a judge on the Ninth Circuit.

Indeed, this administration has itself disclosed past memoranda for purposes of evaluating its nominees, including the nomination of Jeffrey Holmstead for the position of Assistant Administrator at the Environmental Protection Agency. We can only assume that the administration's inconsistent position means that it has some thing to hide in Mr. Estrada's memoranda.

Given the administration's recalcitrance about providing Mr. Estada's memoranda, the Senate is left with very little to review to assure ourselves that Mr. Estrada has the commitment to constitutional and statutory protections necessary to serve on the D.C. Circuit. What little we do know is very troubling. Mr. Estrada's direct supervisor in the Office of the Solicitor General has raised questions about whether Mr. Estrada has the necessary temperament and moderation to sit on the D.C. Circuit.

Mr. Bender is not alone in this assessment of Mr. Estrada. It has been reported that some of Mr. Estrada's colleagues have said that he is not open-minded and that he "does not listen to other people." After an in-depth meeting with Mr. Estrada, a member of the Congressional Hispanic Caucus stated that Mr. Estrada appeared to have a "very short fuse" and that he did not "have the judicial temperament that is necessary to be a judge." According to the Puerto Rican Legal Defense Fund, with whom Mr. Estrada met, he is not "even-tempered"—indeed he became angry during their meetings with him, and he even threatened the group with legal action because they had raised concerns about this record.

Some of our Republican colleagues have said that Democrats opposed to Mr. Estrada's nomination are motivated by his ethnic background, but these reports that raise serious concerns about Mr. Estrada come from some of the most important and committed Latino organizations in the country.

These groups correctly point out that Mr. Estrada has not taken any steps to reflect or serve his community. He has never provided any pro bono legal expertise to the Latino community. He has never joined, supported, volunteered for or participated in events of any organization dedicated to serving and advancing the Latino community. And he has never made any efforts to open doors of opportunity to Latino law students or junior lawyers. Mr. Estrada appears to be committed neither to his community, nor to an open, fair and impartial judicial process.

Mr. Estrada has attempted in the past to limit the first amendment rights of minorities. He even sits on the board of the Center for Community Interest, which advocates for police tactics that have often led to harassment and racial profiling in minority communities. His efforts reflect a startling lack of concern for important American ideals.

In a case heard by the Supreme Court, Chicago versus Morales, Mr. Estrada represented the U.S. Conference of Mayors in an amicus brief defending an antiloitering ordinance in Chicago.

The Chicago antiloitering ordinance applied to any group of two or more individuals who gather with "no apparent purpose" in any public place including streets, parks, restaurants, and any other location open to the public. The ordinance allowed police to disperse any group of two or more individuals, so long as they reasonably believed any of the individuals to be a gang member. The Center for Community Interest also submitted a brief in support of the ordinance. Many civil rights and minority groups joined amicus briefs against the ordinance, including the National Council of La Raza, the Mexican American Legal Defense Fund, and the NAACP.

The Supreme Court found that the ordinance violated the Due Process Clause of the fourteenth amendment.

I want to take a moment here and discuss the opposition to Mr. Estrada's nomination that has been voiced by some of the groups that argued against the Chicago ordinance. These groups, including the National Council of La Raza and MALDEF have understandably opposed Mr. Estrada's nomination. Some of my Republican colleagues would have you believe that this opposition, which I share, is somehow on account of his ethnic background. It is not. One of our colleagues has said of Democrats that "if you're a conservative and a minority, we hate you." In fact, the Democratic-led Senate has confirmed a number of Latino judges who have been nominated by the conservative White House. We confirmed Judge Christina Armijo, Judge Phillip Martinez, Judge Jose Martinez, Magistrate Judge Alia Ludlum, Randy Crane, and Judge Jose Linares.

Mr. Estrada is opposed, not because he is Latino, but because what little record we have been allowed to review shows that he is not concerned with important constitutional rights, and he is unable to separate his ideology from his legal analysis.

Even after the clear rebuke from the Supreme Court about broad antiloitering ordinances in Chicago versus Morales, Mr. Estrada devoted many hours to defending the City of Annapolis against challenges to the constitutionality of a similar antiloitering ordinance. When the NAACP challenged the ordinance, Mr. Estrada "offered to take the city's case all the way to the U.S. Supreme Court, if necessary, free of charge." Mr. Estrada lost that case too, however, after a Federal District Court struck down the law as unconstitutional.

I am deeply concerned by Mr. Estrada's intense focus on enforcing antiloitering ordinances. As MALDEF has noted,

> many of the individuals who are targeted under such ordinances are minorities, and often, Latino urban youth are harassed by police enforcing such ordinances. Day laborers who are most often newly arrived immigrants who look for work by congregating on particular public streets to wait to be offered a manual labor job for the day

are often targeted under these ordinances. Mr. Estrada did not seem to appreciate this effect on the minority population, and he certainly did not let it affect his defense of those statutes.

Other statements by Mr. Estrada raise additional concerns about his commitment to civil rights. For instance, Mr. Estrada has expressed skepticism about affirmative action. The D.C. Circuit has recently been closely divided on affirmative action in public employment programs. A narrow majority of the D.C. Circuit recently held that the Federal Government cannot require broadcasters to conduct targeted outreach to minorities and women even for the purpose of increasing the pool of qualified applicants.

According to MALDEF, in meetings where Mr. Estrada has answered questions since his nomination, he has made statements about affirmative action that call into question whether he would find a compelling interest to justify such programs. Mr. Estrada indicated that he had not raised the issue of diversity in places where he has worked, and that he would not be particularly vigilant about giving opportunities to Hispanic clerks.

Mr. Estrada was asked about the possible reasons for the lack of minority law clerks by a reporter for USA Today. According to the article, Mr. Estrada "dismissed the statistics showing little representation of minorities" and stated that "if there was some reason for under-representation, it would be something to look into, but I don't have any reason to think it is anything other than a reflection of trends in society." His quote was contrasted with statements by others that a variety of reasons are to blame for the lack of minority clerks.

All of these aspects of Mr. Estrada's prior work indicate that he would not bring a fair and open mind, a sensible judicial temperament, and a commitment to civil rights and equal opportunity to the bench.

Mr. Estrada's hearing did little to allay our concerns about his record. In fact, many concerns were actually intensified by Mr. Estrada's unwillingness to respond to even the most basic and innocuous questions about his views. For instance, Mr. Estrada refused to name a single Supreme Court case of which he was critical. In addition, Chairman LEAHY asked Mr. Estrada whether an employer or a school could take race or ethnicity into consideration in a hiring or admissions decisions. Mr. Estrada refused to give any opinion on the matter.

Chairman LEAHY asked Mr. Estrada what he thought about the Supreme Court decision in Romer versus Evans—a decision he was reported to have criticized. Mr. Estrada again refused to answer whether he agreed with the decision, stating—incredibly—that because he did not hear the arguments in the case, he could not have an opinion.

At that same time, Mr. Estrada gave contradictory answers in response to a series of questions about whether he had applied an ideological litmus test to clerks. Mr. Estrada, along with other former law clerks of Justice Anthony Kennedy, helps the Justice in choosing clerks by interviewing applicants. Two prospective clerks stated in an article in the Nation last September that Mr. Estrada told them that he screened clerks for Justice Kennedy in order to prevent Justice Kennedy from hiring any liberal clerks, apparently in response to Justice Kennedy's voting to strike down the anti-gay rights statute at issue in Romer versus Evans.

Senator SCHUMER asked Mr. Estrada whether he "had ever told anyone that you do not believe any person should clerk for Justice Kennedy because that person is too liberal, not conservative enough, because they didn't have the appropriate ideology, politics, or judicial philosophy or because you were concerned that person would influence Justice Kennedy to take positions you did not want him taking?" Mr. Estrada answered unequivocally that he had not. After the break for lunch, however, Mr. Estrada revised his answer saying:

> there is a set of circumstances in which I would consider somebody's ideology, if you want to call it that, in trying to interview somebody for Justice Kennedy, whether on the left or on the right. And that is to say, if I thought that there was somebody who had views that were so strongly held on any subject, whether, you know, the person thinks there ought not to be the death penalty or whether the person thinks that the income tax ought not to be constitutional or anything, if I think that the person has some extreme view that he will not be willing to set aside.

Again, when Senator SCHUMER repeated his earlier question, Mr. Estrada hedged, saying that "I have taken account the ideological learnings of a potential law clerk only when it appears to me—and this is something that I don't have a final say on, but I do tell Justice Kennedy that this person has a strongly held view on a subject that he would not be willing to put aside in the service of the Justice."

Mr. Estrada later conceded that ideology was one of the areas he "would explore in trying to find whether the law clerk candidate was suitable for Justice Kennedy."

This response is troubling, because it suggests a lack of candor in answering the first, very clear question put to Mr. Estrada by Senator SCHUMER. Clearly, it would be troubling if Mr. Estrada were subjecting clerks to an ideological litmus test in order to ensure that only conservative clerks would gain clerkships with Justice Kennedy and to avoid outcomes that Mr. Estrada found unfavorable.

My Republican colleagues, unfortunately, have decided to react to these serious allegations by simply leveling personal attacks against the individuals who were interviewed by Mr. Estrada. Such personal attacks seem to be a pattern. Our Republican colleagues have attacked Paul Bender, Mr. Estrada's direct supervisor, because they did not like what he had to say about Mr. Estrada's inability to separate his ideology from his legal analysis. They have attacked Senate Democrats, accusing us of opposing Mr. Estrada on account of his ethnic background, when the concerns we raised are legitimate concerns about his ideology. And now they attack these law clerk applicants, whose voices have joined a growing chorus of people who question Mr. Estrada's ability to keep his conservative ideology from affecting his professional judgment. I call upon my Republican colleagues to halt these personal attacks, and talk about Mr. Estrada's qualifications to serve on the D.C. Circuit.

Mr. Estrada's nomination is particularly troubling given the importance of the D.C. Circuit to issues of concern to a broad range of Americans seeking to enforce their basic rights. The D.C Circuit is widely regarded as the second most important court in the United States, behind only the Supreme Court. It has a unique and prominent role among the federal courts of appeals, particularly in the area of administrative law. It has exclusive jurisdiction over many workplace, environmental, civil rights, and consumer protection statutes. Because the Supreme Court grants review of only a small number of lower court decisions, most administrative law is established by the D.C. Circuit.

Despite the importance of the D.C. Circuit to a broad array of Americans, some Republicans have worked to undo any balance on the court. During the Clinton administration, the Senate, controlled by Republicans, refused to approve two of President Clinton's nominees to the D.C. Circuit—Elena Kagan and Allan Snyder. Last fall's hearing for Mr. Estrada was the first hearing for a nominee to the D.C. Circuit in 5 years. No questions were raised about the qualifications of either Ms. Kagan or Mr. Snyder—both had stellar qualifications. Nevertheless, hearings for these nominees were delayed, and after they finally received hearings they were refused a vote in the Committee or on the floor.

Many Republicans argued then that the D.C. Circuit did not need any more judges. Yet shortly after President Bush was elected, two judges were nominated to the D.C. Circuit.

Given the importance of this circuit, and the Republicans' obstruction of President Clinton's nominees, scrutiny of this nominee is particularly warranted.

Mr. Estrada's record is troubling, and his unwillingness to supplement the record with meaningful answers to questions or the production of the memoranda from his tenure at the Solicitor General's office, preclude his confirmation to the important D.C. circuit. A life-tenure appointment to a court so important is resolving issues involving workers, immigrants, women, and the environment cannot be given to a nominee about whom we know so little.

The Constitution does not contemplate a Senate that acts as a rubber stamp. A genuine advise and consent role is essential. If the administration continues to nominate judges who would weaken the core values of our country and roll back the civil rights laws that have made our country a more inclusive democracy, the Senate should reject them.

Everything we know of Miguel Estrada leads to the conclusion that he would be such a judge. His confirmation should be rejected.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Utah.

Mr. HATCH. Mr. President, I listened to my good friend and colleague from Massachusetts and you would think only Democrats care about clean air, clean water, the environment, workers' rights, civil liberties. I want him to know we care about them, too. But we want them to work. We don't want them all left-wing, one-sided approaches.

I have had questions in committee from some of my friends on the other side asking some of these nominees who have served in judicial positions why they have not found, always, for the worker? And actually they have been criticised because they occasionally—or many times—found for the corporation, as if corporations can't be right and that workers are always right.

We all know, regarding workers' issues generally, the ones that are legitimate and good are generally always settled. Any attorney who has dealt in labor law knows that. The hard cases come to the courts. Many times the corporations are right. But to hear our colleagues, any case that goes against a worker, the judge has to be biased and bigoted and wrong. That just is not true. If we have to have judges just finding for one side, whether they are right or wrong—especially if they are wrong—then what kind of justice would that be in America?

I have heard this antiloitering case business. By the way, the hearing was conducted by the Democrats. They conducted it. They could have made it however long they wanted. They know there are certain questions nobody is going to answer, especially when it comes to issues that possibly could be decided by the court upon which the nominee may sit. Any nominees who do answer those kinds of questions, you really have to question whether they have the judicial standing and the judicial acumen to be able to be on the courts.

We have had top authorities from both sides, both Democrats and Republicans, say you should not be discussing in nomination hearings issues that might possibly come before the court that you will be sitting upon.

We have quoted regularly and with good reason—Lloyd Cutler is one of the great lawyers in this country. He is a Democrat. He has been chief counsel for both Jimmy Carter and Bill Clinton. He had no difficulty at all working with us up here because we all respect him. But he said, regarding judicial nominees, in unequivocal terms "candidates should decline to reply when efforts are made to find out how they would decide a particular case."

In Lloyd Cutler's opinion, he says: "What is most important is the appointment of judges who are learned in the law."

You are going to have to go a long way to be more learned than Miguel Estrada, who, by the way, has the highest rating, by their own standard, of the American Bar Association—unanimously highest rating. Normally that would put anybody through this process. But it is not good enough for this Hispanic gentleman who they are afraid, if he gets on the DC Circuit Court of Appeals, might not rule the way they want him to rule. Because, No. 1, he is a Republican and he may be conservative. He may even be critical of Roe v. Wade, the great standard that seems to be the underlying problem with all of these so-called moderate to conservative nominees. Lloyd Cutler says:

> What is most important is the appointment of judges who are learned in the law, who are conscientious in their work ethic, and who possess what lawyers describe as judicial temperament.

I have heard some comments about judicial temperament here. The only person who indicated even slightly that Miguel Estrada may have a temperament problem is Paul Bender, who is as far left a law professor as you can find. He is a brilliant man. I have no problems there. What I have problems with is a man who gives him the highest performance ratings while he is serving under him at the Solicitor General's office, ratings that just brag about him and then, when the chips are down and he is up for a nomination, undermines him with comments that he is an ideolog. Paul Bender is the only one I know of who has said that—from the Solicitor's office.

In fact, let me talk a little bit about temperament. I have heard some of my Democratic colleagues say allegations have been raised about Miguel Estrada's temperament. The only person I know who has raised questions about his temperament happens to be Paul Bender. We all know he lacks credibility.

But let me say a word about relying on anonymous allegations about Mr. Estrada's temperament. These allegations certainly should not be believed. These allegations violate not only a basic right to confront one's witnesses, but also longstanding committee policy that prevents the consideration of anonymous allegations against a nominee. These are also grossly inconsistent with Mr. Estrada's superiors' and colleagues' statements that Mr. Estrada's work in the Solicitor General's Office was superb and that he was a well-respected colleague.

Seth Waxman, President Clinton's Solicitor General, a Democrat, but one we all respect, wrote to us that Estrada is a "model of professionalism and competence" and that he had "great respect both for Mr. Estrada's intellect and for his integrity."

Mr. Waxman, this Democrat, former Solicitor General under the Clinton administration, continued:

> In no way did I ever discern that the recommendations Mr. Estrada made or the views he propounded were colored in any way by his personal views, or indeed that they reflected anything other than the long-term interests of the United States.

But Mr. Waxman isn't the only Democrat who testified to Estrada's fairness and integrity. A bipartisan group of 14 colleagues from the Office of the Solicitor General also wrote to the committee that Estrada "would be a fair and honest judge who would decide cases in accordance with applicable legal principles and precedents."

I ask unanimous consent that a copy of this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 19, 2002.

Re nomination of Miguel A. Estrada.

Hon. Patrick J. Leahy,
Chairman, Senate Committee on the Judiciary, SD–224 Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. Orrin G. Hatch,
Ranking Member, Senate Committee on the Judiciary, SD–152 Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR HATCH: We are writing to express our support for the nomination of Miguel A. Estrada to be a Judge of the United States Court of Appeals for the District of Columbia Circuit. We served with Mr. Estrada in the Office of the Solicitor General, and we know him to be a person of exceptional intellect, integrity, and professionalism who would make a superb Circuit Judge.

Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge of and appreciation for the law. Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench. In addition, Miguel has a deep and abiding love for his adopted country and the principles for which is stands, and in particular for the rule of law. We hold varying ideological views and affiliates that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints.

We also know Miguel to be a delightful and charming colleague, someone who can engage in open, honest, and respectful discussion of legal issues with others, regardless of their ideological perspectives. Based on our experience as his colleagues in the Solicitor General's office, we are confident that he possesses the temperament, character, and qualities of fairness and respect necessary to be an exemplary judge. In combination, Miguel's exceptional legal ability and talent, his character and integrity, and his deep and varied experience as a public servant and in private practice make him an excellent candidate for service on the federal bench.

We hope this information will be of assistance to the Committee in its consideration of Mr. Estrada's nomination. He is superbly qualified to be a Circuit Judge for the District of Columbia Circuit, and we urge your favorable consideration of his nomination.

Very truly yours,

Thomas G. Hungar, Gibson, Dunn & Crutcher LLP; Richard P. Bress, Latham & Watkins; Edward C. DuMont, Wilmer, Cutler & Pickering; Paul A. Engelmayer, Esq., Wilmer, Cutler & Pickering; David C. Frederick, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C.; William K. Kelley, Notre Dame Law School; Paul J. Larkin, Jr., Alexandria, VA 22302.

Maureen E. Mahoney, Latham & Watkins; Ronald J. Mann, Roy F. & Jean Humphrey Proffitt Research, Professor of Law, University of Michigan Law School; John F. Manning, Columbia Law School; Jonathan E. Nuechterlein, Wilmer, Cutler & Pickering; Richard H.

Seamon, Associate Professor, University of South Carolina, School of Law; Amy L. Wax, Professor of Law, University of Pennsylvania Law School; Christopher J. Wright, Harris, Wiltshire & Grannis LLP.

Mr. HATCH. Mr. President, the anonymous rumors about his temperament are just that—mean-spirited rumors that have been ginned up by liberal special interest groups that don't want to have a smart minority member of the judiciary who does not toe their special-interest line on the issues. That is exactly what is behind all of this. The fact is Mr. Estrada has overwhelming support among Hispanic organizations and the Hispanic community, and he should. I am ashamed of some of those who have just played partisan politics because they said Mr. Estrada is not Hispanic enough. Can you believe that? Some of his own fellow Hispanics say he is not Hispanic enough. He has only been here since he was 14 years of age. My gosh.

The oldest Hispanic organization, the League of United Latin American Citizens—the oldest one—is behind him. The Hispanic National Bar Association—the Hispanic lawyers in this country—is behind Estrada; the United States Hispanic Chamber of Commerce—very prestigious; the Hispanic Business Roundtable; the Latino Coalition; and many other Latino organizations strongly support Estrada.

I was surprised to see this antiloitering case stuff brought up here. I was surprised that there is a question raised here about antigang-loitering cases Mr. Estrada worked on. Although some have attempted to mischaracterize the statutes that were the crux of these cases as racially discriminatory, the exact opposite is true. These statutes were enacted to protect the quality of life of low-income minorities whose neighborhoods are too often devastated by drug violence. That is what was behind it.

For example, according to a 1997 report issued by the Clinton Justice Department, "Gangs have virtually overtaken certain neighborhoods, contributing to the economic and social decline of these areas and causing fear and lifestyle changes among law-abiding residents."

Another Reno-era Justice Department report concluded that:

> From the small business owner who was literally crippled because he refused to pay protection money to the neighborhood gang to the families who are hostages within their homes living in neighborhoods ruled by predatory drug trafficking gangs, the harmful effect of gang violence is both physically and psychologically debilitating.

At this hearing, Mr. Estrada told us he got involved in the City of Chicago v. Morales case at the request of the Democratic leadership of Chicago.

If the distinguished Senator from Massachusetts doesn't like the fact he was representing these people in this case, and decries the fact that this may have involved some first amendment principles—which I am sure it did—then he ought to go back to his Democratic friends in the City of Chicago who were concerned about these matters. He tried this case at their request. One of the primary proponents of the Chicago ordinance was none other than Democratic Mayor Richard Daley.

Let me read a few quotes about the ordinance by Mayor Daley, who the New York Times described as the "law's fiercest advocate." If you are going to criticize Miguel Estrada, criticize Mayor Daley, too, except I don't think either deserves criticism. I think these quotes will dispel any notion that the law was somehow intended to hurt rather than help minority residents of Chicago. But then, again, in Miguel Estrada's case, why is it they are stooping to such a level as to criticize him on sincerely-fought cases, and especially this one where he was basically representing the Democrats in Chicago?

But here is what Mayor Daly said.

I might say that in November—we have a chart—Mayor Daley said:

> I tell you one thing, those drug dealers and gangbangers are terrorists, too.

In November 2001, Mayor Daley defended his antiloitering law in the Chicago Sun-Times by making that comment.

In October 2000, he observed:

> I don't see too many gangbangers on Lake Shore Drive.

Everyone knows Lake Shore Drive is an exclusive area of Chicago.

Mayor Daley is trying to solve some problems for minorities, and here it is being criticized because Miguel Estrada tried the case at their request.

Again, in January 2000, Mayor Daley said:

> [T]hese aren't middle-class communities. These are poor communities. People want a right to survive. It is as simple as that.

I could go on and on. But, instead, I ask unanimous consent that a list of quotes by Mayor Daley in support of the antigang-loitering ordinance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHICAGO DEMOCRATIC MAYOR RICHARD DALEY ON ANTI-GANG LOITERING STATUTES

"I tell you one thing, those drug dealers and gang-bangers are terrorists, too." Chicago Sun-Times, Nov. 23, 2001.

"It's the average person on a block; it's a senior citizen; it's an eight year old girl going to a school or trying to get to the bus stop, or someone trying to go to the store. They can't go there. The gangs and drug dealers own the corner. And that's what this is all about." All Things Considered, June 10, 1999.

"We are determined to get those gangs off our streets, where they sell dope, terrorize innocent people and attract drive-by shootings. Chicago Daily Herald, March 29, 2000.

"[W]e have to ask ourselves if it is constitutional for gang-bangers and drug dealers to own a corner. . . . [E]veryone knows that they aren't out there cooking hot dogs and studying Sunday-school lessons." New York Times, June 12, 1999.

"I don't see too many gang-bangers on Lake Shore Drive." Chicago Tribune, Oct. 1, 2000.

"[T]hese aren't middle-class communities. These are poor communities. People want a right to survive. It is as simple as that." Chicago Tribune, January 12, 2000.

"We held hearings all over the city [to find out] what community leaders wanted. Their message was very clear: Do whatever you have to do to satisfy the court, but get those gang-bangers and dope dealers off our corners." Chicago Sun-Times, January 12, 2000.

Mr. HATCH. Mr. President, one of the things I like about Mayor Daley is he is a really good mayor who is trying to do the best job he can, and he will do it in a bipartisan way, if he can. And here Miguel Estrada is getting criticized for supporting him. These are ordinances that were supported by members of the minority community.

One thing I find ironic is the persons who criticize the antigang-loitering statutes rarely live in the neighborhoods plagued by chronic gang activity. I am not too sure anybody in the Senate is living in those types of areas. But the ones who complain generally have never had to live in those gang areas. These ordinances were enacted in direct response to pleas by communities that have members of gangs.

As Mayor Daley explained:

> We held hearings all over the city to find out what community leaders wanted. Their message was very clear: Do whatever you have to do to satisfy the court, but get those gangbangers and dope dealers off our corners.

Betty Meaks, head of the Southwest Austin Council on Chicago's West Side, lived in a neighborhood where gang members routinely sold drugs on street corners and intimidated passers-by.

According to Meaks:

> If we don't use this law as a tool, how are we going to get these guys off the corner? What about the constitutional rights of my neighbors whose kids have to walk by that corner every day on their way to school?

That is a resident of that gangbanger area and that drug-ridden area who is tired of it.

Another Chicago resident, 74-year-old Emmitt Moore, saw his house sprayed with bullets during a gang turf war. Referring to the anti-gang loitering law, he said:

> The Constitution is supposed to protect my rights, too. What is a more basic right than feeling safe on my property or being able to walk on my street?

The fact these cases were lost doesn't take away from the fact these were sincere people living in gang-ridden areas and drug-ridden areas trying to do what they could to get these problems solved. And their rights were being taken away while we talk about esoteric rights of the first amendment. Nobody believes in the first amendment more than I do. But I have to tell you there are other rights involved, too, that are also first amendment rights. These poor people living in these areas have some rights, too.

The Annapolis ordinance was even a more explicit example of the underprivileged taking the initiative to combat crime in their neighborhoods.

What gets me is some of these Hispanic groups that are against Miguel Estrada say he hasn't done enough in the Hispanic community.

Think about these cases where he took them on—yes, in a losing cause, but took them on—trying to help these minority residents in these tough communities. There are not too many people who could have done it.

Under the Annapolis ordinance, an area could be designated as a "drug loitering free zone" only if a neighborhood association or resident first submitted a petition to the city council. Some critics have described Mr. Estrada's Annapolis case because it challenged the NAACP's standing to bring the action against the ordinance. But, as Mr. Estrada testified at the hearing, the decision to challenge the NAACP's standing was made by other lawyers—not him—before he ever got involved in the case. Yet they are trying to pin that on him. That is the kind of "fairness" we have had in this whole process.

I do not think anybody watching this process would say it is very fair. And you can start with Paul Bender. Either Paul Bender is right when he says Miguel is an ideologue—long after the fact—or he was right when he was ethically giving his opinion that Miguel Estrada is one of the best people who ever worked down there at the Solicitor General's Office. Which is it? I suggest to you that it was the written opinions given in the Justice Department, that are backed up by Seth Waxman and 14 other coworkers, all of whom say Miguel is great and a good person. It is amazing to me that some of these arguments are made.

Although Mr. Estrada's efforts to defend the constitutionality of these statutes were unsuccessful, he may have lost the battle but he won the war, as they say. I am referring to the Supreme Court's decision in Morales. Although the Court held that the Chicago ordinance was unconstitutionally vague, Justices O'Connor and Breyer wrote a concurring opinion that gave municipalities a roadmap on how to enact constitutionally sufficient antiloitering laws. So it was not a battle that was in vain. It was a battle that ultimately will lead to resolution of those inner-city poor people's problems. And it was Miguel Estrada who took them on, took on the gangs, took on the drug dealers—and, I might add, at the request of Mayor Daley. And Mayor Daley took them on—something any good mayor I think would do, but certainly I respect Mayor Daley.

Under Mayor Daley's leadership, in following the O'Connor-Breyer roadmap, Chicago enacted a new ordinance in the year 2000. So, yes, he lost the case before the Supreme Court but won it in the end, in helping these poor people in Chicago to have some protection from gangbangers and drug dealers. And he is being criticized by my colleagues on the other side during these nomination proceedings? No. The thing that is wrong with Miguel Estrada is he is not the right kind of Hispanic. He does not agree with them in everything, maybe. I don't know what his positions are in every degree, but I can tell you this: He is honest, he is smart, he is capable, he answered a lot of questions before our committee—even though he did not please all the Democrats—and he has the highest rating anybody can get, unanimously, from the American Bar Association.

The problem of inner-city gang violence is so pervasive that we in Congress recognized it and addressed it in 1994: Were we bad people because we tried to address this problem that might have curtailed some people's rights to do whatever they wanted to do in our society? That is what criminal laws are about.

Mr. President, 18 U.S.C. 521 mandated additional penalties of up to 10 years imprisonment for individuals convicted in certain gang-related offenses. I note that eight of my Democratic colleagues on the committee, who were Members of Congress in 1994, voted in favor of section 521.

Now, where is the beef? I have been asking that all the way through—borrowing Walter Mondale's comment. Where is the legitimate criticism of this person other than these esoteric and, I think, unfair criticisms that I have been hearing on the floor since this debate began?

Calling for a vote against Estrada because he does not have any judicial experience—oh, he was a law clerk to two Federal judges, one a Supreme Court Justice. If that isn't judicial experience, then I don't know what is. He did not decide the cases, but he helped write the answers, and he sat there and watched all the judicial proceedings. And I have just listed 26 Democratic appointees to the Federal bench, none of whom had any judicial experience before we confirmed them, without raising that ridiculous issue. So the lack of judicial experience is a red herring, as are all of these issues. If you really get into them, if you really go through them, you realize there is not any substance to these arguments.

Now, apparently Paul Bender told Senator FEINSTEIN's staff that he stood by his comments, that he believes Miguel Estrada is an ideologue, and that the personal reviews that he gave, that were so laudatory and commendable about Miguel Estrada, were just boilerplate that they did for everybody. And apparently, according to what he told Senator FEINSTEIN's staff, he stopped assigning important matters to Estrada because he was too ideological.

At the request of the committee, Mr. Estrada provided copies of his annual performance evaluations during his tenure at the Solicitor General's Office. These documents cast serious doubt on Mr. Bender's allegations about Mr. Estrada. The evaluations show that during each year that Mr. Estrada worked at the Solicitor General's Office, he received the highest possible rating of "outstanding" in every job performance category. Either Mr. Bender was telling the truth then or he is playing politics now. The rating official who prepared and signed the performance reviews for 1994 to 1996 was none other than Mr. Bender.

I will admit Mr. Bender is a very bright and intelligent man. I will admit he has been a law professor for many years. And I will admit he has many wonderful qualities. But anybody who looks at what has happened here knows he is playing partisan politics right down the line.

Let me read a few excerpts from the evaluations Mr. Bender signed. They say that Mr. Estrada:

> States the operative facts and applicable law completely and persuasively, with record citations, and in conformance with court and office rules, and with concern for fairness, clarity, simplicity, and conciseness.

I do not know any lawyer in the world who would not want to have that set of accolades written about them.

He goes on to say, Miguel Estrada:

> Is extremely knowledgeable of resource materials and uses them expertly; acting independently, goes directly to point of the matter and gives reliable, accurate, responsive information in communicating position to others.

Or this one:

> All dealings, oral and written, with the courts, clients, and others are conducted in a diplomatic, cooperative, and candid manner.

Or this one:

> All briefs, motions or memoranda reviewed consistently reflect no policies at variance with departmental or governmental policies or fails to discuss and analyze relevant authorities.

You see, Miguel Estrada was also working for the Clinton administration.

Another quote: "is constantly sought for advice and counsel; inspires coworkers by example."

Either Mr. Bender was telling the truth then or he isn't telling the truth now. Both of them can't be accurate.

These comments represent Mr. Bender's contemporaneous evaluation of Mr. Estrada's legal ability, judgment, temperament, and reputation for fairness and integrity. These comments unmask Mr. Bender's more recent statements made after Mr. Estrada's nomination for what they are—a politically motivated effort to smear Miguel

Estrada and hurt his chances for confirmation. I am disappointed in Mr. Bender, or Professor Bender, if you want me to use those terms. I am disappointed that a law professor would play this game, which is what he is doing.

The performance evaluations confirm what other Clinton administration lawyers and virtually every other lawyer who knows Miguel Estrada have said about him—that he is a brilliant attorney who will make a fine Federal judge.

The nature of the request of my Democratic colleagues for unfettered access to the universe of Mr. Estrada's privileged attorney-client work product is really extraordinary and unprecedented. These documents were not requested for the eight previous circuit court nominees who had worked in the Solicitor General's Office. This request was opposed by all seven living former Solicitors General in a letter to the committee citing the debilitating effect it would have on how the Department of Justice does business. Democrats Archibald Cox, Seth Waxman, Drew Days, and Walter Dellinger all signed this letter—as they should have.

The Democrats have failed to show a persuasive precedent for this request. They first claimed that the Department of Justice has a history of disclosing previously confidential internal documents in connection with confirmation proceedings. This is simply not accurate. It is not fair either. In a letter dated October 8, the Department of Justice points out that since the beginning of the Carter administration, there have been 67 former Department of Justice employees, 38 of whom, like Miguel Estrada, had no prior judicial experience. Eight of these nominees had worked in the Solicitor General's Office. The Department of Justice could find no record of having produced internal deliberative materials created by the nominee while the Department of Justice lawyer in any of those cases—in any of those cases.

My Democratic colleagues have mentioned six nominees in connection with whom they claim the Department of Justice released confidential internal memoranda or documents. The Department of Justice has explained in a letter to the committee that of these nominees, the hearings of only one, Judge Bork, involved documents from his service in the Solicitor General's Office.

In that case, the Department of Justice produced a limited number of documents related to specific topics of interest to the committee. They did not allow a fishing expedition into the private memoranda of employees of the Solicitor General's Office, given with good intent to their superiors so they can make decisions on behalf of our country, something that would certainly be chilled if they knew that sometime in the future their documents or these documents with their best advice could be utilized to destroy their chances of being on one of the Federal courts.

As the Department of Justice observed:

> The vast majority of memoranda authored or received by Judge Bork when he served as solicitor general were neither sought nor produced, and the limited category of documents that were produced to the committee did not reveal the internal deliberative recommendations or analysis of the assistant to the solicitor general regarding appeals, certiorari or amicus recommendations in pending cases. This is hardly the unfettered, unprecedented access to privileged work product that has been argued.

In that case, the Bork case, the Department of Justice produced a limited number of documents related to specific topics of interest to the committee. As the Department of Justice observed:

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This is hardly the unfettered, unprecedented access to privileged work product that my Democratic colleagues now seek.

As for the claim that the Department of Justice produced internal memoranda written by Seventh Circuit Judge Frank Easterbrook, DOJ has no record of producing these documents to the committee, and there is no indication that the committee ever requested those documents. So how did they come about? Probably through leaks by people who wanted to scuttle now-Judge Easterbrook's confirmation process.

It is important to note that the Republicans have not used this tactic ever—never once—as much as there have been criticisms and questions about Democratic nominees through the years. In fact, during the last Congress, when Jonathan Adelstein, a former aide to Senator DASCHLE, was a nominee to the FCC, Republicans could have asked for all of the internal memoranda written by him, but we did not.

I would like to respond to a matter that deeply troubled me at Mr. Estrada's hearing which has now been resurrected. I am appealing to my colleagues, to their sense of fairness on this matter, which I think is, frankly, serious and, frankly, outrageous.

At his hearing, Miguel Estrada was asked a series of questions regarding some anonymous allegations about him that appeared in an article in the ultraliberal political magazine, The Nation. These allegations concern comments that he supposedly made to persons who came to him in search of a Supreme Court clerkship with Justice Kennedy. It is bad enough to put a witness in the impossible position of defending against anonymous allegations, but things got worse when Miguel Estrada was asked followup questions about these allegations that were so broadly worded, vague, and compound that he could not have possibly crafted a satisfactory answer under the circumstances.

It has long been the policy of the committee—that is, the Judiciary Committee—instituted under the leadership of Senator BIDEN, chairman at the time, that we will not subject nominees to anonymous charges. Unfortunately, that is just what happened to Miguel Estrada.

It is worth reminding my colleagues about Senator BIDEN's standard when it came to anonymous sources. He said:

> The nominee has the right to be confronted by his accuser so any accusation against any nominee before any committee which I chair that is not able to be made public to the nominee will not be made known to the Senate unless the individual wishes to do it all by themselves. Then it is known to the nominee. This is not a star chamber.

I surely agree with Senator BIDEN.

Here is another example of Senator BIDEN's policy on anonymous sources. In 1992, the Atlanta Journal-Constitution reported:

> Committee Chair Joseph Biden, according to his staff, felt strongly that he was not going to circulate some anonymous charge.

This is a standard of fairness that the committee has always followed, and we have really gone way below the deck here. Some of my colleagues are bullying this nominee into a political game of gotcha. That is what it comes down to. More fundamentally, the anonymous allegations of The Nation are at odds with the overwhelming evidence of Mr. Estrada's fairness that we have received in letters of support and in examples of cases he has argued. I have mentioned letters from Seth Waxman and others.

They are simply not credible on their face, particularly when you consider Mr. Estrada's recommendation to Justice Kennedy that he hire a law clerk who was a colleague of Mr. Estrada's in the Clinton Justice Department and who now works as a staffer for Senator LEAHY, or did work up until recently.

At a fundamental level, these are simply not the actions of a right-wing ideologue. That is just true. It is a shame to try to make something out of anonymous allegations that Mr. Estrada wasn't even given the privilege of trying to answer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I know my good friend from Utah feels very strongly about this and has spoken for about 30 minutes, so I think it would be appropriate to go to the other side. But I have spoken to my colleague from Ohio and he only has about 10 minutes of remarks.

I ask unanimous consent that my colleague from Ohio be allowed to go for 10 minutes and then I be given the floor when he has finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I rise today in support of Miguel Estrada's nomination. I wish to talk about just one aspect of this nomination, one aspect about this debate. I am very concerned about an argument some have been making regarding their ability to assess this nominee's nomination to the DC Circuit Court of Appeals. Some are arguing that they cannot judge Miguel Estrada's qualifications because they have not seen some memos that he wrote when he worked for the Department of Justice from 1990 to 1997. Some argue they cannot vote in favor of his nomination because they have not seen these memos.

I am here this afternoon because I believe that this line of thinking is really not a prudent way to view the debate on this nomination. This is why. First, Mr. Estrada has nothing to do with whether these memos are released. Under the rules of privilege, it is not the attorney who produces the work who decides whether or not to disclose it. Instead, it is the client for whom the work was produced who has this right. To be blunt, this is not Mr. Estrada's fight. In fact, Mr. Estrada has testified that were it up to him personally, he would be willing to turn over the memos. In fact, let me quote from a transcript of his nomination hearing:

> You are right that I have not opposed the release of those records. I have been a lawyer in practice for many years now, and I would like the world to know that I am exceptionally proud of every piece of legal work I have done in my life. If it were up to me as a private citizen, I would be more than proud to have you look at everything that I have done for the Government or for a private person.

I think it is clear that Mr. Estrada believes he has nothing to hide in those memos and would be willing to turn them over. However, as Mr. Estrada understands, it is not up to him to decide whether or not those memos are released. Instead, it is up to his client—in this case, the Justice Department. It is their decision. So it is clear that Mr. Estrada is not responsible for this dispute. It would be very unfair, I maintain, to hold up Mr. Estrada's nomination because these memos have not been released.

Perhaps more importantly, in terms of the underlying merits of the dispute, it is clear that the Justice Department is correct in refusing to turn over these memos. Precedent is clearly on their side. It is entirely appropriate for the Department to assert its privilege in order to protect work product that was used as part of the Department's internal deliberative process. Mr. Estrada discussed this issue at his nomination hearing, and he put it well when he said the following:

> I do recognize that there are certain interests that have been asserted in this case that go beyond my own personal interest, and those are the institutional interests of the Justice Department.

Mr. Estrada was pressed to ask the Attorney General to release the memos. He was asked: Won't you go to the Attorney General and ask them to release the memos? This is what he said:

> I have been a practicing lawyer for all these years, and one of the things I have come to learn is that a practicing lawyer . . . ought not put his own interests ahead of the stated interests of his client. . . .

The argument has been made that since he is no longer the Assistant Solicitor General, and because he no longer works at the Department of Justice, he doesn't have to protect their internal deliberations. But that argument really, of course, misses the point entirely. What is important is that these privileges do not exist to protect the lawyer. Rather, these privileges exist to protect the client. Accordingly, these privileges simply do not disappear when the lawyer no longer works for his client.

A lawyer's obligation to protect his client's privileges carries on indefinitely, whether that client is a private person, the Attorney General, or a U.S. Senator. In the case of a private person who hires a lawyer, the attorney-client privilege exists to encourage full and frank communication between clients and their attorneys. A client can confidently disclose all relevant information to his attorney so that the attorney can provide informed advice to the client.

If the client thought that the attorney would reveal the client's highly personal information, full disclosure would be significantly chilled. Similarly, it is in the client's interest that a lawyer's advice to him or her remains confidential. Any number of a client's decisions could be undermined if the attorney's advice influencing those decisions were revealed.

In a May 28, 2002, editorial supporting Mr. Estrada's nomination, the Washington Post recognized that:

> Such a request for an attorney's work product would be unthinkable if the work had been done for a private client.

The Washington Post got it right. It seems completely reasonable to support private assertions of privilege. Some, however, will argue that this situation is different. Some will argue that this is a Government lawyer whose client is the people of the United States. Some will argue that all those documents and deliberations should be public because the public is the client. But that simply ignores reality, how the real world works and should work.

The Department of Justice makes difficult decisions about litigating some of the most complex and sensitive cases before our courts. The Department must decide which cases to pursue and what arguments to present in each case. It is in the interest of the public that these issues are fairly debated and vetted internally so that the Attorney General or the Solicitor General can make informed decisions.

Attorney General Ashcroft described the internal second-guessing that a career attorney could go through if the Department of Justice disclosed these internal deliberative memos. That attorney may question: Are these memos somehow going to be used against me later so that I should tone down my response? Should I adjust what I am saying because someday a Senate committee, or someone else, is going to want to look at it? Should I act in ways that are more consistent with my aspirations to be a judge someday instead of my responsibility to serve in a particular case?

Ultimately, we need an environment that allows for a complete discussion of all the arguments, both the pros and the cons. Attorneys have to be able to present all sides of a case. If an attorney who is engaged in a case discussion holds back, it hurts the case, it hurts the free and open exchange of ideas. If an attorney is afraid to talk about all the arguments and angles of a case because he or she is afraid of getting quoted at some future point, it hurts the case. It has a chilling effect on the discussion. It hurts the entire litigation process.

Let's bring this a little closer to home. Most Members of the Senate have attorneys on their staffs. This is especially true for those of us who serve on the Judiciary Committee. We often require counsel on complex legal and policy issues that come before the committee. I have several attorneys on my staff. Other Members do as well. We rely on our staffs, attorneys and nonattorneys, for candid and complete advice.

I insist they provide me with points of view and arguments from all sides of any given policy debate. Often, one of my attorneys will present one side of a debate and the other will take up the other side just so we get a give-and-take. This is a scenario that takes place many times a day every day in the Senate. I must have and other Members must have complete faith that we are getting the entire picture from our staffs and that we are receiving their unvarnished opinions. As it stands now, I am confident that I get such advice because my staff knows anything they communicate to me is completely internal and will not be disclosed.

Imagine the difference if their advice were subject to disclosure. Many staffers are in the early stages of their careers and may find themselves down the road serving the Government in many different capacities. Some may go on to appointed positions that might require Senate confirmation. How could I rely on their work if it were influenced by some fear that their advice would someday be revealed in the confirmation process? Think about it.

I know I am protected as a Member by the speech and debate clause and that my staff's advice to me will not be revealed because of that protection, but the principles are really the same. Our staff, Congress's staff, needs to be able to do its work without fear of future repercussions for arguments made in good faith, but the same is true of the staff of the Attorney General or the Solicitor General.

I wish to reiterate that this is not Mr. Estrada's fight.

I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. This is not Mr. Estrada's fight. He should not be punished for a dispute that is really just about disclosure of documents between branches. It is that simple.

I support his nomination. I will be back in the Chamber later to talk about the merits, but I wanted to talk about this one particular aspect of the debate.

Mr. President, later today, in less than 2 hours, we will be voting on several district court nominations. One of them is John Adams from the State of Ohio. I personally know John Adams. John Adams is a very well respected judge from Summit County. He is a very decent human being. He is someone who is well respected in the community. He will bring great common sense to the Federal district court bench. I urge my colleagues to approve his nomination when we vote on it later today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

Mr. SCHUMER. I thank the Chair.

Mr. President, I very much thank my colleagues from Utah and Iowa for going through the order we did. I have spoken about this issue before for what, at least for me, is an uncharacteristically long amount of time. I did not finish what I had to say then. There is more to say. I wish to take up where I left off.

We are beginning to hear that anyone who opposes Mr. Estrada is anti-Hispanic. I have to tell you, Mr. President, I am disappointed in that rhetoric. I think it is low, I think it is not appropriate, and I think it is a way of hiding the real feelings here.

I cannot confine my remarks to such expressions because they do not begin to convey how deeply offensive those statements are. We deserve an apology, the American people deserve an apology, and, frankly, Mr. Estrada today deserves an apology.

This is not a debate about Mr. Estrada's ethnic background, plain and simple, and everyone in this Chamber knows it. It is a cheap argument to invoke.

Let me tell you, Mr. President, what this debate is really about. This debate is about whether the Senate should automatically defer to the President or whether the Senate should fully exercise its constitutional powers and closely examine Mr. Estrada before we hand him a lifetime appointment to the Nation's second most important court. This debate is about whether we should blithely rubberstamp nominees or whether we should insist that when we have questions, they are answered to our satisfaction.

We have been subject to accusations and allegations that would be funny if they were not so demeaning to those who state them and to those they are purporting to defend. Let me quote verbatim some of the remarks the other side has made in the course of debating this nomination.

We have heard it often said of late, but I believe Senator LOTT was the first to say this last year:

> They don't want Miguel Estrada because he's Hispanic.

It is so ludicrous that it is hard to imagine we have to respond to it, but to make sure the record is set straight, I will.

Under Chairman LEAHY's leadership in the last Congress, we considered every other Latino nominee who could be considered, all six of them: Christina Arguello from New Mexico, Judge Philip Martinez from Texas, Randy Crane from Texas, Judge Jose Martinez from Florida, Judge Alia Ludlum from Texas, and Jose Linares from New Jersey. Every one of them was picked by the President, every one of them was confirmed quickly, and every one of them is Hispanic. We moved them on the bench because no red flags were raised suggesting they were extremists and because they did nothing to undermine the Senate's role in the confirmation process.

A seventh Latino nominee, Judge Otero from California, was unanimously supported by the Judiciary Democrats just last week, myself included, and I have every reason to believe the entire Democratic caucus will support his nomination when the majority leader brings it to the floor as scheduled later this evening. So this has nothing to do with Mr. Estrada's race, his ethnicity, or his heritage.

The only ones around here who are claiming that this debate is about race, ethnicity, and heritage are my colleagues from across the aisle, and their position puts them in the ludicrous position of saying the Congressional Hispanic Caucus or the Puerto Rican Legal Defense Fund is anti-Hispanic because they oppose Mr. Estrada. As I said, it is ludicrous. It is demeaning. Let's debate this on the merits but not on anything else.

As I mentioned, Senate Democrats unanimously supported seven Latino nominees already, all candidates offered by the President; all, I presume, sharing a conservative legal philosophy. I do not know if they are Democrats or Republicans, but I doubt all seven were Democrats. So then a lot of people on this side of the aisle supported Republican Hispanics, conservative Hispanics. It seems only when one disagrees with my good friend from Utah and those on the other side of the aisle do, the names get hurled and there is no consistency, there is no measure of appropriateness. It is similar to using a sledgehammer, a bludgeon, to get the nominee through.

None of the seven who have been nominated by President Bush—I do not know if my colleagues know how many are Republican. I do not, but again probably most of them—have raised red flags that they will be activists on the bench. None raised serious concerns that they will try to make law instead of interpreting law.

So when a Republican Senator says if someone is a minority and a conservative, we are against them, that is not only ludicrous, it is wrong; it is dead wrong and it is disproven by the facts of what has happened in the Judiciary Committee and on the floor of this Senate repeatedly last year and even tonight. Those kinds of allegations do not do anything to heighten the quality of dialog and debate. I am saddened by it. It is not a high moment for the Senate, and it is not the way to win a nomination. I wish, probably hope against hope, that we would try to raise the level of this debate, because those kinds of comments debase us, they debase this process, and everyone knows they are false. They are a red herring.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. No wonder people are fed up with Washington. No wonder they do not want to pay attention to the work we are trying to do. Comments like that turn people off. It is a real disservice to the process, to the Senate, and to the country, and it ought to stop.

I will defer for a brief moment to my colleague from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The Senator has been making the point that no one on his side is making this a racial problem or a Hispanic problem. Is the Senator aware of an important letter I received this morning from Jennifer Braceras, who is a commissioner on the U.S. Commission on Civil Rights? Let me bring it to the Senator's attention, because I know he is a fair Senator. He is tough but fair, and he is my friend. I found him to be honest.

We know there are those in the Congressional Hispanic Caucus of the House who have made comments that certainly have caused a lot of consternation in the Hispanic community. This is a letter I received just this morning from Jennifer Braceras, who is a commissioner on the U.S. Commission on Civil Rights, and I will tell the Senator what Ms. Braceras had to say about what she believes some Senate Democrats are doing to Miguel Estrada's nomination.

Mr. SCHUMER. I am going to reclaim my time.

Mr. HATCH. Could I ask the Senator if he is aware of this? I hope the Senator will give me some time to read this letter. It is from a leading member of the U.S. Commission on Civil Rights. The Senator has made these comments. I know he is fair, and I think this is something that is right on point.

Mr. SCHUMER. I am going to reclaim my time from my colleague, if I might.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I am not familiar with those comments. I will certainly read them, but I do not think one person on a commission—I do not know who she is. I do not know if she is a Republican appointee or a Democratic appointee or anything to that effect.

Mr. HATCH. She is Hispanic.

Mr. SCHUMER. But it does not gainsay the argument that we have repeatedly approved Hispanic nominees in this body, Hispanic nominees nominated by President Bush, Hispanic nominees who are Republican, and Hispanic nominees who are conservative.

I say this to my good friend from Utah: Of the 10 Hispanic appellate judges currently seated in the Federal courts, eight were appointed by President Clinton. Three other Hispanic nominees of President Clinton to the appellate courts were blocked by the other side a few years ago. I did not hear charges from Senators—I do not know what the outside world says, but I do not recall a single charge by a Senator saying that blocking those was anti-Hispanic. If somebody made those charges, they would be wrong.

Mr. HATCH. Will the Senator yield for a point of clarification?

Mr. SCHUMER. Just as my colleague from Utah considers us friends, so do I. I have tremendous respect for him and I say the same as he said about me. He is tough, but he is fair. Please.

Mr. HATCH. I am grateful for that and I very much rely on that friendship on the committee.

The Senator is aware, is he not, that members of the House, specifically Representative MENENDEZ of the Congressional Hispanic Caucus, has said on several occasions that Mr. Estrada is not Hispanic enough and there have been other comments made that are very similar?

I ask unanimous consent that this letter be printed in the RECORD at this point so that my dear friend can read it, because Ms. Braceras is not only a member of the U.S. Commission on Civil Rights but her father is a judge on the Second Circuit Court of Appeals.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, DC, February 8, 2003.

Re nomination of Miguel Estrada.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR SENATOR HATCH: As an Hispanic American and a member of the United States Commission on Civil Rights, I write to express my outrage over the efforts of the Senate Democratic leadership to oppose by dishonorable means the nomination of Miguel Estrada to the United States Court of Appeals for the District of Columbia Circuit.

Many fellow Latinos and I are disturbed that the Democratic leadership has chosen this moment to apply a new test for judicial nominees—to attack a nominee on the ground that there is no evidence that would otherwise disqualify him—and to choose a Latino candidate as their first target of this disingenuous test.

In the absence of a principled or coherent basis for opposition to this nomination, the Democratic leadership has shamelessly attempted to play the race card against our people—speaking in code words and questioning the ethnic authenticity of one who emigrated from Honduras at age 17, and who, indeed, still speaks with the Spanish accent of his homeland. This effort to paint Mr. Estrada as Hispanic "in name only" is an insult to the intelligence of all Americans, but most especially to the dignity of Latinos throughout the country. It has exposed a deep hypocrisy, rooted in racism, on the question of diversity.

Contrary to the assumptions of the Democratic leadership, the Latino community is truly diverse—we come in all colors, religions, and, yes, political inclinations. Yet the Democratic leadership has decided that the only "genuine" Latinos are those they can control. Anyone else is simply unacceptable, a renegade to be extirpated as not truly "Hispanic."

The Democratic leadership seeks political cover for its despicable actions from the left-wing special interest groups that have assumed the mantle of "spokesmen" for our community. But Hispanics are in no sense represented by non-membership organizations such as the Mexican-American Legal Defense and Education Fund (MALDEF)—the true constituencies of these purveyors of victimization are the foundations and donors who bankroll them.

The effort to stigmatize as unfit for public office an eminently well-qualified Latino simply because he has failed to pledge all allegiance to the liberal orthodoxy is an affront to the diverse Latino community of this nation. It promises to do lasting damage to the American polity and ultimately undermine the Democratic party's efforts to maintain a base in the Hispanic community.

Make an mistake about it, Hispanic Americans seek nothing less than full integration into the American system, with prominence in both major political parties. Miguel Estrada embodies these aspirations, and his nomination to one of the most prestigious courts in the land is a source of pride for Latinos across the country. That is why nonpartisan Hispanic organizations like the Hispanic National Bar Association, the Hispanic Chamber of Commerce, and the League of United Latin American Citizens (the nation's oldest and largest Latino membership organization) support the nomination. And that is why I write to lend my unequivocal support to Mr. Estrada's nomination to the District of Columbia Circuit.

Sincerely,

JENNIFER C. BRACERAS,
Commissioner.

Mr. HATCH. I might add Ms. Braceras' father is a Clinton appointee to the Second Circuit Court of Appeals, and she is outraged at what is happening to Miguel Estrada.

I thank my colleague for giving me those few minutes.

Mr. SCHUMER. I am happy to read the letter. What I was saying was that of 10 Hispanic appellate judges currently seated in the Federal courts, eight were appointed by President Clinton. Three other Hispanic nominees of President Clinton to the appellate courts were blocked by my friends from the party on the other side, in addition to others for the district courts.

In fact, in contrast to President Bush's selection of only one Hispanic circuit court nominee in more than 2 years, with the second being nominated only last week, three of President Clinton's first 14 judicial nominees were Hispanic. He nominated more than 30 Hispanics to the Federal courts.

I am not saying Clinton's superior record on appointing Hispanic judges makes anyone on the other side or President Bush anti-Hispanic. That claim would be ludicrous, the same as to say those of us who are opposing the nomination of Miguel Estrada are anti-Hispanic. I just want to go over what happened to some Hispanic nominees when the Republicans ran the Senate during President Clinton's tenure. The consideration of Judge Richard Paez was delayed for over 1,500 days. Thirty-nine Republicans voted against it, because of his liberalism and their allegations that he was a judicial activist. These allegations were centered around two sentences contained in a lecture he gave to an audience of law students. They ran Judge Paez up and down the ladder. They demanded he answer more questions and produce more documents.

Did my colleagues put Judge Paez through the ringer because they were anti-Hispanic? I ask that to my colleague from Utah. Did his friends, not him—I know he tried to get the nominee through. After 1,500 days, he succeeded. That is close to 4 years. I think it is a little more than 4 years, but some of his colleagues and my friends on that side of the aisle vehemently opposed Judge Paez. Some of the arguments they made were the Ninth Circuit is out of balance, has a very liberal representation, and it does not need another liberal judge. Those arguments can be weighed for whatever they are worth, and different people will think they are worth different things, but it clearly does not make our friends from the other side who held up that nomination anti-Hispanic.

Mr. HATCH. Will the Senator yield on that point?

Mr. SCHUMER. I am going to——

Mr. HATCH. I thought the Senator asked me a question.

Mr. SCHUMER. I yield to my colleague for the last time.

Mr. HATCH. I was disappointed with the Paez nomination.

It took too long. But there were legitimate questions that were raised that had nothing to do with race. There were various questions about cases, but it took too long. I worked very hard to get him a final vote and, as the Senator knows, I voted for him. I have to say I took a certain amount of criticism from some who felt very deeply, not against Judge Paez as a Hispanic person but because they thought he was a judicial activist, and there were a number of cases that certainly were very questionable cases and even I had problems with that.

I also found Judge Paez, who—after a lengthy period of time I asked him if he would come and see me and I was very impressed with Judge Paez as a human being. It did not hurt him a bit that his family lived in Utah, and they are very good people. That certainly was very persuasive to me, too. And he is a very good person. But there were legitimate legal questions that had been raised that had to be kind of sifted through in order for me to get to a point where we could have that vote.

I agree with my colleague; it took too long. I agree there have been faults on both sides throughout this process, as long as I have been on the Judiciary Committee, and there have always been people who have not made it who have been left over at the end, but I have to tell my colleague during my tenure we put through 377 Clinton judges, the second highest total, only five less than Reagan.

Mr. SCHUMER. I am going to reclaim my time because we do not want to go through a rehash of who put through more judges. I do not think that is helpful.

Mr. HATCH. I agree.

Mr. SCHUMER. I say this to my friend from Utah. He said his colleagues on the other side thought Paez might be a judicial activist. They disagreed with some of the ways Judge Paez thought. Fair enough. I did not agree with them. Nobody called them anti-Hispanic. We have had charges on this floor that to oppose Mr. Estrada makes one Senator or another anti-Hispanic. That is my point. That is demeaning to this process, and it ought to stop. The Senators who are opposing Mr. Estrada are no more anti-Hispanic than those who opposed Mr. Paez.

By the way, there were 39 Republicans who voted against him. Are those 39 Republicans anti-Hispanic? We would laugh at that. If someone on this side of the aisle tried to raise that charge, there would be a fury over there. Correctly so.

If someone had never voted for a Hispanic nominee, if President Clinton had not nominated Hispanic nominees, then maybe there would be someone bringing up this argument. But the record is to the contrary. In terms of the criteria of Hispanic nominees to the bench, this side of the aisle has a far better record than the other side.

I think those comments are demeaning. Those comments are wrong. Some on the outside may make them. We cannot help that. This is a free country. God bless America. They should not be made on the floor of the Senate. I implore my colleagues to cease. They know it is wrong. It is not even an effective debating technique.

Let me go over a few other Latino nominees. There were two Latino circuit nominees, Rosemary Barkett and Sonia Sotomayor, who were also delayed. Judge Sotomayor, who was appointed to the district court by President George H.W. Bush, was targeted by some on the other side for delay or defeat on the grounds of ideology or philosophy. Were they anti-Hispanic when they opposed her? I doubt it. While she was eventually confirmed, 29 Republicans voted against her. Were they anti-Hispanic? I doubt it. Yet we hear from some who voted against Judge Sotomayor and against Judge Paez, from some of those who have held those nominees up, the charge here. It was wrong then. It is wrong now. It ought to stop.

Judge Barkett was targeted for delay and defeat on the claims about her judicial philosophy. Thirty-six Republicans voted against her confirmation. My good friend from Utah—again, a true good friend; that is not just rhetoric, a fine man—said this of Judge Barkett: I led the fight to oppose her confirmation because her judicial records indicated she would be an activist who would legislate from the bench.

I don't doubt for a minute my friend's sincerity. I don't doubt for a minute that Chairman HATCH opposed Judge Barkett because he disagreed with her ideology and thought she would be an activist on the bench. I don't doubt for a minute he does not have an anti-Hispanic bone or atom in his body.

However, I say to my colleague, the same is true, the mirror image is going on here. Some on this side disagree with Mr. Estrada's philosophy. There are some who believe he will be a judicial activist, although none of us know for sure because the record is so thin. So there is an additional argument about the record.

Just as we did not doubt the sincerity of our friends from across the aisle when they opposed Hispanic nominees who they thought would be activist judges—not my words; out of the mainstream, who would legislate from the bench—I hope they will not doubt ours.

When scores and scores of our colleagues delayed Judge Barkett and Judge Sotomayor, when scores of Republicans voted against them, was it about race? Was it about ethnicity? Was it about heritage? Of course not. They had concerns about what kind of jurists Judge Barkett and Judge Sotomayor would be. It was not because they are Hispanic.

By the way, that is, in my judgment, just what the Founding Fathers wanted. They wanted to debate the philosophy and views of potential nominees as well as their legal ability, their probity, and where they came from in terms of judicial philosophy. That is what they wanted.

But it seems there is a double standard in this Senate now. It is OK to say Hispanics on the left are not qualified because of ideology, but it is not OK to say Hispanics on the right are not qualified because of ideology. That is patently unfair. That is wrong. Again, it demeans this great Senate. It is a sad day for the Senate when that happens. It ought to stop.

Enrique Moreno, Christine Arguello, and Jorge Rangel were all nominated to the circuit courts by President Clinton and were never afforded a hearing or vote in the Judiciary Committee when Republicans controlled. In addition, Hispanic district court nominees such as Ricardo Morado and Hilda Tagle of Texas were also blocked. Mr. Moreno and Mr. Rangel were blocked by blue slips. Senator HATCH, my friend and colleague, exercised his legitimate power as chairman of the Judiciary Committee to honor the blue slips from a Texas Senator or Texas Senators. Of course, now that we have someone else appointing the judges, Senator HATCH is changing the blue slip policies. But that is not the point. The point is, when a Texas Senator is blocked, Mr. Moreno and Mr. Rangel and the Republican leadership allowed these well-qualified, widely respected, moderate Hispanic nominations, approved by the bar association, just as Mr. Estrada was, to die on the vine.

I don't recall any claims coming from Senators on this side of the aisle that they they were anti-Hispanic. Again, to bring charges from outside this body, whether it be someone on the civil rights commission or someone in one of what my friend from Utah

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calls the "left-wing Hispanic groups"—all the groups he disagrees with are left-wing Hispanics and all the groups he agrees with are fine Hispanic groups. But the point being we should not bring these issues up among ourselves because it demeans this body.

When these nominees were blocked, I assume my colleagues had their reasons. Maybe they were negotiating something. Maybe they had concerns about how the fine men would perform on the bench. But I assume those concerns had nothing to do with their being Hispanics. So why is it when they use procedural powers to block a nominee it is OK, but when we want a nominee to answer questions, disclose written materials and show he is not out of the mainstream, that he is not extreme, we get called vituperative names?

It sounds like a bad joke. I feel as if I traveled through the looking glass. We have a candidate whose picture is permanently on the floor but whose answers are permanently absent, who will not tell us what he really thinks. This is not the way the world really works. The Senate, if we do not watch it, could turn into a nonsensical California Wonderland.

Last week my good friend from Utah, who is doing a fine job defending something he believes in deeply here this afternoon and throughout this week and last weekend, said: I have never seen any Hispanic nominee whose nomination has so resonated with the Latino community except for the partisans, the partisan Democrats.

That is just not the case. The fact is the opposite. No Hispanic nominee has ever engendered such opposition. Many mainstream Latino leaders and organizations have come to the conclusion that Mr. Estrada should not be confirmed. The nomination is not resonating with them. The nomination is not resonating with the millions of Hispanic Americans represented by the Puerto Rican Legal Defense and Education Fund, the Mexican American Legal Defense Fund, La Raza, and most of all the Congressional Hispanic Caucus.

I have heard that there are some groups of Hispanic lawyers who support Mr. Estrada or Hispanic businesspeople. Good for them. They are participating in the American process. But in my State, Congressman SERRANO and Congressman VELÁZQUEZ represent not only Hispanic lawyers and Hispanic businesspeople, but the whole Hispanic community. They are the two highest elected Latino officials we have. They would seem to me to speak better than any group, left, right, or center, for or against Mr. Estrada—at least talking about Hispanics in New York. They are against him.

So this battle of the organizations is a little silly. But it seems to me that by the very precepts of our democracy, those who have been elected to office are the ones who are probably the most representative, unless there is something so flawed in our democracy that it doesn't work. They seem to be overwhelmingly—not exclusively, but overwhelmingly against Mr. Estrada.

I have sat and talked to the members of the Hispanic Caucus. It is not simply a political issue to them. They feel it passionately. They believe deeply that the views that best represent those of the Hispanic people are not the views of Mr. Estrada.

These are the very organizations, by the way, some of the organizations I mentioned and some of the individuals I mentioned, who have worked vigilantly for years to put more Hispanics on the bench. Not so many of the others, who are claiming someone is not truly representing the Hispanic community. But these are the people who have done it. Do we think they have taken this position blithely, when they take such pride and have spent so much of their time trying to elevate Hispanics in the courts? Of course not. They have serious concerns, concerns about what kind of judge Mr. Estrada would be, legitimate concerns about what Mr. Estrada will do if given a lifetime appointment to the Nation's second highest court.

My friends across the aisle have accused my good friend and colleague—I know he is a friend and colleague of my friend from Utah—Senator LEAHY, of "playing star marionette to these Hispanic groups."

That is an insult both to our colleague from Vermont and to these fine organizations. It is absurd, and it ought to stop. They may have a philosophy closer to that of the Senator from Vermont—or to mine, for that matter—but they clearly make up their own minds. It is one of the meanest things I have heard in 30 years in government. Again, it is demeaning. It is demeaning to this body; it is demeaning to the groups; it is demeaning to Senator LEAHY. It ought to stop.

I have not heard a single word on this floor denigrating the groups who have supported Mr. Estrada. I don't know who the Hispanic Chamber of Commerce is, but I am sure they are fine people. I don't know who the Hispanic Lawyers Association is, but I am sure they are fine people. I am not going to denounce them. I am not going to characterize them. So why is it OK to characterize other Hispanic groups, with whom some on the other side disagree, in such derogatory ways? I just assume that the groups on one side, cited by one Senator, and the groups cited by another looked at the same nominee and came to a different conclusion; that is all.

Another thing our colleagues across the aisle said was that we are taking blindfolded swings at Mr. Estrada. Maybe there is a little Freud in there. To the extent that we are blindfolded, it is only because Mr. Estrada will not answer questions, won't give us the memos he wrote, and we are being kept in the dark about what he believes.

I suggest we get this debate out of the low levels where it has been, at least at certain points in time, and back on the merits. Let's stop this foolishness. Let's start talking about whether the Senate should confirm a man about whom so many red flags have been raised, a man who I believe is thwarting the Senate's role in the constitutional process by refusing to answer questions, a man who is asking us to hand to him a lifetime appointment to this Nation's second most vital court without giving us even the slightest inkling as to what kind of judge he would be in terms of how he would rule, in terms of his philosophy.

In the interest of moving the debate along, let me move to the attacks that some have made on our insisting that Mr. Estrada answer the questions we have asked him. Another place where we venture into Alice in Wonderland is this idea. How dare we ask Mr. Estrada to answer questions?

Go back and look. The very ones of our colleagues who are condemning questions being asked of Mr. Estrada asked the most questions of previous nominees. God bless them for it. That is their right. It helped the debate. It helped the process.

Our friends have suggested that the questions put to Mr. Estrada, the questions he refused to answer, were unreasonable. I say to my friends on the other side that they ought to look more closely at the questions we asked, and then look in the mirror—or perhaps more correctly, look in the record—because virtually every question we asked Mr. Estrada was asked by Republican Senators of President Clinton's judicial nominees. The only difference is that when the Republicans asked questions, President Clinton's nominees gave answers.

It is also worth noting that we put the same questions to other nominees of President Bush. The only difference here, too, is that they answered. But don't take my word for it; let's go to the record.

Senator DURBIN asked Mr. Estrada:

> In terms of judicial philosophy, please name several judges, living or dead, whom you admire and would like to emulate on the bench.

Mr. Estrada declined, claiming there is no judge whatsoever, not one single judge in the entire history of jurisprudence, whom he would "seek to emulate on the bench, whether in terms of judicial philosophy or otherwise." He named a couple of judges he was friendly with, a couple of judges he had personal respect for, but not one judge living or dead whom he would emulate in terms of judicial philosophy or otherwise. That is a pretty extraordinary answer from a man who wants a lifetime appointment on the Nation's second highest court. He is basically saying: "Trust me, I am very smart"—which he is—"so I'll be a good judge."

Forgive us if we want a little more proof. If a party in court before Mr. Estrada tried to make a case with such a paucity of evidence, I can't imagine that Mr. Estrada, then a judge, would rule in his favor.

Maybe this is an unfair question. Maybe, as my friends from the other side are suggesting, this question should not have to be answered by someone seeking such a powerful position. Maybe it is wrong for us to propound such questions to judicial nominees.

Perhaps we should call up the Department of Justice and ask the Attorney General what he thinks about Senator DURBIN's question, because when Attorney General Ashcroft was a Senator, he agreed that Senator DURBIN's question was a fair one. How do I know? Because Senator Ashcroft asked the very same question himself. And guess what. When Senator Ashcroft asked it, the question was answered. Let me quote Senator Ashcroft:

> Which judge has served as a model for the way you would want to conduct yourself as a judge, and why?

In response, William Traxler, a nominee of President Clinton, responded by naming a specific judge, John Gentry, a State court judge before whom Mr. Traxler appeared when he was a litigator, as exactly the kind of judge Mr. Traxler would want to emulate.

I am sure my friends on the other side will say, Well, you know, Senator Ashcroft didn't specifically ask about judicial philosophy. But remember, Mr. Estrada's answer to Senator DURBIN's question went way beyond judicial philosophy. Mr. Estrada said he could not name one single solitary judge he would want to emulate, in terms of judicial philosophy "or otherwise."

Regardless, we don't have to get into that argument. Let us look at what happened when the same question was put to another of President Clinton's nominees, Inge Prytz Johnson. Guess what. She answered.

Senator Ashcroft's question was: "Which Supreme Court Justice, past or present, do you most admire and why?

Judge Johnson named Justice Potter Stewart and explained why she admired him.

Senator Ashcroft's followup question was: "What Judge or Justice has most influenced your thinking concerning the constitutional separation of powers?"

Now we are getting right into judicial philosophy.

Now this is, for all intents and purposes, a question addressing the nominee's judicial philosophy on separation of powers issues.

I want to read Judge Johnson's answer in its entirety because it is really a model answer. It is the kind of answer we should not only expect from nominees, it is the kind of answer we should demand from them.

Judge Johnson said:

> Judge Learned hand was one of the preeminent advocates of judicial restraint and of respect for the doctrine of separation of powers. He said: "Some of us have chosen America as the land of our adoption; the rest of us have come from those who did the same. For this reason we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved us, or those who went before us, to this choice? We sought liberty. . . ."
>
> Judge Learned Hand demonstrated through his opinions that this liberty can most fiercely be protected through respect for our constitutional doctrine of separation of powers.

That is a pretty straightforward answer. It shows us a little bit about what kind of judge this nominee aspired to be. It helped the Senate decide that she merited confirmation. There was nothing wrong with Senator Ashcroft asking the question and there was nothing wrong with Judge Johnson answering it.

Shall we go on?

I asked Mr. Estrada to name a Supreme Court case he disagreed with. I first asked him to name a case from the last 40 years of Supreme Court history. Then I expanded the question to cover all of Supreme Court jurisprudence. He refused to answer, claiming he could not name a single such case.

My friends on the other side suggest there is something unfair about this question. Let me tell you, as I go through the records of questions they put to President Clinton's nominees, this question pales in comparison.

Time and again, Republican Senators asked Clinton nominees to take positions on issues that would come before them if confirmed as Federal judges. If you want us to detail those instances for you, we are happy to do so. Just let us know and we will put together some charts demonstrating the double standard of these attacks on us. I think we all know what that research would show. I think we all know how unfair and inconsistent the other side is being. I don't want to go back a couple of years to the questions they asked, but we can do it if we have to.

By the standards our colleagues set and by any objective measure, our questions were well within bounds. And, frankly, these weren't even hardball questions. There was no surprise in these questions—they had all been asked before in one form or another. Mr. Estrada simply just did not want to answer.

My colleagues have cited Canon 5 of the Code of Judicial Conduct of the American Bar Association as the defense for Mr. Estrada's refusing to answer questions.

As Chairman HATCH has said, Canon 5 that expressly forbids nominees to judicial duty from making "pledges or promises of conduct in office [or] statements that commit or appear to commit the nominee with respect to cases, controversies, or issues that are likely to come before the courts."

Let us be clear. My questions were about already decided Supreme Court cases, cases that by definition will never come before Mr. Estrada; cases that he can never reconsider; and cases that would not even arguably justify invoking Canon 5 as a basis for refusing to answer.

Why are these questions important? Because the answers will give us insight into how Mr. Estrada approaches the law. They will help tell us what kind of judge he will be. Is he likely to be a Marshall or a Scalia? A Brennan or a Rehnquist? Probably not. There is quite a bit of difference among those judges. These are legitimate questions that don't even begin to lead to a violation of Canon 5.

But don't take my word for it. Take John Ashcroft's.

I don't mean to limit my laudatory comments to Senator Ashcroft, but he asked such good questions when he was here that I can't help citing him favorably. Mr. Attorney General, if you are watching this debate, I hope that by complimenting your fine work on this issue I'm not hurting your reputation with certain communities.

Then-Senator Ashcroft asked this question of Marcia Berzon, a Ninth Circuit nominee:

> Please define judicial activism. Is Lochner v. New York an example of judicial activism? Please identify three Supreme Court opinions that you believe are examples of judicial activism (not including Lochner if your answer to the previous question was yes). Is Roe v. Wade an example of judicial activism?

Judge Berzon answered. She waited a few years for the Senate to confirm her, but she answered. She said Lochner was an example of judicial activism. She said Roe was not. And she named three other Supreme Court cases that she believed were judicial activism.

So there is just no question that our questions were reasonable.

So there was no question that, at least by John Ashcroft's standard, our questions were reasonable.

Once again, why isn't it that what is good for the goose has to be good for the gander? Why does it seem there is a double standard; that it is OK when there were Democratic nominees to ask them question after question after question about their philosophy, but when Mr. Estrada comes before us we don't need to know anything more? All he has to do is say, I will follow the law.

Suggesting that there's something wrong with our asking the exact same questions our friends asked is nothing short of absurd.

Let me note as well, that the very same question I asked of Mr. Estrada, I asked of the five District Court nominees whose hearings were held the same day as Mr. Estrada's. They all answered. I asked the same question of Jeffrey Sutton, a circuit court nominee whose hearing we held a couple of weeks ago. He answered too.

Judge Linda Reade, a judge who I voted for in committee and on the Floor—one of the 96 Bush judicial nominees I have supported so far—and whom we unanimously confirmed to a District Court judgeship in Iowa, gave some particularly interesting answers.

Judge Reade was crucial of two Supreme Court cases that expanded police powers and diminished privacy rights under the fourth amendment. She answered interesting questions. It was a great moment for the committee.

One of the cases, United States v. Rabinowitz, held that police had the power to search someone's office when he was arrested with an arrest warrant but without a search warrant.

The other case was Harris v. United States where the court held, again, that a search of an arrestee's entire four-bedroom apartment was constitutional despite the fact that the police did not have a search warrant.

Her concerns about these cases reflect a heightened sensitivity to privacy rights protected by the fourth amendment. I don't want judges who read the fourth amendment so expansively that the police are handcuffed and unable to do their jobs. I want judges who will balance privacy rights with law enforcement interests.

I tend to be more conservative on criminal justice issues. I tend to side more with law and order than with the liberals out there. So I may not agree 100 percent with Judge Reade's answers. But her answers are fair and reasonable, and it allowed those of us on the committee to see what she was talking about.

Her answers suggest to me that Judge Reade will be attuned to American's privacy rights. I appreciate her candor, I appreciate her forthrightness, and I appreciate her straightforwardness. She is not hiding a thing. She is telling us what she thinks.

And there is obviously not a single Senator in this body who thinks Judge Reade's answers disqualify her for a Federal judgeship. Not a single one of us objected to her nomination or voted against her. The same is true of the four other nominees we asked questions the day of Mr. Estrada's hearing.

So this idea that the canons of ethics will be violated by asking questions about judicial philosophy is contradicted, is gainsaid, by the very fact that all of us voted for somebody who answered questions such as that. I do not think we would vote for someone who we thought repeatedly violated the canons of ethics.

So we want answers, we want forthright answers; we do not want the ball hidden. And then if judges appear to be somewhere within the mainstream—even though we may not agree with them on just about every issue—we will confirm them. That is what we did with these four nominees. We did it quickly. I voted for every one of them.

If the questions had been unreasonable, my colleagues on the other side, I presume, would not have asked them of Democratic nominees. But, as we have seen a little glimpse, the very questions we asked Mr. Estrada, Senators on the other side asked Democratic nominees, and there was no outcry or objection.

Just recently, I asked this question of a potential nominee in New York whom the President asked me to consider. I have not taken a position on her yet. She has not even been nominated. But let me tell you how much she impressed me with her answers. She named two cases, both of recent vintage.

The first case came from just last year, striking down the Child Pornography Prevention Act. In that case, a 6-to-3 Supreme Court said the first amendment protects purveyors of child pornography when they are using images of virtual children instead of actual children. I think the Court got the answer totally wrong. We are hopefully going to remedy that problem caused by the Court with legislation I am cosponsoring with Senators HATCH and LEAHY, among others. But I was pleased to hear that the nominee agreed that the Court got the ruling wrong.

The other case was another decision from last year where the Court held that police were allowed to ask bus passengers permission to search their bags without explaining that passengers have the right to say no.

Just as I was with Judge Reade's answers, I was conflicted about this one. I believe in privacy rights, but I also believe, in this post-9/11 world, police have to have some legitimate tools at their disposal to fight both crime and terrorism. So while I may not agree or disagree at this point with the answer, I was pleased to hear that if this nominee becomes a judge, this nominee will be sensitive to citizens' privacy rights.

I do not doubt that Judge Reade and the other nominees who have named Supreme Court cases with which they disagree will faithfully follow the law despite their disagreements. These are mainstream judges who have conservative but not extreme ideologies. I respect them. I have voted, as have almost all of my colleagues, for 99 percent—or some number like that—of them so far. And I will continue to vote for them as long as I believe they will not be activists or extremists on the bench.

We are simply trying to hold Mr. Estrada to the same set of standards that other nominees are meeting. We are asking even less of him than Republicans asked of President Clinton's nominees. It is obvious these are fair, reasonable, and legitimate questions. It is obvious there is nothing wrong, constitutionally or by the canons of ethics or anything else, with answering them because hundreds of nominees have and they have been approved by this body. It is also obvious that Mr. Estrada is stonewalling us by refusing to tell us what he thinks.

So these two areas that I have had a chance to discuss today—whether opposition to Mr. Estrada can legitimately be labeled anti-Hispanic in any way, and whether it is fair to answer questions—again, are both pervaded by a double standard. It seems what folks on the other side of the aisle were saying 2 years ago they are not saying today.

I hope we will be somewhat consistent. I hope we will be somewhat fair. The nomination of judges, and then the advice and consent the Senate gives them, is a sacred process, one that the Founding Fathers debated long and hard. To ridicule the process by saying there are not legitimate questions to be asked and answered, to ridicule the process by saying that when those questions are not answered someone is opposing a nominee because of his background, particularly when so many of those opposing this nominee have had great records in terms of bringing Hispanics to the bench—far better than President Bush or those on the other side of the aisle—is unfair, is unwise, and demeans this body. I hope it will end.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, it is my pleasure to rise and speak on behalf of Miguel Estrada, a fellow Virginian and President Bush's nominee to serve on the U.S. Court of Appeals for the District of Columbia.

I have been listening to the Senator from New York and listening to his description of what is fair and reasonable. I do find it interesting that the Senator, on several occasions, talked about the standards of questions that were propounded in years past by Senator Ashcroft.

If Senator Ashcroft was such a wonderful model for questioning and judicial standards, I do find it interesting that that same Senator from New York, when given an opportunity to vote for Senator Ashcroft to be Attorney General, voted against him. So we do see some inconsistencies on citing Senator Ashcroft and then not voting for him.

Let's focus on this situation and the nomination before this body: Miguel Estrada. Miguel Estrada is a highly qualified nominee to be a judge. He has impeccable character. People always look at the character of an individual to determine how that person will act when put in a position of responsibility. One way to judge is by their past performance.

Some will say that Miguel Estrada does not have judicial experience. There are others who have been appointed to the courts who do not have judicial experience. So then you try to determine their judicial philosophy. I am convinced, in my examination of Miguel Estrada, that he has the right judicial philosophy. I am confident that when Miguel Estrada puts on that robe and is appointed for life, he will understand that judges are to interpret the law, not to make the law, which is the responsibility of the legislative branch. I am very confident that as a judge on the DC Court of Appeals, Miguel Estrada will adhere to this principle.

Others have said that since he has not been a judge, how are we going to know about his temperament. There are not many Latino or Hispanic Americans who serve on the federal courts. By arguing that he has not had judicial experience, and therefore, he cannot serve, implicitly would make it very difficult, if nearly impossible, for many Hispanic Americans to serve on the federal bench.

Miguel Estrada has justifiably been called the personification of the American dream. He was born in Honduras and immigrated to the United States when he was a teenager at the age 17. He learned English as a second language and then went on and ultimately graduated with honors—magna cum laude from Columbia College and magna cum laude from Harvard Law School. He was even a member of the editorial board of the Harvard Law Review.

Mr. Estrada went on to serve as a law clerk on the U.S. Court of Appeals for the Second Circuit and also served as the Assistant to the Solicitor General of the United States. During his legal career, Miguel Estrada argued 15 cases in the Supreme Court of the United States, winning two-thirds of those cases.

Miguel Estrada has also performed significant pro bono service, or free legal services, including representation of a Virginia death row inmate before the U.S. Supreme Court, to which Miguel Estrada dedicated approximately 400 hours of time.

We previously heard from the Senator from New York that he wanted to determine whether Miguel Estrada had mainstream judicial values or had a mainstream view of the role of the courts in various cases, stare decisis, and precedent.

Miguel Estrada has unanimously earned the highest rating of "well qualified" from the American Bar Association. The American Bar Association's rating is based on "integrity, professional competence and judicial temperament."

In addition, Miguel Estrada's nomination is strongly supported by the Hispanic National Bar Association; the League of United Latin American Citizens, LULAC, which is the nation's oldest and largest Hispanic civil rights organization; the United States Hispanic Chamber of Commerce; and the Hispanic Business Roundtable.

Miguel Estrada is also supported by these other mainstream organizations: The Latino Coalition; the National Association for Small Disadvantaged Businesses; the Mexican American Grocers Association; the Hispanic Chambers of Commerce from a variety of towns and cities across the country, including the Greater Kansas City area and Las Cruces; the Puerto Rican American Foundations; the Federation of Mayors of Puerto Rico; the Hispanic Engineers Business Corporation; the Association for the Advancement of Mexican Americans; Nueva Esperanza; the Hispanic Engineers Business Corporation, the Hispanic Contractors of America, the Cuban Liberty Council, the Cuban American Voters National Community, and the Cuban American National Foundation.

This is a broad spectrum of individuals, organizations and associations from a variety of backgrounds and enterprises from all across the country which are very much a part of the mainstream of America which support Miguel Estrada.

I believe the Senate's prompt action on Mr. Estrada's long-delayed nomination is especially important. The DC Court of Appeals is one of the most important courts of appeal in the entire country, with cases of national implication. It is a primary forum for determining the legality of federal regulations and laws that control vast areas of American life. Recent retirements have left this court slowed down with four vacancies—four vacancies which are hindering the court's ability to decide cases expeditiously.

Delays in administration of justice in the DC Circuit Court of Appeals have consequences that can cost millions of dollars and affect thousands of lives. Indeed, justice delayed is justice denied.

The senior Senator from Massachusetts, Mr. KENNEDY, said on this floor, at approximately 2:37 p.m., that he was concerned about the process of the Miguel Estrada nomination. I will express my concerns about the process.

Today there is a crisis in our courts, as too many federal courts lack a sufficient number of judges, especially the DC Court of Appeals, which has four of their 12 judgeships vacant. That means 33 percent of the DC Court of Appeals has vacancies in those seats.

What Senator HATCH and I want is fair consideration and confirmation of the President's well-qualified and diverse judicial nominees. While many on the other side may work to hijack the nominations process to score partisan political points or obstruct fair consideration, this nomination deserves a vote. It has deserved a vote for a long time.

This nomination has been pending since May 9, 2001. That is over 20 months ago. A hearing was not even held for Miguel Estrada until September of 2002.

I respectfully urge my colleagues to fill these vacancies—particularly this vacancy on the DC Circuit Court—and vote to confirm Miguel Estrada.

Look at the record. You will find that Miguel Estrada is superbly qualified to serve on the DC Circuit. Indeed, Miguel Estrada is an American success story, with exemplary credentials and qualifications. Hispanic Americans will rejoice in his success, as indeed all Americans will rejoice and applaud his success.

I join my Latino constituents in saying: Sigamos adelante con Miguel Estrada. Let us move forward with Miguel Estrada.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, an independent Federal judiciary is a fundamental part of our constitutional democracy. In fact, nominating judges to the Federal bench is among the most important and lasting decisions that a President can make. Equally important is the Senate's role of advice and consent on judicial nominations. Breakdowns in the nomination and confirmation process can impact not only the proper functioning of the judicial branch but the independence which is so critical to maintaining public confidence in the courts.

It is the President's responsibility to work with Senators of both parties to fill vacancies on the Federal courts. It is the duty, the constitutional duty of the Senate to carefully deliberate over the President's nominees.

Nobody can challenge the President's authority to nominate judges. It is indisputable. That the Senate has the right to advice and consent is equally indisputable. The two rights exist in the very same sentence of the Constitution.

That is why the administration's repeated failure to consult with Democratic Senators on the nomination of Federal judges is so troubling. Refusal by a nominee to provide the Senate with adequate information to evaluate their record undermines our ability to carry out our constitutionally mandated duties.

It is this latter point, the lack of information provided by a nominee to evaluate their record, which is particularly relevant to the nominee currently under consideration, Miguel Estrada. Mr. Estrada is nominated for a lifetime appointment on what is arguably the second highest court in the land. The DC Circuit has exclusive jurisdiction over a broad range of cases, including issues from consumer and environmental protection to civil rights and workplace rules. The court's jurisdiction is vast.

The DC Circuit has the obligation to interpret rules for access to courts which allow Americans to challenge the Government when any agency takes an action which affects their health. It is this circuit which is charged with protecting Americans to challenge the Government. It is this DC Circuit that has either concurrent jurisdiction or exclusive jurisdiction in cases involving the NLRB, OSHA, Federal Communications Commission, Americans with Disabilities Act, Federal Energy Regulatory Commission, Federal Elections Commission, Endangered Species Act, and the Environmental Protection Agency, just to name a few.

The judges on this court are widely viewed as potential nominees to the Supreme Court. In fact, three current members of the Supreme Court—Justices Scalia, Thomas, and Ginsberg—served on the DC Circuit.

Despite the importance of the issues that routinely come before the court, we have very little information about the current nominee's views on fundamental constitutional issues. Mr. Estrada has no judicial experience so we have no record of decisions from which to draw an impression of his judicial philosophy. Mr. Estrada is not widely published. He has apparently not published since he wrote an article on banking law in law school. It is not a disqualification if a person has no judicial experience or has not published their views on the law. However, the lack of a record gives the Senate a particular obligation in carrying out our constitutional duty to look at the views of somebody on very fundamental constitutional issues.

We have a higher duty, a greater responsibility to probe where there is no decision record and where there are no writings upon which to base a judgment. The administration's failure to provide the Senate with legal memoranda and Mr. Estrada's failure to ask the administration to provide the Senate with those memoranda—particularly, again, in light of the absence of a judicial record and publications—will make it more difficult for Senators to weigh the evidence as to what kind of a judge Mr. Estrada would be, nominated as he is to what, in effect, is the second highest court in the land.

There is much evidence from the record before the Judiciary Committee as to a failure on the part of Mr. Estrada to give information that is highly relevant to the Senate and to the committee. Senator LEAHY asked:

> Is diversity a factor that an employer or a school could take into consideration?

Answer:

> Because this is a matter that is being actively litigated in the courts and may come before the court, if I am confirmed, I don't think it would be appropriate generally to answer that question.

In fact, it is very appropriate generally to answer the question. What is inappropriate would be to answer that question relative to a specific set of facts that are pending before a court or might come before a court if Mr. Estrada is confirmed.

Senator KOHL asked:

> In light of growing evidence that a substantial number of innocent people have been sentenced to the death penalty, does that provide support in your mind for the two Federal district court judges who have recently struck down the death penalty as unconstitutional?

Answer:

> I am not familiar with the cases, Senator, but I think it would not be appropriate for me to offer a view on these types of issues which are currently coming in front of the court and may come before me as a judge.

Not even offer a view on these types of issues—not on the specific issues in the cases referred to by Senator KOHL, but these types of issues.

Senator KOHL says:

> To what extent should a judge be required to balance the public's right to know against the litigant's right to privacy when the information sought could be sealed and could keep secret a public health and safety hazard?

Mr. Estrada:

> Senator, there is a long line of authority in the DC Circuit, as it happens, dealing with public access in cases that are usually brought to gain access to Government records by news organizations, and those cases, as I recall—I haven't looked at them in some time—do recognize a common law right of access to public records, which must be balanced against the interest of the governmental actor that is asserting the need for confidentiality. I am not aware of any case, though there may be some that dealt with this issue in the context that you've outlined, but I would hesitate to say more than that because I don't know how likely it is that that very issue that you have just outlined would come before me in the DC Circuit if I were fortunate enough to be confirmed.

So now if he believes there are cases that might come before the DC Circuit, he says: I am not going to comment even in general on the subject matter of those cases. But where he doesn't know whether or not issues are coming before the DC Circuit, he says: I am not going to comment on that either. Again, he said: I hesitate to say more than that because I don't know how likely it is that that very issue that you have outlined would come before me in the DC Circuit if I am confirmed.

Either way, he is not going to give us an opinion. Other nominees have provided information of the type that Mr. Estrada will not give us. We have the circumstance—for instance, there are multiple cases where the Justice Department cooperated with past requests of the Judiciary Committee. The Senate requested past Justice Departments to provide this type of memoranda, such as memoranda relating to appeals written by Department attorneys, including the memoranda of William Bradford Reynolds, nominated for Associate Attorney General; Benjamin Civiletti, nominated for Attorney General. Steven Trott, nominated for the Ninth Circuit; and William Rehnquist, when he was nominated for Chief Justice, among others.

The current Bush administration, in fact, provided the Senate with legal memoranda, which Jeffrey Holmstead wrote—an attorney with the White House counsel's office—when there was an inquiry during the consideration of his nomination to be Assistant Administrator to the EPA. So these requests are not unprecedented.

The key is, will Mr. Estrada ask the administration to release the documents? That would give this Senate an opportunity to get his ideas about basic constitutional issues. He is not obligated to request the Justice Department to provide this information. We should be clear on that. There is no obligation on the part of Mr. Estrada to request the Justice Department to provide the information that I have discussed, but his refusal to do so comes at risk to his nomination.

We are not obligated to vote for someone who is not willing to ask the Justice Department to provide information that will give us the opportunity to get a better feel for where a nominee is on some basic, fundamental constitutional issues.

Justice Rehnquist said the following in a 1972 case:

> Since most Justices come to this bench no earlier than their middle years, it would be unusual if they had not by that time formulated at least some tentative notions that would influence them in their interpretation of the sweeping clauses of the Constitution and their interaction with one another. It would be not merely unusual, but extraordinary if they had not at least given opinions as to constitutional issues in their previous legal careers.

I agree with Justice Rehnquist. Apparently, Mr. Estrada does not.

When asked by Senator SCHUMER at the Judiciary Committee hearing to name three cases of which he was critical in the last 40 years of Supreme Court jurisprudence, Mr. Estrada said he was "not sure that I could think of three that I would be—that I would have a sort of adverse reaction to. . . ."

As we have heard from Senator SCHUMER, other nominees have been more than willing to state where they have not been in agreement with Supreme Court opinions. Yet this nominee is not willing to give us even one Supreme Court opinion in the last 40 years where he would "have a sort of adverse reaction," to use his words.

He was asked by Senator DURBIN to name judges, living or dead, whom he admired and would emulate on the bench.

He answered:

> There is no judge, living or dead, whom I would seek to emulate on the bench, whether in terms of judicial philosophy or otherwise.

Finally, after one particularly unhelpful exchange, Senator KOHL seemed to sum up the feeling of many members of the committee when he told Mr. Estrada:

> With all due respect to your answer, I am trying to know more about you, and I am not sure I am.

That sort of sums it up. With all due respect, we are trying to know more about you, and we are not sure we are able to.

Mr. Estrada's failure to provide members of the Judiciary Committee with answers to even the most basic questions on his view of the law is deeply troubling. We don't have writings. There are none. That is not his fault. It does not disqualify him, but there are none. We don't have opinions. That is not his fault. He has never been a judge. There are none. But what is his decision? It is not to ask the administration for documents which he wrote that would give us some answers as to whether or not we are in agreement with his fundamental legal philosophy.

His tactic of refusing to answer questions could become a standard method of operation for future nominees, to the detriment of both the nominating process and the frustration of the Senate's advice and consent duty, if we accept the standard he is setting forth by his refusal.

Mr. Estrada and the administration had the opportunity to make the case for confirmation. The administration chose not to provide information for Senators to properly evaluate his nomination. Mr. Estrada chose to remain silent on key questions despite opportunities to clarify his views.

Mr. President, I understand from a signal from the Parliamentarian that we are supposed to stop at this time.

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to consider en bloc several nominations at 5 o'clock.

Mr. LEVIN. I will finish with other views of Mr. Estrada at another time. I yield the floor.

NOMINATIONS OF JOHN R. ADAMS TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO; S. JAMES OTERO TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA; AND ROBERT A. JUNELL TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the Senate will now consider en bloc the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of John R. Adams, of Ohio, to be United States District Judge for the Northern District of Ohio; S. James Otero, of California, to be United States District Judge for the Central District of California; and Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas.

The PRESIDING OFFICER. Under the previous order, there are 15 minutes equally divided for debate on the nominations.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator ENZI of Wyoming be recognized for up to 10 minutes immediately following the final vote in the series of votes at 5:15 p.m. to speak on the Estrada nomination and that Senator FEINGOLD be accorded at least 10 minutes immediately following Senator ENZI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, parliamentary inquiry. Am I correct, while there is time divided between the distinguished chairman and myself prior to these votes, there will be three separate votes, and have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LEAHY. I ask unanimous consent that it be in order to request the yeas and nays on all three nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays on all three nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask my dear friend if it is possible to vote on all three en bloc, with one vote being considered three separate votes?

Mr. LEAHY. Mr. President, in answer to that question, to accommodate a number of Senators on the distinguished chairman's side of the aisle, at the time I was chairman, I tried doing that once, and the objection was so vociferous from both sides that I said I was never going to try that again. I would have no objection. I have tried to do that. I have been told there are many who feel that would be inappropriate, so we will not be able to do it.

Mr. HATCH. I withdraw the request.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, these are three excellent district court nominees. They deserve to be confirmed, as I think all of President Bush's nominees deserve to be confirmed. I recommend every Senator vote for each of these three nominees. I hope we can get other nominees to the floor as soon as possible as well.

I thank my colleagues on the other side for being willing to move to these three nominees last week in our markup and to allow them to be brought up this early. I believe we will all be pleased we can vote for such excellent nominees. I hope we can move all the other judgeship nominees this President has nominated as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Vermont.

Mr. LEAHY. Madam President, we will vote on three judges. Let me mention them briefly.

Mr. HATCH. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. HATCH. I reserve the remainder of my time. I may have a few people who wish to speak. I thank the Senator.

Mr. LEAHY. Madam President, today the Senate will vote on the confirmation of John Adams to the United States District Court for the Northern District of Ohio. Judge Adams, incidentally, is named to replace Judge George Washington White, so we have the historical circumstance of another John Adams following another George Washington.

Judge Adams has had an admirable career as an attorney and a judge. He has worked in private practice and served as a prosecutor. He has handled civil matters as well as criminal, and he has devoted a significant amount of time to issues beyond his law practice. As a judge, Mr. Adams has been a member of the Summit County Civil Justice Commission, whose goal is to institute reforms in the administration of civil justice in Summit County, and the Summit County Criminal Justice Coordination Council, whose goal is to make recommendations and oversee the operations of the criminal justice system and corrections in Summit County. He is also involved in the Ohio Community Corrections Organization, which tries to work together to develop, improve, expand, and promote adult and juvenile community corrections by bringing judges, prosecutors, defense attorneys, law enforcement officials, treatment providers and other parties together to work toward common goals of community intervention for offenders.

Judge Adams has been involved in a number of other charitable, civic and professional organizations. He is a life member of the NAACP. He has also served as a member of, among others, the following organizations: the Summit County Mental Health Association, part of a network of professionals and volunteers committed to improving America's mental health and seeking victory over mental illness. His is the sort of solid record of accomplishments, and not ideology, that the President should try and seek out in his future federal court nominees.

I congratulate Judge Adams and his family and friends on his confirmation.

Today the Senate will also vote on the confirmation of Robert Junell, nominated to the U.S. District Court for the Western District of Texas. His will be the eighth of President Bush's district court judges confirmed to serve in the State of Texas. Seven of those judges were given hearings and votes during the 17 months I served as chairman of the Judiciary Committee. That was nearly one judge for Texas every other month, in addition to the four United States Attorneys and three United States Marshals who were reviewed and confirmed in that period of time.

This is in great contrast to the fate of many of President Clinton's nominees from Texas, who were blocked and delayed by the Republican majority, including Enrique Moreno, nominated to the Fifth Circuit Court of Appeals who never got a hearing, never got a vote; Jorge Rangel, nominated to the Fifth Circuit Court of Appeals who never got a hearing, never got a vote, and; Hilda Tagle to the District Court, whose confirmation was delayed nearly two years for no good reason.

So I am glad to see another judge appointed to the Texas bench, and am confident he will serve with more distinction than at least one of his future colleagues, Judge Ron Clark. Judge Clark, a personal friend of the President's was among the judges we confirmed last year to a district court seat in Texas. Judge Clark's commission was not immediately forthcoming from the White House. We learned that Mr. Clark was quoted as saying that he had asked the White House to delay signing his commission while he ran for political office as a Republican so that he could help Republicans keep a majority in the Texas State House until the end of the session in mid-2003. The White House was apparently complicit in these unethical partisan actions by a person confirmed to the federal bench. Clark, who was confirmed to a seat on the federal district court in Texas, was actively campaigning for election despite his confirmation.

These actions brought discredit to the court to which Mr. Clark was nominated by the President and confirmed by the Senate, and call into question Judge Clark's ability to put aside his partisan roots and be an impartial adjudicator of cases. Even in his answers under oath to this Committee, he swore that if he were "confirmed" he would follow the ethical rules. Canon 1 of the Code of Conduct for United States Judges explicitly provides that the Code applies to "judges and nominees for judicial office" and Canon 7 provides quite clearly that partisan political activity is contrary to ethical rules. In his answers to me, Mr. Clark promised "[s]hould I be confirmed as a judge, my role will be different than that of a legislator." Yet, even after his confirmation he was flaunting the promises he made to me, to the Senate Judiciary Committee and to the Senate as a whole. That the White House was prepared to go along with these shenanigans reveals quite clearly the political way they approach judicial nominations.

Only after the New York Times reported these unseemly actions, did the President sign Judge Clark's appointment papers. Judge Clark then announced that he would stop "campaigning", but he insisted on reminding State voters that they still had a choice in the election in November. His name remained on the ballot. And indeed, he was elected to his old seat in the Texas Legislature.

I trust that Mr. Junell, who comes highly recommended by Representative Charlie Stenholm of Texas, and who has also been a member of the Texas House of Representatives, has a better understanding of the proper role of a Federal judge than did Mr. Clark, and will serve the people of the Western District of Texas with distinction. Mr. Junell has certainly worked hard during his varied career as a litigator and a politician to help numerous disadvantaged individuals. A life member of the NAACP, Mr. Junell is also a former member of the board of directors of the La Esperanza clinic.

I congratulate the nominee and his family on his confirmation.

With today's confirmation of Judge S. James Otero to be a United States District Judge for the Central District of California, the Senate is filling a vacancy that by all rights could have been filled years ago. Judge Otero, now serving on the Los Angeles Superior Court, will be filling a seat left open on the elevation of Judge Richard Paez to the Ninth Circuit Court of Appeals in 2000. Judge Paez, of course, was nominated to that vacancy on the appellate court more than 4 years before he was confirmed.

Judge Otero's nomination is a good example of the kinds of bipartisan candidates the President ought to be sending the Senate. He comes to us after being unanimously approved by California's bipartisan Judicial Advisory Committee—a committee established through an agreement Senator FEINSTEIN and Senator BOXER reached with the White House. This committee works to take the politics out of judicial nominations. It reviews qualified, consensus nominees who will serve on the Federal judiciary with distinction. Too often in the last 2 years we have seen the recommendations of such bipartisan panels rejected or stalled at the White House. Instead, they should be honored and encouraged.

I note that Judge Otero has contributed strongly to his community, working with and on behalf of Latinos nationally and in California. He has worked on a pro bono project for the Mexican Legal Defense and Education Fund, and served as a member of the Mexican Bar Association, the Stanford Chicano Alumni Association, and the California Latino Judges Association, among others. This stands in stark contrast to a nominee such as Miguel Estrada, whose nomination has dominated debate today. Judge Otero has taken many opportunities to help Hispanics and all Californians.

During the 17 months I was chairman of the Judiciary Committee, I worked hard to ensure that Hispanics were confirmed to the Federal bench, and I am proud of that record. Many Hispanics nominated by President Clinton were blocked or delayed by the Republican majority, and I did not want to see that repeated. Fine nominees such as Jorge Rangel, Enrique Moreno and Ricardo Morado were never given hearings. Others, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle, were stalled for no good reason. I am proud that did not happen on my watch, I am glad to say that we quickly considered and confirmed nominees such as Christina Armijo to the District Court in New Mexico, Philip Martinez to the District Court in Texas, Jose Martinez to the District Court in Florida, Alia Ludlum to the District Court in Texas, and Jose Linares to the District Court in New Jersey.

I congratulate Judge Otero and his family on his confirmation and the people of California on a fine Federal judge to fill the seat of such Judge Richard Paez in the Central District.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield such time as she may consume to Senator HUTCHISON from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, how many minutes remain for Senator HATCH?

The PRESIDING OFFICER. There are 5 minutes remaining.

Mrs. HUTCHISON. I ask the Presiding Officer to notify me at 3 minutes.

Madam President, I am very pleased to speak on behalf of someone who I really know well and have a great deal of confidence in, and that is State Representative Rob Junell. Rob is being nominated, and hopefully confirmed today, to be the U.S. district judge for the Western District of Texas. He will reside in Midland.

This is a very important court. It has been designated as a judicial emergency by the Judicial Conference of the United States.

Rob is a native of West Texas and is currently of counsel to a San Angelo law firm. He served seven terms in the Texas legislature where he was chairman of the Appropriations and Budget

Committees. I worked with him to try to make sure Texas had a limitation on State debt, and it was because of Robert Junell's absolute insistence we pass this legislation that we were able to do it in one session, and it has served my State of Texas well to have a limit on State debt. Rob Junell deserves credit for that.

Rob Junell earned a degree from the New Mexico Military Institute and from Texas Tech University. He also graduated from the University of Arkansas with a master's degree in political science and a law degree with honors from Texas Tech Law School.

Rob Junell has been a leader in the State of Texas. I have worked with him in many ways. I think he is one of the smartest people with whom I have ever worked. He also took time to be a part of his community of San Angelo. He served on the boards of the United Way of Concho Valley and the San Angelo AIDS Foundation. He is a lifetime member of the NAACP. He meets the high standards we set for Federal judges. I know he is going to be a really terrific Federal judge, because he knows the law and he knows what is fair. He has that sense about him of what is right and what is not. He also knows the place of a judge. Having been a legislator, he knows it is the elected representatives who should make law, not judges with lifetime appointments. So he will change his course now from being a legislator, elected by the people, and making very important laws for my State of Texas, to becoming a judge and interpreting those laws and trying to see what the legislature meant.

It is my honor to speak on behalf of Rob Junell and recommend him to my colleagues in the Senate for confirmation.

I thank the chairman, Senator HATCH, and the ranking member, Senator LEAHY, for acting expeditiously on this nomination, and I especially thank Senator HATCH for reserving time for me.

I yield the floor.

Mr. DEWINE. Mr. President, I rise today in support of the nomination of Judge John Adams. Judge Adams, from Akron, has been nominated to be U.S. District Judge for the Northern District of Ohio. He currently serves as a Judge on the Court of Common Pleas in Summit County, Ohio.

Judge Adams is a 1978 graduate of Bowling Green State University, where he earned a Bachelor of Science degree in Education. In 1983, he received his law degree from the University of Akron School of Law. While a law student at Akron, Judge Adams clerked for Judge W.F. Spicer with the Summit County Court of Common Pleas.

Following this clerkship, Judge Adams spent 5 years in private practice with the law firm of Germano, Rondy, Ciccolini Co., and during this time, also served as Assistant Summit County Prosecutor. In 1989, Judge Adams returned to private practice as an associate and then a partner at the firm of Kauffman & Kauffman in Akron.

Since 1999, Judge Adams has served as a Judge on the Court of Common Pleas for Summit County. In this position, Judge Adams has demonstrated that he is an intelligent, hard working, and dedicated jurist. He is well respected, both inside the courtroom and out, and exhibits an excellent judicial temperament. He has shown that he has what it takes to be an excellent District Court Judge.

In endorsing his re-election effort last November, the Akron Beacon Journal stated that Judge Adams "has the potential to be a distinguished federal judge, building on the record of fairness and thoughtfulness that has marked his three years on the county bench." I agree completely with that sentiment.

Judge Adams' accomplishments are indeed impressive, and I am pleased that the Senate is voting on his nomination today. I urge my colleagues to join me in voting to confirm Judge Adams.

Mr. HATCH. Madam President, I am pleased that we have three excellent district court nominees on the floor this evening: John Adams for the Northern District of Ohio, Robert Junell for the Western District of Texas, and Judge Samuel Otero for the Central District of California. They have been nominated to fill seats considered judicial emergencies by the U.S. Judicial Conference, so our action today is especially important. I support all of them without any reservation, and I ask my colleagues to join me in confirming their nominations. Let me say a few words about each nominee.

John Adams, Jr., our nominee to the U.S. District Court for the Northern District of Ohio, has extensive experience in both the private and public sectors of the legal community. Judge Adams has 15 years of experience in private practice, and he served for 3 years as an assistant county prosecutor at the Summit County Prosecutor's Office. Since 1999, Judge Adams has served on the Court of Common Pleas for Summit County.

Robert A. Junell, nominated to the U.S. District Court for the Western District of Texas, has distinguished himself both as an advocate and a legislator. Mr. Junell has over 25 years of civil litigation experience, with a specialty in personal injury law, and he has served as a member of the Texas House of Representatives since 1988.

Our third nominee, Judge Samuel Otero, who has been nominated for the Central District of California, served as a Los Angeles deputy city attorney for 10 years, handling approximately 130 superior court and municipal court cases during his tenure. Since being nominated to the California bench in 1988, Judge Otero has served on both the Los Angeles Superior and Municipal Courts.

I am confident that all three nominees will serve with honor and distinction. I compliment the President for putting their nominations forward and I look forward to their confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know the time is running, but I ask the distinguished Senator from Utah if he would ask the majority leader if we could have 10-minute votes after this first vote which is 15 minutes.

Mr. HATCH. I ask unanimous consent that after the first vote, the two remaining votes be no longer than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of John Adams, of Ohio, to be United States district judge for the Northern District of Ohio.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Texas (Mr. CORNYN) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. CORZINE), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 31 Ex.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman

Lincoln
Lott
Lugar
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—9

Biden
Cornyn
Corzine
Durbin
Graham (FL)
Kerry
Lautenberg
McConnell
Miller

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. TALENT). The question is, Will the Senate advise and consent to the nomination of S. James Otero, of California, to be United States District Judge for the Central District of California? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. MCCONNELL) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—6

Biden
Corzine
Durbin
Graham (FL)
Kerry
McConnell

The nomination was confirmed.

Mr. SCHUMER. Mr. President, I move to reconsider the vote.

Mr. THOMAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Mississippi (Mr. LOTT), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) would each vote aye.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—9

Biden
Corzine
Durbin
Graham (FL)
Jeffords
Kerry
Lott
McConnell
Nickles

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action on the three nominations.

The Senator from Utah.

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

Mr. HATCH. Mr. President, I ask unanimous consent that on Tuesday there be an additional 6 hours for debate on the Estrada nomination; provided further, that the time be equally divided between the chairman and the ranking member, or their designees; and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, we have had a robust debate on the nomination. I still remain very hopeful that we will reach a consent to have a vote on the nomination after some further reasonable period of time. I hope our colleagues on the other side will permit a vote on Miguel Estrada. I think it is the right thing to do.

Mr. REID. Will the Senator from Utah yield?

Mr. HATCH. I will be happy to yield.

Mr. REID. Mr. President, I agree with the Senator. I think the debate has been very constructive today. The chairman of the committee and this Senator spoke with the majority leader today, and we expect some more debate tomorrow. The two leaders will speak tomorrow after the caucuses.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized for 10 minutes.

Mr. REID. Mr. President, while the Senator is in the Chamber, it is my understanding that Senator ENZI is going to speak for a period of 10 minutes and the Senator from Wisconsin will speak for up to 12 minutes. I am wondering if there are any other speeches. We have an important conference committee that starts at 6:30 tonight.

Mr. HATCH. I know of no other speeches.

Mr. REID. I do not think we have anyone on our side.

Mr. HATCH. Mr. President, I ask unanimous consent that these be the last speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to support the nomination of Miguel

Estrada to the U.S. Court of Appeals for the Washington, DC, Circuit. We have a great need in our Nation for qualified judges who have the patience, perseverance, and integrity to ensure that the United States continues to be a nation that is ruled by law and not by uncontrolled emotion; by reason and not by political expediency.

I am confident that Mr. Estrada is that kind of man and will be that kind of judge. There is no question that Mr. Estrada is qualified. He has proven himself through his education. He has proven himself through his work experience. And he has proven himself through his own perseverance, for he has been forced to wait for almost 2 years—2 years—for the Senate to consider this nomination. He has done this with the kind of patience and integrity that befits a U.S. Federal judge.

We often talk about the ideal in our debates in the Senate. We hold up a picture of what things should look like and how things should be done in the hope that someday we can move our Nation forward to the point where the ideal is more than a dream, but is instead a reality.

One of those ideals that has been presented is a world where our judges and our courts are more representative of America. Our courts have been accused of being elitist. The Bush administration has been working hard to change that image by making sure our judges are more diverse. By confirming Miguel Estrada to the DC Circuit Court of Appeals, we will, for the first time, have a Hispanic judge in the DC Circuit. But I can tell you, Mr. Estrada was not nominated just because he is Hispanic. He was nominated because he graduated magna cum laude and Phi Beta Kappa with a bachelor's degree from Columbia University in 1993. He was nominated because he also graduated magna cum laude from Harvard Law School in 1986 where he was also editor of the Law Review. He served as a law clerk for Supreme Court Justice Anthony Kennedy, as a Federal prosecutor in New York, and as an Assistant Solicitor General for both the Bush and Clinton administrations, and as the leading appellate lawyer at a national law firm. Altogether, he has argued 15 cases before the Supreme Court, including one case in which he represented a death row inmate pro bono.

One will have to search long and hard to find anyone anywhere more qualified for a position on the DC Circuit Court of Appeals, and yet in spite of all of his qualifications and personal integrity, Mr. Estrada has had to wait almost 2 years for the Senate to complete his nomination.

Why? I must say that as far as I can tell, his confirmation has been delayed for reasons that have absolutely nothing to do with his qualifications or integrity as a judge. Instead, they have everything to do with partisan politics and partisan bickering.

What is most tragic about this situation is that these delays have not come without a cost. There are victims in this situation who have been denied their rights to a fair and impartial judicial process because there are not enough judges to hear their appeals. The real victims of these delays are not Mr. Estrada or the Bush administration or even the Republican Party. No. The real victims are the people whose rights have been set aside by partisan bickering and whose appeals are forced to wait because we do not have enough judges.

There is a saying: Justice delayed is justice denied. There are those in Washington who are willing to deny justice by making people with very real needs and very real issues wait while they try to score a few points in this game of politics. They force people seeking justice to drag out their court costs, their attorney's fees, their restitution and damage payments, all because they want to get one up on the other party.

We have a crisis in our courts that we can solve. Mr. Estrada is part of that solution. He was given the highest possible rating of unanimously well qualified by the American Bar Association. He has similar, if not more, experience than five of the eight judges currently serving in the DC Circuit. He has been praised by his colleagues as having those attributes most sought for in a judge; namely, brilliance, compassion, fairness, and a respect for precedence.

It is not only my opinion that is changing. I picked up a copy of Roll Call today and found a full-page ad by the Latino Coalition, which is a little bit upset over the delay in getting this nomination approved. They say the only controversy regarding Miguel Estrada is his race. This is an impression that is being given to America. They say Senators have supported non-Hispanic judicial nominees with fewer qualifications and less experience. So the only difference here is that they cannot support an independent-minded and well-qualified Hispanic, an impression that is being put out there to America.

Of course, they give the arguments that he is qualified, that the American Bar Association gave him a well-qualified rating, that he does have experience, and that there is a double standard for Hispanics. Five of the eight judges currently serving on the DC Circuit had no previous judicial experience when appointed. That includes two of President Clinton's nominees: Merrick Garland, whose Justice Department record was quite similar to that of Miguel Estrada, and David Tatel. In addition, Judge Harry Edwards had no prior judicial experience when he was nominated by President Carter in 1979, and he was younger and had less experience than Estrada.

They go on to talk about whether he has a conservative ideology, and they suggest you tell that to Clinton appointees, prominent Democrats, and they mention a number of them. Again, this is an impression that is out there in the world about what is happening right here and now.

They are concerned about the comments they have heard that perhaps he is not Hispanic enough, and they are a little upset with that. They listed a number of organizations that are backing him and are getting the message out that here is a person who is well qualified and that there is a belief that there is some discrimination occurring.

I hope we can get this rapidly concluded and get this outstanding man on the bench.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for 12 minutes.

Mr. FEINGOLD. Mr. President, I oppose the nomination of Miguel Estrada. Let me take a few minutes to explain why.

First, I want to discuss the background of this nomination, which I think is an important factor for the Senator to consider. The DC Circuit, to which Mr. Estrada has been nominated, as many people have said, is widely regarded as the most important Federal circuit. It has jurisdiction over the actions of most Federal agencies. Many of the highest profile cases that have been decided in recent years by the Supreme Court concerning regulation of economic activity by Federal agencies in areas such as the environment, health and safety regulation, and labor law, went first to the DC Circuit. In the area of administrative law and the interpretation of the major regulatory statutes such as the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, the National Labor Relations Act, and even the Federal Election Campaign Act, the DC Circuit is the last word, as the Supreme Court accepts relatively few cases on appeal from the circuit courts.

The DC Circuit is now evenly split, and has been for some time, between nominees of Democratic and Republican Presidents. There are four judges who were appointed by Republicans and four by Democrats, and there are four vacancies. In the last Congress of President Clinton's term, he made two nominations that were never acted upon by the Senate Judiciary Committee. In one case, the committee held a hearing but never scheduled a vote, and in another, the Clinton nominee was not even given the courtesy of a hearing.

Now we hear that President Bush is not only going to fill those two seats, but also two others that Republicans have argued for years did not need to be filled at all because of the court's supposedly smaller workload in comparison to other circuits. I have heard this time and again in the Judiciary committee, we do not need these positions filled. Now that there is a Republican Senate, suddenly they are going to be filled. So this nomination becomes a pivotal nomination, and this circuit could very quickly become divided 8 to 4 between Republican appointees and Democratic appointees. Again, this is the context where President Clinton's nominees were not given a chance to have a vote.

I am disappointed that the Bush administration has not been willing to extend an olive branch on this circuit in particular. There are enough vacancies to accommodate both of the pending nominees and the two nominations by President Clinton who were treated so badly in the 107th Congress. But that does not seem likely to happen.

It is worth mentioning as well that seats on the DC Circuit have also in recent years served as springboards for the Supreme Court. Three of the current nine justices on the Supreme Court, Justices Scalia, Ginsburg, and Thomas, first sat on the DC Circuit.

Many commentators and activists, on the right and the left, believe that Mr. Estrada is being groomed for a Supreme Court appointment.

For all of these reasons, I believe it is our duty to give this nomination very close scrutiny. Unfortunately, Mr. Estrada has not made this task easy. In fact, by failing to answer questions at his hearing candidly and completely, he has made it even more difficult. Unlike many of the circuit court nominees that the Judiciary Committee has reviewed so far, Mr. Estrada is not a judge on a lower court, with a record of judicial opinions that we can review to get an idea of his views and his judicial philosophy for this lifetime appointment. Unlike some of the other nominees we have seen, he is not a law professor, with extensive written work that we can review and about which we can ask questions. He is a private attorney, with no published writings since law school. The Justice Department has refused to let the committee see his memos from when he worked in the Solicitor General's office, which may or may not be revealing of his views.

This is where we are: we were left with the hearing to explore with Mr. Estrada directly the question of what kind of judge he would be on the D.C. circuit. As a member of the Judiciary Committee, I attended much of that hearing. Mr. Estrada steadfastly refused to help us get a sense of his views. And his way of resisting the committee's legitimate inquiry was, in my mind, extraordinary. I have been on that committee for over 8 years and have never quite seen this. He took the position that he could not express an opinion about a case that had already been decided by the Supreme Court unless he took the time to review not only the opinion of the court, which for many would be sufficient, but all the briefs and the arguments of the parties, and also, and I'm quoting here from one of his answers: "[doing] all the legwork of investigating every last clue that the briefs and the arguments offer up."

Mr. Estrada says he has to do all that just to give his reaction to a decision of the Supreme Court. That is not the type of approach I have seen most people take when being up for a nomination in front of the Senate Judiciary Committee. The result? Mr. Estrada gave us no evidence of the kind of judge he would be. For me, given the importance of his circuit and the history of appointments to this circuit, that is a big problem. The Senate has a right to complete and responsive answers to its questions before confirming someone to a life term on such an important court.

In a few areas, we have something to go on because Mr. Estrada undertook pro bono representation of a group called the Center for Community Interest on whose board he served. Unfortunately, even though this is one of the few pieces of information we have, I was not reassured by what I learned. Mr. Estrada not only defended an anti-loitering statute ultimately struck down by the Supreme Court, but on a radio program he took a very aggressive stance in dismissing the arguments made against the statute. He even went so far as to suggest there was something improper about the fact that this legal challenge had been brought, and that attitude carried over in his arguments in a challenge to another anti-loitering ordinance, which Mr. Estrada argued that the NAACP did not have standing to challenge the law.

I was also not satisfied with Mr. Estrada's answers to questions concerning his role in helping to screen law clerk applicants for Justice Anthony Kennedy of the Supreme Court. Allegations have been made that Mr. Estrada saw himself as an ideological gatekeeper of sorts, with the task of making sure no one was too liberal for his tastes to be a clerk for the Justice. After first asserting the comments ascribed to him were meant as a joke, Mr. Estrada then gave very careful lawyerly answers to follow-up questions.

I cannot say for certain that he was untruthful. I am not saying that. But he certainly was not forthcoming. And this is the pattern throughout the process of trying to examine this nomination of Mr. Estrada.

Both to this area and in answers to questions concerning specific decisions of the courts or legal principles, I think the Senate has the right and duty to demand more openness and responsiveness from someone whose public record is so thin and who has been nominated for such an important judicial position.

Let me be clear, I very much want to be fair about something such as this. I probably would vote to confirm Miguel Estrada to a Federal district court judgeship. He has a distinguished academic and employment record. But for this crucial seat on this crucial court, we need to be confident that a nominee, if confirmed, will be fair, impartial, and not devoted to advancing an ideological agenda.

Based on the record before us, I do not have that confidence in Mr. Estrada. I must, therefore, reluctantly oppose his nomination.

I yield the floor.

LEGISLATIVE SESSION

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 4, 2000, in Grant Town, WV. Arthur "J.R." Carl Warren, Jr., 26, an openly gay African-American man, was brutally murdered. The two 17-year-old boys who killed Warren beat him and repeatedly kicked him with steel-toed boots. They threw him in a car and drove across town where they beat him further and drove back and forth over his body, ultimately killing him. The attackers were known to describe Warren using racial epithets and antigay slurs.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRADE ADJUSTMENT ASSISTANCE LEGISLATION FOR FARMERS

Mr. CONRAD. Mr. President, I want to take a few minutes today to express my concern about yet another implementation foulup at the Department of Agriculture. Over the past several months, many colleagues and I have been extremely disappointed to find that USDA has deliberately ignored congressional intent in implementing the farm bill. Today, I want to point out to my colleagues that this pattern is not limited to the farm bill.

Six months ago, we enacted comprehensive trade legislation that gave the President trade promotion authority. In return for this authority, the President embraced an expansion of the Trade Adjustment Assistance program to help those who suffer ill effects as a result of trade agreements. I was extremely pleased that this expansion of Trade Adjustment Assistance included legislation I authorized to make the TAA program work for farmers.

When a trade agreement causes manufactured imports to increase, and plants close and workers lose their jobs, the workers are eligible for cash benefits and retraining under TAA so that they can adjust to this dislocation and find new work. But when a trade agreement or change in our trade policy results in a flood of agricultural imports that collapse prices and cost farmers tens of thousands of dollars in the lost income, farmers could not qualify for assistance because the program requires that you lose your job. Farmers don't lose their jobs. They still bring in the harvest. But when prices collapse, they can end up losing a lot more than income than the manufacturing worker who does lose a job. That is unfair, and it is wrong.

My TAA for Farmers legislation would fix it to make sure farmers can receive assistance when trade causes their prices and incomes to collapse. The law we passed last year directed USDA to get this program up and running by February 3—this past Monday. But just a few days ago, without any prior warning, USDA informed me that Secretary Veneman and her top deputies had ignored the law. They never bothered to direct anyone to write the rules to implement TAA for Farmers. USDA is only now getting started on this project, and it will take at least 6 months before the rules are in place. That means farmers who were hurt by trade last year will not be able to get the assistance to which they are entitled under the law. That is just not right.

Year in and year out, agriculture is one of the few bright spots in our international trade picture. At a time when we are running $400 billion annual trade deficits, agriculture is one of the few sectors to show a trade surplus. Yet too often in trade negotiations our agricultural interests have been traded away to get agreement in other areas. And the results can be devastating.

For example, in North Dakota we have had a bitter experience with the Canadian Free Trade Agreement. As a result of defects in that agreement, North Dakota wheat and barley growers have been subjected to a flood of unfairly traded Canadian imports, costing our farmers hundreds of millions of dollars in lower prices and lost sales. Not surprisingly, support for trade expansion out in farm country, where it ought to be stronger than anywhere else, has slipped dramatically. My TAA for Farmers legislation is designed to create a safety net to help farmers in this circumstance. My hope is that this legislation will also help rebuild support for trade agreements than can increase our agricultural imports.

But that certainly won't happen if Secretary Veneman and the USDA ignore the law and fail to implement the program. So I want to put the Secretary on notice that, while I cannot say I am surprised that she has once again failed to come through for farmers, I am certainly disappointed. And I will be watching very closely to make sure that the timetable does not slip again and that the final rule is consistent with congressional intent.

BLACK HISTORY MONTH

Mr. KOHL. Mr. President, I rise today to commemorate the observance of Black History Month.

Dr. Carter Godwin Woodson launched "Negro History Week" in 1926 to counter widespread ignorance and distortion about the history of African Americans in the United States. In 1976, the week was expanded to a month and renamed "Black History Month." February was chosen because many key dates in black history occur in that month: the birthdays of Fredrick Douglass, W.E.B. Dubouis, Langston Hughes, and Abraham Lincoln; the founding of the NAACP; the swearing in of the first African American Senator, the Honorable Hiram Revels; and passage of the 15th amendment to the Constitution proclaiming the right of U.S. citizens to vote regardless of race, color, or previous condition of servitude.

African-Americans are responsible for rich contributions to the State of Wisconsin as well as the entire Nation. I would like to encourage all Wisconsin residents to honor Black History Month by utilizing local resources such as America's Black Holocaust Museum in Milwaukee, the Wisconsin Black Historical Society, and the Milwaukee Art Museum. In addition, numerous sites around the State commemorate Underground Railroad activity in Wisconsin including the Milton House Museum. These sites, as well as your local library, are wonderful resources for learning more about the invaluable contributions of African-American teachers, writers, artists, healers, freedom fighters, farmers, businessmen and women, and families to the history of our Nation.

Many Wisconsin colleges and universities are celebrating African-American contributions and heritage this February as well. For example, the University of Wisconsin-Stevens Point is holding the annual Soul Food Dinner and Gospel Festival. The University of Wisconsin-Superior will be hosting a visit from author Bakari Kitwana, and the Association of Students of African Descent will sponsor performances of African American readings, poetry, and music. At the University of Wisconsin-Madison, the Wisconsin Black Student Union is sponsoring lectures and movie showings.

As stimulating as all this activity in February is, however, we should not relegate the study of black history to just this 1 month. February should be, and remain a starting point for a year long and life long exploration of the rich and varied contributions of our African-American communities.

ADDITIONAL STATEMENTS

RECOGNIZING DR. WILLIAM R. HARVEY

• Mr. ALLEN. Mr. President, today I recognize Dr. William R. Harvey as he celebrates his 25th year as the President of Hampton University.

A native of Brewton, AL, he is a graduate of Southern Normal High School and Talladega College. After graduating from Talladega College, Dr. Harvey served 3 years on active duty with the United States Army. During that time, he served in Europe and the United States. He is currently a lieutenant colonel in the Army Reserve. He earned his doctorate in college administration from Harvard University in 1972. Prior to assuming his current position, he served as administrative vice president at Tuskegee University; administrative assistant to the president of Fisk University; and as assistant for governmental affairs to the dean of the Graduate School of Education at Harvard University.

President of Hampton University since 1978, Dr. William R. Harvey has introduced innovations that have solidified Hampton University's stellar position among the Nation's colleges and universities. His innovative leadership is reflected in the growth and quality of the University's students, academic programs, physical facilities and financial base. During Dr. Harvey's tenure as President, the student enrollment at Hampton University has increased from approximately 2,700 students to over 6,000. Moreover, the SAT scores of entering freshmen have increased approximately 300 points. His commitment to expansion and innovation in academic programs has resulted in 45 new academic programs. These new programs, together with existing ones, have placed and kept Hampton on the cutting edge of higher education.

Dr. Harvey has long been active on the national scene as a result of his appointments to national boards by four United States presidents. He has served on the President's National Advisory Council on Elementary and Secondary Education, the Defense Advisory Committee on Women in the Service, the Fund for the Improvement of Postsecondary Education, the Commission on Presidential Scholars, the President's Advisory Board on Historically Black Colleges, and the U.S. Department of Commerce Minority Economic Development Advisory Board. Currently, Dr. Harvey serves as a board member of the First Union National Bank (Mid-Atlantic Division—South Carolina, North Carolina, Tennessee, Virginia, Washington, D.C., and Maryland); Newport News Shipbuilding, Inc., and Trigon Blue Cross Blue Shield of Virginia.

His achievements have been recognized through inclusion in Personalities of the South, Who's Who in the South and Southwest, Who's Who in Black America, Who's Who in American Education, International Who's Who of Intellectuals, Two Thousand Notable Americans, Who's Who in Business and Finance, and Who's Who in America.

I congratulate Dr. Harvey on his accomplishments and wish him continued success.●

THE ULTIMATE CHALLENGE

● Mr. DOMENICI. Mr. President, I rise today in recognition of Grants, NM, and the 20th Annual Mount Taylor Winter Quadrathlon. "The Ultimate Challenge" is a great program that encourages tourism and health in New Mexico.

I commend the people of Grants and Cibola County for their initiative to promote tourism in New Mexico through conducting the world-renowned Mount Taylor Winter Quadrathlon. "The Ultimate Challenge" is an innovative program which has adapted the traditional Triathlon to the varying terrain of Grants and the surrounding area. Instead of being a traditional Triathlon, which includes biking, running, and swimming, contestants have the opportunity to bike, run, ski and snow-shoe.

The Quadrathlon begins in Grants at 6,500 feet and continues all the way up Mount Taylor to an elevation of 11,301 feet, and concludes with a return trek to Grants. This multi-sport event allows those in the race to see the bountiful beauties of New Mexico, from our pristine deserts to our snow-covered mountains.

The race, which starts out with a 13-mile bike ride, begins in the desert; as the competition continues up Mount Taylor, the athletes are able to see 100 miles from horizon to horizon on a clear day and are given the opportunity to appreciate why New Mexico is indeed the Land of Enchantment.

I applaud Grants for being innovative in not only promoting tourism, but also by encouraging healthy lifestyles throughout their community and the world. The Quadrathlon, which solicits participants from New Mexico and across the globe, has improved the lives of many New Mexicans by giving them healthy goals for which to strive.

Grants has fostered a world renowned event by promoting the Quadrathlon for the past 20 years. I am proud to recognize Grants and the surrounding community for continually supporting such a beneficial event. On behalf of the Senate and the State of New Mexico, I thank these special New Mexicans for making a difference in our lives.●

RECOGNIZING LARRY LAYMAN

● Mr. ALLEN. Mr. President, today I recognize Larry Layman, a Halifax area forester, who retired on January 1, 2003, ending a 30-year career of service to the Virginia Department of Forestry.

Larry Layman graduated from Virginia Tech with a Forestry and Wildlife degree in 1973 and began his career with the Virginia Department of Forestry as a forester in the Farmville Regional Office. On August 1, 1974, he was promoted to Halifax County Area Forester.

Mr. Layman has spent countless hours providing forest management advice, supervising planting crews, suppressing forest fires, working with crews in the application of herbicides and marking pine stands to be thinned. His ability to communicate proper forest resource management practices to forest landowners has resulted in greatly improved forest resources in the county.

I congratulate Mr. Layman on his years of dedicated service to the people of Halifax County and the Commonwealth of Virginia and wish him well in his retirement.●

RECOGNIZING THE GAZETTE-VIRGINIAN

● Mr. ALLEN. Mr. President, today I recognize the Gazette-Virginian newspaper in South Boston, Virginia, as it celebrates its 100th birthday.

The Gazette-Virginian is Virginia's ninth largest nondaily newspaper. Its predecessor, the South Boston Times, began publication over 114 years ago as a weekly newspaper serving the South Boston area of Virginia. In 1903, the name was changed to the Halifax-Gazette. Since that time, the paper has continued to grow to meet the needs of the area.

Acquired by the Shelton Family partially in 1946 and then wholly in 1958, the paper has flourished under their leadership. O. Lynn Shelton served as editor of the paper and was succeeded in this position by his son, Keith Shelton.

In 1963, the Halifax-Gazette became the Gazette-Virginian and began publication twice weekly. In 1998, the Gazette-Virginian went on-line, offering its readers a new avenue of communication. Today, the Gazette-Virginian employs 21 dedicated, full-time employees and boasts a circulation of 11,500, making it the most subscribed to paper in Halifax County.

I congratulate the Gazette-Virginian on its success and wish it many prosperous years of outstanding news coverage to come.●

CELEBRATING BAILEY'S U.S. POST OFFICE'S CENTENNIAL

● Mr. LOTT. Mr. President, I take this opportunity to recognize the U.S. Post Office in Bailey, MS, as it celebrates its 100th year of existence. The Bailey Post Office began its service in December of the year 1902, when John A. Bailey was appointed as the first local postmaster by Henry C. Payne, the Postmaster General of the United States. The Bailey Post Office was opened in the already existing structure of the Bailey Grocery and has been serving the Bailey community ever since.

Since its inception in 1902, the Bailey Post Office has reliably served the people of the city of Bailey and the surrounding area and currently has two mail routes that cover 700 families in the Bailey community. Such longevity can be attributed to the character and work ethic that Bailey Post Office employees have exhibited over the years, but more than that, it is a tribute to the small town values present in a place such as Bailey. The fact that Leon Bailey, the grandson of the first ever Postmaster General in Bailey, still lives in Bailey speaks volumes about the tightly knit community the people of Bailey enjoy. During the recent centennial celebration, more than 300 members of the community gathered to commemorate the occasion.

Such a sense of community is rare in today's world, and as such it should be commended. That is why I felt the need to pay tribute to the current and past workers of the Bailey Post Office as well as the current and past members of the community.●

ECONOMIC REPORT OF THE PRESIDENT DATED FEBRUARY 2003 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2003—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

ECONOMIC REPORT OF THE PRESIDENT

To the Congress of the United States:

The economy is recovering from the effects of the slowdown that began in the middle of 2000 and led to the subsequent recession. The American economy has been hit hard by the events of the past three years, most tragically by the effects of the terrorist attacks of September 11, 2001. Our economy and investor confidence were hurt when we learned that some corporate leaders were not playing by the rules. The combined impact of these events, along with the three-year decline in stock values that impacted business investment, slowed growth in 2002. Despite these challenges, the economy's underlying fundamentals remain solid—including low inflation, low interest rates, and strong productivity gains. Yet the pace of the expansion has not been satisfactory; there are still too many Americans looking for jobs. We will not be satisfied until every part of our economy is vigorous and every person who wants a job can find one.

We are taking action to restore the robust growth that creates jobs. In January, I proposed a growth and jobs plan to add needed momentum to our economic recovery. We will accelerate the tax relief already approved by Congress and give it to Americans now, when it is most needed. Lowering tax rates and moving more Americans into the lowest tax bracket will help our economy grow and create jobs. Faster marriage tax relief and a faster increase in the child tax credit will especially help middle-class families, and should take effect now. We will take steps to encourage small business investment, helping them to expand and create jobs. We will end the unfair double taxation of corporate income received by individuals. By putting more money back in the hands of shareholders, strengthening investor confidence in the market, and encouraging more investment, we will have more growth and job creation. These steps will allow Americans to keep more of their own money to spend, save, or invest. They will boost the economy, ensure that the recovery continues, and provide long-term economic benefits through higher productivity and higher incomes.

As our economy recovers, we also have an obligation to help Americans who have lost their jobs. That is why we extended the unemployment payments for workers who lost their jobs and improved incentives for investment to create new jobs. I also proposed a bold new program of reemployment accounts to help workers searching for jobs.

Our commitment to a strong economy does not stop with these important steps. We will continue to strengthen investor confidence in the integrity of our markets. We will develop better ways to train workers for new jobs. We will make the Nation's regulations and tax code less onerous and more reflective of the demands of a dynamic economy, and expand opportunities for open trade and stronger growth in all nations, especially for emerging and developing economies.

Our Nation's economic progress comes from the innovation and hard work of Americans in a free market that creates opportunities no other system can offer. Government does not create wealth, but instead creates the economic environment in which risk takers and entrepreneurs create jobs. with the right policies focused on growth and jobs, strong economic fundamentals—and hard work—I am confident we will extend economic opportunity and prosperity to every corner of America.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 2003.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1020. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification regarding the proposed transfer of major defense equipment valued at 14,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–1021. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure in Management's Discussion and Analysis about Off-Balance Sheet Arrangements and Aggregate Contractual Obligations (3235–AI70)" received on January, 29, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1022. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Proxy Voting By Investment Advisers (3235–AI65)" received on February, 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1023. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Proxy Voting Policies and Proxy Voting Records by Registered Management Investment (RIN3235–AI64)" received on January, 29, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1024. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Alabama Update to Materials Incorporated by Reference (FRL 7444–7)" received on January 31, 2003; to the Committee on Environment and Public Works.

EC–1025. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and Montery Bay Unified Air Pollution Control District (FRL 7441–5)" received on January 31, 2003; to the Committee on Environment and Public Works.

EC–1026. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay and/or Defer Sanctions, Imperial County Air Pollution Control District (FRL 7441–7)" received on January 31, 2003; to the Committee on Environment and Public Works.

EC–1027. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois (FRL 7444–4)" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–1028. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: State of Colorado (FRL 7443–8)" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–1029. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Alabama (FRL 7444–9)" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–1030. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans For Designated Facilities and Pollutants: New Hampshire; Plan for Controlling MWC Emissions From Existing Municipal Waste Combustors (FRL 7447–7)" received on January 31, 2003; to the Committee on Environment and Public Works.

EC–1031. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland: Amendments to Volatile Organic Compound Requirements from Specific Processes (FRL 7437–7)" received on January 31, 2003; to the Committee on Environment and Public Works.

EC–1032. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Assessing and Monitoring Floatable Debris" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–1033. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "National Recommended Water Quality Criteria; 2002" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–1034. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Office of Water Quality Trading Policy" received on January 27, 2003; to the Committee on Environment and Public Works.

EC–1035. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report relative to transactions involving U.S. Exports to Pakistan; to the Committee on Banking, Housing, and Urban Affairs.

EC–1036. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Sierra Leone and Liberia to extend beyond January 18, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1037. A communication from the President of the United States, transmitting, pursuant to law, the 6-month periodic report on the National Emergency with respect to Sierra Leone and Liberia that was declared in Executive Order 13194 of January 18, 2001 and expanded in scope in Executive Order 13213 of May 22, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1038. A communication from the Military Health System, Department of Defense, transmitting, pursuant to law, the report relative to evaluation of the feasibility and practicability of using telecommunications to provide health care services and pharmacy services; to the Committee on Armed Services.

EC–1039. A communication from the Secretary of the Army, transmitting, pursuant to law, the report relative to a cost breach for both the Program Acquisition Unit Cost (PAUC) and Average Procurement Unit Cost (APUC) thresholds for the Comanche Program; to the Committee on Armed Services.

EC–1040. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Additions to Quarantined Area (Doc. No. 02–117–3)" received on January 29, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1041. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "AQI User Fees: Extension of Current Fees Beyond Fiscal Year 2002 (Doc. No. 02–085–2)" received on January 29, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1042. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Addition of Regulated Area (Doc. No. 02–121–2)" received on January 29, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1043. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polycholrinated Biphenyls; Manufacturing (Import) Exemptions (FRL 7288–6)" received on January 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1044. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "6-Benzylandenine; Temporary Exemption From the Requirement of a Tolerance (FRL 7287–2)" received on January 31, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1045. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiophanate Methy; Pesticide Tolerance for Emergency Exemption (FRL 7285–9)" received on January 31, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1046. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Pesticide Tolerance (FRL 7289–7)" received on January 31, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1047. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act, 2002 Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1048. A communication from the Administrator, Food Safety and Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Termination of Designation of the State of Missouri With Respect to the Inspection of Meat and Meat Food Products and Poultry and Poultry Food Products (Doc. No. 00–052F)" received on January 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1049. A communication from the Acting Director of Human Resource Management, Department of Energy, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of Energy, received on January 10, 2003; to the Committee on Energy and Natural Resources.

EC–1050. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Accounting and Reporting of Financial Instruments, Comprehensive Income, Derivatives and Hedging Activities Final Rule" received on January 28, 2003; to the Committee on Energy and Natural Resources.

EC–1051. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual update of list of areas in which the IRS will not issue ruling (Rev. Proc. 2003–3)" received on January 28, 2003; to the Committee on Finance.

EC–1052. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxpayer Identification Number (RIN 1545–BB88)" received on January 31, 2003; to the Committee on Finance.

EC–1053. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding the Definition of Foreign Personal Holding Company Income (RIN1545–BA33)" received on January 31, 2003; to the Committee on Finance

EC–1054. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting and Backup Withholding for Payment Card Transactions (1545–BA17)" received on January 31, 2003; to the Committee on Finance.

EC–1055. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Necessary to Facilitate Electronics Tax Administration (1545–AY56)" received on January 31, 2003; to the Committee on Finance.

EC–1056. A communication from the Director, Regulations and Forms Services, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda (1115–AG68) (INS no. 2202–02)" received on February 4, 2002; to the Committee on the Judiciary.

EC–1057. A communication from the Director, Regulations and Forms Services, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Immigration Benefit Fees (1115–AG96) (INS no. 2257–03)" received on January 27, 2003; to the Committee on the Judiciary.

EC–1058. A communication from the Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Establishment of Minimum Safety and Security Standards for Private Companies that Transport Violent Prisoners (1105–AA77)" received on January 27, 2003; to the Committee on the Judiciary.

EC–1059. A communication from the Chair, United States Sentencing Commission, transmitting, pursuant to law, the report entitled "Increased Penalties Under The Sarbanes-Oxley Act of 2002"; to the Committee on the Judiciary.

EC–1060. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rule Relating to Civil Penalties Under ERISA Section 502(c)(7) and Conforming Technical Changes On Civil Penalties Under ERISA Sections 502(c)(2), 502(c)(5), and 502(c)(6) (1210–AA91)(1210–AA93)" received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1061. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of the annual audit and report of the Activities of the American Red Cross; to the Committee on Health, Education, Labor, and Pensions.

EC–1062. A communication from the Congressional Liaison Officer, Trade and Development Agency, transmitting, pursuant to law, the report relative to the Trade and Development Agency funding obligation regarding the Federal Air Traffic Control Authority (FATCA) Project Management Technical Assistance in Serbia; to the Committee on Appropriations.

EC–1063. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation, case number 99-09B, totaling $82,617, occurred in fiscal year 1996 for the Family Housing, Navy appropriation; to the Committee on Appropriations.

EC–1064. A communication from the Administrator, NASA, transmitting, pursuant to law, the fiscal year 2002 Annual Report of the Centennial of Flight Commission; to the Committee on Commerce, Science, and Transportation.

EC–1065. A communication from the Secretary of the Commission, Bureau of Economics, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Adjustment of Ceiling on Allowable Charge for Certain Disclosures under the Fair Credit Reporting Act Section 612(a)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1066. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications; Pacific Sardine Fishery (0648–AP88)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1067. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to the notification of two critical military skills identified for the purpose of authorizing a retention bonus; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself, Mr. HATCH, Mr. BAUCUS, Mr. BOND, Mr. BURNS, Ms. COLLINS, Mr. HARKIN, Mr. KOHL, Ms. LANDRIEU, Mrs. LINCOLN, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SMITH, Mr. JEFFORDS, Mr. MILLER, and Ms. STABENOW):

S. 333. A bill to promote elder justice, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 334. A bill to amend title 38, United States Code, to provide eligibility for astronauts for Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 335. A bill to expand the calling time restrictions on telemarketing telephone calls to include the period from 5:30 p.m. to 7:30 p.m., and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 336. A bill to amend title 10, United States Code, to expand reimbursement for travel expenses of covered beneficiaries for specialty care in order to cover specialized dental care; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 337. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Solid Waste Disposal Act to prohibit the use of arsenic-treated lumber as mulch, compost, or a soil amendment, and to prohibit the manufacture of arsenic-treated wood for use as playground equipment for children, fences, walkways, or decks or for other residential or occupational purposes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 338. A bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 6, a bill to enhance homeland security and for other purposes.

S. 16

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 56

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 56, a bill to restore health care coverage to retired members of the uniformed services.

S. 92

At the request of Mrs. LINCOLN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 92, a bill to accelerate and make permanent the child tax credit.

S. 141

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 141, a bill to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

S. 150

At the request of Mr. ALLEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 156

At the request of Mr. VOINOVICH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 156, a bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions.

S. 173

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 173, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 173

At the request of Mr. REED, his name was added as a cosponsor of S. 173, supra.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Missouri (Mr. TALENT) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 219

At the request of Mr. CRAIG, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 219, a bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price.

S. 238

At the request of Mr. REED, the names of the Senator from Nevada (Mr. REID), the Senator from Delaware (Mr. CARPER), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 245

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 250

At the request of Mr. DURBIN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Mr. LEVIN), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 250, a bill to address the international HIV/AIDS pandemic.

S. 252

At the request of Mr. THOMAS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 252, a bill to amend the Internal Revenue Code of 1986 to provide special rules relating to the replacement of livestock sold on account of weather-related conditions.

S. 262

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 262, a bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes.

S. 272

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 272, a bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes.

S. 285

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 285, a bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 289

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 289, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 300

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 314

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 314, a bill to make improvements in the Foundation for the National Institutes of Health.

S. 318

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 318, a bill to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought.

S. 332

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 332, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S.J. RES. 3

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S.J. Res. 3, a joint resolution expressing the sense of Congress with respect to human rights in Central Asia.

S. RES. 44

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 44, a resolution designating the week beginning February 2, 2003, as "National School Counseling Week".

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as "Financial Literacy for Youth Month".

S. RES. 49

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 49, a resolution designating February 11, 2003, as "National Inventors' Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, Mr. HATCH, Mr. BAUCUS, Mr. BOND, Mr. BURNS, Ms. COLLINS, Mr. HARKIN, Mr. KOHL, Ms. LANDRIEU, Mrs. LINCOLN, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SMITH, Mr. JEFFORDS, Mr. MILLER, and Ms. STABENOW):

S. 333. A bill to promote elder justice, and for other purposes; to the Committee on Finance.

Mr. BREAUX. Mr. President, I rise to introduce S. 333, the Elder Justice Act. Despite the rapid aging of America, few pressing social issues have been as systematically ignored as elder abuse, neglect, and exploitation.

This abuse of our seniors takes many forms. It can be physical, sexual, psychological, or financial. The perpetrator may be a stranger, an acquaintance, a paid caregiver, a corporation and, far too often, a spouse or another family member. Elder abuse happens everywhere—in poor, middle-class and upper income households; in cities, suburbs, and rural areas. It knows no demographic or geographic boundaries.

The cost of such abuse and neglect is high by any measure. The price of this abuse is paid in needless human suffering, inflated health care costs, depleted public resources, and the loss of one of our greatest national assets—the wisdom and experience of our elders.

With scientific advances and the graying of millions of baby boomers, this year the number of elderly on the planet passed the number of children for the first time. Although we have made great strides in promoting independence, productivity, and quality of life, old age still brings inadequate health care, isolation, impoverishment, abuse, and neglect for far too many Americans.

Studies conclude that elder abuse, neglect, and exploitation are widely under reported and these abuses significantly shorten the lives of older victims. A single episode of mistreatment can tip over an otherwise independent, productive life, triggering a downward spiral that can result in depression, serious illness, and even death.

Too many of our frailest citizens suffer needlessly and cannot simply move away from the abuse. Frequently, they cannot express their wishes or suffering. And, even if they can, often they do not, fearing retaliation.

Congress has passed comprehensive bills to address the ugly truth of two other types of abuse—child abuse and crimes against women. These bills placed these two issues into the national consciousness and addressed the issues at a national level.

The law created new Federal infrastructure and funding—focusing resources, creating accountability, and changing how we think about and treat abuse of women and children. And most jurisdictions now have established coordinated social service-public heath-law enforcement approaches to confront these abuses.

But despite dozens of congressional hearings over the past two decades on the devastating effects of elder abuse, neglect and exploitation, interest in the subject has waxed and waned, and, to date, no Federal law has been enacted to address this issue in a comprehensive manner. In these hearings, elder abuse was called a "disgrace" and a "burgeoning national scandal." Indeed, we found no single Federal employee working full time on elder abuse in the entire Federal Government.

The time has come for Congress to provide seniors a set of fundamental protections. That is why, along with Senators HATCH, BAUCUS, COLLINS, SMITH of Oregon, LINCOLN, BOND, NELSON of Florida, BURNS, ROCKEFELLER, SANTORUM, LANDRIEU, JEFFORDS, HARKIN, MILLER, STABENOW, and KOHL, I am introducing a bill, the Elder Justice Act, the first comprehensive Federal effort to address elder abuse in the United States.

Our bill will elevate elder abuse, neglect, and exploitation to the national stage in a lasting way. We want to ensure Federal leadership to provide resources for services, prevention, and enforcement efforts to those on the front lines.

A crime is a crime whoever the victim and wherever it occurs. Crimes against seniors must be elevated to the level of child abuse and crimes against women.

It is clear in confronting child abuse and violence against women that the best methods of prevention is two-pronged—through both law enforcement and social services. With offices in the Departments of Health and Human Services and Justice, this legislation ensures a combined public health-law enforcement coordination at all levels. In addition, because elder abuse and neglect have been virtually absent from the national research agenda, this bill establishes research centers of excellence, and funds research projects to fuel future legislation.

These measures lay the foundation to address, in a meaningful and lasting way, a devastating and growing problem that has been invisible for far too long. We can no longer neglect these difficult issues afflicting frail and elderly victims.

This effort takes numerous steps to prevent and treat elder abuse:

It improves prevention and intervention by funding projects to make older Americans safer in their homes, facilities, and neighborhoods, to enhance long-term care staffing and to stop financial fraud before the money goes out the door.

It enhances detection by creating forensic centers and developing expertise to enhance detection of the problem.

It bolsters treatment by funding efforts to find better ways to mitigate the devastating consequences of elder mistreatment.

It increases collaboration by requiring ongoing coordination at the federal level, among Federal, State, local and private entities, law enforcement, long-term care facilities, consumer advocates and families.

It aids prosecution by assisting law enforcement and prosecutors to ensure that those who abuse our Nation's frail elderly will be held accountable, wherever the crime occurs and whoever the victim.

It helps consumers by creating a resource center for family caregivers and those trying to make decisions about different types of long-term care providers.

The importance of defending our right to live free of suffering from abuse and neglect does not diminish with age. If we can unlock the mysteries of science to live longer, what do we gain if we fail to ensure Americans live longer with dignity?

More and more of us will enjoy longer life in relative health, but with this gift comes the responsibility to prevent the needless suffering too often borne by our frailest citizens.

I appreciate the work of my fellow members and a wide array of groups on behalf of elder justice and look forward to continued support from both sides of the aisle and in both houses to make elder justice a reality for those Americans who need it most.

By Ms. LANDRIEU:

S. 334. A bill to amend title 38, United States Code, to provide eligibility for astronauts for Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

Ms. LANDRIEU. Mr. President, our Nation continues to mourn the terrible tragedy that we all experienced on Saturday with the explosion of the Space Shuttle *Columbia*. The loss of these seven brave men and women proved that space flight is still dangerous. Unfortunately, I come to the floor today to call my colleagues' attention to another tragedy, one which Congress can and should correct.

After the 1986 *Challenger* explosion, a terrible oversight on the part of our government came to light. We learned that NASA astronauts, with the exception of those in the military, often cannot get life insurance. Their jobs are too high-risk for them to be able to easily obtain private insurance. And, up until now, the government has not provided any type of safety net for these men and women, who risk their lives every day to advance our Nation's space program.

Fortunately, a private fund, the Space Shuttle Children's Trust Fund, was formed to fill this breach. The fund paid an estimated $1.2 million to the families of the astronauts killed in the *Challenger* explosion. I would like to take a moment to commend Mr. Delbert Smith, a Washington, DC attorney and chairman of the fund, as well as all of the other men and women who stepped forward to help the families of these national heroes. It is selfless individuals like Mr. Smith and his colleagues that make America the greatest nation in the world.

Despite the sacrifice of these individuals, the fact is that the government should have taken care of the families of these astronauts. Just as we take care of our veterans, we should ensure that our astronauts do not have to worry about the financial survival of their families if the unthinkable happens. And while there will always be a place for organizations like the Space Shuttle Children's Trust Fund, Congress has a responsibility to take care of the brave men and women in our human space flight program.

Unfortunately, it pains me to say that this is one lesson we did not learn from the *Challenger* disaster. After the *Columbia* explosion, I was shocked to learn that there is still no provision for the Federal Government to ensure that the families of astronauts are taken care of in these tragic circumstances.

We all pray that we will never have to suffer through another tragedy like the *Challenger* and *Columbia* explosions. But it is the responsibility of Congress to ensure that we are prepared in case it does happen again. Therefore, today I am introducing a bill that would allow astronauts to participate in the Servicemember's Group Life Insurance program. As my colleagues know, this is the insurance program that is set up for our men and women in the military. With relatively low payments, service members are eligible to up to $250,000 in life insurance. I believe that astronauts should also be eligible for this program, and that is why I am proposing this legislation.

In closing, something like this should have been done in 1986, following the *Challenger* disaster. Unfortunately, 17 years later, Congress still has not acted to fix this problem. I say to my colleagues, we must not let even one more astronaut put his or her life at risk until we have ensured that the government will be there to provide for their children and their families. I hope my colleagues will join me in supporting this measure, and I hope we can get it approved quickly. I thank the chair.

By Mr. DOMENICI:

S. 336. A bill to amend title 10, United States Code, to expand reimbursement for travel expenses of covered beneficiaries for specialty care in order to cover specialized dental care; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to offer legislation entitled the "Military Family Access to Dental Care Act." This legislation, while limited in its scope, will have a profound effect on the lives of our military service members and their families particularly those serving our country at remote rural bases.

Current law provides reimbursement for military dependents who, when referred, must travel at least one-hundred miles to receive specialty health care. However, specialty dental care has not been interpreted within the scope of this provision. In a rural State like New Mexico, this exclusion has a real impact on quality of life.

For example, a military dependent stationed at Cannon Air Force Base in eastern New Mexico is not able to receive periodontic or orthodontic care in nearby Clovis these specialties are simply not available. Instead, to receive such care, that dependent would have to travel 225 miles to Albuquerque, 110 miles to Lubbock, Tx, or 104 miles to Amarillo often two or three times to alleviate a special dental problem. The cost of traveling these long distances can eat away at a military family's income and degrade their quality of life.

The legislation I propose expands the scope of existing law to ensure that travel of at least one-hundred miles for referred specialty dental care is reimbursable. It is my firm belief that this small but practical bill can improve the lives of many military families, especially those assigned to bases in the West. What is more, it sends a signal to our military personnel and their families that we recognize the sacrifices they make for us and want to respond by addressing their needs whenever we can. I hope that my colleagues will join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT OF COVERED BENEFICIARIES FOR CERTAIN TRAVEL EXPENSES RELATING TO SPECIALIZED DENTAL CARE.

Section 1074i of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "In any case"; and

(2) by adding at the end the following new subsection:

"(b) SPECIALTY CARE PROVIDERS.—For purposes of subsection (a), the term 'specialty care provider' includes a dental specialist (including an oral surgeon, orthodontist, prosthodontist, periodontist, endodontist, or pediatric dentist).".

By Mr. NELSON of Florida:

S. 337. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Solid Waste Disposal Act to prohibit the use of arsenic-treated lumber as mulch, compost, or a soil amendment, and to prohibit the manufacture of arsenic-treated wood for use as playground equipment for children, fences, walkways, or decks or for other residential or occupational purposes, and for other purposes; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I rise today to discuss an issue I've fought long and hard on—the risk posed to children by arsenic-treated wood playground equipment.

There is now a government study which demonstrates the link between wood laced with an arsenic preservative called chromated copper arsenate or CCA and an increased risk of lung and bladder cancer.

Last Friday, the scientists at the Consumer Product Safety Commission issued a report that concluded that 2 to 100 children out of 1 million will get bladder and lung cancer from their exposure to arsenic-treated wood playground equipment.

This is disturbing.

Especially since CCA was used to preserve 98 percent of the wood produced for residential uses in the United States in 2001.

Since March of 2001, when media reports emerged about elevated levels of arsenic in playground soil and numerous playgrounds in the State of Florida closed as a result, I have been pushing the Environmental Protection Agency to complete its long-awaited study on the dangers posed by this arsenic preservative.

I am still waiting.

To spur action on this issue, in the last 2 years, I have filed legislation mandating warning labels on all arsenic-treated wood to inform consumers that the wood they were purchasing contained a carcinogen.

Further, my past legislation required the EPA to complete its study, begun long before the CPSC started its study, regarding the risks posed by arsenic-treated wood.

And, finally, I introduced legislation to ban the residential uses of arsenic-treated wood.

Meanwhile, EPA reached an agreement with the wood preserving industry to voluntarily phase out the manufacture of CCA-treated wood for residential purposes by December 31, 2003.

However, a year has passed since EPA reached that agreement and they still have not published a final rule in the Federal Register making the phaseout permanent, they still have not completed their own risk assessment of the dangers posed to children playing on CCA-treated equipment and a New York Times article in December 2002, reported that the administration may be reconsidering the phaseout.

For those reasons, today I again introduce legislation to ban the manufacture of arsenic-treated wood for residential uses, including use as a mulch, to set a date certain for completion of EPA's risk assessment and to require the EPA to conduct a public education program to inform the public about how they can decrease their risk of contracting cancer from CCA-treated wood.

The legislation also provides for the safe disposal of CCA-treated wood to prevent arsenic from contaminating our groundwater.

I urge my colleagues to support this legislation.

By Mr. LAUTENBERG:

S. 338. A bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Safe and Secure Skies Act of 2003, a bill that would protect the safety and security of the flying public by requiring that air traffic control remain a government function. This legislation is necessary because the Bush administration has taken several steps to privatize our Nation's air traffic control system.

On September 11 air traffic controllers across the Nation performed heroically, as they guided thousands of aircraft out of the sky. From the tower at Newark International Airport, air traffic controllers in my State could see the Twin Towers burning as they worked to return tens of thousands of Americans to the ground safely.

Like many public servants on that day, they are heroes. Along with police, firefighters, and other emergency personnel, these public employees gave 110 percent to secure the safety of the American people.

In the aftermath of these tragic events, the American people demanded one thing in particular of their government: they wanted government personnel—not private contract firms—to perform security screening of baggage at our Nation's airports. And Congress compiled with this request, as we turned the privatized baggage screening system over to Federal workers with the new Transportation Security Agency.

That is why it is so surprising to me that the administration is now taking steps to privatize the air traffic control system in this country. It makes little sense, especially after September 11. It is the opposite of what the public wants.

The safety and security of the American people should not be the responsibility of the lowest bidder. Rather, it is a core responsibility of government.

But the administration is moving rapidly in the opposite direction. Already we have seen the jobs of air traffic control specialists—those who repair, inspect, and maintain the air traffic control system—opened up to outsourcing. And the administration just completed a "feasibility study" of privatizing the jobs of flight service station controllers—the experts who provide critical weather, safety, and security alerts to pilots.

Next on the agenda for the administration are the air traffic controllers, who monitor and guide thousands of aircraft every day over the United States.

The administration has already proposed air traffic controller privatization in two of its annual budgets. In June 2002, President Bush issued an executive order stripping air traffic services of its "inherently governmental" status. And in December 2002, the administration issued a document designating air traffic control a "commercial" activity, opening the door to contracting out the jobs of air traffic controllers to the lowest bidder.

This change from "inherently governmental" to a "commercial" function is more than a technical change—"inherently governmental" functions can never be privatized, while "commercial" functions may be outsourced.

The administration is trying to accomplish its privatization plan under the public's radar screen through the Office of Management and Budget's A-76 process. We in Congress have the power to stop this process and the bill I am introducing today will reverse the administration's plan.

My Safe and Secure Skies Act will return air traffic control functions to "inherently governmental" status, thus barring any privatization action. I do want to note, however, that my legislation will not affect the existing FAA "Contract Tower" program, which involves some small, visual flight rules airports.

We currently have the best air traffic control system in the world. Over 15,000 dedicated Federal air traffic controllers guide more than 2 million passengers a day home safely. Maintaining and inspecting the system are over 11,000 air traffic specialists, and nearly 3,000 flight service station controllers provide critical information and alerts to pilots. They are expert professionals who perform under pressure every day to keep our skies safe.

I believe our air traffic controllers are almost a wing of the military, and they play a major role in homeland security. When President Bush gave the State of the Union speech last month, it was the flight service station air traffic controllers who sent alerts to avoid the expanded "no-fly" zone around Washington. And when the space shuttle *Columbia* tragically disintegrated in the skies over Texas, it was the air traffic controllers who directed aircraft away from the falling debris field.

These men and women perform a critical government function.

Some claim that privatization will save money. But when you look at other countries' experiments with air traffic control privatization, all you see are financial messes and safety hazards. Australia, Canada, and Great Britain all have privatized systems that are now in crisis. Costs have gone up and safety has gone down.

Since Great Britain adopted privatization, near misses have increased by 50 percent and delays have increased by 20 percent. The British Government has already had to bail out the privatized air traffic control company twice.

Privatization of the air traffic control system is bad fiscal policy, bad safety policy, bad homeland security policy, and the public doesn't want it.

I therefore ask my colleagues to support my Safe and Secure Skies Act, which will declare these critical air traffic control functions to be "inherently governmental", and therefore not eligible for outsourcing.

The safety of our skies should not be put in the hands of the lowest bidder.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. LUGAR submitted the following resolution: from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. Res. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004: and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2(a). The expenses of the committee for the period March 1, 2003, through September 30; 2003, under this resolution shall not exceed $2,933,624, of which amount (1) not to exceed $210,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $5,163,940, of which amount (1) not to exceed $210,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,201,453, of which amount (1) not to exceed $210,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

Sec. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 12, 2003, at 10:30 a.m. in Room 495 of the Russell Senate Office Building to conduct a Confirmation hearing on the President's nomination of Mr. Ross O. Swimmer to be Special Trustee for American Indians at the U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

NATIONAL INVENTORS' DAY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 10, S. Res. 49.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 49) designating February 11, 2003 as National Inventors' Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, I am pleased the Senate is passing S. Res. 49 that Senator Hatch and I introduced to recognize February 11, 2003, as National Inventors' Day.

More than 200 years ago, on July 30, 1790, Samuel Hopkins, a resident of Vermont, was granted the first United States patent. He had discovered a process for making potash, and was awarded his patent by President George Washington, Attorney General Edmund Randolph and Secretary of State Thomas Jefferson.

Samuel Hopkins is just one of the many resourceful and creative inventors from Vermont. The town of Brandon can boast Thomas Davenport, a self-educated blacksmith interested in electricity and magnetism. Through hands-on experiments with electromagnets, he built the first true electric motor in 1834. Initially, his patent request was denied because there was no prior patent on electric machinery. But he garnered the support of numerous professors and philosophers who examined his invention and endorsed his right to a patent on his novel device. In 1837, his determinism paid off, and he secured a patent.

John Deere was born in Rutland, VT and spent most of his early life in Middlebury. After moving out West, John Deere realized the cast-iron plows he and other settlers brought with them were not going to work in the Midwest soil. He studied the problem and developed the first successful steel plow using steel from a broken saw blade. This new steel plow became the key for successful farming in the West, and "John Deere" is still synonymous with farming equipment today.

Vermont continues to be a leader in inventing and obtaining patents. My State ranks fourth in the Nation for number of patents issued. IBM's Essex Junction Plant, which designs and makes computer technology for a wide range of products, received 411 patents from the U.S. Patent & Trademark Office in 2002. Vermont's plant also has 18 inventors who together have earned more than 600 patents. One of those inventors is Steve Voldman, the top patent winner. Over the past 10 years, he has received 110 patents. In 2002, he received 29. Many of his 2002 patents had to do with silicon germanium, a new technology that has produced the world's fastest chip.

Today's inventors are individuals in a shop, garage or home lab. They are teams of scientists working in our largest corporations or at our colleges and universities. In the spirit of independent inventors, small businesses, venture capitalists and larger corporations in Vermont and all over the United States, I would like to recognize February 11, 2003, as "National Inventors' Day."

Mr. ENZI. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with the preamble, reads as follows:

S. RES. 49

Whereas the American people and the world have benefited from the creations and discoveries of America's inventors; and

Whereas the patents that protect those creations and discoveries spur technological progress, improve the quality of life, stimulate the economy, and create jobs for Americans: Now, therefore, be it

Resolved, That the Senate—

(1) honors the important role played by inventors in promoting progress in the useful arts;

(2) recognizes the invaluable contribution of inventors to the welfare of the people of the United States;

(3) designates February 11, 2003, as "National Inventors' Day"; and

(4) requests the President to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

ORDERS FOR TUESDAY, FEBRUARY 11, 2003

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, February 11. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

I further ask unanimous consent that the Senate recess from the hour of 12:30 p.m. to 2:15 p.m. for the weekly party caucuses.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. For the information of all Senators, tomorrow the Senate will return to the consideration of the Estrada nomination to the DC Circuit Court. As stated earlier, we are attempting to reach an agreement that would allow us to lock in a final vote on the nomination. It is hoped that an agreement can be reached during tomorrow's session. Votes are possible during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under a previous order, the Senate stands adjourned until 9:30 a.m., Tuesday, February 11, 2003.

Thereupon, the Senate, at 6:45 p.m., adjourned until Tuesday, February 11, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 2003:

THE JUDICIARY

JOHN R. ADAMS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

S. JAMES OTERO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ROBERT A. JUNELL, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 11, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 12

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States; to be followed by a closed meeting to be held in SH-219.

SH-216

Commerce, Science, and Transportation

To hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine the recent space shuttle Columbia accident.

SR-325

Environment and Public Works

Business meeting to markup S. 195, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and an original resolution authorizing expenditures by the committee.

SD-406

Finance

To continue hearings to examine proposals for economic growth and job creation, focusing on incentives for consumption; to be followed by hearings to examine the nominations of Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court, Glen L. Bower, of Illinois, to be a Judge of the United States Tax Court, Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission, Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission, and Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

SD-215

Foreign Relations

To hold hearings to examine the reconstruction of Afghanistan.

SD-419

Judiciary

To hold hearings to examine judicial nominations.

SD-226

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider committee's rules of procedure for the 108th Congress, subcommittee assignments, S. 239, to amend the Public Health Services Act to add requirements regarding trauma care, proposed legislation entitled "Keeping Children and Families Safe Act of 2003", proposed legislation concerning NIH Foundation, proposed legislation concerning birth defects, and proposed legislation entitled "Animal Drug User Fee Act".

SD-430

Indian Affairs

To hold hearings to examine the nomination Ross O. Swimmer, to be Special Trustee—American Indians, Department of the Interior.

SR-485

2:30 p.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, and Fisheries Subcommittee

To hold hearings to examine Coast Guard transition to Homeland Security.

SR-253

FEBRUARY 13

9:30 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold oversight hearings to examine the Nuclear Regulatory Commission.

SD-406

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program.

SH-216

Commerce, Science, and Transportation

To hold hearings to examine United States Olympic Committee reforms.

SR-253

Judiciary

Business meeting to consider judicial nominations.

SD-226

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Forest Service of the Department of Agriculture.

SD-366

Finance

To hold hearings to examine Enron, focusing on the Joint Committee on Taxation's investigative report.

SD-215

2:30 p.m.

Budget

To resume hearings on the President's proposed budget for fiscal year 2004, focusing on the Department of Transportation.

SD-608

Commerce, Science, and Transportation

To hold hearings to examine infrastructure needs of minority serving institutions.

SR-253

Energy and Natural Resources

To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on oil supply and prices.

SH-216

FEBRUARY 14

9:30 a.m.

Governmental Affairs

To hold hearings to examine the President's proposal to create a terrorist threat integration center, including consolidating intelligence analysis.

SD-342

FEBRUARY 25

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program, to be immediately followed by a closed hearing in SH-219.

SD-106

Foreign Relations

To hold hearings to examine world food aid.

SH-216

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of Energy.

SD-366

Health, Education, Labor, and Pensions

To hold hearings to examine terrorism, focusing on state and local response.

SD-430

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Disabled American Veterans.

SH-216

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on gas supply and prices.

SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FEBRUARY 26

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

FEBRUARY 27

9:30 a.m.
Foreign Relations
To hold hearings to examine proposed legislation authorizing funds for the Department of State.
SD–419

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on energy production on federal lands.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine the Workforce Investment Act.
SD–340

MARCH 4

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on financial conditions of the electricity market.
SD–366

MARCH 6

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on energy use in the transportation sector.
SD–366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Veterans Association, and the Non-Commissioned Officers Association.
345 Cannon Building

MARCH 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on federal programs for energy efficiency and conservation.
SD–366

MARCH 12

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 13

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reserve Association, and the Air Force Sergeants Association.
345 Cannon Building

MARCH 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, the Military Officers Association of America, and the National Association of State Directors of Veterans' Affairs.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Tuesday, February 11, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 11, 2003.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

AUTHORIZE STAMP IN MEMORY OF BRAVE PEACEKEEPERS IN BEIRUT

Mr. JONES of North Carolina. Mr. Speaker, on October 23, 1983, the war on terrorism began when a truck filled with explosives detonated outside of the United States Marine Corps barracks in Beirut, Lebanon, killing 241 of our servicemen. Between 1982 and 1984, 270 soldiers, sailors, and Marines from 36 States lost their lives while serving as peacekeepers in Beirut.

Mr. Speaker, I have recently introduced H. Res. 45 that would express the sense of the House that a commemorative postage stamp should be issued in remembrance of the victims of the Beirut peacekeeping mission. I am certainly not the first to pursue this effort to have the Postal Service authorize a stamp in memory of our brave peacekeepers. For 19 long years, friends, families and comrades of the Beirut victims have lobbied tirelessly to see this dream become a reality. To date, however, these efforts have been unsuccessful.

Mr. Speaker, some of the astonishing reasons that have been given for not issuing the stamp include: We try to honor positive things. People want noncontroversial, pretty stamps; Beirut lacks significance in American history, and not enough people were killed.

Mr. Speaker, I share those comments because this is what I have been told has been said to those many people who for 19 years have been asking that this stamp be created. These explanations are scant justification for failing to recognize those who have given so much to our country. I can assure Members that they amount to little more than a slap in the face to our servicemen and their families.

I am not here today to begrudge stamp selections of the past, but fair is fair. If kittens, red squirrels, Daffy Duck, Chinese dragons, circus wagons, and communist artists are worthy of commemoration by the Postal Service, then so are our fallen heroes from Beirut.

October 3 of this year will mark the 20th anniversary of the Marine Corps barracks bombing in Beirut. The friends, family, and comrades left behind by the Beirut peacekeepers will gather once again to pay their respects. This would be the appropriate time for the Federal Government to show its appreciation. Honoring these servicemen with a stamp is one way for us to finally say thank you for sacrificing their lives so the rest of us can live in freedom.

A stamp in honor of the Beirut peacekeepers would not just serve to further mourn their loss, but to celebrate the peace and the American spirit that was embodied in the mission of these fallen heroes.

Mr. Speaker, in these uncertain times we call upon the brave men and women of the military to defend the ideals that this great Nation was founded upon. One of my constituents, Charles Hall of Jacksonville, North Carolina, was called upon 19½ years ago; and he served our country honorably in Beirut. He will be the first to tell Members that the war on terrorism began well before September 11.

Mr. Speaker, in April the Citizens Stamp Advisory Committee will convene in Washington to consider stamp proposals and make recommendations to the Postmaster General. On behalf of military families across the United States, I urge the committee to do what is right for those who made the ultimate sacrifice. I urge them to reconsider that a commemorative stamp be issued in remembrance of the Beirut peacekeepers.

Mr. Speaker, I would like to close in a certain way. I first ask God to please bless the men and women in uniform. I ask God to please bless the families of the men and women in uniform. I ask God to please bless the House and Senate that we might do what is right for the future of this Nation. And I ask God to please bless the President of the United States that he will lead this Nation and this world to a better and peaceful world.

Mr. Speaker, I close by asking three times, God please, God please, God please, continue to bless America.

FIGHTING DISEASES AROUND THE WORLD

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, yesterday 1,100 people in India died from tuberculosis. Last month in sub-Saharan Africa, 225,000 people died from AIDS. Last year, more than 1 million people died from malaria around the world.

The White House understands that AIDS, in tandem with tuberculosis, is literally the most devastating epidemic the world has seen since the bubonic plague of the 14th century. These diseases have killed millions. They have their sights set on millions more.

The President laid out the problem well: nearly 30 million people have the AIDS virus in Africa; yet only 50,000 of them are receiving the medicine they need. The great Black Plague of Europe killed 25 million people in the mid-1300s. Last year, there were an estimated 42 million people living with HIV-AIDS around the world. There is little question that HIV, unless we take unprecedented, dramatic action to both prevent further spread and treat all those who require treatment with antiretrovirals and other medicines, will take a much greater social, political and economic toll than even the black plague.

For the first time, the United States is devoting the necessary funding and joining the global fight against these three killers. The President has committed the funding, $10 billion in new money, to stem the growing tide of this epidemic; but we are not quite there.

The limited number of targeted countries under the President's initiative and the small contribution to the global fund to fight AIDS, TB and malaria,

$1 billion of the $10 billion, has stifled the applause that followed the President's announcement about how this administration would fight AIDS.

The President is aiming at only 14 countries, 12 in sub-Saharan Africa where the devastation is greatest, and two in our hemisphere, Haiti and Guyana. The White House plan excludes Mexico, Bangladesh, Pakistan, China, India, Russia and Brazil where half the world's people live. It excludes 15 of the 22 high-burden TB countries which account for 80 percent of the world's TB population. If the administration is committed to addressing AIDS, it must also be committed to TB, the biggest killer of people with AIDS. We cannot fight one without fighting the other.

Dr. Richard Feachem, executive director of the Global Fund, told me last week that a go-it-alone bilateral plan simply will not work. While economist and AIDS expert Jeffrey Sachs acknowledges the significance of the President's plan, he questioned the decision to limit support for the Global Fund. "What has not worked is each individual donor planting a separate flag," and trying to solve the problem alone, he said.

The Global Fund is a public-private partnership begun last year by U.N. General Secretary Kofi Annan, which draws contributions from governments, private corporations, faith-based organizations and foundations. The Global Fund already shows signs that it works. Government entities, in coordination with nongovernment organizations, submit 5-year plans. Each plan is unique to each country, not a one-size-fits-all design which traditional foreign aid programs have too often been.

The Global Fund recognizes cultural differences. What works in Christian Uruguay might not work in Moslem Bangladesh. No overriding, international political agenda is attached to the Global Fund's assistance. No litmus tests, only a judgment by the fund in collaboration with local citizens and health workers of what works best in each country.

The Global Fund demands quantifiable results. The money supports activities, including access to health care services and purchase of drugs. If a country or an NGO fails to show results within 2 years, the money is cut off. Although 60 percent of the Global Fund's money goes to HIV-AIDS, 20 percent goes to TB and another 20 percent roughly to fight malaria. Fighting these diseases together is a cost-effective approach. For example, the infrastructure created in the treatment of TB has been proven to help in the treatment of AIDS, malaria and other diseases. To cure TB, a patient takes medication every day for about 6 months given to him by a health care worker at a clinic or by a health care worker who has traveled to his home. Unlike a smallpox vaccine, regular interaction between health care workers and patients is necessary to cure TB.

If we fully commit to the Global Fund, that means a minimum of $500 million per year, 2 million patients will be treated for TB over the next 5 years, most of them for less than $100. Our investment in the Global Fund, rather than a unilateral U.S.-waged effort, will help leverage support from other countries.

Funneling U.S. dollars through U.S. programs alone will not do much to promote a united global front against this global killer. In a very short time, the Global Fund has shown it is capable of tremendous progress. In the first two rounds of grants, the fund has approved 160 proposals in 85 low-income countries.

With significant U.S. funding, the fund will continue to support countries committed to addressing the epidemics killing their people. Without U.S. leadership, it will be a fund in name only and AIDS, TB, and malaria will remain a virtual death sentence in the developing world.

CONGRATULATING UNIVERSITY OF FLORIDA

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I come to the floor to congratulate the University of Florida on its 150th year in operation and of course to wish them continued success. It is a great privilege to represent such a fine university. I am proud to say that the University of Florida ranks fourth in the Nation among public universities and 10th among all universities in the number of freshman National Merit Scholars in attendance.

Not only do I have the privilege of representing the university, but also the city in which the university was formed, which also happens to be very close to my hometown. In 1853, the University of Florida began as East Florida Seminary in Ocala, Florida. It was created in response to a State decision which allowed public funds to be used to support higher education. It later combined with Florida Agriculture College, St. Petersburg Normal and Industrial School, and South Florida Military College to become the University of the State of Florida, one of four State universities.

Having been formed before the Civil War, the University of Florida has been a profound player in both Florida and American history. In fact, in World War I, the university served as a base for 400 soldiers. These student soldiers were displaced to local boarding houses as sentries to guard the gates and dormitories on campus.

In the mid-1920s, the State of Florida and the university suffered financial difficulties, along with the rest of the country. The Mediterranean fruit fly crippled the State's citrus production, and the deadliest hurricane to ever hit Florida destroyed what was left of the State's economy. Then a year later, the Great Depression began for the collapse of the stock market. State funds for expansion were virtually nonexistent for nearly 20 years thereafter.

In the Second World War, more than 10,000 UF alumni served this country. William Corry and Hubert Schucht, former student body presidents, were among those killed.

☐ 1245

The University of Florida has a rich State and national history and it thrives today as one of the premier State universities in the United States. University of Florida students are among the most active in this Nation. With a 46,500-plus student enrollment and 2,000-acre campus, the campus is a lively and stimulating environment for all of its students.

Students at the university lead a rich social and academic life, which is evidenced by the fact that in a single year there are more than 600 student organizations operating on campus and more than 2,000 campus concerts, art exhibits, theatrical productions, guest lectures, sports concerts and other events in a year.

With an athletics program rivaled by few Division I-A schools, the University of Florida fields some of the most competitive teams in the country. UF scholar-athletes have dominated in every sporting arena, and it is evident from their dozens of national titles. I am proud of the University of Florida's athletic program and foresee continued success.

I also want to congratulate the University of Florida football team for an admirable season. Gator fans across the country should be excited for this program and their new coach, Ron Zook. Coach Zook has put together an outstanding staff, and I look forward to seeing them back on top of the SEC.

Academic institutions shoulder a great responsibility in the health and progress of local communities. They not only teach young people skills in order to succeed, but also intangible advantages like broad-mindedness and a sense of the world around them. Education is our best defense against hatred and poverty, which is why we must invest in institutions that have a proven record of success.

As any Member of this body would be, I am proud to represent one such institution. I congratulate the University of Florida and President Charles Young and wish the university long-lasting success. God bless.

CONGRATULATING MILWAUKIE, OREGON, ON ITS CENTENNIAL CELEBRATION

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, amidst all the international drama and trauma, it is sometimes easy to forget that the primary goal of government is to provide a partnership where our communities can be livable and where our families are safe, healthy and economically secure. My hometown of Portland, Oregon, has received international acclaim as one of America's most livable cities, but actually, Mr. Speaker, ours is a region of two dozen livable communities. Under Oregon's unique land use system, each community is encouraged to develop its own special identity.

One of the unique places that deserves special attention is the city of Milwaukie, Oregon, as it now celebrates its centennial this month, an example that thousands of small communities across the country could look to. Milwaukie's hard-working citizens are keenly interested in making the next 100 years something that is even better.

The community of Milwaukie has played a key role in the history of our State. The city was actually settled in 1840 and played a critical role in shipping up and down the Willamette River. The commerce from those docks served to link Willamette Valley's pioneers with goods from the Hudson's Bay Trading Company and beyond. Oregon's founder, Dr. John McLaughlin, often supervised commerce on those very docks when he visited from his nearby home. Today, Milwaukie is the second largest city in fast-growing Clackamas County. It serves the Portland region as a transportation hub, hosting the intersection of two State highways and two freight railroads. But it is how Milwaukie has approached the future that is intriguing to me.

In the latter part of the 1990s, this city looked at how they were going to join the region's light rail system. Some had serious questions about what it would do to their community and how it was going to be compatible with how they wanted to grow with the rest of the region. Instead of joining the region's light rail system at that point, they took time out to reflect how they should grow and relate to the surrounding communities. In the course of the next 5 years, the community carried out literally thousands of hours of community meetings. Some were informal. There were scores of neighborhood association meetings and workshops.

As a result of this searching and introspection, the community, its neighborhoods and elected leaders, including some who were the most skeptical of earlier plans, are now among the most active and aggressive advocates of rail coming to their town; and not only light rail, but they are also supporting an innovative commuter rail system serving Milwaukie, as well. They are looking at other ways to make their community livable.

Milwaukie, Oregon, like so many communities across the country, made decisions early in its career that cut off its waterfront from the community. It is inaccessible now because of a State highway that makes pedestrian and other access impossible. This beautiful and historic resource is now out of their reach, home only to a treatment plant. Milwaukie residents are now working to overcome this barrier to connect their historic waterfront and natural resource with the heart of their downtown.

Milwaukie, Oregon is an outstanding example of how a livable community grapples with issues of growth, transportation, development, its past and its future. It is a community that other cities can look to for inspiration, how people of strong and varying opinions sitting down and working through their issues together for the common good can make a city safer, healthier and more economically secure.

I, for one, am proud to represent the "City of Dogwoods" as it celebrates its centennial. Congratulations, Milwaukie, Oregon.

CONGRATULATING THE M. ENSEMBLE COMPANY FOR ITS UPCOMING "MEDAL OF HONOR THEATER PROJECT"

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 2 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor and congratulate the M. Ensemble Company for its upcoming "Medal of Honor Theater Project," which honors the life and service of the first black soldier ever awarded the Medal of Honor for his heroism during the Vietnam War.

I would like to especially thank fellow Miamians Patricia E. Williams and Shirley Richardson who are cofounders of the M. Ensemble Company for all of their leadership and dedication to this praiseworthy organization. For more than 30 years, the theater company has been providing training and career-building opportunities for the south Florida community. This recognition is especially fitting as our country celebrates the countless African American contributions to our rich history.

Please join me in congratulating the M. Ensemble Company and its Medal of Honor project for its tremendous tribute to the cause of arts and learning for all.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 52 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OTTER) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O powerful and ever-living God, the lasting health of all who believe in You, hear our prayer on this World Day for the Sick.

In accepting our sufferings and our human limitations, Lord, You teach us the virtue of patience. We offer our prayers for our sick brothers and sisters, especially those who are near and dear to the Members of Congress.

On this special day we give You thanks for all those in health care ministry on every continent. Continue to call forth men and women of science and faith who will serve the weakest members of society as professionals in research, in medicine, and in health care. Sustain them and guide them until that final moment when You bring Your people to glory in Your presence forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. FEENEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FEENEY of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HAPPY BIRTHDAY TO SUSAN B. ANTHONY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, this month we celebrate the birthday of a great woman in the history of the United States, Susan B. Anthony.

Susan B. Anthony is known not only for her fight to gain women the right to vote, but also for her great courage in the stand against abortion. She was a feminist who fought tirelessly to protect the dignity of motherhood, which she believed to be an inherent right of all women.

Susan B. Anthony saw abortion as a grave offense against human dignity. I am proud to honor Susan B. Anthony for her dedication to the cause of life, and I hope that my colleagues will join me in this.

HONORING KAVI VYAS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Kavi Vyas, a senior at Rancho Alamitos High School in Garden Grove, for his achievements in both athletics and in community service.

Kavi was named the male recipient of the Fall CIF Spirit of Sport Award. The male and female recipients of this prestigious award are selected out of 1,200 nominated California high school athletes. The CIF Spirit Awards are given to student athletes who have demonstrated sportsmanship and who are leaders in their communities.

In addition to excelling in athletics and in the community, he is also active in his school as president of the Junior Statesmen of America, former vice president of the National Honor Society, and is currently a member of the California Scholarship Federation.

I am very proud of Kavi. Accomplishing so much at such a young age is truly impressive, and I wish him continued success for the future.

CLONING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last year, we in the House of Representatives voted to ban all cloning of humans. Tinkering with human life the way some propose to do is unethical, immoral, and wrong. It would treat little human beings as commodities to be created, experimented on, used, and destroyed.

Of course, some people, like the Raelian cult, want to create clones and let them grow up. That too is wrong. There should be no cloning of humans at all.

Let me read what Ronald Reagan had to say about the sanctity of life: "Every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a Nation, we must choose between the sanctity of life ethic and the quality of life ethic."

Soon, Congress will be asked to choose between protecting some human lives and protecting all human lives. I pray we do the right thing.

TRIBUTE TO JUSTICE TAITAGUE

(Ms. BORDALLO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to a 5-year-old girl from Guam. Her name is Justice Taitague, and she passed away Sunday evening.

Justice suffered from leukemia. Her best chance for life was a marrow transplant. Through the efforts of Dr. Thomas Shieh, president of the Guam Medical Society, and the Hawaiian Bone Marrow Donor Registry and the National Marrow Donor program, the first-ever marrow drive on Guam was held. This "Drive for Justice" registered 3,400 donors in 3 days.

Together with the people of Guam, I extend my deepest sympathy to the family of Justice Taitague. Our hearts and our prayers are with her parents, Lynn and Anthony.

National Donor Day is this Friday, Valentine's Day. There is still a critical need for donors from the Asian, Pacific Islander, and other minority communities. Give the gift of life. Join the registry. Because of Justice, many others will now have life.

HONORING JAY TAYLOR'S SERVICE TO MANCHESTER

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor Jay Taylor upon his retirement from the position of economic development director for the city of Manchester, New Hampshire.

Jay's tireless efforts to revitalize the Queen City's economic base have proved successful, as evidenced by Manchester's booming downtown and night life. Ten years ago, New Hampshire's largest city and financial center faced a deep recession and a bleak economic future. Today, Manchester boasts a new arena, an expanding airport, and a reenergized night life of new shops and restaurants due, in large part, to Jay's hard work.

Without Jay's guidance and keen business savvy, Manchester would not be the prosperous economic heart of New Hampshire that it is today. Manchester and the State of New Hampshire are fortunate to have dedicated individuals like Jay working to make this city and this State a great place to live and do business.

CHALLENGES FOR SECRETARY POWELL

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, one of the challenges Secretary Powell faces is the growing isolation of Germany and France from their European allies.

NATO nations voted 16 to 3 to support the defense of Turkey, our democratic ally. I worry about Germany's growing anti-Turkish policy, first to oppose Turkey's EU membership and now to oppose defending the Turkish democracy.

I worry for France. Tens of thousands of Britons, Canadians, and Americans fought to free France. Now France stands for the principle that democracies should be distracted from dictators.

The French Government, one wag said, they are always there when they need you.

RECOGNIZING CROSSWINDS YOUTH SERVICES

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise to recognize Crosswinds Youth Services, a nonprofit organization in my congressional district that has served Florida's Space Coast for the past 28 years.

Yesterday, February 10, Crosswinds Youth Services received the prestigious National Network for Youth Agency of the Year Award, and I am proud to recognize their outstanding achievement.

The National Network for Youth states in its award letter: "It is truly a great honor that Crosswinds Youth Services this year has been judged to be the best organization in the Nation serving runaway, homeless, and other youth in crisis. This award goes to the best among the best in America. Crosswinds is the first organization in Florida to win this award."

According to the National Network for Youth, each year in America, 5,000 runaways die from assault, illness, and suicide.

Crosswinds is an extraordinary organization doing extraordinary work. The men and women involved in this organization need to be commended, and I am honored to rise in support of them on this day.

CONFRONTING THREATS TOGETHER

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, in Brussels today, the North Atlantic Council of the NATO Alliance continues to deliberate on a matter that has potentially grave consequences for the alliance. France, Germany, and Belgium have blocked the consultation and planning for the defense of Turkey, which that country has requested by the unprecedented invocation of article IV of the NATO Treaty.

At best, it would inexcusably delay planning for the defense of an ally, possibly leading to an avoidable loss of life should Turkey come under attack. At worst, it means the very end of the alliance, as its core mutual defense guarantee would be exposed as nothing more than empty words from the French, German, and Belgian governments.

No longer is this a question of whether authorizing NATO planning somehow signals a decision to use military force against Iraq. This was the argument used by the three allies on Monday when they blocked a response to Turkey's article IV request.

Should France, Germany, and Belgium continue to object to prudent contingency planning to deter or to defend against a possible threat to Turkey, the core collective-defense commitment of the alliance will be called into doubt.

This Member hopes that President Chirac, Chancellor Schroder, and Prime Minister Verhofstadt recognize that this is no longer an Iraq question. This is no longer a U.N. question. This is now a question about whether the 19 NATO allies will fulfill their solemn treaty commitments.

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HONORING CROSSWINDS YOUTH SERVICES

(Mr. FEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEENEY. Mr. Speaker, I am proud to join my colleague from Florida in recognizing Crosswinds in Brevard County, Florida.

President Bush reminds us that America is a great, compassionate nation, and there is no better example than Crosswinds, which serves the youth and the teenagers and runaways that come to our community. They have won the prestigious National Network for Youth Award, and we are very proud of them.

I was especially proud to be there as Boeing employees, who contributed huge amounts of their own dollars voluntarily opened the Boeing room at this fine facility. I was also proud to lead the Duck Race this year, where we raised money by floating some 10,000 ducks over the Intercoastal River. I will tell you that the fine people who lead this organization, including Jan Lokay, Jim Ross, Cynthia Handley and many, many others really care deeply about children.

Finally, I want to recognize the young children that are working hard to turn their lives around for a better future. Mr. Speaker. There is no better example of President Bush's call for American compassionate leadership than Crosswinds in Brevard County.

CONDEMNING LIBYA'S INVOLVEMENT IN THE UNITED NATION'S COMMISSION ON HUMAN RIGHTS

(Mrs. MUSGRAVE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MUSGRAVE. Mr. Speaker, I rise today to express my strong objection and even my disgust at the recent selection of Libya as the Chair of the United Nations Commission on Human Rights.

It is shameful and it defies logic for Libya to sit in judgment of any nation on the critical issue of human rights. Libya is widely known to be a sponsor of international terrorism and an abuser of the most basic human rights.

The American people will never forget that the Libyan terrorists were the ones who hijacked Pan Am Flight 103 and murdered hundreds of innocent passengers.

Mr. Speaker, it is very evident that the only thing Libya knows about human rights is how to abuse them. Any notion that a terrorist nation such as Libya should lead any commission on human rights is absolutely repugnant.

Mr. Speaker, our President has made it very clear, the United Nations has some important decisions to make that will determine whether or not the United Nations will be relevant in the world community. One of these decisions is whether or not they will allow a terrorist state and a human rights abuser like Libya to chair the U.N. Commission on Human Rights.

Mr. Speaker, we represent a country founded on the principles of life, liberty and the pursuit of happiness. We should not, and I pray we will not, use taxpayers' dollars to support any commission chaired by a nation with such an outrageous record on human rights.

Mr. Speaker, I urge my colleagues in join me in condemning Libya's involvement with the U.N. Commission on Human Rights.

LIBYA'S BLATANT DISREGARD FOR HUMAN RIGHTS

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, as the United Nations charges towards irrelevance, we have this latest news that Libya has been selected to become Chair of the United Nations Commission on Rights.

Libya continues to be a blatant violator of human rights and remains on our own State Department's list of state sponsors of terror. Libya's totalitarian regime under Muammar Qadhafi has been a leading state sponsor of terrorism, including on November 13 the German court which convicted a Libyan national for the bombing in 1986 of the La Belle disco in Berlin; and the court further declared that there was clear evidence of responsibility of the Libyan Government for the bombing. Additionally, Libya was responsible for the explosion of Pan American Airline Flight 103 that crashed in Lockerbie, Scotland, killing 259 passengers and crew and 11 citizens on the ground.

To add insult to injury in this latest mockery of the United Nations, Iraq is in line to chair the United Nations Conference on Disarmament later this year.

Mr. Speaker, the world needs a credible spokesman for human rights and democratic values. The ascension of Libya to chair this body and the ascension of Iraq to chair the Conference on Disarmament make a further mockery of the Commission and the entire United Nations.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. OTTER) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 7, 2003 at 1:43 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President and the 2003 Annual Report of the Council of Economic Advisers.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed.

ECONOMIC REPORT OF THE PRESIDENT TRANSMITTED TO THE CONGRESS, FEBRUARY 2003, TOGETHER WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS

To the Congress of the United States:

The economy is recovering from the effects of the slowdown that began in the middle of 2000 and led to the subsequent recession. The American economy has been hit hard by the events of the past three years, most tragically by the effects of the terrorist attacks of September 11, 2001. Our economy and investor confidence were hurt when we learned that some corporate leaders were not playing by the rules. The combined impact of these events, along with the three-year decline in stock values that impacted business investment, slowed growth in 2002. Despite these challenges, the economy's underlying fundamentals remain solid—including low inflation, low interest rates, and strong productivity gains. Yet the pace of the expansion has not been satisfactory; there are still too many Americans looking for jobs. We will not be satisfied until every part of our economy is vigorous and every person who wants a job can find one.

We are taking action to restore the robust growth that creates jobs. In January, I proposed a growth and jobs plan to add needed momentum to our economic recovery. We will accelerate the tax relief already approved by Congress and give it to Americans now, when it is most needed. Lowering tax rates and moving more Americans into the lowest tax bracket will help our economy grow and create jobs. Faster marriage tax relief and a faster increase in the child tax credit will especially help middle-class families, and should take effect now. We will take steps to encourage small business investment, helping them to expand and create jobs. We will end the unfair double taxation of corporate income received by individuals. By putting more money back in the hands of shareholders, strengthening investor confidence in the market, and encouraging more investment, we will have more growth and job creation. These steps will allow Americans to keep more of their own money to spend, save, or invest. They will boost the economy, ensure that the recovery continues, and provide long-term economic benefits through higher productivity and higher incomes.

As our economy recovers, we also have an obligation to help Americans who have lost their jobs. That is why we extended unemployment payments for workers who lost their jobs and improved incentives for investment to create new jobs. I also proposed a bold new program of reemployment accounts to help workers searching for jobs.

Our commitment to a strong economy does not stop with these important steps. We will continue to strengthen investor confidence in the integrity of our markets. We will develop better ways to train workers for new jobs. We will make the Nation's regulations and tax code less onerous and more reflective of the demands of a dynamic economy, and expand opportunities for open trade and stronger growth in all nations, especially for emerging and developing economies.

Our Nation's economic progress comes from the innovation and hard work of Americans in a free market that creates opportunities no other system can offer. Government does not create wealth, but instead creates the economic environment in which risk takers and entrepreneurs create jobs. With the right policies focused on growth and jobs, strong economic fundamentals—and hard work—I am confident we will extend economic opportunity and prosperity to every corner of America.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 2003.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CONDEMNING THE SELECTION OF LIBYA TO CHAIR THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 27) condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

The Clerk read as follows:

H. CON. RES. 27

Whereas on January 20, 2003, Libya, a gross violator of human rights and state sponsor of terrorism, was elected to chair the United Nations Commission on Human Rights ("Commission"), a body charged with the responsibility of promoting universal respect for human rights and fundamental freedoms for all;

Whereas according to the rotation system which governs the selection of the Executive Board of the Commission, 2003 was designated as the year for the Africa Group to chair the Commission, and the Africa Group selected Libya as its candidate;

Whereas South Africa's Democratic Alliance spokeswoman, Dene Smuts, was quoted by the British Broadcasting Corporation as saying that the South African Government's decision to support Libya's election was an insult to human rights and that African countries "should have supported a candidate of whom all Africans could be proud";

Whereas Amnesty International has repeatedly documented that Libya's human rights situation continues to seriously deteriorate with gross violations taking place systematically, extrajudicial execution used against government opponents, and political detainees routinely tortured physically and psychologically during interrogation, with some detainees dying in custody as a result;

Whereas Human Rights Watch recently underscored that "[o]ver the past three decades, Libya's human rights record has been appalling" and "Libya has been a closed country for United Nations and nongovernmental human rights investigators";

Whereas Human Rights Watch further stated that "Libya's election poses a real test for the Commission . . . [r]epressive governments must not be allowed to hijack the U.N. human rights system";

Whereas the Lawyers Committee for Human Rights stated that "the Government of Libya should not be entrusted by the United Nations to lead its international effort to promote human rights around the world";

Whereas Freedom House declared that "[a] country [such as Libya] with such a gross record of human rights abuses should not direct the proceedings of the UN's main human rights monitoring body . . . [t]his will undermine the UN's moral authority and send a strong and clear message to fellow rights violators that they are in the clear";

Whereas on November 13, 2001, a German court convicted a Libyan national for the bombing in 1986 of the La Belle disco in Berlin, in which two United States servicemen were killed, and the court further declared that there was clear evidence of responsibility of the Libyan Government for the bombing;

Whereas Libya was responsible for the December 21, 1988, explosion of Pan American Airline Flight 103 en route from London to New York that crashed in Lockerbie, Scotland, killing 259 passengers and crew, and 11 others on the ground;

Whereas a French court convicted six Libyan Government officials in absentia for the bombing of UTA Flight 772 over Niger in 1989;

Whereas United Nations Resolution 748 of March 31, 1992, imposed an arms and air embargo on Libya and established a United Nations Security Council sanctions committee to address measures against Libya;

Whereas United Nations Resolution 883 of November 11, 1993, tightened sanctions on Libya, including the freezing of Libyan funds and financial resources in third countries, and banned the provision to Libya of equipment for oil refining and transportation;

Whereas United Nations Resolution 1192 of August 27, 1998, reaffirmed that the measures set forth in previous resolutions remain in effect and binding on all member states, and further expressed the intention of the United Nations to consider additional measures if the accused individuals for Pan Am Flight 103 and UTA Flight 772 bombings had not arrived or appeared for trial promptly in accordance with paragraph 8 of the Resolution;

Whereas in January 2001 a three-judge Scottish court sitting in the Netherlands found Libyan Abdel Basset al-Megrahi guilty of the bombing of Pan Am Flight 103, sentenced him to life imprisonment, and said it accepted evidence that he was a member of Libya's Jamahariya Security Organization, and in March 2002 Scottish appeal judges in the Netherlands upheld his conviction;

Whereas as recently as January 12, 2003, Libyan leader, Moammar Gaddafi, in an interview with Newsweek- Washington Post reporter, Lally Weymouth, failed to accept responsibility for the attack and had the audacity of calling for the United States to share the burden of compensation;

Whereas Libya remains on the Department of State's list of state-sponsors of terrorism;

Whereas the United States found the selection of Libya to chair the Commission to be an affront to international human rights efforts and, in particular, to victims of Libya's repression and Libyan-sponsored terrorism, and therefore broke with precedent and called for a recorded vote on Libya's chairmanship;

Whereas Canada and one other country joined the United States in voting against Libya and 17 other countries abstained;

Whereas the European Union's common position was to abstain from the vote objecting to Libya's selection as chair of the Commission;

Whereas 33 countries ignored Libya's record on human rights and status as a country subject to United Nations sanctions for the terrorist bombing of Pan Am Flight 103 and voted for Libya to lead the Commission;

Whereas the majority of these countries are United States foreign aid recipients;

Whereas the selection of Libya to chair the Commission is but the most recent example of a malaise plaguing the Commission, whereby its credibility has been called into question in recent years as its membership ranks have swelled with other egregious human rights violators;

Whereas the United States' challenge is part of a broader effort to reform the Commission, reclaim it from the oppressors, and ensure that it fulfills its mandate;

Whereas on January 20, 2003, Ambassador Kevin Moley, United States Permanent Representative to the United Nations and Other International Organizations in Geneva, emphasized that "[w]e seek to actively engage and strengthen the moral authority of the Commission on Human Rights, so that it once again proves itself a forceful advocate for those in need of having their human rights protected . . . [w]e are convinced that the best way for the Commission to ensure the ideals of the Universal Declaration of Human Rights over the long-term is to have a membership comprised of countries with strong human rights records at home";

Whereas a majority of the 53 member states of the Commission are participants in the Community of Democracies and signed the Seoul Declaration of November 12, 2002, calling upon democratic nations to work together to uphold the principles of democracy, freedom, good governance, and accountability in international organizations;

Whereas the participants in the Seoul Ministerial meeting of the Community of Democracies issued a Statement on Terrorism in which they "strongly denounced terrorism as a grave threat to democratic societies and the values they embrace . . . [they] reaffirmed that terrorism constitutes a threat to international peace and security as well as to humanity in general and indeed to the very foundation on which democracies are built . . . [and] [t]he most recent terrorist attacks confirm that international cooperation against terrorism will remain a long-term effort and requires a sustained universal commitment"; and

Whereas although United Nations sanctions against Libya have been suspended, the sanctions remain in effect, and Libya's continued status as an international outlaw nation and its continued unwillingness to accept responsibility for its terrorist actions should bar it from consideration as a candidate for membership in the United Nations Security Council or any other United Nations entity or affiliated agency: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly condemns the selection of Libya to chair the United Nations Commission on Human Rights ("Commission");

(2) commends the President and the Administration for the principled position of the United States in objecting to and calling for a vote on Libya's chairmanship of the Commission;

(3) commends countries which joined the United States in objecting to Libya's selection as chair of the Commission;

(4) expresses its dismay at the European Union common position of abstention on the critical vote over Libya's chairmanship;

(5) is appalled at the support provided to Libya in its efforts to lead the Commission;

(6) will hold accountable countries who voted in favor of Libya's chairmanship;

(7) highlights its grave concern over the continuing efforts of human rights violators and terrorist countries to use international fora to legitimize their regimes and continue to act with impunity, and calls on the President to raise United States objections to such efforts during bilateral and multilateral discussions and to direct pertinent Cabinet secretaries to do the same;

(8) calls on countries at various stages of democratization to demonstrate their commitment to human rights, democracy, peace and security, and support efforts to reform the Commission;

(9) calls on the President to instruct the Secretary of State to consult with the appropriate congressional committees, within 30 calendar days of adoption of this resolution, regarding the United States priorities and strategy for the 59th session of the Commission on Human Rights and strategy and proposals for reform of the Commission;

(10) calls on the President to issue an objection to the continued suspension of sanctions against Libya and to call for their full reinstatement until Libya publicly accepts responsibility for the Pan Am Flight 103 bombing, provides appropriate compensation to the victims, and is in full compliance with all of the other requirements of the United Nations sanctions imposed as a result of Libya's orchestration of the Pan Am 103 terrorist attack; and

(11) calls on the Secretary of State to engage member countries to support United States efforts to ensure that states that are gross violators of human rights, sponsors of terrorist activities, or subject to United Nations sanctions will not be elected to leadership positions in the United Nations General Assembly nor will they be elected to membership or leadership positions on the United Nations Commission on Human Rights, the United Nations Security Council, or any other United Nations entity or affiliated agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 27, the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bipartisan measure, condemning the selection of Libya as the Chair of United Nations Commission on Human Rights.

Despite the best efforts of the United States and a handful of other countries, Libya was elected to this position on January 20 of this year. For a country whose own human rights record will not stand up to scrutiny, Libya is certainly in no position to stand in judgment of any other country. Virtually every human rights organization has condemned Libya's flagrant disregard for human rights and the rule of law. Unfortunately, some 17 countries abstained in the vote for the Commission's Chair, including all of the members of the European Union, who choose to look the other way and let Libya attain this coveted post.

How is it that a country such as Libya will soon be in a position to control the proceedings of the U.N.'s main human rights monitoring body?

Historically, the chairmanship of the commission rotates among the major regional groupings in the U.N. system. This year the opportunity to nominate a candidate fell to the Africa group which selected Libya as Africa's candidate. Their selection was primarily in recognition of financial support Libya provided toward the establishing a new Africa union to succeed the ineffective Organization for African Unity. It is also due in part to Libya's backing of the new African Partnership for Development, an initiative led by African states such as South Africa, Nigeria and Senegal, that calls for increased trade benefits and debt relief from the West in exchange for commitments to promote human rights and good governance across the continent.

Needless to say, Libya's central role in these initiatives will undermine their credibility. According to Human Rights Watch, "Over the past 3 decades, Libya's human rights record has been appalling and Libya has been a closed country for United Nations and nongovernmental human rights investigators."

Freedom House declared that Libya's chairmanship would "undermine the U.N.'s moral authority and send a strong and clear message to fellow rights violators that they are in the clear." We do not have to go any further than the most recent State Department Human Rights Report to learn that Libya's extensive security forces continue to commit numerous serious human rights abuses.

Qadhafi uses summary judicial proceedings to suppress domestic opposition, and torture is used as a punishment and during interrogations. With prisoners held incommunicado, many political detainees are held for years without charge. Libya's government restricts freedom of speech, press, assembly, and religion. Violence against women is a widespread problem, as is the use of forced labor and repression against key tribal groups. In short, Libya's record should disqualify it from membership in the 53-member commission, not to speak of any claim it might have to chair its proceedings.

We are well aware that Libya has yet to clear its name in connection with the 1988 terrorist bombing of Pan Am 103 over Lockerbie, Scotland, which killed 270 people. Although one of two former Libyan intelligence agents was convicted in the case 2 years ago and the conviction was upheld on appeal, Qadhafi continues to deny all responsibility for the bombing and has yet to pay compensation to the surviving family members to the victims of that terrorist attack.

While temporarily suspended, U.N. sanctions as a result of the Pan Am 103 bombing remain applicable against Libya, whose continuing status as an outlaw nation should bar it from consideration as a candidate for membership in the U.N. Security Council or any other U.N. body. The very credibility of the United Nations has been called into question with this Libyan selection.

The United States will obviously have no easy task in reforming the Commission, ensuring that it fulfills the ideals of the Universal Declaration of Human Rights. The place to begin, in my view, is to ensure that the Commission has a membership comprised of countries with strong human rights records.

□ 1430

It should, for example, include participants in the community of democracies who have signed the Seoul declaration of November 2002, calling upon democratic nations to work together to uphold the principles of democracy, freedom, good government, and accountability in international organizations.

I look forward to consulting with the Secretary of State on our priorities of strategy for the upcoming 59th session of the commission and for its long-term reform and renewal.

I would also call upon the President to resist any effort now to lift U.N. sanctions against Libya until that country publicly accepts responsibility for the Pan Am 103 bombing, provides appropriate compensation to the victims, and is otherwise in full compliance with all the requirements of the United Nations sanctions.

I urge my colleagues to join me in supporting this very important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of H. Con. Res. 27.

Mr. Speaker, this important resolution condemns in the strongest possible terms the absurd selection of Libya as Chair of this year's United Nations Commission on Human Rights. Let me begin, Mr. Speaker, by expressing my sincere gratitude to my colleagues across the aisle, our distinguished Committee on International Relations chairman, the gentleman from Illinois (Mr. HYDE), and the gentlewoman from Florida (Ms. ROS-LEHTINEN), who chairs our Subcommittee on International Operations and Human Rights, for collaborating with us on the text of this important resolution.

Mr. Speaker, on January 20, Colonel Muammar el-Gaddafi's Orwellian regime, a state sponsor of terrorism and a gross violator of human rights under United Nations sanctions, was elected by member states to chair the United Nations Commission on Human Rights, a body charged with responsibility for promoting universal respect for human rights and fundamental freedoms for all. This, Mr. Speaker, is the ultimate theater of the absurd.

By virtue of its position in the Africa group of member states in the United Nations, Libya emerged as the preordained Chair of the U.N. human rights commission.

Traditionally, Mr. Speaker, this post has rotated among the U.N.'s geographic groups, with each group respecting the other's nominee without a challenge. Realizing that the Africa group's turn was due and that, appallingly, Libya would be its choice, our administration took the unprecedented step of breaking with tradition and challenging Libya's nomination.

It was the right move, Mr. Speaker. The United States cannot stand idly by as monstrous abusers of human rights such as Libya hijack the human rights commission.

Given the absurd realities of the United Nations in so many instances, our protest was too little, too late, and Libya survived the challenge. Only Canada and Peru had the courage to stand by us in standing up to this outrage.

Although this piece of legislation focuses on the selection of Libya to chair the human rights commission, it is also relevant to a similar outrage which we learned about only recently. Because of an absurd alphabetical rotation scheme, Saddam Hussein's Iraq is set to assume the presidency of the United Nations Conference on Disarmament for a 30-day term starting on May 1. Apparently, Mr. Speaker, this is Saddam Hussein's reward for 13 years of success in his efforts to defeat U.N. sanctions and inspectors by rebuilding his capacity to create mass havoc with chemical, biological, radiological and nuclear weapons.

Mr. Speaker, in response to these twin outrages, many of my colleagues here today will no doubt argue that enough is enough and conclude that it is time to pull the plug in our participation of such U.N. agencies. I fully understand their sentiment, but as we have seen in the current Iraq crisis, the U.N. is both a reality and, to some extent, a necessity. We cannot solve all of the world's problems without a forum to discuss our differences and hopefully to coordinate our responses.

Mr. Speaker, it is my sincere hope that H. Con. Res. 27, the first piece of foreign policy legislation to be considered by the 108th Congress, will be remembered as a watershed event in our efforts to reclaim the United Nations human rights commission and other hopelessly misguided institutions from the rogue states which have captured them for their own propaganda purposes.

This resolution is only a first step. We must follow up with a multipronged effort to bolster U.S. leadership at the U.N. and to reform its membership and leadership criteria.

First, Mr. Speaker, we have to increase the capacity of our State Department to engage in multilateral diplomacy. Our diplomats have to become more effective in lobbying other governments to vote with the United States on critical matters at the U.N.

The United States must also engage in a vigorous and sustained effort to establish and to build a new democracy caucus within the U.N. that will assist democratic nations to work within and across regional lines to promote democratic leadership within the U.N. system.

Finally, Mr. Speaker, we need to engage in a comprehensive effort to reform the outmoded system of regional voting and decision-making, and we must challenge rotational alphabetical and other leadership schemes that permit nations under U.N. sanctions to assume leadership positions at the United Nations.

I urge my colleagues to support this measure and to continue to work toward a more rational, sane, and effective United Nations.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for yielding me the time.

As we have heard, Mr. Speaker, on January 20 of this year, Libya, a gross violator of human rights and a state sponsor of terrorism, was elected to chair the United Nations Commission on Human Rights despite the Bush administration's best effort to block this farce. Hiding behind procedural explanations and diplomatic maneuverings, 33 countries ignored Libya's use of terror, extrajudicial killings, arbitrary arrests, persecution and harassments of political opponents, the selling of human beings into bondage as slaves; and instead, they voted for Libya to preside over this foremost human rights body.

The commission is one of the few international forums confronting human rights violators, and it sets much of the tone and the agenda for a global human rights accountability. Its mission essentially is to give voice to those who are oppressed; thus, the selection of Libya was not only a defeat for justice and human dignity but a betrayal of all those brave souls worldwide who risk imprisonment, exile or even death to fight for universal rights and for fundamental freedoms.

It was, and is, a betrayal of millions upon millions living under brutal regimes from North Korea to Cuba to China to Vietnam to Iran and Iraq. It is a betrayal also of the suffering endured by the families of the victims of Pan Am Flight 103. It shows contempt for the mission and work of the commission, and it only serves to empower and embolden pariah states who are increasing their presence on the commission and manipulating its agenda in order to legitimize their unacceptable practices.

How can a regime which does not allow U.N. human rights monitors into its borders and refuses to comply with its obligation under international human rights covenants be a member of the commission, much less be elected to preside over it? How can a nation subject to U.N. sanctions for its role in terrorist attacks be rewarded with a leadership position such as this?

Enough is enough. The U.S. cannot and will not sit idly by and allow dictators and terrorist states to further hijack the commission and other U.N. bodies.

That is why the resolution before us, which I had the pleasure of drafting with my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, and the gentleman from California (Mr. LANTOS), our ranking member, not only provides overwhelming evidence about Libya's record on human rights and terrorism but gives direction and support to the Bush administration as it attempts to reclaim the commission from the tyrants.

Toward this goal, we look forward to continuing our discussions with the administration on such possible areas of reform such as the establishment of at least a minimum set of standards which should be met by all states who seek to be members of this body; also, the creation of a democracy caucus where its members make decisions based on shared values and commitments, rather than regional or bilateral considerations; to establish criteria for accreditation of nongovernmental organizations to the commission, to make sure that these NGOs are not agents of violator governments; also, to provide recognized prisoners of conscience and human right dissidents in exile an opportunity to render testimony on the situation of their country of origin during debate of pertinent resolutions at the annual session of the commission.

This resolution extends beyond the commission. It seeks to prevent a repetition of this unacceptable situation in other U.N. fora, forums such as the Conference on Disarmament which may have Iraq at its helm in May of this year. And to achieve these goals, Mr. Speaker, the resolution calls for a diplomatic initiative to ensure that states that are gross violators of human rights, sponsors of terrorist activities or subject to U.N. sanctions, they will not be afforded membership or elected to any leadership position on any non-General Assembly U.N. entity or affiliated agency.

Article V, in fact, of the U.N. charter provides, in principle, the suspension of a member state's rights if it is subject to U.N. sanctions. In addition, the resolution seeks to address attempts made by the Libyan dictator to escape his regime's responsibility for the Pan Am 103 bombing. It calls on the President to seek full reinstatement of sanctions against Libya until it is in full compliance with all of its obligations under these sanctions, sanctions which were imposed, Mr. Speaker, as a result of Libya's orchestration of this terrorist attack.

Finally, Mr. Speaker, this is a comprehensive, forward-looking resolution which seeks to restore the commission's moral authority as well as the relevance of other U.N. bodies so they may fulfill their mandates. It enjoys bipartisan support, and I ask my colleagues to vote for passage of this resolution today.

Mr. LANTOS. Mr. Speaker, I am delighted to yield as much time as he might consume to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, one of the most effective global fighters for human rights in this body or any place.

Mr. HOYER. Mr. Speaker, the gentleman from California is very kind, and I thank him for his remarks; but more than that, I thank him for his leadership on this issue and so many issues of vital concern to human rights internationally.

I also want to thank my very good friend, the gentleman from Illinois (Mr. HYDE), the chairman. He himself is a giant in standing up for human rights. He and I have traveled overseas and participated in the Helsinki process together, he chairing delegations on which I had the honor of serving with him.

□ 1445

Mr. Speaker, I want to thank my good friends, the gentleman from Illinois and the gentleman from California, for bringing this very important resolution to the House floor. It is, I believe, a moral imperative and a matter of principle that this House speak as one today.

The selection on January 20 of Libya, a gross, and I have heard that word used a number of times, and in our own lexicon of law "gross" means beyond the pale, a gross violator of human rights and a state sponsor of terrorism to ironically chair the United Nations Commission on Human Rights is, in my opinion, an affront to basic decency and it demeans the United Nations itself.

Absurd, grotesque, tragic. Those are just a few of the words that have been used to describe Libya's election to this post. Our State Department includes Libya on its list of state sponsors of terrorism. Amnesty International has documented Libya's extrajudicial execution of government opponents and torture of political detainees. Human Rights Watch has called Libya's human rights record over the last three decades appalling.

Imagine, the Commission on Human Rights, which claims to stand for free elections, free expression and fair trials, will now be chaired by a Nation that has not had a free election since Colonel Qaddafi seized power in 1969. Imagine, the Commission on Human Rights will now be chaired by a nation that itself refuses, refuses to admit U.N. human rights investigators. Imagine, the Commission on Human Rights will now be chaired by a nation that was responsible for the 1988 bombing of Pan Am Flight 103 that killed 270 people, and they harbored for years and years the perpetrators of that act; responsible for the 1986 bombing of La Belle Disco in Berlin that killed two U.S. servicemen; and for the 1989 bombing of UTA Flight 772 over Niger.

The selection of Libya to head the Commission on Human Rights undermines the credibility, integrity, and relevance of the United Nations. We must not, I repeat, Mr. Speaker, we must not countenance or ignore or rationalize the dangerous, illegal and destabilizing behavior by criminals and nations whose rogue status endangers international security and stability.

The only bright spot in this otherwise outrageous, dismal act is that it may, it just may spur the international community to closely scrutinize Libya's human rights record and force serious thinking about reforming the Commission and the way of selecting the Commission. I urge our government, Mr. Speaker, to work to accomplish both of those ends.

I believe this resolution is an important step in focusing our attention on this egregious act of irresponsibility by the United Nations and by its member states, and I urge my colleagues to support unanimously this very important resolution.

Again, I thank the chairman, the distinguished gentleman from Illinois, and my friend, the gentleman from California, for yielding me this time and for their leadership in this effort.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to say what a pleasure it is to work with the gentleman from California (Mr. LANTOS) and the gentleman from Maryland (Mr. HOYER) on important issues such as these. They are immensely helpful and, as I say, are a real pleasure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to echo the words of my good friend from Illinois. It is a pleasure and an honor to begin yet another session of Congress with him. We look forward to achieving many things together.

Mr. STARK. Mr. Speaker, today, I rise to express my grave concerns with the content of the resolution condemning the election of Libya to chair the United Nations Commission on Human Rights.

I abhor Libya's human rights record. I don't agree with Libya's selection to head the Commission. But, the members of the United Nations have held a legitimate, democratic vote. Despite our serious reservations we have a responsible obligation to abide by the U.N.'s decision. We should not, as this resolution calls for, hold nations accountable for their votes.

In a straight up or down vote, the U.N. Commission on Human Rights voted to elect Libya as its chair. Many people don't agree with that decision—Members of Congress, human rights advocates and many others. There is clear evidence of Libya's state sponsorship of terrorism and it's human rights record. Yet, regardless of our distaste with the outcome, this was a fair election in which the member nations elected Libya to this post. Everyone involved had an opportunity to vote and a majority decided who they wanted to lead them. Democracy has prevailed. Now, the U.S. Congress is asked to vote to condemn that practice of democracy?

The United States should practice what it preaches. We cannot in one breath say democracy is good and in the next say democracy is bad, simply because we disagree with the result.

Mr. MARIO DIAZ-BALART. Mr. Speaker, on December 21, 1988 Pan Am Flight 103 exploded in the skies over Lockerbie, Scotland, killing 270 innocent people. Sadly, the government that sponsored this terrorist act only fifteen years ago—Libya—has now been selected to chair the United Nations Commission on Human Rights.

Unfortunately, the hypocrisy of this reaches far beyond the Pan Am tragedy. Libya continues to stand in consistent violation of international human rights treaties. It's not just that torture and random executions are not condemned by Libya, such gross violations of human rights are heavily practiced and supported by high ranking government officials.

Libyans—especially those that freely express their political opinion—live in fear of their own government every day. Torture, abuse and unfair detainments are common practice within the Libyan system of justice, yet Libya has not admitted to a single case of human rights abuses within their country.

The preamble of the United Nations' Charter appropriately states: "We the peoples of the United Nations determined to reaffirm faith in fundamental human rights." As Libya assumes the chair of the U.N.'s Commission on Human Rights, it is clear that this faith has been seriously compromised.

It is appalling that a nation with a clear and consistent record of complete disregard for human rights now stands in this key role in helping combat human rights violations. I believe that the legitimacy of this Commission has been lost and thousands of innocent men and women across the world, who fall victim to harsh and unfair treatment every day, will continue to suffer without hope as long as nations like Libya lead the fight to protect human rights by chairing this commission.

I join my colleagues in supporting H. Con. Res. 27, which condemns the selection of Libya to chair the United Nations Commission on Human Rights.

Mr. DELAY. Mr. Speaker, on the basis of abominations like Libya's recent election to chair the Human Rights Commission, it's plain that the U.N. has tripped over the final precipice and is now descending ever-deeper into the abyss of moral relativism.

We've seen from the U.N., for decades, a flagrant pattern of amoral accommodation, calculated appeasement, and even the willful suppression of the distinction between good and evil itself.

We see a disturbing lesson at work: In the United Nations of the Twenty-First Century, a documented record of state-sponsored terrorism, aggressive militarism and systematic brutality are no impediment to a country's rise within the U.N.'s bureaucratic hierarchy. From the International Criminal Court's excesses, to Iraq's chairmanship of the disarmament conference, and Libya's chairmanship of the Human Rights Commission, the U.N. is utterly marginalizing itself.

The free world can't delegate international security decisions to an organization capable of absurd actions like the elevation of Libya to the Human Rights Commission or Iraq to the Disarmament Conference.

Let's not hedge the truth: The U.N. is legitimizing indefensible regimes and at the end of this path lays utter irrelevance. The free nations of the world face a number of grave problems and we can never allow illegitimate regimes to dictate the terms of our freedom or security.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to condemn in the strongest possible terms the selection of Libya to chair the United Nations Commission on Human Rights. Libya has committed untold acts of terror against the United States and its citizens. Libya has not demonstrated sufficiently that it does not support international terrorism. Nor has it abandoned its quest for weapons of mass destruction. Congress correctly extended the Iran-Libya Sanctions Act until August 2006.

To be sure, lets look at Libya's record of uncivilized behavior during the last two decades: In the 1980s it was reported that Libya used chemical weapons against government rebels in the Chad civil war. It was also reported that during this time Libya was seeking chemical and nuclear weapons. Muammar al-Qadhafi also stated that he supported international terrorism, and defended terrorism in wars of national liberation. Because of this support, the United States named Libya a state sponsor of terrorism on December 29, 1979.

Libya was suspected of being involved in the April 5, 1986 bombing of a Berlin nightclub frequented by U.S. Armed forces personnel. Three U.S. soldiers died in the blast. On April 15, 1986 the United States bombed three target areas in Libya in retaliation for the Berlin incident.

The United States and the United Kingdom accused Libya of complicity in the December 21, 1988 explosion of Pan American Airways flight 103 en route from London to New York that crashed in Lockerbie Scotland, killing 259 passengers and crew and 11 people on the ground. Also, France suspected that Libyans were involved in the bombing and crash of UTA flight 772 over Niger in Africa in 1989.

The United States has noted al-Qadhafi recent recantations on his support for terrorism with some skepticism and caution.

Mr. Speaker, if indeed Mr. al-Qadhafi and his regime have indeed reformed, the civilized world would feel a lot better if they had more time to establish a favorable track record in this regard. To reward such recent behavior with this very important and prestigious appointment makes a mockery of what this commission stands for.

Mr. CARDIN. Mr. Speaker, I rise in strong support today of H. Con. Res. 27, which condemns the selection of Libya to chair the United Nations Commission on Human Rights.

The international community has long known that Libya has a deplorable record on human rights and is a sponsor of terrorism. For that reason, it is shocking that Libya is now the chair of a body charged with the responsibility of promoting universal respect for human rights and fundamental freedoms for the world's citizens.

The United Nations' decision to elect Libya as the Chair of the United Nations Commission on Human Rights is alarming for several reasons. First, it is remarkable that United Nations would even consider Libya's candidacy for the position, given the fact that Libya has not accepted responsibility for its role in the terrorist bombing of Pan Am Flight 103 that killed hundreds of innocent people over Lockerbie, Scotland, in 1988. Until Libya takes responsibility for its actions and complies with particular Security Council mandates, Libya cannot have any credibility in being the chair of a United Nations commission that promotes human rights. In today's world, where we seek to defeat the threat posed by international terrorism, it is irresponsible for a state like Libya to be elected to such a leadership position.

Second, Libya's selection to be chair of the United Nations Commission on Human Rights reflects a disturbing trend in international institutions. It has become highly prevalent that states which violate human rights laws seek to secure positions in global bodies that espouse such laws so they can protect their reputations and those of similar regimes. Members of the international community must speak out against such practices lest these institutions become a mockery of international law and human rights.

I urge the House to pass this resolution, which states in the strongest possible terms the outrage of Congress at the selection of Libya to chair the United Nations Commission on Human Rights. The Resolution clearly states that: (1) Libya is a gross violator of human rights; (2) it is a state sponsor of terrorism; (3) several countries as well as international organizations have condemned Libya's selection as chair of the Commission; (4) the United States is appalled by the European Union's common position of abstention on the critical vote over Libya's selection as chair of the commission; (5) the Secretary of State should engage member countries to support the United States efforts to ensure that states that are gross violators of human rights or sponsors of terrorism not ascend to leadership positions in the United Nations.

Libya has a horrific human rights record. Citizens do not choose their leaders in free and fair elections, nor are they able to petition their government for redress of grievances. It uses summary judicial proceedings to suppress domestic opposition. Security forces torture prisoners during interrogations and as punishment. Security forces arbitrarily arrest and detain persons, and many prisoners are held incommunicado. Many political detainees are held for years without charge. There is not an independent judiciary that enforces legal rights of citizens, and citizens do not have the right to a fair public trial or to be represented by legal counsel. The government infringes on citizens' privacy rights, and citizens do not have the right to be secure in their homes or persons, or to own private property. Libya restricts freedom of speech, press, assembly, association, and religion. Is this the type of country that should be charged with being the chair of a commission that promotes human rights? I think not.

Libya is one of seven countries on the State Department's list of state sponsors of terror. As I have said in the past, Libya has continued to acquire weapons of mass destruction and promote state-sponsored terrorism. Last year, our Under Secretary of State for Arms Control and International Security said that there was no doubt that Libya seeks nuclear weapons. Furthermore, he said that Libya has produced at least 100 tons of different kinds of chemical weapons. It is antithetical to the United Nations' mission for peace that a state engaged in creating global havoc be in charge of one of its most important committees.

It is imperative that members of the international community do not retreat from their responsibility to ensure that those charged with monitoring human rights are not, in fact, grave violators themselves. We must not give credibility to countries which violate human rights and support terrorism. To do otherwise is to legitimize their practices.

Congress has recently made its policy clear with respect to Libya's alarming behavior. In 2001, Congress passed the Iran-Libya Sanctions Act of 2001, which President Bush signed into law in August 2001. I was an original co-sponsor of the bill, and in the Ways and Means Committee I argued in favor of extending the current sanctions in place against Iran and Libya for an additional five years. ILSA threatens the imposition of economic sanctions against foreign entities investing in Iran and Libya's energy sectors. ILSA combines deterrence (the possibility of sanctions) with presidential discretion (through broad waiver authority). ILSA has been very effective so far, the Congress overwhelmingly approved the reauthorization of legislation to keep the pressure on Libya and Iran to stop their pursuit of weapons of mass destruction and ballistics missile technology. Libya also remains hostile to the State of Israel and may support terrorist activities against Israel.

Mr. Speaker, it is this great nation's hope that it can one day live in a world where it is not threatened by international terrorism and that human rights for all will be respected. The selection of Libya as chair to the United Nations Commission on Human Rights undermines these goals. I, therefore, urge the House to pass this resolution by a strong bipartisan vote.

Mr. OSE. Mr. Speaker, I would like to thank the Chairman for bringing this important issue to the attention of the House and the American people.

Two years ago, many in this chamber were shocked when the United States was removed from the United Nations Commission on Human Rights and of the International Narcotics Control Board.

The U.S. was a founding member of the Human Rights Commission and First Lady Eleanor Roosevelt was its first Chair.

The U.S. spends more money fighting the use of illegal narcotics than any other nation in the world.

Despite these facts, some of our "friends"—and I use the term with increasing skepticism—at the United Nations felt it was more important that nations like Libya and Syria serve on the U.N. agency overseeing human rights and that the Netherlands—a country whose own Web page admits they will not enforce their drug laws—should serve in our place on a board designed to enforce drug laws.

Chairman HYDE stood up and led this body to call for the suspension of U.S. funds to the U.N. until we were reinstated on the Human Rights Commission. We are now back on that board.

I offered an amendment that passed this House to curtail our funding of the International Narcotics Control Board until we were returned to its membership. This year the U.S. was again shut out while Iran, Brazil and Nigeria were added to the Board.

We have seen that the United Nations does not learn from its mistakes. As former President Reagan might have said, "There they go again."

While we have been reelected to the Human Rights Commission, Libya has been elected to its Chairmanship. Think about that. Libya. A nation led by a brutal dictator who is known to sponsor international terrorism. Yet only two other nations joined the U.S. in opposing their election to head this prestigious body whose duty is to protect human rights. Eight European nations made the "courageous" decision to abstain.

And in an example of how momentum is the true ruler of the United Nations and its bloated bureaucracy, this year's meeting of the U.N. Conference on Disarmament will be presided over by Iraq—despite the fact that Iraq is under U.N. sanctions for failing to disarm and even now faces international action for this failure.

I wish I could tell you I was surprised.

But the United Nations has not been the effective body it could have been over the past two decades. Time and time again, the U.N. in recent years has done more harm than good.

I still believe the U.N. can be a useful body. One that helps promote dialogue and the exchange of ideas around the world. But many of its members have forgotten that respect is earned through logical decisions that advance the security of the world—not by blindly following bureaucratic momentum that promotes rogue regimes at the expense of the greatest democracies in the world.

I truly hope that the actions we take here today send a message to the U.N. and its members that if they want the body to continue to be a force for good and progress in the world, they must think before they act and make decisions worthy of respect. The election of Libya to Chair the Human Rights Commission, and the continued exclusion of the U.S. from U.N. committees and boards, are not decisions of which they should be proud.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 27.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING CZECH REPUBLIC PRESIDENT VACLAV HAVEL

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 22) honoring Czech Republic President Vaclav Havel.

The Clerk read as follows:

H. CON. RES. 22

Whereas Vaclav Havel, President of the Czech Republic, is widely respected throughout the world as a proponent of democratic principles;

Whereas Vaclav Havel's superb skills as a playwright and essayist helped promote democracy in Eastern Europe during the Cold War;

Whereas the plays of Vaclav Havel were instrumental in bringing international attention to the struggle for democracy in Czechoslovakia;

Whereas Vaclav Havel was imprisoned three times for his efforts to promote democratic thought and reforms in communist Czechoslovakia, yet maintained his convictions throughout;

Whereas Vaclav Havel was a cofounder of the human rights organization Charter 77 and the Committee for the Defense of the Unjustly Prosecuted;

Whereas Vaclav Havel, as leader of the Civic Forum movement, was a key figure in the 1989 bloodless overthrow of the Czechoslovakian communist government known as the Velvet Revolution;

Whereas following the Velvet Revolution, Vaclav Havel was elected by the people as President of the Czech and Slovak Federal Republic in 1990, and following a peaceful split forming two separate states, elected President of the Czech Republic in 1993;

Whereas under the leadership of Vaclav Havel, the Czech Republic has been an important and valued member of the world community;

Whereas under the leadership of Vaclav Havel, the Czech Republic became a member of the North Atlantic Treaty Organization (NATO) on March 12, 1999;

Whereas during Vaclav Havel's time in office, the economy of the Czech Republic has become one of the most developed in Eastern Europe;

Whereas today, the Czech Republic is a valuable ally of the United States in the war against terrorism;

Whereas Vaclav Havel has been praised as one of the world's great democratic leaders and has been awarded many international prizes recognizing his commitment to peace and democratic principles; and

Whereas Vaclav Havel will step down as President of the Czech Republic on February 2, 2003: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the life-long commitment of Czech Republic President Vaclav Havel to human rights and democracy;

(2) recognizes the exceptional achievements of Vaclav Havel as playwright and president; and

(3) congratulates Vaclav Havel for his outstanding service to the people of the Czech Republic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 22, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

This Member rises today in strong support of H. Con. Res. 22, a resolution honoring Czech Republic President Vaclav Havel. The resolution was introduced by the distinguished gentleman from Wisconsin (Mr. KIND), and this Member is pleased to be an original cosponsor. This resolution seeks to recognize, congratulate, and honor President Havel for a combination of 13 years of extraordinary service, first as President of Czechoslovakia and second, since 1993, as President of the Czech Republic. The Constitution of the Czech Republic allows a president to serve only two consecutive 5-year terms, and the United States House of Representatives would like, therefore, to honor President Havel upon the occasion of the end of his term of service on February 2 of this year.

Nearly 13 years ago, on February 21, 1990, President Vaclav Havel addressed a joint session of the United States Congress in this very room. This occasion was less than 4 months after his last arrest by what he characterized as "the most conservative Communist government in Europe," and less than 2 months after Vaclav Havel had been elected President of Czechoslovakia, in December 1989, by a parliament still dominated by members of the Communist party.

During his inspirational speech to the joint session of Congress, President Havel said many things that made many Members of Congress realize they were not listening to just another political leader of a foreign country. President Havel, in his speech, was discussing what his country, and all the countries of Central and Eastern Europe that had suffered throughout the Cold War, could learn from the United States. He also suggested that perhaps his country could offer something to the United States. In his speech, he stated "We too can offer something to you: our experience and the knowledge that has come from it. This is a subject for books, many of which have already been written and many of which have yet to be written. I shall therefore limit myself to a single idea. The experience I'm talking about has given me one great certainty: Consciousness precedes being, and not the other way around, as Marxists claim."

In explaining that axiom, Havel went on in his speech to explain that: "The only genuine backbone of all of our actions, if they are to be moral, is responsibility. Responsibility is something higher than our family, my country, my company, my success. Responsibility to the order of being where all of our actions are indelibly recorded and only where they will be improperly judged. The interpreter or mediator between us and this higher authority is what is traditionally referred to as human conscience. If I subordinate my political behavior to this imperative mediated to me by my conscience, I can't go far wrong."

He went on to say that it is this responsibility dictated by his conscience which caused him to ultimately decide, after resisting for a long time, to accept the burden of political responsibility. In other words, he saw it as a responsibility to accept the presidency of Czechoslovakia. In a related noteworthy admonition to intellectuals in every country he reminded that "If the hope of the world lies in human consciousness, then it is obvious that intellectuals can't go on forever avoiding their share of the responsibility for the world and hiding their distaste for politics under an alleged need for independence."

As a playwright and essayist, Vaclav Havel was a leading figure of the dissident movement against the totalitarian system of the Communist regime in Czechoslovakia. He was a founder of Charter 77, the underground movement seeking freedom of expression and association, and the basic protection of civic and human rights. He wrote the essay, "The Power of the Powerless," in which he called upon ordinary citizens to live in truth against a totalitarian regime. For his various civic reform efforts, he received multiple prison sentences and served a total of almost 5 years imprisoned by the Communist regime.

During the events of November-December 1989, which have come to be known as the Velvet Revolution, Vaclav Havel helped form the Civic Forum, a broad coalition of dissident groups, which was the first legal opposition movement in Communist Czechoslovakia. By the end of that year, through a "bloodless revolution," 41 years of Communist dictatorship peacefully came to an end when Vaclav Havel was elected President.

Now, Mr. Speaker, I count it a great personal privilege and honor to represent perhaps more Czech-Americans than any Member of Congress. Most of them came to the rolling prairies of Nebraska and the prairie States in the 1870s and 1880s to own their own land and to farm the soil. Other Czechs and Slovaks came to the larger cities of the Midwest, places like Omaha, during the first two decades of the 20th century.

While their Americanization had occurred several generations ago, these Czech-Americans continued to follow closely, and I would say with great anguish, the totalitarian conditions of people in their old homelands of the past. It was, therefore, a particular pleasure for me to watch these Czech-Americans gather in the public meeting places, the restaurants, the bars, and in their homes to watch with amazement and great pride on television the rapid and peaceful Velvet Revolution, which finally ended the Communist stranglehold, to reclaim the democracy that Czechoslovakia had enjoyed only for the brief period between two World Wars.

Vaclav Havel epitomized this return to Czech democracy for both his countrymen and the Americans who watched and marveled at the success of the Velvet Revolution and Havel's leadership, which demonstrated the very best in intellectual and humane leadership.

Since then, President Havel has been an extraordinary politician, leading his country and the countries of Eastern Europe into a future of freedom, democracy, and security. He was probably the foremost proponent in Europe of allowing the former countries of the Warsaw Pact to join NATO. On March 12, 1999, his vision was made a reality when the Czech Republic, Poland, and Hungary became members of the Alliance. And just last November, his country was honored by hosting the first NATO Summit held behind the former Iron Curtain in Prague, where seven additional countries of Eastern Europe were invited to join the Alliance.

Because parliamentarians from the 19 NATO countries have honored me with the leadership in the NATO Parliamentary Assembly, I was privileged to be present at the NATO Prague Summit in November of last year. I think it was noteworthy that President Havel, in his host capacity as the dean of all the NATO heads of state and heads of government in length of service, was accorded an auspicious degree of affection and respect by his peers and other leaders of the Free World. That acclaim reflected not just his leadership for the Czech Republic but also recognized the moral leadership he has provided for all of the countries of Eastern and Central Europe that emerged from communism and, indeed, for the NATO Alliance as a whole.

On January 30 of this year, just 2 days before he was to step down after 13 years as President, he was one of eight European heads of state or government from NATO countries to sign a letter expressing continued solidarity and support with and to the United States in the international fight against terrorism and for possible action against Iraq. The importance of that letter really cannot be overestimated, since it stood in mark contrast to the dissenting positions of four countries, France, Germany, Belgium and Luxembourg.

Two sentences sum up the essence of that letter and what is most essential in the transatlantic relationship. The statement said: "The real bond between the U.S. and Europe is the values we share: democracy, individual freedom, human rights, and the rule of law. Today, more than ever, the transatlantic bond is a guarantee of our freedom."

□ 1500

Vaclav Havel has been called an artist, an intellectual, the poet of democracy, and an international icon of integrity, wisdom and moral seriousness, and even "the most extraordinary statesman who emerged from the struggle to overthrow communism in Eastern Europe." President Havel likes to say that in November 1989 when he was first told that he had been nominated as a candidate for the office of President of Czechoslovakia, he thought it was a joke. He thought who was he to be President of this new democracy.

This Member is here today to thank President Havel for saying yes and accepting the office of President, including the challenge of politics and public service. By simply choosing to continue to fight for the ideals he fought for during the Cold War, democracy, freedom, human rights and the rule of law, by working tirelessly to include the new central and eastern European democracies into Europe and the alliance, and through his efforts directed toward reconciliation with the old enemies, he has elevated politics and public service, for his country, for Europe, for the trans-Atlantic alliance, and for the world.

Mr. Speaker, this Member will quote from President Havel's first New Year's address to his nation, the newly free Czechoslovakia, on January 1, 1990. President Havel spoke to his fellow citizens about the legacy of over 40 years of the Communist totalitarian system. He said, "It would be quite unreasonable to understand the sad legacy of the last 40 years as something alien, something bequeathed to us by some distant relative. On the contrary, we must accept this legacy as a sin we committed against ourselves. If we accept it as such, we will understand that it is up to us all, and up to us alone, to do something about it. We cannot blame the previous rulers for everything, not only because it would be untrue but also because it could blunt the duty each of us faces today, that is, the obligation to act independently, freely, reasonably, and quickly. Let us make no mistake: the best government in the world, the best parliament and the best president in the world cannot achieve much on their own. And it would also be wrong to expect a general remedy to come from them alone. Freedom and democracy require participation and therefore responsible action from us all."

Mr. Speaker, this Member joins his colleagues in paying tribute to Vaclav Havel for the vital, moral leadership and idealism he has brought to his service for the Czech Republic and to the community of Western democracies. For his countrymen and all of us in democratic nations, this leadership and focus on participatory democracy is in the best traditions of those heroes of the American democracy that we honor in this great capital city, Jefferson, Madison and others among our Founding Fathers. I urge support for the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and I commend the gentleman from Nebraska (Mr. BEREUTER) for his powerful, eloquent, and thoughtful statement. I also would like to express my deep appreciation to the original sponsor and drafter of this most important resolution, the gentleman from Wisconsin (Mr. KIND), who has shown his customary leadership by presenting this to us.

Mr. Speaker, last week my good friend, Vaclav Havel, stepped down as President of the Czech Republic. Normally, Mr. Speaker, the return to private life of a democratically elected leader in Europe would not warrant a resolution from the Congress of the United States. But Vaclav Havel was no ordinary President, nor did he serve in ordinary times. Vaclav Havel, an outstanding artist, playwright, and the conscience of the Czech people during decades of Soviet domination, was a key player in the Velvet Revolution under which the Czech people peacefully replaced their communist dictators with an elected and inspiring leadership.

Mr. Speaker, it was a true privilege to have been in Prague to witness one small part of this Velvet Revolution. Thirteen years ago, I had just arrived in Prague on an official mission with my good friend and colleague, the gentleman from Missouri (Mr. GEPHARDT), his wife and my wife. Vaclav Havel and his allies had launched large public protests demanding democracy and an end to communist rule. As the gentleman from Missouri and I headed to a meeting, we encountered thousands of Prague residents in Wenceslas Square demonstrating in support of democracy and freedom. We jumped from the car and joined the Czech crowds waving signs and shouting "Havel Na Hrad," Havel to the castle.

The people of Prague were making a simple request, that Vaclav Havel be elected President so he could occupy the home of power and authority in Prague, the beautiful castle which stands on a hill overlooking the city.

These massive demonstrations were a small part of a long process that brought about the Velvet Revolution. Several weeks later, I had the honor of leading congressional colleagues to a meeting with Vaclav Havel when he was already safely ensconced in the castle.

President Havel did not let the Czech people down as their elected leader. He led the Czech nation through a difficult period of political and economic reform. As a result of his extraordinary leadership, Vaclav Havel presided over 13 years of growing Czech prestige and influence in international affairs. He devoted enormous thought and energy to bringing the Czech Republic into the community of Western democracies. Under his leadership, the Czech Republic joined NATO; and next year it is poised to join the European Union.

President Havel has been an unwavering ally of the United States in the war on terrorism, and more recently in our struggle to disarm the regime of Saddam Hussein. This should come as no surprise. Vaclav Havel is a person of great moral authority and enormous personal courage. He devoted his political and artistic life to resisting the totalitarian state. He cofounded the human rights organization Charter 77 and the Committee for the Defense of the Unjustly Prosecuted. He was persecuted by communist authorities and repeatedly arrested. Once he was given the opportunity to emigrate, but he bravely chose imprisonment instead.

As President, Havel continued to resist authoritarian dictators by supporting dissidents in Cuba, and just last November by denying the Belorusian dictator, Lukashenko, a visa to the NATO Summit in Prague. I have no doubt that my friend, President Havel, will continue to work to ensure that the merging independent nations of Central and Eastern Europe join the community of democratic nations.

Mr. Speaker, it was a fitting end to President Havel's presidency that he and the Czech Republic were host to the historic NATO summit last November. The leaders of the world used the summit to pay tribute to the wisdom and leadership of Vaclav Havel and to his remarkable achievements as President. I was honored to be part of the U.S. delegation to the Prague summit; and as I celebrated with Vaclav Havel the success of NATO in the castle overlooking Prague, I was once again struck by Vaclav Havel's long and bold journey from a prisoner of conscience to becoming the conscience of Europe.

I want to ask all of my colleagues to support this resolution commending a true friend of the United States, a leading intellectual figure in Europe, and a moral force sorely needed in Europe by supporting and voting for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND), the author of this legislation.

Mr. KIND. Mr. Speaker, I commend the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), and thank him for his leadership on a whole host of foreign policy issues. I also thank the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and especially the gentleman from Nebraska (Mr. BEREUTER) for the gentleman's help in offering this resolution, doing a Dear Colleague letter, and trying to inform the other Members of Congress of Mr. Havel's retirement.

Mr. Speaker, a silly person once said that only silly people have heroes today. If that is true, this silly person is not afraid to admit that Vaclav Havel is one of my heroes.

Today we honor Vaclav Havel who provided the moral force behind the Velvet Revolution in Czechoslovakia in 1989, and who stepped down as President of the Czech Republic just 1 week ago. If proof is needed that the pen is mightier than the sword, then Vaclav Havel is a veritable smoking gun.

It is a magnificent irony that one of the most oppressive communist regimes in Eastern Europe would one day be led by a poet and playwright. But there is a tradition in this part of the world that intellectual integrity and independent art translate into raw political power. Mr. Havel provided the leadership through raw moral force that gave rise to the incredible and peaceful revolutionary movement which we now refer to as the Velvet Revolution.

As uncompromising in his resistance to the totalitarian state as he is in his ironic plays, President Havel withstood censure, numerous imprisonments, and the muzzle to become the premier symbol of Czechoslovakian dissidence in the years after the Soviet Union crushed Prague back in 1968.

He helped found the Charter 77 dissident movement, the moral blueprint for the revolution, and then formed the Civic Forum, the main opposition party in Czechoslovakia against the communist regime. Through his clashes with the authority, he was repeatedly sent to prison. His essays setting out his ideas on national resurgence in a totalitarian state, "The Power of the Powerless," was widely studied inside and outside of Czechoslovakia.

In it, he argued that citizens living "in truth" could successfully confront and overturn dictatorial rulers. For his views, the regime forced him in 1979 to choose between exile or 5 years in prison. He chose prison and his enduring stature is partly a result of that choice. He later collected the letters he wrote from prison to his wife in a widely read volume, "Letters to Olga."

Mr. Speaker, as a recent graduate of law school back in 1990, I was in one of my short disillusioned states in regards to our own democracy at the time, but was watching with rapt attention the incredible frenzy of events in Eastern Europe leading to the collapse of the communist regimes and ultimately the collapse of the Berlin Wall. I had the opportunity to travel throughout Eastern Europe shortly after these revolutions took place. I spent a little time in Czechoslovakia where I was part of an international student group restoring some of the old castles in Czechoslovakia.

□ 1515

It was during that time, Mr. Speaker, when I also met other political heroes of mine. These were students approximately my age who were, just a few months previously, literally on the front lines of these demonstrations, literally staring down the guns of the Communist forces, knowing their history, but also not knowing whether this would be a repeat of the Prague Spring in 1968, which resulted in a bloody massacre.

I met and stayed with many of these students and I asked them what they were thinking during that time, those fateful couple of weeks in November of 1989. They responded that two things stood out in their minds: one, how bitterly cold it was during those nights during the candlelight vigils, standing out in Wenceslas Square, snow coming down and they were all shivering; and, secondly, how terribly frightened they were.

History now shows that by a vote of 5 to 4, the Communist Politburo decided not to order the troops to open fire on these demonstrators.

It was a lot of these same students who would during the day go out into the countryside and into the homes and villages and town squares throughout Czechoslovakia, bringing news of the demonstrations and the movement building against the Communist regime. They understood that it required the support of the working families, the workers of Czechoslovakia, before the regime could ultimately be brought down.

In the midst of all of this was their guiding force, Vaclav Havel, whom they held in high esteem, and still do today based on the correspondence that I have with them. It was an inspiring time for me to meet these young people and to understand that they realized that there were causes greater than themselves worth fighting for and perhaps worth dying for. It was literally their future that was on the line. Through the strength of their collective action, they achieved remarkable change throughout Eastern Europe.

In 1989 and after, President Havel's genius was not just to harness popular resistance that peacefully overwhelmed the Communist regime; it was to understand that to take the trappings of leadership did not mean to betray his own humanity. He was not, however, immune to political defeat. He resigned temporarily rather than preside during the bitter separation of Czechoslovakia back in 1993. But internationally he shone. He led his country into NATO in 1999 and he has positioned them now to join the European Union next year, in 2004.

When Havel left the presidency after 13 years, he left behind a legacy of individual moral authority. It is hard to find a defined political legacy. Instead, he leaves a sense that in the life of any nation, the character of its leaders do matter.

They are still wrestling to find his replacement today in the Czech Republic. A great debate rages, even bickering is taking place, and, of course, the media and the press are more than eager to report on all of this in the Czech Republic.

For those freedoms, for his service and his sacrifice and for his shining moral example, it is only right that the United States Congress pause in our normal duties of the day to give thanks and to pay tribute to one of the greatest leaders of the 20th century, Vaclav Havel.

I am sure all of my colleagues wish him much happiness throughout his retirement.

Mr. LANTOS. Mr. Speaker, I want to commend my friend from Wisconsin for a truly moving and powerful statement.

Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

I want to join in commending the gentleman from Wisconsin (Mr. KIND) for his articulate statement and his initiative. This matter would have been taken up last week if it had not been for the schedule change because of the Columbia disaster.

I urge strong support by all the Members for this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, Vaclav Havel is sometimes called the "conscience of the Czech Republic." In fact, he could be called the conscience of the world. As both playwright and president, he has set an example for his country men and women and inspired others around the globe.

As a Member serving on the Helsinki Commission, I first became aware of Vaclav Havel and his stance as a leader of the Charter '77 human rights movement. At a time when most Czechoslovaks preferred to keep their heads low, he held his up. When others dared not speak out, he raised his voice. While others hid from communism in their apartments and weekend cottages, he faced it down in prison. In recognition of his extraordinary leadership and courage, the Commission leadership recommended him for the Nobel Peace Prize in February 1989.

Vaclav Havel once wrote of the "power of the powerless" and, on November 17, 1989, when the Velvet Revolution began, the world saw that power manifested in reality.

Mr. Speaker, Vaclav Havel is a man who has always been guided by the courage of his convictions. Remarkably, his courage did not fade upon his assumption of the presidency. Indeed, he is all the more heroic for his remaining steadfast to his commitment to human rights even from the comforts of the Prague Castle.

From the beginning of his tenure, as he addressed his country's communist and totalitarian past, he was a voice of reason, not revenge. In 1993, he rightly identified the situation of Roma as "a litmus test for civil society." Throughout his presidency, he has pardoned those facing criminal charges under communist-era laws that restrict free speech and have yet to be repealed. In 2001, he spoke out against the parliament's regressive religion law, which turned the clock back on religious freedom. He has raised human rights issues from Cuba to China. And, he has reminded other world leaders of our shared responsibility for the poor and less fortunate.

H. Con. Res. 22 pays tribute to Vaclav Havel's singular compassion, integrity, and vision. I urge my colleagues to join me in supporting a man who has given so much to his country and the world.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 22.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

* * *

COMMENDING ISRAEL ON THEIR ELECTIONS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 61) commending the people of Israel for conducting free and fair elections, reaffirming the friendship between the Governments and peoples of the United States and Israel, and for other purposes.

The Clerk read as follows:

H. RES. 61

Whereas the United States and Israel are close allies whose people share a deep and abiding friendship based on a shared commitment to democratic values;

Whereas since its establishment in 1948, Israel has fulfilled the dreams of its founders who envisioned a vigorous, open, and stable democracy;

Whereas an essential feature of Israeli democracy is its system of competitive, free, and open elections;

Whereas on January 28, 2003, the people of Israel elected Israel's 16th Knesset, or Parliament, which in turn will choose the Prime Minister of Israel; and

Whereas the election on January 28, 2003, is the most recent example of the commitment of Israel to the democratic ideals of freedom and pluralism, ideals that Israel shares with the United States

Resolved, That the House of Representatives—

(1) commends the people of Israel for reaffirming their dedication to democratic ideals as expressed in the election on January 28, 2003;

(2) expresses both its respect for the freely expressed will of the people of Israel, and its intention to engage in constructive relations with the new Government of Israel, and urges the international community to do so as well;

(3) reaffirms the close bonds of friendship that have bound the people of the United States and the people of Israel together through turbulent times for more than half a century;

(4) urges the Palestinian leadership to abide by its commitments made to the United States and to Israel and urges the Palestinian people to act on President Bush's call of June 24, 2002, to dismantle the terrorist infrastructure, end incitement to violence in official media, elect new leaders not compromised by terror, and embrace democracy; and

(5) restates the commitment of the United States to a secure peace for Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my colleague, the gentleman from Virginia (Mr. CANTOR), for introducing this important resolution commending the people of Israel for conducting free and fair elections and reaffirming the close friendship between our two nations.

Virtually since its creation in 1948, the state of Israel has been the only democratic ally of the United States in the region. Today, it is the only country in the Middle East with truly free elections, a vibrant free press, an active civil society and other elements which constitute a free society, making it indeed the only country in the Middle East classified as free by Freedom House in its report on democracy and human rights in the region.

Its declaration of independence, its system based on separation of powers, particularly its emphasis on an independent judiciary, its guarantee of equal access for women and minorities, and its guarantee of freedom of religion to the entire population are but some of the parallels that we share, which further strengthen the bonds between our countries. However, our nations share more than just democratic principles.

Regrettably, we have both been victimized by terrorism, the common enemy of the civilized world. The continuing terrorist attacks against Israel clearly follow the pattern of attacking democratic countries which support and implement the rule of law, mistaking the openness and tolerance of such societies as a sign of weakness. Israel is targeted in part because it is our friend and in part because it is an oasis of liberal, democratic values in a vast expanse of authoritarian regimes, fanaticism and bigotry.

As a liberal democracy under repeated attack by murderers who target innocent men, women and children, Israel deserves our steadfast support. This support is essential to Israel's continued survival as a free and democratic nation, for only the United States has the power and political will to provide meaningful assistance to the only parliamentary democracy in the region.

While we may have shared interests with Arab states in the Middle East, it is with Israel that we share core values. As it was in Afghanistan, U.S. foreign policy should be about more than geostrategic concerns. It should also reflect who we are as a nation and as a people.

There is an expression in Spanish which says, loosely translated, "Tell me who your friends are and I'll tell you who you are." Let then the U.S. be judged by its friendship and by its partnership with Israel, the region's truly free, democratic society.

I strongly urge my colleagues to support the gentleman from Virginia's resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. First I would like to pay tribute to my good friend, the gentleman from Virginia (Mr. CANTOR), for introducing this legislation. I rise in strong support of this resolution.

Mr. Speaker, friendship with Israel and support for its security are unshakable elements of U.S. foreign policy. The primary reason for these close relationships is not just our strategic interests, but our shared values. Democracy and freedom form the core values of both the United States and of Israel.

Mr. Speaker, that is why the occasion of Israelis going to the polls as they did just recently is the appropriate time to mark and to reaffirm this very special relationship. Israel is one of the world's most vibrant democracies.

Some may wonder why we choose to honor this small country for holding an election. After all, Israel has held 17 elections in its 55-year history, five in the past decade alone. Yet another Israeli trip to the polls seems hardly remarkable. But, Mr. Speaker, that is exactly what earns Israeli democracy its special place in our friendship and respect and its special status among the world's democracies. We take its democratic nature for granted. Yet Israeli democracy endures under extraordinary circumstances, of difficulties, tragedies, and suicide bombings found nowhere else on the face of this planet.

The object of hatred from most of the regimes in its region, not one of which is a democracy, Israel would have every excuse in the world to lapse into the lamentable political mores of its region. But it refuses to do so. Instead, it brings democratic light to a region dominated by dictators.

Mr. Speaker, I congratulate the people of Israel who have again shown their unswerving devotion to democracy with little sense that they are doing something extraordinary.

Let me also take this opportunity to congratulate Prime Minister Sharon on his impressive plurality and wish him good luck in forming a new government. In passing this resolution, we assure the new Israeli Government that it can look forward to the closest possible relationship with the American people and with the Congress of the United States.

I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR), the author of this resolution, who is our new chief deputy whip and a person with whom I had the pleasure of going to Israel with last year.

I look forward to my next visit to Israel just this Friday. I wish that he would be going with us.

Mr. CANTOR. Mr. Speaker, I rise to support H. Res. 61, and I thank the gentlewoman from Florida and the gentleman from California for their work in bringing this resolution to the floor.

On January 28, citizens in Israel exercised their right to vote in a free, transparent and democratic election. In Israel, like the United States, the right of citizens to vote is not denied or abridged on account of race, color, creed, sex or religion. Unfortunately, commitment to democracy and equal rights is a rarity in the Middle East. Israel's neighbors, like Syria, Iran, Iraq and others, do not share our respect for freedom. Behaviors that we consider basic rights, like free speech, fair trials, freedom of the press and freedom of religion are nonexistent. The concepts of life, liberty and the pursuit of happiness are often demonized in some countries as sinful products of the Great Satan culture of the West.

That is, Mr. Speaker, why I stand here today and congratulate our only democratic ally in the Middle East, Israel, a country that stands with the United States on the key principles of human rights, freedom, peace and democracy, a country like no other in its region.

Mr. Speaker, like the United States, Israel is currently fighting a war on terrorism against people dedicated to hate and destruction, people dedicated to ending freedom and democracy, and dedicated to suppressing the basic rights of life and liberty.

□ 1530

It is incomprehensible, but these armies of evil believe that they can destroy, maim, and kill innocent people in the name of God. For the past 22½ years, Israel has faced an unrelenting campaign of violence and terror against her citizens, a war that began just months after the region stood at the doorstep of peace waiting to enter and then the door was abruptly shut. Throughout all of this unrest, it is amazing that on January 28 just a few weeks ago, the Israeli people engaged in the most basic and important feature of democracy. They held free, open, and competitive elections, an act in stark contrast to their dictatorial enemies.

Mr. Speaker, we in the United States consider Israel a real friend, a true ally. We must maintain our commitment to Israel's security. We must stand steadfast with President Bush and hold the Palestinian Authority to the strict guidelines laid out during the President's June 24 Rose Garden speech. We know from past experience that imposing an artificial deadline will not result in peace in the Middle East. Peace will only come with security, not in spite of it. Israel has always made a sincere commitment to peace in the region. Many times her commitment to peace has come at the expense of innocent life. We need to make sure we stand with and support our only democratic ally in the region.

I join my colleagues today in congratulating Israel on free and democratic elections, and I welcome a continued dialogue on how to best stop the violence and bring about peace and stability in this vitally important region.

Mr. LANTOS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. BELL), one of our new colleagues who has already demonstrated qualities of great leadership in this body.

Mr. BELL. Mr. Speaker, I rise today to urge my colleagues to join me in commending the Nation of Israel and to support passage of this very important resolution. A great philosopher once wrote that "freedom cannot be bought for nothing. If you hold her precious, you must hold all else of little worth."

Those words were written thousands of years ago, but I cannot think of any contemporary statement that provides such a clear window into the times in which we now live, into the struggle in which we are now locked.

As we have once again learned here in America this past year, the struggle for freedom is a constant one. It is a battle never completely won but one that must be perpetually fought. The battle for freedom is one that exacts an enormous price, and few people on this Earth have paid as heavy a price for their freedom as the people of Israel.

And as we see on our evening news on too many nights, the sons and daughters of Israel continue to pay that price just as they have for thousands of years. I think it is only fitting that in the wake of their 17th consecutive election as a free nation that the United States Congress would honor the Nation of Israel. We should honor them for their unwaivering commitment to find and hold freedom, and we should honor them for the sacrifice millions of Jewish people have made in pursuit of their dream, in pursuit of their right to hold free elections as a free people.

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Texas for his eloquent and powerful statement, and I urge all of my colleagues to support this resolution.

Mr. STARK. Mr. Speaker, I rise to express my grave concerns with the content of the resolution congratulating Israel on their recent elections.

What could—and should—have been a nice innocuous resolution congratulating a key ally for running their recent election more fairly than we can, was instead hijacked by anti-Palestinian groups in Congress and turned into another diatribe against the Palestinians.

Rather than simply congratulating Israel, the resolution includes language accusing Palestinian leaders of supporting terrorism in Israel and the occupied territories. It further suggest that leaders of the Palestinian Authority, chosen by the Palestinian people, should be thrown out of office. If our role as a nation is to play peace broker in the Middle East, we must stop choosing sides in this ongoing conflict in which neither side is fully in the right.

I do commend Israel for conducting a free and fair election and I wish I could say the same for our most recent Presidential election. But, the commendation should have ended there.

Mr. PAUL. Mr. Speaker, I reluctantly must oppose this resolution.

Though I am sure this resolution commending Israel for holding free elections was introduced with the best intentions, this legislation unfortunately goes further than a simple commendation. The legislation as written will only once again inject the United States into the decades-old and intractable conflict in the Middle East. By commending Israel while at the same time demanding that the Palestinians take specific actions, this legislation places the United States squarely in the middle of a conflict that has absolutely nothing to do with American interests. Also, the resolution states that the United States is committed to secure peace for Israel. We cannot afford nor are we constitutionally permitted to play referee in the Israeli-Palestinian conflict, and securing peace for any country but the United States is not the role of this body.

We must resist the temptation to meddle in the affairs of far-away nations no matter how good our intentions may be. If we are to keep our Constitutional republic we must uphold the wise counsel of those who crafted our founding set of laws.

Thomas Jefferson summed up the foreign policy position we must uphold in his 1801 inaugural address: "People, commerce, and honest friendship with all nations—entangling alliances with none." How many champion Jefferson and the Constitution, but conveniently ignore both when it comes to American foreign policy? Washington similarly urged that the U.S. must "Act for ourselves and not for others," by forming an "American character wholly free of foreign attachments." Do so many on Capitol Hill now believe Washington was wrong?

Mr. Speaker, how many more times must we place ourselves and our country at risk by taking one side or other in battles, wars, and conflicts that have nothing to do with the United States, and where anger toward the United States will inevitably result? I urge my colleagues to uphold the Constitution and vote against this unfortunately-worded resolution.

Mr. DINGELL. Mr. Speaker, today we are debating a resolution congratulating Israel for conducting free and fair elections. I, too, rise to offer my congratulations to the people of Israel for their recent free and open elections.

That being said, I have concerns with the wording of the resolution. I find it curious that a resolution of congratulations to the Israeli people also contains condemnations of the actions—or inactions—of the Palestinian people.

Mr. Speaker, the resolution refers to President Bush's statement of June 24, 2002. But what is the vision of this Administration? Secretary Colin Powell said it is to build, "a region where Israelis and Arabs can live together in peace, security, and dignity." The resolution before us mentions peace and security for Israel, but it says nothing of peace and security for the Palestinian people in the Occupied Territories. Where is the balance?

Unfortunately, we again have a resolution before the House that is perceived to be one-sided in nature, and which does not present the United States as an honest broker to both sides in this conflict.

I will support this resolution, but I wish to make it know that the Congress of the United States should strive to support the goal of peace in the region for all peoples. The United States must act as an even-handed honest broker to all parties in the Palestinian-Israeli conflict if there is ever to be peace in the region.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 61.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING CERTAIN HYDROELECTRIC LICENSES IN THE STATE OF ALASKA

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 337) to extend certain hydro-electric licenses in the State of Alaska.

The Clerk read as follows:

H.R. 337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393.

(a) Upon the request of the licensee for FERC Project No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

(b) Upon the request of the licensee for FERC Project No. 11393, but not later than 6 years after the date that the Federal Energy Regulatory Commission receives written notice that construction of the Swan-Tyee transmission line is completed, the Federal Energy Regulatory Commission shall issue an order lifting the stay and make the effective date of the license the date on which the stay is lifted.

(c) Upon request of the licensee for FERC Project No. 11393 and notwithstanding the time period specified in section 13 of the Federal Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which licensee is required to commence the construction of the project for not more than one 2-year time period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 337 and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 337, which was introduced by the gentleman from Alaska (Mr. YOUNG). The bill before us today directs the Federal Energy Regulatory Commission, known as FERC, upon request of a license to issue a stay of a license for a hydroelectric project in Alaska pending the construction of an associated transmission line. In addition, the bill also directs FERC to extend the construction deadline for this project for not more than a 2-year time period once the stay is lifted.

This bill is identical to Senate bill S. 1843 as passed by the House during the final days of the 107th Congress and unfortunately was prevented from being signed into law due to a clerical error. Today we rectify that incident and once again let the will of the House be known concerning the license for the construction of a 96-megawatt hydroelectric power project at Mahoney Lake near Ketchikan in southeast Alaska. Mr. Speaker, I urge all my colleagues to support this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Power Act authorizes the Federal Energy Regulatory Commission to issue licenses for the construction of new hydroelectric power projects. Section 13 of the act establishes time limits for commencement of construction of a hydroelectric project once FERC has issued a license. The licensee must begin construction not more that 2 years from the date the license is issued unless FERC extends the initial deadline.

Section 13 permits FERC to grant only one extension of that deadline for not longer than 2 additional years when not incompatible with the public interest. Accordingly, FERC lacks the authority to extend the deadline beyond a maximum of 2 years from the original deadline for commencement of construction. Therefore, a license is subject to termination if a licensee fails to begin construction within 4 years of the date of issuance. There are many reasons why construction of a project may not begin within the statutory 4-year period, including lack of a power sales contract or, in the case of the bill before us, the absence of a completed transmission line to carry power from the project to areas where it is needed.

The purpose of the bill before us, H.R. 337, is to direct FERC upon the request of the licensee to issue an order staying a license of a hydroelectric project in the State of Alaska, pending the construction of an associated transmission line. Once the line is completed, the bill directs FERC to lift the stay and extend the deadline to commence construction for one additional 2-year period. The legislation also directs FERC to extend the deadline to commence construction of the project for one additional 2-year period.

On January 22, 1998, FERC issued a license to the City of Saxman, Alaska, to construct and operate and maintain the 96-megawatt Mahoney Lake Hydroelectric Project. The project is located on Upper Mahoney Lake and Upper Mahoney Creek near Ketchikan in southeast Alaska. The project is not projected to be economically viable until the completion of the associated Swan-Tyee transmission line. The Cape Fox Corporation, which oversees the construction and the operation and the maintenance of the project, stands to lose a substantial investment in the project if the license expires prior to completion of the transmission line.

Last year, S. 1843, a similar bill, was amended and passed the House by unanimous consent. While that bill was amended by the House, the official papers that were delivered to the Senate did not contain the amendment that passed the House. As a result, the version subsequently passed by the Senate did not contain the House amendment, and the Speaker properly did not sign the bill to clear it for the White House since the official papers did not accurately reflect the vote or the will of the House. This was the right thing for the Speaker to do. It is important that the author and supporters of this bill not be penalized unnecessarily for the clerical error that occurred in the House. I am pleased we are able to move this bill quickly to fulfill our commitment to the gentleman from Alaska (Mr. YOUNG) and to his constituents. I urge my colleagues to support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 337.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REINSTATING AND EXTENDING DEADLINE FOR CONSTRUCTION OF HYDROELECTRIC PROJECT IN ILLINOIS

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 397) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

The Clerk read as follows:

H.R. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11214, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section—

(1) reinstate the license for the construction of the project as of the effective date of the surrender of the license; and

(2) extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 397, a bill that I introduced. H.R. 397, which passed the Committee on Energy and Commerce by voice vote, will help the city of Carlyle, Illinois, construct a hydroelectric power plant on Carlyle Lake in my district. This plant will enable communities in southwestern Illinois to use water flowing through the Carlyle Lake Dam to help meet their energy needs.

In 1967 the Army Corps of Engineers formed Carlyle Lake by building a dam on the Kaskaskia River. Since the lake was formed, surrounding communities have not had a hydroelectric power plant to make use of the lake's tremendous potential as a renewable energy source. The Federal Energy Regulatory Commission, known as FERC, granted Southwestern Electric Cooperative a license to begin construction of a power plant in 1997. But the cooperative surrendered the license after it was unable to begin the project in the required time period. This legislation would permit the FERC to reinstate Southwestern Electric Cooperative's license and extend the deadline to begin construction so that there is time to properly design a facility.

This generating facility will utilize the already-existing dam, helping to reduce the cost and minimize any environmental concerns. The city of Carlyle estimates that the hydroelectric power plant would provide more than one third its annual energy needs.

Mr. Speaker, I encourage all my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

I rise in support of H.R. 397, introduced by the gentleman from Illinois (Mr. SHIMKUS) on the Committee of Energy and Commerce. H.R. 397 extends the deadline for commencement of construction for up to 6 years. Not counting the years in which the license was surrendered, this potentially amounts to 9 years for the licensee to commence construction. The legislation provides for up to three consecutive 2-year extensions instead of a single 6-year extension to ensure that the licensee must continue to meet Federal Power Act section 13 requirements to prosecute construction in good faith and with due diligence before obtaining each 2-year extension.

This requirement to move forward in good faith and due diligence is important because when someone holds a license, but fails to develop a project, that someone is potentially preventing others from developing the site for hydropower or other uses. Sometimes a licensee who is not developing a site may in fact be purposely using license extensions to prevent other potential applicants from developing it, a process known as "site banking." While FERC is not aware of any other party that is interested in this particular case in developing this site, if FERC determines a licensee is not prosecuting construction in good faith and with due diligence, the agency can in fact refuse to grant a request for an additional 2-year extension, can terminate the license, and make the site available for other uses. This is appropriate public policy.

The author deserves credit for crafting the legislation in this manner. I urge my colleagues to pass the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 397.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1545

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 19) recognizing the 92nd birthday of Ronald Reagan.

The Clerk read as follows:

H.J. RES. 19

Whereas February 6, 2003, is the 92d birthday of Ronald Wilson Reagan;

Whereas Ronald Reagan is the first former President ever to attain the age of 92;

Whereas both Ronald Reagan and his wife Nancy Reagan have distinguished records of public service to the United States, the American people, and the international community;

Whereas Ronald Reagan was twice elected by overwhelming margins as President of the United States;

Whereas Ronald Reagan fulfilled his pledge to help restore "the great, confident roar of American progress, growth, and optimism" and ensure renewed economic prosperity;

Whereas Ronald Reagan's leadership was instrumental in extending freedom and democracy around the globe and uniting a world divided by the Cold War;

Whereas Ronald Reagan is loved and admired by millions of Americans, and by countless others around the world;

Whereas the recent tragic loss of the space shuttle Columbia and her crew remind us of how, 17 years ago, Ronald Reagan's eloquence helped heal the Nation after the Challenger disaster;

Whereas Nancy Reagan not only served as a gracious First Lady but also led a national crusade against illegal drug use;

Whereas, together Ronald and Nancy Reagan dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world; and

Whereas the thoughts and prayers of the Congress and the country are with Ronald Reagan in his courageous battle with Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress, on behalf of the American people, extends its birthday greetings and best wishes to Ronald Reagan on his 92d birthday.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 19.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 19, introduced by our distinguished colleague, the gentleman from California (Mr. COX), recognizes the 92nd birthday of President Ronald Reagan.

Last Thursday, February 6, Ronald Reagan became the first President to reach the age of 92. This resolution honors the man whose very name represents an era, a leader who saw in America that shining city on a hill when we had lost our sense of national purpose.

Reagan's legacy transcends the decade in which he served. He has become the standard bearer of expectations for modern-day Presidents. And as time passes, history is judging him well. Those who once doubted Reagan's vision have come to recognize his greatness.

During two terms in office, Reagan bounced back from a would-be assassin's attack with humor and courage. In an all-too-familiar scene, he comforted a Nation coping with the loss of our *Challenger 7*, and he kept his promises. Reagan campaigned on tax relief, and he delivered tax relief. In the process, he fueled record growth and expansion.

Reagan's accomplishments were not just on do the domestic front. At the Brandenburg Gate, he defied the diplomats and said what millions of Americans were thinking: "Mr. Gorbachev, tear down this wall." Today, we know that Communist Russia was shaken to its core by this new type of a leader, one who was not afraid to stand tall for freedom.

Now I hope this House will join all Americans in honoring President Reagan's 92nd birthday and, more importantly, his remarkable life.

Mr. Speaker, for these reasons, I urge all Members to support the adoption of House Joint Resolution 19.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself of such time as I may consume.

Mr. Speaker, a bigger-than-life screen actor and television personality, Ronald Reagan moved from being Governor of California in the 1960s to President of the United States and dominating American politics in the 1980s.

He was the first President to be reelected tc a second term since Dwight Eisenhower. Media-made and media-presented, Ronald Reagan got millions of Americans to feel proud of their Nation. America's 40-year Cold War with the Soviet Union cooled considerably and perhaps actually ended during Reagan's presidency. Many Americans credit him with having achieved what became a significant outcome.

Born the son of a shoe salesman in small-town Illinois, Reagan's impoverished but loving parents instilled in him a sense of optimism that carried him through college as an average student. After graduation, he worked for a few years as a sports broadcaster in Midwestern radio before landing a film contract with Warner Brothers, which took him to Hollywood in 1936. Over the next 30 years, Reagan made scores of films, including many Army films produced during World War II. He hosted two popular television series and he actively engaged in politics as president of the Screen Actors Guild.

In the 1950s, Ronald Reagan changed from being a Roosevelt New Deal Democrat to a conservative Republican. In 1966, he became Governor of California. He was reelected in 1970. Using his popularity in California, Reagan unsuccessfully challenged President Gerald Ford for the Republican nomination in 1976. He tried again and won the nomination in 1980, and thereafter defeated the incumbent Democrat, Jimmy Carter. With his 1984 reelection victory, President Reagan became the most politically successful Republican President since Eisenhower.

Today, we celebrate former President of the United States Ronald Reagan's 92nd birthday. We wish him well, and trust that he will continue to carry on.

Mr. Speaker, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the distinguished sponsor of this resolution.

Mr. COX. Mr. Speaker, we are here today to commemorate the birthday of President Reagan. As you know, he turned 92 just a few days ago, and as you know, Mr. Speaker, we were delayed in honoring him here on the floor because of the Space Shuttle *Columbia* tragedy. It is fitting that we remember President Reagan in this context because in his time, during his presidency, he helped heal and bring together our Nation in the wake of the *Challenger* disaster.

Just as his words honored the crew of the Space Shuttle *Challenger*, President Reagan's eloquence continues to comfort and console us as we now remember the fallen crew of the Space Shuttle *Columbia*. President Reagan's words of January 28, 1986, speak to us 17 years later with all of their original force and beauty. He said, "We will never forget them, nor the last time we saw them, as they prepared for their journey and waved good-bye, and 'slipped the surly bonds' of effort and 'to touch the face of God.'"

At 92, President Reagan is America's oldest President ever. The previous record was set by John Adams. You remember, Mr. Speaker, that John Adams and Thomas Jefferson died on the same day, and they died, even more remarkably, on the 50th anniversary of the Declaration of Independence.

As we think back years from now, as we think back on our founding, on our founders, on the Declaration of Independence and our great Presidents, I am quite sure that we will recall Ronald Reagan, for he has already distinguished himself as one of America's most remarkable individuals.

Any one of his careers would itself be worthy of recognition by this Congress. He was an accomplished sports announcer on radio. He was a very renowned film actor. As you know, he was one of the best-known actors in America. He was a labor leader, twice elected president of the Screen Actors Guild. He was a very successful two-term Governor of California, and a very successful two-term President of the United States, elected twice in landslides.

He was called the Great Communicator, in part because he spent so much time on television explaining his policies to us. He was quite good at it. But it was more than communication skill, because he had something very important to communicate. Lady Thatcher, then Prime Minister Thatcher, compared Ronald Reagan to Winston Churchill. She said, "Like Winston Churchill, he made words fight like soldiers, and lifted the spirit of a nation."

If the events of September 11 have taught us anything, it is that America still requires a strong national defense against enemies who would destroy freedom and democracy.

When Ronald Reagan became President, we had endured an era of national malaise, bereft of any sense of moral direction. Throughout his term of office, throughout 8 of the fastest-moving years in history, President Reagan brought our Nation back with his Irish twinkle and that homespun style of his, which seemed never to abate. He brought a new assurance to America.

He not only was America's oldest President, he was one of America's most active Presidents ever, and he was one of the most energetic leaders of the Free World that the world has ever seen. With a toughness that we had not seen in a long time, he stood toe-to-toe with what he unabashedly described as the Evil Empire. For such moral clarity, he was dismissed as naive and dangerously undiplomatic.

When he said, "Mr. Gorbachev, tear down this wall," he was criticized. The realists among us knew that the Soviet Union was going to be there forever and we should learn to accommodate it. President Reagan saw a different future, and he worked hard to bring it about. As a result, hundreds of millions of people, not just in the Soviet Union, but throughout Central and Eastern Europe, were liberated.

If he were with us here today, President Reagan would humbly acknowledge that he appreciated the birthday wishes on the 53rd anniversary of his 39th birthday.

When former President Clinton was running for office, he once said America needed a President for the '90s. Perhaps now, if we could repeal the 27th Amendment, we could have a President in his 90s. Hope springs eternal.

Mr. Speaker, President Reagan and his vision will not be forgotten. His love of country and his ability to see the best in all of us revitalized our common faith in the American dream. President Reagan's enthusiasm and big-hearted spirit of America continues to inspire us with a vision of our potential and the limitless possibilities that dwell just beyond the horizon.

As he said at the end of his D-Day speech in Normandy, we can say of President Reagan: Mr. President, we will always remember, and we will always be proud. Happy birthday.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from California for introducing this very worthwhile measure.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to join my colleagues in recognizing the 92nd birthday of President Ronald Reagan. To many Americans, President Reagan is more than a man. He is an extraordinary symbol of all that makes our society great. And as the foundation of President Reagan's greatness is his character, so it is part and parcel of our Nation's character as well.

He once said, "The character that takes command in moments of crucial choices has already been determined by 1,000 other choices made earlier in seemingly unimportant moments."

At this hour, as Congress wrestles with crucial choice, our character is being tested, I pray vigorously that our response will be founded in a tradition of great character, of wise choices. May we look to the character of Ronald Reagan for inspiration.

I will close with these words from his farewell address: "Because we are a great Nation, our challenges seem complex. It will always be this way. But as long as we remember our first principles and believe in ourselves, the future will always be ours."

Happy birthday, Mr. President.

Mrs. BLACKBURN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it can be said that the most important facet and indispensable quality for leadership is to be able to see the future, at least in its most important aspects, and the ability to stay the course, despite all the inevitable pressures leading in other directions in order to reach that future.

I consider it an honor to be able to rise in this House of Representatives today to wish President Reagan happy birthday on the occasion of his 92nd birthday.

□ 1600

The United States of America and, indeed, the world, owes so much to Ronald Reagan. Ronald Reagan was someone who, at a very critical moment in the history of the United States, arose and offered himself in leadership to, in effect, save the Free World. I admire Ronald Reagan profoundly. Each day, as we have the opportunity to learn more and more about the history of the tumultuous events that saw his presidency, that his presidency lived through, as we learn more, we see Ronald Reagan's greatness more, and not only his importance, but his indispensable, indispensable contribution to the freedom of the world and the end of what he rightfully called the Evil Empire as seen in all its truth.

So I commend my colleagues for having brought this resolution forward. Happy birthday, President Reagan.

Mrs. BLACKBURN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, today I rise to pay tribute to a great man, our 40th President of the United States, Ronald Reagan, on the occasion of his 92nd birthday. I believe it is indeed appropriate that I make my first speech on the House floor in honor of this great man.

If it were not for his principles of limited government, personal responsibility, and strong fiscal discipline, I might not be here today. Mr. Speaker, it is with those principles in mind that I decided to become a candidate for the United States House of Representatives. It is those principles that I will remain loyal to as long as I am a Member of this body.

In 1985 President Reagan said, "We in government should learn to look at our country with the eyes of the entrepreneur, seeing possibilities where others see only problems." As a former small business owner, I could not agree more with that sentiment.

So, Mr. Speaker, I am glad that we are here today, able to honor President Reagan, because it has given me an opportunity to say "thank you" to a great man, and happy birthday, Mr. President.

Mrs. BLACKBURN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise to honor the 92nd birthday of our 40th President, the honorable and great Ronald Reagan.

We live in a world today that is very similar to the world that Ronald Reagan faced as President in 1981 to 1989. Just as the President overcame an economy that at the time was buried in a recession and he fought to rid the world of communism, so too our President today, George W. Bush, is working hard to put in place an economic package that will spur on the economy, while continuing to fight terrorism, both here and abroad as well.

President Reagan entered the White House in 1981 when the economy was in a recession. His solution to that problem was dubbed then, and we still call it today, "Reaganomics." It involved an immediate and across-the-board tax cut; and it was designed to create jobs, encourage investment, and provide economic efficiency in this country.

His policies essentially laid down the foundations for a prosperous and generous society. His tax cuts eventually led to higher government revenues, not less; greater economic efficiency and, ultimately, pulling us out of that recession.

President Reagan also took a strong moral stance against communism on all fronts. Knowing that our Nation faced grave threats on a daily basis, he provided our military with the resources they needed at that time to get the job done, and they were able to get the job done.

President Reagan is really one of the greatest figures of our time, and he will be remembered in the White House and in this Nation as a man of great talent and great character.

We must honor his legacy today by continuing to ensure that tyranny is conquered by liberty and that every American sees permanent tax relief in their checkbook.

I believe we do this, Mr. Speaker, by continuing to make every effort to stand for freedom, defend our citizens, and to help make the world a safer and better place to live. We do that by bringing terrorists to justice and spreading prosperity to all Americans with job creation and immediate tax relief.

Mrs. BLACKBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), who knew and worked very closely with President Reagan.

Mr. ROHRABACHER. Mr. Speaker, happy birthday to Ronald Reagan. I am sure Nancy is watching, and she knows how much we care for and love Ronald Reagan; and she has been at his side from the beginning.

I met Ronald Reagan when I worked in his campaign for Governor in 1966. I worked on both of his presidential campaigns; and then, after he won his presidential race in 1980, I went with him to the White House for 7 years and worked with him as one of his principal speech writers. Let me note, I had never written a speech for anyone before I wrote a speech for Ronald Reagan as President of the United States. He taught me all about speechwriting. We always used to say, if President Reagan was not a President, he was a good enough writer to be the President's speech writer.

But more than that, his skill was his principles that counted. He had principles and ideals. He had a philosophy that included an economic philosophy and a personal philosophy. He brought about a change in the national spirit that saved America. He brought about a change in the economy that saved America. He brought about a change in America's strategic position that saved the world. His tax cuts turned our economy around and gave us the longest period of growth in American history. And yes, there were deficits. But had we not had Ronald Reagan's economic policy in place, those deficits charted out the way it was before Reagan would have been twice as big as what happened under Reagan's period of growth.

Bill Clinton could not even change the direction that Ronald Reagan started. That is how strong an influence he was on the American people. Remember, right up here, Bill Clinton declared the era of big growth or big government is over.

But what is most important, Ronald Reagan, criticized by people on the other side of the aisle, criticized as a war monger, criticized as someone who had a bad heart, stood firm and strong, supported freedom in the world, and demanded that Gorbachev tear down the Wall. This is what changed the world. It was his strength of character, even when he was being criticized personally and undermined every step of the way for political purposes, he stood strong and the will of the Communist bosses in Moscow crumbled, for the first President they ever had to stand up, who really believed in freedom and democracy and was willing to make that part of America's offensive policy against Communist tyranny.

That changed the world. It has made it safer. It gave us the opportunity to spend less money, hundreds of billions of dollars less on a national defense over the years. We would never have had that respite, except that Ronald Reagan stood firm. When people said, let us have a nuclear freeze that leaves the Soviet Union in a dominant position, Reagan said no. If we are going to do anything with nuclear weapons, it has to leave us both on par. We will have a mutual reduction of nuclear weapons, and that is exactly what happened. They said it could never be done, and they called him a war monger for demanding something that could never happen, that the Communist bosses would never agree to.

Mr. Speaker, we are all the recipients of Ronald Reagan's wisdom. We all are benefiting from the strength of character of this man who carried us from uncertainty and in retreat and left an America on the rise, an America that was growing economically, but an America that was reinvigorated in its commitment to freedom and justice and to treat the people of the world decently. We captured, we captured the hearts and souls of the people throughout the world, the young people, especially those in the Soviet Union.

Today, we should take heed of what Ronald Reagan did and remember, those people in Iraq are our greatest ally. Those people in China are our greatest ally, those people who want democracy and freedom and suffer under their tyranny; and we should be on their side and we too can make this a better and more peaceful world as Ronald Reagan did. We are grateful to Ronald Reagan. Happy birthday, Ronald Reagan. We are grateful to you. We really appreciate it.

Mrs. BLACKBURN. Mr. Speaker, for all of the reasons that have been articulated by my esteemed colleagues, I urge adoption of this measure.

Mr. GIBBONS. Mr. Speaker, it is a great honor for me to recognize former President Ronald Reagan's ninety-second birthday and his unceasing commitment to our great nation.

In 2000, Congresswoman JENNIFER DUNN, the late Senator Paul Coverdell, and I introduced legislation to bestow the Congressional Gold Medal to President Reagan and his beloved wife, Nancy, in honor of their dedicated service to the United States.

The Reagans formally received their Congressional Gold Medal last May, at a special ceremony here in the Capitol.

Upon passage of the Reagan Congressional Gold Medal bill, Mrs. Reagan remarked, "it means a lot to us to receive so much support at this difficult time, and we are very honored."

Yet, honor and fame were never priorities for Ronald Reagan, and his journey to the White House was not marked by a desire for power or position.

He preferred to see himself as a simple citizen who was called upon to serve the nation he so loved.

Ronald Reagan truly is a great American, in every sense.

Led by his belief in the limitless potential of Americans, President Reagan turned the tide of public cynicism and sparked a national renewal.

During his eight year tenure, the United States enjoyed a period of astonishing economic growth, military superiority, and international change.

Ronald Reagan's contagious optimism and passionate patriotism served as a inspiration to the entire nation. Under his leadership, Americans believed, once again, in the American Dream.

As we enter the 21st Century, our Nation still finds its strength in President Reagan's ideals and his steadfast confidence in democracy, freedom, and America.

Often, as Americans, we look back at our history to learn from our mistakes and celebrate our triumphs.

The leadership and accomplishments of President Reagan certainly will not be forgotten, for they shaped the country we call home and the world as we know it today.

Thank you President Reagan for your commitment, dedication, and faith in America and her people.

Mr. STARK. Mr. Speaker, I gladly recognize and congratulate President Ronald Reagan on his 92nd birthday. However, I voted present because I could not in good conscience support a resolution that goes beyond simply offering personal well wishes and endorses President Reagan's economic policies.

I do not believe President Reagan's legacy of monumental budget deficits and excessive tax cuts for the rich was good economic policy. I don't believe his policies renewed America's economic prosperity. Instead they left too many Americans behind and left a giant bill we are still paying today.

I am sorry that the authors of this resolution felt it necessary to insert such partisan language. It would have otherwise been a completely non-controversial resolution that I would gladly support it.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise to honor a great American and our 40th President—Ronald Reagan. He is a man who not only inspired a generation, but led a Nation through one of its most challenging eras. His inspiration has carried well beyond his public years and will influence Americans well beyond our years in Congress.

Let us never forget that the very policies we fight for every day on the House floor—increased defense spending, tax relief, homeland security and fiscal discipline—have the fingerprints of Ronald Reagan all over them. It was his leadership and ingenuity decades ago that serve as the very foundation of our legislative agendas today.

Ronald Reagan not only inspired a Nation—He inspired the world to follow a path of progress and humanity in a decade plagued with the threat of communist tyranny. Today, we face a similar battle—this time against the threat of terrorism and weapons of mass destruction. While Ronald Reagan may not be leading us in this battle, let us follow the path that he blazed over a decade ago. Should we follow the principles of his leadership, the blanket of freedom and democracy over America will only grow stronger.

Let me also note that it would not be appropriate to honor President Reagan without honoring the person that has heroically stood by his side with complete dedication and unwavering commitment. Nancy Reagan's commitment to her husband, parallels President Reagan's commitment to this Nation. Her daily struggle to confront a disease that has taken away the true voice and spirit we continue to rally around is nothing short of heroic and should inspire this entire Nation.

I ask my colleagues to join me in honoring President Reagan on his 92 birthday by supporting H.J. Res. 19.

Mrs. BLACKBURN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and pass the joint resolution, H.J. Res. 19.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. BLACKBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 395, DO-NOT-CALL IMPLEMENTATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 395; that the bill be considered as read for amendment; that the bill be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and that the previous question be considered as ordered on the bill to final passage, without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONGRATULATING THE UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM FOR WINNING THE 2002 NCAA DIVISION I NATIONAL CHAMPIONSHIP

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 41) congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship.

The Clerk read as follows:

H. RES. 41

Whereas, on December 8, 2002, the University of Portland women's soccer team captured its first ever undisputed collegiate national soccer championship;

Whereas the 2002 National Collegiate Athletic Association Division I title is the first championship in any sport for the University of Portland;

Whereas the University of Portland Pilots' 20–4–1 record in 2002 tied the record for wins in a season in University of Portland women's soccer history;

Whereas head coach Clive Charles, the University of Portland director of women's and men's soccer, has successfully built a nationally recognized collegiate soccer program, leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths, and producing players for the United States National and Olympic teams;

Whereas, on the way to the national championship, the Pilots defeated 7 nationally ranked opponents, which included a 2–1 title game triumph over the reigning champion, Santa Clara University;

Whereas the Pilots, the tournament's number 8 seed, now hold the record as the lowest seeded-team to win the national title in the women's national championship 21-year history;

Whereas sophomore Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and 1 assist;

Whereas each player, coach, trainer, and manager dedicated time and effort to ensuring that the Pilots reached the pinnacle of team achievement: and

Whereas the students, alumni, faculty, and supporters of the University of Portland are to be congratulated for their commitment and pride in the Pilots' women's soccer program: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship and recognizes the achievements of all the players, coaches, and support staff who were instrumental in this accomplishment;

(2) requests that the President recognize the accomplishments and achievements of the 2002 University of Portland women's soccer team and invite them to Washington, D.C., for a White House ceremony for national championship teams; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Portland for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 University of Portland women's soccer team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 41.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 41. This resolution recognizes and honors the talent and accomplishments of the University of Portland women's soccer team.

In December, the Pilots won their first-ever national title in a 2-to-1 win over Santa Clara University at the 2002 NCAA Women'S College Cup. The Pilots ended their season with an impressive 20 win, 4 loss, 1 tie record.

The Pilots' victory exemplifies the determination and dedication that is a hallmark of collegiate athletic programs. A national championship is an accomplishment that will characterize the University of Portland's women's soccer team as a viable competitor for years to come.

Congratulations are in order to Head Coach Clive Charles and the entire women's soccer team at the University of Portland. I am happy to join the gentleman from Oregon (Mr. BLUMENAUER) in honoring this extraordinary team in all of its accomplishments, and I wish all involved a very successful future.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 41 congratulating the University of Portland's women's soccer team for winning the NCAA Division 1 championship.

On December 8, the University of Portland captured its first national championship. In fact, this is the University of Portland's first national championship in any sport.

I want to start by extending my congratulations to Head Coach Clive Charles and to all of the athletes on the University's winning squad.

Winning a championship brings national acclaim to a school, and the team's players and fans should treasure this exciting moment.

While it is important that we focus on this victory, it is also critical to recognize how opportunities for women in sports have grown and the impact of title IX.

□ 1615

This win by the University of Portland Women's Soccer Team reminds us of the value and importance of this landmark statute.

Unfortunately, Title IX is once again under attack. The administration's Commission on Opportunity in Athletics recently proposed so-called reforms to Title IX that would undermine this important civil rights statute. The commission's reports would recommend that girls and women be provided less athletic opportunity than boys and men by loosening protections and safeguards that have existed for many years. The commission was formed by Secretary Paige to advance the administration's agenda to weaken the opportunity for women and girls on the athletic field.

With Title IX successes over the 3-plus decades of its existence why would we want to weaken it now? Women now constitute more than 40 percent of those involved in college athletics, as opposed to 15 percent in 1972.

While we may be confronted with proposals to change Title IX, I would advise the administration not to propose initiatives to weaken this critical law.

Mr. Speaker, in closing, I want to thank the gentleman from Oregon (Mr. BLUMENAUER) and the rest of the Oregon delegation for introducing this resolution, and again to extend my congratulations to the University of Portland's Women's Soccer Team.

Mr. Speaker, I reserve the balance of my time.

Mr. ISAKSON. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me time and the kind words both he and the gentleman from Georgia (Mr. ISAKSON) had.

It is an honor to recognize the outstanding achievement of the NCAA Women's Soccer champions from the University of Portland to share with the rest of the country the excitement in Portland as the Pilots brought home the university's first national championship.

It must be noted that this is not just an achievement of an outstanding group of young women. It is a symbol of the achievement of an outstanding institution in Portland, Oregon. Once a small regional Catholic college, the University of Portland has grown in prestige and esteem, drawing a diverse student body from across the United States and around the world. The U.S. News and World Report last year ranked the university as one of the top five regional universities in the Nation.

The faculty, students and trustees can be justly proud of the accomplishments of the last quarter century under the leadership of Father Paul Waldschmidt, the late Father Tom Oddo, and more recently, President David Tyson.

The leadership of these presidents and trustees has had a tremendous impact on the academic programs and the physical development of the campus. But the University of Portland's Women's Soccer Team symbolizes that level of achievement, commitment and dedication. The Pilots Women's Soccer Team has for over a decade compiled an outstanding record, six times reaching the highest levels in play-off competition. But one must understand that these players are students first.

The University of Portland has one of the highest rates of graduating student athletes among the NCAA Division I colleges and universities across the country.

The soccer program at the University of Portland has produced women athletes who are today household names in the soccer world like Tiffeny Millbrett, Shannon MacMillan, both Olympians. They are role models for our community, for young women in Portland and around the country.

I have watched my own daughter and her high school teammates be inspired by their example. I have watched these outstanding college athletes share their skill and knowledge of the game with children in the community. Part of this achievement is due to the outstanding coach, Clive Charles who, along with leading the Pilots to victory on the field, recently fought and won a difficult battle against cancer. He is one of only five coaches in NCAA history to win 400 games. All of those, we are pleased to say, are with the University of Portland.

Even by the university's high standards, this particular win was special.

This determined team fought from the eighth seed in the tournament to take it all, as has never been done before in college cup history. While one hesitates to single out specific players on this outstanding team, four Pilots were named to the all-tournament team, including Sinclair, Arase, defender Lauren Orlandos, and midfielder Erin Misaki.

I would be remiss not to mention the numerous records that were broken by the team in this effort. Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and one assist, shattering Mia Hamm's 1993 record of 16. Lauren Arase allowed just one goal in the 2002 play-offs, setting an NCAA record for play-off goals, an average of 0.016, allowing just one goal in six games. Her gutsy effort was recognized in a recent New York Times article chronicling her will to push on despite a terrible injury in the championship game, illustrating the continued significance of Title IX.

The Pilot women who brought this title are the pride of an outstanding university. There is no more fitting symbol of the power and purpose of women's athletics than their championship. I am pleased that President Bush will honor the team with a White House ceremony later this month, and I am pleased the House of Representatives is honoring them today with this resolution.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is only appropriate, particularly in light of the remarks of the distinguished gentleman from Michigan (Mr. Kildee), for us to acknowledge at this time that after the tragic passing of our colleague Patsy Mink, Title IX was named after Patsy Mink and will forever carry that name.

Secondly, I think it is important to understand that the opportunities provided by Title IX were the underpinning which allowed teams like the Portland Pilots Women's Soccer Team to reach the heights of achievement in NCAA collegiate athletics. All of us in this House are proud of the achievements of women's teams at the collegiate level and are committed to the continuing excellence of women's athletics and men's athletics at the collegiate level, without the exclusion of anyone. And I feel honored to have been one to have known Mrs. Mink, and I am honored today to acknowledge that Title IX has been named after Mrs. Mink.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Georgia (Mr. Isakson) has been very supportive of Title IX, and he and I shared our great admiration of Mrs. Mink. I appreciate his comments.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. Woolsey).

Ms. WOOLSEY. Mr. Speaker, I want to join my colleagues in congratulating the women of the University of Portland Soccer Team for winning the NCAA Division I National Championship. But let us not forget that we must also congratulate Patsy Mink's Title IX program, because if there were no Title IX, there would not be a soccer championship for women.

Before Title IX, fewer than 30,000 girls participated in intercollegiate athletics. Today, more than 100,000 women compete. In high school, fewer than 7 percent of the young women played varsity sports prior to Title IX. Today, over 40 percent of young women do.

Do these games mean that the work of Title IX is finished when it comes to sports, that it is time for the supporters of the Title IX to take their ball and go home? Absolutely not. Is contrary to the scare tactics being used by opponents of Patsy Mink's Title IX program, those who say that women's sports are eating up all the athletic funding. The facts show that women's sports continue to receive far less funding than men's sports.

In the community of Duquesne, Pennsylvania, girls' sports receive one dime, one thin dime, for every dollar spent on boys' sports.

In my own State of California, where women make up over 56 percent of the full-time students at our 108 State colleges, women's sports receive 35 percent of the athletic budget.

In Georgia, more than 86 percent of the legislative grants for stadiums, lighting and equipment at public schools went to boys' sports programs. That would be 86 percent.

So while Title IX is transforming the playing field for women's sports, and that is because of our late colleague, Patsy Mink, we are not close to being even between men's sports and women's sports. We must be strong and we must continue to support Title IX; otherwise the dream of an NCAA championship will not be alive for girls in their future.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, would the distinguished gentlewoman from California (Ms. Woolsey) wait for just a minute? I want to make a clarification.

Mr. Speaker, I think I heard that in the State of Georgia 85 percent of the money appropriated by the legislature went to men's athletic facilities.

Ms. WOOLSEY. Mr. Speaker, will the gentleman yield?

Mr. ISAKSON. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Speaker, that is what I believe I said.

Mr. ISAKSON. Mr. Speaker, it is unconstitutional and illegal in the State of Georgia for the State to spend any tax money on athletic facilities. Those all have to be done either privately by booster clubs in the secondary schools, and in post-secondary schools by the foundations of the universities. But we cannot in the State of the Georgia spend any public money on athletic facilities. I just wanted to make that clarification.

Ms. WOOLSEY. Mr. Speaker, if the gentleman would yield, I do not think I said Federal funding. I am sure I said funding in general.

Mr. ISAKSON. Mr. Speaker, there was no State funding. That is the point I want to clarify.

I thank the gentlewoman.

Ms. WOOLSEY. That is too bad because investment in girls' sports is an investment in their future.

Mr. ISAKSON. We are investing in their education and urging them to raise the funds to support their athletics, men and women.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. Slaughter).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time. I rise again to congratulate the University of Portland's Women's Soccer Team and to voice my concern about changing the regulations of Title IX.

I come from an "if it ain't broke, don't fix it" school, and Title IX sure ain't broke.

Let me say something about if we just educate women. We are very much concerned about the health of young people in the United States and the sedentary lives that they live. It certainly would make a lot of difference if we give all women the opportunity to develop themselves athletically so they can pass that on to their children. Remember, if we want to have all those boys for the Georgia football games, we sure better have mothers who know how to bring them up right.

Senator Birch Bayh sponsored Title IX in 1972 because women in the United States were not getting an equal chance to participate in athletics and other educational opportunities. And since Title IX was enacted, both women's and men's participation in athletics has increased. But equality of opportunity still does not exist for our girls.

On an average, men participate at higher rates than women and they get 35 percent more scholarship dollars than women, and their total operating budgets are always double, at least, those of women's sports. And yet the critics of Title IX argue that the male athletes are suffering because of Title IX.

Mr. Speaker, Title IX ain't broke, but I will tell you what is. Some college football teams with rosters exceeding 100 athletes get to stay at four-star resorts before every home game. That is broke. Women do not get to do that. Athletic departments deciding that they would rather eliminate a wrestling program than to trim down the men's multimillion-dollar basketball budget, and then they blame the loss of the wrestling team on the women. That is not only broke, that is lame.

The Commission on Athletic Opportunity mistakenly complaining that Title IX invokes a quota system and then in their recommendations they suggest a real numerical quota. That is broke and it is downright un-American.

I urge my colleagues to support the spirit of Title IX and Patsy Mink that so pervades this House. She fought so valiantly for it and for most of her life really was so concerned that something might happen to it. Keep it as it is and keep it as it has been for the last 30 years so that women and girls today, including the women who have graduated from the University of Portland, who now have a women's professional soccer team to look forward to, will not lose the opportunities that they have earned; and never take that away from them.

Certainly in 1972 we seemed to discover here and in State legislatures that we have women constituents too. It would really behoove us not to forget that.

□ 1630

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of House Resolution 41, congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship. In addition to bringing home that trophy to the university, the Pilots fielded the first sophomore to be recognized as the Nation's top collegiate soccer player.

How could we have gotten there? I believe the accomplishment of these women is especially poignant as the Bush administration considers making changes to title IX, the 1972 landmark legislation which bans discrimination against women and schools and which is responsible for unprecedented gains in the participation of women in sports.

In the 30 years since the enactment of title IX, participation of girls in high school varsity teams has gone from one in 27 to one in three. Female participation in varsity collegiate sports has also risen to over 150,000, and we have already seen the gains that women have made in the Olympics. We have seen our United States athletes win in those Olympic games. Why? Because of title IX.

Overall, as a direct result of title IX, we have made great strides. So why are we trying to stop that? Why are we trying to change title IX? We should not, because the progress that we make on the soccer field extends to other places, well beyond that playing field.

Girls who play sports are 80 percent less likely to have unwanted pregnancies. They are three times more likely to stay in school and 92 percent less likely to use drugs. So now is not the time to change title IX.

High school girls continue to miss out on opportunities. There are 1.1 million less athletic slots in high schools in the Nation for girls as compared to guys. College women receive less money, $133 million less spent on women's sports than on men's sports at the collegiate level.

Instead of focusing on title IX, we should figure out how we divvy up the profits that come from some of our athletic teams to ensure that everybody gets the opportunity to be on the playing field if they want to be there.

Again, congratulations to the University of Portland's women's soccer team, but remember that it is people like Patsy Mink who went ahead and fought for our rights and laid the groundwork so girls could play. Remember that and help us.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me the time and my friend from Georgia for helping bring this bill to the floor.

I congratulate the women of the University of Portland on their outstanding achievement of winning the NCAA Division I soccer championship, and their achievement gives us pause to look backward at the world that their mothers lived in and forward to the world in which their daughters will live.

The world in which the mothers of these outstanding champions lived frowned on the idea of young women playing sports. We did not fund it. We did not support it. We discouraged it in ways that not only failed to enrich the lives of little girls but failed to enrich the lives of their brothers and boy counterparts.

When the mothers of these women were in high school and college, athletic opportunities for young women were the exception, not the rule. That changed because title IX was enacted over 3 decades ago, because women of vision like the late Patsy Mink stood here and made sure that it was enacted.

We have not only the opportunity to congratulate the women of the University of Portland; we have the opportunity to protect this opportunity for their daughters as well. Because here we are again, over 3 decades later, and the basic premises of title IX are being questioned by some in this body and in this country.

Make no mistake about it, Mr. Speaker, the obligation we have to our daughters is to make sure that the principle of title IX, which is equality of opportunity for men and women in sports, carries through into the future so that the daughters of these champions that we honor today will have equal or greater opportunities when compared to those shared by their mothers.

These women are an inspiration to girls and young women across the country. Last week, a 10-year-old soccer player competing in a winter indoor soccer league scored three goals in two games. She is an outstanding young woman. I hope that one day she will stand in the shoes of these outstanding champions from Oregon. Her name is Jacquelyn Andrews. She is my daughter.

So I say to Patsy Mink and I say to the women that we honor today, I thank them for the inspiration they have given the daughters of America. Let us live up to that inspiration and protect the legal principles of title IX.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

I will just take a minute and close, if I can. The original purpose of this resolution is to commend an outstanding university in the Pacific Northwest. It is the women's soccer team that won the NCAA Division I championship, and I encourage all of my colleagues to vote for that, and I support it.

I also realize it is an opportunity to pontificate on title IX, and I am very proud of the gentleman from Michigan (Mr. KILDEE) and others who have acknowledged the achievements of this body long before I got here in providing access and opportunity to collegiate athletics to women at a time in which those were deprived.

I think it is unfortunate to take a positive resolution like this, however, and speculate that a review 30 years later of title IX is an attack. In fact, if anything, because of the richness that title IX has brought to intercollegiate athletics, the benefits it has brought to athletics for women, the opportunities, as the gentlewoman from California (Ms. LORETTA SANCHEZ) says, it was given to Olympic sports to raise America's participation and success in the Olympics is a foundation for it to be perfected and improved for the future, not attacked or demeaned.

So I am not suspect of any commission reviewing any operation that after 30 years has proven to be successful and carried out its intended progress, and I am very happy to have had an opportunity to commend a group of young women who reached the highest achievement in their field in the United States of America, the Portland Pilots. I commend them, Clive Charles, their coach, my colleagues, and title IX.

Mr. WU. Mr. Speaker, in this time of war, recession, and national tragedy, it is important for us to emphasize the positive and reflect on the great achievements and moments that we have shared in the past year. I rise today to honor the University of Portland's women's soccer team for its outstanding achievement in the intercollegiate championship.

On December 8, 2002, the University of Portland women's soccer team captured its first collegiate national soccer championship. This achievement is even more special because it is also the first national championship in any sport for the University of Portland. Under the leadership of head coach, Clive Charles, the University of Portland Pilots, the tournament's number 8 seed, defeated seven nationally ranked opponents, including a 2–1 title game triumph over the reigning champion, Santa Clara University. The Pilots now hold the record as the lowest-seeded team to win the women's national championship in its 21 year history.

I applaud Coach Charles for the program he has helped build at the University of Portland. He has successfully built a nationally recognized collegiate soccer program, leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths, and producing players for the United States National and Olympic teams.

But it is the players that I truly want to congratulate today. Cristin Shea, Betsy Barr, Imani Dorsey, Rebekah Patrick, Kristen Moore, Erin Misaki, Kristen Rogers, Wanda Rozwadowska, Emily Patterson, Christine.Sinclair, Kelsy Hollenbeck, Lauren Orlandos, Jennifer Bosa, Valerie Fletcher, Lindsey Huie, Lauren Arase, Jessica Heller, Colleen Salisbury, and Kim Head have all dedicated numerous hours and much hard work ensuring their team's success. Their efforts paid off! In addition to this title, a number of players walked away with new records. Sophomore Christine Sinclair now holds or ties NCAA playoff records for goals and points in a game (3 goals, 1 assist vs. Richmond), goals in tournament (10), and points in a tournament (21). And Lauren Arase allowed just one goal in the 2002 playoffs, setting an NCAA record for playoff goals against average (0.16), allowing just one goal in six games.

This team is a tribute to Oregon and to Portland. It is also a tribute to the long-term benefits of Title IX, which gives hope to this team and to the young women who are rising through the ranks of sports all across the playing fields of America. I congratulate the players on their stunning victory, and I wish them even more success in the years ahead!

Ms. McCARTHY of New York. Mr. Speaker, I rise today in full support of H. Res. 41, to congratulate the University of Portland women's soccer team for winning the 2002 National Championship. Congratulations to the team and their coach for an amazing season.

The University of Portland's Soccer Team is just another wonderful example of the success of Title IX.

When I was growing up in New York, girls weren't given many opportunities to play league sports and were instead encourage to cheer the guys on or play a smaller version of their game, but certainly not to participate at the same competitive level as men.

But in 1965 Patsy Mink came to Congress and she changed the education opportunities offered to women. She fought to bring equality to our colleges and universities and for the first time ever, girls were given the opportunity to play sports at the same level as boys.

Mr. Speaker, if there ever was a successful federal program Title IX is it. Today, five time as many women play college sports, and an incredible 10 times as many play high school sports as in 1972 the year Title IX passed.

From basketball to soccer, we have seen women sports programs flourish. I am truly proud of the soccer players in Oregon and I am thrilled to be a supporter of Title IX.

Ms. HOOLEY of Oregon. Mr. Speaker, today we rise to congratulate the University of Portland women's soccer team and Coach Clive Charles, on their 2002 Division I national title. As a former coach of young women athletes in Oregon, I recognize the commitment to endless practice and debilitating repetition that winning requires.

The University of Portland Pilots women, in addition to making the sacrifices necessary for victory, represent the competitiveness, resolve, and success that collegiate athletics exist to foster. I urge the recognition of their recent feats as evidence of the triumph of the American spirit through sporting achievement, as well as the positive influence of Title IX on American society.

The Pilots' road to the national championship required them to defeat seven squads that held coveted national rankings, proof that their opponents were among the Nation's finest.

Those seven wins serve as a testament to the Pilots' collective commitment to playing hard, even against competition of the highest caliber. Surely there is no greater evocation of the collegiate athletic spirit than the competitiveness exhibited by the University of Portland women in those hard-fought wins against well-respected opponents.

After a solid regular season, the Portland women entered the championship playoff as an eighth-seeded longshot to earn the eight-seeded longshot to earn the title. Nevertheless, they emerged as the lowest seeded team ever to win the tournament.

The resolve necessary to prove rankings obsolete and critics wrong does not come without effort. In fact, many of us encourage our daughters and sons to participate in athletics with the express hope that they might develop a touch of that trait. With the University of Portland's women's soccer championship, we are reminded that resolve, the persistence in a goal despite exorbitant odds, is at least as important as size, talent, or experience. Undoubtedly, the Portland women have drawn on the strength and perseverence of their coach and leader, Clive Charles, whose battle with illness illustrates the victory over circumstance that we admire in collegiate athletics.

Finally, in developing a national championship program, the University of Portland women's soccer team was animated by the desire to stack the building blocks of victory upon one another, to complete a project born of the architecture of accomplishment. A national title came to the University of Portland not through unprecedented fortuitous circumstance, but from the execution of a plan for success. Concentration on conference titles and tournament berths provided the women's soccer program a foundation of achievement on which it has placed a structure of greatness. In doing so, the Portland women have made the most important point about collegiate athletics.

These women display the character built by extended effort, the satisfaction reaped by the tireless pursuit of a goal, and the success within reach of all who are given an opportunity.

Let us also take this moment to remember that opportunity seized is dependent upon opportunity granted. Without Title IX, our discussion of women's soccer at the University of Portland might center on its lack of a team, rather than on its team's national championship. When women have the chance to compete in scholarship athletics at the collegiate level, we introduce into society a more competitive, balanced, and healthy universe of graduates.

Title IX has extended the opportunity to compete to thousands who would not have had it otherwise. The University of Portland women attest to the potential of opportunities granted by Title IX.

Again, I ask that we salute the 2002 National Champion University of Portland women's soccer team. May we look to them, now and in the future, as an exemplary symbol of what we hope to gain through our commitment to collegiate and scholastic athletics.

Mr. ISAKSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the resolution, H. Res. 41.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

IMPROVING CALCULATION OF FEDERAL SUBSIDY RATE

Mr. NUSSLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 141) to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The Clerk read as follows:

S. 141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBSIDY RATE FOR SMALL BUSINESS LOANS.

Notwithstanding section 502(5)(F) of the Federal Credit Reform Act of 1990 and section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget, in calculating the Federal cost for guaranteeing loans during fiscal year 2003 under section 7(a) of the Small Business Act (15

U.S.C. 636(a)), may use the most recently approved subsidy cost model and methodology in conjunction with the program and economic assumptions, and historical data which were included in the fiscal year 2003 budget. After written notification to Congress, the Small Business Administration shall implement the validated, OMB-approved subsidy rate for fiscal year 2003, using this model and methodology. Such rate shall be deemed to have been effective on October 1, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 141.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, 2 years ago, the gentleman from Illinois (Mr. MANZULLO), the very distinguished Committee on Small Business chairman, my neighbor and friend, brought to me a problem of the government overestimating SBA loan defaults and thereby excessively limiting the total number of small business loans made to small businesses in this country, brought that to my attention.

This was happening because OMB and SBA, the Office of Management and Budget and Small Business Administration, were insisting on using old data predating recent SBA loan reforms. We have been working together with the gentleman from Illinois (Mr. MANZULLO) to resolve this problem ever since.

Over a year ago, language was included in the fiscal year 2002 Treasury appropriations conference report requiring OMB and SBA to report to us on how and when the problem was going to be fixed. That report indicated that the problem would be addressed in the 2003 budget with the development of new economic models, which it was not.

Last year, the SBA subsidy rate problem was not fixed. The gentleman from Illinois (Mr. MANZULLO) and I wrote to OMB Director Daniels requesting that the 2003 calculation be reviewed and that the subsidy rate be resubmitted to reflect a more accurate projection of the anticipated costs. Again, they were not.

Now, with the subsidy rate still not fixed, we offer this legislation as the solution, together with our colleagues in the other body. It will require that a new, better econometric model already developed by SBA and approved by OMB be implemented for the current fiscal year 2003 for calculating the 7(a) subsidy rate. This effectively requires OMB to follow through with their promise on a new model once and for all.

This model should now provide a more accurate estimate of defaults in the past, present, and future loan portfolio performance to better estimate the true cost to the government of guaranteeing these important loans to our small business community. This is a detriment because the Credit Reform Act of 1990 requires any and all losses from expected borrower defaults to be covered by the government in advance with an up-front appropriation. Therefore, a lower default rate means that the same amount of money goes out a lot further and covers many more loans due to the multiplier effect.

I am sure there are many small business people in our districts that have been contacting us about this. For me, I have a small business friend of mine, Bill Werger from Manchester, Iowa, who helped highlight this issue for me as he continues to struggle to open small businesses and provide economic development to a small town in Iowa.

I believe that if this is done correctly, the gentleman from Illinois (Mr. MANZULLO) and I expect that this result will be in the billions of dollars of additional loans being made to the small businesses of this country. This is critical because this program will help many of those small businesses during this economic recovery with cautious lenders still limiting access to capital to very willing borrowers.

The SBA 7(a) program attacks this problem by guaranteeing these borrowers between 50 and 85 percent of the loans, as high as $2 million, for virtually every business purpose.

Equally important to me as the chairman of the Committee on the Budget, however, this bill will not do this without directing the budgetary scoring of this correction; or in other words, it will require the problem be fixed by correcting the process and not by predetermining the outcome illegitimately. It does this by allowing the use of the most recently approved subsidy cost model and methodology but with the program and economic assumptions and the historical data which we included in the President's original fiscal year 2003 budget submission.

In other words, the Manzullo-Nussle-Snowe bill that we have before us today fixes the small business subsidy rate problem, thereby greatly increasing the number of loans to small businessmen and small businesswomen without compromising the process that OMB calculates the real cost to the Federal Government of providing these subsidies.

Mr. Speaker, in closing, let me thank the very distinguished chairman of the Committee on Small Business. He has been tenacious in bringing this issue to the forefront, not only of my committee, the Committee on the Budget, but also to the attention of the Congress. He is a real champion of small business, and he is somebody that I am honored to have worked with very hard on this process. So I want to commend him on the bill that we have before us.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

I congratulate the chairman of the Committee on Small Business; the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member; and my colleague, the gentleman from Iowa (Mr. NUSSLE), for facilitating the legislation before us. This is not only good, but necessary, legislation. I am glad to see us move it.

S. 141, this bill before us, would allow the Office of Management and Budget, OMB, to change its 2003 technical assumptions regarding the SBA general business program. Without this change, everybody should understand this, SBA will have to reduce the 2003 loan volume supported by this program by about 50 percent, 50 percent below the 2002 level of $9.3 billion.

□ 1645

This legislation was referred to our committee, the Committee on the Budget, because it required an exception to the usual strictures of the Balanced Budget and Emergency -Deficit Control Act that bind OMB to one set of assumptions throughout a budget year. That is why it is necessary for us to bring it to the floor. I guess we could call this directed scorekeeping, but in this case it is justifiable scorekeeping.

OMB has had chronic problems with overestimating the credit subsidy rate for general business loans, the so-called 7(a) program and related programs. As a result, SBA has historically underestimated the volume of loans that can be supported by a given level of appropriations. Starting with the 2004 budget, this problem should be corrected because OMB has developed a much more sophisticated and accurate model for estimating the subsidy rates. For this fiscal year, 2003, however, the President declined to request sufficient appropriations to maintain the program level for general business loans, given this existing estimate of the subsidy rate.

Consequently, SBA is now on the horns of a dilemma. It can either reduce the maximum size of loans made to individuals or it can suspend the program once it runs out of authority before the end of this fiscal year. Neither of those is an attractive option, especially not now, in the midst of a very, very slack economy. We are struggling to get back on our feet and get people back to work. This legislation is proemployment legislation because, with the adjustment we make by this legislation, SBA will be able to support a 2003 loan volume of about $8.2 billion, which is close to its historic standard of $9 to $10 billion.

I enthusiastically support this legislation and I urge everyone to give it their support. It could create and should create additional jobs. It will certainly iron out a problem for small business borrowers and the SBA for the balance of this fiscal year, something we need to do and should do, and it is good legislation to boot. I urge everyone to support it.

Mr. Speaker, I yield the balance of my time to the gentlewoman from New York (Ms. VELÁZQUEZ), the distinguished ranking member of the Committee on Small Business, and I ask unanimous consent that she be given the ability to allocate that time.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume, and I wish to thank the gentleman from South Carolina (Mr. SPRATT) for his bipartisan approach to this bill. It truly is a bipartisan bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. MANZULLO), the very distinguished chairman of the Committee on Small Business, and ask unanimous consent that he be allowed to allocate the time accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume, and I want to thank again the chairman of the committee, the gentleman from Iowa (Mr. NUSSLE), for his leadership. And I also want to thank, in particular, the gentlewoman from New York (Ms. VELÁZQUEZ) for the tremendous work that she has put into this. If there is any name to be placed on this bill, her name should have a prominent place on it.

Mr. Speaker, small businesses are having a tough time obtaining credit around the nation. The Small Business Administration's 7(a) and 504 loan guaranty programs are a vital source for nearly $13.5 billion of new capital to small businesses every year. Over 48,000 small businesses are served each year by these programs. In fact, the 7(a) program alone provides 40 to 50 percent of all the long-term financing that goes to small businesses, which have led to the creation of thousands of small firms, contributing to job creation and economic growth.

However, last October, the SBA cut back both the amount of loans made and the maximum loan size under the 7(a) Loan Guaranty Program. This hurts companies like Ryden Heavy Hauling of Woodstock, Illinois, which is caught in a credit limbo while we try to fix this problem.

Initially, Ryden sought an SBA guaranteed loan of $1 million to generate eight new full-time and part-time jobs and sustain the jobs of the 16 employees already working at Ryden. However, Ryden has been caught in a credit squeeze, and it could only apply for a loan of $500,000, creating serious ramifications that impact their future growth. We need to pass S.141 as one step in the process to lift the SBA-imposed loan caps.

Mr. Speaker, I submit for the RECORD a letter I received from Ryden Heavy Hauling in this regard.

RYDEN HEAVY HAULING INC.,
Woodstock, IL, February 7, 2003.

Congressman DON MANZULLO,
181 North Virginia Ave.
Crystal Lake, IL.

CONGRESSMAN MANZULLO: Ryden Heavy Hauling provides transportation services for persons or companion looking to haul heavy equipment. Major customer segments include the Construction, Utility and Manufacturing industry.

The mission of Ryden Heavy Hauling, Inc. is to be the most reliable heavy hauling company servicing the midwest. Ryden Heavy Hauling prides itself in hiring the best drivers, competitive pricing and updating and maintaining equipment to insure the highest level of safety for our customer's equipment.

We strive to support the economy by expanding and creating additional jobs to stimulate the business community.

We presently are applying for an SBA backed loan in the amount of $500,000.00 dollars. Originally we asked for $1 Million but the cap for the SBA guarantee was dropped to $500,000.00 dollars. This decision has created serious ramifications that impact our future growth.

Our projected program will generate 8 new full-time and part-time positions as well as retain the existing 16 jobs in our work force.

Therefore it is in the interest of the business community to reinstate the original limit of $2,000,000.00 so companies like Ryden Heavy Hauling can survive.

Respectfully,

LEONARD R. RYDEN,
President.

Mr. Speaker, how did we get in this situation in the first place? In December 2001, the President signed into law a provision to reduce fees charged to borrowers in the 7(a) program, starting on October 1, 2002. The 7(a) program has netted the government handsome profits every year, taxing small businesses more than $1.4 billion over the last 10 years beyond the cost of operating the program.

This is all because of an overly conservative credit subsidy calculation model used by SBA and the Office of Management and Budget that requires charging more fees than is necessary to cover potential bad loans. This model simply averages the annual default rate going back to 1986, even though Congress dramatically changed the 7(a) Loan Guaranty Program in the 1990s that made the program more safe and secure for the taxpayer. Yet current small business borrowers are now penalized, in their ability to access one of the few remaining sources of credit, for old mistakes in a program that have been changed.

This is the worst possible time for these actions. Small businesses create over three-quarters of the new jobs in the U.S. S.141 begins to correct the problem. The bill simply authorizes OMB to adopt a new economic model for calculating the 7(a) program subsidy rate to take effect this fiscal year, beginning October 1 of 2002. The General Accounting Office has long advocated this approach. SBA has already developed and OMB has approved an econometric model for the 7(a) program in the 2004 budget cycle. OMB pledged to use this model for 2003.

Mr. Speaker, I submit for the RECORD, a letter dated November 14, 2002 from OMB Director Daniels and addressed to me regarding this subject matter.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 14, 2002.

Hon. DONALD A. MANZULLO,
Chairman, Committee on Small Business, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of November 12, regarding the subsidy rate for small business loans.

As you know, the Administration is committed to improving the Small Business Administration's (SBA) ability to more accurately estimate the cost of subsidizing small business loans. This will enable the agency to allocate its resources more effectively, determine program risk more precisely, and increase its ability to target loan programs to the most deserving recipients.

In accordance with the commitment that the Administration one year ago, the Office of Management and Budget has just approved SBA's 7(a) econometric subsidy model to calculate its fiscal year 2004 resource requirements. Further, in light of the fact that this improved subsidy calculation procedure is now available, the Administration would support legislation that allows us to implement the econometric model for fiscal year 2003 as well. Applying the econometric model would produce a subsidy rate of 1.04 percent rather than 1.76 percent submitted in the FY 2003 budget.

Please let us know if you need any more information.

Sincerely,

MITCHELL E. DANIELS, JR.,
Director.

The subsidy rate using an econometric model in 2003 dramatically drops from 1.76 percent to 1.04 percent, a 41 percent reduction.

S. 141 allows SBA to guarantee $3.4 billion in new lending to the small businesses. Congress must now act to increase access for small business lending. To its credit, the administration was the first to recognize the problem and begin to work on solutions within a few months of taking office. Their willingness to retroactively use the econometric model for 2003 in the 7(a) program is another example of their openness to finally correct this festering problem.

However, OMB cannot change the assumption in the President's 2003 budget request on their own after its proposal has already been sent to Congress. That is why we are here today for a legislative remedy.

The same cooperation should also extend to the 504 program. The subsidy rate calculation error in the 504 is proportionately a bigger problem than the 7(a). There is some question as to whether or not S. 141 would cover the Supplemental Terrorist Activity Relief loan program, known as STAR. STAR loans have always been viewed by the SBA as a subset within the 7(a) program.

Mr. Speaker, I include for the RECORD two SBA procedural notices and a copy of the statutory language creating the STAR loan program.

SBA PROCEDURAL NOTICE

To: To All Employees.

Subject: Guidelines for Implementation of the Fee Reduction on Loans to Small Business Adversely Affected by the Terrorist Activities of September 11, 2001.

SBA Procedural Notice 5000–775 provided information regarding the 7(a) program fee reduction authorized in the Defense Appropriations Act of 2002 which was signed into law on January 11, 2002. The purpose of this notice is to provide more detailed guidance on the implementation of that fee reduction. In order to distinguish loans made under the Defense Appropriations Act from other 7(a) loans made during the same period, loans with the fee reduction will be known as "Supplemental Terrorist Activity Relief" ("STAR") loans.

1. BACKGROUND INFORMATION ON SBA'S ANNUAL FEE

Section 7(a)(23) of the Small Business Act authorizes SBA to collect an annual fee on each outstanding SBA guaranteed loan equal to 0.5 percent (50 basis points) of the guaranteed share of the outstanding balance of the loan. The Defense Appropriations Act authorized a reduction in that fee from 0.5 percent to 0.25 percent (25 basis points) for loans made to small businesses adversely affected by the September 11th attacks. This reduced fee will apply for the life of the loan. Both the original and temporarily reduced fees are subject to the provisions of Section 7(a)(23)(B) which states that this fee is ". . . payable by participating lender and shall not be charged to the borrower."

2. PERIOD OF APPLICABILITY

The reduction in the annual fee is effective for eligible loans approved (funded) by SBA between January 11, 2002, and January 10, 2003, or until the approximate $4.5 billion program level provided for this initiative has been used up, whichever occurs first.

Any 7(a) loan approved before January 11, 2002, will continue to be subject to the 50 basis points fee, subject to the following exception. If the lender finds that a borrower that had its 7(a) loan approved prior to January 11, 2002, was adversely affected by the terrorist actions, AND, if the loan is fully undisbursed; the lender may cancel the approved loan and submit a new application which will then meet the criterion of having been approved after January 10, 2002. If SBA approves the new loan, a new loan number must be issued.

3. DEFINITION OF "ADVERSELY AFFECTED" SMALL BUSINESS

As indicated in the previous notice, for purposes of the STAR program, the term "adversely affected small business" means a small business that suffered economic harm or disruption of its business operations as a direct or indirect result of the terrorist attacks perpetrated against the United States on September 11, 2001. Some examples of economic harm are: difficulty making loan payments on existing debt; difficulty in paying employees or vendors; difficulty in purchasing materials, supplies, or inventory; difficulty in paying rents, mortgages, or other operating expenses; and, difficulty in securing financing. As previously noted, SBA does not intend that this list be considered all-inclusive. The Agency anticipates that there will be other circumstances that are appropriate for use to illustrate that a business has suffered economic harm or a disruption of its business operations. Agency guidance should not be construed as limiting eligibility to any particular geographic area or to any specific type(s) of business. A loan to a start-up business may qualify for the STAR program if, for example, the business planned to commence operations earlier, but its ability to do so was hampered by the terrorist actions and their aftermath.

SBA believes that a high percentage of businesses finding it necessary to seek SBA-guaranteed financing may be found to have been adversely affected by the terrorist actions. In order to qualify for the reduced fee, however, the lender must: (1) find that the loan applicant was adversely affected by the terrorist events of September 11, 2001; and, (2) prepare and maintain in its loan file a write up summarizing its analysis and its conclusion that the loan is eligible for the STAR program. A lender will not be found to have met its responsibility for determining that a borrower was adversely affected if the lender statement merely states that conclusion, but does not provide a narrative justification demonstrating the basis for the conclusion.

4. STEPS REQUIRED FOR LENDER TO SUBMIT A STAR PROGRAM APPLICATION

In order for a loan to qualify as a loan under STAR, the SBA lender must:

(a) Determine that the applicant business was "adversely affected" by the terrorist activity of September 11, 2001, and must document the basis for this conclusion in its loan file. This documentation must be available for review by SBA, but need not be submitted to SBA.

(b) Indicate that the loan is being submitted under the STAR program by writing "STAR Loan" at the top of the SBA Form 4–I, "Lender's Application for Guaranty or Participation," or 4–L, "Application for LowDoc Loan," as applicable.

(c) Amend the loan authorization provision-regarding the on-going fee to be paid to SBA on the loan to indicate that the fee will be 0.25 percent per annum.

5. COLLECTION OF THE REDUCED FEE

Lenders will submit to Colson Services, Inc. (Colson), the 0.25 percent fee using the same SBA Form 1502 process as it uses for other SBA loans. SBA will provide Colson with a list of loans that are subject to the lower fee. As with all other fee collections, Colson will work with a lender to make any necessary corrections to the fee and reporting submissions.

6. PLP/SBAEXPRESS/COMMUNITY EXPRESS

The PLP center will provide additional direction to PLP lenders regarding STAR program requirements.

7. PROCESSING STAR LOAN REQUESTS

The SBA Loan Accounting Tracking System (LATS) has been modified to provide a STAR program indicator to track STAR loans. Data must be entered into this indicator field as follows: (1) An "S" must be entered for any loan submitted by the lender under the STAR program; and, (2) An "N" (for "no") must be entered for any non-STAR loan. This data must be completed for each loan (including a 504 loan) even if the loan is not STAR eligible.

When the STAR Indicator is filled in with an "S", it will mean that:

(a) The lender has informed SBA that the loan is eligible for the STAR program;

(b) The lender will be charged the reduced 0.25% annual fee;

(c) The loan will be subject to the STAR program subsidy rate; and

(d) The loan will be funded out of the separates STAR loan fund.

There are four sets of circumstances that may occur in connection with a loan that is potentially eligible for the STAR program. The attachments to this Notice (described below) provide instructions for SBA's data input under each of these circumstances.

A. NEW LOAN APPLICATION SUBMITTED BY A LENDER AFTER THE EFFECTIVE DATE OF THIS NOTICE

The Star program Indicator field shown on LAS001 must be completed as part of the data input for all new loan applications. For any loan designated by a lender as a STAR loan, the "S" designation must be entered. For any non-STAR loan the "N" designation must be entered. [Attachment A provides instructions for processing a STAR-qualified loan submitted to SBA by a lender after the effective date of this notice.]

B. RE-CLASSIFICATION OF A LOAN AFTER SUBMISSION, BUT PRIOR TO SBA APPROVAL

If a loan was originally input as a non-STAR loan, but prior to SBA's approval, the lender provides a written request to SBA to reclassify the loan as a STAR loan, the SBA processing office must use the LSA005 Screen to input an "S" in the STAR program indicator field. [Attachment B provides instructions for re-classifying a loan as a STAR-qualified loan after SBA's initial data input, but prior to SBA approval.]

C. RE-CLASSIFYING A LOAN AS A STAR LOAN AFTER APPROVAL BUT BEFORE DISBURSEMENT

For any loan approved by SBA on or after January 11, 2002, that was not initially classified as a STAR loan; if, subsequent to SBA approval and prior to any disbursement, the lander provides a written request to SBA to reclassify the loan as a STAR loan, the SBA field office servicing the loan must:

1. Verify that the loan is fully undisbursed;
2. Prepare a SBA Form 327 action to support cancellation of the regular 7(a) funded loan and re-instatement of the loan as a STAR loan;
3. Cancel the existing loan, thus returning the regular 7(a) funds to the regular 7(a) program account; and,
4. Wait at least one business day after completing step 3 and reinstate the loan and enter an "S" in the STAR Indicator on LAB00 screen.

[Attachment C provides instructions for re-classifying a fully undisbursed loan as STAR-qualified after approval by SBA.]

D. RE-CLASSIFYING A LOAN AS A STAR LOAN AFTER FULL OR PARTIAL DISBURSEMENT

If a loan was approved by SBA on or after January 11, 2002, and is partially or fully disbursed when the lender makes a written request that the loan be reclassified as a STAR loan, two additional steps must be taken. First, SBA must reverse the amount disbursed to show a loan balance of zero. Then, after the proper classification is entered, SBA must re-enter the amount disbursed to return the loan to its actual condition. [Attachment D provides instructions for reclassifying a partially or fully disbursed loan as a STAR loan.]

9. POST APPROVAL MODIFICATIONS

Any increases to an existing STAR loan or reclassifications of a non-STAR to a STAR loan must be completed prior to January 10, 2003, or before the use of all available funds, whichever occurs first. After expiration of the STAR program authority, any additional required funding will require a new loan application processed under the regular 7(a) program. For small increases, lenders may want to establish separate side notes.

10. REFERRALS FROM THE DISASTER PROGRAM

As you are aware, after the September 11th attacks, SBA published regulations that expanded the availability of the Agency's Economic Injury Disaster Loan (EIDL) program to small businesses which have suffered substantial economic injury as a direct result of the terrorists attacks and certain related Federal action. See 66 Federal Register 53329 (October 22, 2001). Despite this program expansion, however, there may be some circumstances where a small business that is found ineligible for an EIDL loan may be found to qualify for a STAR loan. Therefore, when appropriate, the Office of Disaster Assistance (ODA) will advise a business that it may qualify for other SBA assistance, and may refer such business to the appropriate SBA field offices. Field staff should be prepared to discuss SBA's loan programs, including STAR, with the businesses, and should also make referrals for assistance to one of the Agency's management and technical assistance partners, when appropriate.

11. QUESTIONS

Lenders should contact their loan SBA field office for more information regarding the STAR program. Field staff with questions on how to input data to classify a loan as a STAR loan should contact David Kimble at (202) 205-6299. SBA staff with questions on any other issues related to STAR should contact A. B. McConnell, Jr. at (202) 205-7238.

JANE PALSGROVE BUTLER,
Associate Administrator for Financial Assistance.

SBA PROCEDURAL NOTICE

To: All SBA Employees.

Subject: Reduced Fee for New 7(a) Loans Made to Businesses Adversely Affected by September 11th Terrorist Attacks.

The Defense Appropriations Act, signed by President Bush on January 10, 2002, reduces the ongoing fee charged to the lender on new 7(a) loans made to small businesses that were "adversely affected" by the September 11, 2001, terrorist attacks and their aftermath. The legislation makes no other changes to 7(a) program fees, or to the 504 loan program.

Under the new law, the on-going fee for eligible 7(a) loans is reduced from 0.5 percent (50 basis points) of the outstanding balance of the guaranteed portion of the loan to 0.25 percent (25 basis points). This fee reduction is effective for the full term of eligible loans approved by SBA during the 1 year period beginning January 11, 2002 and ending January 10, 2003, or until the funds available for this purpose are expended, whichever occurs first.

SBA has received an appropriation that will allow the Agency to fund up to approximately $4.5 billion in eligible loans. Since the fee income received by SBA on loans made under this provision will be different from that received on regular 7(a) loans, these loans will have a different subsidy rate and will be tracked separately for subsidy rate purposes.

ELIGIBILITY

For purposes of implementation of this legislative provision, the term "adversely affected small business" means a small business that has suffered economic harm or disruption of its business operations as a direct or indirect result of the terrorist attacks perpetrated against the United States on September 11, 2001. Some examples of economic harm are: difficulty in making loan payments on existing debt; difficulty in paying employees or vendors; difficulty in purchasing materials, supplies, or inventory; difficulty in paying rents, mortgages, or other operating expenses; and, difficulty in securing financing. SBA does not intend that this list be considered all-inclusive. The Agency anticipates that other circumstances can illustrate that a business has suffered economic harm or a disruption of its business operations.

SPECIAL REQUIREMENTS

Each lender making a reduced fee 7(a) loan under the provisions of the new law is responsible for determining that the loan is being made to a small business that was adversely affected by the terrorist attacks of September 11, 2001. For each such loan, the lender must prepare, place, and keep in its loan file, a short written statement documenting the basis for its conclusion that the loan is eligible for inclusion under this provision.

All other existing SBA 7(a) loan requirements, including credit requirements, apply to loans made under the provisions of the new law.

Loans made under this statutory provision must be identified with a special code that will alert SBA and the SBA Fiscal and Transfer Agent (Colson Services Corp.) to calculate the appropriate on-going fee.

A follow-up Procedural Notice will be issued shortly with additional guidance for implementation of these special requirements.

ADDITIONAL INFORMATION

Field offices should provide this notice to all participating lenders immediately.

Lenders and other interested parties should contact their local SBA field offices for more information. SBA field staff should contact James Hammersley, Director, Loan Programs Division, at (202) 205-7505.

JEANNA M. SCLATER,
Acting Associate Deputy Administrator for Capital Access

P.L. 107-117—DIVISION B, SECTION 203

SEC. 203. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001, terrorist attacks shall be increased to $10,000,000 and the Administrator shall, in lieu of the fee collected under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under section 7(a) to small businesses adversely affected by the September 11, 2001, terrorist attacks and their aftermath, for a period of 1 year following the date of enactment and to the extent the costs of such reduced fees are offset by appropriations provided by this Act.

These documents make it clear that STAR loans have been made under the umbrella of the SBA 7(a) loan program. The only reasonable interpretation is that S. 141 apply its econometric model to STAR loans made since October 1, 2002. This would also provide an additional $1.1 billion in guaranteed lending to small businesses.

Mr. Speaker, I am pleased that the Committee on Small Business, working in close partnership with the chairman of the House Committee on the Budget, which has legislative jurisdiction over the issues of the Credit Reform Act, was able to bring S. 141 up on the floor in such an expeditious manner.

I want to particularly thank the staffs of both committees for working together to bring the bill to the floor. I also want to commend my Senate counterparts, Senators SNOWE and KERRY, and particularly the former chairman of the Senate Small Business Committee, Senator KIT BOND of Missouri, for all their hard work on the matter. We would not be here today without these diligent bipartisan efforts.

Mr. Speaker, I urge my colleagues to vote "yes" on sending S. 141 to the President's desk for signature.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 141. This legislation is long overdue. Today, more than ever, small businesses struggle to find avenues of capital. This is only reinforced by the fact that in our day and age, the number one rate for entrepreneurs to finance their great idea is through credit cards. Oftentimes, these carry prohibitively high interest rates, weighing small businesses down with insurmountable debt even before they get off the ground.

Filling this financing vacuum are the SBA loan programs. Through public-private partnerships that share the lending risk, small businesses are able to tap into capital that is both affordable and accessible. In these programs last year, $20 billion in capital, accounting for 40 percent of all long-term small business lending, was provided to this Nation's entrepreneurs.

Unfortunately, at a time when we need these programs the most, they are blocked from fulfilling their true potential because of policies that place the Federal Treasury's bottom line above this Nation's small business bottom line. Over the last decades, both lenders and small businesses receiving SBA loans have been overcharged by a whopping $1.5 billion. This is nothing more than a tax on small business that should have been put to rest long ago.

S. 141 will help to change this inequity by requiring the administration to more accurately report the cost of these programs to taxpayers. The move will begin to turn the tide of this unfair tax, and coupled with the pending fiscal year 2003 omnibus appropriations bill, entrepreneurs will finally have the access to capital they need.

I urge my colleagues to join me in calling on the President to follow through on our actions today and put capital where it belongs, in the hands of small business owners.

Mr. Speaker, for almost 6 months now, this administration has limited access to capital for the small business sectors by placing a cap of $500,000 on SBA loans. This move is tantamount to credit rationing. Because of these actions, entrepreneurs have been blocked from accessing billions of dollars. These funds could have been used to create economic growth and jobs, two important components to aid us in our climb out of the current economic doldrums.

With the passage of this measure, the SBA and the administration will no longer have an excuse to withhold these funds from small businesses, and they must lift this cap.

While this legislation offers some remedy, it is only a very minor move in terms of what truly needs to happen to give the small business community the fairness it deserves. With this bill's implementation we will see the first significant reduction in the subsidy rate governing the program. But even with the passage of S. 141, small businesses and lenders are still paying too much, and that must change.

Even more importantly, this legislation does nothing to address the most egregious practice of taxing small business, the overcharging of those entrepreneurs who use the 504 loan program.

The average small business owner today, receiving a 504 loan, can expect to pay an additional $15,000. That is the difference between hiring a part-time employee and a full-time employee, providing health care benefits or purchasing new equipment that will add jobs. This is shameful. But the fact that the administration is aware of this and their current budget refuses to fix it is without conscience. I am not going to stand for this. Small business owners are not going to stand for it either. And this body should not stand for it.

Mr. Speaker, S. 141 is the first step in helping Main Street America, but there is still a lot of work to be done before small firms receive fair and equal treatment. One of our mantras in the Committee on Small Business is "Access to capital is access to opportunity." With the passage of this legislation, we will be a little closer to making it possible for thousands of individuals to realize the American dream of business ownership. I urge the adoption of this legislation

Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I would like to commend the gentleman from Illinois (Mr. MANZULLO), and working in concert with the ranking member is positive proof that we can address the problems facing the Congress in a bipartisan way. The gentleman has not just talked about it, he has done it. It is nice to talk about these things, but we do not see it too much around here.

I would also like to congratulate the gentleman from Iowa (Mr. NUSSLE), and I want to associate myself with the remarks of the chairman and the ranking member, but this goes beyond subsidy rates as I perceive it. It is heartening to know that on this particular day we can pause from debating which deficit-exploding tax cut for the wealthy should be enacted and instead actually do something for the small businessman instead of just talking about it.

After 2 years of economic malaise, we are now in the weakest level of economic growth in 50 years. I think the gentleman from Illinois (Mr. MANZULLO) has pointed out, if we are ever going to make this change and address it, now is the time to do it when there is an economic downturn. People are working harder for less. Household income for the bottom 95 percent of wage earners has fallen. Too many Americans are searching long and hard for work, work they cannot find; and consumer confidence is at its lowest point in a decade. Businesses throughout my district, the Eighth Congressional District of New Jersey, are hurting.

If we truly want to propel ourselves from this downturn, we must realize that small businesses are fundamental components to our economic infrastructure. Entrepreneurs have been and will continue to be the backbone of our great economy. It is absolutely critical that we provide those entrepreneurs with some relief, not just pay them lip service. So passage of S. 141 will be the first in what I hope will be many steps in a bipartisan way to address the problems of small businesses.

This bill expands the size of the Small Business Administration's 7(a) loan program as I see it. This program is the largest effort within SBA to help smaller companies obtain loans from bank and other conventional sources. Lending programs such as this are critical for small business start-up. Access to capital is access to opportunity.

Unfortunately, according to a variety of sources, not least of which is the GAO, current policies have resulted in overcharging the 7(a) loan program's lenders and borrowers by $1.5 billion over the last 10 years. Who paid that?

This legislation is aimed at forcing the administration to use a subsidy rate model that accurately reflects the cost of small business and small business loan programs to the taxpayer. It aims to improve the calculation of the Federal subsidy rate for small business lending. It will provide a new cost calculation, as has been pointed out graphically here, which is expected to reduce the subsidy rate from 1.76 percent to 1.04 percent, thereby expanding the program itself by $4.9 billion to $8.2 billion, which will be available which is not available now. That will happen just by changing that rate.

But there are other things that need to be done. As the ranking member has pointed out, in the 504 lending program, this is critical. This is small business taxation which is unnecessary. The failures of this administration to adjust problems with the 504 program have left small businesses paying $15,000 for each loan, and I think the average loan is about $200,000. The gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), have spoken about this time and time again. We cannot accept that. It is unacceptable. That money could be used to expand the very program that we are here trying to address today.

Mr. Speaker, I want to conclude with this. This will go into effect October 1, 2002, so it will be retroactive to the very beginning of this fiscal year. I commend the gentleman from Illinois (Mr. MANZULLO) and the ranking member for doing this very well.

Ms. VELAZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I commend the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) for their leadership in the Committee on Small Business. I rise today in strong support of S. 141 as introduced by Senator SNOWE and passed by the Senate. Small businesses are the backbone of our economy, especially in times of financial crisis, and this bill is important because it would help to reduce the cost of small businesses throughout the United States.

S. 141 would encourage the administration to use a 7(a) subsidy rate model that would more accurately reflect the true cost of the small business loan programs to the taxpayer. The current model has resulted in overcharges of

$1.5 billion over the last 10 years, according to the GAO study. The measure authorizes the Office of Management and Budget to adopt a new econometric model for calculating the program subsidy rate. The change would enable the SBA to boost 7(a) lending authority from $4.8 billion to $8.2 billion for fiscal year 2003 by significantly reducing the 7(a) credit subsidy rate.

The bill's projected impact on small business lending should result in near 21,000 more loans to small firms with a potential to support at least 103,000 new jobs. Moreover, implementing the new econometric model will not require any increase in Federal spending.

Mr. Speaker, S. 141 simply requires SBA to use the new econometric model a year earlier than planned and thus enable small businesses to benefit from the lower subsidy rate immediately. The new model will reduce the cost to both the lender and the borrower. The change combined with reprogramming of unused STAR funds will yield a 7(a) program level of $9 million below the demand, but it is sufficient to lift the current administration-imposed cap that has hurt small businesses since October 2002.

Mr. Speaker, I wish to commend Chairman MANZULLO and Ranking member NYDIA VELÁZQUEZ for their leadership in the Small Business Committee!

I rise today in strong support of S. 141, as introduced by Senator SNOWE and passed by the Senate. Small businesses are the backbone of our economy, especially in times of financial crisis, and this bill is important because it would help to reduce the costs to small businesses in the United States. S. 141 would encourage the Administration to use a 7(a) subsidy rate model that would more accurately reflect the true cost of the small business loan programs to the taxpayer. The current model has resulted in overcharges of $1.5 billion over the last 10 years, according to a GAO Study.

The measure authorizes the Office of Management and Budget (OMB) to adopt a new econometric model for calculating the program's subsidy rate. The change would enable the SBA to boost 7(a) lending authority from $4.8 billion to $8.2 billion for Fiscal Year 2003 by significantly reducing the 7(a) credit subsidy rate.

The bill's projected impact on small business lending should result in nearly 21,000 more loans to small firms—with the potential to support at least 103,690 new jobs. Moreover, implementing the new econometric model will not require any increase in federal spending.

Currently, the 7(a) Program is operating at a reduced capacity from previous years, with the size of loans capped at $500,000. The shortfall in lending authority leaves many small firms nowhere to go for money to maintain or expand their operations in a slow economy. Each year, 40,000 or more small business concerns that cannot obtain comparable credit elsewhere turn to the 7(a) program for critically-needed financing.

To combat this problem, the SBA contracted with the Office of Federal Housing Enterprise Oversight (OFHEO) to construct an econometric model that considers additional factors with the goal of representing a more accurate cost. Developed by the SBA and the OMB, the econometric model will use far more comprehensive data about individual borrowers and loans when forecasting anticipated defaults and establishing loan reserves to cover them.

SBA has finished the review and plans for the implementation of the new model in FY04. This delayed implementation would leave the current model in place for FY03. The difference in the two models is approximately 70 basis points, 1.07 v. 1.77, which is roughly a $1,000 difference annually per loan.

Each year, the Office and Management and Budget (OMB) calculates the federal cost of guaranteeing small business loans administered by the Small Business Administration.

Critics of the current method of calculating those costs argue that it does not take into account historical data and recent statutory and regulatory changes that have improved default rates and program performance. Critics therefore contend that the current federal cost, expressed in the form of a subsidy rate, is overestimated, which, in turn, limits the amount of loans that can be guaranteed. Again, a recent General Accounting Office report supports this contention.

S. 141 simply requires SBA to use the new econometric model a year earlier than planned and thus enables small businesses to benefit from the lower subsidy rate immediately. The new model will reduce the cost to both the lender and the borrower. The change, combined with reprogramming of unused STAR Funds, will yield a 7(a) program level of $9 billion below the demand, but it is sufficient to lift the current Administration imposed cap that has hurt small businesses since October of 2002.

For these reasons, I rise in strong support of passage S. 141 and urge my colleagues to support it.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES), an alumna of the Committee on Small Business and the newest member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, although no longer on the Committee on Small Business, I am still here to fight on behalf of small businesses, and I am pleased to join my colleagues today as we celebrate this piece of legislation coming to the floor.

The passage of S. 141 is an important step that can be taken by Members to help small businesses. Over the past 4 years when I served on the Committee on Small Business, we worked hard to see that legislation that would assist small businesses would get to the floor and pass. It is wonderful that I will be able to say to my constituents, yes, one more time we have done something for small business. It is the first crucial step this body can take to provide the necessary infusion of capital to small businesses and help them retain and create jobs and provide a needed boost to our economy.

In my congressional district, there are a number of people who are not counted in that number of unemployed because they have not been seeking a job because there are no jobs available to them. This is a wonderful step. The 7(a) program is very important, and it can make a difference for a lot of our entrepreneurs.

While this is a first step in the right direction, it just begins to address some of our concerns. Among those is the issue of opening up the SBA 7(a) program to more credit unions. I have been working with credit unions across this country trying to make that available to them.

Mr. Speaker, I am glad to have the opportunity to come to the floor and say to the chairman and ranking member, let us keep it up. I join my colleagues in support of this resolution.

Mr. Speaker, I am pleased to see the House of Representatives considering this legislation today. As we are too painfully aware, our economy is in a state of disarray, and among the many consequences of this is the struggle by many small businesses to stay in existence in these uncertain times. Passage of S. 141 is one important step that can be taken by Members of this body to help those small businesses that contribute so much to our economy, our entrepreneurial spirit, and our national well-being continue to thrive and grow.

Small business is in fact big business, accounting for over 75 percent of the jobs held in this country and an equally large percentage of the gross national product. For small businesses to grow and create jobs, infusions of capital are critical. Yet recent actions by the Administration do little to increase the bottom line of America's small business, with less than 3 percent of the President's economic stimulus plan being targeted at small businesses. By focusing on such narrow concerns as eliminating dividend taxes, the Administration has left small businesses out of the equation for stimulating the economy. (Pause) The Administration has left a creator of 75 percent of the country's jobs out of the equation for stimulating the economy . . . focusing instead on incentives for investing in the stock market when incentives for investing in the job market are what is needed for a much needed stimulus.

S. 141 is the first crucial step this body can take to provide that necessary infusion of capital to our small businesses, help small businesses retain and create jobs, and provide a needed boost to our economy. This bill will work to reverse the practice of taxing small businesses through use of a subsidy rate model that will more accurately reflect the cost of SBA loan programs, accelerate the use of this new subsidy rate, and allow the SBA to lift imposed lending caps to small businesses. Without this bill, small businesses will be left with the burden of overpaying an average of $15,000 for some of the loans they need to run and expand their businesses.

And while this bill is a major step in the right direction, it just begins to address some of the concerns arising out of small business loan programs provided by the SBA. Among those is the issue of opening up the SBA 7(a) program to more credit unions, an action that the

SBA Administrator's discretionary authority allows, an action that would give credit unions the same authority to offer SBA guaranteed loans enjoyed by other federally insured lenders.

I am voicing my support for S. 141 because it will provide immediate relief for entrepreneurs in search of capital to finance their companies. And as these entrepreneurs are able to grow and thrive, so too will our economy. Remember, small business is big business and small business focuses on the "market" that matters—the job market. I thank my colleagues for joining me in supporting S. 141.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me say that we are going to miss the gentlewoman from Ohio (Mrs. JONES) on the committee, and request a waiver from the Democratic leadership that she be on the Committee on Ways and Means and the Committee on Small Business at the same time.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time.

S. 141 is a good start. It is time to stop finger-pointing and get to work. The administration needs to lift the loan cap and get this critical capital where it is needed most, in the hands of small businesses.

Mr. ISSA. Mr. Speaker, I rise today in support of S. 141, a bill authorizing the Office of Management and Budget to adopt a new econometric model for calculating the 7(a) Guaranteed Loan Program's subsidy rate.

The subsidy rate for the 7(a) program has not accurately reflected the actual performance of these loan portfolios since the passage of the Credit Reform Act in 1990.

The continuous over statement of the subsidy rate resulted in the Small Business Administration cutting back both the amount of loans and the maximum loan size under its highly effective Section 7(a) loan program. The SBA has reduced the maximum 7(a) loan size they can guarantee from $1 million to $500,000. The 7(a) loan program is a vital source for nearly $11 billion of new capital for small businesses every year.

Passage of S. 141 and the adoption of the new econometric model will enable the SBA to boost 7(a) lending authority from $4.8 billion to $8.2 billion for Fiscal Year 2003. This model will reduce the 7(a) credit subsidy rate, and should prevent any further economic damage from cuts to the largest federal assistance program for small businesses.

Mr. Speaker, as we look to small businesses to restore economic growth, we must allow the Office of Management and Budget to modernize its credit subsidy calculation model. I thank you for the opportunity to speak and urge my colleagues to support this bill.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise this evening to offer my support for S. 141, long overdue legislation that will require the Office of Management of Budget to use a new subsidy rate model for the Small Business Administration's 7(a) loan program. This new model will more accurately reflect the true cost of this federal loan program to American taxpayers.

As a Ranking Member of the House Committee on Small Business, this issue is of vital importance to the hard-working entrepreneurs of my district, the 37th District of California.

Over the past few years, the House Committee on Small Business has held a number of hearings to address this issue, as small firms have been levied excessive fees for participating in the 7(a) loan program.

Recent estimates tell us that as much as 1.5 billion dollars over the past ten years has been returned to the Treasury of the United States at the expense of hard-working small business owners.

While the SBA currently has an alternative model, they have delayed its implementation until Fiscal Year 2004.

The passage of S. 141 will force the new model to be used immediately, allowing SBA to lift a lending cap imposed on the 7(a) program last year and provide small businesses long-awaited relief for entrepreneurs in search of capital to finance and expand their companies.

Small businesses are fundamental players in lifting the American economy out of its current doldrums and without investment resources this cannot and will not occur.

Passage of S. 141, will be the first step in correcting this wrong and I urge all of my colleagues to vote for passage of this important piece of legislation.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of S. 141, a bill to improve the calculation of the federal subsidy rate with respect to small business loans of the Section 8(a) program.

As a member of the Commerce-Justice-State Subcommittee of the House Appropriations Committee which has funding jurisdiction for the Small Business Administration and its loan portfolio, I know that this is an issue we have wrestled with from year to year. I am pleased to see that we are finally acting affirmatively on behalf of small businesses. Everyone recognizes that small businesses represent the engine of U.S. economic growth.

The issue has to do with credit subsidies for small business loans. Unfortunately, the Office of Management and Budget has refused to modernize its credit subsidy calculation models. A recent General Accounting Office study reported that OMB's models do not take into account historical data and recent statutory and regulatory changes that have improved default rates and program performance. As a result, OMB over-estimates the current subsidy rate that, in turn, limits the level of loans that can be guaranteed.

SBA loan programs are especially critical in California, and I was contacted by a number of large banks in Los Angeles County about the detrimental impact that these poor calculations would have meant to small business start-up loans. The Section 7(a) program provides more than 50% of the long-term credit that goes to small businesses in California. Our costs are higher than many other states, so a 50% cut in loan levels required by OMB's policies hit California and other high-cost states disproportionately.

Last October, I was pleased to work with Rep. DARRELL ISSA and the California Bankers Association in organizing a letter to Speaker HASTERT pointing out this problem and the severe impact it would have on California's small businesses. Over 30 of my California colleagues, both Democrats and Republicans, joined us in signing and sending the letter to Speaker HASTERT. I am pleased to see that Speaker HASTERT has responded to our concerns and the concerns of other states to place this bill before the House today.

This legislation directs the Office of Management and Budget to calculate the federal costs of guaranteeing small business loans. OMB would be required to use the most recently approved subsidy cost model and methodology in conjunction with the program, economic assumptions, and historical data which were included in the president's FY 2003 budget request. More importantly, the Small Business Administration would implement the new subsidy rate and deem it to have been in effect since October 1.

The bill is intended to provide a new cost calculation methodology, which is expected to reduce the subsidy rate from 1.76% to 1.04%, thereby expanding the size of the program from $4.9 billion to $8.2 billion.

That is good news for small businesses in my congressional district, in California, and across the Nation.

I urge my colleagues to support this important bill. This bill will give a big lift to small businesses, and they, in turn, will help lift our economy out of its current slump.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of S. 141 to improve the calculation of Federal subsidy rate with respect to 7(a) loans.

The 7(a) loan program is one of the two Small Business Administration's primary lending programs and is a major source of capital for our nation's small businesses. -Lending through the SBA loan programs currently represents 40-percent of all small business lending. Last year, the SBA lent a record 20 billion dollars of which 12 billion was in the 7(a) loan program.

While Congress fights to increase appropriations for the 7(a) program, our efforts are frustrated by a miscalculated subsidy rate. It is estimated that since 1995, 7(a) lenders and borrowers have over paid by some $400 million plus dollars for using the program. This overcharging is simply another name for small business tax. Passage of S. 141 will be the first step in correcting the SBA lending problems plaguing our nation's small businesses. This legislation would force the Administration to use a subsidy rate model that accurately reflects the cost of the small business loan programs to the taxpayer. The change will provide immediate relief for entrepreneurs in search of capital to finance and expand their companies.

I urge the passage of S. 141.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of S. 141 to improve the calculation of the federal subsidy rate with respect to certain small business loans.

Although, each year the Office of Management and Budget calculates the federal cost of guaranteeing small business loans administered by the Small Business Administration. Many analysts believed the current method of calculating those costs does not take into account historical data and recent statutory and regulatory changes that have improved default rates and program performance. Therefore, they contend that the current federal cost, expressed in the form of a subsidy rate, is overestimated, which, in turn, limits the amount of loans that can be guaranteed.

The bill S. 141 would authorize the Director of the Office of Management and Budget (OMB) to calculate the Federal cost for guaranteeing small business loans under the Small Business Act during FY 2003 and to use the most recently approved subsidy cost model and methodology that would take into account economic assumptions and historical data included in the FY 2003 budget. The bill is intended to provide a new cost calculation methodology, which is expected to reduce the subsidy rate from 1.76 percent to 1.04 percent, thereby expanding the size of the program from $4.9 billion to $8.2 billion.

I urge my colleagues to support S. 141.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE) that the House suspend the rules and pass the Senate bill, S. 141.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 12 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 6 o'clock and 30 minutes p.m.

APPOINTMENT OF MEMBERS TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X and clause 11 of rule I, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. GALLEGLY of California,
Mr. COLLINS of Georgia.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Con. Res. 27, by the yeas and nays;
H. Con. Res. 22, by the yeas and nays;
H. Res. 61, by the yeas and nays;
H.J. Res. 19, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining votes will be conducted as 5-minute votes.

CONDEMNING THE SELECTION OF LIBYA TO CHAIR THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 27.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 27, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 6, answered "present" 8, not voting 18, as follows:

[Roll No. 20]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Clay
Honda
Kucinich
Lee
Paul
Rahall

ANSWERED "PRESENT"—8

Ballance
Hinchey
Kilpatrick
McDermott
Miller, George
Stark
Waters
Watt

NOT VOTING—18

Bishop (UT)
Cannon
Conyers
Cubin
Deal (GA)
Ferguson
Ford
Gephardt
Hulshof
Marshall
Miller (FL)
Neal (MA)
Platts
Reyes
Rush
Smith (TX)
Tauzin
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). The Chair reminds the Membership that there is less than 2 minutes remaining in this vote.

□ 1849

Ms. WOOLSEY and Ms. WATSON changed their vote from "nay" to "yea."

Mr. STARK and Mr. GEORGE MILLER of California changed their vote from "nay" to "present."

Mr. McDERMOTT changed his vote from "yea" to "present."

Stated for:

Mr. MARSHALL. Mr. Speaker, on rollcall No. 20, had I been present, I would have voted "yea."

Mr. PLATTS. Mr. Speaker, on rollcall No. 20, I was unavoidably detained. Had I been present, I would have voted "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

HONORING CZECH REPUBLIC PRESIDENT VACLAV HAVEL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 22.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 22, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 21]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Ballenger
Blunt
Boozman
Cannon
Cubin
Davis (TN)
Deal (GA)
DeLay
Ferguson
Gephardt
Hulshof
Miller (FL)
Platts
Reyes
Rush
Smith (TX)
Tauzin
Tiberi
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind the Membership that there is less than 2 minutes remaining in this vote.

□ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PLATTS. Mr. Speaker, on rollcall No. 21 I was inadvertently detained. (Had I been present, I would have voted "yea."

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 21 had I been present, I would have voted "yea."

Mr. BALLENGER. Mr. Speaker, on rollcall No. 21, had I been present, I would have voted "yea."

COMMENDING ISRAEL ON THEIR ELECTIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 61.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, House Resolution 61, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 2, answered "present" 3, not voting 18, as follows:

[Roll No. 22]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Rahall

ANSWERED "PRESENT"—3

Conyers
Stark
Wu

NOT VOTING—18

Blunt
Cannon
Cubin
Deal (GA)
Doggett
Ferguson
Gallegly
Gephardt
Hulshof
Lipinski
Miller (FL)
Pickering
Reyes
Rush
Smith (TX)
Sullivan
Tauzin
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). The Chair reminds Members there is less than 2 minutes remaining on this vote.

☐ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 19.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and pass the joint resolution, H.J. Res. 19, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, answered "present" 11, not voting 17, as follows:

[Roll No. 23]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller

Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—11

Brown, Corrine
Conyers
Hinchey
Johnson, E. B.
Kilpatrick
Lee
McDermott
Stark
Towns
Watson
Wu

NOT VOTING—17

Blunt
Cannon
Cubin
Deal (GA)
Ferguson
Gephardt
Hulshof
Lantos
Michaud
Miller (FL)
Nadler
Radanovich
Reyes
Rush
Smith (TX)
Tauzin
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair reminds Members there is less than 2 minutes remaining on this vote.

□ 1912

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WU. Mr. Speaker, on H. Res. 61, I intended to vote "yea." I voted "present" by mistake, thinking it was the Ronald Reagan resolution, H.J. Res. 19, which was voted on immediately after the vote on H. Res. 61. To restate the record, I proceeded, after voting on H. Res. 61, to vote "present" on H.J. Res. 19, the joint resolution commending former President Reagan.

Mr. MICHAUD. Mr. Speaker, on rollcall No. 23, had I been present, I would have voted "yea."

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. BONILLA. Mr. Speaker, I offer a resolution (H. Res. 63), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 63

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Budget: Mr. Shays to rank after Mr. Nussle; and Ms. Ginny Brown-Waite of Florida to rank after Mr. Hensarling.

Education and the Workforce: Mr. Gingrey.

Science: Mr. Gilchrest to rank after Mrs. Biggert; and Mr. Feeney to rank after Mr. Bonner.

Small Business: Mr. Chocola.

Standards of Official Conduct: Mr. Hastings of Washington; Mrs. Biggert; Mr. Hulshof; and Mr. LaTourette.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DEALING WITH THREATS TO NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, these are serious times. The Nation is on Orange Alert. All Americans are urged to buy duct tape, plastic sheeting and other things to create safe havens in their home. That is because of the threat of al Qaeda and terrorist networks. The head of al Qaeda, Osama bin Laden—remember him, wanted dead or alive?—the President has not mentioned his name in about 12 months, because he is still very much alive and leading and reorganizing and reenergizing his network, which is the greatest threat to the physical security of the United States.

He did a 1-hour broadcast, or rant, against the United States, which was broadcast on al-Jazeera today. He is still alive and well, probably under the protection of the security services in a part of Pakistan where both the Taliban and al Qaeda have free rein and are organizing further attacks against Afghanistan, which is not yet stabilized, and against the United States and its allies around the world and probably against the Government of Pakistan. Should they be able to take over Pakistan, they would instantly possess nuclear weapons. It sounds like a problem.

But we have others. We have Kim Jong Il, a psychopathic dictator running North Korea, who has threatened to launch a preemptive nuclear strike against the United States of America, and he has nuclear weapons and he has intermediate-range missiles. He can hit Japan and other countries; he has not yet the capability of hitting the United States. But he also gets 25 percent of his income for his country by selling weapons of mass destruction and sophisticated technology to terrorists. He seems like a pretty big threat.

So what is the response of the Bush administration? Attack Saddam Hussein, who does not possess nuclear weapons. He has a few hidden, short-range missiles that do not work very well. Yes, he is probably hiding some anthrax or some chemical weapons. He hid them before. We sent in the inspectors and we persisted over 4½ years and, guess what, we found them and we destroyed them, without the destabilization of that entire region after the first war in the Gulf.

We could do that again. We could have enhanced inspections. We could move forward and begin to deal with these other threats, these very real threats.

The administration keeps telling us blithely, just sort of in offhand comments, Don't worry, we can multitask. We can take care of Kim Jong Il and his nuclear weapons through diplomacy somehow. But not the Middle East. And, yeah, we'll get around to Osama bin Laden, dead or alive, later. Yeah, it's serious, he's in Pakistan, he's making broadcasts, he's organizing and they are the greatest threat to the United States of America and its citizens, but we don't have time for them right now because we want to go after this little tin pot dictator who's terrorizing his own people and is surrounded in a box in his country in the Middle East with inspectors on the ground and about to have planes flying overhead. Plus the U.S., of course, controls a significant amount of his airspace now. But the response of the administration is, "That's our highest priority."

I fear that this administration has misplaced priorities that are not going to provide the protection that our country warrants, and I know that their priorities are totally misplaced in terms of the economy. I just met yesterday with a group of dislocated workers in my district who are getting retrained, trying desperately to find work. We have the highest unemployment rate in the Nation, yet the economists and other pundits tell us, Well, the clouds of war, the high oil prices and all that, you can't expect the economy to recover right now.

How about if we chose a different path and revitalized our economy and invested there and put people back to work, that is the greatest threat to the security of the people in my district, and then dealt with the real threats to our security, like Osama bin Laden, dead or alive? It is about time the President delivered on that promise. It has been almost 2 years.

And how about Kim Jong Il and his nuclear weapons?

Let us get to the real threats. Let us deal reasonably with the problems in the Middle East, but let us not exaggerate them and say that he is the greatest threat because our intelligence services and all the foreign intelligence services tell us that is just not true. We have got him contained, we have got him where we want him and we can take the time to find and disarm his weapons.

IN HONOR OF THE BIRTHDAY OF MRS. HELEN GINGREY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I would like to take my time this evening to address the House regarding a very important person, someone who has meant so much to me and without whom undoubtedly I would not be here today. Mrs. Helen Gingrey turned 85 last Saturday, February 8, 2003.

Mr. Speaker, I know that you and Members of the House of Representatives will want to join me tonight in saying, Happy Birthday, Mom.

It is important in this day and age for children to grow up in a strong family environment like the one my parents provided for me. I would hope that as I embark on my tenure here, representing the 11th Congressional District of Georgia, that my colleagues and I would always keep an eye on how our actions will affect the American families who are struggling to stay together and to make ends meet.

My mother has had a great life and has been a blessing to both her community and to her family. She is the daughter of Irish and Scotch immigrants. She was born in New York City in 1918. She grew up in Astoria of the Queens Borough. She married my dad when she was 19 years old. He was a native of South Carolina and had come to New York at age 16 in near poverty with little means of support. Shortly after their marriage, they moved back to South Carolina, to Edgefield, the birthplace of Senator Strom Thurmond, and began to raise their family, me and my two brothers.

My dad died 22 years ago. My mom and dad were high school graduates who worked hard in one small business after another. They never had the opportunity to go to college, but they struggled to make sure that their three sons; my brother Bill, my brother James and myself, attended college. The ideals my parents instilled in us are the ones of hard work, good education, personal responsibility, respect for others, love of family and love of country. These are not only good principles for rearing children, but also good guidelines for the initiatives we will work on here in this 108th Congress.

Therefore, Mr. Speaker, I urge the House to use the example and the principles of Mrs. Helen Gingrey and all loving mothers like her to set an agenda that will work to strengthen and support the most vital component of our great Nation, the American family.

PUBLICATION OF THE RULES OF THE COMMITTEE ON APPROPRIATIONS 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I submit the following for publication in the RECORD:

HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS—COMMITTEE RULES

RESOLVED, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred Seventh Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Eighth Congress with the following amendment to the standing rules as provided below:

In Section 7, add at the end the following new paragraph:

(c) The Chairman of the Committee and any of its subcommittees may—

(1) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment;

(2) resume proceedings on a postponed question at any time after reasonable notice.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority: *Provided, however*, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are authorized to sit as a member of all subcommittees and to participate, including voting, in all its work.

SEC. 3: STAFFING

(a) Committee Staff—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 9(c) of Rule X of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) Assistants to Members—Each of the top twenty-one senior majority and minority Members of the full Committee may select and designate one staff member who shall serve at the pleasure of that Member. Such staff members shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 9(c) of Rule X of the Rules of the House of Representatives; Provided, That Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution ending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman To Preside in Absence of Chairman, member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule VII of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule VII of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

21(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may be the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2 (k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; *Provided, however*, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall coordinate the development of schedules for meetings or hearings after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(4) Each witness appearing in a nongovernmental capacity before the Committee, or any of its subcommittees as the case may be, shall to the greatest extent practicable, submit a written statement including a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause (4)(f) of Rule XI of the Rules of the House of Representatives. Neither the full Committee Chairman or Subcommittee Chairman shall limit the number of television or still cameras to fewer than two representatives from each medium.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman of the Committee shall make public announcement of the date, place, and subject matter of any Committee or subcommittee hearing at least one week before the commencement of the hearing. If the Chairman of the Committee or subcommittee, with the concurrence of the ranking minority member of the Committee or respective subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any measure of matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Constitutional Authority Statement—Each report of the committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations—Each Committee report on a general appropriations bill shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities) along with a statement of the last year for which such expenditures were authorized, the level of expenditures authorized for that year, the actual level of expenditures for that year, and the level of appropriations in the bill for such expenditures.

(i) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (i)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection: or

(ii) the filing by the committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports—A copy of each bill, resolution, or report shall be made available to each Member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

(k) Performance Goals and Objectives—Each Committee report shall contain a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

(c) The Chairman of the Committee and any of its subcommittees may—

(1) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment;

(2) resume proceedings on a postponed question at any time after reasonable notice.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202 (b) of the Legislative Reorganization Act of 1946 and in Clause (3)(a) of Rule X of the Rules of the House of Representatives:

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee.

The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittee, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 8 of Rule X of the Rules of the House of Representatives and Section 502 (b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE BUDGET, 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Rule XI, Clause 2 of the Rules of the House of Representatives, I respectfully submit the rules of the Committee on the Budget for the 108th Congress for publication in the CONGRESSIONAL RECORD.

RULES OF THE COMMITTEE ON THE BUDGET UNITED STATES HOUSE OF REPRESENTATIVES, 108TH CONGRESS—ADOPTED FEBRUARY 4, 2003

GENERAL APPLICABILITY

Rule 1—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

Rule 2—Regular meetings

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The Chairman is authorized to dispense with a regular meeting when the Chairman determines there is no business to be considered by the committee. The Chairman shall give written notice to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

Rule 3—Additional and special meetings

(a) The Chairman may call and convene additional meetings of the committee as the Chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the Chairman shall provide written notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least three days in advance when Congress is not in session.

Rule 4—Open business meetings

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1).

(b) No person other than members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

Rule 5—Quorums

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 6—Recognition

Any member, when recognized by the Chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to five minutes until all members present have been afforded an opportunity to comment.

Rule 7—Consideration of business

Measures or matters may be placed before the committee, for its consideration, by the Chairman or by a majority vote of the members of the committee, a quorum being present.

Rule 8—Availability of legislation

The committee shall consider no bill, joint resolution, or concurrent resolution unless copies of the measure have been made available to all committee members at least four hours prior to the time at which such measure is to be considered. When considering concurrent resolutions on the budget, this requirement shall be satisfied by making available copies of the complete Chairman's mark (or such material as will provide the basis for committee consideration). The provision of this rule may be suspended with the concurrence of the Chairman and Ranking Minority Member.

Rule 9—Procedure for consideration of budget resolution

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In the consideration of a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment. Subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters, which have already been amended in their entirety.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 10—Roll call votes

A roll call of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a roll call may be had on the request of any member.

HEARINGS

Rule 11—Announcement of hearings

The Chairman shall make a public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the Chairman, with the concurrence of the Ranking Minority Member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chairman shall make the announcement at the earliest possible date.

Rule 12—Open hearings

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may be the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

Rule 13—Quorums

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 14—Questioning witnesses

(a) Questioning of witnesses will be conducted under the five-minute rule unless the committee adopts a motion pursuant to House Rule XI clause 2(j).

(b) In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and oaths

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the Chairman or of any member of the committee designated by him, and may be served by any person designated by the Chairman or such member.

(b) The Chairman, or any member of the committee designated by the Chairman, may administer oaths to witnesses.

Rule 16—Witnesses' statements

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or sub-grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

PRINTS AND PUBLICATIONS

Rule 17—Committee prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

Rule 18—Committee publications on the Internet

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

Rule 19—Committee staff

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the Chairman.

(b) Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(c) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(d) Notwithstanding paragraphs a. b, and c, staff shall be employed in compliance with House rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

Rule 20—Staff supervision

(a) Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House rule X, clause ((c)) and job titles, and, at his discretion, arrange for their specialized training.

(b0 Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority, as they deem appropriate.

RECORDS

Rule 21—Preparation and maintenance of committee records

(a) A substantially verbatim account of remarks actually made during the proceedings shall be made of all hearings and business meetings subject only to technical, grammatical, and typographical corrections.

(b) The proceedings of the committee shall be recorded in a journal, which shall among other things, include a record of the votes on any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impeded the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to committee records

(a)(1) The Chairman shall promulgate regulations to provide for public inspection of roll call votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and staff of the Office of Official Reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

OVERSIGHT

Rule 23—General oversight

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(d) of Rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 6 of Rule X, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the provisions of clause (2)(d) of House Rule X.

REPORTS

Rule 24—Availability before filing

(a) Any report accompanying any bill or resolution ordered reported to the House by the committee shall be available to all committee members at least 36 hours prior to filing with the House.

(b) No material change shall be made in any report made available to members pursuant to section (a) without the concurrence of the Ranking Minority Member or by a majority vote of the committee.

(c) Notwithstanding any other rule of the committee, either or both subsections (a) and (b) may be waived by the Chairman or with a majority vote by the committee.

Rule 25—Report on the budget resolution

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any roll call vote on any motion to amend or report any measure.

Rule 26—Parliamentarian's Status Report and Section 302 Status Report

(a)(1) In order to carry out its duty under sections 311 and 312 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the Chairman, in consultation with the Ranking Minority Member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under sections 302 and 312 of the Congressional

Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the Chairman, in consultation with the Ranking Minority Member, to transmit to the Speaker the Section 302 Status Report described above.

Rule 27—Activity report

After an adjournment of the last regular session of a Congress sine die, the Chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

MISCELLANEOUS

Rule 28—Broadcasting of meetings and hearings

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 4.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, or by any of such methods of coverage, in accordance with House Rule XI, clause 4.

Rule 29—Appointment of conferees

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the committee.

(b) The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

Rule 30—Waivers

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the Chairman may, if practical, consult with the committee members on whether the Chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the Act by not waiving the applicable points of order during the consideration of such measure.

UPDATE ON CUBA'S PROJECT VARELA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in May of 2002, over 11,000 Cuban citizens took a courageous stand and petitioned the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties. Named for the 19th century priest and Cuban independence hero, Padre Felix Varela, the Varela Project was the first-ever peaceful challenge to Castro's four-decade-long control of the island.

With its 11,000-plus signatures, the project qualified under article 88 of the Cuban constitution, which states that if the Cuban National Assembly receives the verified signatures of 10,000 legal voters, a referendum on the issue should be scheduled. Varela was the first-ever attempt to try and work within the system to bring about change in Cuba.

Not surprisingly, Mr. Speaker, instead of allowing his parliament to consider Project Varela, Fidel Castro introduced his own so-called "referendum" that would stop future consideration of Project Varela and any other democratic reform efforts. Then, late last month, a Cuban legislative committee threw out the project, officially putting an end to Varela's hopes for peaceful reform.

Despite this, Mr. Speaker, the project is far from over. The true aim of the project was not to win political support, but to bring hope to the Cuban people that peaceable change is possible. Oswaldo Paya and Varela's other organizers have worked to educate the Cuban people citizen by citizen and bring the struggles of the Cuban people to the world stage. It is my hope that many of my colleagues will support this project and it will continue.

Mr. Speaker, I would like to conclude with one final note. In response to questions regarding the future of the Varela project, Varela's organizer Oswaldo Paya said only, "Our Varela Project continues. It's a campaign to inform the Cuban people and we will continue until all Cubans achieve their rights." I want to commend those involved in Project Varela, that they continue for a long time.

SUPPORTING NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BEAUPREZ) is recognized for 5 minutes.

Mr. BEAUPREZ. Mr. Speaker, like many Members of this Chamber, I have often spoken with fond affection of my grandfather, a gentleman who came to the United States as an immigrant from Belgium. He did not speak the language. He spoke Flemish. In spite of his limitations, not only did he not speak English, he basically had no formal education, he embraced this country and he embraced what we all call the American dream. I am very, very grateful to that immigrant from Belgium, my grandfather, for clinging to that dream, fostering that dream, instilling that dream in me and many other of my family members and people he came in contact with over his extended life.

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It is what America is all about. I rise tonight to talk about someone who instills those same values, those same characteristics, that same American dream: Mr. Miguel Estrada.

Mr. Estrada came to the United States of America as a teenager from Honduras. He did not speak our language. In spite of that, shortly thereafter Mr. Estrada found himself graduating Phi Beta Kappa from Columbia College in New York, later from Harvard Law School where he was also editor of the Harvard Law Review. As this Chamber knows full well, Mr. Estrada has been nominated to serve on the United States Court of Appeals for the District of Columbia. Mr. Estrada is currently serving as a partner in a prestigious Washington, D.C. law firm. He is very accomplished. He has formerly served as assistant United States Solicitor General during the Bush and Clinton administrations from 1992 to 1997, assistant U.S. Attorney and deputy chief of the appellate section for the U.S. Attorney's Office for the Southern District of the State of New York. Mr. Estrada argued 15 cases before the United States Supreme Court, both criminal and civil. He tried ten cases as a prosecutor and argued seven cases before the U.S. Court of Appeals for the second circuit as assistant U.S. Attorney, again for the Southern District of the State of New York. Mr. Estrada's credentials and achievement as a jurist are almost unprecedented, certainly well qualified for the Federal bench.

I would like to cite for the record what others are saying about Mr. Estrada. The American Bar Association rates Estrada as "well qualified." Ron Klain, former counsel to Vice President Gore had this to say: "I have no doubt that on the bench Miguel will faithfully apply the precedence of his court and the Supreme Court without regard, without regard," without regard, "to his personal views or his political perspectives. His belief in the rule of law, in a limited judiciary, and in the separation of powers is too strong for him to act otherwise."

Lastly, Mr. Speaker, here is what Raphael Santiago, national president of the Hispanic National Bar Association had to say: "Mr. Estrada's distinguished and impressive career illustrates the promise and opportunity that America offers to all immigrants, especially Hispanic immigrants . . . Mr. Estrada's confirmation will break new ground for Hispanics in the judiciary. The time has come to move on Mr. Estrada's nomination."

Mr. Speaker, I second those comments and look forward to the day that

Miguel Estrada is a member of the Federal bench of the U.S. Court of Appeals representing the District of Columbia.

SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I also stand to support the nomination of Mr. Miguel Estrada. We just heard his incredible qualifications as a lawyer, a person who has lived the American dream, who came to this country as a teenager barely speaking a word of English but through his work, his hard work, his dedication, bettered himself to become a highly respected attorney in society.

Mr. Speaker, some of those now objecting to his confirmation have not been able to find one good reason in over a year that this process has taken place, one good reason why Mr. Estrada should not be on the bench, and yet we have heard a number of discussions d'jour about why Mr. Estrada should not be there. I want to mention some of those, Mr. Speaker, that I think are rather, frankly, amusing if I may say. Some have actually said that Miguel Estrada has never served as a judge before; therefore, he is not qualified to hold this position in this prestigious court. But, Mr. Speaker, five out of the eight judges in that same court where Mr. Estrada has been nominated by this President also never had judicial experience in the past. Why was it okay for them to not have that experience and why is it not okay for this Hispanic brilliant attorney, why does he have to have experience that the other five did not have, Mr. Speaker? I do not know. It begs the question.

Mr. Speaker, some people that I admire and care for greatly who were born in the United States of Hispanic origin like I was have actually said publicly that one of the reasons that Mr. Estrada should not be a judge is because he is not Hispanic enough or "he is Hispanic by name only." Some of the people who are saying that, again like I am were born here in the United States and frankly are just not all that fluent in Spanish, and they say that Mr. Estrada, who got here when he was 17 years old, barely speaking English, is not Hispanic enough, is Hispanic by name only? Mr. Speaker, I find that to be frankly offensive, personally offensive. I have no problem that people would object if they find something objectionable in Mr. Estrada's record, but they have been able to find nothing, not one iota of evidence, nothing that should disqualify this young brilliant attorney, Mr. Speaker.

I support Mr. Estrada because it would be a wonderful thing for the country. It would be a wonderful thing for Hispanics. It would be a wonderful thing for diversity. A vote for Mr. Estrada is a vote for diversity. And, Mr. Speaker, I hope that we can all united support the nomination of this brilliant, young, talented Hispanic. He deserves it, the people of the United States deserve it, and our court system clearly also deserves to have Miguel Estrada.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that it is not in order to urge the Senate to take a particular action with regard to a presidential nomination.

PUBLICATION OF THE RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, pursuant to Rule XI, Clause 2 of the Rules of the House of Representatives, I respectfully submit the rules for the 108th Congress for the Committee on Education and the Workforce for publication in the CONGRESSIONAL RECORD.

THE RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE FOR THE 108TH CONGRESS

RULE 1. REGULAR, ADDITIONAL, & SPECIAL MEETINGS: VICE-CHAIRMAN

(a) Regular meetings of the committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice-chairman, or the Chairman's designee.

(e) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice-chairman, or the Chairman's designee shall preside.

RULE 2. QUESTIONING OF WITNESSES

(a) Subject to clauses (b) and (c), Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

(b) The Chairman may permit a specified number of members to question a witness for longer than five minutes. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(c) The Chairman may permit committee staff for the majority and the minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

RULE 3. RECORDS & ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule VII of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(c) have been met, a quorum consisting of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the non-availability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule VII of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES & JURISDICTION

(a) There shall be five standing subcommittees. In addition to the conducting oversight in the area of their respective jurisdictions as required in clause 2 of House Rule X, each subcommittee shall have the following jurisdictions:

Subcommittee on Education Reform.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, vocational education, preschool programs including the Head Start Act, school lunch and child nutrition, and overseas dependent schools; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, migrant and agricultural labor education and homeless education; educational research and improvement, including the Office of Educational Research and Improvement; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP).

Subcommittee on 21st Century Competitiveness.—Education and training beyond the high school level including, but not limited to higher education generally, including postsecondary student assistance and employment services, Title IV of the Higher Education Act; training and apprenticeship including the Workforce Investment Act, displaced homemakers, adult basic education (family literacy), rehabilitation, professional development, and training programs from immigration funding; pre-service and in-service teacher training, including Title II of the elementary and Secondary Education Act and Title II of the Higher Education Act; Title III and V of the Higher Education Act; Title I of the Higher Education Act as it relates to Titles II, III, IV, and V; science and technology programs; affirmative action in higher education; all welfare reform programs including, work incentive programs, welfare-to-work requirements, and childcare services, including the Childcare Development Block Grant; Native American Programs Act, Robert A. Taft Institute, and Institute for Peace.

Subcommittee on Select Education.—Programs and services for the care and treatment of certain at risk youth, including the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act; all matters dealing with child abuse and domestic violence, including the Child Abuse Prevention and Treatment Act, and child adoption; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; environmental education; all domestic volunteer programs; School to Work Opportunities Act; library services and construction, and programs related to the arts and humanities, museum services, and arts and artifacts indemnity; Titles VI and VII, Title I as it relates to those Titles, and oversight of Title III and V of the Higher Education Act; and fiscal auditing of the Department of Education organization.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, Family and Medical Leave Act, Worker Adjustment and Retraining Notification Act, Employee Polygraph Protection Act of 1988, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety; and, in addition, oversight of compulsory union dues within the jurisdiction of another subcommittee.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); all matters related to equal employment opportunity and civil rights in employment, including affirmative action.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and any member of the committee may question witnesses only when they have been recognized by the Chairman for that purpose.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman shall not schedule simultaneous subcommittee markups, a subcommittee markup during a full committee markup, or any hearing during a markup.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION & DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determines that one statement from the Chairman or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, witnesses who are to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during recess or adjournments of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

(d) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or Subcommittee unless authorized by the Chairman.

RULE 14. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chairman of the full committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member prior to issuing any subpoena under such authority. To the extent practicable, the Chairman shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chairman shall notify in writing all members of the Committee of the issuance of the subpoena.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and therefore may not necessarily reflect the views of its members."

The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the such bill, resolution, or other matter reported. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

(a) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

(b) In accordance with clause 2(h) of House Rule XI, the Chairman of the Committee or a Subcommittee is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. Such Chairman may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) the Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request thereof.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral, to the appropriate subcommittees, of such bills, resolutions, and other matters, which have been referred to the committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he [or she] intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 4 of Rule XIII of the Rules of the House of Representatives after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House: "This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members."

Such disclaimer need not be included if the report was circulated to all members of the committee at least 7 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET & EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $5,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $5,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $5,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $5,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES & NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 11 of Rule I of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS & MEETINGS

(a) Television, Radio and Still Photography. (1) Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography subject to the requirements of Rule XI, clause 4 of the Rules of the House of Representatives and except when the hearing or meeting is closed pursuant to the Rules of the House of Representatives and of the Committee. The coverage of any hearing or meeting of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or meeting and may be terminated by such member in accordance with the Rules of the House.

(2) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(3) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(b) Internet Broadcast. An open meeting or hearing of the committee or subcommittee may be covered and recorded, in whole or in part, by Internet broadcast, unless such meeting or hearing is closed pursuant to the Rules of the House and of the Committee. Such coverage shall be fair and nonpartisan and in accordance clause 4(b) of House Rule XI and other applicable rules of the House of Representatives and of the Committee. Members of the Committee shall have prompt access of any recording of such coverage to the extent that such coverage is maintained. Personnel providing such coverage shall be employees of the House of Representatives or currently accredited to the Radio and Television Correspondents' Galleries.

RULE 24. CHANGES IN COMMITTEE RULES

The committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of such proposed change.

THE STATUS OF THE FEDERAL BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, I wanted to address a very grave matter that affects our country, and that is the status of our budget. It is hard to believe that just 2 years ago when we began the budget process as we do now this country looked forward to a surplus of $5.6 trillion. That was the projection of the Office of Management and Budget of the Bush administration in January of 2001. We have come a long, long way since January of 2002, since that fiscal year was concluded.

In the last fiscal year of the first Bush administration, there was a deficit of $290 billion. That was the deficit that President Clinton found on the doorstep waiting for him when he came to the White House on January 20, 1993. On February 17 he sent us a budget that would deal with that deficit, and over the next 8 years every year, every year, the bottom line of the budget got better, better to the point that in 1999 for the first time in 30 years, we balanced the budget.

In the year 2000, we had a surplus of $236 billion. So from 1992 until the year 2000, we took the budget from $290 billion in the red, in deficit, to $236 billion in surplus, a phenomenal record. President Bush the Second came to office, and we gave him an advantage that no President in recent times has ever enjoyed, a balanced budget, a budget that had a surplus the first year he was in office of 126, $127 billion.

Today, 2 years later, this is what has happened. That surplus cumulative over 10 years, the years 2002 through 2011, has declined from $5.644 trillion as projected by the Bush Office of Management and Budget to $2.122 trillion in the red, in deficit. From $5.6 trillion dollars in the black to $2.1 trillion in the red, that is a swing in the wrong direction of $7.2 trillion over a period of 2 years. We have never seen that at least since the Great Depression, such a dramatic fiscal reversal in our account.

That is what we want to address to you tonight because as this next chart will show, we face some decisions in the next couple of months that will determine the fiscal fate of this country for years to come. This is where the Bush administration began 2 years ago. This was a 10-year surplus, $5.6 trillion. They now say, and these are the numbers presented to us just last week by the Office of Management and Budget, that there was an overcalculation, a miscalculation due to the economy of $3.174 trillion so that the real surplus was really $2.463 trillion, $2.4 trillion instead of $5.6 trillion.

That is only part of the bad news. The rest of it is that the Bush administration bet the budget on this blue-sky forecast and over the last 2 years has committed $2.6 trillion in enacting policies, two thirds of which went to tax cuts. We have more than spent the cumulative surplus during that period of time so that this year we start with a cumulative deficit of $129 billion.

But the point to note here is that we are going to decide this year, in the next few months, whether we take that deficit, $129 billion in the red, a bad enough reversal since 2002, and add to it almost $2 trillion so that we add to the national debt $2.1 trillion. If we do that, it will be because we have chosen to do that. We could possibly out of abundance of charity say to those who passed the budget 2 years ago they thought they had a $5.6 trillion surplus, we told them we thought they were overstating it, but we will acknowledge that maybe this was negligence, this was a mistake, this was a miscalculation. Now we have to say if they go forward knowing what they know using their own projection, they will be deliberately, willfully, wantonly, and intentionally adding $2.1 trillion to the national debt.

Notice that this period of time is a critical period of time in our country's fiscal history because this is when the baby boomers, 77 million of them now marching to their retirement, first begin to retire in 2008. In 2010, 2011 they begin to draw not only their Social Security but their Medicare. So this is a period of time when we should be husbanding our resources so we can meet our obligation to the baby boomers who will be retiring in huge numbers and will double in time the number on Social Security and Medicare. Instead, during that very period of time we are incurring, if we follow the budget proposals before us, mostly the tax cuts proposals that have been made, $2.122 trillion in additional debt.

A large part of that additional policy will go to tax cuts. This chart shows the Bush tax cut in 2001, $1.349 trillion in revenues committed to that tax cut. This shows what we did a couple of years ago when we had a first stimulus package to try to get us out of the recession that we felt ourselves slumping into. Now the Bush administration has come up with an additional tax cut. They want to exclude dividends from taxation. I can understand why that would be appealing to a lot of people, but the revenue cost to us of the latest Bush tax proposal is another $615 billion. Those tax cuts made in June of 2001 were not permanent. In order to shoehorn them into the budget, they artificially terminated or truncated the taxes at the end of 2010.

If we make them permanent, which the Bush administration is proposing, that adds another $692 billion. Then there is another problem we will not even get into tonight, but it is on the tax agenda. Democrats and Republicans, the Congress and the White House will soon have to face the problem of the alternative minimum tax. Pretty soon millions of Americans will be paying more in the alternative minimum tax than they pay under the regular taxation. If we add all of those together and add the debt service that we have to pay additionally because we have used these tax cuts to dispense with our revenues, we have got a tax agenda here of $4.4 trillion. And this is coming at a time when I said we have some critical obligations to meet, we are draining the revenues dry.

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Let me just stop on this point and recognize my friend, the gentleman from Texas (Mr. EDWARDS).

Before doing so, look at the next 5 years. These are numbers taken straight from the Bush budget, the Office of Management and Budget. Over the next 5 years, this year, 2004, 2005, 2006, 2007, 2008, they are proposing to spend a deficit of more than $400 billion in every one of those years.

What is distressing is not necessarily the size of these deficits to start with. If we are, after all, in a slumping economy, you would expect to see a deficit then. But there is no abatement, no reduction. There is no diminution of this deficit in any of these years.

These are the numbers you get if you back out Social Security. The total amount of deficits we will incur in the general fund of the budget if we follow this plan over the next 5 years, 2004 through 2008, is $2.14 trillion. As I said earlier, that is not the result of what we did previously; that is the result of decisions we are about to make now. This is where it will take us.

Notice that they stop at the end of 5 years. Last year and in 2001 we had a budget that went out 10 years, because we had found from experience that fiscal discipline was served by projecting the consequences of your fiscal actions out as far as you could, and 10 years was deemed to be a good projection period. But if you run this out 10 years, the situation only gets worse.

Mr. Speaker, I now would like to yield to my friend, the gentleman from Texas (Mr. EDWARDS) to pick up here and talk about some of the consequences in this budget for programs that all Americans support.

Mr. EDWARDS. Mr. Speaker, I want to thank the gentleman from South Carolina for leading the fight for fiscal responsibility in Congress.

Mr. Speaker, just 2 years ago the Bush administration promised my then-3 and 5-year-old sons that by the time they graduated from high school, America would have no national debt. A lot can happen in 2 years. Now, under the fiscal policies of this administration, my now-5 and 7-year-old sons are told that before they finish elementary school this administration will add $1 trillion to $3 trillion in addition to the total $6 trillion national debt that we presently have.

To average Americans, what does the national debt really mean? $6 trillion, $5 trillion, what does it matter?

Let me talk about the difference. It is said there is one tax in America that cannot be repealed. It is called the debt tax. It is the interest on the national debt. Last year alone, over $320 billion was paid in interest on the total national debt of America. That is $320 billion that taxpayers have to be responsible for now and in the future just to pay the interest on the national debt.

The fact is that not only does the debt tax hurt us by having to pay additional taxes to the Federal Government to pay interest on the debt, but every business is burdened with the debt tax. When you have a deficit, once the economy gets back on its feet, you are going to drive up interest rates. Every homeowner pays part of the debt tax because they have to pay higher interest on the mortgages on their homes. Every consumer that borrows and uses a credit card will have higher taxes in effect because of the Bush administration increase in the national debt.

Now, once in awhile, Mr. Speaker, an idea comes along in Washington, D.C. that is so incredibly unfair that, frankly, it is hard to even believe anyone would propose it seriously. Let me talk about a specific provision of the most recent Bush budget.

This week and in the weeks ahead there will be 12,500 brave men and women, Army soldiers from my district, from Fort Hood, that will be deploying for the Iraqi theater. Within weeks or months they could well be fighting to defend the interests of this country, perhaps even giving their lives for our country.

I found it astounding that the same administration which has ordered these brave men and women, mothers and dads, to go off to potential combat in Iraq, has the gall to suggest that we should be cutting their children's education funds at the same time they are getting on the airplane to defend our country thousands of miles away. It is hard to believe that it is even true, but it is true.

Look at the Bush budget. They are cutting the vital Impact Aid Military Education program at the very time they are asking our sons and daughters, mothers and dads, to go off and defend our country in the Middle East and Southwest Asia. In fact, the two school districts surrounding Fort Hood, the Coppers Cove and Killeen districts around Fort Hood in my district in central Texas, will lose under the Bush administration proposal $21 million in impact aid this year because of the proposed cuts in that program.

What is compassionately conservative about that? What is fair about that? The truth is, nothing is compassionate about that; nothing is fair about that.

Mr. Speaker, we ask our servicemen and women to make incredible sacrifices for our country, and it is immoral for us to be cutting their children's education funds even as they go to potentially fight for our country.

I hope the American people will be as outraged about not only the largest deficit in the history of America proposed in this budget, but will be just as outraged by the unfairness to our servicemen and women all across America by cutting their children's education programs while they are going off to war.

Mr. Speaker, there are many things we could talk about in this budget, but one of the things I would like to ask the distinguished ranking member about is, I have heard in recent days from Republican colleagues that the Bush administration tax cuts, both those already enacted and those proposed, really are not a significant part of the reason we now have this year proposed the largest deficit in the history of America.

I would like to ask my colleague, the gentleman from South Carolina (Mr. SPRATT), if that is true. Have these proposed taxes and enacted tax cuts really had a minimal effect on the fact we are in such a deep deficit hole now?

Mr. SPRATT. Mr. Speaker, on the chart I have just displayed it is clear from the Office of Management and Budget that the real surplus adjusted for the real economy over the last couple of years is not $5.6 trillion, but $2.4 trillion. Out of that $2.4 trillion in real surplus, the Bush administration has already cut $1.349 trillion and $42 billion; add those two together and you get easily $1.4 trillion. Nearly two-thirds of the remaining surplus has been cut, has been diminished, due to tax cuts already passed now in the face of the fact that there is no remaining surplus.

After you factor in these tax cuts and factor in the spending increases, mainly for defense and homeland security, which we all supported, but nevertheless, his budget left no room for contingencies like that, when you factor in those additional spending items, the surplus not only disappears, it goes deep in deficit for as far as the eye can see.

Mr. EDWARDS. Mr. Speaker, if the gentleman will yield further, I appreciate the gentleman pointing out those facts. I would also point out on this chart that the Bush administration's total tax agenda, including tax cuts already enacted plus proposed tax cuts, total in impact, if you count that increased debt tax, the interest we have to pay when we borrow money, it is over $4.3 trillion. Even by Washington, D.C., standards it seems to me a trillion here and a trillion there really is a significant amount of money.

I find it astounding that we are cutting taxes for some of the wealthiest people in America, and at the same time, telling soldiers at Fort Hood in central Texas, right next to the Crawford ranch, you have to go off and fight for our country, but by the way, as they are getting on the plane, give them a note, we are going to cut your children's education fund.

We hear a lot of talk, and I will finish with this, about values in Washington, D.C., and family values. But I think we in public office should be judged not by rhetoric, but by our record and by the priorities we set in the Federal budget.

There is something wrong with the values of an administration that would propose cutting impact military education funds not to pay for a war against Iraq, but to pay for the tax dividend for the other constituent of mine who said he made $1 million in dividend income last year, and because this administration does not want him to pay one dime in taxes, will get a $335,000 tax cut.

Would the gentleman care to comment about the values of those priorities?

Mr. SPRATT. Mr. Speaker, let me enlarge upon the point the gentleman is making, and that is, as bad as the Bush administration says, when pressed, where is your solution, what plan do you have? Cut spending, cut spending.

In truth, as the gentleman is pointing out with a very specific example, there are plenty of spending cuts built into this budget already. One of them is impact aid, which amounts to the Federal Government saying to military installations, we are not going to pick up the full impact of the children of military dependents in the public schools in that particular locality. We are going to let the local folks pay that and not do what other employers do and continue contributing some of the costs of it. That is one example.

The gentleman from North Carolina is going to get up and give another example about the larger education bill that already is cut in this bill. If you took the whole budget for discretionary spending, the 13 appropriation bills that the gentleman's committee reports and we pass, which constitutes the discretionary budget, if you take all of nondefense discretionary spending and cut it all out, it would not replace the $400 billion deficit in the general fund we expect next year.

Mr. EDWARDS. Mr. Speaker, that is a good point. If the gentleman will let me ask one last question, and then I will defer to other members that want to speak on the largest deficit in the history of America, there are a lot of Americans that believe that this largest proposed deficit in America's 200-plus-year history is because, my gosh, we are going to have to pay for the war against Iraq.

Could the gentleman tell me and the American people factually, is the $300 billion deficit proposed for this 1 year alone related to that?

Mr. SPRATT. That does not include the war against Iraq. That does not include the war against terror. The Secretary of Defense told us the other day, if and when those costs come, we will send up a supplemental. If you add that to the bottom line, it gets worse.

Mr. EDWARDS. We could have a $400-plus billion deficit. I did calculate it. I think the maximum Pell Grant for a young, bright high school senior from a low income family, wanting to improve his or her life and career with a college education, they get about $4,000 a year. If you assume 4 percent interest on the $300 billion deficit this year alone, that means my children's generation, my little boy's generation, will pay $12 billion a year, that is B as in boy, $12 billion a year in tax for the rest of their lives until the day they die simply to pay the interest on this year's proposed deficit.

That amount of money, if we had a more fiscally prudent budget without some of these tax cuts that I think are irresponsible, that would allow us to have 3 million young Americans receive a $4,000 Pell Grant. Something is wrong with these values and something is wrong with this budget.

Mr. SPRATT. Let me now yield to the gentleman from North Carolina (Mr. ETHERIDGE), who used to be the Superintendent of Education in North Carolina, to further the effects of some of cuts in education in this budget.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding.

Let me follow up something that my good friend from Texas covered; whether one agrees with this or not, this is actual fact. Before I was the State Superintendent of Schools in North Carolina, I chaired the appropriations committee for the general assembly, and prior to that I was a county commissioner.

What we are really doing in saying to local governments about pulling back impact aid, and in many of the cases, in many of the communities, in Fort Bragg in my district, many of these communities find themselves dependent on the impact aid. But what happens is they are getting impact aid because you have a large Federal installation not paying local property taxes. If you pull that out, in effect you are saying to the rest of the citizens in that jurisdiction, we are going to raise your taxes. We are going to say to the county commissioners to raise them or to the local governments at a time when roughly, what, 70-plus percent of the States are running huge deficits.

Mr. Speaker, it is incomprehensible that this administration would place these kinds of burdens on local governments across this country. And I agree with my friend, the gentleman from Texas (Mr. EDWARDS), who said not only Fort Hood, but at Fort Bragg, which is the 9/11 post in this country, we are going to send you off, but the people that you are going to leave behind are going to pick up the tab, because those of us in Washington are not going to do what we need to do, and those of us left are going to raise your taxes another way.

Let me touch on a couple of other issues when it comes to education. It bothers me greatly, because if we truly want to turn this around, we have got to have prudence now in budgeting.

Mr. Speaker, it boggles my mind that we have come through the deficits of the last 10 years to get to some high ground and a balanced budget, and we did not learn a thing. We jumped right back in that briar patch with no end in sight, and we now say deficits are okay.

□ 2000

They are not okay. Because we are going to double the amount of interest over the next few years, and my children and grandchildren will pick up the tab; and that is wrong.

Let us just look at some of the numbers that are proposed in this budget. These are the consequences of running deficits: cuts in No Child Left Behind. I supported that legislation because I thought it was fair and it would make a difference for children, because the President committed to fund it. And what does he do? He has cut the funding, and I will have a proposal on that before too long. This budget proposes cuts of $22.6 billion for programs that are under No Child Left Behind, which is $9 billion below the amount authorized in 2004, and $199 million below the amount needed to maintain at just the 2002 level.

Now, we have to understand that there are more children coming to school, there are more children with needs, there is more tutoring that needs to be done because we are ratcheting up accountability. It is a program for disaster for the public schools of America; and this administration, I do believe, knows that, and they ought to know better.

Mr. SPRATT. Mr. Speaker, what the gentleman is talking about is the authorization act Mr. Bush signed and signed into law and took credit for.

Mr. ETHERIDGE. And this body bipartisanly passed it.

Mr. SPRATT. The authorization act calls for $9 billion more in the fiscal year 2004 than his budget in this year's request.

Mr. ETHERIDGE. That is exactly right. And the schools are depending on that money, and at a time, as the gentleman knows, when States are cutting because they do not have the resources, trying to hold up their end on education; and we are not living up to our bargain. This administration has not been honest with, I think, our schools and the American people.

It eliminates 47 education programs in this budget, proposed budget. Those programs amount to $1.6 billion just in the CR we are now operating under, on the flat line, $1.6 billion. That is a lot of money when you get out to a local school building in rural America or wherever you may be.

Let me just talk about some of the major cuts. The 21st Century Community Learning Centers, an outstanding program that gives schools money to do some creative things that make a difference.

Mr. SPRATT. After-school programs, primarily?

Mr. ETHERIDGE. Absolutely.

Mr. SPRATT. Before-school programs.

Mr. ETHERIDGE. Absolutely. We absolutely have to have these if we are going to tutor youngsters who are behind and need to catch up. Mr. Speaker, $1.2 billion below the level authorized. Teacher quality programs, the very thing we have to do if we are going to improve education in America. We have to improve opportunity for the staff that are teaching our children. What did we do? What does the President propose? Mr. Speaker, $3.1 billion, down 5.2 percent from the previous level. I will just go through the percentages. It is just shameful.

Educational technology. At a time when we are really trying to put more technology in the schools because we are in a technological world, and so many schools need the resources, 9.6 percent cut from the previous level. More children out there, more needs, and we are cutting.

Impact Aid, we just talked about, 14.2 percent. Vocational education, 26 percent proposed cut; 26 percent.

Mr. Speaker, it reminds me of a story I heard once when I was little. The guy said he was not going to kill his pig, he would just do a little bit at a time, and somebody saw a pig running around the yard with three legs, and he said, I am just eating a little bit at a time. That is what we are doing to education. We are not going to kill it all at once; we are just going to kill it a little bit at a time, until it is so crippled it cannot work. It is absurd.

We need people to work on equipment and machinery. I was at a school last week; a superintendent came up to me just last night talking about Impact Aid. He said, if we cut it, our schools are going to be in deep trouble. This was in Cumberland County. One of the teachers talked about vocational education. This is where they turn money into technology for computer labs. I was in a computer lab working with children.

Funding for the improvement of education, down 91.2 percent. I do not know why they did not go ahead and get it all.

I mean it just makes no sense. It was a good program, but what they want to do is just enough out there to make people mad.

Perkins loans, 61 percent proposed cut.

I could go on. I think folks who are watching get the message. It is one thing to say I am for education; it is one thing to say I want to help. It is another thing to not follow through and give the resources. I have talked to more teachers and school folks in the last few weeks. They really and truly believe, whether it is true or not, that they are set on a course to fail, because we are giving them all the ingredients to make the cake and nothing to go in it, but we are expecting them to come out with a fine baked product.

I would remind all of my colleagues, education is a lifelong process, and we cannot start and stop it. We have to keep it going. Teachers understand it; students realize it. It takes resources to get the job done. I recognize that at the Federal level we only put in about 7 to 9 percent, depending on where we are. Some counties it is more, because a lot of it is specific to need. Not all of this is specific to need, because No Child Left Behind is need-based and categorical. But without it, we are really saying, we really did not mean it. We really did not mean it.

That was a great plan, we got a lot of good press on it, we have had our press clippings, we have been around the country, and now we are going to move on to something else. That is not education. That is not about building the future of America, and this administration knows better. I am going to be on the floor in the well of this House every day, every week; and we are going to keep reminding them. We have to do the funding because if we do not, we will not have a future. We cannot keep running deficits because huge deficits have consequences; and the consequences are, we run up the debt, we have huge interest payments, and it squeezes out domestic programs, and children pay a heavy price, and we rob our future so a few people can look good now.

Mr. SPRATT. Mr. Speaker, the gentleman's point, and the point of the gentleman before him, was that even in this budget with big deficits, $400 billion and more every year for the next 5 years, $2.1 trillion in the general fund, additional deficits, additional debt; even with those bottom lines, we have these significant cuts already made in this budget, and we are still running almost a half a trillion dollars in the red every year.

Mr. ETHERIDGE. Sure, and the gentleman's point is it will get worse.

Mr. SPRATT. Mr. Speaker, to further explain and clarify other things that are buried in this budget is the gentleman from Virginia (Mr. SCOTT), to whom I now yield.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for giving me the opportunity to again show this chart which shows over the years the spending of the Federal Government.

Now, a picture is worth a thousand words. We see under the Johnson, Nixon, Ford, Carter administration in yellow where the deficit was; we see what happened to the deficit during the Reagan and Bush years; and we see when Bill Clinton came in office under Democratic leadership, we passed a budget that reduced the deficit. Now, when this vote was taken in 1993, not a single Republican supported that budget. And right after that happened, we reduced the deficit. Slowly but surely each year the deficit became less and less and less until we started running a surplus. When President Bush came in, we reversed course. We cannot produce charts like this by accident.

Now, we have been asked, where is your plan? There is our plan. When the Democrats controlled the budget, that is, when the Democrats controlled the House in 1993 and the Senate in 1993 and the President, we passed the budget. In these years, President Clinton vetoed many Republican budgets. They tried to close the government down, he vetoed the budget anyway, because they were fiscally irresponsible. So President Clinton was the controlling force of the budget during his administration and produced those years. The budget introduced by President Bush was passed when he came in office, and this is what happened. We wonder what the plan is for the future.

As it has been mentioned, when he came in office, in 2000, there was a surplus. September 11 happened with only 3 weeks left in the fiscal year, so this was going to happen anyway, that is, spending virtually all of Medicare. The following year we spent all of the Medicare surplus, all of the Social Security surplus, and then $160 billion more. In 2003, almost $300 billion, after we spent all of Social Security and Medicare; and if we adopt the policies of the administration, we are going to be spending all of Social Security and Medicare for years to come.

Now, what kinds of tax cuts are we recommending now? I mean, we do not produce numbers like this by accident.

We have tax cuts like the repeal of the taxes on estates over $2 million. A husband and wife, $2 million tax-free going to the next generation. $2 million. Then we start taxing after that. So when we talk about repealing the estate tax, we are talking about repealing the tax on dead multimillionaires. That is what we are talking about.

When we add to that the idea that they want to stop taxing dividends, we have a bizarre vision for America where people can inherit great wealth, invest it in stocks, live off the dividends tax-free, no tax on the estate, on the inheritance, no tax on the dividends. When we add to that some other provisions in this budget where we protect capital from taxes, we know what Leona Helmsley was talking about when she said, only little people pay taxes, because those with great wealth can shelter that wealth with no estate tax, no tax on dividends, and the other little provisions in the bill where capital is not taxed, only little people will pay taxes. Every time we cut another tax, it is down here. We have already gone through the surplus and Social Security and Medicare.

Now, what is the impact of this? When we started, the projection was that the entire national debt would be paid, held by the public, we would have paid off all of that by 2008, and going into pay-off of all of the debt on the trust funds by 2011, 2013. We would be debt-free. Instead, we are on this line: more and more debt.

Now, we cannot run up debt without consequences. What is the first consequence? The debt tax. This is what the family of four pays every year in interest on the national debt. As we run up more debt, we have to pay more debt tax, more interest on the national debt. It is around $4,500 for a family of four now; and because we are running up the debt, by 2008, almost $6,500 every year, a family of four will have to pay just on the debt.

We do not get anything for that. That has already been spent.

Now, when we look at how the debt tax is exploding and the burden on the Federal Government on just interest on the national debt is exploding, we have an interesting phenomenon that we have to deal with, and that is Social Security. We are running a surplus in Social Security now. By 2037, we will be running a huge deficit. We need to be piling up resources, reserves so that as the baby boomers retire and the expense of Social Security gets less and less, we have some way to pay it. No, instead, we are running up massive debts when we have the surplus.

What is the plan to pay Social Security later on? I would suggest that they have no intention of paying Social Security.

Mr. SPRATT. Mr. Speaker, if the gentleman will yield, let me just clarify the chart the gentleman has, which is very graphic. The blue bar charts, the blue bars above the horizontal axis show the surplus that is accumulating in Social Security, for now.

□ 2015

But it is for a limited period of time, intended to be used for parents, for the retirement of the baby boomers. The red bars that get deeper and deeper as you approach 2037 show the net cash outflow in the Social Security trust fund beginning in about 2017, which is not that far away, 13, 14 years from now.

Mr. SCOTT of Virginia. When we consider that we are spending the entire surplus, to continue spending at that rate, we will not have that surplus in 2017. So we are going to have to figure out, have some plan to figure out how to pay that. Are we going to raise taxes? Are we going to cut spending? The gentleman has already indicated that we could eliminate the entire Federal budget that is nondefense, discretionary spending, we can eliminate the entire budget, that is, no roads, no education, NASA, everything, State Department, foreign aid. Get rid of all of it. Not cut it, eliminate it, and not be able to cover the on-budget deficit that we are running up now.

So where are we going to get it? Are they going to raise taxes in 2017? And then not only do they not have the cushion, since we do not have the reserve, we are spending it; how will we come up with this money? Frankly, I do not think they will come up with the money. They will just repeal Social Security. And if that is not the plan, they ought to have some way of explaining how they will pay Social Security in the future.

The President, in one of his addresses to Congress, said he intended to maintain Social Security for those retiring and those close to retirement, which suggests to me that these people down here will not have any Social Security. If they have no coherent plan, they ought to admit that they will eliminate Social Security. And if they intend to pay Social Security, they ought to have some coherent plan to show how they are going to do it. All they are doing now is running up debt. We cannot continue to do that. A family of four is already up to $6,500 interest on the national debt. It is getting worse before it gets better.

How are they going to pay Social Security? I think they have a stealth plan to eliminate Social Security when the burden becomes too deep. They have got all these retirement plans so that all those who are privileged to have inherited wealth, they will be all right. But the vast majority of Americans with no pension plan will be back where they were before Social Security was there.

We need answers. They are not delivering answers. They are not making any tough choices like we made in 1993, tough choices that converted deficits into surpluses. They are not making any tough choices. All the easy choices. Anybody who wants a tax cut gets one. Anybody who wants some spending gets spending, unless it is education or something important. You do not get those. How are they going to pay this?

So I think they need to come forward and explain how they will do this without eliminating Social Security. And if you listen to their remarks talking about personal responsibility, you assume that sooner or later your retirement will be your personal responsibility. There will not be any Social Security to keep you out of poverty.

Mr. SPRATT. I thank the gentleman from Virginia (Mr. SCOTT).

Now I yield to the gentleman from Tennessee (Mr. COOPER) who was here from 1983 until 1994 when he ran for Senate from Tennessee. But before leaving the House of Representatives he cast one of the hard votes that a number of us mustered the courage to pass and that was a vote for the Clinton budget in 1993, which laid the foundation for a decade of fiscal progress during the 1990s, a period when the bottom line of the budget got better and better and better every year until finally, in 1998–1999 we were in surplus for the first time in 30 years.

Mr. COOPER. Mr. Speaker, I thank my good friend, the gentleman from South Carolina (Mr. SPRATT). I appreciate your leadership on these vitally important issues. I think many patriotic Americans wonder what those moments are in American history when we really do reach a turning point; and to be honest with you, in all the congressional debates there are very few real turning points. But I would like to suggest, as the gentleman has already suggested, 1993 was a turning point when this Nation literally reversed its fiscal policy and finally set our Nation on track towards reaching surpluses which many Americans had given up on ever seeing again.

And I would like to suggest that this year, 2003, is another such turning point, as we dig deeper into the hole of deficits and plunge future generations into what is likely to be a permanent and unresolvable debt load.

Our friend, the gentleman from Virginia (Mr. SCOTT of Virginia), has already pointed out this chart, and I would like to suggest that this should be on everyone's screen saver, on every computer in America as we put the deficit in perspective.

They were relatively inconsequential in the Carter years, the Nixon/Ford years. But then with President Reagan we plunged into a sea of red ink which many Americans thought was irreversible. Then in the crucial budget vote in 1993, suddenly we got an upturn, even developing a surplus.

But then again, another pivot point in American history under George W. Bush and his budgets, we are reaching even graver levels of deficit and debt.

I think the gentleman will recognize that many of our constituents just have an instinctive feeling that, well, the President is a Republican and, therefore, he is conservative and, therefore, his budget must be conservative.

Mr. Speaker, does the gentleman from South Carolina think that deficits of this magnitude are conservative?

Mr. SPRATT. Absolutely not.

Mr. COOPER. As I recall, the gentleman has already said these are about to be the largest deficits in history. Is that conservative?

Mr. SPRATT. We warned that this would happen, but we did not see, even in our admonitions, the severity of the problem we have before us now.

Mr. COOPER. As I recall, the gentleman has said that the deficit for fiscal year 2004 is supposed to be about $300 billion, not counting the war in Iraq, not counting the war in Afghanistan, not counting the war on terrorism, not counting other important problems that need to be solved in our Nation. So the deficit may well be $400 or even $500 billion.

A temporary deficit is one thing. As we know, sometimes a deficit is appropriate to stimulate the economy, but what we are talking about are permanent structural deficits in our economy.

Mr. SPRATT. If the gentleman will yield, the gentleman was in the investment banking business for a period. He knows the name Goldman Sachs. And I understand one of their economists today said they predict that the unified deficit for this year will be in the $400 billion range. That means that is after netting out, backing out the Social Security surplus. The unified deficit, by their projection, will be in the $400 billion range this year.

That is depressing enough, but the problem is those deficits continue on and on and on without any abatement.

Mr. COOPER. The gentleman is so correct. And a huge deficit like that hurts our economy. It creates higher interest rates. It hurts the employment statistics. And as I think most of the world knows, under the Clinton years we had the most robust economy in the history of this Nation or the history of the world. Surpluses helped us. Fiscal discipline helped us. That is important for us to realize now as we are returning to the era of massive budget deficits.

The gentleman from South Carolina (Mr. SPRATT) has displayed great leadership, but I worry so many folks back home find these numbers too large to be comprehended. They are confused. They are over-burdened in their daily lives. They are worried about the war. They are worried about unemployment. They do not know really how to grapple with numbers of this magnitude. But this chart shows it better than anything else, this sea of red ink that we are passing on to the next generation.

President Bush mentioned in his State of the Union that each Congress, each President should take care of its own problems, but this budget is not doing that.

Mr. SCOTT of Virginia. Mr. Speaker, does the gentleman from Tennessee (Mr. COOPER) remember the vote in 1993?

Mr. COOPER. Mr. Speaker, I do. It was a very close vote. As I recall, it was by a one-vote margin the Clinton budget was passed.

Mr. SCOTT of Virginia. Mr. Speaker, does the gentleman remember how many Republicans voted for that budget?

Mr. COOPER. Mr. Speaker, as I remember, zero. In fact, they excoriated the President's budget saying that it would lead to depression and other crises in the economy.

Mr. SCOTT of Virginia. And we made those tough choices without any Republican help, House or Senate.

And does the gentleman remember what they did in the next election? When they demagogued that vote, said we made the tough choices, criticized those choices, and they won 50 seats in the next election.

Mr. COOPER. Mr. Speaker, many Members were defeated for having done the courageous thing, for having been a profile in courage.

Mr. SCOTT of Virginia. Mr. Speaker, now we turn over a surplus to President Bush and he has made no tough choices. He has cut taxes and increased spending. Have they recommended any tough choices?

Mr. COOPER. Mr. Speaker, they are few and far between in this budget. It is a massive document of some 20,000 pages, I suppose. It contains many crippling cuts to our programs. Our colleague from North Carolina mentioned several of them in the education area. There are so many features that I hope the public will be aware of and we will try to bring out in the debate.

One feature that is particularly concerning to me is an unconstitutional provision that is in the President's budget. It is little known. It is on page 318 of the analytical prospectus of the second or third volume of the budget. It actually says, if Congress has not completed its business by October 1 of this year, the budget will automatically revert to the President's budget; whereas, the Constitution of the United States gives that power exclusively to the Congress of the United States, not to the White House.

And that allows this administration, with a handful of Senators, to clog up the budget process, and then automatically, without a single vote taken by this body, turn over the budget to this administration. That is one of the most radical proposals I have ever heard mentioned in public policy debates. And yet it is in this President's budget.

That is why I asked, as I mentioned to the gentleman from South Carolina earlier, this is not a conservative budget. There is a radical budget. This is an irresponsible budget that is leading our Nation perhaps on the road to ruin. No American wants to see that.

It is the responsibility of a two-party system to point out problems. And certainly Democratic budgets in the past have sometimes not been perfect, but we can be proud of this record of actually achieving a budget surplus for the first time in American history, I think, since before the Depression, 3 straight years of surplus were achieved. And that is an important record of achievement that we need to continue, not a road with this massive flood of red ink.

Mr. SPRATT. Mr. Speaker, the point I was making at the outset is, 2 years ago OMB projected a surplus of $5.6 trillion. The Bush administration then enacted a massive tax cut taking advantage of that big surplus. They now acknowledge that they overstated, miscalculated by some $3.2 trillion. It really was not $5.6 trillion in surplus. It was more like $2.4 trillion in surplus.

The problem is that tax cuts have largely already committed that amount of money. As we begin this fiscal year, instead of having a cushion fund, a huge surplus of $5.6 trillion, we are in the red. We have fully dissipated that surplus and we are in the red $129 billion.

But they, knowing that, proposed additional tax cuts and additional measures that would drive us deeper in the red over the next 5 years to the tune of $2.1 trillion which is intentional. You could at least excuse what happened before as negligent miscalculation. I do not. I think they should have seen the storm clouds gathering over the economy and understand that the surplus was overstated; but chalk it up to negligence. This is willful, wanton, and intentional.

Mr. SCOTT of Virginia. Mr. Speaker, when the gentleman talks about the calculation being a miscalculation, is some of the calculation not a recalculation based on how poorly the economy was doing after the President's budget was adopted?

Mr. SPRATT. Mr. Speaker, there is no question about it. A lot of the economic effect was already in place before 9/11. That is a key point to understand.

Mr. SCOTT of Virginia. Mr. Speaker, after the President's budget was adopted, the economy kept going down and down. And so some of this recalculation is an acknowledgment that the President's budget had caused the economy to tank, and they had to recalculate it based on the new numbers.

When President Clinton's budget was adopted, they always underestimated the effect because that budget was improving the economy and every year the economy was doing even better than expected. The stock market was improving; unemployment was going down.

When this President's budget was adopted, things just kept getting worse. And they had to recalculate it based on that new forecast. So it is all not just technical miscalculations. Some of it, a lot of it, is recalculation based on how poorly the economy was doing.

Mr. SPRATT. Furthermore, we now know that the surplus is gone, per OMB. They have acknowledged it. CBO, the Congressional Budget Office, says the same thing. That ought to be an alarm sound calling for us to begin developing plans like the plan we developed with the President's father in 1990, the Budget Summit Agreement, the Clinton budget in 1993, the Balanced Budget Agreement of 1997. Three times in the 1990s we did extra-special exercises on the budget that ratcheted down and helped put us in a surplus for the first time in a generation.

□ 2030

This budget acknowledging the problems it has got now and in the foreseeable future does nothing. The most that they offer is a new disdain for deficits. They basically say deficits do not matter, a trillion here, a trillion there; it is no big deal.

Mr. SCOTT of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I do.

Mr. SCOTT of Virginia. Does the gentleman know who said the budget deficit is a stealth tax that pushes up interest rates and costs the typical family $36,000 on an average home mortgage, $1,400 on an ordinary student loan and $700 on a car loan?

Mr. SPRATT. That is Senator DOLE, I think. The point we are trying to make now is that we may have a tax cut today, but if it ends up causing the government to incur more debt, the debt has to be paid. It has to be serviced. Interest on it has to be paid; and eventually, the people that pay taxes will have to service that debt, and there is a debt tax, a stealth tax that will come due, not in the near term, but whenever we do not have a surplus to charge it to anymore, and we do not, then what we do is charge it to the next generation, and that means our children and grandchildren.

So we can have it all in this budget. They pay the tax. They pay the bill, the debt tax.

Mr. COOPER. Mr. Speaker, if the gentleman would yield, the gentleman is so correct. He made an extremely important point a moment ago. So many people in the other party feel that deficits do not matter, deficits do not matter; and I think that philosophy is not only wrong, it could lead our Nation into serious economic trouble for decades to come.

I would like to suggest to the gentleman, I even heard some of my colleagues across the aisle say that deficits are a good thing. There is an article today in the New York Times quoting a leader in the other party saying that a deficit is a good thing because they shrink the size of government; and I would suggest that sort of philosophy is not only not conservative, it is one of the most radical approaches to government that I have ever heard of, to pretend that red ink of this volume and dimension does not matter and that it could actually be a good thing.

Mr. SCOTT of Virginia. The gentleman indicated that deficits reduce the size of government. Is this budget coming in not presented to us larger than the one before? So it does not reduce the size of government. When we cut all these taxes and reduce revenue, we are not reducing the size of government. We are just running up debt on which we have to pay interest.

Mr. COOPER. As the gentleman from Virginia so wisely pointed out, that puts a debt tax, an unrepealable tax on future generations for all time in the amount of $12 billion forever just due to the debt we are running up this year. That is an irresponsible fiscal policy. That is a radical fiscal policy. It is not a conservative fiscal policy.

I think that is what so many of our constituents back home are failing to realize because these numbers are so large, the problems seem so vast, they are preoccupied with the war and with their own personal situation, that when they are presented with a multitrillion dollar budget, it is hard to take it seriously, when, in fact, we are reaching a turning point in American history, and we do need to take action, we need to bring these problems to the American people's attention so that they can respond and call for fiscal responsibility and fiscal sanity because we are not seeing enough of that today in Washington, D.C.

I would like to commend the gentleman from South Carolina and the gentleman from Virginia for their comments.

Mr. SPRATT. Let me wrap up and let us bring it to a conclusion because the gentleman has been in investment banking for the last 6 or 7 years, and the gentleman knows that traditional economic theory for as long as we have known anything about it has held that deficits have the same effect that any supply and demand function has. The government goes into the capital markets. In addition to private borrowers, it elbows out the private borrowers. It runs up interest rates, and high interest rates stifle growth in the long run.

So we may get a little bit of kick right now out of running a deficit, but in the long run we have got the debt to pay; it is a fiscal drag on the economy.

Secondly, it is a form of dissaving. When the government borrows the money it is just like an individual borrowing money. He is dissaving rather than actually saving and that takes away from the savings pool that we have got for capital formation and building the productive assets of this country, and over the long run it means we are not as productive as we otherwise would be.

Then, finally, there is a moral aspect, which I just mentioned. When we charge our excesses to the deficit, we are charging it to the next generation, namely, our children and grandchildren. No way around it. Everybody's recognized that moral aspect in the past. This is an intergenerational thing. They will not only have to pay our Social Security deficit and Medicare deficit, they will also have to pick up the accumulated debts, the other things that we chose not to pay in our time because of this budget.

Mr. COOPER. The gentleman is an excellent economist, and another great economist is our own Federal Reserve chairman, Alan Greenspan, who said, History suggests that an abandonment of fiscal discipline will eventually push up interest rates, so deficits do matter, crowd out capital spending, lower productivity growth, and force harder choices on us in the future.

We should be listening to Alan Greenspan. We should be listening to the gentleman from South Carolina and the gentleman from Virginia because deficits do matter. They are hurting this economy, and we need to return to the fiscal discipline that we saw in the previous administration and live within our means because our Nation is embarking on long-term structural deficits today that we may never be able to erase.

Mr. SPRATT. Mr. Speaker, on that point we conclude. I thank the gentlemen for participating.

THE BUDGET

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I want to thank my Democratic colleagues for their comments on the budget. I think that their ideas are useful and good. I think they also know, and although they were not really talking about it, that we are at war. America has been attacked. America needs to respond. At this point, America continues to be the world leader.

It is interesting that when people say, well, why do we have 37,000 troops in South Korea? Well, if we talk to the folks who live in South Korea or in China or Japan, and say maybe we should move those 37,000 folks, bring them on home. Well, no, no, no. If we do that, then there is world instability, particularly in this region of the world which is stable right now. Do not pull them out, and yet America has to respond when North Korea, largely because of the inept policies of the previous administration, goes on an accelerated path to nuclear weapon development, then America has to step in there.

Unfortunately, so many of these things cost a lot of money. Thirty-seven thousand troops in the Korean peninsula, that is very expensive; and we have troops in Afghanistan. We have troops in the Balkans still; and of course, we have troops right now in Kuwait and in the Middle East.

I think as much as none of us want a deficit, I believe all of us, even the doves in this body, even the folks who feel like France and Germany are right, I think that they would admit that we have to defend ourselves, and so we do have a deficit budget. I do not like it anymore than anybody else, and I know the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, is going to do everything he can to bring down the deficit and move us back into surplus.

In the meantime, Mr. Speaker, it is more important for America to survive; and I think as I have seen so many of our troops from Fort Stewart deployed, the third infantry division which I am proud to be wearing their emblem tonight, I think we have got to keep in mind these soldiers are out there in the foxholes for our freedom and our security, and they need great equipment. They need modern equipment. They need readiness in all areas of the globe. So our budget addresses is.

In fact, our budget, which for fiscal year 2004, will be about $2.2 trillion. That is a 4 percent increase. I would like to, frankly, see it decreased, but again, with the world situation, sometimes we cannot control this.

About 5 percent of that increase comes directly because of military, and then in the other categories, not all of them, there are a lot of reductions; but there is about a 3 percent increase, and that is comparable to the average family budget.

Mr. Speaker, I had an opportunity to meet the Chair's family this last weekend, and my family, some of them were with us and some of them were not; but Libby and I have four children, and one thing about it, when a person is raising kids, they never have quite enough money. They have to buy. They do not begrudge it. They have got to buy their clothes and school supplies, and then if they play sports, they have got to buy sports equipment; and what I found out, much to my chagrin, is that if John Kingston is playing football, he cannot use the same cleats for soccer and baseball, whereas the Chair and I, Mr. Speaker, had one pair of cleats fit all.

In fact, I went back to my elementary school baseball picture, and half the boys on the baseball team were barefooted. But not so today. These kids today have to have $60 and $70 of tennis shoes and that is part of being a family these days. We have got all those expenses and then doggone it, we save up a little money and say, well, we are going to sneak on down to Florida, spend the weekend in Daytona, have some fun. Well, the washer breaks or we have got to do something as glorious as buy a new set of tires for our car or we have got to do something else that is not as much fun, but it is essential to spend money on.

That, Mr. Speaker, is what President Bush has done with this budget. He said there is a lot of things out there that we want to have, but we are not going to be able to do; but there are other things out there that we need to do, and we are going to do that.

One of these things, Mr. Speaker, along with the troops, is trying to get jobs going because nothing will turn the economy around more than jobs.

I am not sure where the Democrats in this body go to school. I am sure they go to some good public schools and some good private schools; but, Mr. Speaker, somehow they failed in economics and history because economics and history will show us that President Kennedy and President Reagan reduced taxes; and when they did, the economy responded and created more jobs, and more revenue came in. In fact, it doubled in these cases; and if we just think about it for a minute, it makes sense.

Under the Bush tax reduction, 92 million Americans will get about a $1,000 tax reduction; 34 million American with children will get $1,400 in their pocket; 6 million single mothers will get $541 in their pocket; and 13 million elderly taxpayers will get $1,384 in their pocket.

If someone puts $1,000 in my pocket, I am going to try to spend some of it, and I am going to try to save some of it. I want to save some for my kids' college education, want to save some for my own retirement; but also I am more likely going out and maybe buy that new shirt that I know I have been needing to buy or maybe buy something for the house that I needed to get, get a new crock pot for the kitchen or something like that.

When I do that, small businesses will respond. They will say, hey, look, more consumers are buying, they have got more money in their pocket, let us put on a new shelf of inventory. When we do that, hey, we need a new salesclerk to help us move this inventory. When the new salesclerk comes, well, suddenly we have got somebody who may have been on welfare before who is now working, and then they are paying taxes; and before we know it, the revenue to the local government, to the State government and the Federal Government goes straight up. That is the idea behind the tax reduction; and, Mr. Speaker, I believe that is one reason why we need to pass it and pass it now.

The Democrats' thinking on this model is, okay, we will vote for the tax cut, but we want to postpone it. We do not want it, so married couples should not be having the marriage tax penalty, and we agree with that, but we do not want that to take place for 4 or 5 years. Well, hey, if it is right, do it today; and that is what the Bush plan is, is to accelerate these things.

But I think this is part of our budget, Mr. Speaker, because turning the economy around is so very important; and when the Republican conservative economic policies kicked in in 1995 after the Republicans took over this body, the President at the time reluctantly helped us pass some tax reductions. The economy took off and revenues went up, and we were able to balance the budget.

So I believe that it is very timely to pass a tax reduction to reduce the deficit, and I hope that our Democrat friends will join us in that as they have in the past.

The average American family has an income of $39,000. This cut would provide them with an additional $1,100 a year. Again, Mr. Speaker, that is significant money and something that we want to do.

• I also wanted to comment on some other issues tonight, Mr. Speaker. The situation in Iraq. As I mentioned earlier today, I had the opportunity to meet with the wives whose husbands are in the third infantry division, Fort Stewart, Hunter and Savannah, Georgia. About 18,000 soldiers are deployed to the Middle East right now, a huge loss in our area in terms of our neighbors and our friends; but we cannot have soldiers in the field without the families back home.

☐ 2045

We cannot have an army in the field without the supply folks back home making sure that the Army has the material they need to fight the war. And these women in the Fort Stewart-Hunter Wives Organization are just as brave as the soldiers on the front line. Indeed, they are on the emotional front line. One of the messages that I gave them was that 435 Members of Congress, Democrats, Republicans, Independents, city, rural, everybody appreciated what they were doing, staying at home.

Even if you are in Kuwait, you are often dealing with other adults, and sometimes that is easier than dealing with children back home who lose their books, who lose their shoes, who need to be picked up at 3 o'clock but do not show up until 3:20, and, in the meantime, across town you have soccer practice. And then you have other financial problems: taxes that are due, insurance payments, should you take the higher deductible, the lower deductible, do we still need collision insurance, and then there is the home mortgage renegotiation. Hey, interest rates are down. We are paying 6, 7 percent interest. Maybe we can get an adjustable rate mortgage for 2½ percent. How do I do this? Oh no, Mom is sick and I am going to have to go back to Chicago. I'll have to arrange for the kids back home, because I have got to see what Mom's needs are. My goodness, maybe it is time to put Dad in the nursing home. Do we do this? I have to call my brother in from Seattle.

These are the day-to-day questions facing these families back home. It is very, very difficult. And I think we should at all times, whenever we are thinking about the soldiers in the field, we should also remember the families back home.

I think we should also be appreciative of the great job that groups like the USO, the United Service Organizations, the Red Cross, groups like Southern Smiles and other volunteer groups across the country who are sending care packages to these soldiers and remembering them; getting them Chapstick, getting them soap, getting them deodorant, getting them comic books and getting them Bibles.

In fact, when I went to see some of our soldiers depart, as they were getting on the plane, the Red Cross was giving out camouflage Bibles. I never had seen a camouflaged Bible before, but I know that within the binder of that book is the truth that surpasses all understanding and that everybody needs these words of comfort in times of peril.

Mr. Speaker, I also wanted to talk a little bit more about the war protesters, because we hear so many people in America who think that we are the aggressive country here. And a lot of folks are asking, well, why are we at war? The truth is so many of these war protestors do not want to hear the facts on it, but I wanted to go over some of these things.

First of all, let us remember, Saddam Hussein and Iraq have invaded their own Middle Eastern neighbors, Iran and Kuwait. They are a factor of instability in their own region of the world. Indeed, it is obvious at times like these that we do not see any of their neighbors coming to their aid. They are not jumping up and down to say "Go America," for obvious reasons; but why is it that these countries are not coming to the aid of Saddam Hussein, if he is such a great person, according to some of the war protestors?

We know for a fact that he has violated 16 U.N. treaties that have been passed since Desert Storm, and yet in the face of that, the U.N. seems very reluctant to enforce their own treaties. So again it has to come back to America, and America is the one that has to do something about it.

Saddam Hussein has not accounted for 25,000 liters of anthrax. He has not accounted for 38,000 liters of botulinum toxin. He has not accounted for 500 tons of Sarin, mustard and VX nerve agent. Item after item which the weapons inspectors have tried to put their finger on he has hidden from them. This is why we are concerned about what is going on in Iraq.

Mr. Speaker, I have been joined by my friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and we are going to talk about a judicial nominee; but before we go to that, I wanted to invite my friend from Florida to jump in on the question of Iraq. I know in the great State of Florida, just like Georgia, the gentleman has a lot of anti-war protestors.

I have heard Richard Armitage say, and I believe this myself, people have the right and the duty to hold us accountable for decisions that send young men and women in harm's way. I think my colleague and I should be subjected to all the criticism that they have to offer. But I would also ask the war protestors to be intellectually honest and look at some of the facts. Because if you are just against war, maybe we should ask you this question: Have there been any wars that have benefited you? Did the Revolutionary War benefit you? Did the Civil War benefit you? Did World War II benefit you? Surely, in every case the soldiers and the political leaders, generally speaking, did not want war; and yet there were wars, terrible, horrible wars, and sometimes the benefits of those wars outweighed the tragedies. We are free today. We do not have to worry about an Adolf Hitler. We are an independent country today because our forefathers fought Great Britain.

Things like that are often the result of human conflict; yet the war protestors would rather say, well, we are just against this because we are going to kill innocent people. America is not the folks who are using humans as shields; it is Saddam Hussein who is moving people into weapons areas and targeted areas. So I think we have done almost everything we can through the U.N. I hope the U.N. will get on board. I hope Saddam Hussein will say, okay, guys, I give up. I hope that there is not a war, as I know the President and all the soldiers hope there is not a war; but there does come a time when you have to move forward.

If the gentleman would like to speak, I would be happy to yield to him.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank the gentleman from Georgia for yielding to me. I was listening to the gentleman's remarks from my office and decided to come down precisely to ask to join him for just a few minutes because I very much agreed with what he was saying.

I heard the gentleman speaking first on the President's economic plan to help create jobs in the United States. Eighty percent or more of the jobs in the United States are created by small business. And in my district, when I started to talk about the President's plan, what impressed me was the amount of small businessmen who spoke to me and told me that that provision in the President's plan to triple the amount that a small business can deduct from its taxes to make equipment purchases, in other words to expand the small business, is something that will immediately not only inure to the benefit of those small businesses but will produce growth in those small businesses, will produce new small businesses and, thus, will produce jobs in this country.

The President's plan is multifaceted. It will create jobs in many ways. And I think it is incumbent upon us in this Congress to have a vigorous debate but to act quickly and pass that plan.

Of course, as the gentleman was saying with regard to the reality of the tyrant in Baghdad, I think the President just a few days ago, when he spoke here before us, made a very convincing case when he reminded the American people and the world that that tyrant in Baghdad has used in the past weapons of mass destruction. He not only possesses weapons of mass destruction, in the case of chemical weapons, biological weapons, but he has used those weapons against people within his own country.

Mr. KINGSTON. In fact, if the gentleman will yield, he used it on the Kurds and caused 2 million to be refugees into Turkey and Syria and other neighboring countries. Two million refugees because he used chemical weapons.

Mr. LINCOLN DIAZ-BALART of Florida. So he had obviously an obligation, after he lost the war in 1991, to rid himself of all weapons of mass destruction. He not only did not do so, but in 1998 he expelled the United Nations inspectors.

Now, the fact is that the international community then, despite the fact that it had imposed a requirement on the tyrant in Baghdad to get rid of weapons and to permit inspections of the process of getting rid of those weapons, despite the fact that he not only did not get rid of the weapons, he not only did not facilitate the process that he had to because of resolutions of the international community by way of the Security Council, he not only did not cooperate, but he expelled the inspectors.

The fact that the international community, at that time led by the United States, did nothing does not excuse the inaction. The fact is that there is a President now who does not want to see and who certainly wants to do everything in his power to prevent what has occurred repeatedly in the past decade.

In 1993, there was a terrorist attack in New York that could have been much worse. It was a direct act of urban terrorism, which happened to be at the same site of the attack that killed 3,000 people on September 11, 2001. But the attack occurred already in early 1993, another attack, and then multiple other attacks occurred afterwards in that decade. And the reality of the matter is, as we said before, the tyrant in Baghdad has used weapons of mass destruction against people within Iraq, and he has not only not gotten rid of the weapons as required by international resolutions, but even now, facing the leadership of George W. Bush and facing a new initiative by the United Nations Security Council, he still, as the President reminded us a few days ago here, has not provided any evidence whatsoever of the destruction of his weapons of mass destruction.

In addition to that, he is close, as we have seen from declassified documents from British intelligence, close to acquiring a much more dreadful and dangerous weapon of mass destruction: a nuclear weapon. So, as the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, said recently when he testified before the committee that I am honored to be a member of, the Committee on Rules, and somebody said, well, where is the smoking gun? The gentleman from Illinois said, I think what we have an obligation to do is to do everything possible to avoid a smoking city.

How will the American people and history judge us if, knowing as we do that that tyrant in Baghdad has weapons of mass destruction, and knowing as we do that he has the relations that he has with other international terrorists, we simply acquiesce in doing nothing because, for example, some of our allies wish to do nothing? No, we have a responsibility. We have a responsibility to avoid a smoking city.

Mr. KINGSTON. If the gentleman will yield, I think he has put it well. If we can go back to the pre 9–11 USA, there were tremors. As the gentleman said, in 1993, the bombing of the World Trade Center, embassy bombings two times in Africa, the USS *Cole* in Yemen. There were not just terrorist attacks but terrorist activities, and we had an opportunity to monitor it closer, but that did not happen. As is always the case when we look back, we see these red flags. And a lot of people have said, well, should we have done something? Well, now we have red flags all over the globe, and the President is doing something. Yet those same people who wanted a special independent commission to look into 9–11, now they are saying you are a warmonger because you want to do a preemptive strike.

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You cannot have it both ways. This action against Saddam Hussein enables your family and my family to go to Main Street, to Wal-Mart on Saturday afternoon and the workplace 5 days a week and not worry, and that is what we have the right to do as Americans.

Mr. LINCOLN DIAZ-BALART of Florida. We have an obligation. I agree with the gentleman. I think the primary obligation of government is to protect the people. The reason people came together and formed government in the first place was to protect themselves from common enemies of the community. And so I think the President has not only made a case, a very impressive case, he did so here and he has done so repeatedly, but I happen to thank God repeatedly, and obviously the American people, for having elected a leader like the American people elected in November of 2000, a leader of the United States of America and of the Free World who, despite all the pressures, despite all the difficulties, he is doing everything imaginable, everything possible to comply with the first obligation of government, which is to protect the people.

Mr. KINGSTON. Absolutely. Yet at the same time, a man of great sincerity and religious conviction who has said repeatedly he does not want war and does not take any of these decisions lightly. This is all done void of politics, void of reelection, void of election, void of polls. This President does these things for the right reason.

Mr. LINCOLN DIAZ-BALART of Florida. That is correct.

Mr. KINGSTON. I wanted to ask the gentleman. The gentleman is from Florida. The gentleman has been a leader in so many different issues and an active member of the Committee on Rules and someone who has certainly been very active on the question of American relations with Cuba. I do not want to touch base on Cuba, but I know that your brother talked to the President about it this weekend, and I thought the President, as usual, approached the whole question not with politics, but with conviction.

Mr. LINCOLN DIAZ-BALART of Florida. I appreciate the gentleman from Georgia bringing that subject up because while we are on the subject of terrorist states, it is important to remind our colleagues and the American people that there is one such terrorist state 90 miles from the shores of the United States, a terrorist state that harbors multiple terrorist organizations from throughout the world.

In this hemisphere we are facing extraordinary tragedies on a daily basis, especially in the wonderful country of Colombia whose people elected a president just months ago, and they have come together and they are fighting heroically against terrorism. Yet those terrorist groups that are attacking on a daily basis the people in Colombia receive not only orientation but guidance and, in effect, are in all sorts of dealings with the tyrant in Havana.

The reality of the matter is that the tyrant in Havana harbors terrorists not only from Colombia, from throughout the Western Hemisphere, from Spain, the Basque ETA terrorists, they have a base in Cuba. Just recently terrorists from the IRA Irish organization based in Cuba were arrested in Colombia for providing training to the Colombian FARC terrorists in urban warfare. We have seen recently a dreadful, horrible increase in the urban bloodshed, in the urban terrorism, in the bloodshed caused by the urban terrorism. Terrorists have trained those Colombian terrorists, terrorists based in Cuba. There is this entire network that finds harbor, of terrorism, international terrorism, that finds safe harbor in Cuba. And that is a reality.

I was very pleased with the President's answer, because some people get confused when we deal with, for example, the trade ban on Communist Cuba and we say, we insist on three steps be taken in Cuba before there is a normalization of relations with the United States: Legalization of all political parties, labor unions, the press; liberation of all political prisoners; and the scheduling of free and fair elections with international supervision. When those steps happen, there will be normalization, and until those steps happen, there will not be.

President Bush is very clear and from the very beginning has made it very clear that he will not, and he has said so, he will veto any attempts if he has to to normalize relations until and unless those steps are taken, because the Cuban people, like the rest of the world, deserve freedom as well.

Mr. KINGSTON. Right now we have some limited trade. We can trade with them, but it has to be on a cash basis.

Mr. LINCOLN DIAZ-BALART of Florida. He has got to pay.

Mr. KINGSTON. That is for food and for medicine?

Mr. LINCOLN DIAZ-BALART of Florida. Yes.

Mr. KINGSTON. But there is a pressure to put tourism dollars in it. We have kind of drawn the line, this Congress has.

Mr. LINCOLN DIAZ-BALART of Florida. What the dictatorship in Cuba most wants is the American tourist dollar, because the American tourist dollar, which would be billions even in the first year, would provide the repressive machinery obviously with a boost like it has not had in decades.

And the apartheid system that exists there where, for example, those tourist centers and the hospitals and the wonderful health centers, they are for people with foreign currency, with dollars, tourists, and of course the hierarchy of the dictatorship. The Cuban people have no access to those things.

But to maintain that system, obviously the dictatorship seeks the infusion of hard currency. The way in which the dictatorship could have the largest infusion of hard currency would be with the American tourist dollar.

What we are saying is, and President Bush agrees, liberate the political prisoners, legalize political parties, labor unions, the press, and schedule free elections, and then there will be normalization. Then you can have your tourist dollars. Not before. Not when the tourist dollars will inure to the benefit of the repressive machinery.

The President, and he was very clear again at the retreat in West Virginia this weekend, he made it clear that, number one, the policy is clearly rooted in a purpose, to contribute to a democratic transition from a terrorist regime 90 miles away. And also some people and the President was very explicit on this, some people say, well, we have trade with China, why not with Cuba? The President was not only explicit, but went at length in explaining the differences.

There has been a capitalist resurgence in China with an entrepreneurial class and many differences and some decentralization of power, many differences from the Cuban situation. So even though I happen to have been and continue to be an opponent of business as usual with Communist China, I agree with the President that there are substantial differences. I think it was very appropriate for the President to have brought out and demonstrated once again his clarity, not only of vision but his grasp of the details with regard to important policy matters.

Mr. Speaker, I would like to, if I may, I know the gentleman from Georgia has been one of the most interested Members of this House with regard to the need and the appropriateness to recognize the great accomplishments of the Hispanic community in the United States. I not only commend you for that, but thank you for your solidarity and always your sensitivity and your compassion to the Hispanics in this country and to Hispanic issues.

Mr. KINGSTON. One of the great parts of my childhood growing up in Athens, Georgia, it was not so great for them particularly at the time was when so many Cubans fled Castro and Athens, Georgia, was one of the towns that they arrived in. I was raised with Maria Saladriguez and Rosa Chavez and all kinds of kids that came in the 10th grade and assimilated fairly quickly. But it was interesting, as we went to their house, they were still speaking Spanish; and their parents, who often had been physicians and professional businesspeople in Cuba, in Havana, were now reduced to working in laundromats and doing manual labor in America.

I actually sold my house to a guy named Roberto Casillo in Savannah, Georgia, and his family was among that crowd. His dad had been a doctor over there and it did not transfer. But all three of his sons became physicians. They are all practicing in Georgia.

What I have appreciated about the people who had to leave Cuba, who love Cuba to this day but cannot stand Castro, love America even more and have embraced America with this big bear hug and taken on all rights and privileges that, wait a minute, this is the land of the free, the land of opportunity.

Mr. LINCOLN DIAZ-BALART of Florida. How are we going to feel about a nation, about a country that, for example, in my case when I also was a refugee child like those friends that you talked about that you grew up with, and I had to leave with my family as a refugee when I was 4 years old and arrived in this country. How are we to feel about a nation that not only permits us to go to schools in freedom and to worship in the churches of our choice and to associate with whomever we wish to associate in freedom, but that has, through the ultimate generosity of spirit of the American people, permitted a refugee child who arrived at age 4 to be elected to the Congress of the United States and along with our other colleagues participate in the process of making laws for the American people? Only a country of ultimate spiritual greatness and generosity permits something like that.

And so that is something that not only we recognize as people who have come, in my case I know there are other Members of this House who also immigrated to this great land, not only do we recognize it, but we are reminded of it each and every day, the compassion of the American people, the greatness of the American people, the generosity of spirit of the American people has no parallel in the world.

That is why it hurts us so deeply when we see in other places of the world, now, for example, when the President is trying to lead an international coalition to disarm a tyrant who has weapons of mass destruction and is threatening the world, when we see allies, in some cases allies who had American GIs go and liberate them twice; and it takes going to the cemeteries in France and in Belgium and throughout Europe to see the heroism and the greatness of the American people, that twice in the 20th century liberated Europe, to see allies putting up now the roadblocks and the difficulties in the path of a President who wants to rid those allies' peoples, of the threat of weapons of mass destruction from a tyrant in Baghdad. It hurts.

Mr. KINGSTON. I wanted to ask the gentleman, you do not really talk about your story so much, but I think it is important. A friend of mine back in Savannah named Herman Cranman wrote a book called "A Measure of Life." In it, he talks about his World War II POW experience. He said he went into World War II as really a naive, young, idealistic kid and grew, of course, during the experience to see otherwise, but never lost his idealism.

But when he was captured, he said something very profound. He said as a born American living with freedom, freedom to me was like the water coming out of the tap in my kitchen. I didn't think anything of it until I turned on the tap and it wasn't there. When he was in a German POW camp, he found out what freedom was. What I have seen in you and in your brother and in Ileana Ros-Lehtinen is that you appreciate freedom every day, which we native-born Americans do not quite have the full view of so often. Yet I think in many cases people do realize it.

But here is what I want to know. Tell me about coming over here at 4. What were your parents doing in Cuba? How did you get out? Because I think people would be interested in that.

Mr. LINCOLN DIAZ-BALART of Florida. It is obviously an interesting story. It obviously is personal, and I think at some point it might be appropriate to talk about it, but I do not think necessarily it is the time to do so now.

Suffice it to say that those examples that you talked about, the people whom you met and my family and all who come from this particular vantage point of a country that was lost to a totalitarian tyranny and had the opportunity to come here and live day in and day out, the miracle of freedom, it is true what you have said that we not only do not take it for granted, but that there is not one day that we are not cognizant of the miracle of freedom.

With your indulgence, I would like to point out a story about a young, still a young man who is also Hispanic. He did not come from Cuba. He came from Honduras.

Mr. KINGSTON. But he is still an immigrant and came over here.

Mr. LINCOLN DIAZ-BALART of Florida. That is correct. He came when he was 17 years old. Like so many of us, obviously the dream of his family, and his dream as well, was to be able to live in this marvelous country of freedom and to have a chance to work hard, to have a chance to work hard and live a dignified life that he, his family and all Americans could be proud of.

□ 2115

And this young man came over at age 17, did not speak English, got to work immediately, though, worked so hard, was such a good student that he was able to go to Columbia University, obviously on a scholarship. His parents did not have the money to send him. He worked so hard in Columbia. He got extraordinarily good grades. He got a scholarship to go to Harvard Law School and there not only did he do well, he became editor of the law review. I am a lawyer. The gentleman from Georgia (Mr. KINGSTON) is a lawyer too, is he not?

Mr. KINGSTON. No, I am not. But I do know that he was magna cum laude in Harvard and in Columbia.

Mr. LINCOLN DIAZ-BALART of Florida. The gentleman knows what it means to be law review editor.

Mr. KINGSTON. Absolutely.

Mr. LINCOLN DIAZ-BALART of Florida. The law review editor, only the most superb legal minds in law school are able to become, in effect, the leaders at the law review, the editor of the law review. And this young man who did not speak English at 17, by the time he was in law school was editor of the law review.

Anyway, he graduated from law school, was such a talented jurist that he was able to become a law clerk for a justice of the Supreme Court of the United States of America. And later he became an associate solicitor general, representing the Government of the United States before the Supreme Court of the United States, arguing cases. Obviously only very important cases get heard by the Supreme Court, and obviously only someone of extraordinary talent and ability can argue on behalf of the Government of the United States as an associate solicitor general before the Supreme Court. Fifteen cases he argued before the Supreme Court.

He is an extraordinary symbol of success of what is referred to as the American dream. But I know it must seem hard to believe, but the Democrats have now said that they are going to stop in the Senate President Bush's nomination of this jurist, of this extraordinary young man, President Bush's nomination of this man to be in the second most important court, a member of the second most important court in the United States, the court of appeals here in the District of Columbia. His name is Miguel Estrada, and now the Democrats are saying that because he is not a leftist, because he does not have a record of leftist, extremist, so-called accomplishments, whatever they are supposed to be, that the Senate is not going to confirm him.

In the long history of the Republic, in that second most important court in the United States, the District of Columbia's Federal Court of Appeals, there has never been a Hispanic nominated by a President of the United States just like there has never been a Hispanic nominated by a President of the United States to the most important court, to the Supreme Court of the land. This man with the extraordinary record that he has where even the American Bar Association, which cannot be called a conservative organization under any measuring ability, the American Bar Association says that Miguel Estrada is very, very competent, that he is superbly qualified.

Mr. KINGSTON. If the gentleman will yield, I just want to underscore that as I understand it, Mr. Estrada has argued 15 cases before the Supreme Court all before the age of 40. One of them was pro bono for a death row inmate. He received unanimous "well qualified" ratings from the American Bar Association. That is their highest rating. He has worked in the Justice Department both under Democrat and Republican administrations and has demonstrated a commitment to uphold the integrity of the law and dedication to public service.

Estrada has received an outstanding rating in every performance category in his years in service in the solicitor general's office. And Clinton's solicitor general called him "an extraordinary legal talent" and genuinely compassionate. What is scary, if we compare his qualifications, because the gentleman from Florida has mentioned that they never had a Hispanic on that court, it is really to me after all we have been talking about freedom in America that we have to bring in this question of race, but it does seem there are those in the Senate against Mr. Estrada that may be aware of that. Maybe it is as simple as they do not want the Republicans to nominate somebody who is Hispanic. They want to have the lock on it. Maybe that is the idea; I do not know.

But I do know this, that if we compare Miguel Estrada's qualification with Merrick Garland, Garland was 41 when he was nominated, 44 and 41. They both were Phi Beta Kappa. They both graduated magna cum laude from Harvard. They both did the Harvard Law Review as editor. They both have served as law clerks for the U.S. Court of Appeals Second Circuit. They were both law clerks for the U.S. Supreme Court. They have both done 7 years private practice. Mr. Estrada was 2 years with the Assistant U.S. Attorney; Mr. Garland, 3 years. They were both with the U.S. Justice Department, in Estrada's case, 1992 to 1997; in Garland's case, 1993 to 1997. They both had bipartisan support. Garland, 100 days before the Senate approved his nomination. Estrada, 631. The only difference in this category is race, 631 days compared to 100 days.

Mr. LINCOLN DIAZ-BALART of Florida. One of the ways in which the Democrats are objecting to Miguel Estrada's nomination, they are saying we want to see the internal memoranda that Mr. Estrada wrote when he was an assistant solicitor general. We want to see the internal memoranda because, number one, we want to see all the internal writings and, number two, we do not like Mr. Estrada because he is not a judge already. Those are the two main arguments that are being used against Mr. Estrada by the Democrats.

Let us analyze those two roadblocks that are being put down by the Democrats to try to stop Miguel Estrada's confirmation. There have been 67 cases approved by the Senate of nominees to the United States Courts of Appeals who previously worked at the Department of Justice. In none of the 67 cases have the internal memoranda of those judges, when they worked for the Department of Justice like Mr. Estrada, who was an assistant solicitor general, in none of the 67 cases have the internal memoranda been made public. But in the case of Miguel Estrada, he is the only one that the Democrats are saying we want to see the internal memoranda.

I am the first one to say that Miguel Estrada deserves to be a judge of the appellate court not because he is Hispanic but rather I am also the first one to say that he deserves to be a judge and he deserves not to be stopped because he is a Hispanic. And we see that in 67 other cases they have not made public the internal memoranda and that has not stopped the nomination, but in the case of Miguel Estrada that is an impediment. And another thing. The thing about he is not a judge now. Precisely. There has not been one Hispanic named before President Bush named Miguel Estrada to the appellate court of the District of Columbia in the history of the Republic. How do you expect Hispanics to come before the Senate already having been judges if this is the first nomination of a judge by a President of the United States who is Hispanic to the second most important court? A glaring problem is the lack of Hispanic judges until now. President Bush is trying to remedy that; and the Democrats are placing roadblocks, because he is Hispanic, in the path of a decent and honorable man with a superb record.

Mr. KINGSTON. If the gentleman would yield, this obviously never was a problem until a Hispanic came before the Democratic Senators. The reason I say that is five of the eight judges serving in the D.C. Circuit had no prior judicial experience. That includes two of President Clinton's nominees, Mr. Garland, whom we talked about earlier whose justice record was quite similar to Mr. Estrada's, and David Tatel. It also includes Judge Harry Edwards, who was appointed by President Carter in 1980, and Edwards was younger than Estrada. Five out of eight of them did not have to have judicial experience, but suddenly a Hispanic comes along and this is a big issue. Another thing that is interesting is that on the Supreme Court now, two of the judges, Byron White, nominated by President Kennedy, and William Rehnquist, the current Chief Justice, had no prior judicial experience when appointed to the Supreme Court, but now it is a different program, a different standard.

The other thing that is interesting is that the Democrats who are trying to torpedo Mr. Estrada also will claim he does not have Hispanic support, which I would say, number one, this is not a poll, this is not a popularity contest; but, number two, he actually has the endorsement of the League of the United Latin American Citizens, which is the country's oldest Hispanic civil rights organization; the Hispanic National Bar Association; the U.S. Hispanic Chamber of Commerce; the Hispanic Business Roundtable; the Latino Coalition; and many other Latino groups. They are all supporting him, and yet that does not count, I guess.

Mr. LINCOLN DIAZ-BALART of Florida. Exactly. Actually, I would agree with the gentleman that once one analyzes, if one has a chance to go through the road blocks and analyze them, one realizes that they are farcical. But it is really sad here because we are dealing with a life of a human being. We are not dealing with a farce. We are dealing with the life of a real human being who came to this country at age 17 to work very hard, and he has worked very hard and he makes all Americans proud. And if I may, I think it is relevant to point out, by the way, when Mr. Estrada was Solicitor General, most of the years that he was Solicitor General was under a Democratic administration, the administration of President Clinton; and let us hear what Mr. Clinton's Solicitor General has to say about Mr. Estrada. This is Seth Waxman, the former Solicitor General under President Clinton: "During the time that Mr. Estrada and I worked together, he was a model of professionalism and competence. I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice. I have great respect both for Mr. Estrada's intellect and for his integrity. In no way did I ever discern that the recommendations Mr. Estrada made or the views he propounded were colored in any way by his personal views or indeed that they reflected anything other than the long-term interests of the United States." That is Clinton's Solicitor General.

If I may read the comments of Ronald Klain, the former counselor to Vice President Gore: "Miguel Estrada is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent. Miguel will rule as a judge justly toward all, without showing favor to any group or individual. The challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely divided to helping those in need.

□ 2130

My dear friend, the Democrats have chosen the wrong case upon which to make a stand in opposition. They chose the wrong case when they placed roadblocks before a young man who arrived at 17 from Honduras and got here to work hard and has worked hard and made all Americans proud. They have chosen the wrong case when they oppose an immigrant, a Hispanic immigrant, who arrived here and who has made his family and all Hispanics proud. They have chosen the wrong case.

Mr. KINGSTON. I wonder, because we talked about immigrant patriotism before, maybe their problem, after all, is not that he is Hispanic. Maybe their problem is the fact that he is an immigrant and therefore more pro-American than the average person, and they cannot stand the fact of a patriotic, God-fearing family and country-first American sitting on the judicial bench, which, in my opinion, we need a heck of a lot more of.

I never met Mr. Estrada, but that is what he sounds like. If he is anything like the Diaz-Balart brothers, I know he is.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I share another thing with the gentleman, and I have not met him either. What has incensed me and what has bothered me to the core is that people on the other side of the aisle are accusing him of not being Hispanic enough. When I heard those accusations and I read his biography, because when I started hearing the accusations I started studying the biography and the work of the life of this immigrant, Miguel Estrada, it has bothered me to the core that they would have chosen to make a political case out of a man who arrived here as a very young man and has done nothing more but in an honest and day-in-and-day-out intense manner worked hard to honor his family and his country. It is extremely bothersome.

I think the American people who have had the opportunity to hear us tonight, I am sure, must be bothered as well. What I would urge is that since in these upcoming hours the other body is going to have that decision to make, I would urge that they not make the serious mistake, because of petty politics, to stop, in effect, the career of a brilliant young man who has done nothing but work hard to honor his family, to honor all Hispanics, to honor all immigrants, and, yes, to honor the United States of America.

I thank the gentleman very much for the opportunity to have been able to join him.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman, and I have to ask the gentleman, since he kind of dodged my early solicitation for personal biographical information, how old was he when he was first elected to Congress?

Mr. LINCOLN DIAZ-BALART of Florida. I was confused, because the gentleman said I dodged his question when he asked about my personal background. By the way, I am very proud of my family's background. In no way did I want to seem when I did not want to get into the family background today that I am not proud of it. I am, as I am proud of all Cuban Americans and all Hispanics and all immigrants in this country and all Americans. But I did not want to get into that, because I wanted to focus tonight on Miguel Estrada.

Mr. KINGSTON. The reason why I asked, when the gentleman and I came to Congress we were both a little bit younger. But the reality is here is a guy 41 years old. He is a star, a rising star. Maybe the Democrats think that they can put a notch on their holster if they shoot this guy down and stop him in his tracks.

I hope they do not. I hope he continues to rise, not because he is young, not because he is a Hispanic, not because he is an immigrant, but because he is pro-American and he wants to do what is right, and that is what we need on our judicial benches all over America.

Mr. LINCOLN DIAZ-BALART of Florida. I agree with the gentleman and commend him on his hard work on so many issues, day in and day out. The gentleman from Georgia is an honor to this Congress, his district and constituents, and to all of the American people.

Mr. KINGSTON. I thank the gentleman, and thank him for everything he does.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The Chair will remind all Members that it is not in order to urge the Senate to take a particular action with regard to a presidential nomination, and avoid criticisms of that body.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BONO (at the request of Mr. DELAY) for February 5 on account of attending to district business.

Mr. CANNON (at the request of Mr. DELAY) for today on account of family reasons.

Mr. TAUZIN (at the request of Mr. DELAY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MORAN of Virginia) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

The following Members (at the request of Mr. FRANKS of Arizona) to revise and extend their remarks and include extraneous material:

Mr. GINGREY, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, February 12.

Mr. YOUNG of Florida, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, February 12.

Mr. NUSSLE, for 5 minutes, today.

Mr. BEAUPREZ, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BLUNT, for 5 minutes, today.

Mr. BOEHNER, for 5 minutes, today.

Mr. TERRY, for 5 minutes, February 12.

Mrs. BLACKBURN, for 5 minutes, February 12.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 12, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

568. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of Title 31, Section 1341(a)(1)(A), by the Department of the Navy, case number 99-09B; to the Committee on Appropriations.

569. A letter from the Assistant Secretary, Department of Defense, transmitting a report on cervical cancer screening; to the Committee on Armed Services.

570. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Retention of Records Relevant to Audits and Reviews [Release Nos. 33-8180; 34-47241; IC-25911; FR-66; File No. S7-46-02] (RIN: 3235-AI74) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

571. A letter from the Assistant Administrator for Fisheries, NMFS, Securities and Exchange Commission, transmitting the Commission's final rule — Insider Trades During Pension Fund Blackout Periods [Release No. 34-47225; IC-25909; File No. S7-44-02] (RIN: 3235-AI71) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

572. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Disability and Rehabilitation Research Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

573. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Rehabilitation Training: Rehabilitation Long-Term Training Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

574. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's Alternative Fuel Vehicles reports for FY 1999-2001, pursuant to Public Law 105—388 section 310 112 stat. 3481; to the Committee on Energy and Commerce.

575. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policies and Rules for the Direct Broadcast Satellite Service [IB Docket No. 98-21] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

576. A letter from the Chair, National Committee on Vital and Health Statistics, transmitting the Fifth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104—191, section 263 (110 Stat. 2033); to the Committee on Energy and Commerce.

577. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 02-03 which informs of an intent to sign Amendment Number Three to the Cooperative Ballistic Missile Defense Research Memorandum of Understanding between the United States and Japan, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

578. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 01-03 which informs of an intent to sign a Memorandum of Agreement between the United States and Singapore for Research, Development, Testing and Evaluation Projects, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

579. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiftieth report on the extent and disposition of United States contributions to international organizations for fiscal year 2001, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

580. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 2001, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

581. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for the government of Afghanistan; to the Committee on International Relations.

582. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting a report on steps the Corporation has taken over the past year to expend its activities in sub-Saharan Africa, including the invigoration of the Corporation's Africa Investment Council, pursuant to (114 Stat. 270); to the Committee on International Relations.

583. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2002, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

584. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-627, "Local, Small and Disadvantaged Business Enterprises Program Temporary Amendment Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

585. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-626, "Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

586. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-625, "Rehabilitation Services Program Establishment Temporary Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

587. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-624, "Bowling Alley and Billiard Parlor Temporary Act of 2003" received February 10, 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

588. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-623, "Tax Increment Financing Reauthorization Temporary Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

589. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-622, "Criminal Code and Miscellaneous Technical Amendments Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

590. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-621, "Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

591. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-620, "Council Review of the Exclusive Right Agreement for the Redevelopment of the Existing Convention Center Site Amendment Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

592. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-619, "District Anti-Deficiency Act of 2002"received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

593. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-618, "Energy and Operational Effiency Performance-Based Contracting Amendment Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

594. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-617, "Mental Health Civil Commitment Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

595. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-616, "Tax Clarity and Recorder of Deeds Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

596. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-615, "Procurement Practices Vendor Payment Authorization Amendment Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

597. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-614, "Urban Forest Preservation Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

598. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-613, "Electronic Recording Procedures Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

599. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

600. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

601. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

602. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

603. A letter from the Deputy White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

604. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2002 Performance and Accountability Report; to the Committee on Government Reform.

605. A letter from the Acting Director of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

606. A letter from the Secretary, Department of Energy, transmitting the Department's Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

607. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

608. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2002 Annual Report on Performance and Accountability; to the Committee on Government Reform.

609. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

610. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

611. A letter from the Secretary, Department of Veterans' Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

612. A letter from the Secretary, Department of Veterans' Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2002, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

613. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-11; Introduction — received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

614. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

615. A letter from the Acting General Counsel, National Endowment for the Arts, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

616. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2002 Performance and Accountability Report; to the Committee on Government Reform.

617. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation or Non Designation of Critical Habitat for 95 Plant Species From the Islands of Kauai and Niihau, Hawaii, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

618. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plan for the Shrimp Fishery off the Southern Atlantic States; Amendment 5 [Docket No. 020816198-2315-02; I.D. 071202A] (RIN: 0648-AP41) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

619. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Picture Identification Requirements [Docket No. FAA-2002-11666; Amendment No. 61-107] (RIN: 2120-AH76) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aging Airplane Safety [Docket No. FAA-1999- 5401; Amdt. Nos. 119-6, 121-284, 129-34, 135-81, and 183-11] (RIN: 2120-AE42) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes [Docket No. FAA-2000-7587 Amdt No. 21-81, 36-24 & 91-275] (RIN: 2120-AH03) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspeed Indicating System Requirements for Transport Category Airplanes [Docket No. FAA-2001-9636; Amendment No. 25-109] (RIN: 2120-AH26) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation by Reference [Docket No. 29334; Amendment No. 71-34] received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

625. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Robinson R-22/R-44 Special Training and Experience Requirements [Docket No. FAA-2002-13744; SFAR No. 73-1] (RIN: 2120-AH94) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

626. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Service Difficulty Reports [Docket No. FAA-2000-7952] (RIN: 2120-AH91) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

627. A communication from the President of the United States, transmitting an Agreement between the United States of America and the Kingdom of Norway on Social Security, with a related administrative agreement, both signed at Oslo on November 30, 2001, pursuant to 42 U.S.C. 433(e)(1); (H. Doc. No. 108—38); to the Committee on Ways and Means and ordered to be printed.

628. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination and recognition of gain or loss (Rev. Rul. 2003-7) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

629. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-16) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

630. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Cost Sharing Payments (Rev. Rul. 2003 -15) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

631. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2003-20) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

632. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Nonaccrual Experience Method of Accounting [Notice 2003-12]

received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

633. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain cost sharing payments (Rev. Rul. 2003 -14) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

634. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information by Other Agencies [TD 9036] (RIN: 1545-AY77) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

635. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2003-1) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Notice 2003-8] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

637. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Constructive Sales Treatment for Appreciated Financial Positions (Rev. Rul. 2003-1) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

638. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-15) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

639. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Private Foundation Transfers of Assets (Rev. Rul. 2003-13, 2003-4 I.R.B.) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

640. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-7) received January 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

641. A letter from the Chief, Regulations, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003 -9) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

642. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations (Rev. Proc. 2003-14) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

643. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification of the Department of State's intent to initiate the FY 2003 International Military Education and Training program for Algeria; jointly to the Committees on International Relations and Appropriations.

644. A communication from the President of the United States, transmitting a legislative proposal to establish the Millennium Challenge Account and the Millennium Challenge Corporation; (H. Doc. No. 108—37); jointly to the Committees on International Relations, Ways and Means, the Judiciary, Resources, and Government Reform and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 395. A bill to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ``do-not-call'' registry, and for other purposes (Rept. 108-8). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GARRETT of New Jersey (for himself, Mr. Oxley, Mr. Baker, Mr. Frank of Massachusetts, Mr. Kanjorski, and Mr. Emanuel):

H.R. 657. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. BAKER (for himself and Mr. Oxley):

H.R. 658. A bill to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission; to the Committee on Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Ms. Waters, and Mr. Baker):

H.R. 659. A bill to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; to the Committee on Financial Services.

By Mr. FLETCHER (for himself, Mr. Sam Johnson of Texas, Mr. Dooley of California, Ms. Velázquez, Mr. Acevedo-Vilá, Mr. Aderholt, Mr. Akin, Mr. Baca, Mr. Ballenger, Mr. Beauprez, Mrs. Biggert, Mr. Boehner, Mr. Burgess, Mr. Calvert, Mrs. Capito, Mr. Carter, Mrs. Christensen, Mr. Collins, Mr. Costello, Mr. Cramer, Mr. Cunningham, Mrs. Jo Ann Davis of Virginia, Mr. DeMint, Mr. Mario Diaz-Balart of Florida, Mr. Duncan, Mr. Everett, Mr. Franks of Arizona, Mr. Fossella, Mr. Gillmor, Mr. Goodlatte, Mr. Gonzalez, Mr. Graves, Ms. Granger, Mr. Greenwood, Mr. Grijalva, Ms. Hart, Mr. Hastert, Mr. Herger, Mr. Houghton, Mr. Isakson, Mr. Issa, Mr. Jenkins, Mr. Jones of North Carolina, Mr. Keller, Mrs. Kelly, Mr. Kennedy of Minnesota, Mr. Kolbe, Mr. Lucas of Kentucky, Mr. Manzullo, Mr. McHugh, Mr. McInnis, Mr. McKeon, Mrs. Musgrave, Mrs. Northup, Mr. Peterson of Pennsylvania, Mr. Petri, Mr. Platts, Mr. Radanovich, Mr. Rehberg, Mr. Ryan of Wisconsin, Mr. Schrock, Mr. Sensenbrenner, Mr. Sessions, Mr. Shays, Mr. Shimkus, Mr. Simmons, Mr. Smith of Texas, Mr. Souder, Mr. Tancredo, Mr. Tiahrt, Mr. Toomey, Mr. Upton, Mr. Weldon of Florida, Mr. Whitfield, Mr. Wilson of South Carolina, and Mr. Wolf):

H.R. 660. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Mr. NUSSLE (for himself, Mr. Boswell, Mrs. Johnson of Connecticut, Mr. Leach, Mr. Paul, Mr. Sensenbrenner, and Mr. Souder):

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to permit financial institutions to determine their interest expense deduction without regard to tax-exempt bonds issued to provide certain small loans for health care or educational purposes; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 662. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. Brown of Ohio, Mr. Tauzin, Mr. Dingell, Mr. Barton of Texas, Mr. Waxman, Mr. Upton, Mr. Markey, Mr. Greenwood, Mr. Towns, Mr. Burr, Mr. Pallone, Mr. Whitfield, Mr. Gordon, Mr. Norwood, Mr. Deutsch, Mr. Terry, Mr. Rush, Mr. Rogers of Michigan, Mr. Engel, Mr. Wynn, Ms. McCarthy of Missouri, Mr. Strickland, Mrs. Capps, Mr. John, and Ms. Harman):

H.R. 663. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER (for himself, Mr. Simmons, Mr. Evans, Mr. Cunningham, Ms. Pelosi, Mr. Rohrabacher, Mr. Scott of Virginia, Mr. Issa, Ms. Lofgren, Ms. Millender-McDonald, Mr. Tiahrt, and Mr. Abercrombie):

H.R. 664. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and surviving spouses of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself and Mr. Case):

H.R. 665. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. Foley):

H.R. 666. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 667. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the dollar limitation on the exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 668. A bill to amend the Internal Revenue Code of 1986 to allow credits against income tax for an owner of a radio broadcasting station which donates the license and other assets of such station to a nonprofit corporation for purposes of supporting nonprofit fine arts and performing arts organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 669. A bill to amend title 18, United States Code, to prohibit the sale or rental of adult video games to minors; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 670. A bill to amend the National Flood Insurance Act of 1968 to provide for identification, mitigation, and purchase of properties insured under the national flood insurance program that suffer repetitive losses; to the Committee on Financial Services.

By Mrs. BONO (for herself, Mr. Markey, Mr. Blunt, Mr. Issa, and Mr. Calvert):

H.R. 671. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BORDALLO:

H.R. 672. A bill to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003; to the Committee on Armed Services.

By Mr. BRADY of Texas (for himself and Mr. Green of Texas):

H.R. 673. A bill to amend the Clean Air Act regarding the conformity of transportation projects to implementation plans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARSON of Oklahoma:

H.R. 674. A bill to authorize the President to present a gold medal on behalf of the Congress to the Choctaw Code Talkers in recognition of their contributions to the Nation, and for other purposes; to the Committee on Financial Services.

By Mrs. CHRISTENSEN (for herself, Mr. Faleomavaega, Mr. Acevedo-Vilá, and Ms. Bordallo):

H.R. 675. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. McDermott, Mr. Kucinich, Mrs. Christensen, Mr. Scott of Virginia, Ms. Lee, Ms. Norton, Mr. Davis of Illinois, Mr. Owens, Mr. Jackson of Illinois, Mr. Hinchey, Mr. Payne, Mr. Cummings, Ms. Kilpatrick, Mr. Hastings of Florida, Mr. Fattah, Mr. Grijalva, Mr. Towns, Mr. Lewis of Georgia, Mr. Gutierrez, Mr. Thompson of Mississippi, Ms. Carson of Indiana, Mr. Pastor, Ms. Woolsey, Mr. Clay, and Mr. Rangel):

H.R. 676. A bill to provide for comprehensive health insurance coverage for all United States residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Resources, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mr. Filner, Mr. Evans, Mr. Issa, Ms. Millender-McDonald, Mr. Gutierrez, Mr. Wynn, Mr. Abercrombie, Ms. Pelosi, Mr. Case, Ms. Harman, Ms. Bordallo, Ms. Lee, Mr. Rohrabacher, Ms. Schakowsky, Mr. Royce, Mr. Becerra, Mr. Inslee, Mr. Scott of Virginia, Ms. Roybal-Allard, Ms. Corrine Brown of Florida, Mr. Frost, Mr. Davis of Illinois, Mr. McDermott, Ms. Lofgren, and Mr. Lantos):

H.R. 677. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Alabama:

H.R. 678. A bill to amend the Consolidated Farm and Rural Development Act to provide for comprehensive community and economic development in the distressed Southern Black Belt and Mississippi Delta region while leveraging existing efforts, entities, and resources; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS:

H.R. 679. A bill to prohibit certain late term abortions; to the Committee on Energy and Commerce.

By Mr. EDWARDS:

H.R. 680. A bill to provide tax relief and assistance for the families of the heroes of the Space Shuttle Columbia, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 681. A bill to amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a winning candidate for election for Federal office which received a personal loan from the candidate from making any repayment on the loan after the date on which the candidate begins serving in such office; to the Committee on House Administration.

By Mr. ENGLISH (for himself, Ms. Hart, Mr. Peterson of Pennsylvania, Mr. Weldon of Pennsylvania, and Mr. Tiahrt):

H.R. 682. A bill to amend the Temporary Extended Unemployment Compensation Act of 2002 to provide for additional weeks of benefits to exhaustees; to modify the AIUR trigger used in determining eligibility for second-tier benefits; and to provide for an extension of the temporary extended unemployment program; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. Jefferson):

H.R. 683. A bill to amend the Internal Revenue Code of 1986 to increase the special allowance for depreciation for certain property acquired after September 10, 2001, from 30 percent to 100 percent, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE (for himself and Mr. Lipinski):

H.R. 684. A bill to provide scholarships for District of Columbia elementary and secondary students, and for other purposes; to the Committee on Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. Towns, Mr. Olver, Mr. McDermott, Mr. George Miller of California, Mr. Brown of Ohio, Mr. Waxman, Mr. Blumenauer, Ms. Norton, Ms. Jackson-Lee of Texas, Mr. Farr, Ms. Slaughter, Mrs. Jones of Ohio, Mr. Rangel, Mr. Markey, Mr. Nadler, Mr. Tierney, Mr. Rush, Ms. DeLauro, Mr. Capuano, Mr. Hinchey, Mr. Abercrombie, Mr. Snyder, Mr. Matsui, Mr. Payne, Mr. Hoeffel, Mr. Owens, Mr. Scott of Virginia, Mr. Baca, Mr. Stark, Ms. Schakowsky, Ms. Lofgren, Mr. DeFazio, Mr. Filner, Mr. Cummings, Ms. Baldwin, Mr. Matheson, Mr. Wexler, and Mr. Lantos):

H.R. 685. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and the Workforce.

By Mr. GALLEGLY:

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to accelerate the scheduled increases in eligibility for individual retirement plans and to eliminate the marriage penalty in determining such eligibility; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 687. A bill to prohibit the Federal Government from accepting a form of identification issued by a foreign government, except for a passport that is accepted for such a purpose on the date of enactment of this Act; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself and Mr. Otter):

H.R. 688. A bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of silver-based biocides as an alternative treatment to preserve wood; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas (for himself, Mr. Reyes, Mr. Gonzalez, and Mr. Frost):

H.R. 689. A bill to amend the Internal Revenue Code of 1986 to allow residents of States with no income tax a deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 690. A bill to amend title XIX of the Social Security Act to provide for coverage under the Medicaid Program of organ transplant procedures as an emergency medical procedure for certain alien children; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 691. A bill to amend the Internal Revenue Code of 1986 to allow corporations to claim a charitable deduction for the donation of services related to contributions of computer technology or equipment; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. JONES of Ohio, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. OWENS, Mr. CUMMINGS, Ms. BALDWIN, Ms. NORTON, Ms. SCHAKOWSKY, Ms. LEE, Ms. KILPATRICK, Mr. CLYBURN, Mr. KENNEDY of Rhode Island, and Mr. LANTOS):

H.R. 692. A bill to provide for racial equity and fair treatment under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. COLE, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. FORBES, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. POMEROY, Mr. LANTOS, Mr. MILLER of Florida, Mr. HAYES, Mr. TANNER, Mr. HEFLEY, Mr. MATSUI, Mr. EVERETT, Mrs. BONO, Mr. SANDERS, Mr. SIMMONS, Mr. DICKS, Mr. SCHROCK, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. KOLBE, Mr. GIBBONS, Mr. KLINE, Mr. MICA, Mr. MEEHAN, Mr. TERRY, Mr. CALVERT, and Mr. REYES):

H.R. 693. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain death gratuity payments to members of the uniformed services; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Ms. NORTON, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, Mr. FROST, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. SANDERS, Mr. INSLEE, Mr. MATSUI, and Mr. LANTOS):

H.R. 694. A bill to amend the Internal Revenue Code of 1986 to provide an interest-free source of capital to cover the costs of installing residential solar energy equipment; to the Committee on Ways and Means.

By Mr. McINNIS (for himself, Mr. TANCREDO, and Mr. BEAUPREZ):

H.R. 695. A bill to authorize the Secretary of Agriculture to make a grant to support research to develop enhanced methods for the long-term control and suppression of the invasive plant species tamarisk in the Colorado River watershed in western Colorado and eastern Utah; to the Committee on Agriculture.

By Mr. MEEKS of New York:

H.R. 696. A bill to amend the Higher Education Act of 1965 to restrict the disqualification of students for drug offenses to those students who committed offenses while receiving student financial aid; to the Committee on Education and the Workforce.

By Ms. MILLENDER-McDONALD:

H.R. 697. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a high priority corridor in California; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself and Mr. YOUNG of Alaska):

H.R. 698. A bill to provide for and approve settlement of certain land claims of the Wyandotte Nation, and for other purposes; to the Committee on Resources.

By Mr. NETHERCUTT:

H.R. 699. A bill to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington; to the Committee on Resources.

By Mr. PAUL:

H.R. 700. A bill to amend the Federal Rules of Appellate Procedure to require written opinions in certain cases, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 701. A bill to restore to the original owners certain lands that the Federal Government took for military purposes in 1940; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL:

H.R. 702. A bill to amend title 23, United States Code, to increase the Federal share for certain safety and other projects on energy impacted highways; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself and Mr. COBLE):

H.R. 703. A bill to provide for the use of COPS funds for State and local intelligence officers, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. DREIER, Mr. BERMAN, Mr. SHERMAN, Ms. SOLIS, and Mr. GEORGE MILLER of California):

H.R. 704. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the area known as the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area in the State of California, and for other purposes; to the Committee on Resources.

By Mr. SCHROCK:

H.R. 705. A bill to suspend temporarily the duty on certain table tennis tables; to the Committee on Ways and Means.

By Mr. STARK (for himself, Ms. WATSON, Mr. KUCINICH, Mr. McDERMOTT, and Mr. GEORGE MILLER of California):

H.R. 706. A bill to amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary assistance to needy families program, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. LEACH, Mr. KENNEDY of Rhode Island, Mr. SERRANO, Mrs. JONES of Ohio, Ms. DELAURO, Mr. MARKEY, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. WAXMAN, Mr. NADLER, Mrs. CHRISTENSEN, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. FROST, Mr. McDERMOTT, Mrs. DAVIS of California, Ms. LEE, and Mr. RODRIGUEZ):

H.R. 707. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare Program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 708. A bill to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes; to the Committee on Resources.

By Mr. WICKER (for himself, Mr. WEXLER, Mr. TAYLOR of Mississippi, Mr. WHITFIELD, Mr. PAUL, Mr. NORWOOD, Ms. WOOLSEY, Mr. HOLDEN, Mr. FILNER, Mr. SANDLIN, Mr. COMBEST, Mr. PICKERING, Mr. FROST, Mr. DUNCAN, Mr. SHERMAN, Mr. BOUCHER, Mr. RUSH, Mr. HALL, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. PLATTS, Mr. UDALL of Colorado, Mr. GORDON, Mr. FALEOMAVAEGA, and Mr. CALVERT):

H.R. 709. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 32. Concurrent resolution expressing the sense of Congress with respect to human rights in Central Asia; to the Committee on International Relations.

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H. Con. Res. 33. Concurrent resolution expressing the sense of Congress regarding the establishment of a National Inventors' Day; to the Committee on Government Reform.

By Mr. CANTOR (for himself, Ms. PELOSI, Mr. DELAY, Mr. HOYER, Mr. BLUNT, Mr. LEWIS of Georgia, Mr. HYDE, Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 61. A resolution commending the people of Israel for conducting free and fair elections, reaffirming the friendship between the Governments and peoples of the United States and Israel, and for other purposes; to the Committee on International Relations. considered and agreed to.

By Mr. DELAY (for himself, Mr. BALLENGER, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BRADY of Texas, Mr. BURGESS, Mr. CANTOR, Mr. CARTER, Mr. CASTLE, Mr. COLE, Mr. COLLINS, Mr. COMBEST, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DEMINT, Ms. DUNN, Mr. FROST, Mr. GIBBONS, Ms. GRANGER, Mr. HALL, Mr. HAYWORTH, Mr. HENSARLING, Mr. HINOJOSA, Mr. HUNTER, Mr. ISAKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLINE, Mr. McKEON, Mrs. MYRICK, Mr. OSBORNE, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PITTS, Mr. PORTER, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. REYES, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. SHAW, Mr. STEARNS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. TIBERI, Mr. THOMAS, Mr. THORNBERRY, Mr. UPTON, Mr. VITTER, Mr. WICKER, Mr. WILSON of South Carolina, and Ms. HART):

H. Res. 62. A resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,902 members of the Armed Forces who remain unaccounted for from the Vietnam conflict; to the Committee on Armed Services.

By Mr. BONILLA:

H. Res. 63. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. HEFLEY:

H. Res. 64. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Eighth Congress; to the Committee on House Administration.

By Ms. MILLENDER-McDONALD (for herself and Mr. ISSA):

H. Res. 65. A resolution expressing the sense of the House of Representatives regarding the military service of Filipinos during World War II and their eligibility for benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself and Mr. TURNER of Texas):

H. Res. 66. A resolution supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ENGLISH:

H.R. 710. A bill for the relief of Mrs. Florence Narusewicz of Erie, Pennsylvania; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.R. 711. A bill for the relief of Johanna Bell; to the Committee on the Judiciary.

By Mr. WICKER:

H.R. 712. A bill for the relief of Richi James Lesley; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. CAMP, Mr. TOM DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. AKIN, and Mr. TERRY.

H.R. 5: Mr. GOODLATTE, Mr. Burgess, Mr. PICKERING, Mrs. KELLY, Mr. TOOMEY, Mr. CHABOT, Mr. PENCE, Mrs. EMERSON, Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. MCINNIS, Ms. BORDALLO, Mr. GINGREY, Mr. EVERETT, Mr. MICA, and Mrs. JO ANN DAVIS of Virginia.

H.R. 12: Ms. WATSON, Mr. ROGERS of Michigan, Mr. TIAHRT, Mr. SESSIONS, Mr. GILLMOR, Mr. ROYCE, Mr. MATHESON, Mr. SIMMONS, Mr. CUNNINGHAM, and Mr. HOEKSTRA.

H.R. 20: Mr. ABERCROMBIE, Mrs. NAPOLITANO, Mr. LAHOOD, Mr. PASCRELL, Mr. NEY, Mr. ETHERIDGE, Mr. CAPUANO, Mr. OLVER, Mr. GRIJALVA, Mr. OWENS, Mr. NEAL of Massachusetts, Ms. BORDALLO, Mr. ENGLISH, and Mr. FROST.

H.R. 21: Mr. TERRY, Mr. FRANKS of Arizona, Mr. KENNEDY of Minnesota, Ms. HOOLEY of Oregon, and Mr. DUNCAN.

H.R. 23: Mr. ROGERS of Alabama.

H.R. 33: Mr. SANDLIN, Mr. KING of Iowa, Mr. SCHROCK, Mr. TIAHRT, Mr. SANDERS, Mr. GILLMORE Mr. PETRI, Mr. KIND, Mr. PEARCE, Mr. FARR, Mr. JANKLOW, Mr. GORDON, Mr. ORTIZ, Mr. MATHESON, and Mr. LATHAM.

H.R. 44: Mr. CRANE.

H.R. 49: Mr. BARRETT of South Carolina, Ms. LORRETTA SANCHEZ of California, Mr. PAUL, Ms. ROS-LEHTINEN, Mr. SIMMONS, Mr. TERRY and Mr. JOHNSON of Illinois.

H.R. 57: Mr. KING of Iowa, Mr. ROGERS of Alabama, Mr. MATHESON, Mr. FLETCHER, Mr. HOEKSTRA, and Mr. RENZI.

H.R. 73: Mr. CAPUANO, Mr. GOODE, Mrs. KELLY, Mr. HINCHEY, Ms. MCCARTHY of Missouri, Mr. SERRANO, Mr. SANDERS, Mr. GOODLATTE, Mr. LOBIONDO, Mr. FILNER, Mr. ANDREWS, and Mr. RAHALL.

H.R. 105: Mr. OWENS and Mr. GRIJALVA.

H.R. 140: Mr. TOWNS, Mr. CLYBURN, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina.

H.R. 141: Mr. CLYBURN, Mr. TOWNS, Mr. TAYLOR of Mississippi, Mr. BROWN of South Carolina, and Mr. SPRATT.

H.R. 167: Mr. ENGEL, Mr. KIRK, Mr. ENGLISH, and Mr. KLINE.

H.R. 172: Mr. BISHOP of New York, Mrs. KELLY, and Mr. PASCRELL.

H.R. 173: Mr. LATOURETTE, Mrs. KELLY, Mr. CLAY, Mr. DEAL of Georgia, Mr. RYUN of Kansas, Mr. PRICE of North Carolina, Mr. ACKERMAN, Mr. CUNNINGHAM, Mr. OWENS, Mr. SPRATT, Mr. ISAKSON, Mr. MATHESON, Mr. BARTON of Texas, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. SHIFF, Mr. FROST, Mr. HASTINGS of Washington, and Mr. MCNULTY.

H.R. 192: Ms. DUNN, Mr. INSLEE, Mr. RAMSTAD, Mrs. NAPOLITANO, and Mr. DOGGETT.

H.R. 203: Mr. HOUGHTON and Mr. ENGEL.

H.R. 218: Mr. GOODE, Mr. SCHROCK, Mr. WILSON of South Carolina, Mr. HAYES, Mr. WELLER, Mr. SANDLIN, Mr. QUINN, Mrs. MYRICK, Mrs. NORTHUP, Mr. CHOCOLA, Mr. TURNER of Texas, Mr. WICKER, Mr. DAVIS of Tennessee, Mr. FOLEY, Mr. PEARCE, Mr. FROST, Mr. GORDON, Mr. COOPER, Mr. ENGLISH, Mr. RAMSTAD, Mr. BACHUS, and Mr. GINGREY.

H.R. 235: Mr. RYUN of Kansas, Mr. AKIN, Mr. WILSON of South Carolina, Mr. MICA, Mr. GREEN of Wisconsin, Mr. SESSIONS, Mr. BAKER, Mr. FRANKS of Arizona, Mr. HOEKSTRA, Mr. PAUL, Mr. GIBBONS, Mr. LUCAS of Oklahoma, Mr. SHIMKUS, and Mr. BALLENGER.

H.R. 240: Mr. NETHERCUTT and Mr. FOLEY.

H.R. 258: Mr. CASTLE.

H.R. 271: Mr. FOSSELLA and Mr. PASCRELL.

H.R. 284: Mr. SHERWOOD, Mr. POMEROY, Ms. MCCOLLUM, Mrs. WILSON of New Mexico, Mr. WEXLER, Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. OTTER, Mr. MATSUI, Mr. BOUCHER, Mr. ENGLISH, Mr. SABO, Mr. MCGOVERN, Mrs. TAUSCHER, and Mrs. CAPPS.

H.R. 302: Mr. GILLMOR, Mr. NORWOOD, and Mr. KUCINICH.

H.R. 303: Mr. KING of New York, Mr. REHBERG, Mr. LOBIONDO, Mr. WILSON of South Carolina, Mr. HERGER, Mr. SANDLIN, Mr. STRICKLAND, Mr. VITTER, Ms. BALDWIN, Mr. NETHERCUTT, Mr. BERRY, Mr. WYNN, Mr. LARSEN of Washington, Mr. ENGLISH, Mr. WOLF, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. ABERCROMBIE, Mr. RAHALL, Ms. WOOLSEY, Mr. TERRY, and Mr. HAYES.

H.R. 324: Mr. SIMMONS.

H.R. 336: Mr. UPTON.

H.R. 339: Mr. DELAY, Mr. BLUNT, and Mr. WELDON of Florida.

H.R. 340: Ms. DUNN and Mr. HONDA.

H.R. 342: Mrs. KELLY, Mr. PASCRELL, Mr. POMEROY, and Mr. CRANE.

H.R. 373: Ms. WOOLSEY, Mr. WYNN, Mr. GUTIERREZ, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. STARK, Ms. BERKLEY, Mr. DAVIS of Illinois, Mr. OLVER, and Mr. ORTIZ.

H.R. 378: Mrs. EMERSON.

H.R. 383: Mr. SCHIFF.

H.R. 395: Mr. FRELINGHUYSEN, Ms. BERKLEY, Mr. SHERMAN, and Mr. BILIRAKIS.

H.R. 396: Mrs. JONES of Ohio and Ms. NORTON.

H.R. 401: Mr. HOLDEN, Mr. FOLEY, Ms. BERKLEY, and Mr. NADLER.

H.R. 412: Mr. SHERMAN, Mr. LOBIONDO, Ms. LINDA T. SÁNCHEZ of California, Mr. ROTHMAN, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. HASTINGS of Washington, and Mr. SIMMONS.

H.R. 431: Mrs. BONO.

H.R. 433: Mr. HERGER and Mr. CUNNINGHAM.

H.R. 434: Mrs. MYRICK, Mr. VITTER, Mr. KOLBE, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. NETHERCUTT, and Mr. SCHROCK.

H.R. 436: Ms. NORTON and Mr. FALEOMAVAEGA.

H.R. 442: Mr. MCHUGH, Mr. BARTLETT of Maryland, and Mr. WALSH.

H.R. 444: Mr. MURPHY.

H.R. 456: Mr. TERRY.

H.R. 466: Mr. PLATTS, Mr. FOLEY, Mr. WELDON of Pennsylvania, Mr. SIMMONS, Mr. HOEFFEL, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. ISSA, Mr. LANTOS, and Mr. CALVERT.

H.R. 478: Mr. BISHOP of Utah.

H.R. 487: Mr. OWENS.

H.R. 490: Mr. COOPER, Mr. BAKER, Mr. LANGEVIN, Mr. FROST, Mr. JANKLOW, Mr. CLAY, Mr. BERRY, Mr. BERMAN, Mr. ACKERMAN, Mrs. TAUSCHER, Mr. MILLER of North Carolina, Mr. SPRATT, Mr. MATHESON, Mr. BEREUTER, Mr. NETHERCUTT, Mr. SANDLIN, and Mr. SCHIFF.

H.R. 501: Mr. BERRY, Mrs. JONES of Ohio, Mr. POMEROY, Mr. SANDERS, Mr. ACKERMAN, Mr. MATSUI, Mr. OWENS, Mr. KELLER, and Mr. MCINNIS.

H.R. 506: Mrs. WILSON of New Mexico.

H.R. 513: Mr. JANKLOW, Mr. SOUDER, and Mr. KOLBE.

H.R. 522: Mr. BURR, Mr. SOUDER, Mr. CRAMER, Mr. ADERHOLT, Mr. ROGERS of Alabama, Mr. NETHERCUTT, and Mr. UDALL of Colorado.

H.R. 528: Ms. WATSON, Mr. MCGOVERN, Mr. MCNULTY, Mr. DOOLEY of California, Mr. SCHIFF, Mr. BERMAN, and Mr. SWEENEY.

H.R. 531: Mr. ROGERS of Michigan, Mr. OTTER, Mr. PALLONE, Mr. TOWNS, Ms. CARSON of Indiana, Mr. MCHUGH, Mr. RUSH, Mr. SPRATT, Mr. BARTON of Texas, Mr. BAKER, and Mr. ALEXANDER.

H.R. 534: Mr. STENHOLM, Mr. SOUDER, Mr. CARTER, Mr. JOHN, Mr. ENGLISH, Mr. SKELTON, Mr. ROGERS of Kentucky, Mr. MCNULTY, Mr. BERRY, Mr. FRANKS of Arizona, Mr. CHOCOLA, Mr. BISHOP of Utah, Mr. JONES of North Carolina, Mr. BARTON of Texas, Mr. SCHROCK, and Mr. PUTNAM.

H.R. 545: Mr. HOEFFEL, Mr. SOUDER, and Mr. WALSH.

H.R. 581: Mr. MCINTYRE and Mr. KING of New York.

H.R. 584: Ms. PRYCE of Ohio, Mr. GOODLATTE, Mr. RYUN of Kansas, Mr. ABERCROMBIE, Mr. BURTON of Indiana, and Mr. WEXLER.

H.R. 589: Ms. CORRINE BROWN of Florida, Mr. SHIMKUS, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mr. GILLMOR, Mr. MCINTYRE, Ms. LINDA T. SÁNCHEZ of California, Mr. TURNER of Ohio, Mr. KUCINICH, Mrs. JONES of Ohio, and Mr. TOWNS.

H.R. 594: Mr. WALSH, Mr. BACA, Ms. LOFGREN, Mr. LARSEN of Washington, Mr. FLETCHER, Mrs. EMERSON, and Mr. OWENS.

H.R. 613: Mr. SIMMONS.

H.J. Res. 3: Mrs. CAPITO, Mr. KOLBE, Mr. GREEN of Wisconsin, Mr. SOUDER, Mr. BERRY, Mr. ENGLISH, and Mr. ORTIZ.

H.J. Res. 4: Mr. JENKINS, Ms. LORETTA SANCHEZ of California, Ms. BERKLEY, Mr. GREEN of Wisconsin, Mr. LINDER, Mr. RYUN of Kansas, and Mr. BOEHLERT.

H.J. Res. 12: Ms. MCCOLLUM, Mr. MARKEY, Mr. STRICKLAND, Mr. BACA, Mr. FILNER, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. BERMAN, Mr. ABERCROMBIE, MR. HASTINGS of Florida, Mr. FROST, Mr. STENHOLM, Ms. SLAUGHTER, Mr. LEVIN, Mr. PASTOR, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. KIND, Mr. COSTELLO, Mr. SCHIFF, and Ms. ESHOO.

H.J. Res. 15: Mr. FLAKE.

H.J. Res. 19: Mr. McCOTTER and Mr. KLINE.

H.J. Res. 20: Mr. CLAY.

H. Con. Res. 3: Mr. BERMAN and Mr. BELL.

H. Con. Res. 18: Mr. HOEFFEL and Ms. LEE.

H. Con. Res. 19: Ms. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. GRIJALVA, Ms. SOLIS, Mr. HONDA, Ms. McCOLLUM, Mr. CARDIN, Mr. PASTOR, Mr. BACA, Mr. HINCHEY, Mr. KILDEE, Mrs. LOWEY, Mr. WEXLER, Mr. OWENS, and Mr. GEORGE MILLER of California.

H. Con. Res. 22: Mrs. JONES of Ohio, Mr. McDERMOTT, Mr. SHERMAN, Mr. CROWLEY, Ms. McCARTHY of Missouri, and Mr. McCOTTER.

H. Con. Res. 23: Mr. SPRATT, Mr. SMITH of Washington, Mr. RYAN of Wisconsin, Ms. ROYBAL-ALLARD, and Mr. SAM JOHNSON of Texas.

H. Con. Res. 25: Mr. SESSIONS.

H. Con. Res. 27: Mr. SHERMAN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, and Mrs. BIGGERT.

H. Con. Res. 29: Mr. NEY, Mr. PETERSON of Pennsylvania, Mrs. MYRICK, Mr. RYUN of Kansas, Mr. REYNOLDS, Mr. BARTON of Texas, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, and Mr. PLATTS.

H. Con. Res. 30: Mr. HYDE.

H. Res. 43: Mr. NADLER.

H. Res. 49: Mr. BACA, Mr. LEACH, Mr. CRAMER, Mr. McDERMOTT, Mr. FRANK of Massachusetts, Mrs. DAVIS of California, Mr. LAHOOD, Mr. BRADLEY of New Hampshire, Mr. SANDLIN, Mr. MICHAUD, Mrs. McCARTHY of New York, Mr. FOSSELLA, Mr. TURNER of Ohio, Mr. FILNER, Mr. WILSON of South Carolina, Mr. PASCRELL, Mr. LOBIONDO, Mr. BEREUTER, Mrs. MUSGRAVE, Mr. NEAL of Massachusetts, Mr. HALL, Mr. EDWARDS, Ms. ROS-LEHTINEN, Mr. ISAKSON, Mr. BARTON of Texas, Mr. WEXLER, and Mr. WALSH.

H. Res. 56: Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. PASCRELL, Mr. HINCHEY, Mr. BALLANCE, Mr. OBERSTAR, Mrs. NAPOLITANO, Mr. McNULTY, Mr. NADLER, Mr. BRADY of Pennsylvania, Mr. STARK, Mr. LANGEVIN, Ms. PELOSI, Mr. GRIJALVA, Mr. SERRANO, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. McGOVERN, Mrs. TAUSCHER, Mrs. MALONEY, Mr. FARR, Mr. GEORGE MILLER of California, Ms. MILLENDER-McDONALD, Mr. REYES, Ms. SOLIS, Mr. BERMAN, Mr. MILLER of North Carolina, Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. SABO, Mr. COOPER, Mr. CASE, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. UDALL of Colorado, Mr. FROST, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. LANTOS, and Mr. BECERRA.

H. Res. 58: Mr. GUTIERREZ and Mr. KLECZKA.

SENATE—*Tuesday, February 11, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The guest Chaplain, Dr. Dale A. Meyer, Concordia Seminary, St. Louis, MO, offered the following prayer:

Enter into this chamber, O Spirit of God, this chamber of my heart and the hearts of all who sincerely pray with me. O Most High, You know the feelings and thoughts of our hearts before they ever come to our lips. Enter in and work in us the reverence that comes from a humble acknowledgment of Your Lordship. Enter in with the inspiration of Your love for each of us, a love to which prophets, evangelists, and apostles have borne witness for our temporal and eternal good. May that love constrain us to service in this Senate that will result in greater good for our beloved Nation.

Spirit of our Creator and Redeemer, deliver us, we pray, from every evil of body and soul, property and honor this day and until that day when we stand before Your eternal throne. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Madam President, today the Senate will continue the consideration of the nomination of Miguel Estrada to be a DC Circuit Court judge. The deliberations on the Senate floor yesterday were hearty and robust, and I believe many Senators have now had an opportunity to express their views. It is my objective to reach an agreement with the Democratic leader regarding a time for vote on this nominee.

The schedule for this week, and until the Estrada nomination is completed, is dependent upon reaching an agreement with respect to the pending nomination. I will continue to discuss with the Democratic leader the options for completing work on this important nomination. In the absence of any agreement, the Senate should expect very late evenings. My objective is to complete this nomination process with a vote this week.

The Senate also needs to complete action on the omnibus appropriations conference report when it becomes available. The conferees worked well into last night on the conference report, and I will be speaking to the chairman of the Appropriations Committee as to their success in closing out that conference. These are two very important pieces of business which must be addressed this week.

As a reminder, the Senate will recess today from 12:30 to 2:15 in order to accommodate the weekly policy luncheons.

Finally, I would forewarn all Senators that the Senate will remain in session in order to complete the Estrada nomination as well as the omnibus conference report.

I thank all Senators for their attention and look forward to the debate over the course of today, and hopefully we can reach some agreement, either this morning or this afternoon, on a time certain for a vote.

Mr. REID. Madam President, while the majority leader is on the floor and also the President pro tempore is seated in the Chamber, the chairman of the Appropriations Committee—the same person—while one may disagree with some of the policy stands the chairman of the Appropriations Committee has taken, one has to admire the work he did last night. It was really remarkable that he had every chair and ranking member of the subcommittees there, including the chairs of the full committees and ranking members, and was able to work through that myriad of information. It is now down to where it is really close to something we can vote on this week.

While the chairman of the committee is here, I wanted to acknowledge in front of his leader the remarkable job he did last night. We look forward to some productive work this week. These are two most important matters. I am sure the Senator and our leader will have a conversation in the immediate future about the Estrada nomination.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will now go to executive session and resume consideration of Executive Calendar Order No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I have heard so much misinformation about Mr. Estrada here on the floor of the Senate for the past few days, I hardly know where to begin to correct the record. It is simply amazing to me that some of my Democratic colleagues claim they cannot support Mr. Estrada because he lacks judicial experience or because he hasn't been a law professor or because he has not published extensively. Let me remind my colleagues there are more than a few nominees confirmed as circuit judges whose record did not include judicial experience or extensive scholarly writings but whom they managed to vote for and confirm anyway. Yesterday I listed 26 circuit court of appeals judges who had no judicial experience when they were nominated but were confirmed anyway. That is just a small fraction of all those who never had judicial experience before the last number of years.

Don't get me wrong. Even though they have had no judicial experience, these are all very qualified judges who deserved confirmation. But I don't believe any of them clerked for a Supreme Court Justice or argued 15 cases before the United States Supreme Court, as has Mr. Estrada.

Take, for example, Clinton Ninth Circuit nominee Sidney Thomas. He graduated from the University of Montana Law School in 1978 and went straight into private practice with a firm in Billings, where he remained for his entire pre-judicial career. Of the 10 writings or speeches he listed in his questionnaire, four of them consisted of outlines of presentations. The fifth was copyrighted while he was still in college and so could not possibly present his legal views. Still another appears to be a study guide for a college class

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

he taught. Given this record, I would not have expected a review of the hearings transcript to reveal demands by my Democratic colleagues for access to internal memoranda Judge Thomas prepared at his law firm, memoranda that are commonly known as attorney work product. Instead, a review of his hearing transcript reveals a grand total of less than two pages of questions, all of them asked by a Republican committee member. The Democratic committee member declined to ask Judge Thomas any questions, despite a record that includes no judicial experience and limited published writings.

Let me read you some of the exacting questions Judge Thomas was asked at his confirmation hearing and some of the answers he gave.

He was asked:

> Would you state in detail your best independent legal judgments with regard to existing Supreme Court precedent on the constitutionality of capital punishment?

Judge Thomas replied:

> Well, I believe that the Supreme Court has spoken, I think quite appropriately, on the death penalty. I do not possess any moral or religious convictions which would cause me to not apply the death penalty in an appropriate case.

This answer was apparently sufficient to satisfy the members of the committee that Judge Thomas would follow the law regardless of his personal convictions about the death penalty. But when Miguel Estrada gave similar answers to questions from Democratic committee members, he was accused of not being forthcoming. That is a double standard: We will treat President Clinton's nominees differently than we will treat President Bush's nominees.

Judge Thomas was also asked:

> Do you believe the Federal Constitution contains . . . a right to privacy?

He replied:

> Well, the Supreme Court, again, has spoken on that. There is no explicit right to privacy in the Federal Constitution. Montana has a constitutional protection for privacy. That is another area where I think the appellate courts have to proceed very carefully in light of the Supreme Court precedent in the area.

There were no followup questions demanding to know his personal opinion on whether there is a right to privacy in the Constitution. His acknowledgement of controlling Supreme Court precedent, coupled with his statement that "courts ought to move very cautiously" in this area, were deemed sufficient to confirm him, as I think they should have been.

I could go on to discuss other confirmed circuit judges with backgrounds similar to Judge Thomas's, but I think the point is clear: Miguel Estrada is being held to a different standard, even though his qualifications are similar to—or exceed—those of other confirmed circuit court of appeals judges.

Let me next turn to the allegation that Mr. Estrada was not sufficiently responsive to questions he was asked at his hearing.

Let's get to the heart of the matter. The real complaint of some of my Democratic colleagues is that no plausible reason to oppose Mr. Estrada's nomination exists. But instead of saying this, they complain that Mr. Estrada refused to criticize the reasoning of settled Supreme Court precedent.

Of course, if Mr. Estrada is confirmed as a lower court judge, he will be bound to follow Supreme Court precedent regardless of whether he is critical of it. This was what he testified he would do if confirmed, and this was the only responsible answer to the questions he was asked about specific Supreme Court cases.

During the course of this debate, I have already mentioned the statements Lloyd Cutler has made on this point, but I believe they are worth repeating because some of my Democratic colleagues keep resurrecting the spurious allegation that Mr. Estrada was not forthcoming at his hearing.

Mr. Cutler, as we all know, served this country well as counsel to Presidents Carter and Clinton. He also served on two national commissions that addressed problems in the confirmation process.

This chart I have in the Chamber shows what he actually said:

> Candidates should decline to reply when efforts are made to find out how they would decide a particular case.

That is the leading Democrat lawyer in this town. He has been Chief Counsel to two Presidents, two Democratic Presidents. He is highly regarded as a constitutional expert and a great lawyer not only in the area of Washington, DC, but throughout the country. He is a fine man. I have always respected him, and I do today.

So regarding judicial nominees, he stated, in unequivocal terms, that:

> Candidates should decline to reply when efforts are made to find out how they would decide a particular case.

In his opinion:

> What is most important is the appointment of judges who are learned in the law, who are conscientious in their work ethic, and who possess what lawyers describe as "judicial temperament."

Mr. Estrada's academic achievement, his professional accomplishments, the letters of support we have received from his colleagues—both Democrat and Republican—and his unanimously well-qualified, highest rating by the American Bar Association, all indicate that Mr. Estrada fits this description and deserves our vote of confirmation.

At the same hearing at which Mr. Cutler made his statements about the appropriate scope of the inquiry for confirming judicial nominees, another legal luminary, Boyden Gray, testified. Mr. Gray, of course, served as White House Counsel in the first Bush administration. During his testimony, he told us that two Democratic Senators, who are former Judiciary Committee chairmen, met with him very early in the administration to let him know in no uncertain terms that if the White House were caught asking any potential nominee any questions about specific cases, that nominee would be flatly rejected. Now, that is arrogance at its height, to tell Boyden Gray that or to have that attitude. Surely, the White House should be able to talk to their potential nominees about what their viewpoints are before they nominate them.

On the other hand, Mr. Gray, of course, is one of the most respected people in Utah. Again, Boyden Gray is one of the great lawyers in Washington; like Mr. Cutler, he is highly respected, has been in very responsible positions, and has fulfilled his service to the U.S. Government very well.

As Mr. Gray pointed out, that same philosophy is reflected in the Judiciary Committee questionnaire, which all judicial nominees must complete before the committee will act on their nominations. The questionnaire asked the following:

> Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue, or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule on such a case, issue or question?

The clear goal of this question is to deter any White House from getting commitments from potential nominees on how they would rule on specific cases, or commitments that they would overrule certain Supreme Court decisions.

I happen to know the Republican White Houses have acted honorably with regard to this responsibility. I remember during the Reagan years, some of our friends on the other side were constantly questioning whether the White House was trying to influence its judicial nominees during the Reagan administration to vote a certain way once they got on the courts.

I happen to know that that was totally irresponsible on the part of our colleagues because the person who vetted all of these nominees happened to be a former staffer of mine who is now on the Michigan State Supreme Court and one of the great jurists of this country. I know he never asked or told people what they should be doing with regard to their future, after confirmation, on any particular court.

It now appears that some Senate Democrats want to forbid the White House from asking nominees how they would rule on specific issues while reserving that right for themselves. Call it what you will, but this is a double standard if I have ever seen one. More fundamentally, it threatens the very independence of the Federal judiciary that our constitutional system of checks and balances was designed to preserve.

I cannot believe some of the questions that have been asked and some of the statements that have been made about how unresponsive Miguel Estrada was when they were asking him questions about how he would rule when he became a member of the Circuit Court of Appeals for the District of Columbia. Now, they might say, "We did not directly ask that," but that is what was behind it.

A number of Senators on the other side have indicated they need to know the philosophy of these nominees. I think that is irrelevant, as long as the philosophy is that they will uphold the precedents of the courts above them. And to be honest with you, this is going way too far in some ways.

Let's face it, too many questions in the confirmation hearings of President Bush's judicial nominees seem calculated politically to manipulate the judicial selection process and to frustrate the appointment of judges who would refuse to follow a potentially popular course when the Constitution and settled judicial precedent provide otherwise. Miguel Estrada was right not to fall into the trap of criticizing particular Supreme Court cases that he may be called upon to rely upon as a sitting Federal judge.

My colleagues should be commending him for this, not proffering it as a reason to vote against his confirmation. Unfortunately, that is basically their argument, that they should vote against his confirmation because he has abided by what really are rules that have long been time honored in the Senate.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, this is a historic debate on the floor of the Senate. It is rare in our history that the Senate has considered the nomination of the President of the United States for a circuit judgeship and at least the prospect of a filibuster is looming. It is an interesting issue historically that the Senate would reach this point that the minority in the Senate—in this case, the Democratic side of the aisle with 49 Members—would suggest to the majority party that we will stop this nomination by filibuster. I have asked my staff to take a look historically to find out how often that has occurred. It is extremely rare. Maybe the Senator from Utah can illuminate my knowledge. But I am told only in the case of Abe Fortas, who was being suggested as Chief Justice, was a filibuster suggested. The obvious question by those observing the debate is, Why? Why at this moment in time, with this nominee, is the Senate, maybe for the first or second time in its history, considering a filibuster?

Many of us who serve on the Judiciary Committee believe this nomination and this debate is so historically significant that we must consider an extraordinary response by the minority of the Senate. It certainly goes beyond the question of Miguel Estrada, although I will address what he has said and what he has testified during the course of our committee hearing. But it has been my good fortune to serve now for my fifth year on the Senate Judiciary Committee, both under President Clinton, a Democrat, and President Bush, a Republican; both under Chairman HATCH as Republican chairman of the committee and PATRICK LEAHY of Vermont as the Democratic chairman. I have watched the ebb and flow of this process.

I think we have to stop and reflect for a moment about why we are at this moment considering this nomination and taking it so seriously. It goes to our oath of office. When each of us is sworn into the Senate, we walk down this aisle and stand before the Vice President of the United States and swear to uphold the Constitution. And within that Constitution is an explicit delegation of authority to the Senate not to give blanket approval to any President's judicial nominees but to advise and consent. It is natural that the President's party in Congress will always say forget the advice part, just consent, and let us get on with business. But, like it or not, we understand the responsibility of the Senate is to ask the hard questions, to say if any nominee before you will receive a lifetime appointment to the Federal judiciary, particularly beyond the district level, the lower court level, to the circuit level where, in fact, many policy decisions affecting America are made, we want to know who you are. We want to know what you think. We want to make certain we are putting a person in this position of responsibility who can meet the challenge.

The obvious questions are there. We certainly ask whether a person has a background and a knowledge of the law, whether they have a reputation for honesty, and whether they have appropriate temperament. But other questions arise as well, questions as to whether this person seeking a policymaking position on the court who will stand in judgment of laws passed by the Congress is a person of moderation and is reasonable in their outlook. We cannot reach a conclusion on this simply based on press reports. We have to ask the questions and seek the answers. That has been done time and time again with nominees from Democratic Presidents as well as Republican Presidents.

What is troubling to most of us who come to this floor and suggest there is a problem with Miguel Estrada's nomination to the District of Columbia Circuit Court is he was so purposefully vague and so secretive in terms of his own point of view and his own philosophy. This is a man who has academic and legal credentials. He is not a newcomer freshman from a bar exam coming before us. He is a man who, across the street from this building, sat as a clerk in the Supreme Court. He has advised the Justices of the Supreme Court on some of the most important legal issues of our time.

Yet, when we asked him basic and fundamental questions, I was stunned by his efforts to really stonewall, to basically refuse to tell the Senate Judiciary Committee where he stands. In light of that, what is my responsibility as a Senator? When this nominee refuses to disclose the most basic information about who he is and what he believes and what is in his heart, am I at that point to step back and say let us give him the benefit of the doubt; if he doesn't want to answer the questions, so be it? I am not going to do that, and I will tell you why.

As a Member of the House of Representatives, I watched the Clarence Thomas hearings for the Supreme Court. I was stunned when then-nominee Clarence Thomas was asked his views on the issue of abortion, a major social policy and a major legal issue. He wasn't asked on a specific law whether he would rule one way or the other but just on the issue of abortion. Clarence Thomas said he had not really thought about that issue very much.

That is an incredible statement for a man seeking a position on the Supreme Court in two respects. Clarence Thomas was a Catholic seminarian who went to a Conception monastery in Missouri known as Conception Abbey. To think you could go through that training and never have a view on the issue of abortion is absolutely incredible. To think you can be a law student, as Clarence Thomas was when Roe v. Wade was decided, and never have discussed the issue just defies any credibility.

It, frankly, established a line of attack by those who want to go to the highest courts of the land and avoid the tough and hard questions.

The Clarence Thomas tactic and strategy is being followed today by Miguel Estrada. CHARLES SCHUMER, Senator from New York, asked him a basic open-ended question which you can ask any law student in their first or second year. When you look at the history of the Supreme Court of the United States and 200 years of decisions made by the men and women on the Supreme Court, is there one decision you would disagree with? Is there one you could point to and say the Court made the wrong decision? I hope most Americans would say some are fairly obvious; the Dred Scott decision, which basically recognized slavery in this country; Plessey v. Ferguson, which said separate but equal is a fair civil rights standard—the list goes on and on.

Yet, Miguel Estrada, with all of these academic decisions and all of his experience before the Supreme Court, refused to name one decision by the Supreme Court he would disagree with. What does that tell you? That this man is such a blank slate it has never crossed his mind that a decision by the Supreme Court over time has been found to be wrong for this United States, or a decision by the Supreme Court has been found to be violative of constitutional values and principles?

What is going through his mind? The Clarence Thomas tactic—don't answer anything, don't say a word.

I asked Mr. Estrada a question. I sent it in writing to give him a chance to think about it. I asked, In terms of judicial philosophy, please name several judges, living or dead, whom you admire and would like to emulate on the bench.

Listen. If that were a question in a constitutional law course, you would breath a sigh of relief saying, Thank goodness, this is easy. I ought to be able to find one Justice, either liberal or conservative, that I agree with, and maybe one on each side.

He said there is no judge, living or dead, whom I would seek to emulate on the bench in terms of judicial philosophy, or otherwise.

It is breathtaking. This man wants to be taken into the Federal judiciary in the second highest court of the land for a lifetime appointment and is so cautious and so careful he can't name one Supreme Court decision he disagrees with in the history of the United States, and can't name one judge, living or dead, whom he would seek to emulate on the bench.

What does that tell you? It tells you the Estrada nomination is making a mockery of our constitutional responsibility in the Senate.

He has refused to disclose the legal memoranda he has written as a person working at the Department of Justice and for the court. He has refused to answer the most basic questions. And he comes to us and says: Take it or leave it.

We hear that our opposition to him clearly must be because he is a Hispanic, maybe conservative in his views. Excuse me. As a member of the Judiciary Committee, I have repeatedly voted in favor of conservative nominees from the Bush White House. I understand this is the President's prerogative, but I have tried to find in each of them a reasonable approach to the law and a reasonable understanding of the philosophy of law which will give them a chance to be at least moderate in their approach on the bench. That is something all of us should seek to do.

I will have an opportunity later this morning to come to the floor.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. REID. I ask the Senator from Illinois, who had a long and impressive record in the House of Representatives, is he aware of the stand that the Hispanic caucus has taken on Miguel Estrada?

Mr. DURBIN. I am. It is instructive that this Hispanic nominee to such a high court is opposed by the Hispanic caucus. They have sat down with Mr. Estrada in private and asked him questions about his views on issues, and they have come out in opposition to his nomination. There are many—myself included, and I have appointed Hispanics to the Federal bench in Chicago—who believe there should be more Hispanic nominees. Under the Clinton administration, quite a few nominees were brought before the committee, and many were approved. That should continue. But doesn't it tell you something that this high level, high profile appointment is opposed by the Hispanic caucus?

Mr. STEVENS. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. STEVENS. Is the Senator aware that Republican Members of the House of Representatives who are not in that caucus because it is purely a Democratic caucus do support this nominee?

Mr. DURBIN. There are those who support this nominee.

Mr. STEVENS. I mean in the House of Representatives. The Senator is trying to leave the impression that people of Spanish background in the House of Representatives all oppose this nominee.

Mr. DURBIN. I didn't say that. I said, if you check the record, that the Hispanic caucus has come out in opposition.

Mr. STEVENS. Which is all Democrats.

Mr. DURBIN. At this point, the vast majority of those serving of Hispanic origin are Democrats.

Mr. STEVENS. It is all Democrats.

Mr. DURBIN. I am sure the Senator from New York will catalog all the Hispanic organizations that oppose this nominee. It is not just the Democratic members of the Hispanic caucus. I see my colleague has come to the floor. I yield to the Senator from New York.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New York.

Mrs. CLINTON. Mr. President, I appreciate the many points made by my colleagues with respect to this nomination. As I have listened to the debate, not having been a member of the Judiciary Committee, I have tried to educate myself on what this is all about. I put myself into the position of somebody at home who maybe just has turned on C-SPAN or is flipping channels and sees us talking about something. They are trying to understand what this is all about.

I thought I would come to the Chamber and perhaps talk a few minutes about what I think it is about and to try to answer some of the questions that might be in the minds of New Yorkers and Americans.

First, it is about the nomination of a gentleman to become a judge on what everyone, regardless of what party you are or where you live in the country or whether or not you are a lawyer, believes is the second most important court in our land. Everybody knows under our system of government the Supreme Court is the supreme court. It is the most important. But as we have gone through many decades of courts hearing cases, of new causes of action for people to be able to bring cases, what has emerged very clearly is that because the Supreme Court cannot take every case that has to be finally resolved one way or the other, many of the most important cases that are really significant to people living from one end of our country to the other are finally decided in the District of Columbia Court of Appeals.

This is the court that sits here, and it has some special jurisdiction about environmental matters and labor matters and energy matters. This is a really big deal court. This really matters. It is not just any court. It is the DC Court of Appeals.

All of our courts of appeals are important and because as you go up the Federal court system, you start with all of the district courts that are in every State and sometimes, depending upon the size of the State and many parts of the State and decisions there, if you are not satisfied with them, get appealed to the courts of appeal. It is like a pyramid. It starts narrowing because the numbers of cases that can be heard, the kinds of issues that can be heard begin to narrow because, clearly, choices have to be made.

Not everybody who starts a lawsuit in a Federal district court will be able to get to the court of appeals. Even fewer will get to the Supreme Court.

When we face a decision of giving someone a lifetime job, we have to take that seriously. We have to take it seriously whether it is a district court or a court of appeals or the Supreme Court. Actually, that is the way our Constitution set it up.

If the Constitution, which I think is, other than the Bible, the most amazing document the world has ever seen, if the Constitution meant for the President to say OK, this is who I want to sit on that bench, and just pick out any person who the President chose and just send them to the bench, the Constitution would have said that. But that is not what the Constitution says. The Constitution very clearly sets up what we call a balance of power. That is an important concept. That is critical to how successful we have been as a nation. It is absolutely fundamental as to our democracy continuing to function over all these many years because we have a balance of power.

We know human beings are fallible. We know that every one of us is flawed, and people get an idea that they are bigger than they should be; they want more power. And we get this balance of power in our Constitution which has worked extremely well for our country.

Critical to that balance of power is the role that the Senate plays in advising and consenting with respect to the President's nominees for the Federal court. It is right there in the Constitution. This is not something that Democrats or Republicans have made up for the purpose of this debate. It is fundamental to our Constitution.

As a result, those of us who are honored to serve in the Senate—and there haven't been very many over the course of our history; fewer than 2,000 people have sat in this most important deliberative Chamber in the history of the world—are bound by the Constitution. We take an oath to the Constitution. We want to defend and protect the Constitution.

Therefore, when we look at our duties, among our most important duties are advising and consenting when it comes to judicial nominees for lifetime positions on the courts established under our Constitution.

All of us take that responsibility seriously. But whether we are confronted by a nominee to the DC Court of Appeals or certainly, if we are confronted by a nominee to the U.S. Supreme Court, maybe it keeps us up a little longer at night. It makes us feel even more strongly that we have to make sure we are doing the right thing. We have to ask the hard questions. We have to get the information. Because once we sign off on it, that person is there for life.

It would be like somebody hiring someone to do an important job. You want to know that the person you are hiring to be a doctor or nurse in your hospital, or to supervise the construction of your house, that these are people qualified, able to answer your questions, that you confidently believe can get the job done.

That brings us to what we are debating today, a very important court, lifetime appointment, second only to the Supreme Court in the number of important cases decided, rooted in our Constitution where we as Senators, representing the constituents we serve, are required, are duty bound under our Constitution to advise and consent with respect to the President's nominations.

Now, I have voted for many judges since I have been in the Senate over the last 2 years, and those judges are not people, by and large, I ever knew personally or with whom I had any direct dealings. But the Judiciary Committee, which consists of Republicans and Democrats, is charged with the responsibility of doing the work of trying to figure out whether somebody is qualified and whether they should get this lifetime appointment. They are the first of our colleagues to advise and consent, or advise and not consent. I know the members of the Judiciary Committee on both sides of the aisle, and they take that responsibility very seriously.

With respect to Mr. Estrada, it has been a hard task to fulfill the responsibilities entrusted to us in the Constitution to advise and consent because there is no information. It is as though somebody walks into the hospital and says: I want the very best doctor you can give me for the condition that ails me, and I want to know where that person stands on the procedures he is going to use on me; I want to know what he thinks about postoperative treatment, I want to know what drugs he believes are best, and I want to know where he ranks in terms of his belief about whether or not I can be cured. Well, I am sorry we are not going to give you that information. Here is your doctor; you take him.

We are faced with a nominee who has thus far refused to answer legitimate questions about what kind of a judge he would be, where he stands on the great issues of our time and of the past, what his positions are in thinking about these fundamental rights we cherish as Americans, whom he respects or admires on the judiciary already, or with whom he would compare and contrast himself. We cannot get answers to any of those questions. I don't necessarily hold Mr. Estrada responsible for that. I know a little bit about the confirmation process. Having spent some time on the other end of Pennsylvania Avenue, I know he is doing what he has been told to do. He has been told to sit there, don't say anything, don't answer the questions, dodge, duck, don't leave any record, don't let anybody pin you down, and, boy, we are just going to go right through the opening that is given to us and make up this case that will get you on the circuit court.

Well, I suppose that is a strategy, but it is an unconstitutional strategy. It is a strategy that is absolutely contrary to what the Founders intended when they spent all those hot days in Philadelphia writing the Constitution. They expected advise and consent to actually be the responsibility of Senators. How can you advise and, certainly, consent if you cannot even get basic information about where someone you are going to give a lifetime job to stands on all these important issues?

It is not as though members of the Judiciary Committee didn't try. They certainly tried. Led by my colleague and friend from New York, Senator SCHUMER, they tried every which way they knew. You have already heard this morning from Senator DURBIN of Illinois how questions were phrased and, if he could not get an answer from Mr. Estrada, how they would be rephrased, trying to get some information. It was a classic stonewall; there is no information, no record, nothing to which anybody can point.

Now, that puts a Senator in a very difficult position. If you are just going to do what the White House tells you to do, what the President tells you to do, without regard to your constitutional duty to advise and consent, then it is an easy issue; you stand up, salute, and you vote, and that is it. But if you take seriously your constitutional duty, then it is not so easy. I have to go back to New York, and people will say: What kind of a judge do you think this will be on the court that hears all these important issues? I have to say I don't have a clue because we cannot get any information about him. We cannot discharge our constitutional duty to advise and consent.

I know my friends on the other side of the aisle say: Well, there is no information; this man is a blank slate; he has never been a judge; we have no record; he has never been a law professor; he hasn't put a lot of his thoughts down in writing; so you have to take what you see. Here is this gentleman, and you just have to take it on face value that he will fulfill the rather awesome responsibilities for which he has been nominated.

I just don't think that is good enough. I am just amazed that my friends on the other side of the aisle are willing to abdicate the Senate responsibilities embedded in the Constitution, because when you stonewall the Judiciary Committee, when you refuse to answer questions, when you act as if you just came out of nowhere and don't have an opinion on anything, everybody knows that is a charade. Everybody knows that. That is what you were told to do in the White House; therefore, you are sitting there, not giving an answer, because if you gave an answer, even some of the Republicans, people of the President's own party, might be disturbed.

I went back and looked at some of the questions that were asked. I have not been in law school for a very long time, but I cannot imagine any law student who, with a straight face, could say I don't have an opinion on any Supreme Court case—not one since the beginning of our Republic. I don't think that is a person who belongs on the appellate bench. If you don't have an opinion, move out of the way and let somebody who has opinions, who understands the law, who understands the Constitution, who knows what the Supreme Court has decided—let that person take the position on the appellate bench.

It is hard to imagine someone sitting before the Judiciary Committee and saying he has no opinion on major Supreme Court cases. I find that, frankly, unbelievable. Nobody believes that. My colleagues on the other side are willing to go forward with this charade and pretend that the man has no opinions when everybody knows he has opinions. He could not be in the position he is in without opinions.

I pulled a quote from Chief Justice Rehnquist which I think really bears on this. Here is what Chief Justice Rehnquist had to say:

> Since most justices [you could substitute "judges" as well] come to this bench no earlier than the middle years, it would be unusual if they had not by that time formulated at least some tentative notion that would influence them in their interpretation of the sweeping clauses of the Constitution and their interaction with one another. It would be not merely unusual but extraordinary if they had not at least given opinions as to constitutional issues in their previous legal careers.

Well, that is not me talking. That is Chief Justice Rehnquist. I think you could certainly conclude from that that this nominee must be, therefore, extremely unusual—so unusual that I don't think he deserves to be confirmed to the bench. Someone who has no opinions clearly does not deserve the kind of responsibility and honor that this appointment suggests.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. CLINTON. Yes.

Mr. DURBIN. Is the Senator familiar with the statement made by the chairman of the Senate Judiciary Committee, Senator HATCH, before the Federalist Society when he said:

> Many of President Clinton's nominees tend to have limited paper trails. Determining which of the President's nominees will become activist is complicated and will require the Senate to be more diligent and extensive in its questions of a nominee's jurisprudential views.

Mrs. CLINTON. Mr. President, I have heard about that, I respond to my friend from Illinois. There is an old colloquial saying: What is good for the goose is good for the gander. It seems to me, if that is the standard the current chairman of the committee adopted in previous years, then for the sake of consistency that ought to be the standard today. But, of course, that is not what this is all about, as my good friend from Illinois knows.

What was an appropriate standard in the previous administration, when I believe the President nominated mainstream people willing to answer questions, willing to present opinions, is no longer applicable now that there is a different President. I think that is a very dangerous precedent, and I do hope that Americans understand this: That the Constitution does not change from administration to administration.

The advise and consent role stays there for the Senate to exercise. If the Senate willingly abdicates this role and decides, I have a President of my own party in the White House now, so I better not ask any questions because I may not like the answers, that is, I believe, a direct repudiation of our constitutional obligations.

I know my good friend from Illinois asked a number of questions of Mr. Estrada seeking some enlightenment, some information on the basis of which the Senator from Illinois could exercise his advise and consent role. The best I can determine, it is very hard to see that the Senator got any answers.

I know in previous years, with many of the same people on the committee, very specific, explicit questions were asked of nominees. I know that many of the nominees who were nominated by President Clinton were asked very detailed questions about their views of Supreme Court and circuit court cases, and to the best of their ability, those who received hearings which, of course, was not everyone who was nominated by the President, but those of President Clinton's appointments who received hearings felt duty bound to answer those questions, and they did so. They were asked questions such as: Please define judicial activism. Do you agree with the Supreme Court's decision in a specific case, such as United States v. Morrison? If you were a Supreme Court Justice, under what circumstances would you vote to overrule precedent in the Court? And on and on—very specific questions about the Constitution, about our Nation's laws, about Supreme Court decisions.

The nominees from President Clinton believed that was their obligation, and that is what they were instructed to believe from the other end of Pennsylvania Avenue.

Unfortunately, many of them were not even given hearings and many who were given hearings were not given votes, and even some who were given votes were never brought to the floor. That is then. What I am worried about is now and how we are going to discharge our constitutional responsibilities.

If one looks at the long list of people who have appeared before this committee in the past, it has always been the practice to seek information that committee members thought would be relevant to exercising their constitutional duties, to make sure this person at least had an opinion about the Supreme Court decisions, to make sure this person was not just someone sitting there to fill a chair, but could actually discharge the duties that were about to be considered for him.

What bothers me deeply is what I see: a developing of a difference in standards. We are a country that has lasted so long because, among other reasons, we believe in the rule of law. It is not people but laws. That is why we invest so much in our Constitution and setting up courts and ensuring people who serve on those courts for lifetime positions are of the right stuff—not that they are conservative or liberal but that they are people who will not be swayed by political or partisan considerations, but will do the best with their God-given ability the job with which they are entrusted, which is to continue the rule of law and to serve justice.

Therefore, it is troubling that when we had one President of one party, the same people in this body wanted to ask everything they could ask. They wanted to know what meetings you went to that had nothing to do with your law practice. They wanted to know how you stood on referenda as a citizen in States that use referenda to set laws. They wanted to know all this, and the people who were nominated complied. They thought: I do not see the relevance of it, but if this is what is requested, we will comply with it.

Now when we are just focusing on the core issues about the suitability of someone for a lifetime appointment to the second highest court in the land, we cannot even get information that one would expect to get from a first year law student.

Obviously, a political decision has been made by the administration that "don't ask, don't tell" applies to judicial nominees and, therefore, we are in a position where we cannot discharge our constitutional responsibilities.

It sort of surprises me, as well as disappoints me, that the administration is taking this position. I guess we have to expect it because time and again this administration has proving itself to flout the rule of law, to be very concerned with secrecy, unwilling to share information with the elected representatives of the American people, and, therefore, a pattern seems to be developing.

I do not care whether you are a conservative or liberal from New York, Texas, California, Alaska, Hawaii—wherever—it is not good for our country to be adopting a policy that elevates secrecy over openness when it comes to judicial nominations and many other matters.

On many grounds, therefore, I stand here today quite troubled about what is developing with respect specifically to Mr. Estrada, with respect to our Constitution, with respect to the refusal by this administration to provide information legally requested by the Senate to fulfill its obligations.

I do not understand why we are in this position. I really do not. I have gone back and read the quotes from the distinguished chairman of the Judiciary Committee, someone I consider a very thoughtful leader on legal issues, and yet I do not follow the logic of having one standard for one administration's nominees and another standard for this administration, and the willingness of the Senate to cede our constitutional responsibilities. That strikes me as going right to the heart of what the Senate is and should be.

Before I arrived in the Senate, I knew it from a distance, as an admirer, a law student, a lawyer, and a law professor in my previous life. I understood the critical role the Senate played, but I have to confess until I actually came, sat in one of these chairs, looked around this august Chamber, and listened to my mentor and leader, Senator BYRD, describe to us how we happen to be here—not by some accident or bolt of lightning, but because of the genius of our Founders building on the ideas of those who came before, and that every generation of Americans has been obligated to continue this extraordinary experiment in constitutional democracy. We did not get it 100 percent right at the beginning. We had a lot of work to do. And the courts played a major role in saying, wait a minute, America, you say all these nice words. You act like these are your values, all men are created equal. What about black men? What about Native Americans? What about women? Do you not think we ought to kind of make reality coincide with rhetoric and really live up to this Constitution?

So for more than 200 years, that is what we have been doing. It has been a partnership: The executive branch, the legislative branch, the judicial branch. Decade after decade, we have taken stock of ourselves, determining what our real bedrock values are as a nation, and making it absolutely clear we would continue to try to perfect our Union, to live up to those extraordinarily high ideals that no nation in the history of the world had even put down on paper, let alone tried to fulfill.

Part of what we are facing today is an agenda by some to really change the direction of our country. Maybe it is a decision the people of the United States would support if they ever got to vote on it. Maybe it is a decision the people in this Chamber would support if we ever voted on it. But that is not how it is occurring. It really is by secrecy and stealth. It is by nominees to our second highest court who will not tell us what they believe on the most important issues facing us as a nation. It is a deliberate attempt to turn the clock back.

I read the documents that have come from organizations that work hand in hand with the administration about vetting and nominating nominees. I know they refer to the Constitution in exile. By that, I guess they mean the Constitution that expanded the civil rights, human rights, and opportunities of people in cases such as Brown v. Board of Education. That is really sad, that their view of America is so narrow. They want to close doors, take up ladders of opportunity, turn the clock back. I think that is very sad. Certainly they are entitled to their opinion, but their opinion should be explicit. If that is the agenda, then let us have a democratic argument about it. Let's have a vote about it. Let's know what we are voting on, so when decisions get reversed, rights get taken away, people know it was not just foisted on them by secrecy and stealth. It happened because of a debate, which is the heart of democracy, where people stood on both sides of this Chamber and said I do think we have gone too far and others could say, no, we have not gone far enough and where is the middle and how do we come to some resolution.

Why it is so important we focus on Mr. Estrada is because he is a stealth nominee, because he will not answer questions, and because of what we are attempting to determine as to our constitutional responsibilities.

I have reviewed the transcripts of Mr. Estrada's hearings in front of the committee. In a moment, I will relay several of the more concerning areas where we lack information. I want to highlight what two of my colleagues on the Judiciary Committee have said about both the written information, which is very limited, and the oral response to questions from Mr. Estrada. Senator KOHL from Wisconsin has said, and I quote, I personally have voted for 99 percent of the nominees that have come before this committee. In all of those cases, I felt that I knew what we were getting when we voted. There was some record of some writings that gave me an idea about how the nominee would perform as a judge. We do not have much of a public record or written record.

Addressing Mr. Estrada, Senator KOHL went on, you have opinions, of course, on many issues, I am sure, but we do not hardly know what any of them might be, and some of us might have a tough time supporting your nomination when we know so little.

Upon the eve of her vote on Estrada's nomination before the committee, Senator FEINSTEIN said: Over the last few days, I have been reviewing background materials about Miguel Estrada, talking to those who have concerns about him, and I have reread the transcript of Mr. Estrada's hearing. I must say that throughout this process, I have been struck by the truly unique lack of information we have about this nominee, and the lack of answers he has given to the many questions raised by members of this committee.

Let me take a minute or two to highlight some of the important issues that come before the DC Circuit and explain more fully why Mr. Estrada's answers are just not satisfactory. I do not expect to agree with the vast majority of the judges this administration sets forth. I have a different idea about the Constitution, about the philosophy that should govern the rule of law. I am fully prepared to say that. I have already voted for about 100 people I probably do not agree with on a lot of things, but they played by the rules. They respected the Constitution. They answered the Senators' questions, not my questions. I am not on the committee, but I trusted my Republican and Democratic colleagues who were on the committee would ask good questions, as they always do, get answers, and then they would make a judgment.

We have confirmed something like 100 judges in the last 2 years. I trusted the Judiciary Committee, which is the first line of defense on advise and consent, to do the hard work. I would then assess that and make my decision. I cannot do that in this case. I wish I could. I might still vote against the nominee because I might not agree with what he said in his opinions, but at least the process would be respected, the advice and consent clause of the Constitution would be honored.

That is not the case. If we look at the individual areas of concern, I think we begin to get an idea why Mr. Estrada does not want to answer questions and why the administration does not want him to answer questions, because even my colleagues on the other side of the aisle would have some really hard questions if the nominee were permitted to answer questions.

Let's start with the environment. The fact is the DC Circuit hears almost all of the cases challenging environmental rules and regulations issued by the Environmental Protection Agency. These are extremely significant decisions. The court decides issues of national importance. It decides issues of great local and regional importance. We may disagree about the best way to protect the environment, but if we are going to go down a road where we pack the DC Circuit with judges who do not have the idea that protecting the environment is a Federal responsibility, we should know that. We should know what we are getting. We are not buying blindly. We should know what we can expect. Maybe then the Congress, if it so chose, could rewrite laws or be clear about congressional intent, but in the absence of knowledge we do not know anything.

The court, in a 1999 decision, American Trucking Association v. EPA, demonstrated not only its deep division but its potential for circumventing the President and congressional intent. In that case, the DC Circuit decided not to review a ruling that struck down Clean Air Act protections against soot and smog. In fact, in the dissent, one of the judges said the court's ruling ignored the last half century of Supreme Court jurisprudence. When the case got to the Supreme Court, in a decision written by Justice Scalia, the DC Circuit was reversed. This was not a Republican or Democrat or liberal or conservative decision. This was a decision based on the precedence, the jurisprudence, the law.

Many of the cases that the circuit court of appeals decides in DC do not go to the Supreme Court. Therefore, we have to be conscious of what a nominee's position is on environmental issues.

Across the board, environmental groups have opposed Mr. Estrada's nomination because he has consistently evaded questions on how he might consider cases of vital environmental interest.

With respect to labor decisions and the National Labor Relations Board, the DC Circuit hears many of those labor and worker-related cases. The court has decided more than 1,000 labor cases over the years. The National Labor Relations Board administers the National Labor Relations Act, which is the primary law that governs relationships between employers and employees. Of course, that is at the root of our economy. We want people to be productive and work, but we also want them not to be taken advantage of and mistreated. There is a balance of power, to go back to my favorite concept, embedded in the Constitution. The Congress has worked it out over the last 50 years where workers have some rights, employers have some rights, and there is a system for adjudicating disagreements and grievances. Time and time again, the Circuit Court of the District of Columbia has ruled on these decisions and has consistently said that if a decision from the National Labor Relations Board is supported by substantial evidence, the courts are supposed to uphold it.

Unfortunately, many people are concerned and have spoken out against Mr. Estrada's nomination because they have no way of knowing what, if any, opinions he has on these critical issues. It is a fair set of questions to ask and to receive answers about.

When it comes to energy, certainly one of the most important issues throughout our country, the DC Circuit has exclusive jurisdiction over cases coming from the Federal Energy Regulatory Commission. That is called FERK. These cases are often up in the court of appeals, trying to figure out what is a just and reasonable rate of return for oil, gas, and electric companies. Therefore, the cases coming out of the DC Circuit affect everybody who has any power that is generated by oil, gas, and electricity around our country.

In many of these cases, not only individuals but States have big stakes in their outcome. When we think about ruling on these cases, it is only fair, since it may affect my energy bill, that I have some understanding from the Judiciary Committee whether this nominee has opinions, past track records, clients, anything that might affect his rulings.

Similarly, the DC Court has exclusive jurisdiction over cases arising under the Federal Communications Commission. Again, that affects every one of us. Do you have a television? Do you have cable? Do you enjoy the mass media, the broadcast media? Do you have a telephone? Do you know what rates you pay ultimately for long distance? Do you have a wireless phone? All of these issues fall under the FCC. Without any written record, again, we cannot get answers to questions about matters that will affect every American.

Some of this may sound technical, and I understand that, but it is easily understood that the stark reality is the DC Circuit controls so many of the rules under which we live every single day in our homes and workplaces. This is not some abstract speculative concern about what might happen to somebody else. What happens in this DC Circuit affects each of us. That is why I am so concerned that in the absence of information, in the absence of the Judiciary Committee believing they have been able to make an informed decision and have not just done what they were told to do by the administration, we may be setting up the people we represent for all kinds of changes in their lives that were never aired publicly, were never given due consideration, but which will affect every one of us.

That is why this nomination cannot be handled lightly, why it cannot be rammed through, why the Constitution and the rule of law, the role of the Senate to advise and consent, need to be respected.

When we think about where we are right now in the 21st century, we know we have lots of big challenges ahead. We have national security challenges, homeland security challenges, economic challenges, challenges concerning health care, education, the environment, and energy. There is a lot that lies in front of us. We need to bring to our considerations the same thoughtful, careful analysis that our predecessors in this body brought to theirs.

I am very worried that we are making decisions at home and abroad that will affect our country and our children for generations to come. Certainly, judicial decisions fall into that category. The DC Circuit has served as kind of a bullpen for the Supreme Court. More judges have been appointed to the Supreme Court from the DC Circuit than from any court in the land. That is often where the President looks to find somebody qualified who understands the full range of constitutional and legal issues that will very well end up in the Supreme Court. In fact, the DC Circuit has given us three of the nine current Supreme Court Justices—Justices Ginsburg, Scalia, and Thomas.

Therefore, I have to be doubly careful about my vote. I don't know what will happen on the Supreme Court. I wish every one of the Justices good health and a lot of energy for decades to come, but none of us knows where we will be tomorrow. We have no way of predicting our fate. It could turn out that there might be an opening on the Supreme Court and it might very well be someone from the DC Circuit who could be chosen. So far as I know everyone else serving actually answered questions, offered opinions, went through the process, gave the Senate the opportunity to exercise our constitutional duty to advise and consent.

If Mr. Estrada joins the court and all of a sudden an opening were to occur and the administration said to themselves, this was so good, we got somebody through that nobody could even ask a question of or get a straight answer from, let's just nominate him for the Supreme Court and do the same thing, run the same drill, then I would hope my colleagues on both sides of this aisle would say, no, no, I cannot let that happen to my Constitution. I may love my President but I love my Constitution. Presidents come and go but the Constitution remains.

We, at our peril, undermine it, disrespect it, disregard it, and this body, at its peril, gives up its constitutional prerogative rendering it a debating society, at best, and irrelevancy, at worst. Here we are, debating not just a nomination but debating the Constitution, debating the rule of law, debating whether this Senate and its Judiciary Committee will be able to fulfill its constitutional responsibility. These are high stakes. Talking about many of the nominees to the district court of appeals, I just can't help but use a little history. I think those who do not know history are condemned to repeat it. I know there is always a lot of revisionist history that goes on to suit political, partisan, ideological—even commercial ends. But these are the facts.

The former President nominated highly qualified people for the DC Circuit. Unfortunately, of those three nominees, two of them were given a hearing, one was not; two were not given a committee vote, one was. It took from 15 to 18 months for no action, no vote, and one out of three was confirmed. We didn't even get the courtesy of a vote, even though tons of information was turned over on the first two of these nominees.

From my perspective, that is water under the bridge. But I think it is telling because the Constitution did not change. As far as I know, the same Constitution we had in 1990 is the Constitution we have in 2003. The advice and consent clause didn't change, as far as I know. The advice and consent responsibility was the same throughout the 1990s as it is now in the 21st century. Some nominees went to extreme lengths to provide every scrap of paper, every opinion requested, in order to demonstrate their good faith and their respect for the Senate, their respect for the Constitution.

In a previous time, I know my good friends on the other side of the aisle, were he to have sat there and said, I have no opinion about anything, would have said: You are not getting my vote. You should not even get a hearing. You don't deserve one. Because somebody who comes before this committee and says he has no opinion about anything is clearly gaming the committee. Everybody knows that. I do not think the committee would have stood for it in the 1990s.

The Democrats this time voted unanimously against Mr. Estrada on the basis of his failure to answer questions and failure to appropriately and respectfully provide written material that was provided in previous instances with respect to Justice Rehnquist and Justice Bork. That material was not provided with respect to Mr. Estrada. So I think we really obviously have a double standard. It is an ideologically driven double standard.

I think that is a mistake. I think it is always a mistake when we try to push through something that in the long run undermines the balance of power, the constitutional framework, the role and responsibility of the Senate.

I have received countless letters, e-mails, and telephone calls about this nomination. Many of the people have expressed their concerns about the process in which we are engaged. A letter from a Utica, NY, constituent, Anna Maria Convertino, sums up the objections my office has been receiving. She gave me permission to quote from her letter. Here is what Anna Maria from Utica, NY, has to say:

> I am writing to urge you to filibuster the nomination of Miguel Estrada for the District of Columbia Court of Appeals by voting no on cloture. Estrada has refused to answer questions about his commitment to abortion rights or basic civil rights. The burden should be on the nominee for a lifetime appointment to show that he deserves to serve as a Federal judge. Estrada's lack of an established record and unwillingness to answer questions means that he has failed to make this showing.

I certainly appreciate Anna Maria contacting me and summing up so well the problems with this nomination.

Many people who have followed this closely, many major Latino and Hispanic organizations across our country, and in New York, share those doubts. The Congressional Hispanic Caucus, which has members from New York City to LA, from Texas to Chicago, interviewed Mr. Estrada. After that interview and reviewing his credentials, they concluded that he failed to merit their endorsement. Today, the caucus again opposes his nomination along with the Mexican-American Legal Defense and Education Fund, the Puerto Rican Legal Defense Fund led by the able work of my constituent, Angelo Falcon; the National Association of Latino Elected and Appointed Officials, the California La Raza lawyers, the Southwest Voter Registration Project, the Illinois Puerto Rican Bar Association, and on and on and on.

Mr. REID. Mr. President, will the Senator from New York yield for a question?

Mrs. CLINTON. I certainly will.

Mr. REID. The Senator was on the floor this morning when there was a colloquy between this Senator and the senior Senator from Illinois. There was a question that arose as to the number of people in the Hispanic Caucus in the House. I have since checked that and determined there are 20 in the Hispanic Caucus in the House. The only Hispanic Members of the House of Representatives, I am told, who are not members of that Hispanic Caucus, are three in number. So it is 20 who are members of the Hispanic Caucus and 3 who are not.

Mrs. CLINTON. I appreciate the clarification from my good friend from Nevada. Certainly, having worked with the Congressional Hispanic Caucus over many years, I know they are a national organization, representing people throughout our country. They did not reach this conclusion lightly. They interviewed Mr. Estrada. They asked questions. They sought information. They talked to other people who knew him, had worked with him. They really tried to do due diligence. They tried to do the job that the Judiciary Committee should do, trying to get at what is it about this nominee that we can either oppose or support. At the end of their inquiry and investigation, they concluded that they could not support him.

I am sure that was a difficult decision, from talking with my friends in the Hispanic Caucus. It was a very tough decision because on the face of it, this looked like a no-brainer: Line up behind Mr. Estrada, vote for him, put him on the DC Circuit, and everybody can go home and say: Look what I did; I voted for this nominee.

But that is an abdication of responsibility. That is truly the kind of action that undermines faith in our democratic process—to abdicate your intelligent, careful analysis of someone just to be able to check a box. I thought it was very courageous of the Hispanic Caucus to say: We have looked into this, we have investigated it, and we cannot support him.

Therefore, please—please—at least try to find out what this man stands for, what he would do, what he believes in, because we have not been able to do so.

Part of why many of us are coming to the floor is that this is a troubling nomination on many grounds. I know there are those, such as my friends in the Hispanic Caucus, who are troubled by the nominee and what he stands for or doesn't stand for, what he would do or not do, and the failure to get information.

I know my colleagues on the Democratic side in the Judiciary Committee were extremely troubled—including people, as I have just quoted, who historically vote with a President on a nominee—and were very pained about having to say, I can't do it this time.

I know, too, that many of us are concerned because, if the Judiciary Committee cannot do the work, we can't do the work. We can't call Mr. Estrada into our office and put him under oath and ask him the questions that he wouldn't answer when my colleagues from Illinois and from New York and from Wisconsin and California and everywhere else could not get answers out of him.

But fundamentally, even beyond the procedures—the failure to answer, the kind of stealth campaign that the administration is running, the don't ask, don't tell—the nomination process is the Constitution. I think there are certain duties, whether you are a constitutionalist, an originalist, a Federalist—whatever you are, whatever the label you want to pin on yourself might be—there are certain duties that cannot be delegated. There are responsibilities embedded in the Constitution that were given to us by our Founders in Philadelphia, and among the most important is the importance of the role of the Senate to advise and consent.

Mr. HATCH. Mr. President, will the Senator yield for a question?

Mrs. CLINTON. Certainly.

Mr. HATCH. Is the Senator aware that Miguel Estrada has argued 15 cases before the Supreme Court?

Mrs. CLINTON. Yes, on behalf of clients—not on behalf of himself.

Mr. HATCH. He won 10 of them. Right?

Mrs. CLINTON. I am aware of that.

Mr. HATCH. Has the Senator from New York read any of those briefs that he filed in that court?

Mrs. CLINTON. I have reviewed a number of them. I certainly am no expert on the cases, but I concede the point to the chairman that Mr. Estrada has argued cases on behalf of clients whose positions he was advocating and has done so extremely well.

Mr. HATCH. And he has done it on behalf of clients as an attorney should.

Mrs. CLINTON. Indeed. But he is not representing his clients before the Judiciary Committee. He stands there as Miguel Estrada for a potential lifetime appointment to the second highest court in the land. Therefore, he can no longer speak for clients. He must speak for himself.

Mr. HATCH. He did.

Mrs. CLINTON. That is not the conclusion reached by the Democratic Senators, nor by the Hispanic Caucus, nor by many who have followed this nomination closely—to ask a man of his record before the Supreme Court whether he had an opinion about any Supreme Court decision and for him to say, no, he did not, is absolutely unbelievable.

Mr. HATCH. Is the Senator aware that the Hispanic Caucus in the House is made up of all Democrats because they would not meet the Republicans who were left out of the caucus?

Mrs. CLINTON. I am very well aware of the makeup of the Hispanic Caucus. I have worked with members of the Hispanic Caucus for many years.

I think it is also fair to look at the geographical diversity and the experience base of these people who represent Americans from New York to L.A. and from Texas to Chicago who went to the trouble to interview the nominee and concluded by their own efforts that he was not going to be acceptable in part because they couldn't get adequate information on which to base a good decision.

Mr. HATCH. Is the Senator aware that the Democratic Hispanic Caucus in the House was actually almost equally divided as to whether or not to support Miguel Estrada, but the majority made the——

Mrs. CLINTON. I think what I judge is by what people say at the end of a conclusive discussion and what they determine based on their own consideration. Much of my concern is based on the Constitution and the role of this body—not on what people did or didn't do, although I think that is instructive, and I think it is very helpful. It does have sway with me because I don't believe we have developed an adequate record in the Judiciary Committee that would give even those of us who might end up opposing his nomination—I don't know that for a fact—an adequate basis on which to exercise our constitutional responsibility.

Mr. HATCH. Will the Senator yield again for a question?

Mrs. CLINTON. Yes. I will.

Mr. HATCH. I will try not to interrupt the Senator anymore, but the point I was making with the briefs in the Supreme Court—15 of them and more—is that there is a record from which you certainly can determine legal reasoning, as well as an extensive stack of records of the Judiciary Committee hearings. And let me say this. Those hearings were conducted by none other than the Senator's colleague from New York, Senator SCHUMER, and other Democrat Senators who said the hearings were fairly conducted. Is the Senator aware of all of that?

Mrs. CLINTON. I say to my good friend from Utah, I am aware of all that. But I have to respectfully point out several responses.

A long time ago I used to practice law. I represented a lot of clients of different kinds, all sorts of folks. Their views and their positions were not necessarily mine. I won some and I lost some in the trial court, in the appellate court, and in the administrative hearing room, but I do not believe that any of my clients spoke for me. My advocacy on behalf of clients was not the same as my positions about the law, about constitutional issues, and about many other matters. So the fact that someone has practiced law and that someone has argued cases is a factor to take into account. I certainly believe that is a significant factor. But that is not determinative. That is not in any way decisive when it comes to giving someone the opportunity to have a lifetime position on the second highest court in the land.

Mr. REID. Mr. President, will the Senator from New York yield for a question?

Mrs. CLINTON. Yes, I will.

Mr. REID. I want the Senator to know that I met with the chairman of the Hispanic Caucus and other members of the caucus, plus a number of people on a conference call a few days ago—in the last week or 10 days. Is the Senator aware that on that telephone call I was told that every member of the Hispanic Caucus—all 20 of them, every one of them—opposed the nomination of Miguel Estrada to be a member of the District of Columbia Court of Appeals?

Mrs. CLINTON. The Senator is absolutely correct. In fact, I have a copy of the September 25, 2002, letter written by the Congressional Hispanic Caucus to the then-chairman of the Judiciary Committee announcing the decision to oppose the nomination.

Mr. HATCH. Will the Senator yield on another point?

Mrs. CLINTON. Yes.

Mr. HATCH. Is the Senator aware that every Republican Hispanic member in the House is totally in support of Mr. Estrada?

Mrs. CLINTON. I am well aware that there are three Republican Hispanic Members in the House who are not members of the Hispanic Caucus. I understand that.

Mr. HATCH. And that there are four of them.

Mrs. CLINTON. I would be more than happy to have them send a letter explaining the reasons as to why they support him other than the fact they have been told to do so by the Republican leadership of the House and the administration.

What I have from the Congressional Hispanic Caucus is a very well reasoned letter setting out the decision as to why all 20 members of the Hispanic Caucus would not support this nomination. I think it is instructive.

It is instructive to read the thinking of the Hispanic Caucus. Of course, much of it rests on the fact that there is such a limited record. It is very hard to determine what it is this gentleman would do. I think the Hispanic Caucus raises some very telling points which have not been adequately addressed in the process up until now.

For reasons of our Constitution, of our rule of law, of our nomination process, of our Senate and its prerogative, as well as the decision apparently made by the administration to adopt a don't ask, don't tell policy when it comes to important lifetime appointments on the Federal judiciary, I certainly will have to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Utah.

Mr. HATCH. Mr. President, I will speak more to the constitutional issues later.

I have to say that I totally disagree with the distinguished Senator from New York, much as I respect her. I don't think her analysis of the Constitution is anywhere near accurate.

Second, I was told by people for whom I have great respect that when the vote came up, when they were discussing whether or not the Hispanic Caucus in the House, all Democrats, were going to oppose Miguel Estrada, there was almost an equal split of those who thought it was inadvisable to do that. Of course, after the majority makes that decision, I suppose they went along with that. But that was my understanding. If it is incorrect, I would be happy to be corrected.

I also want to make it clear that the three Republican Hispanic Members of the House—all three very outstanding individuals, who have stood up for Hispanics all of their careers, all three of them speak fluent Spanish—they were basically not allowed to meet with the Democratic Hispanic task force or caucus in the House, and they are totally in favor of Miguel Estrada.

Having said those few things, I want to take a moment to talk about what we are seeing on the nomination of Miguel Estrada. What we are seeing is just another step in a campaign to stall action on President Bush's judicial nominees. It has gotten to the point that the tactics that some of my Democratic colleagues are using are so predictable that it is as if they are working from a handbook. I suspect that this handbook had its origins in the Democrats' April 2001 retreat, where leading liberal law professors—of course, most of the law schools in this country are filled with leading liberal law professors, or at least liberal law professors—they urged the Democrats in that conference to change the ground rules on judicial confirmations.

What resulted from this retreat is something that can be called—if you will notice this chart—the Senate Democrats' "weapons of mass obstruction" handbook.

Let's take a look at some of the weapons in this handbook. Let me turn to the first bullet on the chart. The first weapon suggested by these liberal law professors was to bottle up nominees in committee.

We have seen a lot of that in the last 2 years, is all I can say, especially with regard to circuit court nominees. They have allowed a significant number of district court nominees to go through. These are the trial courts, where it is very unlikely to get into the major questions of law that have to be decided by appellate courts, although they certainly are important.

Since the judiciary is a separate, coequal branch of government to the President and to this Congress, this is important stuff. But their first weapon in their handbook was to bottle up nominees in committee.

When control of the Senate shifted to the Democrats in June 2001, we saw an immediate halt of nomination activity in the Judiciary Committee, especially of circuit court of appeals nominees. The President was not being treated as other Presidents have been. Even though other committees held nomination hearings prior to reorganization, and even though the Judiciary Committee held other hearings, no nomination hearings were held for more than a month, despite the fact of a looming vacancy crisis and plenty of nominees awaiting a hearing. In fact, as we stand in the Chamber right now, we have a crisis of around 25 or 26 emergency seats, most of them circuit court of appeals seats, in this country today. It is a judicial crisis where people cannot get their cases decided.

Then, once we did start considering nominees, the committee considered only one circuit court nominee at a time. When I was chairman during the Clinton administration, I considered more than one circuit nominee at 11 different hearings. But not once during the 107th Congress did the Democrats hold a hearing on more than one circuit nominee at a time. So bottling them up in committee has been a definite practice that came out of that retreat.

The point is, as I have been making it here, the first weapon in the Democrats' handbook—that of bottling up nominees in committee—was something that worked only as long as the Democrats controlled the committee. Since this is no longer the case, and we are now holding orderly hearings, fair hearings, with expedition, because the Republicans were fortunate enough to be able to take over control of the Senate, the President is now being treated fairly, as I believe I treated President Clinton in almost every instance—in fact, in every instance as far as I was concerned.

We put through 377 Clinton judges, the second highest total in the history of the country for any President, and only five less than the highest total of Ronald Reagan. And Reagan had 6 years of a Republican—his own party—Senate to help him. President Clinton had 6 years with an opposition party—the Republicans—to help him. And we did. You can point to some instances where I wish we had done better, but as far as totality, as far as getting it done, we did the job for President Clinton, and we treated him fairly. And he, I think, knows it.

Let's look at some of the other weapons they have used that came out of that retreat. One of the most potent weapons of mass obstruction has been to try to inject ideology into the confirmation process—yes, try to inject ideology into the confirmation process. Miguel Estrada's nomination is a prime example of how that has worked.

Some of my Democratic colleagues claim they oppose Mr. Estrada's nomination because he allegedly was not responsive to their questions at his hearing. I think we just heard an hour's worth of that. This is a laughable assertion. Mr. Estrada's hearing, which was held while the Democrats controlled the committee, and chaired by the distinguished other Senator from New York, Mr. SCHUMER, lasted all day. Mr. Estrada was asked dozens and dozens of questions, all of which he answered.

The real problem that some of my Democratic colleagues have with Mr. Estrada is not that he did not answer their questions but that his answers did not give them any reason to oppose him. That is what the real problem is here. He testified that he would follow binding precedent—what more could you ask of a circuit court of appeals nominee—that nothing in his personal views would interfere with his ability to follow the law. What more could you ask of a circuit court of appeals nominee?

For some of my Democratic colleagues, this is not enough. They want to delve into Mr. Estrada's ideology to understand his personal views on whether Supreme Court cases were correctly decided, and use those personal views as the yardstick by which they measure whether he is worthy of confirmation.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. I am delighted to yield.

Mr. DURBIN. Does the Senator recall a speech he made to the Federalist Society? I will quote from his statement there:

> [M]any of President Clinton's nominees tend to have limited paper trails. Determining which of the President's nominees will become activists is complicated and will require the Senate to be more diligent and extensive in its questions of a nominee's jurisprudential views. . . .

Does the Senator recall making that speech to the Federalist Society?

Mr. HATCH. I sure do. I agree with that statement to this day. I agree where there are no paper trails, you should ask questions. I am sure the Senator will agree with me, the Democrats controlled the committee, they controlled the hearing that day. It was a lengthy hearing. They asked every question they wanted to ask. They weren't happy with some of the answers, but that was probably par for the course. It was, certainly, when I was chairman of the committee.

But injecting ideology into the confirmation process is misguided, at best, and down right irresponsible at worst. It is not, as some Senators have suggested, essential to executing our duty of advise and consent. But do not merely take my word for it. My goodness, Heaven forbid.

During the course of this debate, I have already mentioned the statements that Lloyd Cutler made on this point. Again, I mention Lloyd Cutler because both sides of this body respect him. We both know he has been an excellent servant of the people. We both know he is a great lawyer, not just in the District of Columbia but throughout the country.

I have participated in forums with Lloyd Cutler, and I have nothing but respect for him. I have not always agreed with him—I have to admit that—but, by and large, we have agreed on most issues.

I have already mentioned statements Lloyd Cutler has made on this point, but I believe they are worth repeating because some of my colleagues keep resurrecting the spurious allegation that Mr. Estrada was not forthcoming at his hearing.

Mr. Cutler, as we all know, served this country as counsel to President Carter, and President Clinton, by the way. He also served on two national commissions that addressed problems in the confirmation process.

He said:

> Candidates should decline to reply when efforts are made to find out how they would decide a particular case.

That is just a rule that both sides have followed even before Mr. Cutler made that very erudite statement.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. DURBIN. Can the Senator point to any question asked of Miguel Estrada by either a Democratic or Republican Senator as to how he would rule in a particular case during the course of the confirmation hearing? Did any Senator violate the standard Lloyd Cutler enunciated in asking Miguel Estrada to tell us how he would rule in a particular case?

Mr. HATCH. One of the Democrats on the floor said, if I recall correctly, he asked the question, what is your belief about the first amendment. Gee whiz, I could teach law school class for over 3 months on that subject alone. Another—it may have been the same Senator—said he wanted to know in his questions whether he was going to overturn all of the clean air, clean water, and environmental rules, because this court is so important.

Mr. DURBIN. Does that relate to a particular case we are asking him to tell us about or rather his views on the Constitution?

Mr. HATCH. The Senator is an excellent lawyer. I know he is. I have tremendous respect for him. He sits on the committee. I enjoy him. But when you ask questions like that, those are areas where cases come before the Circuit Court of Appeals in the District of Columbia.

Mr. DURBIN. Is it the Senator's position we should not ask a question of a nominee in any area of law that might come up in any case a judge would rule on?

Mr. HATCH. No, I think the Senators on the committee can ask any questions they want to, but I think it is incumbent upon the nominee to follow Mr. Lloyd Cutler's suggestion that "candidates should decline to reply when efforts are made to find out how they would decide a particular case."

I suspect anybody can discuss general law, but that is not what the distinguished Senators were interested in.

Mr. DURBIN. I ask the Senator one last question: Can he point to any question asked by any Senator that went beyond general law and asked Miguel Estrada how he would rule on a particular case?

Mr. HATCH. I think I just gave two illustrations that certainly were questions of law that could come before the court. I might add Mr. Estrada was asked to criticize Supreme Court cases. Here a Supreme Court advocate who has to appear before the nine Justices on the Court is asked to criticize Supreme Court cases that he will be bound to follow as a circuit court judge.

By the way, if I recall it correctly, the distinguished Senator from Illinois just a short while ago was criticizing Mr. Estrada because in the whole history of American jurisprudence, from the beginning to the end, he couldn't come up with cases like Dred Scott, Plessy v. Ferguson, but the question, if you read in the record was, in the last 40 years, could you tell us three cases you disagreed with.

I believe he could have, maybe. I don't know. But when you are under pressure and you are sitting there and you are trying to answer questions, I don't think we should hold him to a standard that he has to meet these questions head on and absolutely come up with spur-of-the-moment comments. I mean, I can come up with some, I am sure, right off the bat, but that was the last 40 years. There were three references to it, twice referring to 40 years. The middle one between the two I am sure he felt he was talking about the last 40 years, not the whole history of jurisprudence. The first case that has come to your mind perhaps would be Dred Scott; certainly Plessy v. Ferguson. Could you name a whole raft of others, perhaps. I don't know. I don't know how I would do if I was sitting there under pressure as Miguel Estrada was.

He is a young man. He has a lot of experience. He can talk about current Supreme Court law as well as anybody in our existence. The fact is, I thought it was kind of unfair to try and hold him to that particular standard. I am not criticizing my friend from Illinois, but to go back and read the record, you will find that was what the questions were.

Now, regarding judicial nominees, Mr. Cutler has stated in unequivocal terms that candidates should decline to reply when efforts are made to find out how they would decide a particular case.

I would have trouble with a nominee if the nominee did try to reply in those cases. In his opinion, that is Mr. Cutler's opinion, "what is most important is the appointment of judges who are learned in the law"—certainly, Estrada is as learned in the law as anybody we have had before the committee—"who are conscientious in their work ethic"—my gosh, you can't find any fault with Mr. Estrada there; he is a hard worker—"and who possess what lawyers describe as judicial temperament."

We have heard some criticize Mr. Estrada because they think he might have a temper. I think everybody in this body might have a temper. That is one heck of a poor allegation.

Mr. Estrada's academic achievement, his professional accomplishments, his letters of support we received from his colleagues, many of whom are Democrats and top Democrats at that, and his ABA rating, the highest the American Bar Association can give, "unanimously well qualified," all indicate Mr. Estrada fits this description and deserves our vote of confirmation—this description of none other than Lloyd Cutler.

At the same hearing at which Mr. Cutler made his statements about the appropriate scope of the inquiry for confirming judicial nominees, another legal luminary, one of the great lawyers in this town, a man I think almost all of us look up to—certainly I do, and I think I am in a position to know great lawyers when I see them—Boyden Gray, testified for Mr. Estrada. Mr. Gray, of course, served as White House counsel in the first Bush administration.

During his testimony, he told us that two Democratic Senators who are former Judiciary Committee chairmen met with him very early in the administration to let him know in no uncertain terms that if the White House was caught asking any potential nominee any questions about specific cases, that nominee would be flatly rejected.

As Mr. Gray pointed out, that same philosophy is reflected in the Judiciary Committee questionnaire which all judicial nominees must complete before the committee will act on their nominations. It is an extensive questionnaire. The questionnaire asks:

> Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue, or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule in such a case, issue, or question?

The clear goal of this question is to deter the White House from getting commitments from potential nominees on how they would rule in specific cases or commitments that they can overrule certain Supreme Court cases. It now appears certain Senate Democrats want to forbid the White House from asking nominees how they would rule on specific issues while reserving that right for themselves. That seems a little inconsistent to me. Call it what you will, but this is a double standard if I have ever seen one.

More fundamentally, it threatens the very independence of the Federal judiciary that our constitutional system of checks and balances was designed to preserve.

Let's face it—too many questions in the confirmation hearings of President Bush's judicial nominees seem calculated politically to manipulate the judicial selection process and to frustrate the appointment of judges who would refuse to follow a popular or politically popular course when the Constitution and settled judicial precedent provide otherwise.

Miguel Estrada was right not to fall into the trap of criticizing particular Supreme Court cases that he may be called upon as a sitting Federal judge to uphold. My colleagues should be commending him for this, not proffering it as a reason to vote against his confirmation.

Another weapon in the Democrat handbook is to, as we can see here, seek all unpublished opinions. This all came from that retreat: Bottle up the nominees as much as you can in committee. I think that even goes further—bottle them up on the floor, too. We will get to that. Inject ideology into the confirmation process so you can say this fellow just isn't what we want on the court. Seek all unpublished opinions. Let's talk about that.

For some nominees who have been judges for a decade or more, this demand has resulted in the production of hundreds of opinions and required the expenditure of a significant amount of

Federal dollars, of resources, of money, of effort, and of time. All the time judges spend producing unpublished opinions meant they were not spending that time adjudicating cases before them.

While demands for unpublished opinions were outstanding, the Democrats in control of the committee had a perfect excuse for not acting on their nominations. But the fact is that these nominees had ample records on which to evaluate their qualifications for the Federal bench without seeking their unpublished opinions and diverting them from doing their job to be judges to satisfy the whim of a few Democratic Senators.

I remember in the case of, I believe, Dennis Shedd—who is now confirmed to the circuit court of appeals in his district—they asked for all of his unpublished opinions which were, as I recall, in Atlanta, GA, and what was the reason? It was only to see if they could dig up something that would be against Dennis Shedd. Unpublished opinions? My gosh, I don't ever remember when we did that. But that was a tool that was used throughout the process to delay. It was an expensive tool to the taxpayers, with no real good fruit coming from it.

I will refer to the fourth one here. Another weapon is to demand that the nominee produce internal memoranda that are not within the nominee's control. Isn't that an interesting one? We Democrats demand that you produce your internal memoranda that you made, and did the research on, and that you wrote while you served the Federal Government—even though you don't control that and even though it is tightly controlled—or should I say those memoranda are tightly controlled.

We saw the debut of this weapon to obstruct the confirmation of Mr. Estrada, and I expect we will see it again. I don't believe a day of this debate has gone by without one Democratic colleague complaining that there is an "incomplete record" on him without the record he offered as an Assistant Solicitor General of the United States.

This complaint ignores many facts. First, every living Solicitor General opposes the Democratic efforts to obtain these memoranda. Second, both the Washington Post and the Wall Street Journal—many would say they are on opposite sides of the fence—also oppose these efforts. Third, this demand for internal Department of Justice memoranda is unprecedented, as the Department itself has explained in a lengthy letter.

Finally, this demand for internal memoranda ignores the abundant record of Mr. Estrada. This man has argued 15 cases before the U.S. Supreme Court. He won 10 of them. In each one of those cases, he authored a brief that anybody can get ahold of. In each one of those cases, there is a transcript of the oral arguments that anyone can get ahold of. Certainly, members of the Senate Judiciary Committee can get ahold of them. Surely, my Democratic colleagues can evaluate Mr. Estrada's legal reasoning and fitness for the Federal appellate bench by examining these briefs and transcripts.

Each weapon of obstruction that I have mentioned was most potent when the Democrats controlled the Judiciary Committee. Now things have changed. Democrats no longer control the committee and, as a result, Miguel Estrada's nomination is being debated on the Senate floor. This means that the Senate Democrats must turn to their ultimate weapon of obstruction. I am going to peel off that last one. The ultimate weapon is the filibuster.

Well, filibuster is a potent but extreme weapon to rely upon for the defeat of a judicial nominee. It is potent because it requires a supermajority of 60 votes by 60 Senators to end it. It is extreme because it unduly politicizes the Federal judiciary, the one branch intended to be insulated from political pressure. Let's go through these again. At the retreat, these law professors, who should have known better but are more interested in ideology, in partisanship, Democratic Party politics, in control of the judiciary, made these recommendations: Bottle up nominees in committee. We saw a lot of that when they were in control. Now they cannot do that anymore, except that I suspect that because the Judiciary Committee has a rule that once these nominees are put on a markup, any member of the committee can put them over for a week, we will see that right exercised in every case. At least, we have so far. So bottle them up in committee. Then inject ideology into the confirmation process because, by doing that, you can say I disagree with you and maybe you think you have a right to vote against him.

Look, we don't know how any nominee is going to vote once they become a judge; it is a lifetime appointment. It is important to ask questions and try to do what we can to understand whether the nominee is capable or should be confirmed. To inject ideology into the confirmation process is a very dangerous thing. Thirdly, seek all unpublished opinions. That is the ultimate delay tactic, at a tremendous cost to the taxpayers. I don't remember in the past where that was done, except it may have been done in a case where they were critical to the final determination. But it is done today because they want fishing expeditions, or they wanted them to see if they could find some reason to oppose. Then, seek privileged internal memoranda.

Can you imagine what would happen to the Solicitor General's Office if secret memoranda that were used to determine what the Solicitor General should do would be disclosed to the public in every case? Can you imagine how that would chill getting responsible, accurate, and honest opinions, so that the Solicitor General can rely upon them? Anybody who wanted to be a Federal judge would have to think, how can I write this so it won't come back to haunt me in the future rather than, how can I write this to do it right and help my Solicitor General. And then the ultimate weapon, if you cannot do anything else, is the filibuster.

Now, to filibuster a nominee would be an unprecedented, dangerous weapon to use. As best I can tell, a true filibuster has never been used to defeat a circuit court nominee. In fact, no filibuster has been used to defeat a circuit court nominee. Its contemplated use now against Miguel Estrada's nomination has been soundly criticized. I was told a short while ago that my colleagues on the other side have decided to filibuster. I don't believe the reasonable people on the Democratic side are going to resort to that type of a weapon. But if they do, they will be following the advice of these law professors who have never been Senators and who are from the far left of the political and legal spectrum.

The filibuster is an unprecedented and very dangerous weapon, never before used to defeat a circuit court nominee. In fact, it has never been used to defeat a district court nominee either. Let me go a little bit further here.

Just last week, the Washington Post, our local newspaper—but national in scope—declared:

> [A] world in which filibusters serve as an active instrument of nomination politics is not one either party should want.

That was February 5—last week. The Post is absolutely right. Once we go down that road, that works both ways. I would not want it to, but it naturally will.

The Wall Street Journal concurred in the Washington Post's sentiment. You can see the quote:

> Filibusters against judges are almost unheard of. . . . If Republicans let Democrats get away with this abuse of the system now, it will happen again and again.

Mr. President, copies of these editorials have been printed in the RECORD.

Filibusters of judicial nominees allow a few Members of this body to block the confirmation of any Federal judge, a prospective member of our third coequal branch of Government.

I have taken to the floor time and again for Democratic and Republican nominees alike to urge my fellow Senators to end debate by voting to invoke cloture which requires the vote of 60

Senators. Most, if not all, of these occasions did not represent true filibusters but were situations in which nominees were, nevertheless, forced to overcome a procedural obstacle of a cloture vote.

I am not alone in my disdain for forcing judicial nominees to a cloture vote. The distinguished minority leader himself once said, on this double standard for the use of the weapons, Democrat leader TOM DASCHLE, one of my friends and a person for whom I have a lot of respect:

> As Chief Justice Rehnquist has recognized: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down." An up-or-down vote, that is all we ask.

I think that was wise advice then, and I think it is wise advice now.

The ranking member of the Judiciary Committee, my friend Senator PATRICK LEAHY, said:

> I, too, do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41.

In other words, 41 Senators can stop any judge once that road is taken. And once we go down that path, that will be a doggone mess and a doggone tragedy to this country.

Another one of my Democratic colleagues, himself a former chairman of the Judiciary Committee and a friend of mine, Senator TED KENNEDY, had this to say:

> Nominees deserve a vote. If our Republican colleagues don't like them, vote against them. But don't just sit on them—that's obstruction of justice.

He was right then and that quote is right today. Of course, each of my Democratic colleagues made these remarks when a Democratic President was appointing judicial nominees. It appears that if they filibuster this nominee on the thinnest of excuses—in fact, I do not think they have any reasons to, other than their fear that he is a Hispanic conservative Republican who may not rule the way they want him to rule in the future and who may some day be considered for the Supreme Court of the United States of America—it appears there must be a double standard for the use of these weapons.

Let me tell you the origin of the word "filibuster" because that is an important word here today. It comes from the Spanish word "filibustero," meaning a pirating or hijacking. It is just one more obstruction that has never been used in the case of Federal judges, for either the circuit court of appeals or for the district court.

That is exactly what an unprecedented filibuster of this nominee would be: A hijacking of the Senate. What it amounts to is two more simple English words: More obstruction.

There was one true filibuster in the history of the Senate—I have to acknowledge that—and that was a filibuster of a Supreme Court nominee, Abe Fortas, back in 1968, if I recall it correctly. There was a bipartisan filibuster. There were plenty of Democrats and plenty of Republicans who voted against cloture in that case. I think they were wrong, whoever voted that way. Richard Nixon was for allowing the vote to go forward without a filibuster. But the Senate wisely has never utilized a true filibuster since that day. To use it on this nominee because some have said he is not Hispanic enough, to use it on this nominee because some have said he does not have any judicial experience—although Miguel Estrada was a clerk to Amalya Kearse of the Second Circuit Court of Appeals and a clerk to Justice Anthony Kennedy on the Supreme Court of the United States of America, and has argued 15 cases before that august body and numerous cases elsewhere. It seems to me he has a lot of judicial experience, though he has not sat on the bench.

If we take that opinion, then that virtually consigns almost every Hispanic in this country, probably most African Americans—in fact, probably everybody of a minority status—to never being a Federal judge because most Hispanics have never sat on a bench. There are those who have, admittedly. Most African Americans have never sat on a bench, although there have been some on lower court benches in the State courts particularly, and even in the Federal courts. But it basically says you cannot make it if you have to have served as a judge before, no matter how brilliant you are. There are brilliant African Americans. There are brilliant Hispanics. There are brilliant Native Americans. There are brilliant Asian Americans. And we have brilliant people who have never served as a judge who might have this opportunity some day that Miguel Estrada hopefully will have.

Others have used other phony arguments against Miguel Estrada, such as he did not answer all the questions. That is par for the course. I do not know many contested judicial nomination proceedings where all the questions have been answered the way the questioners expected them to be answered.

Then they say: We cannot get hold of all these documents because he did them confidentially while he worked at the Solicitor General's Office, even though four of those seven living Solicitors General who are opposed to that type of release of documents are leading Democrats in this country. They will not even listen to their own leading Democrats, let alone leading Republicans.

I am just imploring my colleagues on the other side: Do not go down the terrible path of filibustering this nominee or any other nominee. It is not only dangerous, it would establish a precedent that literally would be offensive to the country, offensive to the Constitution, offensive to the judicial system, offensive to the third branch of Government, and offensive to any reasonable person who believes the President's nominees ought to get a fair hearing and they ought to get a vote up or down on the Senate floor. That is where we make that determination.

If the Democrats have enough votes to defeat Miguel Estrada, I am not going to complain about it. I might feel badly about it, and I might say it was the wrong thing to do, but they have a right to do that. If we have enough votes on this side, with hopefully the help of a number of our friends on the other side, then that is the way it should be. Miguel Estrada should go on that bench.

Unfortunately, I believe one of the arguments that is flitting around in the background in the penumbras and emanations of the Senate is he might some day be asked to be the first Hispanic on the U.S. Supreme Court, and that is the real reason, among a few others that are not valid as well, for the slowdown in a vote on Miguel Estrada.

Mr. President, I do not think we should have a filibuster, or a pirating or hijacking of the judicial process. I think it would be a terrific mistake for Democrats to do. Every Republican is going to vote for Miguel Estrada, and I believe a number of Democrats will as well—I hope a great number of them will—and they ought to have that right, right here on the floor.

If my colleagues who disagree do not like it, they can speak out. They can give their reasons, and they can vote no. That will be what they should do if they feel sincerely about this. Politics ought to be left out of it. The fact that they suspect Miguel Estrada may not be exactly the way they would want a judge to act on their issues—I do not know whether he will or will not, to be honest, but if the mere suspicion is enough to vote against him without any real basis otherwise, then I think we are treading on some very dangerous ground.

I believe in Miguel Estrada. I believe this President is doing everything in his power to reach out to people of color in this country. I believe we ought to help him. He certainly has indicated his desire to do so, and he certainly has been doing it. This is a President who has put a number of Democrats on the Federal bench. I think he wants to make sure we fill these seats and we get them done as best we can. Naturally, any President worth his or her salt is going to try to appoint people who, hopefully, agree with him or her. I think that is the nature of the process, and that is what we get when we elect a President; we get that President's nominations to the various Federal courts.

This President is very sincere and has approached it probably less politically than Presidents, Republican and Democrat, whom I have seen in the past. He deserves support. He deserves to be treated fairly. His nominees deserve to be treated fairly. Above all, Miguel Estrada should be treated fairly. If the "filibustero" occurs, I guarantee he is not being treated fairly.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is an important debate. I acknowledge my colleague, friend, and chairman of the Senate Judiciary Committee, Senator HATCH, who has argued very vigorously day after day in support of the Miguel Estrada nomination.

For those who wonder why the Senate would be taking up time to discuss one man's nomination to one court, this debate goes to the heart of a very basic issue. The issue is the constitutional responsibility of the Senate. After most of us who serve in the Senate are long gone and forgotten, some will harken back to this debate and make reference to it to determine whether at this moment in history the Senate stood up for its constitutional authority and responsibility.

That constitutional authority and responsibility is found in article II, section 2, of the U.S. Constitution, which says that the Senate shall have the power to advise and consent to the nominees of the President to the courts of our land. That is an important responsibility from the very beginning of this Republic.

There are those in the President's party who might like to change the Constitution when it comes to President Bush's nominees, to take out the word "advise" and basically say "consent"—just move on with it. If they could, we would move from a Senate to a rubber stamp. That is the choice: The Constitution or a rubber stamp.

I hope the Senate never reaches the point where we do not stop to ask important questions of nominees who are seeking a lifetime appointment to the Federal bench—no review by voters, no review by Congress. The judge is there for life, and, subject to malfeasance or the commission of a crime, they will stay in that position until they die or quit. That is what is at stake.

Miguel Estrada was nominated by President Bush to serve on the DC Circuit Court of Appeals, a lifetime appointment to the second highest court of the land. This is an important nominee, important because we know that when it comes to the DC Circuit Court of Appeals, it is the AAA team for the Supreme Court. The White House has made it clear that Miguel Estrada may be in line to move up to the major leagues. So Miguel Estrada is not just another judicial nominee.

If we look at him—and I have had a chance to sit down and talk to him—what a compelling life story he tells. Senator HATCH has recounted it, as others have. His legal credentials are impressive, but his views are so suspect that he has consistently refused to say publicly what he believes.

I believe the decision of the Bush administration to affirmatively act to put a Hispanic nominee on the Federal bench is the right thing. A few weeks ago, President Bush said he was not in favor of affirmative action. With the nomination of Miguel Estrada, the White House is affirmatively acting to put a Hispanic on the bench. I support it. I salute it. It is the right thing to do. I have been honored to appoint a Hispanic to the district court in Chicago. I think it is important that that court reflect the diversity of my city, my State, and our Nation. The same thing is true on this court.

We have the question being raised by the Senator from Utah as to whether or not Miguel Estrada, during the course of his nomination hearing, should be asked questions about his views on the Constitution. Excuse me, but if this Senate decides that we cannot ask a nominee to the Federal court a question as basic as his views on our Constitution, then we have been transformed into a rubber stamp: Take it or leave it. The President sent the nominee. Vote for him or else.

A lot has been said of the quote from Lloyd Cutler, a man who is well respected, about whether or not a nominee should be asked how he would rule in a particular case. Lloyd Cutler is right. If one of the nominees came before us and we would ask that nominee, there is a case pending in the DC Circuit Court of Appeals, tell us how you would rule on that case if you sat on the bench, that is just plain wrong. We cannot do that. But it is not unfair to ask of a nominee his or her views on constitutional issues.

It is interesting to me that Senator HATCH would raise this point because only a week ago, three circuit court nominees, nominated by President Bush, came before the Judiciary Committee and we spent the better part of a day or more asking them probing questions about their views on constitutional issues. To their credit, they were forthcoming, honest, and candid in all of their answers. I did not agree with some of their points of view, but that is not what this is all about. They do not have to say what I need to hear.

I have voted over 100 times now for President Bush's nominees, many of whom I disagree with on constitutional issues and policy issues, but that is not what it is about. If they strike me as people who are moderate, honest, skilled, with good temperament, I am going to vote to put them on the bench, even if I do not agree with their political view. I think that is what the process should be.

When it comes to Miguel Estrada, when we asked him the most generic questions to open up and tell us his thinking about constitutional legal issues, he fended us off; he refused.

Justice Antonin Scalia on the U.S. Supreme Court was picked by President Bush as one of his favorite Justices. He likes his conservative bent. He may like him personally. Whatever reason, then-candidate Bush said Antonin Scalia was his kind of Supreme Court Justice. Do my colleagues know what Justice Antonin Scalia said about questions of judicial candidates regarding their political views? In the case of Republican Party of Minnesota v. White, in an opinion written by Justice Scalia which overruled restrictions against candidates for elective judicial office from indicating how they would rule on legal issues while campaigning, Justice Scalia said:

> Even if it were possible to select judges who do not have preconceived views on legal issues, it would hardly be desirable to do so. Proof that a Justice's mind at the time he joined the Court was complete tabula rasa in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias. And since avoiding judicial preconceptions on legal issues is neither possible nor desirable, pretending otherwise by attempting to preserve the appearance of that type of impartiality can hardly be a compelling state interest, either.

Did you note the words of Justice Antonin Scalia, the favorite of President Bush and many of my Republican colleagues on the floor?

> Proof that a Justice's mind at the time he joined the Court was a complete tabula rasa in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias.

Going back to Latin courses I took too many years ago to recount in this speech, tabula rasa is a blank slate. What the Justice has said in this opinion is, when nominees come before you saying they never thought about a certain issue, never reflected on a constitutional position, don't have an opinion to share with you, that's not evidence of lack of bias, that's evidence of lack of qualification. And that is what this debate is all about.

There is no doubt in my mind Miguel Estrada has his own point of view, understands constitutional issues, and would express it. But he has been carefully coached and managed by the Department of Justice and the White House to come before the Senate Judiciary Committee and, frankly, deny any opinion on any constitutional issue.

My colleague, Senator SCHUMER, asked him to just point out a Supreme Court case he disagreed with.

No, he said, if I didn't hear the arguments and I didn't read the briefs, I am not going to do it.

We asked him not only in the hearings but in written questions I sent to him afterwards, what is your view on Roe v. Wade, the landmark decision related to abortion in America.

Again he said, Well, since I didn't hear the arguments and I wasn't there, I am just not going to say what I understand when it comes to Roe v. Wade.

What a sharp contrast to John Ashcroft, the new Attorney General under President Bush who, when asked the same question in his confirmation hearing, said he would view that as established law and, unless it were overturned by the Supreme Court, would enforce it. Miguel Estrada would not even go that far.

I asked him as well to give the name of a judge, living or dead, whom you would emulate on the bench—a wide open, softball question. He could have picked the most conservative judge in history and the most liberal judge and said both of them brought the following qualities to the court and I hope to follow those qualities. He had been so carefully prepared, so cautioned by the Department of Justice, he wouldn't even go that far to suggest there was a Supreme Court Justice or a living judge, or one who has passed away, he would seek to emulate.

So what does that mean? Here is a man who will not tell us the most basic information about his views on the Constitution, on judicial philosophy, general questions you would ask of any nominee. And the Republican majority comes and tells us approve him anyway. Give him that lifetime appointment.

Roll the dice. Gamble he is going to be the right person. The Republican majority says to the Senate: Be a rubberstamp. Don't ask these questions. Now you are getting into "advice." That is what the Constitution says, "advice and consent."

Let me point out some things that ought to be part of the record. I am proud to have named a Puerto Rican judge to the district court in Chicago. During President Clinton's tenure, 10 of his more than 30 Hispanic nominees were delayed or blocked from receiving hearings or votes by the Republican Senate Judiciary Committee, chaired by the Senator from Utah; 10 out of 30 Hispanic nominees.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. REID. The Senator recalls, I am confident, that one of the nominees, one of the 20 who made it through, a man named Paez from California, waited 4 years before he was able to get confirmed by the Senate?

Mr. DURBIN. Four years. And there was never any question raised about his qualifications or answers to questions.

Mr. REID. In fact, the Senator will recall he was a judge and had been for many years and had voluminous judicial opinions people could look at.

Mr. DURBIN. Absolutely. I might say to the Senator from Nevada, the Senator from Utah, in a speech to the Utah Federalist Society, said when you have a nominee like Miguel Estrada with no published opinions, then you have to really ask questions. Get to the bottom of his jurisprudential views, in the words of the Senator from Utah. In the case of Judge Paez, there was not only ample record about how he ruled, he answered the questions. Miguel Estrada has ducked the questions time and time again and believes if he can hold us back long enough he will get a lifetime appointment to the Federal bench. That would be a dereliction of duty on the part of the Senate and that is why we are spending this time on this nominee. An important constitutional principle is at stake here, a principle of whether or not the Senate will have the right and the authority to ask the questions, to make a reasoned judgment before we give our advice and consent to a President's judicial nominees.

Mr. REID. Will the Senator yield for one more question?

Mr. DURBIN. I am happy to yield.

Mr. REID. I am not sure the Senator is aware from Congressional News, this publication that quotes what we say in the press every day—the distinguished chairman of the Judiciary Committee appeared on MSNBC Hardball last evening. Among other things, are you aware he said, talking about the Democrats in the Senate:

> What they are really worried about is Estrada is so qualified and so good and he's Hispanic, that he's on the fast track to the Supreme Court. They think they don't want a Hispanic Republican, let alone a conservative, on the Supreme Court of the United States of America, and that's what this is all about.

What is the Senator's comment in that regard?

Mr. DURBIN. I can tell the Senator, as I said earlier, I was happy to appoint a Hispanic to the Federal District Court in Chicago. I hope sooner rather than later there will be a Hispanic on the United States Supreme Court. If you look at this nominee, Miguel Estrada, it is really instructive to me that the Hispanic Caucus of Congress has come out in opposition to his nomination. Some have dismissed that and said there are three Republican Hispanics in the House who favor his nomination. I am going to make that part of the RECORD. I ask unanimous consent if I might have a list of letters in opposition and concern to the nomination of Miguel Estrada be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF OPPOSITION TO AND CONCERN ABOUT THE NOMINATION OF MIGUEL ESTRADA TO THE D.C. CIRCUIT COURT OF APPEALS

CONGRESSIONAL GROUPS

Congressional Hispanic Caucus, Congressional Black Caucus.

HISPANIC GROUPS

Mexican American Legal Defense and Educational Fund and Southwest Voter, Registration and Education Project, Letter of Opposition, January 29, 2002.

Mexican American Legal Defense and Educational Fund, National Association of Latino Elected & Appointed Officials, National Council of La Raza, National Puerto Rican Coalition, Puerto Rican Legal Defense & Education Fund, Washington, DC, Letter of Concern, May 1, 2002.

California La Raza Lawyers & Mexican American Legal Defense and Educational Fund, Letter of Concern, September 24, 2002.

Southwest Voter Registration Education Project, Letter of Concern, September 24, 2002.

Puerto Rican Legal Defense and Education Fund, Re-issue of Position Statement in Opposition, January 27, 2003; Position Statement in Opposition, September 17, 2002; Letter of Concern, June 11, 2001.

52 Latino Labor Leaders including the following: Linda Chavez Thompson, AFL–CIO, Washington, DC; Milton Rosado, President, LCLAA, Trenton, NJ; Eliseo Medina, Executive V.P., SEIU, Los Angeles, CA; Miguel Contreras, Exec. Sec. Treas., LA County AFL–CIO, Los Angeles, CA; Dennis Rivera, President, SEIU, 1199NY, New York, NY; Christina Vazquez, International VP, UNITE, Los Angeles, CA; Arturo S. Rodrijez, President, United Farm Workers, Keene, CA; Maria Elena Durazo, President, Local 11, HERE, Los Angeles, CA; Mike Garcia, President, SEIU Local 1877, Los Angeles, CA; Oscar Sanchez, Exec. Dir. LCLAA, Washington, DC; Debra Renteria-Styers, UAW, Macomb, MI; Maria Armesto, AFT, Washington, DC; Dionisio Gonzalez, USWA, Los Angeles, CA; Tony Padilla, TCU, Rockville, MD; Celestino Torres, USWA, Hayden, AZ; Guillermo Zeleya, IUPAT, Washington, DC; Al Ybarra, Exec. Sec-Treasurer, AFL–CIO, Orange County, CA; Ray Arguello, UAW, Detroit, MI; Patricia Campos, Pres., DC Metro LCLAA, Washington, DC; Rocio Saenz, President, SEIU Local 615, Boston, MA; Rose Rangel, SEIU, South Pasadena, CA; Salvador Aguilar, USWA, Griffith, IN; Jose A. Caez, IBEW, Farmington, CT; Elsa Lopez, AFT, Miami, FL; Lorenzo Rivera, UAW, Oxford, MI; Heriberto (Ed) Vargas, UNITE, New York, NY; Henry Gonzalez, UAW, South Gate, CA; Gerardo Becerra, ILA, Miami, FL; Jorge Rodriguez, SEIU, Los Angeles, CA; E.J. Himenez, USWA, Corpus Christi, TX; Hector Figueroa, Secretary Treasurer, SEIU Local 32BJ, New York, NY; Roberto Jordan, UNITE 62–32, New York, NY; Gary R. Allen, IAM, Albuquerque, NM; Joe Calvo, UAW, Lombard, IL; Susie Luna Saldana, AFT, Corpus Christi, TX; Johnny Rodriquez, UFCW, Dallas, TX; Baldemar Velasquez, FLOC, Toledo, OH; Henry (Hank) Lacayo, UAW, Newbury Park, CA; Lawrence Martinez, GCIU, Washington, DC; Jimmy Matta, Kent Co. WA LCLAA, Seattle, WA; A Polinar Quiroz, USWA, Chicago, IL; Walter Hinojosa, Texas AFL–CIO, Austin, TX; Maria Portalatin, AFT, New York, NY; Manuel Armenta, USWA, AZ; Santos Crespo, Jr., AFSCME, Brooklyn, NY; Angela Mejia, CWA, Channelview, TX; Jose Rodriquez, IAM, Ontario, CA; Armando Vergara, UBC, South Pasadena, CA; Jack Otero, CTC, TCU, Washington, DC, Rudy Mendoza, CWA, Santa Barbara, CA; Tania Rosario, Kent Co. WA LCLAA, Seattle, WA; and Chuck Rocha, USWA, Pittsburgh, PA.

National Council of La Raza (NCLR), Letter of Concern, September 24, 2002.

National Association of Latino Elected and Appointed Officials (NALEO), Letter of Concern, September 25, 2002.

Puerto Rican Bar Association of Illinois, Letter of Opposition.

LABOR

AFL-CIO, Letter of Opposition, January 29, 2003; Letter of Concern, September 26, 2002.

UAW, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Letter of Opposition, February 3, 2003.

CIVIL RIGHTS ORGANIZATIONS

Leadership Conference on Civil Rights, Letter of Opposition, January 29, 2003.

Alliance for Justice; Letter of Opposition, January 24, 2003.

Leadership Conference on Civil Rights, Alliance for Justice, Letter of Concern, September 26, 2002:

Signed by: Leadership Conference on Civil Rights; National Association for the Advancement of Colored People; National Organization for Women; National Black Women's Health Project; Mexican American Legal Defense and Educational Fund; Lawyers' Committee for Civil Rights Under Law; Alliance for Justice; People for the American Way; National Council of Jewish Women; National Family Planning and Reproductive Health Association; and Feminist Majority.

Sierra Club, Letter of Opposition, January 31, 2003.

Friends of the Earth, Letter of Opposition, February 3, 2003.

National Association for the Advancement of Colored People (NAACP), Letter of Opposition, October 24, 2002.

People for the American Way, Letter of Opposition, January 29, 2003, Letter of concern, September 25, 2002.

National Women's Law Center, Letter of Opposition, January 29, 2003.

National Partnership for Women and Families, Statement of Opposition, January 30, 2003.

American Association of University Women, Letter of Opposition, January 23, 2003.

Planned Parenthood Federation of America, Inc., Statement of Opposition, January, 2003.

NARAL Pro-Choice America, Letter of Opposition, January 29, 2003.

National Organization for Women, Letter of Opposition, January 29, 2003.

National Family Planning and Reproductive Health Association, Letter of Concern, January 31, 2003.

National Council of Jewish Women, Letter of Opposition, February 3, 2003.

Others Opposed to Confirmation, Statement, January 31, 2003: ADA Watch/National Coalition for Disability Rights; Americans for Democratic Action; Earthjustice; Feminist Majority; Moveon.org.; NAACP Legal Defense and Educational Fund, Inc.; National Fair Housing Alliance; and Working Assets.

Consumer Federation of America, Letter of Concern, September 25, 2002.

LAW PROFESSORS

Society of American Law Teachers, Letter of Concern, October 9, 2002.

Rodriquez, Marc, Princeton University, Princeton, NJ.

CITIZENS

University of Virginia Law Democrats; Urging no vote until production of documents, February 3, 2003.

Mark and Debra Loevy-Reys, Shrewsbury, VT.

Harry Callahan, Ft. Lauderdale, FL.

Eugene Hernandez, San Fernando, CA.

Paul Moreno, Mission Viejo, CA.

Hall, George, Manhattan Beach, CA.

Lizbeth Stevens, Los Angeles, CA.

Christopher Chase, Lansing, MI.

Mr. DURBIN. The list of organizations that oppose Miguel Estrada is extremely long. It goes on for pages. Congressional Hispanic Caucus and Black Caucus—but listen to these. The Mexican-American Legal Defense and Education Fund—this is the premier Hispanic civil rights organization in America—opposes the nomination of Miguel Estrada. Frankly, I hope we do have a nominee of Hispanic origin who is on the Supreme Court as quickly as possible, as soon as there is a vacancy and a qualified candidate. But I hope Members will take pause to realize that just having a Hispanic surname is not enough. We need to bring a person to the highest court of the land who really understands that responsibility and is not so cagey and careful when it comes to explaining his point of view. That has been the case with Miguel Estrada.

He is, in fact, a stealth candidate. It's an effort by the Bush White House to put in a secret judiciary, judicial nominees who do not share their point of view with the public so you, frankly, have to gamble, when they come to the bench, that they will be moderate and reasonable in their judicial views. That is not the case with Miguel Estrada.

Let me make note, too, of the Federalist Society, to which Mr. Estrada belongs. He appears to be following the advice of DC Circuit Judge Lawrence Silberman, who recently told the Federalist Society that he provided key advice to Antonin Scalia in 1986 that led to his smooth confirmation. Lawrence Silberman told the great Federalist Society that he said to Antonin Scalia: Don't answer any questions about judicial philosophy or views.

It goes back to the Clarence Thomas model. When Clarence Thomas, like Miguel Estrada, told the Senate Judiciary Committee at the time that he had no opinion on the issue of abortion—that is a red flag. There have been judicial nominees from the Bush White House who disagree with my position on this important issue, but they have been honest enough to say that, regardless of my personal and private points of view, when it comes to my responsibility as a judge, I will follow Roe v. Wade until it is overruled by the Supreme Court. As John Ashcroft, another person who opposes Roe v. Wade, has said, it is the established law of the land until overturned. Why couldn't Miguel Estrada, who has been a Supreme Court clerk, go that far—to acknowledge that point of law, that stare decisis and precedent would guide him on an issue as important as Roe v. Wade?

His refusal to do that has caused alarm on this side of the aisle, among the majority of the Members.

Let me speak to you about some of the other issues that have been raised by some of my Republican colleagues during the course of this debate. We have heard from a Republican Senator in the Dallas Morning News that if we deny Mr. Estrada the position on the DC Circuit, it would be to shut the door on the American dream of Hispanics everywhere.

The reality is that until last week, Mr. Estrada was the only Latino nominated by President Bush to any of the 42 vacancies that have existed on the courts of appeal. In contrast, President Clinton nominated 11 Latinos to our appellate courts, and he also nominated 21 to district courts. Republicans blocked several of these, including Enrique Moreno, Jorge Rangel, and Christine Arguello.

Let me also note this argument about Estrada which Senator TRENT LOTT said to the Associated Press last year, that they—the Democrats—don't want Miguel Estrada because he is Hispanic. The reality is that 8 of 10 Hispanic appellate court judges were appointed by President Clinton. Three other nominees of President Clinton to the courts would apply, as well as others for the district courts.

Mr. Estrada, in his background, has never in his legal career provided any pro bono legal expertise to the Latino community. He has never joined, supported, volunteered for, or participated in events of any organization dedicated to serving and advancing the Latino community. He has never made any effort to open the doors of opportunity to Latino law students or junior lawyers.

Let me refer to another comment made by some of the Republicans in the Chamber. Senator RICK SANTORUM said this on Fox News on April 10 of last year:

> They don't want any examples out there for America to see of somebody who is conservative and also minority. . . . [I]f you are a conservative, we don't like it. But if you are a minority and a conservative, we hate you.

Under Senator LEAHY, then chairman of the Judiciary Committee, the committee approved the following Bush nominees: Phillip Martinez, Jose Martinez, Alia Ludlum, Randy Crane, and Judge Jose Linares.

Time and again, when Republicans controlled the Senate, the Judiciary Committee has approved these judges who are conservatives and minorities.

The point made by our colleague, Senator SANTORUM, just does not wash.

Let me note some of the other statements that have been made.

They argue that requesting Mr. Estrada to produce his writings is unprecedented.

Here is a man who has not been a judge but is in the Solicitor General's Office who had a bounty of legal writings, and we are asking that he present them so we can have an insight into his thinking—not unlike a judicial nominee who has served as a judge and we read his opinions to try to understand where this judge is coming from. It is not unusual, frankly, in the Judiciary Committee to point out that a judge has been overruled a certain number of times to know whether or not they have clear thinking and whether or not they understand the law. But when it comes to Miguel Estrada, the Bush White House under Republicans refused to give us the documentation so we can see into the mind of Miguel Estrada who has carefully avoided answering direct questions on judicial philosophy.

The Department of Justice provided memos by attorneys during the nominations of William Bradford Reynolds, nominated to be Associate Attorney General; Robert Bork, nominated to be a Supreme Court Justice; Benjamin Civiletti, nominated to be Attorney General; Stephen Trott, nominated to the Court of Appeals for the Ninth Circuit; and even Judge William Rehnquist when he was nominated to be Chief Justice of the Supreme Court.

So asking for this documentation is certainly not unprecedented. In fact, there is ample precedent. When we look at the Estrada nomination, we see a clear effort to stonewall. Mr. Estrada has refused to say whether he would strictly interpret the U.S. Constitution.

Listen carefully to what I say here. There is not a single Clinton nominee who would have made it past this question before the Republican Senate Judiciary Committee. They were each asked point blank that question. If they did not answer in a fashion acceptable to the Judiciary Committee, it was over, their nomination was finished.

Miguel Estrada comes before us and refuses to even answer the question. I think I know what his answer would be. But why is he so afraid to share his judicial philosophy with us? Is it so radical, so unusual, is it so out of the ordinary that he is afraid people across America will be worried about putting him on the second highest court in the land for a lifetime appointment? That is the only conclusion I can draw from that.

When it came to Mr. Estrada, he refused to discuss the judicial or legal philosophy of any current Supreme Court Justice.

When I asked nominees for district court judgeships in my State to give me an insight into their thinking about Supreme Court Justices—which you think is good or somebody you disagree with—I got really interesting answers from Democrat and Republican nominees. Sometimes I am surprised by the things they pick out. It gives you an insight into what they are looking for and perhaps the role model on whom they might model their own judicial career.

When it comes to Estrada, a man on the fast track to the Supreme Court, he wouldn't discuss the judicial or legal philosophy of any current Supreme Court Justice. When we asked him to name any Supreme Court decision in history with which he disagreed—as I reflect on this question, this is not about a particular case. This is about a case that was decided 20 or 30 or 40 years ago. In this case, we have a situation where Miguel Estrada refused to answer the question.

So what we have before us, unfortunately, is a situation where we have a candidate who has not brought before us the kind of background, the kind of answers to questions which can give us solace that we are appointing to the second highest court in the land a man who has the qualifications and the temperament and the skill to handle the job.

Our colleagues have emphasized that Mr. Estrada received a well-qualified rating from the American Bar Association. The ABA committee rating of Mr. Estrada, as for all nominees, is advisory and not binding. But it is interesting to look at that rating and what it has meant in the past.

Last fall, a number of Republicans complained that a Bush nominee with a well-qualified rating from the ABA received votes against their confirmation, but there was no acknowledgment that many of these same Republicans had voted against Clinton nominees who received well-qualified ratings.

While the Republicans were in control of the Senate, and when the Judiciary Committee was chaired by Senator HATCH, the following nominees received well-qualified ratings, and many Republicans voted against them:

Judge Merrick Garland, the last judge confirmed to the DC Circuit; Judge Gerald Lynch, of the Southern District of New York; Judge Rosemary Barkett—who is, incidentally, a Latina—who was found well-qualified for the Ninth Circuit was voted against by the Republicans; Judge William Fletcher of the Ninth Circuit; Judge Ray Fisher of the Ninth Circuit; Marcia Berzon of the Ninth Circuit; Sonia Sotomayor, another Latino, a nominee found well-qualified by the ABA and voted against in the Second Circuit by Republicans; Judge Margaret McKowen, of the Ninth Circuit; Richard Paez, to whom the Senator from Nevada just made reference, another Latino, to the Ninth Circuit, and was held up for 4 years, was found well-qualified, not voted for by Republicans; Judge Margaret Morrow, of California, voted well-qualified.

Incidentally, the line of inquiry on Margaret Morrow I thought was the most intrusive I have ever heard. Under the Republican-controlled Senate Judiciary Committee, Margaret Morrow, with the most amazing legal credentials and who answered every question, finally in her frustration, when the Republican majority on the Senate Judiciary Committee said to her: We want you to tell us how you voted throughout your life on propositions on the California ballot. Did you vote yes or no, and why?—we are asking Miguel Estrada what his position is on Roe v. Wade, and the Republican majority on the floor here is saying: You are going too far.

When it came to Clinton nominees such as Margaret Morrow, they wanted her to violate the secrecy and sanctity of her vote in the polling place and explain how she voted on a proposition before the California electorate. That shows you how far they were going to go—way too far in the extreme to stop the well-qualified nominee.

All we are asking of Miguel Estrada is the basics: What is your position on basic constitutional issues? When it comes to Supreme Court decisions, discuss one of them you might have disagreed with in the last 40 years, or in the history of the Supreme Court.

Mr. HATCH. Will the Senator yield for a question?

Mr. DURBIN. In one moment.

Asking him: Give us the name of one Supreme Court Justice, living or dead, whom you would emulate as a member of the bar or as a member of the bench. He refuses to answer any of those questions.

I will yield to the Senator from Utah.

Mr. HATCH. Does the Senator remember—you may or may not have been there at the time—he was asked about Roe v. Wade, and he said it was settled law and that he would apply it? Does the Senator remember that?

Mr. DURBIN. I am happy to read exactly what he said when I asked the question because I sent it to him in the written questions that came.

Mr. HATCH. That is what it said in the transcript.

Mr. DURBIN. If the Senator will bear with me.

Mr. HATCH. It is on page 128 of the transcript. Specifically asked, he said it is settled law and he would apply it. I do not know what more he could say.

Mr. DURBIN. I am looking for it.

Mr. HATCH. I certainly do not know what more he should have said. If you go to page 128——

Mr. DURBIN. This isn't what I am referring to. These are written questions which were sent to him. I just read his answer. It was curious to me, I say to the Senator from Utah, when he was given an opportunity to say just that, he did not. He did not.

Mr. HATCH. Well, he did. In his oral questions he was asked about Roe v. Wade, and he said it was settled law, he would apply it. Maybe he did not say exactly what you wanted him to at the time, but that is what he did say.

Mr. DURBIN. Let me read my question:

> You and I met privately before your hearing—

I addressed this to Miguel Estrada—

> and I asked you for your views on Roe v. Wade. You indicated you considered the answer to that question to be a private matter, but your answer suggested you do have an opinion. Do you have an opinion on the merits of Roe v. Wade? If so, have you read the briefs and transcripts of the oral argument?

This is Miguel Estrada's response:

> I stated during our meeting, like many Americans, I have personal views on the subject of abortion, which views I consider a private matter that I was unprepared to share or discuss with you. I also stated I do not harbor any personal views of any kind that if I were a judge would preclude me from applying controlling Supreme Court law in the area of abortion. I did not state that I have private views on whether Roe v. Wade was correctly decided. As I stated during my hearing, it would not be appropriate for me to express such a view without doing the intensive work that a judge hearing that case would have to undertake, not only reading briefs and hearing the arguments of counsel but also independently investigating the relevant constitutional text, case law, and history.

Had he answered exactly as the Senator from Utah had said—it is controlling law, and that is what I will apply, or this is my view on the general issue of privacy—I think it would have opened our eyes to an insight into what he was thinking. But again, he was careful to avoid——

Mr. HATCH. Will the Senator yield again?

Mr. DURBIN. I am happy to yield.

Mr. HATCH. Senator FEINSTEIN asked him about Roe v. Wade. He basically said that he should not discuss his views on it, but he said, on page 128:

> I have had no particular reason to go back and look at whether it was right or wrong as a matter of law as I would if I were a judge that was hearing the case for the first time. It is there. It is the law as it is subsequently refined by the Casey case. And I will follow it.

And Senator FEINSTEIN said:

> So you believe it is settled law?

Mr. Estrada said:

> I believe so.

So maybe he did not answer exactly the way you wanted him to in the written questions, but in the oral testimony he made it very clear that he would follow the law and that he believes it is settled law. I do not know what more he should have said.

Mr. DURBIN. I say to my colleague from Utah, I thank him for the question. And I just say that I cannot quite understand how we could get so many different versions of answers from this nominee. That is troubling to me. It concerns me. And I think it raises the question of whether or not he was coached in terms of avoiding or trying to avoid expressing his personal point of view.

I see other colleagues in the Chamber seeking recognition at this time. I have spoken earlier, and I will just say, before closing, I hope that those following this debate will understand the historic nature of the debate. What is at stake here is the question of the constitutional authority and responsibility of the Senate when it comes to the advice and consent given on judicial nominees.

We believe, on this side of the aisle—at least many of us do—that Miguel Estrada should be more forthcoming, should give us his writings so we can understand what is in his mind and what he would bring to this bench so we would have better answers to the basic questions we should ask every nominee from every President. To do otherwise is to relegate us to a minority status in terms of our major responsibility under the Constitution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the Senator from Mississippi wishes to speak now. He told me earlier that he wishes to speak for 10 or 15 minutes. That would take us past 12:30. I ask unanimous consent that the distinguished Senator from Mississippi be recognized for up to 15 minutes, and following that the Senate recess for its normal Tuesday recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Nevada for making that request. I believe I can make my remarks in that time.

Mr. President, I take this occasion to speak on behalf of this nominee. I think he certainly deserves to be confirmed by the Senate, in a normal vote which would require a majority of the Senators, and that this matter not be subject to a protracted debate, which could, in fact, turn it into a filibuster.

I wish to speak first in support of this specific nominee, but then also as one who has viewed the judicial nominations and the debate that has taken place over the past 7 years.

There has been a lot of interesting discussion. It is amazing that when the majority changes, the debate seems to shift sides, both ways. Some of the arguments we are hearing now we were criticized for making in the past. But I do not want to get into statistics or what may have happened with this judge or that judge.

At the beginning, I want to talk about this nominee, this outstanding man who has lived the American dream in an incredible way. I am pleased and honored to be able to come to the floor and express my support for Miguel Estrada to be a U.S. circuit judge for the District of Columbia Circuit Court of Appeals.

I think he is highly qualified to be a Federal judge. Beyond that, however, his American success story exemplifies what the American dream is really all about. It is about hard-working immigrants who moved to the United States and searched for a better life. It is people, such as Mr. Estrada, who have made our country stronger by contributing to our society with their strong work ethic and desire to achieve. Others have made those points, but I want to be on record talking about them myself.

First, Miguel Estrada was born and raised in Honduras, and immigrated to the United States at age 17, speaking little English at the time. He quickly learned English, however, and excelled in academics, graduating with a bachelor's degree magna cum laude and Phi Beta Kappa from Columbia College. Then he went on to earn his J.D. degree magna cum laude from Harvard Law School. I might add, he was editor of the Harvard Law Review, a high honor and great achievement.

He had valuable opportunities to learn the intricacies of the Federal appeals court system by clerking for a Second Circuit court of appeals judge—who was a Carter appointee—and serving as a clerk for U.S. Supreme Court Justice Anthony Kennedy.

He has built a distinguished record as an attorney in private practice, as a Federal prosecutor in New York, and as an Assistant to the Solicitor General under both President Clinton and President George H.W. Bush.

Mr. Estrada has argued 15 cases before the U.S. Supreme Court, including a death penalty case in which he represented a death row inmate pro bono. The point was made that maybe he had not done any pro bono work for Hispanics specifically, but when you do pro bono work, you do not always check that kind of background. You do this work on behalf of a client who would not be represented if you were not willing to serve without pay on behalf of this individual.

It is rare to see an attorney or judge with such an outstanding record even at the time of retirement. The experience this young man has had is incredible in terms of his background, his education, the variety of the experience he has with the judiciary and with the application of law—and even before the Supreme Court, both as a clerk and also in appearances he has made. So, clearly in terms of experience and education, Miguel Estrada is highly qualified.

I find it very curious and exacerbating, quite frankly, that some Members of the Senate are questioning whether or not he is qualified. After all, he was rated unanimously well-qualified by the American Bar Association, a rating that has been considered—I believe Senator HATCH and others have described it as the "gold standard" for the Democrats as to whether or not a man or woman should be qualified to serve on the Federal judiciary. So certainly to get a unanimously well-qualified rating from the ABA should make a tremendous difference here as to this nominee.

He does have the support of a lot of people in the Hispanic community. In fact, I know Hispanics all across America are asking the question: What is the problem here?

This is a well-qualified man who is Hispanic and has the educational background and experience. Why are they still opposing him? Is it because he is brilliant? I suspect maybe that is part of the problem. Is it because he has a conservative philosophy of strict construction and interpretation of the Constitution? Maybe that is part of it, too. Is it because he is Hispanic? I don't understand the basis for the opposition.

The only thing I heard is that maybe he hasn't revealed enough of what he might do in a hypothetical case or the argument just being made, or that he would not name a decision with which he disagreed. It is a catch-22. If you begin to speculate or if you begin to identify a particular case, then you are attacked because you identified that particular case.

We have a right and an obligation to ask any question we want to ask. Judicial nominees have a right to have their own private views, but they also, as he has done, have to speak up and say they will support the law as it exists. They should state that they will support the rulings of the Supreme Court. He has done that.

No, there is something more going on. It probably has something to do with the debate that just took place, with speculation or suspicion as to what his position privately may be on Roe v. Wade. That is partially what is going on here.

We have argued back and forth over the years about what should be the basis for our votes. I talked to my senior colleague from Mississippi, Senator COCHRAN, who served on the committee and is a senior Member of this body, about what should be the basis of these votes. Generally speaking, the nominee is selected by the President of the United States, who won an election. A lot of people understand one of the most important things a President does is to select the men and women who will go on our Federal judiciary and the Supreme Court. They make that selection. If that man or woman is qualified by temperament, by education, and by experience, and unless there is some ethical limitation or something of that nature, generally speaking you ought to give them the benefit of the doubt and vote for them.

That is why I stood here in the Senate and explained why I would vote for Justice Ruth Bader Ginsburg. I knew I wouldn't agree with a lot of her decisions. I didn't agree with her philosophy. But she didn't have a conflict of interest. She didn't have an ethical problem. She was qualified. I voted for her, even though philosophically I had problems with the nomination. There were others where that situation applied, where I wound up voting for them even though I would not agree with the decisions that they would make. That is the way we should do it.

Other times I spoke against nominees and I voted against them, even though as the Majority Leader, I had the responsibility sometimes to call them up. I remember two very controversial judges nominated to the Federal bench, Paez and Berzon from California. Senator HATCH and I were criticized because we, in fact, moved them through the process. They wound up coming before the Senate and were voted on. I voted against them both, but I helped move the process forward. I stated my problems with them and voted against them. I wouldn't dare, however, try to filibuster them because I had some concerns about how they would rule in the Federal judiciary positions for which they had been nominated.

If a decision is made to prolong debate and turn it into a filibuster and we wind up having to have votes on a cloture petition, we will be on the verge of setting a very dangerous precedent, one that has not happened, in fact, in 35 years or so.

I remember a couple of years ago there was a nominee supported, as a matter of fact, during the Clinton years by Senator HATCH, I believe it was. We started having the movement toward a filibuster. I think we maybe even had a cloture vote. I remember the discussion across the aisle. Both sides were saying: Wait a minute, do we want to set this precedent; do we want to do this? Does the Senate want to start voting on judges requiring 60 votes to get a confirmation? The Senate responsibly, wisely, backed away from that position.

I urge my colleagues, come to the floor, state your concerns. If you have additional questions, I guess there is still time to get some answers. But we need to have an up-or-down vote on this nominee this week. He has been pending since May 9, 2001, as have some other very qualified nominees for the Federal judiciary. How long is enough? How much time do you need to review the record and look at the credentials, the qualifications of a nominee?

It is actually embarrassing, the way the questions are being raised about this nominee, that we wouldn't give this nominee an overwhelming and perhaps unanimous confirmation to this position. Is it a fear that this brilliant, young Hispanic who has lived and taken advantage of the American dream might some day be recommended for the Supreme Court? Is that what is going on here? If it is, why don't we at least wait and worry about that when he gets nominated to the Supreme Court.

He is qualified. He will be an outstanding Federal judge. I urge my colleagues to stop using very weak arguments about how maybe he didn't answer detailed questions about what his rulings might be in a hypothetical case. That is not usually the basis we use for voting against a nominee.

I thank Senator HATCH for the job he has done on the committee. I am glad this process is beginning to break loose now for men and women, minorities, who have been pending for close to 2 years and who deserve to be considered by the Senate. I wholeheartedly endorse this nominee and look forward to seeing the leadership he will provide on this particular circuit court of appeals.

I yield the floor.

RECESS

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:37 p.m., the Senate recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Resumed

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I have listened with great interest, and even great concern, to the debate that has taken place in this Chamber on the issue of Miguel Estrada's nomination to serve on the DC Circuit Court of Appeals, and I feel impelled to stand and explain the reasons why I think not only Miguel Estrada deserves confirmation by this body—indeed, he deserves a vote—but why I think the judicial confirmation process is broken and has fallen into a state beneath the dignity of this institution and this body.

Indeed, I think if you could characterize what has been going on with regard to this confirmation process, you could talk about "delay"—the fact that Miguel Estrada's name had been sent up for consideration by the Senate some 18 months ago, on May 9, 2001.

Second, I would choose the word "defeat" in talking about this nomination. It is clear the overarching objective of those who choose to oppose this nomination are those who wish to defeat President Bush on any and every front they can find, where they don't believe they will have to pay a political price.

You could also talk about "deny"—denying an opportunity for immigrants like Miguel Estrada, someone who is living the American dream, to serve in a position of public trust.

Finally, I will use the word "dispirit." Clearly, there is an attempt to dispirit those who would offer themselves for public service, to make it so burdensome and so distasteful that they will choose not to offer themselves for public service.

So I believe much of this debate encompasses these four concepts: Delay, defeat, deny, and dispirit.

Now, how have opponents to Miguel Estrada's confirmation chosen to approach their opposition? First, I believe they have used scare tactics. The Senator from Massachusetts said the other day:

> When this or any other administration nominates judges who would weaken the core values of our country and roll back the basic rights that make our country a genuine democracy, the Senate should reject them.

And then we heard from the Senator from Vermont:

> We see an emboldened executive branch wielding its rising influence over both Houses of Congress and ever more determined to pack the Federal courts with activist allies, to turn the independent judiciary into a political judiciary.

Mr. President, if either one of those statements were true, if I believed those accusations were supported by the evidence, I would not support this nomination, nor would, I believe, any Senator, Republican or Democrat, support this nomination. But I believe more than anything else that sort of rhetoric, unsubstantiated in fact, is proof positive this confirmation process is broken. And I say enough is enough.

Opponents of Miguel Estrada's confirmation claim he has an inadequate record. They claim he has little relevant practical experience. They claim because he would not engage with them in a debating tactic, asking him whether there is any Supreme Court decision with which he disagreed, and finally, they claim that he has not clearly stated his judicial philosophy.

In my remarks over these next few minutes, I hope to address each one of those objections and show they are merely pretext for what is really going on here.

The American people know what is going on here, though, regardless of what Members may claim. They realize the judicial confirmation process in the Senate has become a game of political football, where the participants think they are going to score points against their opponent—Republicans against Democrats, Democrats against Republicans. But while the people who engage in this game of political football may believe they are scoring points, it is the American people who lose.

Again, I want to associate myself with the thoughtful remarks made the other day by the senior Senator from Pennsylvania who called for an end to the fingerpointing, the recriminations and the faultfinding. He called for the beginning of a new protocol, a new process that befits the dignity of this institution, one that would provide a timely, comprehensive, and efficient way to evaluate and vote on judicial nominees, regardless of which party is in power in the White House.

First of all, I want to address the objection that has been noted about Mr. Estrada's refusal to state a political position or ideological position on a whole range of issues that will, in all likelihood, come before him on the bench.

Everyone knows judges are not supposed to be politicians, running on the basis of a party platform, and, worse yet, everyone knows judges are not supposed to prejudge cases that may come before them. Why have a trial? Why have the adversaries in a court of law argue about what the facts are or what the application of the law to those facts should be if a judge is going to prejudge that case? That is not justice; that is the antithesis of justice and the dispassionate impartiality we expect from judges.

Every lawyer—and this body is chock full of lawyers—knows that cases are decided on the basis of the facts and the law, not—in a court of law, at least—on the basis of a political persuasion or an ideological position. Of course, Mr. Estrada is well within his rights to say, I am not going to prejudge a case because I do not know exactly how the facts may come before me; I do not know how the jury may decide the facts, and therefore I cannot tell you how the law may apply to that particular set of facts on a case-by-case basis.

Under our system of government, judges hold a very different job from that held by a member of the legislature or even the President, a member of the executive branch. Judges, if they are going to be true to their oath, if they are going to interpret the law, not make law, are bound by what this body says the law should be when we pass a bill or the President signs a bill into law, by the Constitution, and by precedents; that is, earlier decisions made by high court.

Any judge who presumes to take on the role of a lawmaker is, I submit, a lawbreaker. A judge should not be a politician campaigning for confirmation, and I applaud Mr. Estrada for refusing to submit himself to that sort of process and refusing to prejudge cases or to act like a politician campaigning for confirmation.

During the Judiciary Committee hearing and during the executive sessions in which I participated as a member of the executive committee, Mr. Estrada was asked: Do you disagree with any previous decision of the U.S. Supreme Court? I am afraid that demonstrates again what the judicial confirmation process has degenerated into. It should not be trivialized, and it should not be reduced to a law school classroom where narrow and provocative points of law are debated.

Does anyone really doubt that if any nominee disagreed with a Senator's view on policy issues, no matter how wrong under the law, we would see nothing but further degeneration of the confirmation process?

I believe that Mr. Estrada, being a good lawyer and highly qualified to serve on the DC Court of Appeals, is following the dictum of a Supreme Court Justice who said the Supreme Court is not final because it is always right; it is right because it is final. In other words, the way the Supreme Court decides a case puts it to rest unless, in the legislative area, Congress comes back and passes a statute that, in effect, overrules that decision by changing the law and making it perhaps clearer what its intent is, or even, in the rarest of circumstances on a constitutional point, that the people choose to amend the Constitution and say that does not represent what we, the people, want the Constitution to reflect or it does not reflect our values. And there is a process, of course, for that as well.

One of the most extraordinary arguments I have heard by opponents to Miguel Estrada's confirmation is that he does not have the experience to sit on the DC Court of Appeals.

I have been honored during my career to serve as a judge at a trial court level, at a State supreme court level, and I have been honored to serve as an attorney general of my State, the State of Texas, before I came to the Congress. I will tell you that Mr. Miguel Estrada has exactly the kind of experience that has prepared him better than virtually anyone could possibly be for service on this court.

Of course, we all know his record, a distinguished academic record. We know he served in the Solicitor General's Office during the Clinton administration and argued 15 cases before the U.S. Supreme Court. As attorney general of Texas, I had the honor of arguing twice before the U.S. Supreme Court myself, and I must tell you that is the Super Bowl for someone in my profession and someone in Miguel Estrada's profession. That is the peak of your career. That is the highlight of your legal experience, and to do it 15 times, it is as if he had Super Bowl rings on every finger of both hands, and to claim he is not qualified is preposterous.

Of course, you cannot have the experience of being a judge until you have actually been one. People have to start somewhere. Even the senior Senator from New York has stated that Miguel Estrada passes his self-styled test for excellence. He said: Excellence is legal excellence, the quality of the mind. We don't want political hacks on these important courts. No one disputes that Mr. Estrada passes this point with flying colors. He comes highly recommended in this regard. When the

ABA, the American Bar Association, recommends him, that is all they are evaluating.

I believe it is a red herring to argue that Miguel Estrada has insufficient experience to serve on this important court.

What is really going on? I think a comment in the CONGRESSIONAL RECORD on February 5, 2003, by the ranking minority member of the Judiciary Committee, the Senator from Vermont, is very telling, and I want to read this twice so there is no missing what he said.

He said:

> I have friends who range across the political spectrum. But I think I also would be willing to state what my political philosophy is, or certainly what my judicial philosophy is, if I am going to ask for a lifetime appointment to the bench, just as I have to state what my political philosophy is when I ask the people of Vermont to elect or reelect me.

So it is clear, what the Senator is saying is he expects a person nominated by the President, before this body for confirmation, to express a political philosophy, just like he or any other Member of this body would running for the Senate.

I believe that demonstrates exactly how wrong the concept is of what the advice and consent function of the Senate should be under our Constitution, and how wrong the concept is of what a judge should be under our Government of separated powers. I want to talk about that in a moment.

When I think about the scare tactics that have been employed over the last few weeks with regard to Miguel Estrada, it becomes crystal clear to me why our Government has a difficult time recruiting talented individuals to leave the private sector and offer themselves for public service. Why would anyone in Miguel Estrada's position, a successful lawyer, someone who, as I said, has been to the Super Bowl 15 times, subject himself to such a spectacle?

Mr. Estrada is very good at what he does. He has a successful law practice as a partner in a prestigious firm. In the 16 years he has practiced law, his reputation is unblemished. For the first time in his career, his professionalism, his temperament, his willingness to put his hand on the Bible and take an oath and abide by that in performing the job of a judge are all being called into question. Again, I ask: Why would he or anyone else like him subject himself to this broken process?

If he were here today, he would say, as he told me in my office, that accepting this nomination to serve on the DC Court of Appeals is not about personal accomplishment, personal achievement, but it is a sense of duty and obligation to our country, his adopted country.

This country took in his mother and his sister, and himself. At age 17, he came from Honduras to America, barely speaking English. Working together and at great sacrifice, his mother put Miguel through law school, with his help. He worked odd jobs. It is also worthwhile to note, they put his sister through medical school.

These immigrants, one a distinguished lawyer, another a distinguished doctor, by dint of hard work, access to a good education, have achieved what we all recognize as the American dream and what every immigrant hopes for. Indeed, we are a nation of immigrants. Through education and hard work, they have found prosperity, and this opportunity, this hope, is the best civil right this country can give to any immigrant.

Miguel Estrada sees this as an opportunity to contribute to a way of life that provided him a way out, an opportunity for great achievement and success, and an opportunity for public service. Only under our broken, destructive judicial confirmation process, as it has now become in this body, someone can be demonized, not just criticized but demonized, for such an honorable goal. It is a shame.

America has always been, and God willing will always be, a land of opportunity. Yes, despite our imperfections, despite our mistakes, millions have flocked to these shores seeking a better life for themselves, their children, and their grandchildren. America is, of course, a land of immigrants, where those who come look for freedom to speak as they wish, to associate with whom they choose, to worship according to the dictates of their conscience and, yes, to seek justice. Those who have come have spared nothing, sometimes even their own lives, seeking opportunities for those who come after. At different times during the course of this Nation's history, they have come from England, Italy, Ireland, Spain, Mexico, Canada, Asia. They have come by the thousands and tens of thousands. What has drawn them irresistibly to this country is their hope and their ambition, not just for themselves but for those who would come after them.

It is that diversity, that desire, that dedication, that is the bedrock of American strength and resilience, and which has made America a beacon of hope for the rest of the world.

To me, one of the most amazing things about Miguel Estrada's story is in many ways it is not unique. It is exemplary, but it is not unique. His learning to speak English at 17, his subsequent admission and outstanding accomplishment at the premier institutions of higher learning in this country, have all been remarkable, but the simple immigrant story that is his life has been repeated time and again over the course of this Nation's history. People have come to work in this country with little but their hopes and their dreams, and by dint of faith, hard work, determination, sacrifice, they achieve the American dream. Each time this happens, and it has happened time and again during the course of this Nation's history, America redeems a promise it makes to all who would come here: Liberty and justice for all.

Too often, we focus on what is wrong with our country. No doubt we should strive to correct our mistakes, strive to overcome our shortcomings whenever and however we can, but we would be a cynical people, knowing the costs of everything and the worth of nothing, if we did not also celebrate what is right in America. We should celebrate occasions like this when the hopes, dreams, and aspirations of an immigrant family from Honduras have become a reality, confirming once again America is indeed the last best hope of mankind, where all who come here and who are willing to work hard to sacrifice can live up to their God-given potential.

We have heard it said Mr. Estrada has not laid out his judicial philosophy. I was surprised to hear that in the Senate Judiciary Committee the other day, when the senior Senator from New York made that charge, and said all he has told us is he will follow the law, he has not told us what his judicial philosophy is. Well, I think Mr. Estrada has articulated the best judicial philosophy that we as Americans could possibly hope for, a judicial philosophy and a dedication to the law that the American people who appear before the bench require.

What he has said is he will not pursue his own agenda. He will not pursue a social or political agenda. He will not try to make the law according to his liking. He will give the legislatures' enactments and the acts of Congress deference and will seek to determine our intent as policymakers and as those in the political branch who run for office based on a platform saying what we are for and then are voted for by the people of our State to come here. By saying he would follow the law, he is saying he would not only honor legislative acts, he would follow judicial precedence. That is the decisions by the highest court in the land.

As legislators, as those in the Senate who have the awesome responsibility of advice and consent, we should want to hear that. We should embrace it. There is no role for advocacy of personal beliefs or political agendas on the part of a judge under our Constitution. Judges are bound to follow Supreme Court precedent, whether they agree with it or not as a personal matter. If there is such a thing as the rule of law as opposed to the rule of men, judges are bound to follow the acts of the legislature and judicial precedent, whether they agree with them or not. Mr. Estrada has committed to follow the law, whether he agrees with it or not.

Personal views and ideology have no role whatsoever to play. I believe that under our Constitution—and I believe that is what is taught in our classrooms in civics every day across this Nation—this is the appropriate role for a judge and for our judicial branch. We don't want them making legislative policy. We do not want judges who are legislators in robes.

My colleagues across the aisle in this Chamber know, we all know, that is our job. We stand accountable to the American people and to the voters of our States for doing that job. That is what we have accepted by coming here and agreeing to represent our States.

A lot of the debate we are hearing today, this week—and who knows how long this will go on—is not just about Miguel Estrada but about what is the appropriate role for our three branches of Government. Heaven knows, this is not a brandnew debate. But I would think most of the country would have thought that matter already settled. Indeed it was. Alexander Hamilton wrote about it in the Federalist Papers, of course, as the President knows, when the people of New York were considering this new Constitution, whether to ratify it. He was explaining the various provisions of this new Constitution to the people at that ratifying convention in New York. It is addressed in Federalist No. 78, what is the role we expect of the judiciary and how does that relate or compare to the role we have for the legislature or for the executive branch—the President.

He said:

> Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous [branch] to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive [on the other hand] not only dispenses the honors, but holds the sword of the community.

In other words, the executive's job is to execute the laws passed by the legislature.

> The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated.

In other words, the legislature makes policy, makes the law.

He goes on to say:

> The judiciary, on the contrary, has no influence over the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

I would like to address one other comment that is made from time to time about the role of the Senate in performing its advice and consent functions. Some Senators I have heard say they perceive their role as seeking to achieve balance of the courts, by which I take them to mean they believe that a court, the District of Columbia Court of Appeals, must be evenly split with judges of different philosophies.

That concept is completely alien to our Constitution. Balance and independence, in our judicial branch, are not meant to be determined by Republicans and Democrats choosing their respective champions. The President has a right granted to him under the Constitution to appoint judges of his choosing, subject to the advice and consent of the Senate. That is one of the reasons we vote for a candidate to serve as President of the United States. All we should rightly do as Senators is determine whether or not a nominee has the qualifications and the temperament to be a judge. Included, of course as an element of that temperament, we should expect that nominees will pledge to a sound judicial philosophy, to uphold the law, by giving the legislature deference and by following judicial precedent. Miguel Estrada has pledged to do exactly that, and we should ask no more and no less of any nominee.

I said earlier I believe our judicial confirmation process is broken, that the kind of things we see going on in the process—delay, defeat, denial, and a dispiriting of those who would offer themselves for public service—has created a terrible situation. The process has become so politicized that we find ourselves in situations such as this, where Senators on the other side of the aisle are now talking filibuster, to deny this President the prerogative, granted to him under the Constitution, to appoint a highly qualified individual such as Miguel Estrada to serve on the District of Columbia Court of Appeals.

It is obvious to any reasonable person that the Senate needs a fresh start. We need a fresh start on judicial nominees and on the judicial confirmation process. Miguel Estrada, like other nominees, has waited for an inordinate amount of time—18 months so far. We owe it to the men and women who are nominated by the President to do our job on a timely basis, and to do it applying constitutional standards, not those that we make up or which we perhaps prefer, or those which serve the political interests of some constituency. The truth is, we owe it not only to the men and women who are nominated, we owe it to the American people to do our job, to do it on a timely basis, and to apply correct constitutional standards, because we know, and common sense will tell us, that the failure of this body to timely act on the President's nominees means that very real human beings with real live cases and controversies that they need to have resolved are simply being told there is no room for their case. Justice delayed is justice denied.

As someone new to this body, I hope a new system can be devised enabling us to consider, on a bipartisan basis, new rules, a new agreement, a new paradigm, a new protocol that will guide us in the manner in which we consider the President's nominees. That is not just for this President, but anyone elected by the people to serve in that important office, regardless of who is in power, whether it is a Republican or a Democrat.

The result of this fresh start should be timely consideration of a nominee's qualifications and an up-or-down vote by the Judiciary Committee—and certainly no one is suggesting that any Senator ought to do anything other than to cast their vote either for or against a nominee. But they ought to do so on a timely basis. We should not have the kind of delay which we have had in this case. But if a nominee is voted out of the Judiciary Committee, then, of course, there ought to be that timely vote by the entire Senate regardless of who is President. Let us not hold to the delays and obstructions of the past as methods for treating judicial nominees in the future.

In closing, I urge my colleagues to confirm Miguel Estrada. I believe we ought to have a vote today on his nomination. We have had many days of debate. We have had 18 months since the President first proposed his name. Mr. Estrada has been scrutinized and questioned. His background has been investigated by the FBI. I believe he deserves a vote either up or down today.

Of course, I will, for the reasons I have just stated, vote for his confirmation. I believe the Nation will benefit from his experience, and he will be given the opportunity to give back to his adopted country through this position of honorable public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first, I have enjoyed the presentation of the Senator from Texas. But I would suggest that my experience here over for now more than two decades indicates that the problem isn't a matter of whether it is a Democrat or a Republican President. The process is broken down there. It is not up here. The advice and consent role which we have under the Constitution is something that should work and should continue to work.

I suggest here on the floor myself that we need to do something to speed up the process down there. When these people apply for judgeships, the work is unending. For people who want to have Cabinet or sub-Cabinet jobs, the process is unending, and we have to do something to get that speeded up. The problem is not up here.

The Senator from North Carolina wishes to speak for up to 10 minutes. Following that—I always want to refer to Senator BYRD as the leader, and he is a leader but he is now the President pro tempore emeritus—I ask unanimous consent that Senator BYRD, the distinguished Senator from West Virginia, be recognized following the remarks of Senator EDWARDS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I believe judges have no greater responsibility than to ensure fair treatment and equal justice under the law. I also believe one of our greatest responsibilities as Senators is to advise and consent on the President's nominees to the bench. I, for one, take this responsibility very seriously. It is not our duty as Members of the Senate to just rubber stamp the President's nominees—particularly nominees who we doubt are committed to protecting equal rights for every single American.

Having read the record of this nominee very carefully, I feel compelled to oppose the nomination of Miguel Estrada for two reasons. First, what we know about his record raises serious questions about his commitment to protecting equal rights under the law.

Second, and more importantly, his refusal to answer reasonable questions during the confirmation process makes it impossible to examine his views of the law and determine whether his personal views would overrule law and legal precedent.

Federal judges wield enormous power and have a huge impact on the rights of individuals all across America. Given the fact that the Supreme Court reviews fewer than 100 cases per year, circuit courts, such as the DC Circuit where Miguel Estrada is being nominated to, ends up as the courts of last resort for nearly 30,000 cases each year.

Let me repeat that. Fewer than 100 cases are reviewed before the Supreme Court, and 30,000 cases are decided at the circuit court level.

These cases affect the interpretation of the Constitution as well as statutes enacted by us to protect equal rights. The circuit courts are the courts where Federal regulations will be upheld or overturned, where many personal rights will either be kept or lost, and where invasions of freedom will be allowed or curtailed. They are the courts where thousands of individuals will have a final determination in matters that affect their financial future, their health, their liberty, and their lives.

The District of Columbia Circuit is an especially important court in our judicial system. It is the most prestigious and powerful appellate court below the Supreme Court level because it has exclusive jurisdiction over critical Federal constitutional rights.

About Mr. Estrada: The little that we know of Miguel Estrada's approach to the law is troubling. But Mr. Estrada's record is not the main reason I can't support his nomination at this time. The main reason is that he has not explained his views. Before his hearing, I looked forward to hearing Mr. Estrada discuss his views, but he refused to do so. Instead, he stonewalled serious and valid questions—serious and valid questions that have been answered by many other nominees who have appeared before the committee.

Other judicial nominees of President Bush have discussed at length their views in hearings before the Senate Judiciary Committee. For example, Michael McConnell, whom I voted for and who was recently confirmed to the Court of Appeals for the Tenth Circuit, thoroughly discussed his views on subjects such as Roe v. Wade and the Supreme Court's recent "federalism" or "States rights" decisions limiting the authority of Congress.

But with Mr. Estrada, it is very different. The Justice Department refused to produce any legal memoranda written by Mr. Estrada during his 5 years as a lawyer in the Solicitor General's office. In this position, Mr. Estrada researched the law, he wrote memoranda, pleadings, and briefs on behalf of the Federal Government on critical and constitutional and statutory questions that were before the U.S. Supreme Court.

I understand the administration has concerns about executive privilege, but there are ways to strike a balance between the privileges of the executive and the rights of the Senate to learn about a nominee before we make a decision about him. That is what has happened during the judicial nomination process of other nominees who have worked in the Solicitor General's office, including Robert Bork and Chief Justice William Rehnquist. We tried to discuss Mr. Estrada's views with him during the hearing, but instead of being forthcoming in answering our questions, Mr. Estrada was extraordinarily evasive. Time after time, Mr. Estrada refused to answer our questions because he claimed not to have an opinion since he has not been personally involved, read the briefs, listened to oral arguments, or independently researched the case.

Anybody who has attended law school, including myself, knows that law students and lawyers express opinions about Supreme Court cases every day because of their ramifications for current cases with similar issues.

Nine times during his testimony Mr. Estrada refused to name any Supreme Court case with which he disagreed. And time after time after time, Mr. Estrada just flat out refused to offer us any explanation of or insight into his view of his judicial philosophy.

For example, we have heard the President state on many occasions that he intended to appoint judges who are strict constructionists—a term commonly used in describing judicial philosophy and often applied to Justices Scalia, Thomas, and Rehnquist. I asked Mr. Estrada a simple question of whether he considered himself within that category; did he consider himself a strict constructionist? But he refused to provide a straight answer.

Question to Mr. Estrada:

> Are you a strict constructionist?

Answer:

> I am a fair constructionist, I think.

Question:

> Do you consider yourself to be a strict constructionist?

Answer:

> I consider myself to be a fair constructionist. I mean, that is today. I don't think that it should be the goal of our courts to be strict or lax. The goal of the courts is to get it right. . . .

I tried again.

Question:

> Let me ask the same question a little differently. The President gave a speech last night at a fundraiser and specifically referred to your nomination, among others. The President said, "For a stronger America, we need good judges. We need people who will not write the law from the bench, but people who"—and I am quoting him now—"strictly interpret the Constitution."
>
> Do you fall within the President's definition?

Mr. Estrada's answer:

> I have not spoken with the President about this or any other subject. I don't know what he meant. If I had to take his text as a statute, I would want to know more about the circumstances in order to figure out whether I can answer your question.

Question:

> You haven't been asked that question by anyone during the course of your nomination process?

If I can interject here, this is something the President talks about regularly—appointing judges who are strict constructionists.

He has now been asked several times by me in the hearing whether he is a strict constructionist. His answer was artifice language without answering the question.

I asked the question whether he is a strict constructionist. I asked:

> You haven't been asked that question by anyone during the course of your nomination process?

Answer:

> No. I was asked very similar questions, and they generally had to do with how I go about generally interpreting the Constitution and statutes—and I gave the answer that I gave you a few minutes ago.

In other words, "none of your business" was the answer.

Other Senators tried to get a straight answer from Mr. Estrada.

Question:

> Of the current members of the Supreme Court, who would you characterize as a strict constructionist? Who would you characterize as a fair constructionist?

That was his language.

> How would you characterize the remaining Justices?

Answer:

> I would characterize each member of the current Court as a "fair constructionist."

The people on the Supreme Court today have totally different philosophies. Everyone knows that. You have a broad spectrum from someone such as Justice Scalia to someone such as Justice Stevens. But Mr. Estrada said they were all "fair constructionists," which basically meant the term had no meaning at all.

It is like asking someone, "Which Member of the Senate has your philosophy?" and the answer being, "Well, they all do." We do not all have the same philosophy in the Senate. I do not think anyone would question that.

He refused to answer a question about his views of any judge, living or dead.

Question:

> In terms of judicial philosophy, please name several judges, living or dead, whom you admire and would like to emulate on the bench?

Answer:

> There is no judge, living or dead, whom I would seek to emulate on the bench, whether in terms of judicial philosophy or otherwise. . . .

Again, "none of your business."

As a judge on the D.C. Circuit, Miguel Estrada would have an enormous impact on the lives of millions of Americans. The American people deserve to know about this man who will have such an effect on their lives. They deserve to know whether he will respect and protect their civil rights. They deserve to know this before he dons the cloak of silence he will get once he is on the bench. The American people deserve more from Miguel Estrada than "none of your business."

I look forward to working on a bipartisan basis to elevate qualified, moderate nominees to the Federal bench. In particular, in the Fourth Circuit, where North Carolina is, I have high hopes President Bush will nominate a highly qualified candidate whom I will be able to support.

But, based upon Mr. Estrada's record, this is clearly not the right man. I will not just rubberstamp nominees who have not proven they are qualified for the extraordinary responsibilities of a Federal judge, and particularly the extraordinary responsibilities of a judge who would sit on the DC Circuit Court of Appeals. As a result, I urge my colleagues to oppose this nomination.

I thank you, Mr. President.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from West Virginia.

Mr. BYRD. Mr. President, parliamentary inquiry. Is the Senate in executive session?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent to speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. REID. Mr. President, the Senator from Minnesota is here. I am holding the floor now because the Democratic leader has been waiting since 2:15 to come and speak. I am wondering how long the Senator from Minnesota wishes to speak?

Mr. COLEMAN. Mr. President, I say to the Democratic whip, I have about 2½ pages typed, probably no more than 10 minutes, 5 to 10 minutes maximum.

Mr. REID. Why don't you go ahead and speak for, what did you say, up to 10 minutes?

Mr. COLEMAN. At the maximum.

Mr. REID. I ask unanimous consent that following the statement of the Senator from Minnesota, the Democratic leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, this morning the distinguished Senator from New York made some statements about the Senate's constitutional advice and consent responsibility. I would like now to respond to those statements because some of her views of the Senate's appropriate role in judicial nominations are different from mine.

I speak as a former solicitor general of the State of Minnesota. I had an opportunity to argue on many occasions before the highest courts in my State. I have a great love and appreciation for our Constitution and its history.

In its enumeration of the President's powers, the Constitution has provided a role for the Senate in the appointment of various Federal officials, including Federal judges. The relevant text, which is set forth in article II, section 2, of the Constitution, reads:

> The President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law[.]

As one scholar has noted:

> a reasonable reading of the text suggests that because the Senate's role in the appointments process is outlined in Article II enumeration of presidential powers, rather than described in the Article I enumeration of congressional powers, the Senate plays a more limited role in the appointment of judges.

A reading of Alexander Hamilton's commentary on the Appointments Clause sheds some additional light on how the Framers viewed the Senate's duty of advise and consent. Hamilton acknowledged the danger that the Senate's advise and consent role could create an overly indulgent Senate relationship to appointed officeholders engaged in malfeasance. Hamilton rebutted this point by arguing that the Senate would have a strong interest in appointing qualified leaders and in protecting its reputation for appointing quality officeholders. He further pointed out—and this is important—that the Senate does not have the power to choose officeholders, but only to advise and consent. In a moment of amazing prescience, he stated that he felt that Senators might have political reasons for confirming or rejecting a nominee. He nevertheless observed—or perhaps hoped—that since the President alone makes the nominations, Senators would be somewhat constrained in their voting decisions and that self-interested decisions would be offset by other Senators. He predicted that voting decisions on the merits would become much more the norm.

I wonder what Alexander Hamilton would say about the debate we have had over Miguel Estrada's nominations. I can't imagine that he would be pleased.

Hamilton believed that the appointments powers were wisely vested in the hands of two parties, the President and the Senate. On one hand, Hamilton believed the President, acting alone, would be the better choice for making nominations, as he would be less vulnerable to personal considerations and political negotiations than the Senate and more inclined, as the sole decision maker, to select nominees who would reflect well on the presidency. On the other hand, he argued that the Senate's role would act as a powerful check on unfit nominees by the President. As he put it, Senate confirmation "would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity."

So there you have it, straight from Alexander Hamilton himself. The role of the Senate is a limited one of protecting against the appointment of nominees who are unfit for the federal bench. I agree that the Senate owes some deference to the President's choices.

Hamilton also believed that the Senate would act on judicial nominees with integrity in order to avoid public disapproval. Now, the last thing I want to do is cast aspersion on the integrity of my colleagues who oppose Mr. Estrada's nomination. But I must say that the amount of misinformation being repeated here on the Senate floor about Mr. Estrada, and the manner in which his opponents have ignored his vast legal experience and record, is cause for grave concern.

Historically, deliberation by the Senate on judicial nominations was quite short, especially when compared to what we are seeing on the Senate floor on Mr. Estrada's nomination. Take, for example, the 1862 nomination and confirmation of Samuel F. Miller to the

United States Supreme Court. The Senate formally deliberated on the nomination for only 30 minutes before confirming him. Confirmations on the same day, or within a few days of the nomination were the norm well into the 20th century.

Contrast this with what we are seeing on Mr. Estrada's nomination. We are now on our fourth day of debate with no end in sight. The Republicans have offered at least two generous time agreements to set a vote for Mr. Estrada's nomination, but the Democratic leadership rejected both of them.

I have taken the time to share with my colleagues some of the historical details of the judicial confirmation process in order to put the debate over Mr. Estrada's nomination into perspective. What was enumerated in the Constitution as "advice and consent" has in practice devolved to "negotiation and cooperation" in the best cases, and "obstruct and delay" in the worst cases, aided and abetted by the liberal Washington special interest groups. I fear that we are seeing the latter at work in Mr. Estrada's case.

I was recently elected to get things done. I was elected, and I heard my voters say: Put aside the bitter partisanship that is stopping the Senate from moving forward and that has prevented the Senate from getting a prescription drug benefit and Medicare for seniors, that stopped us from getting disaster relief assistance, that stopped us from getting a budget and appropriations bills passed.

Now we are facing the first partisan filibuster of a circuit court judicial nominee. Now we are facing a new standard—not the gold standard of the American Bar Association but talks about qualified, or well-qualified, of which Mr. Estrada has received the highest ranking—a new Federal standard. But, instead, we are facing a standard of political acceptability. Our Constitution is being tested. It is being tested by the reaction to Mr. Estrada's nomination.

He is someone who comes to us as an immigrant who worked his way up, who became the top of his class in college, the top of his class in law school, magna cum laude from Harvard, editor of the Law Review, clerked for Federal judges, clerked for Supreme Court Judges, and comes to us with the highest qualification rating by the American Bar Association. But now we are facing a new standard.

I urge my colleagues on both sides of the aisle to reject the political considerations and get back to that view and that perspective on whether they are fit, whether they are qualified, and whether they have the right kind of judicial temperament. Let us put an end to this debate. Let us support and confirm Mr. Estrada's nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Democratic leader.

Mr. DASCHLE. Mr. President, last night the Senate voted on three judicial nominations. And we voted unanimously—Republicans and Democrats. We voted unanimously, recognizing that those nominations were very likely ones with which we had perhaps even broad philosophical differences. But we voted. We didn't delay. We had debate. We all had an opportunity to make our evaluation. We came to some conclusion.

That is how it should work. That is what our Founding Fathers had envisioned. That is what the distinguished Senator from Minnesota was just alluding to—advise and consent. When it works, there are very few glitches. When it works, Republicans and Democrats can come together and make their best judgment.

It worked in this case. Why did it work? It worked in part because these nominees came before the Judiciary Committee and they did their best to answer the questions presented to them. They did their best to offer as much information as they could about their past, about their record, about others' judgments, and about their record. Having presented their information, having made their case, the Judiciary Committee voted, they were passed out of committee, they came to the floor, and the Senate voted.

Not one Republican Senator has mentioned that process today. They say that somehow we are abrogating our responsibilities in requesting exactly the same information from Miguel Estrada—not any more but not any less.

So this is not a question about disallowing conservative judges. We do that. We actually do it fairly regularly. It is my view that there are times when judges we view to be outside the mainstream—extreme, in other words—ought to be considered on the basis of their philosophical points of view. But if they fall within what we view to be, as best as we can tell, the philosophical mainstream in spite of their conservatism, I think a President has a basic right to nominate those in whom he has confidence.

There are those who have argued in the last couple of days that this is really about our opposition to diversity, that somehow we are opposed to Hispanic judges. That is not only unfortunate and not only in error, but I think it does a disservice to this debate. Frankly, they ought to know better than to resort to that kind of rhetoric which demeans the debate. If this were about diversity, if this were about some concern for Hispanic judges as some have asserted, we would be hard pressed to find one, much less virtually the entire Congressional Hispanic Caucus, in opposition. Yet that is what we find. Virtually every member of the Hispanic Caucus in the House of Representatives has opposed this nomination. Why? In large measure for the same reasons we oppose this nomination, unless we have more information. They don't know either where Mr. Estrada stands. They have no record either. In spite of their best efforts, there is a shroud of secrecy around this nominee that is very disconcerting.

Why is it that nominee after nominee comes before the Judiciary Committee and provides the information required? Why is it we have access to the information, the records of virtually every other nominee? Why is it, with that record of performance, that when it comes to this nominee—whether it is before the Judiciary Committee or before the Hispanic Caucus or before anybody else seeking information—we come up with nothing?

Mr. President, either this nominee knows nothing or he feels he must hide something. It is one or the other: He knows nothing or feels the need to hide something.

Now, I suppose if this were a temporary nomination, if this were something within the administration, with a beginning and an end to the term—a commission, even a Secretary—perhaps we could let this go by, perhaps we should not feel quite as troubled by this lack of willingness to be more forthcoming. But this is for the second highest court in the land. And not only the second highest court in the land, this is actually for, arguably, the most important court in all of the circuits in this country.

It is within this circuit that we find perhaps the single most complex, the most serious, the most hotly debated, the most contentious issues to come before the courts. Those who will serve on this court will decide the future of title IX, the future of workers rights, the future of campaign finance, the status of toxic waste cleanup. Those and many more issues will be decided in the D.C. Circuit.

So we are left with a very serious dilemma: Do we vote on what is essentially a blank slate or do we say: "Look, we will vote, we will be prepared to move forward on this and any other nomination so long as that information can be provided"?

Today, Senator LEAHY and I have sent a letter to the President asking that the documentation that has been provided on numerous other occasions—the Solicitor General records—be provided as they were with Mr. Bork, Mr. Rehnquist, Benjamin Civiletti, and many others. That precedent has long since been established. We have asked for the same information provided to the Senate that was provided on those nominees. Why? Because there is no record. Why? Because there is no basis upon which to make a public judgment unless we have that information.

That is all we are asking: Give us some record upon which to make our judgment, No. 1. And, No. 2, let us just ask Mr. Estrada to present to us the answers to the same questions that have been asked by Republican colleagues to nominees in past Congresses and by Democratic and Republican Senators to nominees in this Congress.

Why is it we should give some exclusion to this particular nominee? What is it about this nominee that gives him that right to say: "No, I'm above that. I don't have to provide that information. I don't have to provide the same information that Mr. Bork provided or that Mr. Rehnquist provided. I don't have to do that. I'm unique"?

There is nothing unique about defying the Senate. Others have attempted to do so. But when one defies the Senate, defies the Constitution, when someone undermines the constitutional obligation we have to advise and consent, we take that seriously.

So we have no choice. We have an obligation to live up to the same standard with this nomination that we have with all the others. All we are suggesting is that our colleagues live up to it as well. Provide us with the information. Answer the questions. Once that happens, we will make our judgment on this nomination. Some already have. But there are many others who deserve the right to make a proper evaluation.

I must say, based on the limited information available to us, there already are serious questions about Mr. Estrada's qualifications. His immediate supervisor at the Justice Department said: I cannot, in good conscience, recommend this man to serve on the Circuit Court of the United States of America. I cannot do that. In fact, he went on to say: I can't even trust this person. That is from the supervisor, the person who probably knows this man the best.

Mr. President, if a supervisor at the Justice Department cannot find within himself to support this nominee, how in the world is it we say we know better?

If Mr. Estrada has more information he can share that would shed some light on what it is that has caused his supervisor to be as concerned as he was to oppose this nomination, then I would say it would be in his interest to bring it forward, to let us look at it. And that is why the Solicitor General papers are so critical.

So, Mr. President, I do not know how long this debate will go on, but I will say this: We have thought about this very carefully now for many days. And it is not without a great deal of concern and disappointment that I come to the floor with the report I have just shared.

Our colleagues feel as strongly about this as anything that has been presented to us. There is no doubt we have the votes to sustain whatever procedural efforts are made to bring this debate to a close. I would hope that would not be necessary.

This matter can be resolved if we simply have access to the documents and have answers to the questions.

Mr. President, I ask unanimous consent that the letter Senator LEAHY and I sent to the President be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 11, 2003.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing in reference to your nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia Circuit. Pursuant to the Constitution, the Senate is to act as a co-equal participant in the confirmation of judges to the federal bench. Unlike nominations made by a President for Executive Branch appointments, judicial nominees are reviewed by the Senate for appointment to lifetime positions in the Judicial Branch.

The Senate has often requested and received supplemental documents when it is considering controversial nominations or when evaluating a candidate with a limited public record. The Chairman of the Senate Judiciary Committee wrote to your Administration on May 15, 2002 to request such supplemental documents to assist in Senate consideration of the Estrada nomination. In particular, the request was made for appeal recommendations, certiorari recommendations, and amicus recommendations that Mr. Estrada worked on while at the Department of Justice.

Prior Administrations have accommodated similar Senate requests for such documents. Such documents were provided during Senate consideration of the nominations of Robert H. Bork, William Bradford Reynolds, Benjamin Civiletti, Stephen Trott, and William H. Rehnquist.

Your Administration has refused to accommodate the Senate's request for documents in connection with the Estrada nomination. That refusal was a matter of inquiry at the confirmation hearing held on this nomination on September 26, 2002. Following the hearing, Senator Schumer wrote to the Attorney General on January 23, 2003, to follow up on the request.

In addition to requests for documents, Senators frequently question judicial nominees during their confirmation hearings to determine their judicial philosophy, views and temperament. For example, then-Senator John Ashcroft asked nominees: "Which judge has served as a model for the way you would conduct yourself as a judge and why?" Mr. Estrada refused to answer a similar question.

During consideration of President Clinton's judicial nominees, Republican Senators asked repeated questions regarding nominees' judicial philosophy, views or legal matters, and approaches to interpreting the Constitution. They insisted on and received answers. During his consideration before the Senate Judiciary Committee, Mr. Estrada failed to answer these kinds of questions. These questions have not only been routinely asked by the Senate, they have been routinely answered by other nominees—including other nominees from your Administration.

For the Senate to make an informed decision about Mr. Estrada's nomination, it is essential that we receive the information requested and answers to these basic legal questions. Specifically we ask:

1. That you instruct the Department of Justice to accommodate the requests for documents immediately so that the hearing process can be completed and the Senate can have a more complete record on which to consider this nomination; and

2. That Mr. Estrada answer the questions that he refused to answer during his Judicial Committee hearing to allow for a credible review of his judicial philosophy and legal views.

We would appreciate your personal attention to this matter.

Sincerely,

TOM DASCHLE.
PATRICK LEAHY.

Mr. DASCHLE. Answer the questions. Provide the information. Let's move this debate forward. Let's do the right thing. Let's live up to our constitutional obligation. Let's respect the advice and consent clause of the United States Constitution. Let's do what our forefathers expected of us. Let's not carve out an exemption for Mr. Estrada or anybody else. Let us make a wise decision about this nomination, as we have in so many other cases.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, earlier today there was a colloquy between the junior Senator from New York and this Senator, following remarks of the distinguished Chair of the Judiciary Committee, who said the Congressional Hispanic Caucus was divided on their feelings about the nominee now before this body.

I mentioned to the Senator from New York I had been privy to a conversation just a few days ago with the chairman of the Hispanic Caucus and other members of that caucus who said they unanimously oppose Miguel Estrada to be district judge for the District of Columbia.

I will now read into the record a statement of the Chair of the Hispanic Caucus, Congressman CIRO D. RODRIGUEZ, dated today, which reads:

"It is disheartening to see that Members of the Republican Senate continue to make misleading and unfound statements regarding the Congressional Hispanic Caucus's opposition to Bush judicial nominee Miguel Estrada," said Congressman Ciro D. Rodriguez, chair of the Congressional Hispanic Caucus. "The CHC will continue to stand by its unanimous opposition to this unqualified nominee and will not waiver."

"Senate Republicans continue to hit below the belt, insulting Hispanic Members of this Congress who have been elected to serve as a voice for the people in their community," continued Congressman Rodriguez. "Today, Senate Judiciary Chairman Orrin Hatch continues to make misleading, partisan swipes. He incorrectly claims that the CHC is split in its opposition, and he mischaracterizes our arguments. Yesterday, the CHC released a letter to Senator Hatch demanding an apology for comments he made during Senatorial debate, likening Members of the CHC 'to the lioness eating her cubs . . .' We have

> yet to receive an apology or even an acknowledgment from the Senator that his comments were out of line and insulting."
>
> "The CHC has supported numerous highly qualified Hispanic appointees by the Bush Administration," noted Congressman Rodriguez. "We oppose Mr. Estrada, however, based on our review of his inadequate qualifications for what is viewed as the second most powerful court in the nation."

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have been on the Senate floor since the debate on the Miguel Estrada nomination commenced last week. I have stated in the strongest terms my support for his qualifications. I am not alone. Virtually anybody who knows him, anybody who has any background on Miguel Estrada, feels the same way. I have stated in the strongest terms this support. The record is replete with reasons why he would be an excellent addition to this DC Circuit and with facts dispelling the specious arguments of his detractors.

I will now address the procedural tactic that is being used against Miguel Estrada, and I am talking about a filibuster of this nomination. A filibuster of Mr. Estrada's nomination will require a cloture vote by the Senate to end debate, unless reasonable minds on the Democratic side can prevail.

I know there are some who are working to try to prevail, just like I had to work on our side to prevail over those who wanted to filibuster some of President Clinton's nominees. I am hoping reasonable people on the Democrat side will prevail. They simply must prevail because we really do not want to start down the road of a filibuster.

As I say, a filibuster of Mr. Estrada's nomination will require a cloture vote by the Senate to end debate. This means that a supermajority of 60 votes will be required to allow us to proceed to an up-or-down vote on Miguel Estrada's nomination. That is an insult to Miguel Estrada. It is an insult to the Senate. It is an insult to Hispanic people all over this country who are watching what is happening. Actually, it is an insult to this coequal branch of government, the judiciary.

I have taken the Senate floor on more than one occasion to decry the tactic of enforcing judicial nominees through a cloture vote. My position has been the same, regardless whether the nominee was appointed by a Democratic or Republican President. I am proud to say during my nearly 30 years in the Senate, I have never voted against cloture for a judicial nominee, even on the rare occasion when I opposed a judicial nomination and ultimately voted against that nomination.

An example in point is the nomination of Lee Sarokin to the Third Circuit. Even though I voted against his nomination, I voted in favor of cloture because I strongly believed his nomination deserved to succeed or fail on the basis of the votes of a simple majority of the Senate, not on the will of merely 41 Senators who vote against cloture. I argued strenuously in favor of invoking cloture on two of President Clinton's judicial nominees, Marcia Berzon and Richard Paez.

There are times when legislators must, to be effective, demonstrate mastery of politics, but there are also other times when politics, though available, must be foresworn. This is one of those times. There is a quote of Disraeli that addresses this situation perfectly. To paraphrase, next to knowing when to seize an opportunity, the most important thing is knowing when to forgo an advantage.

I hope my colleagues will forgo their perceived advantage of a filibuster of Miguel Estrada's nomination. Forcing a supermajority vote on any judicial nominee is a maneuver that needlessly injects even more politics into the already overpoliticized confirmation process. I believe there are certain areas that should be designated as off limits from political activity. The Senate's role in confirming lifetime appointed article III judges and the underlying principle that the Senate perform that role through the majority vote of its Members are such issues. Nothing less depends on the recognition of these principles than the continued untarnished respect for our third branch of Government, the one branch of Government intended to be above political influence, the Federal judiciary.

On the basis of principle, I have always tried to be fair to judicial nominees, regardless of the political affiliation of the President making the nomination. The opposition to now Judge Berzon and now Judge Paez, two Clinton nominees, was led by members of my own party. They believed very deeply that Marcia Berzon, with her very liberal philosophy, would become an activist judge. They knew, in their eyes—and I think they were pretty right—that Judge Paez as a Federal district court judge was an activist judge, writing activist decisions. I met Judge Paez, and he said he would be very careful not to be activist in the future. It did not take him long on the Ninth Circuit Court of Appeals, in the eyes of some, to go back to his activist ways. Activism means acting as a superlegislator on the bench, making laws that should be made by those who have to stand for reelection—Members of Congress and the President.

When members of my own party fought against Judge Berzon, now Judge Berzon, and then Judge Paez, during that time I stood against the use of cloture to attempt to thwart a vote on their nominations, and I was successful. Now it is my friends across the aisle first subjecting Miguel Estrada's nomination to a cloture vote. I stand just as firmly today against the use of this tactic to prevent his nomination from coming to the floor of the Senate for an up-or-down vote, which is what the President deserves. If we are going to be fair to the President of the United States, whoever the President may be, we should always provide that opportunity to have an up-or-down vote on these nominees.

To be sure, this body has on occasion engaged in the dubious practice of filibusters of judicial nominees, but forcing the filing of cloture on a judicial nominee remains the exception rather than the rule. We have always been able to thwart the attempted filibuster by some who I think at the time did not fully realize the import of their actions.

We have always been successful. Overall, these episodes have been infrequent and they have been unfortunate in each case. I hope they will remain as such and that what we are seeing today is not the beginning of a long battle of fighting filibuster threats against President Bush's judicial nominees. There is real cause for concern that is not to be taken lightly in the wake of the November elections. Leading liberals hit the newspapers to urge my Democratic colleagues to use the filibuster as a tool to defeat President Bush's judicial nominees.

On November 11 of last year, the Legal Times published an article: "A Major Shift in the Battle for the Bench." The article was subtitled: "With GOP steering the Judiciary Committee, liberal advocates turn to more desperate measures." The article reported on the plans of liberal interest groups to refocus their energies against President Bush's judicial nominees on the Senate floor where "filibusters and legislative horse trading may give liberal interest groups their best shot at influencing the process."

The senior legislative counsel of one liberal group called the filibuster a "plausible weapon."

Also on November 11, two liberal law professors published an op-ed in the Los Angeles Times entitled: "No to a Far-Right Court: Use Filibusters." In an implicit nod to the rarity of the use of a filibuster to defeat a judicial nominee, the article urged "courageous Democrats" that a filibuster is the only way to thwart President Bush's nominees.

The New York Times on November 10 similarly urged Democrats "not [to] be afraid to mount a filibuster," which, again, implicitly acknowledges the extremity of filibustering a judicial nomination.

On November 14, the Madison Capital Times reported that a Federal feminist group was targeting Wisconsin for a grassroots campaign to drum up support for the filibustering of Bush Supreme Court nominees. The paper candidly reported:

> The tactic would call on Senators to filibuster in order to block [pro-life] nominees. A filibuster is a parliamentary technique that allows a majority of Senators to keep a vote from being taken. Defeating a nominee requires a majority vote in the Senate, but only 41 of the 100 Senators are needed to sustain a filibuster.

The rallies in Madison and Milwaukee were only 2 of 12 such campaigns by this group on college campuses nationwide to drum up support for filibustering judicial nominees based on the single litmus test issue of abortion.

Madam President, I ask unanimous consent editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Capital Times, Nov. 14, 2002]

ACTIVIST: URGE SENATORS TO SAVE ABORTION RIGHTS

(By Samara Kalk Der)

Women's rights leader Eleanor Smeal was in Milwaukee and Madison Wednesday urging grass-roots abortion rights supporters to send a message to U.S. Sens. Russ Feingold and Herb Kohl.

Smeal said she came to Wisconsin because it is the only state where both of its senators sit on the Judiciary Committee, which wields considerable power when it comes to the scrutiny and confirmation of Supreme Court justices.

While Democrats Feingold and Kohl both take positions supporting abortion rights, women in Wisconsin must not take for granted, Smeal told an overflow crowd of 250 that packed into the Marquee Room at the Madison Civic Center Wednesday night for "Never Go Back," a national campaign aimed at putting a spotlight on the protection of abortion rights." I hope this campus organizes like it has never organized before," Smeal told the group, which was nearly all female and filled with many UW-Madison students.

The political landscape is making those who cherish the right to choose an abortion nervous, and Smeal and local activists who spoke.

"What Nov. 5 (the midterm election) has done is made it clear to everybody what we are up against," said Smeal, president of the Feminist Majority Foundation and three-time president of the National Organization for Women.

Smeal led the first national abortion rights march in 1986, which drew about 100,000 to rally in Washington, D.C. In 1989, more than twice as many marched, she said. And then, in 1992, the march turned out more than 700,000.

"I believe we are going to have to march again and again and again," she said.

Vacancies on the U.S. Supreme Court may appear as early as this summer, and it is expected that President George W. Bush will seek to appoint justices who oppose abortion.

Smeal is touting a plan to save abortion rights now that the country has a conservative president and U.S. Senate majority. The strategy focuses on the Senate because it has the power to confirm, reject or block nominees to he U.S. high court.

The tactic would call on senators to filibuster in order to block anti-abortion nominees. A filibuster is a parliamentary technique that allows a minority of senators to keep a vote from being taken. Defeating a nominee requires a majority vote in the Senate, but only 41 of the 100 senators are needed to sustain a filibuster.

"It's the safest tool we have to save the lives of the next generation of women," Smeal said.

If the Supreme Court overturns Roe v. Wade, the 30-year-old decision that struck down restrictive state abortion laws, abortion rights will again be determined state by state. That means rich women will be able to hop a plane to get an abortion, while poor women will be left to bring unwanted pregnancies to term or seek dangerous, "back alley" abortions, Smeal said.

"We'll lose centuries," she added.

Dr. Dennis Christensen, medical director of the Madison Abortion Clinic, also spoke. He said the huge turnout for the event was one of the few bright spots he's seen since last week's election. For the first time in 30 years he really feels the urgency of the abortion rights cause, he said.

"Where were the women in this election?" he asked.

"Christensen said he is not a politician or a fund-raiser. He is a physician who is able to help women "with this problem that they have."

"I don't have to worry about it. I'm not going to get pregnant," he added.

If Roe v. Wade is overturned, abortion in Wisconsin will become illegal the next day, Christensen said. Wisconsin is one of just 14 states where abortion will be considered illegal should the federal law get struck down, he added.

"I don't think I'm ready to spend my retirement in jail," he quipped. "I plan to spend it on the golf course."

[From the New York Times, Nov. 10, 2002]

DEFENDING THE JUDICIARY

The biggest fallout from last week's Republican capture of the Senate may be that it will now be harder to block ideologically extreme nominees to the federal courts. But contrary to what some conservatives claim, nothing in the election returns suggests that Americans want the courts packed with such judges. Given the new political lineup, Democratic and moderate Republican senators must be more involved in the confirmation process to ensure that Justice Department ideologues do not have a free hand in shaping the federal judiciary for decades to come.

For all of the talk of Republican ascendancy, last week's election returns did not produce anything like a right-wing mandate. Republicans running in the hardest-fought elections hewed to the political center. The victory margins in the races that ended up shifting the Senate—Minnesota and Missouri—were less than three percentage points.

Despite President Bush's campaign promise to "unite, not divide," many of his judicial nominees have done the reverse. They favor taking away the right to abortion, striking down reasonable environmental regulations and turning back the clock on race. (One pending nominee at one point criticized the Supreme Court's ruling that Bob Jones University should lose its tax-exempt status for discriminating against black students.) With the Senate in Republican control, the administration is likely to choose even more troubling nominees.

Senate Democrats must insist on two things going forward: consultation and consensus. Senator Patrick Leahy, who will be the ranking minority member of the Judiciary Committee, should ask to meet with the administration in advance to head off unacceptable candidates before they are nominated. Consultation of this kind occurred in the Clinton years, and it should be the norm for judicial selections, no matter which party holds the White House.

Senate Democrats should also make it clear that they will not accept extremist nominees. They must draw a line in the sand and say that those whose politics cross it will not be confirmed.

Democrats in the Senate no longer control the Judiciary Committee, which has until now been screening out the worst nominees, and cannot win party-line votes. But they should reach out to moderate Republican senators and build a mainstream coalition. And when a judicial nominee is unacceptable, they should not be afraid to mount a filibuster, which Republicans would need 60 votes to overcome.

Rumors have been swirling around Washington that there could be one or more Supreme Court vacancies in the next few months, making the stakes as high as can be. With the White House representing the far right in the nominating process, it remains up to the Senate—even in its new configuration—to represent the rest of the country.

Mr. HATCH. What these articles suggest is that the liberal interest groups are just as intent as ever on using every trick in the book to defeat President Bush's judicial nominees. From the start of their record, as they have tried to do with Miguel Estrada and others, by forcing a cloture vote, it appears the liberal interest groups will stop at nothing to further their agenda. What is more, it looks as if the defeat we are seeing on Miguel Estrada is not so much about him as it is about seeing how well a filibuster works in case there is a Supreme Court nominee this summer.

It also may have a more sinister purpose: To desensitize the American people to filibustering judicial nominees so that the practice will become more acceptable and so that less outrage will be expressed over the filibustering of other circuit nominees and ultimately a Supreme Court nominee. This is all part of the strategy of changing the ground rules on judicial nominations that Senate Democrats discussed at their retreat back in April of 2001.

I am not the only one who recognized the dangerous precedent that some Democrats would set in filibustering qualified nominees. The Washington Post, hardly a bastion of conservatism, warned in a December 5, 2002, editorial that "a world in which filibusters serve as an active instrument of nomination politics is not one either party should want."

The Washington Post urged Democrats to "stand down" on any attempt to deny Miguel Estrada a vote because his nomination "in no way deserves a filibuster."

I couldn't agree more.

I hope I am wrong about the extent to which the liberal interests groups have had a role in orchestrating this lengthy debate on Miguel Estrada's nomination. I hope that this is not another example of an attempt by some of my Democratic colleagues to change the ground rules on judicial nominees. I hope that my Democratic colleagues will exercise the same independence that I did when I joined them to invoke cloture on the nominations of Clinton judicial nominees who were opposed by many of my Republican colleagues.

When I argued to invoke cloture on the nominations of Judge Berzon and Judge Paez, I noted several important reasons for avoiding a filibuster of judicial nominees. One is that the Senate's constitutional duty of advise and consent contemplates that a vote by a simple majority of the Senate determine the fate of a judicial nominee. There is nothing in the Constitution that gives that power to a minority of 41 Senators, just as that power should not be yielded by 10 Senators in a party-line vote in committee.

Another reason is that most of the fight over a nomination has occurred well before a nominee arrives at the Senate floor. The battles are largely fought between the White House and the Judiciary Committee, since it is our job to vet the nominees. By the time a judicial nominee reaches the Senate floor, he or she deserves a vote on the merits without having to clear the procedural hurdle of a cloture vote.

In the past, several of my Democratic colleagues have joined me in condemning the practice of forcing judicial nominees through a cloture vote. For example, during the debate on Clinton nominees, one of my Democratic friends spoke passionately about this tactic. He said:

> I . . . do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41.

He continued:

> I . . . took the floor on occasion to oppose filibusters to hold . . . up [nominations] and believe that we should have a vote up or down.

On a different occasion, the same colleague said:

> I have stated over and over again on this floor that . . . I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty.

And another Democratic colleague put it simply when she said:

> A nominee is entitled to a vote. Vote them up or vote them down . . . If someone has an opposition to a judge, they should come to the floor and say that.

I agree wholeheartedly with these statements.

Miguel Estrada waited more than 16 months for his confirmation hearing. He waited another 4 months for a committee vote on his nomination. And now his nomination is being subjected to yet another hurdle: Extended floor debate on his nomination with no end in sight. If we're going to debate Mr. Estrada's nomination, then let's do it, vote on it, and get on with the other important matters that are the work of this body.

I hope my colleagues are not going to the unworthy ends of filibustering the President's nominees. It is unfair to the President. It is unfair to the process. It is unfair to Miguel Estrada who has earned the right to be here.

I think it is important to remind my Democratic colleagues of statements they have made over the years opposing filibusters of judicial nominees. Of course, there was a Democratic President in the White House at the time these statements were made. I guess that is the double standard for Mr. Estrada, in more ways than one.

I remember, on the nomination of Merrick Garland, here was a statement of Senator SARBANES, who came to the Senate the same time I did, and whom I respect, the Senator from Maryland. It was on the nomination of Merrick Garland, President Clinton's nominee to the very same court, the Circuit Court of Appeals for the District of Columbia, for which Miguel Estrada has been nominated. He said this:

> It is worse than that. It is not whether you let the President have his nominees confirmed. You will not even let them be considered by the Senate for an up-or-down vote. That is the problem today. In other words, the other side will not let the process work so these nominees can come before the Senate for judgment. Some may come before the Senate for judgment and be rejected by the Senate. That is OK. But at least let the process work so the nominees have an opportunity and the judiciary has an opportunity to have these vacant positions filled so the court system does not begin to break down because of the failure to confirm new judges. The Senator from Delaware, when he was chairman of the committee, always measured up to that responsibility, I think often taking a lot of political heat for doing it. But he was out to make sure the system could function. He had Republican Presidents nominating judges. He processed their nominations. He brought them to the floor of the Senate. He gave the Senate a chance to vote on them up or down for those people to get confirmed. that process is breaking down.

On another occasion Senator BIDEN said:

> So any member who is nominated for the district or circuit court who, in fact, any Senator believes will be a person of their word and follow stare decisis, it does not matter to me what their ideology is, as long as they are in a position where they are in the general mainstream of American political life and they have not committed crimes of moral turpitude, and have not, in fact, acted in a way that would shed a negative light on the court. But I also respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor.

That was a statement of Senator JOSEPH BIDEN, CONGRESSIONAL RECORD, March 19, 1997 at S2540.

This is a statement of Senator BARBARA BOXER on the nomination of Margaret Morrow, to the Ninth Circuit Court of Appeals:

> According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor.

That statement of Senator BOXER was printed in the CONGRESSIONAL RECORD, May 14, 1997 at S4420.

On the nomination of Judge Richard Paez, to the Ninth Circuit, Senator LEAHY, the distinguished ranking member and Senator from Vermont, said:

> I have heard rumors that some on the Republican side planned to filibuster this nomination. I cannot recall a judicial nomination being successfully filibustered. I do not recall earlier this year when the Republican Chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination. During this year's long-delayed debate on the confirmation of Margaret Morrow, Senator Hatch said: 'I think it is a travesty if we ever start getting into a game of filibustering judges.' Well, it appears that travesty was successfully threatened by some on the Republican side of the aisle and kept the Minority Leader from fulfilling his commitment to call up the nomination for a confirmation vote.

That is printed in the CONGRESSIONAL RECORD, October 14, 1997 at S12578.

He said:

> If Senators are opposed to any judge, bring them up and vote against them. But don't do an anonymous hold, which diminishes the credibility and respect of the whole U.S. Senate. I have had judicial nominations by both Democrat and Republican Presidents that I intended to oppose. But I fought like mad to make sure they at least got a chance to be on the floor for a vote. I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty.

That was printed in the CONGRESSIONAL RECORD, June 18, 1998 at S6523.

He said:

> I hope we might reach a point where we as a Senate will accept our responsibility and vote people up or vote them down. Bring the names here. If we want to vote against them, vote against them.

That was printed in the CONGRESSIONAL RECORD, October 22, 1997 at S10925.

He also said:

> I hope that when we return . . . there will be a realization by those in this body who have started down this destructive path of attacking the judiciary and stalling the confirmation of qualified nominees to the Federal bench that those efforts do not serve the national interest or the American people I hope that we can once again remove these important matters from partisan and ideological politics.

That is a statement of Senator PATRICK J. LEAHY printed in the CONGRESSIONAL RECORD of November 13, 1997 at S12569.

There are other statements by my colleagues, but I don't want to bore the Senate with any more. Let me just say, I hope we do not have a double standard, but it sure looks as if we do. If Miguel Estrada's nomination is truly filibustered—and I hope it is not, but we are getting to the point where we know it will be and we know that it is because the time is passing—then I think this body is going to be sorry because in the past we have been able to stop filibusters. Both sides have labored diligently to do so.

I have to tell you, if this is the way it is going to be in the future, nobody is going to be able to stop them. It just means that really highly qualified candidates who are controversial to one side are going to be filibustered. It is that simple. I don't want to see that day come.

I am disappointed and somewhat outraged with the recent letter that was sent to the President of the United States. This was sent by the distinguished minority leader and the distinguished Democrat leader on the Judiciary Committee. The fact of the matter is, Miguel Estrada's hearing was held in September of last year while the Senate was under Democratic control. The Democrats remained in control for the rest of the 107th Congress. If they weren't satisfied with Miguel Estrada's answers at the hearing, they could have held another hearing.

But this is what the letter said:

> DEAR MR. PRESIDENT: We are writing in reference to your nomination of Miguel Estrada to the Estrada to the U.S. Court of Appeals for the District of Columbia Circuit. Pursuant to the Constitution, the Senate is to act as a co-equal participant in the confirmation of judges to the federal bench. Unlike nominations made by a President for Executive Branch appointments, judicial nominees are reviewed by the Senate for appointment to lifetime positions in the Judicial Branch.
>
> The Senate has often requested and received supplemental documents when it is considering controversial nominations or when evaluating a candidate with a limited public record. The Chairman of the Senate Judiciary Committee wrote to your Administration on May 15, 2002 to request such supplemental documents to assist in Senate consideration of the Estrada nomination. In particular, the request was made for appeal recommendations, certiorari recommendations, and amicus recommendations that Mr. Estrada worked on while at the Department of Justice.
>
> Prior Administrations have accommodated similar Senate requests for such documents. Such documents were provided during Senate consideration of the nominations of Robert H. Bork, William Bradford Reynolds, Benjamin Civiletti, Stephen Trott, and William H. Rehnquist.
>
> Your Administration has refused to accommodate the Senate's request for documents in connection with the Estrada nomination. That refusal was a matter of inquiry at the confirmation hearing held on this nomination on September 26, 2002. Following the hearing, Senator Schumer wrote to the Attorney General on January 23, 2003, to follow up on the request.

I note parenthetically that was after President Bush won the election and the control of the Judiciary Committee was on its way to the Republicans in the Senate.

To continue with the letter:

> In addition to requests for documents, Senators frequently question judicial nominees during their confirmation hearings to determine philosophy, views and temperament. For example, then-Senator John Ashcroft asked nominees: "Which judge has served as a model for the way you would conduct yourself as a judge and why?" Mr. Estrada refused to answer a similar question.
>
> During consideration of President Clinton's judicial nominees, Republican Senators asked repeated questions regarding nominees' judicial philosophy, views on legal matters, and approaches to interpreting the Constitution. They insisted on and received answers. During his consideration before the Senate Judiciary Committee, Mr. Estrada failed to answer these kinds of questions. These questions have not only been routinely asked by the Senate, they have been routinely answered by other nominees—including other nominees from your Administration.
>
> For the Senate to make an informed decision about Mr. Estrada's nomination, it is essential that we receive the information requested and answers to these basic legal questions. Specifically we ask:
>
> 1. That you instruct the Department of Justice to accommodate the requests for documents immediately so that the hearing process can be completed and the Senate can have a more complete record on which to consider this nomination; and
> 2. That Mr. Estrada answer the questions that he refused to answer during his Judiciary Committee hearing to allow for a credible review of his judicial philosophy and legal views.
>
> We would appreciate your personal attention to this matter.
>
> Sincerely,
>
> TOM DASCHLE.
> PATRICK LEAHY.

Madam President, as I said before, if they weren't satisfied with Miguel Estrada's answers at his hearing which they conducted and which they controlled, then they could have held another hearing. Nothing would have stopped them. They had the power to do so. They did not. They could have asked him followup questions in writing. Only two of the Democrats did. The fact of the matter is Estrada did answer the questions he was asked by the Democrats and Republicans back in September when he had his hearing. My Democratic colleagues are unhappy only because Mr. Estrada did not say anything they could use to oppose him. In other words, he didn't tell them what they really wanted to hear, which would have been mistakes, or some error, or some difference in opinion they could then use to oppose him. He answered the questions. He just didn't answer them the way they wanted him to answer.

That is why they are trying to engage in this fishing expedition and demanding unprecedented, unfettered access to the internal privileged memoranda Mr. Estrada offered at the Department of Justice. These memoranda are attorney work product done for our country when he worked for the Solicitor General. Any lawyer would object to having to hand them over. He didn't. He was proud of his work. He didn't care if the Government would give them over. But the Government has taken a principled position; that is, these internal documents should not be turned over to the Senate Judiciary Committee to be used to try to thwart the nomination of anybody, or to be used, since they were internal confidential documents. They were the work products of attorneys within the Solicitor General's Office. It is like asking a nominee to give up all of the confidential information his law firm had and that he worked on during the time at his law firm that is not in the public record. Any lawyer would object to turning that over.

What are we going to do when we disagree with somebody who worked for Senator HATCH? Are we going to ask for all of the internal documents the man or woman did while he worked for me that were given for my purview as their supervisor, and as their Senator, so I could take those documents and determine what to do in the future?

Let us make it even more clear.

Should Senator DASCHLE's staff be subject to this kind of thing?

Why would the Solicitor General's Office be subject to having to turn over confidential documents that were meant to help the Solicitor General make decisions on behalf of our country? Can you imagine how that would chill the work of the people in that office if attorneys there wanted to become judges someday? You don't think that would cause them to be putting their fingers up into the wind and asking, How will this be interpreted someday if I ever come up for a judicial nomination? Hopefully they wouldn't, but, of course, they would. Let us be honest about it.

But here, unlike Senator DASCHLE's representations—he certainly is a friend of mine. He signed this letter. It is the Department of Justice, not Mr. Estrada, that holds the memos. The Department has set forth the reasons why it is so inappropriate to release these memos. It is crystal clear to me—to all seven remaining former Solicitors General of the United States, and to the Washington Post. It is clear to them, and to the Wall Street Journal. It is to just about everyone, it appears, except to my Democratic colleagues. Why would they want these memoranda? To see if they could find some reason to again attack Mr. Estrada? Is this Hispanic gentleman so unqualified they have to go on fishing expeditions to try to find things to give him a difficult time with?

The fact of the matter is he is as qualified as anybody we have had before the committee, and the American Bar Association said so. I know the Supreme Court Justices feel so. I know a lot of leading Democratic lawyers in this town are saying this is the man who deserves confirmation. Why is he being treated differently?

One of my colleagues the other day was complaining he thinks some of us over here are calling our Democratic colleagues racists because they are against Miguel Estrada. No. Nobody over here has made that comment. Nobody over here has even implied that. But what I have said is it isn't because he is Hispanic they are against him—it is because he is a Hispanic Republican who they think is conservative and who is going on a court they think is equally divided—where over 90 percent of the cases are unanimous decisions, anyway, in that court.

It is the worst excuse for voting against him I have ever heard. But it is because he is a Hispanic Republican conservative. That is the reason they are against him. They are so afraid he might not please them when he gets on the Circuit Court of Appeals for the District of Columbia.

I suggest to them he is a great lawyer. He understands precedent. He understands the rule of precedent. He understands the rule of what we call stare decisis in the law, and he more than told every one of them who questioned him over and over that he would apply the law as it is, regardless of his personal beliefs.

What more can anybody say? They are accusing him of not being responsive? I am accusing them of not being fair to a Hispanic conservative Republican. I do not know what his point of view is on Roe v. Wade. To this day, I don't know. I do know he at one time helped the National Organization for Women in a serious case, which I think if they were offering him as a nominee they would argue means he is all right. I do not know what his position is. But I will tell you this. He deserves to be confirmed as a jurist on the Circuit Court of Appeals for the District of Columbia.

Let me address in a little more detail why this letter Senator DASCHLE and Senator LEAHY sent to President Bush is so outrageous in its continuous demand for privileged documents.

At the outset, I must note the nature of this request for unfettered access to the universe of Mr. Estrada's work product is truly extraordinary. Contrary to what Senator DASCHLE and others would have us believe, and as I have mentioned before, during the last Congress the Senate confirmed Jonathan Adelstein, a former aide to Senator TOM DASCHLE to a position on the FCC. The Republicans did not demand all of Mr. Adelstein's memoranda to Senator DASCHLE on telecommunications issues before confirming him, despite the fact they would have been useful in determining how Mr. Adelstein would have approached his decisions as a commissioner. This is because of the obvious reason that to do so would have intruded into the deliberative relationship between Mr. Adelstein and Senator DASCHLE. Nobody here ever wanted to do that, even if we didn't like the appointment of Mr. Adelstein. And some on our side definitely did not like that appointment. I was not one of them, but there was a considerable number who did not agree with this appointment for the same reason, and for other equally sound reasons that I will detail.

No Member of this body should advocate holding Mr. Estrada's nomination hostage to demands for access to internal, confidential documents he authored at the Solicitor General's Office.

My Democratic colleagues have claimed that the Department of Justice has a history of disclosing previously confidential, internal documents in connection with confirmation proceedings. This is simply not accurate.

In a letter dated October 8, the Department of Justice points out that since the beginning of the Carter administration there have been 67 former Department of Justice employees confirmed as Federal circuit judges—38 of whom, like Mr. Estrada, had no prior judicial experience. Eight of these nominees, again like Mr. Estrada, had worked in the Solicitor General's Office.

The Department of Justice could find no record of having produced internal, deliberative materials created by the nominee while a DOJ lawyer in any of these cases.

Madam President, one of my Democratic colleagues listed six nominees in connection with which he claimed that the Department of Justice released confidential, internal documents. In its October 8 letter, the Department of Justice explained that of these nominees, the hearings of only one—only one; Judge Bork—involved documents from their service in the Solicitor General's Office.

I think there have been those misrepresentations made to Senators in their caucus, and they are absolutely false, because I chatted with some of my Democratic friends on my way over to the medical liability hearing I conducted this afternoon, and they were citing these same specious arguments that they had been told. Look, if we are going to tell our colleagues things, they ought to be accurate.

In that one case—Judge Bork's—the Department of Justice produced a limited number of documents related to specific topics of interest to the committee. The Department of Justice did not agree to the fishing expedition that was demanded, and they certainly did not agree to the type of fishing expedition that my Democratic colleagues now seek to impose upon Mr. Estrada in the Justice Department.

As the Department of Justice observed:

> The vast majority of memoranda authored or received by Judge Bork when he served as Solicitor General were neither sought nor produced. And the limited category of documents that were produced to the Committee did not reveal the internal deliberative recommendations or analysis of assistance to the Solicitor General regarding appeal, certiorari, or amicus recommendations in pending cases.

Exactly what they have been asking for here is something that has not been done. Yet I know it has been represented to some of my Democratic colleagues that the Department of Justice did give these kinds of documents. Well, they did not. And I hope my colleagues are watching this so they can get the truth.

This is hardly the unfettered, unprecedented access to privileged work product that my Democratic colleagues now seek. And why do they seek it for this fellow who has every qualification to be on the Circuit Court of Appeals for the District of Columbia, and more, who they have not laid a glove on, who they cannot name one thing that would refute his nomination other than these specious arguments that he has not answered the questions? Sure, he has answered the questions. They just don't like the answers.

My Democratic colleagues also claim that policy considerations weigh heavily on the side of disclosure. Curiously, however, they fail to mention the letter that the committee received from all seven living former Solicitors General of the United States, four of whom are leading Democrat lawyers, leading Democrat former Solicitors General.

I know some of my colleagues on the other side have not heard that yet because I asked some of them what is going to happen here and they indicated they are probably going to filibuster. And then one of them said: Why don't you give up those documents from the Justice Department? I said: Well, seven former Solicitors General, four of whom are Democrats, said that would be preposterous, that they should not do that. Those are confidential. That is the work product of attorneys in the Solicitor General's Office.

You should have seen the surprised look on some of my colleagues' faces? "Really?" It seems to me, if you are going to argue against a person, you ought to at least tell the truth and the facts on the other side.

Why is it they are picking on this young, terrific Hispanic candidate for this job, who has the highest rating from the American Bar Association, a unanimously well-qualified rating?

The letter, dated June 24, 2002, was signed by Democrat Seth Waxman—we all respect Seth; he is a great lawyer—Walter Dellinger—one of the great teachers in this country; taught at Duke; a fine man; I have grown to think a great deal of him as I have listened to him on a variety of matters, where in the early days I was not sure I did—Drew Days, who is a wonderful African-American former Solicitor General, and a very adamant Democrat; all of them are—and Archibald Cox. You have to go pretty far to find somebody more prestigious than Archibald Cox. All Democrats: Waxman, Dellinger, Days, and Cox. And it was signed, as well, by Republicans Ken Starr, Charles Fried, and Robert Bork.

The letter notes that when each of the Solicitors General made important decisions regarding whether to seek Supreme Court review of adverse appellate decisions and whether to participate as amicus curiae in other high-profile cases, they "relied on frank, honest and thorough advice from [their] staff attorneys like Mr. Estrada. . . ."

The letter explains that the open exchange of ideas, which must occur in such a context, "simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure."

The letter concludes that:

> [A]ny attempt to intrude into the Office's highly privileged deliberations would come at a cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

This is a bipartisan group of seven former Solicitors General—all the living ones.

The former Solicitors General are not the only ones who are disturbed by my Democratic colleagues' efforts to obtain privileged Justice Department memoranda. The editorial boards of two prominent newspapers have also criticized the attempt to obtain these records. I am sure there are others as well.

On May 28 of last year, the Washington Post—as I say, hardly a bastion of conservative thought—editorialized that the request "for an attorney's work product would be unthinkable if the work had been done for a private client. The legal advice by a line attorney for the federal government is not fair game either."

According to the Washington Post:

> Particularly in elite government offices such as that of the solicitor general, lawyers need to speak freely without worrying that the positions they are advocating today will be used against them if they ever get nominated to some other position.

Gee, that is a pretty good reason from the Washington Post. I have to tell you, that is a wise editorial, and it is true. And it goes along with the seven former Solicitors General, four of whom are Democrats.

The Wall Street Journal also criticized my Democratic colleagues' request in two editorials. In its second editorial, which appeared on June 11, they called the request "outrageous" and noted that the true goal was "to delay, [to] try . . . to put off the day when Mr. Estrada takes a seat on the D.C. Circuit Court of Appeals, from which President Bush could promote him to become the first Hispanic-American on the U.S. Supreme Court."

The Wall Street Journal got it pretty right. What is really behind all this is to damage this person as much as they can so this Hispanic gentleman, with all of these qualifications, can never receive a nomination to the U.S. Supreme Court, can never be considered.

Well, I am doing my best to make sure that does not happen, that he will have a chance, just as any other great lawyer in this country, to someday be nominated. And that is one reason why I have spent so much time on the floor.

Let me conclude. The bottom line is that my Democratic friends are seeking internal, confidential material that any reasonable person, thinking about it, would agree should not be delivered by the Justice Department to the Senate for partisan purposes—for any purposes.

Those seven former Solicitors General had no axes to grind. They understand how important those documents are, and how important they are to be held confidential. Yet my colleagues on the other side keep acting as if that is a right they should have no matter what.

Their attempts have been criticized by all seven living former Solicitors General and by at least two major newspapers of which I am aware. But more fundamental is the fact that Mr. Estrada does not object to turning over these memoranda. He has nothing to hide. It is the Department of Justice that has an institutional interest and a rightful institutional interest in refusing to comply with my Democratic colleagues' request. I, for one, understand and agree with the Department's position but the Department's recalcitrance in this dispute should neither be imputed to nor held against Mr. Estrada.

What bothers me is that we have had colleague after colleague from the other side come to the floor knowing that these seven Solicitors General have given this opinion—knowing it—and have not informed their colleagues, some of whom are very mixed up about this. Why? Why wouldn't they tell them the truth? I guess to embarrass Mr. Estrada.

This is a fishing expedition par excellence. It is wrong. They just don't want a conservative Hispanic Republican on this court at this time, especially one who has all the credentials that Miguel Estrada has because he would have to be on anybody's short list for the Supreme Court of the United States of America. The longer they can delay him from taking his seat, the more difficult it will be for him to have any chance of being on the Supreme Court and become the first Hispanic not only on the Circuit Court of Appeals for the District of Columbia but the first Hispanic to serve on the U.S. Supreme Court.

I am not saying the court is going to pick Miguel Estrada, but he would be on the short list: He is that good. How many Senators have argued 15 cases before the Supreme Court, winning 10 of them? How many Senators graduated magna cum laude from Columbia or from Harvard, which he did? How many Senators held the prestigious position of editor of the Harvard Law Review? I don't know of any.

All I can say is, how many Senators could have served not only a circuit court of appeals judge but also as a clerk to a Justice of the U.S. Supreme Court, Justice Anthony Kennedy? I don't think any of them. Maybe some, but I don't know of them.

We have reached the point where it is just terrible. We have waited long enough. We have been going on this debate now for a week. That is longer than most Supreme Court nominations. This man certainly deserves to have an up-or-down vote and not a vote on cloture.

I have been asked by the leader to make the following unanimous consent request: I ask unanimous consent that there be an additional 6 hours for debate on the Estrada nomination; provided further that the time be equally divided between the chairman and ranking member or their designees, and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

The PRESIDING OFFICER (Mr. ALEXANDER). Is there objection?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I would modify my unanimous consent request to 8 additional hours in addition to the 6 I have asked for.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Let me modify it to 10 additional hours.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Let me go further, let me modify it to 20 additional hours, which would probably be close to 3 more days.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Madam President, reserving the right to object, the good Senator, my friend from Utah, can add as many hours as he would like, but the Senate wants to be heard on this matter. There will be objections noted on every request for additional time.

Mr. HATCH. Is the Senator telling me no matter what I offer that Senate Democrats are going to object?

Mr. DODD. To try to limit debate on this matter, I tell my good friend from Utah, that any effort to limit debate will be objected to.

Mr. HATCH. Even if I go up to 40 or 50 hours?

Mr. DODD. This is not about the amount of time. The Senate wishes to be heard on this matter. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I don't blame the distinguished Senator from Connecticut for having to make these objections.

Mr. DODD. I don't blame the good Senator from Utah for making the requests.

Mr. HATCH. I am going to keep making them because it is apparent now that we are in the middle of a filibuster. I just want to warn the Senate, that is not a good thing. It is not fair to the President. It is not fair to Miguel Estrada. It is not fair to the process. It is not fair to the judiciary. It is not fair to Senators who have been fair to Democrat nominees who were heavily contested where there were no cloture votes or no, should I say, real filibuster. It is just plain not fair.

What is so wrong with giving this Hispanic man, who may be conservative and who is Republican, an opportunity to serve, to break through that intellectual glass ceiling that suddenly seems to have been erected and give him an opportunity to serve since he has such great ability to be able to do so and has proven it?

I repeat again, he has the highest recommendations of the American Bar Association, the gold standard of my colleagues on the other side. They are the ones who said that the ABA recommendations are the gold standard, and he holds a unanimously well-qualified, highest rating of the American Bar Association. How can we stand here and filibuster somebody like that?

All I can say is that I hope everybody in America is watching us because it is just plain not fair nor is it right. If we are going to do this, it is a road I surely don't want to see the Senate go down. I am hoping that my good friend from Connecticut will talk to his friends on the other side and my friends on the other side and get some reason.

We are now at a new point in history for this body. In the confirmation of judicial nominees, this will be the first time in the history of this country and of this body that a filibuster will be conducted against a circuit court of appeals nominee, a true filibuster. I am going to keep the door open for my colleagues to see the error of their ways, and hopefully we can resolve this matter before the end of this week or in any reasonable time. I offered up to 50 hours that were objected to. I am surely hoping that my colleagues who think a little more clearly on the other side will influence all of our other colleagues who are seemingly so caught up in an ideological warfare and give this vote to Miguel Estrada who deserves it.

I notice my colleague has been patiently waiting for a long time. I apologize to him, but I had to make these comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I am not a member of the Judiciary Committee. I was in the other body some years ago when I served there. But like many of my colleagues here who have served in this institution for some time and have been involved in any number of judicial nominations, going back now over the past two decades, this is a unique moment.

My friend and colleague from Utah has called this a moment of historic significance. I agree with him about that. This is an important moment historically. It is an important moment for this institution.

I enjoy carrying every day with me in my pocket a copy of the Declaration of Independence and the Constitution given to me some years ago by my seatmate, Senator ROBERT C. BYRD of West Virginia, a rather tattered looking copy now. I carry it with me and refer to it quite frequently as a reminder to myself of what a wonderful privilege it is to serve in this institution and the sacred obligation we bear, each and every one of us, when we are sworn in as Members of this body to uphold and defend this Constitution.

There are two important relevant points during the next few moments as I share my thoughts on the matter of this nomination. The first begins with article III of the Constitution written more than 200 years ago by our Founding Fathers. It says:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.
>
> The judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour . . . [in a sense for life].

It is a unique office in the judicial branch in this country. Unlike article II on the Presidency, in article III, judicial nominations serve, during good behavior, for the rest of their lives.

This nominee is in his early forties, I am told. God willing, Miguel Estrada may have as many as 40 or 50 years to serve on the judicial branch of this country, either at the circuit court level, or possibly the Supreme Court level, having listened to my friend from Utah about the possibility of being on a short list.

So in assessing this nomination and the process, it is critically important that my colleagues and others be mindful of this article III, section 1 provision, that judges are nominated by the President and serve, if confirmed, for life. These are unique positions in the entire constellation of offices that could be held in the Federal Government—for life, during good behavior.

The second provision that is important to take note of as you engage in this discussion is in article II, section 2. I will quote it. Article II, section 2, in part, reads, in the second paragraph:

> He [the President] shall have, Power by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, judges of the Supreme Court, and all other Officers of the United States. . . .

By and with the advice and consent of the United States Senate.

Those two provisions are critically important to keep in mind as you listen to this debate and discussion about this particular nomination. The debate and discussion, I suggest, goes far beyond the individual attributes, qualifications of Miguel Estrada.

For those reasons, I totally agree with my colleague from Utah that this is a historic moment in terms of how we consider this process, which has survived for more than 200 years. It has never been changed. Over the history of this institution, Senates have taken the role of advice and consent to varying degrees with more or less seriousness. There have been times when there was hardly any advice and consent, and matters went through here rather routinely. I think most historians look back on those periods and would define those moments as being less than stellar periods of this institution's history. When this institution, a coequal branch of Government with the article I and article III branches of government, has taken its advise and consent role seriously—particularly with lifetime appointments—then I think we have lived up to the Founding Fathers' ambitions for this body.

I have voted for almost every Presidential nominee to serve in a cabinet or ambassadorial post. I received significant criticism when I voted for John Tower more than a decade ago during the administration of the first President Bush. I voted for John Ashcroft to be Attorney General of the United States and received substantial criticism, and still do, to this day from people in my own party. I did so not because I agreed with John Ashcroft or with John Tower, but I happen to believe that, when it comes to cabinet officers or ambassadors for periods of limited duration, Presidents ought to be able to have their counsel and official team to advance the ideas and values they articulated during their campaigns and which the American public supported through the election process. That is not to say I would vote for every single nominee of whatever kind, because I take the advice and consent role seriously.

I have always felt when it comes to judicial nominations, because of that article III, section 1 language that gives them the right to serve for life, far beyond the tenure of the President who appoints them or the Congress that confirms them, far beyond any tenure of anyone who serves in any office in the Federal Government, there is a heightened degree of responsibility to fulfill the article II, section 2 provisions of the Constitution to provide our advice and consent.

So it is with that background I come to this nomination, not because I want to necessarily become embroiled in the conditions or qualifications of Miguel Estrada, but because I am deeply concerned we are getting away from fulfilling the Senate's historic responsibilities of fulfilling its article II, section 2 functions and responsibilities.

So I rise to express my opposition to this confirmation and to vote, when the matter occurs, against this nomination, for one simple reason: The administration and Mr. Estrada have failed to provide this Member and this institution and its Members with sufficient evidence to demonstrate that Mr. Estrada would fairly and objectively decide cases that will come before the Court of Appeals for the DC Circuit.

I have no doubt in my mind, nor should anyone, that Mr. Estrada was not chosen in some sort of a blind lottery. His name wasn't just picked out of the blue because we thought we would like to have a Hispanic on the bench—he has a Hispanic heritage; therefore, we will take Mr. Estrada. I promise you there were people who questioned Mr. Estrada about his views before his nomination was made by the President of the United States. Let there be no doubts or illusions about that. The question remains, then, if the President is satisfied this nominee is qualified to sit on the District's Circuit Court of Appeals, why should those of us who have to vote on this nomination not also be entitled to the same opportunity to be full informed about his views? Not about particular cases that may or could come before the court. I have always felt we have no business inquiring of a judicial nominee what his or her views might be about a pending matter that might come before them. But on general questions about their judicial philosophy, their demeanor, how a nominee would conduct him or herself as a judge, those are entirely legitimate issues. In fact, we bear a responsibility to see that those questions are raised—certainly, just as the President or his appointees have questioned Mr. Estrada on those matters. Before they sent his name up here, I promise you they did that. Certainly those of us who have the responsibility under the Constitution to provide our advice and consent, and ultimately our votes, should be entitled to the same opportunity. We have been denied that opportunity. But whatever reasons and motivations there may be this is a process issue that should not be tolerated.

To suggest a nomination can be made by the President and sent to this body, and that this body should confirm such a nominee without having a meaningful opportunity to solicit information from the nominee is a precedent I don't think we ought to make. That is why I agree with my colleague from Utah that this is a historic moment. We should not walk away from our responsibility simply because Mr. Estrada is Hispanic and, apparently, of good background. I am not arguing about all of the good things I've heard about Mr. Estrada. What concerns me is the President and the nominees, or the appointees at the Justice Department, have had an opportunity to inquire of Mr. Estrada about his views, and that this body—a coequal branch—the Constitution requires we who exercise our advice and consent function are being denied that same opportunity. So no one that I know of—maybe there are some, but certainly not this Member—is questioning the accomplishments of Mr. Estrada. What many in the Chamber have questioned, however, is whether Mr. Estrada is likely to be a fair and unbiased appeals court judge for life.

This is an extremely important nomination for the reasons I have just tried to articulate. The Court of Appeals for the District of Columbia is an important court that has exclusive jurisdiction to review many Federal administrative law questions. In a sense, the Court of Appeals for the District of Columbia is the Nation's second highest court, because its decisions can profoundly impact how the Federal Government conducts the people's business. The decisions made by the court of appeals affect all of us across the country. This is not a debate, as I said a moment ago, about whether Mr. Estrada should be appointed to serve as a trial judge where he might gain some judicial experience, although were he to go through the process and refuse to respond to the questions, I would have the same concerns, even for a district court nominee. I think the precedent is dangerous. When the President nominates someone to serve as an appellate court judge and we allow the nonanswers to stand, the matter is even that much more serious because it is an appellate court.

Rather, this is a debate about whether Mr. Estrada, who has never served as a judge anywhere before, should be appointed as a judge who will judge judges and issue final decisions on a wide-ranging set of legal questions that will have national impact.

My colleague from New York, Senator SCHUMER, as well as others who are members of the Judiciary Committee, has pointed out Mr. Estrada is a young man, as I mentioned earlier. He is in his early forties. If confirmed, he may spend the next half century making decisions that will affect our children, our grandchildren, and generations to come. This is a lifetime appointment.

Again, I emphasize that point under article III, section 1. There is no going back if we find out Mr. Estrada is not a good judge. This vote is final, and if we confirm Mr. Estrada, we are all going to have to live with that decision the rest of our lives. We are being asked to confirm Mr. Estrada even though we have been provided with virtually no information about his judicial philosophy or judicial competency.

We have been offered some evidence that Mr. Estrada is a good lawyer, but good lawyers do not necessarily make good judges and, in my view, Mr. Estrada, like all judicial nominees, has an obligation to show the Senate he can be a good judge. He showed the President he can be a good judge, obviously. He showed the staff at the Justice Department he could be a good judge. But he has not shown the Members of this body, nor has the American public had the opportunity, through us, to draw that same conclusion.

We are not hiring a lawyer, we are confirming a judicial nomination. One of the fundamental differences between lawyers and judges is that lawyers are supposed to zealously represent the interests of their clients, but judges are supposed to be balanced, of even temperament, fair, impartial. We want lawyers to be passionate in advocating the causes of their clients, defending those who deserve to be defended and prosecuting those who deserve to be prosecuted. We have an entirely different expectation of judges in terms of demeanor and behavior.

Again, the fact that Mr. Estrada is a very good lawyer, a passionate advocate on behalf of his clients, is certainly a good recommendation, but not necessarily a recommendation that he bears the temperament to sit as a judge on the circuit court of appeals. That may be the case, but when we are denied the opportunity to inquire of him about his judicial temperament, about his philosophy, then, in my view, we really don't know. And if we confirm a nomination when we really don't know we are setting a precedent that I think is dangerous indeed.

Mr. Estrada, apparently on the advice of the administration, has chosen not to respond to the Senate's questions, refusing to answer questions on what he thinks about legal issues. He was asked by Senator SCHUMER, I am told, in the committee to name one Supreme Court decision over the last 40 or 50 years with which he disagreed. I do not know of a person in this Chamber who could not answer that question in about 2 minutes, particularly those who are members of the bar, attorneys by profession. Certainly, we all know of cases, maybe even cases we learned when we were in law school that we thought were wrong.

If Mr. Estrada, this terrific lawyer, a graduate of Harvard Law School, Phi Beta Kappa, cannot name one Supreme Court case with which he disagrees, then we are getting a message: I am not going to answer your questions about these matters, period. I think it is dangerous to allow nominees to refuse to respond.

My colleague from Utah, the chairman of the committee, Senator HATCH, once noted that when it comes to judicial nominations:

> The Senate has a duty not to be a rubberstamp.

I could not agree more with my friend and colleague from Utah on that point. This is not a trivial matter to be taken lightly. I believe it would be irresponsible to vote to confirm a judicial nominee without knowing something about his or her judicial temperament.

Not every judicial nominee comes to the Senate with years of experience on the bench, but when a nominee, such as Miguel Estrada, has no judicial experience, we bear a responsibility to look for other evidence of his demeanor and his ability to put aside rancor in favor of balanced judicial reasoning.

I would like to add that when nominees with similar backgrounds as Mr. Estrada have provided us with evidence, they have been confirmed by the Senate regardless of their ideologies. It was a few months ago the Senate Judiciary Committee and the full Senate voted unanimously to confirm Professor Michael McConnell as a judge on the Tenth Circuit Court of Appeals. Despite his impressive credentials as a lawyer and scholar, he had never been a judge before and, as we all know, a number of groups were concerned that his clearly conservative ideologies would influence his decisions on the bench.

However, after Professor McConnell openly and extensively discussed his opinions on issues, such as federalism and Roe v. Wade, in his hearing before the Judiciary Committee, then the full Senate, Democrats as well as Republicans, agreed that he would fulfill his duties as a judge impartially regardless of his personal views.

That is a recent example of a nominee unanimously confirmed by this body. But Professor McConnell had the courage of his convictions. He was not ashamed to stand up and say what he believed and why he believed it. As a result of that kind of forthrightness, this body unanimously confirmed him to be a circuit court judge. He had no judicial experience, but he was not ashamed of who he was or in what he believed.

I do not know Mr. Estrada, and I presume he is not ashamed of his views, but the reluctance to share those views with the membership of the Senate, with the members of the Judiciary Committee, is troubling, to put it mildly. When a nominee will not answer questions, when they cannot name a single Supreme Court case with which they disagree, then we begin to get concerned that this is a stonewalling operation.

During a hearing before the Senate Judiciary Committee, Mr. Estrada refused to answer a long list of questions about his positions on important legal matters. Mr. Estrada refused to explain whether he is inclined to support the interests of business, States rights, the rights of workers, consumers, or children. He refused to comment on whether he would approve the administration's environmental rollbacks. He even declined to give his opinion on a wide range of constitutional issues—the merits of Roe v. Wade, the constitutionality of affirmative action programs, the death penalty, employment discrimination against homosexuals, the balance between environmental protection and property rights, the public's right to know about health and safety standards versus a litigant's right to privacy in product liability cases.

Is there any doubt that the President or his appointees or staff at the Justice Department have a good idea of how Mr. Estrada feels about those questions? Does anyone believe for a second they would send his nomination to the Senate without having some idea of where he stood on these questions? And do not I as a Member of this body, in a coequal branch of Government, have a right, before I cast my vote, to at least have the opportunity to raise these questions and get some answers to them? I think I do.

If we set the precedent of saying you can be nominated by a President of any party, that your appointed staff at the Justice Department can ask these questions and know the answers, but Members of the Senate, Democrats or Republicans, have no right to solicit or find out this information, that is dangerous. That is precedent setting. That is troubling, indeed.

Regardless of who the nominee is, regardless of who the President is who sends a nominee to this Chamber, if we set the precedent that people can go through the confirmation process and not share with us their general views—not their views on how they would rule on individual pending cases; I would strenuously object to questions like that—but to get some sense of the nominee's demeanor, judicial philosophy and ideas. Much to the great credit of Professor McConnell, with whom I would disagree on many matters, I believe, I admire the fact he had the intestinal fortitude to stand up and say: This is what I believe.

As a result of that, the full support of the Senate. But I am deeply troubled with the idea that a person can stonewall, not answer these questions, and then be confirmed by this body. This issue goes far beyond Miguel Estrada. Our failure to understand that, I think, is dangerous.

When asked about each and every one of the issues I've discussed, Mr. Estrada refused to articulate an opinion to the members of the Judiciary Committee. It ought to be troubling to every one of us, regardless of our views, to set that precedent. It is troubling, to say the least, that a prospective appellate court judge and one who clearly, should a vacancy arise in the Supreme Court, according to my friend from Utah—and I believe he is correct—will be on the short list to be on the Supreme Court—that he would have no opinions on any of these matters.

If Mr. Estrada does indeed have opinions on these issues, it is even more troubling that he refuses to make those opinions known, not just to me or members of the committee but to the American public who have sent us to the Senate to represent them. They have a right to know how this individual would at least view some of these basic fundamental constitutional questions.

Instead of honestly and openly answering questions about his judicial philosophy, Mr. Estrada decided to keep quiet, to take his chances, and roll the dice on the floor of the Senate, hoping that the dice would be loaded in his favor and that there would be no way to stop this nomination from going forward.

Senator SCHUMER once again pointed out that if we confirm Miguel Estrada, we are ratifying a don't-ask-don't-tell policy for judicial nominees. Tragically, I think that characterization is correct.

Mr. Estrada sat before the Judiciary Committee and said nothing, believing if he did not say a word, the majority of the Senate would rubberstamp his nomination. And in turn, the administration has willingly participated in this conspiracy of silence to deny the Senate and the American people access to information by refusing to release copies of Mr. Estrada's legal memoranda from his time in the Solicitor General's Office.

I listened to my colleague from Utah go on at some length about this point. There is no legal requirement that memoranda from the Solicitor General's Office be withheld from the Senate. It is true that previous Solicitors

General have said they would prefer that these documents not be forwarded to the Senate for the reason that this might make it difficult in future years to get the kind of candid assessments by Justice Department lawyers. I am somewhat sympathetic to that argument forwarded by my colleague from Utah, but in the absence of any other information it is more necessary to see documents. Certainly, if a person is forthcoming in sharing their views and thoughts, then the necessity to go and solicit documents from the Justice Department where a nominee may have worked before ought to be avoided, but the issue arises when a nominee refuses to answer any questions. Where there are no other papers, no documents, very few written materials that the nominee has produced, the value of these legal memoranda is heightened. So that in the absence of being forthcoming when the questions are asked, where does one go? What do I rely on? Do I say to my constituents back home that I am sorry he would not say anything and, by the way, there is no legal requirement but the Solicitor General's Office won't share information either?

Now, based on some research that has been done, there is precedent for the Solicitor General sharing information, that is really true, and I will leave it to my friend and former chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY, to comment specifically on that.

Going back a number of years ago, the Judiciary Committee sought and received a number of documents, I believe during the Bork nomination and several others. I think Judge Trott was another case. There were two or three others who had worked in the Solicitor General's Office or other offices at the Department of Justice, and they shared with the Senate Judiciary Committee the work product of those employees. Those documents were used by the Judiciary Committee during the confirmation process.

I do not disagree with the Senator from Utah that there are some concerns about going that route for the reasons I have stated, but there is precedent where that information has been made available to the Senate Judiciary Committee when considering nominations for the Federal judiciary.

Mr. HATCH. Will the Senator yield on that point?

Mr. DODD. Let me finish my statement, and I will come back because I am going to put in the RECORD a large number of documents that make that case.

Mr. HATCH. I just ask the Senator to yield on that narrow point.

Mr. DODD. I would like to finish my statement rather than engage in a debate on this particular point.

Mr. HATCH. I do not want to debate. I just want to make one point.

Mr. DODD. I yield for one question.

Mr. HATCH. Is the Senator aware that I just went through that the Justice Department proved that these types of documents have never been given to anybody?

Mr. DODD. I was not going to dwell on the point.

Mr. HATCH. We go over and over it.

Mr. DODD. Then I will go over and over it. In the past documents were submitted to the Senate Judiciary Committee.

Mr. HATCH. No, they weren't.

Mr. DODD. There are four pages of list here that go on. They sent us a long list.

Mr. HATCH. Is the Senator aware of the list from the Justice Department?

Mr. DODD. In fact, I have a letter from the Justice Department dated May 10, 1988, signed by Thomas M. Boyd, Acting Assistant Attorney General, in which he says to Chairman Biden:

> As assistant attorney general John Bolton noted in an August 24, 1987, letter to you, many of the documents provided to the committee reflect or disclose purely internal deliberations within the Executive Branch, the work product of attorneys in connection with government litigation or confidential legal advice received from or provided to client agencies within the Executive Branch. We provided these privileged documents to the committee in order to respond fully to the Committee's request and to expedite the confirmation process.

Would you send them back, in essence. These were documents in the committee that were provided by the Solicitor General's Office, and the assistant attorney general is asking for them back. What do you mean, they had not been sent up? They were.

I do not want to dwell on this point, but when we get no information from the nominee about where he stands on important matters—by the way, here is a list of the documentation in that particular case that goes on for four pages. I ask unanimous consent that these matters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF JUSTICE, OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, September 2, 1987.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Attached is one set of copies of documents assembled by the Department in response to your August 10, 1987 request for documents relating to the nomination of Robert Bork to the supreme court of the United States, and provided in response to requests made to date by Committee staff. These documents are being provided under the conditions stated in my August 24, 1987 letter to you.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

Attachments.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 10, 1987.

Hon. EDWIN MEESE III,
Attorney General, Department of Justice,
Washington, DC.

DEAR GENERAL MEESE: As part of its preparation for the hearings on the nomination of Judge Robert Bork to the Supreme Court, the Judiciary Committee needs to review certain material in the possession of the Justice Department and the Executive Office of the President.

Attached you will find a list of the documents that the Committee is requesting. Please provide the requested documents by August 24, 1987. If you have any questions about this request, please contact the Committee staff director, Diana Huffman, at 224-0747.

Thank you for your cooperation.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Chairman.

REQUEST FOR DOCUMENTS REGARDING THE NOMINATION OF ROBERT H. BORK TO BE ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT

Please provide to the Committee in accordance with the attached guidelines the following documents in the possession, custody or control of the United States Department of Justice, the Executive Office of the President, or any agency, component or document depository of either (including but not limited to the Federal Bureau of Investigation):

1. All documents generated during the period from 1972 through 1974 and constituting, describing, referring or relating in whole or in part to Robert H. Bork and the so-called Watergate affair.

2. Without limiting the foregoing, all documents generated during the period from 1972 through 1974 and constituting, describing, referring or relating in whole or in part to any of the following:

a. Any communications between Robert H. Bork and any person or entity relating in whole or in part to the Office of Watergate Special Prosecution Force or its predecessors- or successors-in-interest;

b. The dismissal of Archibald Cox as Special Prosecutor;

c. The abolition of the Office of Watergate Special Prosecution Force on or about October 23, 1973;

d. Any efforts to define, narrow, limit or otherwise curtail the jurisdiction of the Office of Watergate Special Prosecution Force, or the investigative or prosecutorial activities thereof;

e. The decision to reestablish the Office of Watergate Special Prosecution Force in November 1973;

f. The designation of Mr. Leon Jaworski as Watergate Special Prosecutor;

g. The enforcement of the subpoena at issue in *Nixon* v. *Sirica*;

h. Any communications on October 20, 1973 between Robert H. Bork and then-President Nixon, Alexander Haig, Leonard Garment, Fred Buzhardt, Elliot Richardson, or William Ruckelshaus;

1. Any communications between Robert H. Bork and then-President Nixon, Alexander Haig and/or any other federal official or employee on the subject of Mr. Bork and a position or potential position as counsel to President Nixon with respect to the so-called Watergate matter;

m. Any action, involvement or participation by Robert H. Bork with respect to any issue in the case of *Nader* versus *Bork*, 366 F. Supp. 104 (D.D.C. 1975), or the appeal thereof;

n. Any communication between Robert H. Bork and then-President Nixon or any other federal official or employee, or between Mr. Bork and Professor Charles Black, concerning Executive Privilege, including but not limited to Professor Black's views on the President's "right" to confidentiality as expressed by Professor Black in a letter or article which appeared in the New York Times in 1973 (see Mr. Bork's testimony in the 1973 Senate Judiciary Committee hearings on the Special Prosecutor);

O. The stationing of FBI agents at the Office of Watergate, Special Prosecution Force on or about October 20, 1973, including but not limited to documents constituting, describing, referring or relating to any communication between Robert H. Bork, Alexander Haig, or any official or employee of the Office of the President or the Office of the Attorney General, on the one hand, and any official or employee of the FBI, on the other; and

p. The establishment of the Office of Watergate Special Prosecution Force, including but not limited to all documents constituting, describing, referring or relating in whole or in part to any assurances, representations, commitments or communications by any member of the Executive Branch or any agency thereof to any member of Congress regarding the independence or operation of the Office of Watergate Special Prosecution Force, or the circumstances under which the Special Prosecutor could be discharged.

3. The following documents together with any other documents referring or relating to them:

a. The memorandum to the Attorney General from then-Solicitor General Boark, dated August 21, 1973, and its attached "redraft of the memorandum intended as a basis for discussion with Archie Cox" concerning "The Special Prosecutor's authority" (typeset copies of which are printed at pages 287–288 of the Senate Judiciary Committee's 1973 "Special Prosecutor" hearings);

b. The letter addressed to Acting Attorney General Bork from then-President Nixon, dated October 20, 1973., directing him to discharge Archibald Cox;

c. The letter addressed to Archibald Cox from then-Acting Attorney General Bork, dated October 20, 1973, discharging Mr. Cox for his position as Special Prosecutor;

d. Order No. 546–73, dated October 23, 1973, signed by then-Acting Attorney General Bork, entitled "Abolishment of Office of Watergate Special Prosecutor Force";

e. Order No. 547–73, dated October 23, 1973, signed by then-Acting Attorney General Bork, entitled "Additional Assignments of Functions and Designation of Officials to Perform the Duties of Certain Offices in Case of Vacancy, or Absence therein or in Case of Inability or Disqualification to Act";

f. Order No. 551–73, dated November 2, 1973, signed by then-Acting Attorney General Bork, entitled "Establishing the Office of Watergate Special Prosecution Force";

g. The Appendix to Item 2.f., entitle "Duties and Responsibilities of Special Prosecutor";

h. Order No. 552–73, dated November 5, 1973, signed by then-Acting Attorney General Bork, designating "Special Prosecutor Leon Jaworski the Director of the Office of Watergate Special Prosecution Force";

i. Order No. 554–73, dated November 19, 1973, signed by then-Acting Attorney General Bork, entitled "Amending the Regulations Establishing the Office of Watergate Special Prosecution Force"; and

j. The letter to Leon Jaworski, Special Prosecutor, from then-Acting Attorney General Bork, dated November 21, 1973, concerning Item 2.i.

4. All documents constituting, describing, referring or relating in whole or in part to any meetings, discussions and telephone conversations between Robert H. Bork and then-President Nixon, Alexander Haig or any other federal official or employee on the subject of Mr. Bork's being considered or nominated for appointment to the Supreme Court.

5. All documents generated from 1973 through 1977 and constituting, describing, referring or relating in whole or in part to Robert H. Bork and the constitutionality, appropriateness or use by the President of the United States of the "Pocket Veto" power set forth in Art. I, section 7, paragraph 2 of the United States Constitution, including but not limited to all documents constituting, describing, referring or relating in whole or in part to any of the following:

a. The decision not to petition for certiorari from the decision of the United States Court of Appeals for the District of Columbia Circuit in *Kennedy* v. *Sampson*, 511 F.2d 430 (1947);

b. The entry of the judgment in *Kennedy* v. *Jones*, 412 F. Supp. 353 (D.D.C. 1976); and

c. The policy regarding pocket vetoes publicly adopted by President Gerald R. Ford in April 1976.

6. All documents constituting, describing, referring or relating in whole or in part to Robert H. Bork and the incidents at issue in *United States* v. *Gray, Felt & Miller*, No. Cr. 78–00179 (D.D.C. 1978), including but not limited to all documents constituting, describing, referring or relating in whole or in part to any of the exhibits filed by counsel for Edward S. Miller in support of his contention that Mr. Bork was aware in 1973 of the incidents at issue.

7. All documents constituting, describing or referring to any speeches, talks, or informal or impromptu remarks given by Robert H. Bork on matters relating to constitutional law or public policy.

8. All documents constituting, describing, referring or relating in whole or in part either (i) to all criteria or standards used by President Reagan in selecting nominees to the Supreme Court, or (ii) to the application of those criteria to the nomination of Robert H. Bork to be Associate Justice of the Supreme Court.

9. All documents constituting, describing, referring or relating in whole or in part to Robert H. Bork and any study or consideration during the period 1969–1977 by the Executive Branch of the United States Government or any agency or component thereof of school desegregation remedies. (In addition to responsive documents from the entities identified in the beginning of this request, please provide any responsive documents in the possession, custody or control of the U.S. Department of Education or its predecessor agency, or any agency, component or document depository thereof.)

10. All documents constituting, describing, referring or relating in whole or in part to the participation of Solicitor General Robert H. Bork in the formulation of the position of the United States with respect to the following cases:

a. *Evans* v. *Wilmington School Board*, 423 U.S. 963 (1975), and 429 U.S. 973 (1976);

b. *McDonough* v. *Morgan*, 426 U.S. 935 (1976);

c. *Hills* v. *Gautreaux*, 425 U.S. 284 (1976);

d. *Pasadena City Board of Education* v. *Spangler*, 427 U.S. 424 (1976);

e. *Roemer* v. *Maryland Board of Public Education*, 426 U.S. 736 (1976);

f. *Hill* v. *Stone*, 421 U.S. 289 (1975); and

g. *DeFunis* v. *Odegaard*, 416 U.S. 312 (1975).

GUIDELINES

1. This request is continuing in character and if additional responsive documents come to your attention following the date of production, please provide such documents to the Committee promptly.

2. As used herein, "document" means the original (or an additional copy when an original is not available) and each distribution copy of writings or other graphic material, whether inscribed by hand or by mechanical, electronic, photographic or other means, including without limitation correspondence, memoranda, publications, articles, transcripts, diaries, telephone logs, message sheets, records, voice recordings, tapes, film, dictabelts and other data compilations from which information can be obtained. This request seeks production of all documents described, including all drafts and distribution copies, and contemplates production of responsive documents in their entirety, without abbreviation or expurgation.

3. In the event that any requested document has been destroyed or discarded or otherwise disposed of, please identify the document as completely as possible, including without limitation the date, author(s), addressee(s), recipient(s), title, and subject matter, and the reason for disposal of the document and the identity of all persons who authorized disposal of the document.

4. If a claim is made that any requested document will not be produced by reason of a privilege of any kind, describe each such document by date, author(s), addressee(s), recipient(s), title, and subject matter, and set forth the nature of the claimed privilege with respect to each document.

Mr. DODD. I ask unanimous consent that the letter to Senator BIDEN from Thomas Boyd dated May 10, 1988, requesting these materials back from the Senate Judiciary Committee also be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 10, 1988.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BIDEN: This letter requests that the Committee return to the Justice Department all copies of documents produced by the Department in response to Committee requests for records relating to the nomination of Robert Bork to the Supreme Court. As Assistant Attorney General John Bolton noted in an August 24, 1987, letter to you, many of the documents provided the Committee, "reflect or disclose purely internal deliberations within the Executive Branch, the work product of attorneys in connection with government litigation or confidential legal advice received from or provided to client agencies within the Executive Branch." We provided these privileged documents to the Committee in order to respond fully to the Committee's request and to expedite the confirmation process.

Although the Committee's need for these documents has ceased, their privileged nature remains. As we emphasized in our August 24, 1987, letter, production of these documents to the Committee did not constitute a general waiver of claims of privilege. We therefore request that the Committee return all copies of all documents provided by the Department to the Committee, except documents that are clearly a matter of public record (e.g., briefs and judicial opinions) or that were specifically made a part of the record of the hearings.

Please contact me if you have any questions. Thank you for your cooperation.

Sincerely,

THOMAS M. BOYD,
Acting Assistant Attorney General.

Mr. DODD. So there is precedent for this. I do not want to dwell on that point because we ought to avoid that at least when we get nominees who are more forthcoming when questions are asked.

I will wrap this up because I see my colleague from New Jersey is in the Chamber and wants to speak on this matter. The Senator from Vermont, who knows far more about this than this Senator does, is also present.

Since the matter was raised by my friend and colleague from Utah earlier in his remarks, I thought it was appropriate to address and respond to the issue of whether or not documents from the Solicitor General's Office had, in fact, been provided to the Judiciary Committee in the past. Of course, there is ample evidence that they have been.

I do not blame Mr. Estrada for this, by the way. These are not his documents. These documents are the documents of the Solicitor General's Office, and therefore the allegation that Mr. Estrada is unwilling to provide these documents is not fair. It is the Department of Justice that has made that decision. I am disappointed that Mr. Estrada has not been willing to respond to Senators' questions about judicial philosophy and temperament but, rather, refused to answer any questions. That is a separate matter, but I thought it was important for our colleagues to make the distinction.

It is unfortunate this has come to be seen as a partisan debate. This should not be the case. This ought to be a matter of concern to every single Member. If this is the way we conduct these judicial nominations in the future and this becomes the precedent, then I think this institution suffers terribly in terms of fulfilling its article II, section 2, requirements of the advice and consent when the President submits nominations. Of course, for lifetime appointees, this matter becomes even that much more serious.

I will not take more of the Senate's time on my feelings on this. I do not speak on all of these matters. I pointed out earlier that this Member has, in the overwhelming majority of cases, voted to confirm nominees from all these administrations over the years where the nominations have been for a limited duration. I pointed out I voted for John Tower and John Ashcroft. I believe Presidents ought to have their teams. I recall very vividly, with great warmth, voting for the Presiding Officer when he was considered as a nominee before this body.

When someone gets elected President, they ought to have their team. The public ought to understand that when the President appoints someone to a high office, a Cabinet office or an ambassador, that certainly requires the advice and consent of the Senate. But for a lifetime appointee, particularly a young man of 40 years of age, who could be on that bench for 40 or 50 years, far beyond the tenure of this President's term of office, far beyond the tenure of probably every single Member who would vote on his nomination, that rises to a different level, with all due respect, to the other nominees who come before this institution.

The advice and consent function on a lifetime appointment requires a heightened degree of responsibility, in my view, and when nominees will not answer questions about judicial temperament and demeanor, it is deeply troubling to me. Conservatives and liberals ought to join together in saying: I am sorry, but, Mr. President, if you send us nominees and instruct them to do this, then all of us will join together against that. Regardless of whether it is a Democrat or Republican in the White House, as Senators, as Members of a coequal branch of Government, we cannot fulfill our constitutional responsibility if that is the way in which the President conducts his business.

This goes beyond Miguel Estrada. I regret he has been caught in this. He has, for whatever reason, decided to be used in this way. That is terribly unfortunate for him but far more unfortunate for this institution and the future of judicial nominations if, in fact, this becomes the platelet on how you get confirmed for a lifetime appointment: Don't answer any questions; don't respond to issues about constitutionality of various provisions.

I repeat: I have on numerous occasions voted for judicial nominees with whom I have disagreed. But because they have been forthcoming, they have been honest about their views, because they have convinced me they would be impartial and fair sitting on a bench, I have never used the litmus test whether I ideologically disagree with a judicial nominee. But when you do not answer my questions or the questions of my colleagues on whom I rely under our committee system, that troubles this Senator deeply. Whether this nominee was made by a Democratic President or a Republican President, I would stand here and make the same case, that this institution and its Members have an obligation in this historic hour to say to the President, this is not the way to do business around here. You cannot send up nominees in this manner and expect this body to rubber stamp a nomination and to send the nominee off for the many years he may serve, making decisions without any knowledge of whether or not he will conduct his affairs as a judge in a way that will bring credit to himself and to the federal courts, let alone the institution which is responsible for ultimately voting to confirm this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I agree with my colleague that what he was saying is true, as I am sure he intended it to be. He is a dear colleague and close friend. I agree he has an open mind with regard to nominees and has exhibited that through the years. He has been totally misled on these matters.

That is something that is starting to bother me. I have run into a number of Democrat Senators who have spouted the same things that are just plain not right or factual—not everything he said.

But he is correct. I did make a speech at one time where I said we should not rubber stamp these people, and I still believe that. However, this is not rubber stamping.

First, it was 516 days before Miguel Estrada even got his hearing. For those who think he did not answer any questions, take a look at this hearing record. My gosh, I can hardly lift the doggone thing. He answered question after question after question. He just did not answer questions the way they wanted. I suspect, as is very evident here today, and evident throughout this matter, they do not have anything on him.

The distinguished Senator from Vermont wanted to speak and I am prepared to turn the time over to him when he returns. I ask unanimous consent that after my remarks the distinguished Senator from New Jersey—how much time does the Senator desire?

Mr. CORZINE. About 30 minutes.

Mr. ALLARD. I need about 15 minutes.

Mr. HATCH. I ask unanimous consent that the distinguished Senator from New Jersey immediately follow me for 30 minutes, the distinguished Senator from Colorado follow the distinguished Senator from New Jersey for 15 minutes, and that the distinguished Senator from Alabama be permitted then to speak.

Mr. REID. I have no objection, but just so we have some idea, and I really don't care how long the Senator from Alabama speaks, but do you know how long you might speak tonight?

Mr. SESSIONS. Probably 15 minutes. Senator DODD mentioned some documents. Have those been offered for the RECORD?

Mr. DODD. Yes.

Mr. SESSIONS. I would be pleased to take a look at those.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I tell my dear colleague from Connecticut that I think he has been very badly misled by some of the people on his side. Mr. Estrada waited over 500 days for a hearing conducted by Democrats. Senator SCHUMER is no shrinking violet. We all know that. He is another friend of mine, and he is no shrinking violet.

They asked questions for a lengthy, extraordinary period of time compared to other nominees. This is the hearing transcript. My gosh. He answered question after question after question. But he just did not answer them the way he wanted them to answer. And he did not make any mistakes, apparently, and he did not give them anything to hang him with.

There is a double standard being played here. I remember the distinguished Senator from Connecticut saying he is sorry that Miguel Estrada has to be used in this way as a bad example. He is being used all right because they cannot pin anything on him that they do not like other than they claim he did not answer the questions.

Well, they had the committee. They could have asked all the questions they wanted to, and they did, and it went on for hours. I might add that he answered them. He just did not answer them the way they wanted him to answer. Talk about a double standard.

Why is this Hispanic person going through this? I will tell you why. Because he is a Hispanic conservative Republican who they are afraid will tip the balance of power on the Circuit Court of Appeals for the District of Columbia and might even be considered for the Supreme Court of the United States of America. They are going to do everything they can in their power to delay his nomination.

It is pathetic. It is shameful. I am sick and tired of it. I am tired of my colleagues being misled by their own colleagues. We go over and over the facts in this matter. The requests they were making of the Justice Department were for confidential documents.

I will take a few minutes, because it is important, after this last speech. I know my colleague would not have said some of the things he said if he had been given the true facts. I am not disagreeing with everything he said, but I certainly disagree with an awful lot of what he said.

Fact versus fiction—I will cite what has really gone on here. Their base is People for the American Way, a national abortion rights league, the Alliance for Justice—you can name 20 other far left organizations that just plain do not want any of President Bush's circuit court of appeals nominees being treated fairly. They do not want them at all. They disagree with them because they are left wing and these nominees are moderate to conservative. At least, we hope they are. Certainly, the President hopes they are.

And I might add, the President does not tell them what to say up here, which was implied in the last remark. I know how they vote these judges. They do not ask them questions like that. We know darned well the minute they do our questionnaire would bring it up. We make it very clear in the questionnaire that is not supposed to happen, but, naturally, they help these people understand what is going on.

Let me use People for the American Way, just for one of these left-wing groups that is almost always wrong. Here is an argument against Miguel Estrada. This is in the Senate Democratic Policy Committee briefing book on the nomination of Miguel Estrada: Lack of judicial experience. Mr. Estrada has no judicial experience. He has had no publication since a banking law article he wrote in law school. He is not a distinguished legal scholar or professor and he has never taught a class. The bulk of his career has been spent in the Solicitor General's Office and in private practice.

Hey, that ain't bad right there, Solicitor General's Office and private practice. But the fact he has no judicial experience is a joke—as if that is an inhibiting factor.

This is what People for the American Way said in a letter from the president, Ralph Neas, to the Senate Judiciary Committee, dated January 29, 2003: Mr. Estrada has worked for the Justice Department for more than half of his career and has never served as a judge or a magistrate or law professor and, indeed, has not published any legal writings since law school. It is virtually the same thing in the Democratic policy books. But here are the facts. Only 3 of the 18 judges confirmed to the DC Circuit since President Carter's term began in 1977 previously had judicial experience—only 3 of them of the 18 judges.

Here is another fact. Democrat-appointed DC Circuit judges with no prior judicial experience include Harry Edwards—I think he is the current chief judge, isn't he, or he was—Merrick Garland, Ruth Bader Ginsburg, Abner Mikva, David Tatel, and Patricia Wald. They are all Democrats, of course. All were appointed by either Carter or Clinton and had no prior judicial experience.

Why is it fair for them to be on this court with no prior judicial experience but it is not fair for Mr. Estrada? Why the double standard? My gosh, they are not treating this guy fairly at all.

Let me give another fact. Several other Clinton appointees to the courts of appeals received their appointments despite having no prior judicial experience. Ninth Circuit appointees Richard Tallman, Marsha Berzon, Ronald Gould, Raymond Fisher, William Fletcher, Margaret McKeown, Sidney Thomas, and Michael Hawkins all had no judicial experience prior to taking the bench. Seven of these eight—all but Fletcher, who was a law professor—were in private practice when they were nominated by President Clinton and confirmed by the Senate.

Several Supreme Court Justices had no prior judicial experience before their first appointment to the bench. Louis Brandeis spent his entire career in private practice before he was named to the Supreme Court in 1916. Byron White, a personal friend of mine, one of the great Justices, spent 14 years in private practice and 2 years in the Justice Department. He worked for the Justice Department. I guess that was an inhibiting factor before his appointment to the Court by President Kennedy in 1962. He had no prior judicial experience.

Thurgood Marshall had no judicial experience when President Kennedy recess appointed him to the Second Circuit in 1961. Marshall served in private practice and as special counsel and director of the NAACP prior to his appointment.

Why is Miguel Estrada, this Hispanic gentleman, being treated differently? Because he is a Hispanic conservative Republican, or at least they think he is conservative. I am not sure.

Let me go back to the Democratic Policy Committee.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. HATCH. Sure.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I know the Senator is so knowledgeable about these matters. This is an appellate bench, which handles appellate matters. But isn't it true that Mr. Estrada was a law clerk for a Second Circuit Federal judge and a U.S. Supreme Court Justice?

Mr. HATCH. He was a law clerk to Amalya Kearse on the Second Circuit Court of Appeals and law clerk to Justice Kennedy. He had lots of experience on the judiciary. I am glad the Senator pointed that out.

The Senate Democratic policy book on the nomination:

> Mr. Estrada often refused to answer questions.

We are getting this bullcorn on the floor today, and we have gotten it every day we have been here. They don't seem to listen to the facts.

> Mr. Estrada often refused to answer questions, or provided extremely evasive answers during his confirmation hearing.

You should have heard all of their nominees, whom we allowed to go through. OK. It goes on to say:

> He declined to answer all questions about his judicial philosophy and his views on important Supreme Court cases. For example, when Senator Schumer asked Mr. Estrada to name a single case from the entire history of the Supreme Court law that he disagreed with, Mr. Estrada refused.

My goodness. The policy statement says:

> Other judicial nominees of President Bush, including some with significant "paper

> trails, have discussed their jurisprudential views extensively in hearings before the Senate Judiciary Committee. Just last year, Michael McConnell—

You heard Senator DODD bring this up—

> confirmed to the 10th Circuit, thoroughly discussed his views on such subjects as Roe v. Wade and the Supreme Court's recent "federalism" decisions limiting the authority of Congress.

Here is what People for the American Way have to say:

> Mr. Estrada refused to reveal his jurisprudential views . . . in response to questions by Senators. For example, despite repeated attempts by Senator Schumer, he refused to identify even a single Supreme Court decision over the past 40 years with which he disagrees.

At least they got that right—the 40 years part—because we have had Senator after Senator come here and say he refused to talk about any decisions with which he disagreed. Wouldn't he have disagreed with Dred Scott or Plessy v. Ferguson? Those were a long time before the 40 years that Senator SCHUMER asked about. But let's go a little further. People for the American Way says:

> Estrada refused to answer key questions at his Senate Judiciary Committee hearing about his judicial philosophy, such as his views on important Supreme Court decisions. For example, he refused to name a single Supreme Court decision in the last 50 years that he thought was wrong.

Then they go on to say this. This is again a letter from Ralph Neas.

> Other judicial nominees of President Bush, including some with significant "paper trails have discussed their jurisprudential views extensively in hearings before the Senate Judiciary Committee. Just last year, Michael McConnell, who was recently confirmed to the Court of Appeals for the 10th circuit, thoroughly discussed his views on such subjects as Roe v. Wade and the Supreme Court's recent federalism or States rights decisions limiting the authority of Congress.

That was a letter dated January 24, 2002.

Let me give you the facts to show how wrong they are. That is what is killing me, that my colleagues would misrepresent like this on the floor of the Senate and misrepresent to their own colleagues. That is what is killing me. Here are the facts.

> Cannon 5A(3)(d) of the American Bar Association's Model Code of Judicial Conduct states that prospective judges "shall not . . . make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of office . . . [or] make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.

Justice Thurgood Marshall made the same point in 1967 when he refused to answer questions about the fifth amendment.

> I do not think you want me to be in a position of giving you a statement on the Fifth Amendment and then, if I am confirmed and sit on the Court when a Fifth Amendment case comes up, I will have to disqualify myself.

Or Lloyd Cutler, who is one of the great lawyers in Washington, DC, and, frankly, in the country:

> Lloyd Cutler, President Clinton's former White House Counsel, testified before the Senate Judiciary Committee last year that "it would be a tragic development if ideology became an increasingly important consideration in the future. To make ideology an issue in the confirmation process is to suggest that the legal process is and should be a political one. That is not only wrong, it is a matter of political science; and also serves to weaken public confidence in the courts."

Think about it. Think about it. The reason Mike McConnell had to answer very carefully is that he had written so extensively that he pretty well had to acknowledge that that is what he wrote on Roe v. Wade. He was highly critical of Roe v. Wade. I respect my colleagues for accepting Professor McConnell. On the other hand, he had 305, many of whom were the most liberal law professors in the country, supporting him because he is so honest and decent and smart, rated as one of the two or three top constitutional experts in the country.

Just think about it. These kind of things bother me. Let me just talk about the SG memo, the Solicitor General memos we have heard so much about here. This is what the Democratic Policy Statement says:

> Due to Mr. Estrada's almost nonexistent paper trail, the Judiciary Committee Democrats have tried to obtain legal memoranda he wrote while serve at DOJ. DOJ has refused to provide these documents which presumably would show Mr. Estrada's constitutional analysis of cases and statutes and give members a window into his judicial reasoning.

Here is what People for the American Way said in a letter from Ralph Neas dated January 29:

> As several Senators have explained, Mr. Estrada has a limited paper trail, particularly because the Justice Department has refused to release the legal memoranda he wrote while serving in the Department.

Let's get the real facts. All seven living former Solicitors General of the United States—Seth Waxman, Drew Days III, Walter Dellinger, Kenneth Starr, Charles Fried, and Robert Bork—have written the Judiciary Committee defending the need to keep such documents confidential. Four of those are leading Democrats.

The letter noted that the SG, the Solicitors General:

> relied on frank, honest and thorough advice from their staff attorneys like Mr. Estrada—

And that the open exchange of ideas which must occur in such a context—

> simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure.

I have said that on the floor of the Senate so many times I am getting sick of saying it. Yet I have had Democrats tell me today: You mean seven Solicitors General said that, four of whom are Democrats?

They were amazed to hear that.

Why did the people for the American Way say that? Because they are partisans. They are left-wing partisans. I don't blame them. They believe in that left-wing philosophy of theirs, and I respect people who believe in their philosophies. The ones I don't respect are those who distort the record. That is unfortunate. That is what they have been doing.

On May 28, 2002, the Washington Post editorialized that the committee's request for attorney work product "would be unthinkable if the work had been done for a private client. The legal advice by a line attorney for the federal government is not fair game either."

According to the Post editorial:

> Particularly in elite government offices such as that of the solicitor general, lawyers need to be able to speak freely without worrying that the positions they are advocating today will be used against them if they ever get nominated to some other position.

These people in the Solicitor's Office are generally the top lawyers around. Many of them are going to serve in other positions in the Government. A number of them are going to be judges. We just named eight of them. There are seven former Deputy Assistants for the Solicitor General now serving on Federal circuit courts of appeals. None had any prior judicial experience, and the committee did not ask the Justice Department to turn over any confidential internal memoranda those nominees prepared while serving in the Solicitor General's Office.

Why is Miguel Estrada being treated like this? Why is he being treated so unfairly and differently from anybody else? Why is he being treated differently than those seven others, many of whom are Democrats? Is there a double standard here? You doggone right there is. It is because he is a Hispanic conservative Republican. That is why—because they cannot pin anything on him. When you can't pin something on somebody, you do fishing expeditions to find any amount of dirt you can get. A fishing expedition into confidential memoranda in the Solicitor General's Office should not be allowed, and it has not been.

Let me go back to the Democrat policy statement:

> LACK OF SUPPORT FROM HISPANIC AND OTHER ORGANIZATIONS
>
> Mr. Estrada is opposed by, among others, the following organizations: Congressional Hispanic Caucus, Congressional Black Caucus, Mexican American Legal Defense and Education Fund, Puerto Rican Legal Defense and Education Fund, Leadership Conference on Civil Rights, AFL–CIO, Sierra Club, NOW, National Women's Law Center, NARAL and SEIU.

On January 30, People for the American Way again; this is a press release rather than a letter:

Neas noted that leading Hispanic organizations opposing Estrada's confirmation—including the Congressional Hispanic Caucus, Mexican American Legal Defense and Education Fund, Puerto Rican Legal Defense and Education Fund—have been joined in opposition by a diverse coalition of environmental protection, women's rights, and other public interest groups.

But they don't tell you that the following groups, among others, have announced their support for Estrada: League of United Latin American Citizens (LULAC) (nation's oldest and largest Hispanic civil rights organization); U.S. Hispanic Chamber of Commerce; Hispanic National Bar Association; Hispanic Business Roundtable; the Latino Coalition; National Association of Small Disadvantaged Businesses; Mexican American Grocers Association; and the Hispanic Contractors of America, Inc.

Of course, you can see many other things. There are so many groups that support him.

I attended a press conference today where the head of LULAC was so outraged at the double standard and the way Miguel Estrada is being treated—and, I might add, LULAC is not a conservative organization but it is a respected organization, and I have always respected them. Its leader ripped into what is going on over on the other side of the floor like you can't believe. He is one of the leading Hispanics in America, and rightfully so.

Let me tell you, I think the Hispanic people are starting to catch on—that it is outrageous the way this man is being treated. He is being treated with a double standard. He is being mistreated with a double standard.

I must say that I was a little surprised when I saw the similarities between the Democrats' handbook on Mr. Estrada and the propaganda being circulate by People for the American Way. I guess it's now clear where my Democratic colleagues' talking points are coming from. Maybe my Democratic colleague should examine a little more closely the euphemistically-named People for the American Way.

Over the past two years, I have watched the war of propaganda waged against President Bush's judicial nominees. I have seen the records of good men and women distorted and smeared simply because they are the nominees of a conservative President. And I have decried the pertpetrtors of these smear campaigns who have nothing to lose by their misrepresentations but everything to gain when it come to raising money to promote their left-wing agenda.

I am taking about the liberal Washington special interest groups that are the ones manufacturing the weapons of mass obstruction.

That is what they are—weapons of mass obstruction in this case, and others as well.

One of these groups, People for the American Way, claims that "Americans could lose fundamental rights, freedoms, and protections that they have enjoyed for decades" if the Senate confirms Miguel Estrada. How low can you get? When I learned this, I said to myself, with a name like People for the American Way, maybe I should rethink my position on the Estrada nomination. I began thinking, Who are these folks who call themselves People for the American Way and who want me to oppose Miguel Estrada?

Obviously, I am not a member of their organization. But, given its name, I thought to myself, maybe I should look into joining it. After all, I am a person, and I am all for the American way—which, in my book, stands for truth, civility, fidelity, and justice. So I asked around my neighborhood and, well, it doesn't appear that any of my neighbors are members. My family and friends aren't members. Nor does it appear that any of my veteran friends are members.

So who are they, these People for the American Way? I went to their Web site to find out. It appears that they are a very busy bunch of people who raise money for left-wing causes. Indeed, their Web page on President Bush's judicial nominees contained four separate solicitations for donations, four on one page. Profiting at the expense of trashing other people's reputation may qualify for the National Enquirer way—but it is not the American way. Of course, this organization should be free to raise money and exercise its first amendment rights. But the Senate is not obligated to do its bidding or jump when it says so.

Unfortunately, you can see where a lot of the language is coming from—People for the American Way over and over. It is false.

So I became more curious. Maybe if I learned who its board members are I would be convinced that they truly are people who stand for the American Way.

I did a little more surfing on this Web site and found out that People for the American Way, board members, include a Hollywood actor.

Gee, I think that is great—to have a Hollywood actor acting in politics. We certainly have a few of them, don't we?

The board members include a record executive, a Democratic lobbyist, and a former Clinton White House staffer who was the center of the FALN terrorist clemency debacle. Are these mainstream Americans? Are these people to whom we defer on what qualifies as the American way? Maybe in Hollywood or on the Upper East Side of Manhattan. But not in my neighborhood nor, would I say, in most of America.

This is something that deeply troubles me. Too many of my colleagues on the other side of the aisle appear beholden to groups such as People for the American Way. But their brand of politics includes obstructing the confirmation of qualified men and women to the Federal judiciary using any available weapon. To them, this is war, and all is fair—even if it means smearing the reputation of good, solid nominees such as Miguel Estrada.

Not qualified? Give me a break. An ABA rating, unanimously well-qualified, the highest you can have; 15 U.S. Supreme Court arguments; Columbia, and Harvard Law magna cum laude; editor of the Harvard Law Review; law clerk for the U.S. Supreme Court for Justice Kennedy; and Assistant Solicitor General for both Presidents Bush and Clinton.

That sort of politics is not the American way at all.

I hope my colleagues on the other side of the aisle will stand up to the pressure tactics of the left and recognize that only in America can a teenage immigrant from Honduras apply his intellect and talent to rise to a Presidential appointment to our Nation's highest court. That is the American way.

Only in America can someone such as Miguel Estrada come here hardly speaking English, accomplish so much and rise to the point where the President of the United States has nominated him to one of the most important courts in the country. And only in America can his record be distorted like it is being distorted by the People for the American Way, and others. They have a right, I suppose, under the first amendment to do any kind of distortions they want, but it isn't right for them to do so.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I rise today to express my opposition to the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia.

As many of my colleagues have expressed—and my remarks are not from the talking points of the People for the American Way—there are a few responsibilities of Senators that are more important than the review of judicial nominations. There are few things we will involve ourselves in on the floor of the Senate that actually will survive many of us in our careers in the Senate. The Constitution delegates us both the authority to advise the executive about possible nominations and the power to give or withhold consent. It is critical that we exercise these responsibilities seriously and with the utmost care. We need to be judicious.

After all, judicial nominations are fundamentally different than nominations for executive branch appointments. Unlike the nominations of Cabinet officers, judges, ambassadors, they do not serve the President. They function in an entirely independent branch of Government, a branch with significant power to shape the actions and policies of the other two. As a consequence, there is far less reason to be deferential to a President's judicial nominations than executive branch nominations. A President deserves to have his own team, but when we are talking about the judiciary, we are talking about an independent branch of Government.

Perhaps even more important, judges, unlike executive branch officials, have lifetime appointments. Once the Senate approves their nominations, there are few effective ways to hold them accountable for their decisions. Only in extraordinary circumstances—when a judge is guilty of high crimes and misdemeanors—can the legislative branch recall a judge who does a bad job. That is why it is especially important that Senators assure themselves about the quality of a nominee and their philosophy before he or she is sent to the bench. This power should not be just a review of their biographical information or their academic credentials, their resume. It ought to be complete with regard to understanding their judicial philosophy and how they may approach their demeanor on the bench.

Of course, while all judicial nominations deserve careful review, the particular nomination before us is unusually important. I think it is pretty clear that the Court of Appeals for the District of Columbia is widely acknowledged to be the most powerful appellate court in the Nation, below only the Supreme Court itself. Because it hears appeals for so many cases, involving Federal agencies, the work of Government, its decisions often have broad national impact. It regularly establishes rules with profound implications for workers' safety, consumer protection, civil rights, the environment, and on and on. And its decisions help determine the extent to which ordinary Americans are allowed to challenge the decisions of their Government or the judiciary.

Moreover, the person who is ultimately selected to fill the current vacancy is likely to be a swing vote on the court. The fact is, there currently are eight active judges in place, who are often divided on a 4-4 split. So this individual will almost certainly have an enormous impact on the lives of millions of Americans and vital concerns to them, for better or worse. That, no doubt, is largely why the President and the majority of the Senate have made it such a high priority. And it is a high priority. That is why all Senators need to think long and hard before approving this or any nomination.

Unfortunately, at this point, all of my colleagues face a serious problem in evaluating the nomination before us. We simply do not have enough information to do the job properly. At least that is my view. That is because this nominee has no record in public office, and basically has refused to provide us with information necessary to evaluate his judgment, fitness for appointment to the second highest court in the land. He has refused to answer many basic questions that were posed during the Senate Judiciary Committee review. And he has withheld examples of his work and thought in the past, things I think would be available to anyone who would be actually scrubbing down this nominee if he were in the executive branch.

As a result, it is extremely difficult—frankly, impossible—for any Senator to evaluate his full set of views, his temperament, values, and method of analyzing legal issues, and his likely approach to the bench.

Fundamental questions on issues before the Nation are at stake very regularly in this court with respect to affirmative action, Roe v. Wade, how our labor laws are interpreted, interpretation of the commerce clause, basic fundamental directions I think Senators should understand and at least have a little bit of perspective about on how this nominee might feel about it.

Let me be clear, I recognize it is not appropriate to ask judicial nominees to say anything in the nomination process that would undermine their ability to judge particular cases in the future. They should not be asked to evaluate particular facts, nor to comment on specific legal issues likely to come before them, if confirmed. Nominees have a right and responsibility to exercise reasonable discretion throughout the nomination process. I respect that. I think my Senate colleagues do.

That said, we still need to have an understanding of how one might approach generally the philosophy of being a judge, how one might look at the Constitution, their judicial temperament. All those kinds of things seem to be fair questions people ought to have some understanding of before someone is approved.

While it is not appropriate to expect to comment on specific cases, it is entirely appropriate for nominees to answer general questions about their philosophy, their views and thoughts on broad types of legal issues. In fact, it is essential to do so. Otherwise, Senators, in my view, will be unable to exercise their own constitutional responsibilities to provide serious advice and consent in this process.

By the way, this is fundamental. It is clearly a bipartisan viewpoint. It certainly was as we looked at the judicial appointment process under the previous administration. People wanted to understand what a candidate's judicial philosophy was and how issues might be framed in a general context as they went forward and looked at nominees forthcoming from the previous administration.

Unfortunately, the nominee before us today—and I believe this is really the heart of the matter—has essentially refused to answer any of those relevant questions. He won't provide any information about his approach to the legal issues. He won't comment about any past cases. He won't give us even a clue about his judicial philosophy or his views on the way judges should handle their responsibilities. Instead, time after time, in his appearance before the Judiciary Committee, he simply refused to answer questions at all.

Now, that does not mean there wasn't any testimony or there were no questions answered. I saw a big book raised up that has a transcript of the hearing, but when it got to the basic questions of judicial philosophy, temperament, and how one would approach issues, there were no answers to the questions. Nor has the administration been willing to share any of Mr. Estrada's work product during his service in the Solicitor General's Office—a refusal that is apparently not consistent with precedent, at least in a number of cases in recent history. Justice Bork's nomination being one of those cases. But there are a number of others as well.

This is the kind of stonewalling, frankly, that I find unacceptable, and I think the American people would find unacceptable if they were focused on it. We, as Senators, must not tolerate it either. If this stealth and secretive approach to nominations is validated in this case, I am afraid all nominees in the future will adopt a similar "secret strategy." It will not reveal anything, and so we will sort of play Russian roulette with how candidates will serve once they get to the bar.

Senators will be asked to exercise their constitutional duties with little or no information. Frankly, being blindfolded as a Senator when you are considering such an important issue is not acceptable.

Governing in the dark, governing in secret is most certainly contrary to the philosophy underlying our constitutional premises, and approving a nomination in such circumstances would represent a gross abdication of our responsibilities. In effect, we become nothing more than a rubberstamp. I hear there has been some argument about the rubberstamp concept. The distinguished Senator from Utah used that phrase when he was taking a different view about judicial philosophy for other candidates at another point in time and didn't appreciate it. I don't think we should at this point accept it and embrace it as our approach.

We need to be a part of this process and understand more about the nominee. Remember the stakes that could well be involved in the pending nomination. Is the Senate really willing to put the fate of worker safety in the hands of someone we know so little about? What about the myriad of consumer protections or civil rights, environmental protections, and so on?

Would any of my colleagues be willing to hire a legal counsel into their own staff, would any of us bring anybody into our own activities, as we represent the people from our States, without knowing at least something about their general approach to how they would deal with issues and how they approach their worklife? Who would do that? I don't know that anybody would do that in the private sector where I came from, and I doubt very seriously anybody would do that right here with their own staffs. That is true even though any of us can easily remove our own staffers if they fail to perform adequately.

In the case of a judicial nomination, by contrast, we are talking about a lifetime appointment over which we will have no control once confirmation is in place.

Let me ask my colleagues this: Do we really think the White House and the Justice Department nominated Mr. Estrada without knowing his views and approach to the law? Do we really think the same kinds of questions we would expect to ask ourselves, maybe of our own employees or someone who was giving us legal advice, don't we think that process was followed by the Justice Department and the White House? Once again, if that didn't happen, I would be disappointed. I would think the executive branch would not be following its responsibilities. I doubt anyone would take on someone with a lifetime appointment in a most serious position without understanding where they stood philosophically, temperament-wise, and with regard to how they view the law.

Beyond the constitutional issue, which by a wide margin is the most important, I would like to take a moment to respond to some claims that have been made by supporters of the nomination during the course of the debate. I am actually a little bit offended by it.

First, some of the supporters of Mr. Estrada have suggested those opposed to the nomination somehow are obstructing the process of filling vacancies on the Federal bench. This is a ridiculous statement on its face. During the last 17 months of the last Congress, under Democratic leadership, the Senate confirmed 100 of President Bush's judicial nominees. In fact, under Democratic leadership, the Senate worked at a rate almost twice the average during the preceding years when a Republican-led Senate repeatedly blocked the nominees of a Democratic President.

I can tell you in my own experience in New Jersey, we had four openings on the district court. We worked very carefully and thoughtfully and cooperatively with the administration to fill those vacancies with a diverse set of candidates, quite broad based. And we are now working very cooperatively to try to fill a circuit court judgeship in the same way that is now being debated with regard to the district court in Washington, DC. This is not something where cooperation is lacking. Over and over and over again people are prepared to reach out even when people have different judicial philosophies and work together.

I am not suggesting Democrats should block nominations in some sort of a tit for tat. In fact, we have not. I don't agree with that approach. I don't think it would be appropriate. But it is wrong and unfair for others to argue we are being obstructionist just because we refuse to serve as rubberstamps. I don't plan on being one. I was not elected to be a rubberstamp.

Let's remember, Senator SCHUMER has pointed out so eloquently that in the case of judicial nominations, the burden of proof does not lie with the Senate or those opposed to a nomination. The burden appropriately rests with the nominee himself or herself and the President who made the nomination. It is their affirmative obligation to convince the Senate of a nominee's suitability.

It is clear in this case Mr. Estrada and the administration have not met this obligation. To the contrary, they have tried to say as little as possible about Mr. Estrada and his views. Again, we have a stealthy, secretive nomination process going on, and it is inconsistent with what our responsibilities are. It degrades the integrity of our role as Senators in the confirmation process.

Unfortunately, others in this body have also gone so far as to say that opposition to Mr. Estrada's nomination has been based on an ethnic background. I heard that just recently. It has even been suggested that opponents of the nomination are intent on keeping Hispanics off the court and opposition is disrespectful to our Hispanic citizens.

Let's get real. These kinds of attacks are outrageous, part of an attempt to intimidate those opposed to the Estrada nomination. Frankly, they just don't represent the kind of debate we should be having in the Senate, and they won't work. After all, most major national organizations that exist to represent the Hispanic community are actively opposing this nomination. I know this from actual dialog, not from some lobbying organization that represents a particular judicial philosophy. I hear it from the Congressional Hispanic Caucus, hardly an anti-Hispanic organization. I hear it from the National Association of Latino Elected and Appointed Officials; again, hardly an anti-Hispanic organization; Mexican American Legal Defense and Education Fund—I could go on and on—National Puerto Rican Coalition; Puerto Rican Legal Defense and Education Fund. None of these organizations are anti-Hispanic.

By the way, those of us on this side of the aisle who are trying to express a principle with regard to the Constitution are not, either. To have any kind of implication that we are is over the top. When virtually every credible Hispanic group opposes this nomination, it simply does not pass the laugh test to argue otherwise. The claim is ridiculous.

It is similarly preposterous to claim the Democratic Party is anti-Hispanic. Of the 10 Hispanic appellate judges currently seated in the Federal courts, eight were appointed by President Clinton. Three of President Clinton's first 14 judicial nominees were Hispanic, and he nominated more than 30 Hispanic men and women to Federal courts.

Let's contrast that record to that of our friends from the other side of the aisle. First, let's look at the Bush administration record. Of the 42 vacancies that existed in the 13 circuit courts of appeal during President Bush's tenure, the President has nominated only two Hispanics. That is 42 vacancies, two Hispanics.

Now let's look at the record of Republicans in the Congress. During President Clinton's tenure, 10 of the more than 30 Hispanic nominees were delayed or blocked from receiving hearings or votes, and many highly qualified Hispanic nominees were delayed for extended periods of time.

Take Richard Paez, for example. He was a highly qualified candidate, well respected in his profession, yet his confirmation was delayed for more than 1,500 days—1,500 days and we are complaining about 500 here. And 39 Republican Senators voted against him then.

In sum, the other party doesn't have a strong record when it comes to promoting this. I think it is hard to put it into a framework that somehow or another this campaign is anti-Hispanic.

Speaking for myself, I strongly believe in promoting diversity on the Federal bench. I was proud to join my colleagues who spoke about the efforts of working together with the White House and actively supporting the nomination of Jose Linares to the district court last year. Mr. Linares, a first-generation American born in Cuba, has been a leader in the Hispanic community in my State for many years, serving as president of the New Jersey Hispanic Bar Association and representing many clients of Hispanic origin while operating in private practice. Mr. Linares is just one example of my continued dedication, and I believe most of us in the Senate on both sides of the aisle, to promoting diversity on the Federal bench.

While I strongly believe in the value of promoting diversity and increased Hispanic representation in the judiciary, that doesn't mean the Senate should be rubberstamping any and every Hispanic nomination. In this case, we have a nominee who has consistently refused to answer any substantive questions regarding judicial philosophy, has no judicial experience, and is actively opposed by most of the mainstream organizations that represent the Hispanic community.

I hope my colleagues will remember what is at stake here. This is not just another vacancy on a single court. This debate, ultimately, is about our responsibilities as Senators. The question is whether we are going to become nothing more than that proverbial rubberstamp, abandoning our duty of advice and consent on judicial nominations. The question is whether we are going to start approving nominees about whose philosophies we know virtually nothing; whether we are going to vote like a gambler, blindly spinning a wheel of chance and hoping for the best.

I don't think the American people want that. I know the folks in New Jersey don't want that kind of attitude out of their Senator. I, for one, hope that the Senate will live up to our constitutional duties and that Senators will embrace the responsibilities entrusted to us by the people who elected us. That is why we are here: To ask those questions, to be diligent, thorough, and judicious, and to make sure we have an impartial judiciary after we go through the process.

I hope enough of my colleagues will have the strength to stand up to the demagogic attacks coming from many proponents and supporters of this nomination. I hope some of those on the other side will reconsider their approach.

Speaking for myself, this is one Senator who cannot and will not face down under these irresponsible attacks. This is one Senator who will not abandon his sense of responsibility to our Constitution. I simply cannot, in good conscience, support this nomination as it stands today without the information being provided that is necessary to understand the context of the nominee.

I would very much like to see a more diverse court, and I will work to make sure it happens. But I will not put my seal of approval on an individual who has basically challenged the nomination process in refusing to answer the kinds of questions that would allow me to have the assurance, when I speak to the people of New Jersey, that I understand how someone with a lifetime appointment might think about some of the most important issues that impact their lives in the days and years and decades ahead, particularly for a 43-year-old nominee. I do not intend to be a rubberstamp.

I thank the Chair.

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, the Senator from Colorado is recognized for 15 minutes.

Mr. ALLARD. Mr. President, I rise to share an observation made by my colleague on this side of the aisle—the chairman of the Judiciary Committee, Senator HATCH from Utah—that, like him, I believe there is a double standard.

Last week, I came to the floor to urge my colleagues to support the confirmation of Miguel Estrada, President Bush's nominee to the DC Circuit Court. Last week, I had my statement focused on the late Byron White, Justice to the U.S. Supreme Court. During my comments, I pointed out that Justice White's judicial career began in a manner very similar to that of Miguel Estrada. Justice White was nominated by President John F. Kennedy when he was only 44 years old. He went on to serve his country for three decades, without having any judicial experience prior to joining the Supreme Court. And he did an exemplary job on the bench.

Yet opponents of Miguel Estrada have pointed to his lack of judicial experience as the "poison pill" to his nomination. This is an unacceptable double standard. This experience litmus test, as I call it, is nothing but an obstructionist argument that is intended to undermine the entire judicial nomination process. It is wreaking havoc with our constitutional duty to confirm the President's nominations. To say that Mr. Estrada, one of the best appellate court lawyers in the country, should not be confirmed because he lacks prior judicial experience is simply ridiculous. Justice White, a great Coloradan, would never have been confirmed had he faced such a strenuous litmus test; nor would another great Coloradan, Carlos Lucero, have been confirmed had that test been applied to him.

Judge Lucero was nominated to the Tenth Circuit Court of Appeals by President Bill Clinton on March 23, 1995, and was confirmed by the Senate on June 30, 1995. Three months is all it took. Like Justice White and Miguel Estrada, Judge Carlos Lucero had never served as a judge prior to joining the court. Regardless of this fact, within 3 months of his nomination, the Judiciary Committee, then under the leadership of Chairman HATCH, held a confirmation hearing for Mr. Lucero. At no point during the confirmation hearing—not even once—did a member of the committee discuss his lack of judicial experience; nor did they consider it to be an impediment to his nomination. Instead, the Judiciary Committee moved forward with the nomination in a Republican-controlled Senate.

Judge Lucero had served as a staff assistant to a U.S. Senator. He had served on the staff of the Senate Judiciary Committee, clerked for Judge Doyle of the Colorado District of the U.S. District Court, and practiced law in the private sector prior to joining the Federal bench.

Let's look at Miguel Estrada. He was a graduate from Harvard Law School with high honors. We have a lot of his qualifications listed on the board behind me. He served as a law clerk to Supreme Court Justice Anthony Kennedy, and he worked as an Assistant Solicitor General of the United States in both the Bush and the Clinton administrations. Neither Carlos Lucero—now Judge Lucero—nor Miguel Estrada had judicial experience at the time of their nomination. They both had a breadth of legal experience that ensured success on the bench. Miguel Estrada's outstanding record of accomplishment and real-life experiences prove that he will be no different than Judge White or Judge Lucero and that he will perform his judicial duties with great conviction and enthusiasm.

Within 3 months, Mr. Lucero was nominated, confirmed, and seated on the bench of the Tenth Circuit, becoming that court's first Hispanic judge. Somehow, the fact that Mr. Lucero had no judicial experience did not stop a Clinton appointee from being confirmed, but that is not the only ironic argument.

The Lucero nomination points out a second double standard being put forward by his opponents that Miguel Estrada is too political. Carlos Lucero was a two-time candidate for the Senate and a member of one of President Carter's advisory committees. Yet he still was confirmed without a concern being voiced by a single Senator that he was involved in a Senate race which was hailed by local newspapers as a bitter interparty slugfest, and the opposition to Miguel Estrada wants to complain about politics.

Upon his confirmation, Judge Lucero correctly stated it was "an unfortunate vestige of history" that it had taken so long for the Tenth Circuit to seat a Hispanic judge. It certainly was not because of delays in a Republican Senate.

With the nomination of Miguel Estrada, the Senate has an opportunity to place the first Hispanic judge on the bench of the DC Circuit Court, a man who came to this country at age 17 as an immigrant from Honduras, and a man who is well equipped to serve as the Nation's second most important court, certainly a success story of America and one that I like to herald time and again.

When Judge Lucero was before the committee, he was not asked his position on one issue, and yet my colleagues just saw my colleague from Utah show the Members of this Senate three pages of facts and testimony that had been collected on Miguel Estrada.

There were a couple questions in committee. I have them right here. This is the committee record on Lucero. We saw the 3-inch committee record on Miguel Estrada. When Judge Lucero from Colorado was on the Tenth Circuit Court of Appeals, they asked him two questions: No. 1—it was an open-ended question—give this committee some idea why you think you qualify to serve on the Tenth Circuit Court of Appeals. It was an open-ended question, a softball. No. 2—it was intended to be somewhat humorous and bring some levity to the committee hearing—they simply kidded him with a question: Is it easier to become a Senator or is it easier to become a judge? That was the extent of the questions, other than a few introductory remarks that were made in committee on Carlos Lucero.

Yet we have information collected of an extremely qualified candidate, Miguel Estrada. I have to tell you, there is a double standard. Unlike Judge Lucero who was nominated by President Clinton, Miguel Estrada has been forced to put his life on hold while special interests play games with our system of justice, delaying his confirmation and perpetrating an unfortunate status quo.

Miguel Estrada's nomination has been pending since May 9, 2001. That is nearly 2 years, and this is simply ridiculous. Judge Lucero was nominated and confirmed in 3 months. Miguel Estrada has been waiting for 2 years. Judge Lucero ran for the Senate twice. Miguel Estrada is far less political than Judge Lucero.

Judge Lucero clerked for a U.S. district judge but had no judicial experience. Miguel Estrada served as a clerk to Justice Kennedy of the U.S. Supreme Court, Assistant to the Solicitor General, assistant U.S. attorney, and deputy chief of the appellate section, and law clerk to Judge Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit.

Judge Lucero practiced law in Colorado. Miguel Estrada practiced law in front of the U.S. Supreme Court where he argued 15 cases. Mr. Estrada's qualifications are clear and abundant. The obstructionist charade must stop.

Over the past 2 years, many of my colleagues have come to the floor to make statements regarding the sad pace of judicial nominations during the last Congress. They have made excellent points, but I believe the most telling statistic is simply that more appeals court nominees have had to wait over a year for a hearing in President Bush's Presidency than in the last 50 years combined.

Let me repeat that. The most telling statistic is simply that more appeals court nominees have had to wait over a year for a hearing in President Bush's Presidency than in the last 50 years combined.

The stalemate on the Bush nominees must end. In the wake of September 11, we now understand the somber reality that the most basic of our country's values and traditions are under attack. That is why it is so important that we move the nomination process forward and provide the judiciary branch of Government the tools that are necessary to carry out its constitutional duty. We cannot continue to allow partisan politics to interfere with principled jurisprudence that is intended to serve justice on those who have done us harm.

Justice cannot be delivered from an empty bench. Miguel Estrada's life story defines the very notion of our Republic. Like Judge Lucero and Justice White, he is an American success story, building his success by combining energy and opportunity with self-respect and integrity and values.

It is time for the confirmation process to move forward and for a vote on the floor of the Senate. At least we can have a vote on the floor of the Senate. And it is time to drop the double standard and to confirm this very highly qualified nominee. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have been watching these proceedings on television in my office. I have heard some of the presentations that have been made. It seems that emotions are running high on this issue on both sides, and I can understand that, and maybe, given the stakes we are playing with, applaud the fact that people feel strongly enough to come to the floor and express themselves.

I wish to make a few comments simply in reaction to some of the statements I heard this afternoon, however. Perhaps no one will notice, but in my own mind I will have done something to set the record straight.

The Democratic leader talked at some length about Miguel Estrada's supervisor at the Department of Justice, a supervisor who has now publicly stated that he does not think Mr. Estrada should be confirmed. That is obviously that supervisor's right, and it is something I think we should appropriately take into consideration.

That which I would point out, however, is that while Mr. Estrada was working there, that same supervisor gave him the highest possible ratings in his annual performance reviews. We are told there is no paper trail on Mr. Estrada, but there is a paper trail in terms of the written performance reviews of his activities while he was in the Department of Justice, and those reviews are unanimously and unchangingly glowing, giving us the indication, at least in the written opinion of his supervisors filed for the record in a situation where there was no political pressure one way or the other, that Mr. Estrada is certainly qualified in every way for the assignment he had at the Department of Justice and the implication, of course, is that he would be qualified for further assignments later in his career.

I should also like to point out that this was not the Ed Meese Justice Department, this was not the Richard Kleindienst Justice Department, those who have been attacked as being unduly partisan because of the nature of the particular Attorney General and his closeness to the President. This was the Janet Reno Justice Department, and Mr. Estrada was there not for a week or two in transition but he was there for a matter of years. If he is part of the vast right-wing conspiracy, as some have suggested, why did the people of the Reno Justice Department speak so highly of him and retain him for so long?

There can be only one logical answer. Either the people involved in the hiring of the Justice Department under Janet Reno were incredibly blind to Mr. Estrada's ideological bent or they saw in him a lawyer of incredible and significant ability and wanted his services and retained his services.

The Democratic leader made a great point out of the fact that none of Mr. Estrada's memos, while he was at the Justice Department, is being supplied to the committee for review. He did not tell us that Mr. Estrada's supervisor, the Solicitor General of the United States, appointed by President Clinton and serving under Attorney General Reno, says those memos should not be made public. The Solicitor General, not Mr. Estrada, was the client. The client who received the memos is the one saying the memos should not be made public, and yet the lawyer who prepared the memos, in confidentiality for his client, is being attacked for not violating his client's request.

I think it is fairly clear that the client is right in this case and that Mr. Estrada is acting in the highest levels of his profession to see to it that those memos are not made public. If they were made public, I do not think they would find anything in them that would expose Mr. Estrada as part of the vast right-wing conspiracy. I think they would find the excellent work of a superb lawyer so that it would probably help Mr. Estrada's case if those memos were brought forth in establishing his competence and his ability. But professional ethics say that a lawyer does not disclose that which he has prepared for a client, particularly in the case where the client says: Do not do it. Mr. Estrada has not done it and is being attacked now on the floor of the Senate for what, in my opinion, is his appropriate professional stance.

So we have the circumstance where a man who is responding to his professional requirements, a man whose career is fully open and clear for everyone to see, a man who has hidden nothing and has no holes at any point in his chronological resume, is being held up and being denied a vote on the floor of the Senate. As I have said before, we do not really know why. We do not know what particular test is being applied to this confirmation.

We know there are others whose rating by the American Bar Association is not as good as Mr. Estrada's who have gone through without any difficulty. We know there are those whose "lack of judicial experience" is exactly the same as Mr. Estrada's, others for whom the lack of judicial experience made no difference but which in his case suddenly is touted as making all the difference in the world.

We know these are straw arguments because we can find plenty of cases where others in exactly the same situation as Mr. Estrada did not have them raised against them.

So what we have is a situation where an additional test, unannounced and therefore unknown, is being applied in this case. I have tried to figure it out. I have asked Senator LEAHY to disclose what particular test he is applying in this situation. I have been unable to find a satisfactory answer. As I have said, perhaps facetiously but with some seriousness, I have come to the conclusion that the test that is being applied is passing muster with the editorial board of the New York Times. If the New York Times editorial board decides Mr. Estrada is not to be accepted, that means he must be turned down because the New York Times is the voice of what I call the responsible left in this country. We have the irresponsible left, but we have the responsible left.

There are those who claim the New York Times is completely middle of the road, the New York Times has no ideology. Those who are making that claim do not read the New York Times, or if they do, they do not understand it. It is the voice of the left in this country, the responsible left.

If its editorial board has decided that Miguel Estrada must not be confirmed, there are those who say we cannot cross the editorial board of the New York Times, we must follow their dictates, and therefore, without announcing it, we recognize that Estrada has failed that test and therefore must be opposed, and we will make up these other reasons to oppose him, even though we cannot apply these same reasons to other candidates for whom we have voted.

I hope I am wrong. Some will say: That is a facetious, almost capricious, statement on your part, Senator BENNETT. But I renew the request. I ask those who have determined in advance the test that Estrada must pass, and who have determined that he has failed to pass that test, to do us the courtesy of telling us what that test is, telling us in advance what hoop the nominees must pass through in order for them to allow the nominees a vote on the floor of the Senate. Until they tell us, this whole process we are going through will remain somewhat of a mystery.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we are about to wrap up for this evening. I have been very disappointed with some of the debate today because it is apparent that some of our colleagues have not looked at the record, have not gotten the facts, that they are listening to People for the American Way and all the distortions that come from there. That is disturbing to me.

When I was chairman of this committee for 6 years during the Clinton administration, we put through 377 Federal judges. There were a number who gave great angst to people on my side because of the differences in philosophy, differences in judging, differences in approaches to judging, but we put them through. We did not mistreat people, at least as far as I can see, not like this.

It is important for people to realize what he has been through, because to hear this talk on the other side, one would think nobody ever even looked at this man; that they had not had a chance to question him; that he did not answer any questions.

This binder contains the hearing record. Most hearing records would be 10 pages. This is his hearing record. My gosh, the hearing was conducted by Democrats. They controlled the whole shebang. They asked every question they wanted to. and he answered them. I can see today he did not answer them the way they wanted him to, so that they could complain about him, but he did answer them. I think he answered them better than most of their judges whom I put through answered our questions.

Think about what he has been through. Before a person gets nominated, the White House does a thorough review. They do a thorough research on whether or not to nominate the person. They also interrogate the person as to whether there are any difficulties that person might have. Then if they decide they are ready to go forward, they are subject to an FBI report. They then send out the Federal Bureau of Investigation.

The Federal Bureau of Investigation does a terrific investigation. Generally on a judgeship like Estrada, it is a notebook at least this thick, where they interview the nominee's friends, neighbors, business associates, enemies, wackos, crazies. This is what you call a raw FBI report. Then assuming that goes well, the administration then makes a determination whether to submit the name. As they submit the name, they generally notify—sometimes even before they submit the name—the American Bar Association.

The American Bar Association then takes one of their examiners after all the FBI has done and their examiner generally is from the same area as the nominee. That examiner then goes and talks to the leading attorneys, the leading lawyers in the area—and others, if the person is so led—to determine ethical standards, legal ability, industriousness, health, strength, temperament, and so forth. All that is investigated by the ABA. Most nominees get a rating of "qualified." That is a high rating. Anytime you can get the rating of "qualified" from the American Bar Association, you have done something pretty worthwhile. That means you have achieved in this life.

I used to be pretty upset at the American Bar Association when I saw partisan politics being played with the standing committee that investigated people. The perfect illustration was in the Bork case. Unanimously well qualified when he came up for the Circuit Court of Appeals for DC, the same court we are talking about here, and just a few years later, found to be "well qualified" by a majority of the standing committee, and "not qualified"—one of the leading intellects in law in the history of this country? I happen to know one or two of the people on there who voted "not qualified" who were very partisan Democrats and did not want a conservative like Bob Bork on the court. They won in the end.

Since then we have had our problems with the ABA. When I became chairman, I took the ABA out of the process, and my argument was then, and it is still a good argument, why let one of the bar associations, even though it is the largest one, and not all the other ones, vote these people? If we let them all vote, we would never get through the process. In fact, it takes at least 2 months to 3 months for the ABA. They say they can do it in 30 days, but it is generally between 35 and 60 days to do their research. When the nominee comes up to the Judiciary Committee, all of that is submitted to the Senate Judiciary Committee.

Now, the chairman and the ranking member, in particular, have staff—skilled, honest, decent staff on both sides—who, along with the chairman and ranking member, go through all of those materials that the FBI especially has collected. Sometimes it is extremely voluminous. If we see, in going through the materials, that something has not been answered, or something has not been investigated, then we go to the FBI and say, You have to do further investigation. We want this done. And the FBI then does it, pursuant to our rules. It is, again, a very big, arduous, difficult process.

Then, as in the case of Estrada, the Democrats controlled the committee. They took a total of 516 days—16 months—before they even had a hearing. Now, generally these hearings go 2 or 3 hours at the most. Estrada's hearing was virtually all day. It was conducted by the Democrats. In fact, Senator SCHUMER chaired the hearing. Senator SCHUMER, as I have said before, is no shrinking violet. He is a tough guy. He is a very smart lawyer. I value our friendship because he is always straightforward. We have a decent, good, workable relationship. But he, along with other Democrats, then came in and asked questions of Miguel Estrada. They asked voluminous questions. That is what this hearing transcript is all about. You do not see many hearing transcripts that big. I have been here almost 30 years and I have seen very few that large until there is some real problem. But in all of this hearing, out of it came their comments that he really did not answer the questions. But he did answer the questions. Some of the questions he did not want to answer because they may have involved issues that could come before him as a judge. And he was not supposed to answer those questions. Lloyd Cutler, whom I quoted over the last week many times, says they should not answer questions that involve matters that might come before them.

The Circuit Court of Appeals for the District of Columbia has a tremendously broad jurisdiction. It is, like the people said, the second most important court in the country and in some ways the most important court because they have thousands of cases that the Supreme Court of the United States of America will never hear because they can only take 80 to 100 cases a year. So it is a very important court. It is a court of last resort to many. Because, as I said, those cases do not go to the Supreme Court.

Not only did they ask questions all day long and ask serious questions and he gave serious answers—and if you read the transcript, you will see that—they had every crack they wanted. If they did not have it, they could have called for another day of hearing. That would have been extremely unusual for a circuit court nominee, but they could have. They controlled the committee. There would have been absolutely nothing I as ranking member on that committee could have done other than complain. I probably would not have complained. But they did not do that. They did not ask any more questions.

Now, after the full hearing and all of this time it took to do that, and all of the questions all of the Democrats asked at that time—which he answers; maybe, I admit, he did not answer the way they wanted him to, but that is not his obligation; he didn't make any mistake—he did not give them something to feed on to destroy him with.

There has not been a good argument against him made since we have started this debate other than "he did not answer the questions." Well, some questions did not deserve being answered, but he answered a lot of questions.

Then, when the hearing is closed, they do a transcript. That is what this big document is, a transcript of that hearing. That is given to the Senators who want it. And most everyone does. Then the Senators pour over that transcript and if they see questions that were not answered in that transcript, then they have a right to write written questions. And the Senators who are really interested then write written questions for him to answer. Guess how many Democrats wrote written questions? Two. And he answered those written questions. He may not have answered them the way they wanted him to do so they could attack him and try to destroy his nomination, but he answered them. Where were all of the questions they are now raising when they had every opportunity to ask those questions?

By the way, that hearing was finished in September of last year. Ordinarily when you have a hearing—not always but ordinarily—the next Judiciary Committee markup, the persons put on that Judiciary Committee markup where you can raise anything you want to. Did they put him on a markup between September and January of this year? Not on your life. They did not give him a chance. He would not have made it. And the Republicans then won control of the Senate. He would not have had a chance. So they relied on being able to kill this nomination by never calling it up. Why would they want to kill a nomination of one of the brightest young Hispanic leaders in America who is totally qualified for the Circuit Court of Appeals for the District of Columbia? I'll tell you why. It is a very simple reason, to be honest with you. It is because he is a Hispanic Republican, appointed by a Republican President. They didn't like it. And they think he is conservative. I don't know whether he is or isn't. I presume he is. I guess they think he is on the fast track to the Supreme Court, and I suspect Miguel Estrada has a chance of becoming not only the first Hispanic nominee on the Circuit Court of Appeals for the District of Columbia, but the first Hispanic on the United States Supreme Court. And he is not the right kind of Hispanic.

I am the chairman of the Republican Senatorial Hispanic Task Force. That task force is made up of Democrats, Republicans, and Independents. We didn't worry about their political ideology. We worried about getting together with them and seeing what we could do to help the Hispanic community. That has been an amazingly successful Hispanic task force.

I can tell you I fought very hard for Hispanics my whole Senate career, and for other people of color, other minorities as well. But the reason they don't like him is because he was appointed by a Republican; a Hispanic appointed by a Republican, who is conservative, they believe, and a Republican himself. That is enough to give him this kind of a rough time here on the floor of the Senate.

But even then, they had between September of last year and January of this year. As a matter of fact, they had between September of last year and February of this year to ask even further questions if they wanted to. It would have been very improper for them to do so because he had already been questioned. They controlled, certainly right up to January, the middle of January of this year. They could have asked any questions they wanted. They could have had another hearing if they wanted. It would have been highly extraordinary and highly unusual, but that is what they could have done.

It is partisanship. That is what is showing its ugly face here.

As chairman of the Hispanic Task Force in the Senate, I can tell you the Hispanic people in this country, the Latino people, have helped to make this country what it is. The Latino people are basically conservative. They believe in families. They believe in staying together in their marriages. They believe in educating their children. They believe in hard work. They have built the railroads. They have helped mine the mines. They have helped build our buildings.

Now we have young Hispanics such as Miguel who have gone on to professional schools and they are making a difference in this country that deserves commendation. Look what Miguel Estrada is going through for all of that, a fellow who is fulfilling the dream that America makes for us.

Miguel deserves better than what he is getting. Frankly, he is being treated very unfairly. I, for one, am really disturbed by it. To filibuster Miguel Estrada with the thin line of complaints they have is, I believe, going beyond the pale; to filibuster for the first time in a true filibuster the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia because he is a Hispanic Republican who they think is conservative, appointed by a Republican President who they don't like. I am not saying all the Democrats don't like him, but the ones who are making these, I think, very unsubstantiated arguments, do not.

Time after time we have refuted their arguments in absolute terms and they come right back and keep spewing out the same stuff. The reason I went through People for the American Way is because all of that stuff has been coming from People for the American Way. That, as I have said earlier today, is not the American way, to treat a human being the way this man is being treated.

I warn my friends on the other side, if you are going to filibuster Miguel Estrada, then Katie bar the door because I know people on our side who are going to filibuster anybody they disagree with when the Democrats have the Presidency. That will be a sorry state of affairs.

As chairman of this committee, I worked very hard to make sure some of our firebrands did not get their way in wanting to filibuster Carter and Clinton judges. And I won. I was able to convince people it was not the thing to do.

I question, under the Constitution, whether you can do this. I really question it. I don't believe you can. I think it is outrageous to try. It is dangerous to try. And it is not fair to the first Hispanic nominated to the Circuit Court of Appeals for the District of Colombia, especially when they have had every chance and we are now in the 21st month for Mr. Estrada.

I guess we can learn to expect that because Mr. Roberts, who is on our markup on Thursday, who is considered one of the two greatest appellate lawyers in the country—Estrada is considered one of the top appellate lawyers, but Roberts is considered one of the two greatest in the country and that's from Supreme Court Justices themselves and many others—Roberts has been sitting here for 11 years, waiting for approval by the Senate; nominated three times by two different Presidents.

That is what we are going through. This is a big slowdown, trying to thwart the process because they don't like President Bush.

A lot of our people didn't care too much for President Clinton. I did, but a lot of the others didn't. But that didn't stop us from treating him fairly.

We have taken enough time.

Mr. REID. Has the Senator yielded the floor?

Mr. HATCH. I will be happy to yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my father-in-law, may he rest in peace, was a chiropractor, but he knew a lot about people's illnesses and how people handled sickness. One thing he always said—he died as a young man—one thing he always said was, when somebody says they are sick, you believe they are sick. We have all said "they are not really sick." When someone says they are sick, they are sick.

This debate here reminds me of my father-in-law's statement. My friend, no matter how many times the distinguished chairman of the committee says there is not a problem with Estrada, there is a problem with Estrada. You can say there is not. You can have pictures of him. You can do all kinds of things, say all kinds of things that there is not a problem. There is a problem. In this country, the Constitution of the United States, article II, section 2, says that we as a Senate have a right to advise and consent on nominations the President gives us for a wide variety of offices, not the least of which is the judiciary.

That is something that has been done in this country for a long time and it will continue a long time after the Estrada matter has ended. For my friend, who has served with such distinction as the chairman of the Judiciary Committee and ranking member for many years, to say he thinks it is unconstitutional to do what we are doing leaves me without any logic. I don't understand how he could say that.

I repeat, there is a problem with Estrada. You may not agree with what we believe is a serious problem, a flawed nominee, but we believe there is a problem. This isn't something we have jumped into in a matter of 10 minutes, 20 minutes, 10 hours. This has taken a matter of days, to take a look at this nominee and to make a decision about what we were going to do.

The majority has various things they can do at their disposal. We believe there are questions he did not answer. All nine members of the Judiciary Committee who are Democrats agree this man is not, for many different reasons, a person who should go on the District Court of Appeals.

We have heard it before, and I am reminded of my friend, Mo Udall, a longtime Member of Congress from Arizona, who said:

> Everything has been said, but not everyone has said it.

That is what has happened here. We have talked for days and days, and we will tomorrow, and if someone can come up with something that hasn't been said by either side—I doubt it. They will continue to say what has been said in the last few days. We have opposition of the Congressional Hispanic Caucus. We believe, as has been done with a number of other people who have been sent to the Senate by Presidents, we are entitled to the memos he wrote when he was a member of the Solicitor's Office.

I recognize that some say that is not a good idea. It has been done in the past. If the majority believes this man is as good as they say he is, why don't they give us those memos? Are they afraid he said something there that may weigh against his being a judge? I do not know. But I think they protest too much.

There is a problem with this nomination. We don't need a numbers game here. But this is a filibuster. There are ways you can get rid of a filibuster: Take down the nomination, and vote to invoke cloture. That is about what you can do. Or you can do what has been suggested by the ranking member of the Judiciary Committee and the Democratic leader in a letter sent to the President, which basically says let us have another hearing, let us ask some questions of this man, and have him submit those memos. It wouldn't take very long. I assume he didn't write too many memos, but we could tell. I am sure they could be reviewed in a day. I am sure the hearing could take place in a day.

To say that this opposition is because he is Hispanic and he is a conservative simply is not based on the facts.

But I accept what my friend from Utah has said. That is what he believes. I know he believes that. I submit that it is not right. He has a right to believe that. As I have said before, people have made statements over here about why they oppose Miguel Estrada. That doesn't mean that my friend from Utah has to agree. But that is how people over here feel.

We have a problem with this nomination. We are now in the throes of a filibuster. The majority leader has said he thinks the debate tomorrow should go for a long time. If that is what he wants, that is fine. I spend all of my legislative life here in the Chamber. I can spend a night or two here. It doesn't really matter that much. We have a lot to do. I know we have other things the leader wants to do. I know we have a very important appropriations bill that should be coming forward in the form of a conference report very soon. We have to do that.

The other reason we may be going through this process is that the leader doesn't want to bring any of that stuff forward. Maybe this is an excuse for doing nothing. But whatever the majority leader wants to do, I understand the procedures here in the Senate, and we are here because he determines what we do on this floor. But one of the things we have a right to do is take a look, because of the Constitution of the United States, at nominations that are given us. That is what we are doing.

As I started my brief little talk here tonight, you may not think there is a problem. But take the word of my father-in-law. May he rest in peace. There is a problem. I would suggest there are well over 40 Democrats who believe there is a problem. It seems to me that is the case; there is a problem.

There are only a few ways to deal with it. You can stay here and talk day after day after day and run TV ads, as they are doing right now, saying that we are anti-Hispanic. It is not going to change the belief of people over here that Miguel Estrada should answer questions and that he should provide his memos.

If they do not want to do that, they can continue running their ads and having to stay here late at night—stay here all night, and have us stay here during our vacation. When I say "vacation," as everyone knows, they are not vacations; we go back to the States and work. But we are here. We have signed onto this. We as a matter of principle oppose this nomination. People may disagree with our principle. But that is in fact why we are here. We think there is a problem with this man being given this appointment. According to us, he has not answered questions, and he has not submitted his memos. And he is opposed by a lot of groups who should be supporting him and don't because they believe he is not a person who should go on the District Court of Appeals.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague. I agree with him; there is a problem here. I don't think there is any question about it. There is a problem of whether we are going to treat a person fairly. I appreciate my colleague in his own characteristic quiet and cautious and decent way. He has outlined what he feels.

Think about it. Where were the questions during the time they controlled the Senate right up through the middle of January? They didn't ask any further questions. Only two Senators gave written questions. They could have held an additional hearing. They did not do it. I guess they rolled the dice, figuring they were going to win anyway, and they would kill this nomination no matter what happened. The fact is they lost, and now the Republicans are in control of the Senate, and we want to see this man get fair treatment.

I admit there is a problem. But the Constitution doesn't say the Senate should advise and filibuster these nominations. It says the Senate should advise and consent to these nominations. That is a far cry from filibustering.

I question a filibuster in the case of judges in the third branch of Government. They are a coequal branch of Government.

With regard to the memos, Mr. Estrada said it is fine with him if they give up the memos. He doesn't have anything to hide. He is proud of his work. But the Justice Department, in its wisdom, says we don't give up these kinds of memos; it is a bad precedent, and we are not going to do it. So why blame Estrada for that? Why hide behind that when Estrada isn't the one causing the problem.

I happen to agree with the Justice Department. I don't think they should give up confidential memoranda that could chill the work that goes on in the Solicitor General's Office. I don't see how anybody with a straight face could make that argument as much as it has been made with straight faces today.

LEGISLATIVE SESSION

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA UNGUARDED

Mr. BYRD. Mr. President, as President Bush gears up for a possible war in Iraq, we have been treated to repeated announcements of troop deployments and callups of Reserve forces. A fourth aircraft carrier battle group centered around the USS *Theodore Roosevelt* is steaming toward the Persian Gulf, and the Navy is reportedly prepared to send up to three more carrier battle groups to the region. Two Marine amphibious groups of seven ships each are also already in the gulf. Military installations around the Nation are taking on an empty, shuttered feeling as unit after unit after unit packs up, says goodbye, wipes the tears away from their faces, from the faces of loved ones, and ships out. This is happening more and more and more all over this country.

National Guard and Reserve forces have been mobilized not only to go to the Persian Gulf but also to guard military installations around the United States. And more and more and more, one will look at dinner tables and at countless workplaces, and there they will see vacant chairs, vacant spots.

The 300th Chemical Company, headquartered in Morgantown, WV, was ordered, on January 3, 2003, to report to Fort Dix, NJ, in anticipation of deployment to some as yet undetermined final destination.

West Virginia: one State, the 35th State in the Union. Every Senator here can look at his or her own State and see what is happening, see the same thing happening as I am seeing in West Virginia. These troops may be gone for a year. They may be gone longer.

Other West Virginia Guard and Reserve units have already been called up, including members of the Bluefield-based 340th Military Police Company. That is on the southern border of West Virginia, on the border with the State of Virginia. And then there is the Romney-based 351st Ordnance Company. Romney is in the northeastern part of West Virginia, a community that changed hands 56 times in the Civil War.

There, too, we see vacant chairs at the dinner tables. We see the families, the spouses with the children, spouses who have remained behind. They and their children bow their heads at mealtime and say: "God is great. God is good. And we thank Him for this food. By Thy goodness all are fed. Give us, Lord, our daily bread."

And the same scene is repeated and repeated in Kansas, in Florida, in California, in Washington, in Oregon, in Virginia, in South Carolina, in North Carolina, Pennsylvania, New York, Massachusetts, and on and on and on. And pretty soon it adds up.

Then there is the Kenova-based 261st Ordnance Company and the Bridgeport-based 459th Engineer Company. Kenova is down near Huntington in southern West Virginia. Bridgeport is adjacent to Clarksburg in the north central part of West Virginia.

Everywhere one looks, one sees these men and women departing, leaving—to return when? We know not when, and in some cases perhaps never.

West Virginia Army National Guard members have been recalled to active duty, as have members of the Charleston, WV-based 130th Airlift Wing and the 167th Airlift Wing in Martinsburg.

So over and over and over again, we see this happening, day after day after day.

West Virginia is playing an active role in our Nation's military operations, and the story is the same in the other 49 States and the District of Columbia around the Nation as, week after week after week, small town newspapers display the smiling portraits of guardsmen and reservists called into the active service of their country.

I suggest to other Members of the Senate that they take a look at what is happening within the borders of their own States, the States they represent in this great Chamber, and they will see what I see when I look at West Virginia.

Even the Coast Guard is sending 8 of its 49 patrol boats and two port security units—some 600 personnel—to the Persian Gulf. By mid-February, some 150,000 or more service personnel are expected to be in the Persian Gulf region, with the total expected to top 200,000 by early March—not even a month away.

These new deployments to the Persian Gulf come on top of many other ongoing military operations around the globe. Approximately 9,000 U.S. service personnel remain active in Afghanistan battling Taliban forces and continuing to root out Osama bin Laden's followers. We spent $27 billion in Afghanistan. Now we have upped that by an additional $10 billion; 27 plus 10, that is $37 billion that the war in Afghanistan and the adjacent region has already cost, $37 billion; $37 for every minute since Jesus Christ was born; $37 billion spent in Afghanistan and the region.

And where is Osama bin Laden? Where is he? Thirty-seven billion dollars? Yes. And has the countryside been subjugated? No. Only the city of Kabul, perhaps in the daytime.

I went to Kabul 48 years ago with a codel from the House of Representatives, flew up the Khyber Pass in that landlocked country, Afghanistan. There it is today, the same country, landlocked, still ruled by tribal men warring with one another.

Approximately 9,000 U.S. service personnel remain active in Afghanistan, battling Taliban forces and continuing to root out Osama bin Laden's followers. Yes, there it is. American service men and women all around the globe, around that globe around which Jules Verne wrote that great novel, "Around the World in Eighty Days."

Military and political tensions in South Korea are as high as they have been at any time since the Korean war. I remember that Korean war, yes. Here we are, a half century later, with thousands of our American fighting men and women still there looking across the divided country that separates South from North Korea. Over 51,000 U.S. personnel live in South Korea, including 35,654 active duty military personnel. I visited there when Syngman Rhee was President. I visited the Korea Parliament. Men wore overcoats in the Parliament. It was cold. Can you imagine men and women seated in this Chamber in their overcoats? It is the dead of winter, isn't it? Yes, it is.

Some 6,900 U.S. forces remain in Bosnia as part of the NATO Operation Joint Force. By mid-February, by this short count, 201,554 American service personnel will be far, far away, far from home, far from the lights of home, far from the warm fireplaces of home, far from the sisters and brothers and mothers and fathers and wives and children and husbands and children engaged in dangerous missions around the globe. This figure does not include forces permanently stationed in Europe, Japan, and elsewhere but those on temporary deployment. These deployed troops will be supported by many more military forces based in the United States.

And how much are we debating that? Little is being said. Scarce to nothing is being said on the Senate floor as we prepare to go to war in all likelihood in a foreign land. Little or nothing is being said in this Chamber or in the other Chamber about what may happen at home once the attack upon Saddam Hussein is unleashed. Are we under a gag rule? What is going on? I can scarcely believe my eyes and my ears when I look about me. I sometimes say to someone, pinch me, pinch me. Is it real?

What has happened to the U.S. Senate, this great forum, the greatest upper body in the world, the U.S. Senate? What has happened? What would the Framers think if they could come back and see this Chamber, austere, practically vacated? Of course, they knew nothing about television in their day. They didn't know that a few Senators could sit back in their offices because they didn't have the kind of offices that we have in our day either. But what would those Framers think?

What would the 39 signers of the Constitution of the United States think if they could sit in these galleries and look down upon this Chamber today? What would George Washington have to say about that? What would James Madison have to say, or John Blair have to say? Or Charles Cotesworth Pinckney, what would he say about that? What would Hugh Williamson have to say? How would he feel about it? How would Benjamin Franklin gauge the situation if he saw the U.S. Senate today as we are about to prepare to launch an attack upon a sovereign nation that has not attacked our own country? Benjamin Franklin, what would he say?

What would David Brearley say as he looked about him and saw few Senators discussing the greatest issue of all—the issue of war and peace? What would James Wilson say? What would John Dickinson say? What would Thomas Fitzsimons have to say about it? What would Abraham Baldwin or William Few say about it? These were signers of the Declaration of Independence. Would George Read have any questions to ask? How far have we fallen short of the expectations of those who framed this Constitution? Here it is. I hold it in my hand. There were 39 signers. How about John Langley? Rufus King; would he rise to his feet and have anything to say? What would Nathaniel Gorham and Nicholas Gilman say about this?

Would they say: Awaken, awaken, take to the ramparts. In musical terms, the operational tempo of the U.S. Armed Forces has moved from adagio, which is slow, to allegro, which is fast, and is rapidly moving to prestissimo, as fast as possible, or too fast.

No one wants our military to go to war without the resources that it needs, and we will certainly do everything within our power if our forces are sent into war by the executive. The Senate has attempted to wash its hands of the matter and hand the matter over to the President of the United States: Here it is; it is all in your hands. We have relegated ourselves to the sidelines. Yes. No one wants our military to go to war without the advantage of overwhelming force. But in this new era of terrorist attacks in the homeland, I have some concerns that we are leaving America unguarded as we attempt to initiate and sustain so many military operations overseas.

Oh, yes, we see the national alert, the orange alert. Well, the forces that remain here to protect the American people are fast dwindling. How long before they dwindle more and more and more? Yet we are on "orange alert." Where are the policemen, the National Guardsmen, the reservists, the firefighters, and the schoolteachers—those all about us in our daily walks as citizens? More and more, we look to the right and then we look to the left and we see a vacant spot here and there. Yet we are on orange alert. Where are those who are to guard this country when it is on orange alert? Where are they?

I am not alone in thinking our country is vulnerable to another massive terrorist attack. On Friday, Attorney General Ashcroft and Homeland Security Secretary Ridge announced to the Nation that credible, corroborated intelligence reports required an increase in the homeland security alert level. Yet look about you, and everywhere to the north, east, west, and south one sees line after line, busload after busload, planeload after planeload of National Guardsmen, reservists, men and women leaving their spouses, their children, shedding their tears, going away—miles away, hundreds of miles away, thousands of miles away across the seas. When will they see one another again?

In light of this danger, it is almost bizarre that our military continues to run at full tilt to ready for war in the Persian Gulf. It is as if two ships are passing in the night—one filled with our soldiers headed for the hot sands of the Arabian Peninsula, the other carrying terrorists headed for our shores. Time after time, this administration and its Department heads have put this Nation on alert. If the risk to the American people were not so great, the situation would be almost comical.

If an attack strikes a city in the United States, who will respond? Governors might wish to call out the National Guard in order to respond to an attack and restore order, but will any units be left to pick up the phone? The military's only mobile chemical and biological laboratory has deployed to the Persian Gulf. Chemical decontamination units, like Morgantown, West Virginia's 300th Chemical Company, have been called up and shipped out. Gone. The vacant chairs are still there. The vacant pews in the local churches are still there. But the men and women are gone. Many of our Nation's policemen, firemen, and other first responders are members of the National Guard and Reserves. They have been called up, and they have been shipped out, leaving one important national security job for another.

It would be a mistake to assume that these troops would soon return home after defeating Iraq in battle. We may be lucky, pray God. The supreme fact in this universe of universes is a Living God. Men can study and plot and plan all they want to as to what created this Earth, created the universe, and created man, and come up with this idea and that thesis and that hypothesis, one after another. But the remaining supreme fact is that there is God. I hope God will give this country the good judgment, the wisdom it needs in the days ahead. We may be lucky. It may all be over in a day or two. Someone may be able to talk to Saddam Hussein and get him to leave and go somewhere else. Who knows? But suppose we are not lucky.

Saddam Hussein's military is not as strong as it once was, but there is still the looming specter that one sees at night when the shades of darkness have fallen. One hears the rustling robes of night, those sable robes. One sees the specter, the possible specter of hand to hand to hand, building to building to building, block by block by block, street fighting in the megalopolis of Baghdad. That could become real.

Then what will those who seem to be impelled to drive our Nation into war say, those who seem to look upon this forthcoming trial as but a video game? We press a button here, press a button there, poof, it is gone; Saddam Hussein is out of it, and his legions have been conquered and decimated and destroyed. Just a video game.

I sometimes pinch myself as I sit down and watch the television. I wonder, can it be real that these people who have never shot a shot in their life probably—I cannot complain about that; I have not shot a shotgun either—but they are all for going to war. What do they have to lose? I do not know. But I wonder what is happening in our country today when everything is bent for war.

Turn on the television set. The first television set we had at my house was in 1955. I was in my third year in Congress, my second term, and went home one afternoon, took some mail with me and was sitting after supper—we still think in terms of supper at my house, not dinner. We do not wear these monkey suits, certainly not as much as we used to. So we do not put on these fancy suits and go out to dinner at night.

There I sat. I was signing my mail, and my wife and I sat there with our two daughters. She said: Robert, what do you see? Take a look around the room. What's new? I looked around the room. And there it was—a black-and-white television set, 1955.

That is the year when the House of Representatives passed legislation providing that the words "In God We Trust" will be on the currency of this country—"In God We Trust." Those words were already on some of the silver coins, but we passed legislation in that year, 1955—it was June 7, 1955, when we passed legislation providing that the words "In God We Trust" would be on our currency. Here it is. It is right on there. Here it is on the $1 bill, with the greatest President of all, George Washington. There it is on that bill.

That was June 7, 1955, and on June 7, 1954, we had passed in the House of Representatives legislation adding the words "under God" to the Pledge of Allegiance.

There we were, sitting around my living room. I turned on that black-and-white television set. Ah, I wish I could call those days back. There was Jackie Gleason and "The Honeymooners," really a wholesome, fun picture. Then there was Matt Dillon in "Gunsmoke." And there was Elliott Ness in "The Untouchables." Those were the days, black-and-white television.

Anyhow, I turn the television on now in the evenings, when I can bear to look at it for a little while, and the same old story over and over is just beating into my ears; this go to war, this beating the drums of war. That is going to be a game. We hear that the game is over. This is not a game, as the French President reminded our own. This is not a game, and it is not over. But there I hear it every night over and over and over and over again. That is all the American people hear, this "going to war" theme.

I hope we will be lucky. I hope we will be. I hope we will find a way out of going somehow. I think this Senate ought to debate it. I think we ought to talk about it in this Senate. What would those Framers say if they could see the Senate today, tucking its tail between its legs and running away from this, the greatest issue of our time: War and peace.

Nothing is being said about it. Are we afraid to ask questions? Is it unpatriotic to ask questions? I say to these pages—we have a new flock of pages and they are all these fine young people who come into this Chamber. They are such wonderful young people—I say to them: What did you think before you came here? Did you expect to hear some great debates about the greatest issue of our day, our time? Did you think you were going to come here and hear about the problems of war and peace? Are you disappointed? Have you been disillusioned? You are not hearing it, are you? Here we are silent.

Is it deemed to be unpatriotic to ask questions? The American people out there want us to ask questions. How much is it going to cost? We have already spent $37 billion now through the end of last December in Afghanistan, in that region. Where is Osama bin Laden? Where is he? $37 billion. He was wanted dead or alive; $37 billion and still no Osama bin Laden. Now our troops are going to be sent to a foreign land, some of whom will die, will have their blood shed in the hot desert sands of a foreign country. And how many people there will die? How many men and women and children, little children, boys and girls, will die unless we are lucky and the bullets do not fly?

Our troops could be forced into a wild goose chase for Saddam Hussein, just as Osama bin Laden has eluded our grasp for the last 14 months. We could get lucky; we could win the war in a matter of days. Saddam Hussein could be served up to us on a silver platter by his generals who are desperate to save their own lives. But is that the end of the story? That is not the end of the story. Someone will have to occupy Iraq and purge the government of the Baathist Party elites who might wish to succeed one dictatorship with another dictatorship. Someone will have to calm the situation in the North where the Kurds might seek to form their own country, which is a serious concern for our ally Turkey.

If the United States goes forward with a war with only token support from some of our allies, it is not hard to see that we will also bear the greatest burdens in the occupation of Iraq. Who knows that it is going to be all that easy?

They should sit down in front of their television set tonight, as they listen to those talking heads as they gloss over the serious question of war and peace and they talk about going to war as though it were a video game.

Somebody is going to die. America has lost men and women in wars, large and small, over these 215 years since ours became a republic. People always die in war. Have we discussed this one? Have we debated it? Have we asked the questions our people expect us to ask?

Suppose we get into a war and it does not go well. Suppose it turns out to be something other than a video game. Then our people back home will say: Where were you?

The first question that was ever asked in the history of mankind was asked in the Garden of Eden, in the cool of the day, when God searched for Adam and Eve and He asked the first question that was ever asked: Adam, where art thou? Old Adam and Eve were over behind some bushes, wearing some fig leaves, trying to hide from God.

No, one cannot hide from God. One cannot hide from the Creator. And we will not be able to hide from our constituents if this war goes sour, if it goes south. They will ask: ROBERT BYRD, where were you when they voted to turn this matter over to the Commander in Chief, turn it over to the Chief Executive, hand it over to him and wash your hands? Were you there, ROBERT? Did you wash your hands on that day? Where were you?

We will be asked the question. I kind of hate to look at myself in the mirror and ask myself that question, Where were you when you turned your back on the Constitution of the United States, which says Congress shall have power to declare war? Did you turn that over to the President, ROBERT BYRD? Did you vote to turn that authority over to the President? If you did, did you sunset it so that that same power would not be in the hands of the next President? No, the Senate did not even want to sunset it.

What would those Framers say to us? Where were you? You stood up at that desk, put your hand on the Bible, and said you would swear to support and defend the Constitution of the United States against all enemies, foreign and domestic. Where were you on that day?

If the United States goes forward with a war with only token support from some of our allies, it is not hard to see that we will also bear the greatest burdens in the occupation of Iraq. Then look in the shadows, look into the shadowy mists halfway around the world, and see what is there. North Korea, with its nuclear programs. Now we are becoming a little afraid of Iran. We are becoming wary of Iran, which is third in the forces of evil that have been named. Are they next?

The Department of Defense has so far been reluctant to hazard a guess at how many troops might be required and how long their mission might last. Perhaps those numbers—we are talking about a postwar Iraq, a post-Saddam Iraq. The Department of Defense has been reluctant to hazard a guess at how many troops might be required and how long their mission might last. Perhaps those numbers are too alarming to discuss at this point, but one British think tank has estimated that occupation of Iraq may require 50,000 to 200,000 troops and cost $12 billion to $50 billion per year for 5 years, perhaps more.

Who knows what the ultimate costs will be—$200 billion, $300 billion, $500 billion, a trillion? Add up all of the costs. So long as this occupation continues, how is the National Guard supposed to help our States in the homeland security mission? Our police forces can hardly pick up the slack. They are already working full tilt, performing the myriad tasks that keep our streets and schools safe 24 hours a day, with crime increasing 7 days a week, 52 weeks a year.

Just because the threat of terrorist activity is higher does not mean that run-of-the-mill villains go on vacation. Just because Osama bin Laden is still on the loose does not mean that the John Allen Muhammeds of the world will decide not to go on random nationwide shooting rampages.

At a time when port security has become increasingly important, and in which we have learned what a tiny fraction of incoming ships and containers are being searched for weapons of mass destruction, the Coast Guard is reducing its interdiction capability by sending one-sixth of its patrol craft to the Persian Gulf.

How many more Haitian refugees will be able to land on our shore? How many more drug shipments will make it in? How many ships in distress will have to wait to get help? How many terrorists will be able to land on our shores? One key problem, in trying to balance the demands of States for National Guard to perform homeland security missions with the deployment of guardsmen to deal with international crises in Afghanistan, Iraq, and perhaps elsewhere, is that the military reserves are the well from which the Active-Duty Forces must draw for units with unique skills. If the military needs large numbers of military police, engineers, or civil affairs specialists, it has no choice but to draw from the Reserve components.

Our military is arranged so that the Active Forces alone simply are not able to carry out long periods of conflict or peacekeeping missions. The Department of Defense has announced that it will seek to realign some units so that our Active-Duty Forces will be better able to perform specialized missions without drawing so heavily from our citizen soldiers. But would the Framers have questions about how this will be done? How will it be done? Will the 300th Chemical Company be ripped out from its home in West Virginia and sent to a military base hundreds or thousands of miles away? If so, on whom would Governor Weiss of West Virginia then call if a chemical attack were to occur in my State?

Each Senator should ask themselves the same question about their own State. The President has repeatedly said our country is in this war on terrorism for the long haul. We should not seek Band-Aid solutions to important problems. Realignment of Reserve and Active Forces might make sense for fiscal year 2004, but what are we going to do about the problem today? What needs to be done to prepare for 10 years down the road? I will not be here.

You may not be here or you may be here, Mr. President. But that problem will face this country. Years will come and the years will go, problems will come ever nearer. Let us start by asking some tough questions.

Do we need more Active-Duty forces to do everything that the President is asking our military to do? If so, can we increase our recruiting to find more Americans who are willing to serve in the military? Do we want to go back to the draft? That question may come ever closer.

While the White House is prepared to dedicate ever greater sums to our military, have we underestimated the manpower requirements for the war on terrorism or for nationbuilding in Afghanistan or for a war in Iraq or for maintaining our security guarantees to South Korea? Let us not shy away from asking these questions simply because we are afraid of honest answers that could expose a weakness in our military planning.

Our States, cities, and towns are in a homeland security crunch. Security demands are increasing. State budget deficits are soaring. Ask the Governors of this land about their budget deficits. Ask them about the shortfalls within their own States. Perhaps the homeland security crunch could not have been avoided completely, but its effects could have been mitigated.

In November 2001 I offered a $15 billion package to address urgent homeland security needs. Did the White House support it? Did the White House support that package? No. This White House opposed it.

In December 2001 I proposed $7.5 billion in homeland security funds. Did the administration support that? No. The administration shaved that down to a fraction of its size. Wouldn't our communities be better prepared today for the current terrorism warnings, for the current orange alert, if those funds had reached our communities more than a year ago?

With the homeland security crunch now affecting virtually every State in the Union, one would think that we should have learned a lesson. Have we?

Just last month I offered a $5 billion amendment to H.J. Res. 2, the fiscal year 2003 omnibus appropriations legislation to fund these programs that the President had authorized in earlier legislation. Did the White House support my amendment? No. The White House opposed that amendment, terming it "new extraneous spending." How about that?

My opinion differs from that of the White House. I believe that providing funding for programs that have been requested and authorized, and which are critical pieces of homeland security, is just as critical as going for the public acclaim that comes from proposing a bureaucratic reorganization.

Words, and promises, need to be backed up with the money to make those words a reality. Empty promises and hollow rhetoric, no matter how stirring, how bedecked in flags and bunting, will not protect our families, our neighbors, and our fellow citizens.

Iraq is not the only crisis on the American agenda. Hundreds of thousands of troops are shipping out for distant lands while the threat of terrorism is growing here at home; while the Nation, for the first time, is being put on orange alert.

These troops have our support and our prayers for their safe return. The families they leave behind also need the very best that we can do for them. They need our prayers, and they need more than our prayers; they need to have programs designed to improve their safety and security funded and implemented, not put on hold.

Having lost the $5 billion, then I sought to come through with a $3 billion homeland security amendment. The same thing happened.

I hope the view from the White House will expand to focus, not just beyond our shores, but also within our shorelines. We must not leave America unguarded.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from West Virginia has had a cold the last week or so, so we have missed him in the Chamber. It is good to hear you have your voice back and are gaining your strength. It is good to sit and listen to you.

I have had a lot of good education. As I said once in a debate in the Senate

Chamber—we were talking about the distinguished Senator from Maryland, who is a Rhodes scholar. It was a colloquy between the Senator from West Virginia and the Senator from Maryland. I interrupted, with the consent of the Chair, and said: I am not a Rhodes scholar; I am a Byrd scholar. And I really am. I appreciate the Senator's remarks. He always pushes to better things. Better parts of us come out when you lead us. I appreciate very much the Senator's statement.

Mr. BYRD. Mr. President, I thank the distinguished whip for his comments. I thank him for his work that he performs here daily for his country, for his State, and for his colleagues in the Senate.

Mr. REID. I thank Senator BYRD very much.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, before I address the issue of Miguel Estrada, as a matter of personal privilege, I note I missed three rollcall votes last night on the three judicial nominees. I would have voted in the affirmative on all three nominees. The reason for my absence has to do with the fact—and I am holding two boarding passes—I boarded a plane in Chicago to come to Washington and we were grounded because of mechanical difficulties. Because of the delay in that flight, it was impossible for me to make the rollcall votes. As I said earlier, I would have voted affirmatively on all three of President Bush's nominees who came before the Senate last night.

Mr. BIDEN. Mr. President, as you know, yesterday the Senate unanimously confirmed the nominations of John R. Adams to be a judge for the United States District Court for the Northern District of Ohio, S. James Otero to be a judge for the United States District Court for the Central District of California, and Robert A. Junell to be a judge for the United States District Court for the Western District of Texas. I was in Delaware meeting with constituents and, accordingly, was unable to attend yesterday's votes. I wish to note for the RECORD, however, that I would have voted in favor of all three nominees yesterday, having voted to report favorably their nominations from the Judiciary Committee last week.

SENATOR LIEBERMAN'S REMARKS TO NATO ALLIES

Mr. DASCHLE. Mr. President, last weekend in Munich, our colleague, Senator LIEBERMAN, gave a remarkable speech to the annual Wehrkunde Security Conference. Alliances have contributed to America's strength since the end of World War II, and Senator LIEBERMAN, like many of us, has watched with concern as those alliances have weakened over the last 2 years. He makes a compelling case on why those alliances remain vital to our security and why it is important that the administration redouble its efforts to strengthen those alliances.

I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"HALTING THE CONTINENTAL DRIFT AND REVITALIZING THE U.S.-EUROPE RELATIONSHIP"

(By U.S. Senator Joe Lieberman; Feb. 8, 2003)

REMARKS TO WEHRKUNDE CONFERENCE (AS PREPARED FOR DELIVERY)

We come together in trying times with an urgent responsibility: to fortify our transatlantic alliance, which has vanquished many foes, spawned many democracies, and promoted many freedoms—but is now struggling to find a common voice in the face of many dangers.

The growing reach of NATO and its principles belies a disheartening truth. In a world facing new and evolving threats—terrorists, rogue regimes, and Weapons of Mass Destruction—NATO is split, and risks not only becoming the shell some predicted it would be after the fall of the Berlin Wall... but a dangerous stumbling block to a safer world.

The big question before us today is not who will join NATO or whether NATO will field a rapid response force, but instead, can our alliance survive a world in which our enemies are less defined, the dangers are more dispersed, and the road to victory is much less clear?

We who are privileged to be leaders of NATO countries must make sure that the answer to that question is yes. The world of the 21st Century and each of our nations will be much safer if our alliance becomes not just larger but stronger, united around shared principles and the need for a common defense to the uncommon new threats that now face us all.

This process might best begin with some family therapy, since we have been acting too often in recent years like a dysfunctional family.

Let me begin with our side of the family. Since NATO'S inception, the strength of our alliance has always depended on American power. But America's power to lead has always depended on America's ability to listen. During the last two years, the American administration has turned a deaf ear to Europe. Some in America have sent the message that they see NATO and its member countries as a rubber stamp for the crisis that matters most to the United States at the moment, instead of a multilateral alliance of nations who listen to each other's concerns.

But I assure you that most Americans understand that America is not an island; it is part of an interconnected world. No matter how mighty a country's army or how large its treasury, vigorous and resilient alliances built on mutual respect are essential to securing the peace and making the world a safer place.

At the same time, we Americans are upset that so many Europeans seem so much less anxious about the new threats of terrorism, rogue nations, and weapons of mass destruction than we are. We accept the fact that for more than 50 years, U.S. leadership of NATO and our unique role in the world has meant that our security responsibilities have been more global than Europe's. While we worry about missiles in North Korea or conflict in the Taiwan Straits, Europe has mostly been able to focus on securing its own borders. But if September 11th has taught us anything, it's that none of us can retreat behind borders—because terror recognizes no borders. In today's world, enemies of freedom anywhere are a threat to safety everywhere.

I understand why the heavy hand from Washington has lately been seen less as a source of protection and more as a cause of resentment. But I'm here today to argue for your enlightened self-interest. Robert Kagan rightly asks: why should free people—citizens of our closest European allies—seem more worried about America than about terrorism—more anxious about Bush than about bin Laden?

We must urgently and honestly confront and resolve the differences that now divide us. If we fail to, the current continental drift will become a permanent rift, and we will all risk losing much more than family harmony. We will endanger our common security and future prosperity. And the world will lose its most reliable force for freedom and stability.

THE ANATOMY OF OUR DISHARMONY

We NATO allies still share three basic bonds, as we have since the beginning: common values and aspirations, common enemies who threaten those values, and common fates should we fail to work together. That those bonds are being weakened is an urgent threat that we must confront and resolve without delay.

THE WORLD WE SEE

The first wedge between us is in the way we see the world and its newest problems. Prime Minister Blair put it well when he said recently: "The problem people have with the U.S.—not the rabid anti-Americans but the average middle ground—is not that, for example, they oppose them on WMD or international terrorism. People listen to the U.S. on these issues and may well agree with them; but they want the U.S. to listen back." As an American, I believe we haven't and we must—and many of my fellow Americans agree.

Consider global warming. America is the single biggest global contributor to the problem. Americans know it, and in strong majorities consider global warming to be a serious problem. Yet the Bush Administration turns a deaf ear to American opinion and European pleas to do something about it.

It is also clear that the Bush Administration's precipitous withdrawal from the long-term efforts to build an International Criminal Court and strengthen the Nuclear Test Ban Treaty. Again, in large numbers the American people support joining the court and improving the Test Ban Treaty. Even with imperfect world agreements such as these, removing our nation and our priorities from the global conversation creates an unnecessary breach with our allies.

If some in America have viewed the world with blinders on—blocking out all concerns except our own—some in Europe seem to us unable to see threats that stare you and us right in the face.

For example, when we speak of the terrorists as evil—and of Saddam Hussein as a dangerous tyrant and torturer who has viciously murdered his own people, we are puzzled why many Europeans recoil at those descriptions—which, to us, are thoroughly justified by the facts.

Terrorism is not just America's problem. We know full fell that Europe has known more than its share of terror, so we don't presume to preach. But Al Qaida and its ilk consider all of our people as their enemies and targets—because all our nations represent the values and the way of life they hate. They also seek to inflict pain upon moderate Muslim regimes. The fact that citizens from more than 70 countries—including many Muslims—died in the attacks on the World Trade Center is more than a symbolic reality. If we cannot cement our alliance in our own minds, let the hatred of our terrorist foes for all of us do it for us.

WHAT WE SAY

Second, the differences between us have been exacerbated by the words we use to describe each other. Along the way, honest policy differences and critiques have given way to caricature and hyperbole.

We in America should work for a strong and united Europe, not divide it with our words. There is no "old Europe" separate from a "new Europe." A Europe divided was the incubator for mankind's bloodiest century. A Europe united provides the best hope for a more peaceful and secure future, for you and us.

And when Europeans caricature America and its leaders as naive or ignorant "cowboys," it offends Americans—even some of us who hail from a place far from cowboy country called New England. The point is: we should challenge each other's policies, not personalities, and question each other's decisions, not motives.

Europe and America have often had our differences. Just think about these news headlines about U.S.-European disputes: "Allies Complain of Washington's Heavy Hand," "France to NATO: Non, Merci," "U.S. Declares Economic Warfare on Allies," and "Protesters Rally Against American Arms Plan." As former President Clinton once reminded us, the first of these headlines is from the Suez crisis in 1956. The second is from 1966, when France left NATO's military command. The third is from 1981, during the Siberian Pipeline Crisis. The Fourth is from 1986 during the debate about deploying intermediate nuclear missiles in Europe.

Like any good dysfunctional family, we've hurled invectives and insults across the Atlantic intermittently for more than 50 years. But the difference is, leaders on both sides have always in the past worked to douse the rhetorical flames, not fan them. It's time we return to that shared compact. Now, more than ever, words have consequences.

HOW AND WHEN WE FIGHT

The last and most serious area of contention is when, why, and how we commit our military might to protect our people and principles.

We Americans must recognize that no matter how strong our military or our economy, we still need help. Defeating the dangers arrayed against us requires more than the forced compliance of our European allies; it requires a genuine partnership.

Regrettably, over the past two years, the Bush Administration has too often kept our European friends at bay. NATO's invocation of Article 5, declaring the September 11th attacks an attack on us all, was a powerful and moving act of solidarity and sacrifice. But the Bush Administration failed to grasp NATO's outstretched hand in Afghanistan, and that was a mistake. When we made the war our own, the subsequent peace became far too much our own as well.

The Administration's declaration of its policy of military preemption has also understandably and unnecessarily raised anxieties in Europe and throughout the world. It made no sense to publicly announce this doctrine without offering our friends and foes alike clarification as to how and when the policy might be exercised. The fact is, the United States, like most countries in the world, has always reserved the right to use force to prevent an attack against its people. But some policies are best left undeclared, to be announced only when it is necessary to implement them. In the case of pre-emptive military action, that ought to be rarely.

But it takes two hands to tear a seam. And the fact is, the hand of the Bush Administration has been assisted by the hand of many in Europe in tearing the seam that has united us for more than a half century now.

Rather than coming together with one voice to enforce United Nations Resolutions all have supported to disarm Saddam Hussein, we hear many reflexive notes of discord from Europe. Rather than consent to the use of force when all other options have been exhausted, important parts of Europe have pulled back from our shared responsibility to put military muscle behind our policies to protect our security.

And the transatlantic gulf between military capabilities doesn't help us overcome this rift. We all know that Europe has grown too dependent on American strength, and that that dependency undermines our partnership. I understand that Europe is focused today on the remarkable challenges of finishing the peaceful integration of Europe, new membership in the E.U., the Euro, and a constitutional convention.

But as John Lennon once said, "life is what happens to us while we're making other plans." Global terrorists are not waiting for our European allies to complete their domestic work before planning their next attacks—and it's not enough for Europe to rely upon the military might of America to ensure its own safety. It's time for Europe to take more of its own responsibility. The new NATO rapid response force, authorized at last year's Prague summit, is a start in a better direction. But it is only a first step. A deeper commitment and more money must follow.

As I said a few moments ago, we have heard the European complaints that NATO has been ignored by the United States. But now President Bush has come to NATO and asked for the alliance to help in disarming Iraq. While we are very grateful that most member nations have responded positively, two of our closest and most important allies, France and Germany, have resisted NATO requests and taskings. That hurts. The NATO alliance itself made possible the historic reconciliation between Germany and France. I would hope the shared principles that led to that reconciliation would be remembered now.

In the interest of our security and our unity, I want to urgently appeal to all NATO nations to rise to help the U.N. and the U.S. meet the threat posed by Saddam Hussein. Thousands of years ago, Sophocles told the Greeks, "What you cannot enforce, do not command." The contemporary corollary of that axiom is: what the world through the United Nations commands, it must enforce—or the judgments of the U.N. will lose their force, and the world that we and you live in will grow much less secure.

Our friend Joe Joffe, editor of De Zeit, has said with characteristic insight and edge: "We are now living through the most critical watershed of the postwar period, with enormous moral and strategic issues at stake, and the only answer many Europeans offer is to constrain and contain American power. So by default they end up on the side of Saddam, in an intellectually corrupt position."

I respectfully suggest that the nations of Europe define their positions on Iraq independently and affirmatively—not in reaction to America or its President. As you know, I am a Democrat. In fact, I'm a Democrat seeking to replace George Bush in the Oval Office. But he and I agree on the danger posed by Saddam and the need to do something soon to eliminate that danger to us, to you, and most immediately to his neighbors in the Arab world—as do most other Democrats, Republicans, and Independents in the U.S.

In fact, five years ago, after Saddam ejected the U.N. inspectors, JOHN MCCAIN and I gave up on containment and introduced the Iraqi Liberation Act, which, when it became law, made a change of regime in Baghdad official U.S. policy. You might therefore say that, when it comes to Iraq, President Bush is just enforcing the McCain-Lieberman policy.

The facts here are stark and even more clear after Secretary Powell's chilling and convincing testimony at the U.N. on Wednesday. For twelve long years, Saddam has flaunted every attempt to get him to keep his promise to disarm and instead has continued building weapons of mass destruction. If we shrink from challenging his defiance, we will not only leave a ticking time bomb ticking, we will have undermined the remaining credibility of the United Nations, and further diminished the power of NATO to protect the peace of the world.

CONCLUSION

The battles against tyranny, terrorism, and weapons of mass destruction, and for freedom, opportunity, and security, are the great causes of our time, and the greatest alliance of all time must lead the way in winning those battles.

More than forty years ago, on the Fourth of July, 1962, President Kennedy spoke at Independence Hall in Philadelphia. His words echoed the covenant of our American Constitution, and should guide us now in our Transatlantic relations. "Acting on our own, by ourselves, we cannot establish justice throughout the world; we cannot insure its domestic tranquility, or provide for its common defense, or promote its general welfare, or secure the blessings of liberty to ourselves and our posterity. But joined with other free nations, we can do all this and more."

Americans and Europeans are proud people—and justifiably so. We both want to control our own destinies. We both want to shape our own futures. But neither one of us can let pride or politics block the unity by which we will all achieve greater security, freedom, and prosperity. Our values are shared. Our fates are interlocking. We will rise or fall together.

And when we rise, the terrorists and tyrants will fall. America still needs Europe, and Europe still needs America, and it is time that all the leaders on both sides of the Atlantic started acting in a way that says we understand that overarching truth.

Thank you.

THE SARBANES-OXLEY BAN ON INSIDER CORPORATE LOANS

Mr. LEVIN. Mr. President, about 6 months ago, we enacted into law an important set of reforms to curb some of the corporate abuses that have shaken investor confidence in American business, from dishonest accounting to price manipulation to cases in which company executives have walked away from poor corporate performance with millions of dollars in their pockets, while investors, shareholders, and employees have watched their savings evaporate.

These corporate reforms, included in the Sarbanes-Oxley Act of 2002, addressed a host of problems. Today, I want to take a few minutes to discuss one of the most important reforms included in that bill, Section 402, which has so far received very little attention.

Section 402 established, for the first time, a prohibition against publicly traded corporations using company funds to give personal loans to company officers and directors. This simple prohibition is having an impact on corporate America, and I want to take a few minutes to explain the importance of this loan prohibition, the abuses it is correcting, and why it must be protected from efforts to narrow or weaken it.

Last year, the Permanent Subcommittee on Investigations, which I then chaired, conducted an extensive, bipartisan investigation into the collapse of Enron. The Subcommittee reviewed 2 million pages of documents, conducted 100 interviews, held four hearings, and issued two reports. One of the issues we looked at were the loans that Enron gave to its CEO.

In a report entitled, "The Role of the Board of Directors in Enron's Collapse," issued in July, the subcommittee found that multimillion-dollar loans, using company funds, had been approved by the Enron board for the personal use of Mr. Lay, then chairman of the board and chief executive officer. The subcommittee found that the board's compensation committee first gave Mr. Lay access to a $4 million line of credit, increased this credit line in August 2001 to $7.5 million, and authorized repayment with either cash or company stock.

The subcommittee found that, in 2000, Mr. Lay began using what one Enron board member called an "ATM approach" toward his credit line, repeatedly drawing down the entire amount available and then repaying the loan with Enron stock. Records show that Mr. Lay at first drew down the line of credit once per month, then every 2 weeks, and then, on some occasions, several days in a row.

In the 1-year period from October 2000 to October 2001, Mr. Lay used his company credit line to obtain over $77 million in cash from the company. In every case, he repaid the borrowed cash by tendering shares of Enron stock. In most cases, he obtained these shares by exercising stock options granted to him as part of his executive compensation. Mr. Lay withdrew these millions of dollars from company coffers at a time when Enron was experiencing cash flow shortages, Enron's shares were dropping, and Enron shareholders were suffering losses. After Enron's collapse, it was discovered that Mr. Lay had borrowed a total of $81 million from the company in 2001, and failed to repay about $7 million.

When asked about these loans at a subcommittee hearing, the head of Enron's compensation committee said that his committee had no duty to monitor the CEO's loan activity. He also indicated that, while Mr. Lay's loans were more extensive than anticipated, appeared to have functioned as secret stock sales to the company, and affected company cash flow at a critical time, he was not prepared to characterize the CEO's actions or failure to repay $7 million as an abuse. He declined to criticize Mr. Lay's conduct. The subcommittee concluded that the Enron board had failed to monitor or halt abuse by Mr. Lay of his company-financed credit line.

Enron was an eye-opener, but it turns out that it is far from the only U.S. company handing out multimillion-dollar loans to executives, often without regard to whether the issued loans benefit the corporation or whether they will be repaid.

In December 2002, the Corporate Library, a non-profit organization that provides information to help investors and stockholders, published the most comprehensive analysis yet of the pervasiveness of company loans to executives prior to enactment of Section 402. The report, entitled "My Big Fat Corporate Loan," presents information compiled from reviewing SEC filings for 1,526 of the largest U.S. corporations in the United States. This report relies solely on what companies have disclosed to the public about their loans to executives, without any attempt to verify or supplement these disclosures. The result is data that may provide a conservative picture of company lending to executives.

The Corporate Library report has determined that over one-third of the largest 1,500 companies in the U.S. have outstanding loans to company executives. According to the report, the average size of these loans was 10.7 million in 2001, and the total amount of lending exceeded $4.5 billion. The report also points out that when company loans to purchase split dollar life insurance, described later, for corporate executives are included, the percentage increases to over 75 percent. When short-term company loans allowing executives to exercise stock options are included, the percentage tops 90 percent.

The list of companies issuing these loans include not only companies marked by scandal, such as Enron, Tyco, Adelphia, WorldCom, and Global Crossing, but also many companies perceived as solid investments with good corporate practices and reasonable executive pay.

The report describes the purpose of the loans as reported by the companies in their SEC filings. The largest proportion of the loans, about 35 percent, had a stock-related purpose, such as to allow a company executive to exercise stock options, purchase stock, or retain stock after a margin call. The report expresses dismay at examples of executives using interest-free loans to buy company stock, being excused from repayment of the loan, and thereby acquiring a substantial company investment without expending any of their own money.

Loans to help an executive relocate to a new area, including buying a house, comprised the second largest portion of company loans to executives. These loans comprised about 27 percent of the total, according to the report. While relocation loans sound reasonable, the report provides examples of disturbing abuses, including loans for millions of dollars. In one case, Millennium Pharmaceutical issued a loan to a senior vice president to buy a house in the Boston area and allowed the loan to be forgiven over time. In another case, the president of a Nike business unit was given a so-called loan for a second home. By its terms, that loan was intended to be forgiven over 5 years. Another example, not mentioned in the report but discussed in the media, is the $16.5 million loan issued by Tyco International to its CEO Dennis Kozlowski to buy property in Boca Raton and Nantucket. Tyco also loaned $14 million to its general counsel, Mark Belnick, for a New York apartment and to build a home in Utah, a State where Tyco has no operations.

It boggles the mind to think that high-paid corporate executives were using company funds to build themselves mansions and then, in some cases, skipping repayment of the funds altogether. It is unlikely that a company would issue a loan to an average employee to build a multimillion-dollar residence or to build a second home, since there would be no business justification for it. There is no justification for lending company funds to a corporate executive either, yet these types of loans were becoming commonplace. Section 402 was intended to stop these loans cold.

The Corporate Library report tells us that the third most frequent type of company loan for company executives was issued for "unspecified" reasons. In other words, millions of dollars of stockholder funds were loaned without disclosing to the stockholders the purpose of the loans. The authors of the report not only express dismay at this unexplained use of company funds, they also suggest that the absence of this information is a clear violation of SEC disclosure requirements.

Another issue highlighted in the report is the extent to which individual companies were devoting substantial dollars to executive loans. According to the report, Wachovia Corporation led the pack last year with a total of $2.2 billion in company loans to executives. Adelphia issued over $263 million in loans to members of the Rigas family that owned it. Worldcom loaned its CEO $160 million. Kmart, now operating in bankruptcy, has outstanding executive loans of $30 million, including a $5 million so-called "retention" loan that it gave to its former CEO.

The report also presents data showing that companies are issuing substantial loans to executives on terms that disadvantage the company. Many companies have been charging below-market interest rates or no interest at all. Others have been allowing their executives to escape all loan repayment, simply by forgiving the debt owed. The report states that only half of the companies it examined indicated any plan to charge interest, and a careful examination of loan terms revealed a number of methods to forgive interest or provide additional loans to cover it. The report also identifies over 100 companies that had, or were in the process of, forgiving loans to their executives. It also describes a number of companies that increased outstanding loan amounts to include a "gross up" to take care of taxes owed by the executive as a result of the forgiven loan.

Finally, let's look at split dollar life insurance loans. These loans had become very popular among corporate executives in the last few years. The way they work is that the company obtains the insurance policy for its executive and pays the premiums, while the executive names the policy beneficiaries. The policies are called "split dollar" because, when the policy pays out, the company is reimbursed from the benefits for the cost of the premiums. The remainder of the insurance benefits, often millions of dollars, goes to the named beneficiaries, such as the executive's family. Because the funds are insurance benefits, the payments to the beneficiaries are mostly tax-free. The result is a company-financed loan to the executive to cover the cost of the insurance premiums, enabling the executive to afford a generous policy and provide tax-free benefits for his or her beneficiaries.

Many of the split dollar life insurance policies that U.S. companies provide to their top executives involve large payouts and large premiums. At Enron, for example, Enron provided its CEO, Ken Lay, with a $12 million split dollar life insurance policy and agreed to pay premiums exceeding $1 million.

The Corporate Library report found that over 60 percent of the companies it examined had purchased split dollar life insurance for one or more of their executives. The report determined that a number of these policies involved substantial sums of money. For example, the report stated that many of the policies cost "up to $25 million per officer"; Estee Lauder disclosed paying $26 million for premiums on a split dollar life insurance policy for its CEO; Comcast disclosed paying more that $6.5 million in 1 year and $20 million over 3 years for premiums on a policy for its chairman; and First Virginia Banks reported providing all of its executives with insurance coverage of up to a $1 million each.

Since Section 402 has gone into effect, most companies have apparently discontinued providing their executives with split dollar life insurance loans, and the executives themselves have declined to pay the premiums. The result has been a dramatic drop in sales of this insurance. Insurance groups have been lobbying the SEC and Congress to create an exception to Section 402 to permit companies to resume providing split dollar life insurance loans to their executives, but so far they have been unsuccessful in reversing Section 402's ban on this type of corporate loan.

All of the loans banned by Section 402 are loans to corporate officers or directors who are among the highest paid individuals in our society. In 2001, for example, average CEO pay at the top 350 U.S. companies was $11 million. That is 400 times the pay of an average worker in this country. These loans were on top of that pay.

All of these executives could have turned to a bank for their loans. Instead, they turned to their employer and asked to use company funds. The practice of U.S. companies loaning company funds to their executives is relatively new. Given the huge amounts involved, the absence of reasonable interest rates, and the common practice of companies forgiving the debt altogether, the question becomes whether many of these "loans" were simply elaborate ways to enrich corporate executives at the expense of the investing public. The Corporate Library report shows that these loans were pervasive and that abuses were commonplace. The work of the Permanent Subcommittee on Investigations suggests that too many boards of directors do not have the will or incentive to limit the loan amounts or to detect or prevent abuses.

That is why, last July, our subcommittee included in its first Enron report a recommendation to stop companies from loaning company funds to executives. That is why, later that same month, Congress enacted Section 402. That is why, in September of last year, Senator COLLINS and I sent a letter to the SEC urging it to resist any attempts to narrow or weaken Section 402's ban on insider loans to allow corporate executives to purchase company stock, exercise stock options, obtain insurance, relocate for work or pay taxes.

Section 402 has put an end to a large set of abuses associated with company loans to executives. They include loans issued without interest; loans used to build personal mansions at company expense; loans used to provide executives' families with tax-free insurance benefits; loans for every purpose and loans that are never repaid. Company funds belong to shareholders and are intended to benefit them and the company they own; they were never intended to act as a pool of funds available to be loaned or given to company executives.

Congress acted wisely in passing Section 402. This measure, alone, is stopping companies from giving billions of dollars in insider loans to corporate executives. Ending these loan abuses should help restore investor confidence in corporate America. Opponents of this reform are continuing to seek ways around it, but I hope my colleagues will join me in understanding the importance of this reform and the need to ensure it reaches it full potential.

I ask unanimous consent that the Levin-Collins letter to the SEC be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC., September 25, 2002.

Hon. HARVEY L. PITT
U.S. Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to urge the Commission to resist any efforts to narrow or weaken the insider loan prohibition established by Section 402 of the Sarbanes-Oxley Act, codified at 15 U.S.C. 78m(k), a key reform designed to stop a common insider abuse found at Enron Corporation, Worldcom, Tyco International, and other publicly traded companies.

Issues related to insider corporate loan abuses were examined by the Permanent Subcommittee on Investigations in connection with its ongoing review of Enron. In its bipartisan report, "The Role of the Board of Directors in Enron's Collapse" (July 2002), copy enclosed, the Subcommittee found that multi-million dollar loans, using company funds, had been approved by the Enron Board for the personal use of Kenneth Lay, then Chairman of the Board and Chief Executive Officer (CEO). The Subcommittee found that the Board's Compensation Committee first gave Mr. Lay access to a $4 million line of credit, increased this credit line in August 2001 to $7.5 million, and authorized repayment with either cash or company stock. The Subcommittee found that, in 2000, Mr. Lay began using what one Board member called an "ATM approach" toward his credit line, repeatedly drawing down the entire amount available and then repaying the loan with Enron stock. Records show that Mr. Lay at first drew down the line of credit once per month then every two weeks and then, on some occasions, several days in a row. In the one-year period from October 2000 to October 2001, Mr. Lay used the credit line to obtain over $77 million in cash from the company and repaid the loans exclusively with Enron stock, at a time when the company had significant cash flow issues. After Enron's collapse, it was discovered that Mr. Lay had failed to repay and still owes the company about $7 million. The Subcommittee concluded that the Enron board had failed to monitor or halt abuse by Mr. Lay of his multi-million-dollar, company-financed credit line.

Enron, of course, is not alone in having experienced corporate loan abuses. Similar abuses by corporate executives given company-financed loans for millions of dollars have taken place at other U.S. publicly traded companies. At the time of Worldcom's collapse, for example, Board Chairman and CEO Bernard Ebbers was found to have outstanding company-financed loans exceeding $400 million. Apparently, most of these loans had been provided to enable him to purchase Worldcom stock. At Tyco International, Board Chairman and CEO Dennis Kozlowski and other executives apparently managed to secure not only multi-million-dollar personal loans using company funds, but to arrange to have these loans deemed "forgiven" in amounts allegedly totaling more than $100 million. Apparently these loans were to pay for employee relocation expenses, including the purchase of expensive residences. Numerous other publicly traded companies have also provided troubling, multi-million-dollar, company-financed loans to corporate executives, including Adelphia, AMC Entertainment, Dynegy, FedEx, Healthsouth, Home Depot, Kmart, Mattel, Microsoft, Priceline.com, SONICblue, and more.

Given the extent of insider abuse in this area and the lack of effective Board or management oversight, the Subcommittee recommended in its July report that Board members at publicly traded companies bar the issuance of company-financed loans to company directors and senior officers. Later that same month, Senator Charles Schumer offered on the Senate floor the amendment that led to inclusion of the Section 402 prohibition in the final corporate reform law.

Media reports indicate that some companies may be pressing the SEC to narrow the scope of the prohibition or otherwise weaken it through regulation, guidance, or other means. These media reports suggest that opponents want exemptions, for example, for company loans used by executives to purchase company stock, exercise stock options, obtain insurance, relocate for work, or pay taxes. But the legislative history provides no basis for creating these exemptions or otherwise weakening the provision. To the contrary, the statutory prohibition makes it clear that publicly traded companies are not supposed to be using company funds to provide personal financing to company directors or officers for any reason; financing is to be provided instead by lenders, credit card operators, or other third parties engaged in the ordinary course of business.

In light of the abusive record compiled by the Permanent Subcommittee on Investigations among others, the Subcommittee's bipartisan recommendation to bar company-financed loans to corporate directors or officers, and the plain language of the statutory prohibition itself, the Commission should continue to resist efforts to weaken this significant post-Enron reform. Congress enacted and the SEC must enforce this bright-line measure to end corporate loan abuses by top executives.

Thank you for your attention to this important matter. If your staff has any questions or concerns about this letter or would like additional copies of the Subcommittee report, please have them contact Elise Bean, Subcommittee Staff Director, at (202) 224-9505 or Kim Corthell, Minority Staff Director, at (202) 224-3721.

Sincerely,

SUSAN M. COLLINS,
Ranking Minority Member.
CARL LEVIN,
Chairman.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 2, 2001 in Athens, GA. Christopher Gregory, 20, was attacked while leaving a gay bar. Gregory was walking with friends when a group of people started shouting anti-gay epithets at them. After Gregory turned and yelled "Leave us alone!" an attacker punched him, knocking him to the ground. As the attacker walked away he directed another anti-gay slur toward Gregory.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TURKEY'S REQUEST TO NATO FOR ASSISTANCE

Mr. BIDEN. Mr. President, I rise today to condemn in the strongest terms the rejection yesterday by France, Germany, and Belgium of Turkey's formal request for defensive help under Article 4 of the North Atlantic Treaty. This was the first invocation of Article 4 in the 54-year history of NATO.

Article 4 mandates alliance members to consult "whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened." Fearing a preemptive attack by Iraq, Turkey requested Patriot missile batteries, AWACS radar planes, and specialized units for countering chemical and biological warfare.

Sixteen of the 19 NATO members voted to grant Turkey its request. France, Germany, and Belgium, however, refused, thereby blocking the request under the alliance's consensus principle. Paris, Berlin, and Brussels argued that even this kind of defensive action by NATO would appear to commit the alliance to war before the U.N. weapons inspectors in Iraq had issued their second report this Friday.

I have spoken at length on the situation in Iraq on the floor of this chamber and in many other venues. Today, therefore, I will restrict my comments to yesterday's action in NATO's North Atlantic Council, NAC, and the potential ramifications for the future of the alliance.

Frankly, I am shocked and outraged at the behavior of France, Germany, and Belgium. I could easily give an emotional response, but I will not descend to the level of caricature and vitriolic insults that, unfortunately, one increasingly hears from Western European America-bashers.

Nor will I indulge in blanket criticism. France is this country's oldest ally and in the last 12 years took part in the Gulf War, the Kosovo air campaign, and in Operation Enduring Freedom. Germany too has participated in recent military and peacekeeping operations and on this very day, together with the Netherlands, is assuming command of the International Security Assistance Force, ISAF, peacekeeping operation in Afghanistan. Belgium is also contributing troops to peacekeeping in the Balkans.

This is, however, only part of the story. Recent history, unfortunately, gives us a foretaste of yesterday's action in the NAC. One might recall Belgium's refusal during the Gulf War to sell ammunition to NATO ally Great Britain. Or more directly applicable was the Bundestag speech early in 1991 by Mr. Otto Lambsdorff, then a leader of the German Free Democratic Party, opposing military shipments to NATO ally Turkey because of elements of Ankara's domestic policy.

Germany's action yesterday was particularly distasteful, since that country's postwar economic miracle or "Wirtschaftswunder" was to a considerable extent built by the sweat of Turkish guest workers.

Aside from moral considerations, the refusal of assistance to Turkey by these three countries gravely undermines the solidarity that is the bedrock of the North Atlantic Alliance.

At first glance, their behavior is puzzling, since they surely know that the United States will stand by its Turkish ally and either unilaterally, or in conjunction with other NATO members, will provide the equipment that Ankara feels it needs.

Already one European ally has stepped up to the plate. The Dutch Foreign Ministry has declared that "the Netherlands is strongly opposed" to the French-German-Belgian move and "will go ahead with providing Patriot missiles to Turkey." The Dutch, in fact, have already sent an air force team to Turkey to prepare for the dispatch of the Patriot missile batteries, which will be manned by 370 Dutch military personnel.

So since Turkey will receive defensive assistance, the French-German-

Belgian refusal can only be seen as a symbolic gesture—a direct swipe at American leadership of the alliance—but one with more than symbolic importance. U.S. Ambassador Nick Burns declared that it is causing NATO to face "a crisis of credibility."

I would use a metaphor to describe yesterday's action: Paris, Berlin, and Brussels are playing with fire. If the United States believes that NATO is a hindrance to its security requirements, it will continue to bypass the alliance, and NATO will quickly atrophy. No serious observer believes that the European Union has either the capability or the will to provide a credible military alternative to a NATO deprived of American muscle. A security vacuum would quickly develop on the continent, thereby undoing more than a half-century of common effort and endangering the EU itself.

Finally, let me address the faulty logic offered by France, Germany, and Belgium for their action yesterday. To repeat: their ambassadors argued that if NATO were to furnish Turkey with the defensive materiel it requested, it would appear that the alliance was committing itself to war before the U.N. weapons inspectors in Iraq had issued their second report this Friday.

Paris, Berlin, and Brussels might be interested to learn that U.N. Secretary General Kofi Annan will brief the members of the Security Council this Thursday on the status of contingency planning by the United Nations for humanitarian assistance for Iraq in the event of war.

According to the argument used yesterday in the NAC by the French, Germans, and Belgians, the U.N.'s action, therefore, is hastening the outbreak of war.

I fully anticipate that French President Chirac, German Chancellor Schroeder, and Belgian Prime Minister Verhofstadt will condemn Secretary General Annan for his recklessness.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 108th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator GRAHAM, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS

RULES OF PROCEDURE 108TH CONGRESS

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II QUORUMS

(a) Subject to the provisions of paragraph (b), eight members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members or the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding members of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts——

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to held the position to which the individual is nominated. Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless——

(A) such individual is deceased and was——

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character.

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

WHY NATIONAL MISSILE DEFENSE DOES NOT PROTECT HAWAII

Mr. AKAKA. Mr. President, in December 2002 President Bush announced his decision to deploy a limited national missile defense system by 2004. Our distinguished colleague, Senator LEVIN, detailed the limitations of the proposed system and testing procedures in an article in the Detroit News on December 29 entitled, "Untested Missile Defense Setup Poses Risks." I ask unanimous consent that his entire article be placed in the RECORD following my statement. I would like to elaborate on some of the concerns raised by the distinguished ranking member of the Armed Services Committee and discuss my concern that this system does nothing to protect my State or other parts of the United States from attack.

President Bush's limited national missile defense system, first proposed by the administration in March 2001 and called "the Alaska Option," consists of 5 to 10 silos/interceptor launchers in Fort Greely, AK and an upgraded Cobra Dane radar on Shemya Island, AK.

At that time, Deputy Secretary of Defense Paul Wolfowitz and Missile Defense Agency Director Gen Ronald Kadish called the Alaska site a "test bed" that could be transformed into a fully operational facility easily. During an Armed Services Committee hearing in July 2001, Mr. Wolfowitz stated, "This developmental capability could become, with very little modification, an operational capability." In a later statement, he added that "it would be essentially a software change to turn it into an operational capability."

I believe that more than modest modifications would be required. Even if the test bed was functioning and proven effective, significant changes would be needed to make it an operational system. The changes may not be technically difficult but they are very complicated when applied as a whole system. They involve many command, control, communication issues that will determine who makes the decision to fire and when and with how much information. In large and complex research and development programs, one should always be wary of anything that is described as "just a software fix."

In July 2001 Phil Coyle, former Director of Operational Test and Evaluation in the Pentagon testified before the Senate Armed Services Committee and defined effective deployment as the fielding of an operational system with some military utility that is effective under realistic combat conditions, against realistic threats and countermeasures, possible without adequate prior knowledge of the target cluster composition, timing, trajectory, or direction, and when operated by military personnel at all times of the day or night and in all weapons.

Mr. Coyle estimated that it would take a decade, rather than 4 years, to produce an effective defense system. As Senator LEVIN raised in his article, no part of the limited missile defense system has been tested against realistic targets, and there are no plans to test the integrated system as a whole before it is deployed. Senator LEVIN correctly questions whether such a system will be even marginally effective.

One could also question whether this system should be labeled a "national" missile defense. Given the geometry of the Cobra Dane radar, the system may be better labeled a continental missile defense. The Cobra Dane Radar on Shemya Island was built to detect Soviet missile launches. It has a fixed orientation and a narrow field of view, northwest from Shemya, towards Russia. This radar cannot see missiles launched from North Korea towards Hawaii, and will have only marginal capability for southern California. The radar cannot see the current missile defense target range between California and Hawaii.

The administration is well aware of the limitations of the radar and exclusion of Hawaii in the proposed deployed system. General Kadish referred to this as "the Hawaii problem" during a briefing for Senator REED and members of the Armed Services Strategic Subcommittee on July 27, 2001. At that time, General Kadish said that they were considering using an Aegis cruiser to supplement the Cobra Dane radar. Such a cruiser would have to be permanently on station to provide adequate coverage.

Even with upgrades to increase the radar's field of view, the radar still will not be capable of discriminating launch characteristics or trajectory. An X band radar, such as the one now in Kwajalein, is needed. In fact, no radar in Alaska will be able to discriminate launch characteristics. The administration has not asked for funding to upgrade the existing radar or build a new one.

The President characterized in December 2002 his initiative to field a missile defense system as "modest." The program is less than modest. It is inadequate and expensive. The path towards an effective and efficient missile defense program is the one outlined by Senator LEVIN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Detroit News, Dec. 29, 2002]

LEVIN: UNTESTED MISSILE DEFENSE SETUP POSES RISKS; CAN MISSILE SHIELD BE BUILT?

(By Senator Carl Levin)

President Bush's decision to deploy a limited national missile defense system starting in 2004 before it has been tested and shown to work violates common sense. The Pentagon will spend large amounts of money to deploy an unproven defense, money that could be better used to fight more likely and imminent threats of terrorism.

Many of us have reservations about deployment of a national defense against long-range ballistic missiles because: (1) the intelligence community says such missiles are one of the least likely threats to our security (in part because use of such missiles would leave a "return address" that would guarantee a devastating response from the United States); and (2) because deployment of a national missile defense is likely to unleash an arms race with other countries.

However, even ardent proponents of a national missile defense should not support deployment of an untested, unproven system. The United States may eventually succeed in developing a national missile defense system that will actually work against real world threats, but we have not done so yet. According to the Pentagon, the national missile defense system to be deployed in 2004 requires a new booster rocket that has never been tested against any target.

The 2004 system would rely on a radar in Alaska built in the 1970's that was never designed for missile defense, that has no capability to differentiate the target warhead from decoys, that has never been tested against a long-range ballistic missile, and that the administration never plans to test against a long-range missile.

No part of the system has been tested against realistic targets, and there are no plans to test the integrated system as a whole before it is deployed. Secretary of Defense Donald Rumsfeld has said that this is just an "initial capability" in a program that "will evolve over time" and will ultimately "look quite different than it begins."

What the Pentagon has tried not to emphasize is that this "initial capability" is likely to be marginally effective, if it works at all. Declaring this untested, marginal system ready to deploy is like declaring a newly designed airplane ready to fly before the wings have been attached to the airframe and the electronics installed in the cockpit.

In his previous tenure as Secretary of Defense, Rumsfeld had to preside over the dismantling of the Safeguard missile defense system which he had inherited and which was operational for less than six months because the technical limitations of the system rendered it ineffective. The development, deployment and dismantling of the Safeguard system cost the taxpayers tens of billions of dollars without enhancing our national security in any way. This is an experience that we should not want to repeat.

Since that time, Congress has instituted reforms in the Defense Department to help prevent the premature and costly fielding of unproven systems. Congress established the Pentagon's Director of Operational Test and Evaluation to oversee major defense programs and ensure they are adequately tested and demonstrated to work before they are deployed—in other words, that any new system is proven to "fly before we buy."

Congress also established the Joint Requirements Oversight Council, which gives the military services oversight over weapons programs to ensure that they perform well enough to be useful on the battlefield.

The Bush administration, however, has unwisely exempted all missile defense programs from the normal oversight of these important organizations. As a result, these programs are not subject to normal review by senior military and civilian acquisition officials, and they are not subject to the normal operational test and evaluation process.

Instead, the secretary of defense has delegated many of the functions of these offices to the Missile Defense Agency, effectively making that agency responsible for overseeing itself. History shows that without real oversight, major weapon systems don't work well, suffer serious schedule delays and have major cost overruns.

The Bush administration should re-establish effective oversight of missile defense programs by the Director of Operational Test and Evaluation, the Joint Requirements Oversight Council, and other oversight organizations with the Department of Defense. Rather than rushing to deploy an unproven national missile defense system, the administration should focus on completing the development of a missile defense that will be effective against likely threats and that is shown to work through proper testing.

DUCHENNE MD AWARENESS WEEK

Ms. COLLINS. Mr. President, this week is the Parent Project Muscular Dystrophy's Duchenne MD Awareness Week. It is also the 2-year anniversary of the introduction of the MD CARE Act, which I was pleased to cosponsor with our late colleague, Senator Paul Wellstone, to raise awareness and expand Federal support for medical research to find a cure for this devastating disease.

The need for this legislation was first brought to my attention by one of my constituents, Brian Denger, of Biddeford, ME, who has not one, but two wonderful boys—Matthew and Patrick—with Duchenne Muscular Dystrophy. The Dengers—who also have a daughter, Rachel, with juvenile diabetes—are a loving and courageous family whose strength and spirit inspired me to become involved in advocating for more research funding for muscular dystrophy.

Until I met Brian, I really did not know much about Duchenne Muscular Dystrophy. He was the first to tell me that 1 in 3,500 male children worldwide will be born with the disease and lose the ability to walk by age 10. He told me about the terrible progression of the disease. As it progresses, muscle deterioration in the back and chest begins to put pressure on the lungs, making it more and more difficult for the child to breathe.

What really caught my attention was the fact that the lifespan of children suffering from this disease has not been extended in any significant way in recent years. Current treatment options for boys like Matthew and Patrick are minimal and aimed simply at managing their symptoms in an effort to optimize their quality of life for the limited time they have with us.

Given our Nation's wealth of scientific expertise coupled with the tremendous infusion of resources we have poured into the NIH in recent years, we can and should do more for families like the Dengers. That is why I joined with Senator Wellstone in introducing the MD CARE Act, which President Bush signed into law in December of 2001.

Since the passage of this important legislation, the National Institutes of Health have established grants for the creation of three Centers of Excellence in Muscular Dystrophy Research, which will provide focused research and development in all phases—including basic, clinical, and transitional—of the research spectrum. In addition, the Centers for Disease Control and Prevention have developed an in-depth surveillance and epidemiology study of Duchenne and Becker muscular dystrophy. A population-based epidemiological study of Duchenne and Becker muscular dystrophy will provide the extensive data necessary to inform research decisions, standards of care, physician training, and public health approaches to assist families living with Duchenne and Becker muscular dystrophy.

The NIH and the CDC are to be commended for the progress they are making in their research efforts related to muscular dystrophy. These efforts to improve the quality and length of life for thousands of children diagnosed with muscular dystrophy are invaluable, and I commend the researchers and all of the families who have worked so hard to combat this devastating disease.

THE "COLUMBIA" TRAGEDY

Mr. WYDEN. Mr. President, it has been said that a journey of a thousand miles begins with a single step. In the same way, a journey of a million miles must be completed with one final step.

It was at the moment of that ultimate step on February 1, 2003, that the Space Shuttle *Columbia* could go no further. In its last moments, America's first shuttle took with it the brave souls of its crew. It is those seven heroes and human beings I honor today, on behalf of every Oregonian who mourns them.

In recent years, the names of shuttle astronauts have seldom been known by most Americans. Now, the names of the *Columbia* Seven have entered the nation's consciousness through the floodgates of our shared grief: Flight Commander Rick Husband; Pilot William "Willie" McCool; Payload Commander Michael Anderson; Mission Specialist Kalpana "K.C." Chawla; Mission Specialist David Brown; Mission Specialist Laurel Clark; and Payload Specialist Ilan Ramon.

As the recent chair of the Subcommittee on Science, Technology and Space, I came to know firsthand that America's astronaut corps, and indeed the teams of engineers and experts that support them, are the best this country has to offer. It seems that this particular group of astronauts was the best of the best. And they were not only America's finest, they were India's finest and Israel's finest as well.

Many of this crew were devoted husbands, wives, fathers and mothers. They leave a dozen children behind them who deserve this nation's sympathy and gratitude for the sacrifice their parents' final mission required.

But the *Columbia* crew also leaves behind their ideals of persistence and patriotism, the humility and humor that called so many people to love them so much, and above all their love of learning and life. Each brought a different background and unique experience to this mission. All defeated great odds and exhibited enormous courage in becoming the astronauts they hoped to be.

From childhood, Rick Husband, Willie McCool and David Brown cherished dreams of liftoff and landing, of spaceships and spirits aloft.

Laurel Clark dove to the depths of the sea in her naval career before reaching the heights of heaven on *Columbia*.

Michael Anderson was able to break even the barrier of sound, even the barrier of Earth's atmosphere as one of the nation's few African American astronauts.

Kalpana Chawla's mother reportedly had hoped for a son 41 years ago in India. She now says with pride that this daughter did better than any boy could, coming to America less than 20 years ago and twice being chosen as her adopted nation's envoy to space.

Ilan Ramon had led his nation into battle many times. On this expedition, he envisioned Israel at peace. Looking down from the windows of *Columbia*, he imagined that the quiet and calm of the heavens would someday find his country men and women on Earth.

As President Bush said on Saturday, *Columbia* is lost. But the optimism of Ilan Ramon and the visions *Columbia*'s crew embodied never need pass away.

Oliver Wendell Holmes once said this: "Through our great good fortune, in our youth our hearts were touched with fire. It was given to us to learn at the outset that life is a profound and passionate thing." Today I say that it was the great good fortune of every American, of every citizen of the world, that these seven hearts were touched in youth with fire—that it became their profound passion to reach into the skies and grasp the knowledge that lies beyond our planet.

Even as our hearts grieve, there is reason to rejoice. The United States of America and the nations of the world are still called to farther frontiers by these seven, so deserving of our respect.

HONORING SPECIALIST BRIAN CLEMENS

Mr. BAYH. Mr. President, I rise today with great sadness and tremendous gratitude to honor the life of a brave young man from Kokomo, IN. Specialist Brian Clemens was just 19 years old. He died last week in Kuwait as he and his comrades in the 1st Battalion, 293rd Infantry of the Indiana Army National Guard prepared for a war that may soon begin. Brian was there, in a far away land, to fight for values we hold close to our hearts.

Specialist Clemens was the first Indiana National Guard member killed overseas since Operation Desert Storm ended more than a decade ago. He was also the first American to perish while dutifully serving our Nation in a build-up for possible war with Iraq. I mourn along with Brian's family, friends and community. While our pride in Brian shall certainly live on, so too will our sorrow. But Brian's life, his courage, and his strength of character should serve as a powerful and consoling force in the difficult days ahead.

Brian Clemens was an energetic and caring young man. He was adored by all who knew him for his charismatic personality. He was a positive force within his community, never failing to give of himself whenever possible. In the months following his graduation from Maconaquah High School in 2001, Brian returned to the school regularly to help wrestlers on the team hone their skills. He was selfless with his time and constantly gave back to the community in which he lived, cherishing his relationships above all else. Deeply devoted to his family, Brian was especially close to his younger sister, Jennifer.

As President Abraham Lincoln wrote in a letter to the mother of a fallen Union soldier: "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom." These words ring as true today as they did 140 years ago, as we mourn the loss of Brian Clemens and honor the sacrifice he made for America and for all of humanity.

It is my sad duty to enter the name of Brian Clemens in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brian's can find comfort in the word of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.

ADDITIONAL STATEMENTS

TRIBUTE TO PAM BONRUD

• Mr. JOHNSON. Mr. President, the South Dakota Public Utilities Commission recently announced that Pam Bonrud will serve as the PUC's new executive director. I wish to congratulate Ms. Bonrud for her selection to lead the PUC and to formally thank her for her 10 years of service to the Lewis and Clark Rural Water System.

During that time, Ms. Bonrud distinguished herself as an effective and dedicated leader. While with Lewis and Clark, Ms. Bonrud was instrumental in helping me and my colleagues secure the successful passage of legislation authorizing the project. Through her leadership, we were able to build a strong coalition supporting the project at the local, State and Federal levels within the States of South Dakota, Minnesota, and Iowa.

Ms. Bonrud displayed all the qualities necessary to help make sure this critically important water project would receive Federal authorization. She was professional, persistent, and determined, and always had a positive attitude, even though the authorization process took 6 years from the time the first version of the legislation was introduced in 1994.

I always enjoyed working with Ms. Bonrud, and she was able to work effectively with Senators and House Members of all three States involved and on both sides of the aisle. She has been one of South Dakota's best advocates and supporters of rural water development, and the entire southeast region of South Dakota, as well southwestern Minnesota and northwestern Iowa, will always be thankful for her 10 years of hard work, dedication, and foresight to help bring this much needed drinking water project from the drawing board to construction.

In fact, the Lewis and Clark System will be undertaking a groundbreaking ceremony this spring, and Ms. Bonrud is a major reason it will be the beginning of making this project a reality. She leaves the project in good stead and her leadership and fine character will be sorely missed.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal, and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that pursuant to the provisions of section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93–344, the Speaker of the House of Representatives and the President pro tempore of the Senate appoints Mr. Douglas Holtz-Eakin as Director of the Congressional Budget Office for a term of office expiring on January 3, 2007.

MEASURES REFERRED

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 277. A bill to authority the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah.

The Committee on Governmental Affairs was discharged from further consideration of the following measure which was referred to the Committee on Rules and Administration:

S. Res. 51. Resolution authorizing expenditures by the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1068. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule that amends 42.32(9)(d) of Part 22 of the Code of Federal Regulations concerning certain victims of the September 11, 2001 terrorist attacks to file for classification as special immigrants, received on January 30, 2003; to the Committee on the Judiciary.

EC–1069. A communication from the Director, Regulations and Forms Services, Immigration and Naturalization Service, transmitting, pursuant to law, the report of a rule entitled "Establishment of a $3 Immigration User Fee for Certain Commercial Vessel Passengers Previously Exempt (RIN1115–AG47) (INS No. 2180–01)" received on January 29, 2003; to the Committee on the Judiciary.

EC–1070. A communication from the Director, Regulations and Forms Services, Immigration and Naturalization Service, transmitting, pursuant to law, the report of a rule entitled "Release of Information Regarding Immigration and Naturalization Service Detainee in Non-Federal Facilities (RIN1115–AG67) (INS No. 2203–02)" received on January 29, 2003; to the Committee on the Judiciary.

EC–1071. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, received on January 31, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1072. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of document entitled "Annual Energy Outlook 2003 with Projections to 2025" received on January 28, 2003; to the Committee on Energy and Natural Resources.

EC–1073. A communication from the Secretary of Energy, transmitting, pursuant to law, the report relative to Implementing U.S. Plutonium Disposition At The Savannah River Site; to the Committee on Energy and Natural Resources.

EC–1074. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2003-2004 Subsistence Taking of Fish and Shellfish Regulations (1018–AI09)" received on January 29, 2003; to the Committee on Energy and Natural Resources.

EC–1075. A communication from the Deputy General Counsel, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Appeals Regulations: Title for Members of the Board of Veterans' Appeals (2900–AK62)" received on February 5, 2003; to the Committee on Veterans' Affairs.

EC–1076. A communication from the Deputy General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities (2900–AK08)" received on February 4, 2003; to the Committee on Veterans' Affairs.

EC–1077. A communication from the Deputy General Counsel, Office of Acquisitions & Material Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulations: Simplified Acquisition Procedures for Health-Care resources (2900–AI71)" received on February 4, 2003; to the Committee on Veterans' Affairs.

EC–1078. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Termination of Designation of the State of Maine With Respect to the Inspection of Meat and Meat Food Products and Poultry and Poultry Food Products (Doc. No. 02–028F)" received on February 4, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1079. A communication from the Secretary, Office of the General Counsel, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule "Implementation of Standards of Professional Conduct for Attorneys (RIN3235–AI72)" received on January 29, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1080. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Bank Secrecy Act Regulations—Requirement that Currency Dealers and Exchanges Report Suspicious Transactions (1506–AA34)" received on February 4, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1081. A communication from the Assistant Secretary, Office of the Chief Accountant, Securities & Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Strengthening the Commission's Requirement Regarding Auditor Independence (RIN3235–AI73)" received on January 29, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1082. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Export Controls for General Purpose Microprocessors (0694–AC66)" received on January 28, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1083. A communication from the Secretary of Commerce, transmitting, the report relative to the President's Export Council and the current vacancy of two positions on that Council; to the Committee on Banking, Housing, and Urban Affairs.

EC–1084. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–553 "Public Insurance Adjuster Licensure Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC–1085. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–554 "Public Health Laboratory Fee Amendment Act of 2002" received on February 1, 2003; to the Committee on Governmental Affairs.

EC–1086. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of the pre-publication version of Fiscal Year 2002 Performance and Accountability Report (PAR); to the Committee on Governmental Affairs.

EC–1087. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of a document entitled "U.S. Department of Energy Performance and Accountability Report Fiscal Year 2002"; to the Committee on Governmental Affairs.

EC–1088. A communication from the Attorney General, transmitting, pursuant to law, the report of Fiscal Year 2002 Performance and Accountability Report for the Department of Justice; to the Committee on Governmental Affairs.

EC–1089. A communication from the Executive Director, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report of the Federal Mine and Health Review Commission's inventory of activities; to the Committee on Governmental Affairs.

EC–1090. A communication from the Colonel, Corps of Engineers Secretary, Mississippi River Commission, transmitting, pursuant to law, the Annual Report for the Mississippi River Commission covering calendar year 2002; to the Committee on Governmental Affairs.

EC–1091. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001–11 (FAC2001–11)" received on January 21, 2003; to the Committee on Governmental Affairs.

EC–1092. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Change in Federal Wage System Survey Job (RIN3206–AJ63)" received on January 21, 2003; to the Committee on Governmental Affairs.

EC–1093. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Definitions of Santa Clara, CA, Nonappropriated Fund Wage Area (RIN3206–AJ61)" received on January 28, 2003; to the Committee on Governmental Affairs .

EC–1094. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Annual Report on Commercial Activities at the Defense Nuclear Facilities Safety Board; to the Committee on Governmental Affairs.

EC–1095. A communication from the Secretary of Labor, Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Annual Report of the Pensions Benefit Guaranty Corporation; to the Committee on Governmental Affairs.

EC–1096. A communication from the President of the United States, transmitting, pursuant to law, the report of the Reorganization Plan Modification for the Department of Homeland Security (DHS); to the Committee on Governmental Affairs.

EC–1097. A communication from the Administrator, National Aeronautics Space Administration, transmitting, pursuant to law, the Fiscal Year 2002 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–1098. A communication from the Chair, Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board's Financial Statements for Fiscal Year 2002; to the Committee on Governmental Affairs .

EC–1099. A communication from the Chairman , Board Governors, United States Postal Service, transmitting, pursuant to law, the Annual Report regarding compliance of the Board of Governors with the Sunshine Act; to the Committee on Governmental Affairs.

EC–1100. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the Federal Emergency Management agency (FEMA) Inspector General's and Director's semiannual reports that respectively address the Agency's audit and audit follow-up activity during the period April 1, 2002 through September 30, 2003; to the Committee on Governmental Affairs.

EC–1101. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Fiscal Year 2002 Annual Report on the Federal Equal Opportunity Recruitment Program (FEORP); to the Committee on Governmental Affairs.

EC–1102. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, the report relative to General Accounting Office (GAO) employees who were assigned to congressional committees during fiscal year 2002; to the Committee on Governmental Affairs.

EC–1103. A communication from the Comptroller General of the United States, United States General Accounting Office, transmitting, pursuant to law, the report relative to General Accounting Office (GAO) employees detailed to congressional committees as of January 21, 2003; to the Committee on Governmental Affairs.

EC–1104. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, the report relative to the requirements of the Competition in Contracting Act of 1984; to the Committee on Governmental Affairs.

EC–1105. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Annual Report in accordance with the Federal Managers Financial Integrity Act of 1982; to the Committee on Governmental Affairs.

EC–1106. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Insurance Demutualization ((Rev. Rul. 2003–19)(2003–7))" received on January 29, 2003; to the Committee on Finance.

EC–1107. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "355 active conduct of a trade of business - auto dealer" expansion ((Rev. Rul. 2003–16)(2003–7))" received on January 29, 2003; to the Committee on Finance.

EC–1108. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dissolution Clause Requirements for 501(c)(3) Entities Seeking a 115(1) Private Letter Ruling (Rev. Rul. 2003–12)" received on January 29, 2003; to the Committee on Finance.

EC–1109. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2003–19 (RP–137446–02)" received on January 31, 2003; to the Committee on Finance.

EC–1110. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Leveraged Partnerships Under Section 45D (Rev. Rul. 2003–20)" received on January 29, 2003; to the Committee on Finance.

EC–1111. A communication from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes in Insular Possessions Watch, Watch Movement and Jewelry Program (0625–AA57)" received on February 1, 2003; to the Committee on Finance.

EC–1112. A communication from the Deputy Chief, Regulations Division, Bureau of Alcohol , Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reorganization of Title 27 Code of Federal Regulations (1512–AD06)" received on January '29, 2003; to the Committee on Finance.

EC–1113. A communication from the Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board, Department of Commerce, transmitting, pursuant to law, the Annual Report of the Foreign-Trade Zones Board for Fiscal Year 2001, received on January 28, 2003; to the Committee on Finance.

EC–1114. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, received on January 31, 2003; to the Committee on Armed Services.

EC–1115. A communication from the Supervisor, Headquarters Oklahoma City Air Logistics Center, Department of the Air Force, transmitting, pursuant to law, the report relative to correspondence between The Supervisor and Deputy Chief, Congressional Inquiry Division, Office of Legislative Liaison; to the Committee on Armed Services.

EC–1116. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, the National Guard Challenge Program Annual Report for Fiscal Year 2002; to the Committee on Armed Services.

EC–1117. A communication from the Attorney/Advisor, Department of Transportation , transmitting, pursuant to law, the report of a nomination for the position of Associate Deputy Secretary of Transportation, received on February 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1118. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Capitol Investment Plan (CIP) for Fiscal Years 2004–2008; to the Committee on Commerce, Science, and Transportation.

EC–1119. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 5 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic (0648–AP41)" received on February 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1120. A communication from the Under Secretary of Commerce, Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the Annual Report of Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for Fiscal Year 2002; to the Committee on Commerce, Science, and Transportation.

EC–1121. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to NASA's 2003 Strategic Plan, received on February 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1122. A communication from the Senior Rulemaking Analyst, Office of the Chief Counsel, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Threat Assessment Regarding Alien Holders of, and Applicants for, for FAA Certificates (2110–AA17)" received on January 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1123. A communication from the Senior Rulemaking Analyst, Office of the Chief Counsel, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Threat Assessments Regarding Citizens of the United States Who Hold or Apply for FAA Certificates (2120–AA14)" received on January 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1124. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Escorted Vessels-Philippine Sea, Guam Apra Harbor, Guam and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands (CGD14–02–002)(2115–AA97) (2003–0008)" received on January 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1125. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, Dubuque, IA

(CGD08-02-042)(2115-AE47)(2003-0005)" received on January 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-1126. A communication from the Attorney/Advisor, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a Nomination for the position of Deputy Administrator, received on January 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-1127. A communication from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements to Document U.S. Flag Fishing Industry Vessels of 100 Feet or Greater in Registered Length and to hold a Preferred Mortgage on Such Vessels (2133-AB46)" received on January 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC-1128. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes First Seasonal Allowances of Pollock in Area 610, Gulf of Alaska" received on February 4, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 151, A bill to amend title 18, United States Code, with respect to the sexual exploitation of children (Rept. No. 108-2).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 111. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes (Rept. No. 108-4).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 117. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes (Rept. No. 108-5).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 144. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land (Rept. No. 108-6).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 210. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes (Rept. No. 108-7).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 214. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes (Rept. No. 108-8).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 233. A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System (Rept. No. 108-9).

S. 254. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes (Rept. No. 108-10).

By Mr. SPECTER, without amendment:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. MILLER, Mr. GRASSLEY, Mr. BAYH, and Mr. LUGAR):

S. 339. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

By Mr. BUNNING:

S. 340. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 341. A bill to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. DODD, and Mr. ALEXANDER):

S. 342. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. CORZINE, Mr. INOUYE, and Mr. BINGAMAN):

S. 343. A bill to amend title XVIII of the Social Security Act to permit direct payment under the medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 344. A bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Indian Affairs.

By Mr. NELSON of Florida (for himself, Mr. KENNEDY, Mr. GRAHAM of Florida, Mr. EDWARDS, and Mr. SARBANES):

S. 345. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a medicare beneficiary; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. THOMAS):

S. 346. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 347. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. BAYH, Mr. SMITH, and Mr. DURBIN):

S. 348. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. LANDRIEU, Ms. SNOWE, Mr. KENNEDY, Mr. ALLEN, Mr . JOHNSON, Mr. DAYTON, and Mr. BUNNING):

S. 349. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. GREGG, and Mr. REID):

S. 350. A bill to amend the Atomic Energy Act of 1954 to strengthen the security of sensitive radioactive material; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 351. An original bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. EDWARDS, Mr. ROCKEFELLER, Mr. REID, Mrs. BOXER, Mr. FEINGOLD, and Mr. CORZINE):

S. 352. A bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 353. A bill for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 354. A bill to authorize the Secretary of Transportation to establish the National

Transportation Modeling and Analysis Program to complete an advanced transportation simulation model, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. LINCOLN (for herself, Mr. GRASSLEY, Mr. HAGEL, Mr. DAYTON, Mr. DURBIN, Mr. HARKIN, Mr. COLEMAN, and Mr. JOHNSON):

S. 355. A bill to amend the Internal Revenue Code of 1986 to allow a credit for biodiesel fuel; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. BOND, and Mr. TALENT):

S. 356. A bill to amend the Energy Policy Act of 1992 to increase the allowable credit for biodiesel use under the alternatively fueled vehicle purchase requirement; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. HAGEL, Mr. KERRY, and Mr. SMITH):

S. 357. A bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources to include production of fuel from agricultural and animal waste; to the Committee on Finance.

By Mrs. LINCOLN:

S. 358. A bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources for the production of electricity to include landfill gas; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. AKAKA):

S. 359. A bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of electricity to include electricity produced from municipal solid waste; to the Committee on Finance.

By Mrs. LINCOLN:

S. 360. A bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. ALLARD, Mr. GRASSLEY, Mr. HARKIN, Ms. STABENOW, Mr. HAGEL, Mr. LEVIN, and Mr. DEWINE):

S. 361. A bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. SARBANES, Ms. COLLINS, Mrs. MURRAY, and Ms. CANTWELL):

S. 362. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. COLLINS, Mr. BINGAMAN, Mr. DASCHLE, Ms. SNOWE, Mr. DORGAN, Ms. LANDRIEU, Mrs. MURRAY, Mr. BREAUX, Ms. CANTWELL, Mr. KENNEDY, and Mrs. CLINTON):

S. 363. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. Res. 51. A resolution authorizing expenditures by the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. CAMPBELL (for himself, Mr. CRAIG, Mrs. LINCOLN, Mr. HATCH, Mr. LOTT, Mr. DORGAN, Ms. LANDRIEU, Mr. KOHL, Mr. INHOFE, Mr. DOMENICI, Mr. SPECTER, Mr. BIDEN, and Mr. ALLEN):

S. Res. 52. A resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. HARKIN):

S. Res. 54. A resolution to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, certain Senate gift reports, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, and Mr. BAYH):

S. Con. Res. 4. A concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 83

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 83, A bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 85

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 85, A bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 153

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 153, A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

S. 223

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 223, A bill to prevent identity theft, and for other purposes.

S. 238

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 238, A bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 251

At the request of Mr. LOTT, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 251, A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 253, A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 255

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 255, A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 286

At the request of Mr. BOND, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 286, A bill to revise and extend the Birth Defects Prevention Act of 1998.

S. 298

At the request of Mr. BAUCUS, the names of the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 298, A bill to provide tax relief and assistance for the families of the heroes of the Space Shuttle Columbia, and for other purposes.

S. 300

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 300, A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S.J. RES. 3

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of

S.J. Res. 3, A joint resolution expressing the sense of Congress with respect to human rights in Central Asia.

S. RES. 40

At the request of Mr. BIDEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), the Senator from Rhode Island (Mr. REED) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 40, A resolution reaffirming congressional commitment to title IX of the Education Amendments of 1972 and its critical role in guaranteeing equal educational opportunities for women and girls, particularly with respect to school athletics.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. MILLER, Mr. GRASSLEY, Mr. BAYH, and Mr. LUGAR):

S. 339. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

Mr. BAUCUS. Mr. President, along with my colleagues, Senators HATCH, MILLER, BAYH and GRASSLEY, I am pleased to introduce the Archery Excise Tax Simplification Act of 2003. This bill will protect funding for the Wildlife Restoration Program, the Pittman-Robertson fund, by simplifying administration and compliance with the excise tax and closing an unintended loophole that allows arrows assembled outside the United States to avoid the excise tax imposed on domestic manufacturers.

The creation of the Wildlife Restoration Program is one of the great success stories of cooperation among America's sportsmen and women, State fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Originally the archery industry did not participate in this program. However, the growth of bow hunting in the '60s and '70s led the archery industry to decide they would support the excise tax that funds State game agencies. As a result, the tax was extended to archery equipment in 1975. The tax on archery equipment was meant to parallel the tax that hunters were paying on firearms and ready-to-fire ammunition. The archery industry and bow hunters are pleased to contribute to the success of the Wildlife Restoration Program.

Because current law taxes components and not arrows, foreign manufacturers are selling arrows in the United States without paying the excise tax that is imposed on arrows made in the United States. Not only are these untaxed imports unfair to American workers, they threaten the integrity of the Wildlife Restoration Fund.

This issue is important to companies in Montana. Mike Ellig, a manufacturer of archery products in Bozeman, MT, pays this tax. He supports the tax, but asks that it be fair. Mike's company, Montana Black Gold, and the archery industry want to support the Wildlife Restoration Program. But the way the tax works today, American manufacturers are at a competitive disadvantage. That is why the 800 members of the Montana Bowhunters Association support this measure.

This legislation will close the loophole that allows imported arrows to avoid the excise tax paid by domestic manufacturers. While keeping the current 12.4 percent tax on arrow components, the proposal will impose a tax of 12 percent on the first sale of an arrow assembled from untaxed components. U.S. manufacturers and foreign manufacturers will be treated equally.

Since this loophole was inadvertently created in 1997, archery imports, mostly finished arrows, increased from $430,000 in 1998, to $1.6 million in 1999, to $3.2 million in 2000, to $7.8 million in 2001 and to $11.0 million in 2002, through November. If Congress does not act quickly to close this loophole, domestic manufacturers will be forced to relocate outside of the United States. They simply cannot afford to lose market share for a fifth year to competitors who do not pay the same tax they pay. If a few more move overseas, the rest will follow. The result will be a catastrophic loss of revenue for the Federal Wildlife Restoration Fund.

Current law also taxes non-hunters, contrary to Congressional intent. To relieve non-hunters from the requirement to pay for wildlife management, the legislation would eliminate the current-law tax on bows with draw weights of less than 30 pounds. Those bows are not suitable or, in many states, legal for hunting. To preserve the revenue for the Wildlife Restoration Fund, the bill would retain the current tax on bows that are suitable for hunting.

The proposal would also clarify that broadheads are an accessory taxed at 11 percent rather than as an arrow component taxed at 12.4 percent. This will correct the ambiguity in the 1997 Act that led to the misclassification of broadheads.

In summary, the Arrow Excise Tax Simplification Act of 2001 would accomplish worthy objectives. It would close the loophole that allows foreign imported arrows to escape the tax and remove the tax on youth and recreational archery equipment that were never meant to be taxed. We will accomplish these goals while protecting the Wildlife Restoration Program by ensuring that there is no significant diminution of revenues collected by the archery excise tax. The Joint Committee on Taxation estimates the proposal will decrease revenues by $5 million over ten years resulting in small changes in outlays from the Federal Aid in Wildlife Fund. Failure to close the import loophole will eviscerate the archery tax base resulting in devastating losses to the Fund.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arrow Excise Tax Simplification Act of 2003”.

SEC. 2. SIMPLIFICATION OF EXCISE TAX IMPOSED ON BOWS AND ARROWS.

(a) BOWS.—Section 4161(b)(1) of the Internal Revenue Code of 1986 (relating to bows) is amended to read as follows:

“(1) BOWS.—

“(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a draw weight of 30 pounds or more, a tax equal to 11 percent of the price for which so sold.

“(B) ARCHERY EQUIPMENT.—There is hereby imposed on the sale by the manufacturer, producer, or importer—

“(i) of any part or accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

“(ii) of any quiver or broadhead suitable for use with an arrow described in paragraph (3),

a tax equal to 11 percent of the price for which so sold.”.

(b) ARROWS.—Section 4161(b) of the Internal Revenue Code of 1986 (relating to bows and arrows, etc.) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

“(3) ARROWS.—

“(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any arrow, a tax equal to 12 percent of the price for which so sold.

“(B) EXCEPTION.—The tax imposed by subparagraph (A) on an arrow shall not apply if the arrow contains an arrow shaft subject to the tax imposed by paragraph (2).

“(C) ARROW.—For purposes of this paragraph, the term 'arrow' means any shaft described in paragraph (2) to which additional components are attached.”.

(c). CONFORMING AMENDMENT.—The heading of section 4161(b)(2) of the Internal Revenue Code of 1986 (relating to arrows) is amended by striking “ARROWS.—” and inserting “ARROW COMPONENTS.—”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after December 31, 2003.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 341. A bill to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United

States Courthouse"; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today I am introducing legislation on behalf of Senator TIM JOHNSON and myself to name the Rapid City United States Courthouse and Federal Building in honor of Judge Andrew W. Bogue, Senior Judge of the U.S. District Court of the District of South Dakota.

The administration of justice in western South Dakota is nearly synonymous with the name of Judge Bogue. He is almost single-handedly responsible for establishing the Federal district court in Rapid City, and worked tirelessly to see the Courthouse and Federal Building constructed there to provide a new home for the administration of justice in the area.

Judge Bogue was the first resident judge in the western division of the U.S. District Court District of South Dakota. Before he came along, judges had to travel into the division from other parts of the State, and court was held in the ancient Deadwood Territorial Courthouse or in makeshift courtrooms throughout the 11-county region. Faced with the logistical hassles of court operations, attorneys were less likely to use the court system.

After Judge Bogue took the bench, he helped transform the justice system in western South Dakota. First, he oversaw the establishment of a new district seat in Rapid City, the population center. Then he worked alongside South Dakota's congressional delegation to secure funding for the construction of the Rapid City Federal Building and United States Courthouse.

During the course of his career as a Federal judge, Bogue has presided over many high-profile cases, including cases stemming from American Indian Movement, AIM, uprisings in the 1970s. He has maintained a reputation for being fair, objective, and compassionate.

Before rising to the U.S. District Court bench, Andrew Bogue was educated at South Dakota State University. After serving our Nation with the U.S. Army Signal Corps during World War II, he returned home to complete a law degree at the University of South Dakota and to marry his lovely wife Liz. He was admitted to the South Dakota Bar in 1947.

Andrew Bogue again answered the call to defend our country during the Korean War, serving in the U.S. Army's Judge Advocate General's corps. Upon his return, he practiced as a private attorney and a State's Attorney before becoming a South Dakota circuit court judge. He joined the Federal bench on May 1, 1970, and was elevated to Chief Judge in 1980. He took senior status in 1985.

It is right and fitting that the Rapid City Federal Building and Courthouse be named for the individual whose legacy pervades its halls. The legislation Senator JOHNSON and I introduce today began with an outpouring of support from Judge Bogue's colleagues. The Pennington County Bar Association and the Seventh Judicial Circuit Court Judges and Magistrate Judges have passed resolutions supporting this initiative. I am proud to offer this legislation in honor of a great South Dakotan.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ANDREW W. BOGUE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, shall be known and designated as the "Andrew W. Bogue Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Andrew W. Bogue Federal Building and United States Courthouse.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. DODD, and Mr. ALEXANDER):

S. 342. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, last year our Nation was stunned by a videotape of a mother beating her 4 year old daughter in the parking lot of a shopping center. Yet the unfortunate fact is that each year, behind closed doors, close to one million children in the United States are abused or neglected and as a result, are in need of assistance and out-of-home care.

I am pleased today to be joined by Senators KENNEDY, DODD and ALEXANDER, in introducing legislation aimed at reducing child abuse and neglect and mitigating its very damaging impact. The "Keeping Children and Families Safe Act of 2003" reauthorizes four key programs designed to do just that.

First, we reauthorize the Child Abuse Prevention and Treatment Act, CAPTA, which provides grants to States to improve child protection systems and to support community-based family resource and support services. CAPTA also authorizes research and demonstration projects aimed at preventing and treating child abuse and neglect.

The last reauthorization of CAPTA in 1996 made significant changes in this program to better target limited Federal resources and to enhance the ability of States to respond to the most serious cases of abuse and neglect. Unfortunately, the issues facing an overburdened child welfare system are seldom easily resolved. The Keeping Children and Families Safe Act will build upon previous changes to CAPTA, by enhancing the CPS workforce and continuing to ensure that children and families receive appropriate services and referrals.

The legislation my colleagues and I are introducing today encourages new training and better qualifications for child and family service workers. With this reauthorization, States can give additional training to CPS workers on how to best work with families from the time that the CPS worker walks through the door of a home to the point of treatment for the child and family.

In 2000, CPS workers nationwide investigated 1.7 million cases of reported Child Abuse and Neglect. The environments in which CPS workers conduct these investigations can vary greatly in level of safety. With this legislation, States will be able to use Federal dollars to provide some personal safety training for CPS workers for when they enter the home. Additionally, the rights of families are also addressed during the initial stages of investigation, by requiring CPS workers to inform individuals of child maltreatment allegations made against them.

During their investigations, CPS workers encounter a myriad of types of abuse. In 2000, approximately 63 percent of children who were victims of maltreatment suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment. In order to help insure that cases of abuse and neglect are properly identified, States would be able to provide cross-training for CPS workers to help them better recognize neglect, domestic violence or substance abuse in a family. This bill would also enhance linkages between child protection services and education, health, mental health, and judicial systems. Further, it would encourage greater collaboration with the juvenile justice system to ensure that children who move between these two systems do so smoothly and receive the proper services.

As a condition of receiving state grant money, we ask States to have policies and procedures, including referral to CPS, to address the needs of infants who have been prenatally exposed to illegal substances. We also require States to perform background checks on all adults in prospective foster care households. Current law only requires that checks be performed on the prospective foster care parent.

We have all heard the horrific accounts in the media of those children who slip through the cracks of the child protective system. It is our hope that with this reauthorization, which includes an increase in authorization to $200 million, we can help States to fill some of those cracks.

The second program we reauthorize is the Adoption Opportunities Act. This Act is intended to eliminate barriers to adoption and to provide permanent homes for children, particularly children who are hard to place, including children with special needs, older children, and disabled infants with life-threatening conditions.

With 131,000 children currently waiting for adoption, we must improve upon this program by seeking to further tear down barriers to adoption. Specifically—we are placing an increased emphasis on the elimination of inter-jurisdictional barriers to adoption.

This Act would require the Secretary of the Department of Health and Human Services to fund public or private entities, including States, to develop a uniform home-study standard and protocols for acceptance of home-studies between States and jurisdictions. The Secretary would also help to facilitate cross-jurisdictional placements by developing models of financing, expanding capacity of all adoption exchanges to serve increasing numbers of children, training social workers on preparing and moving children across State lines, and developing and supporting models for networking among agencies, adoption exchange, and parent support groups across jurisdictional boundaries.

Within one year of enactment, the bill would require the Department of Health and Human Services, in consultation with the General Accounting Office, to facilitate the inter-jurisdictional adoption of foster children. Additionally, the bill would also make inter-jurisdictional adoption issues—including financing and best practices—a part of a larger study HHS would be required to conduct on adoption placements. Current law generally allows HHS to fund services provided by public and nonprofit private agencies only. To help facilitate this process, we would double the current authorization for this title from $20 million to $40 million.

Third, the Keeping Children and Families Safe Act of 2003 reauthorizes the Abandoned Infants Assistance Act. This program authorizes demonstration grants to public and private nonprofit agencies for activities aimed at preventing the abandonment of infants, identifying and addressing the needs of abandoned infants, and recruiting and training foster families for abandoned children.

Currently, grant recipients must ensure that priority for their services is given to abandoned infants and young children who are HIV-infected, perinatally exposed to HIV, or perinatally drug-exposed. This legislation, which includes an increase in authorization to $45 million, would broaden priority for services to include abandoned infants and young children who have life threatening illnesses or other special medical needs.

Finally, we reauthorize the Family Violence Prevention and Services Act, FVPSA, which assists in efforts to increase public awareness about family violence and provide immediate shelter and related assistance to victims of family violence and their children.

This reauthorization increases the authorization for the National Domestic Violence Hotline to $5 million and establishes a National Domestic Violence Shelter Network to link domestic violence shelters and service providers and the National Domestic Violence Hotline on a confidential website. The website would provide a continuously updated list of shelter availability anywhere in the United States at any time and would provide comprehensive information describing the services each shelter provides such as medical, social and bilingual services. It would also provide internet access to shelters that do not have appropriate technology.

Domestic violence and child abuse affect thousands upon thousands of families each year, often with tragic results. In the year 2000 alone, 1200 children died as a consequence of child abuse and neglect, 85 percent of whom were under the age of 6. We must continue our efforts to stem the tide of abuse to prevent these dreadful results. This legislation reauthorizes four programs that address the needs of some of our most at-risk children and families, and I urge my colleagues' support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National clearinghouse for information relating to child abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Miscellaneous requirements relating to assistance.
Sec. 116. Authorization of appropriations.
Sec. 117. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local projects.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Authorization of appropriations.
Sec. 406. Grants for State domestic violence coalitions.
Sec. 407. Evaluation and monitoring.
Sec. 408. Family member abuse information and documentation project.
Sec. 409. Model State leadership grants.
Sec. 410. National domestic violence hotline grant.
Sec. 411. Youth education and domestic violence.
Sec. 412. National domestic violence shelter network.
Sec. 413. Demonstration grants for community initiatives.
Sec. 414. Transitional housing assistance.
Sec. 415. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: ", which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a);";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting ", including longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking "and" at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex; race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and";

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).

"(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).".

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting ", including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

"(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) Education Identification, Prevention, and Treatment.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) Risk and Safety Assessment Tools.—The Secretary may award grants under this subsection to entities for projects that provide for the development of effective and research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) Training.—The Secretary may award grants under this subsection to entities for projects that involve effective and research-based innovative training for mandated child abuse and neglect reporters.

"(5) Comprehensive Adolescent Victim/Victimizer Prevention Programs.—The Secretary may award grants to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organizations to establish a network of trainers who will work with schools to implement the program. The program shall be comprehensive, meet State guidelines for health education, and should reduce child sexual abuse by focusing on prevention for both adolescent victims and victimizers.".

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) Demonstration Programs and Projects.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "Demonstration" and inserting "Grants for";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "nonprofit";

(B) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(C) in subparagraph (B), by striking "nonprofit" and all that follows through "; and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect;";

(D) in subparagraph (C), by striking the period and inserting a semicolon;

(E) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

"(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

"(G) for improving the training of supervisory and nonsupervisory child welfare workers;

"(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

"(I) for cross training for child protective service workers in effective and research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

"(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

"(ii) the parents of such infants.";

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

"(2) Triage Procedures.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

"(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

"(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.";

(6) in paragraph (3) (as so redesignated), by striking "nonprofit organizations (such as Parents Anonymous)" and inserting "organizations";

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking "(B) Kinship Care.—" and inserting the following:

"(4) Kinship Care.—

"(A) In General.—"; and

(ii) by striking "nonprofit"; and

(8) by adding at the end the following:

"(5) Linkages Between Child Protective Service Agencies and Public Health, Mental Health, and Developmental Disabilities Agencies.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated, in accordance with all applicable Federal and State privacy laws.".

(b) Discretionary Grants.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "subsection (b)" and inserting "subsection (a)";

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(4) by inserting after paragraph (2) (as so redesignated), the following:

"(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated."; and

(5) in paragraph (4)(D), by striking "nonprofit".

(c) Evaluation.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking "demonstration";

(2) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(3) by adding at the end the following: "In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.".

(d) Technical Amendment to Heading.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

"SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.".

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) Development and Operation Grants.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting ", including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4), by striking "improving" and all that follows through "referral systems" and inserting "developing, improving, and implementing risk and safety assessment tools and protocols";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

"(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;";

(6) in paragraph (6) (as so redesignated), by striking "opportunities" and all that follows through "system" and inserting "including—

"(A) training regarding effective and research-based practices to promote collaboration with the families;

"(B) training regarding the legal duties of such individuals; and

"(C) personal safety training for case workers;";

(7) by inserting after paragraph (6) (as so redesignated) the following:

"(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;";

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

"(9) developing and facilitating effective and research-based training protocols for individuals mandated to report child abuse or neglect;

"(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

"(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;";

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

"(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

"(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.".

(b) Eligibility Requirements.—

(1) In general.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking "provide notice to the Secretary of any substantive changes" and inserting the following: " provide notice to the Secretary—

"(i) of any substantive changes; and";

(ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.";

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iv), (vi), (vii), (viii), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xvii), respectively;

(ii) by inserting after clause (i), the following:

"(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure;

"(iii) the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;";

(iii) in clause (iv) (as so redesignated), by inserting "risk and" before "safety";

(iv) by inserting after clause (iv) (as so redesignated), the following:

"(v) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;";

(v) in clause (viii)(II) (as so redesignated), by striking ", having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect" and inserting ", as described in clause (ix)";

(vi) by inserting after clause (viii) (as so redesignated), the following:

"(ix) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;";

(vii) in clause (xiii) (as so redesignated)—

(I) by inserting "who has received training appropriate to the role, and" after "guardian ad litem,"; and

(II) by inserting "who has received training appropriate to that role" after "advocate";

(viii) in clause (xv) (as so redesignated), by striking "to be effective not later than 2 years after the date of enactment of this section";

(ix) in clause (xvi) (as so redesignated)—

(I) by striking "to be effective not later than 2 years after the date of enactment of this section"; and

(II) by striking "and" at the end;

(x) in clause (xvii) (as so redesignated), by striking "clause (xii)" each place that such appears and inserting "clause (xvi)"; and

(xi) by adding at the end the following:

"(xviii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

"(xix) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

"(xx) provisions and procedures for improving the training, retention, and supervision of caseworkers; and

"(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;"; and

(C) in paragraph (2), by adding at the end the following flush sentence:

"Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect.".

(2) Limitation.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) Citizen Review Panels.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "and procedures" and inserting ", procedures, and practices"; and

(II) by striking "the agencies" and inserting "State and local child protection system agencies"; and

(ii) in clause (iii)(I), by striking "State" and inserting "State and local"; and

(B) by adding at the end the following:

"(C) Public outreach.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A)."; and

(2) in paragraph (6)—

(A) by striking "public" and inserting "State and the public"; and

(B) by inserting before the period the following: "and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the citizen review panel that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system".

(d) Annual State Data Reports.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

"(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

"(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.".

(e) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

"(d) GAO Study.—Not later than February 1, 2004, the Comptroller General of the United States shall conduct a survey of a wide range of State and local child protection service systems to evaluate and submit to Congress a report concerning—

"(1) the current training (including cross-training in domestic violence or substance abuse) of child protective service workers in the outcomes for children and to analyze and evaluate the effects of caseloads, compensation, and supervision on staff retention and performance;

"(2) the efficiencies and effectiveness of agencies that provide cross-training with court personnel; and

"(3) recommendations to strengthen child protective service effectiveness to improve outcomes for children.

"(e) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.

"(f) ANNUAL REPORT ON CERTAIN PROGRAMS.—A State that receives funds under section 106(a) shall annually prepare and submit to the Secretary a report describing the manner in which funds provided under this Act, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 105(a)(4)(B).".

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

"(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking "Secretary make" and inserting "Secretary shall make"; and

(2) by striking "section 106" and inserting "section 104".

SEC. 117. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

"(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

"(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).".

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

"(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and".

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "Statewide" and all that follows through the dash, and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths-that—";

(B) in subparagraph (F), by striking "and" at the end; and

(C) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

"(H) provide referrals to early health and developmental services;"; and

(2) in paragraph (4)—

(A) by inserting "through leveraging of funds" after "maximizing funding";

(B) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(C) by striking "family resource and support program" and inserting "programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)".

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(ii) by striking "family resource and support programs" and all that follows through the semicolon and inserting "programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate);"

(B) in subparagraph (B), by inserting "that exists to strengthen and support families to prevent child abuse and neglect" after "written authority of the State)";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "a network of community-based family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B)—

(i) by striking "to the network"; and

(ii) by inserting ", and parents with disabilities" before the semicolon;

(C) in subparagraph (C), by striking "to the network"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(C) in subparagraph (C), by striking "and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)"; and

(D) in subparagraph (D), by inserting ", parents with disabilities," after "children with disabilities".

SEC. 123. AMOUNT OF GRANT.

Section 203 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b) is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the" and inserting "as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated";

(B) by striking "State lead agency" and inserting "State lead entity"; and

(C) by striking "the lead agency" and inserting "the current lead entity"; and

(2) in subsection (c)(2), by striking "subsection (a)" and inserting "subsection (b)".

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(2) in paragraph (2)—

(A) by striking "network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)"; and

(B) by striking ", including those funded by programs consolidated under this Act,";

(3) by striking paragraph (3), and inserting the following:

"(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;";

(4) in paragraph (4), by striking "State's network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(5) in paragraph (5), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(6) in paragraph (7), by striking "individual community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(7) in paragraph (8), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(8) in paragraph (9), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(9) in paragraph (10), by inserting "(where appropriate)" after "members";

(10) in paragraph (11), by striking "prevention-focused, family resource and support program" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect"; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(2) in paragraph (3)(B), by inserting "voluntary home visiting and" after "including"; and

(3) by striking paragraph (6) and inserting the following:

"(6) participate with other community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.".

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking "a Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(2) by striking paragraph (3), and inserting the following:

"(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);";

(3) in paragraph (4),

(A) by inserting "and parents with disabilities," after "children with disabilities,"; and

(B) by striking "evaluation of" the first place it appears and all that follows through "under this title" and inserting "evaluation of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs";

(4) in paragraph (5), by striking ", prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(5) in paragraph (6), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect"; and

(6) in paragraph (8), by striking "community based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect".

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking "Statewide networks of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect".

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking "given such term in section 602(a)(2)" and inserting "given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)".

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

"(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs or networks of such programs that provide activities that are designed to prevent or respond to child abuse and neglect.".

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

"Sec. 105. Grants to States and public or private agencies and organizations.".

(2) By striking the item relating to title II and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

"(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

"(3) each year, thousands of children are in need of placement in permanent, adoptive homes;";

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

"(7)(A) currently, there are 131,000 children waiting for adoption;"; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ", including geographic barriers," after "barriers"; and

(B) in paragraph (2), by striking "a national" and inserting "an Internet-based national".

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES.";

(2) by striking "SEC. 203. (a) The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary";

(3) in subsection (b)—

(A) by inserting "Required Activities.—" after "(b)";

(B) in paragraph (1), by striking "nonprofit" each place that such appears;

(C) in paragraph (2), by striking "nonprofit";

(D) in paragraph (3), by striking "nonprofit";

(E) in paragraph (4), by striking "nonprofit";

(F) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support";

(G) in paragraph (7), by striking "nonprofit";

(H) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(I) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting "; and"; and

(J) by adding at the end the following:

"(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) Services for Families Adopting Special Needs Children.—

"(1) In general.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) Services.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) Improving Placement Rate of Children in Foster Care.—

"(1) In general.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) Applications; technical and other assistance.—

"(A) Applications.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) Technical and other assistance.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) Payments.—

"(A) In general.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) Reversion of unused funds.—Any payment"; and

(6) by adding at the end the following:

"(e) Elimination of Barriers to Adoptions Across Jurisdictional Boundaries.—

"(1) In general.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) Services to supplement not supplant.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

"(D) developing training materials and training social workers on preparing and moving children across State lines; and

"(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.".

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking "The" and inserting "(a) In General.—The";

(2) by striking "of this Act" and inserting "of the Keeping Children and Families Safe Act of 2003";

(3) by striking "to determine the nature" and inserting "to determine—

"(1) the nature";

(4) by striking "which are not licensed" and all that follows through "entity";"; and

(5) by adding at the end the following:

"(2) how interstate placements are being financed across State lines;

"(3) recommendations on best practice models for both interstate and intrastate adoptions; and

"(4) how State policies in defining special needs children differentiate or group similar categories of children.".

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

"(b) Dynamics of Successful Adoption.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

"(c) Interjurisdictional Adoption.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

"There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.".

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly known as 'AIDS'), and those who have been exposed to dangerous drugs;";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8)—

(A) by striking "such infants and young children" and inserting "infants and young children who are abandoned in hospitals"; and

(B) by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services;";

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

"(8) private, Federal, State, and local resources should be coordinated to establish and maintain services described in paragraph (7) and to ensure the optimal use of all such resources.".

SEC. 302. ESTABLISHMENT OF LOCAL PROJECTS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROJECTS.";

and

(2) by striking subsection (b) and inserting the following:

"(b) Priority in Provision of Services.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug.".

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) Evaluations of Local Programs.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) Study and Report on Number of Abandoned Infants and Young Children.—

"(1) In general.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 101(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) Deadline.—Not later than 36 months after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to Congress a report describing the findings made as a result of the study.

"(c) Evaluation.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Authorization.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

"(2) Limitation.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting "Authorization.—" after "(1)" the first place it appears; and

(ii) by striking "this title" and inserting "this Act"; and

(B) in paragraph (2)—

(i) by inserting "Limitation.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2003."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) Redesignation.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating section 104 as section 302; and

(2) by moving that section 302 to the end of that Act.

SEC. 305. DEFINITIONS.

(a) In General.—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 301. DEFINITIONS.

"In this Act:

"(1) Abandoned; abandonment.—The terms 'abandoned' and 'abandonment', used with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) Acquired immune deficiency syndrome.—The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) Dangerous drug.—The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(4) Natural family.—The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation, with respect to infants and young children covered under this Act.

"(5) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services.".

(b) Repeal.—Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) Underserved Populations.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "underserved populations," and all that follows and inserting the following: "underserved populations, as defined in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);".

(b) Report.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

"(5) Upon completion of the activities funded by a grant under this title, the State shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).".

(c) Children Who Witness Domestic Violence.—Section 303 of such Act (42 U.S.C. 10402) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) For a fiscal year described in section 310(a)(2), the Secretary shall use funds made available under that section to make grants, on a competitive basis, to eligible entities for projects designed to address the needs of children who witness domestic violence, to—

"(1) provide direct services for children who witness domestic violence;

"(2) provide for training for and collaboration among child welfare agencies, domestic violence victim service providers, courts, law enforcement, and other entities; and

"(3) provide for multisystem interventions for children who witness domestic violence.".

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking "Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter," and inserting "Every 2 years,".

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) General Authorization.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) In General.—

"(1) Authorization.—There are authorized to be appropriated to carry out sections 303 through 311, $175,000,000 for each of fiscal years 2004 through 2008.

"(2) Projects to address needs of children who witness domestic violence.—For a fiscal year in which the amounts appropriated under paragraph (1) exceed $150,000,000, the Secretary shall reserve and make available 50 percent of the excess to carry out section 303(c).".

(b) Allocations for Other Programs.—Subsections (b), (c), and (d) of section 310 of such Act (42 U.S.C. 10409) are amended by inserting "(and not reserved under subsection (a)(2))" after "each fiscal year".

(c) Grants for State Domestic Violence Coalitions.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

"(g) Funding.—Of the amount appropriated under section 310(a) for a fiscal year (and not reserved under section 310(a)(2)), not less than 10 percent of such amount shall be made available to award grants under this section.".

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

"(c) Of the amount appropriated under section 310(a) for each fiscal year (and not reserved under section 310(a)(2)), not more than

2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.".

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking "A grant" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant"; and

(2) by adding at the end the following:

"(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

"(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information the Secretary may prescribe; and

"(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is repealed.

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. NATIONAL DOMESTIC VIOLENCE SHELTER NETWORK.

The Family Violence Prevention and Services Act is amended by inserting after section 316 (42 U.S.C. 10416) the following:

"SEC. 317. NATIONAL DOMESTIC VIOLENCE SHELTER NETWORK.

"(a) IN GENERAL.—For a year in which the Secretary makes an amount available under subsection (g)(2), the Secretary shall award a grant to a nonprofit organization to establish and operate a highly secure Internet website (referred to in this section as the 'website') that shall—

"(1) link, to the greatest extent possible, entities consisting of the entity providing the national domestic violence hotline, participating domestic violence shelters in the United States, State and local domestic violence agencies, and other domestic violence organization, so that such entities will be able to connect a victim of domestic violence to the most safe, appropriate, and convenient domestic violence shelter; and

"(2) contain, to the maximum extent practicable, continuously updated information concerning the availability of services and space in domestic violence shelters across the United States.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, a nonprofit organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—

"(1) demonstrate the experience of the applicant in successfully developing and managing a technology-based network of domestic violence shelters;

"(2) demonstrate a record of success of the applicant in meeting the needs of domestic violence victims and their families; and

"(3) include a certification that the applicant will—

"(A) implement a high level security system to ensure the confidentiality of the website;

"(B) establish, within 5 years, a website that links the entities described in subsection (a)(1);

"(C) consult with the entities described in subsection (a)(1) in developing and implementing the website and providing Internet connections; and

"(D) otherwise comply with the requirements of this section.

"(c) USE OF GRANT AWARD.—The recipient of a grant award under this section shall—

"(1) collaborate with officials of the Department of Health and Human Services in a manner determined to be appropriate by the Secretary;

"(2) collaborate with the entity providing the national domestic violence hotline in developing and implementing the network;

"(3) ensure that the website is continuously updated and highly secure;

"(4) ensure that the website provides information describing the services of each domestic violence shelter to which the website is linked, including information for individuals with limited English proficiency and information concerning access to medical care, social services, transportation, services for children, and other relevant services;

"(5) ensure that the website provides up-to-the-minute information on available bed space in domestic violence shelters across the United States, to the maximum extent practicable;

"(6) provide training to the staff of the hotline and to staff of the other entities described in subsection (a)(1) regarding how to use the website to best meet the needs of callers;

"(7) provide Internet access, and hardware in necessary cases, to domestic violence shelters in the United States that do not have the appropriate technology for such access, to the maximum extent practicable; and

"(8) ensure that after the third year of the website project, the recipient will develop a plan to expand the sources of funding for the website to include funding from public and private entities, although nothing in this paragraph shall preclude a grant recipient under this section from raising funds from other sources at any time during the 5-year grant period.

"(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require any shelter or service provider, whether public or private, to be linked to the website or to provide information to the recipient of the grant award or to the website.

"(e) DURATION OF GRANT.—The term of a grant awarded under this section shall be 5 years.

"(f) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall—

"(1) provide technical assistance, if requested, on developing and managing the website; and

"(2) have access to, and monitor, the website.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out section 316 and this section, $5,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

"(2) CONDITIONS ON APPROPRIATIONS.—Notwithstanding paragraph (1), the Secretary shall make available a portion of the amounts appropriated under paragraph (1) to carry out this section only for any fiscal year for which the amounts appropriated under paragraph (1) exceed $3,000,000.

"(3) ADMINISTRATIVE COSTS.—Of the amount made available to carry out this section for a fiscal year the Secretary may not use more than 2 percent for administrative costs associated with the grant program carried out under this section, of which not more than 5 percent shall be used to assist the entity providing the national domestic violence hotline to participate in the establishment of the website.

"(4) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.".

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2004 through 2008.".

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 414. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking "fiscal year 2001" and inserting "each of fiscal years 2004 through 2008".

SEC. 415. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended—

(1) in section 302(1) (42 U.S.C. 10401(1)) by striking "demonstrate the effectiveness of assisting" and inserting "assist";

(2) in section 303(a) (42 U.S.C. 10402(a))—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking "State domestic violence coalitions knowledgeable individuals and interested organizations" and inserting "State domestic violence coalitions, knowledgeable individuals, and interested organizations"; and

(ii) in subparagraph (F), by adding "and" at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3);

(3) in section 303(g) (as so redesignated)—

(A) in the first sentence, by striking "309(4)" and inserting "320"; and

(B) in the second sentence, by striking "309(5)(A)" and inserting "320(5)(A)";

(4) in section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) by striking "provide for research, and into" and inserting "provide for research into";

(5) by redesignating section 309 as section 320 and moving that section to the end of the Act; and

(6) in section 311(a) (42 U.S.C. 10410(a))—

(A) in paragraph (2)(K), by striking "other criminal justice professionals.;" and inserting "other criminal justice professionals;" and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "family law judges,," and inserting "family law judges,";

(ii) in subparagraph (D), by inserting ", criminal court judges," after "family law judges"; and

(iii) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children" and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children".

Mr. KENNEDY. Mr. President, I am pleased to join my colleagues in introducing the Keeping Children and Families Safe Act of 2003. This Act continues our Federal commitment to ensuring that the Nation's most vulnerable children are protected and safe.

Recent cases of abuse and neglect have made national headlines as local authorities have failed to identify abused children. These failures have led to tragic consequences—the deaths of innocent and unprotected children.

Clearly, we must do better—at the national, State, and local levels. And the bill we introduce today will enhance the Federal partnership with local officials to bring greater protection to our children.

Since 1974, the Child Abuse Prevention and Treatment Act, or CAPTA, has been a great support in reaching the nearly 900,000 children who suffer abuse and neglect each year. This year's bipartisan reauthorization of CAPTA will continue and expand that support through FY 2008, and extend CAPTA's related programs, including the Abandoned Infants Assistance Act, the Adoption Opportunities Act, and the Family Violence Prevention and Services Act.

Child abuse and neglect continues to be a serious and daunting problem in our nation. In local communities, child protective services agencies bear the responsibility of receiving and investigating reports of child abuse and neglect. Each year those agencies respond to nearly 3 million reports of abuse. It is a tremendous challenge, and caseworkers in local agencies perform an admirable task worthy of our thanks.

But despite the hard work of child protective services, nearly half of all children in substantiated cases of abuse receive no follow-up services or support. In 2000, over 900 children under the age of 6 died of abuse and neglect. Those children in desperate circumstances need and deserve our help, and we must do better.

The Keeping Children and Families Safe Act will bring us closer toward our goal of responding more effectively to child abuse and neglect. Our bipartisan bill encourages better training and qualifications for child abuse caseworkers, creates linkages to better facilitate referrals for neglected children, and coordinates best practices to improve systems that currently serve and protect children.

Actions to prevent and address child abuse and neglect must be strengthened and expanded. This bill will improve current systems of child abuse treatment by coordinating information on best practices among child protective services agencies through the National Child Abuse Clearinghouse, and disseminating those practices that hold promise to improve systems. The bill will also ensure that local citizen review panels oversee, review, and bolster the practices of child protective services. Access to technical assistance and grants will also be broadened to private entities working to prevent and treat child abuse.

The identification and treatment of abused children cannot be improved without better preparation of those responsible for investigating abuse and neglect. By improving the training, retention, and supervision of child protective caseworkers, the bill will ensure that children receive the help they need. New training will help caseworkers become familiar with their legal duties and receive guidance on how to best work with families. Training will also be provided to protect the personal safety of caseworkers as they enter homes to investigate allegations of abuse.

More must also be done to ensure that abused children receive ongoing support and services. This bill will encourage states to adopt a comprehensive approach to treating and preventing abuse by linking child protective services and education, health, mental health, and judicial systems to more effectively follow-up with support and services to abused and neglected children. The bill will also promote partnerships between public agencies and community-based organizations to support child abuse prevention and treatment.

I am pleased that the Keeping Children and Families Safe Act continues the legacy of the late Senator Wellstone in combating domestic violence and addressing its impact on children. It is estimated that 10 million children witness physical abuse between their parents each year, damaging their emotional and physical well being, and causing difficulties later in life.

Under this Act, new grants will be awarded, once appropriations for the Family Violence Prevention and Services Act reach $150 million, to address the physical and emotional needs of children who witness violence in their homes. Those funds will support direct services and interventions for children who witness domestic violence, bringing together child welfare agencies, courts, law enforcement, and other appropriate entities.

This Act also supports a new electronic network to connect victims of domestic violence and support organizations and networks in local communities. This network will enhance the current national domestic violence hotline, which serves as a vital resource for victims of domestic abuse 24-hours-a-day, 365 days a year. The hotline currently provides support and assistance to 300 to 400 callers a day.

We must do more to help children and their families overcome the harmful effects of abuse, neglect, and violence. The Keeping Children and Families Safe Act of 2003 is a step in the right direction toward that goal, and I urge my colleagues to support this important legislation.

Mr. DODD. Mr. President, I am pleased to join with Senator GREGG, Senator KENNEDY, and Senator ALEXANDER in introducing the Keeping Children and Families Safe Act of 2003.

The bill we are introducing today would strengthen efforts to prevent child abuse and neglect, promote increased sharing of information and partnerships between child protective services and education, health, and juvenile justice systems, and encourage a variety of new training programs to improve child protection, particularly cross-training in recognizing domestic violence and substance abuse in addition to child abuse detection and protection training.

The Keeping Children and Families Safe Act of 2003 renews grants to States to improve child protection systems and increases to $200 million the authorization for child abuse investigations, training of child protection service, CPS, workers, and community child abuse prevention programs. For States to receive funding, they must meet several new requirements: have triage procedures to provide appropriate referrals of a child "not at risk of imminent harm" to a community organization or for voluntary preventive services; have policies in place to address the needs of infants who are born and identified as having been physically affected by prenatal exposure to illegal drugs, which must include a safe plan of care for the child; have policies for improved training, retention, and supervision of caseworkers; and require criminal background record checks for prospective foster and adoptive parents and all other adults living in the household, not later than 2 years after the law's enactment.

Child abuse and neglect continue to be significant problems in the United States.

About 3 million referrals concerning the welfare of about 5 million children were made to Child Protection Services, CPS, agencies throughout the Nation in 2000. Of these referrals, about two-thirds, 62 percent, were "screened-in" for further assessment and investigation. Professionals, including teachers, law enforcement officers, social service workers, and physicians made more than half, 56 percent, of the screened-in reports. About 879,000 children were found to be victims of child maltreatment. About two-thirds, 63 percent, suffered neglect, including medical neglect; 19 percent were physically abused; 10 percent were sexually abused; and 8 percent were emotionally maltreated.

Many of these children fail to receive adequate protection and services. Nearly half, 45 percent, of these children failed to receive services.

The most tragic consequence of child maltreatment is death. The April maltreatment summary data released by the Department of Health and Human Services, HHS, shows that about 1,200 children died of abuse and neglect in 2000. Children younger than six years of age accounted for 85 percent of child fatalities and children younger than one year of age accounted for 44 percent of child fatalities.

Child abuse is not a new phenomenon. For more than a decade, numerous reports have called attention to the tragic abuse and neglect of children and the inadequacy of our Child Protection Services, CPS, systems to protect our children.

In 1990, the U.S. Advisory Board on Child Abuse and Neglect concluded that "child abuse and neglect is a national emergency." In 1995, the U.S. Advisory Board on Child Abuse and Neglect reported that "State and local CPS caseworkers are often overextended and cannot adequately function under their current caseloads." The report also stated that, "in many jurisdictions, caseloads are so high that CPS response is limited to taking the complaint call, making a single visit to the home, and deciding whether or not the complaint is valid, often without any subsequent monitoring of the family."

A 1997 General Accounting Office, GAO, report found, "the CPS system is in crisis, plagued by difficult problems, such as growing caseloads, increasingly complex social problems and underlying child maltreatment, and ongoing systemic weaknesses in day-to-day operations." According to GAO, CPS weaknesses include "difficulty in maintaining a skilled workforce; the inability to consistently follow key policies and procedures designed to protect children; developing useful case data and record-keeping systems, such as automated case management; and establishing good working relationships with the courts."

According to the May 2001 "Report from the Child Welfare Workforce Survey: State and County Data and Findings" conducted by the American Public Human Services Association, APHSA, the Child Welfare League of America, CWLA, and the Alliance for Children and Families, annual staff turnover is high and morale is low among CPS workers. The report found that CPS workers had an annual turnover rate of 22 percent, 76 percent higher than the turnover rate for total agency staff. The "preventable" turnover rate was 67 percent, or two-thirds higher than the rate for all other direct service workers and total agency staff. In some States, 75 percent or more of staff turnovers were preventable.

States rated a number of retention issues as highly problematic. In descending order they are: workloads that are too high and/or demanding; caseloads that are too high; too much worker time spent on travel, paperwork, courts, and meetings; workers not feeling valued by the agency; low salaries; supervision problems; and insufficient resources for families and children.

To prevent turnover and retain quality CPS staff, some States have begun to increase in-service training, increase education opportunities, increase supervisory training, increase or improve orientation, increase worker safety, and offer flex-time or changes in office hours. Most States, however, continue to grapple with staff turnover and training issues.

Continued public criticism of CPS efforts, continued frustration by CPS staff and child welfare workers, and continued abuse and neglect, and death, of our nation's children, served as the backdrop as we put together the Child Abuse Prevention and Treatment Act, CAPTA, reauthorization bill this year.

The Child Protection System mission must focus on the safety of children. To ensure that the system works as intended, CPS needs to be appropriately staffed. The staff need to receive appropriate training and cross-training to better recognize substance abuse and domestic violence problems. The bill we are introducing today encourages triage approaches and differential response systems so that those reports where children are most at-risk of imminent harm can be prioritized. The bill specifically emphasizes collaborations in communities between CPS, health agencies, including mental health agencies, schools, and community-based groups to help strengthen families and provide better protection for children. The bill provides grants for prevention programs and activities to prevent child abuse and neglect for families at-risk to improve the likelihood that a child will grow up in a home without violence, abuse, or neglect.

Beyond the CAPTA title of this legislation, our bill reauthorizes the Family Violence Prevention and Services Act, including new efforts to address the needs of children who witness domestic violence, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act.

Child protection ought not be a partisan issue. This bill will help ensure that it is not. I want to commend and thank my co-authors—Chairman GREGG, Senator KENNEDY and Senator ALEXANDER—for their efforts to craft a bipartisan initiative that can help to prevent and alleviate suffering among our Nation's children. I urge my colleagues to join us in supporting this bill and to strengthen child protection laws early this year.

By Ms. MIKULSKI (for herself, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. CORZINE, Mr. INOUYE, and Mr. BINGAMAN):

S. 343. A bill to amend title XVIII of the Social Security Act to permit direct payment under the medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Clinical Social Work Medicare Equity Act of 2003." I am proud to sponsor this legislation that will include clinical social workers among other mental health providers that are exempted from the Medicare Part B Prospective Payment System. This bill will ensure that clinical social workers can receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities.

Since my first days in Congress, I have been fighting to protect and strengthen the safety for our Nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they need. For example, depression affects nearly 6 million seniors, but only one-tenth ever get treated. This is unacceptable. Clinical social workers may also be the only mental health providers in some rural areas. Protecting seniors' access to clinical social workers can help make sure that our most vulnerable citizens get the quality, affordable mental health care they need.

Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents. But unlike other mental health providers, clinical social workers cannot bill directly for the important services they provide to their patients. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services provided in nursing facilities to each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or "bundled," along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is also about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2003 is strongly supported by the National Association of Social Workers. I ask unanimous consent that a letter of endorsement from the National Association of Social Workers be printed in the RECORD. I also want to thank Senators Johnson, Murray, Stabenow, Corzine, Inouye, and Bingaman for their cosponsorship of this bill. I look forward to working with my colleagues to enact this important legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
Washington, DC, February 10, 2003.

Hon. BARBARA A. MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization with nearly 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work and social workers. NASW also seeks to enhance the well being of individuals, families, and communities through its work, service, and advocacy.

NASW strongly supports the Clinical Social Work Medicare Equity Act of 2003 which will end the unfair treatment of clinical social workers under the Medicare Part B Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs).

Section 4432 of the Balanced Budget Act of 1997 authorized the creation of the PPS, under which the cost of a variety of daily services provided to SNF patients is bundled into a single amount. Prior to PPS, a separate Medicare Part B claim was filed by the provider for each individual service rendered to a patient. Congress made this change in an attempt to captitate the rapidly rising costs of additional patient services delivered by Medicare providers to SNF patients, with the precise target being physical, occupational, and speech-language therapy services. However, Congress recognized that some services, such as mental health and anesthesia, are best provided on an individual basis rather than as part of the bundle of services. Thus, the following types of providers are specifically excluded from the PPS: physicians, clinical psychologists, certified nurse-midwives, and certified registered nurse anesthetists. Unfortunately, due to an unintentional oversight during the drafting process, clinical social workers were not listed among the aforementioned providers in the legislation.

In 1996, Department of Health and Human Services Inspector General June Gibbs Brown published a report entitled "Mental Health Services in Nursing Facilities". The purpose of the report was to describe the types of mental health services provided in nursing facilities and identify potential vulnerabilities in the mental health services covered by Medicare. One critical funding of the report was 70% of nursing home respondents stated that permitting clinical social workers and clinical psychologists to bill independently had a beneficial effect on the provision of mental health services in nursing facilities. The Clinical Social Work Medicare Equity will maintain this beneficial effect on SNF patients by ensuring the continuation of direct Medicare billing by clinical social workers for mental health services rendered to SNF patients.

Your efforts on behalf of mental health patients and professionals nationwide are greatly appreciated by our members. We thank you for your strong interest in and commitment to this important issue as demonstrated by your sponsorship of the Clinical Social Work Medicare Equity Act.

Please do not hesitate to contact Francesca Fierro O'Reilly of my staff at 202–408–8600 x336 should you require anything further. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

ELIZABETH J. CLARK,
PhD, ACSW, MPH, Executive Director.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 344. A bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a bill with my friend and colleague, the senior Senator from Hawaii, Mr. INOUYE, which would clarify the political relationship between Native Hawaiians and the United States. This measure would extend the Federal policy of self-determination and self-governance to Hawaii's indigenous, native peoples—Native Hawaiians, by providing a process for the reorganized Native Hawaiian governing entity to be recognized for the purposes of a government-to-government relationship with the United States.

The bill we introduce today is identical to legislation that was reported by the Senate Committee on Indian Affairs during the 107th Congress. This bill does three things. First if provides a process for Federal recognition of the Native Hawaiian governing entity. Second, it establishes an office within the Department of the Interior to focus on Native Hawaiian issues and to serve as a liaison between Native Hawaiians and the Federal Government. Finally, it establishes an interagency coordinating group to be composed of representatives of federal agencies which administer programs and implement policies impacting Native Hawaiians.

While Federal policies towards Native Hawaiians have paralleled that of Native American Indians and Alaska Natives, the Federal policy of self-determination and self-governance has not yet been extended to Native Hawaiians. This measure extends this policy to Native Hawaiians, thus furthering the process of reconciliation between Native Hawaiians and the United States, and providing parity in the Federal Government's interactions with American Indians, Alaska Natives, and Native Hawaiians.

This measure does not establish entitlements or special treatment for Native Hawaiians based on race. This measure focuses on the political relationship afforded to Native Hawaiians based on the United States' recognition of Native Hawaiians as the aboriginal, indigenous peoples of Hawaii. While the United States' history with its indigenous peoples has been dismal, in recent decades, the United States has engaged in a policy of self-determination and self-governance with its indigenous peoples. Government-to-government relationships provide indigenous peoples with the opportunity to work directly with the Federal Government on policies affecting their lands, natural resources and many other aspects of their well-being.

This measure does not impact program funding for American Indians and Alaska Natives. Federal programs for Native Hawaiian health, education, and housing are already administered by the Departments of Health and Human Services, Education, and Housing and Urban Development. The bill I introduce today contains a provision which makes clear that this bill does not authorize new eligibility for participation in any programs and services provided by the Bureau of Indian Affairs. This bill does not authorize gaming in Hawaii. In fact, it clearly states that the Indian Gaming Regulatory Act, IGRA, does not apply to the Native Hawaiian governing entity.

Finally, this measure does not preclude Native Hawaiians from seeking alternatives in the international arena. This measure focuses on self-determination within the framework of Federal law and seeks to establish equality in the Federal policies extended towards American Indians, Alaska Natives and Native Hawaiians.

We introduced similar legislation during the 106th and 107th Congresses. A previous version of this legislation was passed by the House of Representatives during the 106th Congress. The legislation is widely supported by our indigenous brethren, American Indians and Alaska Natives. It is also supported by the Hawaii State Legislature which passed two resolutions supporting a government-to-government relationship between Native Hawaiians and the United States. Similar resolutions have been passed by the Alaska Federation of Natives, National Congress of American Indians, Japanese American Citizens' League, and the National Education Association.

The essence of Hawaii is captured not by the physical beauty of its islands, but by the beauty of its people. Those who have lived in Hawaii have a unique demeanor and attitude which is appropriately described as the "aloha" spirit. The people of Hawaii demonstrate the aloha spirit through their actions—through their generosity, through their appreciation of the environment and natural resources, through their willingness to care for each other, through their genuine friendliness.

The people of Hawaii share many ethnic backgrounds and cultures. This mix of culture and tradition is based on the unique history of Hawaii. The Aloha spirit is the legacy of the pride we all share in the culture and tradition of Hawaii's indigenous, native peoples, the Native Hawaiians. Hawaii's State motto, "Ua mau ke'ea 'o ka 'aina i ka pono," which means "the life of the land is perpetuated in righteousness," captures the culture of Native Hawaiians. Prior to western contact, Native Hawaiians lived in an advanced society, in distinct and structured communities steeped in science. The Native Hawaiians honored their 'aina, land, and environment, and therefore developed methods of irrigation, agriculture, aquaculture, navigation, medicine, fishing and other forms of subsistence whereby the land and sea were efficiently used without waste or damage. Respect for the environment formed the basis of their culture and tradition. It is from this culture and tradition that the Aloha spirit, which is demonstrated throughout Hawaii, by all of its people, has endured and flourished.

Despite the overthrow of the Kingdom of Hawaii, Native Hawaiians never directly relinquished their inherent sovereignty as a people over their national lands, either through their government or through a plebiscite or referendum. Ever since the overthrow of their government, Native Hawaiians have sought to maintain political authority within their community. The Federal policy of self-governance and self-determination recognizes and provides for this inherent right within Federal law.

Throughout my service in the Congress and the Senate, I have worked to establish a proper foundation of reconciliation between the United States and Native Hawaiians to positively address longstanding issues of concern resulting from the overthrow. The legislation we introduce today to clarify the political relationship between Native Hawaiians and the United States proceeds from our efforts to promote reconciliation. This endeavor enjoys overwhelming support from Native Hawaiians and all the people of Hawaii.

In 1978, the people of Hawaii acted to preserve Native Hawaiian culture and tradition by amending Hawaii's State constitution to establish the Office of Hawaiian Affairs and to give expression to the right of self-determination and self-governance at the State level for Hawaii's indigenous peoples, Native Hawaiians. Starting with statehood, Hawaii endeavored to address and protect the rights and concerns of Hawaii's indigenous peoples in accordance with authority delegated under Federal policy. The constraints of this approach are evident. This bill extends the Federal policy of self-determination and self-governance to Native Hawaiians at the Federal level through a government-to-government relationship with the Native Hawaiian governing entity.

This measure is not being introduced to circumvent the 1999 United States Supreme Court decision in the case of Rice v. Cayeano. The Rice case was a voting rights case whereby the Supreme Court held that the State of Hawaii must allow all citizens of Hawaii to vote for the trustees of a quasi-State agency, the Office of Hawaiian Affairs. Nothing in this legislation would alter the eligibility of the electorate who votes for the Board of Trustees for the Office of Hawaiian Affairs.

This measure is critical to the people of Hawaii because it provides the structure necessary to address many longstanding issues facing Hawaii's indigenous peoples and the State of Hawaii. By addressing and resolving these matters, we continue our process of healing, a process of reconciliation not only within the United States, but within the State of Hawaii. The time has come for us to be able to address these deeply rooted issues in order for us to be able to move forward as one.

I cannot emphasize how important this issue is for the people of Hawaii. At the state level, I will continue to work with the Hawaii State Legislature which has expressed its support for this legislation. I will also be working with Governor Linda Lingle, Hawaii's newly elected Governor, who has expressed her support for Federal recognition for Native Hawaiians. I look forward to continuing my discussions with officials within the Federal Government to address issues related to this bill, and I continue to welcome input from the people of Hawaii as to how we should move forward as a State, and as a community, to address longstanding issues resulting from the overthrow of the Kingdom of Hawaii.

We have an established record of United States' commitment to reconciliation with Native Hawaiians. This legislation is another step forward to honoring that commitment. I ask all my colleagues to join me in enacting this critical measure for the people of Hawaii.

Mr. President, I ask unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian

community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian Government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also give expression to their rights as native people to self-determination and self-governance through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4) by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103-150 (107 Stat. 1510), a joint resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(3) CEDED LANDS.—The term "ceded lands" means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3; 73 Stat. 4).

(4) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(5) INTERAGENCY COORDINATING GROUP.—The term "Interagency Coordinating Group" means the Native Hawaiian Interagency Coordinating Group established under section 5.

(6) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of the Native Hawaiian governing entity, the term "Native Hawaiian" means the indigenous, native people of Hawaii who are the direct lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian governing entity, the term "Native Hawaiian" shall have the meaning given to such term in the organic governing documents of the Native Hawaiian governing entity.

(7) NATIVE HAWAIIAN GOVERNING ENTITY.—The term "Native Hawaiian governing entity" means the governing entity organized by the Native Hawaiian people.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance; and

(C) the right to reorganize a Native Hawaiian governing entity; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the recognition by the United States of a Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Relations.

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Relations shall—

(1) effectuate and coordinate the trust relationship between the Native Hawaiian people and the United States, and upon the recognition of the Native Hawaiian governing entity by the United States, between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(2) continue the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian governing entity by the United States, continue the process of reconciliation with the Native Hawaiian governing entity;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian governing entity prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law.

SEC. 5. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition of the fact that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the "Native Hawaiian Interagency Coordinating Group".

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands; and

(2) the United States Office for Native Hawaiian Relations established under section 4.

(c) LEAD AGENCY.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group, and meetings of the Interagency Coordinating Group shall be convened by the lead agency.

(d) DUTIES.—The responsibilities of the Interagency Coordinating Group shall be—

(1) the coordination of Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian governing entity by the United States, consultation with the Native Hawaiian governing entity; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5).

SEC. 6. PROCESS FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(b) PROCESS FOR RECOGNITION.—

(1) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the organization of the Native Hawaiian governing entity, the adoption of organic governing documents, and the election of officers of the Native Hawaiian governing entity, the duly elected officers of the Native Hawaiian governing entity shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(2) CERTIFICATIONS.—

(A) IN GENERAL.—Within 90 days of the date that the duly elected officers of the Native Hawaiian governing entity submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the citizens of the Native Hawaiian governing entity;

(iii) provide for the exercise of governmental authorities by the Native Hawaiian governing entity;

(iv) provide for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons subject to the authority of the Native Hawaiian governing entity, and ensure that the Native Hawaiian governing entity exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302); and

(vii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States.

(B) BY THE SECRETARY.—Within 90 days of the date that the duly elected officers of the Native Hawaiian governing entity submit the organic governing documents to the Secretary, the Secretary shall certify that the State of Hawaii supports the recognition of a Native Hawaiian governing entity by the United States as evidenced by a resolution or act of the Hawaii State legislature.

(C) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian governing entity along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNING ENTITY.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian governing entity by the Secretary under clause (i), the duly elected officers of the Native Hawaiian governing entity shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with the requirements of this paragraph.

(D) CERTIFICATIONS DEEMED MADE.—The certifications authorized in subparagraph (B) shall be deemed to have been made if the Secretary has not acted within 90 days of the date that the duly elected officers of the Native Hawaiian governing entity have submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(3) FEDERAL RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian governing entity and the certifications by the Secretary required under paragraph (1), the United States hereby extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian governing entity by the United States, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian governing entity regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use to the Native Hawaiian governing entity. Nothing in this Act is intended to serve as a settlement of any claims against the United States.

SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—Nothing contained in this Act shall be construed as an authorization for the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) BUREAU OF INDIAN AFFAIRS.—Nothing contained in this Act shall be construed as an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for such programs or services.

SEC. 10. SEVERABILITY.

In the event that any section or provision of this Act is held invalid, it is the intent of

Congress that the remaining sections or provisions of this Act shall continue in full force and effect.

By Mr. NELSON of Florida (for himself, Mr. KENNEDY, Mr. GRAHAM of Florida, Mr. EDWARDS, and Mr. SARBANES):

S. 345. A bill to amend the title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a medicare beneficiary; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the Equal Access to Medicare Act to combat the growing practice of "concierge care" medical practices. As my colleagues may recall I introduced similar legislation last Congress to deal with the growing problem of doctors shutting down their practices and opening new ones, only accepting those patients willing to pay a membership fee. These fees range from $1,500 to $20,000 annually. By charging these dues, or requiring patients to purchase non-Medicare covered services, doctors have been able to shrink their patient load and maintain high profit margins while continuing to bill Medicare, all on the backs of low- and middle-income beneficiaries.

This is a dangerous model that causes significant disparities in the care available to Medicare beneficiaries. A doctor receiving Medicare reimbursement should not be allowed to turn away those Medicare beneficiaries who cannot, or choose not to pay a membership fee. My bill simply prevents Medicare from reimbursing doctors who charge membership fees or require the purchase of non-Medicare covered services as a condition for the provision of care.

Since the introduction of this bill in 2001, the practice has been rapidly expanding with versions in many states. As an increasing number of Medicare beneficiaries voice their concerns, it is time for Congress to act. I hope that as we debate Medicare modernization this year, Congress will agree to put an end to this egregious practice.

In addition to the concerns of seniors, health care advocacy groups have begun to weigh in as well. Both the American Academy of Family Physicians and the American Medical Association have expressed concern about the ". . . risks associated with the spread of this model", AMA, June 2002 report. Should this practice proliferate, a doctor shortage for low- and middle-income Medicare beneficiaries is likely, exacerbating an already ailing health care marketplace.

I must emphasize: this bill does not interfere with a doctor's ability to set up a practice with a limited number of patients while remaining adequately compensated. Nor would doctors who participate in Medicare be prevented from contracting privately with patients for non-Medicare covered services. It simply provides that doctors who participate in the Medicare program may not select patients based upon willingness or ability to pay a fee for other services. This is the same standard that private insurance companies apply to their providers.

I hope my colleagues will join me in helping Medicare keep its promise of accessibility to seniors who have paid a lifetime of "premiums."

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Access to Medicare Act of 2003".

SEC. 2. PROHIBITION OF INCIDENTAL FEES AND REQUIRED PURCHASE OF NONCOVERED ITEMS OR SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

"(u) PROHIBITION OF INCIDENTAL FEES OR REQUIRING PURCHASE OF NONCOVERED ITEMS OR SERVICES.—

"(1) IN GENERAL.—A physician, practitioner (as described in section 1842(b)(18)(C)), or other individual may not—

"(A) charge a membership fee or any other incidental fee to a medicare beneficiary (as defined in section 1802(b)(5)(A)); or

"(B) require a medicare beneficiary (as so defined) to purchase a noncovered item or service,

as a prerequisite for the provision of a covered item or service to the beneficiary under this title.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to apply the prohibition under paragraph (1) to a physician, practitioner, or other individual described in such subsection who does not accept any funds under this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to membership fees and other charges made, or purchases of items and services required, on or after the date of enactment of this Act.

By Mr. LEVIN (for himself and Mr. THOMAS):

S. 346. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements; to the Committee on Governmental Affairs.

Mr. LEVIN. Mr. President, I am pleased to join with Senator CRAIG THOMAS in introducing the Federal Prison Industries Competition in Contracting Act. Our bill is based on a straightforward premise: it is unfair for Federal Prison Industries to deny businesses in the private sector an opportunity to compete for sales to their own government.

I repeat: the bill that we are introducing today, if enacted, would do nothing more than permit private sector companies to compete for Federal contracts that are paid for with their dollars. It may seem incredible that they are denied this opportunity today, but that is the law, because if Federal Prison Industries says that it wants a contract, it gets that contract, regardless whether a company in the private sector may offer to provide the product better, cheaper, or faster.

We have made considerable progress on this issue since Senator THOMAS and I introduced a similar bill in the 107th congress. Two years ago, the Senate voted 74–24 to end Federal Prison Industries' monopoly on Department of Defense contracts. Not only was that provision enacted into law, we were able to strengthen it with a second provision in last year's defense bill.

Despite this progress, much work remains to be done. As of today, Federal Prison Industries retains its monopoly on the contracts of every agency of the Federal Government, other than the Department of Defense. This means that all other Federal agencies, including the new Department of Homeland Security, may be required to purchase products from Federal Prison Industries. It also means that private sector companies may find it impossible to sell their products to their own government, even when their products outperform FPI products in terms of price, quality and time of delivery.

The bill that we are introducing today would not limit the ability of Federal Prison Industries to sell its products to Federal agencies. It would simply say that these sales should be made on a competitive, rather than a sole-source basis.

FPI starts with a significant advantage in any competition with the private sector, since FPI pays inmates less than two dollars an hour, far below the minimum wage and a small fraction of the wage paid to most private sector workers in competing industries. And of course, the taxpayers provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. Given those advantages, there is no reason why we should still require Federal agencies to purchase products from FPI even when they are more expensive or of a lower quality than competing commercial items. I can think of no reason why private industry should be prohibited from competing for these federal agency contracts.

We have made several changes to this bill since it was introduced in the 107th Congress. The new bill has been harmonized with the provisions that we have already enacted for the Department of Defense, to ensure that we will have a single, government-wide procurement policy for agencies purchasing products available from Federal Prison industries. This government-wide policy would be codified in the Office of Federal Procurement Policy Act, which is the primary procurement statute that applies to both defense and non-defense agencies. I believe that these changes will strengthen the bill and reinforce its underlying intent.

Federal Prison Industries has repeatedly claimed that it provides a quality product at a price that is competitive with current market prices. Indeed, the Federal Prison Industries statute requires them to do so. That statute states that FPI may provide to Federal agencies products that "meet their requirements" at prices that do not "exceed current market prices".

Yet, FPI remains unwilling to compete with private sector businesses and their employees, or even to permit federal agencies to compare their products and prices with those available in the private sector. Indeed, FPI has tried to prohibit Federal agencies from conducting market research, as they would ordinarily do, to determine whether the price and quality or FPI products is comparable to what is available in the commercial marketplace. Instead, Federal agencies are directed to contact FPI, which acts as the sole arbiter of whether the product meets the agency's requirements.

The result is totally and understandably frustrating to private sector businesses and their employees who are denied an opportunity to compete for Federal business, as well as to the Federal agencies who are forced to buy FPI products. The frustration of these businesses comes through in a series of letters that were placed in the record of a House Small Business Committee hearing in the last Congress. One letter stated with regard to UNICOR—the trade name used by Federal Prison Industries:

Dear Mr. Chairman: My name is Billy Carroll; I am an outside sales representatives with C&C Office Supply Co. in Biloxi Mississippi. Our company has been in business for over 20 years and we employ 20 people.

During the course of our 20-year history we have done considerable business with numerous governmental agencies and military installations. Some of them being Naval Construction Battalion in Gulfport, Mississippi; Air National Guard in Gulfport; Keesler Air Force Base in Biloxi; Naval Station in Pascagoula; and NASA in Stennis Space Center.

As a result of FPI's unfair monopolistic practices, we have seen sales from these governmental agencies go from $100,000.00 a month to less than $5,000 a month.

There are numerous horror stories we hear from our customers who deal with UNICOR. The most recent one being that a customer had to wait 5 months to get their furniture. When the furniture finally arrived, it wasn't even what they had ordered. This is something that would have been averted had they been able to use our company or another dealer.

I could go on about how we could have sold the product much cheaper, which would have saved taxpayers money, faster delivery, which would have increased productivity, and finally better service, but I won't. You get the picture.

Sincerely,

Billy Carroll,

C&C Office Supply Company, Biloxi, MS.

Mr. LEVIN. Other vendors expressed even greater frustration about FPI's unfair business practices:

Dear Mr. Chairman: During the past 5 years I have had representatives from UNICOR tell my customers that they had to turn over my proprietary designs to UNICOR, without payment to the dealership. They have told my customers that if they do not buy UNICOR, they will be 'reported to congress' and that there is no place else to go for government furniture. They frighten young department of defense officials with words like 'illegal' when they ask about waivers.

The UNICOR reps routinely refuse waivers on the first approach. The answer is a standard 'UNICOR has products which will meet your needs.' No explanation. They refuse to answer waiver requests in a timely fashion. I have had a $110,000 order for the Arizona Air National Guard in Tucson literally taken away by UNICOR. The representative demanded the designs and said that UNICOR would fill the request. There would be no waiver and no discussion. And she was right. Despite the fact that all of the programming phase had been completed by my designers, at no cost to the federal government, this rep insisted that she knew what was best for this customer. Of course, the products arrived late, in poor condition, was much more expensive than the budgeted GSA furniture—and the reps have not been heard from. The answer is 'a 10% discount' or a 'free chair.'

In Texas, my representative worked for 4 months with a customer, completing designs and meeting all relevant criteria. She proposed only products on GSA contract. UNICOR unilaterally refused to waive the chairs, approximately $50,000 worth, because their factories were not at capacity. The fact that the UNICOR chairs do not meet the price point, that UNICOR spent no time with the customers determining function, color or other requirements has no meaning. The seating portion of the order is lost. The remaining portion would have been lost, as well, if the customer had not spent approximately 30 days going from one appeal process to the other attempting to get waivers. Very few customers will take the time to do this. Of course, when the project finally arrives, it will be late and missions will be compromised.

Sincerely,

Ruthanne S. Pitts,
Simmons Contract Furnishings,
Tucson, Arizona.

Dear Mr. Chairman: I personally worked with the staff who had just moved into a new ward at Walter Reed Army Medical Center. We had two meetings during which I took measurements and went over in great detail the furniture items they needed for the report room, reception area, patient education room, two offices and some miscellaneous shelving. The total I quoted to Walter Reed was approximately $13,000 and met their needs exactly. This was in April of 2000. Our delivery would have been completed within a month.

Because Walter Reed couldn't get a UNICOR waiver (just to determine this fact takes at least 6 weeks) the order was placed with UNICOR and took eight months to be delivered (it just showed up last week) and much of it was not what officials at Walter Reed even ordered. FPI tells their customers what the customer can have rather than meeting the needs of the customer. As an example, we had designed a workstation for the report room to accommodate four computers. UNICOR sent an expensive, massive cherry workstation for an executive office that had to be put in someone's office (who didn't need new furniture) because it was unusable where it was supposed to go. UNICOR charged an additional $1,500.00 to assemble this (and didn't have proper tools to finish the assembly). Our price for the proper item including all set up was less than they charged for set-up alone.

You know, it's not just the impact FPI has on our businesses, it's the waste of everybody's tax dollars when furniture costs more and doesn't even do the job.

Sincerely,

Diane Lake,

Economy Office Products, Inc. Fairfax, VA.

Dear Mr. Chairman: I am concerned in the way taxpayers' money is being wasted. A few years ago I had proposed over $100.000.00 in chairs to the VA Medical Center. They were excited about the chair I was proposing on contract. The chair was less expensive than the chair proposed by FPI. The customer also recognized that the chair I was proposing was better in quality and had more ergonomic features, which would assist in some of their health issues. Another comment made by the VA was the problem with the FPI chairs breaking easily. Parts were near impossible to get, so they would throw the FPI chair in the garbage.

In this situation FPI denied the VA waiver. Regretfully they had to buy FPI chairs. I can not believe this happens in America.

Sincerely,

Rick Buchholz,

Christianson's Business Furniture.

Mr. LEVIN. These letters are far from unique. In case after case, Federal Prison Industries insists on taking contracts away from private businesses, even where FPI's products are inferior, their prices are higher, and they are not prepared to deliver in a timely manner. This is wrong.

Avoiding competition is the easy way out, but it isn't the right way for FPI, it isn't the right way for the private sector workers whose jobs FPI is taking, and it isn't the right way for Federal agencies, which too often get stuck with the bill for inferior products that can't compete with private sector goods. Competition will be better for Federal agencies, better for the taxpayer, and better for working men and women around the country.

Mr. THOMAS. Mr. President, today I am pleased to join Senator Levin in introducing a bill that will further my efforts to limit government competition with the private sector. Senator Levin and I propose to eliminate the mandatory contracting requirement that Federal agencies are subject to when it comes to products made by the Federal Prison Industries, FPI. Under law, all

Federal agencies, except the Department of Defense, are required to purchase products made by the FPI. Simply put, this bill will require the FPI to compete with the private sector for Federal contracts.

Currently, the FPI employs approximately 22,000 Federal prisoners or roughly 20 percent of all Federal prisoners. These prisoners are responsible for producing a diverse range of products for the FPI, ranging from office furniture to clothing. The remaining 80 percent of Federal prisoners, who work, do so in and around Federal prisons.

While Senator LEVIN and I believe that it is important to keep prisoners working, we do not believe that this effort should unduly harm or conflict with law-abiding businesses. This bill seeks to minimize the unfair competition that private sector companies face with the FPI.

The FPI's mandatory source requirement not only undercuts private business throughout America, but its mandatory source preference oftentimes costs American taxpayers more money. I believe American taxpayers would be alarmed to learn of the preferential treatment that the FPI enjoys when it comes to Federal contracts.

As I said before, Senator LEVIN and I support the goal of keeping prisoners busy while serving their time in prison. However, if we allow competition in Federal contracts, the FPI will be required to focus its efforts in product areas that don't unfairly compete with the private sector. Clearly, competitive bidding is a reasonable process that will ensure taxpayer's dollars are being spent justly.

Of particular note, our bill allows contracting officers, within each Federal agency, the ability to use competitive procedures for the procurement of products. This approach allows Federal agencies to select the FPI contracts if he/she believes that the FPI can meet that particular agency's requirements and the product is offered at a fair and reasonable price. The above outlined provision in our bill seeks to place the control of government procurement in the hands of contracting officers, rather than in the hands of the FPI.

In addition to establishing a competitive procedure for the procurement of products, we include a provision that allows the Attorney General to grant a waiver to this process if a particular contract is deemed essential to the safety and effective administration of a particular prison.

I am confident that by allowing competition for government contracts our bill will save tax dollars. As Congress looks for additional cost saving practices, the elimination of the FPI's mandatory source preference will bring about numerous improvements, not just in cost savings, but also in streamlining of the FPI's products.

By Mrs. FEINSTEIN:

S. 347. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today to direct the Interior Secretary to conduct a study to evaluate the suitability and feasibility of expanding the Santa Monica National Recreation Area to include the Rim of the Valley Corridor.

The Rim of the Valley Corridor encircles the San Fernando Valley, La Crescenta, Simi, Santa Clarita, Conejo Valleys, consisting of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and connects to the adjacent Los Padres and San Bernardino National Forests.

This parcel of land is unique because of its rare Mediterranean ecosystem and wildlife corridor that stretches north from the Santa Monicas. With the population growth forecasted to multiply exponentially over the next several decades, the need for parks to balance out the expected population growth has become critical in California.

Since the creation of the Santa Monica Recreation Area in 1978, Federal, State, and local authorities have worked successfully together to create and maintain the highly successful Santa Monica Mountains National Recreation Area, the world's largest urban park, hemmed in on all sides by development.

Park and recreational lands provide people with a vital refuge from urban life while preserving valuable habitat and wildlife. With the passage of this legislation, Congress will hold true to its original commitment to preserve the scenic, natural, and historic setting of the Santa Monica Mountains Recreation Area. With the inclusion of the Rim of the Valley Corridor in Santa Monica Mountains Recreation Area, greater ecological health and diversity will be promoted, particularly for larger animals like mountain lions, bobcats, and the golden eagle.

After the study called for in this bill is complete, the Secretary of the Interior and Congress will be in a key position to determine whether the Rim of the Valley warrants national park status.

This bill enjoys strong support from local and State officials and I hope that it will have as much strong bipartisan support this Congress, as it did last Congress. Congressman Adam Schiff plans to introduce companion legislation for this bill in the House and I applaud his commitment to this issue.

I urge my colleagues to support this legislation.

By Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. BAYH, Mr. SMITH, and Mr. DURBIN):

S. 348. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Make College Affordable Act of 2003".

SEC. 2. EXPANSION OF DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) AMOUNT OF DEDUCTION.—Subsection (b) of section 222 of the Internal Revenue Code of 1986 (relating to deduction for qualified tuition and related expenses) is amended to read as follows:

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in paragraph (2), the amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

"(B) APPLICABLE DOLLAR LIMIT.—The applicable dollar limit for any taxable year shall be determined as follows:

"Taxable year:	**Applicable dollar amount:**
2003	$8.000
2004 and thereafter	$12,000.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $65,000 ($130,000 in the case of a joint return), bears to

"(ii) $15,000 ($30,000 in the case of a joint return).

"(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after the application of sections 86, 135, 137, 219, 221, and 469.

For purposes of the sections referred to in clause (ii), adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(D) INFLATION ADJUSTMENTS.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after

2003, both of the dollar amounts in subparagraph (B)(i)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(b) QUALIFIED TUITION AND RELATED EXPENSES OF ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Section 222(a) of the Internal Revenue Code of 1986 (relating to allowance of deduction) is amended by inserting "of eligible students" after "expenses".

(2) DEFINITION OF ELIGIBLE STUDENT.—Section 222(d) of such Code (relating to definitions and special rules) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) ELIGIBLE STUDENT.—The term 'eligible student' has the meaning given such term by section 25A(b)(3).".

(c) DEDUCTION MADE PERMANENT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 431 of such Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2002.

SEC. 3. CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. INTEREST ON HIGHER EDUCATION LOANS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000 ($40,000 in the case of a joint return).

"(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2003, the $50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2002' for '1992'.

"(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

"(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1).

"(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

"(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Interest on higher education loans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25C(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2002.

Mr. BIDEN. Mr. President, I am pleased once again to join my colleague from New York, Senator SCHUMER, to talk about a bill that will help American families afford their children's college tuition. The bill we are reintroducing today, the Make College Affordable Act, will make up to $12,000 in college tuition tax deductible each year, while providing graduates with a tax credit to reduce the cost of their student loans.

With the average college graduate earning 80 percent more than the average non-college, high school graduate, it is abundantly clear that in today's economy a college degree is an absolute necessity. When I went to college, it cost about $1,000 a year. That meant, for a family making about $12,000 a year, the cost of college was about 6 or 7 percent of that family's income. Today the average cost of room, board and tuition at a four-year public college has jumped to over $9,000 a year. The average cost of room, board and tuition at a private four-year college has jumped to over $25,000. What does this mean? This means that hard working American families are spending a larger percentage of their income than ever before to send their children to school. To attend my alma mater, the University of Delaware, it costs nearly 20 percent of a Delaware family's average annual income to cover costs. If that same family wants to send their child to a private university, approximately 50 percent of their income is required. This means that the average American family is likely to spend just as much, if not more, on their child's tuition as they are to pay in annual mortgage payments.

I have said it before. How can we expect families to dream of a better and brighter future for their children, when the cost of attending even some public universities rivals their home mortgage payments? We can't.

That is why in 1995, I first offered an amendment to permit a $10,000 tuition tax deduction. That is why in 1996 and 1997, I introduced my GET AHEAD bill which would have provided students and their families with scholarships, tax deductions, and college savings plans. We've made some good progress. A number of initiatives were incorporated into the 1997 tax bill. Today families have available to them the Hope Scholarship—a tax credit of up to $1,500 for the first two years of college, and the Lifetime Learning Credit—which permits a 20 percent tax credit on up to $10,000 worth of higher education expenses. Students can also claim a tax deduction for interest on student loans, have the opportunity to consolidate their student loans at low interest rates and beginning in 2001, have had the chance to deduct up to $3,000 in tuition expenses from their Federal income tax.

And yet, we can and should do more to help qualified students attend the college of their dreams. This is why I introduced my Tuition Assistance for Families Act in January. This bill would expand current tuition tax credits, provide merit scholarships to graduating seniors, increase the maximum Pell Grant and raise the tuition tax deduction much like the bill before us today.

I join my friend from New York today to introduce the Make College Affordable Act because it will allow most taxpayers to take up to a $12,000 tax deduction each year for college tuition and fees. For some families this would amount to a tax savings of more than $3,000 each year—$3,000 that can go toward their children's doctor visits, retirement savings, child care costs and yes, toward their annual mortgage payment.

In addition to the tax deduction, the Schumer-Biden bill will provide a tax credit of up to $1,500 for the interest paid on student loans over the first five years of repayment. This credit will be available to individuals with incomes of up to $50,000, and families with incomes up to $100,000. When one considers that the average graduate is $16,928 in debt, you can imagine how quickly interest payments add up each year.

We are hearing a great deal these days about tax cuts. How we choose to provide them, and who we choose to provide them to, is a reflection of our nation's priorities and values. What greater priority could there be than providing our children with a first class education. Let's be smart about our investments when considering the tax proposals that come before us. Let's help families provide their children with a better life through the promise of a college education. And let's not forget that the Make College Affordable Act will not only ensure a brighter future for all our children, it will help to guarantee an educated and prosperous America down the road.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. LANDRIEU, Ms. SNOWE, Mr. KENNEDY, Mr. ALLEN, Mr. JOHNSON, Mr. DAYTON, and Mr. BUNNING):

S. 349. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague, Senator COLLINS, to introduce legislation to repeal two provisions of current law that reduce earned Social Security benefits for teachers and other government pensioners—the Windfall Elimination, WEP, provision, and the Government Pension Offset, GPO, provision.

Under current law, public employees, whose salaries are often lower than those in the private sector to begin with, find that they are penalized and held to a different standard when it comes to retirement benefits. The unfair reduction in their benefits makes it more difficult to recruit teachers, police officers, and fire fighters.

The Social Security Windfall Elimination Provision reduces Social Security benefits for retirees who paid into Social Security and also receive a government pension, such as from a teacher retirement fund. Private sector retirees receive monthly Social Security checks equal to 90 percent of their first $561 in average monthly career earnings, plus 32 percent of monthly earnings up to $3,381 and 15 percent of earnings above $3,381. Government pensioners, however, are only allowed to receive 40 percent of the first $561 in career monthly earnings, a penalty of $280.50 per month.

To my mind it is simply unfair, especially at a time when we need to be doing all we can to attract qualified people to government service, and my legislation will allow government pensioners the chance to earn the same 90 percent to which non-government pension recipients are entitled.

The current Government Pension Offset provision reduces Social Security spousal benefits by an amount equal to two-thirds of the spouse's public employment civil service pension. This can have the effect of taking away, entirely, a spouse's benefits from Social Security.

It is beyond my understanding why we would want to discourage people from pursuing careers in public service by essentially saying that if you do enter public service, your family will suffer by not being able to receive the full retirement benefits they would otherwise be entitled to.

Record enrollments in public schools and the projected retirements of thousands of veteran teachers are driving an urgent need for teacher recruitment. Critical efforts to reduce class sizes also necessitate hiring additional teachers. It is estimated that schools will need to hire between 2.2 and 2.7 million new teachers nationwide by 2009.

California has 284,030 teachers currently, but will need to hire an additional 300,000 teachers by 2010 to keep up with California's rate of student enrollment, which is three times the national average. All in all, California has to hire 26,000 new teachers every year.

To combat the growing teacher shortage crisis, forty-five States and the District of Columbia now offer "alternate routes" for certification to teach in the Nation's public schools. It is a sad irony that policymakers are encouraging experienced people to change careers and enter the teaching profession at the same time that individuals who have worked in other careers are less likely to want to become teachers if doing so will affect Social Security benefits they worked so hard to earn.

Almost 300,000 government retirees nationwide are affected by the GPO and the WEP, but their impact is greatest in the 13 states that chose to keep their own public employee retirement systems, including California. According to the Congressional Budget Office, the GPO reduces benefits for some 200,000 individuals by more than $3,600 a year. The WEP causes already low-paid public employees outside the Social Security system, like teachers, firefighters and police officers, to lose up to sixty percent of the Social Security benefits to which they are entitled. Ironically, the loss of Social Security benefits may make these individuals eligible for more costly assistance, such as food stamps.

The reforms that led to the GPO and the WEP are almost 20 years old. At the time they were enacted, I'm sure they seemed like a good idea. Now that we are witnessing the practical effects of those reforms, I hope that Congress will pass legislation to address the unfair reduction of benefits that make it even more difficult to recruit and retain public employees.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act, which repeals two provisions of current law—the windfall elimination provision, WEP, and the government pension offset, GPO—that unfairly reduce earned Social Security benefits for many public employees. This legislation is of tremendous importance to Maine's teachers, police officers, firefighters and other public employees who currently are unfairly penalized for working in the private sector when the time comes for them to retire.

Despite their challenging, difficult and sometimes dangerous jobs, these invaluable public servants often receive far lower salaries than private sector employees. It is therefore doubly unfair to penalize them and hold them to a different standard when it comes to their Social Security retirement benefits.

Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this unfair reduction in Social Security benefits makes it even more difficult for our communities to recruit and retain the teachers, police officers, firefighters, and other public employees who are so critical to the safety and well-being of our families.

The government pension offset and windfall elimination provisions affect government employees and retirees in virtually every State, but their effect is most acute in Maine and 14 other States where most public employees are not covered by Social Security. Nationwide, more than one-third of teachers and school employees, and more than one-fifth of other public employees, are not covered by Social Security. Approximately 250,000 retired Federal, State and local government employees across the country have already been adversely affected by these provisions. Thousands more stand to be affected in the future.

The Social Security windfall elimination provision reduces Social Security benefits for retirees who paid into Social Security and who also receive a government pension from work not covered under Social Security, such as pensions from the Maine State Retirement Fund. While private sector retirees receive monthly Social Security checks equal to 90 percent of their first $561 in average monthly career earnings, government pensioners are only allowed to receive 40 percent—a harsh and unjust penalty of $280.50 per month.

The government pension offset reduces an individual's survivor benefit under Social Security by two-thirds of the amount of his or her public pension. Estimates indicate that 9 out of 10 public employees affected by the GPO lose their entire spousal benefit, even though their deceased spouses paid Social Security taxes for many years.

This offset is, unfortunately, most harsh for those who can least afford the loss: lower-income women. According to the Congressional Budget Office, the GPO reduces benefits for some 200,000 individuals by more than $3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

This simply is not fair and not right. Our teachers and other public employees face difficult enough challenges in their day-to-day work. Individuals who have devoted their lives to public service should not have the added burden of worrying about their retirement, and these two onerous provisions should be repealed.

This is an issue that I have heard about at the grocery store, at my church, and even at my 30th high school class reunion from my many friends who have entered the teaching profession and who are committed to living and working in Maine. They love their jobs and the children they teach, but they worry about the future and about their financial security in retirement.

I also hear a lot about this issue in my constituent mail. Patricia Dupont, for example, of Orland, ME, wrote that, because she taught for 15 years under Social Security in New Hampshire, she is living on a retirement income of less than $13,000 after 45 years of teaching. Since she also lost survivors' benefits from her husband's Social Security, she calculates that a repeal of the WEP and GPO would double her current retirement income.

Wendy Lessard, an English teacher at Mt. Desert Island High School, is an example of another unfortunate consequence of the laws. After 10 years of teaching, she is now considering whether or not to continue her career because of the Social Security penalties associated with her teacher's pension. She tells me that she has worked vacations in her summers and off-hours to be able to make a better wage and pay back her student loans. She is just the kind of teacher we want teaching our students, but is now contemplating leaving the profession because of her concerns about financial security in retirement.

Moreover, these provisions also penalize private sector employees who leave their jobs to become public school teachers. Ruth Wilson, a teacher from Otisfield, ME, wrote:

> I entered the teaching profession two years ago, partly in response to the nationwide pleas for educators. As the current pool of educators near retirement in the next few years, our schools face a crisis. Low wages and long hard hours are not great selling points to young students when selecting a career.
>
> I love teaching and only regretted my decision when I found out about the penalties I will unfairly suffer. In my former life as a well-paid systems manager at State Street Bank in Boston, I contributed the maximum to Social Security each year. When I decided to become an educator, I figured that because of my many years of maximum Social Security contributions, I would still have a livable retirement "wage." I was unaware that I would be penalized as an educator in your State.

Maine, like many States, is currently facing a serious shortage of teachers, and we simply cannot afford to discourage people from pursuing important careers in public service in this way. I am therefore pleased to join Senator FEINSTEIN in introducing this legislation to repeal these two unfair provisions, and I urge my colleagues to join us as cosponsors.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. EDWARDS, Mr. ROCKEFELLER, Mr. REID, Mrs. BOXER, Mr. FEINGOLD, and Mr. CORZINE):

S. 352. A bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the "Medical Malpractice Insurance Antitrust Act of 2003" along with Senators KENNEDY, DURBIN, EDWARDS, ROCKEFELLER, REID, BOXER, FEINGOLD, and CORZINE. In the deafening debate about medical malpractice, I believe this legislation is a clear and calm statement about fixing one significant part of the system that is broken—skyrocketing insurance premiums for medical malpractice.

Our health care system is in crisis. We have heard that statement so often that it has begun to lose the force of its truth, but that truth is one we must confront and the crisis is one we must abate.

Unfortunately, dramatically rising medical malpractice insurance rates are forcing some doctors to abandon their practices or to cross State lines to find more affordable situations. Patients who need care in high-risk specialties—like obstetrics—and patients in areas already under-served by health care providers—like many rural communities—are too often left without adequate care.

We are the richest and most powerful Nation on earth. We should be able to ensure access to quality health care to all our citizens and to assure the medical profession that its members will not be driven from their calling by the manipulations of the malpractice insurance industry.

The debate about the causes of this latest insurance crisis and the possible cures grows shrill. I hope today's hearing will be a calmer and more constructive discussion. My principal concerns are straightforward: That we ensure that our Nation's physicians are able to provide the high quality of medical care that our citizens deserve and for which the United States is world-renowned, and that in those instances where a doctor does harm a patient, that patient should be able to seek appropriate redress through our court system.

To be sure, different States have different experiences with medical malpractice insurance, and insurance remains a largely State-regulated industry. Each State should endeavor to develop its own solution to rising medical malpractice insurance rates because each State has its own unique problems. Some States—such as my own, Vermont—while experiencing problems, do not face as great a crisis as others. Vermont's legislature is at work to find the right answers for our State, and the same process is underway now in other States. To contrast, in States such as West Virginia, Pennsylvania, Florida, and New Jersey, doctors are walking out of work in protest over the exorbitant rates being extracted from them by their insurance carriers.

Thoughtful solutions to the situation will require creative thinking, a genuine effort to rectify the problem, and bipartisan consensus to achieve real reform. Unfortunately, these are not the characteristics of the Administration's proposal. Ignoring the central truth of this crisis—that it is a problem in the insurance industry, not the tort system—the Administration has proposed a plan that would cap non-economic damages at $250,000 in medical malpractice cases. The notion that such a one-size-fits-all scheme is the answer runs counter to the factual experience of the States.

Most importantly, the President's proposal does nothing to protect true victims of medical malpractice. A cap of $250,000 would arbitrarily limit compensation that the most seriously injured patients are able to receive. The medical malpractice reform debate too often ignores the men, women and children whose lives have been dramatically—and often permanently—altered by medical errors.

The President's proposal would prevent such individuals—even if they have successfully made their case in a court of law—from receiving adequate compensation. We are fortunate in this Nation to have many highly qualified medical professional, and this is especially true in my own home State of Vermont. Unfortunately, good doctors sometimes make errors. It is also unfortunate that some not-so-good doctors manage to make their way into the health care system as well. While we must do all that we can to support the men and women who commit their professional lives to caring for others, we must also ensure that patients have access to adequate remedies should they receive inadequate care.

High malpractice insurance premiums are not the result of malpractice lawsuit verdicts. They are the result of investment decisions by the insurance companies and of business models geared toward ever-increasing profits. But an insurer that has made a bad investment, or that has experienced the same disappointments from Wall Street that so many Americans have, should not be able to recoup its losses from the doctors it insures. The insurance company should have to bear the burdens of its own business model, just as the other businesses in the economy do.

But another fact of the insurance industry's business model requires a legislative correction—its blanket exemption from federal antitrust laws. Insurers have for years—too many years—enjoyed a benefit that is novel in our marketplace. The McCarran-Ferguson Act permits insurance companies to operate without being subject to most of the Federal antitrust laws, and our Nation's physicians and their patients have been the worse off for it. Using their exemption, insurers can collude to set rates, resulting in higher premiums than true competition would achieve—and because of this exemption, enforcement officials cannot investigate any such collusion. If Congress is serious about controlling rising premiums, we must objectively limit this broad exemption in the McCarran-Ferguson Act.

That is why today I introduce the "Medical Malpractice Insurance Antitrust Act of 2003." I want to thank Senators KENNEDY, DURBIN, EDWARDS, ROCKFELLER, REID, BOXER, FEINGOLD, and CORZINE for cosponsoring this essential legislation. Our bill modified the McCarran-Ferguson Act with respect to medical malpractice insurance, and only for the most pernicious antitrust offenses: price fixing, bid rigging, and market allocations. Only those anticompetitive practices that most certainly will affect premiums are addressed. I am hard pressed to imagine that anyone could object to a prohibition on insurance carriers' fixing prices or dividing territories. After all, the rest of our Nation's industries manage either to abide by these laws or pay the consequences.

Many State insurance commissioners police the industry well within the power they are accorded in their own laws, and some States have antitrust laws of their own that could cover some anticompetitive activities in the insurance industry. Our legislation is a scalpel, not a saw. It would not affect regulation of insurance by State insurance commissioners and other State regulators. But there is no reason to continue a system in which the Federal enforcers are precluded from prosecuting the most harmful antitrust violations just because they are committed by insurance companies.

Our legislation is a carefully tailored solution to one critical aspect of the problem of excessive medical malpractice insurance rates. I hope that quick action by the Judiciary Committee and then by the full Senate, will ensure that this important step on the road to genuine reform is taken before too much more damage is done to the physicians of this country and to the patients they care for.

Only professional baseball has enjoyed an antitrust exemption comparable to that created for the insurance industry by the McCarran-Ferguson Act. Senator HATCH and I have joined forces several times in recent years to scale back that exemption for baseball, and in the Curt Flood Act of 1998 we successfully eliminated the exemption as it applied to employment relations. I hope we can work together again to create more competition in the insurance industry, just as we did with baseball.

If Congress is serious about controlling rising medical malpractice insurance premiums, then we must limit the broad exemption to Federal antitrust law and promote real competition in the insurance industry.

By Mr. BINGAMAN:

S. 354. A bill to authorize the Secretary of Transportation to establish the National Transportation Modeling and Analysis Program to complete an advanced transportation simulation model, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that I believe will go a long way in helping to reduce congestion and improve safety and security throughout the Nation's transportation network. Today I am introducing the National Transportation Modeling and Analysis Program Establishment Act, or NATMAP for short.

The purpose of this bill is to authorize the Secretary of Transportation to complete an advanced computer model that will simulate, in a single integrated system, traffic flows over every major transportation mode, including highways, air traffic, railways, inland waterways, seaports, pipelines, and other intermodal connections. The advanced model will simulate flows of both passenger and freight traffic.

Our transportation network is a central component of our economy and fundamental to our freedom and quality of life. America's mobility is the engine of our free market system. The food we eat, the clothes we wear, the materials for our homes and offices, and the energy to heat our homes and power our businesses all come to us over the Nation's vast transportation network. Originating with a producer in one region, materials and products may travel via any number of combinations of truck, rail, airplane, and barge before reaching their final destinations.

Today, the Internet connects the world electronically. But it is our transportation network that provides the vital links for the movement of both people and goods domestically and around the world. According to the latest statistics, our transportation industry carries over 11 billion tons of freight per year worth about $7 trillion. Of the 3.7 trillion ton-miles of freight carried in 1998, 1.4 trillion went by rail, 1 trillion by truck, 673 billion by domestic water transportation, 620 billion by pipeline, and 14 billion by air carrier.

Individuals also depend on our transportation system—be it passenger rail, commercial airline, intercity bus, or the family car—for business travel or simply to enjoy a family vacation. Excluding public transit, passengers on our highways traveled a total of 4.2 trillion passenger-miles in 1998. Airlines carried another 463 billion passenger-miles. Transit companies and rail lines carried 50 billion.

We are also interconnected to the world's transportation system, and, as I am sure every Senator well knows, foreign trade is an increasingly critical component of our economy. Our Nation's seaports, international airports, and border crossing with Canada and Mexico are the gateways through which passengers and cargo flow between America and the rest of the world. The smooth flow of trade, both imports and exports, would not be possible without a robust transportation network and the direct links it provides to our international ports of entry.

It should be clear that key to our continuing economic strength is a transportation system that is safe, secure and efficient. Today, we are fortunate to have one of the best transportation networks in the world, and I believe we need to keep it that way. However, we are starting to see signs of strain from the dramatic increase in traffic. For example, according to the Department of Transportation, from 1980 to 2000, highway travel alone increased a whopping 80 percent. Between 1993 and 1997, the total tons of freight activity grew by over 14 percent and truck activity grew by 21 percent. In the future, truck travel is expected to grow by more than 3 percent per year—nearly doubling by 2020. As a result of the increased highway traffic, the operational performance, a measure of congestion, has deteriorated dramatically. For example, FHWA estimates that a typical trip that would take 20 minutes in 1987 now takes over 30 minutes—a dramatic 50 percent increase.

Meanwhile, the strong growth in foreign trade is putting increased pressure on ports, airports, and border crossings, as well as contributing to congestion throughout the transportation network. According to DoT, U.S. international trade more than doubled between 1990 and 2000, rising from $891 billion to $2.2 trillion.

Congestion and delay inevitably result when traffic rates approach the capacity of a system to handle that traffic. I do believe increased congestion in our transportation system is a growing threat to the nation's economy. Delays in any part of the vast network lead to economic costs, wasted fuel, increased pollution, and a reduced quality of life. Moreover, in the future new security measures could also increase delays and disruptions in the flow of goods through our international gateways.

To deal with the ever-increasing loading of our transportation network we will need to find ways to improve system efficiency as well as to expand some critical elements of the system. However, in planning for any improvements, we must examine the impact on the whole transportation system that would result from a change in one part of the system That's exactly the goal of the bill I am introducing today.

By simulating the Nation's entire transportation infrastructure as a single, integrated system, the National Transportation Analysis and Modeling Program will allow policy makers at the State, regional, and national levels to evaluate the implications of new transportation policies and actions. To ensure that all possible interrelated impacts are included, the model must simulate individual carriers and the transportation infrastructure used by each of the carriers in an interdependent and dynamic system. The advantage of this simulation of individual carriers and shipments is that the nation's transportation system can be examined at any level of detail—from the path of an individual truck to national multi-modal traffic flows.

Some of the transportation planning issues that could be addressed with NATMAP include: What infrastructure improvements result in the greatest gains to overall system security and efficiency? How would the network respond to shifts in population or trade flows? How would the system respond to major disruptions caused by a natural disaster or another unthinkable terrorist attack? What effect would system delays due to increased security measures have on traffic flow and congestion?

Preliminary work on an advanced transportation model has been underway for several years at Los Alamos National Laboratory. As I'm sure most senators know, Los Alamos has a long and impressive history in computer simulations of complex systems, including the recent completion of the TRANSIMS model of transportation systems in metropolitan areas. The development of TRANSIMS for FHWA was originally authorized in section 1210 of TEA–21. NATMAP builds on the original work at LANL on the TRANSIMS model.

The initial work at LANL on NATMAP, funded in part by DoT, DoD, and the lab's own internal research and development program, demonstrated the technical feasibility of building a nation-wide freight transportation model that can simulate the movement of millions of trucks across the nation's highway system. During this initial development phase, the model was called the National Transportation Network and Analysis Capability, or NTNAC for short. In 2001, with funding from the Federal Highway Administration, LANL further developed the model and completed an assessment of cargo flows resulting from trade between the U.S. and Latin America.

These preliminary studies have clearly demonstrated the value to the nation of a new comprehensive modeling system. I do believe that the computer model represents a leap ahead in transportation modeling and analysis capability. Indeed, Secretary of Transportation Norm Mineta, in a letter to me dated April 9 of this year, had this to say about the early simulations: "The DOT agrees that NTNAC shows great promise of producing a tool that would be useful for analyzing the national transportation system as a single, integrated system. We agree that NTNAC would provide DOT with important new capabilities to assess and formulate critical policy and investment options and to help address homeland security and vulnerabilities in the nation's transportation network."

I ask unanimous consent that a copy of Secretary Mineta's letter be printed in the Record.

The bill I am introducing today establishes a six-year program in the Office of the Secretary of Transportation to complete the development of the advanced transportation simulation model. The program will also support early deployment of computer software and graphics packages to federal agencies and states for national, regional, or statewide transportation planning. The bill authorizes a total of $50 million from the Highway Trust Fund for this effort. When completed, NATMAP will provide the nation a tool to help formulate and analyze critical transportation policy and investment options, including major infrastructure requirements and vulnerabilities within that infrastructure.

Congress will soon take up the reauthorization of TEA–21, the six-year transportation bill. I am introducing this bill today so my proposal can be fully considered by the Senate's Environment and Public Works Committee and by the Administration as the next authorization bill is being developed. I look forward to working with Senator Inhofe, the Chairman of the EPW Committee, and Senator Jeffords, the ranking member, as well as Senator Bond, the Chairman of the Transportation, Infrastructure, and Nuclear Safety Subcommittee and Senator Reid, the ranking member, to incorporate this bill in the reauthorization of TEA–21.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Modeling and Analysis Program Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Advanced model.—The term "advanced model" means the advanced transportation simulation model developed under the National Transportation Network and Analysis Capability Program.

(2) Program.—The term "Program" means the National Transportation Modeling and Analysis Program established under section 3.

(3) Secretary.—The term "Secretary" means the Secretary of Transportation.

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Secretary of Transportation shall establish a program, to be known as the "National Transportation Modeling and Analysis Program"—

(1) to complete the advanced model; and

(2) to support early deployment of computer software and graphics packages for the advanced model to agencies of the Federal Government and to States for national, regional, or statewide transportation planning.

SEC. 4. SCOPE OF PROGRAM.

The Program shall provide for a simulation of the national transportation infrastructure as a single, integrated system that—

(1) incorporates models of—

(A) each major transportation mode, including—

(i) highways;

(ii) air traffic;

(iii) railways;

(iv) inland waterways;

(v) seaports;

(vi) pipelines; and

(vii) other intermodal connections; and

(B) passenger traffic and freight traffic;

(2) is resolved to the level of individual transportation vehicles, including trucks, trains, vessels, and aircraft;

(3) relates traffic flows to issues of economics, the environment, national security, energy, and safety;

(4) analyzes the effect on the United States transportation system of Mexican and Canadian trucks operating in the United States; and

(5) examines the effects of various security procedures and regulations on cargo flow at ports of entry.

SEC. 5. ELIGIBLE ACTIVITIES.

Under the Program, the Secretary shall—

(1) complete the advanced model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced model to Federal agencies and to States for use in national, regional, or statewide transportation planning; and

(4) allocate funds to not more than 3 entities described in paragraph (3), representing diverse applications and geographic regions, to carry out pilot programs to demonstrate use of the advanced model for national, regional, or statewide transportation planning.

SEC. 6. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this Act—

(1) $6,000,000 for fiscal year 2004;

(2) $7,000,000 for fiscal year 2005;

(3) $9,000,000 for fiscal year 2006;

(4) $10,000,000 for fiscal year 2007;

(5) $10,000,000 for fiscal year 2008; and

(6) $8,000,000 for fiscal year 2009.

(b) ALLOCATION OF FUNDS.—

(1) FISCAL YEARS 2004 AND 2005.—For each of fiscal years 2004 and 2005, 100 percent of the funds made available under subsection (a) shall be used to carry out activities described in paragraphs (1), (2), and (3) of section 5.

(2) FISCAL YEARS 2006 THROUGH 2009.—For each of fiscal years 2006 through 2009, not more than 50 percent of the funds made available under subsection (a) may be used to carry out activities described in section 5(4).

(c) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of—

(1) any activity described in paragraph (1), (2), or (3) of section 5 shall be 100 percent; and

(2) any activity described in section 5(4) shall not exceed 80 percent.

(d) AVAILABILITY OF FUNDS.—Funds made available under this section shall be available to the Secretary through the Transportation Planning, Research, and Development Account of the Office of the Secretary of Transportation.

THE SECRETARY OF TRANSPORTATION,
Washington, DC., April 9, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR JEFF: Thank you for your letter of January 30 expressing your strong support to continue the development of the National Transportation Network Analysis Capability (NTNAC). The U.S. Department of Transportation's (DOT) Office of Policy and the Federal Highway Administration (FHWA) have been working closely with Los Alamos National Laboratory to develop this tool.

During 1998, Los Alamos National Laboratory developed a prototype NTNAC with funding provided by the DOT ($50,000 from the Office of the Secretary's Transportation Policy Development Office), the U.S. Department of Defense (TRANSCOM's Military Transportation Management Command), and the Laboratory's own internal research and development program. This effort demonstrated the technical feasibility of building a national transportation network that can simulate the movements of individual carriers (trucks, trains, planes, water vessels, and pipelines) and individual freight shippers.

During 1999, FHWA provided $750,000 to further develop NTNAC and to complete the study "National Transportation Impact of Latin American Trade Flows."

The DOT agrees that NTNAC shows great promise of producing a tool that would be useful for analyzing the national transportation system as a single, integrated system. We agree that NTNAC would provide DOT with important new capabilities to assess and formulate critical policy and investment options and to help address homeland security and vulnerabilities in the Nation's transportation network.

However, the Department's budget is very limited. It would be difficult to find funding to continue the project this year. If funding should become available, we will give priority consideration to continuing the NTNAC development effort.

Again, I very much appreciate your thoughts on the importance of continuing the development of NTNAC. If I can provide further information or assistance, please fell free to call me.

Sincerely yours,

NORMAL Y. MINETA.

By Mrs. LINCOLN (for herself, Mr. GRASSLEY, Mr. HAGEL, Mr. DAYTON, Mr. DURBIN, Mr. HARKIN, Mr. COLEMAN and Mr. JOHNSON):

S. 355. A bill to amend the Internal Revenue Code of 1986 to allow a credit for biodiesel fuel; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. BOND, and Mr. TALENT):

S. 356. A bill to amend the Energy Policy Act of 1992 to increase the allowable credit for biodiesel use under the alternatively fueled vehicle purchase requirement; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. HAGEL, Mr. KERRY, and Mr. SMITH):

S. 357. A bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources to include production of fuel from agricultural and animal waste; to the Committee on Finance.

By Mrs. LINCOLN:

S. 358. A bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources for the production of electricity to include landfill gas; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. AKAKA):

S. 359. A bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of electricity to include electricity produced from municipal solid waste; to the Committee on Finance.

By Mrs. LINCOLN:

S. 360. A bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes; to the Committee on Finance

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By Mrs. LINCOLN (for herself, Mr. ALLARD, Mr. GRASSLEY, Mr. HARKIN, Ms. STABENOW, Mr. HAGEL, Mr. LEVIN, and Mr. DEWINE):

S. 361. A bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to introduce my package of alternative energy and energy efficiency bills. These bills all work in concert toward a single goal—promoting the use of cleaner, renewable energy for this nation.

For several decades, the U.S. has relied on foreign sources of energy supply. Worldwide demand for energy has continued to increase, while our domestic resource base has decreased, leaving the country vulnerable in the event of foreign supply disruptions. This year, the U.S. will import 60 percent of its crude oil needs this year. The events of September 11th have focused attention on the need to develop a new energy policy that focuses on creating new domestic sources. Our Nation needs to explore and develop all possible domestic options as resources for our energy supply. To reduce our dependence on foreign imports, it is imperative that policy makers create incentives to promote technologies that can produce quality alternative products. Our national security demands that the government undertake programs which assure the implementation of real alternative fuel technologies.

It is in the best security interests of our Nation to reduce our reliance on foreign energy suppliers. We can no longer afford to be subject to the whims and manipulations of foreign cartels like OPEC. Added to these threats posed by OPEC and the instability of the Middle East are the even more sinister possibilities that we face in other parts of the world. Developments in many regions of the world where much of today's energy supplies are obtained—West Africa, the Caspian Sea, Indonesia, Venezuela, and so forth—clearly serve notice that our Nation cannot continue to depend on these areas for our future energy needs. These events make it more pressing than ever that we proceed forward with the development of our own domestic alternative energy resources.

In the last Congress, both the House and the Senate passed comprehensive energy bills that would have brought us closer to these goals. In the Senate bill, we were able to strike a delicate balance between using our resources for energy and preserving our environment for future generations. I was pleased with the Senate version of the Energy Policy Act of 2002, and was disappointed that conferees were unable to iron out differences with the House of Representatives before adjournment. We must make energy independence a national priority because it is now essential to our homeland security.

Looking ahead, I will continue my work to build a cohesive national energy policy that ultimately reduces our dependence on foreign oil. To accomplish this goal, we must provide access to more resources, transmit these resources to the consumer, and encourage industrial and individual consumers to use more renewable energy sources. These important steps will lead to greater reliability and lower energy costs for consumers.

We should all work again in the 108th Congress to adopt a comprehensive energy plan that sets America on the road to energy independence and assures consumers of a reliable and affordable energy supply.

The legislation I am introducing today will encourage production of biodiesel and its use in this country; to promote the manufacture of energy efficient home appliances; to encourage the use of fuels produced from animal and agricultural wastes; to encourage the use of our waste sources such as landfill gas and municipal solid waste to produce energy; and to spur the investment in delivering fuels to rural America. These incentives for production and use of clean and renewable fuels can help bridge the investment cost gap between production of petroleum and renewable energy.

Each of these bills were either included or debated in the Senate during last year's Senate consideration and passage of the energy bill. I look forward to their inclusion in the debate and inclusion in any energy bill to be passed by the Senate during the 108th Congress.

The first bill I am introducing today is the Biodiesel Promotion Act of 2003. I am pleased to be joined in introducing this bill by Senators GRASSLEY, HAGEL, DAYTON, HARKIN, DURBIN, COLEMAN, and JOHNSON. This legislation will provide tax incentives for the production of biodiesel from agricultural oils, recycled oils, and animal fats and will ensure that biodiesel becomes a central component of this nation's automobile fuel market.

This legislation is identical to language authored by myself and Senator GRASSLEY included in the last Congress's Energy Bill. It is intended to be a starting point for our debate and discussion as we draft an energy bill for consideration in this Congress.

This legislation will provide a partial exemption from the diesel excise tax for diesel blended with biodiesel. Specifically, the bill provides a one-cent reduction for every percent of biodiesel from virgin agricultural oils blended with diesel up to 20 percent. The legislation will also provide a half-cent reduction for every percent of biodiesel from recycled agricultural oils or animal fats.

Also importantly, in the year that we are to reauthorize the Transportation Enhancement Act of 1996, the bill provides for reimbursing the Highway Trust Fund from the USDA Commodity Credit Corporation, CCC. This procedure will protect the Trust Fund from lost revenues due to the biodiesel incentive while providing a much-needed boost to our nation's biodiesel industry. The cost to the CCC would be offset at least initially by the savings under the marketing loan program.

Biodiesel, which can be made from just about any agricultural oil including oils from soybeans, cottonseed, or rice, is completely renewable, contains no petroleum, and can be easily blended with petroleum diesel. A biodiesel-diesel blend typically contains up to 20 percent renewable content. It can be added directly into the gas tank of a compression-ignition, diesel engine vehicle with no major modifications. Biodiesel is completely biodegradable and non-toxic, contains no sulfur, and it is the first and only alternative fuel to meet EPA's Tier I and II health effects testing standards. Biodiesel also stands ready to help us reach the EPA's new rule to reduce the sulfur content of highway diesel fuel by over 95 percent.

Even after years of research and market development, biodiesel is not yet cost-competitive with petroleum diesel. In order to be so, market support and tax incentives are needed. I believe the provisions provided in this bill will help in leveling the field for biodiesel blends and help jumpstart this new industry.

The time is right for this investment. It is right for our rural economy, for our environment, and for our national energy security and I encourage my colleagues to join us in supporting the Biodiesel Promotion Act of 2003.

The second component of my package is the EPACT Alternative Fuel Flexibility Act of 2003. I am pleased to be joined today by Senators BOND and TALENT in introducing this legislation.

The purpose of this legislation is to place biodiesel fuel on equal footing with every other alternative motor fuel used in this nation.

The Energy Policy Act of 1992, EPACT, set a national objective to shift the focus of national energy demand away from imported oil toward renewable and domestically produced energy sources. When EPACT was passed in 1992, it recognized ethanol, natural gas, propane, electricity, and methanol as alternative fuels. The original list of alternative fuels did not include biodiesel because the technology had not been fully developed.

EPACT set a goal to replace 10 percent of petroleum-based fuels by 2000 and 30 percent by the year 2010. However, a GAO report issued in July of 2001 noted that "limited progress has been made in increasing the numbers of alternative fuel vehicles, AFV, in the national vehicle fleet and the use of alternative fuels" as compared to conventional vehicles and fuels.

We did not meet the original EPACT goals of replacing 10 percent of petroleum-based fuels by 2000. Today we are not on track to meet the goal of 30 percent by the year 2010. In fact, we haven't even come close, and that's partly a result of not allowing all alternative fuels to be used to meet the EPACT alternative fuel mandates.

This legislation will significantly increase the use of alternative fuels by allowing EPACT covered fleets to meet up to 100 percent of the EPACT purchase requirements through the use of biodiesel. Currently, covered fleets can only meet up to 50 percent of purchase requirements with biodiesel.

By offering an additional option for the use of alternative fuels, we will widen the possibilities for these fuels to be made more widely available. Fleets will continue to have the option to choose the complying vehicles and fuels that best meet their needs. This legislation is not expected to affect fleets that are currently using ethanol or natural gas. But this legislation does provide a further option for alternative fuel vehicles. Furthermore, it does not directly displace natural gas or ethanol sales, since biodiesel is used in medium- and heavy-duty trucks rather than light-duty vehicles.

By allowing fleets to meet 100 percent of their AFV requirement by using biodiesel, we'll take a positive step toward moving this country away from dependence on petroleum-based motor fuels and toward alternative motor fuels. I urge all of my colleagues to support this legislation.

The third bill I introduce today as part of my energy independence package is the Animal and Agricultural Waste Renewable Energy Production Act of 2003. I am pleased to be joined today by Senators HAGEL, BOND, and KERRY in introducing this legislation.

This legislation would provide a credit under Section 29 of the tax code for the production of fuels from animal and agricultural wastes.

Thanks to new technological developments, we can now produce significant quantities of alternative fuels from agricultural and animal wastes in an environmentally friendly manner. Production incentives are needed to assure implementation and commercialization of this new generation of technology.

Section 29 was originally enacted to provide an incentive to produce alternative and hard-to-reach fuels that could compete with fossil fuels and hopefully reduce the nation's dependence on foreign oil. As originally enacted, a number of "non-conventional fuels" were eligible for the credit, including the following: oil from shale; oil from tar sands; natural gas from geo-pressured brine, coal seams, Devonian shale, or tight sands; liquid, gaseous or solid synthetic fuel from coal, including coke and coke by-products; gas from biomass, including wood; steam from solid agricultural by-products; and processed solid wood fuels.

Other biomass by-products, such as agricultural and animal oils and solids, also should qualify the same as liquid or gaseous synthetic fuels derived from coal.

New technological advances have been developed which will convert these biomass wastes efficiently to alternative fuels. The most readily available of these wastes are agricultural and animal wastes, municipal wastes, plastics, used tires, and forest product wastes. This production incentive opportunity would provide significant new annual quantities of alternative fuel to replace foreign imported oil and should be considered a government investment in the nation's future.

If these incentives are implemented, large marketable quantities of quality alternative fuel products can be produced as a replacement for foreign imported oil. These processes can achieve the desired results in an environmentally positive way that essentially converts all wastes to products and provides an answer for waste disposal problems. To achieve these results, financial incentives need be provided from the government. Section 29 should be extended to include alternative fuels produced from all biomass wastes and I encourage all of my colleagues to join us in supporting this legislation.

The fourth bill I am introducing today is the Capturing Landfill Gas for Energy Act of 2003. This legislation will provide a credit under either Section 29 or Section 45 of the tax code for the production of energy from landfill gas, LFG. It is designed to encourage additional collection and productive use of methane gas generated by garbage decomposing in America's landfills. LFG is a renewable fuel that can be used directly as an energy source for heating, as a clean burning vehicle fuel, as a hydrogen source for fuel cells. Furthermore, it can power generators to produce electricity.

Congress recognized the importance of LFG for energy diversity and national security by providing such a credit in 1980 and extending it for nearly two decades. With today's critical energy needs and emphasis on distributed generation, this incentive makes more sense than ever. Most of the 360 LFG projects that currently are operating were made economically feasible by the "non-conventional-source fuel" production tax credit under Section 29 of the tax code.

But since June 30, 1998, that credit to encourage construction of new LFG projects has been unavailable, and few have been constructed since that date. The U.S. Environmental Protection Agency estimates that 600–700 more LFG projects could be constructed nationwide if there were sufficient economic incentives in place to foster their development. With such incentives, it is likely that about 55 new projects would be brought on line each year. Just one medium-sized project could provide three megawatts of electrical power capacity—enough to meet the electricity needs of 3,000 homes each year.

In addition to the value of LFG as an important contribution to our overall energy strategy, there are compelling environmental reasons to encourage these projects. Uncontrolled landfill gas can create fire hazards and odors and can impair air quality. The methane in landfill gas is 21 times more potent than carbon dioxide as a greenhouse gas. Even the large landfills that are required under the Clean Air Act to collect their gas and control non-methane organic compounds often find it more economic to simply flare or otherwise waste the gas rather than use the methane. Some smaller landfills are not required to collect the gas, and may continue to emit it for decades under the Clean Air Act. Thus, LFG projects not only reduce local and regional air pollution while yielding a renewable source of energy, they can also reduce the country's yearly emissions of greenhouse gases by a very substantial amount at a relatively small cost.

Unfortunately, the potential energy and environmental benefits of future LFG projects are substantial, but they will be lost without adequate LFG tax provisions to support project development. On average, the total capital cost of constructing an LFG-fueled electricity generating project is about $1 million per megawatt, and the annual operating and maintenance costs average another $150,000 per megawatt. The average capital cost of a new direct use fuel production and delivery project is about $2.5 million, with annual operation and maintenance costs of about $350,000.

My bill proposes sufficient, yet sensible, tax incentives to encourage these large investments, and I urge my colleagues to join me and support LFG tax credits.

Today I am also pleased to be joined by Senator AKAKA in introducing the fifth component of my energy package—the Waste to Energy Utilization Act of 2003. This legislation will provide a credit under Section 45 of the tax code for new waste-to-energy facilities or new generating units at existing facilities. Such a tax credit encourages clean renewable electricity and promotes energy diversity, while helping cities meet the challenge of trash disposal.

Nearly 2000 communities nationwide rely on waste-to-energy facilities to safely dispose of trash and generate clean, renewable energy that meets the power need of more than two and a half million homes. The U.S. Conference of Mayors has repeatedly urged Congress to include provisions that promote waste-to-energy in tax legislation and they are joined by the National Association of Regulatory Utility Commissioners, the Business Council for Sustainable Energy, the U.S. Chamber of Commerce, and the International Brotherhood of Boilermakers.

Arkansas stands with other environmentally conscious States in understanding that waste-to-energy technology saves valuable land and significantly reduces the amount of greenhouse gases that would have been released into our atmosphere without its operation. The volume of waste is reduced by greater than 90 percent in a waste-to-energy facility, and EPA has confirmed that more than 33 million tons of greenhouse gases are avoided annually by the combustion of municipal solid waste. Municipal solid waste is a sustainable source of clean, renewable energy.

Local governments spent about $1 billion over the past five years on air pollution control equipment to comply with EPA's Maximum Achievable Control Technology, MACT, standards required under the Clean Air Act. These retrofits have made waste-to-energy one of the cleanest power generators in the country. In June, EPA announced that these facilities have shown "outstanding performance" resulting in "dramatic decreases" in emissions, resulting in reductions of mercury emissions of more than 95 percent from a decade ago. Communities with waste-to-energy facilities recycle 33 percent of their trash, on average, and historically have more successful recycling programs than cities without waste-to-energy plants.

We must sustain a level marketplace to achieve energy diversity and economic growth. I believe this Senate should pass tax legislation that includes production tax credits to spur energy generation, and I encourage all of my colleagues to join us and support this legislation.

The sixth bill I introduce today is the Resource Efficient Appliance Incentives Act of 2003. I am pleased to be joined in introducing this bill by Senators ALLARD, GRASSLEY, HARKIN, STABENOW, HAGEL, LEVIN, and DEWINE.

This legislation will provide a tax credit for the production of super energy-efficient clothes washers and refrigerators if those appliances exceed new Federal energy efficiency standards. The tax credit would only be available for five years and would be capped for each manufacturer.

In 2001, the Department of Energy issued new energy efficiency standards for clothes washers. This agreement accompanies rules for higher efficiency refrigerators issued by the department two years ago. The new rules are significant because clothes washers, clothes dryers, and refrigerators account for approximately 15 percent of all household energy consumed in the U.S. annually. The tax incentives contained in this legislation are constructed to encourage manufacturers not only to exceed these new efficiency requirements, but to exceed them by up to 35 percent.

Tax incentives are essential to accelerate the production and market penetration of leading-edge appliance technologies that create significant environmental benefits. The need for super energy-efficient appliances is greater this year than at any time in the past 20 years. Over the life of the appliances, over 200 trillion BTUs of energy will be saved. This is the equivalent of taking 2.3 million cars off the road or making available for other uses the energy of six coal-fired power plants for a year.

In addition, the clothes washers will reduce the amount of water necessary to wash clothes by 870 billion gallons, an amount equal to the needs of every household in a city the size of Phoenix, Arizona for two years. The water savings attributable to these new technology machines is not based on some computer generated model but an actual case study that gathered data in the small community of Bern, KS by the Dept. of Energy's esteemed Oak Ridge National Laboratory in 1998.

The Association of Home Appliance Manufacturers estimates these super energy-efficient appliances could save the average family $100 per year—or $1,400 per family over the lifetime of the appliance. This legislation will create the incentives necessary to increase the production and sale of these super energy-efficient appliances in the short term while passing along energy savings to the American consumer.

As a DOE analysis indicates, high efficiency washers and refrigerators are significantly more expensive to manufacture than those that simply meet existing federal standards. Further, market surveys of consumers indicate that they are generally not willing to pay more for high efficiency appliances, even when it can be demonstrated that high efficiency appliances will generate greater savings in utility costs over time. The tax credit will provide an incentive for manufacturers to develop a greater selection of super efficient models that will appeal to consumers at all price points. In addition, to assure increased sales of these appliances, manufacturers will be encouraged to redirect their marketing and advertising resources toward the high efficiency models. Enactment of this legislation will bring immediate, significant, and lasting environmental benefits to the nation, and I encourage all of my colleagues to join us in supporting in this effort.

The final bill I am introducing today is the Gas Distribution Infrastructure Investment Act of 2003. This legislation will amend the Internal Revenue Code to modify the depreciation of natural gas pipelines, equipment, and infrastructure assets from 20 to 10 years.

America's demand for energy is expected to grow by 32 percent during the next 20 years. Consumer demand for natural gas will grow at almost twice that rate, due to its economic, environmental, and operational benefits. That level of natural gas use is almost 60 percent greater than the highest recorded level. To satisfy this projected demand, we must substantially expand our existing gas infrastructure. This is especially true with respect to the delivery sector. Higher capacity utilization of existing infrastructure will meet some of this increased demand, but the delivery sector still will require capital investments of at least $123 billion for infrastructure enhancement and additions.

Shrinking the lifetime over which an asset is depreciated does not change the amount of expense a company is allowed to claim over the asset's useful life, but simply shortens the expensing period for tax purposes. This shortened tax life generates higher cash flows in terms of reduced tax liability during the asset's early useful lifetime. Conversely, the cash flows are decreased, relative to the longer depreciation life, during the later part of the asset's useful life. The overall impact is zero on a gross basis.

I urge my colleagues to support this important legislation. Infrastructure development and expansion is crucial if America's homes are to continue to rely on clean-burning natural gas to heat their homes and fuel their appliances.

I ask unanimous consent that each of the seven bills I am introducing today be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biodiesel Promotion Act of 2003".

SEC. 2. INCENTIVES FOR BIODIESEL.

(a) CREDIT FOR BIODIESEL USED AS A FUEL.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following new section:

"SEC. 40A. BIODIESEL USED AS FUEL.

"(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the biodiesel mixture credit.

"(b) DEFINITION OF BIODIESEL MIXTURE CREDIT.—For purposes of this section—

"(1) BIODIESEL MIXTURE CREDIT.—

"(A) IN GENERAL.—The biodiesel mixture credit of any taxpayer for any taxable year is the sum of the products of the biodiesel mixture rate for each qualified biodiesel mixture and the number of gallons of such mixture of the taxpayer for the taxable year.

"(B) BIODIESEL MIXTURE RATE.—For purposes of subparagraph (A), the biodiesel mixture rate for each qualified biodiesel mixture shall be—

"(i) in the case of a mixture with only biodiesel V, 1 cent for each whole percentage point (not exceeding 20 percentage points) of biodiesel V in such mixture, and

"(ii) in the case of a mixture with biodiesel NV, or a combination of biodiesel V and biodiesel NV, 0.5 cent for each whole percentage point (not exceeding 20 percentage points) of such biodiesel in such mixture.

"(2) QUALIFIED BIODIESEL MIXTURE.—

"(A) IN GENERAL.—The term 'qualified biodiesel mixture' means a mixture of diesel and biodiesel V or biodiesel NV which—

"(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the taxpayer producing such mixture.

"(B) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—

"(i) IN GENERAL.—Biodiesel V or biodiesel NV used in the production of a qualified biodiesel mixture shall be taken into account—

"(I) only if the sale or use described in subparagraph (A) is in a trade or business of the taxpayer, and

"(II) for the taxable year in which such sale or use occurs.

"(ii) CERTIFICATION FOR BIODIESEL V.—Biodiesel V used in the production of a qualified biodiesel mixture shall be taken into account only if the taxpayer described in subparagraph (A) obtains a certification from the producer of the biodiesel V which identifies the product produced.

"(C) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

"(c) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel V shall, under regulations prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such biodiesel V solely by reason of the application of section 4041(n) or section 4081(f).

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BIODIESEL V DEFINED.—The term 'biodiesel V' means the monoalkyl esters of long chain fatty acids derived solely from virgin vegetable oils for use in compressional-ignition (diesel) engines. Such term shall include esters derived from vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, rice bran, and mustard seeds.

"(2) BIODIESEL NV DEFINED.—The term 'biodiesel NV' means the monoalkyl esters of long chain fatty acids derived from nonvirgin vegetable oils or animal fats for use in compressional-ignition (diesel) engines.

"(3) REGISTRATION REQUIREMENTS.—The terms 'biodiesel V' and 'biodiesel NV' shall only include a biodiesel which meets—

"(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

"(ii) the requirements of the American Society of Testing and Materials D6751.

"(4) BIODIESEL MIXTURE NOT USED AS A FUEL, ETC.—

"(A) Imposition of tax.—If—

"(i) any credit was determined under this section with respect to biodiesel V or biodiesel NV used in the production of any qualified biodiesel mixture, and

"(ii) any person—

"(I) separates such biodiesel from the mixture, or

"(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the biodiesel mixture rate applicable under subsection (b)(1)(B) and the number of gallons of the mixture.

"(B) Applicable laws.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) as if such tax were imposed by section 4081 and not by this chapter.

"(5) Pass-thru in the case of estates and trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(e) Election To Have Biodiesel Fuels Credit Not Apply.—

"(1) In general.—A taxpayer may elect to have this section not apply for any taxable year.

"(2) Time for making election.—An election under paragraph (1) for any taxable year may be made (or revoked) at any time before the expiration of the 3-year period beginning on the last date prescribed by law for filing the return for such taxable year (determined without regard to extensions).

"(3) Manner of making election.—An election under paragraph (1) (or revocation thereof) shall be made in such manner as the Secretary may by regulations prescribe.

"(f) Termination.—This section shall not apply to any fuel sold after December 31, 2005.".

(2) Credit treated as part of general business credit.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the biodiesel fuels credit determined under section 40A(a).".

(3) Conforming amendments.—

(A) Section 39(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(11) No carryback of biodiesel fuels credit before January 1, 2003.—No portion of the unused business credit for any taxable year which is attributable to the biodiesel fuels credit determined under section 40A may be carried back to a taxable year beginning before January 1, 2003.".

(B) Section 196(c) of such Code is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10), and by adding at the end the following new paragraph:

"(11) the biodiesel fuels credit determined under section 40A(a).".

(C) Section 6501(m) of such Code is amended by inserting "40A(e)," after "40(f),".

(D) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding after the item relating to section 40 the following new item:

"Sec. 40A. Biodiesel used as fuel.".

(4) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) Reduction of Motor Fuel Excise Taxes on Biodiesel V Mixtures.—

(1) In general.—Section 4081 of the Internal Revenue Code of 1986 (relating to manufacturers tax on petroleum products) is amended by adding at the end the following new subsection:

"(f) Biodiesel V Mixtures.—Under regulations prescribed by the Secretary—

"(1) In general.—In the case of the removal or entry of a qualified biodiesel mixture with biodiesel V, the rate of tax under subsection (a) shall be the otherwise applicable rate reduced by the biodiesel mixture rate (if any) applicable to the mixture.

"(2) Tax prior to mixing.—

"(A) In general.—In the case of the removal or entry of diesel fuel for use in producing at the time of such removal or entry a qualified biodiesel mixture with biodiesel V, the rate of tax under subsection (a) shall be the rate determined under subparagraph (B).

"(B) Determination of rate.—For purposes of subparagraph (A), the rate determined under this subparagraph is the rate determined under paragraph (1), divided by a percentage equal to 100 percent minus the percentage of biodiesel V which will be in the mixture.

"(3) Definitions.—For purposes of this subsection, any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

"(4) Certain rules to apply.—Rules similar to the rules of paragraphs (6) and (7) of subsection (c) shall apply for purposes of this subsection.".

(2) Conforming amendments.—

(A) Section 4041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(n) Biodiesel V Mixtures.—Under regulations prescribed by the Secretary, in the case of the sale or use of a qualified biodiesel mixture (as defined in section 40A(b)(2)) with biodiesel V, the rates under paragraphs (1) and (2) of subsection (a) shall be the otherwise applicable rates, reduced by any applicable biodiesel mixture rate (as defined in section 40A(b)(1)(B)).".

(B) Section 6427 of such Code is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Biodiesel V Mixtures.—Except as provided in subsection (k), if any diesel fuel on which tax was imposed by section 4081 at a rate not determined under section 4081(f) is used by any person in producing a qualified biodiesel mixture (as defined in section 40A(b)(2)) with biodiesel V which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the per gallon applicable biodiesel mixture rate (as defined in section 40A(b)(1)(B)) with respect to such fuel.".

(3) Effective date.—The amendments made by this subsection shall apply to any fuel sold after December 31, 2002, and before January 1, 2006.

(c) Highway Trust Fund Held Harmless.—There are hereby transferred (from time to time) from the funds of the Commodity Credit Corporation amounts determined by the Secretary of the Treasury to be equivalent to the reductions that would occur (but for this subsection) in the receipts of the Highway Trust Fund by reason of the amendments made by this section.

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "EPACT Alternative Fuel Flexibility Act of 2003".

SEC. 2. BIODIESEL FUEL USE CREDITS.

Section 312(b) of the Energy Policy Act of 1992 (42 U.S.C. 13220(b)) is amended—

(1) by striking "(b) Use of Credits.—" and all that follows through "At the request" and inserting the following:

"(b) Use of Credits.—At the request"; and

(2) by striking paragraph (2).

S. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF CREDIT FOR PRODUCTION OF FUEL FROM NONCONVENTIONAL SOURCES TO INCLUDE PRODUCTION OF FUEL FROM AGRICULTURAL AND ANIMAL WASTE.

(a) In General.—Section 29(c)(1) of the Internal Revenue Code of 1986 (relating to definition of qualified fuels) is amended—

(1) by striking "and" at the end of subparagraph (B)(ii),

(2) by striking the period at the end of subparagraph (C) and inserting ", and", and

(3) by adding at the end the following new subparagraph:

"(D) liquid, gaseous, or solid fuels from qualified agricultural and animal waste, including such fuels when used as feedstocks.".

(b) Qualified Agricultural and Animal Waste.—

(1) In general.—Section 29(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) Qualified agricultural and animal waste.—The term 'qualified agricultural and animal waste' means agriculture and animal waste, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, or disposal of agricultural or animal products or wastes, including wood shavings, straw, rice hulls, and other bedding for the disposition of manure.".

(2) Conforming amendment.—Section 29(c)(3) of such Code is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by striking the period at the end of subparagraph (B) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(C) qualified agricultural and animal waste.".

(c) Extension of Credit.—Section 29(g) of the Internal Revenue Code of 1986 (relating to extension for certain facilities) is amended by adding at the end the following new paragraph:

"(3) Facilities producing fuels from agricultural and animal waste.—In the case of facility for producing qualified fuels described in subsection (c)(1)(D)—

"(A) for purposes of subsection (f)(1)(B), such facility shall be treated as being placed in service before January 1, 1993, if such facility is placed in service after January 1, 2003, and before January 1, 2008, and

"(B) if such facility is originally placed in service after December 31, 1992, paragraph (2) of subsection (f) shall be applied with respect to such facility by substituting 'January 1, 2018' for 'January 1, 2003'.".

(d) Effective Date.—The amendments made by this section shall apply to fuels sold after the date of the enactment of this Act.

S. 358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PRODUCING FUEL FROM LANDFILL GAS.

(a) In General.—Section 29 of the Internal Revenue Code of 1986 (relating to credit for producing fuel from a nonconventional source) is amended by adding at the end the following new subsection:

"(h) Extension and Modification for Facilities Producing Qualified Fuels From Landfill Gas.—

"(1) In general.—In the case of a facility for producing qualified fuel from landfill gas which is placed in service after June 30, 1998 and before January 1, 2008, this section shall apply to fuel produced at such facility during the 5-year period beginning on the later of—

"(A) the date such facility was placed in service, or

"(B) the date of the enactment of this subsection.

"(2) Reduction of credit for production from certain landfill gas facilities.—In the case of a facility to which paragraph (1) applies which is located at a landfill which is required pursuant to 40 CFR 60.752(b)(2) or 40 CFR 60.33c to install and operate a collection and control system which captures gas generated within the landfill, subsection (a)(1) shall be applied to gas so captured by substituting '$2' for '$3' for the taxable year during which such system is required to be installed and operated.

"(3) Special rules.—In determining the amount of credit allowable under this section solely by reason of this subsection—

"(A) Daily limit.—The amount of qualified fuels sold during any taxable year which may be taken into account by reason of this subsection with respect to any facility shall not exceed an average barrel-of-oil equivalent of 200,000 cubic feet of natural gas per day. Days before the date the facility is placed in service shall not be taken into account in determining such average.

"(B) Extension period to commence with unadjusted credit amount.—In the case of fuels sold after 2003, subparagraph (B) of subsection (d)(2) shall be applied by substituting '2003' for '1979'.".

(b) Additional Definition.—Section 29(d) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(9) Landfill gas facility.—

"(A) In general.—A facility for producing qualified fuel from landfill gas, placed in service before, on, or after the date of the enactment of this paragraph, includes all wells, pipes, and other gas collection equipment installed as part of the facility over the life of the landfill, including any modifications or expansions thereof, after the facility is first placed in service.

"(B) Landfill gas.—The term 'landfill gas' means gas derived from the biodegradation of municipal solid waste.".

(c) Effective Date.—The amendments made by this section shall apply to fuel sold after the date of the enactment of this Act.

SEC. 2. EXTENSION AND EXPANSION OF CREDIT FOR PRODUCTION OF ELECTRICITY TO PRODUCTION FROM LANDFILL GAS.

(a) In General.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) landfill gas.".

(b) Qualified Facility.—Section 45(c)(3) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by adding at the end the following new subparagraph:

"(D) Landfill gas facility.—In the case of a facility using landfill gas to produce electricity, the term 'qualified facility' means any such facility owned by the taxpayer which is originally placed in service before January 1, 2008.".

(c) Special Rules and Definitions.—

(1) Reduced credit for certain preefective date facilities.—Section 45(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) Reduced credit for certain preeffective date facilities.—In the case of any facility described in subparagraph (D) of paragraph (3) which is placed in service before the date of the enactment of this subparagraph—

"(A) subsection (a)(1) shall be applied by substituting '1.0 cents' for '1.5 cents', and

"(B) the 5-year period beginning on the date of the enactment of this paragraph shall be substituted in lieu of the 10-year period in subsection (a)(2)(A)(ii).".

(2) Coordination with section 29.—Section 45(c)(3) of such Code (relating to qualified facility), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

"(E) Coordination with section 29.—The term 'qualified facility' shall not include any facility the production from which is taken into account in determining any credit under section 29 for the taxable year or any prior taxable year.".

(3) Landfill gas.—Section 45(c) of such Code is amended by adding at the end the following new paragraph:

"(5) Landfill gas.—The term 'landfill gas' means gas derived from the biodegradation of municipal solid waste.".

(d) Effective Date.—The amendments made by this section shall apply to electricity sold after the date of the enactment of this Act.

S. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Waste to Energy Utilization Act of 2003".

SEC. 2. CREDIT FOR ELECTRICITY PRODUCED FROM MUNICIPAL SOLID WASTE.

(a) In General.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) municipal solid waste.".

(b) Qualified Facility.—Section 45(c)(3) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by adding at the end the following new subparagraph:

"(D) Municipal solid waste facility.—

"(i) In general.—In the case of a facility or unit using municipal solid waste to produce electricity, the term 'qualified facility' means—

"(I) any facility owned by the taxpayer which is originally placed in service on or after date of the enactment of this subparagraph and before January 1, 2008, or

"(II) any unit owned by the taxpayer which is originally placed in service and added to another facility on or after such date of enactment and before January 1, 2008.

"(ii) Special rule.—In the case of a qualified facility described in clause (i)(II), the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this subparagraph.

"(iii) Credit eligibility.—In the case of any qualified facility described in clause (i), if the owner of such facility is not the producer of the electricity, the person eligible for the credit allowable under subsection (a) is the lessee or the operator of such facility.".

(c) Definition.—Section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) Municipal solid waste.—The term 'municipal solid waste' has the meaning given the term 'solid waste' under section 2(27) of the Solid Waste Disposal Act (42 U.S.C. 6903).".

(d) No Credit for Certain Production.—Section 45(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) Operations inconsistent with solid waste disposal act.—In the case of a qualified facility described in subsection (c)(3)(D), subsection (a) shall not apply to electricity produced at such facility during any taxable year if, during a portion of such year, there is a certification in effect by the Administrator of the Environmental Protection Agency that such facility was permitted in a manner inconsistent with section 4003(d) of the Solid Waste Disposal Act (42 U.S.C. 6943(d)).".

(e) Effective Date.—The amendments made by this section shall apply to electricity sold after the date of the enactment of this Act, in taxable years ending after such date.

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURAL GAS DISTRIBUTION LINES TREATED AS 10-YEAR PROPERTY.

(a) In General.—Subparagraph (D) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and by inserting ", and", and by adding at the end the following new clause:

"(iii) any natural gas distribution line.".

(b) Alternative System.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (D)(ii) the following:

"(D)(iii) .... 20".

(c) Alternative Minimum Tax Exception.—Subparagraph (B) of section 56(a)(1) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: "or in clause (iii) of section 168(e)(3)(D)".

(d). Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

S. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resource Efficient Appliance Incentives Act of 2003".

SEC. 2. CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. ENERGY EFFICIENT APPLIANCE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the energy efficient appliance credit determined under this section for the taxable year is an amount equal to the applicable amount determined under subsection (b) with respect to the eligible production of qualified energy efficient appliances produced by the taxpayer during the calendar year ending with or within the taxable year.

"(b) APPLICABLE AMOUNT; ELIGIBLE PRODUCTION.—For purposes of subsection (a)—

"(1) APPLICABLE AMOUNT.—The applicable amount is—

"(A) $50, in the case of—

"(i) a clothes washer which is produced in 2003 with at least a 1.26 MEF (at least 1.42 MEF for washers produced after 2003 but not after 2006), or

"(ii) a refrigerator produced in 2003 which consumes at least 10 percent less kWh per year than the energy conservation standards for refrigerators promulgated by the Department of Energy effective July 1, 2001,

"(B) $100, in the case of—

"(i) a clothes washer which is produced in 2003 with at least a 1.42 MEF (at least 1.5 MEF for washers produced after 2003 and before 2008), or

"(ii) a refrigerator produced after 2002 and before 2007 which consumes at least 15 percent less kWh per year (at least 20 percent less kWh per year for refrigerators produced in 2007) than such energy conservation standards, and

"(C) $150, in the case of a refrigerator which consumes at least 20 percent less kWh per year than such energy conservation standards and is produced after 2002 and before 2007.

"(2) ELIGIBLE PRODUCTION.—

"(A) IN GENERAL.—The eligible production of each category of qualified energy efficient appliances is the excess of—

"(i) the number of appliances in such category which are produced by the taxpayer during such calendar year, over

"(ii) the average number of appliances in such category which were produced by the taxpayer during calendar years 2000, 2001, and 2002.

"(B) CATEGORIES.—For purposes of subparagraph (A), the categories are—

"(i) clothes washers described in paragraph (1)(A)(i),

"(ii) clothes washers described in paragraph (1)(B)(i),

"(iii) refrigerators described in paragraph (1)(A)(ii),

"(iv) refrigerators described in paragraph (1)(B)(ii), and

"(v) refrigerators described in paragraph (1)(C).

"(C) SPECIAL RULE FOR 2003 PRODUCTION.—For purposes of determining eligible production for calendar year 2003—

"(i) only production after the date of enactment of this section shall be taken into account under subparagraph (A)(i), and

"(ii) the amount taken into account under subparagraph (A)(ii) shall be an amount which bears the same ratio to the amount which would (but for this subparagraph) be taken into account under subparagraph (A)(ii) as—

"(I) the number of days in calendar year 2003 after the date of enactment of this section, bears to

"(II) 365.

"(c) LIMITATION ON MAXIMUM CREDIT.—

"(1) IN GENERAL.—The maximum amount of credit allowed under subsection (a) with respect to a taxpayer for all taxable years shall be $60,000,000 except that not more than $30,000,000 shall be allowed for production of any combination of clothes washers produced with a 1.26 MEF (described in subsection (b)(1)(A)(i)) and refrigerators described in subsection (b)(1)(A)(ii).

"(2) LIMITATION BASED ON GROSS RECEIPTS.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the credit is determined.

"(3) GROSS RECEIPTS.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) a clothes washer described in subparagraph (A)(i) or (B)(i) of subsection (b)(1), or

"(B) a refrigerator described in subparagraph (A)(ii), (B)(ii) or (C) of subsection (b)(1).

"(2) CLOTHES WASHER.—The term 'clothes washer' means a residential clothes washer, including a residential style coin operated washer.

"(3) REFRIGERATOR.—The term 'refrigerator' means an automatic defrost refrigerator-freezer which has an internal volume of at least 16.5 cubic feet.

"(4) MEF.—The term 'MEF' means Modified Energy Factor (as determined by the Secretary of Energy).

"(e) SPECIAL RULES.—

"(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.

"(2) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as 1 person for purposes of subsection (a).

"(f) VERIFICATION.—The taxpayer shall submit such information or certification as the Secretary, in consultation with the Secretary of Energy, determines necessary to claim the credit amount under subsection (a).".

(b) LIMITATION ON CARRYBACK.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transition rules) is amended by adding at the end the following new paragraph:

"(11) NO CARRYBACK OF ENERGY EFFICIENT APPLIANCE CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy efficient appliance credit determined under section 45G may be carried to a taxable year ending before January 1, 2003.".

(c) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the energy efficient appliance credit determined under section 45G(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45G. Energy efficient appliance credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2002, in taxable years ending after such date.

Mr. GRASSLEY. Mr. President, I rise to voice my strong support for legislation introduced today by Senators LINCOLN and ALLARD, entitled "The Resource Efficient Appliance Incentive Act of 2003." I'm proud to be an original cosponsor.

This legislation will provide a valuable incentive to accelerate and expand the production and market penetration of ultra energy-efficient appliances. By providing a tax credit for the development of super energy-efficient washing machines and refrigerators, this legislation creates the incentives necessary to increase the production and sale of these appliances in the short term and ultimately lead to a dramatic change in consumer purchasing decisions.

Under this proposal, manufacturers would be eligible to claim a credit of either $50 or $100, depending on efficiency level, for each super energy-efficient washing machine produced between 2003 and 2007. Likewise, manufacturers would be eligible to claim a credit of $50, $100, or $150, depending on efficiency level, for each super energy-efficient refrigerator produced between 2003 and 2007. It is estimated that this tax credit will increase the production and purchase of super energy-efficient washers by almost 200 percent and the purchase of super energy-efficient refrigerators by over 285 percent.

Equally important is the long-term environmental benefits of the expanded use of these appliances. Over the life of the appliances, over 200 trillion Btus of energy will be saved. This is the equivalent of taking 2.3 million cars off the road or closing 6 coal-fired power plants for a year. In addition, the clothes washers will reduce the amount of water necessary to wash clothes by 870 billion gallons, an amount equal to the needs of every household in a city the size of Phoenix, Arizona for two years. And, the benefits to consumers over the life of the washers and refrigerators from operational savings is estimated at nearly $1 billion.

In my home State of Iowa, this legislation would result in the production of 1.5 million super energy-efficient washers and refrigerators during the next five years. I also expect Iowans to save $11 million in operational costs over the life span of the appliances, and 9 billion gallons of water—enough to supply drinking water for the entire State for 30 years.

As Chairman of the Senate Finance Committee, I look forward to working with Senators LINCOLN and ALLARD as we continue to promote energy conservation and efficiency.

By Ms. MIKULSKI (for herself Ms. SNOWE, Mr. SARBANES, Ms. COLLINS, Mrs. MURRAY, and Ms. CANTWELL):

S. 362. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to my constituents in Maryland and very important to the people of the United States of America.

For the fifth Congress in a row, I am joining in a bipartisan effort with my friend and colleague, Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I are introducing the Social Security Family Protection Act. This bill addresses retirement security and family security. We want the middle class of this Nation to know that we are going to give help to those who practice self-help.

What is it I am talking about? I was shocked when I found out that Social Security does not pay benefits for the last month of life. If a Social Security retiree dies on the 18th of the month or even on the 30th of the month, the surviving spouse or family members must send back the Social Security check for that month.

I think that is a harsh and heartless rule. That individual worked for Social Security benefits, earned those benefits, and paid into the Social Security trust fund. The system should allow the surviving spouse or the estate of the family to use that Social Security check for the last month of life.

This legislation has an urgency. When a loved one dies, there are expenses that the family must take care of. People have called my office in tears. Very often it is a son or a daughter that is grieving the death of a parent. They are clearing up the paperwork for their mom or dad, and there is the Social Security check. And they say, "Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, mom's rent, or her mortgage, or health expenses. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?"

With all the problems in our country today, we ought to be going after drug dealers and tax dodgers, not honest people who have paid into Social Security, and not the surviving spouse or the family who have been left with the bills for the last month of their loved one's life. They are absolutely right when they call me and say that Social Security was supposed to be there for them.

I've listened to my constituents and to the stories of their lives. What they say is this: "Senator MIKULSKI, we don't want anything for free. But our family does want what our parents worked for. We do want what we feel we deserve and what has been paid for in the trust fund in our loved one's name. Please make sure that our family gets the Social Security check for the last month of our life."

That is what our bill is going to do. That is why Senator SNOWE and I are introducing the Family Social Security Protection Act. When we talk about retirement security, the most important part of that is income security. And the safety net for most Americans is Social Security.

We know that as Senators we have to make sure that Social Security remains solvent, and we are working to do that. We also don't want to create an undue administrative burden at the Social Security Administration—a burden that might affect today's retirees. But it is absolutely crucial that we provide a Social Security check for the last month of life.

How do we propose to do that? We have a very simple, straightforward way of dealing with this problem. Our legislation says that if you die before the 15th of the month, you will get a check for half the month. If you die after the 15th of the month, your surviving spouse or the family estate would get a check for the full month.

We think this bill is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in family values. We believe you honor your father and your mother. We believe that it is not only a good religious and moral principle, but it is good public policy as well.

The way to honor your father and mother is to have a strong Social Security System and to make sure the system is fair in every way. That means fair for the retiree and fair for the spouse and family. We strongly feel that the current system is an injustice to spouses and families across the Nation. Just because a beneficiary passes away, it does not mean that their bills can go unpaid. Join us to correct this policy and to ensure that families and recipients are protected during this difficult time. That is why we support making sure that the surviving spouse or family can keep the Social Security check for the last month of life.

We urge our colleagues to join us in this effort and support the Social Security Family Protection Act. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Family Protection Act".

SEC. 2. COMPUTATION AND PAYMENT OF LAST MONTHLY PAYMENT.

(a) OLD-AGE AND SURVIVORS INSURANCE BENEFITS.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following:

"Last Payment of Monthly Insurance Benefit Terminated by Death

"(z)(1) In any case in which an individual dies during the first 15 days of a calendar month, the amount of such individual's monthly insurance benefit under this section paid for such month shall be an amount equal to 50 percent of the amount of such benefit (as determined without regard to this subsection), rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made.

"(2) Any payment under this section by reason of paragraph (1) shall be made in accordance with section 204(d).".

(b) DISABILITY INSURANCE BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended by adding at the end the following:

"Last Payment of Benefit Terminated by Death

"(k)(1) In any case in which an individual dies during the first 15 days of a calendar month, the amount of such individual's monthly insurance benefit under this section paid for such month shall be an amount equal to 50 percent of the amount of such benefit (as determined without regard to this subsection), rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made.

"(2) Any payment under this section by reason of paragraph (1) shall be made in accordance with section 204(d).".

(c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228 of the Social Security Act (42 U.S.C. 428) is amended by adding at the end the following:

"Last Payment of Benefit Terminated by Death

"(i)(1) In any case in which an individual dies during the first 15 days of a calendar month, the amount of such individual's monthly insurance benefit under this section paid for such month shall be an amount equal to 50 percent of the amount of such benefit (as determined without regard to this subsection), rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made.

"(2) Any payment under this section by reason of paragraph (1) shall be made in accordance with section 204(d).".

SEC. 3. CONFORMING AMENDMENTS REGARDING PAYMENT OF BENEFITS FOR MONTH OF RECIPIENT'S DEATH.

(a) OLD-AGE INSURANCE BENEFITS.—Section 202(a)(3) of the Social Security Act (42 U.S.C. 402(a)(3)) is amended by striking "the month preceding" in the matter following subparagraph (B).

(b) WIFE'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(b)(1)(D) of such Act (42 U.S.C. 402(b)(1)(D)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii)(II) and inserting "and ending with the month in which she dies or (if earlier) with the month";

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(2) Conforming amendment.—Section 202(b)(5)(B) of the Social Security Act (42 U.S.C. 402(b)(5)(B)) is amended by striking "(E), (F), (H), or (J)" and inserting "(E), (G), or (I)".

(c) Husband's Insurance Benefits.—

(1) In general.—Section 202(c)(1)(D) of the Social Security Act (42 U.S.C. 402(c)(1)(D)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii)(II) and inserting "and ending with the month in which he dies or (if earlier) with the month";

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(2) Conforming amendment.—Section 202(c)(5)(B) of the Social Security Act (42 U.S.C. 402(c)(5)(B)) is amended by striking "(E), (F), (H), or (J)" and inserting "(E), (G), or (I)".

(d) Child's Insurance Benefits.—Section 202(d)(1) of the Social Security Act (42 U.S.C. 402(d)(1)) is amended—

(1) by striking "and ending with the month" in the matter immediately preceding subparagraph (D) and inserting "and ending with the month in which such child dies or (if earlier) with the month"; and

(2) in subparagraph (D), by striking "dies, or".

(e) Widow's Insurance Benefits.—Section 202(e)(1) of the Social Security Act (42 U.S.C. 402(e)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: she remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which she dies or (if earlier) with the month preceding the first month in which any of the following occurs: she remarries, or".

(f) Widower's Insurance Benefits.—Section 202(f)(1) of the Social Security Act (42 U.S.C. 402(f)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: he remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which he dies or (if earlier) with the month preceding the first month in which any of the following occurs: he remarries,".

(g) Mother's and Father's Insurance Benefits.—Section 202(g)(1) of the Social Security Act (42 U.S.C. 402(g)(1)) is amended—

(1) by inserting "with the month in which he or she dies or (if earlier)" after "and ending" in the matter following subparagraph (F); and

(2) by striking "he or she remarries, or he or she dies" and inserting "or he or she remarries".

(h) Parent's Insurance Benefits.—Section 202(h)(1) of the Social Security Act (42 U.S.C. 402(h)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: such parent dies, marries," in the matter following subparagraph (E) and inserting "ending with the month in which such parent dies or (if earlier) with the month preceding the first month in which any of the following occurs: such parent marries,".

(i) Disability Insurance Benefits.—Section 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1)) is amended by striking "ending with the month preceding whichever of the following months is the earliest: the month in which he dies," in the matter following subparagraph (D) and inserting the following: "ending with the month in which he dies or (if earlier) with whichever of the following months is the earliest:".

(j) Benefits at Age 72 for Certain Uninsured Individuals.—Section 228(a) of the Social Security Act (42 U.S.C. 428(a)) is amended by striking "the month preceding" in the matter following paragraph (4).

(k) Exemption From Maximum Benefit Cap.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended by adding at the end the following:

"Exemption From Maximum Benefit Cap

"(m) Notwithstanding any other provision of this section, the application of this section shall be made without regard to any amount received by reason of section 202(z), 223(j), or 228(i).".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to deaths occurring after the date that is 180 days after the date of the enactment of this Act.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. COLLINS, Mr. BINGAMAN, Mr. DASCHLE, Ms. SNOWE, Mr. DORGAN, Ms. LANDRIEU, Mrs. MURRAY, Mr. BREAUX, Ms. CANTWELL, Mr. KENNEDY, and Mrs. CLINTON):

S. 363. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to talk about an issue that is very important to me, very important to my constituents in Maryland and very important to government workers and retirees across the Nation. I am reintroducing a bill to modify a cruel rule of government that is unfair and prevents current workers from enjoying the benefits of their hard work during retirement. My bill has bipartisan support and the House companion bill had nearly 300 cosponsors last year. With this strong bipartisan support, I hope that we can correct this cruel rule of government this year.

Under current law, a Social Security spousal benefit is reduced or entirely eliminated if the surviving spouse is eligible for a pension from a local, State or Federal Government job that was not covered by Social Security. This policy is known as the Government Pension Offset.

This is how the current law works. Consider a surviving spouse who retires from government service and receives a government pension of $600 a month. She also qualifies for a Social Security spousal benefit of $645 a month. Because of the Pension Offset law, which reduces her Social Security benefit by 2/3 of her government pension, her spousal benefit is reduced to $245 a month. So instead of $1245, she will receive only $845 a month. That is $400 a month less to pay the rent, purchase a prescription medication, or buy groceries. I think that is wrong.

My bill does not repeal the government pension offset entirely, but it will allow retirees to keep more of what they deserve. It guarantees that those subject to the offset can keep at least $1200 a month in combined retirement income. With my modification, the 2/3 offset would apply only to the combined benefit that exceeds $1200 a month. So, in the example above, the surviving spouse would face only a $30 offset, allowing her to keep $1215 in monthly income.

Unfortunately, the current law disproportionately affects women. Women are more likely to receive Social Security spousal benefits and to have worked in low-paying or short-term government positions while they were raising families. It is also true that women receive smaller government pensions because of their lower earnings, and rely on Social Security benefits to a greater degree. My modification will allow these women who have contributed years of important government service and family service to rely on a larger amount of retirement income.

The last time Congress passed a bill significantly effecting Social Security benefits was in 1999. At that time, the Senate unanimously voted for and passed H.R. 5, The Senior Citizens' Freedom to Work Act of 1999. This legislation ensured that senior citizens who choose to work or who must work can earn income after retirement without losing a portion of their Social Security benefit. That law helps senior citizens who earn above $17,000 per year. In contrast, my bill specifically targets those with much lower retirement incomes around $13,000 per year and less. I believe that we must work to ensure a safety net for all of our seniors—including those retired federal employees who every day are forced to make difficult choices between rent, food, and prescription drugs due to the drastic effects of the government pension offset.

Why do we punish people who have committed a significant portion of their lives to government service? We are talking about workers who provide some of the most important services to our community—teachers, firefighters, and many others. Some have already retired. Others are currently working and looking forward to a deserved retirement. These individuals deserve better than the reduced monthly benefits that the Pension Offset currently requires.

Government employees work hard in service to our nation, and I work hard for them. I do not want to see them penalized simply because they have chosen to work in the public sector, rather than for a private employer, and often at lower salaries and sometimes fewer benefits. If a retired worker in the private sector received a pension, and also received a spousal Social Security benefit, they would not be subject to the Offset. I think we should be looking for ways to reward government service, not the other way around. I believe that people who work hard and play by the rules should not be penalized by arcane, legislative technicalities.

Frankly, I would like to repeal the offset all together. But, I realize that budget considerations make that unlikely. As a compromise, I hope we can agree that retirees who have worked hard all their lives should not have this offset applied until their combined monthly benefit, both government pension and Social Security spousal benefit, exceeds $1,200.

I also strongly believe that we should ensure that retirees buying power keeps up with the cost of living. That's why I have also included a provision in this legislation to index the $1,200 amount to inflation so retirees will see their minimum benefits increase along with the cost of living.

The Social Security Administration recently estimated that enacting the provisions contained in my bill will have a minimal long-term impact on the Social Security Trust Fund—about 0.01 percent of taxable payroll. Additionally, my bill is bipartisan and is strongly supported by CARE, the Coalition to Assure Retirement Equity with 43 member organizations including the National Association of Retired Federal Employees, NARFE, the American Federation of Federal State County and Municipal Employees, AFSCME, the National Education Association, NEA, and the National Treasury Employees Union, NTEU.

I urge my colleagues to join me in this effort and support my legislation to modify the Government Pension Offset. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Pension Offset Reform Act".

SEC. 2. LIMITATION ON REDUCTIONS IN BENEFITS FOR SPOUSES AND SURVIVING SPOUSES RECEIVING GOVERNMENT PENSIONS.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(d) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(e) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(4)(A) of such Act (42 U.S.C. 402(g)(4)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(f) AMOUNT DESCRIBED.—Section 202 of such Act (42 U.S.C. 402) is amended by adding at the end the following:

"(z) The amount described in this subsection is, for months in each 12-month period beginning in December of 2003, and each succeeding calendar year, the greater of—

"(1) $1200; or

"(2) the amount applicable for months in the preceding 12-month period, increased by the cost-of-living adjustment for such period determined for an annuity under section 8340 of title 5, United States Code (without regard to any other provision of law).".

(g) LIMITATIONS ON REDUCTIONS IN BENEFITS.—Section 202 of such Act (42 U.S.C. 402), as amended by subsection (f), is amended by adding at the end the following:

"(aa) For any month after December 2003, in no event shall an individual receive a reduction in a benefit under subsection (b)(4)(A), (c)(2)(A), (e)(7)(A), (f)(2)(A), or (g)(4)(A) for the month that is more than the reduction in such benefit that would have applied for such month under such subsections as in effect on December 1, 2003.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2003.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 51—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved,

SECTION 1. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs (referred to in this resolution as the "committee") is authorized from March 1, 2003, through February 28, 2005, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2003.—The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this section shall not exceed $4,764,738, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2004 PERIOD.—The expenses of the committee for the period October 1, 2003, through September 30, 2004, under this section shall not exceed $8,387,779, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2005.—For the period October 1, 2004, through February 28, 2005, expenses of the committee under this section shall not exceed $3,576,035, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the

contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2003, through September 30, 2003, for the period October 1, 2003, through September 30, 2004, and for the period October 1, 2004, through February 28, 2005, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2003, through February 28, 2005, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 54, agreed to March 8, 2001 (107th Congress) are authorized to continue.

SENATE RESOLUTION 52—RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF THE PROBLEM

Mr. CAMPBELL (for himself, Mr. CRAIG, Mrs. LINCOLN, Mr. HATCH, Mr. LOTT, Mr. DORGAN, Ms. LANDRIEU, Mr. KOHL, Mr. INHOFE, Mr. DOMENICI, Mr. SPECTER, Mr. BIDEN, and Mr. ALLEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 52

Whereas approximately 3,000,000 reports of suspected or known child abuse and neglect involving 5,000,000 American children are made to child protective service agencies each year;

Whereas 588,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,200 children, 85 percent of whom are under the age of 6 years and 44 percent of whom are under the age of 1 year, lose their lives as a direct result of abuse and neglect every year in America;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a "Day of Hope" to be observed on Wednesday, April 2, 2003, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) all Americans should keep the victims of child abuse and neglect in their thoughts and prayers;

(B) all Americans should seek to break the cycle of child abuse and neglect and to give these victimized children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist these abused and neglected children; and

(2) the Senate—

(A) supports the goals and ideas of the "Day of Hope", which was initiated by Childhelp USA and will be observed on April 2, 2003, as part of Child Abuse Prevention Month; and

(B) commends Childhelp USA for all of its efforts on behalf of abused and neglected children throughout the United States.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution declaring Wednesday, April 2, 2003, as a National Day of Hope dedicated to remembering the victims of child abuse and neglect and recognizing Childhelp USA for initiating such a day. I am pleased to be joined in this effort by my colleagues Senators CRAIG, LINCOLN, HATCH, LOTT, DORGAN, LANDRIEU, KOHL, INHOFE, DOMENICI, SPECTER, BIDEN, and ALLEN who are original cosponsors of the resolution.

This resolution is similar to one I introduced in the 107th Congress, S. Res. 132, which passed the Senate by unanimous consent on May 22, 2002. It expresses the sense of Congress that we must break the cycle of child abuse and neglect by mobilizing all our resources including the faith community, nonprofit organizations and volunteers.

The resolution also recognizes Childhelp USA for focusing its efforts on prevention and research as well as on treatment. Childhelp USA is one of our oldest national organizations dedicated to meeting the needs of abused and neglected children. Childhelp and many other non-profits or faith-based organizations nationwide are performing a vital service to these children that they would not have otherwise, and they are to be commended for their efforts.

More than 3 million children are reported as suspected victims of child abuse and neglect each year. That is 3 million children too many. And, it is estimated that more than 1200 children lose their lives as a direct result of abuse and neglect every year. That is not acceptable. We must do something to change these disturbing statistics.

I know first-hand the importance of having help when it is needed. The National Day of Hope Resolution calls on each of us to renew our duty and responsibility to the vulnerable children and families caught in the cycle of child abuse and neglect.

While we are encouraged by the efforts of many organizations nationwide, more needs to be done. That is why we urge our colleagues to act quickly on this resolution so we can move another step closer to erasing the horror of child abuse from our Nation's history.

SENATE RESOLUTION 53—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdictions under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $1,112,475, of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,900 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $1,958,451, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $834,987, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2004, and February 28, 2005, respectively.

SEC. 4. Expenses of the committeed under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 54—TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL DOCUMENTS, INCLUDING CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS, CERTAIN SENATE GIFT REPORTS, AND SENATE AND JOINT COMMITTEE DOCUMENTS

Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 54

Whereas it is the sense of the Senate that—

(1) it is often burdensome, difficult, and time-consuming for citizens to obtain access to public records of the United States Congress;

(2) congressional documents that are placed in the Congressional Record are made available to the public electronically by the Superintendent of Documents under the direction of the Public Printer;

(3) other congressional documents are also made available electronically on websites maintained by Members of Congress and Committees of the Senate and the House of Representatives;

(4) a wide range of public records of the Congress remain inaccessible to the public;

(5) the public should have easy and timely access, including electronic access, to public records of the Congress;

(6) the Congress should use new technologies to enhance public access to public records of the Congress; and

(7) an informed electorate is the most precious asset of any democracy; and

Whereas it is the sense of the Senate that it will foster democracy—

(1) to ensure public access to public records of the Congress;

(2) to improve public access to public records of the Congress; and

(3) to enhance the electronic public access, including access via the Internet, to public records of the Congress: Now, therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CRS INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic system, for purposes of access and retrieval by the public under section 4 of this resolution, all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director determines that making it available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make the information required under this section available in a manner that is practical and reasonable.

SEC. 3. PUBLIC RECORDS OF THE SENATE.

(a) IN GENERAL.—The Secretary of the Senate, through the Office of Public Records and in accordance with such standards as the Secretary may prescribe, shall make reports required under paragraph 2(a)(1)(B) and paragraph 4(b) of Rule XXXV of the Standing Rules of the Senate available on the Internet for purposes of access and retrieval by the public within 10 days (Saturdays, Sundays, and holidays excepted) after they are received.

(b) DIRECTORY.—The Superintendent of Documents, under the Direction of the Public Printer in the Government Printing Office, shall include information about the documents made available on the Internet under this section in the electronic directory of Federal electronic information required by section 4101(a)(1) of title 44, United States Code.

SEC. 4. METHOD OF ACCESS.

(a) IN GENERAL.—The information required to be made available to the public on the Internet under this resolution shall be made available as follows:

(1) CRS INFORMATION.—Public access to information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate.

(2) PUBLIC RECORDS.—Public access to information made available under section 3 by the Secretary of the Senate's Office of Public Records shall be provided through the United States Senate website.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

SEC. 5. CONGRESSIONAL COMMITTEE MATERIALS.

It is the sense of the Senate that each standing and special Committee of the Senate and each Joint Committee of the Congress, in accordance with such rules as the committee may adopt, should provide access via the Internet to publicly-available committee information, documents, and proceedings, including bills, reports, and official transcripts of committee meetings that are open to the public.

SEC. 6. IMPLEMENTATION.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

SEC. 7. GAO STUDY.

(a) IN GENERAL.—Beginning 1 year after the date on which the database described in section 2(a) is established, the Sergeant-at-Arms shall request the Comptroller General to examine the cost of implementing this resolution, other than this section, with particular attention to the cost of establishing and maintaining the database and submit a report within 6 months thereafter. The Sergeant-at-Arms shall ask the Comptroller General to include in the report recommendations on how to make operations under this resolution more cost-effective, and such other recommendations for administrative changes or changes in law, as the Comptroller General may determine to be appropriate.

(b) DELIVERY.—The Sergeant-at-Arms shall transmit a copy of the Comptroller General's report under subsection (a) to—

(1) the Senate Committee on Rules and Administration;

(2) the Senate Committee on Commerce, Science, and Transportation;

(3) the Senate Committee on the Judiciary; and

(4) the Joint Committee of the Congress on the Library of Congress.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senators LEAHY, LIEBERMAN, and HARKIN in submitting a resolution to make Congressional Research Service, CRS, reports, and other Senate documents, accessible over the Internet to the American people.

CRS is well-known for producing high quality reports and issue briefs that are concise, factual, and unbiased—a rarity in Washington. Many of us rely on the work of CRS to make decisions on a wide variety of diverse legislative proposals, such as formulating policies on homeland security, determining the implications of war with Iraq, contemplating the future of the Internet, developing health care reform, and analyzing tax policy. Also, we routinely send CRS reports to our constituents in order to help them understand the important issues of our time.

The sponsors of this resolution believe that it is important for the public to have access to these CRS reports. The American public paid over $81 million to fund CRS's operations in fiscal year 2002 alone. The informational reports covered by this resolution are not confidential or classified, and the public deserves to have access to them.

By making these reports publicly available, the Senate will better serve an important function in helping to inform their constituents. Members of the public will be able to read these CRS products and receive a concise summary of issues that concern them. These reports also will help voters make decisions and petition their legislators on how to best represent them.

Currently, corporations, universities, and other well-heeled entities often hire former Members of Congress as lobbyists to get access to these reports. However, the general public does not have access to these reports. Instead, the public has to obtain these reports through independent companies, such as Penny Hill Press, which charges almost $30 for each report. Otherwise, they must search through a variety of government and non-government web sites for outdated reports or get them from their Members of Congress through the mail. It is not fair for the American people to have to pay a third party or search all over the web for products for which they have already footed the bill.

This resolution is drafted to set up a system for distributing CRS Reports that is similar to a pilot program ongoing in the House of Representatives. Under our resolution, the Senate Sergeant-at-Arms would establish and maintain a system for distribution of CRS documents. The public would only be able to access these documents through Senators' or Senate Committees' web pages. This system would allow Senators and Committee Chairmen to be able to choose which documents are made available to the public through their web page.

This resolution also includes other safeguards to ensure that CRS is able to carry out its mission. Confidential information and reports done for confidential research requests would not be made available to the public. The resolution provides authorization for the Senate Sergeant-at-Arms to remove the names of CRS employees from these products to prevent the public from distracting CRS employees. In addition, the Senate Sergeant-at-Arms would be authorized to remove copyrighted information from the publicly-available reports. This resolution would ensure that the CRS' mission is not altered in any way, and that it cannot be open to liability suits.

Finally, we recognize that cost concerns had been raised about prior versions of this legislation introduced in past Congresses. Yet, our understanding is that the House system of distribution has been achieved at a relatively low cost. We have designed this resolution to eliminate the cost burden to CRS by shifting the operation and maintenance of the system over to the Senate Sergeant-at-Arms. In addition, the Senate Sergeant-at-Arms is directed to ask the General Accounting Office, GAO, to evaluate the program after one year to explore how to make the operations more cost-effective.

The resolution also would require the Senate Office of Public Records to put other selected documents related to Members' receipt of honoraria and travel reimbursement on the Internet. We have already voted to make this information available to the public. Unfortunately, the public can only get access to this information by personally visiting an office in the Hart building. This resolution would allow our constituents throughout the country to access this information more readily.

This resolution has been endorsed by many groups, including the Project on Government Oversight, the Congressional Accountability Project, Intel, Computer & Communications Industry Association, the Center for Democracy and Technology, the American Library Association, SeeBeyond Technology Corporation, and others. I ask unanimous consent that these letters of support be printed in the Record.

I urge my colleagues to support this resolution. The Internet offers a unique opportunity to allow the American people to have everyday access to important information about their government.

There being no objection, the letters were ordered to be printed in the Record, as follows:

SeeBeyond,
Reston, VA, February 11, 2003.

Senator John McCain,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

Dear Chairman McCain: We are writing to express our support for the Congressional Openness Act that allows constituents easier and faster access to information through the Internet, and to urge quick Senate passage of the bill.

SeeBeyond is a software technology company that enables Government agencies to communicate and share vital information in real time to other federal agencies, state and local Governments and most importantly constituents.

The bill allows better ways for the Government to share information, documents and proceedings, including bills, reports and transcripts of committee meetings that educate the public, and we commend your efforts to further the Federal Government's work in this area.

We are pleased to offer you our support of this legislation and to encourage its swift passage by the full Senate.

Sincerely,
Sam Maccherola,
Vice President, Public Sector,
SeeBeyond Technology Corp.

Congressional Accountability Project,
Portland, OR, February 11, 2003.

Senator John McCain,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Senator Patrick Leahy,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senators McCain and Leahy: We heartily endorse your resolution to place useful congressional documents on the Internet, including Congressional Research Service (CRS) Reports and Issue Briefs, CRS Authorization and Appropriation products, and Senate gift disclosure reports. This resolution is a simple and inexpensive way to improve our democracy.

Citizens need access to congressional documents to discharge their civic duties. Regrettably, the 20th Century has come and gone, and yet Congress still has not put many of its most important documents on the Internet. Your resolution will help fix this problem.

The Congressional Research Service is a taxpayer-funded research arm of Congress. Their research materials are among the best produced by the federal government. They explain, with fairness and clarity, the controversies and complexities surrounding the most pressing issues of our day. This research belongs on the Internet. Taxpayers deserve easy access to the documents we pay for.

We applaud the resolution's directive that Senate committees should "provide access via the Internet to publicly-available committee information, documents and proceedings, including bills, reports, and official transcripts of committee meetings that are open to the public."

In 1822, James Madison explained why citizens need such information: "A popular government," he wrote, "without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

Sincerely,
American Association of Law Libraries; American Library Association; American Society of Newspaper Editors; Association of Research Libraries; Center for Democracy and Technology; Center for Digital Democracy; Center for Responsive Politics, Common Cause; Computer & Communications Industry Association; Computer Professionals for Social Responsibility; Congressional Accountability Project; Consumer Federation of America; Consumer Project on Technology; Electronic Frontier Foundation; Electronic Privacy Information Center.
Federation of American Scientists; Friends of the Earth; Green Party of the United States; Medical Library Association; National Federation of Press Women; National Security Archive; National Taxpayers Union; National Newspaper Association; OMB Watch; Project on Government Oversight; Public Citizen; Reporters Committee for Freedom of the Press; Society of Professional Journalists; Taxpayers for Common Sense; Union of Concerned Scientists; U.S. Public Interest Research Group (USPIRG).

Mr. LEAHY. Mr. President, I am pleased to join today with Senator McCain to submit our bipartisan resolution to make Congressional Research Service products available over the Internet to the American people. I also want to thank the Project on Government Oversight for its excellent report on the need for access to CRS information.

The Congressional Research Service has a well-known reputation for producing high-quality reports and information briefs that are unbiased, concise and accurate. The taxpayers of this country, who pay millions of dollars a year to fund the CRS, deserve speedy access to these public resources and have a right to see that their money is being spent well.

The goal of our bipartisan legislation is to allow every citizen the same access to the wealth of CRS information as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. American taxpayers have every right to have direct access to these wonderful resources.

Our legislation ensures that private CRS products will remain protected by giving the CRS Director the authority to hold back any products that are deemed confidential. Moreover, the Director may protect the identity of CRS researchers and any copyrighted material. We can do both—protect confidential material and empower our citizens through electronic access to invaluable CRS products.

The Internet offers us a unique opportunity to allow the American people to have everyday access to this public information. Our bipartisan legislation would harness the power of the Information Age to allow average citizens to see these public records of the Senate in their official form, in context and without editorial comment.

All of these reports are "public" for only those who can afford to hire a lawyer or lobbyist, or who can afford to physically travel to Washington to visit the Office of Public Records in the Hart Building and read them. Indeed, the Project on Government Oversight reports that over 150 registered lobbyists are former Members of Congress who have automatic access to CRS documents. That is not very "public," and does almost nothing for the average voter in Vermont or the rest of this country who does not have easy access to Washington.

We can do better, and this resolution does better. Under our resolution, any citizen in any corner of this country with access to a computer at home, at the office or at the public library will be able to get on the Internet and get these important congressional documents under our resolution. It allows individual citizens to check the facts, to make comparisons, and to make up their own minds.

I commend the senior Senator from Arizona for his leadership on this and similar issues. I share his desire for the American people to have electronic access to many more congressional resources. I look forward to working with him in the coming days to let the information age open up the Halls of Congress to all our citizens.

As Thomas Jefferson wrote, "Information is the currency of democracy." Our democracy is stronger if all citizens have equal access to at least the "congressional-type" of currency, and that is something in which Members on both sides of the aisle can celebrate and join.

SENATE CONCURRENT RESOLUTION 4—WELCOMING THE EXPRESSION OF SUPPORT OF 18 EUROPEAN NATIONS FOR THE ENFORCEMENT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1441

Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, and Mr. BAYH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 4

Whereas on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15–0, giving Iraq "a final opportunity to comply with its disarmament obligations";

Whereas on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, "We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council.";

Whereas the North Atlantic Council stated, "NATO Allies stand united in their commitment to take effective action to assist and support the efforts of the United Nations to ensure full and immediate compliance by Iraq, without conditions or restrictions, with United Nations Security Council Resolution 1441. We recall that the Security Council in this resolution has warned Iraq that it will face serious consequences as a result of its continued violation of its obligations.";

Whereas, on January 30, 2003, the Prime Ministers of Denmark, Italy, Hungary, Poland, Portugal, Spain, and the United Kingdom, and the President of the Czech Republic ("The Eight"), issued a declaration regarding Security Council Resolution 1441;

Whereas in their declaration, The Eight stated, "The transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security. . . . The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously.";

Whereas The Eight stated, "Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. . . . Our governments have a common responsibility to face this threat. . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.";

Whereas on February 5, 2003, the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia ("The Ten") issued a declaration regarding Security Council Resolution 1441;

Whereas in their declaration, The Ten stated, "[T]he United States [has] presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive United Nations inspectors, and its links to international terrorism. . . . The transatlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.";

Whereas The Ten stated, "[I]t has now become clear that Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441. . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress welcomes—

(1) the expression of support from Albania, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, Lithuania, Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and the United Kingdom for Iraq's full compliance with Security Council Resolution 1441; and

(2) their expression of solidarity with the United States in calling for the demands of the Security Council to be met with regard to Iraq's full disarmament.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, February 13, 2003, at 10:30 a.m., to conduct its organization meetings and to conduct a hearing on those Senate Committees that have presented budgets above guidelines for the 108th Congress.

For further information regarding this hearing, please contact Susan Wells at the Rules Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 11, 2003, at 10 a.m., to conduct an oversight hearing on the semi-annual monetary policy report of the Federal Reserve. The Committee will also vote on the nomination of Mr. William H. Donaldson to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 11, 2003, at 9:30 a.m. on FAA reauthorization.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 11 at 10 a.m. to consider the president's proposed FY 2004 budget for the Department of the Interior.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 11, at 2:30 p.m. to consider the nomination of Joseph T. Kelliher to be a member of the Federal Energy Regulatory Commission.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, February 11, 2003, at 10 a.m., to hear testimony on Examination of Proposals for Economic Growth and Job Creation: Incentives for Consumption.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 11, 2003 at 9:30 a.m. to hold a Hearing on the Future of Iraq.

Agenda

Witnesses:

Panel 1: The Honorable Marc I. Grossman, Undersecretary of State for Political Affairs, Department of State, Washington, DC, The Honorable Douglas J. Feith, Undersecretary of Defense for Policy, Department of Defense, Washington, DC.

Panel 2: Colonel Scott R. Feil (Ret.), Executive Director, Role of American Military Power, Arlington, VA. General Anthony Zinni, (Ret.), Former Commander in Chief of U.S. Central Command, Washington, DC, Professor Anthony H. Cordesman, Arleigh A. Burke Chair for Strategy, Center for Strategic and International Studies, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and Committee on the Judiciary be authorized to meet for a joint hearing on Patient Access Crisis: The Role of Medical Litigation during the session of the Senate on Tuesday, February 11, 2003, at 2:30 p.m. in SD–106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a joint hearing on "Patient Access Crisis: The Role of the Medical Litigation" on Tuesday, February 11, 2003 in Dirksen Room 106 at 2:30 p.m.

Witness List

Laurie Peel, Raleigh, NC, Linda McDougal, Woodville, Wisconsin, Leanne Dyess, Vicksburg, MS, Jay Angoff, Of Counsel, Roger G. Brown & Associates, Jefferson City, MO, José Montemayor, Commissioner of Insurance, Austin, TX, Shelby Wilbourn, MD, Physician, on behalf of the American College of Obstetrics and Gynecology, Belfast, ME, Lawrence E. Smarr, President, Physician Insurers Association of America, Rockville, MD.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President. I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 11, 2003 at 10 a.m. to hold an open hearing and 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, February 11, 2003, from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Michael Zubrensky, a detailee on my staff from the Department of Justice, be granted the privilege of the floor during the remainder of the first session of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGES AND REFERRALS—S. 277 AND S. RES. 51

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 277 and that the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further action on S. Res. 51 and that the matter be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–2

Mr. HATCH. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 11, 2003, by the President of the United States:

Amendments to the 1987 Treaty on Fisheries with Pacific Island States (Treaty Document No. 108–2).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Amendments to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, with Annexes and agreed statements, done at Port Moresby, April 2, 1987 (the Treaty), done at Koror, Palau, March 30, 1999, and at Kiritimati, Kiribati, March 24, 2002. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to these Amendments, related Amendments to the Treaty Annexes, and the Memorandum of Understanding regarding provisional application. The United States enjoys positive and constructive fisheries relations with the Pacific Island Parties through the implementation and operation of the Treaty, which is one of the cornerstones of our overall foreign relations with the Pacific Island Parties. This Treaty, and the good relationships it has fostered, has provided new opportunities for collaboration between the Pacific Island Parties and the United States on fisheries conservation and management issues. The relationships established as a result of the Treaty have also helped to safeguard U.S. commercial and security interests in the region.

The Amendments to the Treaty will, among other things, allow U.S. longline vessels to fish in high seas portions of the Treaty Area; streamline the way amendments to the Treaty Annexes are agreed; and allow the Parties to consider the issue of capacity in the Treaty Area and, where appropriate, to promote consistency between the Treaty and the relevant fisheries management convention, which is likely to come into force during the duration of the extended operation of the Treaty. Therefore, no new legislation is necessary in order for the United States to ratify these Amendments. However, minor amendments to section 6 of the South Pacific Tuna Act of 1988, Public Law 100–330 will be necessary to take account of the Amendment to paragraph 2 of Article 3 "Access to the Treaty Area," which opens the high seas of the Treaty Area to fishing by U.S. longline vessels.

I recommend that the Senate give favorable consideration to these Amendments and give its advice and consent to their ratification at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 11, 2003.*

ORDERS FOR WEDNESDAY, FEBRUARY 12, 2003

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, February 12. I further ask consent that on Wednesday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session to resume the consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. For the information of Senators, tomorrow the Senate will resume debate on the nomination of Miguel Estrada. We have now spent 4 days, over 20 hours, debating this well-qualified and capable nominee. While my colleagues on the other side of the aisle continue to object to any time agreement, we will continue to work with them to move this nomination to a final vote.

Many Members have participated in the debate, and we appreciate their efforts. However, at some point each side will have had adequate time to make their case, and that the Senate should then vote on this nomination. At this time, we will continue to give Members the opportunity to speak. Senators should, therefore, expect a late night tomorrow.

In addition to the Estrada nomination, it is the leader's intention to also complete action on the omnibus appropriations conference report prior to the President's Day recess. Again, I remind Senators that they should expect late nights and rollcall votes throughout the remainder of the week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:10 p.m., adjourned until Wednesday, February 12, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 11, 2003:

DEPARTMENT OF TRANSPORTATION

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY. (NEW POSITION)

DEPARTMENT OF STATE

LINO GUTIERREZ, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

RENO L. HARNISH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

JEFFREY LUNSTEAD, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

JOHN W. SNOW, OF VIRGINIA, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE PAUL HENRY O'NEILL, RESIGNED.

DEPARTMENT OF JUSTICE

GREGORY A. WHITE, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE EMILY MARGARET SWEENEY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF THE NATIONAL GUARD BUREAU, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 10502:

To be lieutenant general

MAJ. GEN. H. STEVEN BLUM, 9926

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D.W. CORLEY, 9553

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES N. DAVIDSON, 8205

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS R. UNRATH, 4695

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS W. SHEA, 3150
RICHARD H. TAYLOR, 0330
THOMAS W. YARBOROUGH, 1481

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT J. KINCAID, 3425
CARLOS M. REYESROSADO, 9392
RODNEY L. THOMAS, 6119

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRADLEY J. JORGENSEN, 0475

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE DENTAL CORPS (DE), UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THERESA S. GONZALES, 1702
PETER M. GRONET, 4009
AUBREY R. HOPKINS JR., 3816
JONATHAN A. MAHAFFEY, 1844
MARK E. PEACOCK, 4466
ALBERT E. SCOTT JR., 6525

To be major

SIMUEL L. JAMISON, 0097
ANTHONY S. THOMAS, 6945

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL SPECIALIST CORPS (SP) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RONALD E. ELLYSON, 9800
WILLIAM C. WERLING, 9225

To be captain

JORGE L. CABALLERO, 3869
STEVEN S. GAY, 7177
DARREN L. HIGHTOWER, 3686
BILL A. SOLIZ, 8440
JEFFREY E. TRIGG, 2094
MELVA S. TRIGG, 3300
SHELDON WATSON, 1871

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS (MC), UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

DAVID J COHEN, 1709 MC
DANIEL G STRUM, 7946 MC

To be lieutenant colonel

ARTHUR E BROWN, 6631 MC
JOHN N CAREY, 7446 MC

To be major

ROBERT B CARROLL, 7601 MC
ROBERT D FORSTEN, 5510 MC
JOHN H GARR, 0308 MC
STEPHEN W JARRARD, 6298 MC
SHAWN C NESSEN, 9140 MC
MICHAEL J ZAPOR, 1962 MC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

BRAD A *BLANKENSHIP, 8854
MICHAEL R *BONHAGE, 3691
STEVEN T *GREINER, 0480
SANDER O *HACKER, 2785
KARL J *HOCHSTEIN, 3721
JERROD W *KILLIAN, 5445
BRIAN U *KIM, 7921
BRIDGET S *LEWIS, 4203
TIMOTHY P *LOONAM, 8798
ANNE M *MACLARTY, 1619
NANCY *MERRILL, 1009
MARK L *RICHEY, 6724
PATRICIA Y *RILEY, 9006
HEATHER A *SERWON, 8669
MARK A *SMITH, 6599
EUGENE K *WEBSTER, 1301

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

SHEILA R *ADAMS, 6058
CHRISTOPHER E ANSELL, 1153
MARTINEZ W *ARIZA, 5700
JOHN R *BAILEY, 2619
CARMEN A *BELL, 1072
TIMOTHY N *BERGERON, 0299
GRAEME C *BICKNELL, 4985
ROBERT V *BIENVENU II, 4229
BENJAMIN S *BLACKWELL, 8391
DANIEL G BONNICHSEN, 2728
DANIEL C *BRANT JR., 4622
STEPHEN M *BROCK, 5652
KATHERINE A *BRUCH, 4973
TRAVIS J *BURCHETT, 0859
KYLE J *BURROW, 2139
JOHN R CALL, 7683
MARK C *CARDER, 2488
EVERETT R *CARDWELL JR., 4544
ERIC P *CARNAHAN, 1077
KRISTEN L *CASTO, 2071
DONALD J CHAPMAN, 5620
RODRIGO *CHAVEZ JR., 1860
STUART J *COHEN, 3236
ANTHONY S COOPER, 1612
JENNIFER L *CUMMINGS, 3010
GERALD L * DALLMANN, 7121
THOMAS N * DAMIANI, 8796
SOO L DAVIS, 6573
WILLIAM E DAVIS IV, 6888
SUELLEN D * DENNETT, 2510
MONICA S DOUGLAS, 7533
JAMES B * ELLEDGE, 8501
MICHAEL A * ELLIOTT, 8780
CRAIG R FISHER, 1357
BERNADETTE * FULLER, 8847
DOUGLAS H GALUSZKA, 5626
CHRISTOPHER A * GELLASCH, 7537
SHEPARD H GIBSON, 7293
GUY J * GIERHART, 0413
ROGER S * GIRAUD, 6100
JR W * GODFREY, 6559
STEVEN D * HANKINS, 1037
KATHRYN B HANNA, 8965
RONALD E * HARPER, 8099
JONATHAN A * HEAVNER, 6058
TIMOTHY J * HOIDEN, 2513
MATTHEW J * HORSLEY, 5772
NATHON O * HUCK, 2728
THOMAS C * HUTTON, 1625
MARK A * JAMES, 9357
RALPH T * JENKINS, 3806
DANIEL E * JETTON, 9882
KIMBERLY M JOHANEK, 8000
DAVID A JOHNSON JR., 8478
NATHAN A * KELLER, 6833
BURTON T * KERR, 4700
REX K * KING, 9289
ROSEMARIE P * KIRZNER, 5725
TIMOTHY A * KLUCHINSKY, 8320
TIMOTHY D * KUNDINGER, 0902
RONALD D * LAIN, 1184
JACK R * LEECH III, 8238

ANDREW G * LEIENDECKER, 7662
KENNETH A LEMONS, 5150
JOSEPH F LINEBERRY JR., 7699
JOHNNIE R * MANNING JR., 4535
JEFFREY S * MARKS, 1761
BRIAN D * MARTIN, 0647
JOHN J MARTIN, 9460
RICKY J * MARTINEZ, 4200
CLIFTON R MCCREADY, 3815
SHAWN D * MCINTOSH, 0420
CHARLES O MCKEITHEN JR., 7174
HUGH A * MCLEAN JR., 5878
JOHN H * MCMAHAN, 9468
KENNETH R * MCPHERSON, 8116
SCOTT R * MELLING, 1094
CALLIE J * MOLLOY, 8517
STACY A MOSKO, 2745
JEFFERY L MOSSO, 0307
JEAN * MUDERHWA, 2560
ROBERT L NACE, 3752
RICARDO J * NANNINI, 5201
CHAD E * NELSON, 2906
MATTHEW P * NOVAK, 0728
ENRIQUE ORTIZ JR., 3361
NOEL C * PACE, 7780
ECKART A * PAPE, 9575
PETER L * PLATTEBORZE, 3532
CHRISTOPHER B * POSEY, 7434
MICHAEL R POUNCEY, 7308
SCOTT A * PRESCOTT, 4288
BRANDON J PRETLOW, 4265
MARK C PROBUS, 3478
HABY * RAMIREZ, 4283
WILLIAM R * REDISKE, 5762
RAVEN E * REITSTETTER, 2186
JOSEPH C RHENEY, 8077
JASON H * RICHARDSON, 9936
JAMES A * ROBINSON JR., 8133
MICHAEL C * SAUER, 9782
ERIC R SCHMACKER, 0270
JEFFREY D SHIELDS, 8540
MAELIEN SHIPMAN, 0064
DAVID L * SILVER, 0598
ALICK E * SMITH, 6391
RACHELE M * SMITH, 6744
MIKAL L * STONER, 5369
WILLIAM M STRIDER, 3174
YOLONDA R * SUMMONS, 9617
PATRICK A * TAVELLA, 9475
BARBARA A * TAYLOR, 4961
LISA A * TEEGARDEN, 6316
GEORGE W THOMPSON III, 5854
STEENVORT J * VAN, 6373
JOHN D * VETTER, 3171
JOHN D * VIA, 3063
JAMES L WADDICK JR., 0947
BRIAN K * WALKER, 0808
DENNIS W WALKER, 5978
TIMOTHY D * WALSH, 6146
OLIVER T WALTON, 1153
LAURA A WARD, 5482
JEFFRY H * WARREN, 1404
NORMAN C * WATERS, 7518
BRIAN M * WHITE, 3256
RALPHINE R * WHITFIELD, 4101
MICHAEL C * WILLIAMS, 3148
TRACY M * WILSON, 4316
AMMON * WYNN III, 4155

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

MARY C * ADAMSCHALLENGER, 6839
ROGER J * BANNON, 7474
KENNETH R * BLANKENSHIP JR., 0636
KAREN S * BRASFIELD, 9662
DANIEL S * BRILEY, 0417
TERESA L * BRININGER, 0880
GREGORY J * BROMUND, 8066
JEFFREY A * BROOKS, 8188
PAUL W * CARDEN, 4396
SHELLY L * CLYDE, 7529
SUSAN * DAVIS, 5131
CLAUDIA A * DRUM, 4766
DAVID H * DUPLESSIS, 3610
HOWARD K * HAISLIP, 4755
MARY C * HANNAH, 4277
WILLIAM C * HARRIS III, 1509
VANEESH L * HOFLER, 0929
BRUCE D * INGOLD, 8096
PATRICIA P * INGOLD, 4133
GEORGE O * JAMES JR., 6402
MICHAEL R * JOHNSON, 8708
PAGE A * KARSTETER, 4988
JEFFERY A * KITCHENS, 6897
FRANCIS P * KOOPMAN, 7656
SHAWN T * LOCKETT, 4568
THEODORE * NASIOTIS, 8943
JEFFREY P * NELSON, 9545
STEPHEN J * PINKERTON, 3659
DAVID A * RIOS, 4912
LAURENT M * ST, 4483
DEYDRE S * TEYHEN, 6138
AMY J * TREVINO, 4529
WILLIAM R * UNGUREIT, 7177
JOHNNY R * VANDIVER, 7354
RICHARD A * VILLARREAL, 4006
ROGER M * WILLIAMS, 2743
DAVID A * WRIGHT, 5005

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

TEDD S * ADAIR II, 1480
FARRELL H ADKINS, 7809
PAUL B * ASETRE, 9147
VELVET D * BAKER, 3467
ELLEN S * BARKSDALE, 9549
THOMAS G * BAUGHAN, 3202
ANDREW C BAXTER, 6522
WILLIAM R * BECKER, 5943
LINDA L * BLACKMAN, 2815
STANLEY BORDEN III, 0707
ANNAMAE CAMPBELL III, 0916
CHRISTINA M * CASSIN, 6761
JAMIE P * CHERRY, 3651
PATRICIA A * COBURN, 3255
JAMIE F CORNALI, 9549
MICHAEL L * COX, 5611
DEREK L * CURTIS, 0098
FREDERICK L DAVIDSON, 7861
CECILIO B * DEJESUS, 9255
LAURA D DESNOO, 2139
LISA A DRUMMOND, 1721
JODY L ENNIS, 7793
KENNETH A FERRELL, 8878
KIRSTEN M FITCH, 5250
HERBERT J FLACHOFSKY, 8609
DEYOUNG V FLOOD, 6799
LISA R * FORD, 1646
MELISA A * GANTT, 9673
EUGENIO GARCIA JR., 6006
JANET D GOODART, 7331
TAD * GOW, 9727
PEGGY T * GUDERIAN, 8386
KAY * HADLEY, 7072
MICHELLE D * HAIRSTON, 1235
JAMES G * HAMPTON, 1745
REBECCA L * HILFIKER, 0755
TIMOTHY L * HUDSON, 5362
CAROL E HUNTER, 7601
SAMUEL L JONES JR., 8740
SHANNON M * JONES, 0174
VALERIE A * JONES, 8399
DOUGLAS E * KIRCHER, 3100
LAURE A * KLINE, 7712
KENNETH R KOVATS, 4799
LISA * LEAZENBY, 5720
CHARLES T LENT, 1874
CHARLES W * LEONARDO, 3282
TODD R LITTLE, 0329
MICHAEL J * LOUGHREN, 9725
MICHAEL E LUDWIG, 1385
DARIN S * MARCHOK, 6520
HENG M * MCCALL, 2353
PEGGY K * MCMILLAN, 3924
ELIZABETH M MILLER, 5270
CHRISTOPHER * MILSTEAD, 5840
REBECCA N * MIONE, 8151
WESLEY A MORGAN, 1059
DANA A * MUNARI, 6341
DONALD L * NANCE, 7203
ROBIN R NEUMEIER, 7888
MELLEN P * ONEAL, 6639
SUSAN * ORCUTT, 4478
DAVID J PARIS, 4375
SCOTT L PARIS, 4809
NANCY E PARSON, 4617
SYLVIA F PEREZ, 0109
JOSE A PEREZVELAZQUEZ, 5104
ANTHONY D PEVERINI, 2664
BRIAN E * PREHN, 9492
DELORIS S * QUATTLEBAUM, 2928
JAMES R REED, 2112
RICHARD T * REID, 7451
RUTH A RING, 9484
MILAGROS * ROSA, 6679
MICHAEL L * SCHLICHER, 1759
DOROTHY L SHACKLEFORD, 6736
PAMELA M * SOLETLINDSAY, 0455
YOUNGHEE * SONG, 7580
BRITTANY R * SPEERS, 4803
SONYA * STREETERCHAMBERS, 7791
STEVEN R * STUDZINSKI, 2746
CYNTHIA L * SVEINE, 2195
STACY E USHER, 5211
MARIA M VANTERPOOL, 6233
JAMES * VOGEL, 5928
ROBERT C * WAGNER, 1327
ERIC H * WATSON, 1469
KIMBERLY E * WILLIAMS, 8910
SARAH A WILLIAMSBROWN, 8358
JASON S WINDSOR, 0233
JOSEPH N WINTER, 3856
REBECCA A * YUREK, 9191

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE ARMY NURSE CORPS (AN), UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID W GARCIA, 6094 AN
ARLIN C GUESS, 9662 AN
LINDA E JONES, 5596 AN

To be captain

SHERI A BURTON, 5668 AN
JAMES E BUTERA, 8243 AN
RENE CARDONA, 6735 AN
JESUS FLORES, 2718 AN
RONALD S GESAMAN, 3977 AN
HAYONG N HIRST, 3858 AN
JAMES R HUNLEY JR., 2582 AN
BONNIE J JEANICE, 5787 AN
HENG M MCCALL, 2353 AN
PEGGY K MCMILLAN, 3924 AN
LINDA I NOBACH, 5825 AN
SHERRI K RIBBING, 2692 AN
JEFFREY D RUMFIELD, 2669 AN
JUDY A SMITH, 5075 AN
CHARLES E TRUDO, 1777 AN
HOPE M WILLIAMSON, 5937 AN

To be first lieutenant

TERRY E RAINES, 5063 AN

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL SERVICE CORPS (MS), UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DONOVAN G GREEN, 9079 MS
CATHY N TROUTMAN, 8255 MS

To be captain

TIMOTHY C ACEL, 2364 MS
SHAWN M ALDERMAN, 6126 MS
MEAGAN M BACHARACH, 2462 MS
NICHOLAS K BATCHELOR, 0460 MS
SLAVA M BELENKIY, 1387 MS
ADAM L BROWN, 0511 MS
ARCHIE J CHAPMAN SR, 9350 MS
SUNGHUN CHO, 3629 MS
DANIEL V CORDARO, 9486 MS
MARK S CRAGO, 2617 MS
AMANDA S CUDA, 2892 MS
SCOTT P CUDA, 0468 MS
CORD W CUNNINGHAM, 9456 MS
JAY M DINTAMAN, 6231 MS
BRAD M DOLINSKY, 2459 MS
ZACHARY E FISHER, 1307 MS
JOANNA GARNAS, 2630 MS
JAMES L GEE, 9686 MS
DENA L GEORGE, 0764 MS
ELIZABETH A GOWDY, 7983 MS
MARK L HARSHANY, 6877 MS
NIDAL M HASAN, 0777 MS
WILLIAM E HERMAN, 7072 MS
BENNIE L HUDSON, 9751 MS
CRISTIN A KILEY, 1698 MS
PETER KREISHMAN, 0159 MS
JEFFREY T LACZEK, 9970 MS
DOUGLAS R LANGFORD, 5543 MS
ABIGAIL J LEE, 1346 MS
JOSEPH M LURIA, 3852 MS
CAMILLE F MCGANN, 0388 MS
JOSEPH C MCLEAN, 4081 MS
ETHAN A MILES, 3490 MS
LUKE M MILLER, 4436 MS
FOUAD J MOAWAD, 9804 MS
SCOTT J MURCIN, 1120 MS
JASON M NAKAMURA, 7255 MS
JOSHUA T NAPIER, 2286 MS
SHAHIN NASSIRKHANI, 3971 MS
NAVEED A NAZ, 8252 MS
ADAM S NIELSON, 1027 MS
PETER D OCONNOR, 0490 MS
DAVID OWSHALIMPUR, 0894 MS
TERRIE L PITTMAN, 6699 MS
THEODORE T REDMAN, 9313 MS
JULIE A REID, 4544 MS
ELIZABETH H RORICK, 7467 MS
KEITH A SCORZA, 0002 MS
SHAWN C SHAFFER, 4018 MS
GERALD W SURRETT, 6565 MS
MICHAEL P SZCZEPANSKI, 2589 MS
SCOT A TEBO, 7108 MS
KHOAN T THAI, 1282 MS
JAMES Y WANG, 7071 MS
ERIC D WEBER, 6812 MS
TIMOTHY S WELCH, 9159 MS
DANIEL M WILLIAMS, 9856 MS

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KARL G. HARTENSTINE, 5879

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL S. NISLEY, 2370

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KENNETH O. SPITTLER, 9825

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LEONARD HALIK III, 3862
ERNEST R. HINES, 0282

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS DUHS, 4351
RUSSELL C. DUMAS, 2906
WILLIAM M. LAKE, 5791

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LELAND W. SUTTEE, 7289

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CARLOS D. SANABRIA, 3396

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN W. BRADWAY JR., 0761

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KATHLEEN A. HOARD, 8658

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFFREY A. FULTZ, 0430

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ERIC R. MCBEE, 4956

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTOPHER J. AMBS, 7512
RANDALL C. BAKER, 4943
RICHARD A. BOWERS, 0924
WILLIAM M. SIMONS, 3042
DOUGLAS E. WEDDLE, 5774

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT E. COTE, 3161
KYLE T. DEBOER, 6904
BRET M. MCLAUGHLIN, 3391
FRANK L. WHITE, 3062

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHARLES W. ANDERSON, 2702
TRACY G. BROOKS, 1287
ROBERT D. GINGRAS, 3668
JERRY B. SCHMIDT, 3552

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PATRICK W. BURNS, 4733
ROY E. LAWRENCE, 7920
DANIEL S. RYMAN, 6392

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DOUGLAS M. FINN, 9614
RONALD P. HEFLIN, 3839

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CALVIN L. HYNES, 0898
CHARLES S. MORROW JR., 2871

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10, 2003:

THE JUDICIARY

JOHN R. ADAMS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

S. JAMES OTERO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

ROBERT A. JUNELL, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT OF THE SENATE ON FEBRUARY 11, 2003, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.

EXTENSIONS OF REMARKS

IN MEMORY OF JAMES F. McHENRY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Mr. James F. McHenry of Jefferson City, MO.

Mr. McHenry was born October 26, 1930, in St. Louis, MO, and was the son of Foster and Ellen Waddill McHenry. He graduated from Jefferson City High School in 1948 and was a 1952 graduate of the University of Missouri-Columbia. Mr. McHenry graduated from the University of Missouri-Columbia School of Law in 1971. He also served his country in the Korean War and was awarded a Bronze Star and a Purple Heart.

Mr. McHenry served as the traffic manager, director, and secretary of the Capital City Telephone Company. He served as president of the St. Thomas Dial, Inc. and vice president of Midstate Telephone Company. In 1971, Mr. McHenry started his career as an attorney by going into private practice in Jefferson City, MO. He left that practice in 1972, but formed Hyder and McHenry Law Firm in 1979. He was Cole County prosecuting attorney from 1973 through 1978. In 1981, he was appointed circuit judge, 19th judicial circuit of Cole County, by then Governor Christopher Bond. Mr. McHenry was elected to this bench in 1982 and again in 1988. He then retired in 1994.

Mr. McHenry was very active in his community. He was a past vice chairman, Jefferson City Convention and Visitors Bureau; past chairman, Jefferson City Board of Adjustment, Jefferson City Industrial Commission, and Jefferson City Parking and Traffic Commission. Mr. McHenry also served as past president of Cole County Conservation Federation, Jefferson City Host Lions Club, Jefferson City Veterans Council, and Board of Trustees of Memorial Community Hospital. He was a past member of the Salvation Army Advisory Board; past director and vice president of the Industrial Committee of the Jefferson City Area Chamber of Commerce. Mr. McHenry also served as past commander of Oliver-Buerhle Chapter Number 17, Disabled American Veterans. He was a past president of Cole County Historical Society; a past member of the board of directors, City National Saving & Loan Association and was a past member, executive board, Great River Council, Boy Scouts of America. He was also a member of a large number of other organizations.

Mr. Speaker, James McHenry was a valuable leader in his community. I know the Members of the House will join me in extending heartfelt condolences to his family: his brother John and his fiance Debra Brown.

TRIBUTE TO MR. CLIFTON EDWARD PETTIFORD, IN MEMORIAM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Mr. Clifton Edward Pettiford. Mr. Pettiford passed away on Tuesday, January 21, 2003, in his hometown of Durham, North Carolina, after an extended illness. Mr. Pettiford was a dedicated, loving man and will be greatly missed by his friends and family.

Clifton Pettiford was born on December 12, 1944, to the late Nathaniel and Evelyn Goss-Pettiford. He grew up and attended public schools in Durham and attended the North Carolina Central University. After graduating, Mr. Pettiford honored his country by serving in the United States Army and he received an Honorable Discharge. Clifton was a hard-working man as evidenced by his employment as a chef at Duke University Dining Halls in North Carolina and the Owens-Illinois Glass Company in Durham and Ingalls Shipbuilders in Pascagoula, Mississippi. Upon moving to New Jersey, Mr. Pettiford spent twenty years working at Midland and Anchor Glass Company until the plant closed in 1995. In November of 1997, Clifton took advantage of a job opportunity with Coors Brewery in Golden, Colorado, and he moved to Wheatridge, Colorado where he remained until the onset of his illness.

In addition to his strong work ethic, Mr. Pettiford enjoyed volunteering his time to various organizations, of which I was fortunate enough to witness on many occasions. Clifton Pettiford was also a valued member of the Mount Zion AME Zion Church of Eatontown, New Jersey.

Clifton was married to Wanda Parker-Pettiford from 1969 to 2002. He leaves behind a daughter Monica and a granddaughter Ymoni Pettiford-Tittle. In addition, he had four siblings, Alma, Glenda, Garrie, and James as well as numerous aunts, nieces, nephews, and cousins who will continue to cherish their fond memories of him.

Clifton Edward Pettiford had many friends and colleagues who affectionately knew him as a fun-loving, giving individual who loved life and people. His friends and family greatly enjoyed his company and will sorely miss him. On this day, I ask my fellow colleagues to join with me in honoring and remembering this extraordinary individual.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. SHAW. Mr. Speaker, I rise in tribute to the men and women of the Space Shuttle *Columbia*. As our Nation grieves their loss, may we take solace in their dedication to science, their commitment to space exploration, and their love of our country. This tragedy has shed light once again on the great risk our astronauts take willingly in the exploration of space. Our Nation swells with pride in their breathtaking achievements.

I salute *Columbia*'s seven honorable astronauts, Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist 1 David Brown, Mission Specialist 2 Kalpana Chawla, Mission Specialist 4 Laurel Clark, and Payload Specialist 1 Ilan Ramon of the state of Israel. Each served their country with honor and distinction. Their death has left a hole in our hearts and a deep void in the world of science. They will be sorely missed.

As the Nation grieves, this tragedy was also a personal loss for the 1,200 plus employees of Pratt & Whitney, a key partner in the exploration of space, located in Jupiter, Florida. Each astronaut, NASA official and employee, manufacturer, consultant and engineer are all part of an extended space industry family. Together they produce a product that is truly the envy of the world.

The people at Pratt & Whitney are charged with the responsibility of engineering, manufacturing, assembling, and testing the 75,000 horsepower main engine liquid-oxygen and liquid hydrogen turbo pumps that propel the shuttle through the deepest and darkest regions of space.

We, in Palm Beach County, are proud of the role that Pratt & Whitney has had in making the program successful and safe and look forward to its continuing to engineer new space and propulsion state-of-the-art technologies as we leap into the future.

Mr. Speaker, I Join my colleagues in offering my deepest condolences to the families of the Space Shuttle *Columbia*'s crew, the NASA family located in Florida, Texas, and California, and the men and women of Pratt & Whitney.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A POEM HONORING THE "COLUMBIA" SHUTTLE HEROES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to submit the following poem written by Brandon Dillard, a sixth grade student at Renfro Elementary School in Collinsville, Illinois. Brandon's teacher is Judy Barnett and his parents are David and Bonnie Dillard.

Brandon wrote the following poem following the tragedy of the *Columbia* shuttle.

Sparks & fire falling from the sky.
Seven heroes had to die.
Weightlessly floating through time and space.
Now they float in a heavenly place.
Children now living without a mom or dad.
When I think of this it makes me sad.
We will never forget this horrible story.
Taken from the Earth in a blaze of glory.
This message we send to the Columbia crew.
America will never forget about you.
Sparks & fire falling from the sky.
Seven heroes had to die.

INTRODUCING THE "BUILDING SECURE AND HEALTHY FAMILIES ACT OF 2003"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. STARK. Mr. Speaker, I rise today to introduce the "Building Secure and Healthy Families Act of 2003." This legislation amends existing welfare law to provide alternative programs to the Republican marriage proposals. It would also improve provisions concerning family violence, childcare, care-giving, and teen pregnancy prevention.

I'm thankful to Senator MURRAY for working to pass companion legislation in the Senate. I am also grateful to the more than 80 poverty, domestic violence, and children's groups that have endorsed this legislation.

As the current Republican marriage proposal demonstrates, even when Republicans correctly identify a societal problem, they administer the wrong remedy due to their blind allegiance to their Christian right wing ideology. Of course families with one income are likely to be poorer than families with two incomes. However, simply getting poor people married does not address any of the underlying causes of poverty such as domestic violence, substance abuse or mental illness. In fact, encouraging marriage may exacerbate those very problems. Thus, the Republican solution is at best naive and simplistic and at worst dangerously harmful and intolerant.

In contrast, the Building Secure and Healthy Families Act of 2003 provides evidence-based solutions to help families overcome problems such as: lacking sufficient income, suffering from family violence, facing teenage pregnancy, being without child care or care-giving skills themselves, or suffering from physical and mental disabilities.

My bill provides an alternative to the marriage promotion provisions of the Republican plan by creating a $100 million per year competitive grant to states to be used for one of the following programs:

Income enhancement programs (like the Minnesota Family Investment Program);

Programs that provide education, opportunity and support to teens to reduce first and subsequent births; and

Programs that provide services to build family stability by securing employment and child care, and providing other services such as mental health and substance abuse counseling.

One of the key programs encouraged in my bill is the Minnesota Family Investment Program or MFIP. This innovative program allows welfare recipients to keep more of their welfare check while they work. It is structured to raise incomes, MFIP is the only welfare program in the country that has created more stable marriages and improved outcomes for child well-being.

In fact, Wade Horn, the Assistant Secretary for Administration for Children and Families at the Department of Health and Human Services, agrees that MFIP works. In a November 2000 Washington Times editorial Horn wrote, "These results [of MFIP] provide dramatic new evidence that changes in welfare incentives can increase the likelihood that single parents will get married and that married parents will stay married."

Unfortunately, the Republican marriage plan in their welfare bill does nothing to encourage MFIP-type programs. Instead, it narrowly focuses on providing education programs that deal with inadequate relationship skills, unrealistic expectations about marriage, and the inadequate meaning of marital commitment. It ignores other economic, social and cultural issues relating to marriage instability.

Unlike MFIP, there is no evidence that the Republican-backed marriage programs work. But, maybe they don't care. Their proposal fails to require grantees to meet any criteria of experience, competence or fiscal soundness to get these grants. Also, there are no evaluation standards in their grants. Therefore, it is apparent that the Republican program is more an effort to appease its political base—the religious right—than it is to stabilize and make poor families secure and healthy.

Besides its competitive grant program, my bill encourages parental care-giving and seeks to protect children from the dangers of poverty. Specifically, the bill:

Prohibits states from kicking children off welfare for parents failure to meet TANF requirements;

Disallows states from sanctioning parents on welfare who cannot meet their work requirements because they have no available child care for their children age 13 and under;

Requires states to count care-giving as work for parents who have children that are age I and under;

Gives states the option to count as work care-giving for a child up to age 3;

Deems care-giving for one's sick or disabled child or other family member as a work activity and stops the welfare work clock for care-giving for one's sick or disabled family member.

Finally, this bill extends the current Family Violence Option by requiring that states:

Coordinate with domestic or sexual violence coalitions in the development of policies and procedures to have trained caseworkers identify survivors of domestic and sexual violence, refer them for services, and modify or waive welfare work requirements as necessary.

Provide notice, confidentiality, and pre-sanction review to ensure that individuals are not being sanctioned under the welfare law when domestic or sexual violence is a significant contributing factor in noncompliance.

Unfortunately, studies show that even local welfare offices of states that have domestic violence provisions may not fully inform individuals who disclose domestic violence of all their rights. Approximately 75 percent of welfare recipients who identified themselves as victims of violence were not informed about available services, including counseling, housing, or the possibility of using work time to seek help.

To have a secure and healthy America requires having secure and healthy American families. This bill helps develop those healthy American families by broadening the use of the Republican marriage promotion funds to fund proven programs we know that have accomplished this goal. Please join me in enacting the "Building Secure and Healthy Families Act of 2003."

TRIBUTE TO ELLEN STRAUS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Ellen Straus of Marshall, California, who died on November 30, 2002, after a lifetime of vision, leadership, and dedication to protecting agriculture and assuring its viability in West Marin.

Ellen was born in Amsterdam in 1927 to a Jewish family. In February, 1940, fearful of the Nazi threat, they immigrated to New York where her father was able to continue his work as a diamond broker. Ellen, a bright 13-year-old who knew no English, began attending school right away and in 1948 graduated from Bard College with a major in Natural Sciences and Mathematics. When she applied for research jobs, she was asked if she knew typing and shorthand, so, in order to find work, she enrolled in Katherine Gibbs School in New York City to obtain a Business Degree.

In 1949 in New York Ellen met William Straus, a rancher from Marin County, California, who, like herself, came from a European Jewish family that had immigrated to the U.S. Bill had received a degree from UC Berkeley in animal husbandry and bought a dairy ranch near Marshall in 1941. Bill and Ellen were married in New York and moved to their ranch on Tomales Bay.

Although the work was hard, Ellen loved the ranch and the beautiful Tomales Bay area. She raised four children and taught them what she had learned by observing Hitler's rise to power—the importance of individuals becoming politically involved to create and preserve what is valued in life. Ellen was active in politics, including 14 years on the Democratic Central Committee of Marin.

During the 1960's she was a key supporter of the effort to create Point Reyes National Seashore, establishing herself as a visionary who understood that ranchers and conservationists need to work together to preserve open spaces for both agriculture and recreation. She worked hard to develop cooperation between the two groups, and her husband Bill became the first rancher to join the Marin Conservation League.

This vision continued to motivate Ellen and Bill as they fought for a new general plan for Marin County in the 1960s to prevent rural West Marin from being carved up for subdivisions and freeways. Realizing that even this successful effort was not enough, Ellen cofounded Marin Agricultural Land Trust (MALT) with Phyllis Faber in 1980.

MALT was the first land trust in the country focused on the protection of agriculture. Under MALT, ranchers are paid for the development rights to their land which they continue to own. Under the agreement, they can live on the property and farm or sell to other farmers, always keeping the land in agriculture. Ellen's energy and commitment were key in MALT's success. She served for many years as a Board Member and Chair, and today the agency, with 32,000 acres preserved, is a national model for developing partnerships to protect agricultural land.

Ellen also understood the importance of educating the public in the value of agriculture. In the early 1970s she began hosting school groups at the ranch. Soon she was welcoming adults, from politicians to budding environmentalists, including visitors from abroad. Along with a good education and a up-close look at cows, Ellen served homemade apple pie. Today visitor programs to West Marin ranches continue to play a key role in informing the public about the role of agriculture in the community.

Ellen cared not only about preserving agriculture but also improving it. Concerned about the quality of food people eat and chemical and hormone additives, Ellen was a leader in developing organic products. She worked with her son Albert, who currently operates the family dairy, to produce the first organic milk west of the Mississippi. The Straus Family Creamery is now well-known for its high quality dairy products and environmental practices.

Numerous awards are a testament to Ellen's leadership. These include the Marin Women's Hall of Fame, the White House "Points of Light," and America's highest honor from the American Farmland Trust, the 1998 Steward of the Land award.

Ellen was also active in the the Greenbelt Alliance, the Eastshore Planning, Group, the Marin Conservation League, the Marin Community Foundation Neighborhood Achievements program, the Environmental Action Committee, the Tomales Bay Advisory Committee, the Environmental Forum, and West Marin Growers.

Ellen was a dedicated wife, mother and grandmother. She is survived by Bill, her husband of 52 years; sister Anneke Prins Simons; her four children: Albert and his wife Jeanne Smithfield; Vivien; Miriam and her husband Alan Berkowitz; and Michael; her four grandsons Isaac, Jonah, Reuben and Eli . . . and 270 milking cows.

Mr. Speaker, Ellen Straus will be missed by so many who shared in her work and her dreams. It is fitting to recognize her visionary efforts in preserving open space in West Marin and helping to create Point Reyes National Seashore that have left a legacy that all can enjoy. Her pioneering work in organic dairying is creating a new future in agriculture. I will always remember Ellen Straus as a wonderful, warm friend and committed steward of the land.

IN MEMORY OF JULIA ABRAMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Julia Abrams, widow of former Army chief of staff General Creighton W. Abrams, Jr.

Mrs. Abrams was born in Drummondville, Quebec. She was married to General Abrams in the summer of 1936 after they met while she was a junior at Vassar College and he was a cadet at the United States Military Academy at West Point.

Mrs. Abrams founded the Arlington Ladies in the early 1970's. This group of women attended graveside internment services at Arlington National Cemetery and they also wrote notes of condolence and offered support. She was also honorary first lady of the U.S. Armor Association, a member of the executive council of the National Girl Scouts of America and a member of the National Military Families Association.

Mrs. Abrams accompanied her husband to overseas assignments and lived in Germany and Thailand. While in Thailand, she did volunteer work for Mitradab, a Thai-U.S. foundation chartered for school construction in rural Thailand.

Mr. Speaker, Julia Abrams was truly a lovely lady. She was a role model for Army wives and helped them cope with day to day military life. I know the Members of the House will join me in extending heartfelt condolences to her family: her three sons, Brigadier General Creighton Williams Abrams III, USA, Retired; General John Nelson Abrams, USA, Retired; and Lieutenant Colonel Robert Bruce Abrams, USA and her three daughters, Noel Bradley, Jeanne Daley and Elizabeth Doyle.

RECOGNIZING BROWARD COUNTY TEACHER OF THE YEAR, MRS. JANE KOSZORU

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of Mrs. Jane Koszoru, the 2003 Broward County Teacher of the Year. Mrs. Koszoru was recognized by Broward County for her outstanding professionalism and her consistent drive to teach and encourage Broward's children to achieve high standards.

Jane began her career 30 years ago as a teacher at Driftwood Middle School in Hollywood, Florida. Soon after, she taught at Coral Springs High School, where she stayed for 24 years. She is currently teaching at the College Academy at Broward Community College. The College Academy is an educational program that is provided, free of charge, to certain junior and senior high school students who attend classes with college students. At graduation, many of these students can enter a university with junior status.

Mrs. Koszuro grew up in Broward County and graduated from Nova High School in Davie, Florida. For Jane, teaching is a family tradition. Both her mother and grandmother taught in one-room classrooms in Nebraska. To her certain delight, her daughter is currently majoring in Education at the University of Florida.

Not only has Jane had a positive influence on her daughter, but she has inspired hundreds of her students. They nicknamed her, "Mrs. Work," with good reason, considering she has a reputation for pushing her students to the best of their ability. Jane believes that children are smarter than they are given credit for and that all they need is someone to help them along. She creates high standards in her classroom and is constantly motivating her students to challenge themselves. Most certainly they are inspired by her own dedication to her career.

Mr. Speaker, today, we recognize Jane Koszoru for her accomplishments and her dedication to the students of Broward County, Florida. We also send our congratulations to her on being named the 2003 Broward County Teacher of the Year.

A SOLDIER'S STORY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to submit the following article from the Shelbyville Daily Union, "A Soldier's Story: Letters Between Shelbyville Men Unite Mothers."

This story first appeared on February 10th. It is a prime example of the human component of our efforts to pursue and promote freedom and liberty.

A SOLDIER'S STORY: LETTERS BETWEEN SHELBYVILLE MEN UNITE MOTHERS

(By Sharon Mosley)

In 1990, during duty off the coast of Oman, United States Marine Staff Sergeant Keith Boehm wrote a letter to Shelbyville seventh grader Brian Alex Miller telling about his life as part of helicopter crew during the Gulf War. Miller had written to Boehm, a Shelbyville native, as part of a school assignment to write to soldiers.

"You wrote that it is boring when it rains," wrote Boehm. "Well you should try spending six months on a ship." What followed was a detailed description of Boehm's life as an electrician attached to a helicopter crew. While he told of the many mundane hours spent working on the ship, he also shared with his young reader some "pretty exciting stuff" like landing reconnaissance troops and scattering a herd of wild camels with the helicopter.

Boehm's letter became part of Miller's collection of "things"—tucked away in a drawer while Miller grew up, graduated from Shelbyville High School in 1995 and attended the University of Illinois. He is now a graduate student at the Massachusetts Institute of Technology, studying architecture. With the possibility of another war in the Gulf looming, Miller's mother, Nancy Miller of Shelbyville, found Alex's letter from Boehm and wondered what had happened to the Staff Sergeant from Shelbyville. One phone call later, she found Boehm's mother, Sharon Boehm, also of Shelbyville.

"It is funny that we've both lived here all these years and didn't know each other," Nancy Miller said. "Shelbyville's not that large." Sharon Boehm said Keith is now Warrant Officer Boehm and is still a Marine, currently based in California.

"He was going to retire but after September 11 they froze all the retirements so he's still in," said Sharon Boehm. "He's active in recruiting."

Nancy Miller said she was interested in letters from soldiers in part, because an uncle, also a Marine, was killed at Okinawa during World War II.

"From his letters we were able to get a sense of what he was going through and the terrible conditions," she said. "He also wrote about how family letters were so important to him." Nancy thinks now there should be more opportunities to write to soldiers.

"I would love to write to those soldiers who are serving now," she said. "To let them know we're thinking of them, we're proud of them, and we support them."

Sharon Boehm said her younger son Keith entered the Marines right after high school graduation in 1980. His older brother, Kevin, was in the Navy at the time.

"I guess he just got in and decided he liked it," Sharon Boehm said. "He had been in ten years when the Gulf War came around and he stayed in afterwards."

On Friday, the two mothers met for the first time and showed each other photos of their sons. Then, Nancy Miller gave Keith Boehm's letter to his mother for safekeeping.

"I think it was a very thoughtful letter for a soldier in the middle of a very difficult situation to write to a student," she said. "I know I'm proud of my son, and I know she (Sharon Boehm) is proud of her son."

INTRODUCING THE CLINICAL SOCIAL WORK MEDICARE EQUITY ACT OF 2003

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. STARK. Mr. Speaker, today I join with Representative LEACH and 18 other colleagues to introduce the Clinical Social Work Medicare Equity Act of 2003. Senator MIKULSKI is introducing the companion bill in the Senate. This legislation changes a provision in the Balanced Budget Act of 1997 that omits Certified Social Workers, CSWs, from a list of clinical professionals allowed to directly bill through Medicare, Part B for mental health services provided to Medicare beneficiaries in skilled nursing facilities, SNFs. As a result of this omission, CSWs are the only Medicare-authorized mental health providers without this direct billing capability within the SNF setting.

Approximately 20 percent of seniors suffer from mental illness and the prevalence is higher in nursing home residents. These mental disorders interfere with the person's ability to carry out activities of daily living. They include major depression, anxiety, and severe cognitive impairment resulting from Alzheimer's disease. Furthermore, older people have the highest rate of suicide of any age group. Thus, access to mental health services for seniors in nursing homes is very important.

Unfortunately, the inability for CSWs to bill Medicare Part B in SNFs has the effect of excluding these highly skilled professionals from providing mental health services to this population. This is particularly problematic in rural and other medically underserved areas where other Medicare-authorized mental health providers such as psychiatrists and psychologists are often unavailable. The National Association of Social Workers, NASW, strongly supports this access enhancing legislation.

Clinical social workers are highly trained mental health professionals who have participated in the Medicare program since 1987. They constitute the single largest group of mental health providers in the nation. Until BBA'97, clinical social workers were able to bill Medicare directly for providing mental health services to SNF residents, just like clinical psychologists and psychiatrists. Their current exclusion from this provider list is not defensible.

The ultimate victims of the current regulations are the vulnerable seniors who need mental health care. Mental health treatment works. Alzheimer's patients and their families can benefit enormously from psycho-education and counseling around how to cope and manage behavior problems. Research trials have repeatedly demonstrated that psychotherapy, either alone or in combination with medication, can be effective in treating depression and debilitating anxiety. Clinical social workers provide these important services and do so at a fraction of the cost of clinical psychologists and psychiatrists.

In summary, our legislation changes a billing mechanism that again makes it viable for CSWs to provide mental health services in skilled nursing facilities. As a result, our legislation helps to ensure ease of access to needed mental health services to the many Medicare beneficiaries who reside in skilled nursing facilities. The Clinical Social Work Medicare Equity Act is a small technical change to existing law, but it would have the effect of improving the lives of Medicare beneficiaries in nursing homes who are suffering from mental illness. We urge our colleagues to work with us to enact this important legislation this year.

TRIBUTE TO THOMAS R. GOLDEN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Thomas R. Golden who died at home in Freestone, CA, on November 3, at the age of 81. Mr. Golden and his partner Jim Kidder had lived in Freestone since 1970, turning the old Freestone Hotel into a center for culture and politics in Western Sonoma County.

Tom Golden was well-known as a patron of the arts, and in this capacity was the friend and collaborator of artists Christo and Jean-Claude whose Running Fence snaked through Sonoma and Marin Counties in 1976, a 24-mile curtain that ran from Cotati to the Pacific Ocean. Tom met the artists during one of the county hearings on the controversial project and immediately became an advocate and supporter. He continued his association for the next 28 years, traveling around the world to help on other Christo projects. During this time, Tom collected works by the couple that became the largest private collection in the world and have now been donated to the Sonoma County Museum.

Tom was born in Indiana and moved to California in the 1930s. He spent time as a Trappist monk, in the Merchant Marine, and as a buyer for a grocery store chain before becoming a real estate broker. He and Jim renovated San Francisco properties before moving to Sonoma County where Tom pressured officials to adopt strict historic preservation laws and served on the Sonoma County Historic Landmark Commission.

He is survived by Kidder, his partner of over 50 years, as well as by his sister Joan Sonsini, his brother Jim Golden, and several nieces and nephews.

Mr. Speaker, Thomas Golden was known for the warmth and liveliness he brought to his friendships, his commitment to the culture of his community, and his world-wide collaborations with Christo and Jean-Claude. Many considered him the unofficial mayor of Freestone. It is fitting to honor him today for a life that meant so much to the art world in general and to Sonoma County in particular.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to express my great sadness at the loss of the Space Shuttle *Columbia*, its astronauts, and the symbol of global harmony that the *Columbia* and America's globalized space program represents.

On February 1, 2003, the people of the United States, India, the State of Israel and, in fact, all of the people of our world community lost seven heroic patriots.

A patriot is defined as a person who loves, supports and defends his or her country. And these 7 were patriots, but in a different sense; they were global patriots.

Space is, as the old adage goes, the last great frontier. It is a place claimed by no one and everyone. It is a place where people are not labeled by their race, gender or ethnic origin. Rather, it is a place where all are one—

simply human beings working together to advance science, peace and unity of mankind.

Their seven global patriots were representing their own country patriotically while also representing the love, support and defense of all of the people and nations of our world. Space is where two former adversaries, the United States and Russia, now work together to build an international space station to advance our shared goals of peace and understanding; where astronauts from all of over the world, of all languages, cultures, and backgrounds, travel to for the purpose of working, sharing, learning and teaching themselves, each other and all of us back on the planet Earth.

They are the global patriots who are dedicated to each other and everyone, flying under their respective national flags yet united by the cloth of freedom and peace. That is why the loss of the *Columbia* is a loss not only to those who lost a relative, a friend, or a national, but also to everyone.

While our space program must be put on hiatus temporarily so that NASA can work with all relevant parties to solve the problems that created this sad situation, we cannot—and should not—stop this exploration of our world and of our better selves. We must as a nation and as a global community continue the path laid down by people like Commander Rick D. Husband, Pilot William C. McCool, Payload Commander Michael P. Anderson, Mission Specialists David M. Brown, Dr. Kalpana Chawla, and Laurel Blair Salton Clark, and Payload Specialist Colonel Ilan Ramon.

Of the seven, I had the honor of meeting Colonel Ilan Ramon and I can tell you many will miss him. Mr. Ramon was a decorated war veteran of the Israeli military, a top student and scientist and, having the opportunity to meet him, blessed with a warm personality. This is a great loss for Israel and the greater global community.

This is a particular hit to the school children of the high school in Iryat Motzkin in northern Israel. Almost four years ago, this school selected about 35 of its students to compete in a NASA program to send high school experiments into space. The students gathered after classes for extra work in astrophysics, as they tried to dream up an experiment worthy of a trip into space. In the end, they wanted to know how crystals would grow if they were freed of gravity.

The experiment was envisioned as pure science and they were so proud to have one of their own citizens representing them in this mission of global patriotism. Unfortunately, like too much else of late in their corner of the world, the mission did not end in glory but sadness.

Additionally, while I never had the honor of meeting Dr. Kalpana Chawla, I do know of her great accomplishments. She was only the second Indian-born astronaut and the first woman from India to travel into space, with this tragic Columbia mission serving as her second space flight. She is a great inspiration to India, representing the technological advances and know how that this country has contributed to all of us. She also served as a patriot to the people of her native India, to her adopted homeland of America and to all people, especially women, as a sign that there are no boundaries to dreams.

Additionally, our Nation lost 5 other heroes—patriots who loved their country and loved their world. People like Rick Husband, William C. McCool, Michael Anderson, David Brown and Laurel Blair Salton Clark.

These seven are our modern day global pioneers, trekking a new world where war and poverty and the divisions of people will hopefully not be known. Space represents a clean new start and a massive but exciting challenge for the people of our global community.

The world mourns them.

But the global exploration of our universe and our selves will continue, so that one day, so many more of us will have the opportunity to tell our children and grandchildren that our often tortured Earth looks much better, much more peaceful and much more as one, from afar; and that we can use this physical vision of unity to promote the greater inner vision of global unity of mankind.

In fact, it was Colonel Ramon, himself, who summed up best the hopes of space and of global patriotism will benefit all when he stated that as the son of a Holocaust survivor, he carries on the suffering of the Holocaust generation yet serves as proof that despite all the horror the Jewish people went through, our world is moving forward.

Mankind must continue to move forward, and if we embody the spirit and dedication of these 7 global patriots and heroes, we will go forward to the benefit of everyone in space and on Earth.

I thank the Speaker for allowing me to address the House today to express my condolences to all of us.

REMEMBERING MORTY HAVES

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise to remember my friend Morty Haves, who recently passed away after a long and healthy life.

Morty, a longtime resident of Hewlett Harbor, was well-known and respected by his family, friends, neighbors and colleagues. After serving as a flight instructor in the Air Force during World War II, Morty launched a long and successful career as a real estate broker. In 1947, he opened Morton M. Haves, Inc. in Woodmere, which later relocated to Hewlett. Over the years, Morty helped to invigorate the expanding Five Towns community, selling many of the homes in the area to new and blossoming families. Eventually, his daughter, Mary, joined him and continues to run the business today.

Morty was an idealistic Democrat who served as a New York State elector for President Jimmy Carter, and treasurer of the New York State Democratic Party under Governor Hugh Carey. He was the Democratic Committee Zone Leader for Hewlett for a number of years. He was involved in his synagogue, Temple Israel of Lawrence, where he served as a board member and was eventually named an honorary board member.

Morty was married to his wife, Elayne, for 56 years. They had one son, Marc, and two daughters, Mary and Laurie. He had nine grandchildren, and one great-grandchild.

I first met Morty in 1996 when I decided to run for Congress. He proved to be a fantastic friend and close advisor. Whenever I needed help, regardless of the issue, Morty was able to lend a hand or a kind word. He was always available to point me in the right direction, and I will never forget him.

THE ED ROBERTS CAMPUS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. LEE. Mr. Speaker, I am pleased to place in the RECORD this important article from the January 28, 2003 Washington Post. This article provides an excellent description of the importance of independent living for people with disabilities and the challenges they face in securing the independence they seek. Too often people with disabilities, like Mr. Schneider who is featured in the article, find independence an uphill battle—not because of their disabilities, but because of government policies that promote dependence and institutionalization.

I was particularly pleased to see that one of my constituents who passed away in 1995, is featured in this article. Ed Roberts was the original barrier buster! Living in an iron lung, Ed enrolled at the University of California at Berkeley in the 1960's and went on to become the state director of vocation rehabilitation for the State of California. Ed helped found the Berkeley Center for Independent Living—a center that served as the model for centers across the country that are now funded by the federal government to support the independence of people with disabilities.

Berkeley is the heart and soul of the disability rights movement as evidenced by Ed's legacy and the many vibrant disability organizations that continue to operate there today. In honor of Ed and his legacy, nine of these organizations have come together to create the Ed Roberts Campus. This important facility will be built at the BART Ashby stop. It will serve as a transit-friendly center in which people with disabilities can meet their own needs for advocacy, training, and independence and can actively participate in a movement that promotes their full integration into society.

The Ed Roberts Campus will serve as a national and international model of independence for people with disabilities. The nine organizations that make up the Ed Roberts Campus are the Bay Area Outreach and Recreation Program, the Center for Accessible Technology, the Center for Independent Living, Computer Technologies Program, Disability Rights Advocates, Disability Rights Education and Defense Fund, Through the Looking Glass, Whirlwind Wheelchair International and the World Institute on Disability.

I urge my colleagues to join me in supporting the creation of this important campus that celebrates the independence of people with disabilities and honors the legacy of a great man who led the way for so many of us—Ed Roberts.

[From the Washington Post, Jan. 28, 2003]

INDEPENDENT LIVING'S REAL COSTS

(By Susan DeFord)

Going to bed is one of Richard Schneider's daily accomplishments.

With the movement he retains in his right arm and fingers, Schneider each evening turns the radio to softly playing jazz and guides his motorized wheelchair next to his bed. Morita, his black cat, looks on.

Schneider reaches up for a black remote control hanging by a cord from a motor that rides on a ceiling-mounted metal track. A metal clasp dangles from the device, and he hooks this onto the catch of a lightweight fabric sling he wears like a vest. With the remote control he operates the motor to lift himself in the sling out of his wheelchair and onto his bed. The maneuver ends as Schneider pulls up the bed covers up with a clawlike wooden stick. The whole process takes about half an hour.

Schneider, a 58-year-old retired research scientist, sums up his achievement simply: "I can go to bed when I want to go to bed."

Schneider lives on his own despite the effects of multiple sclerosis, an incurable, degenerative disease of the nervous system that over three decades has robbed him of movement in his legs, torso and left arm. He has never lived in a nursing facility, and now makes his home in the remodeled basement of a ranch house he purchased in 2001 in a semi-rural stretch of southern Howard County.

"Having other people do things I can do myself is not the way I want to live," said Schneider.

An array of social and technological improvements has sustained Schneider as his MS has advanced. Increasingly, people with severe disabilities are pursuing ways to avoid institutional care or the constant presence of a human caretaker.

That strategy "is eminently feasible," said Michael Dalto, administrator of Maryland's assistive technology program, which in four years has made 197 loans for equipment such as hospital beds, special computer keyboards and accessible vans. "It's beginning to happen more and more."

Independence advocates argue that federal and state governments should put more money into getting the disabled out of institutions, where an estimated 2.1 million reside, according to a five-year-old estimate from the San Francisco-based Disability Statistics Center. (More recent figures are hard to come by; the Bureau of the Census, for example, doesn't report the number of disabled people living in nursing homes or group homes.)

More than 80 percent of Medicaid money spent annually on long-term care goes to institutions, with community and at-home services getting the remaining 20 percent, according to advocates. They want federal legislation to let people with disabilities decide where they will receive government-funded services, rather than having the government direct most of its money for assistance to institutions.

"It's what most people want and what costs [government] the least," said Gayle Hafner, a staff attorney with the Maryland Disability Law Center.

But for Schneider, the struggle to stay independent is ever-present, in his complicated physical needs, in his face-offs with health care bureaucrats, in the simple frustration of dropping a book and not being able to pick it up. And with no spouse or family close by, independence sometimes feels like isolation.

"I'm living close to the edge," Schneider said.

BORN IN THE '60S

The notion that the disabled could live independently emerged at the University of California in the political ferment of the 1960s, and one of its principal proponents was a student who spent most of his days in an iron lung. Ed Roberts went on to become the director of a state agency in California and founded a disability think tank before his death in 1995. But he got his start organizing the Berkeley Center for Independent Living. That was the precursor of 450 centers throughout the United States and its territories that aim to make communities more accessible and give people with disabilities the power to make their own decisions.

"People with disabilities have the right to live in their own homes, achieving their independence just like everyone else," said Jamey George, executive director of the Freedom Center, a Frederick-based agency. Like other independent living centers, the Freedom Center offers people with disabilities peer support and referrals and prods government agencies for more community-based services.

This approach was just getting its start in 1971 when Schneider first noticed a needle-like tingling in his legs and had an episode of blurred vision.

Schneider, a promising doctoral candidate at the University of Pittsburgh, was distraught when he received his diagnosis of MS, and bewildered family members asked if he would get better.

"I knew what that meant for my life," said Schneider.

More than 30 years later, he's strapped into his wheelchair to control involuntary muscle spasms, a plastic bag draped on his lap to collect urine through a catheter, and his feet swathed in foam padding to keep his skin from disintegrating into bedsores. He takes seven medications daily, he wears a 24-hour emergency response necklace, and he's been hospitalized 22 times.

Physical therapy after one hospitalization a few years back got Schneider momentarily standing upright. It brought tears of joy to his eyes.

There's no cure for MS, which causes the body's immune system to erode the fatty sheath of myelin around nervous system fibers, impairing the transmission of impulses to muscles and other organs. Since Schneider's diagnosis, drugs have emerged to slow the disease's interference with the body's immune system.

Though neurologists initially offered Schneider little in the way of treatment, they told him to get on with his life, that it would be years before the disease's symptoms became severe.

Schneider adjusted, finished his doctorate and launched a research career in neurobiology at the University of Maryland Medical School in Baltimore. A photograph of him from those days shows him leaning slightly as he stands in a white lab coat and bow tie, a solemn expression in his deep-set eyes. He was intent on his investigation of the body's sensory detection system, mindful that the clock was ticking. Over the course of a decade, he went from occasional awkwardness in walking to using a cane and crutches, then a motorized scooter. He retired on disability in 1981, but continued his research in the 1980s as a guest worker with the National Institute of Mental Health in Bethesda and at universities in Montreal. In late 1992, he developed a contracture in his right leg, and it bent permanently as muscles locked into place. With the contracture and growing loss of strength in his upper body, it became increasingly difficult for Schneider to move on and off the stair glide in his three-story Columbia townhouse.

At this point, Schneider contemplated a move to a nursing facility, and his top pick was Inglis House in Philadelphia, a 125-year-old institution that cares for the severely disabled and draws many younger residents to its self-described "wheelchair community." But administrators acknowledged that Inglis House would be a bad fit for Schneider, a man who invests online, who has his computer speak to him in a sultry feminine German voice and who's written a work of fiction about people with disabilities. "Intellectually, it would be hell for me, and I do have an intellectual life," said Schneider, who was told during a visit that Inglis House couldn't accommodate his computer in his room.

In 1995, Schneider teamed up with his Howard County friend Maria Turley, who also had MS and wanted to stay out of a nursing facility. Turley, who died last year, approached her pastor and members of her church, the Orthodox Church of St. Matthew. A group formed to build St. Matthew House, an accessible home with suites for 15 disabled people that opened in Columbia in 1999. But while Turley moved in, Schneider couldn't, because his pension and Social Security disability payments, then totaling about $22,000 annually, put him just beyond income limits for the federally subsidized facility. "It was a disappointment," Schneider said. "I felt rejected."

INDEPENDENCE DAY

While he pursued different housing options, Schneider hired personal care attendants and turned to assistive technology.

"The technological revolution is getting better every day," said Brewster Thackeray, a spokesman for the National Organization on Disability. For example, he said, his boss, a quadriplegic, can use voice-activated devices to dial a telephone, open files on his computer and compose memos.

"The tragedy is, the technology exists, but people with disabilities may not have access to it," said Thackeray. He referred to his organization's 2000 national survey, which showed that only 32 percent of people with disabilities aged 18 to 64 are employed full or part time, and that 29 percent of people with disabilities live in poverty, with a household income of $15,000 or less.

Schneider considers his ceiling-mounted lift the most important device he has to independently perform mundane daily tasks such as using the toilet. But in 1995 he lost his argument to have Medicare pay for the approximately $6,000 lift and used his own money. Medicare regards the device as a "convenience item" that doesn't fit its definition of medical equipment, according to an e-mailed explanation from a spokesperson with the Centers for Medicare and Medicaid Services.

Schneider faced more discouragement in 2000 and 2001, when he tried to get government assistance to install an elevator in his Columbia townhouse. Local government and social service officials offered little hope, and one wrote Schneider suggesting that he and his neighbors hold a bake sale to raise the money. But independent living advocates such as Jamey George insisted the state could help with low-interest loans. Schneider decided to sell his townhouse and buy a home that could be remodeled to accommodate several friends with MS who lived in nursing facilities.

"I wanted to have a home for a group of people who are disabled," Schneider said. He believed a new law in Maryland would make it easier, since it required state agencies to get more services to disabled adults in community settings, rather than institutions. He still rankles at the reaction of one state rehabilitation official, who told him he wasn't competent to run such a home.

Schneider persevered, but it wasn't long before he was struggling with misfiled loan applications, climbing remodeling expenses and ballooning debt. That's when his cyber community stepped into the fray. Schneider administers an online forum and support group for MS patients called MedSupport that draws participants from 12 countries and is an example of how the Internet has forged new ties among people with disabilities. One participant is Kimberly Hensel, a woman with severe MS who lives in a small, isolated Arizona town. Hensel's disease garbles her speech, but she can communicate online by typing in a personalized shorthand with one index finger: "most folks ive come n contact w over the internet hav the desire 2 keep adaptn 2 their changn needs 2 b as independent as we can," she e-mailed. "often we need a little help 2 enable us 2 do just that." MedSupport members began sending hundreds of e-mails to the Maryland governor's office asking for its intervention in Schneider's case.

The office of Rep. Benjamin L. Cardin (D-Md.) also got involved, arguing that state officials could choose between loaning Schneider money or spending tens of thousands of dollars annually—in Maryland the average annual cost is $50,000—to keep him in a nursing home.

The bureaucrats relented, and last year Schneider got two loans totaling $65,000 to cover the cost of the $48,000 elevator and some of the remodeling. His ranch home now has wide, sloping concrete walks from his front and back doors that draw him outside even on wintry days. His basement quarters feature a bathroom with a roll-in shower, a toilet with double grab bars and electronic sensing devices, kitchen cabinets that accommodate his wheelchair, and appliances installed so that he can reach into them from his wheelchair.

But he ran out of money to remodel the bathroom on the main floor and widen the hallways. The new elevator sits little used. The home for his MS friends hasn't happened, and Schneider rents out the first floor to an able-bodied tenant.

His correspondence with the state Department of Health and Mental Hygiene has convinced him that the state would try to make him comply with elaborate licensure and certification rules for what it calls his "residential facility."

"If the health care bureaucracy isn't attuned to working with people with disabilities, it doesn't matter what the words of the law are," he said.

Recently, Schneider hired two exercise therapists, who came to his house for several weeks of half-hour sessions. They had him do reps with four-pound weights on his good right arm, and worked with his left arm and legs as well, under the theory that repeated movement might invigorate his damaged nervous system.

Schneider also has his longtime personal attendants help him do stretching exercises with his left arm to keep the muscles from permanently contracting. During one visit, he grimaced as attendant Oretha Solee slowly pulled his extended arm out and behind his back.

"That's good, that's enough," he whispered.

Someday, Schneider says, there may be a medical breakthrough in MS, and he wants to remain as limber as he can be. In the meantime, he receives calls from health care bureaucrats who want to update their records and ask if he still has MS. Yes, he tells them, and he recounts the conversations with sardonic resignation. He has learned to live with it.

A PROCLAMATION HONORING MATER DEI SCHOOL'S 6-B CLASS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. NEY. Mr. Speaker, whereas, the 6-B class of Mater Dei School and their teacher, Mr. Jim Geimer, are hereby named honorary citizens of Ohio on February 13, 2003; and

Whereas, Mr. Deimer should be commended for allowing his students the opportunity to expand their knowledge about Ohio and the rest of the United States of America; and

Whereas, Mater Dei School's sixth graders will learn about the Great State of Ohio from a report given by Kyle Soltesz; and

Whereas, Kyle Soltesz has worked diligently and thoroughly on his report, researching and learning about the State of Ohio;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring Kyle Soltesz and his 6-B class of Mater Dei School.

EXPRESSING CONDOLENCES OF THE HOUSES TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE "COLUMBIA"

SPEECH OF

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. STEARNS. Mr. Speaker, the mark of any great civilization can be measured by those who are willing to put their lives at risk for the advancement of their people. And with this in mind, Mr. Speaker, I rise with a grieving heart to commemorate the seven lives lost on the shuttle *Columbia.* Not since the *Challenger* tragedy in '86 has America known this sort of loss. In an age where space flight has become second nature, we forget the untold peril that these men and women face with each mission. Bound by bravery and the faith in their mission, these heroes took on risks for the betterment of mankind. These men and women, America and Israel's elite, sought more than personal success, they braved the skies for the greater good, representing the world's strongest space program. But as we grieve the loss of the *Columbia*'s crew, earth's men and women will continue answering the call, placing the mantel of space exploration over their shoulders. I wish to extend my deepest sympathies to the families of the crewmembers; in our prayers and in our hearts, the men and women of the *Columbia* will never be forgotten.

HONORING G. RICHARD JUDD

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. CANNON. Mr. Speaker, I rise today to honor Mr. Richard Judd for his devotion and his dedication to public power and the residents of Utah. Mr. Judd has led the development and success of the Utah Municipal Power Agency (UMPA) and has set the benchmark for the level of service and professionalism that residents living in public power communities in Utah have come to expect. At the end of this year, Richard Judd will retire as General Manager of UMPA and his presence will be sorely missed.

Since 1970, Mr. Judd has played a key role in the development of public power throughout Utah. He started his career with Bountiful City Power in 1970, where he was trained and certified as a Journeyman Electric Utility Lineman and later promoted to crew supervisor. While at Bountiful City Power, Mr. Judd also served as the Employees' Association President.

In 1980, Mr. Judd became the Power Department Supervisor at Nephi City Power. There he was given the responsibility of creating a new department. He hired staff, established policies and procedures, and coordinated all improvements to the city's power system.

While at Nephi City Power, Mr. Judd served in the organization and development of the Utah Municipal Power Agency, a joint action agency for six public power cities in Utah. He was made General Manager of the agency in 1987.

Under the direction of Mr. Judd, UMPA set the standard for public power agencies in providing efficient service, a stable power supply, and a commitment to its member cities. During the recent energy crisis that plagued western states, UMPA members were the only utilities in the state and the greater western region that did not raise retail rates as a result of the outrageous market prices.

Through committee testimony and service on energy task forces, Mr. Judd has provided expert knowledge to the Utah State Legislature and the Governor of Utah.

As an unselfish supporter of public power, Mr. Judd has distinguished himself throughout his career as a devoted employee, an innovator, and a skillful leader.

Therefore, I am proud to join with his many colleagues in extending my praise and congratulations to Richard Judd for his dedicated service to public power communities throughout the great state of Utah. I extend my most heartfelt good wishes for all his future endeavors.

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